

FIRST AMENDMENT TO THE DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS  
MALLARD POINTE ON LAKE GRANBURY

STATE OF TEXAS

\*

KNOW ALL MEN BY THESE PRESENTS

COUNTY OF HOOD

\*

This First Amendment to the Declarations of Covenants, Conditions and Restrictions of MALLARD POINTE ON LAKE GRANBURY (hereafter "Restrictions" or "Declarations") which Declaration is recorded in Volume 1502, Page 181, in the Official Public Records of Hood County, Texas is made on the date herein set forth by PROPERTIES OF THE SOUTHWEST, INC., a Delaware Corporation, duly authorized to do business in the State of Texas ("Developer").

W I T N E S S E T H

WHEREAS, this Amendment conforms with Article 9.03 of said Restrictions authorizing Developer to amend the Declarations at any time prior to the control transfer date without the consent of joinder of any owner for the purpose of correcting any oversight or ambiguity; and

WHEREAS, this Amendment is consistent and in furtherance of the general planned scheme of development and does not impair or adversely affect any vested property or other right of any owner or his mortgagee.

NOW, THEREFORE, the Developer hereby amends the Declaration of Covenants, Conditions and Restrictions as follows:

Article 4.02.is amended by addition Articles 4.02.01 and 4.0202 as follows:

"4.02.01. "The effective control transfer date shall be the date the Developer's instrument transferring control to the Association is recorded in the Official Public Records of Hood County, Texas."

Article 4.02.02. "The Board of Directors of the Property Owners Association of Mallard Pointe on Lake Granbury shall be the Architectural Control Committee and shall serve until the next succeeding annual meeting following the control transfer date."

Except s amended herein, the Restrictions shall remain in full force and effect.

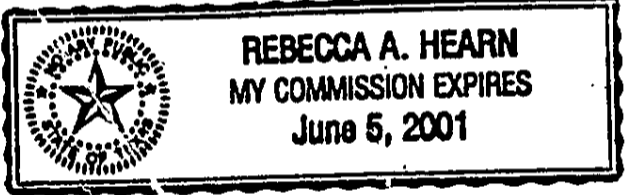
IN WITNESS WHEREOF, the undersigned, being the Developer herein, has hereunto executed this First Amendment effective the 23 day of May, 1997.

PROPERTIES OF THE SOUTHWEST,  
INC., a Delaware Corporation

By: *Marcus Smith*  
MARCUS SMITH, President

THE STATE OF TEXAS \*  
COUNTY OF Dallas \*

This instrument was acknowledged before me on this the 23 day of May, 1997, by MARCUS SMITH, President of PROPERTIES OF THE SOUTHWEST, INC., a Delaware Corporation, in the capacity therein stated, on behalf of said Corporation.



*Rebecca Hearn*  
NOTARY PUBLIC, STATE OF TEXAS  
Notary's Name Printed:  
REBECCA HEARN  
My Commission Expires: 6/5/01

Any provision herein which restricts the sale, rental, or use of the described real property because of color or race is invalid and unenforceable under federal law.  
STATE OF TEXAS COUNTY OF HOOD  
I hereby certify that this instrument was filed on the date and at the time stamped hereon by me and was duly RECORDED in the OFFICIAL PUBLIC RECORDS OF HOOD COUNTY TEXAS, in the Volume and Page as shown hereon.

FILED FOR RECORD  
AT 1:10 P.M.  
AUG 25 1997

*Anjanette Ables*  
ANJANETTE ABLES, County Clerk  
Hood County, Texas

*Anjanette Ables*  
County Clerk, Hood County, Texas

*David Cleveland*  
3800 Acton Hwy  
Granbury, Tex  
76049