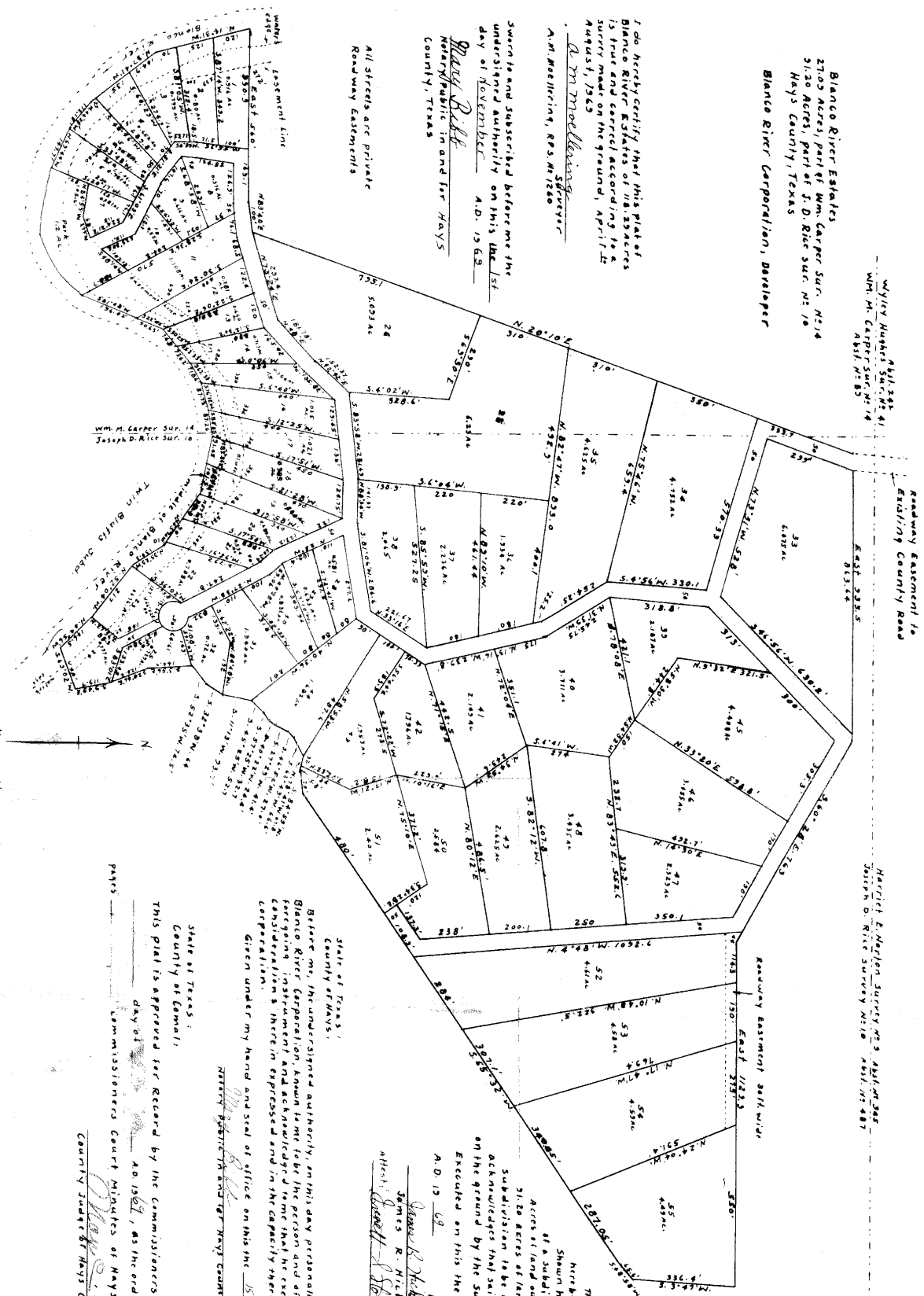


Blanco River Estates
 27.09 Acres, part of Wm. Carper Surv. N:14
 31.30 Acres, part of J. D. Rice Surv. N:10
 Hays County, Texas
 Blanco River Corporation, Developer

I do hereby certify that this plat of
 Blanco River Estates of 118.39 acres
 is true and correct according to the
 survey of the ground, April 11, 1969
 A.D. 1969
James R. Nickley
 Surveyor
 Am. Measuring, 823 N. 1200

Sworn to and subscribed before me the
 undersigned authority on this the 1st
 day of November A.D. 1969
Blair Bille
 Notary Public in and for Hays
 County, Texas

All streets are private
 Roadway Eastments



Scale: 1 in = 200 ft

State of Texas,
 County of Hays:
 This plat is approved for record by the Commissioners' Court of Hays County, Texas, this the
 day of November A.D. 1969, as the order of approval is shown on back
 parts of this plat.
Blair Bille
 County Judge of Hays County, Texas

Before me, the undersigned authority, on this day personally appeared James R. Nickley, president of
 Blanco River Corporation, known to me to be the person and officer whose name is subscribed to the
 foregoing instrument, and acknowledged to me that he executed the same for the purposes and in the
 capacity therein expressed and in the capacity therein stated as the act and deed of said
 corporation.
 Given under my hand and seal of office on this the 15 day of November A.D. 1969
Blair Bille
 Notary Public in and for Hays County, Texas

State of Texas,
 County of Hays:
 I, Blair Bille, County Judge of Hays County, Texas, do hereby certify that the
 foregoing plat was approved for record by the Commissioners' Court of Hays County, Texas, on the
15 day of November A.D. 1969.
James R. Nickley
 President
Blair Bille
 Secretary

That Blanco River Corporation, as owner,
 here by adopts and accepts the map or plat as
 shown herein as final and correct representation
 of a subdivision of 118.39 acres of land, being 27.09
 acres of land out of the Wm. M. Carper Survey N:14, and
 31.30 acres of land out of the J. D. Rice Survey N:10, said
 subdivision is known as "Blanco River Estates" and
 acknowledges that said plat was made from an actual survey
 on the ground by the surveyor whose name is endorsed hereon
 Executed on this the 15 day of November
 A.D. 1969
James R. Nickley
 Blanco River Corporation
 President

RECEIVED
 HAYS COUNTY CLERK
 NOV 20 1969
 HAYS COUNTY, TEXAS

BLANCO RIVER ESTATES
SUBDIVISION

66503

DEDICATION AND RESTRICTIONS

THE STATE OF TEXAS)
COUNTY OF HAYS)

KNOW ALL MEN BY THESE PRESENTS:

That the Blanco River Corporation owners and developers (referred to herein as Developers) are the owners of all that certain real property in Hays County, Texas described as follows, to wit: 27.09 acres of land out of the Wm. M. Carper Survey No. 14; and 91.20 acres out of the Joseph D. Rice Survey No. 10, and being more particularly described by metes and bounds as follows, to wit:

BEGINNING at a stake by a corner post set for the Southeast corner of that 689 acre tract heretofore described in and conveyed by a deed dated December 6, 1960, now of record in Vol. 184, Pages 353-71, Hays County Deed Records, wherein Catharine L. Haschke, a feme sole, was grantor and G. W. Haschke was grantee, which point is the Southeast corner of the tract hereby conveyed, and from which point an iron pin is set in the face of a rock bluff S. 69° 02' W. 19.55 feet;

THENCE S. 69° 02' W. 19.55 feet passing said iron pin in face of bluff at 90.75 feet passing another iron stake at the North water's edge of the Blanco River, in all a distance of 140 feet to a point in the middle of said Blanco River;

THENCE, up the middle of the Blanco River and its meanders, N. 44° 53' W. 146.5 feet; N. 52° 04' W. 217 feet; N. 35° 23' W. 130.3 feet; N. 55° 20' W. 376 feet; S. 84° 25' W. 200.4 feet; S. 48° 40' W. 228.0 feet; S. 3° 50' W. 545.7 feet; S. 79° 40' W. 95.4 feet; N. 64° 47' W. 370.5 feet; N. 37° 41' W. 246.2 feet; and N. 14° 31' W. 315 feet to a point;

THENCE EAST, passing an iron stake on the East bank of said Blanco River, in all a distance of 560 feet to a stake, and S. 83° 48' E. 100 feet to a stake;

THENCE N. 20° 10' E. 2100 feet to a stake;

THENCE EAST 933.5 feet to a stake;

THENCE S. 60° 28' E. 763 feet to a stake;

THENCE EAST 1129.3 feet to a stake;

THENCE S. 4° 23' W. 337 feet to a stake by a fence post;

THENCE, with existing fence, S. 48° 53' W. 65.6 feet, and S. 55° 22' W. 184 feet to a post;

THENCE, continuing with meandering fence, S. 84° 55' W. 70 feet; N. 78° 41' W. 47.8 feet; S. 62° 43' W. 66.6 feet; S. 46° 54' W. 27 feet; S. 27° 29' W. 41.4 feet; S. 40° 22' W. 24.4 feet; S. 57° 25' W. 32.7 feet; S. 45° 25' W. 52.7 feet; S. 11° 13' W. 97.7 feet; S. 32° 38' W. 64 feet, a double walnut mentioned in previous deeds bears N. 41° 25' W. 49 feet; S. 52° 35' W. 74.5 feet; S. 3° 56' E. 144.7 feet; S. 20° 46' E. 120.4 feet; and S. 9° 49' E. 119.7 feet to the place of beginning, containing 118.29 acres, and being that identical property surveyed on the ground

on June 14, 1966, by A. M. Moellering, Registered Public Surveyor No. 1260, and being a part of that 689 acre tract heretofore described in and conveyed by a deed dated July 30, 1966, now of record in Vol. 213, Pages 115-18, Hays County Deed Records, wherein G. W. Haschke was grantor and Jesse E. Johnson, et ux., were grantees--a subdivision of 55 tracts as shown on a plat recorded in Vol. L, Page 95-96 of the Plat Records of Hays County, Texas.

