

1748
FILM CODE

**FIRST AMENDMENT OF MEADOWS OF BLACKHAWK
MASTER DECLARATION OF COVENANTS, 00005410272
CONDITIONS AND RESTRICTIONS**

This FIRST AMENDMENT OF MEADOWS OF BLACKHAWK MASTER DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS is made on the date hereinafter set forth by MEADOWS OF BLACKHAWK JOINT VENTURE, and is as follows:

WITNESSETH:

Reference is made to that certain MEADOWS OF BLACKHAWK MASTER DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS, executed by MEADOWS OF BLACKHAWK JOINT VENTURE, being hereinafter referred to as "DECLARANT," dated May, 1995, recorded in Volume 12453, Page 0466, Real Property Records of Travis County, Texas, being hereinafter referred to as "EXISTING DECLARATION."

WHEREAS, pursuant to Section 9.3(A) of the EXISTING DECLARATION, the EXISTING DECLARATION may be amended by the DECLARANT acting alone until May 1, 2015, and so long as DECLARANT owns at least two-thirds (2/3) of the Lots; and

WHEREAS, the DECLARANT still owns at least two-thirds (2/3) of the Lots; and

WHEREAS, the DECLARANT desires to amend the EXISTING DECLARATION to add Section 3.38 prohibiting construction of fences, playscapes, or any permanent structure within a 30-foot Public Utility Easement dedicated to Kelly Lane Utility Company across the south 30-feet of Lots 1-13, Block A, and Lot 1, Block D, Meadows of Blackhawk, Phase I, a subdivision in Travis County, Texas according to the map or plat thereof recorded in Volume 95, Pages 96, 97 and 98, Plat Records of Travis County, Texas.

NOW, THEREFORE, in consideration of the premises above, the said EXISTING DECLARATION is hereby amended as follows:

I.

Section 3.38 is hereby added to the EXISTING DECLARATION and shall read as follows:

"3.38 No Construction or Improvements Within Public Utility Easement.
No fence, playscape, any permanent structure or landscaping shall be constructed or maintained within that certain 30-foot Public Utility Easement dedicated to Kelly Lane Utility Company which includes the south 30-feet of Lots 1-13, Block A, and Lot 1, Block D, Meadows of Blackhawk, Phase I, a subdivision in Travis County, Texas according to the map or plat thereof recorded in Volume 95, Page 96, 97 and 98, such Public Utility Easement being recorded in Volume 12434, Page 0464 of the Real Property Records, Travis County, Texas. This prohibition shall include trees but not lawns, gardens or flowers. However, lawns, gardens and flowers will be planted at each Lot owner's risk as they may be removed and possibly destroyed to facilitate use of the 30-foot Public Utility Easement"

II.

In all other respects the provisions of the EXISTING DECLARATION are hereby ratified, adopted and confirmed. The DECLARANT, MEADOWS OF BLACKHAWK JOINT VENTURE hereby agrees to and approves this First Amendment of Meadows of Blackhawk Master Declaration of Covenants, Conditions and Restrictions as DECLARANT.

MEADOWS OF BLACKHAWK JOINT VENTURE

BY: OHIO BLACKHAWK OF TEXAS, INC., AN OHIO CORPORATION
JOINT VENTURER

By: David L. Brown
Printed Name: DAVID L. BROWN
Its President

BY: ROWE LANE DEVELOPMENT, LTD.
JOINT VENTURER

By: Tiemann Land and Cattle Development, Inc.,
Its sole General Partner

By: Robert M. Tiemann
Printed Name: Robert M. Tiemann
Its President

ACKNOWLEDGEMENTS

STATE OF OHIO §
COUNTY OF HAMILTON §

This instrument was acknowledged before me on the 13th day of March, 1996, by David A. Brooks, President of Ohio Blackhawk of Texas, Inc., as Joint Venturer of Meadows of Blackhawk Joint Venture.

Sheri Vee Draffen
Notary Public, State of Ohio

SHERI VEE DRAFFEN
Notary Public, State of Ohio
My Commission Expires October 20, 1999

Notary's Printed or Typed Name
My Commission Expires: _____

STATE OF TEXAS §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on the 14th day of March, 1996, by Robert M. Tiemann, President of Land and Cattle Development, Inc., the sole general partner of Rowe Lane Development, Ltd., as Joint Venturer of Meadows of Blackhawk Joint Venture.

Martha Janssen Coleman
Notary Public, State of Texas



MARTHA JANSSEN COLEMAN
Notary's Printed or Typed Name
My Commission Expires: 11/16/98

First Amendment of Meadows of Blackhawk Master Declaration of Covenants, Conditions and Restrictions Page 3 of 4

REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

12653 0572

CONSENT OF MORTGAGEE

BANK ONE, TEXAS N.A., as the owner and holder of the indebtedness secured by the Deed of Trust covering the Property, of Record in Volume 12462, Page 90, the Real Property Records of Travis County, Texas does, hereby join in the execution of this First Amendment of Meadows of Blackhawk Master Declaration of Covenants, Conditions and Restrictions, for the purposes of evidencing its consent hereto.

BANK ONE, TEXAS N.A.

By: *Brian J. Tverff*
Printed Name: Brian J. Tverff
Title: Assistant Vice President

ACKNOWLEDGEMENT

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

The foregoing instrument was acknowledged before me this 28th day of March, 1996 by Brian Tverff (printed name), Assistant Vice President (title), of Bank One, Texas N.A., on behalf of Bank One, Texas N.A.

Michelle Beatty
Notary Public, State of Texas

[SEAL]



Printed or Typed Name
My Commission Expires: _____

AFTER RECORDING RETURN TO:

WILLATT & FLICKINGER
ATTORNEYS AT LAW
2001 NORTH LAMAR
AUSTIN, TEXAS 78705

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3/8/96

APR 11 1996
TRAVIS COUNTY CLERK