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HSW LAND LLC

TO

THE PUBLIC

**FIRST AMENDMENT TO THE  
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS**

THE STATE OF TEXAS     §  
  §  
COUNTY OF GILLESPIE     §

THAT WHEREAS, HSW LAND, LLC, a Texas limited liability company, herein called "Declarant", is the record owner of all that tract or parcel of land being 47.44 acres of land, more or less, situated in Gillespie County, Texas, out of the A. B & M. Survey No. 973, Abstract No. 25; the east part of that 92.34 acre tract described in a Warranty Deed from William R. Locklear to Karen Ellis Locklear, executed June 11, 1979, found of record in Volume 103, Page 78, Deed Records, Gillespie County, Texas; said 47.44 acres of land more or less is described by metes and bounds on Exhibit "A", attached hereto and made a part hereof for all pertinent purposes. ("Property"); and

WHEREAS, the Declarant filed the Declaration of Covenants, Conditions and Restrictions encumbering the Property at Instrument No. 20230643 of the Official Records of Gillespie County, Texas ("Declaration"); and

WHEREAS, the Declaration may be amended by an instrument signed by the owners of 75% of the Property;

WHEREAS, Declarant conveyed 10.020 acres in that certain Warranty Deed with Vendor's Lien dated January 30, 2023, recorded at Instrument No. 20230644 of the Official Records of Gillespie County, Texas; and

WHEREAS, Declarant owns the remaining 37.42 acres, which is 78.9% of the Property; and

WHEREAS, as of the execution date of this First Amendment to the Declaration of Covenants, Conditions and Restrictions ("First Amendment"), the owners of the Property are HSW LAND, LLC, a Texas limited liability company and NATHAN MRAKOVICH and ALICIA MRAKOVIC ("Mrakovic"); and

WHEREAS, Mrakovic is not included in this First Amendment as the Declarant owns enough Property for this First Amendment to be effective and enforceable without the joinder of Mrakovic.

NOW, THEREFORE, it is hereby declared that all of the above referred Property shall be held, sold and conveyed subject to the following restrictions, covenants and conditions which are for the purpose of protecting the value and desirability of, and which shall run with the land and shall be binding on all parties having a right, title or interest in or to the above described Property or any part thereof, and their heirs, successors and assigns, and which restrictions, covenants and conditions shall inure to the benefit of each owner thereof, and any Lot or deed which may hereafter be executed in connection with said Property, or any part thereof, shall be conclusively held to have been executed, delivered and accepted subject to the terms and conditions contained in this instrument, regardless of whether or not such terms and conditions are specifically set out in said Lot or deed.

## II. RESTRICTIONS

The following restriction, Paragraph 2.13, shall be replaced in its entirety and shall read as follows:

Restriction:

2.13 The Property, save and except the portion of the Property more particularly described on Exhibit "A", attached hereto and incorporated for all purposes ("Lot 1"), shall not be used for any commercial purposes, except permanent agricultural crops including vineyards, fruit trees, pecan groves and permanent grass (hay meadows or grazing pastures) and livestock production. No industrial pursuit or enterprise shall be permitted to be conducted on any portion of the Property, including Lot 1. Industrial pursuit or enterprise shall mean engaging in the manufacture or assembly of goods or processing of raw materials unserviceable in their natural state for sale or distribution to third parties (other than a cottage industry by an artisan, i.e. artist, painter, photographer, wood, metal or glass sculptor or fabricator) and shall be inclusive of, but not exclusive of: Auto painting and repair; heavy machinery operation or storage; welding or machine shop or machining business; concrete products manufacture. Additionally, there shall be no commercial dog kennels or dog boarding on the Property, including Lot 1, and the number of dogs permitted on the Property or any subdivided tract or lot thereof shall not exceed five (5). Selling of deer or wildlife hunts is strictly prohibited including leasing land for hunting, day hunts, or trapping and selling deer off the Property, including Lot 1.

2.13.a. Cottage operations by an artist, painter, photographer, sculptor, or fabricator shall not be prohibited on Lot 1 so long as such operations are consistent with the residential or agricultural character of the remaining Property. Additionally, "home offices" or "home businesses" which do not otherwise impact the residential or agricultural character of the Property shall be allowed on Lot 1. Lot 1 may be used for permanent agricultural crops including vineyards, fruit trees, pecan groves and permanent grass (hay meadows or grazing pastures) and livestock production. No hotels, restaurants, bars, taverns, RV parks, gas stations, or convenience stores will be permitted on Lot 1.

