

JUL 08 1999

\* CORRECTED

FIRST AMENDMENT  
TO  
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR  
HERITAGE HILL COUNTRY

STATE OF TEXAS           §  
                                  §     KNOW ALL MEN BY THESE PRESENTS:  
COUNTY OF GILLESPIE   §

THIS FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR HERITAGE HILL COUNTRY (this "Amendment") is made this 27<sup>th</sup> day of May, 1999, by U. S. Home Corporation, a Delaware corporation (hereinafter referred to as "Declarant").

WITNESSETH:

**WHEREAS**, Declarant recorded that certain Declaration of Covenants, Conditions and Restrictions for Heritage Hill Country on December 11, 1998, under Clerk's Register No. 985615 of the Real Property Records of Gillespie County, Texas (the "Declaration"); and

**WHEREAS**, the Association is the owner of the real property described on Exhibit "A-1" attached hereto and incorporated herein for all purposes (the "Property"), which Property is subject to the terms and conditions of the Declaration; and

**WHEREAS**, the Property is also subject to special conditions of the U. S. Army Corps of Engineers (the "USACE") Nationwide Permit 26 for Project Number 199800154 dated September 9, 1998 (the "Permit"); and

**WHEREAS**, the Permit provides, among other things, that certain restrictions must be placed on the use and development of the Property for the purpose of providing allowances for possible adverse impacts to waters of the United States of America; and

**WHEREAS**, the Declarant desires to amend the Declaration for the purpose of complying with the requirements of the Permit including, without limitation, the dedication of such Property, or a portion thereof, as an open water, riparian and wildlife preserve; and

**WHEREAS**, Article XII, Section 4.b of the Declaration provides for amendment of that instrument in the event an amendment is required by any governmental agency by the recording of an amendment executed by the Declarant in the public records of Gillespie County, Texas.

\* This document is being re-recorded to change the legal description.

FIRST AMENDMENT TO DECLARATION - Page 1

**NOW, THEREFORE**, the following additional covenants, conditions and restrictions are hereby added to and made a part of the Declaration, and the Declarant hereby declares that the Property shall be held, sold and conveyed subject to these restrictions which shall run with title to the Property and be binding on all parties having any right, title or interest in the Property or any part thereof, their heirs, personal representatives, successors and assigns, and shall inure to the benefit of each owner thereof.

1. Article VIII is amended by adding a new Section 15 as follows:

**Section 15. Conservation Restrictions.**

a. **Dedication of Property.** The Association does hereby perpetually dedicate, establish, create and set aside approximately \_\_\_\_\_ acres as an open water, riparian and wildlife preserve on a portion of the real property described on Exhibit "A-1" attached hereto and incorporated herein for all purposes (the "Property") within the city limits of Fredericksburg in Gillespie County, Texas (the "Conservation Area").

b. **Restrictions.** Except for the work contemplated by the Declarant under the Nationwide Permit 26 for the Project Number 199800154 dated September 9, 1998 (the "Permit") (which work is intended to proceed within six months of the date of the recording of this Amendment), the Conservation Area shall not be disturbed except by those activities approved by the U. S. Army Corps of Engineers (the "USACE") which would not adversely affect the intended extent, condition and function of the Conservation Area. Disturbance of the Conservation Area may require authorization of the Department of the Army.

c. **Amendment.** Notwithstanding any other provision contained in this Declaration to the contrary, no amendment to this Section shall be effective without the prior written approval of the USACE. Modifications to the Permit shall only be granted, if at all, by the USACE.

2. Except as modified by this Amendment, the Declaration shall remain in full force and effect.

**IN WITNESS WHEREOF**, the Declarant has caused this Amendment to be executed by its duly authorized agent as of the date first written above.

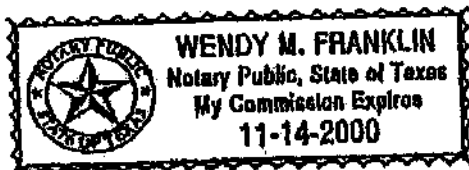
DECLARANT: U. S. HOME CORPORATION

By: George A. D'Hennaut III  
Its: DIVISION PRESIDENT

STATE OF TEXAS §  
COUNTY OF Dallas §

BEFORE ME, the undersigned authority, a Notary Public in and for said county and state, on this day personally appeared George A. D'Hennaut III of U. S. Home Corporation, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated and as the act and deed of said limited partnership.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 7 day of May, 1999.



Wendy M. Franklin  
Notary Public in and for  
the State of Texas

My Commission Expires: 11-14-2000

AFTER RECORDING RETURN TO:  
Riddle & Williams, P.C.  
3811 Turtle Creek Boulevard #1050  
Dallas, Texas 75219

FARWHPGFPUDAMDRSTJHC