

**SECOND AMENDMENT TO RESTRICTIVE COVENANTS  
APPLICABLE TO THE BLUFFS ON LAKE GRANBURY,  
AN ADDITION IN HOOD COUNTY, TEXAS**

This Second Amendment ("Second Amendment") to Restrictive Covenants Applicable to The Bluffs on Lake Granbury, an Addition in Hood County, Texas, is made this 13<sup>th</sup> day of June, 2001, by and through the authority set forth in this Second Amendment.

**R E C I T A L S:**

A. On October 6, 1983, Foster-Vick Development Company, Inc. established the restrictive covenants applicable to The Bluffs on Lake Granbury, an addition in Hood County, Texas, according to the plat thereof recorded in Slide A-232-B of the Plat Records of Hood County, Texas, which restrictive covenants were recorded at Volume 1030, Page 404, Real Property Records of Hood County, Texas (the "Original Restrictions"); and

B. The Original Restrictions were amended by Amendment to Restrictive Covenants applicable to The Bluffs on Lake Granbury, an addition in Hood County, Texas, dated February 19, 1993 (the "First Amendment");

C. In accordance with the Original Restrictions as amended by the First Amendment (the "Declaration"), The Bluffs Owner's Association has been formed as the Association as described in the First Amendment, such Association being referred to herein as the "Association";

D. Defined terms used in this Second Amendment, unless otherwise defined herein, shall bear the same meaning as set forth for those defined terms in the First Amendment;

E. The owners of lots within the Properties in their capacity as members of the Association and as owners of lots within the Properties have, in accordance with the Consent of members of The Bluffs Owner's Association, Inc., authorized the Association through its Board of Directors and officers to execute this Second Amendment to be binding upon the lots and the owners of the lots, to run with title to the lots and to be binding upon the Association and the members thereof, such Consent of members attached hereto being referred to herein as the "Consent";

F. In accordance with the authority provided by the Consent, it is the desire of the Association on behalf of its members and the owners of lots within the Properties to execute this Second Amendment to be binding upon all of the lots, all of the members and all of the owners of all of the lots.

NOW, THEREFORE, in accordance with the Consent attached hereto, the Association, on behalf of the owners and its members, hereby declares that the Declaration is amended as set forth hereinbelow.

1. **Variance to Use Restrictions at Article V of Declaration.** Notwithstanding anything to the contrary set forth in Article V of the Second Amendment to the Declaration, the owner of Lots 9, 10, 11 and 12 and its successors and assigns within the Properties may use Lots 9, 10, 11 and 12 for the construction, installation, operation, use, maintenance, repair, replacement and removal of a pump-house, pumps, water-intake facility, electrical facility, generator, transformer and associated wires, piping, structures, roads, fencing and landscaping (collectively, the "Improvements"). It is agreed by the Association, the owners and the Association's members in accordance with the terms of this Second Amendment and the Consent attached hereto, which authorizes and confirms this Second Amendment that the owner of Lots 9, 10, 11 and 12 and its permitted successors and assigns may construct, install, operate, use, maintain, repair, replace and remove the Improvements notwithstanding anything to the contrary set forth in the Declaration including, but not limited to, the provisions of Article V thereof. This grant of a variance to the benefit of Lots 9, 10, 11 and 12 and approval of the use of said lots is not intended to and shall not constitute a waiver of the rights of the Association and its members to strictly enforce the terms and provisions of the Declaration including, but not limited to, the use restrictions set forth at Article V against all lots within the Properties except as permitted hereby with respect to Lots 9, 10, 11 and 12. The owner of Lots 9, 10, 11 and 12 shall have the right to erect reasonable warning and construction signs on its lots, notwithstanding that such construction is not for residential purposes as specified in Section 5.8 of the First Amendment. The owner of Lots 9 through 12 shall also have the right to build its pump-house and extend pipes into Lake Granbury provided that the Brazos River Authority has consented thereto.

2. **Amendment to Section 3.6.** The two (2) year period expressed at Section 3.6 has passed and ninety-five percent (95%) of the lots in the Properties have been sold and, accordingly, the Declarant pursuant to the Declaration has no right to control the Association. Further, a first meeting of the membership of the Association has been held and Directors have been elected in the manner provided in the Articles of Incorporation and Bylaws of the Association.

