

AMENDMENT OF DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS

THE STATE OF TEXAS

§

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF GILLESPIE

§

WHEREAS, JOHN L. SCHUCH and THERESA Y. SCHUCH (hereinafter "Schuch") are the owners of that certain 70.12 acre tract of land, more or less, situated in Gillespie County, Texas, and being part of the Heinrich Friedrich Survey No. 798, Abstract No. 238; the W. Leutherher and G. Rosenbusch Survey No. 40, Abstract 1120; and the August Bottcher Survey No. 67, Abstract No. 60 and being more particularly described on **Exhibit "A"** attached hereto and incorporated herein (hereinafter "Schuch Tract"); and

WHEREAS, JAMES E. CRAWFORD and wife, CLAUDETTE T. CRAWFORD, (hereinafter "Crawford") are the owners of that certain 23.57 acre tract of land out of the Heinrich Friedrich Survey No. 798, Abstract No. 238, more particularly described on **Exhibit "B"** attached hereto and incorporated herein and that certain 30.05 acre tract of land out of Heinrich Friedrich Survey No. 798, Abstract No. 238 and being more particularly described on **Exhibit "C"** attached hereto and incorporated herein (hereinafter "Crawford Tract"; and

WHEREAS, all the above-described real property (collectively “the Property”) is subject to that certain Declaration of Covenants, Conditions and Restrictions executed the 15<sup>th</sup> day of December, 2009, but to be effective the 1<sup>st</sup> day of December, 2009 and recorded as Instrument No. 20096729 of the Official Public Records of Gillespie County, Texas (hereinafter the “Declaration”); and

WHEREAS, Schuch and Crawford agree to the amendment of the Declaration as herein provided;

NOW THEREFORE, Schuch and Crawford amend the Declaration and the parties agree and covenant as follows:

## Amendment One

The Declaration shall be amended by the deletion in its entirety of paragraph 5. of Article II, Restrictions, Covenants and Conditions, and in substitution for such deleted paragraph 5. of Article II, Restrictions, Covenants and Conditions, the following shall be incorporated into and be enforceable as paragraph 5. of Article II, Restrictions, Covenants and Conditions, of the Declaration:

## II.

## Restrictions, Covenants and Conditions

5. Swine shall not be kept, sheltered or raised on any tract, except (1) when raised by youth as a part of a 4-H or FFA project, or (2) when raised to be consumed by an owner ("permitted swine"). Commercial raising or production of swine is prohibited. Permitted swine shall be sheltered and kept within the boundaries of the owner's tract at all times and shall not be sheltered, housed or kept nearer than 200 feet from the boundary of any Tract that abuts another tract within the Property.

This Amendment to the Declaration shall run with the Property and shall be binding upon and inure to the benefit of Schuch, Crawford and all successive owners of the Schuch Tract, and the Crawford Tract until December 15, 2019. Thereafter, this Amendment to the Declaration shall be automatically extended for successive periods of ten (10) years each unless an Amendment authorized under the Declaration has been recorded which terminates this Amendment in whole or in part.

Other than the changes and modifications made herein, the Declaration shall remain in full force and effect and shall be binding upon and inure to the benefit of, the heirs, successors and assigns of Schuch and Crawford.

This instrument is executed the                      day of September, 2012.

---

JOHN L. SCHUCH

THERESA Y. SCHUCH

STATE OF TEXAS §

COUNTY OF GILLESPIE §

This instrument was acknowledged before me on this the \_\_\_\_\_ day of September, 2012, by JOHN L. SCHUCH and wife, THERESA Y. SCHUCH.

Notary Public, State of Texas

\_\_\_\_\_  
JAMES E. CRAWFORD

\_\_\_\_\_  
CLAUDETTE T. CRAWFORD

STATE OF TEXAS                   §

COUNTY OF GILLESPIE           §

This instrument was acknowledged before me on this the \_\_\_\_\_ day of September, 2012, by JAMES E. CRAWFORD and wife, CLAUDETTE T. CRAWFORD.

