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BROWN FAMILY PROPERTIES

OF TEXAS, LLC, ET AL

TO

THE PUBLIC

THIRD AMENDMENT OF RESTRICTIVE COVENANTS

And addition of property to be subject to restrictions

KNOW ALL MEN BY THESE PRESENTS:

THE STATE OF TEXAS §

COUNTY OF GILLESPIE §

WHEREAS, by instrument dated March 30, 2007 entitled Declaration of Covenants, Conditions and Restrictions, which is recorded as Register No. 20071612 of the Official Public Records Gillespie County, Texas, Sam Golden as owner, did place restrictive covenants running with the land upon those two certain tracts of land located in Gillespie County, Texas, one containing 22.41 acres of land more or less, being more particularly described on Exhibit "A" attached hereto and made a part hereof, and the other containing 10.824 acres of land more or less, being more particularly described on Exhibit "B" attached hereto and made a part hereof; and

WHEREAS, by instrument dated August 3, 2007 entitled Amendment of Declaration of Covenants, Conditions and Restrictions, which is recorded as Register No. 20074339 of the Official Public Records Gillespie County, Texas, Sam Golden and Brown Family Properties of Texas, LLC as owners, did amend said restrictive covenants, and

WHEREAS, by instrument dated February 25, 2008 entitled Amendment of Declaration of Covenants, Conditions and Restrictions, which is recorded as Register No. 20081346 of the Official Public Records Gillespie County, Texas, the undersigned, as owners, did again amend said restrictive covenants, and


WHEREAS, whenever in this document reference is made to the aforesaid Declaration of Covenants, Conditions and Restrictions, it shall refer to and include the above described restrictions and covenants and the amendments thereto, and

WHEREAS, the undersigned Voyle Gilbert Smith and wife Debra G. Smith and the said Brown Family Properties of Texas, LLC are now all of the owners of the property described above which is subject to the Declaration of Covenants, Conditions and Restrictions, and

WHEREAS the undersigned, being the only owners of land burdened by or benefitted by said restrictive covenants have agreed to amend the same as hereinafter set forth;

NOW THEREFORE, for and in consideration of the premises and the mutual benefits hereof, the undersigned hereby agree that said restrictive covenants be and hereby are partially amended as follows:

With regard to the provisions of Article II paragraphs numbered 2.01 through 2.18 whether set forth in the said Declaration or either of the Amendments, **except as to the restriction set forth in Section No. 2.07** regarding on site construction which is hereby amended as follows:



No mobile, modular, pre-manufactured and/or industrial built homes shall be used as dwellings, nor stored on any Tract, except that use as a dwelling house will be permissible during the construction of the permanent residence for a period of not more than one (1) year, and then must be removed.

It is agreed that said restrictions except as to the restriction set forth in Section No. 2.07 as amended above are hereby declared to be null and void and of no further force and effect **as to the 22.41 acre tract of land which is described on Exhibit "A" attached hereto.**

With regard to the **10.824 acre tract of land which is described on Exhibit "B" attached hereto**, the provisions of said restrictive covenants, whether set forth in the said Declaration or either of the Amendments shall not be amended except that Section 2.12 regarding the ten (10) acre minimum tract size shall not apply to said 10.824 acre tract of land.

Brown Family Properties of Texas, LLC is the owner of the above referenced 10.824 acres and an adjoining tract of land, and has re-configured a portion of said 10.824 acre tract and a portion of the adjoining tract of land to compose a tract of land containing **7.4 acres**, and desires that the restrictive covenants which apply to the 10.824 acres shall also apply to that portion of the **7.4 acres** which is not included within the description of the said 10.824 acres. A plat of said 7.4 acres of land is attached hereto as Exhibit "C", and a metes and bounds description of said 7.4 acres is attached hereto as Exhibit "D."

