

AFTER RECORDING RETURN TO:

ROBERT D. BURTON, ESQ. WINSTEAD PC 401 CONGRESS AVE., SUITE 2100 AUSTIN, TEXAS 78701 EMAIL: <u>RBURTON@WINSTEAD.COM</u>

FIRST AMENDMENT TO DECLARATION OF CONDOMINIUM REGIME FOR 1880 AT PLUM CREEK CONDOMINIUMS

(A Residential Condominium Project located in Hays County, Texas)

[ADDING UNITS]

DECLARANT: PLUM CREEK (2021), LLC, a Texas limited liability company

Cross reference to that certain <u>Declaration of Condominium Regime for 1880 at Plum Creek</u> <u>Condominiums</u>, recorded under Document No. 22013774, Official Public Records of Hays County, Texas, as may be amended from time to time.

FIRST AMENDMENT TO DECLARATION OF CONDOMINIUM REGIME FOR 1880 AT PLUM CREEK CONDOMINIUMS

This First Amendment to Declaration of Condominium Regime for 1880 at Plum Creek Condominiums (this "Amendment") is made by PLUM CREEK (2021), LLC, a Texas limited liability company ("Declarant"), and is as follows:

RECITALS

A. 1880 at Plum Creek Condominiums, a residential condominium community (the "**Regime**"), located in Hays County, Texas, was established pursuant to that certain: (i) <u>Declaration of Condominium Regime for 1880 at Plum Creek Condominiums</u>, recorded under Document No. 22013774, Official Public Records of Hays County, Texas, as may be further amended from time to time (the "**Declaration**").

B. Pursuant to *Provisions A.3.2, A.3.7(ii)*, and *A.3.9(iv)* of <u>Appendix "A"</u> to the Declaration, during the Development Period, Declarant may amend the Declaration unilaterally and without the consent of other Owners or any Mortgagee to create Units, General Common Elements and Limited Common Elements within the Property, in the exercise of statutory Development Rights.

C. The "**Development Period**", as such term is defined in the Declaration, is a seven (7) year period commencing on the date the Declaration was recorded in the Official Public Records of Hays County, Texas. The Development Period is still in effect.

D. The Declarant desires to amend the Declaration for the purposes of creating eighteen (18) additional Units within the Regime. The total number of Units within the Regime after giving effect to this Amendment is equal to thirty-six (36), and the total number of additional Units which Declarant has reserved the right to create by amendment is equal to ninety-three (93).

NOW THEREFORE, the Declaration is hereby amended as follows:

1. <u>Creation of Units.</u> In accordance with the rights reserved by the Declarant pursuant to *Section 5.1* of the Declaration and *Provisions A.3.2, A.3.7(ii)* and *A.3.9(iv)* of <u>Appendix "A"</u> to the Declaration, Declarant hereby creates Units 31, 32, 33, 36, 37, 50, 51, 62, 63, 64, 65, 107, 108, 109, 122, 123, 124, and 125; all as shown on the New Plat and Plans (collectively, the "**New Units**"). The New Units are hereby classified as Units which MUST BE BUILT.

2. <u>Replacement Attachment 1</u>. <u>Attachment 1</u> to the Declaration is hereby deleted in its entirety and the Plat and Plans attached hereto as <u>Exhibit "A"</u> (the "New Plat and Plans")

are substituted in their place. The New Plat and Plans: (i) assign an identifying number to all Units and the New Units; (ii) describe the portion of the Limited Common Elements created or assigned to all Units, if any; and (iii) include the information required by Section 82.059 of the Texas Uniform Condominium Act.

3. <u>Replacement of Attachment 3 - Common Interest Allocation</u>. The Common Interest Allocation assigned to a Unit, after the addition of the New Units, is set forth on <u>Exhibit</u> <u>"B"</u>, attached hereto. <u>Exhibit <u>"B"</u></u>, attached hereto, will supersede and replace <u>Attachment 3</u> attached to the Declaration.

4. <u>Miscellaneous</u>. Any capitalized terms used and not otherwise defined herein shall have the meanings set forth in the Declaration. Unless expressly amended by this Amendment, all other terms and provisions of the Declaration remain in full force and effect as written, and are hereby ratified and confirmed.

[SIGNATURE PAGE FOLLOWS]

EXECUTED to be effective on the date this Amendment is recorded in the Official Public Records of Hays County, Texas.

DECLARANT:

PLUM CREEK (2021), LLC, a Texas limited liability company

Ву:	M.	
Printed Name:	Chris Jourg	
Title:	erations inhumbor	
r		

THE STATE OF TEXAS

COUNTY OF TYONIS

This instrument was acknowledged before me on this 212^{+} day of 3une, 2022, by <u>(MYIS YOUNG</u>, <u>Operations Manager</u> of PLUM CREEK (2021), LLC, a Texas limited liability company, on behalf of such entity.

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[SEAL]

Notary Public, State of Texas

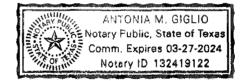


EXHIBIT "A"

<u>ATTACHMENT 1</u>

CONDOMINIUM PLATS AND PLANS

The plats and plans, attached hereto as <u>Attachment "1"</u> contain the information required by the Texas Uniform Condominium Act.

Printed Name: Paul Utterback

RPLS or License No. 5738

SEE NEXT PAGE FOR ORIGINAL CERTIFICATION

1880 AT PLUM CREEK CONDOMINIUMS

CONDOMINIUM PLAT

A CONDOMINIUM REGIME IN HAYS COUNTY, TEXAS, SITUATED ON LOTS 2 AND 3, PLUM CREEK PHASE II. UPTOWN NORTH SUBDIVISION, A SUBDIVISION IN HAYS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT AS RECORDED IN DOC. NO. 19044530, OFFICIAL PUBLIC RECORDS, HAYS COUNTY, TEXAS.

