

FIRST AMENDMENT TO THE DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS
THE LOOKOUT AT BRUSHY CREEK

STATE OF TEXAS

*

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF WILLIAMSON

*

This First Amendment to the Declarations of Covenants, Conditions and Restrictions of THE LOOKOUT AT BRUSHY CREEK (hereafter "Restrictions" or "Declarations") which Declarations are recorded under Clerk's Document number 9905134 in the Official Public Records of Williamson County, Texas is made on the date herein set forth by PROPERTIES OF THE SOUTHWEST, L.P., a Delaware Limited Partnership, duly authorized to do business in the State of Texas, acting herein by and through its General Partner, PROPERTIES OF THE SOUTHWEST ONE, INC., a Delaware Corporation, authorized to do business in the State of Texas ("Developer").

WITNESSETH

WHEREAS, Developer filed a plat on the 21st day of January which is recorded in Cabinet Q, slides 288-298, Plat Records, Williamson County, Texas. The plat covers 503.1092 acres and designates a subdivision as "THE LOOKOUT AT BRUSHY CREEK".

WHEREAS, Developer filed its Declaration of Covenants, Conditions and Restrictions wherein the name of the subdivision is designated as being "THE LOOKOUT".

WHEREAS, Developer desires to correctly identify the Subdivision as being "THE LOOKOUT AT BRUSHY CREEK" inasmuch as "THE LOOKOUT" and "THE LOOKOUT AT BRUSHY CREEK" are one and the same subdivision.

WHEREAS, this Amendment conforms with Article 9.02 of said Restrictions authorizing the owner (including Developer) of two-thirds of all of the Lots to amend these Restrictions. Developer owns 233 lots out of the 256 lots giving the Developer a two-thirds (2/3) vote and the right to amend the restrictions.

WHEREAS, this Amendment is consistent with and in furtherance of the general planned scheme of development and does not impair or adversely affect any vested property or other right of any owner or his mortgagee and is executed and filed.

NOW, THEREFORE, the Developer hereby revises and amends the Declaration of Covenants, Conditions and Restrictions as follows:

1. Section 1.02 of Article I is amended to read as follows:

Section 1.02 "THE LOOKOUT" shall mean and refer to THE LOOKOUT AT BRUSHY CREEK and any other property hereafter made subject to the jurisdiction of the Association.

2. Add Section 3.17 to Article III:

Section 3.17 "Propane Tanks" All propane tanks used for indoor heating, cooking, etc., regardless of size and/or location on property, shall be buried underground. Notwithstanding, propane tanks used solely for small, portable propane barbecue grills shall not be required to be buried.

Except as amended herein, the Restrictions shall remain in full force and effect.

IN WITNESS WHEREOF, the undersigned, being the Developer and the owner of sixty-six and two-thirds Lots, has hereunto set its hand effective the 8th day of March 1999.

PROPERTIES OF THE SOUTHWEST, L.P.,
a Delaware Limited Partnership by PROPERTIES
OF THE SOUTHWEST ONE, INC., a Delaware
Corporation, General Partner

By: [Signature]
JACK DEAN, Vice President

THE STATE OF TEXAS *
COUNTY OF HAYS *

This instrument was acknowledged before me on this the 8th day of March, 1999, by JACK DEAN, Vice President of PROPERTIES OF THE SOUTHWEST ONE, INC., a Delaware Corporation, General Partner of PROPERTIES OF THE SOUTHWEST, L.P., a Delaware Limited Partnership, in the capacity therein stated, on behalf of said Corporation.



[Signature]
NOTARY PUBLIC, STATE OF TEXAS
Notary's Name Printed:
Tracy Anne Preston
My Commission Expires: 3-28-2002

Return To:
Bob R. Kiesling
P. O. Box 311686
New Braunfels, Texas 78131-1686

UNRECORDED

Doc# 9916045
Pages: 3
Date : 03-12-1999
Time : 03:15:17 P.M.
Filed & Recorded in
Official Records
of WILLIAMSON County, TX.
NANCY E. RISTER
COUNTY CLERK
Rec. \$ 13.00

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Return to:
~~##~~ Georgetown Title Co