

A

FIRST AMENDMENT TO AMENDED AND RESTATED  
DECLARATION OF COVENANTS AND RESTRICTIONS  
FOR ELLIOTT RANCH

THE STATE OF TEXAS          §  
    §  
COUNTY OF HAYS             §

This First Amendment to Amended and Restated Declaration of Covenants and Conditions for Elliott Ranch (this "Amendment") is made to be effective the date set forth below by ROCKLEDGE, INC , a Texas corporation ("Declarant")

RECITALS

A By Amended and Restated Declaration of Covenants and Conditions for Elliott Ranch recorded in Volume 1512, Page 913 of the Official Public Records of Hays County, Texas (the "Declaration"), Jim C Elliott and Dalton G Elliott, as Co-Independent Executors of the Estate of Roy C Elliott, Deceased (the "Original Declarant"), imposed certain covenants, restrictions, charges, liens and easements upon certain real property in Hays County, Texas, known as Elliott Ranch, Phase One, a subdivision in Hays County, Texas, according to the map or plat thereof recorded in Book 8, Pages 283-287 of the Plat Records of Hays County, Texas, ("Phase One")

B By First Supplemental Declaration of Covenants, Conditions and Restrictions for Elliott Ranch recorded as Document HC 9910956 in the Official Public Records of Hays County, Texas, the Original Declarant added to the scheme of the Declaration all of the lots in Elliott Ranch, Phase Two, a subdivision in Hays County, Texas, according to the map or plat thereof recorded in Book 8, Pages 324-334 of the Plat Records of Hays County, Texas, ("Phase Two") so that both Phase One and Phase Two are subject to and covered by the terms and provisions of the Declaration

C The Original Declarant sold and conveyed Phase One and Phase Two to Declarant, and by Assignment of Rights of Declarant under Declaration of Covenants, Conditions and Restrictions for Elliott Ranch recorded as Document HC 9928243 in the Official Public Records of Hays County, Texas, the Original Declarant assigned and transferred all of the rights of the "Declarant" under the Declaration to Declarant herein

D Article 14 of the Declaration provides that prior to the Transfer Date, as defined in the Declaration, the Declaration may be amended by affirmative vote of eighty percent (80%) of the Members of the Association, if then incorporated, or by joint action of Declarant and the Owners of eighty percent (80%) of the Lots, if the Association has not been incorporated. Articles of Incorporation for the Association were filed with the Secretary of State of the State of Texas, but the organizational meeting of the initial Board of Directors has not yet been held. Declarant is the owner of all of the Lots subject to the terms and provisions of the Declaration, and Declarant desires to amend the Declaration as hereinafter set forth to provide for the construction of underground electric, telephone, cable television and electronic data transmission lines within the Lots to enhance the attractiveness and desirability of the Lots

NOW, THEREFORE, Declarant declares as follows

1 The Declaration is hereby amended to delete the Section (c) of Article 8 of the Declaration in its entirety and to substitute the following in the place and stead thereof

(c) Electric Service The Owner of each Lot shall, at such Owner's sole cost and expense, furnish, install, own and maintain (all in accordance with the requirements of local governmental authorities and the National Electrical Code) electrical service and appurtenances (except as herein provided) from the meter installed upon the Lot by the electric company to such point as may be designated by such company on the property line of such Lot. The company furnishing electric service shall make the necessary connection at the property line and at the meter. Notwithstanding the foregoing, all electric lines, cables and/or conduit shall be installed and located underground from the boundary of the Lot to the dwelling or structure served by such line, cable and/or conduit, and the Owner shall be responsible for any additional cost to provide such underground lines, cables and/or conduit regardless whether the electric meter is located at the boundary of the Lot, on the dwelling or other structure on the Lot, or otherwise.

2 Article 8 of the Declaration is hereby further amended to add the following as Section (d) thereto

(d) Underground Utility Lines All utility lines, including but without limitation, pipes, wires, cables or other devices for water, wastewater, gas, the communication or transmission of telephone, electricity, power, cable television, electronic data or any other type of utility service, shall be installed, located and maintained underground and contained in pipes, conduits or cables installed and maintained underground, or subject to the approval of the Committee may be concealed in, under or on buildings or other structures, provided the foregoing shall not be deemed to prohibit the erection of temporary power or telephone lines during the construction of the dwelling upon the Lot. It is further acknowledged and understood that the foregoing shall not apply to lines, wires, cables and systems for the communication or transmission of telephone, electricity, power, cable television, electronic data or similar utilities that may be erected, placed, installed and maintained by any company or entity providing such public utility services within the right-of-way of any public street, the Private Streets or any public utility easement adjacent to or within the Property, it being expressly intended that such utility services may be provided by overhead or above ground poles, lines, wires, cables and other facilities erected, placed, installed and maintained by the utility service provider.

3 Except as expressly amended hereby, the terms and provisions to the Declaration shall continue in full force and effect, and the same are hereby confirmed, ratified and approved.

Executed by Declarant to be effective the 31st day of March, 2000

ROCKLEDGE, INC

By Leon A. Whitney  
Leon A. Whitney, President

THE STATE OF TEXAS § §  
COUNTY OF \_\_\_\_\_ § §

This instrument was acknowledged before me on this the \_\_\_\_\_ day of \_\_\_\_\_, 2000, by Leon A Whitney, as President of ROCKLEDGE, INC, a Texas corporation, on behalf of said corporation

\_\_\_\_\_  
Notary Public, State of Texas

**AFTER RECORDING, PLEASE RETURN TO.**

**R. Alan Haywood, Esq.  
Graves, Dougherty, Hearon & Moody, P C.  
Post Office Box 98  
Austin, Texas 78767 March 31, 2000**