

HSW LAND, LLC

TO

THE PUBLIC

**FIRST AMENDMENT TO THE
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS**

THE STATE OF TEXAS §
 §
COUNTY OF GILLESPIE §

THAT WHEREAS, HSW LAND LLC, a Texas series limited liability company, herein called "Declarant", was the record owner of all that tract or parcel of land being 226.84 acres, more or less, situated in Gillespie County, Texas, comprised of 21.97 acres out of the B.F. Middleton Survey No. 538, Abstract 1124; 134.20 acres out of the Joseph Stevens Survey No. 108, Abstract No. 781; and 70.67 acres out of the H.G. Hendrick Survey No. 306, Abstract No. 1650; said 226.84 acre tract of land is described by metes and bounds on Exhibit "A", attached hereto and made a part hereof. ("Property"); and

WHEREAS, the Declaration of Covenants, Conditions and Restrictions was filed of record at Instrument No. 20211743 of the Official Records of Gillespie County, Texas ("Declaration"); and

WHEREAS, Paragraph 3.04 allows the Declarant to, at its sole discretion and without joinder of any other party, to amend the Declaration for purposes of correcting the Declaration for the benefit of the overall development; and

WHEREAS, there were two (2) errors in the Declaration that Declarant is now correcting in this First Amendment to the Declaration of Covenants, Conditions and Restrictions ("First Amendment").

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 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 Lot 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 Lot or deed.

**II.
RESTRICTIONS**

The following restrictions shall be replaced in their entirety as follows:

2.02 Not more than one single-family dwelling may be erected on any Lot. One (1) guest house, which shall contain a minimum of 800 square feet of living area, and other related outbuildings such as barns, animals shelters, etc., may also be constructed.

2.12 No structure shall be erected on any Lot nearer than one hundred fifty feet (150') from the front, or seventy-five feet (75') side or rear property line. Placement of all animal shelters shall be to the rear of the principal dwelling.

In the event of any inconsistency or conflict between the provisions of this First Amendment and those of the Declaration, this First Amendment shall prevail. Except as specifically amended by this First

Amendment, the Declaration shall remain unchanged and in full force and effect. Capitalized terms used herein and not otherwise defined have the meaning set forth in the Declaration, as defined therein.

EXECUTED this ____ day of _____, 2021.

DECLARANT:

HSW LAND, LLC,
a Texas series limited liability company

By: _____
JESS COLLIN WOOD, Manager

THE STATE OF TEXAS §

COUNTY OF GILLESPIE §

This instrument was acknowledged before me on this the ____ day of _____, 2021,
by JESS COLLIN WOOD, Manager of HSW LAND, LLC, a Texas series limited liability company.

Notary Public in and for the State of Texas

CONSENT BY LIENHOLDER

The Lienholder, The Bank and Trust, s.s.b., consents to this First Amendment to the Declaration of Covenants, Conditions and Restrictions ("Restrictions") by HSW LAND, LLC, a Texas series limited liability company. The Lienholder acknowledges that the filing and recording of these Restrictions is not a violation of, nor shall it trigger any due on sale clauses or other default provisions of that original Deed of Trust by and between HSW LAND, LLC as Grantor and The Bank and Trust, s.s.b., dated December 17, 2020 and recorded at Instrument No. 20207949 of the Official Records of Gillespie County, Texas.

THE BANK AND TRUST, S.S.B.,
a Texas state savings bank

By: _____
Name: _____
Title: _____

STATE OF TEXAS

COUNTY OF _____

This instrument was acknowledged before me on _____, 2021, by _____, _____ of The Bank and Trust, s.s.b., a Texas state savings bank, on behalf of said bank.

Notary Public, State of Texas