FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR CENTURY OAKS – NEW BERLIN, TEXAS

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

This FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR CENTURY OAKS – NEW BERLIN, TEXAS is made as of the date listed below by CENTURY OAKS NB, LLC (hereinafter referred to as "Declarant").

W I T N E S S E T H :

WHEREAS, Declarant prepared and filed of record that certain Declaration of Covenants, Conditions and Restrictions for Century Oaks – New Berlin, Texas at Clerk's Instrument No. 2020-99014977, Official Real Property Records, Guadalupe County, Texas (herein referred to as the "Master Declaration");

WHEREAS, Declarant desires to amend the Master Declaration and as appropriate, to amend, change or clarify provisions contained therein all for the purpose of promoting the common scheme of the residential development of Century Oaks according to the covenants, conditions and restrictions contained in the Master Declaration;

This First Amendment modifies and changes the previously filed Master Declaration which imposed upon the Century Oaks subdivision mutually beneficial restrictions under a general plan of improvement for the benefit of the Owners of lots in Century Oaks and established a flexible and reasonable procedure for the overall development, administration, maintenance and preservation of the Century Oaks subdivision. In furtherance of such plan, the Master Declaration and any supplemental declaration provide for the Century Oaks NB Homeowners Association, Inc., a Texas nonprofit corporation (the "Association") to own, operate and maintain Common Areas and to administer and enforce the provisions of this Declaration, the By-Laws, and any design guidelines for construction (Capitalized terms are defined in the Master Declaration as shall have the same meaning in this First Amendment.)

Declarant hereby declares that all of the property described in the Century Oaks subdivision and contained within the plat of the Subdivision that is recorded at Clerk's Document #202099013446 and at Volume 9, Page 289, Official Map and Plat Records of Guadalupe County, Texas (the "Plat"), and which is incorporated herein by reference as well as all future supplemental declarations that will add additional property to the Century Oaks subdivision and any Additional Property subjected to this Declaration by a Supplemental Declaration (as defined in Section I of the Master Declaration) shall be held, sold, used and conveyed subject to the following easements, restrictions, covenants and conditions, which shall run with the title to the real property subjected to this First Amendment. The Plat and Exhibit "A" from the Master Declaration and all future Supplemental Declarations are hereby incorporated herein by reference as if set forth in full. This First Amendment shall be binding upon all parties having any right, title or interest in any portion of the Properties, their heirs, successors, successors-in-title and assigns, and shall inure to the benefit of each owner of any portion of the Properties.

WHEREAS, pursuant to Section X, Paragraph 10.07 of the Master Declaration the Declarant reserved the right, to unilaterally amend the Master Declaration for any purpose prior to the Control Transfer Date; and

WHEREAS, the Control Transfer Date has not occurred and Declarant has determined that to further the general plan and scheme of development as evidenced by the Master Declaration and all Supplemental Declarations thereto, it is desirable to execute and file this First Amendment in furtherance of the general plan and scheme of development;

NOW, THEREFORE, pursuant to the powers retained by Declarant in the Master Declaration, Declarant hereby subjects the properties covered by the Master Declaration and all supplements thereto to the provisions of this First Amendment, which shall apply to such property in addition to the provisions of the Master Declaration, and all supplemental declarations thereto as amended hereby. Such property in Century Oaks – New Berlin, Texas subdivision shall be sold, transferred, used, conveyed, occupied, and mortgaged or otherwise encumbered pursuant to the provisions of this First Amendment as well as the Master Declaration and other supplemental declarations or amendments to the Master Declaration, all of which shall run with the title to such property and shall be binding upon all persons having any right, title, or any interest in such property, their respective heirs, legal representatives, successors, successors-in-title and assigns. Wherever a conflict exists between the Master Declaration or any supplements thereto and this First Amendment, this First Amendment shall be controlling.

THE PROVISIONS OF THIS AMENDMENT TO THE MASTER DECLARATION SHALL BE BINDING UPON IN ACCORDANCE WITH THE TERMS OF THE MASTER DECLARATION.

WHEREVER A CONFLICT EXISTS OR IS PERCEIVED TO EXIST BETWEEN THE MASTER DECLARATION, A SUPPLEMENT TO THE MASTER DECLARATION, THE AMENDMENTS TO THE MASTER DECLARATION OR ANY SUPPLEMENTAL DECLARATIONS TO THE MASTER DELCARATION THE LATEST FILED AMENDMENT AND/OR SUPPLEMENT SHALL BE CONTROLLING OVER PREVIOUSLY FILED DOCUMENTS.

NOW THERFORE, for the sake of clarification, this First Amendment to Master Declaration shall only modify those items in the Master Declaration as stated below and nothing else. All other terms and conditions and covenants shall remain in full force and effect.

AMENDMENT TO MASTER DECLARATION: ARTICLE 1:

Declarant hereby deletes Paragraph 7.01. located in **Section VII – Maintenance Fund** and replaces such paragraph with the following paragraph to wit:

> 7.01. Maintenance Fund Obligation. Each owner of a Lot by acceptance of a deed therefore, whether or not shall be expressed in any such deed or other conveyance, is deemed to covenant and agrees to pay an annual maintenance charge to the Association (the "Association Charge"), and any other assessments or charges levied by the Association pursuant to these Restrictions. The Association Charge and any other assessments from the Association shall be collectively referred to herein as the "Maintenance Charge"). The Association Charge and any other assessments or charges hereby levied, together with such interest thereon and costs of collection thereof, as hereinafter provided, shall be a charge on the Lots and shall be a continuing lien upon the Property against which each such Maintenance Charge and other charges and assessments are made.

AMENDMENT TO MASTER DECLARATION: ARTICLE 2:

Declarant hereby deletes Paragraph 7.02. and Paragraph 7.02.1. located in **Section VII – Maintenance Fund** in their entirety as such payment to the City of New Berlin is not required and shall not be done.

ARTICLE 3
Declaration

Except as specifically amended hereby, all terms of the Master Declaration and all supplements and amendments thereto, shall remain in full force and effect.

IN WITNESS WHEREOF, the undersigned has executed this First Amendment as of the 29 day of June, 2020.

CENTURY OAKS NB, LLC

By: _____
Dustin Morgenroth, President

ACKNOWLEDGMENT

STATE OF TEXAS §
§
COUNTY OF Wilson §

The foregoing First Amendment to Declaration of Covenants, Conditions and Restrictions for Century Oaks – New Berlin, Texas, was acknowledged before me on the 29 day of June, 2020, by Dustin Morgenroth, President of CENTURY OAKS NB, LLC on behalf of such entity.

BARRY ALAN EGERT JR
Notary ID #130213605
My Commission Expires
May 4, 2023

_____
Notary Public, State of Texas

202099016307
I certify this instrument was ELECTRONICALLY FILED
and RECORDED in the OFFICIAL PUBLIC RECORDS
of Guadalupe County, Texas on
06/29/2020 11:26:43 AM PAGES: 3 LEAH
TERESA KIEL, COUNTY CLERK

COUNTY COURT GUADALUPE COUNTY TEXAS

Teresa Kiel