UTitle No. 207584F (14)

FIRST AMENDMENT TO SUPPLEMENTAL DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, EASEMENTS AND RIGHTS FOR MILLICAN RESERVE TO CREATE THE VILLAGE OF THE CREEK

THE STATE OF TEXAS	§ §	KNOW ALL PERSONS BY THESE PERSONS
COUNTY OF BRAZOS	§	

WHEREAS, that certain Supplemental Declaration of Covenants, Conditions, Restrictions, Reservations, Easements and Rights for Millican Reserve to Create the Village of The Creek (the "Declaration") dated October 27, 2015, was recorded in the Office of the County Clerk of Brazos County, Texas, under Clerk's File No. 2015-1247555 on October 30, 2015, and subjects real property known as The Creek, a subdivision (village) in Brazos County, Texas, and more particularly described in the Declaration ("The Creek Village") to the covenants, conditions, restrictions, easements, charges and liens set forth in the Declaration; and

WHEREAS, The Creek Village is additionally encumbered by the covenants, conditions, restrictions, easements, charges and liens set forth in the Master Declaration of Covenants, Conditions, Restrictions, Reservations, Easements and Rights for Millican Reserve dated October 27, 2015, recorded in the Office of the County Clerk of Brazos County, Texas, in Volume 13020, Page 62, et. seq.; and

WHEREAS, Article X, Section 10.09 of the Declaration provides that Rock Barn Conservation Partners, LLC., a Texas limited liability company (the "Town Founder") can amend any provision of the Declaration, at its sole and absolute discretion, prior to the expiration of the Creek Development Period (as defined in the Declaration and herein called "Creek Development Period"); and

WHEREAS, the Creek Development Period has not expired; and

WHEREAS, the Town Founder desires to amend the Declaration as set forth below;

NOW, THEREFORE, in consideration of the recitals set forth above, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Town Founder does hereby amend the following provisions in the Declaration to read as follows:

1. Article VIII, Section 8.05 is amended to read as follows:

8.05 Amount. Creek Annual Assessments shall be payable in advance on or before January 1 of each year. The Board may fix the Creek Annual Assessment at an amount not in excess of the maximum, and shall fix the amount of the Creek Annual Assessment against each Creek Parcel by December 1 preceding the Creek Annual Assessment period. The Creek Annual Assessment period shall begin on January 1 of each year. Written notice

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of the Creek Annual Assessment shall be sent to every Creek Owner subject thereto at the address of each Creek Parcel or at such other address provided to the Foundation in writing from the Creek Owner. Creek Annual Assessments shall be considered delinquent if not received by the Foundation by January 31 of the year for which the Creek Annual Assessment pertains.

Notwithstanding the foregoing, the Creek Annual Assessment shall begin and be due and payable in the calendar year 2020 (the "Initial Creek Annual Assessment"). The Initial Creek Annual Assessment shall be adjusted according to the number of days then remaining in the year 2020 at the time the Initial Creek Annual Assessment is assessed, as determined by the Board, in its sole discretion. Written notice of the Initial Creek Annual Assessment shall be sent to every Creek Owner subject thereto at the address of each Creek Parcel or at such other address provided to the Foundation in writing from the Creek Owner. The Initial Creek Annual Assessment shall be considered delinquent if not received by the Foundation on or before 30 days after the Initial Creek Annual Assessment has been mailed as set forth in the immediately preceding sentence.

2. Article VIII, Section 8.06 is amended to read as follows:

Increases. The maximum Creek Annual Assessment for calendar year 2020 shall be in the amount of Two Thousand and no/100 Dollars (\$2,000.00) per Creek Parcel. Beginning with the calendar year 2021, the maximum Creek Annual Assessment may be increased once a year by the Board, by an amount not to exceed twenty percent (20%) over the prior year's maximum Creek Annual Assessment. For example, if the maximum Creek Annual Assessment for the prior year was \$3,000 per Creek Parcel but the actual amount of the Creek Annual Assessment assessed was \$2,000, the maximum Creek Annual Assessment for the following year may be increased by the Board to \$3,600 (\$3,000 plus the sum of \$3,000 x 20%) even though the maximum Creek Annual Assessment (\$3,600) may not actually be assessed. Unless waived in writing by the Town Founder or Creek Initial Owner, as applicable, in the event the Foundation becomes indebted to the Town Founder or Creek Initial Owner in any manner, the Board will be required to increase and assess the Creek Owners the twenty percent (20%) maximum Creek Annual Assessment provided for in this Section each year to provide for the repayment to the Town Founder or the Creek Initial Owner until the Town Founder or Creek Initial Owner, as applicable, have been paid in full.

The Creek Annual Assessment may be increased above that allowed by this Section, if, and only if, the increase is approved by the affirmative vote of two-thirds (2/3) of the total eligible votes of the Foundation present, in person or by proxy, at a meeting duly called for that purpose. Voting may also be handled by mail ballot as long as the ballots contain the name, property address, and certification by the Secretary of the Foundation, alternate address of the Creek Member, if applicable, and the date and signature of the Creek Member. Ballots may be returned by U.S. mail in envelopes specifically marked as containing ballots for the election, or may be collected by door-to-door canvas.

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Upon the increase of the maximum Creek Annual Assessment requiring the vote of the Foundation, pursuant to the provisions of this Section, the Foundation shall cause to be recorded in the Office of the County Clerk of Brazos County, Texas, a sworn affidavit of the President (or any Vice President) and of the Secretary of the Foundation which shall certify, among other items that may be appropriate, the total number of eligible votes as of the date of the voting, the quorum required, the number of votes represented, the number of votes voting "for" and "against" the levy, the amount of the increased Creek Annual Assessment so authorized, and the date by which the increased Creek Annual Assessment so approved shall become effective on the date specified in the document evidencing such approval, and shall be filed for record in the Office of the County Clerk of Brazos County, Texas.

EXECUTED this 15 day of July, 2020.

TOWN FOUNDER:

ROCK BARN CONSERVATION PARTNERS, LLC, a Texas limited liability company

Rv.

John E. McFarlane, Jr., President

THE STATE OF TEXAS

COUNTY OF BRAZOS

This instrument was acknowledged before me on the <u>15</u> day of July, 2020, by John E. McFarland, Jr., the President of Rock Barn Conservation Partners, LLC, a Texas limited liability company, on behalf of said company.

§ §

CAITLIN ADNEY
Notary Public, State of Texas
Comm. Expires 12-04-2021
Notary ID 128120219

Notary Public

AFTER RECORDING, RETURN TO:

Mark K. Knop
Hoover Slovacek, L.L.P.
5051 Westheimer Road, Suite 1200
Houston, Texas 77056

Brazos County Karen McQueen County Clerk

Instrument Number: 1399281

Volume: 16202

ERecordings - Real Property

Recorded On: July 16, 2020 08:34 AM Number of Pages: 5

" Examined and Charged as Follows: "

Total Recording: \$42.00

******** 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:

Record and Return To:

Document Number:

1399281

eRecording Partners

Receipt Number:

20200716000015

Recorded Date/Time:

July 16, 2020 08:34 AM

User:

Susie C

Station:

CCLERK01



STATE OF TEXAS COUNTY OF BRAZOS

I hereby certify that this Instrument was FILED In the File Number sequence on the date/time printed hereon, and was duly RECORDED in the Official Public Records of Brazos County, Texas.

Karen McQueen County Clerk Brazos County, TX