

04035407

AMENDMENT TO
COVENANTS, CONDITIONS AND RESTRICTIONS
FOR CARSON RANCH
AN UNRECORDED SUBDIVISION

005840

WHEREAS, by instrument recorded in Volume 1119, Page 280 of the Official Public Records of Burnet County, Texas, certain Covenants, Conditions and Restrictions (hereinafter, the "Restrictions") were filed as hereinafter set out affecting that real property colloquially known as CARSON RANCH, an unrecorded subdivision derived from the following described real property (hereinafter, the "Property"), namely,

BEING 357.37 acres of Land out of the S.S. JACKSON SURVEY, Abstract No. 479; the JOSEPH R. CRAIG SURVEY, Abstract No. 188; the JOHN KINCAID SURVEY No. 84, Abstract No. 509; and the SIMPSON GARRETT SURVEY, Abstract No. 358 in Burnet County, Texas, the same property conveyed to 3CH, LLC by Deed recorded in Volume 1069, Page 340 of the Official Public Records of Burnet County, Texas; and

WHEREAS, the Restrictions recite the following concerning Building Set Back Lines and Utility Easements, namely:

- 2.05 **Building Set-Back Lines and Access; Utility Easements.** No building or structure other than a Boundary Line fence shall be located nearer than seventy-five feet (75') to the front line of any tract derived from the Property nor nearer than twenty feet (20') to any side or rear line of any derived tract. Easements for public utilities ten feet (10') in width are reserved along the front, side and rear property lines of each tract derived from the Property; and

WHEREAS, there is pending a sale by Declarant of the Restrictions to KEVIN B. SCHWAUSCH and ANGELA J. SCHWAUSCH (hereinafter, the "Purchasers") of the following tract (hereinafter, the "Daughter Tract") as derived from the Property, namely:

BEING 74.6498 acres of Land out of the JOHN KINCAID SURVEY NO. 84, Abstract No. 509 and the JOSEPH B. CRAIG SURVEY, Abstract No. 188 in Burnet County, Texas, part of a called 357.37 acre tract conveyed to 3CH, LLC by Deed recorded in Volume 1069, Page 340 of the Official Public Records of Burnet County, Texas, more particularly described by metes and bounds in Exhibit "A" attached hereto and made a part hereof for all purposes, said tract being the aggregate acreage of those portions of CARSON RANCH, an unrecorded subdivision in said county previously nominated as Tract Nine (9) and Tract Ten (10) of said unrecorded subdivision; and

WHEREAS, the Purchasers are unwilling to consummate the contemplated transaction without assurance that the Building Set Back Lines and Utility Easements previously described in the Restrictions as set out above, shall not interfere with the building plans Purchasers have made.

NOW THEREFORE, in consideration of the premises and of the benefits to be gained, both by Declarant as Seller and the Purchasers, Declarant, as Owner of the percentage amount of the Property required for modification of the Restrictions, HEREBY MODIFIES THE RESTRICTIONS, such that the Daughter Tract shall be, for purposes of Building Set Back Lines and Utility Easements, construed as a single tract, not as previously nominated as Tract Nine (9) and Tract Ten (10) of the said unrecorded subdivision, and that restrictions as to Building Set Bank Lines and Utility Easements shall be applied such that the Daughter Tract shall be known as the front, rear and side lot lines of the aggregate tract, as described by metes and bounds attached hereto as Exhibit "A" and made a part hereof for all purposes.

HOWEVER:

For purposes of voting rights of Owners of the Property as described in the Restrictions, the Purchasers are granted the same voting rights, namely two (2) votes, as if the Daughter Tract were still construed as two (2) separate and distinct parcels subdivided out of the Property.

RETURN TO

Loughorn Title Co., Inc.

EXECUTED this ____ day of May, 2004.

3CH, LLC



HERMAN CRICHTON, Manager

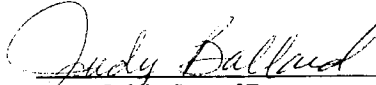
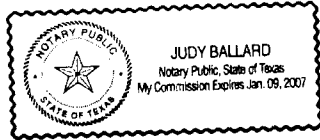
ACKNOWLEDGMENT

STATE OF TEXAS

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COUNTY OF WILLIAMSON

This instrument was acknowledged before me on 05-14-04, 2004 by
HERMAN CRICHTON, Manager of 3CH, LLC, a Texas limited liability company, Declarant.