3. **Amendment to Section 6.1.** All references to the Declarant set forth at Section 6.1 are hereby deleted. The Declarant is no longer the owner of any lot within the Properties.

4. **Properties.** In accordance with two (2) previous Declarations Vacating Restrictive Covenants, one recorded at Volume 1687, Page 140, and one recorded at Volume 1687, Page 141, of the Real Property Records of Hood County, Texas, Lots 1 through 8 and Lots 55 through 57 formerly within the Properties, have purportedly been withdrawn from the jurisdiction of the Declaration and the Association and are no longer lots included within the Properties.

5. **Amendment to Section 6.3.** The provisions of Section 6.3 of the Declaration are hereby deleted in their entirety.

6. **Consent.** The Second Amendment to Declaration has been approved by all owners in accordance with the attached Consent, such owners having approved this Second Amendment in



**CONSENT OF MEMBERS  
OF  
THE BLUFFS OWNERS, INC.**

The undersigned, being the record owners (the "Owners") of the lots (the "Lots") in The Bluffs On Lake Granbury, a subdivision in Hood County, Texas (the "Subdivision"), as set forth beside the signatures below and therefore members ("Members") of The Bluffs Owners, Inc., a Texas non-profit corporation (the "Association"), acting pursuant to the provisions of the Texas Non-Profit Corporation Act, do hereby consent that when this consent is signed, the resolutions herein set forth shall be deemed to have been adopted to the same extent and shall have the same force and effect as if adopted at a formal meeting of the Members duly called and held for the purposes of acting upon proposals to adopt the following resolutions:

**RESOLVED**, that the officers and Board of Directors of the Association shall negotiate with and enter into an agreement binding on the Association with AES Wolf Hollow, L.P. ("AES") whereby AES will be allowed to install and operate a water in-take facility and associated structures on the Lots owned by AES in the Subdivision (and possibly a road on a portion of the adjacent Lot owned by Lester M. Alberthal, Jr. and wife, Karen Alberthal), subject to the prior approval of the AES construction plans by the Architectural Control Committee of the Association, and whereby AES, among other things, shall pay the Association \$150,000 for use in engineering and paving of all cul-de-sacs within the Subdivision (including the Angel Bluff cul-de-sac which AES shall in addition pay in full for the engineering and paving) and up to another \$150,000 for the engineering, design and construction of the lake road.

**RESOLVED FURTHER**, that the Board of Directors shall have the authority to hire legal counsel and other advisors as necessary to advise the Board of Directors with respect to the agreement with AES, and to finalize all the terms and conditions of an agreement with AES as the Board of Directors shall deem necessary and appropriate.

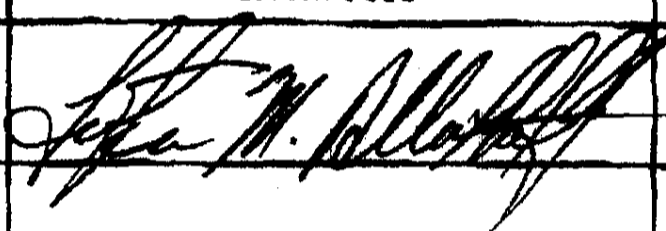
**RESOLVED FURTHER**, that the undersigned Owners hereby ratify and confirm that the Amendment to Restrictive Covenants, Applicable to The Bluffs on Lake Granbury an addition in Hood County, Texas, filed in Volume 1381, Page 965 (which amend the Restrictive Covenants Applicable to The Bluffs on Lake Granbury filed in Volume 1030, Page 404) of the Real Property Records of Hood County, Texas is in full force and effect, except for Section 6.3 which is hereby deleted, and is binding on the Owners and the Lots, and that the Association is duly constituted and its Articles of Incorporation, as amended, and Bylaws, as amended, are in full force and effect and have been properly adopted.

**RESOLVED FURTHER**, that the officers and Board of Directors of the Association are hereby authorized and directed to take such further action and to execute, deliver

and file any documents necessary or advisable to carry out the purpose of the foregoing resolutions, including, without limitation, amending the restrictive covenants affecting the Subdivision and filing the amendments with the Clerk of Hood County, Texas, to which a copy of this consent may be attached.

IN WITNESS WHEREOF, the undersigned have executed this Consent as of the dates beside their respective signatures below.

