



APPOINTMENT OF THE
ARCHITECTURAL CONTROL COMMITTEE OF
COLETO CREEK FARMS SECTION THREE AND SECTION FOUR SUBDIVISIONS
VICTORIA COUNTY TEXAS

WHEREAS: I, James S. Kimmel, Trustee for the Laverne A. Jaschke Living Trust, am the only surviving member of the Architectural Control Committee, and

WHEREAS: The subdivision restrictions provide that in the event a vacancy exists in the committee, the remaining member or members shall have full authority to act and have the authority to name another person to fill the vacancy on the committee.

NOW THEREFORE, in my capacity as the sole remaining member of the committee, I appoint the following as new members of the committee, to be bound by the Coletto Creek Farms Restrictions and Covenants:

Barbara A. Getz, 4 Calle del Sol, Victoria, Texas - 361-484-8152

Kimberly A. Miguara, 101 Camino Real, Victoria, Texas

Carla A. Phillips, 61 Calle del Sol, Victoria, Texas

I also hereby submit my resignation as a committee member upon the acceptance of the above members to the committee.

JAMES S. KIMMEL, Trustee for The Lavern A. Jaschke Trust and Committee Member

County of Arapahoe)

State of Colorado)

Executed in my presence on this 24th day of January, 2014 by James S. Kimmel as Trustee of the Laverne A. Jaschke Trust.

Notary Public

R. JANE ANDERSON
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 19994011557
MY COMMISSION EXPIRES 04/28/2015

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Robert S. Cortez, County Clerk
Victoria County Texas

February 07, 2014 12:51:24

AMENDMENT TO RESTRICTIONS
FOR COLETO CREEK FARMS SECTION FOUR

STATE OF TEXAS)
) KNOW ALL PERSONS BY THESE PRESENTS:
COUNTY OF VICTORIA)

WHEREAS, by instrument recorded in Volume 892, Page 654, of the Deed Records of Victoria County, Texas, Sophie Jaschke and Lavern A. Jaschke recorded certain Deed Restrictions for Coletto Creek Farm Section Two as amended by instruments recorded in Volume 888, Page 287 and Volume 1054, Page 197, of the Deed Records of Victoria County, Texas;

WHEREAS, the undersigned parties are all of the owners of lots in Coletto Creek Farms Section Four;

WHEREAS, Article 18 of the original restrictions for Coletto Creek Farms Section Two as recorded in Volume 892, Page 654, of the Deed Records of Victoria County, Texas, provides that the restrictions may be amended or modified in whole or in part (at any time), by the written consent of the Developer and the written agreement of not less than Fifty (50%) percent of the then owners of title of the property;

WHEREAS, The original restrictions recorded shall remain in full force and effect except for the changes and amendments noted below;

WHEREAS, we the undersigned wish to amend the restrictions as set out below.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS: That we the undersigned parties being over 50% of the subdivision lot owners, holders of Notes and Deed of Trust Liens of lots in COLETO CREEK FARMS SECTION FOUR do hereby consent, approve, ratify, confirm, amend, modify and adopt said restrictions as follows, to-wit:

ARCHITECTURAL CONTROL COMMITTEE

Decreased

The Architectural Control Committee of Coletto Creek Farms Section Four shall consist of three persons: Lavern A. Jaschke, James E. Chilcoat and another to be named at a later date by the two named above.

If for any reason an original member of the Architectural Control Committee is unable to continue or resigns, then the remaining member or members shall have full authority to act, and the remaining member or members shall have the authority to name another person to fill the vacancy on the committee.

The Architectural Committee shall act as an advisory group in reviewing construction plans submitted. The committee may, at the owners request, monitor new construction for conformance. The committee will have the authority to grant variances when deemed appropriate. Variances may include minor boundary adjustments, provided the resulting lot area will be no less than 1.6 acres, to

will be no less than ten percent. Such adjustments must be formally approved by the Board of Directors. Necessary legal documentation.

Members of the committee shall serve without any compensation for their services.

