

DID NOT INCLUDE!

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DECLARATION OF RESTRICTIONS

VOL. 346 PAGE 726

THIS DECLARATION (this "Declaration") made as of the 20th day of December, 1984, by RIVERHILL CLUB, INC. ("Declarant");

WITNESSETH:

Declarant is the owner of the real property described in Exhibit "A", attached hereto and made a part hereof for all purposes (the "Property"), and desires to subject the Property to the restrictions hereinafter set forth.

NOW, THEREFORE, Declarant declares that the Property is and shall be held, transferred, sold, conveyed and occupied subject to the restrictions (sometimes referred to as "Restrictions") hereinafter set forth:

The Property shall be occupied and used as, and its use shall be restricted for use only for, recreational, park or scenic uses during the term hereof.

The Restrictions of this Declaration shall run with and bind the land subject to this Declaration for a term of ten (10) years from the date that this Declaration is recorded.

This Declaration shall be irrevocable and may not be removed, revoked, amended or changed, in whole or in part, by Declarant; it being intended hereby that this Declaration is being made under and in compliance with the provisions of Section 23.81, et seq., of the Property Tax Code of the State of Texas pertaining to Recreational, Park and Scenic Land and that this Declaration and the Restrictions are and shall be enforceable by owners of property which is adjacent to the Property.

IN WITNESS WHEREOF, Declarant has caused this instrument to be executed in its name and on its behalf as of the 20th day of December 1984; it being a correction of, and in substitution and replacement of, the Declaration recorded in Volume 308, Page 263, Deed Records of Kerr County, Texas.

DECLARANT:

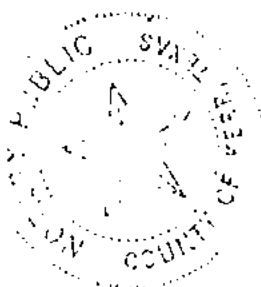
RIVERHILL CLUB, INC.

BY: Robert Carlton Bernhard
ROBERT CARLTON BERNHARD

STATE OF TEXAS §

COUNTY OF KERR §

This instrument was acknowledged before me on the 30th day of August, 1984, by Robert Carlton Bernhard, on behalf of RIVERHILL CLUB, INC., a Texas corporation.



Marilyn England
Notary Public, State of Texas
My Commission expires: 3-6-89
Marilyn England
(Print or Type Name of Notary)

FIRST PART: 143.16 ACRES OF LAND COMPRISING THE RIVERHILL CLUB, INC. GOLF COURSE, IN KERR COUNTY, TEXAS

Being all of certain 143.16 acres, more or less, comprising the Riverhill Club, Inc. golf course; including, approximately, 0.10 acre out of Wm. C. Francis survey No. 146, Abstract No. 137, and 144.12 acres out of Nathaniel Hoyt Survey No. 147, Abstract No. 178, in Kerr County, Texas; part of 1069.10 acres conveyed to Riverhill Club and Estates, Ltd., a Texas limited partnership, from Tierra Linda Ranch Corporation, a Texas corporation, by a General Warranty Deed executed the 20th day of November, 1973 and recorded in Volume 174 at Page 536 of the Deed Records of Kerr County, Texas; and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron stake for a northwesterly corner of the herein described tract in the northeast right-of-way line of Fairway Drive, a public street, a westerly corner of the Riverhill Golf Course, the south corner of Las Casitas, a subdivision of Kerr County, Texas, recorded in Volume 4 at Page 83 of the Plat of Records of Kerr County, Texas, which point is said to bear 2227.9 ft. S.24° 37'W. from the north or upper river corner of Survey No. 147;

THENCE, S.04° 04'E. 89.40 ft. along the northeast right-of-way line of Fairway Drive and a southwesterly line of said golf course to a point at the northwest corner of Riverhill Townhouse Tracts No. One, a subdivision according to a replat in Volume 4 at Page 52 of the Plat Records of Kerr County, Texas;

