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AFF

**AFTER RECORDING RETURN TO:**

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BOOT RANCH™

# SUPPLEMENTAL ARCHITECTURAL DESIGN GUIDELINES
## [Cabin Lots]

Pursuant to the authority set forth under that certain Second Amended and Restated Declaration of Governance for Boot Ranch, recorded under Document 20160757 of the Official Public Record of Gillespie County, Texas (the "**Master Declaration**"), the Boot Ranch Architectural Review Board (the "**Architectural Review Board**") hereby certifies that these Supplemental Architectural Design Guidelines [Cabin Lots] (the "**Cabin Lots Supplemental Architectural Design Guidelines**") attached hereto as Exhibit "A" and incorporated herewith, were duly adopted by the Architectural Review Board under the Master Declaration as a supplement to the Boot Ranch Architectural Design Guidelines, recorded as Document No. 20154928 in the Official Public Records of Gillespie County, Texas (the "**Architectural Design Guidelines**"), and along with all future amendments thereto, such Cabin Lots Supplemental Architectural Design Guidelines shall be effective upon the date of their recordation in the Official Public Records of Gillespie County, Texas.

**Acknowledged by:**

**THE BOOT RANCH ARCHITECTURAL REVIEW BOARD**

By: _____
Printed Name: D. Craig Martin
Title: Chairperson

THE STATE OF TEXAS §
§
COUNTY OF DENTON §

This instrument was acknowledged before me on this 14th day of April, 2016, by D. Craig Martin, Chairperson of the Boot Ranch Architectural Review Board, on behalf of such entity.

(seal)

BRITNEY GASKEY
Notary Public, State of Texas
Comm. Expires 07-29-2019
Notary ID 130313212

_____
Notary Public, State of Texas

EXHIBIT "A"

BOOT RANCH
CABIN LOTS SUPPLEMENTAL ARCHITECTURAL DESIGN GUIDELINES

BOOT RANCH

# CABIN LOTS SUPPLEMENTAL ARCHITECTURAL DESIGN GUIDELINES

## I. Introduction

Any notice or information required to be submitted to the Architectural Review Board under these Cabin Lots Supplemental Architectural Design Guidelines will be submitted to the Architectural Review Board, c/o Boot Ranch, 77 Boot Ranch Circle, Fredericksburg, Texas 78624, Phone: (830) 990-7623, Fax: (830) 997.6200.

### A. Background

Boot Ranch is a master planned community located in Gillespie County, Texas. The community consists of Development Areas which are subject to the terms and provisions of Second Amended and Restated Declaration of Governance for Boot Ranch, recorded as Document No. 20160757, Official Public Records of Gillespie County, Texas (the "**Master Declaration**") and the Boot Ranch Development Area Declaration [Single-Family Residential], recorded as Document 20160759 in the Official Public Records of Gillespie County, Texas (the **"Development Area Declaration"**). The Master Declaration and each Development Area Declaration includes provisions governing the construction of improvements and standards of maintenance, use and conduct for the preservation of Boot Ranch community.

### B. Architectural Review Board and Review Authority

The Architectural Review Board consists of members who have been appointed by BOOT RANCH HOLDINGS, LLC, a Delaware limited liability company (the "**Sponsor**"). *Article 7* of the Master Declaration includes procedures and criteria for the construction of Improvements within the Boot Ranch community. As provided in *Article 7* of the Declaration, no Improvement, or any addition, alteration, improvement, installation, modification, redecoration, or reconstruction thereof may occur unless approved in advance by the Architectural Review Board. In reviewing and acting on an application for approval, the Architectural Review Board may act solely in its self-interest and owes no duty to any other person or any organization.

### C. Applicability

As set forth in *Section 7.03(a)* of the Master Declaration, the Architectural Design Guidelines may contain general provisions applicable to the entire Development, as well as specific provisions which will vary according to land use and from one portion of the Development to another depending upon the location, unique characteristics, and intended use. Pursuant to *Section 7.03(b)* of the Master Declaration, Declarant has the sole right and authority to amend the Architectural Design Guidelines, unless such authority is delegated in writing to the Architectural Review Board. The authority to amend the Architectural Design Guidelines was delegated to the Architectural Review Board pursuant to the Notice of Sponsor Delegation of Authority to Amend and Supplement the Architectural Design Guidelines, recorded as Document No. 20161929, Official Public Records of Gillespie County, Texas.

The Architectural Review Board has adopted Boot Ranch Architectural Design Guidelines, recorded as Document No. 20154928 in the Official Public Records of Gillespie County, Texas (the **"Architectural Design Guidelines"**). These Supplemental Architectural Design Guidelines [Cabin Lots] (the **"Cabin Lots Supplemental Architectural Design Guidelines"**) are a supplement to the Architectural Design Guidelines. In the event of a conflict between the terms and provisions of these Cabin Lots Supplemental Architectural Design Guidelines and the Architectural Design Guidelines, the terms and provisions of these Cabin Lots Supplemental Architectural Design Guidelines will control.

