

AMENDMENT ONE TO SUPPLEMENTARY DECLARATION OF EASEMENTS,  
RESTRICTIONS & COVENANTS FOR PHASE TWO SECTION A OF THE PEBBLE  
CREEK DEVELOPMENT

575785

AMENDMENT ONE TO SUPPLEMENTARY § UNITED STATES OF AMERICA  
DECLARATION OF EASEMENTS, §  
RESTRICTIONS AND COVENANTS FOR § COUNTY OF BRAZOS  
PHASE TWO SECTION A OF THE §  
PEBBLE CREEK DEVELOPMENT § STATE OF TEXAS

(Patio Home Section)

*Dulorne Whalley*

This amendment ("Amendment") is made effective the 28th day of March, 1994 by Pebble Creek Development Company, a Texas Corporation (the "Declarant") represented by Vice President, Davis M. Young, whose address is 4500 Pebble Creek Parkway, College Station, Texas 77845.

WHEREAS, on or about the 28th day of March, 1994, Declarant executed an instrument entitled Supplementary Declaration of Easements, Restrictions and Covenants for Phase Two Section A of the Pebble Creek Development ("Supplementary Declaration"), and such instrument was filed of record in Volume 2068, Page 325, Official Records of Brazos County, Texas; and

WHEREAS, Declarant desires to amend the Supplementary Declaration to add, clarify and amend certain provisions contained in the Supplementary Declaration for the benefit of Phase Two Section A, Pebble Creek Development, a subdivision located in College Station, Brazos County, Texas; and

WHEREAS, certain third parties ("Third Parties") have acquired certain lots in said Phase Two Section A, and the Third Parties have consented to this addition, amendment and/or change to the Supplementary Declaration as same is recorded in Volume 2068, Page 325, Official Records of Brazos County, Texas:

NOW, THEREFORE, the Supplementary Declaration referred to above is hereby amended, altered or changed as follows:

- 1. Section 4 of the Supplementary Declaration entitled "Use Restrictions" is hereby amended by adding Section 4.39 which shall read as follows:

"All mailboxes shall be of masonry construction or other materials specifically approved by the Architectural Control Committee prior to construction. The color, design and construction material of each individual mailbox must also be approved by the Architectural Control Committee. Additionally, no trash receptacle may be placed within fifteen (15') feet of a mailbox.

- 2. The Supplementary Declaration is further amended by adding Section 4.40 which shall read as follows:

"All residences constructed within Phase Two Section A of the Pebble Creek Development must be trimmed with gutters on all borders of the roof that are parallel to the surface of the ground and such other borders of the roof as may be reasonably required by the Architectural Control Committee to maintain proper drainage or for furthering an aesthetic concept of the subdivision all as may be determined in the sole discretion of the Architectural Control Committee."

3. The Supplementary Declaration as recorded in Volume 2068, Page 325, Official Records of Brazos County, Texas is further amended by adding Section 6.4 which shall read as follows:

"An Aerial Easement is hereby granted and/or reserved, as the case may be for the benefit of the adjoining lot, twenty-four (24") inches in width adjacent to and along the side lot line on that portion of each lot that is located in the patio or open space area of such lot. The Aerial Easement is for the purpose of allowing the eaves of a residence or garage constructed on the adjoining lot to occupy the aerial space within such twenty-four (24") inches. The Aerial Easement shall not be located within eight (8) feet of the surface of the ground, and it shall extend in height six inches above the surface of the roof. In addition to the Aerial Easement, a construction easement is hereby granted to the owner of the adjoining lot allowing such person to cross the yard, patio or other open space of a particular lot for the purpose of constructing the eaves or overhang of the house that is the beneficiary of the Aerial Easement and making repairs or maintenance to the eaves located within the Aerial Easement. Any access to or use of the construction easement shall only be between the hours of 8:00 a.m. and 5:00 p.m. on normal business days. The Architectural Control Committee shall have the right to impose additional limitations on the right to use such construction easement if the Architectural Control Committee deems necessary. Any person or party using such construction easement shall be liable to the owner of the lot over which such easement is granted for any damages that may occur to the servient estate."

4. All other provisions, terms and conditions of the Supplementary Declaration as recorded in Volume 2068, Page 325, Official Records of Brazos County, Texas shall remain in full force and effect.

Witness our hands this 24<sup>th</sup> day of January, 1995.

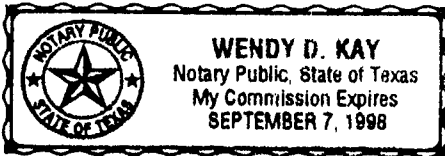
PEBBLE CREEK DEVELOPMENT COMPANY

By: *Davis M. Young*  
DAVIS M. YOUNG, Vice President

By: *Molly Young*  
MOLLY YOUNG, Assistant Secretary

STATE OF TEXAS           §  
  §  
COUNTY OF BRAZOS     §

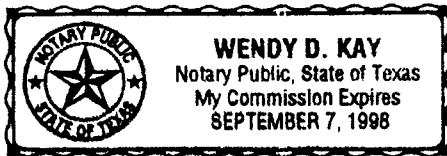
This instrument was acknowledged before me on this the 24<sup>th</sup> day of January, 1995 by DAVIS M. YOUNG, Vice President of Pebble Creek Development Company, a Texas corporation, on behalf of said corporation.



*Wendy D. Kay*  
Notary Public, State of Texas  
My Commission Expires: 9/7/98

STATE OF TEXAS           §  
  §  
COUNTY OF BRAZOS     §

This instrument was acknowledged before me on this the 24<sup>th</sup> day of January, 1995 by MOLLY YOUNG, Assistant Secretary of Pebble Creek Development Company, a Texas corporation, on behalf of said corporation.



*Wendy D. Kay*  
Notary Public, State of Texas  
My Commission Expires: 9/7/98