In the event of any inconsistency or conflict between the provisions of this First Amendment and those of the Declaration, this First Amendment shall prevail. Except as specifically amended by this First Amendment, the Declaration shall remain unchanged and in full force and effect. Capitalized terms used herein and not otherwise defined have the meaning set forth in the Declaration, as defined therein.

EXECUTED this 6<sup>th</sup> day of April, 2023.

[SIGNATURES TO FOLLOW ON NEXT PAGE]



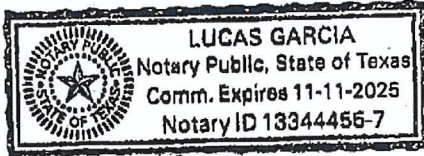
HSW LAND, LLC  
a Texas limited liability company

By: *Jess Collin Wood*  
JESS COLLIN WOOD, Manager

THE STATE OF TEXAS §

COUNTY OF GILLESPIE §

This instrument was acknowledged before me on this the 6<sup>th</sup> day of April, 2023  
by JESS COLLIN WOOD, Manager of HSW LAND, LLC, a Texas limited liability company.



*Lucas Garcia*  
Notary Public in and for the State of Texas

**"EXHIBIT A"**

Page 1 of 2

**FIELD NOTES DESCRIPTION OF A 47.44 ACRE TRACT OF LAND  
SITUATED IN GILLESPIE COUNTY, TEXAS**

**BEING 47.44 ACRES OF LAND SITUATED ON THE WEST SIDE OF THE TOWN OF HARPER IN GILLESPIE COUNTY, TEXAS, OUT OF THE A. B. & M. SURVEY NO. 973, ABSTRACT NO. 26; THE EAST PART OF THAT 92.34 ACRE TRACT DESCRIBED IN A WARRANTY DEED FROM WILLIAM R. LOCKLEAR TO KAREN ELLIS LOCKLEAR, EXECUTED THE 11<sup>TH</sup> DAY OF JUNE, 1979, AND RECORDED IN VOLUME 130, PAGE 78, DEED RECORDS OF GILLESPIE COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**BEGINNING** at a concrete "P-K" nail set in the North right-of-way line of U.S. Highway No. 290, the South line of said 92.34 acre tract, at the South terminus of the centerline of Mosel Road, a 60 ft. wide road easement recorded in Volume 268, Page 203, Deed Records of Gillespie County, Texas, the Southeast corner of that 14.82 acre tract described in deed to Michael C. Bray et al, recorded in Clerks File No. 20081782, Official Public Records of Gillespie County, Texas, the Southeast corner of a 5.00 acre tract surveyed by me on April 26, 2022, for the Southwest corner hereof, from which a concrete right-of-way marker bears 30.87 ft. S 88° 33' 56" E, and the Southeast corner of Survey No. 973 bears approximately 1234 ft. S 86° 58' E;

**THENCE** with the centerline of Mosel Road, the East line of said 14.82 acre tract: 1) N 09° 54' 38" E 466.23 ft. to a concrete "P-K" nail set at the beginning of a curve to the left; 2) along the arc of said curve to the left, having a central angle of 44° 08' 25", a radius of 235.38 ft., a tangent of 95.32 ft., a chord which bears 178.69 ft. N 12° 11' 11" W, at 62.90 ft. passing a concrete "P-K" nail set at the Northeast corner of said 5.00 acre tract, continuing along said arc for a total distance of 181.13 ft. to a concrete "P-K" nail set at the end of said curve; 3) N 34° 15' 05" W 552.42 ft. to a concrete "P-K" nail set at the beginning of a curve to the right; 4) along the arc of said curve to the right, having a central angle of 58° 42' 05", a radius of 188.92 ft., an arc of 198.86 ft., a tangent of 108.42 ft., and a chord which bears 188.07 ft. N 24° 28' 50" W to a 1/4" Iron stake found at the Northeast corner of said 14.82 acre tract, the Southeast corner of a 30.04 acre tract described in deed to John W. Verner et ux, recorded in Clerks File No. 2018280, Official Public Records of Gillespie County, Texas;

**THENCE** with the centerline of Mosel Road, the East line of said 30.04 acre tract: 1) N 14° 37' 18" W 504.07 ft. to a concrete "P-K" nail set at the beginning of a curve to the right; 2) along the arc of said curve to the right, having a central angle of 14° 58' 27", a radius of 725.63 ft., an arc of 189.82 ft., a tangent of 95.35 ft., and a chord which bears 189.08 ft. N 07° 09' 41" W to a 1/4" Iron stake found at the end of said curve; and 3) N 60° 21' 28" E 644.08 ft. to a 1/4" Iron stake found in the North line of said 92.34 acre tract, the Northeast corner of said 30.04 acre tract, the Southwest corner of that 13.02 acre tract described in deed to Gary C. Powell et ux, recorded in Clerks File No. 20184985, Official Public Records of Gillespie County, Texas, for the Northwest corner hereof;

Cont.