> The plats and plans attached hereto contain the information required by Sections 82.052 and 82.059 of the Texas Uniform Condominium Act, as applicable.

Paul Utterback Registered Professional Land Surveyor No. 5738



ATS Job # 21112933s Client: Homes by AM Date of Field Work: 9/23/21, 9/24/21, 9/27/21 & 9/28/21

Field; MAlfaro

Tech: MBolton & CCorter

SHEET 1 OF 14 Engineers Inspectors

www.ats-engineers.com & Surveyors TBPLS FIRM REG. #10126000 4910 West Hwy 290 AUSTIN, TEXAS 78735

(512) 328-6995 FAX: (512) 328-6996

Date Drawn: 11/29/2021 revised 12/10/2021, add PH.2 04/27/2022 Path: Projects/ProminenceHomes/PlumCreek2/Production-Condo/COND0_1880atPlumCreekPh2_220427.dwg

1880 AT PLUM CREEK CONDOMINIUMS CONDOMINIUM PLAT

A CONDOMINIUM REGIME IN HAYS COUNTY, TEXAS, SITUATED ON LOTS 2 AND 3, PLUM CREEK PHASE II, UPTOWN NORTH SUBDIVISION, A SUBDIVISION IN HAYS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT AS RECORDED IN DOC. NO. 19044530, OFFICIAL PUBLIC RECORDS, HAYS COUNTY, TEXAS.

GENERAL NOTES:

1) ALL IMPROVEMENTS AND LAND REFLECTED ON THE PLAT ARE DESIGNATED AS GENERAL COMMON ELEMENTS, SAVE AND EXCEPT PORTIONS OF THE REGIME DESIGNATED AS LIMITED COMMON ELEMENTS OR UNITS: (i) IN DECLARATION OF CONDOMINIUM REGIME FOR 1880 AT PLUM CREEK CONDOMINIUMS (THE "DECLARATION") OR (ii) ON THE PLATS AND PLANS OF THE REGIME.

2) OWNERSHIP AND USE OF CONDOMINIUM UNITS IS SUBJECT TO THE RIGHTS AND RESTRICTIONS CONTAINED IN THE DECLARATION.

3) EACH UNIT, BUILDING, LIMITED COMMON ELEMENT AND GENERAL COMMON ELEMENT IS SUBJECT TO SPECIAL RIGHTS RESERVED BY THE DECLARANT AS PROVIDED IN APPENDIX "A" OF THE DECLARATION. PURSUANT TO SUCH PROVISIONS, AMONG OTHER THINGS, DECLARANT HAS RESERVED THE RIGHT TO (i) COMPLETE OR MAKE IMPROVEMENTS INDICATED ON THE PLAT AND PLANS, AS PROVIDED IN APPENDIX "A" OF THE DECLARATION; (ii) EXERCISE ANY DEVELOPMENT RIGHT PERMITTED BY THE TEXAS UNIFORM CONDOMINIUM ACT AND THE DECLARATION, INCLUDING THE ADDITION OF REAL PROPERTY TO THE REGIME, WHICH PROPERTY MAY BE ADDED AS UNITS, GENERAL COMMON ELEMENTS AND/OR LIMITED COMMON ELEMENTS; (iii) MAKE THE PROPERTY PART OF A LARGER CONDOMINIUM OR PLANNED COMMUNITY; (IV) APPOINT OR REMOVE ANY DECLARANT-APPOINTED OFFICER OR DIRECTOR OF THE ASSOCIATION DURING THE DECLARANT CONTROL PERIOD (AS DEFINED IN THE DECLARATION); (v) USE UNITS OWNED OR LEASED BY DECLARANT AS MODELS, STORAGE AREAS, AND OFFICES FOR THE MARKETING, MANAGEMENT, MAINTENANCE, CUSTOMER SERVICE, CONSTRUCTION, AND LEASING OF THE PROPERTY, AND USE EASEMENTS THROUGH THE COMMON ELEMENTS FOR THE PURPOSE OF MAKING IMPROVEMENTS WITHIN THE REGIME, FOR PURPOSES OF PROMOTING, IDENTIFYING, AND MARKETING THE PROPERTY. DECLARANT RESERVES AN EASEMENT AND RIGHT TO PLACE OR INSTALL SIGNS, BANNERS, FLAGS, DISPLAY LIGHTING, POTTED PLANTS, EXTERIOR DECORATIVE ITEMS, SEASONAL DECORATIONS, TEMPORARY WINDOW TREATMENTS, AND SEASONAL LANDSCAPING ON THE PROPERTY, INCLUDING ITEMS AND LOCATIONS THAT ARE PROHIBITED TO OTHER OWNERS AND RESIDENTS. DECLARANT HAS ALSO RESERVED AN EASEMENT AND RIGHT TO MAINTAIN, RELOCATE, REPLACE, OR REMOVE THE SAME FROM TIME TO TIME WITHIN THE PROPERTY. DECLARANT HAS RESERVED AN EASEMENT AND RIGHT OF INGRESS AND EGRESS IN AND THROUGH THE COMMON ELEMENTS (AS DEFINED IN THE DECLARATION) AND UNITS OWNED OR LEASED BY DECLARANT FOR PURPOSES OF CONSTRUCTING. MAINTAINING, MANAGING, AND MARKETING THE PROPERTY, AND TO SUBDIVIDED UNITS INTO COMMON ELEMENTS: AND TO WITHDRAW PROPERTY FROM THE CONDOMINIUM; AND FOR DISCHARGING DECLARANT'S OBLIGATIONS UNDER THE TEXAS UNIFORM CONDOMINIUM ACT AND THE DECLARATION.

