

Hays County
Linda C. Fritsche
County Clerk
San Marcos, Texas 78666



Instrument Number: 2010-10008731

As

Recorded On: April 14, 2010

OPR RECORDINGS

Parties: ELLIOTT RANCH HOMEOWNERS ASSOCIATION INC

To

Billable Pages: 2

Number of Pages: 3

Comment:

(Parties listed above are for Clerks reference only)

** Examined and Charged as Follows: **

OPR RECORDINGS	20.00
Total Recording:	20.00

***** DO NOT REMOVE. 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: 2010-10008731

Receipt Number: 243594

Recorded Date/Time: April 14, 2010 04:15:37P

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User / Station: R Robinson - Cashing #1

Record and Return To:

ELLIOTT RANCH
ORIGINAL TO CUSTOMER
SAN MARCOS TX 78666



State of Texas |
County of Hays

I hereby certify that this instrument was filed for record in my office on the date and time stamped hereon and was recorded on the volume and page of the named records of Hays County, Texas

Linda C. Fritsche

Linda C. Fritsche, County Clerk

STATE OF TEXAS §

COUNTY OF HAYS §

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

Document reference. Reference is hereby made to that certain Amended and Restated Declaration of Covenants and Restrictions for Elliott Ranch, filed as Document No. HC9905970 at Volume 1512, Page 931, in the Official Public Records of Hays County, Texas (together with all amendments and supplements thereto filed of record, the "Declaration").

WHEREAS owners of lots subject to and governed by the Declaration are automatically made members of the Elliott Ranch Homeowners Association, Inc. (the "Association"), which has been incorporated as a Texas non-profit corporation;

WHEREAS the Transfer Date, as defined in the Declaration, has not occurred, and as such Article 14, sub-Article (a)(i) of the Declaration permits the Declaration to be amended with the support of members holding at least eighty percent (80%) of the votes present, in person or by proxy, at a meeting of the Association called for the purpose of considering such an amendment, so long as a quorum of at least sixty percent (60%) of the total votes in the Association is present at such meeting; and

WHEREAS the amendment contained herein was approved by the members of the Association in accordance with the procedures and requirements set forth in Article 14, sub-Article (a)(i) of the Declaration;

THEREFORE the Declaration has been, and by these presents is, amended as provided below.

By amending and restating Article 5, Section (d) (Setback Requirements) so that it reads in its entirety as follows:

"(d) Setback Requirements. No dwelling or other Improvements (other than fences and landscaping as provided herein) shall be constructed or permitted on any Lot within the building setbacks. The building setbacks are as set forth below.

(i) Elliott Ranch, Phases One, Two and Three. The building setbacks for Elliott Ranch Phase One, Elliott Ranch Phase Two, and Elliott Ranch Phase Three, are as set forth in the plat(s) for each of those Phases 1-3, and in any Supplemental Declaration(s) filed of record and pertaining to those Phases 1-3.

(ii) Elliott Ranch Phase Four. The building setbacks for each Lot within Elliott Ranch Phase Four are 15 feet from the side property line, 30 feet from the rear property line, and 75 feet from the front property line. The foregoing notwithstanding, Lots 4 through 8, Block A, Lots 2, 3, 4 and 17, Block B, and Lots 6, 7, 8, 16, 17 and 18, Block C, all of Elliott Ranch Phase Four, are all subject to a front building setback of 100 feet from the front property line, as is provided and established in that certain Correction Third Supplemental Declaration and Third Amendment to Amended and Restated Declaration of Covenants, Conditions and Restrictions for Elliott Ranch, filed as


Document No. 05020929 at Volume 2731, Page 36, in the Official Public Records of Hays County, Texas."

Subject solely to the amendment contained herein, the Declaration remains in full force and effect.

ELLIOTT RANCH HOMEOWNERS ASSOCIATION, INC.

Certification

I, the undersigned, in my capacity as President of the Elliott Ranch Homeowners Association, Inc, do hereby certify that the amendment contained herein was approved by vote of the Association's members in compliance with the procedures set forth in the Declaration for such amendment.

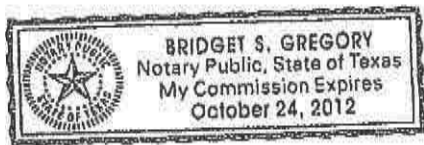

By: C. ERIK ANDERSON
Title: President

Acknowledgement

STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was executed before me on the 13th day of April, 2010, by C. Erik Anderson in the capacity stated above.



Bridget Gregory
Notary Public, State of Texas

After recording, please return to:

Niemann & Heyer, L.L.P.
Attorneys At Law
Westgate Building, Suite 313
1122 Colorado Street
Austin, Texas 78701