Developers desire to create and carry out a uniform plan for the improvement, development and sale of all of the 118.29 acres in individual tracts to be surveyed and sold, for the benefit of the present and future owners of said tracts and for the protection of property values therein; and, to that purpose, Developers hereby adopt and establish the following declarations, Reserva-

tions, restrictions, covenants, conditions and easements to apply uniformly to the use, improvement, occupancy and conveyance of all tracts to be surveyed in the Subdivision shall conclusively be held to have been executed, delivered and accepted subject to the following (regardless of whether or not the same as set out in full or by reference in said contract or deed).

SUBDIVISION NAME AND STREET DEDICATION

1. The Subdivision shall be known as "Blanco River Estates".
2. The access road from present Fischer Store Road to the Subdivision through property now owned by G. W. Hanchke is an assured access road. The maintenance of this road will be shared equally with G. W. Hanchke and the Subdivision.

SUBDIVISION RESTRICTIONS

1. USE--None of the tracts or the improvements thereon shall be used for anything other than single family private residential purposes. After the construction of residence, it is understood that there may be also constructed a garage, servant quarters and/or guest quarters, so long as the same are connected by covered breezeway or otherwise with and used in conjunction with such single family, private residence.
2. TRACT AREA--No tract shall be subdivided.
3. ARCHITECTURAL CONTROL COMMITTEE--An Architectural Control Committee shall be appointed, from time to time, by developers, with advice of residents in the Subdivision. It shall be the purpose of such Committee, in reviewing plans, specifications and plot plans, to insure for all owners harmony of external and structural design and quality with existing structures. The Committee shall have the right to designate a representative to act for it in all matters arising hereunder. Also, this committee shall be responsible for park and road maintenance as described in Paragraph 18 of these restrictions and shall have the additional duty and authority as described in Paragraph 20 below.

4. STRUCTURES

- A. No dwelling shall be erected or permitted to remain on any tract, having a living area of less than 600 square feet (when measured to exterior walls), exclusive of attached garage or other similar appendages.
- B. No improvements shall be placed or altered on any tract until the building plans, specifications and plot plan showing the location of such improvements on the tract have been approved in writing by the Architectural Control Committee. In the event the Architectural Control Committee disapproves of such improvements, plans, specifications and/or plot plans, notice of such disapproval shall

be by delivery in person or by registered or certified letter, addressed to the party submitting the same at an address which must be supplied with the elements disapproved and the reason or reasons therefor, but need not contain suggestions as to methods of curing any matters or things disapproved. The judgment of the Architectural Control Committee in this respect, in the exercise of its discretion, shall be final and conclusive. If said committee fails to approve or disapprove said plans, after the same have been submitted to it, it will be presumed that the same have been approved.

- C. No structure shall be used until the exterior thereof, as approved pursuant to sub-paragraph "B" above, and sanitary sewerage disposal facilities (complying with Paragraph 15 below), are completely finished.
- D. No dwelling shall be located on any tract nearer than twenty-five (25) feet to the cliff or twenty-five (25) feet of the front property line or rear property line of the tract or five (5) feet of the side property line, except if one structure is constructed on two adjoining tracts, such dwelling shall be constructed no closer than twenty-five (25) feet from the front or rear line and no closer than five (5) feet from any side boundary line constituting the contiguous land upon which such dwelling is placed.

- E. No trailer, tent, shack, garage, barn or other out-buildings or structures of a temporary character shall at any time be used as a residence, nor shall any structure of a temporary character ever be used in any way or moved onto or permitted to remain on any lot except during construction of permanent structure, provided, however, that owners shall be allowed to locate on their premises trailers or campers used for weekend outings or vacation periods not to exceed fourteen (14) days at any one time.
- F. Mobile homes may be acceptable as permanent dwellings on the tracts if they meet the minimum living area requirement and the FHA specifications for such dwellings. These homes must be placed on a slab foundation or equivalent.
- G. With reasonable diligence, and in all events within nine (9) months from the commencement of construction (unless completion is prevented by war, strikes, or act of God), any dwelling commenced shall be completed as to its exterior, and all temporary structures shall be removed.
- H. Lot line fences constructed shall meet the approval of the Architectural Committee.
5. SIGNS--No For Sale or For Rent signs may be displayed without the prior written approval of Developers, and no other type of sign or advertising may be displayed.
 6. NUISANCES--No noxious or offensive activity shall be carried on or maintained on any tract in the Subdivision, nor shall anything be done thereon which may be or become a nuisance.
 7. FIREARMS--The use or discharge of firearms is expressly prohibited within the Subdivision.
 8. GARBAGE AND TRASH DISPOSAL--No tract shall be used as a dumping ground. Any incinerator or other equipment for the storage or disposal of waste material shall be kept clean and tightly.
 9. ANIMALS--Animals other than house pets, with the exception of hogs and chickens, can be kept on a tract if property is fenced and the keeping of such animals does not prove a nuisance.
 10. DRAINAGE STRUCTURES--Drainage structures under private driveways shall always have a net drainage opening area of sufficient size to permit the free flow of water without backwater.
 11. UNSIGHTLY STORAGE--If open carports are used, no unsightly storage shall be permitted therein that is visible from the streets. No boats, trucks, or unsightly vehicles shall be stored or kept for the purpose of repairs on any tract except in an enclosed garage or in facilities protected from the public's view or other residents of the Subdivision.
 12. OFF-ROAD PARKING--Both prior to and after the occupancy of a dwelling on any tract the owner shall provide appropriate space for off-street parking for his vehicle or vehicles.
 13. SEWAGE--No outside toilet will be permitted. No installation of any kind for the disposal of sewage shall be allowed which would result in raw or untreated sewage being carried on to adjacent property. No means of sewerage disposal may be installed or used except a septic tank or similar or improved sanitary method of sewerage disposal meeting the requirements of and approval of the proper governmental authorities having jurisdiction with respect thereto. The drainage of septic tanks or other sewerage disposal facilities into any road, ditch, or surface easement, either directly or indirectly, is prohibited.
 14. EASEMENTS--Ten feet along the rear property line of each tract is reserved for the purpose of installing, repairing, maintaining, and conveying to proper parties utilities to all tracts of the Subdivision. All butane tanks must be either enclosed with materials harmonious with the house or placed underground.

- There is further designated an easement of various width, described in the Subdivision Plat, to all property owners within the Subdivision from and along the water's edge for their common use and occupancy for recreational purposes. No structure or other obstruction shall ever be placed upon said easement which interferes with the intended use therein.
15. PARK AND RIVER ACCESS--Certain easements as are marked have been designated as parks for the restricted use of residents of the Subdivision. Vehicles are not to be driven into the park area other than adjacent to road. All persons using this area must remove and dispose of any refuse upon leaving the park area.
 16. ROAD AND PARK MAINTENANCE--For the purposes of maintaining property values the Architectural Control Committee will also see that roads and parks are maintained. To accomplish this, an annual assessment shall be made to all tract owners on an equal basis when the need shall appear and at no time until such roads are fully complete. This money shall be used to make improvements to roads and parks, provide legal aid in connection with the enforcement of restrictions and to pay Subdivision's part of access road maintenance.
 17. COVENANTS RUNNING WITH THE LAND--All of the restrictions, covenants and easements herein provided for and adopted apply to each and every lot in the Subdivision, and shall be covenants contained and provided herein and shall run with the land, and in order to prevent a breach or to enforce the observance or performance of same, shall have the right, in addition to all legal remedies or remedies elsewhere provided herein, to an injunction either prohibitive or mandatory.

