



## AMENDMENT

OF  
 RESTRICTIVE COVENANTS FOR BENTON WOODS  
 ROCKWALL, ROCKWALL COUNTY, TEXAS

THE STATE OF TEXAS                   {  
   {KNOW ALL MEN BY THESE PRESENTS  
 COUNTY OF ROCKWALL                {

THAT the undersigned, as duly elected officers of the Benton Woods Homeowners Association, hereinafter called the "Association" of the property platted as Benton Woods (herein so entitled), as an addition to the City of Rockwall, Texas, according to the map thereof duly recorded in the Map Records, Rockwall County, Texas, do hereby restrict the use of said property and imposes the following provisions which shall be binding upon the Owner or any purchaser of said lots, their heirs, administrators, successors and assigns, and said restrictions shall be covenants running with said land.

WHEREAS, Benton Woods is located in the beautiful Lake Ray Hubbard area of Rockwall County, Texas, on a site of natural beauty and scenic attraction; and WHEREAS, the Association wishes to preserve the natural beauty of Benton Woods while permitting the development and use thereof by individual lot purchases of lots within Benton Woods; and

WHEREAS, the purpose of these restrictive covenants is to preserve said natural beauty to the extent possible and to preserve the view and aesthetic appeal of each lot site in Benton Woods and this intention is expressed herein for the express purpose of setting forth the goal of these Restrictive Covenants and the spirit in which they are to be construed; and

WHEREAS, this document amends any previous filings, including without limitation, the original document and that certain Amendment of Restrictive Covenants for Benton Woods Rockwall, Rockwall County, Texas, executed December 18, 2002, and filed for record in Rockwall County on December 19, 2002 as Document No. 00269001, Real Property Records of Rockwall County Vol. 02780, Pg. 00279 (collectively, the "Restrictive Covenants"); and

WHEREAS, pursuant to the majority threshold requirements set forth in Paragraph 29 of the Restrictive Covenants, and the voting guidelines set forth in Paragraph 13(b) of the Restrictive Covenants, the owners of not less than sixty-six and two-thirds percent (66 2/3%) of lots in Benton Woods have concurred by written ballot to adopt the following additional restrictions set forth below in this Amendment, evidence of which is set forth on the attached Exhibit "A".

NOW, THEREFORE, in order to achieve the purposes set forth hereinbefore, the Association hereby amends the Restrictive Covenants applicable to Benton Woods upon the following terms and conditions.

1. Definitions. Except as expressly defined in this Amendment, each defined term used in this Amendment has the same meaning given to such term in the Restrictive Covenants; provided, however, in the event of a conflict, the definition set forth in this Amendment shall control.
2. Leasing. The term "leasing" or "lease" shall mean lease/rental periods of any kind, including leasing a Living Unit (or any part thereof) on a nightly, weekly, monthly, or yearly basis and leasing through short-term rental websites such as [www.airbnb.com](http://www.airbnb.com), [www.vrbo.com](http://www.vrbo.com), [www.homeaway.com](http://www.homeaway.com) or other similar vacation or short-term rental website.

3. Leasing Prohibited. Leasing (as that term is defined in Section 2 above), is hereby prohibited entirely in Benton Woods, and in no event shall any Owner of a Living Unit be permitted to lease (as that term is defined in Section 2 above) the Owner's Living Unit to any person or entity. In the event an Owner violates this restriction, the Association shall have the right to take all actions and pursue all remedies against the violating Owner which are granted to the Association under Paragraph 26 of the Restrictive Covenants.
4. Exceptions. Exceptions may be granted in instances where a contract for a home purchase is granted in which the buyer agrees to permit the seller to remain in the property after closing for some period of time at a rent agreed upon by both parties. This exception must be approved by the board at it's sole discretion.
5. No Further Modifications. Except as set forth in this Amendment, all of the terms and provisions of the Restrictive Covenants shall apply with respect to the leasing of Living Units, as revised by this Amendment, and shall remain unmodified and full force and effect. Effective as of the date hereof, all references to the "Restrictive Covenants" shall refer to the Restrictive Covenants as amended by this Amendment. In the event of a conflict between the terms of the Restrictive Covenants and this Amendment, the provisions of this Amendment shall govern and control.

