

**Modification to the
Declaration of Restrictions
Of Buffalo Creek Estates, Section One Lots 1-8
Including the Amendment to the Declaration of Restrictions
Of Buffalo Creek Estates, Section Lots 1-8**

Reference is here made to the Declaration of Restrictions of Buffalo Creek Estates, Section one, Lots 1-8, duly recorded in Volume 754, Pages 802-814, of the Official Records of Austin County, Texas and the amendment to said Declaration of Restrictions:

Whereas, the sole fee simple owners of the lots in Buffalo Creek Estates, Section one, Lots 1-8 are as follows, to-wit:

- Lot 1 - Hugh E. Tubbs
- Lot 2 - Mary Rokes
- Lot 3 - Chris and Dana Minnaar
- Lot 4 - David and Tamara Darilek
- Lot 5 - Gerald and Sharon Carter
- Lot 6 - Jerry and Elizabeth Kovar
- Lot 7 - Kelly and Laurene Sandel
- Lot 8 - Barbara Yarber

Whereas, all of said fee simple owners have agreed to modify and amend the restrictive covenants to read as hereinafter stated.

Now, therefore, KNOW ALL MEN BY THESE PRESENTS: that we, the undersigned, being the sole fee simple owners of Lots 1-8 in Buffalo Creek Estates, section one, have and by these presents do REVOKE, CANCEL, ABANDON AND DECLARE NULL AND VOID the restrictive covenants, terms and conditions set forth in the "Declaration of Restrictions of Buffalo Creek estates, section one, Lots 1-8" dated September 11, 2018, and recorded in Volume 754, Pages 802-814, of the Official Records of Austin County, Texas as the same apply to Lots 1-8 of Buffalo Creek Estates, section one, and in lieu thereof the following restrictions, covenants and conditions are imposed and impressed upon said Lots 1-8 as Follows, to-wit:

1. Property Owners Association

There is hereby created the Buffalo Creek Homeowners Association, Inc. hereinafter called "Association", for the purpose of protecting, promoting and otherwise enforcing this Declaration of Restrictions. The Association shall consist of all purchasers, grantees and owners of the individual lots as recorded in the Map and Plat Records of Austin County, Texas at Volume 1, Page 207. Each lot owner, also referred to as "member," shall receive one vote for each lot owned within the subdivision. The Association will appoint three members: President, Vice-president and Treasurer hereinafter known as the "The Board of Directors" or "Board" to perform the following functions:

- a) act as the representatives of all of the property owners of Buffalo Creek Estates, Section One;

- b) collect and expend, in the interest of the subdivision as a whole, the maintenance assessments as hereinafter created;
- c) approve or reject plans and specifications for improvements to be erected in the subdivision in the manner set out herein below;
- d) keep financial records with respect to the maintenance assessments collected, which records shall be available for inspection by any member in the Association at all reasonable times.

The "Association" will act together and individually to perform the following functions:

- a) enforce these restrictions in the manner set out herein below;
- b) preserve, protect and promote the residential environment of Buffalo Creek Estates, Section One through cooperative enforcement of the property Restrictions set out herein below.

2. Building

No building shall be erected, placed or altered on any lot in Buffalo Creek Estates, Section One until the construction plans, specifications and building site plan showing the location of all buildings, sidewalks, driveways and other improvements thereon have been submitted in writing by the Owner to the Board and approved in writing by the Association as to use, Quality of workmanship and materials, conformity, harmony with the external features of existing and proposed structures in the subdivision, and as to location of the building improvements with respect to topography and finished grade elevation. If the owner begins to erect a building without the written approval of the Association, members may require the owner to desist and submit the plans in writing before proceeding. If the Association fails to approve or disapprove the application within thirty days after the plans and specifications have been submitted in the correct form, the request shall be deemed to be approved.