\_\_\_\_\_  
Notary Public, State of Texas





**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

CALVIN H. FRIEDRICH

TO

THE PUBLIC

**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS**

THE STATE OF TEXAS §

§

COUNTY OF GILLESPIE §

THAT WHEREAS, CALVIN H. FRIEDRICH, herein called "Declarant", is the record owner of the following described tracts of land:

23.57 acres of land, being out of Survey No. 798, Heinrich Friedrich Abstract No. 238 and more particularly described on Exhibit A, and

30.05 acres of land, being out of Survey No. 798, Heinrich Friedrich Abstract No. 238 and more particularly described on Exhibit B, and

70.12 acres of land, being out of Survey No. 67, August Bottcher Abstract No. 60 and more particularly described on Exhibit C.

WHEREAS, Declarant will hold, sell and convey the above-described Property subject to certain protective covenants, reservations, conditions, restrictions and charges as hereinafter, set forth:

NOW, THEREFORE, it is hereby declared that all of the above-referred Property shall be held, sold and conveyed subject to the following restrictions, covenants and conditions which are for the purpose of protecting the value and desirability of, and which shall run with, the land and shall be

binding on the Declarant and all parties having a right, title or interest in or to the above-described Property or any part thereof, and their heirs, successors and assigns, and which restrictions, covenants and conditions shall inure to the benefit of each owner thereof, and any contract or deed which may hereafter be executed in connection with said Property, or any part thereof shall be conclusively held to have been executed, delivered and accepted subject to the terms and conditions contained in this instrument, regardless of whether or not such terms and conditions are specifically set out in said contract or deed:

I.

Definitions

1.01 "Owner" shall refer to the record owner, whether one or more persons or entities, of the fee simple title to any portion of the above-described Property, excluding however, those having any interest therein merely as security for the performance of an obligation.

1.02 "Tract" shall refer to any portion of the Property, as owned by any Owner.

II.

Restrictions, Covenants, and Conditions

1. No mobile or modular homes will be permitted on the Property.
2. Abandoned or inoperative equipment, vehicles or junk shall not be permitted or stored on the Property.
3. No cellular towers will be permitted on the Property.
4. Mineral exploration of any type, which will damage the surface, shall not be permitted on the Property.
5. Swine shall not be kept on the Property.

6. Re-subdividing of the Property in less than 10.01 acres shall not be permitted.
7. If a fence is built on the west boundary line of the above described 23.57 acre tract of land, a cattle guard or electric gate must be installed on easement road at the expense of person erecting fence.

These restrictive covenants shall be binding upon and inure to the benefit of all Owners until December 15, 2019, at which time said restrictive covenants shall be automatically extended for successive terms of ten years each without further notice until such time that the tract owners of the majority of the total area of the Property shall execute an instrument waiving or amending the restrictive covenants. A Tract owner shall be the record owner of legal title as shown by the real property records of Gillespie County, Texas. Any amendments shall be in writing and shall not be effective until duly recorded. A copy of the amendments as recorded shall be forwarded to the last known address of all Tract owners.

#### General Provisions

3.01 Any Owner shall have the right to enforce, by any proceeding at law or in equity, all restrictions, covenants and conditions now or hereafter imposed by the provisions of this instrument. Failure to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

3.02 Invalidation of anyone of the covenants, conditions or restrictions contained herein, by judgment or court order, shall in no way affect any other provisions, and all other provisions shall remain in full force and effect.

3.03 The covenants, conditions and restrictions of this instrument shall run with and bind the land and shall inure to the benefit of, and be enforceable by any Owner of any Tract subject to this instrument, and such Owner's respective legal representatives, heirs, successors and assigns.

EXECUTED this 15th day of December, 2009, but to be effective the 1<sup>st</sup> day of December,  
2009.

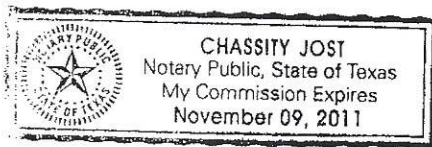
Calvin H. Friedrich  
CALVIN H. FRIEDRICH

THE STATE OF TEXAS     §

COUNTY OF GILLESPIE     §

This instrument was acknowledged before me on this 15<sup>th</sup> day of December  
2009, by CALVIN H. FRIEDRICH.