4) AS OF 9/20/21, PREPARED FROM RECORDS AND PLANS ONLY AND THE UPPER AND LOWER BOUNDARIES ARE AS DESCRIBED IN THE DECLARATION.

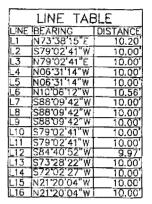


SHEET 2 OF 14 CONDOMINIUM PLAT NOTES

1880 AT PLUM CREEK CONDOMINIUMS CONDOMINIUM PLAT

LEGEND			
	浅" (IRF) IRON ROD FOUND		
	1 兆" (I.D.) IRON PIPE FOUND		
	MAG NAIL FOUND		
	BRASS DISC MONUMENT FOUND		
	CALCULATED POINT		
P.U.E.	PUBLIC UTILITY EASEMENT		
R.O.W.	RIGHT OF WAY		
()	RECORD INFORMATION		
0.P.R.H.C.T.	OFFICIAL PUBLIC RECORDS HAYS COUNTY TEXAS		
R.P.R.H.C.T.	REAL PROPERTY RECORDS HAYS COUNTY TEXAS		
P.R.H.C.T.	PLAT RECORDS HAYS COUNTY TEXAS		
	CONCRETE/PAVING		
x	WRE FENCE		
	METAL FENCE		
	WOOD FENCE		
ET	ELECTRIC TRANSFORMER		
C	ELECTRIC METER		
S	SIGN (TYPE ID AS NOTED)		
0	WASTEWATER CLEANOUT		
(NH)	WATER METER		
(49)	WATER VALVE		
LS	LIGHT STANDARD		
FH	FIRE HYDRANT OR FIRE HYDRANT SPIGOT		
6	GAS METER		
69	GAS STUBOUT / UNDERGROUND MARKER		
69	GAS VALVE		
(KM)	MANHOLE (TYPE & SIZE ON DRAWING)		
GCE	GENERAL COMMON ELEMENT		
CCE*	GENERAL COMMON ELEMENT SUBJECT TO DEVELOPMENT RIGHTS		
LCE	LIMITED COMMON ELEMENT		
PVT	PRIVATE		
мөө	MUST BE BUILT		

<u> </u>		OUDUE DATA		···	
CURVE DATA TABLE					
CURVE	RADIUS	CHORD BEARING		ARC LENGTH	
C1	2744.79	S06'20'28"E	380.65'	380.96'	
(C1)	(2744.79')	(S06'20'33"E)	(380.65')	(380.96')	
C2	2744.79	S10'56'36"E	60.00'	60.00'	
(C2)	(2744.79')	(S10'56'42"E)	(60.00')	(60.00')	
C3	2744.79	S12'56'41"E	131.73	131.74	
(C3)	(2744.79')	(S12'56'46"E)	(131.73')	(131.74')	
C4	2964.79'	S19'31'53"E	150,18'	150.20'	
(C4)	(2964.79')	(S19'33'47"E)	(150.30')	(150.32')	
C5	3464.79	N16'22'50"W	623.44'	624.29'	
(C5)	(3464.79')	(S16'23'08"E)	(623,44')	(624.29')	
Č6	1535.00'	N80'41'27"E	96.56	96.57	
(C6)	(1535.00')	(N80'39'45"E)	(96.54')	(96.55')	
C7	1475.00'	S80'44'28"W	96.94'	96.95	
(C7)	(1475.00')	(N80'43'53"E)	(96.91')	(96.93')	
<u>C8</u>	3464.79'	N10'43'19"W	60.10	60.10'	
(C8)	(3464.79')	(N10*43'36*W)	(60.13')	(60.13')	
Č9	3464.79	N06'27'51"W	454.51	454.83	
(C9)	(3464.79')	(N06'28'08"W)	(454.52')	(454.84')	



