

**FIRST AMENDMENT TO  
RESTRICTIONS AND COVENANTS OF  
ESTRELLITA RANCH**

1. **Effective Date.** The Effective Date of this Amendment is the date on which it is recorded in the Official Public Records of Comal County, Texas.
2. **Parties.** The parties to this Amendment ("Owners") constitute a majority of the owners of property in the Development (hereinafter defined).
3. **Recitals.**
  - a. Owners own property in and part of Estrellita Ranch (sometimes called Estrelita Ranch), a subdivision of 815.96 acres of land (the "Development") described in the following deeds from Ernest Allen, Jr. to Richard N. Clarence, Trustee and Rocky Romano, Trustee (the "Developers") recorded in the Deed Records of Comal County, Texas:

Date	Recording Information
August 31, 1979	Volume 287, Page 4
August 31, 1979	Volume 289, Page 199
September 28, 1979	Volume 288, Page 178
December 19, 1979	Volume 290, Page 549
December 19, 1979	Volume 291, Page 38
October 30, 1980	Volume 303, Page 27
October 30, 1980	Volume 303, Page 32

(together, the "Deeds").

- b. As tracts in the Development were sold, the Developers conveyed each tract subject to restrictions and covenants set out in the various deeds, providing a common scheme of development (the "Original Restrictions").
  - c. The Development was never platted and access to each tract is by and over a private road ("Private Road") situated on the easements, some or all of

which easements, appurtenant to the tracts in the Development ("Access Easements"), were conveyed by the Developers to the purchasers of tracts in the Development and are described on the 12 pages attached as ***Exhibit "A"***.

- d. Although the Private Road and the Access Easements are for the exclusive use of all owners of property in the Development, the Owners desire to amend the Original Restrictions to clarify rights of use of the Access Easements and the permitted use of tracts in the Development to eliminate the possibility of overburdening the Access Easements.
- e. In furtherance of the mutually agreed general development plan and in accordance with the Original Restrictions, the Owners hereby amend the Original Restrictions as set out in the following paragraphs.

4. **Residential Use.** All tracts in the Development are restricted to and may be used for single family residential use only. As provided in the Original Restrictions, only one single family residence per tract is permitted. No activity on any tract of a commercial nature is permitted. Short term, transient or vacation rentals are prohibited. No tract in the Development may be used for ingress and egress to or from property located outside the Development to and from any portion of the Access Easements.

5. **Private Road.** The Private Road and the Access Easements are for the exclusive use and benefit of owners of property in the Development. Owners of property located outside the Development may not use the Access Easements, including the owners of the 458.9 acre tract or portions thereof described in the deed from Ernest Allen, Jr., Trustee to Charles W. Martin dated March 13, 1978, recorded in Volume 293 at Page 703, Comal County, Texas Deed Records.

6. **Duration and Amendment.** The covenants, conditions and restrictions of the Original Restrictions as amended hereby are and remain effective until terminated or amended by a vote of owners owning more than 50% of the tracts in the Development. An instrument containing the approved termination or amendment must be signed and recorded in the Official Public Records of Comal County, Texas.

7. **Attorneys' Fees**. If any controversy, claim or dispute arises relating to the Original Restrictions as amended hereby, its breach, or enforcement, the prevailing party is entitled to recover from the losing party reasonable expenses, attorneys' fees and costs.

8. **Ratification**. All substantive terms and provisions of the Original Restrictions are hereby ratified and confirmed, except as modified herein.

9. **Counterparts**. This Amendment may be executed in any number of counterpart originals. Each Owner agrees that one original counterpart of this Amendment may be recorded with any number of signature pages attached hereto.

10. **Execution**. This Amendment is executed by the undersigned Owners on the following signature pages on the dates indicated by each Owner's acknowledgment, to become effective upon the recordation of this Amendment.

**[ FOLLOWING ARE THE SIGNATURES AND  
ACKNOWLEDGMENTS OF OWNERS IN ESTRELLITA RANCH ]**