# "EXHIBIT A"

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THENCE with the North line of said 92.34 acre tract, the South line of said 13.02 acre tract: 1) N 88° 13' 06" E at 30.02 ft. passing a 1/2" Iron stake set at fence corner, in the East right-of-way line of Mosel Road, continuing generally along a fence for a total distance of 430.19 ft. to a 1/2" Iron stake found at fence corner; continuing generally along a fence, 2) N 08° 31' 19" E 79.97 ft. to a 2" pipe fence corner; and 3) S 85° 11' 25" E 437.07 ft. to a 2" pipe fence corner, the Northeast corner of said 92.34 acre tract, the Southeast corner of said 13.02 acre tract, in the West line of that 77.65 acre tract described in deed to Jerry C. Huley et ux, recorded in Clerks File No. 20192127, Official Public Records of Gillespie County, Texas;


THENCE with the East line of said 92.34 acre tract, the West line of said 77.65 acre tract, generally along a fence: 1) S 09° 29' 41" W 219.86 ft. to a 8" cedar fence post; 2) S 82° 22' 42" E 180.84 ft. to a 8" cedar fence post; 3) S 00° 39' 17" W 671.32 ft. to a 6" cedar fence post; and 4) S 87° 39' 49" E 232.86 ft. to a 8" cedar fence corner post, the Southwest corner of said 77.65 acre tract, the Northwest corner of that 16.05 acre tract described as Tract 2 in a deed to Corey M. Gullidge et ux recorded in Clerks File No. 20214119, Official Public Records of Gillespie County, Texas;

THENCE with the East line of said 92.34 acre tract, the West line of said 16.05 acre tract, S 01° 24' 25" W 994.13 ft. to a 2" pipe corner post, the Southeast corner of said 92.34 acre tract, the Northeast corner of that 2.71 acre tract described in a deed to Kerry C. Jones Sr, et ux, recorded in Clerks File No. 20084918, Official Public Records of Gillespie County, Texas, for the Easterly Southeast corner hereof;

THENCE with the South line of said 92.34 acre tract, generally along a fence: 1) S 88° 39' 26" W 211.46 ft. to a 1/2" Iron stake found at fence corner, the Northwest corner of said 2.71 acre tract, the Northeast corner of that 2.162 acre tract described in deed to Jimmy E. Monk et ux recorded in Clerks File No. 20201345, Official Public Records of Gillespie County, Texas; 2) S 78° 44' 57" W 149.91 ft. to a 6" cedar fence corner post, the Northwest corner of said 2.162 acre tract; 3) S 01° 33' 08" W 865.66 ft. to a 3/8" Iron stake found at fence corner in the North right-of-way line of U.S. Highway 290, the Southwest corner of said 2.162 acre tract, the Southerly Southeast corner of said 92.34 acre tract, for the Southerly Southeast corner hereof; and 4) with the North right-of-way line of U.S. Highway 290, N 89° 17' 45" W at 265.78 ft. passing a concrete right-of-way marker, leaving said fence and continuing for a total distance of 293.65 ft. to the PLACE OF BEGINNING, containing 47.44 acres of land within these metes and bounds. A plat of this survey has been prepared. Bearings based on True North per G.P.S.

The foregoing field notes represent a survey made on the ground under my direction.

Dated this the 23rd day of May, 2022

  
Eric N. Ashley Reg. No. 10038620 RPLS 4817  
Conway, Karen 47.44 acHarper.doc  
Job No. 7941P-0522



ERIC N. ASHLEY LAND SURVEYOR • 317 'A' STREET • KERRVILLE, TEXAS 78029 • (830) 267-7722

FILED AND RECORDED  
OFFICIAL PUBLIC RECORDS

*Lindsay Brown*

Lindsay Brown, County Clerk  
Gillespie County Texas

April 10, 2023 11:18:14 AM

FEE: \$42.00 CSTAATS

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