

AFTER RECORDING, PLEASE RETURN TO:

Judd A. Austin, Jr.
Henry Oddo Austin & Fletcher, P.C.
1700 Pacific Avenue
Suite 2700
Dallas, Texas 75201

**TWENTY-FIRST SUPPLEMENTAL CERTIFICATE AND
MEMORANDUM OF RECORDING OF DEDICATORY
INSTRUMENTS
FOR
HACKBERRY CREEK HOME OWNERS ASSOCIATION**

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

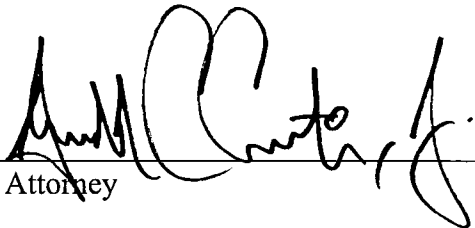
The undersigned, as attorney for Hackberry Creek Home Owners Association, for the purpose of complying with Section 202.006 of the Texas Property Code and to provide public notice of the following dedicatory instrument affecting the owners of property described on Exhibit B attached hereto, hereby states that the dedicatory instrument attached hereto is a true and correct copy of the following:

- ***Data Use, Collection & Retention Policy of Sensitive, Confidential & Personally Identifiable Information (Exhibit A).***

All persons or entities holding an interest in and to any portion of property described on Exhibit B attached hereto are subject to the foregoing dedicatory instrument. The attached dedicatory instrument replaces and supersedes all previously recorded dedicatory instruments addressing the same subject matter and shall remain in force and effect until revoked, modified or amended by the Board of Directors.

IN WITNESS WHEREOF, Hackberry Creek Home Owners Association has caused this Twenty-First Supplemental Certificate and Memorandum of Recording of Dedicatory Instruments to be filed with the office of the Dallas County Clerk, and except as herein provided, serves to supplement those certain dedicatory instruments recorded in the Official Public Records of Dallas County, Texas, to wit: (i) in Volume 99252, Page 06422; (ii) in Volume 2001041, Page 05547; (iii) in Volume 2003142, Page 4105; (iv) as Instrument No. 200600396768; (v) as Instrument No. 20070382552; (vi) as Instrument No. 20080228698; (vii) as Instrument No. 201100340418; (viii) as Instrument No. 201300365115; (ix) as Instrument No. 201500251699; (x) as Instrument No. 201600222036; (xi) as Instrument No. 201700209128; (xii) as Instrument No. 202000064717; (xiii) as Instrument No. 202000086872; (xiv) as Instrument No. 2020-202000223431; (xv) as Instrument No. 2021-202100349456; (xvi) as Instrument No 2021-202100382072; (xvii) as Instrument No. 2022-202200215901; (xviii) as Instrument No. 2022-202200218500; (xix) as Instrument No. 2022-202200230611; (xx) as Instrument No. 2022-202200234644; and (xxi) as Instrument No. 2022-202200315498.

**HACKBERRY CREEK HOME
OWNERS ASSOCIATION,
a Texas Non-Profit Corporation**

By: 
Its: Attorney

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

BEFORE ME, the undersigned Notary Public, on this day personally appeared Judd A. Austin, Jr., attorney for Hackberry Creek Home Owners Association, known to me to be the person whose name is subscribed on the foregoing instrument and acknowledged to me that he executed the same for the purposes therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND AFFIRMED SEAL OF OFFICE on this 23rd day of January, 2023.



