

FILM CODE
00005695908

15.
89

FIRST AMENDMENT TO
COVENANTS, CONDITIONS AND RESTRICTIONS
FOR MESA VALLEY

THE STATE OF TEXAS
COUNTY OF TRAVIS

§
§ KNOW ALL MEN BY THESE PRESENTS:
§

THIS FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR MESA VALLEY (the "First Amendment") is made effective MARCH 4th, 1998, by BLUEBONNET PLAZA, LTD., a Texas limited partnership (the "Declarant"), and MESA VALLEY OWNERS ASSOCIATION, INC., a Texas non-profit corporation (the "Association"),

W I T N E S S E T H:

A. Declarant and other Owners (as that term is defined in the Declaration) are the record owners of certain real property located in Travis County, Texas, which is subject to that certain Covenants, Conditions and Restrictions for Mesa Valley (the "Declaration") recorded in Volume 12124, Page 1328, Real Property Records of Travis County, Texas;

B. Declarant, the Association (as that term is defined in the Declaration) and the Owners desire to amend the Declaration as hereinafter set forth, and such amendment has been approved pursuant to Section 9.02(B) of the Declaration; and

C. This First Amendment is being executed by Declarant and the Association to confirm such amendment.

NOW, THEREFORE, the Declaration is hereby amended as follows, which amendment shall run with the Property, shall be binding on all parties having any right, title or interest in or to the Property or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each Owner thereof.

1. Except as expressly otherwise provided herein, all capitalized terms shall have the meanings set forth in the Declaration, and all provisions of the Declaration are hereby confirmed and shall continue in full force and effect.

2. Section 6.03 of the Declaration is amended to read as follows:

6.03 Regular Annual Assessments. Prior to the beginning of each fiscal year, the Board shall estimate the expenses to be incurred by the Association during such year in performing its functions under the Mesa Valley Restrictions, including but not limited to, the

REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

13134 0775

cost of all maintenance, the cost of providing street lighting, if any, the cost of enforcing the Mesa Valley Restrictions, and a reasonable provision for contingencies and appropriate replacement reserves, less any expected income and any surplus from the prior year's fund. Assessments sufficient to pay such estimated net expenses shall then be levied as provided herein, and the level of Assessments set by the Board shall be final and binding so long as it is made in good faith. If the sums collected prove inadequate for any reason, including nonpayment of any individual Assessment, the Association may at any time, and from time to time, levy further Assessments in the same manner as provided above. All such regular Assessments shall be due and payable to the Association at the beginning of the fiscal year, or during the fiscal year in equal monthly installments on or before the first day of each month, or in such other manner as the Board may designate in its sole and absolute discretion. In no event shall the regular annual assessment per Lot for the year 1998 exceed the sum of Five Hundred and No/100 Dollars (\$500.00). Thereafter, at the Board's sole and absolute discretion, the maximum regular annual assessment permitted hereunder may be increased by no more than five percent (5%) per year. If the Board fails to increase the regular annual assessment per Lot in any calendar year after 1998 the entire five percent (5%) amount permitted under the preceding sentence, the Board may carry over the unused increase for use in any subsequent calendar years specified by the Board. The maximum regular annual assessment during any year may be increased by more than the amount permitted under the preceding two (2) sentences only by affirmative vote of two-thirds (2/3) of each class of Members, voting in person or by proxy, at a meeting duly called for such purpose.

3. The Association hereby certifies that this First Amendment has been approved by Owners entitled to cast at least seventy-five percent (75%) of the number of votes entitled to be cast pursuant to Section 4.03 of the Declaration by Class A Members and the Class B Member.

IN WITNESS WHEREOF, Declarant and the Association have executed this First Amendment to be effective as set forth above.

DECLARANT:

BLUEBONNET PLAZA, LTD., a Texas limited partnership

By: Home Ground Corporation, a Texas corporation, general partner

By: *Randle K*
Randall E. Kemper, Vice President

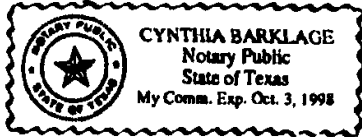
ASSOCIATION:

MESA VALLEY OWNERS ASSOCIATION, INC., a Texas non-profit corporation

By: *Randle K*
Randall E. Kemper, President

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

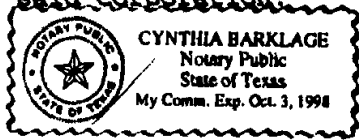
This instrument was acknowledged before me on the 4th day of March, 1998, by Randall E. Kemper, Vice President of Home Ground Corporation, a Texas corporation, general partner of Bluebonnet Plaza, Ltd., a Texas limited partnership, on behalf of said corporation on behalf of said limited partnership.



Cynthia Barklage
Notary Public, State of Texas

STATE OF TEXAS §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on the 4th day of March, 1998, by Randall E. Kemper, President of Mesa Valley Owners Association, Inc., a Texas non-profit corporation, on behalf of said corporation.



Cynthia Barklage
Notary Public, State of Texas

After Recording Return To:

Wm. Terry Bray
P.O. Box 98
Austin, Texas 78767-0098

Return to: Elida Dandridge
Heritage Title Company
901 MoPac Expwy, South
Plaza 5, Suite 100
Austin, Texas 78746
GP# _____

STATE OF TEXAS COUNTY OF TRAVIS
I hereby certify that this instrument was FILED on
the date and at the time stamped hereon by me, and
was duly RECORDED, in the Volume and Page of the
named RECORDS of Travis County, Texas, on

FILED

98 MAR -6 PM 4:38

DANA DEBEAUVOIR
COUNTY CLERK
TRAVIS COUNTY, TEXAS

MAR 6 1998



Dana Debeauvoir
COUNTY CLERK
TRAVIS COUNTY, TEXAS

U:\WTRAY\15278.1\MESA.AMD, 3/2/98

4
RECEIPT#: A00106136 TRANS#: A0535 DEPT: REGULAR RECORD \$15.00
CASHIER: BAFRI FILE DATE: 3/6/98 TRANS DATE: 3/9/98
PAID BY: LEGALEASE# 001014

REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

13134 0778