

14-00072

JAN 16 2015

**AMENDMENT TO RESTRICTIONS FOR  
CAVE SPRINGS ADDITION,  
SECTION THREE**

This Amendment to the Restrictions for **CAVE SPRINGS ADDITION, SECTION THREE**, is made this 3 day of January, ~~2013~~, <sup>2014</sup>, and shall become effective on January 1, 2016.

**Recitals**

1. **CAVE SPRINGS ADDITION, SECTION THREE**, is a subdivision of record in Volume 3, Page 154, of the Plat Records of Kerr County, Texas.

2. The Restrictions for **CAVE SPRINGS ADDITION, SECTION THREE**, are dated December 12, 1972 and are recorded in Volume 168, Page 37, of the Deed Records of Kerr County, Texas ("*the Restrictions*").

3. The Restrictions were subsequently amended by document entitled "**CAVE SPRING ADDITION, SECTION THREE, AMENDMENT TO RESTRICTION**" dated December 27, 1996, and recorded in Volume 881, Page 565, Real Property records of Kerr County, Texas ("*the Amendment*").

4. Paragraph (p) of the Restrictions provide that they may be amended by "the owners of a majority of the square foot area of the residential lots" in the subdivision.

5. Owners of a majority of the square foot area of the residential lots in **CAVE SPRINGS ADDITION, SECTION THREE**, have approved this Amendment.

**NOW THEREFORE**, the Restrictions are hereby amended as follows:

1. Paragraph (a) is revoked and the following is inserted in its place:

*(a) No lot shall be used except for residential purposes; provided, however, that one (1) vacant lot in this Section of the Subdivision may be used for sales and construction offices for sales and construction of homes*

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during the development of this section of the subdivision. The term "residential purposes" as used herein shall be held and construed to exclude hospitals, clinics, duplex houses, apartment houses, boarding houses, hotels, and bed and breakfast establishments and to exclude commercial and professional uses whether from homes, residences, or otherwise, and all such uses of said property are hereby expressly prohibited. No building shall be erected, altered, placed or permitted to remain on any lot other than one detached single family dwelling not to exceed two (2) stories in height, together with a private garage for not more than three (3) cars and servant's type quarters, which may be occupied by an integral part of the family occupying the main residence on the building site or by servants employed on the premises, provided, however, that any such dwelling may not exceed two (2) stories in height and any such private garage may provide for no more than three (3) cars if the plans for the same are first approved by the Architectural Control Committee as hereinafter provided.

2. Paragraph (c) is revoked and the following is inserted in its place:

(c) Unless otherwise approved by the Architectural Control Committee, no building shall be located nearer than thirty (30) feet to the front line and no building shall be located on any residential building plot nearer than ten (10) feet from such plot's side lines, nor nearer than thirty (30) feet from any rear lot line, except a detached garage and/or stable which shall be located at least ten (10) feet from any side or rear lot line if situated at the rear of the main residence building. The term "detached garage" shall mean a separate building having no common wall with the main residence building. Unless otherwise approved by the Architectural Control Committee, all improvements shall be constructed to front on the street on which the building plot faces.

3. Paragraph (g) is revoked and the following is inserted in its place:

(g) No residential structure shall be placed on any lot unless it has at least 1,800 square feet of heated living area, exclusive of open porches

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*and garages with no less than 1,100 square feet of heated living area on the ground floor of a dwelling of more than one story. All primary residences constructed in this Section shall contain a two (2) car garage. The garage may be either closed in or open. All open carports and garages must match the architectural style of the residence.*

4. Paragraph (h) is revoked and the following is inserted in its place:

*(h) The exterior walls of all residences shall be at least fifty-one per cent (51%) brick veneer, stone, stone veneer, concrete or other masonry type construction with hardiboard and similar wood substitutes covering no more than forty-nine percent (49%) of the exterior walls, but the Architectural Control Committee, as set out in Paragraph (b) above, shall have the power to waive the masonry requirement so as to allow the erection of a residence of all wood panel walls. All new roofing materials must meet or exceed Class B Underwriter's Laboratory fire prevention standards. Composite shingles may be used on all structures. The composite shingles must be UL Class B or higher.*

5. Paragraph (p) is revoked and the following is inserted in its place:

*(p) The foregoing restrictions, covenants, and conditions shall constitute covenants running with the land and shall be binding upon and inure to the benefit of Cave Spring Development Co., its successors and assigns, and all persons claiming by, through and under it, and shall be effective until January 1, 1988, and shall automatically be extended thereafter for successive periods of ten (10) years. The record owners of legal title to two-thirds (2/3) of the lots in Cave Springs Addition Section Three as shown by the Deed Records of Kerr County, Texas, may amend, change, or terminate said covenants in whole or in part at any time. Any change shall be set forth and evidenced by a successor instrument bearing the signatures of the Board of Directors and certified as to Owner approval by the Secretary of the Association and recorded in the offices of the County Clerk of Kerr County, Texas. A copy of any change or amendment to the*

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*restrictions shall be forwarded to all owners by the Association. Failure to furnish said copy shall not affect the validity of such change or amendment.*

6. A new Paragraph (t) that reads as follows is added:

*(t) No firearms shall be discharged within the boundaries of said land known as CANYON SPRINGS RANCH ESTATES except when used in defense of life or property.*

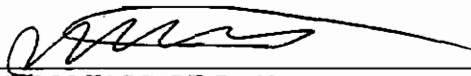
7. A new Paragraph (u) that reads as follows is added:

*(u) No heavy commercial equipment, such as bulldozers, dump trucks, bobcats, backhoes, or other similar commercial use equipment may be stored on any lot on a permanent basis other than during a period of construction on the property.*

This Amendment shall become effective on January 1, 2016.

CAVE SPRINGS OWNERS ASSOCIATION, INC.

By:

  
REID McTAGGART, President

ATTEST:

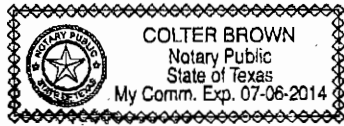
  
JOHN SLOAN Secretary

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THE STATE OF TEXAS §

COUNTY OF KERR §

2014 This instrument was acknowledged before me on the 3<sup>rd</sup> day of January, 2013, by REID McTAGGART, President of CAVE SPRINGS OWNERS ASSOCIATION, INC., a Texas non-profit corporation, on behalf of said non-profit corporation.



*[Signature]*  
\_\_\_\_\_  
Notary Public, State of Texas

Filed by & Returned to:

John Sloan  
P.O. Box 643  
Hunt, TX 78024

FILED AND RECORDED  
At 10:29 o'clock AM  
STATE OF TEXAS  
COUNTY OF KERR



JAN 07 2014

I hereby certify that this instrument was filed in the filed numbered sequence on the date and time stamped hereon on me and was duly recorded in the Official Records of Kerr County Texas.  
Janett Pieper, Kerr County Clerk  
*[Signature]* Deputy