

1002315

CROSS REFERENCE TO GRIMES COUNTY, VOLUME 1138, PAGE 564

and

WALLER COUNTY, VOLUME 910, PAGE 135

**SECOND AMENDMENT TO THE
DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS FOR SADDLE CREEK FOREST**

THIS SECOND AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR SADDLE CREEK FOREST is made as of the date stated below, by BLUEGREEN SOUTHWEST ONE, L.P., a Delaware limited partnership (hereinafter referred to as "Declarant") and replaces those portions and paragraphs as stated in Master Restrictions filed of record at Volume 910, Pages 135 – 185, Official Real Property Records of Waller County, Texas, at Volume 1138, Pages 564-615, Official Real Property Records of Grimes County, Texas.

WITNESSETH:

WHEREAS, Declarant prepared and filed of record that certain Declaration of Covenants, Conditions and Restrictions for Saddle Creek Forest, at Volume 910, Pages 135 – 185, Official Real Property Records of Waller County, Texas, at Volume 1138, Pages 564-615, Official Real Property Records of Grimes County, Texas (herein referred to as the "Master Declaration"); and

WHEREAS, Declarant prepared and filed of record that certain First Amendment to Declaration of Covenants, Conditions and Restrictions for SADDLE CREEK FOREST filed on September 4, 2007, at Volume 1063, Page 587-592 and under Clerk's Document #707833, Official Real Property Records of Waller County, Texas and on September 19, 2007 at Volume 1236, Page 778-782 and under Clerk's Document #217952, Official Real Property Records of Grimes County, Texas.

WHEREAS, Declarant prepared and filed of record that certain Supplemental Declarations of Covenants, Conditions and Restrictions for SADDLE CREEK FOREST, Section One, were filed at Volume 910, Pages 186–189, Official Real Property Records of Waller County, Texas;

WHEREAS, Declarant prepared and filed of record that certain Supplemental Declarations of Covenants, Conditions and Restrictions for SADDLE CREEK FOREST, Section Two, were filed at Volume 1138, Pages 616-620, Official Real Property Records of Grimes County, Texas;

WHEREAS, Declarant prepared and filed of record that certain Supplemental Declarations of Covenants, Conditions and Restrictions for SADDLE CREEK FOREST, Section Three, were filed at Volume 1145, Page 831-834, Official Real Property Records of Grimes County, Texas;

WHEREAS, Declarant prepared and filed of record that certain Supplemental Declarations of Covenants, Conditions and Restrictions for SADDLE CREEK FOREST, Section Four, were filed at Volume 1171, Pages 341-345, Official Real Property Records of Grimes County, Texas;

WHEREAS, Declarant prepared and filed of record that certain Supplemental Declarations of Covenants, Conditions and Restrictions for SADDLE CREEK FOREST, Section Six, were filed at Volume 999, Pages 46-50, and under Clerk's Document #609261, Official Real Property Records of Waller County, Texas;

WHEREAS, Declarant may unilaterally amend the Master Declaration in accordance with Section 15.2(a) of the Master Declaration as it pertains to the real property described on Exhibit "A" attached hereto for any reason; and

WHEREAS, the Class B membership has not yet terminated, and therefore, Declarant has the authority to Amend the Master Declaration; and

WHEREAS, the Declarant desires to amend and restate some of the terms of the Master Declaration;

NOW, THEREFORE, pursuant to the powers retained by Declarant under the Master Declaration, Declarant hereby subjects the real property described on Exhibit "A" hereof to the provisions of the Master Declaration and the Supplemental Declarations, which shall apply to such property in addition to the provisions of the Master Declaration. Such property shall be sold, transferred, used, conveyed, occupied, and mortgaged or otherwise encumbered pursuant to the provisions of the Supplemental Declarations and the Master Declaration, both of which shall run with the title to such property and shall be binding upon all persons having any right, title, or any interest in such property, their respective heirs, legal representatives, successors, successors' in title and assigns. The provisions of the Supplemental Declarations shall be binding upon in accordance with the terms of the Master Declaration.

ARTICLE 1

Definitions

The definitions set forth in Article 1 of the Master Declaration are hereby incorporated by reference, unless said terms are otherwise defined herein.

ARTICLE 2

Maintenance

In addition to the Maintenance requirements set forth in Article 5 of the Master Declaration, the following shall apply to Saddle Creek Forest development:

The Association's Responsibility.

The Association shall maintain and keep in good condition, order and repair the Area of Common Responsibility, which shall include, but need not be limited to:

such portions of any additional property included within the Area of Common Responsibility as may be dictated by this Master Declaration, any Supplemental

Declaration, Agreement, or any contract or agreement for maintenance thereof entered into by the Association;

ARTICLE 3 Assessments

Article 8.1 of the Master Declaration is hereby supplemented to add the following paragraph into the Master Declaration. This paragraph shall be added to the Master Declaration and shall be in full force and effect notwithstanding anything stated in the Master Declaration to the contrary.

