

**FIRST AMENDMENT TO CHEROKEE COVE'S DECLARATION OF COVENANTS,
CONDITIONS, AND RESTRICTIONS**

THIS FIRST AMENDMENT to the Cherokee Cove Declaration of Covenants, Conditions, and Restrictions (hereinafter referred to as the "First Amendment") is entered into on the date and year set forth below by undersigned, being at least eighty percent (80%) of the owners of lots in Cherokee Cove in compliance with Article V of the Cherokee Cove Declaration of Covenants, Conditions, and Restrictions (the "Restrictions") recorded in Volume 1848, Page 534 of the Official Public Records of Cherokee County, Texas.

RECITALS:

WHEREAS, on or about April 24, 2007, the Cherokee Cove Declaration of Covenants, Conditions, and Restrictions were filed for record in the Official Public Records of Cherokee County, Texas in Volume 1848, Page 534, which Restrictions imposed certain covenants, conditions, and restrictions affecting the property described therein, the ("Subject Property");

WHEREAS, ARTICLE V, "GENERAL PROVISIONS," of the Restrictions specifies that, "The covenants, conditions, and restrictions of this Declaration may be amended at any time by an instrument signed by the Owner or Owners of not less than eighty percent (80%) of the total owners comprising the property."

WHEREAS, the undersigned, representing at least eighty percent (80%) of the total owners, desire to amend the Restrictions; and

WHEREAS, the undersigned, representing at least eighty percent (80%) of the total owners, do hereby amend the Restrictions as follows:

The portion of "ARTICLE FOUR," "USE RESTRICTIONS," subtitled "Type of Buildings Permitted Construction Completion" is hereby revised to read as follows:

All tracts shall be used for residential purposes only, and no building shall be erected, altered, placed or permitted to remain on any Tract other than one single family dwelling not to exceed two (2) stories in height plus any workshops, private garages, barns and other necessary outbuildings (all such outbuildings not to exceed thirty feet (30') in height), provided, however, that not more than one single family guest house may be erected on a tract in addition to the above. Guest houses must be erected behind the main house with the same architectural design as the main single family dwelling unless variation is granted Declarant. The exterior walls of any residence situated on any tract shall consist of not less than sixty percent (60%) brick, stone, or similar construction, including but not limited to Hardie Cement Siding (a cement based, high quality, low maintenance alternative), provided;

however, that all construction shall be of materials designed and manufactured for exterior use on site built residence structures of average or better quality. All non-masonry exterior construction (if any), on any residence or other building must be approved by the Declarant. No aluminum or vinyl siding is allowed on any exterior walls. All houses must have at least an eight (8) twelve (12) pitch roof or more.

EXCEPT FOR THE amendment reflected herein, the Restrictions as filed of record regarding the Subject Property shall remain in full force and effect.

IN WITNESS WHEREOF, this instrument has been executed on this the _____ day of _____, 2010.

DAVID DIDUCH

KATHRYN DIDUCH

GEORGE STROTHER

LAURA STROTHER

RICK BROSSETT

LANDON GROGAN

CYNTHIA GROGAN

DAVID GOSTECNIK

DONNA GOSTECNIK

JOHN SWANSON

DANA SWANSON

STEVE CARMICHAEL

BECKY CARMICHAEL

RONNIE ROBERTS

MARGARET ROBERTS

STATE OF TEXAS §
 §
COUNTY OF SMITH §

This instrument was acknowledged before me on this _____ day of _____,
2010 by DAVID DIDUCH.

NOTARY PUBLIC, STATE OF TEXAS

STATE OF TEXAS §
 §
COUNTY OF SMITH §

This instrument was acknowledged before me on this _____ day of _____,
2010 by KATHRYN DIDUCH.

NOTARY PUBLIC, STATE OF TEXAS

PREPARED IN THE LAW OFFICE OF:

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AFTER RECORDING, RETURN TO:

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BB.01.25.10