3. Maintenance Assessments and Annual Meeting

Each lot shall be subject to an annual maintenance assessment for the following purposes: enforcement and administration of the maintenance funds; maintenance, improvement and caretaking of the private road, park subdivision entrance and other community property within the subdivision; and to do and accomplish any other items which the Association deem necessary and desirable to keep, maintain and improve the subdivision for the general benefit of the Association. Any maintenance assessment shall be collected by the Representative of the Association annually. The annual assessment shall be due on June 1 of each year and will be in the amount of \$200.00. An annual meeting of the membership of the Association will be held in the first week of June. The annual maintenance assessment may be increased or decreased by a majority of the Association at the annual meeting or at a specially held meeting during the year, Any meeting for the purpose of discussing, changing or modifying the annual maintenance assessment shall require thirty day advance written notification to the membership.

4. Land Use and Building Type

No lot shall be used for any purpose other than single family residential purposes and the conducting of a home business as hereinafter restricted. The term "residential

purposes" as used herein shall be held to exclude hospitals, clinics, boarding houses, inns and hotels, apartment houses, animal shelters, multiple family dwellings and to exclude commercial business uses with the above described uses of such property being expressly prohibited. Members may operate a home office or business for business purposes as long as customer meetings at their lot within the subdivision are kept to a strict minimum so as to minimize private road traffic and not in an area visible to the front lot line or within 25 feet of a side lot line. The term "building" or "buildings" as used herein shall be held and construed to mean those permissible buildings and structures which are or will be erected and constructed on the property within the subdivision. No building shall be erected, altered, placed, constructed or permitted to remain on any lot other than:

- a) one detached single family dwelling not to exceed three stories in height, together with a private garage for not more than four cars,
- b) two tool sheds or workshops for the personal use of the member, owner or his immediate family, such tool shed or workshop shall be constructed with materials consistent with the main family dwelling, unless such tool shed or workshop will not be visible from either the street or any other lot;
- c) one shelter for pets or domestic animals kept on the premises for non-commercial purposes

All mobile homes and trailer houses are absolutely forbidden to be permanently located on any lot. A mobile home or trailer house is permanently located on any lot when it is blocked or connected to fresh water and sewage disposal connections or underpinned or has been in a fixed location in excess of thirty days.

5. Lot Area and Width

No lot may be re-subdivided into other lots and tracts.

6. Building Construction, Location and Completion

No residential dwelling shall be placed on any lot unless its living area has a minimum of one thousand eight hundred (1,800) square feet of floor area, exclusive of porches and garages. All residential dwellings shall have a concrete foundation or foundation built of materials and by a method approved by the Board of Directors. All residential dwellings shall be equipped with a sanitary sewer system approved and meeting the standards of the appropriate governmental entity with jurisdiction over such matters. Any lot owner may drill, operate, and maintain a water well on his lot for purposes of being a source of water for that lot only. All structure exteriors shall be approved by the Board of Directors and shall be completed with brick, stucco, wood, and other materials as approved by the Board to cause harmony in the subdivision. All roofs on any structure shall be constructed and maintained with composition shingles, roofing tiles, standing seam steel, or any other material which the Board shall approve.

No building or structure shall be located within 85 feet of the front lot line or within 25 feet of any side lot line unless approved by the Association in writing. Upon completion of a building the Association must approve the finished structure. Entire completion shall include but not be limited to removal from the construction site of all unused and waste construction materials and cleaning of the construction site so that the general appearance of the area meets the standards set by the Association. Structures which do not comply with the land use and building restrictions contained herein shall be prohibited, whether temporary or permanent in nature.

7. Auto, Recreational Vehicles and Shelters

Nothing herein shall be construed or held to exclude the use of recreational vehicles, including house and camping trailers, motor homes, tents and other temporary camping structures, when used for recreational purposes, but not for residential purposes. An automobile, recreational vehicle, house or camping trailer, motorhome, tent or other temporary camping structures shall be deemed to be permanently located on any lot when it is blocked or connected to fresh water and sewage disposal connections or underpinned or has been in a fixed location in excess of thirty days. Members may store any automobile, recreational vehicle, camping trailer or motorhome on their lot provided they are stored in a manner approved by the Association and not in an area closer to the front line than the main dwelling or within 25 feet of a side lot line.

