

AFTER RECORDING, PLEASE RETURN TO:

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

**NINETEENTH 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:

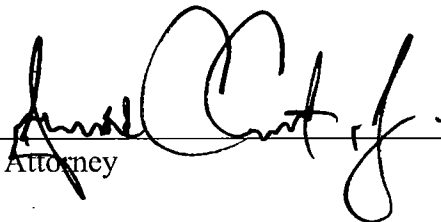
- ***Resolution of the Board of Directors of Hackberry Creek Home Owners Association Adopting Policies Governing the Validity of Ballots (Exhibit A).***

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 Nineteenth 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. 202000223431; (xv) as Instrument No. 202100349456; (xvi) as Instrument No 202100382072; (xvii) as Instrument No. 202200218500; and (xviii) as Instrument No. 202200230611.

**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 30th day of August, 2022.



Notary Public, State of Texas

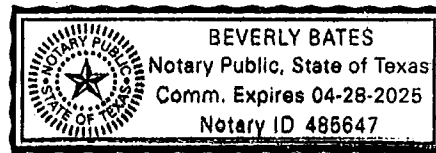


Exhibit A

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

**RESOLUTION OF THE BOARD OF DIRECTORS
OF HACKBERRY CREEK HOME OWNERS ASSOCIATION
ADOPTING POLICIES GOVERNING THE VALIDITY OF BALLOTS**

WHEREAS, the Board of Directors of the Hackberry Creek Home Owners Association (the “*Board*”) is the entity responsible for the operation of the Hackberry Creek Home Owners Association, Inc. (the “*Association*”) in accordance with and pursuant to that certain Amended and Consolidated Declaration of Covenants, Conditions and Restrictions on and for the Hackberry Residential Community, filed of record with the office of the County Clerk of Dallas County, Texas on October 10, 1996 and recorded in Volume 96213 Page 03823, *et seq.* of the Deed Records of Dallas County, Texas and any and all supplements thereof and amendments thereto (the “*Declaration*”), and the Bylaws of the Association (the “*Bylaws*”); and

WHEREAS, the Board desires to provide clarity and guidance to the vote tabulator for any Association vote or election as it relates to ballots submitted by members, whether it be a ballot cast in-person at the meeting or an absentee ballot; and

WHEREAS, the Board finds that such clarity and guidance will be beneficial to members when casting a ballot to avoid instances where the tabulator must resort to these policies to determine the validity of a ballot; and

WHEREAS, a meeting of the Board was held on the 17th day of August, 2022 (the “*Meeting*”); and

WHEREAS, a quorum of the Directors was present at the Meeting; and

WHEREAS, the Board determined that it was in the best interests of the Association to resolve to provide specificity and guidance with regard to the validity of ballots submitted by members, whether it be a ballot cast in-person at the meeting or an absentee ballot; and

WHEREAS, no less than a majority of the Directors present at the Meeting voted to resolve to approve the policies regarding the counting of absentee ballots and/or in-person ballots cast for an Association vote or election attached hereto as Exhibit "A" (the "Policies").

NOW, THEREFORE, KNOW ALL PERSONS BY THESE PRESENTS that the Board has resolved and does hereby resolve to adopt the Policies which shall instruct the vote tabulator on the handling of an absentee ballot and/or an in-person ballot where an issue described in the Policies is apparent, and determining the validity thereof.

IT IS FURTHER RESOLVED that the Policies shall become effective when filed in the Official Public Records of Dallas County, Texas, posted on the Association's website, and sent via electronic mail to all members who have registered an e-mail address with the Association, and shall remain in effect until revoked or modified by the Board.

HACKBERRY CREEK HOME OWNERS ASSOCIATION

By: Stephanie W. Booker
President

By: [Signature]
Secretary



Guidelines Adopted 8/17/2022 that the following guidelines will be used when counting in-person or absentee ballots received for any election or vote conducted by the Hackberry Creek Home Owners Association:

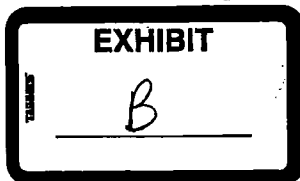
The purpose of this document is to provide policies approved by the Hackberry Creek Home Owners Association Board of Directors regarding the counting of absentee ballots and/or in-person ballots cast in Homeowners Association elections or votes.