Notary Public, State of Texas

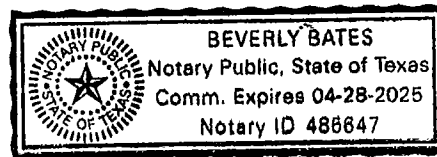


Exhibit A

DATA COLLECTION, USE & RETENTION POLICY OF SENSITIVE, CONFIDENTIAL & PERSONALLY IDENTIFIABLE INFORMATION

Objectives of This Policy - It shall be the objective of the Hackberry Creek Home Owners Association (the "Association"), including its Directors (sitting Directors and Alternate Directors, collectively, "Governing Persons"), agents or other personnel performing functions of community manager (collectively, "Management") to safeguard sensitive, confidential or personal information of Members of the Association while at the same time operating in the most open manner possible. While this Policy is applicable and binding on the Association, it is also applicable and binding on Governing Persons and Management. This Policy is neither intended to diminish the rights of Association Members to obtain records of the Association pursuant to a statutory framework set forth in the Texas Property Code nor diminish the rights of Members to attend meetings of the Board of Directors as set forth in the Texas Property Code. Upon receipt of a statutory request for inspection or copying of Association records, no records shall be withheld from Members unless allowed by State law. Members shall have a right to attend meetings of the Board of Directors, as defined by law, unless the Board of Directors adjourns and reconvenes in executive session as allowed by law. As used herein, the term "Board Communications" shall mean any discussions or communications (written, verbal, or electronic) regarding a matter considered in executive session or outside of an open, publicly noticed meeting of Governing Persons.

Types of Information – Governing Persons and Management are privy to three general types of information or documentation as herein defined:

- a. **"HOMEOWNER INFORMATION"** - sensitive, confidential, and personally identifiable documentation or information of Members or residents such as:
 - i. the delinquency or violation history of any owner
 - ii. an owner's personal financial information
 - iii. the gate access / guest access log/history of any owner, visitor or guest
 - iv. data that could personally identify an individual homeowner such as information containing an account number, email address or other such identifiable information.

Note: The name, mailing address and number of votes of each owner shall not be considered confidential information and shall be made available to a Member upon proper request in accordance with the Texas Property Code.

- b. **"ASSOCIATION INFORMATION"** – Documentation or information deemed confidential shall include:
 - i. Contract Negotiations – Board Communications, records, or information maintained or generated by the Association, Governing Persons or Management related to contract negotiations whether or not such records or information were discussed or considered by Governing Persons or Management before, during or after executive session or outside of a meeting via electronic means.

- ii. Enforcement Actions - Board Communications, records or information maintained or generated by the Association, Governing Persons or Management related to any enforcement action by the Association whether or not such records or information were discussed or considered by Governing Persons or Management before, during or after executive session or outside of a meeting via electronic means.
- iii. Pending or Threatened Litigation - Board Communications, records or information maintained or generated by the Association, Governing Persons or Management related to any potential claim by or against the Association or pending litigation involving the Association whether or not such records or information were discussed or considered by Governing Persons or Management before, during or after executive session or outside of a meeting via electronic means. Dissemination of information or documentation involving pending or threatened litigation may only be disseminated or distributed to individuals other than Governing Persons and Management upon written approval from the Association's counsel. Pleadings available to the general public may be disseminated or distributed to individuals other than Governing Persons and Management without written approval from the Association's counsel.
- iv. Privileged Attorney/Client Communications and Attorney Work Product. Board Communications, records, or information maintained or generated by the Association, Governing Persons, Management or counsel for the Association during or in connection with conversations or communications with counsel for the Association whether or not such records or information were discussed or considered by Governing Persons or Management before, during or after executive session or outside of a meeting via electronic means. Privileged attorney/client communications or the work-product of counsel for the Association shall never be subject to disclosure or dissemination to individuals other than Governing Persons or Management without the prior written approval of a majority of the Governing Persons holding voting rights.
- v. Deliberative Process Privilege. Board Communications, records or information maintained or generated by the Association, Governing Persons or Management related to advice, recommendations, and opinions that pertain to the policymaking functions of the Association's governing body made available to, discussed or considered by Governing Persons or Management prior to any decision by the Governing Persons. The scope of the deliberative process privilege includes information or documentation expressing communications that are pre-decisional and deliberative. The purpose of the privilege is to protect the decision-making process from the inhibiting effect that disclosure of pre-decisional advisory opinions and recommendations might have on the 'frank discussion of policy matters' either verbally or in writing. The deliberative process privilege may be waived, in whole or in part, as to certain Board Communications upon the approval of a majority of the Governing Persons at a Board meeting or by all Governing Person outside of a meeting via electronic mail.

- vi. Personnel Matters – Board Communications, records or information maintained or generated by the Association, Governing Persons or Management relating to Management personnel whether or not such records or information were discussed or considered by Governing Persons or Management before, during or after executive session or outside of a meeting via electronic means.
- c. **“NON-CONFIDENTIAL INFORMATION”** - Information that is created, discussed, transmitted, received or maintained by a Governing Person or Management that pertains to the business of the Association but is not **“HOMEOWNERS INFORMATION”** OR **“ASSOCIATION INFORMATION”** as defined above.