Therefore, Brown Family Properties of Texas, LLC will convey the above described 7.4 acres subject to those protective covenants, reservations, conditions, restrictions and

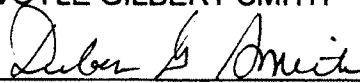
charges as hereinabove described as are applicable to the 10.824 acre tract, and it is hereby declared that said 7.4 acres shall be held, sold and conveyed subject to said restrictions, covenants and conditions which are for the purpose of protecting the value and desirability of, and which shall run with the land and shall be binding on all parties having a right, title or interest in or to the said 7.4 acres or any part thereof, and their heirs, successors and assigns, and which restrictions, covenants and conditions shall inure to the benefit of the owner thereof, and the owners of all property heretofore subject to the said restrictions as well as the owner of the property containing 25.18 acres of land which is additionally owned by the said Brown Family Properties of Texas, LLC, and which is 32.58 acres of land, more particularly described on Exhibit "E" attached hereto and made a part hereof, saving and excepting, however the said 7.4 acres which is described in Exhibit "D". The said covenants, conditions and restrictions of this instrument shall run with and bind the land and shall inure to the benefit of, and be enforceable by or the Owner of any tract subject to this instrument, or benefitted by this instrument, and their respective legal representatives, heirs, successors and assigns.

Other than as amended hereby said restrictions are hereby ratified and confirmed by the undersigned.

The undersigned represent that there are no lienholders which against their respective properties whose consent to this amendment is required for it to be effective.

Executed to be effective this 12th day of June, 2013.

  
\_\_\_\_\_  
VOYLE GILBERT SMITH

  
\_\_\_\_\_  
DEBRA G. SMITH

BROWN FAMILY PROPERTIES OF TEXAS  
LLC  
By: \_\_\_\_\_  
RONALD DALE BROWN, SR. MANAGER

charges as hereinabove described as are applicable to the 10.824 acre tract, and it is hereby declared that said 7.4 acres shall be held, sold and conveyed subject to said restrictions, covenants and conditions which are for the purpose of protecting the value and desirability of, and which shall run with the land and shall be binding on all parties having a right, title or interest in or to the said 7.4 acres or any part thereof, and their heirs, successors and assigns, and which restrictions, covenants and conditions shall inure to the benefit of the owner thereof, and the owners of all property heretofore subject to the said restrictions as well as the owner of the property containing 25.18 acres of land which is additionally owned by the said Brown Family Properties of Texas, LLC, and which is 32.58 acres of land, more particularly described on Exhibit "E" attached hereto and made a part hereof, saving and excepting, however the said 7.4 acres which is described in Exhibit "D". The said covenants, conditions and restrictions of this instrument shall run with and bind the land and shall inure to the benefit of, and be enforceable by or the Owner of any tract subject to this instrument, or benefitted by this instrument, and their respective legal representatives, heirs, successors and assigns.

Other than as amended hereby said restrictions are hereby ratified and confirmed by the undersigned.

The undersigned represent that there are no lienholders which against their respective properties whose consent to this amendment is required for it to be effective.

Executed to be effective this 12th day of June, 2013.

\_\_\_\_\_  
VOYLE GILBERT SMITH

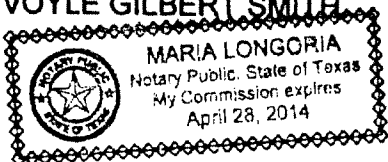
\_\_\_\_\_  
DEBRA G. SMITH

BROWN FAMILY PROPERTIES OF TEXAS  
LLC  
By: Ronald Dale Brown Sr.  
RONALD DALE BROWN, SR. MANAGER

STATE OF TEXAS §

COUNTY OF BEXAR §

This instrument was acknowledged before me on this 14 day of June, 2013, by VOYLE GILBERT SMITH.

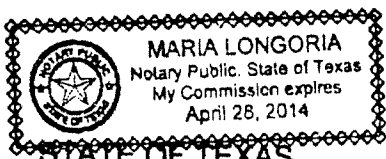


*Maria Longoria*  
Notary Public, State of Texas

STATE OF TEXAS §

COUNTY OF BEXAR §

This instrument was acknowledge fore me on this 14 day of June, 2013, by DEBRA G. SMITH.



