

RTT 08R25841(CRS) \$20.50

After recording, return to:
Valerian Properties Associates, L.P.
8222 Douglas Ave., Suite 660
Dallas, Texas 75225

Cross-Reference: Declaration Volume 5105
Page 2787
FHA Amendment Volume 5198
Page 2470
First Supplement: Volume 5270
Page 5324

**THIRD AMENDMENT TO DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS FOR
PROVIDENCE
DENTON COUNTY, TEXAS
CORRECTION INSTRUMENT**

THIS THIRD AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR PROVIDENCE, DENTON COUNTY, TEXAS – CORRECTION INSTRUMENT (this "Third Amendment") is made as of the 3rd day of February, 2004, by **Valerian Properties Associates, L.P.**, a Delaware limited partnership ("Declarant").

W I T N E S S E T H

WHEREAS, on June 10, 2002, Declarant executed that certain Declaration of Covenants, Conditions and Restrictions for Providence, Denton County, Texas (the "Original Declaration"), recorded in Volume 5105, Page 2787 of the Real Property Records of Denton County, Texas; and

WHEREAS, on October 17, 2002, Declarant executed that certain FHA Amendment to Declaration of Covenants, Conditions and Restrictions for Providence (the "First Amendment"), therein amending the Original Declaration, which First Amendment is recorded in Volume 5198, Page 2470 of the Real Property Records of Denton County, Texas, and on January 28, 2003, Declarant executed that certain First Supplemental Declaration and Second Amendment of Covenants, Conditions and Restrictions for Providence (the "First Supplement and Second Amendment") (the Original Declaration together with the First Amendment and the First Supplement and Second Amendment are herein collectively called, the "Declaration"); and

WHEREAS, the legal description attached to the Original Declaration was an incorrect legal description that inadvertently included certain commercially zoned land and a school site, such tracts being more particularly described on **Exhibit A** attached hereto (the "Commercial Land and School Site"), and it was never the intent nor desire of Declarant to include the Commercial Land and School Site within the Declaration, nor does a commercially zoned tract or school site fit the purposes or requirements of a residential lot; therefore Declarant desires for

this Third Amendment to serve as a corrective instrument simply to correct the error contained in the Original Declaration and to remove the Commercial Land and School Site from the Declaration in order to achieve the original intent of Declarant.

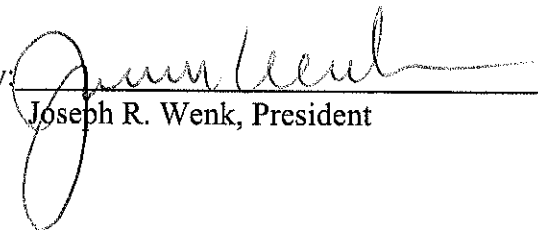
NOW, THEREFORE, in order to achieve and accomplish the original intent of Declarant, Declarant hereby amends Exhibit "A" to the Original Declaration and corrects the error contained in the Original Declaration by removing and withdrawing the Commercial Land and School Site from the Declaration. From and after the date of recording this Third Amendment, the Declaration shall have no further force or effect with respect to the Commercial Land and School Site.

IN WITNESS WHEREOF, Declarant has executed this Third Amendment to Declaration of Covenants, Conditions and Restrictions for Providence – Correction Instrument on the day and year first above written.

DECLARANT:

Valerian Properties Associates, L.P., a Delaware limited partnership

By: First Regency Enterprises, Inc., its general partner

By: 
Joseph R. Wenk, President

STATE OF NEW YORK:

COUNTY OF New York

This instrument was acknowledged before me on this 3rd day of February, 2004, by Joseph R. Wenk, President of First Regency Enterprises, Inc., general partner of Valerian Properties Associates, L.P., a Delaware limited partnership, personally known to me to be the person whose name is subscribed to the above instrument who acknowledged to me that he executed the instrument for the purpose and consideration therein expressed and in the capacity therein stated.


Notary Public, State of New York

ALISON E. VAZQUEZTELL
Notary Public, State of New York
No. 01VA5082616
Qualified in Suffolk County
Commission Expires July 28, 2005

EXHIBIT A

Commercial Land:

Lot 1, Block X, and Lot 1, Block Y, PROVIDENCE PHASE 1, an addition in Denton County, Texas, according to the map or plat thereof, recorded in Cabinet U, Page 404, Plat Records of Denton County, Texas.

School Site:

Lot 22, Block A, PROVIDENCE PHASE 1, an addition in Denton County, Texas, according to the map or plat thereof, recorded in Cabinet U, Page 404, Plat Records of Denton County, Texas.

Denton County
Cynthia Mitchell
County Clerk
Denton, TX 76202



70 2004 00015170

Instrument Number: 2004-15170

Recorded On: February 05, 2004

As
Amendment

Parties: VALERIAN PROPERTIES ASSOCIATES

Billable Pages: 4

To

Number of Pages: 4

Comment:

**** Examined and Charged as Follows: ****

Amendment	20.00
Total Recording:	20.00

***** 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: 2004-15170
Receipt Number: 85675
Recorded Date/Time: February 05, 2004 01:56P

Record and Return To:

VALERIAN PROPERTIES ASSOCIATES
8222 DOUGLAS AVE STE 660
DALLAS TX 75225

User / Station: E McCorkle - Cash Station 2



THE STATE OF TEXAS }
COUNTY OF DENTON }

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 Denton County, Texas.

C. Mitchell

County Clerk
Denton County, Texas