THENCE, along the common line between said golf course and Riverhill Townhouse Tracts No. One: S.84° 06'E. 102.88 ft.; N.32° 28'E. 14.08 ft.; S.79° 35'E. 388.0 ft.; S.88° 53'E. 334.40 ft.; S.32° 07'E. 209.6 ft.; S.26° 44'E. 240.2 ft.; S.12° 37'E. 192.27 ft.; S.14° 11'W. 98.03 ft.; N.75° 10'W. 318.2 ft.; N.63° 24'W. 195.41 ft.; N.72° 10'W. 125.40 ft.; N.54° 30'W. 315.81 ft.; N.05° 58'E. 23.6 ft.; N.38° 12'W. 77.0 ft.; N.69° 10'W. 99.5 ft.; N.75° 02'W. 60.9 ft. and S.77° 11'W. 25.3 ft. to a point in the southeasterly line of Lot No. 2 of Block 1 of said Riverhill Townhouse Tracts No. One;

THENCE, along a greenbelt, S.29° 01'W. 55.20 ft. and S.50° 46'W. 23.51 ft. to a point in a northeasterly line of a certain 0.08 acre tract of land described as Tract Two in a deed from Riverhill Club & Estates, Ltd. to Herbert G. Bench recorded in Volume 263 at Page 58 of the Deed Records of Kerr County, Texas;

THENCE, S.60° 21'E. 3.47 ft, S.37° 08'E. 7.73 ft. and S.14° 15'W. 8.93 ft. along said Tract Two to an iron stake at its southeast corner, the northeast corner of a certain 0.15 acre tract described as Tract One in said Bench deed, then along said Tract One: S.14° 15'W. 6.31 ft., S.44° 29'W. 16.29 ft., S.51° 31'W. 63.47 ft., S.33° 58'W. 18.22 ft. and N.84° 45'W. 22.97 ft. to a point in the southeast line of Block 2 of said Riverhill Townhouse Tracts No. One;

THENCE, along the southeasterly line of said Block 2 of Riverhill Townhouse Tracts No. One: S.31° 23'W. 35.54 ft., S.14° 06'E. 201.3 ft., S.39° 36'W. 212.5 ft., S.32° 11'W. 514.4 ft., N.55° 56'W. 105.3 ft. and S.70° 17'W. 131.6 ft. to a point in the easterly right-of-way line of the extension of Sand Bend Drive;

THENCE, along an original line of said golf course: S.22° 55'E. 135.8 ft., S.17° 42'E. 164.0 ft., S.01° 04'E. 99.1 ft. crossing Camp Meeting Creek, S.04° 06'E. 107.3 ft., S.23° 32'E. 56.1 ft. and S.85° 45'E. 145.7 ft. to a point in the northerly line of Riverhill Townhouse Tracts No. Two, a subdivision according to a corrected plat recorded in Volume 4 at Page 47 of the Plat Records of Kerr County, Texas;

THENCE, along the boundary of said Riverhill Townhouse Tracts No. Two: N.59° 11'E. 147.5 ft., N.19° 39'E. 174.6 ft., S.84° 12'E. 130.2 ft., N.71° 47'E. 144.4 ft., N.49° 46'E. 160.5 ft., N.05° 43'E. 131.9 ft., N.38° 55'E. 125.6 ft., N.68° 19'E. 116.0 ft., N.65° 45'E. 104.0 ft., N.77° 08'E. 100.3 ft., N.70° 44'E. 101.8 ft., N.76° 41'E. 100.4 ft., N.80° 14'E. 100.0 ft., S.83° 43'E. 103.4 ft., S.57° 39'E. 116.1 ft., S.53° 51'E. 269.6 ft., S.16° 46'W. 184.8 ft., S.87° 49'W. 439.39 ft., S.61° 21'W. 371.0 ft., S.64° 43'W. 513.54 ft., S.80° 37'W. 265.19 ft., N.77° 59'W. 108.22 ft. and S.58° 31'W. 17.05 ft. to a point at the northeast corner of Riverhill Townhouse Tracts No. Two, a subdivision recorded in Volume 4 at Page 30 of the Plat Records of Kerr County, Texas;