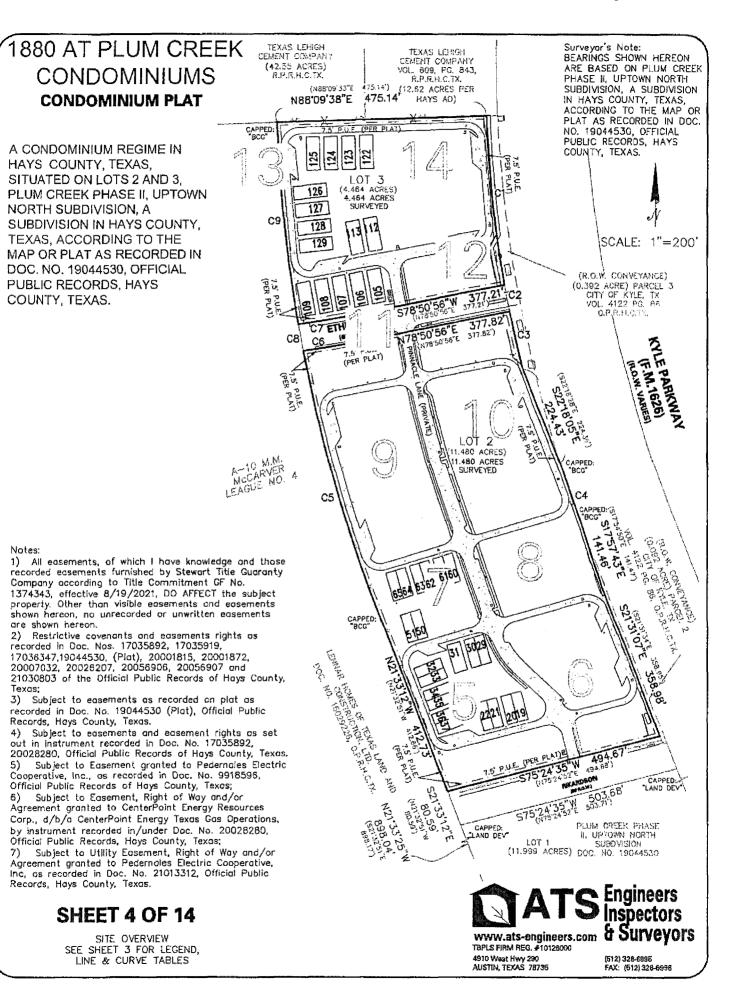


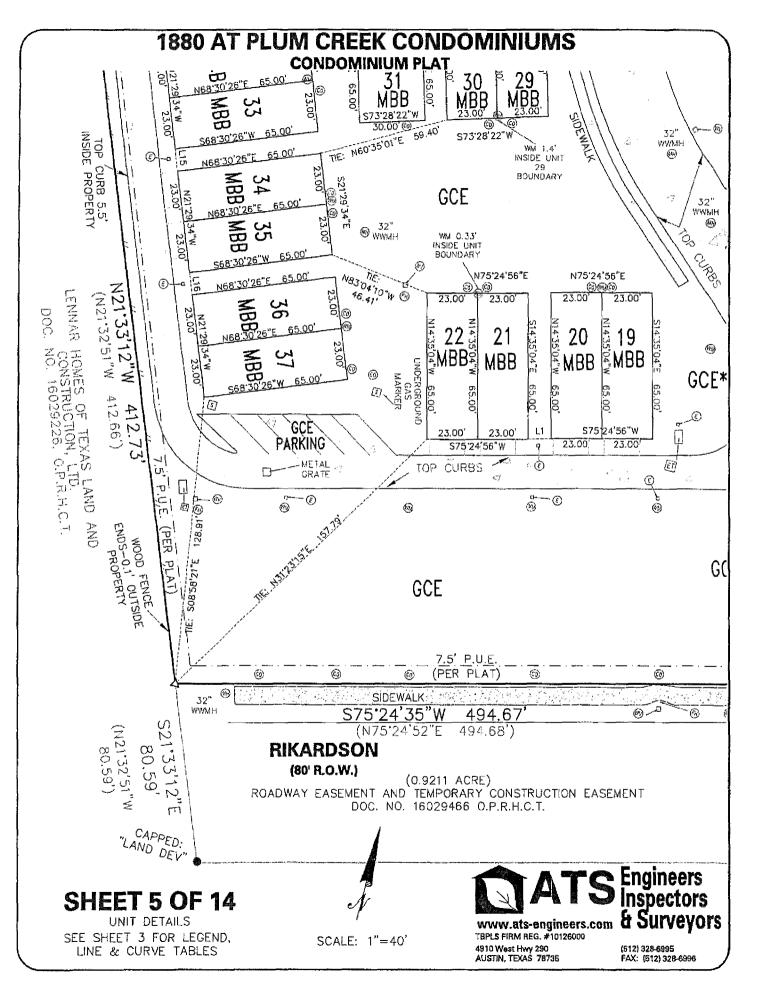
TBPLS F/RM REG, #101260 4910 West Hwy 290 AUSTIN, TEXAS 78735

