

Fourth Amendment to Design Guidelines

This Fourth Amendment to Design Guidelines for Creek Road Ranch (this "Amendment") is made to be effective February 1, 2010. The Design Guidelines for Creek Road Ranch (the "Original Guidelines") were established by Creek Road Ranch, Inc., as Declarant under that certain Declaration of Protective Covenants for Creek Road Ranch, recorded in Volume 2041, Page 548, Official Records of Hays County, Texas (the "Declaration"), and have previously been amended by First Amendment to Design Guidelines, Second Amendment to Design Guidelines, and Third Amendment to Design Guidelines (the Original Guidelines, as so amended, the "Design Guidelines").

Section 9.6 of the Declaration authorizes the DRC to amend the Design Guidelines from time to time, and by the signature below of at least two (2) members of the DRC, the DRC hereby adopts this Amendment.

NOW THEREFORE, know all persons by these presents:

1. **Definitions.** Capitalized terms used in this Amendment and not otherwise defined herein shall have the meanings set forth in the Declaration.
2. **Submission Fees.** Section 1.4 of the Original Guidelines is amended (a) to increase the initial submission fee for the construction of a Dwelling Unit on a Lot to \$5,000.00 and (b) to provide that the initial submission fee for review of alterations or improvements to an existing Dwelling Unit, or for review of new accessory Improvements, shall be an amount determined by the DRC on a case-by-case basis considering the scope of the proposed alterations and improvements and the anticipated review costs. To the extent a submission fee assessed under Section 1.4 of the Design Guidelines is not sufficient to cover the out of pocket costs incurred by the DRC in reviewing the applicable Plans and Specifications, the Owner also shall reimburse the DRC for the additional cost so incurred. To the extent a submission fee assessed under Section 1.4 of the Design Guidelines exceeds the actual costs incurred by the DRC in reviewing the Plans and Specifications, subject to the provisions of Paragraph 3 below, the DRC shall return the excess (the "**Excess Submission Fees**") to the Owner upon completion of the construction in accordance with the terms of the Declaration.
3. **Excess Submission Fees.** In the event there are Excess Submission Fees but the Owner has breached its maintenance obligations under the Declaration with respect to construction (*e.g.*, has failed to keep dirt, construction debris or other construction-related refuse from streets and storm drain inlets), or has failed to landscape, provide proper erosion controls for, or otherwise properly complete a Dwelling Unit in accordance with the approved Plans and Specifications, in addition to the Association's rights under the Declaration (including the right to levy Compliance Assessments), the DRC may apply the Excess Submission Fees to the cost of

performing such maintenance obligations and/or completing such landscaping and/or erosion controls.

4. **Ratification.** Expressly as expressly provided herein, Declarant and the DRC hereby ratify and confirm the Design Guidelines in all respects.

Executed to be effective February 1, 2010.

DECLARANT:

CREEK ROAD RANCH, INC., a Texas corporation

By: 

Whit H. Hanks, President

DRC:


WHIT H. HANKS


KEENAN E. SMITH, AIA


PAUL C. SMITH, A.S.L.A.