

AMENDMENT TO DECLARATION  
OF  
COVENANTS, CONDITIONS AND RESTRICTIONS  
THE FALLS, SECTION ONE (1) AND SECTION TWO (2)

THE STATE OF TEXAS, §  
§ KNOW ALL MEN BY THESE PRESENTS:  
COUNTY OF COLORADO §

THAT on September 10, 1984, COLORADO OAKS ENTERPRISES, INC., a Texas corporation, executed a Declaration of Covenants, Conditions and Restrictions (hereinafter referred to as the "Declaration"), recorded in Volume 492, Page 181, of the Colorado County Deed Records, to which Declaration reference is hereby made, and which Declaration placed certain restrictions on the use of the following described land:

All that certain 105.83 acre tract of land in the Charles Fritsche Survey, Abstract No. A-199, and the Peter Piper Survey, Abstract No. A-447, and the Robert H. Tobin Survey, Abstract No. 1-551, all in Colorado County, Texas, which is more particularly described as follows:

- Lots One (1) through Thirty (30), inclusive, Block Two (2);
- Lots One (1) through Fifty-four (54), inclusive, Block Three (3);
- Lots One (1) through Twenty-eight (28), inclusive, Block Four (4);
- Lots One (1) through Twenty-six (26), inclusive, Block Five (5);
- Lots One (1) through Three (3), inclusive, Block Six (6);
- Lots One (1) through Four (4), inclusive, Block Seven (7);
- Lots One (1) through Eleven (11), inclusive, Block Eight (8);
- Lots One (1) through Four (4), inclusive, Block Nine (9);
- Lots One (1) through Eighteen (18), inclusive, Block Ten (10);
- Lots One (1) through Thirty-two (32), inclusive, Block Eleven (11);

All of said lots being in The Falls, Section One (1), according to the map or plat thereof, recorded in Slide No. 63 of the Map Records of Colorado County, Texas; and

- Lots One (1) through Twenty-nine (29), inclusive, Block One (1);
- Lots One (1) through Fourteen (14), inclusive, Block Two (2);
- Lots One (1) through Thirty (30), inclusive, Block Three (3);
- Lots One (1) through Twenty-nine (29), inclusive, Block Four (4);
- Lots One (1) through Four (4), inclusive, Block Five (5);

All of said Lots Being in The Falls, Section Two (2), according to the map or plat thereof recorded in Slide No. 62 of the Map Records of Colorado County, Texas; and

WHEREAS, the Declaration provides in Article VII, Section 1, that the Declaration "...during the first twenty (20) year period may be amended at any time when an instrument setting forth said changes and signed by ninety percent (90%) of the Lot Owners is placed on record in the Real Property Records of Colorado County, Texas"; and

WHEREAS, The Texas Falls Corporation, a Texas corporation, is the Developer as successor in interest to Colorado Oaks Enterprises, Inc. the original Declarant and Developer in the Declaration; and

WHEREAS, The Texas Falls Corporation, a Texas corporation, as the Developer owns 227 lots in The Falls, Sections One and Sections Two; and

WHEREAS, The Texas Falls Corporation and the other Lot Owners in The Falls Sections One and Two (comprising no less than 90% of the current owners of Lots in The Falls Sections One and Two) are desirous of amending the aforesaid Declaration as hereinafter set forth.

NOW, THEREFORE, the Declaration of Covenants, Conditions and Restrictions dated September 7, 1984, recorded in Volume 492, page 181 of the Colorado County Deed Records is hereby amended as follows:

1. Article I, Section 3 of the Declaration is hereby amended to add the following:

As of the date of this Amendment to the Declaration, The Texas Falls Corporation, a Texas corporation, is the owner of 227 lots in The Falls Sections One and Two and The Texas Falls Corporation is the Developer as successor in interest to Colorado Oaks Enterprises, Inc. the original Declarant and Developer.

2. Article III Section 3 of the Declaration is hereby amended and restated to read as follows:

"Section 3 Composite Building Site. None of the lots in The Falls Section One and Section Two (other than the lots owned by The Texas Falls Corporation) shall be replated or resubdivided. Any person (other than The Texas Falls Corporation) owning two (2) or more adjoining lots may consolidate such lots into a building site, with the privilege of paving or constructing improvements, as permitted herein, on such resulting site. The Texas Falls Corporation, as the owner of the following lots in The Falls, Section One and Section Two shall have the right, in its sole discretion to add, delete, replat or resubdivide any of the hereinafter described lots in The Falls, Sections One and Two without requiring any further approval or consent of any other owners of lots in The Falls, Sections One and Two:

The Falls, Section One (1)

Block Two (2), Lots 1, 2, 6, 7, 10-30.  
 Block Three (3), Lots 1-23, 25-39, 42, 47-53.  
 Block Four (4), Lots 1-3, 7, 10, 13, 15, 17-28.  
 Block Five (5), Lots 1, 6-26.  
 Block Six (6), Lots 2 and 3.  
 Block Seven (7), Lots 3 and 4.  
 Block Eight (8), Lots 3-8, 10 and 11.  
 Block Nine (9), Lots 2 and 4.  
 Section Ten (10), Lots 3, 9-18.  
 Section Eleven (11), Lots 2, 3, 5-7, 9-14, 16-19, 21-25, 27-30.