THEREFORE, THE BOARD HEREBY RESOLVES:

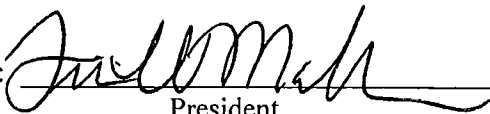
- All **“ASSOCIATION INFORMATION”** AND **“HOMEOWNER INFORMATION”** shall be used for official Association purposes only.
- Governing Persons may not copy, reproduce, disseminate or otherwise share **“ASSOCIATION INFORMATION”** OR **“HOMEOWNER INFORMATION”** with anyone except Governing Persons, Management, legal counsel and outside agents or consultants authorized by resolution of the Governing Persons with voting rights to receive such information except where prohibited by law.
- **“NON-CONFIDENTIAL INFORMATION”** may be disseminated to Members of the Association although the Governing Persons must first determine whether disclosure or inspection of such documentation will require an open records request under the Texas Property Code. Dissemination of **“NON-CONFIDENTIAL INFORMATION”** shall be performed by Management.
- Governing Persons shall maintain an email address for official Association use that they have sole control and access to. **“ASSOCIATION INFORMATION”** OR **“HOMEOWNER INFORMATION”** received at this box shall not to be shared with anyone.
- While in possession of **“ASSOCIATION INFORMATION”** OR **“HOMEOWNER INFORMATION”** Governing Persons must attest that all hard-copy data is safeguarded for privacy via physical mean (i.e., secured) and any data held in electronic form, is safeguarded in private accounts on any personal computing device, tablet or phone. Any data stored on such a device that is connected at any time to a private or public network (i.e., personal server or the World Wide Web) must be protected behind a firewall and virus protection software.
- Governing Persons shall not retain any **“ASSOCIATION INFORMATION”** OR **“HOMEOWNER INFORMATION”** past the date of their last day of service on the Board, and upon their exit from the Board and shall: (i) use reasonable efforts to delete any **“ASSOCIATION INFORMATION”** OR **“HOMEOWNER INFORMATION”** in any form, and (ii) shall submit a dated, written statement attesting to the fact that despite such efforts they reasonably believe they no longer possess any **“ASSOCIATION INFORMATION”** OR **“HOMEOWNER INFORMATION”** in any form. If a former Governing Person locates information which may be considered **“ASSOCIATION INFORMATION”** OR **“HOMEOWNER INFORMATION”** which was inadvertently not deleted, such former

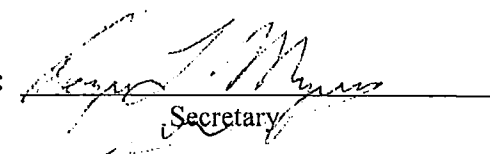
Governing Person will so advise the Governing Persons who shall decide if such information must be deleted or can be retained and used by the former Governing Person. Any hard copy data shall be shredded and any data in electronic form shall be completely erased on personal electronic devices, computers, laptops, tablets, storage drives, etc.

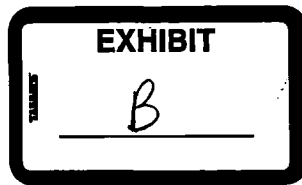
- Any violation of this Policy by a Governing Person during their tenure on the Board shall be immediately reported to Management and other Governing Persons describing the nature of the violation. Upon verification of a violation of this Policy by a Governing Person, the remaining Governing Persons may approve any of the following sanctions: (i) private censure, (ii) public censure, or (iii) the calling of a Special Meeting of the Members to vote on removing the Governing Person from the Board.
- In the event it is discovered that any "ASSOCIATION INFORMATION" OR "HOMEOWNER INFORMATION" has been retained, stored, shared or used in any way by a former Governing Person past their last day of official service on the Board, the Association, through its Board, may direct that a cease-and-desist letter be issued to the former Governing Person through the Association attorney demanding immediate compliance with this Policy and destruction of all remaining "ASSOCIATION INFORMATION" OR "HOMEOWNER INFORMATION" on hand. The Association is authorized to seek recovery of attorney's fees incurred in obtaining compliance with this Policy by a former Governing Person.

This Data Collection, Use & Retention Policy of Sensitive, Confidential & Personally Identifiable Information was approved by the Board of Directors at a duly convened meeting held on December 15, 2022, and shall remain in force and effect until modified, amended or revoked by the Board of Directors.

