

**AMENDMENT TO DECLARATION
OF COVENANTS, CONDITIONS AND RESTRICTIONS
THE FALLS**

STATE OF TEXAS §
 §
COUNTY OF COLORADO §

WITNESSETH:

WHEREAS, the Declaration of Covenants, Conditions and Restrictions, The Falls, Section One (1) and Section Two (2) was recorded under **Volume 492, Page 181** of the Real Property Records of Colorado County, Texas (as amended and/or supplemented, hereinafter referred to as the "Declaration"); and purported amendments to the Declaration were recorded under Volume 154, Page 335, Volume 307, Page 130, and Volume 545, Page 423, all in the Real Property Records of Colorado County, Texas;

WHEREAS, the Owners, as defined in The Declaration, and as specifically permitted by TEX. PROP. CODE § 209.0041, desired to amend the Declaration pursuant to this document (the "Amendment to Declaration");

WHEREAS, TEX. PROP. CODE § 209.0041 (h-1) provides that if a declaration contains a percentage lower than 67, said percentage controls with regard to an amendment to a declaration, and the Declaration contains a percentage of a majority;

WHEREAS, the Articles of Incorporation and Bylaws of The Falls Owners Association, Inc. (the "Association") allocate one (1) vote per Lot to the members of the Association;

WHEREAS, property owners representing no less than a majority of the total votes allocated to property owners entitled to vote on the amendment of the Declaration voted in favor of amending the Declaration as set forth herein below at a duly noticed and called meeting of the members of the Association on February 24, 2018;

NOW, THEREFORE, the Declaration is hereby amended as follows:

Article IV, Sections 2 and 3 of the Declaration formerly provided as follows:

Section 2. Committee Membership The A.C.C. members shall be composed of directors of the association and shall be three in number. By majority vote, they may designate a representative to act for them. The address for the A.C.C. is: 1750 North Falls Drive, New Ulm TX 78950. The current members of the A.C.C. as of the date hereof, are: Dave Swalm, Beth Swalm, and Claude Manning.

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Section 3. Replacement In the event of death or resignation of any member or members of said committee, the remaining number of members shall appoint by recorded instrument a successor member or members, and until such successor member or members shall have been appointed, the remaining member or members shall have full authority to approve or disapprove plans, specifications and plot plans submitted or to designate a representative with like authority.

Said sections have been deleted and replaced with the following:

Section 2. A.C.C. Membership The A.C.C. shall consist of three (3) members, who may or may not also be members of the Association. The members of the A.C.C. shall be appointed by a majority of the Board of Directors of the Association at a meeting duly noticed and called at which Owners may be present. Upon any vacancy of any A.C.C. position, the successor may be appointed by a majority of the Board of Directors to fill the vacant term. The Board of Directors shall have the authority to remove at any time any member of the A.C.C. at the sole discretion of the Board. The address for the A.C.C. is: P.O. Box 1304 New Ulm, TX 78950

Section 3. Intentionally Omitted.

Article IV, Section 5 of the Declaration formerly provided as follows:

Section 5. Term The duties and powers of the A.C.C. and of the designated representative shall cease on or after 20 years from the date of this instrument. Thereafter, the approval described in this covenant shall not be required, and all power vested in said Committee by this covenant shall cease and terminate. Provided that any time after January 1, 2025, by 2/3 vote of members present and voting The Falls Owners Association or generally elected Committee may assume the duties and powers of the Architectural Control Committee.

Said sections has been deleted and replaced with the following:

Section 5. Term Each member of the A.C.C. shall serve a term of years as designated by resolution of a majority of the Board of Directors of the Association from time to time. Each member shall serve until his or her successor has been appointed by the Board of Directors.

CERTIFICATION:

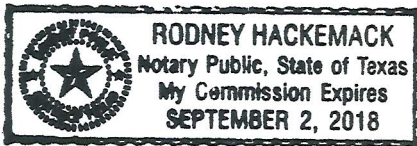
I *Tracy Long*, Secretary of The Falls Owners Association, Inc. (the "Association"), hereby certify that on or about February 24, 2018, property owners representing not less than a majority of the total votes allocated to the property owners in the Association voted in favor of adopting the foregoing amendments to the Declaration.

Dated 06 MAR 2018

Tracy Long
(Signature)
Printed Name: TRACY LONG
Secretary, The Falls Owners Association, Inc.

THE STATE OF TEXAS §
 §
COUNTY OF Austin §

This instrument was acknowledged before me on the 6th day of ~~February~~ ^{March}, 2018, by *Tracy Long*, Secretary of The Falls Owners Association, Inc., a Texas non-profit corporation, on behalf of said corporation.



Rodney Hackemack
Notary Public in and for The State of Texas

SECRETARY'S CERTIFICATE OF FILING

I, Tracy Long, certify that:

I am the duly qualified and acting secretary of The Falls Owners Association, Inc., a duly organized and existing Texas non-profit corporation.

The foregoing instrument is an original unrecorded Dedicatory Instrument, as that term is defined by Section 202.001 of the Texas Property Code, pertaining to The Falls Owners Association, Inc.

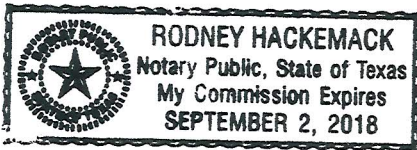
The foregoing instrument is being presented for recording in the Official Public Records of Real Property of Colorado County, Texas, pursuant to Section 202.006 of the Texas Property Code.

Dated: 06 MAR 2018

Tracy Long
(Signature)
Printed Name: TRACY LONG
Secretary, The Falls Owners Association, Inc.

THE STATE OF TEXAS §
 §
COUNTY OF AUSTIN §

This instrument was acknowledged before me on the 6th day of ~~February~~ ^{March}, 2018, by Tracy Long, Secretary of The Falls Owners Association, Inc., a Texas non-profit corporation, on behalf of said corporation.



Rodney Hackemack
Notary Public in and for The State of Texas

STATE OF TEXAS COUNTY OF COLORADO
I hereby certify that this instrument was FILED on the
date and time stamped hereon by me, and was duly
RECORDED to the Volume and Page of the OFFICIAL
RECORDS of Colorado County, Texas and stamped
hereon by me, on

MAR - 9 2018

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Kimberly Menke
KIMBERLY MENKE
COUNTY CLERK, COLORADO COUNTY, TEXAS

FILED FOR RECORD
COLORADO COUNTY, TX
2018 MAR - 7 AM 11:59
KIMBERLY MENKE
COUNTY CLERK

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