THENCE, S.58° 31'W. 46.55 ft., S.03° 00'W. 63.4 ft., S.20° 22'E. 125.7 ft., S.48° 40'E. 370.7 ft., S.18° 00'E. 664.77 ft. along the easterly boundary of Riverhill Estates No. Two to its southeast corner, a northeast corner of Lot 2 in Block B of Riverhill Estates No. One according to replat in Volume 4 at Page 22 of the Plat Records of Kerr County, Texas;

THENCE, along the northerly boundary of Riverhill Estates No. One: S.18° 00'E. 149.6 ft. along the northeast line of said Lot 2, the northwest corner of a certain 0.037 acre tract out of Lot 3 in Block B conveyed to Riverhill Club & Estates, Ltd. from J. D. Brance by a deed recorded in Volume 187 at Page 39 of the Deed Records of Kerr County, Texas, S.37° 14'W. 15.0 ft. along the east line of Lot 2 and the westerly line of said 0.037 acre Riverhill tract to its west corner, N.84° 23'E. 94.29 ft. and N.57° 57'E. 19.06 ft. along the south line of said 0.037 acre Riverhill tract to its east corner, the west corner of a certain 0.263 acre tract conveyed to J. D. Brance from Riverhill Club & Estates, Ltd. by a deed recorded in Volume 187 at Page 41 of the Deed Records of Kerr County, Texas, then N.57° 57'E. 112.16 ft. along the northwest line of said 0.263 acre Brance tract to its northeast corner;

THENCE, N.74° 33'E. 151.67 ft. to a point in the northerly boundary line of Riverhill Estates No. One at the common westerly corner for Lots 7 and 8;

THENCE, again along the northerly boundary of Riverhill Estates No. One: N.22° 00'W. 285.60 ft., N.09° 47'E. 265.0 ft., N.16° 35'E. 142.22 ft. and N.36° 48'E. 183.4 ft. to an iron stake at the west corner of Lot 13 in said Block F, the southwest corner of a certain 0.34 acre tract of land conveyed to W. B. Newberry from Riverhill Club & Estates, Ltd. by a deed recorded in Volume 246 at Page 374 of the Deed Records of Kerr County, Texas;

THENCE, N.42° 12'E. 233.58 ft. and S.66° 27'E. 44.26 ft. along the northerly boundary of said Newberry 0.34 acre tract to its northeast corner, the northwest corner of Lot 14 in Block F of Riverhill Estates No. One;

THENCE, again along the northerly boundary of said Riverhill Estates No. One: S.55° 40'E. 49.49 ft., S.33° 17'E. 66.0 ft., S.63° 14'E. 72.3 ft., N.80° 06'E. 40.4 ft., S.78° 25'E. 39.4 ft., S.67° 33'E. 101.9 ft., S.06° 58'E. 676.6 ft. and S.65° 28'W. 17.1 ft. to a point in the northerly right-of-way line of Lakewood Drive, a public street;

THENCE, along the northerly right-of-way line of Lakewood Drive and Riverhill Estates No. One: 100.70 ft. along an arc of a 14° 31' curve to the right having a 394.64 ft. radius and subtended by a 24° 37' central angle (long chord S.18° 00'E. 100.43 ft.) to its end and S.10° 41'E. 88.7 ft.;

THENCE, N.80° 38'E. 63.00 ft., N.69° 35'E. 114.0 ft. and N.85° 06'E. 280.93 ft. to a point in the westerly line of Block L of said Riverhill Estates No. One at the common westerly corner for Lots 7 and 8, then along the westerly line of said Block L: N.07° 17'W. 534.71 ft. to a point in the rear line of Lot 12 in Block L;

THENCE, N.04° 01'E. 346.48 ft. to a point in the southwesterly boundary of Lot 52 in Riverhill Townhouse Tracts No. Seven, a subdivision recorded in Volume 4 at Page 261 of the Plat Records of Kerr County, Texas;