(512) 328-6995 FAX: (612) 328-6996

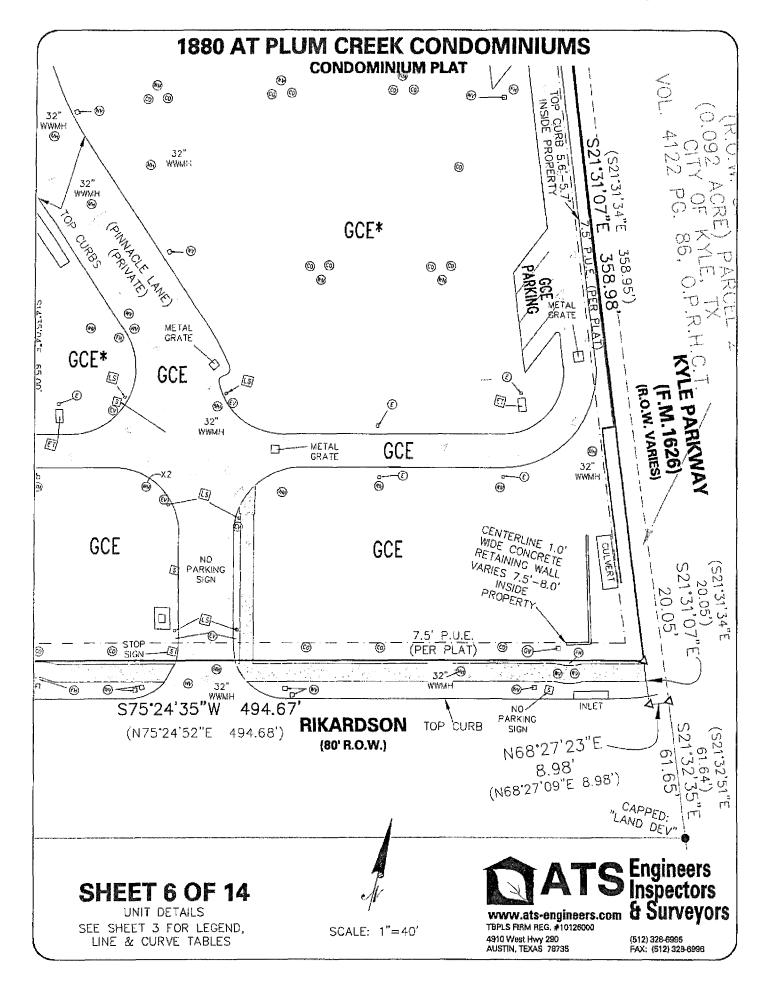
LEGEND/LINE AND CURVE TABLES

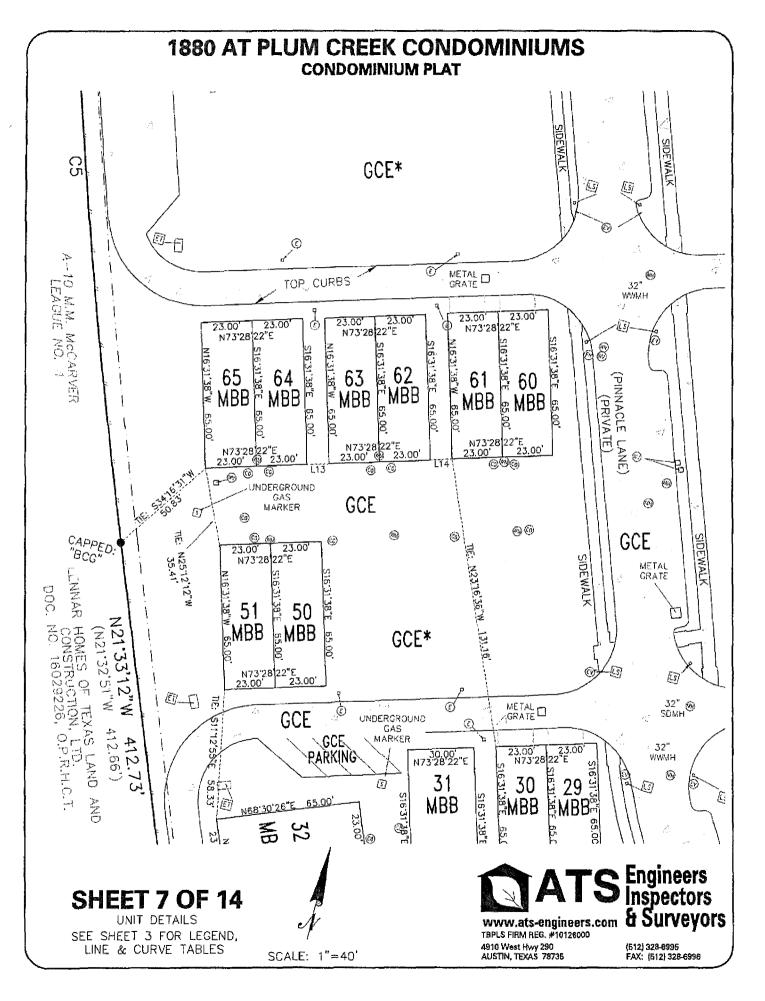
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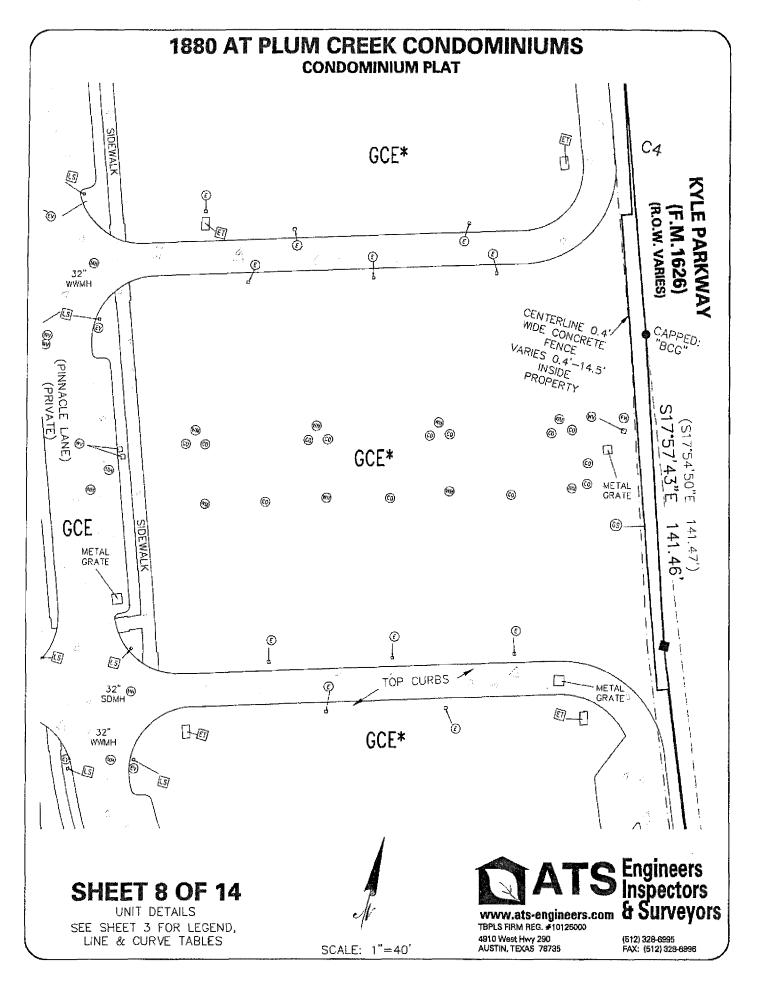