Notary Public, State of Texas

PREPARED IN THE OFFICE OF:

David Darnell
3008 Dawn Drive, Ste. 101
Georgetown, Texas 78628

AFTER RECORDING RETURN TO:

Longhorn Title Co., Inc.
801 Main Street
Georgetown, Texas 78626

12430862
OFFICIAL PUBLIC RECORD
WILLIAMSON COUNTY, TEXAS

copy

CRICHTON AND ASSOCIATES
107 NORTH LAMPASAS
ROUND ROCK, TEXAS
512-244-3395

FIELD NOTES

FIELD NOTES FOR A 74.6498 ACRE TRACT OF LAND OUT OF THE JOHN KINCAID SURVEY NO. 84, ABSTRACT NO. 509 AND THE JOSEPH B. CRAIG SURVEY, ABSTRACT NO. 188 IN BURNET COUNTY, TEXAS, BEING A PART OF A 357.37 ACRE TRACT DESCRIBED IN DEED TO 3CH, L.L.C. IN VOL. 1069 PG. 340, OFFICIAL PUBLIC RECORDS, BURNET COUNTY, TEXAS. SAID TRACT BEING KNOWN AS TRACTS 9 & 10 OF CARSON RANCH, AN UNRECORDED SUBDIVISION AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron pin found on the fenced West R.O.W. of County Road 202 at the Northeast corner of a 23.8416 acre tract conveyed to Bill Chism in Vol. 1156 Pg. 588 of the Burnet County, Texas Deed Records for the Southeast corner of this tract and the POINT OF BEGINNING.

THENCE with the North line of said 23.8416 acre tract the following two (2) courses:

- 1) S 70° 37' 04" W, 2203.84 feet to a 1/2" iron pin found.
- 2) S 56° 24' 03" W, 247.50 feet to a point in the approximate centerline of the North San Gabriel River, being the Northwest corner of said 23.8416 acre tract, being on the West line of said 357.37 acre tract as defined by Boundary Line Agreement recorded in Vol. 1069 Pg. 335 of the Burnet County, Texas Deed Records.

THENCE with the West line of said 357.37 acre tract as defined by said Boundary Line Agreement the following nine (9) courses:

- 1) N 55° 09' 53" W, 10.06 feet to a point.
- 2) N 66° 35' 04" W, 106.14 feet to a point.
- 3) N 48° 27' 42" W, 374.87 feet to a point.
- 4) N 51° 29' 26" W, 175.00 feet to a point.
- 5) N 76° 28' 44" W, 207.96 feet to a point.
- 6) N 62° 24' 34" W, 62.51 feet to a point.
- 7) N 22° 28' 44" W, 260.82 feet to a point.
- 8) N 07° 42' 58" W, 70.04 feet to a point.
- 9) N 28° 42' 15" E, 125.22 feet to a point being the Southwest corner of a 42.06 acre tract conveyed to William Pecht in Vol. 1158 Pg. 423 of the Burnet County, Texas Deed Records for the Northwest corner of this tract.

OFFICIAL PUBLIC RECORD
BURNET COUNTY, TEXAS
1243 0863

THENCE with the South line of said 42.06 acre tract the following two (2) courses:

- 1) N 50° 04' 00" E, 186.20 feet to a 1/2" iron pin found.
- 2) N 70° 37' 04" E, 2861.39 feet to a 1/2" iron pin found on the fenced West R.O.W. of County Road 202 for the Southeast corner of said 42.06 acre tract and the Northeast corner of this tract.

THENCE with the fenced West R.O.W. of County Road 202 the following three (3) courses:

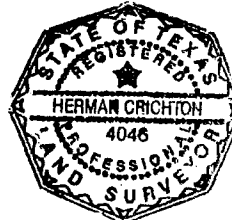
- 1) S 12° 34' 02" E, 280.35 feet to a fence post found.
- 2) S 18° 26' 45" E, 797.14 feet to a fence post found.
- 3) S 28° 35' 14" W, 66.61 feet to the POINT OF BEGINNING and containing 74.6498 acres more or less.

I hereby certify that the foregoing field notes were prepared from a survey on the ground under my supervision and are true and correct to the best of my knowledge and belief.

Witness my hand and seal this 22nd day of April, 2004

Herman Crichton, R.P.L.S. 4046


RETURN TO
Langhorn Title Co., Inc.



STATE OF TEXAS
COUNTY OF BURNET

I hereby certify that this instrument was FILED on this date
and at the time stamped hereon by me and was duly
RECORDED in the OFFICIAL PUBLIC RECORDS
OF BURNET COUNTY, TEXAS in the volume
and Page as shown.



Janet Parker
County Clerk
Burnet County, Texas
By *[Signature]*
DEPUTY

Any provision herein which restricts the sale, rental or use
of the described real property because of color or race is
invalid and unenforceable under federal law.

SCANNED

005840

FILED

2004 MAY 19 AM 9:17

JANET PARKER
COUNTY CLERK
BURNET COUNTY, TEXAS

OFFICIAL PUBLIC RECORD
BURNET COUNTY, TEXAS
1243 0864