AMEND 20067010
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TRAVIS MEADOW SUBDIVISION

FIRST AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

THE STATE OF TEXAS §
§
COUNTY OF GILLESPIE §

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS KIRSCHE DEVELOPMENT, LLC, as the owner of the developed, but unimproved acreage which has been designated as the TRAVIS MEADOW subdivision of and in GILLESPIE COUNTY, TEXAS, (hereinafter referred to as the "Subdivision"), as is designated on the Plat of said Subdivision, which is recorded at Volume 4, Page 13, of the Plat Records of Gillespie County, Texas, and, as such, impressed upon such Subdivision various Covenants, Conditions and Restrictions to the future use of the land, said Declaration having been filed on or about September 7, 2006, 2006 at Document Number 20065805 of the Real Property Records of Gillespie County, Texas (hereinafter referred to as the "Declaration"); and

WHEREAS said Declaration established KIRSCHE DEVELOPMENT, LLC, as the "Declarant" for the Subdivision; and

WHEREAS at Article XIV, Section 14.02 (A) of said Declaration, the Declarant had reserved for itself the ability to amend the Declaration as follows:

> This Declaration may be amended by the Declarant, acting alone, until December 31, 2010; and

WHEREAS the Declarant does wish to amend the Declaration in accordance with its ability to do so;

NOW, THEREFORE, the following provisions of the Declaration referenced above are hereby AMENDED as set forth below:

Section 5.06 is hereby amended to read as follows:

ARTICLE V.
RESIDENTIAL RESTRICTIONS

* * *

5.05 Design Elements.

A. Windows. All windows must be of all wood construction, or of wood - vinyl clad, wood - metal clad, and may be either single hung, double hung, or casement.

Windows should have divided lights. Single windows shall be vertically proportioned. Windows may be combined to form horizontal elements. Windows should be compatible with the architectural style of the house.

Expressly prohibited for use on doors or windows on any of the Improvements in the subdivision are those which are constructed from either a mill finish aluminum or other metal (whether colored or uncolored); and/or all vinyl.

B. Porches. All houses shall have porches that are a minimum of eight (8) feet wide and six (6) feet deep. The width of porches should be consistent with the architectural style of the house. Corner lots are encouraged to have wrap-around porches.

C. Shutters. Shutters are encouraged to be operable. If not operable, shutters shall be of a size and proportion to cover the windows if they were operable.

D. Exterior Doors. Exterior doors should be compatible with the architectural style of the house. Exterior doors shall be painted or stained wood. Wood panel or doors with glass lites are encouraged. Exterior doors shall have a minimum height of six feet eight inches (6'8"). Metal doors may be used for exterior doors if they are indistinguishable from similar wood doors and specifically approved by the architectural design committee.

E. Floor to Ceiling Height. Floor to ceiling heights on all floors shall be a minimum of eight (8) feet.

F. Roof Overhangs. Roof overhangs are required for all roofs. Eave overhangs shall be a minimum of 8" measured horizontally from the outside wall face to the outside of the fascia board. Gable rakes shall be a minimum of 6".

* * *

Section 5.07 is hereby amended to read as follows:

5.07 Setback Lines. All Single Family Units must be constructed, placed and maintained in conformity with platted setback lines, if any, and in no event shall any such building or other structure be constructed, placed or maintained within twenty-five feet (25') of the front boundary of a lot, five feet (5') of the side boundary of a lot or ten feet (10') [for single story residences] and fifteen feet (15') [for two-story residences] of the rear boundary of a lot, provided, however, that (a) with respect to cul-de-sacs or lots having a curved front line with a radius of curvature of less than two hundred feet (200'), such structure may be constructed as near as ten feet (10') from the rear of the lot; (b) with respect to corner lots, no structure may be constructed, placed or maintained within

fifteen feet (15') of the side boundary abutting any street; (c) detached garage and all other Improvements may be located as allowed by City Code regulations, provided that no encroachment occurs with respect to utility easements.

* * *

Section 5.13 is hereby amended to read as follows:

5.13 Garages and Carports. No carports shall be permitted on any Lot within the Subdivision. Porte Cochere may be approved by the Architectural Design Committee, and provided that it shall be entirely situated behind the front facade of the dwelling. All garages with any portion extending between the front property line and a line which is closer to the front property line than 50% of the distance, front to back, of the wall of the residence which adjoins the garage shall be designed, erected, constructed, installed or maintained as side entry/load in such manner that the garage doors thereof shall not face the front of any residence. All garages placed behind a line which is 50% of the distance, front to back, of the wall of the residence which adjoins the garage may have front facing garage doors, provided that each automobile has a separate garage door, and the doors are designed architecturally to minimize their impact on the street elevation. Garages may also contain appropriately sized storage rooms, recreational workshops and tool rooms. All garages must have garage doors that are operated by electric door openers kept in operable condition; No garage shall be converted to another use (e.g. living space).

* * *

Section 5.25 is hereby amended to read as follows:

5.25 Fences.

(A) All fences within the Subdivision shall be of the following composition:
- (1) all masonry (if concrete tile block, must be plastered and painted); or
- (2) all wrought iron; or
- (3) any combination of wrought iron and masonry; or
- (4) a combination of masonry and cedar; or
- (5) all cedar or wood.

Cedar or wood fences shall be constructed of galvanized or painted pipe posts, 9' maximum on center, set in concrete. Three 2X4 wolmanized or metal rails are required (top, middle and bottom). The cedar facing must be to the "outside" of the lot when adjacent to streets.