**SIGNATURE BLOCK**

Name of Member	Lot(s) Owned	Signature of Members	Date
Alberthal, Jr., Lester M. and wife, Karen Alberthal	13, 14, 15, 16, 17, 18, 19		5/30/01
Allen, Noble and wife, Flo Allen	53		
Barber, Ray and wife, Marti Barber	41		
Berry, Don and wife, Carol Berry	26		
Cade, John and wife, Bev Cade	25, 27		
Conaster, Curtis and wife, Teresa Conaster	47		
Davis, Kerry	54		
Freeman, James and wife Ruby Freeman	48		
Goodman, Kerry and wife, Debby Goodman	37, 38, 39		
Green, Bill and wife, Sharon Green	33		
Griffits, Horace	20		
Henderson, Burnis	40		
Hollander, David	42, 43, 44, 45		

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Page 3/4

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and file any documents necessary or advisable to carry out the purpose of the foregoing resolutions, including, without limitation, amending the restrictive covenants affecting the Subdivisions and filing the amendments with the Clerk of Tarrant County, Texas, to which a copy of this consent may be attached.

IN WITNESS WHEREOF, the undersigned have executed this Consent as of the date hereinbefore their respective signatures below.

**SIGNATURE BLOCK**

Name of Member	Lot(s) Owned	Signature of Members	Date
Albertal, Jr., Lester M. and wife, Karen Albertal	13, 14, 15, 16, 17, 18, 19	<i>Lester M. Albertal</i>	8/1/01
Allen, Noble and wife, Flo Allen	53		
Barber, Ray and wife, Marta Barber	41		
Stewart, Ken and wife, Susan Carpenter	26		
Cado, John and wife, Roy Cado	25, 27		
Conaster, Curtis and wife, Teresa Conaster	47		
Davis, Kerry	54		
Freeman, James and wife Ruby Freeman	48		
Goodman, Kerry and wife, Debby Goodman	37, 38, 39		
Green, Bill and wife, Sharon Green	33		
Griffith, Horace	30		
Henderson, Burnin	40		
Hullender, David and wife Eva Hullender	42, 43, 44, 45		

**CONSENT OF MEMBERS - PAGE 2**

and file any documents necessary or advisable to carry out the purpose of the foregoing resolutions, including, without limitation, amending the restrictive covenants affecting the Subdivision and filing the amendments with the Clerk of Hood County, Texas, to which a copy of this consent may be attached.

IN WITNESS WHEREOF, the undersigned have executed this Consent as of the dates beside their respective signatures below.

**SIGNATURE BLOCK**

Name of Member	Lot(s) Owned	Signature of Members	Date
Alberthal, Jr., Lester M. and wife, Karen Alberthal	13, 14, 15, 16, 17, 18, 19		
Allen, Noble and wife, Flo Allen	53	<i>Noble Allen</i>	6-30-01
Barber, Ray and wife, Marti Barber	41		
<del>Stewart, Ken and wife,</del> Susan Carpenter	26		
Cade, John and wife, Bev Cade	25, 27	<i>Beverly Cade</i>	6/30/01
Conaster, Curtis and wife, Teresa Conaster	47		
Davis, Kerry	54		
Freeman, James and wife Ruby Freeman	48		
Goodman, Kerry and wife, Debby Goodman	37, 38, 39		
Green, Bill and wife, Sharon Green	33	<i>Sharon K. Green</i>	7-2-01
Griffits, Horace	20		
Henderson, Burnis	40		
Hullender, David and wife Eva Hullender	42, 43, 44, 45		

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Name of Member	Lot(s) Owned	Signature of Members	Date
Alberthal, Jr., Lester M. and wife, Karen Alberthal	13, 14, 15, 16, 17, 18, 19		
Allen, Noble and wife, Flo Allen	53	<i>Noblene Allen</i>	5-31-01
Barber, Ray and wife, Marti Barber	41	<i>Ray Barber</i>	5-30-01
Stewart, Ken and wife Susan Carpenter	26	<i>Susan Carpenter</i>	5/31/01
Cade, John and wife, Bev Cade	25, 27	<i>John Cade</i>	5-30-01
Conaster, Curtis and wife, Teresa Conaster	47		
Davis, Kerry	54		
Freeman, James and wife Ruby Freeman	48	<i>James O. Freeman</i>	5-31-01
Goodman, Kerry and wife, Debby Goodman	37, 38, 39		
Green, Bill and wife, Sharon Green	33	<i>Sharon A. Green</i>	
Griffith, Horace	20	<i>Horace Griffith</i>	5-30-01
Henderson, Burnis	40	<i>Burnis M. Henderson</i>	5-30-01
Hullender, David and wife Eva Hullender	42, 43, 44, 45		