The owner of any lot or lots in the Subdivision effected shall likewise have the right to either prevent a breach of any such restriction or covenant or to enforce the performance thereof.

18. PARTIAL INVALIDITY--Invalidation of any covenant, restriction, etc. (by court order or otherwise) shall not affect, in any way, the validity of all other covenants, restrictions, etc.--all of which shall remain in full force and effect. Acquiescence in any violation shall not be deemed a waiver of the right to enforce against the violator or others the conditions so violated or any other conditions; and Developers shall have the right to enter the property of the violator and correct the violation, or to require that the same be corrected.
19. DURATION OF RESTRICTIONS
 - A. Restrictions and covenants herein provided for and adopted shall remain in full force and effect until January 1, 1989.
 - B. At the end of the term provided in (20-A) above, and at the end of each ten (10) year extension herein provided, the restrictions and covenants herein provided for shall automatically be renewed and extended for succeeding periods of ten (10) years each, unless within six (6) months prior to the date such restrictions and covenants would otherwise be automatically extended, an instrument shall have been signed by the then owners of a majority of the lots in the Subdivision and shall have been recorded in the office of the County Clerk of Hays County, Texas, agreeing to change said restrictions and covenants, in whole or in part. In the instance of community property, signature of the husband alone shall suffice.
20. The Architectural Control Committee shall have the exclusive duty and authority to first define and interpret the above restrictions or any and all terms used therein in the event such definition or interpretation shall become necessary.

Executed this 26th day of November, 1969.

Vol. 234 p. 112



BLANCO RIVER CORPORATION
James R. Hickey
James R. Hickey, President

ATTEST:
Everett S. Stovall
Everett S. Stovall, Secretary

CORPORATION ACKNOWLEDGMENT

THE STATE OF TEXAS)
COUNTY OF BRAZORIA)

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared James R. Hickey, President of Blanco River Corporation, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said Blanco River Corporation, a corporation, and that he executed the same as the act of such corporation for the purposes and consideration therein expressed, and in the capacity therein



GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 26th day of September, 1969.

Margaret B. Schlemmer
Margaret B. Schlemmer
Notary Public in and for Brazoria County, Texas

-5-

MARGARET B. SCHLEMMER
Notary Public, Brazoria County, Texas

FILED FOR RECORD THE 14th DAY OF September A. D. 1969 AT 12:30 O'CLOCK P. M.
RECORDED THE 14th DAY OF September A. D. 1969 AT 12:30 O'CLOCK P. M.

Lydell B. Clayton
LYDEL B. CLAYTON, COUNTY CLERK, BRAZORIA COUNTY, TEXAS.

274644

702
12/16/66

BLANCO RIVER ESTATES SUBDIVISION

SUBDIVISION NAME AND STREET DEDICATION

764 122

1. The subdivision shall be known as "Blanco River Estates".
2. The access road from present Fischer Store Road to the Subdivision through property formerly owned by G. W. Haschke is an assured access road.

SUBDIVISION RESTRICTIONS

1. USE. — None of the tracts or the improvements thereon shall be used for anything other than single family private purposes. After the construction of residence, it is understood that there may be also constructed other structures such as garage, servant quarters and/or guest quarters used in conjunction with the single family private residence.

2. TRACT AREA — No tract shall be subdivided by bequest in a legally executed Last Will and Testament into tracts smaller than one (1) acre. No tract may be subdivided by any other method except to provide for addition to adjacent tracts. No such subdivided tract shall be sold or conveyed to any party who does not own an adjacent, contiguous platted tract.

3. ARCHITECTURAL CONTROL COMMITTEE — An Architectural Control Committee shall be elected annually by majority vote of residents in the Subdivision. It shall be the purpose of such Committee, in reviewing plans, specifications and plot plans, to insure for all owners harmony of external and structural design and quality with existing structures. The Committee shall have the right to designate a representative to act for it in all matters arising hereunder. Also, this Committee shall be responsible for park and road maintenance as described in Paragraph 16 of these restrictions and shall have additional duties as described in Paragraph 18 below.

4. STRUCTURES

A. No dwelling shall be erected or permitted to remain on any tract, having a living area of less than 600 square feet (when measured to exterior walls), exclusive of attached garage or other similar appendages.

B. No improvements shall be placed or altered on any tract until the building plans, specifications and plot plan showing the location of such improvements on the tract have been approved in writing by the Architectural Control Committee. In the event the ACC disapprove of such improvements, plans specifications and/or plot plans, notice of such disapprove shall be by delivery in person or by registered or certified letter, addressed to the party submitting same at an address who must be supplied with the elements disapproved and the reason or reasons therefor, but need not contain suggestions as to methods of curing any matters or things disapproved. The judgment of the ACC in this respect, in the exercise of its discretion, shall be final and conclusive. If said committee fails to approve or disapprove said plans, specifications, and plot plans within thirty (30) days after same have been submitted to it, it will be presumed that the same have been approved.

C. No dwelling shall be located on any tract nearer than twenty-five feet of the platted roadway or five(5) feet of either tract line, except if one structure is constructed on two adjacent tracts.

D. No trailer, tent, shack, garage, barn or other outbuildings or structures of a temporary character shall at any time ever be used as a residence, temporary or permanent; nor shall any structure of a temporary character ever be used in such a way or moved onto or permitted to remain on any lot except during construction of a permanent structure.

E. Mobile homes may be acceptable as permanent dwellings on the tracts if they meet the minimum living area requirements and the FHA specifications for such dwellings. These homes must be placed on a slab foundation or the equivalent thereof.

F. With reasonable diligence, and in all events within nine (9) months from the commencement of construction (unless completion is prevented by war, strikes, or act of God), any dwelling commenced shall be completed as to its exterior, and all temporary structures shall be removed.

G. Lot line fences constructed shall meet the approval of the ACC.

5. NUISANCES — No noxious or offensive activity shall be carried on or maintained on any tract in the Subdivision, nor shall anything be done thereon which may be or become a nuisance.

6. GARBAGE AND TRASH DISPOSAL — No tract shall be used as a dumping ground. Any incinerator or other equipment for the storage or disposal of waste material shall be kept clean and sightly.

7. ANIMALS — Animals other than house pets, with the exception of hogs, and fowls can be kept on a tract if the keeping of same does not prove a nuisance.

8. DRAINAGE STRUCTURES — Drainage structures under private driveways shall always have a net drainage opening area of sufficient size to permit the free flow of water without backwater.

9. UNSIGHTLY STORAGE — If open carports are used, no unsightly storage shall be permitted therein that is visible from the streets. No boats, trucks, or unsightly vehicles shall be stored or kept for the purpose of repairs on any tract except in an enclosed garage or in facilities protected from the public's view or the view of other residents of the subdivision.

10. OFF-ROAD PARKING — Both prior to and after the occupancy of a dwelling on any tract the owner shall provide appropriate space for off-the-road parking for his vehicle/vehicles.

11. SEWAGE — No installation of any kind for the disposal of sewage shall be allowed which would result in raw or untreated sewage being carried onto adjacent property. No means of sewage disposal may be installed or used except a septic tank or similar or improved sanitary method of sewage disposal meeting the requirements of and approval of the proper governmental authorities having jurisdiction with respect thereto. The drainage of septic tanks or other sewage disposal facilities into a road, ditch, or surface easement, either directly or indirectly, is strictly prohibited.

12. EASEMENTS — Ten feet along the rear property line of each tract is reserved for the purpose of installing, repairing, maintaining, and conveying to proper parties utilities to all tracts of the subdivision. There is further designated an easement of various width, described in the Subdivision Plat, to all property owners within the Subdivision from and along the water's edge for their common use and occupancy for recreational purposes. No structure or other obstruction shall ever be placed upon said easement which interferes with the intended use therein.

13. PARK AND RIVER ACCESS — Vehicles are not to be driven into the abovementioned park area other than adjacent to the road. The Architectural Control Committee shall have the authority to create rules and regulations as needed for the use of said park.

14. ROAD AND PARK MAINTENANCE — For the purposes of maintaining property values the Directors will also see that roads and park are maintained. To accomplish this, an assessment shall be made of all tract owners on an annual basis. This money shall be used to make improvements to the park and roads, provide legal aid in connection with the enforcement of restrictions and to pay the Subdivision's part of access road maintenance. If any property owner fails to pay two consecutive annual maintenance fees, the Directors are directed to cause a lien to be filed and recorded on all lots in this subdivision belonging to that property owner. The two year period shall commence on the

date notice of such assessment is mailed to the membership and is retroactive to October 1, 1986. Such liens shall be in the amount of the unpaid assessment together with the cost of filing, the cost of releasing and the cost of attorney's fees and all other expenses required in enforcing the liens. Liens need not be filed annually but may be accrued and the total amount of the delinquent charge may be made the basis for the lien when the Directors, at their sole discretion, deem such action appropriate for the collection of charges. All delinquent charges shall accrue interest at the rate of eight percent (8.0%) per annum from the date the lien is recorded.

