



Certification of Approval – November 1, 2007

Petition to Modify McElwreath Subdivision "Declaration of Landowners Association" and "Restrictions, Uses, and Covenants" December 7, 2006

This petition, proposing changes to the "Declaration of Landowners Association" (Declaration) and the "Restrictions, Uses, and Covenants" (Restrictions) for the McElwreath Subdivision Landowners' Association (MSLA) in Bastrop County, Texas which proposed changes to item 7 of the Declaration and item 6 of the Restrictions that were filed on the entire subdivision property, has been voted on by the membership of MSLA by mail-in ballot and is hereby certified by the current Trustees to have been approved by a majority vote of ownership as defined in the original Declaration and Restrictions of the Association.

The final vote tally (in acre-votes) was as follows:

Approving Votes: 41 representing 663 acres (53.88%)

Disapproving Votes: 6 representing 68 acres (5.53%)

MSLA Trustees:

Michael Collier

State of Texas
County of Bastrop

This instrument was acknowledged before me on 31 day of Oct, 2007 by Michael Collier

Notary Public's Signature
My commission expires July 20, 2010

Chris Erlon

SYLVIA G. KRUEGER
Notary Public, State of Texas
My Commission Expires
JULY 20, 2010

Linda Laughinghouse

SUBSCRIBED AND SWORN BEFORE ME
THIS 5th DAY OF Nov. 2007

NOTARY PUBLIC
(*with the sscc
*only Chris Erlon's signed)

Eva M. Perez
Notary Public
State of Texas
My Commission Expires
February 03, 2008

OFFICIAL RECORDS INSTRUMENT # _____

(Amends OFFICIAL RECORDS INSTRUMENT # 200212129)

DECLARATION OF LANDOWNERS ASSOCIATION

THE STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF BASTROP

THAT for and in consideration of the benefits to be obtained and more particularly described herein, the following is and shall be a Declaration of Landowners Association, hereinafter called "Association,"

1. Each owner purchasing a tract or tracts within the hereinafter described property shall automatically become a member of the Association, and shall remain a member until such time as ownership ceases for any reason, at which time membership in the Association shall succeed, pass or transfer to the new owner acquiring ownership rights.
2. The Association shall be the governing and administrative body for all owners for the maintenance of all roads, easements, rights of way or property in common which serves the tract herein described as Exhibit "A" and which is within the boundaries of the property described in Exhibit "B".
3. Each tract shall have one (1) vote per acre. Only one owner representing each tract may exercise the votes allocated to such tract. Proxy votes must be authorized by written statement from owner(s).
4. Each owner shall be bound and obligated to pay and agrees to pay as assessments are made, the per acre proportionate share of the expenses for maintenance. The amount of common expenses assessed against each tract shall be the debt and obligation of each owner, or joint ownership, at the time the assessment is made. The subsequent transfer of ownership shall not terminate any outstanding obligation owed by owner(s).
5. Two Dollar (\$2.00) per acre per year is hereby established as the assessment rate to be assumed by each purchaser. Assessments shall become due and payable on November 1, 1982, and on November 1 each subsequent year. Owners shall pay a prorated share of the assessment for each month acreage is owned.
6. Assessments shall be paid to MSLA (McElwreath Subdivision Landowners' Association), P.O. Box 564, Red Rock, Texas 78662, each year as assessments become due.
7. All official business of the Association shall be directed or delegated by meetings of the membership and shall be divided into two classes:
 - A) Those matters that may be voted on by landowners (owners) at regular meetings of the Association.

Matters of official business, other than those specified in section (B) below, may be decided at regular meetings of the Association.

In order for a measure to be enacted, it must be approved by a majority of votes by landowners represented at the meeting. Landowners may be represented by physical presence or written proxy.

For any business to be considered valid, at least 15% of McElwreath Subdivision's total acreage and at least 15% of MSLA landowners must be represented at the meeting.

Any deciding majority must include at least 40% of voting landowners represented at the meeting. A person owning one or more tracts of land in the subdivision is considered a single landowner.

B) Those matters that require ballots to be sent to all landowners of record via U.S. Mail.

Such matters shall include (1) Any amendment to the Declaration of Landowners Association, and (2) Creation of and amendments to the basic operational structure and procedures adopted by the Association.