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Allen, Noble and wife, Flo Allen	53		
Barber, Ray and wife, Marti Barber	41		
Stewart, Ken and wife Susan Carpenter	26		
Cade, John and wife, Bev Cade	25, 27		
Conaster, Curtis and wife, Teresa Conaster	47		
Davis, Kerry	54		
Freeman, James and wife Ruby Freeman	48	<i>James O. Freeman</i> <i>Ruby S. Freeman</i>	
Goodman, Kerry and wife, Debby Goodman	37, 38, 39		
Green, Bill and wife, Sharon Green	33		
Griffits, Horace	20		
Henderson, Burnis	40		
Hullender, David and wife Eva Hullender	42, 43, 44, 45		

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Name of Member	Lot(s) Owned	Signature of Members	Date
Alberthal, Jr., Lester M. and wife, Karen Alberthal	13, 14, 15, 16, 17, 18, 19		
Allen, Nohla and wife, Elie Allen	53		
Barber, Roy and wife, Marti Barber	41		
Stewart, Ken and wife, Susan Carpenter	26		
Cade, John and wife, Bev Cade	25, 27		
Conaster, Curtis and wife, Teresa Conaster	47		
Davis, Kerry	54		
Freeman, James and wife Ruby Freeman	48		
Goodman, Kerry and wife, Dobby Goodman	51, 22, 20		
Green, Bill and wife, Sharon Green	33		
Griffis, Horace	20		
Henderson, Burnis	40		
Hullender, David and wife Eva Hullender	42, 43, 44, 45	<i>David J. Hullender</i> <i>Eva Melissa Hullender</i>	<i>7/6/01</i> <i>7/6/01</i>

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Allen, Noble and wife, Flo Allen	53		
Barber, Ray and wife, Marti Barber	41		
Berry, Don and wife, Carol Berry	25		
Cade, John and wife, Bev Cade	25, 27		
Conaster, Curtis and wife, Tereasa Conaster	47		
Davis, Kerry	54		
<del>Patricia A. Robichaux, Trustee</del> Raby Freeman Trustee	48	<i>Patricia A. Robichaux</i>	8-8-01
Goodman, Kerry and wife, Debby Goodman	37, 38, 39		
Green, Bill and wife, Sharon Green	33		
Griffits, Horace	20		
Henderson, Burnis	40		
Hollander, David	42, 43, 44, 45		

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Allen, Noble and wife, Flo Allen	53		
Barber, Ray and wife, Marti Barber	41		
Stewart, Ken and wife Susan Carpenter	26		
Cade, John and wife, Bev Cade	25, 27		
Comster, Curtis and wife, Teresa Comster	47		
Davis, Kerry	54		
Freeman, James and wife Ruby Freeman	48		
Goodman, Kerry and wife, Debby Goodman	37, 38, 39	<i>Kerry Goodman</i> <i>Debby Goodman</i>	7-18-01 7.18.01
Green, Bill and wife, Sharon Green	33		
Griffith, Horace	20		
Henderson, Burnis	40		
Hallender, David and wife Eva Hallender	42, 43, 44, 45		

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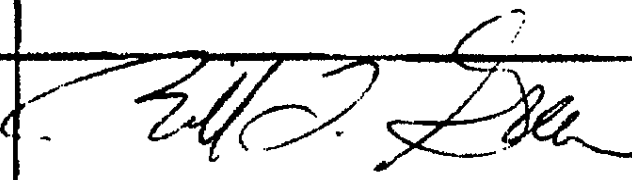
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Allen, Nohls and wife, Flo Allen	53		
Barber, Ray and wife, Marti Barber	41		
Stewart, Ken and wife, Susan Carpenter	26		
Cade, John and wife, Bev Cade	25, 27		
Conaster, Curtis and wife, Teresa Conaster	47		
Davis, Kerry	54		
Froeman, James and wife Ruby Froeman	48		
Goodman, Kerry and wife, Debby Goodman	51, 28, 29		
Green, Bill and wife, Sharon Green	33		
Griffis, Horace	20		
Henderson, Burnis	40		
Hullender, David and wife Eva Hullender	42, 43, 44, 45	<i>David J. Hullender</i> <i>Eva M. Hullender</i>	7/6/01