15. COVENANTS RUNNING WITH THE LAND — All of the restrictions, covenants, and easements herein provided for and accepted apply to each and every lot within the Subdivision, and shall be covenants contained and provided herein and shall run with the land, and in order to prevent a breach or to enforce the observance or performance of same, shall have the right, in addition to all legal remedies or remedies elsewhere provided herein, to an injunction either prohibitive or mandatory. The owner of any lot or lots in the Subdivision affected shall likewise have the right to either prevent a breach of any such restriction or covenant or to enforce the performance thereof.

16. PARTIAL INVALIDITY— Invalidation of any covenant, restriction, etc. (by court order or otherwise) shall not affect, in any way, the validity of all other covenants, restrictions, etc. — all of which shall remain in full force and effect. Acquiescence in any violation shall not be deemed a waiver of the right to enforce against the violator or others the conditions so violated or any other conditions.

17. DURATION OF RESTRICTIONS —

A. Restrictions and covenants herein provided for and adopted shall remain in full force and effect until January 1, 1999.

B. At the end of the term provided in (17-A) above, and at the end of each ten year extension herein provided, the restrictions and covenants herein provided for shall automatically be renewed and extended for succeeding periods of ten (10) years each, unless within six (6) months prior to the date such restrictions and covenants would otherwise automatically extended, an instrument shall have been signed by the then owners of a majority of the lots in the Subdivision and shall have been recorded in the office of the County Clerk of Hays County, Texas, agreeing to change said restrictions and covenants, in whole or in part. In the instance of community property, signature of the husband alone shall suffice.

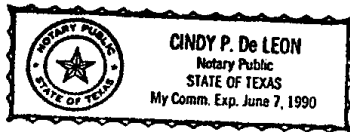
18. The Architectural Control Committee shall have the exclusive duty and authority to first define and interpret the above restrictions or any and all terms used therein in the event such definition or interpretation shall become necessary.

APPROVE

Pat Hauser
Ms. Marie Hauser

~~DISAPPROVE~~

SWORN TO AND SUBSCRIBED BEFORE ME this 27 day of December 19



Cindy P. De Leon
Notary Public, Hays County, Texas

FILED
HAYS COUNTY, TEXAS

'88 DEC 27 AM 11.00

Donna Jamally
COUNTY CLERK

764 125

*Mr. M. R. Harvey
Rt. 5 Box 748
Wimberley, Tx 78676*

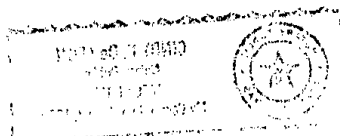
STATE OF TEXAS
COUNTY OF HAYS

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 Hays County, Texas, as stamped hereon by me.



Donna Jamally
COUNTY CLERK
HAYS COUNTY, TEXAS

DEC 27 1988



1447 452

**FIRST AMENDMENT TO THE BLANCO RIVER ESTATES
SUBDIVISION BY-LAWS AND RESTRICTIONS**

Before me the undersigned acknowledges that the following events have transpired.

The Blanco River Estates Subdivision, Hays County, Texas, By-Laws and Restrictions (the "By-Laws") are hereby amended by majority vote of the Blanco River Estates Subdivision property owners (the "Property Owners") as follows:

Effective July 1, 1998, (1) Article 4-E, a provision that permitted the placement of mobile homes in Blanco River Estates Subdivision, was eliminated; and (2) A provision was added that permits only conventional home construction (i.e. on site construction) in the Blanco River Estates Subdivision.

The ballots, attached hereto as Exhibit "A" and fully incorporated herein as part of this instrument, reflect the majority vote of the Property Owners. The ballots were counted at the Property Owners' 1998 Annual Homeowners' meeting and were tallied as follows:

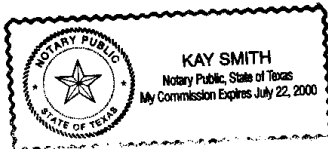
Total Number of Property Owners	29
Total Number of Ballots returned	22
Total Number of "yes" votes	22
Total Number of "no" votes	0

John Freeman

John Freeman
President

Blanco River Estates
Property Owners
Association

Kay Smith
8-21-98



1447 453

THE PROPERTY OWNERS' BALLOTS

**Exhibit A to the First Amendment to the Blanco River Estates
Subdivision By-Laws and Restrictions**

Ballot
Blanco River Estates Subdivision
Bylaws 1447 454

The following change to the Bylaws is to be voted on and post-marked no later than June 27, 1998. Please check one.

YES- I wish to eliminate article 4-E in its entirety which will ban future mobil homes in Blanco River Estates Subdivision as of July 1, 1998. Only conventional home construction, (ie. on site construction) will be allowed.

NO- I wish to continue to allow article 4-E in our Bylaws.

please print name DON MORGAN

lot number _____

signature Donald R. Morgan

Ballot
Blanco River Estates Subdivision 1447 455
Bylaws

The following change to the Bylaws is to be voted on and post-marked no later than June 27, 1998. Please check one.

YES- I wish to eliminate article 4-E in its entirety which will ban future mobil homes in Blanco River Estates Subdivision as of July 1, 1998. Only conventional home construction, (ie. on site construction) will be allowed.

NO- I wish to continue to allow article 4-E in our Bylaws.

please print name RHONDA MORGAN

lot number 13

signature Rhonda Morgan

1447 456

Ballot
Blanco River Estates Subdivision
Bylaws

The following change to the Bylaws is to be voted on and post-marked no later than June 27, 1998. Please check one.

YES- I wish to eliminate article 4-E in its entirety which will ban future mobil homes in Blanco River Estates Subdivision as of July 1, 1998. Only conventional home construction, (ie. on site construction) will be allowed.

NO- I wish to continue to allow article 4-E in our Bylaws.

please print name Glenn D. Fisserer

lot number 20, 1221

signature Glenn D. Fisserer

1447 457

Ballot
Blanco River Estates Subdivision
Bylaws

The following change to the Bylaws is to be voted on and post-marked no later than June 27, 1998. Please check one.

YES- I wish to eliminate article 4-E in its entirety which will ban future mobil homes in Blanco River Estates Subdivision as of July 1, 1998. Only conventional home construction, (ie. on site construction) will be allowed.

NO- I wish to continue to allow article 4-E in our Bylaws.

please print name DORIS LEA BELOTE WALLACE

lot number 51

signature Doris Lea Wallace

Ballot
Blanco River Estates Subdivision 1447' 458
Bylaws

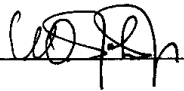
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YES- I wish to eliminate article 4-E in its entirety which will ban future mobil homes in Blanco River Estates Subdivision as of July 1, 1998. Only conventional home construction, (ie. on site construction) will be allowed.

NO- I wish to continue to allow article 4-E in our Bylaws.

please print name George O'Brien John, Jr.

lot number 3

signature  7-11-98

1447 459

Ballot
Blanco River Estates Subdivision
Bylaws

The following change to the Bylaws is to be voted on and post-marked no later than June 27, 1998. Please check one.

YES- I wish to eliminate article 4-E in its entirety which will ban future mobil homes in Blanco River Estates Subdivision as of July 1, 1998. Only conventional home construction, (ie. on site construction) will be allowed.

NO- I wish to continue to allow article 4-E in our Bylaws.

please print name LARRY + BECKY BAKER

lot number 17

signature LBK

Ballot
Blanco River Estates Subdivision
Bylaws

1447 460

The following change to the Bylaws is to be voted on and post-marked no later than June 27, 1998. Please check one.

YES- I wish to eliminate article 4-E in its entirety which will ban future mobil homes in Blanco River Estates Subdivision as of July 1, 1998. Only conventional home construction, (ie. on site construction) will be allowed.

NO- I wish to continue to allow article 4-E in our Bylaws.

please print name MIKE MORGAN

lot number _____

signature Mike Morgan

LOT 16

WE WOULD PROBABLY NOT HAVE A PROBLEM W/
THE BED + BREAKFAST AS LONG AS THE PROPERTY OWNER
COULD BE RESPONSIVE AND TAKE CARE OF ANY PROBLEMS
WHICH MAY OCCUR.

MIKE + MILTA MORGAN

CHECK # 5259 9-7-97 100.00
CHECK # 5667 5-30-98 100.00

Ballot **1447' 461**
Blanco River Estates Subdivision
Bylaws

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YES- I wish to eliminate article 4-E in its entirety which will ban future mobil homes in Blanco River Estates Subdivision as of July 1, 1998. Only conventional home construction, (ie. on site construction) will be allowed.