THENCE, along the southwesterly boundary of said Riverhill Townhouse Tracts No. Seven: N.35° 51'W. 5.55 ft., N.11° 59'W. 104.34 ft., N.00° 54'W. 73.51 ft., N.11° 24'E. 82.10 ft. and N.41° 20'E. 46.31 ft. to a point in the rear of Lot 48 in said Riverhill Townhouse Tracts No. Seven;

THENCE, N.04° 01'E. 13.12 ft., N.41° 11'E. 160.0 ft. to a point in Camp Meeting Creek, then along or near its centerline meanders: S.89° 43'E. 321.7 ft., N.63° 08'E. 238.78 ft., N.35° 18'E. 45.20 ft., S.85° 43'E. 40.79 ft., N.63° 08'E. 126.24 ft., N.33° 15'E. 245.8 ft., S.18° 17'E. 436.8 ft. to a point in the northeasterly line of said Riverhill Townhouse Tracts No. Seven, then along its northeast line: S.38° 58'E. 173.6 ft., S.48° 50'E. 181.1 ft., S.40° 21'E. 144.8 ft., S.58° 06'E. 181.56 ft. and S.47° 51'E. 313.74 ft. to a point at the northeast corner of said Riverhill Townhouse Tracts No. Seven in or near the northwesterly right-of-way line of Riverhill Boulevard, a public street;

THENCE, N.38° 29'E. 53.30 ft. and N.40° 57'E. 70.95 ft. along or near the northwesterly right-of-way line of Riverhill Boulevard to its intersection with the southwest right-of-way line of Antelope Trail, a public street, and the southwesterly line of Riverhill

Townhouse Tracts No. Five, a subdivision according to a replat in Volume 4 at Page 90 of the Plat Records of Kerr County, Texas;

THENCE, along the boundary of said Riverhill Townhouse Tracts No. Five: N.40° 19'W. 114.18 ft. and N.31° 43'W. 221.64 ft. along or near the southwesterly right-of-way line of said Antelope Trail, then N.34° 41'W. 590.57 ft., N.09° 24'W. 398.59 ft., N.15° 36'W. 102.1 ft., N.22° 07'E. 81.6 ft., N.43° 04'E. 102.8 ft., N.27° 24'E. 186.2 ft., S.26° 53'E. 107.11 ft., S.28° 01'E. 153.7 ft., S.07° 16'E. 93.1 ft., S.35° 25'E. 116.5 ft., S.32° 48'E. 395.7 ft., S.01° 16'W. 305.0 ft., S.04° 01'W. 348.4 ft., S.22° 18'E. 97.0 ft. and S.75° 53'E. 182.5 ft. to a point in or near the northwesterly right-of-way line of said Riverhill Boulevard;

THENCE, along or near the northwesterly right-of-way line of said Riverhill Boulevard, N.51° 32'E. 90.10 ft. to the south corner of Riverhill Townhouse Tracts No. Four, Section Two according to plat in Volume 4 at Page 240 of the Plat Records of Kerr County, Texas;

THENCE, N.02° 39'E. 502.94 ft. along the westerly line of said Riverhill Townhouse Tracts No. Four, Section Two to its northwest corner, the southwest corner of a certain 0.23 acre tract of land conveyed to L. N. Smith Corporation from Riverhill Club & Estates, Ltd. by a deed recorded in Volume 259 at Page 257 of the Deed Records of Kerr County, Texas; N.02° 39'E. 27.72 ft. along the westerly line of said 0.23 acre Smith tract to its northwest corner in the center of Camp Meeting Creek, N.02° 31'E. 194.03 ft. to the most southerly corner of Riverhill Townhouse Tracts No. Four, a subdivision recorded in Volume 4 at Page 223 of the Plat Records of Kerr County, Texas;

THENCE, along the southwesterly boundary of Riverhill Townhouse Tracts No. Four, N.03° 46'W. 92.36 ft., N.30° 18'W. 139.54 ft., N.42° 21'W. 211.30 ft., N.71° 43'W. 149.18 ft., N.17° 17'W. 115.55 ft. and N.27° 46'W. 14.17 ft.;