These Cabin Lots Supplemental Architectural Design Guidelines apply to Lots 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, and 324, Boot Ranch Phase 1, a subdivision located in Gillespie County, Texas, according to the map or plat recorded under Volume 4, Page 129 in the Official Public Records of Gillespie County, Texas (the **"Cabin Lots"**).

## II. Cabin Lots Architectural Plans

**The requirements set forth below are intended to provide general direction and guidance to the applicant. Please be advised that all Improvements must be approved in advance and in writing by the Architectural Review Board. The Architectural Review Board will determine whether the applicant has complied with the requirements set forth below.**

- Pre-Designed Base Architectural Plans. Upon conveyance of title of the Lot to an Owner, the Owner shall obtain from Sponsor a copy of the base architectural plans (**"Plans"**) originally prepared by CHAS Architects, Inc. (**"Architect"**) for the Cabin Lots, by making written request therefor to Sponsor. The Cabin Lots are restricted to construction of such cabin style residence and related improvements (the **"Cabin Improvements"**) in accordance with the Plans originally prepared by Architect, the requirements of the Architectural Design Guidelines, the Master Declaration, the Development Area Declaration, and these Cabin Lots Supplemental Architectural Design Guidelines. The Cabin Improvements shall be constructed by Owner in accordance with the Plans; however, Owner acknowledges that depending on the particular characteristics of their Lot, including but not limited to the orientation of the Lot, the size of the Lot, its encumbrances, vegetation, slope, or topography, the Plans may need to be modified by the Architect to provide for the construction of the Owner's Cabin Improvements on the Lot, subject to the terms hereof. Prior to commencement of construction of the Cabin Improvements, Owner will engage the Architect to prepare any modifications to the Plans required for construction of the Owner's Cabin Improvements on such Owner's Lot (the **"Modified Plans"**). Owner may modify the Plans subject to: (a) the consent and approval of the Architect; (b) Owner's payment of all additional costs and expenses related to such Modified Plans; (c) written approval of the Architectural Review Board; and (d) compliance of such Modified Plans with the Architectural Design Guidelines, the Master Declaration, the Development Area Declaration, and these Cabin Lots Supplemental Architectural Design Guidelines. Sponsor makes no representation or warranty, express or implied, with respect to the Plans, any Modified Plans, the construction of the Cabin Improvements, or the Architect. SPONSOR, THE ASSOCIATION, AND/OR THE ARCHITECTURAL REVIEW BOARD HAS NO DUTY, OBLIGATION, OR LIABILITY WITH RESPECT TO THE PLANS, ANY MODIFIED PLANS, THE CONSTRUCTION OF THE CABIN IMPROVEMENTS, OR THE ARCHITECT. EACH OWNER AND OCCUPANT HEREBY RELEASES AND HOLDS HARMLESS THE SPONSOR, THE ASSOCIATION, AND/OR THE ARCHITECTURAL REVIEW BOARD, AND/OR THE OFFICERS, DIRECTORS, EMPLOYEES OR AGENTS OF EACH SUCH ENTITY, FROM ANY COST, LOSS, DAMAGE, EXPENSE, LIABILITY, CLAIM OR CAUSE OF ACTION INCURRED OR ARISING IN ANY WAY RELATING TO THE PLANS, ANY MODIFIED PLANS, THE CONSTRUCTION OF THE CABIN IMPROVEMENTS, OR THE ARCHITECT (INCLUDING ANY COST, EXPENSE, LIABILITY, CLAIM OR CAUSE OF ACTION ARISING OUT OF THE NEGLIGENCE OF ANY OF THE SPONSOR, THE ASSOCIATION, AND/OR THE ARCHITECTURAL REVIEW BOARD, AND/OR THE OFFICERS, DIRECTORS, EMPLOYEES OR AGENTS OF ANY SUCH ENTITY, IN CONNECTION THEREWITH), EXCEPT FOR SUCH COST,

LOSS, DAMAGE, EXPENSE, LIABILITY, CLAIM OR CAUSE OF ACTION ARISING BY REASON OF THE GROSS NEGLIGENCE OR WILLFUL MISCONDUCT OF ANY OF THE SPONSOR, THE ASSOCIATION, AND/OR THE ARCHITECTURAL REVIEW BOARD, AND/OR THE OFFICERS, DIRECTORS, EMPLOYEES OR AGENTS OF ANY SUCH ENTITY, IN CONNECTION THEREWITH. "GROSS NEGLIGENCE" DOES NOT INCLUDE SIMPLE NEGLIGENCE, CONTRIBUTORY NEGLIGENCE OR SIMILAR NEGLIGENCE SHORT OF ACTUAL GROSS NEGLIGENCE. The terms, conditions and restrictions of this paragraph shall not be waived or modified without the express written consent of Sponsor, in its sole discretion. The terms, conditions and restrictions of this paragraph may be enforced by Sponsor, the Association, and/or the Architectural Review Board.

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Mary Lynn Rusche

Mary Lynn Rusche, County Clerk
Gillespie County, Texas
April 20, 2016 10:20:24 AM
FEE: $36.00 AHERRERA
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