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Cade, John and wife, Bev Cade	25, 27		
Conaster, Curtis and wife, Teresa Conaster	47		
Davis, Kerry	54		
Freeman, James and wife Ruby Freeman	48		
Goodman, Kerry and wife, Debby Goodman	37, 38, 39		
Green, Bill and wife, Sharon Green	33		7/23/01
Griffits, Horace	20		
Henderson, Burnis	40		
Hullender, David and wife Eva Hullender	42, 43, 44, 45		

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Allen, Noble and wife, Flo Allen	53		
Barber, Ruy and wife, Marti Barber	41		
Stewart, Ken and wife Susan Carpenter	26		
Cade, John and wife, Bev Cade	25, 27		
Constar, Curtis and wife, Teresa Constar	47	<i>Curtis &amp; Teresa Constar</i>	7/6/01
Davis, Kerry	54		
Froeman, James and wife Ruby Froeman	48		
Goodman, Kerry and wife, Debby Goodman	37, 38, 39		
Green, Bill and wife, Sharon Green	33		
Griffith, Horace	20		
Henderson, Bernis	40		
Hullender, David and wife Eva Hullender	42, 43, 44, 45		

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Allen, Noble and wife, Flo Allen	53		
Barber, Ray and wife, Marti Barber	41	<i>Marti Barber</i>	
Stewart, Ken and wife Susan Carpenter	26		
Cade, John and wife, Bev Cade	25, 27		
Conaster, Curtis and wife, Teresa Conaster	47		
Davis, Kerry	54		
Freeman, James and wife Ruby Freeman	48		
Goodman, Kerry and wife, Debby Goodman	37, 38, 39		
Green, Bill and wife, Sharon Green	33		
Griffits, Horace	20		
Henderson, Burnis	40		
Hullender, David and wife Eva Hullender	42, 43, 44, 45		

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Allen, Noble and wife, Flo Allen	53		
Barber, Ray and wife, Marti Barber	41		
Stewart, Ken and wife Susan Carpenter	26		
Cade, John and wife, Bev Cade	25, 27		
Conatser, Curtis and wife, Teresa Conatser	47		5-31-01
Davis, Kerry	54		
Froeman, Jackson and wife Ruby Froeman	48		
Gosman, Kerry and wife, Debby Gosman	37, 38, 39		
Green, Bill and wife, Sharon Green	33		
Griffith, Horace	20		
Henderson, Burnis	40		
Hullender, David and wife Eyn Hullender	42, 43, 44, 45		



**SIGNATURE BLOCK**

Jennings, John and wife, Cheryl Jennings	35, 36		
Martensen, Bill and wife, Cynthia Martensen	49, 50, 51, 52	<i>Bill Martensen</i>	<i>7-12-01</i>
		<i>Cynthia Martensen</i>	<i>7-12-01</i>
Shawen, John and wife, Brenda Shawen	34		
Lewis, Monty and wife Claudette Lewis	28, 29, 30, 31		
Upchurch, Wes and wife, Betty Upchurch	32		
Williams, Ron and wife Donna Williams	46		
Wilson, Robert and wife, Cynthia Wilson	21, 22, 23, 24		
AES Wolf Hollow, I.P	9, 10, 11, 12		

**SIGNATURE BLOCK**

Jennings, John and wife, Cheryl Jennings	35, 36		
Martensen, Bill and wife, Cynthia Martensen	49, 50, 51, 52		
Shawen, John and wife, Brenda Shawen	34	<i>John Shawen</i>	5/30/01
Lewis, Monty and wife Claudette Lewis	28, 29, 30, 31	<i>Claudette Lewis</i>	5/30/01
Upchurch, Wes and wife, Betty Upchurch	32	<i>Betty Upchurch</i>	5/30/01
Williams, Ron and wife Donna Williams	46	<i>Ron Williams</i>	6/4/01
Wilson, Robert and wife, Cynthia Wilson	21, 22, 23, 24	<i>Robert Wilson</i>	5/30/01
AES Wolf Hollow, I.P	9, 10, 11, 12		