NO- I wish to continue to allow article 4-E in our Bylaws.

please print name Billy Orr
lot number 4
signature Billy Orr

Bed & BREAKFAST :

- i.) I HAVE COUNTED AS MANY AS 10 CARS/VEHICLES AT B & B IN OUR SUBDIVISION
 - ii.) My RIVERFRONT IS ESPECIALLY VULNERABLE - GUESTS DOMINATE MY BEACH - NOISE, DOGS, TRASH, RADIOS, ETC. WE HAVE VERY LITTLE PRIVACY - PEOPLE TRAMPING ACROSS OUR LOT.
 - iii.) MR. COLE AT BLANCO RIVER RAPIDS USED MY BEACH AS ONE OF HIS GUESTS AMENITIES.
 - iv.) THANK YOU FOR YOUR EFFORTS IN POINTING OUT THESE TROUBLE AREAS.
-

Ballot
Blanco River Estates Subdivision
Bylaws

1447 462

The following change to the Bylaws is to be voted on and post-marked no later than June 27, 1998. Please check one.

YES- I wish to eliminate article 4-E in its entirety which will ban future mobil homes in Blanco River Estates Subdivision as of July 1, 1998. Only conventional home construction, (ie. on site construction) will be allowed.

NO- I wish to continue to allow article 4-E in our Bylaws.

please print name Kathleen Theriault
Richard Theriault
lot number 40 and 41

signature Richard J. Theriault
Kathleen S. Theriault

Ballot
Blanco River Estates Subdivision **1447 463**
Bylaws

The following change to the Bylaws is to be voted on and post-marked no later than June 27, 1998. Please check one.

YES- I wish to eliminate article 4-E in its entirety which will ban future mobil homes in Blanco River Estates Subdivision as of July 1, 1998. Only conventional home construction, (ie. on site construction) will be allowed.

Exception - I am not opposed to a travel

NO- I wish to continue to allow article 4-E in our Bylaws.

trailer.

please print name BARBARA BALLARD

lot number 1, 2, 26, & 33

signature Barbara Ballard

Ballot
Blanco River Estates Subdivision
Bylaws

1447' 464

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NO- I wish to continue to allow article 4-E in our Bylaws.

John + Janet
please print name Prentice

lot number 23, 24, 25

signature John Prentice
Janet Prentice

Ballot
Blanco River Estates Subdivision
Bylaws

1447' 465

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NO- I wish to continue to allow article 4-E in our Bylaws.

please print name R. A. Cunningham

lot number 44

signature R. Cunningham

Ballot
Blanco River Estates Subdivision 1447' 466
Bylaws

The following change to the Bylaws is to be voted on and post-marked no later than June 27, 1998. Please check one.

YES- I wish to eliminate article 4-E in its entirety which will ban future mobil homes in Blanco River Estates Subdivision as of July 1, 1998. Only conventional home construction, (ie. on site construction) will be allowed.

NO- I wish to continue to allow article 4-E in our Bylaws.

please print name Steve Stanfield

lot number 5 & 6

signature *Steve Stanfield*

Ballot
Blanco River Estates Subdivision
Bylaws

1447 467

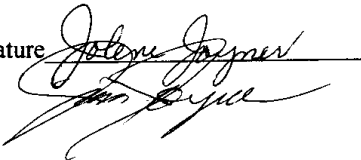
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NO- I wish to continue to allow article 4-E in our Bylaws.

please print name JOYNER, JIM / JOLENE

lot number lot 21, 22, 31 & 32

signature 

Ballot
Blanco River Estates Subdivision
Bylaws

1447. 468

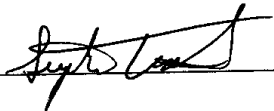
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YES- I wish to eliminate article 4-E in its entirety which will ban future mobil homes in Blanco River Estates Subdivision as of July 1, 1998. Only conventional home construction, (ie. on site construction) will be allowed.

NO- I wish to continue to allow article 4-E in our Bylaws.

please print name Stephen Tittle

lot number 46

signature 

Ballot
Blanco River Estates Subdivision
Bylaws

1447 469

The following change to the Bylaws is to be voted on and post-marked no later than June 27, 1998. Please check one.

YES- I wish to eliminate article 4-E in its entirety which will ban future mobil homes in Blanco River Estates Subdivision as of July 1, 1998. Only conventional home construction, (ie. on site construction) will be allowed.

NO- I wish to continue to allow article 4-E in our Bylaws.

please print name J. H. McLarry

lot number _____

signature J. H. McLarry

Ballot
Blanco River Estates Subdivision
Bylaws

The following change to the Bylaws is to be voted on and post-marked no later than June 27, 1998. Please check one.

YES- I wish to eliminate article 4-E in its entirety which will ban future mobil homes in Blanco River Estates Subdivision as of July 1, 1998. Only conventional home construction, (ie. on site construction) will be allowed.

NO- I wish to continue to allow article 4-E in our Bylaws.

Henry C. Derr
please print name Lois Derr
lot number # 10 (also #7 & 9)
signature Lois Derr

Please note change of address. We no longer live in the Rio Grande Valley. We live in Wimberley.

29 El Conejo Trail
Wimberley, Texas 78676

Ballot
Blanco River Estates Subdivision
Bylaws

The following change to the Bylaws is to be voted on and post-marked no later than June 27, 1998. Please check one.

1447 471

YES- I wish to eliminate article 4-E in its entirety which will ban future mobil homes in Blanco River Estates Subdivision as of July 1, 1998. Only conventional home construction, (ie. on site construction) will be allowed.

NO- I wish to continue to allow article 4-E in our Bylaws.

please print name J.T. JANDA

lot number 53-54-55

signature J.T. Janda

Ballot
Blanco River Estates Subdivision 1447 472
Bylaws

The following change to the Bylaws is to be voted on and post-marked no later than June 27, 1998. Please check one.

YES- I wish to eliminate article 4-E in its entirety which will ban future mobil homes in Blanco River Estates Subdivision as of July 1, 1998. Only conventional home construction, (ie. on site construction) will be allowed.

NO- I wish to continue to allow article 4-E in our Bylaws.

please print name John Freeman
lot number 18, 19, 28, 29, 30
signature John Freeman

Ballot
Blanco River Estates Subdivision
Bylaws

1447 473

The following change to the Bylaws is to be voted on and post-marked no later than June 27, 1998. Please check one.

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NO- I wish to continue to allow article 4-E in our Bylaws.

please print name JUDIE E. CARTER 43

lot number 42 + 43

signature Judie E. Carter

Ballot
Blanco River Estates Subdivision
Bylaws

1447 474

The following change to the Bylaws is to be voted on and post-marked no later than June 27, 1998. Please check one.

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NO- I wish to continue to allow article 4-E in our Bylaws.

please print name Jim. VesmiROVSKY

lot number 11

signature Jim Vesmirovsky

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Margie T. Villalpando

8-21-98 11:41 AM 9817714
KLEEN \$53.00
MARGIE T VILLALPANDO, County Clerk
HAYS COUNTY

Hays County
Linda C. Fritsche
County Clerk
San Marcos, Texas 78666



70 2010 10002098

Instrument Number: 2010-10002098

As

Recorded On: January 29, 2010

OPR RECORDINGS

Parties: BLANCO RIVER ESTATES OWNERS ASSOCIATION INC

Billable Pages: 2

To

Number of Pages: 3

Comment:

(Parties listed above are for Clerks reference only)

**** Examined and Charged as Follows: ****

OPR RECORDINGS	20.00
Total Recording:	20.00

***** DO NOT REMOVE. THIS PAGE IS PART OF THE INSTRUMENT *****

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.