*Maria Longoria*  
Notary Public, State of Texas

STATE OF TEXAS §

COUNTY OF GILLESPIE §

This instrument was acknowledge fore me on this 12<sup>th</sup> day of June, 2013, by RONALD DALE BROWN, SR., Manager of Brown Family Properties of Texas, LLC.

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

STATE OF TEXAS §

COUNTY OF BEXAR §

This instrument was acknowledged before me on this \_\_\_\_ day of June, 2013, by VOYLE GILBERT SMITH.

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

STATE OF TEXAS §

COUNTY OF BEXAR §

This instrument was acknowledge fore me on this \_\_\_\_ day of June, 2013, by DEBRA G. SMITH.

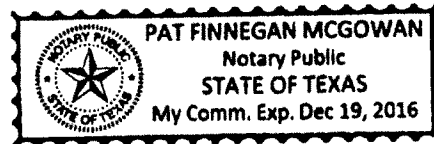
\_\_\_\_\_  
Notary Public, State of Texas.

STATE OF TEXAS §

COUNTY OF GILLESPIE §

This instrument was acknowledge fore me on this 12<sup>th</sup> day of June, 2013, by RONALD DALE BROWN, SR., Manager of Brown Family Properties of Texas, LLC.

*Pat Finnegan McGowan*  
\_\_\_\_\_  
Notary Public, State of Texas



**Consent to Third Amendment to Restrictive Covenants**

The undersigned, Dale A. Crenwelge, hereby acknowledges that he agrees and consents to the foregoing Third Amendment to Restrictive Covenants, and addition of property to be subject to restrictions.

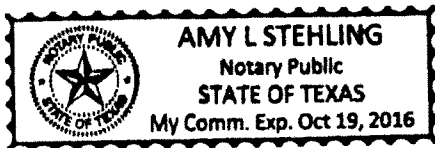
Signed this 13<sup>th</sup> day of June, 2013.

*Dale A. Crenwelge*  
Dale A. Crenwelge

STATE OF TEXAS §

COUNTY OF GILLESPIE §

This instrument was acknowledged before me on this 13<sup>th</sup> day of June, 2013, by Dale A. Crenwelge.



*Amy L Stehling*  
Notary Public, State of Texas  
Stamped or printed name of notary

**EXHIBIT "A"**

22.41 acre tract

STATE OF TEXAS, \*  
 COUNTY OF GILLESPIE. \*

Field notes and accompanying plat of a survey of 22.41 acres of land, more or less, made at the request of Sam Golden. Said land is situated in Gillespie County, Texas, being part of the Wm B. Benson Survey No. 237, Abstract No. 66, and being part of that 89.7 acre tract of land described in a conveyance to Sam Golden by Joanne T. Daniels, et al, dated June 1, 1990, found of record in Volume 202, pages 870-874 of the Real Property Records of Gillespie County, Texas.

Said 22.41 acre tract of land is described by metes and bounds as follows, to wit:

BEGINNING at a point in the East Right-of-Way line of Texas State Highway No. 16 and in a westerly fence projection, for the S.W. corner of that 6.855 acre tract of land described in a conveyance to Nicolas Jaimés, et ux, found of record in Volume 170, pages 142-145 of the Deed Records of Gillespie County, Texas, for the N.W. corner of said 89.7 acre Golden tract, for the N.W. corner of this tract of land;

THENCE with the southerly lines of said 6.855 acre tract and the northerly lines of said 89.7 acre tract, along the general course of a fence, as follows:

- S. 84 deg. 23 min. 35 sec. E., at 9 feet passing a cedar corner post at the beginning of said fence, 181.79 feet in all to a 1/2 inch steel bar found set at a cedar corner post;
- N. 86 deg. 20 min. E. 98.74 feet to a 1/2 inch steel bar found set at a cedar corner post;
- N. 80 deg. 08 min. 55 sec. E. 257.44 feet to 1/2 inch steel bar found set at a cedar corner post;
- N. 47 deg. 08 min. E. 5.92 feet to a point in fence in the West line of that 103.79 acre tract of land described in a conveyance to Larue Baldock Acosta found of record in Volume 181, pages 385-390 of said Deed Records, for the N.E. corner of said 89.7 acre tract, for the N.E. corner of this tract of land;

