

STATE OF TEXAS §
 §
COUNTY OF LUBBOCK §

**FIRST AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS**

This First Amendment to Declaration of Covenants, Conditions and Restrictions (“Amendment”) is made effective the 2nd day of June, 2023, by MILWAUKEE, LTD., a Texas limited partnership (“Declarant”).

WHEREAS, Declarant is the owner of that certain real property situated in Lubbock County, Texas described as follows:

Lots One (1) through Twenty-Eight (28), both inclusive and Tracts A-C, HIGHLAND TRAILS PHASE 1, a Subdivision out of Section 23, Block D-5, Lubbock County, Texas, according to the map, plat and/or dedication deed thereof recorded September 17, 2021 under County Clerk File No. 2021048259, Official Public Records, Lubbock County, Texas (the “Property”).

WHEREAS, Vitruvian Development, LLC, a Texas limited liability company (“Vitruvian”) subjected the Property to the provisions of that certain Declaration of Covenants, Conditions and Restrictions dated September 7, 2021 and recorded under County Clerk File Number 2021048260 of the Official Public Records, Lubbock County, Texas (the “Declaration”);

WHEREAS, Vitruvian assigned its rights under the Declaration to the Declarant by that one certain Assignment of Declarant Rights dated June 2, 2023, and recorded under simultaneously herewith in the Official Public Records of Lubbock County, Texas;

WHEREAS, pursuant to Section 20 of the Declaration, the restrictive covenants may be amended by the owners of record of seventy-five percent (75%) of the Property subject to the Declaration; and

WHEREAS, the Declarant owns one hundred percent (100%) of the Property and desires to amend the Deed Restrictions.

NOW THEREFORE, Declarant hereby declares that the Declaration is hereby amended as follows:

1. Recitals Incorporated. The Recitals above are hereby incorporated into and made a part of this Agreement.
2. Definitions. All defined terms used herein without definition shall have the meaning ascribed thereto in the Declaration.
3. Amendment. The Declaration as to the following matters is hereby amended, to-wit:
 - (a) Section 2 of the Declaration is hereby amended and restated in its entirety to read as follows:

Each residence built on a lot shall be located that it fronts the street on which the lot faces. All lots shall be entered from the front of the lot and each garage attached to the house shall be facing the side of the lot on which it is located and must accommodate a minimum of two vehicles (the "first garage"); Each lot may have a second garage or shop (the "second garage") provided such second garage shall face the front of the lot and shall be set back behind the rear wall of the house, and so long as (a) the second garage does not exceed the height of the house constructed on such lot; (b) the drive to such garage complies with the applicable City of Shallowater ordinances affecting same; (c) such garage and the drive

thereto is enclosed by a screening fence of the same construction and appearance of the wood fence encompassing all of each such lots's "back yard"; and (d) the exposed exterior of any such second garage shall be of the same brick veneer construction as the house located on the lot. Each lot adjacent to a side street may also have a driveway entrance from the side street providing entry to the first garage, so long as such driveway complies with the applicable City of Shallowater ordinances affecting same.

(b) Section 18 of the Declaration is hereby deleted in its entirety.

4. Integration. Except as provided for herein, the Declaration is in full force and effect and is hereby ratified and confirmed. In the event of any inconsistency of this Amendment and the Declaration, the terms of this Amendment shall control.

IN WITNESS WHEREOF, Declarant has caused this Amendment to be executed as of the day and year first written above.

DECLARANT:

MILWAUKEE LTD., a Texas limited partnership

By: GEORGE McMAHAN DEVELOPMENT, LLC, a Texas limited liability company, its General Partner

By: _____
GEORGE McMAHAN, Manager

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Acknowledged before me, the undersigned notary, on this ____ day of June, 2023, by GEORGE McMAHAN, Manager of GEORGE McMAHAN DEVELOPMENT, LLC, a Texas limited liability company, General Partner of MILWAUKEE, LTD., a Texas limited partnership, in the capacity therein stated.

Notary Public, State of Texas