Chassity Jost  
Notary Public, State of Texas





# Exhibit "A"

23.57 acre tract

STATE OF TEXAS,                   \*  
COUNTY OF GILLESPIE.        \*

Field notes and accompanying plat of a survey of a 23.57 acre tract of land, more or less, made at the request of Calvin Friedrich. Said land is situated in Gillespie County, Texas, being part of the Heinrich Friedrich Survey No. 798, Abstract No. 238, and being part of that 49.45 acre tract of land described in a conveyance to Calvin H. Friedrich by Flora L. Friedrich, dated May 1, 1987, found of record in Volume 180, pages 443-445 of the Deed Records of Gillespie County, Texas, and being all of that 2.35 acre tract of land described in a conveyance to Calvin H. Friedrich by Flora Friedrich, dated March 9, 1994, found of record in Volume 268, pages 513-514 of the Real Property Records of Gillespie County, Texas, and being all of that 1.74 acre tract of land described in a conveyance to Calvin H. Friedrich by Sandra L. Kammlah, dated June 12, 2008, found of record in Instrument No. 20083462 of the Official Public Records of Gillespie County, Texas.

Said 23.57 acre tract of land is described by metes and bounds as follows, to wit:

BEGINNING at a pipe fence corner post found set in the South line of that 132.3 acre tract of land described in a conveyance to Madeline S. Sagebiel found of record in Volume 136, pages 376-379 of said Deed Records, for the most northerly N.W. corner of that 90.65 acre tract of land described in a conveyance to Sandra Kammlah found of record in Volume 180, pages 440-442 of said Deed Records, for the N.N.E. corner of said 49.45 acre Friedrich tract, for the N.N.E. corner of this tract of land;

THENCE with westerly lines of said 90.65 acre tract and easterly lines of said 49.45 & 2.35 acre tracts, along the general course of a fence, as follows:

- S. 10 deg. 06 min. E. 760.05 feet to a pipe corner post;
- S. 87 deg. 57 min. 45 sec. E. 160.14 feet to a ½ inch steel bar found set at a corner post;
- S. 63 deg. 31 min. 45 sec. E. 283.49 feet to a ½ inch steel bar found set at a corner post;
- S. 7 deg. 50 min. 15 sec. W. 380.08 feet to a ½ inch steel bar set, for the N.E. corner of said 1.74 acre tract, for a reentrant corner of this tract of land;

THENCE with easterly lines of said 1.74 acre tract, as follows:

- S. 33 deg. 05 min. 10 sec. E. 68.23 feet to a ½ inch steel bar set in the centerline of a traveled road;
- S. 50 deg. 08 min. 55 sec. W. 37.7 feet to a West pipe brace post;
- S. 41 deg. 23 min. 25 sec. W. 90.47 feet to a ½ inch steel bar set, for the S.E. corner of said 1.74 acre tract, for the S.E. corner of this tract of land;

THENCE with the South line of said 1.74 acre tract, S. 84 deg. 17 min. 40 sec. W. 467.45 feet to a ½ inch steel bar found set at a fence corner, for the S.W. corner of said 1.74 acre tract, for a S.E. corner of said 49.45 acre tract, for a reentrant corner of said 90.65 acre tract, for a reentrant corner of this tract of land;

THENCE with a North line of said 90.65 acre tract and a South line of said 49.45 acre tract, S. 64 deg. 48 min. 40 sec. W., along the general course of a fence, 291.49 feet to a ½ inch steel bar set, for the S.W. corner of this tract of land;

Continued on page 2 of 2




THENCE over and across said 49.45 acre tract, N. 9 deg. 40 min. 40 sec. W. 1600.68 feet to a ½ inch steel bar set in the South line of said 132.3 acre tract and in a North line of said 49.45 acre tract, for the N.W. corner of this tract of land;

THENCE with the South line of said 132.3 acre tract and a North line of said 49.45 acre tract, S. 89 deg. 51 min. 55 sec. E., along the general course of a fence, 554.26 feet to the PLACE OF BEGINNING.

Surveyed May 2, 2008



  
Carey Bonn  
Reg. Prof. Land Surveyor No. 4447  
Bonn Surveying 830-997-3884

## Exhibit "B"

30.05 acre tract

STATE OF TEXAS,       \*  
COUNTY OF GILLESPIE.   \*

Field notes and accompanying plat of a survey of a 30.05 acre tract of land, more or less, made at the request of Calvin Friedrich. Said land is situated in Gillespie County, Texas, being part of the Heinrich Friedrich Survey No. 798, Abstract No. 238, and being part of that 49.45 acre tract of land described in a conveyance to Calvin H. Friedrich by Flora L. Friedrich, dated May 1, 1987, found of record in Volume 180, pages 443-445 of the Deed Records of Gillespie County, Texas, and being part of that 1.8 acre tract of land described in a conveyance to Calvin H. Friedrich by Sandra Kammlah, dated May 1, 1987, found of record in Volume 180, pages 446-447 of said Deed Records, and being part of that 0.07 acre tract of land described in a conveyance to Calvin H. Friedrich by Sandra L. Kammlah, dated June 12, 2008, found of record in Instrument No. 20083462 of the Official Public Records of Gillespie County, Texas.