[Remainder of page intentionally left blank]

Executed this \_\_\_\_ day of November 2022.

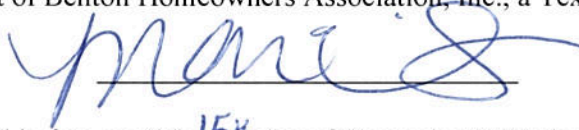
BENTON WOODS HOMEOWNER'S  
ASSOCIATION, INC.



By: Daniel Colonna, Vice President

The State of Texas  
County of Rockwall

This instrument was acknowledged before me on this 15<sup>th</sup> day of November 2022, by Daniel Colonna, Vice President of Benton Homeowners Association, Inc., a Texas corporation, on behalf of said corporation.



Sworn to and subscribed before me this 15<sup>th</sup> day of November 2022, by Daniel Colonna, Vice President of Benton Woods Homeowners Association, a Texas corporation, on behalf of said corporation.





MEETING MINUTES  
Benton Woods Homeowners' Association Special Meeting  
Saturday, November 12, 2022

**Call to Order:**

A special meeting of general membership of the 2022 Benton Woods Homeowners Association (BWHOA), was held at 995 Benton Woods Drive at 10 am. This meeting is for a re-vote on the BWHOA covenant amendment restricting rental/leasing of properties in the neighborhood. This amendment was previously passed by 66.67% of membership and filed with the county; however, a re-vote to affirm the amendment was agreed to in mediation between BWHOA and homeowner Tim Herriage after Mr. Herriage filed suit against BWHOA.

The **meeting convened at 10:02 am** with Acting President, Daniel Colonna presiding and Secretary, Missy Mills recording.

Members in attendance:

Ansari, Cyrus/Nancy	Bailey, Ken/Merry	Mills, Missy
Parent, Richard/Louise	Parks, Todd/Denise	
Harris, William <b>Proxy</b>	Carpenter, Craig	Colonna, Daniel/Sandy
Timbes <b>Proxy</b>	Herriage, Tim	Edwards, Rick/Suzanne
Kubin, Chris <b>Proxy</b>	Wolov, Kristi	Torres, Stephanie <b>Proxy</b>
Richardson, Carol	McKinney, Terry/Debby <b>Proxy</b>	
McKinney, Kent/Narsha	Zehr, Jack/Edie	Light, Jeff/Leanne <b>Proxy</b>
Vest, Don/Sharyn <b>Proxy</b>	Carnevale, Ed/Pam <b>Proxy</b>	Etz, Lucas/Nancy <b>Proxy</b>
Younes, Eric <b>Proxy</b>	Goff, Sean/Steph <b>Proxy</b>	Enoch, Preston/Brittany <b>Proxy</b>
Freeman, Denward/Shug <b>Proxy</b>		Khodaparast, Rahim/Roya <b>Proxy</b>
Pucylowski, Ted/Budine <b>Proxy</b>		Burge, Rick/Katherine <b>Proxy</b>
Hamilton, Larry/Reba <b>Proxy</b>	Simpson, Blake/Jessica	

A **quorum** was present.

**Minutes:**

Minutes of the November 5<sup>th</sup> board meeting were dispersed for review. A **Motion** was made by Ken Bailey and seconded by Kristi Wolov to approve the minutes of the November 5<sup>th</sup> meeting. President restated motion and typographical error and duplicate paragraph typo were pointed out by a member. The secretary made corrective notations.

**Motion Passed to approve minutes with correction.**

Requested documents were made available to homeowner Tim Herriage. These documents were not retrieved when made available at previous meeting on November 5, 2022.