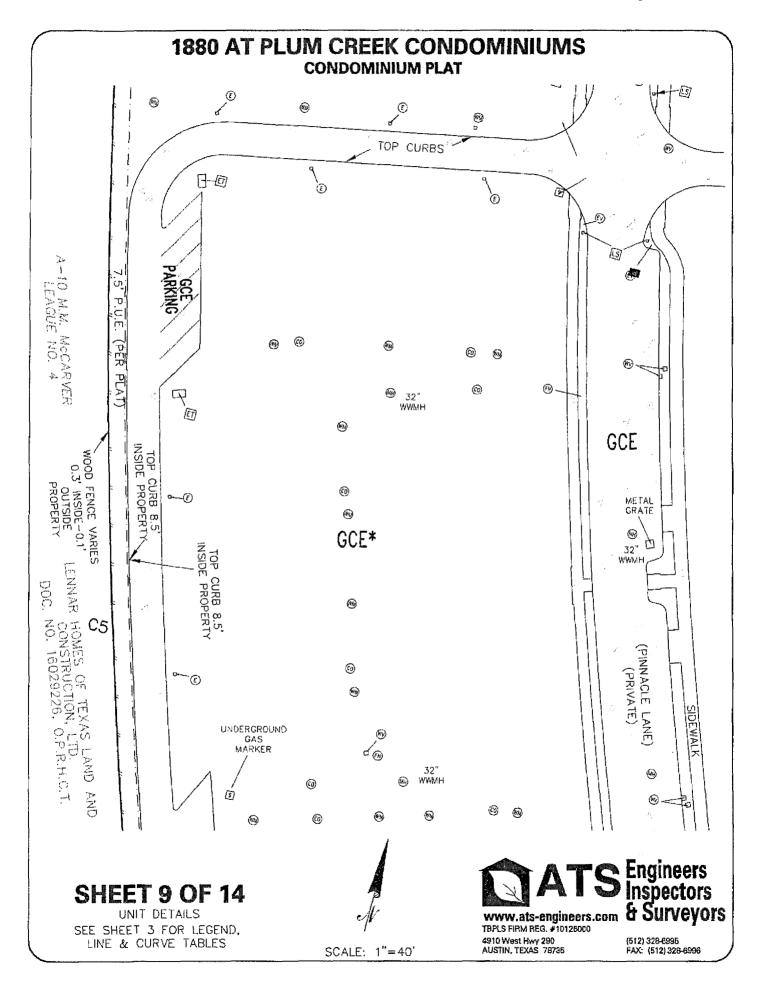


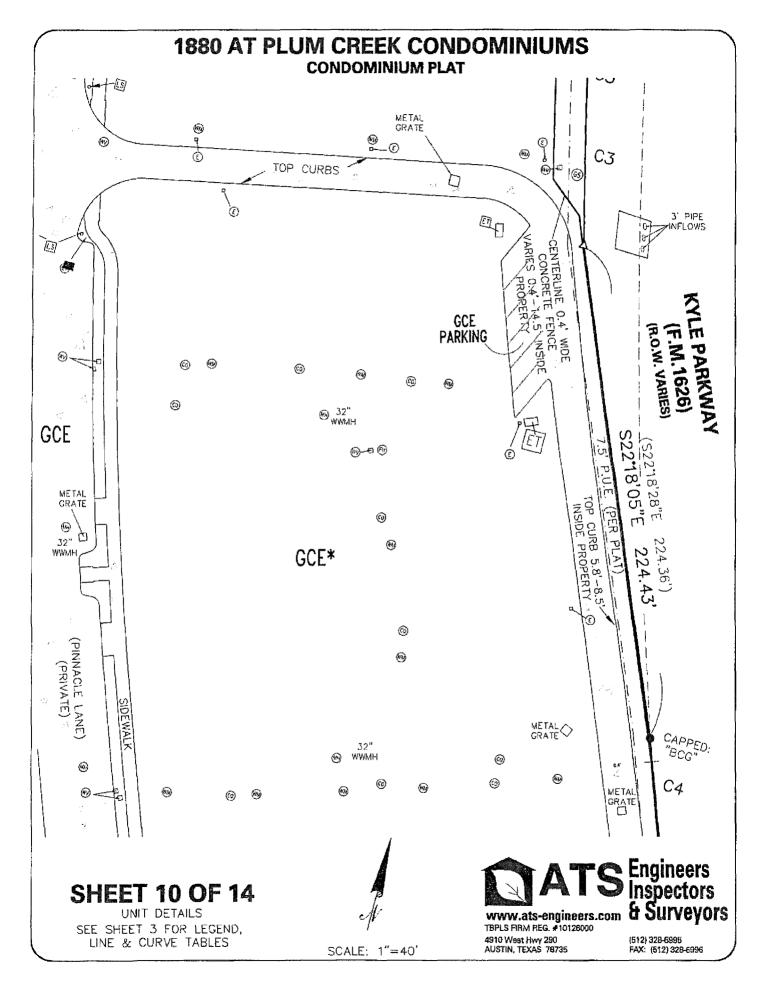
22030413 Page 11 of 22

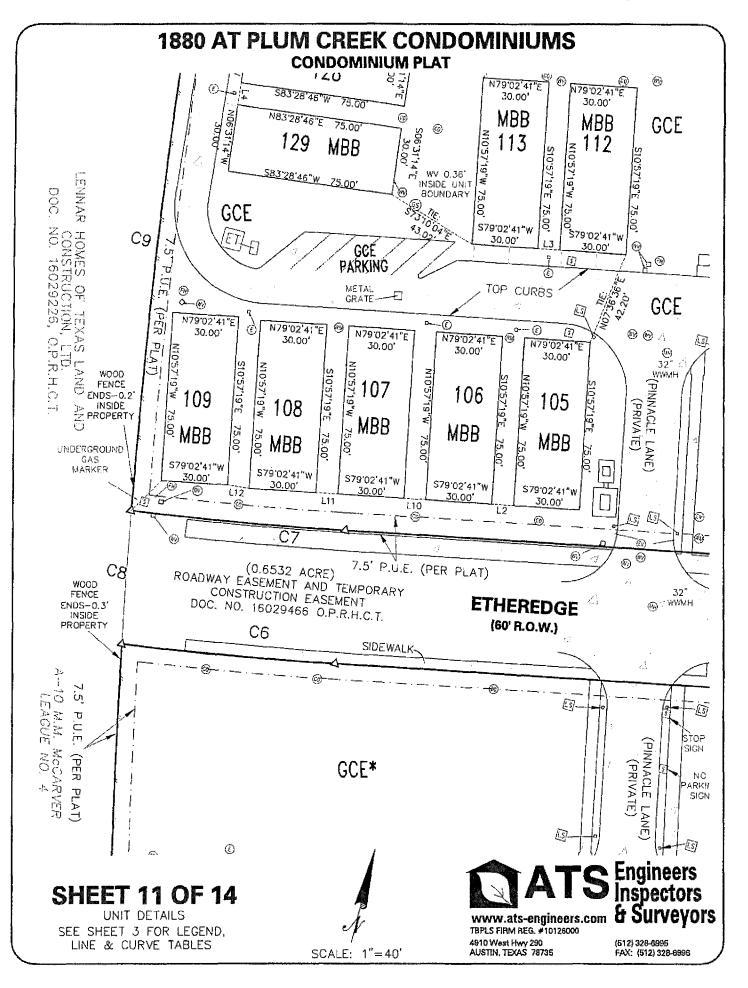


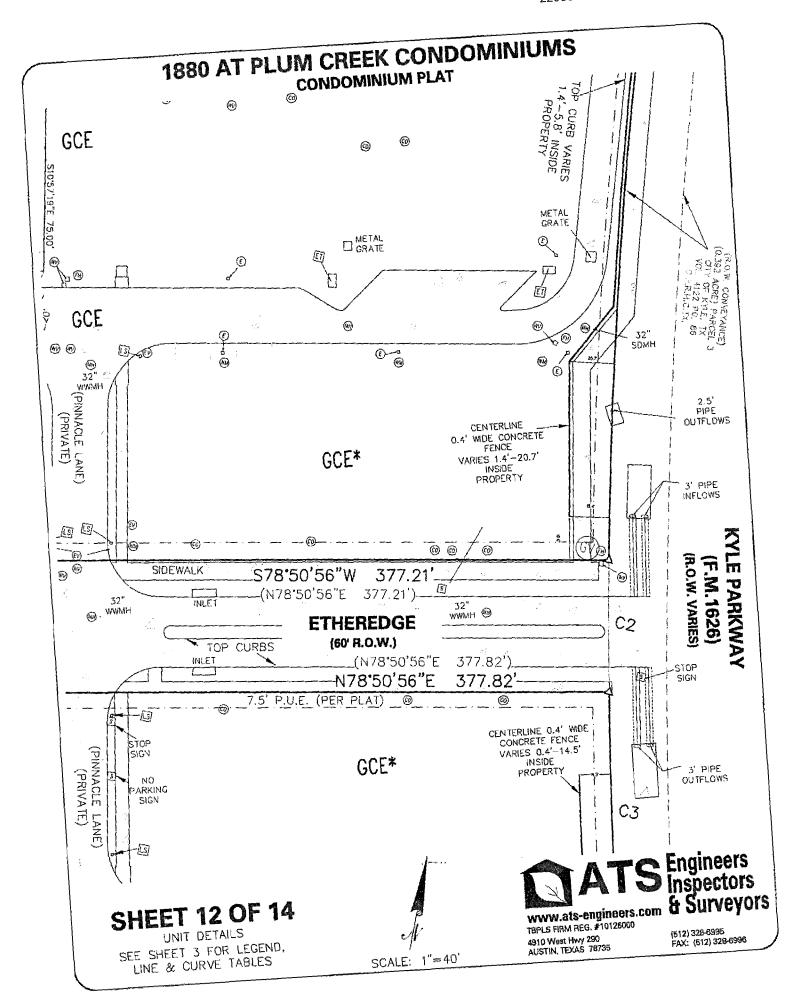


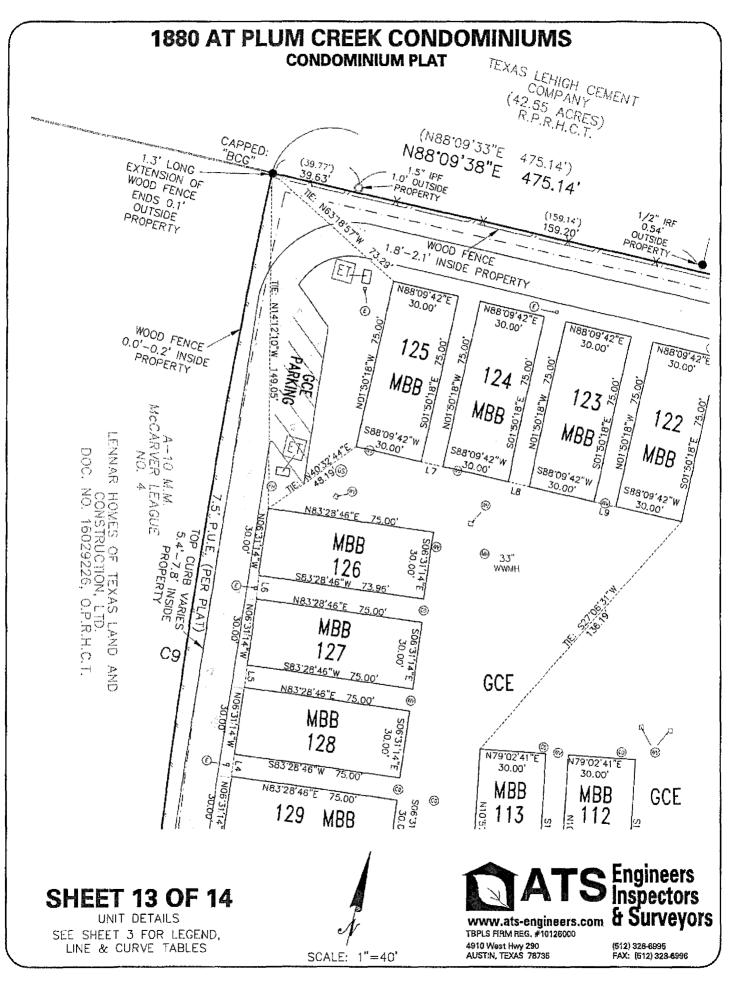












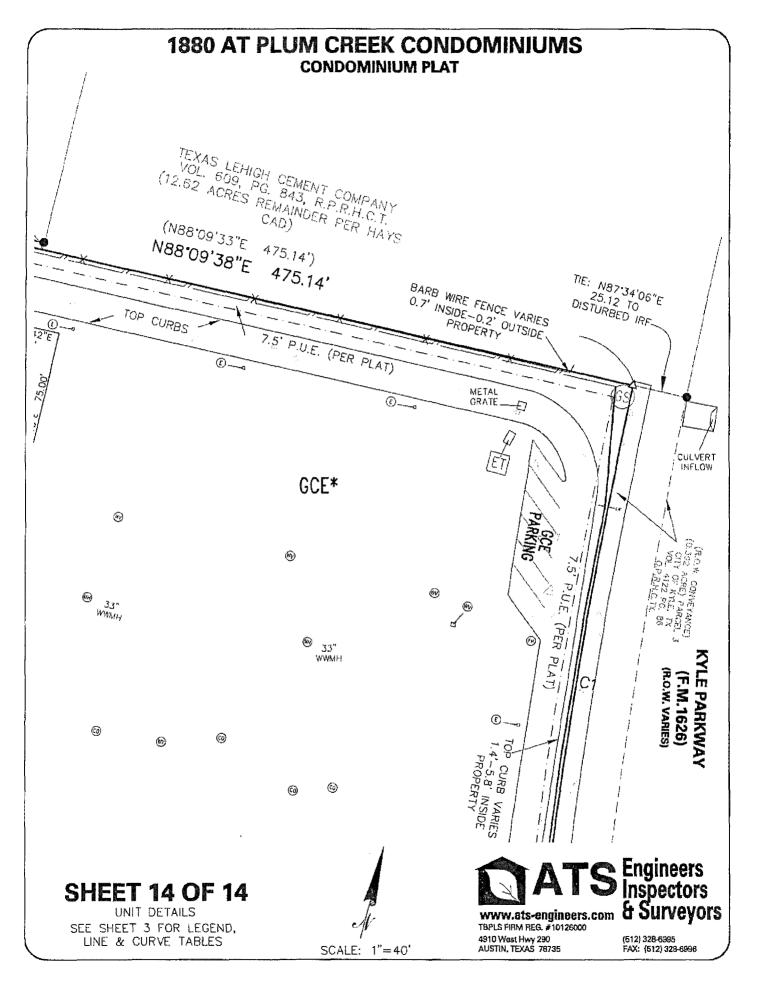


EXHIBIT "B"

ATTACHMENT 3

COMMON INTEREST ALLOCATION

Any obligations or rights, including assessment charges or credits calculated or determined based on the Common Interest Allocation which are not allocable to a particular Unit due to a rounding error, will be equally apportioned among all Units within the Regime.