THENCE with the West line of said 103.79 acre tract and the East line of said 89.7 acre tract, along the general course of a fence, as follows:

- S. 1 deg. 25 min. 55 sec. E. 582.77 feet to a pipe post;
- S. 1 deg. 12 min. 25 sec. E. 213.49 feet to a 1/2 inch steel bar found set in fence, for the S.W. corner of said 103.79 acre tract, for the N.W. corner of that 106.7 acre tract of land described in a conveyance to Larue Baldock Acosta found of record in Volume 181, pages 391-396 of said Deed Records, for an easterly corner of this tract of land;

THENCE with the West line of said 106.7 acre tract and the East line of said 89.7 acre tract, S. 1 deg. 05 min. 20 sec. E., along the general course of a fence, 557.62 feet to a pipe fence post, for the N.E. corner of a 32.58 acre tract of land surveyed for Sam Golden, for the S.E. corner of this tract of land;

THENCE with the North line of said 32.58 acre tract, over and across said 89.7 acre tract, N. 84 deg. 32 min. 55 sec. W. 987.94 feet to a 1/2 inch steel bar set in the East Right-of-Way line of Texas State Highway No. 16, being the West line of said 89.7 acre tract, N.W. corner of said 32.58 acre tract, for the S.W. corner of this tract of land;

Continued on page 2 of 2



Page 2 of 2

22.41 acre tract

THENCE with the East Right-of-Way line of Texas State Highway No. 16, N. 18 deg. 48 min. E., at 557.46 passing a concrete Right-of-Way monument, 1292.01 feet in all to the PLACE OF BEGINNING.

Survey completed February 5, 2007

Carey Bonn  
Reg. Prof. Land Surveyor No. 4447  
Bonn Surveying 830-997-3884

**EXHIBIT "B"**

**TRACT TWO:** BEING 10.824 acres of land situated in Gillespie County, Texas, comprising part of the Wm. B. Benson Survey No. 237, Abstract No. 66, and being part of that 89.7 acre tract of land described in a conveyance to Sam Golden by Joanne T. Daniels, et al, dated June 1, 1990, found of record in Volume 202, pages 870-874, Real Property Records of Gillespie County, Texas, said tract of land being more particularly described by metes and bounds as follows, to-wit:

BEGINNING at a ½ inch steel bar set in the East right-of-way of Texas State Highway No. 16 and in the West line of said 89.7 acre Golden tract for the northwest corner of this tract of land from which the northwest corner of said Golden tract bears N. 18 deg. 48 min. E. 1292.01 feet and a concrete Right-of-Way monument bears N. 18 deg. 48 min. E. 56.11 feet;