File Information:

Document Number: 2010-10002098
Receipt Number: 238062
Recorded Date/Time: January 29, 2010 12:17:19P
Book-Vol/Pg: BK-OPR VL-3814 PG-474
User / Station: O Martinez - Cashing #2

Record and Return To:

JOHN PRENTICE
TO CUSTOMER
SAN MARCOS TX 78666



State of Texas |
County of Hays

I hereby certify that this instrument was filed for record in my office on the date and time stamped hereon and was recorded on the volume and page of the named records of Hays County, Texas

Linda C Fritsche

Linda C Fritsche, County Clerk

Management Certificate for

Blanco River Estates Owners Association

STATE OF TEXAS

COUNTY OF HAYS

The undersigned, being President of Blanco River Estates Property Owners Association, Inc., a non-profit corporation organized and existing under the laws of the State of Texas, submits the following information pursuant to Section 209.004 of the Texas Property Code which supersedes any prior Management Certificate filed by the Association:

1. Name of the Subdivision: Blanco River Estates Subdivision
2. Name of the Association: Blanco River Estates Owners Association, Inc.
3. Recording Data for the Subdivision: Blanco River Estates Subdivision, a subdivision in Hays County, Texas, according to the map and plat thereof, recorded as Volume 1, page 95, Document No. 66548 of the Plat Records of Hays County, Texas and one replat of lots 50 and 51 only of Blanco River Estates Subdivision recorded as Volume 15, Pages 97-98.
4. Recording Data for the Declaration:
 - a. Documents:
 - i. Declaration of Covenants, Conditions and Restrictions (original).
 - ii. First Amendment to the Declaration of Covenants, Conditions and Restrictions (first rewrite of declarations).
 - iii. Second Amendment to the Declaration of Covenants, Conditions and Restrictions (amendment to first rewrite of declarations).
 - b. Recording Information:
 - i. Hays County Official Public Records, Volume 234, Pages 108-112.
 - ii. Hays County Official Public Records, Volume 764, Pages 122-125.
 - iii. Hays County Official Public Records, Volume 01447, Page 452.
5. Name and Mailing Address of Association: Association is Blanco River Estates Owners Association, Inc., 110 Blanco River Road, Wimberley, Texas, 78676.
6. Name and Mailing Address of the representative of the Association is: John Prentice, 110 Blanco River Road, Wimberley, Texas, 78676.

Signed this 2 day of December, 20 09.

Blanco River Estates Owners Association, Inc.

John Prentice

By John Prentice, President

STATE OF TEXAS

COUNTY OF HAYS

BEFORE ME, the undersigned notary public on this day personally appeared John Prentice, President of the Blanco River Estates Owners Association, Inc. known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and in the capacity therein expressed.

Dated this 2 day of December, 20 09.



Teresa Junkin

NOTARY PUBLIC, STATE OF TEXAS

Hays County
Linda C. Fritsche
County Clerk
San Marcos, Texas 78666



70 2010 10031476

Instrument Number: 2010-10031476

Recorded On: November 09, 2010 As
OPR RECORDINGS

Parties: BLANCO RIVER ESTATES OWNERS ASSOCIATION

Billable Pages: 11

To

Number of Pages: 12

Comment:

(Parties listed above are for Clerks reference only)

**** Examined and Charged as Follows: ****

OPR RECORDINGS	56.00
Total Recording:	56.00

***** DO NOT REMOVE. THIS PAGE IS PART OF THE INSTRUMENT *****

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.

File Information:

Document Number: 2010-10031476
Receipt Number: 259182
Recorded Date/Time: November 09, 2010 12:46:34P
Book-Vol/Pg: BK-OPR VL-4008 PG-34
User / Station: L Curry - Cashiering #5

Record and Return To:

BLANCO RIVER ESTATES OWNERS ASSOCIATION
110 BLANCO RIVER ROAD
WIMBERLEY TX 78676



State of Texas |
County of Hays

I hereby certify that this instrument was filed for record in my office on the date and time stamped hereon and was recorded on the volume and page of the named records of Hays County, Texas

Linda C. Fritsche
Linda C. Fritsche, County Clerk

**Blanco River Estates Owners Association (BREOA)
2010 By-Law Revision**

The Blanco River Estates Owners Association By-Laws were revised and approved by a majority mail-in vote of Association Members prior to the Annual Members Meeting held on April 24, 2010, Fischer Community Center.

Out of thirty (30) eligible Member votes, the voting results are as follows:

Nineteen (19): Yes

Three (3): No

BREOA Member comments during the written voting led the Board of Directors to include within the notification for the annual meeting that amendments would be voted on at the annual meeting. The Member's comments and recommended amendments are as follows:

- Current new By-Laws state member meeting quorum is 10%. Recommendation is 30%.
- There are several places where "within/without the state of Texas and Hays County" are mentioned as meeting places. Recommendation is to change to "within Hays County and immediate surrounding area".
- Also, it was recommended there be a process for members to submit issues to the Board for review at meetings or review for inclusion on agenda at the annual meeting.
- Another recommendation was to change Sections 4.12 and 6.9, Compensations to limit reimbursement for approved out of pocket expenses only.
- One final recommendation was for Section 7.1, to change committee selections to "by Director Quorum" vs. President alone.

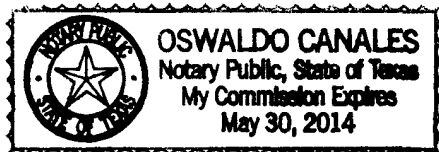
A BREOA Membership quorum was present as determined by member check in and registration for the April 24, 2010 annual meeting. John Prentice, BREOA President, called for a vote on this slate of changes and there was a unanimous "yes" vote. The amendments are included in the 2010 revised By-Laws.

The foregoing By-Laws, as amended, are ratified and approved by Members and Directors of Blanco River Estates Owners Association on April 24, 2010 and submitted to Hays County Records in November, 2010.

John Prentice 11-1-2010
John Prentice, President, BREOA Date

This instrument was acknowledged before me on this 1 day of NOV, 2010.

[Signature]
Notary Public in and for the State of Texas
My commission expires:
MAY 30 2014



BY-LAWS OF BLANCO RIVER ESTATES OWNERS ASSOCIATION

ARTICLE 1

Names and Offices

Section 1.1. **Name.** The name of the corporation is BLANCO RIVER ESTATES OWNERS ASSOCIATION, hereinafter referred to as the “Association”.

Section 1.2. **Principal Office of the Association.** The principal office of the Association shall be at 110 Blanco River Road, Wimberley, Texas 78676. The Association may have such other offices and places of business within Hays County or immediate surrounding areas as may be determined by the Directors.

The Association shall have and continuously maintain in the State of Texas a registered office, and a registered agent whose office is identical with such registered office, as required by the Texas Non-Profit Corporation Act. The registered office may, but need not, be identical with the principle office, if any, in the State of Texas. The registered office and/or the registered agent may be changed from time to time by the Board of Directors.

ARTICLE 2

Members

Section 2.1. **Membership.** Each person acquiring record title to a fee or undivided fee interest in any lot in Blanco River Estates Subdivision, which subdivision is more fully described on the respective map or plat thereof recorded in the Plat Records of Hays County, Texas, and every person or entity who is a record owner of a fee simple title to any lot which is subject by covenants of record to assessment by the Association, shall be a member of this Association in the manner hereinafter provided. For purposes of this Section, a person shall be deemed to have acquired record title to a lot when either record legal title thereto has been duly vested in that person by appropriate deed or otherwise as shown by instrument or instruments duly recorded in the office of the County Clerk of Hays County, Texas. For purposes of this Section a person shall be deemed to own a lot even though such lot is subject to a mortgage or other security interest. Likewise, a person or entity that holds only an interest in a lot as security for payment of a debt or the performance of an obligation shall not be members of the Association unless and until mortgagee has acquired title pursuant to foreclosure or any proceeding in lieu of foreclosure. Anyone who becomes a member of the Association under the terms of this Section shall remain a member as long as that person or entity owns the property which qualifies them for membership. Either a natural person or entity may be a member of the Association.

Section 2.2. Voting Rights.

The Association shall have only one class of voting membership. Members shall be entitled to one vote. Members shall be entitled to one vote regardless of the number of lots in which they hold the interest required for membership by Article V., Articles of Incorporation of Blanco River Estates Owners Association. When more than one person holds such interest in any lot, all such persons shall be members; the vote for such lot shall be exercised as they among themselves determine, but in no event shall more than one vote be cast with respect to any lot.

Except as provided herein, the Articles of Incorporation, or in the "Declaration of Covenants and Restrictions" filed for record in the Hays County, Texas, (herein called "Declarations") no member shall have any voting rights on any matter relating to the organization or management of the affairs of the Association. All voting rights are vested solely in the Board of Directors, and only those matters presented to the members as provided in this Section or the Declaration shall be voted upon by such members rather than the Board of Directors.

Nothing in these By-Laws shall be deemed to give members of this Association any right to vote on any matter concerning this Association unless such right is expressly granted by these By-Laws, the Articles of Incorporation or the Declaration. The voting rights of the members of this Association shall be confined solely to those matters submitted to a vote by the Board of Directors at a duly called meeting of members. A member may vote either in person or by proxy executed in writing by the member or his duly authorized attorney in fact. Proxies shall be filed with the Secretary, or in his or her absence, any other officer of the Association, before voting. Such Proxy shall be valid as provided therein, provided that such proxy shall not contravene the restrictions of Article 2.13 of the Texas Non-Profit Corporation Act. No member not in good standing shall be entitled to vote.

Section 2.3. Good Standing. A member shall be in good standing so long as he or she complies with these By-Laws, the provisions of the Declarations and all of the rules and regulations of this Association, and is not delinquent in the payment of any assessment fee or other charge levied on or with respect to his or her property by this Association. A member who has failed to pay any assessment, fee, or charge on the date same was due shall be considered to be delinquent.