HACKBERRY CREEK HOME OWNERS
ASSOCIATION

By: 
President

By: 
Secretary



A description of the land parcels included within, and the village-related restrictive covenants covering, the Hackberry Creek single-family residential community.

The Hackberry Creek single-family residential community generally consists of the six (6) separate land areas described as follows [and all references hereinbelow to recorded documents are to the Public Real Estate Records of Dallas County, Texas]:

1. **Area L (50):** Being a 51.511 acre tract of land situated in the B.B.B. and C.R.R. Survey, Abstract No. 196, in the City of Irving, Dallas County, Texas and more particularly described by metes and bounds within that certain "Declaration" filed and recorded in Volume 83121, Page 3049 et seq. (particularly within pages 3071-3074) of the Deed Records of Dallas County, Texas. Area L (50) has been platted as follows:

<u>Name of Plat</u>	<u>Plat Recording Data</u>
Final Plat Kinwest Sector 20 - Residential Phase I - First Installment	82132/2416

and Area L (50) (as well as all the other Areas within Hackberry Creek) has been subjected to previously recorded restrictive covenants as follows:

<u>Instrument</u>	<u>Volume</u>	<u>Page</u>
Supplementary Declaration No. 50	83120	4159
Declaration: Area L	83121	3049
Corrected Supplementary Declaration No. 50	83223	2864

2. **Area LXV (65):** Being a 32.938 acre tract of land situated in the B.B.B. and C.R.R. Survey, Abstract No. 196, in the City of Irving, Dallas County, Texas and being more particularly described by metes and bounds within that certain "Supplementary Declaration No. 65" filed and recorded in Volume 84170, Page 1891 et seq. (particularly within pages 1901-1902) of the Deed Records of Dallas County, Texas. Area LXV (65) has been platted as follows:

<u>Name of Plat</u>	<u>Plat Recording Data</u>
Preliminary Final Plat Hackberry Creek Village Phase IV 32.938 acres	85202/2561

and Area LXV (65) has been subjected to previously recorded restrictive covenants as follows:

<u>Instrument</u>	<u>Volume</u>	<u>Page</u>
Supplementary Declaration No. 65	84170	1891
Supplementary Declaration No. 1	84170	1904
Corrected Supplementary Declaration No. 1	85236	5809
Corrected Supplementary Declaration	85236	5820

3. **Area LXVI (66):** Being a 84.241 acre tract of land situated in the B.B.B. and C.R.R. Survey, Abstract No. 196, in the City of Irving, Dallas County, Texas and being more particularly described by metes and bounds within that certain "Supplementary Declaration No. 66" filed and recorded in Volume 84236, Page 427 et seq. (particularly within pages 437-440) of the Deed Records of Dallas County, Texas. Area LXVI (66) has been platted as follows:

<u>Name of Plat</u>	<u>Plat Recording Data</u>
Hackberry Creek Village Phase II 47.245 acres	86028/5072
Hackberry Creek Village Phase III 37.393 acres	89127/3693

and Area LXVI (66) has been subjected to previously recorded restrictive covenants as follows:

<u>Instrument</u>	<u>Volume</u>	<u>Page</u>
Supplementary Declaration No. 2	84236	414
Supplementary Declaration No. 66	84236	427

4. **Area LXVII (67):** Being a 104.371 acre tract of land situated in the B.B.B. and C.R.R. Co. Survey, Abstract No. 196, I&G.N.R.R. Co. Survey, Abstract No. 1624, and the B.B.B. and C.R.R. Co. Survey, Abstract No. 197, in the City of Irving, Dallas County, Texas and more particularly described by metes and bounds within that certain "Supplementary Declaration No. 67" filed and recorded in Volume 87203, Page 4947 et seq. (particularly within pages 4954-4956) of the Deed Records of Dallas County, Texas. Area LXVII (67) has been platted as follows:

<u>Name of Plat</u>	<u>Plat Recording Data</u>
Amended Final Plat Hackberry Creek Estates Phase I 30.6120 acres	88225/1607
Amended/Preliminary Final Plat Hackberry Creek Estates Phase II 20.6589 acres	88225/1623
Preliminary/Final Plat Hackberry Creek Estates Phase III 25.0633 acres	90016/4010 and 4011
Final Plat Hackberry Creek Estates Phases IV, V 22.6828 acres	91065/4537

and Area LXVII (67) has been subjected to previously recorded restrictive covenants as follows:

<u>Instrument</u>	<u>Volume</u>	<u>Page</u>
Supplementary Declaration No. 67	87203	4947
Supplementary Declaration No. 3	87203	4958

5. **Area LXXI (71):** Being: (i) a 71.27 acre tract of land situated in the B.B.B. and C.R.R. Survey, Abstract No. 196, in the City of Irving, Dallas County, Texas and more particularly described by metes and bounds within that certain "Supplementary Declaration No. 71" filed and recorded in Volume 84202, Page 914 et seq. (particularly within pages 924-925) of the Deed Records of Dallas County, Texas; and (ii) being a 1.2127 acre tract of land situated in the B.B.B. and C.R.R. Co. Survey, Abstract No. 197, in the City of Irving, Dallas County, Texas and more particularly described by metes and bounds within that certain "Supplementary Declaration No. 4" filed and recorded in Volume 89203, Page 2259 et seq. (particularly within page 2272) of the Deed Records of Dallas County, Texas; and (iii) being a 0.1707 acre tract of land situated in the B.B.B. and C.R.R. Co. Survey, Abstract No. 197, in the City of Irving, Dallas County, Texas and more particularly described by metes and bounds within that certain "Supplementary Declaration No. 4" filed and recorded in Volume 89203, Page 2259 et seq. (particularly within page 2273) of the Deed Records of Dallas County, Texas; and (iv) being a 0.4167 acre tract of land situated in the B.B.B. and C.R.R. Co. Survey, Abstract No. 197, in the City of Irving, Dallas County, Texas and more particularly described by metes and bounds within that certain "Supplementary Declaration No. 4" filed and recorded in Volume 89203, Page 2259 et seq. (particularly within page 2274) of the Deed Records of Dallas County, Texas. Some, but not all, of Area LXXI (71) has been platted as follows:

<u>Name of Plat</u>	<u>Plat Recording Data</u>
Final Plat of Hackberry Creek Village Phase VI 72 lots - 27.247 acres	91165/3842
Final Plat Hackberry Creek Village Phase VI, Section 1 7.252 acres 25 Lots	94057/1946

and Area LXXI (71) has been subjected to previously recorded restrictive covenants as follows:

<u>Instrument</u>	<u>Volume</u>	<u>Page</u>
Supplementary Declaration No. 71	84202	914
Supplementary Declaration No. 4	89203	2259

6. **Area LXXII (72):** Being a 51.250 acre tract of land situated in the B.B.B. and C.R.R. Survey, Abstract No. 197, in the City of Irving, Dallas County, Texas and more particularly described by metes and bounds within that certain "Supplementary Declaration No. 72" filed and recorded in Volume 84202, Page 901 et seq. (particularly within pages 911-912) of the Deed Records of Dallas County, Texas. Some, but not all, of Area LXXII (72) has been platted as follows:

<u>Name of Plat</u>	<u>Plat Recording Data</u>
Final Plat Hackberry Creek Estates, Tract III - Phase I 26.6575 acres	91196/4764

and Area LXXII (72) has been subjected to previously recorded restrictive covenants as follows:

<u>Instrument</u>	<u>Volume</u>	<u>Page</u>
Supplementary Declaration No. 72	84202	901
Supplementary Declaration No. 5	87203	4936

**Dallas County
John F. Warren
Dallas County Clerk**

Instrument Number: 202300014934

eRecording - Real Property

Recorded On: January 25, 2023 09:44 AM

Number of Pages: 12

" Examined and Charged as Follows: "

Total Recording: \$66.00

******* THIS PAGE IS PART OF THE INSTRUMENT *******

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

File Information:

Document Number: 202300014934
Receipt Number: 20230124000818
Recorded Date/Time: January 25, 2023 09:44 AM
User: Lynn G
Station: CC53

Record and Return To:

CSC Global



**STATE OF TEXAS
COUNTY OF DALLAS**

I hereby certify that this Instrument was FILED In the File Number sequence on the date/time printed hereon, and was duly RECORDED in the Official Records of Dallas County, Texas.

John F. Warren
Dallas County Clerk
Dallas County, TX

A handwritten signature in black ink, appearing to be "JFW", is written over the printed name of John F. Warren.