8. Fences

The Association, at its sole discretion, is hereby permitted to approve any fencing system where, in their judgment, such deviation will result in a more commonly beneficial use. No fence will be permitted anywhere on the property where the design or location of the fence would create a traffic hazard or obstruct the overall view of the subdivision. Any approved fence shall be no taller than 48" in height. Chain link and privacy fencing are prohibited.

9. Signs

No signs, advertisement, billboard or advertising structure of any kind may be erected or maintained on any residential lot except one sign not more than forty-eight inches square, advertising the property for sale or rent. The Association or its Representative with approval of the Association shall have the right to remove any such sign, advertisement, billboard or advertising structure which is placed on any lot in violation of these restrictions, and in so doing, shall not be liable, and are hereby expressly relieved from any liability for trespass or other tort in connection therewith, or arising from such removal.

10. Animals

Dogs, cats and any other common household pets may be kept on any lot, provided they are not kept, bred or maintained in excessive numbers or for any commercial purpose and are held for the use and pleasure of the Owner of any lot. Furthermore, cows, horses, swine, goats, chickens and other domestic fowl, and other animals commonly known as livestock, ranch animals or farm animals are expressly prohibited for any reason on any tract in Buffalo Creek Estates. All domestic animals shall be limited in number such that they are not a nuisance to other Members. Nothing herein shall exempt or except the keeping of dogs, cats and any other common household pets from the restriction against nuisances elsewhere herein. Any dog houses or other structures must be approved by the Association before installation or construction. Any pet enclosure which is overcrowded or not adequately maintained and cleaned, or which presents an unkempt appearance or produces noxious odors may be declared a nuisance by the Association and ordered removed from the lot, which action if taken in good faith, shall be conclusive upon the question of nuisance.

11. Nuisances

No noxious or offensive trade or activity shall be permitted upon any lot, nor shall anything be done thereon which is or may become an annoyance or a nuisance to the neighborhood, is illegal, dangerous or immoral or which shall have the effect of degrading the residential character of the subdivision. Dogs and any other domestic animals except cats must be kept on a leash or penned. Any animal that causes a persistent obnoxious odor or loud or continuous noise, at night or any other time shall be deemed a nuisance and must be removed by the Owner. A majority vote of the Association shall determine if any trade, activity or other matter is a nuisance. Any Member of the Association may ask for a special meeting of the Association to be called regarding a nuisance matter. In no event shall any dogs or any other domestic animal except cats be allowed to roam unattended or unrestricted through another Member's lot.

12. Garbage and Refuse Disposal

No tract shall be used or maintained as a dumping ground for rubbish, trash or other items. All trash, garbage and other wastes shall be kept in sanitary containers until disposition. At this time Texas Disposal Systems is the company used to pick up household trash in Buffalo Creek Estates. One company only is recommended in order to keep garbage trucks to a minimum on the private road. Burning household garbage is expressly prohibited in the subdivision. Burning of garden waste such as limbs, leaves and such is permitted under strict supervision with someone present until the fire is completely out.

13. Removal of Dirt and Other Minerals, Drilling and Excavation

No oil drilling, development, refining, quarrying or mining operation shall be permitted upon or in any lot by any purchaser, grantee or lessee of any-purchaser or grantee. Except in conjunction with construction and drainage work, the removal of dirt, stone, gravel or other minerals from any lot for any purpose is forbidden without permission from the Association.

14. Water and Sewage Disposal Systems

Any lot owner may drill, operate and maintain a water well on his lot for purposes of being a source of water for that lot only. Septic tanks and septic systems, as approved by the County or State, may be utilized and maintained on any lot for the personal use of any purchaser, grantee, lessee or owner, his immediate family and non-commercial invitees, but not for commercial purposes.