Section 2.4. Property Liens. The Directors are authorized to cause liens to be filed and recorded on all lots when the owner thereof is more than six (6) months delinquent in the payment of any assessment, fee or other charge levied on or with respect to the owner's property by this Association. The six month period shall commence on the date notice of such assessment or other charge is mailed to the membership. Such lien shall be in the amount of the unpaid assessment or charge together with the cost of filing, the cost of releasing, and the cost of attorney's fees and all other expenses required in enforcing the liens. Liens need not be filed annually but may be accrued and the total amount of the delinquent charge may be made the basis for the lien when the Directors, at their sole

Revised By Laws 2010

discretion, deem such action appropriate for the collection of charges. All delinquent charges shall accrue interest at the rate of eight percent (8.0%) per annum.

ARTICLE 3

Meetings of Members

Section 3.1. **Annual Meetings.** An annual meeting of the members shall be held on the Saturday nearest San Jacinto Day, April 21, in each year, for the purpose of transacting such business as the Board of Directors may submit to such meeting. Such meetings shall be held in Hays County or immediate surrounding areas at such hour and place (convenient for members) as may be set by the Board of Directors and members shall be notified at least 30 days in advance of the time and place. The election of Directors will be held, and the Treasurer's Report and a proposed budget shall be presented at each annual meeting. Should the Board of Directors fail to have an annual meeting and fail to call a meeting within 60 days of a written demand for cure of failure to hold a meeting, the members shall have the right to call a special meeting for the purpose of recalling the Directors and electing new Directors.

Section 3.2. **Special Meetings.** Special meetings of members may be called by or at the request of the President or a majority of the Board of Directors. Such meetings shall be held at such place as shall be set by the person or persons calling same.

Section 3.3. **Notice.** Notice of special members' meetings shall be given as provided above in Section 3.1 and/or in Article 2.11 of the Texas Non-Profit Corporation Act.

Section 3.4. **Chairperson.** At all meetings of members the President, or in his absence any Vice President, or in their absence a chairperson chosen by members present, shall preside.

Section 3.5. **Quorum.** At all meetings of the members, a quorum shall consist of not less than thirty percent (30%) of the votes entitled to be cast, represented in person or by proxy. A number less than a quorum may adjourn or recess until a quorum can be reached. Once a quorum is reached, the vote of the majority of the votes entitled to be cast by the members present, or represented by proxy, shall be the act of the members.

Section 3.6. **Submission of Member Issues to the Board of Directors.** All suggestions/issues identified by members should be mailed/e-mailed to the Secretary of the Board for review, resolution, or inclusion as an agenda item for the Annual Members' Meeting. Items requiring more immediate attention should be noted in the e-mail or letter.

ARTICLE 4

Board of Directors

Section 4.1. **General Powers.** The affairs of the Association shall be managed by its Board of Directors.

Section 4.2. **Number.** The number of Directors shall not be less than three (3) nor more than nine (9) but such number may be increased or decreased by amendment to these By-Laws, as herein provided, but there shall never be less than three (3) Directors. When the number of Directors is decreased by amendment adopted pursuant hereto, each Director in office shall serve until his term expires, or until resignation or removal as herein provided.

Section 4.3. **Term of Office.** Members shall elect Directors for a term of three (3) years to fill an expiring term or terms as set forth in ARTICLE 5 of these By-Laws. To begin, the members shall elect some number of Directors for one (1) year, two (2) years, and some number of Directors for three (3) years; and at each annual meeting thereafter, when the first one-year, two- year, or three-year terms expire, the members shall elect the appropriate number of Directors to three -year terms to maintain the full compliment of Directors on the Board.

Section 4.4. **Vacancies.** Any vacancies in the directorship of the Association may be filled by a majority vote of the remaining Directors even though the Directors remaining constitute less than a quorum. Each such Director shall hold office from the date of his election only until the next annual meeting and shall be subject to re-election as in the case of any other Director. Such Director is elected to serve until the end of the original term.

Section 4.5. **Removal.** Any Director may be removed from his directorship, either with or without cause, by unanimous vote of the remaining Directors.

Section 4.6. **Annual Meeting.** A regular annual meeting of the Board of Directors shall be held on the Saturday nearest San Jacinto Day, April 21, in each year immediately after, and at the same place as, the annual meeting of members. Notice to all members of the annual meeting will be made as provided for in these By-Laws Section 3.1 for the annual meeting of members. The annual meeting of the Board of Directors shall be for the purpose of electing officers and for the transaction of such other business as may come before the meeting. The Board of Directors may provide by resolution the time and place, within Hays County or immediate surrounding areas, for holding of regular meetings of the Board without other notice than such resolution.

Section 4.7. **Special Meetings.** Special meetings of the Board of Directors may be called by or at the request of the President or any two (2) Directors. The person or persons authorized to call special meetings of the Board may fix any place, within Hays County or immediate surrounding areas, as the place for holding any special meeting of the Board called by them.

Revised By Laws 2010

Section 4.8. **Notice.** Notice of all special meetings of Directors shall be given to each Director either by giving him actual notice in person, by telephone, by mail or by email at least two (2) days in advance of the meeting or by sending written notice to his last known address in such time that, in the regular course of events, such notice shall be delivered at least two (2) days prior to the date set for such meeting.

Section 4.9. **Chairperson.** At all meetings of the Board of Directors, the President, or in his absence any Vice President, or in their absence a chairperson chosen by the Directors present, shall preside.

Section 4.10. **Quorum.** At all meetings of the Board of Directors a majority of the Directors shall constitute a quorum. A number less than a quorum may adjourn or recess until a quorum can be obtained.

Section 4.11. **Voting.** A Director may vote either in person or by proxy executed in writing.

Section 4.12. **Compensation.** Directors shall not receive any stated salary for their services as such. Monies given to Directors or Members of the Association should be limited for approved out of pocket expenses for services rendered.

Section 4.13. **Duties.** It shall be the duty of the Board of Directors to:

- 1). Cause to be kept a complete record of all its acts and corporate affairs. A report of records must be made available when requested in writing by one-fourth (1/4) of the members who are entitled to vote;
- 2). Supervise all officers, agents, and employees of the Association, and to see their duties are properly performed;
- 3). Provide for maintenance, preservation and architectural control of subdivision residence lots, park area, and roads;
- 4). Promote the health, safety, and welfare of the residents within the subdivision;
- 5). Exercise all of the powers and privileges and to perform all the duties and obligations of the Association as set forth in that certain Declaration of Covenants and Restrictions;
- 6). Pursuant to the Blanco River Estates Declaration of Covenants and Restrictions, assume the duties of the Architectural Control Committee.
- 7). Fix the amount of the annual or any special assessment against each member at least thirty (30) days in advance of each assessment period; send written notice of each assessment to every member subject thereto at least thirty (30) days in advance of each annual assessment period;
- 8). Fix, levy, collect and enforce payment by any lawful means, all charges or assessments pursuant to the terms of the Declaration; to pay all expenses in connection therewith and all office and other expenses incident to the conduct of the business of the Association, including all licenses, taxes or governmental charges levied or imposed on the property of the Association;
- 9). Issue, or to cause an appropriate officer to issue, upon demand by any person, a certificate setting forth whether or not any assessment has been paid. A reasonable charge

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may be made by the Board for the issuance of these certificates. If a certificate states an assessment has been paid, such certificate shall be conclusive evidence of such payment;

10). Acquire (by gift, purchase, or otherwise), own, hold, improve, build upon, operate, maintain, convey, sell, lease, transfer, dedicate for public use or otherwise dispose of real or personal property in connection with the affairs of the Association, except for common areas (roads, gates, and park), which require member approval;

11). Borrow money, mortgage, pledge, deed in trust, or hypothecate any or all of its real or personal property as security for money borrowed or debts incurred; and,

12). Have and to exercise any and all powers, rights, and privileges which a corporation organized under the Non-Profit Corporation Law of State of Texas by law may now or hereafter have or exercise.

ARTICLE 5

Nomination and Election of Directors

Section 5.1. **Nomination.** Nomination for election to the Board of Directors shall be made by a Nominating Committee. Nominations may also be made from the floor at the annual meeting of the members. The Nominating Committee shall consist of a Chairperson, who shall be a member of the Board of Directors, and two (2) or more members of the Association. The Nominating Committee shall be appointed by the Board of Directors prior to each annual meeting of members until the close of the next annual meeting and such appointment shall be announced at each annual meeting of members. The Nominating Committee shall make as many nominations for election to the Board of Directors as it shall in its discretion determine, but not less than the number of vacancies that are to be filled. The association members of the nominations committee will strive to find Director candidates representing property owners on and off the river during such election.