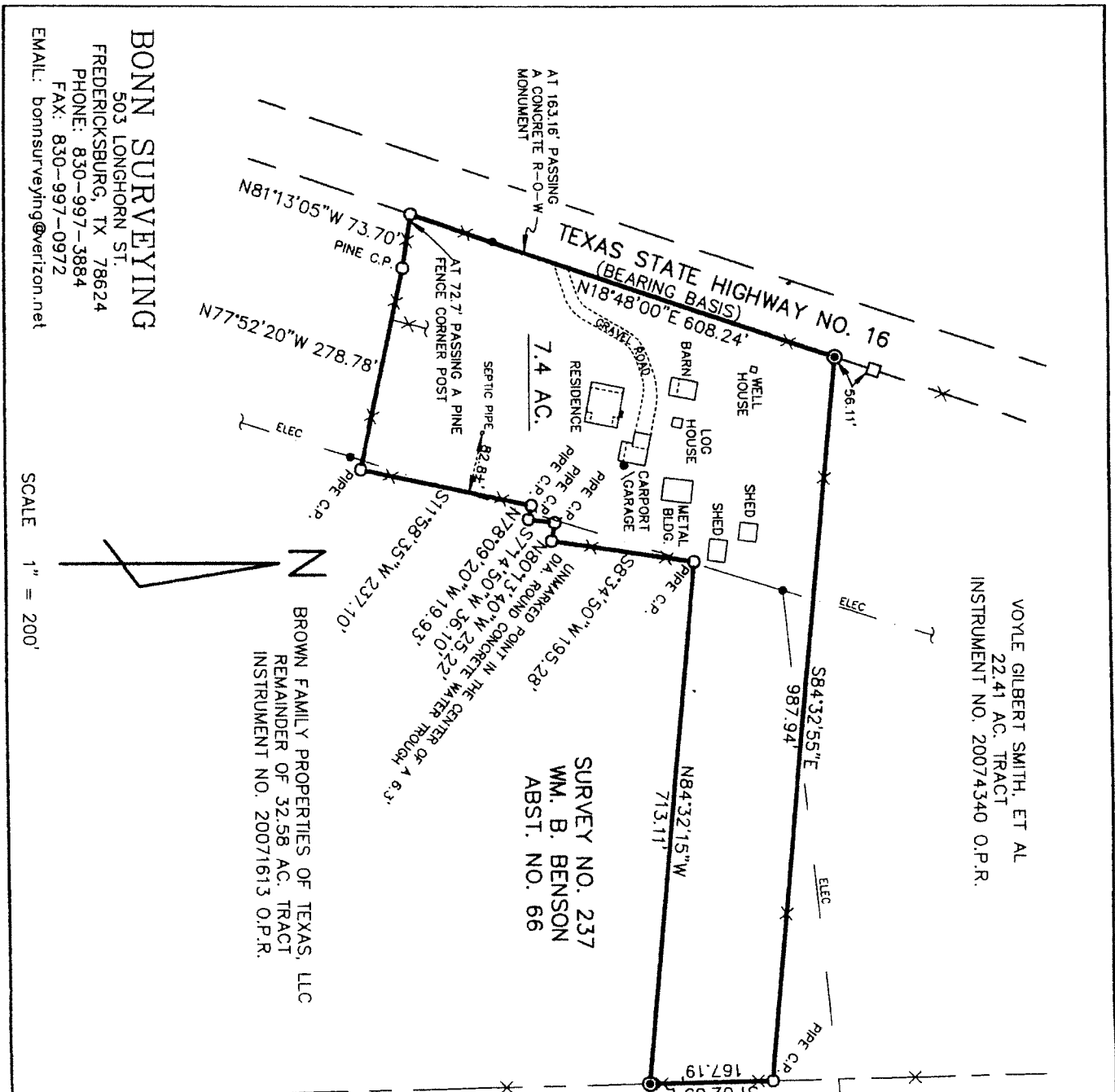
THENCE over and across said 89.7 acre tract of land, S. 84 deg. 32 min. 55 sec. E. 987.94 feet to a pipe fence post found set in the east line of said 89.7 acre tract and the west line of that 106.7 acre tract of land described in a conveyance to Larue Baldock Acosta found of record in Volume 181, pages 391-396 of the Deed Records of Gillespie County, Texas, for the northeast corner of this tract of land;

THENCE with the westerly line of said 106.7 acre tract and the easterly line of said 89.7 acre tract along the general course of a fence as follows: S. 01 deg. 02 min. 05 sec. E. 450 feet to the southeast corner of this tract of land;

THENCE N. 84 deg. 05 min. W. 1142.70 feet to a point in the east right-of-way line of Texas State Highway No. 16, and in the west line of said 89.7 acre Golden tract for the southwest corner of this tract of land;

THENCE with the east right-of-way line of Texas State Highway No. 16, N. 18 deg. 48 min. E. 450 feet to the Place of Beginning.

**EMMETT & C**



VOYLE GILBERT SMITH, ET AL  
 22.41 AC. TRACT  
 INSTRUMENT NO. 20074340 O.P.R.

BROWN FAMILY PROPERTIES OF TEXAS, LLC  
 REMAINDER OF 32.58 AC. TRACT  
 INSTRUMENT NO. 20071613 O.P.R.