15. Vehicles

No lot shall be used as a depository for abandoned or junked motor vehicles. An Abandoned motor vehicle is one without a current state inspection sticker. No junk of any kind, or character, or any accessories, parts or objects used with cars, boats buses, trucks, trailers, house trailers or the like shall be kept on any lot other than in a garage or other structure approved by the Association. No cars, buses or trucks shall be parked on the street or in an area closer to the front lot line of the main dwelling except for delivery, construction or visitation.

16. Hunting

Absolutely no hunting shall be allowed in, on or about any lot.

17. Storage

No lot shall be used for temporary or permanent storage of equipment, material or vehicles except as may be used in direct connection with the use or enjoyment of any lot as residential property and as provided in these restrictions.

18. Structures on Easements

No structure, planting or other material shall be placed or permitted to remain within the easements and right-of-ways of record in Austin County, Texas to which Buffalo Creek Estates, Section One is subject, which may damage or interfere with the installation and maintenance of utilities, or which change the direction or flow of drainage channels in the easements. The easement area of each lot and all improvements in it shall be maintained continuously by the owner of the lot, except for those improvements for which a public authority or utility company is responsible.

19. Sewage Facilities

All lavatories, toilets and bath facilities shall be installed indoors and shall be connected to an approved septic system. No outside or surface toilets shall be permitted under any circumstances except *one* port-a-let which shall be used exclusively for purposes of the workmen during construction, which port-a-let shall be kept in a sanitary manner.

20. General Appearance

Each lot shall be maintained in a manner so that the general appearance of each lot benefits the overall appearance of the subdivision which may include mown lawns, wooded areas and vegetable and/or flower gardens. The front entrance and cul-de-sac shall be maintained by the Members using funds from the maintenance assessment as needed.

21. Interpretation and enforcement

In the event of any dispute over the proper interpretation of any of the provisions of this declaration, a special meeting shall be called to resolve any disputes by arbitration; however, should the dispute not be resolved by arbitration, a court of law shall prevail.

22. Term

These restrictions are to run with the land and shall be binding upon and inure to the benefit of all owners of lots in Buffalo Creek Estates, Section One, and all persons claiming under them for a period of thirty years from date of recordation in the public records of Austin County, Texas, after which time, such restrictions shall be extended for successive periods of ten years, unless an instrument signed by seventy-five percent (75) majority in votes of the then owners of lots in the subdivision is filed for record in Austin County, Texas altering, rescinding or modifying said restriction in whole or in part.

-----Signature page-----

We, the undersigned, acknowledge and agree to the modifications to the declaration of restriction of Buffalo Creek Estates, Section One, Lots 1-8.

Lot 1 - Hugh E. Tubbs

Hugh Tubbs

Owner - lot 1

Lot 5 - Gerald and Sharon Carter

Gerald and Sharon Carter

Owners - lot 5

Lot 2 - Mary Rokes

Mary Rokes

Owner - lot 2

Lot 6 - Jerry and Elizabeth Kovar

Jerry and Elizabeth Kovar

Owners - lot 6

Lot 3 - Chris and Dana Minnaar

Dana Minnaar / Chris Minnaar

Owners - lot 3

Lot 7 - Kelly and Laurene Sandel

Kelly Sandel and Laurene Sandel

Owners - lot 7

Lot 4 - David and Tamara Darilek

David and Tamara Darilek

Owners - lot 4

Lot 8 - Barbara Yarber

Barbara Yarber

Owner - lot 8

Kelly Sandel

Kelly Sandel - President, Buffalo Creek Estates

10-10-18 KES
11/8/18
Date

STATE OF TEXAS

COUNTY OF AUSTIN

This instrument was acknowledged before me on October 10, 2018
(date) by Kelly Sandel (name of
representative) as President (title of representative)
of Buffalo Creek Estates (name of entity represented).

Notary Public

Printed Name: Angela Rodriguez

My Commission Expires:

11-21-18