(B) No fence, wall, or hedge to the rear of the front wall line of the main structure, may be higher than six (6) feet. Hedges may not be installed or maintained forward of the

front building line of the main structure in excess of four feet (4') in height. No fence or wall shall be built forward of the front wall line of the main structure, except for decorative walls or fences which shall not exceed three feet (3') in height. Side fences on corner lots shall not be constructed within the building setback line established from any side street.

(C) No chain-link fences may be built or maintained on any lot, except to enclose a dog or pet enclosure, provided that the chain link fencing is not visible from the street.

(D) No fence, wall, or hedge or shrub planting which obstructs sight lines shall be placed or permitted to remain on any corner lot within the area as designated by the building regulations of the City of Fredericksburg code. No tree shall be permitted to remain within such distance of such intersections, unless the foliage is maintained at sufficient height to prevent obstruction of such sight lines.

(E) All fences between Lots 17 through 26 and 49 through 58, as well as all fences (or portions of fences) which may impede water runoff in any other location within the subdivision must comply with the applicable ordinances of the City of Fredericksburg, Texas, as same may be amended from time to time.

(F) Notwithstanding the foregoing, the Architectural Design Committee is empowered to waive the aforesaid composition requirements for fences and the aforesaid height or set-back limitation in connection with retaining walls and decorative walls if, in its sole discretion, such waiver is advisable in order to accommodate a unique, attractive or advanced building concept design or material or to accommodate unusual slopes or topography of a particular lot, and the resulting fence, decorative wall and/or retaining wall (whichever is applicable) will not detract from the general appearance of the neighborhood.

(G) Maintenance of the rock subdivision perimeter fence shall be the obligation of the corporate homeowner's association. All other fences in the subdivision shall be maintained as an obligation of the owner of the lot on which is stands. The fences shall be maintained as set forth in this section 5.25, or shall be maintained in accordance with subsequent standards established by the architectural design committee.

(H) Lots 14, 15, 16 47, and 48 (lots which back up to cherry street) shall be prohibited from building privacy fences which are adjacent to or parallel with the rock perimeter wall around the subdivision. Maintenance of the shrubs which are adjacent to the rock perimeter fence shall be at the individual Lot Owner's expense.

* * *

Section 8.06 is hereby amended to read as follows:

ARTICLE VIII.
Architectural Design Committee

* * *

8.06 Design Submittal.

A. Preliminary Plan Review. The Owner shall submit a preliminary design plan that will adequately represent the design quality of the proposed improvements. The submittal shall include schematic design drawing of the site plan at a scale of 1/16"=1" including a north arrow, the property lines including setbacks with dimensions, building footprints with entries, porches and balconies delineated and overhangs shown as dashed lines, on-site parking, and walks and drives. The submittal shall also show at a scale of at least 1/8"=1", each elevation of the improvement showing porches, balconies, doors, windows, and exterior stairs, materials rendered and specified, floors heights, eave heights, ridge heights, and roof pitches. Also, if any variance from the architectural design standards is required, a detailed description along with the justification for it should be submitted. After the date of the "Turnover" (as described in Section 7.02 herein) submittal of the initial plan shall be accompanied by the payment of a one hundred dollar ($100.00) plan review fee in the form of a check made payable to the Travis Meadow Homeowner's Association, Inc. The Architectural Design Committee will then comment in writing regarding the modifications necessary for plan approval.

B. Construction Document Review. Before submitting construction documents to the City of Fredericksburg, the owner shall submit the plans to the Architectural Design Committee. The submittal shall include schematic design drawing of the site plan at a scale of 1/16"=1" including (but not necessarily limited to) a north arrow; the property lines (including setbacks with dimensions); building footprints (with entries; porches and balconies delineated and overhangs shown as dashed lines); on-site parking; walks and drives. The submittal shall also include floor plans at a scale of 1/4"=1' showing dimensioned rooms, windows and doors, overhangs of floors and roofs as dashed lines, overall dimensions, and total square footage of air conditioned areas. Such submittal shall also show (at a scale of at least 1/4"=1') each elevation of the improvement showing porches, balconies, doors, windows, and exterior stairs, materials rendered and specified, floors heights, eave heights, ridge heights, and roof pitches.

C. Building Permit. Upon approval of the construction document review by the Architectural Design Committee, the plans shall be submitted to the City of Fredericksburg for a building permit. Upon issuance of the building permit, construction may start. Upon the beginning of construction of the improvements, the owner irrevocably agrees and stipulates that 1) construction will be in accordance with the approved plans; 2) any exterior changes after final approval of plans by the Architectural Design Committee will be approved in writing prior to the construction of those changes; 3) regular inspections may be made by a representative of the Committee; and 4) construction of the approved improvement will be completed within eight (8) months from the start of construction.

The First Amendment to the Declaration of Covenants, Conditions and Restrictions for the Travis Meadow subdivision of Gillespie County, Texas, is hereby concluded.

Executed by said Declarant on this, the 26th day of October, 2006.

KIRSCHE DEVELOPMENT, LLC ("Declarant")

By: _____
Doug Phelan, its President

STATE OF TEXAS §
§
COUNTY OF GILLESPIE §

This instrument was acknowledged before me on the 26th day of October, 2006, by Doug Phelan, in his capacity as President of Kirsche Development, LLC, Declarant.

TERESA L. POPE
Notary Public
STATE OF TEXAS
My Commission
Expires 08/31/2009

_____
Notary Public in and for
The State of Texas

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Mary Lynn Rusche

Mary Lynn Rusche, County Clerk

Gillespie County TEXAS

October 26, 2006 03:30:23 PM

FEE: $35.00 20067010

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