THENCE, N.48° 09'W. 252.84 ft., N.53° 20'W. 157.10 ft., N.55° 41'W. 49.20 ft., N.73° 41'W. 657.80 ft., S.24° 00'W. 77.83 ft. to a point in the westerly northeast line of Lot 48 in Riverhill Townhouse Tracts No. Six according to replat for Lots 24 and 43 recorded in Volume 4 at Page 248 of the Plat Records of Kerr County, Texas;

THENCE, S.58° 44'E. 69.28 ft., S.31° 16'W. 8.02 ft. and S.58° 34'E. 326.21 ft. along the boundary of said replat for Lots 24 and 43 of Riverhill Townhouse Tracts No. Six to its east corner, the north corner of a certain 0.43 acre tract of land conveyed to Nancy Baker from Riverhill Club & Estates, Ltd. by a deed recorded in Volume 260 at Page 508 of the Deed Records of Kerr County, Texas, S.59° 30'E. 67.70 ft. along the northeast line of said Baker 0.43 acre tract to its east corner and S.37° 43'W. 29.27 ft. along its southeasterly line;

THENCE, S.34° 58'E. 12.28 ft. and S.40° 36'W. 233.15 ft. to a point in the southeast line of said Baker 0.43 acre tract, S.37° 43'W. 47.44 ft. along its southeast line and N.58° 44'W. 23.14 ft. along its southwest line;

THENCE, S.67° 55'W. 152.55 ft., S.60° 32'W. 263.40 ft., S.73° 39'W. 327.7 ft., N.24° 35'W. 172.7 ft., N.18° 24'W. 146.5 ft., N.56° 22'W. 53.4 ft., N.62° 17'W. 103.4 ft., N.07° 20'W. 252.3 ft., N.02° 37'W. 245.8 ft., S.60° 29'E. 177.6 ft. and S.66° 24'E. 42.68 ft. to a point in the northerly line of Riverhill Townhouse Tracts No. Six, S.66° 50'E. 236.42 ft. and S.73° 29'E. 64.95 ft. along the northerly line of Riverhill Townhouse Tracts No. Six, then N.76° 28'E. 72.47 ft., N.54° 32'E. 57.9 ft., N.44° 25'E. 83.8 ft., N.10° 31'E. 65.2 ft. and N.02° 18'E. 36.34 ft. to a point in the south line of a certain tract of land conveyed to Floyd E. Bigelow from Riverhill Club & Estates, Ltd. by a deed recorded in Volume 262 at Page 521 of the Deed Records of Kerr County, Texas;

THENCE, along the boundary of said Bigelow tract: N.70° 24'W. 39.57 ft., N.20° 01'E. 107.00 ft. and S.70° 22'E. 17.33 ft. to a point in the northerly west line of said Riverhill Townhouse Tracts No. Six, the common westerly corner for Lots 15 and 16;

THENCE, N.12° 12'E. 93.59 ft. along the northerly west line of said Riverhill Townhouse Tracts No. Six to its northerly northwest corner;

THENCE, N.12° 12'E. 26.66 ft. and N.12° 23'E. 34.50 ft. to the west corner of Lot 15 in Block 1 of Riverhill Townhouse Tracts No. Eight, a subdivision according to replat in Volume 5 at Page 279 of the Plat Records of Kerr County, Texas;

THENCE, along the westerly boundary of Riverhill Townhouse Tracts No. Eight, N.02° 02'E. 144.77 ft., N.54° 56'W. 595.81 ft., N.64° 44'W. 66.01 ft. and N.59° 18'W. 76.00 ft. to its west corner, the west corner of Lot 1 in Block 1;

THENCE, along the southerly line of the Riverhill Club tract: N.05° 01'W. 243.76 ft., N.70° 51'W. 92.79 ft., S.82° 36'W. 63.72 ft., N.64° 02'W. 51.62 ft., N.79° 53'W. 101.89 ft., S.86° 09'W. 41.31 ft., S.49° 18'W. 32.35 ft., S.57° 01'W. 49.51 ft., S.31° 45' W. 166.75 ft., S.43° 13'W. 85.74 ft., S.69° 54'W. 345.11 ft. and S.73° 31'W. 143.62 ft. to a point in the east line of said Las Casitas subdivision;