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**SIGNATURE BLOCK**

Jennings, John and wife, Cheryl Jennings	35, 36	<i>John A. Jennings</i>	5/31/01
Martensen, Bill and wife, Cynthia Martensen	49, 50, 51, 52		
Shawen, John and wife, Brenda Shawen	34		
Lewis, Monty and wife Claudette Lewis	28, 29, 30, 31		
Upchurch, Wes and wife, Dotty Upchurch	32		
Williams, Ron and wife Donna Williams	46		
Wilson, Robert and wife, Cynthia Wilson	21, 22, 23, 24		
AES Wolf Hollow, I.P	9, 10, 11, 12		

**CONSENT OF MEMBERS - PAGE 3**

**SIGNATURE BLOCK**

Jennings, John and wife, Cheryl Jennings	35, 36		
Martensen, Bill and wife, Cynthia Martensen	49, 50, 51, 52		
Shawen, John and wife, Brenda Shawen	34		
Thompson, Don and wife, Carol Thompson	28, 29, 30, 31		
Upchurch, Wes and wife, Betty Upchurch	32		
Williams, Ron and wife, Pat Williams	46		
Wilson, Robert and wife, Cynthia Wilson	21, 22, 23, 24		
AES Wolf Hollow, L.P	9, 10, 11, 12	<i>Alison R. Gomez</i>	6-1-01

**SIGNATURE BLOCK**

Jennings, John and wife, Cheryl Jennings	35, 36		
Martensen, Bill and wife, Cynthia Martensen	49, 50, 51, 52		
Shawen, John and wife, Brenda Shawen	34	<i>Brenda Shawen</i>	6-30-01
Lewis, Monty and wife Claudette Lewis	28, 29, 30, 31		
Upchurch, Wes and wife, Betty Upchurch	32		
Williams, Ron and wife Donna Williams	46	<i>Donna Paul Williams</i>	7-1-01
Wilson, Robert and wife, Cynthia Wilson	21, 22, 23, 24	<i>Cynthia Wilson</i>	7-2-01
AES Wolf Hollow, LP	9, 10, 11, 12		

**SIGNATURE BLOCK**

Jennings, John and wife, Cheryl Jennings	35, 36	<i>Cheryl Jennings</i>	7-10-01
Martensen, Bill and wife, Cynthia Martensen	49, 50, 51, 52		
Shawen, John and wife, Brenda Shawen	34		
Lewis, Monty and wife Claudette Lewis	28, 29, 30, 31		
Upchurch, Wes and wife, Betty Upchurch	32		
Williams, Ron and wife Donna Williams	46		
Wilson, Robert and wife, Cynthia Wilson	21, 22, 23, 24		
AES Wolf Hollow, I.P	9, 10, 11, 12		

**SIGNATURE BLOCK**

Jennings, John and wife, Cheryl Jennings	35, 36		
Martensen, Bill and wife, Cynthia Martensen	49, 50, 51, 52		
Shawen, John and wife, Beanda Shawen	34		
Lewis, Monty and wife Claudette Lewis	28, 29, 30, 31		
Upchurch, Woe and wife, Betty Upchurch	32		
<del>Williams, Don and wife</del> Donna <del>Williams</del> <b>R. PARKER</b>	46	<i>Donna R. Parker</i>	8-2-01
Wilson, Robert and wife, Cynthia Wilson	21, 22, 23, 24		
AES Wolf Hollow, I.P	9, 10, 11, 12		

Return to: Scott Jackson  
 Glast, Phillips & Murray  
 3200 One Galleria Tower  
 13355 Noel Road, L.B. 48  
 Dallas, TX 75240-6057

Any provision herein which restricts the sale, rental, or use of the described real property on account of color or race is invalid and unenforceable under Federal law.  
 STATE OF TEXAS COUNTY OF HOOD  
 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 OFFICIAL PUBLIC RECORDS OF HOOD COUNTY TEXAS, in the Volume and Page as shown hereon.



*Stally Aubrie*  
 STALLY AUBRIE, County Clerk  
 Hood County, Texas

FILED FOR RECORD  
 AT 2:50P M.

AUG 17 2001

*Stally Aubrie*  
 County Clerk, Hood County, TX