**BONN SURVEYING**

503 LONGHORN ST.  
 FREDERICKSBURG, TX 78624  
 PHONE: 830-997-3884  
 FAX: 830-997-0972  
 EMAIL: bonnsurveying@verizon.net

SCALE 1" = 200'



INSTRUMENT "D"

7.4 acre tract

STATE OF TEXAS, \*  
 COUNTY OF GILLESPIE. \*

Field notes and accompanying plat of a survey of 7.4 acres of land, more or less, made at the request of Dale Brown. Said land is situated in Gillespie County, Texas, being part of the Wm B. Benson Survey No. 237, Abstract No. 66, and being part of that 32.58 acre tract of land described in a conveyance to Brown Family Properties of Texas, LLC, by Sam Golden, et al, dated March 30, 2007, found of record in Instrument No. 20071613 of the Official Public Records of Gillespie County, Texas.

Said 7.4 acre tract of land is described by metes and bounds as follows, to wit:

BEGINNING at a ½ inch rebar previously set (capped: BONN 4447) at a fence corner in the East Right-of-Way line of Texas State Highway No. 16, for the S.W. corner of that 22.41 acre tract of land described in a conveyance to Voyle Gilbert Smith, et al, by Sam Golden, et al, dated August 3, 2007, found of record in Instrument No. 20074340 of said Official Public Records, for the N.W. corner of said 32.58 acre Brown tract, for the N.W. corner of this tract of land, from which a concrete Right-of-Way monument bears N. 18 deg. 48 min. E. 56.11 feet;

THENCE with the South line of said 22.41 acre tract and the North line of said 32.58 acre tract, S. 84 deg. 32 min. 55 sec. E., along the general course of a fence, 987.94 feet to a pipe fence post found set in the occupational West line of that 106.7 acre tract of land described in a conveyance to Larue Baldock Acosta found of record in Volume 181, pages 391-396 of the Deed Records of Gillespie County, Texas, for the S.E. corner of said 22.41 acre tract, for the N.E. corner of said 32.58 acre tract, for the N.E. corner of this tract of land;

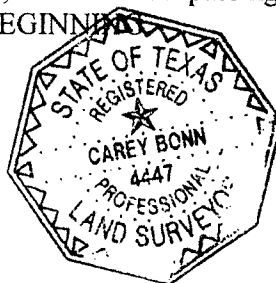
THENCE with a West line of said 106.7 acre tract and an East line of said 32.58 acre tract, S. 1 deg. 02 min. 05 sec. E., along the general course of a fence, 167.19 feet to a ½ inch rebar set (capped: BONN 4447), for the E.S.E. corner of this tract of land;

THENCE over and across said 32.58 acre tract, as follows:

- N. 84 deg. 32 min. 15 sec. W. 713.11 feet to a pipe fence corner post;
- S. 8 deg. 34 min. 50 sec. W., generally along a meandering fence, 195.28 feet to a point in the approximate center of a round concrete water trough;
- N. 80 deg. 13 min. 40 sec. W., along the general course of a fence, 25.22 feet to a pipe corner post;
- S. 7 deg. 14 min. 50 sec. W., along the general course of a fence, 36.1 feet to a pipe corner post;
- N. 78 deg. 09 min. 20 sec. W., along the general course of a fence, 19.93 feet to a pipe corner post;
- S. 11 deg. 58 min. 35 sec. W., along the general course of a fence, 237.1 feet to a pipe corner post;
- N. 77 deg. 52 min. 20 sec. W., along the general course of a fence, 278.78 feet to a pine corner post;
- N. 81 deg. 13 min. 05 sec. W., along the general course of a fence, at 72.7 feet passing a pine fence corner post, 73.7 feet in all to a point in the East Right-of-Way line of Texas State Highway No. 16, being the West line of said 32.58 acre tract, for the S.W. corner of this tract of land;

THENCE with the East Right-of-Way line of Texas State Highway No. 16, being the West line of said 32.58 acre tract, N. 18 deg. 48 min. E., at 163.16 feet passing a concrete Right-of-Way monument, 608.24 feet in all to the PLACE OF BEGINNING.