THE COMMON INTEREST ALLOCATION ASSIGNED TO A PARTICULAR UNIT WILL CHANGE IF THERE IS AN INCREASE OR DECREASE IN THE NUMBER OF UNITS SUBJECT TO THIS DECLARATION.

	Common
Unit Number	Interest
	Allocation
Unit 19	2.7777%
Unit 20	2.7777%
Unit 21	2.7777%
Unit 22	2.7777%
Unit 29	2.7777%
Unit 30	2.7777%
Unit 31	2.7777%
Unit 32	2.7777%
Unit 33	2.7777%
Unit 34	2.7777%
Unit 35	2.7777%
Unit 36	2.7777%
Unit 37	2.7777%
Unit 50	2.7777%
Unit 51	2.7777%
Unit 60	2.7777%
Unit 61	2.7777%
Unit 62	2.7777%
Unit 63	2.7777%
Unit 64	2.7777%
Unit 65	2.7777%
Unit 105	2.7777%

Unit 106	2.7777%
Unit 107	2.7777%
Unit 108	2.7777%
Unit 109	2.7777%
Unit 112	2.7777%
Unit 113	2.7777%
Unit 122	2.7777%
Unit 123	2.7777%
Unit 124	2.7777%
Unit 125	2.7777%
Unit 126	2.7777%
Unit 127	2.7777%
Unit 128	2.7777%
Unit 129	2.7777%

THE STATE OF TEXAS COUNTY OF HAYS

I hereby certify that this instrument was FILED on the date and the time stamped hereon by me and was duly RECORDED in the Records of Hays County, Texas.

22030413 AMENDMENT 06/21/2022 11:53:27 AM Total Fees: \$106.00

Elaine H. Cárdenas, MBA, PhD,County Clerk Hays County, Texas

Clain & Cardenas