Absentee Ballot / Ballot Issue	Resolution/Action
Property is owned by more than one person and absentee ballot or in-person ballot is signed by only one owner	Ballot is accepted unless one or more owner of that property requests in writing that the Homeowners Association not accept a ballot unless signed by all owners of record. In this case, the ballot will only be accepted if it is signed by all owners.
Absentee ballot or in-person ballot is signed, and address has been printed on the absentee ballot or in-person ballot, but the property owner name is not printed on the absentee ballot or in-person ballot.	If the signature is legible and can be matched to property transfer records on file, name will be noted on the absentee ballot or in-person ballot and the ballot will be accepted. If signature is not legible, staff will attempt to verify signature by comparing it to the signature on file in property transfer documents for that address and if a match is found, name will be noted and ballot accepted. If signature does not match any signature on file, the owner of record for that property will be contacted and a properly signed absentee ballot will be requested.
Absentee ballot or in-person ballot is signed, the property owner's name is printed on the absentee ballot or in-person ballot, but the property address is not recorded on the absentee ballot or in-person ballot.	Staff will look up property address for printed owner's name in VMS, write the property address on the absentee ballot or in-person ballot and the absentee ballot or in-person ballot will be accepted.
Absentee ballot or in-person ballot is signed, but no name or address is printed on absentee ballot or in-person ballot.	If the signature is clearly legible, staff will look up property owner in VMS. The absentee ballot or in-person ballot will be accepted and staff will write the owner's name and address on the absentee ballot or in-person ballot. If signature is not legible, absentee ballot or in-person ballot will be considered VOID.
Absentee ballot or in-person ballot is not signed	If the absentee ballot or in-person ballot is unsigned and it has no name or address recorded on it, the absentee ballot or in-person ballot will be considered VOID. If the absentee ballot or in-person ballot is unsigned, but has the property address and/or owner's name is printed on it, it will be considered VOID, but the staff will attempt to contact the property owner to obtain a signature. If a valid property owner's signature can be obtained, the absentee ballot or in-person ballot will be accepted.
Absentee ballot or in-person ballot is signed, but signature is not legible, the property owner's name is not printed and the property address is not recorded.	Absentee ballot or in-person ballot will be considered VOID.

Name Differences: In cases where the name written on the absentee ballot is slightly different than the property owner's name as listed in VMS, the absentee ballot may be accepted if the name on the absentee ballot is substantially similar to the name in VMS, e.g. Bill for William; the name on the absentee ballot contains an initial, middle name or former name that is slightly different from the name in VMS; a first name, middle name, former name or initial on the absentee ballot occupies a different field than in VMS. In cases where the name on the absentee ballot could not be considered substantially similar to the name in VMS, the owner of record for that property will be contacted and a properly signed absentee ballot will be requested.

Final Decision: If any case arises where the Village staff cannot make a decision regarding the validity of an absentee ballot by following these guidelines, the Homeowners Association President shall, after considering all of the facts of the situation, make a decision on the validity of the absentee ballot. Any resident may appeal the President's decision to the entire Board, which may modify or reverse the President's decision by majority vote.

In-Person Ballots - If a property owner attends any meeting to vote in person, the vote cast at a meeting by the property owner supersedes any vote submitted by absentee ballot previously submitted for that proposal. Any vote cast in person in an election or vote must be in writing and signed by the property owner. In the case of properties owned by multiple owners and/or name discrepancies, etc., the guidelines listed for reviewing and approving proxies shall be followed.



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: 202200234644

eRecording - Real Property

Recorded On: August 31, 2022 10:17 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: 202200234644
Receipt Number: 20220830000950
Recorded Date/Time: August 31, 2022 10:17 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