Said 30.05 acre tract of land is described by metes and bounds as follows, to wit:

BEGINNING at a pipe fence corner post found set in the East line of that 175.534 acre tract of land described in a conveyance to Clowron Partners, Ltd. found of record in Instrument No. 20064287 of said Official Public Records and being in the occupational West line of said Survey No. 798, for the W.S.W. corner of that 132.3 acre tract of land described in a conveyance to Madeline S. Sagebiel found of record in Volume 136, pages 376-379 of said Deed Records, for the N.W. corner of said 49.45 acre Friedrich tract, for the N.W. corner of this tract of land;

THENCE with the North line of said 49.45 acre tract, S. 89 deg. 51 min. 55 sec. E., along the general course of a fence, 751.14 feet to a 1/2 inch steel bar set, for the N.E. corner of this tract of land;

THENCE over and across said 49.45 acre tract, S. 9 deg. 40 min. 40 sec. E. 1600.68 feet to a 1/2 inch steel bar set in fence in the South line of said 45.49 acre tract and in a North line of that 90.65 acre tract of land described in a conveyance to Sandra Kammlah found of record in Volume 180, pages 440-442 of said Deed Records, for the S.E. corner of this tract of land;

THENCE with a North line of said 90.65 acre tract and a South line of said 49.45 acre tract, along the general course of a fence, as follows:

S. 64 deg. 45 min. 45 sec. W. 234.97 feet to a pipe corner post;

S. 64 deg. 29 min. 25 sec. W. 312.83 feet to a pipe corner post, for the N.E. corner of said 0.07 acre tract, for a southerly corner of this tract of land;

THENCE with a South line of said 0.07 acre tract, S. 60 deg. 28 min. 35 sec. W. 219.06 feet to a North pipe gatepost, for a southerly corner of said 0.07 acre tract, for the S.W. corner of this tract of land;

THENCE over and across said 0.07 acre tract, N. 9 deg. 27 min. 55 sec. W. 15.42 feet to a pipe corner post, for the S.W. corner of said 49.45 acre tract, for a northerly reentrant corner of said 0.07 acre tract, for a westerly corner of this tract of land;

Continued on page 2 of 2

THENCE with an East line of said 0.07 acre tract, N. 26 deg. 57 min. 30 sec. W. 22.77 feet to a ½ inch steel bar found set at a pipe fence corner post, for the North corner of said 0.07 acre tract, for a westerly corner of this tract of land;

THENCE N. 6 deg. 24 min. 50 sec. W. 26.14 feet to a pipe corner post found set in the West line of said 49.45 acre tract, for the S.E. corner of said 175.534 acre tract, for a westerly corner of this tract of land;

THENCE with the West line of said 49.45 acre tract, generally along a fence, as follows:

N. 9 deg. 43 min. W. 728.28 feet to a ½ inch steel bar found set;

N. 9 deg. 43 min. 55 sec. W. 1159.9 feet to the PLACE OF BEGINNING.

Surveyed May 2, 2008



Carey Bonn  
Reg. Prof. Land Surveyor No. 4447  
Bonn Surveying 830-997-3884



# Exhibit "C"

70.12 acre tract

STATE OF TEXAS,       \*  
COUNTY OF GILLESPIE.   \*

Field notes and accompanying plat of a survey of a 70.12 acre tract of land, more or less, made at the request of Calvin Friedrich. Said land is situated in Gillespie County, Texas, being part of the following surveys:

0.01 acre of land, more or less, part of the Heinrich Friedrich Survey No. 798, Abstract No. 238;

1.85 acres of land, more or less, part of the W. Leutherher & G. Rosenbusch Survey No. 40, Abstract No. 1120;