THENCE, S.26° 21'E. 17.85 ft. along the east line of said Las Casitas subdivision to its east corner, then along its southerly boundary S.82° 41'W. 98.48 ft., S.63° 43'W. 11.62 ft., N.26° 17'W. 3.99 ft., S.82° 41'W. 51.51 ft., S.66° 09'W. 72.71 ft., N.23° 51'W. 21.58 ft., S.82° 41'W. 58.05 ft., S.68° 51'W. 57.14 ft., N.21° 09'W. 14.07 ft. and S.82° 41'W. 18.93 ft. to the PLACE OF BEGINNING.

SECOND PART: 1.38 ACRES OCCUPIED BY THE RIVERHILL GOLF COURSE MAINTENANCE BUILDING AT STATE HIGHWAY NO. 173 AND ROLLING GREEN DRIVE, IN KERR COUNTY, TEXAS;

Being all of a certain 1.38 acre more or less tract or parcel of land out of Nathaniel Hoyt Survey No. 147, Abstract No. 178, in Kerr County, Texas; part of 1069.10 acres conveyed to Riverhill Club & Estates, Ltd., a Texas limited partnership, from Tierra Linda Ranch Corporation, a Texas corporation, by a General Warranty Deed executed the 20th day of November, 1973 and recorded in Volume 174 at Page 536 of the Deed Records of Kerr County, Texas; and being more particularly described by metes and bounds as follows:

BEGINNING at the east corner of Lot 26, in Block 3 of Riverhill Townhouse Tracts No. Eight, a subdivision recorded in Volume 5 at Page 279 of the Plat Records of Kerr County, Texas;

THENCE, S.37° 23'W. 200.20 ft. along the southeasterly boundary of Riverhill Townhouse Tracts No. Eight and along the southeast line of Lot 26 to its south corner in the easterly right-of-way line of Preston Trail Loop, a public street;

THENCE, along the easterly right-of-way line of Preston Trail Loop: 146.39 ft. along an arc of a curve to the right having a 203.51 ft. radius and subtended by a 41° 13' central angle (long chord S.07° 00'W. 143.25 ft.) to its end, the beginning of a 58° 47' curve to the left having a 97.49 ft. radius, 81.99 ft. along an arc of said 58° 47' curve subtended by a 48° 11' central angle (long chord S.03° 30'W. 79.59 ft.) to its end in the northerly right-of-way line of Rolling Green Drive, a public street;

THENCE, along the northerly right-of-way line of said Rolling Green Drive: N.69° 00'E. 96.78 ft. to the beginning of a 23° 28' curve to the left having a 244.24 ft. radius, 141.73 ft. along an arc of said 23° 28' curve subtended by a 33° 15' central angle (long chord N.53° 29'E. 139.75 ft.) to its end, and N.36° 51'E. 154.93 ft. to a point in the southwest right-of-way line of State Highway No. 173;

THENCE, along the southwest right-of-way line of State Highway No. 173: N.45° 12'W. 34.16 ft., N.45° 27'W. 60.30 ft., N.47° 59'W. 46.70 ft. and N.50° 22'W. 64.67 ft. to the PLACE OF BEGINNING.

These field notes were prepared from plats by others, deeds and plats of record and do not represent a survey made on the ground by me.

Dated this 5th day of September, 1984
Revised this 6th day of September, 1984


D. R. Voelkel

Registered Professional Engineer No. 8889
Registered Public Surveyor No. 443

FILED FOR RECORD

at 4:47 o'clock P M

OCT 9 1985

PATRICIA DYE
Clerk, County Court, Kerr County, Texas
By Patricia Dye Deputy

*Filed by and return
to:*

*Wallace, Jackson, Colby & Nathan
809 Jefferson
Kerrville, TX 78628*

Filed for record October 9, 1985 at 4:47 o'clock p.M.
Recorded October 18, 1985
PATRICIA DYE, Clerk By Winnie J. Wainman Deputy