RESTRICTIONS

THE ARTICLES FROM THE ORIGINAL RECORDED RESTRICTIONS ARE REPEATED BELOW ALONG WITH THE NEWLY MANDATED CHANGES AND AMENDMENTS. THE ARTICLES ARE SHOWN IN THE SAME NUMERICAL ORDER AS IN THE ORIGINAL DOCUMENT. ARTICLES NOT NOTED OR REPEATED BELOW SHALL REMAIN IN FORCE AS ORIGINALLY WRITTEN AND STATED.

1. All tracts as shown on the plat or map of Coletto Creek Farms Section Four are residential tracts, and none of said tracts or the improvements erected thereon shall be used for anything other than private residential purposes and shall not be used for any commercial purpose. Oil and gas, drilling and production will not be permitted.
2. The lots shall not be further subdivided nor shall any smaller tracts be sold therefrom, except by approval of all members of Architectural Control Committee. (Recorded)
3. No building or structure shall be erected, constructed, maintained or permitted on a residence tract as herein defined, except one single detached dwelling house to be occupied by no more than one family. As appurtenant to any dwelling on Coletto Creek Farms Section Four, a private garage with two (2) or more bays, garden or green house, servants quarters or barn may be erected upon such residence tract if architecturally in harmony with said dwelling house and provided, specifically, that no unpainted sheet iron, concrete or ceramic blocks, sheet aluminum or sheet fiberglass structures (except that green houses may be constructed of fiberglass) shall be placed on any tract. Mobile homes, modular homes assembled off site as a single unit, or units consisting of roof and/or walls and/or floors in place will not be permitted in the subdivision. All entrances shall be installed with culverts with size, depth and type of construction approved by the proper government authority having jurisdiction with respect thereto. Within 120 days of the occupancy of the main dwelling, concrete abutments to be constructed and a concrete or asphalt driveway shall be installed from the finished asphalt street to the property line.
4. No main residential building with less than 1,400 square feet of floor space with an attached garage having two or more bays shall be constructed on any of the tracts, exclusive of porches, basements, carports, or attached garages. No main residential building with less than 1,600 square feet of floor space with an attached carport or a detached garage of two or more bays shall be constructed on any of the tracts, exclusive of porches, basements, carports, or attached garages. No less than 60% of all exterior walls of any residential building

constructed on any of the tracts shall be brick, stone, or stucco. Any garage or carport which was originally constructed shall not be converted to living quarters by the owner without the replacement of the garage and/or carport with materials and capacity comparable to those used in the main structure. Flat-roofed, or aluminum and/or corrugated steel, or plastic-covered replacement of an original carport is prohibited.

5. No house, building or barracks that has previously been occupied may be moved onto any tracts, it being the intention that all structures, large or small, shall be of new construction. No residence shall be used as a boarding house or as a rooming house. A residence shall be considered a boarding house or rooming house when more than one person is provided board or lodging therein for hire.

6. No structure of a temporary character, basement, tent, shack, garage or other outbuilding shall be used on any of the tracts at any time as residence, either temporary or permanent. No unsightly or damaged exterior television or radio antennas of any sort shall be placed, allowed or maintained on any lot or upon any structure situated upon any of the properties.

7. The work of construction of all buildings, improvements and structures shall be prosecuted diligently and continuously from commencement of construction until the exterior of such buildings and structures are completed and painted. All structures shall be completed as to external appearance, including finished painting, within six (6) months from the date of commencement of construction, unless prevented by cause beyond the owners control or a written variance is approved by the Architectural Control Committee.

8. No signs or advertisements of any kind shall be displayed to the public view on any lot except one sign of not more than fifteen (15) square feet advertising the property for sale or rent, or sign used by the builder to advertise the property during the construction and sales period.

9. All bathroom, sink and toilet conveniences shall be inside the residence and/or outbuilding, and shall be connected by underground pipes with a private septic tank of a depth and type of construction approved by the Texas Health Department by the proper governmental authority having jurisdiction with respect thereto.