Surveyed April 9, 2013



*Carey Bonn*  
 Carey Bonn  
 Reg. Prof. Land Surveyor No. 4447  
 Bonn Surveying 830-997-3884

STATE OF TEXAS, \*  
 COUNTY OF GILLESPIE. \*

**EXHIBIT " E "**

32.58 acre tract

Field notes and accompanying plat of a survey of 32.58 acres of land, more or less, made at the request of Sam Golden. Said land is situated in Gillespie County, Texas, comprising parts of the following surveys:

32.36 acres of land more or less, part of the Wm B. Benson Survey No. 237, Abstract No. 66;  
 0.22 acre of land more or less, part of the Alexander Bell Survey No. 229, Abstract No. 65;  
 and being part of that 89.7 acre tract of land described in a conveyance to Sam Golden by Joanne T. Daniels, et al, dated June 1, 1990, found of record in Volume 202, pages 870-874 of the Real Property Records of Gillespie County, Texas.

Said 32.58 acre tract of land is described by metes and bounds as follows, to wit:

BEGINNING at a 1/2 inch steel bar set in the East Right-of-Way line of Texas State Highway No. 16 and in the West line of said 89.7 acre Golden tract, for the N.W. corner of this tract of land, from which the N.W. corner of said Golden tract bears N. 18 deg. 48 min. E. 1292.01 feet and a concrete Right-of-Way monument bears N. 18 deg. 48 min. E. 56.11 feet;

THENCE over and across said 89.7 acre tract, S. 84 deg. 32 min. 55 sec. E. 987.94 feet to a pipe fence post found set in the East line of said 89.7 acre tract and in the West line of that 106.7 acre tract of land described in a conveyance to Larue Baldock Acosta found of record in Volume 181, pages 391-396 of the Deed Records of Gillespie County, Texas, for the N.E. corner of this tract of land;

THENCE with the westerly lines of said 106.7 acre tract and the easterly lines of said 89.7 acre tract, along the general course of a fence, as follows:

S. 1 deg. 02 min. 05 sec. E. 491.93 feet to a pipe brace post;  
 S. 0 deg. 34 min. 25 sec. E., crossing the south branch of Willow Creek, 470.77 feet to a nail found set at a cedar corner post;  
 S. 24 deg. 08 min. 20 sec. E. 52.44 feet to a cedar corner post;  
 S. 14 deg. 09 min. 25 sec. E. 96.5 feet to a 12 inch dia. Live Oak tree;  
 S. 12 deg. 41 min. 30 sec. E. 108.29 feet to an 8 inch dia. Elm tree;  
 S. 1 deg. 29 min. 50 sec. W. 10.76 feet to a 1/2 inch steel bar set, for the S.E. corner of this tract of land;

THENCE over and across said 89.7 acre tract, as follows:

N. 80 deg. 46 min. 25 sec. W., crossing the south branch of Willow Creek, 237.87 feet to a 1/2 inch steel bar set in fence;  
 N. 14 deg. 30 min. 10 sec. W., along the general course of a fence, 254.12 feet to a 1/2 inch steel bar set at a cedar corner post;  
 S. 59 deg. 24 min. 05 sec. W., along the general course of a fence, 345.73 feet to a 1/2 inch steel bar set in fence;  
 S. 85 deg. 58 min. 30 sec. W. 904.04 feet to a 1/2 inch steel bar set in the East Right-of-Way line of Texas State Highway No. 16 and in the West line of said 89.7 acre Golden tract, for the S.W. corner of this tract of land, from which a concrete Right-of-Way monument bears S. 18 deg. 48 min. W. 102.92 feet;

THENCE with the East Right-of-Way line of Texas State Highway No. 16, N. 18 deg. 48 min. E., at 395.72 feet passing a concrete Right-of-Way monument, at 896.02 feet passing a concrete Right-of-Way monument, 1341.1 feet in all to the PLACE OF BEGINNING.