Section 5.2. **Election.** Election to the Board of Directors shall be by secret written ballot cast and tallied at the annual meeting of the members. At such election the members or their proxies may cast, in respect to each vacancy, one vote as they are entitled under provisions of these By-Laws and of the Declarations.

ARTICLE 6

Officers

Section 6.1. **Officers.** The officers of the Association shall be chosen by the Board of Directors and shall consist of a President, a Vice President, a Secretary-Treasurer and such other officers as deemed necessary by a majority of the Directors. Any two or more officers may be held by the same person, except that the President and Secretary-Treasurer shall not be the same person.

Section 6.2. **Election and Term of Office.** The officers of the Association shall be elected annually by the Board of Directors at the regular annual meeting of the Board of Directors. If the election of officers shall not be held at such meeting, such election shall be held as soon thereafter as is convenient. New offices may be created and filled at any meeting of the Board of Directors. Each officer shall hold office until his successor shall have been duly elected.

Section 6.3. **Removal.** Any officer elected or appointed by the Board of Directors may be removed by the Board whenever in its judgment the best interests of the Association would be served thereby; but such removal shall be without prejudice to the contract rights, if any, to the person so removed.

Section 6.4. **Vacancies.** A vacancy in any office because of death, resignations, retirement, removal, disqualification, or otherwise, including a vacancy arising because of the creation of a new office, may be filled by the Board of Directors for the unexpired term or until a successor shall be elected.

Section 6.5. **President.** The President shall be the chief executive officer of the Association; this person shall, if present, preside at all meetings of the Directors, shall have general control and management of the business and affairs of the Association, and shall see that all orders and resolutions of the Board of Directors are carried into effect. The President may sign any deeds, mortgages, bonds, contracts or other instruments which the Board has authorized to be executed, except in cases where the signing and execution thereof be expressly delegated by the Board or by these By-Laws or by statute to some other officer or agent of the Association. In general, the President shall perform all duties incident to the office of President and such other duties as may be prescribed by the Board of Directors from time to time.

Section 6.6. **Vice President.** The Vice President shall discharge such duties as are delegated to that office from time to time by the Board of Directors, and shall perform the duties and exercise the powers of the President in the event of death, disability or absence.

Section 6.7. **Secretary-Treasurer.** The Secretary-Treasurer shall have general charge of the books and records of the Association. In a Minute Book provided for that purpose he/she shall keep a true record of the proceedings of all meetings of the Directors and of the members. This office shall give or cause to be given notice of meetings of the members and the Board of Directors as required and provided in these By-Laws. He/she shall perform such other duties as may be prescribed by the Board of Directors. He/she shall (with such assistance as necessary) keep proper books of accounts relating to the funds and finances of the Association and shall, at such times as the Directors may require, render such reports as the Directors deem necessary. In a bank or banks named by the Board of Directors, he/she shall keep on deposit all funds belonging to the Association. He/she shall perform such other duties as may be prescribed by the Board of Directors.

Section 6.8. **Other Officers.** The other officers, if any, shall discharge such duties as are delegated to them from time to time by the Board of Directors.

Section 6.9. **Compensation.** Monies given to Directors or Members of the Association should be limited to approved out of pocket expenses for services rendered.

ARTICLE 7

Committees

Section 7.1. **Committees.** Such committees as the Board of Directors may deem advisable may be designated by resolution adopted by a majority of the Directors present at a meeting at which a quorum is present. Except as otherwise provided in such resolution, members of each such committee shall be members of the Association and a quorum of Directors shall appoint the members thereof. Any members thereof may be removed by the person or persons authorized to appoint such member whenever in their judgment the best interest of the Association shall be served by such removal.

Section 7.2. **Term of Office.** Each member of a committee shall continue as such until the next annual meeting of the Directors of the Association and until his successor is appointed, unless the committee shall be sooner terminated, or unless such member be removed from such committee, or unless such member shall cease to qualify as a member of the Association.

Section 7.3. **Chairperson.** One member of each committee shall be appointed Chairperson by the person or persons authorized to appoint the members thereof.

Section 7.4. **Vacancies.** Vacancies in the membership of any committee may be filled by appointment made in the same manner as provided in the case of the original appointments.

Section 7.5. **Quorum.** Unless otherwise provided in the resolution of the Board of Directors designating such committee, a majority of the whole committee shall constitute a quorum and the act of the majority of the members present at a meeting at which a quorum is present shall be an act of the committee.

Section 7.6. **Rules.** Each committee may adopt rules for its own government not inconsistent with these By-Laws or with the rules adopted by the Board of Directors.

ARTICLE 8

Miscellaneous Provisions

Section 8.1. **Agents and Representatives.** The Board of Directors may appoint such agents and representatives of the Association with such powers and to perform such acts or duties on behalf of the Board may deem necessary, so far as may be consistent with these By-Laws and to the extent authorized and permitted by law; provided, however, that the

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authority to make such appointments may be delegated by the Board of Directors to such officer or agent of the Association as it shall determine.

Section 8.2. **Contracts.** The Board of Directors, except as in these By-Laws otherwise provided, may authorize any officer or agent to enter into any contract or execute and deliver any instrument in the name of and on behalf of the Association, and such authority may be general or confined to a specific instance; and unless so authorized by the Board of Directors, no officer, agent or employee shall have any power or authority to bind the Association by any contract or engagement, or to pledge its credit, or render it liable pecuniary for any purpose or to any amount.

Section 8.3. **Banking Transactions.** All checks, drafts, notes, or other negotiable instruments of obligations of the Association and all loans to or evidence of indebtedness of the Association shall be endorsed, signed, executed, or issued by such officer or officers or agent or agents of the Association and in such manner as shall from time to time be determined by resolution of the Board of Directors; provided, however, that in the absence of a resolution of the Board of Directors such matters shall be included within the duties of the Secretary-Treasurer of the Association.

Section 8.4. **Fiscal Year.** The fiscal year of this Association shall be the calendar year unless otherwise fixed by resolution of the Board.

Section 8.5. **Audit, Statements.** The books of this Association shall be audited at such times as shall be directed by the Board of Directors and balance sheets and profit and loss statements shall be prepared at such times and by such persons as the Directors shall determine.

Section 8.6. **Interest of Directors, etc.** Subject to the restrictions of Sections 8.7 and 8.8, this Association may enter into contracts or other transactions with any other Association, person, firm, trust, or entity, for the best interest of this Association, even though one or more of the Directors, officers, or members of this Association may be a party to or interested directly or indirectly in such contracts or transactions in some capacity other than as a Director or officer of this Association. However, such other interest(s) shall be made known to the Board of Directors before it finally authorizes or approves such contract or transaction.

Section 8.7. **Prohibition Against Sharing in Corporate Earnings.** No member, director, officer, or employee or member of a committee of or person connected with the Association, or any other private individual shall receive at any time any of the net earnings or profit from the operations of the Association. No person or persons shall be entitled to share in the distribution of any of the corporate assets upon the dissolution of the Association; provided that this shall not prevent payment to any such person of such reasonable compensation for services rendered to or for the Association in affecting any of its purposes as shall be fixed in accordance with these By-Laws. All members of the Association shall be deemed to have expressly consented and agreed that upon such dissolution or winding up of the affairs of the Association, whether voluntary or

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involuntarily, the assets of the Association, after all debts have been satisfied, then remaining in the hands of the Board of Directors shall be distributed, transferred, conveyed, delivered, and paid over to such members of the Association, in such amounts as the Board of Directors may determine or as may be determined by a court or competent jurisdiction upon application of the Board of Directors, exclusively for the promotion of social welfare or to entities which are qualified as exempt organizations under the provisions of Section 501(c) (4) of the Internal Revenue Code and its Regulations as they now exist or as they may hereafter be amended.

Section 8.8. **Exempt Activities**. Notwithstanding any other provision of these By-Laws, no member, Director, officer, employee, or representative of this Association shall take any action or carry on any activity by or on behalf of the Association not permitted to be taken or carried on by an organization exempt under Section 501 (c) (4) of the Internal Revenue Code as they now exist or as they may hereafter be amended.

ARTICLE 9

Provisions Applicable to Owners of More Than One Lot

Section 9.1. **Assessments, etc.** Assessments, fees, and other charges made by the Association shall be levied on a per owner basis according to the provisions of the Declaration of Covenants and Restrictions and the owner of more than one lot shall not be liable for more than the amount pertaining to one lot.

ARTICLE 10

Amendment

These By-Laws may be adopted by vote of a majority of the members, by presence at the meeting or by proxy, mailed ballot, or at any regular meeting or at any special meeting, if at least thirty (30) days written noticed is given of intention to alter, amend, repeal or adopt new By-Laws at such meeting.

The foregoing By-Laws are ratified and approved by the Members of the Blanco River Estates Owners Association on November 9, 2010