4 pgs
AMEND

20195286

AFTER RECORDING RETURN TO:

Jennifer Cook Purcell, Esq.
DLA PIPER LLP (US)
401 Congress Ave., Ste 2500
Austin, Texas 78701
jennifer.purcell@dlapiper.com

DLA PIPER

BOOT RANCH™

FIRST AMENDMENT TO THE DEVELOPMENT AREA DECLARATION

[*Single-Family Residential*]

Gillespie County, Texas

SPONSOR: BOOT RANCH HOLDINGS, LLC, a Delaware limited liability company

Cross Reference to Second Amended and Restated Declaration of Governance for Boot Ranch, recorded as Document No. 20160757 of the Official Public Records of Gillespie County, Texas, as amended and that certain Boot Ranch Development Area Declaration [*Single-Family Residential*], recorded as Document No. 20160759 of the Official Public Records of Gillespie County, Texas.



FIRST AMENDMENT TO THE DEVELOPMENT AREA DECLARATION
[*Single-Family Residential*]

This First Amendment to the Development Area Declaration [*Single-Family Residential*] (this "**Amendment**") is made by BOOT RANCH HOLDINGS, LLC, a Delaware limited liability company ("**Sponsor**"), and is as follows:

RECITALS:

A. Sponsor previously executed and recorded that certain Boot Ranch Development Area Declaration [Single-Family Residential], recorded as Document No. 20160759 of the Official Public Records of Gillespie County, Texas (the "**Development Area Declaration**").

B. Pursuant to *Section 5.02* of the Development Area Declaration, the Development Area Declaration may be amended by Sponsor acting alone.

C. Sponsor desires to amend the Development Area Declaration as set forth hereinbelow.

NOW THEREFORE, Sponsor hereby amends and modifies the Development Area Declaration as follows:

1. **Trash Containers.** *Section 2.03* of the Development Area Declaration is hereby deleted in its entirety and replaced with the following:

> 2.03 Trash Containers Trash containers and recycling bins must be stored at all times behind the Trash Storage Area as outlined in the Design Guidelines. The ARB shall have the right to specify additional locations in which trash containers or recycling bins must be stored.

2. **Encroachment of Common Area**. *Section 2.24* is hereby added to the Development Area Declaration as is as follows:

> 2.24 Encroachment of Common Area. Notwithstanding *Section 9.02* of the Master Declaration, any encroachment onto Common Area by an Owner, or by a structure or an Improvement constructed, installed, or placed by an Owner, whether intentional or unintentional, is strictly prohibited. An Owner, and any structure or Improvement constructed, installed, or placed by an Owner, does not acquire an express or implied easement or any other right, title, or interest in and to any portion of the Common Area located within Boot Ranch. Declarant, its heirs, personal representatives, successors and assigns, shall have the right to enforce such restriction which may include, but is not limited to, the removal of any structures or improvements constructed, installed, or placed upon the Common Area by an Owner of a Lot. EACH OWNER HEREBY RELEASES AND

SHALL HOLD HARMLESS DECLARANT, AND ITS HEIRS, PERSONAL REPRESENTATIVES, SUCCESSORS AND ASSIGNS, FROM AND AGAINST ANY DAMAGES, CLAIMS OR LIABILITY ASSOCIATED WITH THE ENFORCEMENT OF THE TERMS AND PROVISIONS OF THIS SECTION.

3. **Miscellaneous**. Any capitalized terms used and not otherwise defined herein shall have the meanings set forth in the Development Area Declaration or the Declaration, as applicable. Unless expressly amended by this Amendment, all other terms and provisions of the Development Area Declaration remain in full force and effect as written, and are hereby ratified and confirmed.

[SIGNATURE PAGE FOLLOWS]

Executed to be effective on the date of the Recording of this instrument.

SPONSOR:

BOOT RANCH HOLDINGS, LLC,
a Delaware limited liability company

By: _____
Name: Mark Enderle
Title: Authorized Signatory

THE STATE OF ~~TEXAS~~ Tennessee §
§
COUNTY OF Williamson §

This instrument was acknowledged before me on this 27 day of September, 2019, by Mark Enderle, Authorized Signatory of BOOT RANCH HOLDINGS, LLC, a Delaware limited liability company, on behalf of such company.

_____
Notary Public, State of Texas

(seal)

LORI G. ROTH
STATE OF TENNESSEE NOTARY PUBLIC
WILLIAMSON COUNTY

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Mary Lynn Rusche

Mary Lynn Rusche, County Clerk
Gillespie County Texas
October 10, 2019 09:47:55 AM
FEE: $38.00 PHERBER **20195286**
AMEND