

AMENDMENT ONE TO
SUPPLEMENTARY DECLARATION OF EASEMENTS, RESTRICTIONS, AND
COVENANTS FOR PHASES IA, IB, AND IC, OF
THE PEBBLE CREEK DEVELOPMENT

10/13/1999
J. Sella
S.S.

AMENDMENT ONE TO SUPPLEMENTARY
DECLARATION OF EASEMENTS, RESTRICTIONS,
AND COVENANTS FOR PHASES 1A, 1B, AND 1C,
OF THE PEBBLE CREEK DEVELOPMENT

* UNITED STATES OF AMERICA
* COUNTY OF
* BRAZOS
* STATE OF TEXAS

This amendment is made this 28 day of June, 1991, by Pebble Creek Development Company ("Declarant"), represented by Vice President A. P. Boyd. Declarant's address is P. O. Box 674, Bryan, TX 77806.

WHEREAS, on December 4, 1990, Declarant executed an instrument titled "SUPPLEMENTARY DECLARATION OF EASEMENTS, RESTRICTIONS, AND COVENANTS FOR PHASES 1A, 1B, AND 1C, OF THE PEBBLE CREEK DEVELOPMENT", and such instrument is filed for record in the records of Brazos County, Texas.

WHEREAS, Declarant desires to amend such instrument to clarify certain items contained therein.

NOW THEREFORE, such instrument referred to above is amended as follows:

1. Article 3.1 is amended to read:

3.1 Single-Family Residential Construction. No building shall be erected, altered, or permitted to remain on any Lot or Unit other than one detached single family dwelling used for residential purposes only and not to exceed two and one half (2 1/2) stories in height and a private garage (or other approved covered or enclosed parking facility) and other bona fide servant's quarters; provided, however, that the servant's quarters structure will not exceed the main dwelling in height or number of stories. Except as hereinafter provided with respect to model homes, each residence shall have a fully enclosed garage for not less than two (2) cars, which garage is available for parking automobiles at all times. The garage portion of any model home may be used by Builders for sales purposes, storage purposes and other related purposes. Upon (or prior to) the sale of said model home to the first purchaser thereof, the garage portion of the model home shall be converted to a fully enclosed garage with garage doors. As used herein, the term "residential purposes" shall be construed to prohibit mobile homes or trailers being placed on said Lots or Units, or the use of said Lots or Units for duplex houses, condominiums, town houses, garage apartments, or apartment houses; and no Lot or Unit shall be used for business, educational, religious or professional purposes of any kind whatsoever, nor for any commercial or manufacturing purposes. No permanent structure of any kind or character shall ever be moved onto any Lot or Unit within said Development.

Except as otherwise provided in Section 3.12, no portable buildings of any type or character shall be moved or placed upon any Lot or Unit. Prior to the commencement of the construction of any Improvements within the Community, such Improvements of every type and character, whether attached to or detached from the main residential structure or garage constructed on the Lots, must be approved by the Pebble Creek Architectural Control Committee ("Architectural Committee") in accordance with the provisions of the Declaration.

All garages shall open to the side or to the rear of the Lot upon which it is built except that a garage may open to the front of the Lot if (i) the front of the garage is set back at least forty feet (40") from the front of the main residential structure or (ii) the Lot is located on a cul de sac where the Lot has less than forty feet (40") of width across the front building line (unless otherwise approved by the Architectural Committee).

2. Article 3.20 is amended to read:

3.20 Swimming Pools. No swimming pool may be constructed on any Lot or Unit without the prior written approval of the Architectural Committee. Each application made to the Architectural Committee shall be accompanied by two sets of plans and specifications for the proposed swimming pool construction to be done on such Lot or Unit, including a plot plan showing the location and dimensions of the swimming pool and all related improvements, together with the plumbing and excavation disposal plan. The Architectural Committee's approval or disapproval of such swimming pool shall be made in the same manner as described in the Declaration hereof for other building improvements. The Owner shall be responsible for all necessary temporary erosion control measures required during swimming pool construction on said Lot or Unit to insure that there is no erosion into the streets, lakes, golf course or other Lots. Swimming pool drains shall be piped into the storm sewer drainage system. In no event shall swimming pools be drained or discharge water into the streets, lakes, golf course or other Lots. All swimming pools must be enclosed with a fence (whose design and composition is approved by the Architectural Committee) and must comply with ordinances of the City of College Station.

3. Article 3.28 E is amended to read:

E. The Architectural Committee reserves the right to require the installation, operation, and maintenance of underground irrigation systems in proper working order when proximity to golf course, water table, tree count, and other relevant factors are considered.

In all other aspects, the instrument referred to herein remains unchanged and in full force and effect.

Executed this 28 day of June, 1991.

WITNESSES:

PEBBLE CREEK DEVELOPMENT COMPANY

John Wilson
John Wilson, Asst. Secretary

By A. P. Boyd
A. P. Boyd, Vice President

STATE OF TEXAS

COUNTY OF BRAZOS

This instrument was acknowledged before me on this the 28 day of June, 1991, by A. P. Boyd, Vice President of Pebble Creek Development Company, a Texas Corporation, on behalf of such corporation.

Carmen Beek
Notary Public, State of Texas
My Commission Expires: 1-31-95



STATE OF TEXAS

COUNTY OF BRAZOS

This instrument was acknowledged before me on this the 28 day of June, 1991, by John Wilson, Assistant Secretary of Pebble Creek Development Company, a Texas Corporation, on behalf of such corporation.

Carmen Beek
Notary Public, State of Texas
My Commission Expires: 1-31-95