10. No building or structure shall be located nearer than thirty feet (30') from any side street property line or nearer than fifty-two feet (52') from the center of the street or nearer than thirty-five feet (35') from the front property line. If a building plat consists of more than one lot, as shown on the original plat, the ownership boundary line shall be considered the interior lot line herein. In the event that there is a discrepancy between these restrictions and those set forth in the recorded plat, those of the plat prevail.

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11. No trash, garbage, used lumber unsightly items or other refuse may be thrown, dumped or otherwise disposed of on any tract, vacant or otherwise, in said residential district. Open storage of building materials will be permitted during construction only, for a period not to exceed six (6) months.
12. No activity of a noxious nature nor any business may be conducted upon any site, nor shall any activity be permitted which may be or may become a nuisance or annoyance to the neighborhood.
13. No horses, cattle or other livestock shall be permitted to be raised, pastured, quartered or otherwise maintained on any lot having an area less than 1.6 acres. * No hogs or swine shall be permitted on any tract. On tracts having an area of 1.6 acre or more one head of livestock will be permitted. On tracts having an area of 3.2 acres or more, two head of livestock will be permitted. No animal pen that has a fence line on any side, back or front lot line shall be less than a 1.6-acre area. The Architectural Control Committee may approve variations of this provision for poultry or for FFA, 4H or Agriculture Society projects which are strictly supervised.
14. There shall be no mining for sand, gravel, dirt or other surface mining operations.
15. If any parties hereto, or any of them, their heirs, representatives or assigns, shall violate or attempt to violate any of the provisions of these restrictions of Coletto Creek Farms Section Four, it shall be lawful for any other person or persons owning any real property situated in Coletto Creek Farms Section Four to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any of said restrictions, and either to prevent him or them from so doing or to recover damages for such violation.
16. Invalidation of any provision, sentence or paragraph contained in these restrictions of Coletto Creek Farms Section Four by judgment or court order shall in no wise affect or invalidate any of the other provisions, sentences or paragraphs of said restrictions, but the same shall be and remain in full force and effect.
17. These restrictions of Coletto Creek Farms Section Four shall run with the land and shall be binding upon all parties hereto, and all persons claiming under them until January 1, 2010. At such time the restrictions of Coletto Creek Farm Section Four shall be automatically extended for successive periods of ten (10) years each thereafter, unless a instrument signed by 60% of the then owner of the title to such tracts and the Architectural Committee, has been recorded in the Official Records of Victoria County, Texas, agreeing to change said restrictions in whole or in part. No one person or entity may accumulate more than six (6) votes.
18. These restrictions of Coletto Creek Farms Section Four (except those affecting a bona fide mortgage) may be amended or modified with the

written consent of the Developers, the Architectural Committee, and the written agreement of not less than sixty percent (60%) of the owners of property in said residential district, and such modification or amendment shall be effective upon the filing for record of such instrument duly signed and acknowledged by the requisite number of owners in the Official Records of Victoria County, Texas. A person, regardless of the number of tracts he may own, shall be limited to six (6) votes for the purposes of this provision.

19. Every person who by deed becomes owner of any of the residential tracts in Coletto Creek Farms Section Four, or who by written consent agrees to purchase or lease any of said tracts, shall be deemed to have made and accepted such deed, contract or lease, subject to all of the restrictions, conditions, covenants and reservations herein stated; and their acceptance of such deed, contract or lease shall have the same effect and binding force upon their heirs, representatives and assigns, as if the same were signed and sealed by said purchasers or lessees, and any person acquiring said property or any interest therein, whether by deed, lease, contract or by process of law, shall be bound thereby.

NEW RESTRICTIONS

Articles A, B, and C written below are new but shall have full effect and equal standing with all other sections of these restrictions.