The Falls, Section Two (2)

Block One (1), Lots 1-5, 7-15, 17-20, 25 and 27.  
 Block Two (2), Lots 1, 2, 7, 8, 12-14.  
 Block Three (3), Lots 2-12, 14-23, 26-28.  
 Block Four (4), Lots 3, 4, 6-8, 11, 13, 14, 18-22, 28 and 29.

In addition, The Texas Falls Corporation, its successors, transferees and assignees shall have the right, in its sole discretion to add, delete, resubdivide or replat any lots owned by The Texas Falls Corporation in any existing or future Sections of The Falls without requiring any further approval or consent of any other owners of Lots in The Falls."

3. A new Section 22 is hereby added to Article III to the Declaration to read as follows:

"Section 22. Exception For Replatted Lots.

At such time as The Texas Falls Corporation files for record in the Map Records of Colorado County, Texas, a replat of nine (9) Lots in Section 1, Block 2, Lots 25 to 30 inclusive and Section 1, Block 3, Lots 1 to 3 inclusive, converting the aforesaid nine (9) Lots into one Lot, then in such event, the Use Restrictions set forth in Article III, Sections 1, 4, 5, 6, 7, 8, 11 and 20 shall not be applicable or enforceable with respect to the replatted nine (9) Lots."

4. A new Section 10 is hereby added to Article VI to the Declaration to read as follows:

"Section 10. Exception for Replatted Lots.

At such time as The Texas Falls Corporation files for record in the Map Records of Colorado County, a replat or replats of any Lots in Section 1 and 2 thereof, then in such event, the Maintenance Assessments set forth in Article VI shall be applicable thereafter to the replatted Lot or Lots, as the case may be, but the owner of any Lot or Lots shall remain liable for any and all unpaid Maintenance Assessments levied by the Association prior to the recordation of the replat or replats.

No other amendments to said Declaration of Covenants, Conditions and Restrictions are made by these Amendments and the undersigned Lot owners hereby expressly ratify and confirm the provisions of the original Declaration, as hereby amended, as covenants running with the herein described real property according to the terms of such Declaration.

This Agreement is executed in a number of counterpart originals, each of which is deemed to be an original and all of which shall constitute one and the same instrument. This Agreement shall be effective as to each party on the date of such parties' signature and acknowledgment and placed on record in the Real Property Records of Colorado County, Texas.

In the event of any conflict between the terms and provisions of the Declaration and this Amendment, the terms and provisions of the Amendment shall govern and control.

IN WITNESS WHEREOF, the owner of lots in The Falls, Sections One and Two, have executed this Amendment as of the 1 day of August, 1998.

<u>Section Number</u>	<u>Block Number</u>	<u>Lot Number</u>	<u>Name of Recorded Owner</u>
One (1)	Two (2)	Lots 1, 2, 6, 7, 10-30	

<u>Section Number</u>	<u>Block Number</u>	<u>Lot Number</u>	<u>Name of Recorded Owner</u>
	Three (3)	1-23, 25-39, 42, 47-53	
	Four (4)	1-3, 7, 10, 13, 15, 17-28	
	Five (5)	1, 6-26	
	Six (6)	2 and 3	
	Seven (7)	3 and 4	
	Eight (8)	3-8, 10 and 11	
	Nine (9)	2 and 4	
	Ten (10)	3, 9-18	
	Eleven (11)	2, 3, 5-7, 9-14, 16-19, 21-25, 27-30	
Two (2)	One (1)	1-5, 7-15, 17-20, 25 and 27	
	Two (2)	1, 2, 7, 8, 12-14	
	Three (3)	2-12, 14-23, 26-28	
	Four (4)	3, 4, 6-8, 11, 13, 14, 18-22, 28 and 29	
			The Texas Falls Corporation
			By: <u>Todd Coover</u> Todd Coover, President
One (1)	Two (2)	Lot 3	<u>William F. Seefeldt</u>
			<u>Karen A. Seefeldt</u>
One (1)	Two (2)	Lot 4	<u>Anjali Jain</u>