The Board of Directors Ability to Increase or Decrease Annual Assessments. Saddle Creek Forest and all neighborhoods thereto shall be subject to the Annual Assessment for the benefit and use within the Saddle Creek Forest development or the specific Neighborhood designated by the Board of Directors only. The Annual Assessment may be amended and modified by the Association as needed or required in the future without the need for a vote from the members of the Saddle Creek Forest development, but in no event may the Annual Assessment specific to The Saddle Creek Forest Development be increased by more than ten percent (10%) per year, and such Annual Assessment may only be increased by ten percent (10%) no more than three (3) consecutive years. If the Annual Assessment has been increased by the Board for three (3) consecutive years, any further increases in the Annual Assessment for the fourth (4th) year must be voted on by the entire Saddle Creek Forest development and approved as stated in the Declaration and Bylaws; however, if after three (3) consecutive years, the Board has increased the Annual Assessment pursuant to this provision, and do not raise or lower the Annual Assessment in the fourth year, then the Board may, at its discretion, raise or lower the Annual Assessment in their discretion and start the three (3) year process again. Any proposed increase or decrease in the Assessment by the Association of greater than 10% per year must be voted on pursuant to the Declaration and the Bylaws, and cannot be done by Board action alone.

ARTICLE 4 Declaration

Except as specifically amended hereby, the Master Declaration and all terms thereof shall remain in full force and effect.

Doc 00235763 Bk RP
Vol 1338 Pg 409

Doc 00235655 Bk RP

Vol 1337

Pg 720

VOL 1206 PG 530

IN WITNESS WHEREOF, the undersigned Declarant has executed this Supplemental Declaration the 15th day of April, 2010.

DECLARANT:

BLUEGREEN SOUTHWEST ONE, L.P.
A Delaware Limited Partnership
By: BLUEGREEN SOUTHWEST LAND, INC.
A Delaware Corporation, its General Partner

By:


Stephen Davis
Vice President, Bluegreen Southwest Land, Inc.

STATE OF TEXAS

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§
§

COUNTY OF TARRANT

This instrument was acknowledged before me on the 15th day of April, 2010, by Stephen Davis, Vice President of Bluegreen Southwest Land, Inc., a Delaware corporation, the general partner of Bluegreen Southwest One, L.P., a Delaware limited partnership, on behalf of said limited partnership.




Notary Public, State of Texas

GUARANTY TITLE COMPANY
OF GRIMES COUNTY
P.O. BOX 1540
211 E. WASHINGTON
NAVASOTA, TX 77868

Filed for Record in:
Grimes County
On: Apr 22, 2010 at 10:11A
As a RECORDING
Document Number: 00235655
Amount 23.00
Receipt Number - 35101
By: Kristie Johnson
STATE OF TEXAS
I hereby certify that this instrument was
filed on the date and time stamped hereon by me
and was duly recorded in the volume and page
of the named records of:
Grimes County
as stamped hereon by me.
Apr 22, 2010
David Paskett, County Clerk
Grimes County

EXHIBIT "A"

GUARANTY TITLE COMPANY
OF GRIMES COUNTY
P.O. BOX 1540
211 E. WASHINGTON
NAVASOTA, TX 77859

SADDLE CREEK FOREST, Section I, an addition to Waller County, Texas, according to the map or plat recorded at Volume 909, Page 692, Official Real Property Records of Waller County, Texas, and under Waller County Clerk's Number 505913 in the Official Map and Plat Records of Waller County, Texas,;

SADDLE CREEK FOREST, Section II, an addition to Grimes County, Texas, according to the map or plat recorded at Volume 1135, Page 452, Official Real Property Records of Grimes County, Texas,

SADDLE CREEK FOREST, Section III, an addition to Grimes County, Texas, according to the map or plat recorded at Volume 1144, Page 409, Official Real Property Records of Grimes County, Texas and as re-platted at Volume 1163, Page 64, Official Real Property Records of Grimes County, Texas

SADDLE CREEK FOREST, Section IV, an addition to Grimes County, Texas, according to the map or plat recorded at Volume 1170, Page 220, Official Real Property Records of Grimes County, Texas,

SADDLE CREEK FOREST, Section VI, a subdivision of Waller County, Texas containing 240.724 acres, more or less, located partly in the Wiatt Anderson Survey, Abstract No. 390, and partly in the Josiah G. Dunn Survey, Abstract No. 119, Waller County, Texas, and according to the map or plat thereof recorded in Volume 998, Page 448 of the Official Public Records of Waller County, Texas

Filed for Record in:
Grimes County
On: Apr 28, 2010 at 11:08A
As a RECORDING
Document Number: 00235763
Amount 27.00
Receipt Number - 35195
By: Tina S Schroeder
STATE OF TEXAS
COUNTY OF GRIMES
I hereby certify that this instrument was
filed on the date and time stamped hereon by me
and was duly recorded in the volume and page
of the named records of:
Grimes County
as stamped hereon by me.
Apr 28, 2010
David Paske, County Clerk
Grimes County