A. The storage of any travel trailer, boat or truck is prohibited within such setback area. No repair or overhauling of automobiles or other equipment will be permitted within the herein described setback lines. No trailer, camper, boat or truck larger than a three-quarter (3/4) ton pickup or similar equipment shall be parked or stored permanently or semi-permanently on any public street, right-of-way, or in driveways. All yard equipment or outside storage shall be kept screened by service yard or other facilities.

B. No stone wall or any other solid substance or hedge shall be erected or grown or maintained forward of the front wall of the main residence that has a height of over four (4) feet. No privacy and/or continuous wooden or other solid substance shall be erected or maintained forward or further than fifty (50) feet from the main residence. All fences erected or maintained in front and side street setback areas shall be restricted to chain link, welded pipe, with a minimum diameter of two and one-half (2 1/2) inches for lateral lines and three (3) inches for post and have a minimum of four (4) for lateral pipes and wrought iron, or wood or plastic decorative and all shall be limited to four (4) feet in the front and side street setback areas. Decorative fences that are submitted to, and approved by, the Architectural Committee will be permitted as approved. No barb wire, chicken wire, or hog wire of any type shall be installed or maintained on any lots in Coletto Creek Farm Section Four. All posts installed or maintained in the front and side street setback areas or lines shall be of steel pipe or plastic and have an external diameter of three and one-half (3 1/2) inches or more or of a decorative design. Fence posts for interior fences not in t'

... shall be of printed or printed paper of standard weight and size... shall be of printed or printed paper of standard weight and size... shall be of printed or printed paper of standard weight and size...

All rights of license and license through the subject property... including the amount of the proceeds... shall be of printed or printed paper of standard weight and size...

SECTION TWENTY

The grantor and or any owner shall have the right but not the duty to... shall be of printed or printed paper of standard weight and size...

The enforcement of any one or more of these provisions or restrictions... shall be of printed or printed paper of standard weight and size...

Should any litigation be commenced to enforce the provisions... shall be of printed or printed paper of standard weight and size...

Handwritten signatures and names in the bottom left section of the document.

Dated: [Handwritten date] 1900
Dated: [Handwritten date] 1900
Dated: [Handwritten date] 1900

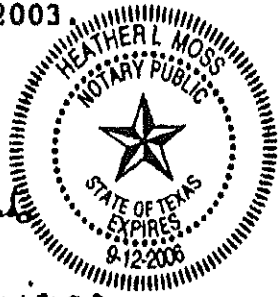
Witness of [Handwritten name]

STATE OF TEXAS

COUNTY OF VICTORIA

BEFORE ME, the undersigned authority, on this day personally appeared JAMES E. CHILCOAT, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office on this 30th day of May, 2003.



Heather L. Moss
Notary Public/State of Texas

STATE OF TEXAS Colorado

COUNTY OF VICTORIA Las Animas

BEFORE ME, the undersigned authority, on this day personally appeared LAVERN A. JASCHKE, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.



Given under my hand and seal of office on this 5th day of _____, 2003.

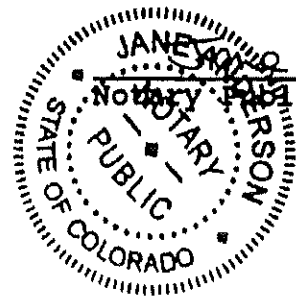
Michael McMillen
Notary Public/State of Texas

STATE OF TEXAS Colorado
COUNTY OF VICTORIA Las Animas

BEFORE ME, the undersigned authority, on this day personally appeared JAMES KIMMEL, TRUSTEE OF LAVERN A. JASCHKE LIVING TRUST, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, and in the capacity therein stated.

Given under my hand and seal of office on this 22 day of May, 2003.

Commission expires:
4-28-07



Jane Anderson
Notary Public/State of Texas
COLORADO

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Val D. Hovar

2003 JUN 13 04:34 PM 200308565
RECORDED \$21.00
VAL. D. HOVAR, COUNTY CLERK
VICTORIA COUNTY, TEXAS

Filed by & Returned to:
Bedgood Abstract & Title
Co. Inc.