**Amendment re-vote per mediation agreement:**

The President recapped to members the purpose of special meeting. Mediation between BWHOA and Tim Herriage led to an agreement to re-vote or ratify the amendment previously passed and filed in June of 2022. There was clarification for Mr. Herriage that for the purposes of the vote that no homeowners from Benton Court were included in the quorum or vote calculations. As discussed in this member meeting, the mediation agreement allowed for membership to ratify/not ratify or modify the amendment already recorded in June 2022. A modification allowing for a "lease-back" option was proposed and added to the original amendment. There was a **Motion** by Richard Parent and seconded by Ken Bailey to pass/accept the existing amendment with the modification. President Daniel Colonna called for a verbal vote by roll call to be recorded by the secretary. Proxy votes were also counted by the secretary.

**Motion Passed** with 28 votes in favor and 3 votes in opposition.

**Motion** made by Daniel Colonna and seconded by Jack Zehr to adjourn the special meeting.  
**Motion passed**

**Meeting adjourned at 10:21am**

\_\_\_\_\_  
Secretary (submitted by)

\_\_\_\_\_  
Date

**BWEOA PROXY VOTE FORM for November 12th, 2022 Special Meeting**

I/We RICK & KATHRYN residing at 4729 PIN OAKS CIRCLE  
BURGE

I/We authorize the BWEOA Secretary or Kristi Wold  
Insert proxy name here

To cast my/our vote for:

☒ In favor of amendment attached as proposed

☐ In opposition of amendment attached as proposed

R. Burge  
Signature  
K Burge

11/5/22  
Date

Board Member Witness Kristi Wold

**BWHA PROXY VOTE FORM for November 12th, 2022 Special Meeting**

I/We The Freemans residing at 4660 Greenbrae Ct

I/We authorize the BWHA Secretary or Kristi Wold  
Insert proxy name here

To cast my/our vote for:

☒ In favor of amendment attached as proposed

☐ In opposition of amendment attached as proposed

Elizabeth Freeman  
Signature

11/2/2022  
Date

Board Member Witness Km

**BWHOA PROXY VOTE FORM for November 12th, 2022 Special Meeting**

I/We Sean Goff + Stephanie Barnes-Goff residing at 1250 Benton Woods Dr.

I/We authorize the BWHOA Secretary or Daniel Colonna  
Insert proxy name here

To cast my/our vote for:

☒ In favor of amendment attached as proposed

☐ In opposition of amendment attached as proposed

[Signature]  
Signature

11/5/22  
Date

Board Member Witness [Signature] [Signature]



**BWHOA PROXY VOTE FORM for November 12th, 2022 Special Meeting**

I/We Christopher & Abigail Kubin residing at 4670 Parkwood Dr

I/We authorize the BWHOA Secretary or Kristi Woloz  
Insert proxy name here

To cast my/our vote for:

X In favor of amendment attached as proposed

\_\_\_\_\_ In opposition of amendment attached as proposed

AK  
Signature \_\_\_\_\_

11/5/2022  
Date

Board Member Witness Am

**BWHOA PROXY VOTE FORM for November 12th, 2022 Special Meeting**

I/We Jeff & Leigh Ann Light residing at 4671 Greenbriar Circle

I/We authorize the BWHOA Secretary or Kristi Wolow  
Insert proxy name here

To cast my/our vote for:

☒ In favor of amendment attached as proposed

☐ In opposition of amendment attached as proposed

Leigh Ann Light  
Signature

11-2-22  
Date

Board Member Witness [Signature]

**BWHA PROXY VOTE FORM for November 12th, 2022 Special Meeting**

I/We Stephanie Torres residing at 4685 Greenbriar

I/We authorize the BWHA Secretary or Kristi Wold  
Insert proxy name here

To cast my/our vote for:

X In favor of amendment attached as proposed

\_\_\_\_\_ In opposition of amendment attached as proposed

Stephanie Torres  
Signature

11/4/22  
Date

Board Member Witness Kristi Wold

**BWHOA PROXY VOTE FORM for November 12th, 2022 Special Meeting**

I/We Eric + Cecilee Young residing at 4755 Pawlwood Dr

I/We authorize the BWHOA Secretary or Kristi Wola  
Insert proxy name here

To cast my/our vote for:

☒ In favor of amendment attached as proposed

☐ In opposition of amendment attached as proposed

E. Young  
Signature

11/5/22  
Date

Board Member Witness [Signature]

**BWHOA PROXY VOTE FORM for November 12th, 2022 Special Meeting**

I/We Don & SHARYA VEST residing at 4633 PARKWOOD DR. RD 411111

I/We authorize the BWHOA Secretary or Daniel Colonna  
Insert proxy name here

To cast my/our vote for:

✓ In favor of amendment attached as proposed

       In opposition of amendment attached as proposed

Shary V. Vest  
Daniel R. Vest  
Signature

11-4-22  
Date

Board Member Witness 



**BWHOA PROXY VOTE FORM for November 12th, 2022 Special Meeting**

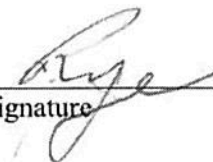
I/We Rahim & Lopez residing at 4630 parkwood.

I/We authorize the BWHOA Secretary or Daniel Colonna  
Insert proxy name here


To cast my/our vote for:

✓ In favor of amendment attached as proposed

       In opposition of amendment attached as proposed

  
Signature

11/2/22  
Date

Board Member Witness 

**BWHA PROXY VOTE FORM for November 12th, 2022 Special Meeting**

I/We WILLIAM & JONNA HARRIS residing at 1188 BENTON WOODS DR.

I/We authorize the BWHA Secretary or BWHA SECRETARY  
Insert proxy name here

To cast my/our vote for:

✓ In favor of amendment attached as proposed

       In opposition of amendment attached as proposed

William Harris  
Signature

11/02/2022  
Date

Board Member Witness 

**BWHOA PROXY VOTE FORM for November 12th, 2022 Special Meeting**

I/We GARY + LIBBY TIMBES residing at 1164 BENTON WOODS DR

I/We authorize the BWHOA Secretary or RICK EDWARDS  
Insert proxy name here

To cast my/our vote for:

☒ In favor of amendment attached as proposed

☐ In opposition of amendment attached as proposed

Libby Timbes  
Signature

11-1-22  
Date

Board Member Witness Rick Edwards

**BWHOA PROXY VOTE FORM for November 12th, 2022 Special Meeting**


I/We Theodore & Budine residing at 4740 PARKWOOD DR.

Pucylawski  
I/We authorize the BWHOA Secretary or Daniel Colonne  
Insert proxy name here

To cast my/our vote for:

X In favor of amendment attached as proposed

\_\_\_\_\_ In opposition of amendment attached as proposed

  
Signature

11/5/22  
Date

Board Member Witness 

**BWFOA PROXY VOTE FORM for November 12th, 2022 Special Meeting**

I/We FERRY MCKINLEY residing at 4709 Pin Oaks Cir

I/We authorize the BWFOA Secretary or Dante Colonna  
Insert proxy name here

To cast my/our vote for:

☒ In favor of amendment attached as proposed

☐ In opposition of amendment attached as proposed

Signature [Signature]

Date 11/10/2022

Board Member Witness [Signature]



**BWAOA PROXY VOTE FORM for November 12th, 2022 Special Meeting**

I/We Ed & Pam Carnevale residing at 4648 Parkwood Dr.

I/We authorize the BWAOA Secretary or Daniel Colonne  
Insert proxy name here

To cast my/our vote for:

✓✓ In favor of amendment attached as proposed

       In opposition of amendment attached as proposed

P. Carnevale  
Signature

11/6/22  
Date

Board Member Witness 

**BWHOA PROXY VOTE FORM for November 12th, 2022 Special Meeting**

I/We LUCAS & Nancy Etc residing at 4730 Pin Oaks Circle

I/We authorize the BWHOA Secretary or Kristi W. D.  
Insert proxy name here

To cast my/our vote for:

W In favor of amendment attached as proposed

\_\_\_\_\_ In opposition of amendment attached as proposed

Nancy Etc  
Signature

11.10.22  
Date

Board Member Witness [Signature]