68.26 acres of land, more or less, part of the August Bottcher Survey No. 67, Abstract No. 60; and being all of that 54 acre tract of land described in a conveyance to Calvin H. Friedrich by Flora Friedrich, dated December 26, 1985 found of record in Volume 171, pages 641-642 of the Deed Records of Gillespie County, Texas, and being all of that 14.2 acre tract of land described in a conveyance to Calvin H. Friedrich by Flora L. Friedrich, dated May 1, 1987, found of record in Volume 180, pages 443-445 of said Deed Records, and being part of that 1.8 acre tract of land described in a conveyance to Calvin H. Friedrich by Sandra Kammlah, dated May 1, 1987, found of record in Volume 180, pages 446-447 of said Deed Records, and being part of that 0.07 acre tract of land described in a conveyance to Calvin H. Friedrich by Sandra L. Kammlah, dated June 12, 2008, found of record in Instrument No. 20083462 of the Official Public Records of Gillespie County, Texas.

Said 70.12 acre tract of land is described by metes and bounds as follows, to wit:

BEGINNING at a pipe fence corner post found set in the occupational South line of said Survey No. 67, for the S.E. corner of that 71.2 acre tract of land described in a conveyance to Carol Hope Maurer found of record in Volume 277, pages 53-61 of the Real Property Records of Gillespie County, Texas, for the S.W. corner of said 54 acre Friedrich tract, for the S.W. corner of this tract of land;

THENCE with the South line of said Friedrich tracts, along the general course of a fence, as follows:

S. 89 deg. 55 min. 05 sec. E. 841.68 feet to a 1/2 inch steel bar found set;

S. 89 deg. 40 min. 00 sec. E. 3386.17 feet to a pipe corner post, for the occupational S.E. corner of said Survey No. 67, for the S.E. corner of said 14.2 acre tract, for the S.W. corner of said 1.8 acre tract, for the S.S.E. corner of this tract of land;

THENCE with the S.E. line of said 1.8 acre tract, N. 36 deg. 21 min. 05 sec. E., along the general course of a fence, 491.19 feet to a 1/2 inch steel bar set, for the S.W. corner of said 0.07 acre tract, for a reentrant corner of this tract of land;

THENCE with the S.E. line of said 0.07 acre tract, N. 60 deg. 28 min. 35 sec. E. 76.46 feet to a North pipe gatepost, for the S.E. corner of this tract of land;

THENCE over and across said 0.07 acre tract, N. 9 deg. 27 min. 55 sec. W. 15.42 feet to a pipe corner post, for a northerly reentrant corner of said 0.07 acre tract, for an easterly corner of this tract of land;

Continued on page 2 of 2

THENCE with an East line of said 0.07 acre tract, N. 26 deg. 57 min. 30 sec. W. 22.77 feet to a ½ inch steel bar found set at a pipe fence corner post, for the North corner of said 0.07 acre tract, for an easterly corner of this tract of land;

THENCE N. 6 deg. 24 min. 50 sec. W. 26.14 feet to a pipe corner post, for the S.E. corner of that 175.534 acre tract of land described in a conveyance to Clowron Partners, Ltd. found of record in Instrument No. 20064287 of said Official Public Records, for the N.E. corner of said 1.8 acre tract, for the E.N.E. corner of this tract of land;

THENCE with northerly lines of said Friedrich tracts and southerly lines of said 175.534 acre tract, along the general course of a fence, as follows:

S. 80 deg. 09 min. 25 sec. W. 1305.37 feet to a pipe corner post;

N. 9 deg. 50 min. 20 sec. W. 846.46 feet to a pipe corner post;


S. 79 deg. 43 min. 35 sec. W. 2671.77 feet to a pine corner post;

S. 84 deg. 41 min. 25 sec. W. 518.0 feet to a pine corner post, for the W.S.W. corner of said 175.534 acre tract, for the N.W. corner of said 54 acre tract, for the N.W. corner of this tract of land;

THENCE with the West line of said 54 acre tract, S. 0 deg. 35 min. 40 sec. E., along the general course of a fence, 560.26 feet to the PLACE OF BEGINNING.

Surveyed May 2, 2008



  
Carey Bonn  
Reg. Prof. Land Surveyor No. 4447  
Bonn Surveying 830-997-3884

**FILED AND RECORDED**

OFFICIAL PUBLIC RECORDS



*Mary Lynn Rusche*

Mary Lynn Rusche, County Clerk

Gillespie County TEXAS

December 16, 2009 01:43:28 PM

FEE: \$51.00

20095729

FTC

XC