Ballots for such matters shall be created by members or delegates of the Association and approved for mail-out at a subsequent Association meeting using the voting requirements outlined in section (A). Once approved, the ballot shall be mailed to all landowners of record currently known to the Association.

Deposit of these ballots at a U.S. Post Office shall satisfy this requirement. Completed and signed ballots received within 30 days of original postmark, or by the date stated on such ballots, shall be considered valid. Ballots must be signed and dated by a legal landowner for each tract owned. A majority of favorable votes taken from valid ballots shall be required for adoption of any ballot item. At least 25% of the landowners of record must return valid ballots in order for such a vote to be considered valid.

Voting in either case will be based on one vote per acre subject to the stated qualifications.

8. Notice of regular Association meetings, along with proposed agenda items, shall be issued at least 21 days prior to any regular meeting. Good faith attempts shall be made to notify all landowners of such meetings by U.S. mail, electronic mail, or telephone. Additionally, signs shall be posted at the subdivision entrance stating time, date, and location of each meeting. Emergency meetings, which will be defined by the Association, must meet the voting requirements established in section (A); however, such meetings may not be subject to advance notification requirements.

9. In the event any owner shall fail or refuse to pay the owner's proportionate share of the assessment as the same shall become due and payable, then all such assessments which have become due and payable and which have not been paid shall constitute a lien upon owner's tract(s) of land within the property so described in Exhibit "B" exclusively. Such lien shall be prior to all other liens except that such assessment lien shall be subordinate, secondary and inferior to

- (a) Taxes by State or County
- (b) Liens due under mortgage, Vendor's Lien or Deed of Trust filed for record prior to date payment for such assessment became due and payable
- (c) All liens securing any loan made to a purchaser for any part of the purchase price of said tract of land from the developer.

Trustee, his agents, successors or assigns, shall have the full right to enforce the covenants herein contained.

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Rose Pietsch

November 07, 2007 11:30:21 AM
KRISTAB FEE: \$52.00 BOOK:1790 PAGE:141-150
ROSE PIETSCH, County Clerk
Bastrop, Texas
200716334

RESTRICTIONS, USES, COVENANTS

THE STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF BASTROP

THAT, Don McElwreath Co., Inc. , being the owner of the land described in exhibit "A" attached hereto and made a part hereof do hereby impose upon said property the following Restrictions, Uses and Covenants:

1. Each tract shall be used for residential, agricultural or grazing purposes and for no commercial use.
2. No improvement or dwelling place shall be erected, placed or permitted to remain on any tract nearer than ten (10) feet to any side line or the rear line, nor closer than fifty (50) feet to the roadway boundary of any tract. Any out-buildings are to be set back at least one hundred, twenty-five (125) feet from the roadway boundary. No residential building shall be occupied and used until the exterior is completely finished.
3. There shall be no noxious, offensive, unlawful, illegal use of said properties, nor shall any use be made which constitutes a nuisance to the neighborhood.
4. No more than twelve (12) swine shall be permitted to remain on any tract.
5. No inoperative motor vehicles, or bodies or chassis of motor vehicles without motors, shall be stored or permitted to remain on any tract.
6. All of these restrictions and covenants shall be binding and run with the land unless amended in writing by the Association membership according to the following rules.

Ballots for such matters shall be created by members or delegates of the Association and approved for mail-out at a subsequent meeting of the Association. Any ballot must be approved by a majority of votes by landowners represented at the meeting. Landowners may be represented by physical presence or written proxy. For any ballot to be approved, at least 15% of McElwreath Subdivision's total acreage and at least 15% of MSLA landowners must be represented at the meeting. Any deciding majority must include at least 40% of voting landowners represented at the meeting. A person owning one or more tracts of land in the subdivision is considered a single landowner.

Once approved, the ballot shall be mailed to all landowners of record currently known to the Association. Deposit of these ballots at a U.S. Post Office shall satisfy this requirement. Completed and signed ballots received within 30 days of original postmark, or by the date stated on such ballots, shall be considered valid. Ballots must be signed and dated by a legal landowner for each tract owned. A majority of favorable votes taken from valid ballots shall be required for adoption of any ballot item. At least 25% of the landowners of record must return valid ballots in order for such a vote to be considered valid.

Voting will be based on one vote per each acre of land owned subject to the stated qualifications.