SPRING CREEK ESTATES HOMEOWNERS' ASSOCIATION, INC. TO THE PUBLIC

FOURTH AMENDMENT OF DECLARATION OF COVENANTS, RESTRICTIONS AND MAINTENANCE AGREEMENTS OF SPRING CREEK ESTATES SUBDIVISION.

STATE OF TEXAS § KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF GILLESPIE §

20182046

20 pgs AMEND

WHEREAS, the Spring Creek Estates Subdivision (herein "Subdivision") is described in the map or plat of said subdivision as recorded in Volume 2, Page 182, of the Plat Records of Gillespie County, Texas; and

WHEREAS, the Declaration of Covenants, Restrictions, and Maintenance Agreements (herein "Declaration") is recorded at Volume 378, Page 991-1003 of the Official Public Records of Real Property of Gillespie County, Texas and subsequently amended by instruments recorded in Volume 396, Pages 593-595, Volume 396, Pages 596-598, and Volume 402, Pages 127-137; and

WHEREAS, the Declarant, Dizdar Development Ltd., has caused to be incorporated and has assigned all the rights, powers, obligations and duties of Declarant to Spring Creek Estates Homeowners' Association Inc. (herein "Association"), a nonprofit corporation organized pursuant to the Texas Non-Profit Corporation Act; and

WHEREAS, the Association has reserved the right to amend the Declaration for any reason deemed necessary for the benefit of the Members of the Association (herein "Members"); and

WHEREAS, pursuant to Article10, Amendment, of the Declaration and to Chapter 209, Section 209.0041, of the Texas Property Code, the owners of at least sixty-seven (67) percent of the real property within the Subdivision as determined on an acreage basis may amend the Declaration,

NOW, THEREFORE, the Declaration is amended to add the following new paragraph 6. (h) of the Building Restrictions and to replace paragraph 8. (a) of the Use Restrictions:

Paragraph 6. (h) shall be added and shall read:

6. (h) Unless approved by the Association, no structure of any type or description that is in excess of forty-five (45) feet in vertical height shall be erected on any property tract in the Subdivision. This includes but is not limited to communication towers, cell towers, antennas (excepting TV antennas as described below), silos, houses, barns, wind turbines, and other similar examples. All structures, including any supporting devices, shall comply with the Association setback rules and shall have a fall radius (where applicable) that does not encroach upon other properties, easements, common areas, right of ways, or utilities. The Association shall have the right and power to stop or restrict any such approved structure if the Association determines in its sole discretion that the structure is detrimental to the Subdivision. Any non-compliant structure that is not completed on the effective date shall be removed or modified to be compliant with this amendment. TV antennas, devices and structures whose use is protected by 47 C.F.R §1.4000 are not subject to this restriction.

Paragraph 8. (a) shall be replaced and shall now read:

8. (a) No commercial activities shall be conducted on any parcel, and no activity shall be allowed that has the possibility of creating an environmental hazard to other Owners of the Property. Examples of such commercial activities include commercial wineries, cell towers, feed lots, commercial poultry houses, high density animal production, manufacturing activities of any type, industrial production activities, and similar enterprises. There shall be no commercial winery, but this does not preclude the growing of grapes and the production of wine for the property owner's personal consumption. These use restrictions shall not prevent the growing and processing of various agricultural products or commodities on a Parcel, except the raising of hogs is strictly prohibited. Any animals, livestock or poultry raised by any owner shall be kept under fence. Such restrictions shall also not prohibit an Owner from conducting a craft or art related business on his portion of the Property, including painting, photography, wood, metal or glass sculpting or the conduct of a home office.

The amendment herein shall be effective from and after the date it is duly filed in the Official Public Records of Gillespie County, Texas. In all other respects, the provisions of the Declaration, as amended, shall continue in full force and effect.

This amendment has been signed and executed by no less than sixty-seven (67) percent of the Members of the Subdivision as determined on an acreage basis. These executed instruments are attached hereto and when taken together this Fourth Amendment shall be construed as a single instrument.

EXECUTED on this the 26 day of April, 2018

William Strelke

WILLIAM STRELKE
President
Spring Creek Estates Homeowners' Association Inc.

ERIC BROWN
Secretary/Treasurer
Spring Creek Estates Homeowners' Association Inc.

STATE OF TEXAS
COUNTY OF GILLESPIE

This instrument was acknowledged before me on this 26th day of April, 2018 by ERIC BROWN, Secretary/Treasurer of the Spring Creek Estates Homeowners' Association Inc., on behalf of such corporation.

MARCIA E BONN
Notary Public
State of Texas
ID # 13066892-7
My Comm. Expires 05-20-2020

Marcia E. Bonn
Notary Public, State of Texas