



38
29 names

**FIRST AMENDMENT TO THE FIRST AMENDED AND RESTATED
RESTRICTIONS AND COVENANTS APPLICABLE TO
RANCHO ESCONDIDO SUBDIVISION**

STATE OF TEXAS §
 §
COUNTY OF MONTGOMERY §

This First Amendment to the First Amended and Restated Restrictions and Covenants Applicable to Rancho Escondido Subdivision (the "First Amendment") is approved by the Owners of sixty-seven percent (67%) of the Lots and shall be effective on the 1st day of April, 2010.

WHEREAS, Rancho Escondido is a subdivision in Montgomery County, Texas, as the same appears upon the Plat of said addition recorded in Cabinet C, Sheet 72, of the Map Records of Montgomery County known as "Rancho Escondido Subdivision" and on Sheet 166B known as "Rancho Escondido Section II"; and

WHEREAS, the Rancho Escondido Subdivision and Rancho Escondido Section II are herein referred to collectively as "Rancho Escondido"; and

WHEREAS, Rancho Escondido is encumbered by that certain First Amended and Restated Restrictions and Covenants Applicable to Rancho Escondido Subdivision recorded under Montgomery County Clerk's File No. 2009-036937 (the "Restated Restrictions"); and

WHEREAS, reference is hereby made to the Restated Restrictions for all purposes, and any and all capitalized terms used herein shall have the meanings set forth in the Restated Restrictions, unless otherwise specified in this First Amendment; and

WHEREAS, pursuant to Article 3, Section 3.2 of the Restated Restrictions, the Restated Restrictions may be amended at any time with the approval, by written ballot, of Owners of 67% of the Lots.

NOW THEREFORE, the Owners of at least sixty-seven per cent (67%) of the Lots within Rancho Escondido, do hereby agree and stipulate that all of the Lots, and Deeded Home Sites within Rancho Escondido are respectively impressed with the above-referenced Restated Restrictions, and the Lots, Reserves, and Deeded Home Sites shall be and are hereby made subject to the following First Amendment to the Restated Restrictions which shall apply to all of the Lots, Reserves, and Deeded Home Sites in Rancho Escondido. Any deed conveying a Lot or Deeded Home Site shall be made subject to the Restated Restrictions and this First Amendment whether said covenants are incorporated in said deed or otherwise.

Article 8 shall be amended by adding the following new Section 8.16:

8.16 Trash Hauling Service

Trash hauling companies authorized to enter Rancho Escondido for the purposes of routine garbage service shall be limited to one company. The company authorized will be contracted by the Board of the Association. Billing and payment will be between the vendor and the Lot Owner and not by the Association, although future billing methodology is subject to the discretion of the Board of the Association. This Section 8.16 does not require any resident or Owner to contract for garbage service, but if they do, it will be required that they use the Association's contracted vendor. Builders will not be required to use this contracted vendor. This Section 8.16 shall be effective on the 1st day of April, 2010.

If any provision of this First Amendment is found to be in conflict with the Restated Restrictions, this First Amendment shall control.

Unless the context clearly indicates otherwise, all other definitions and restrictions shall remain as stated in the Restated Restrictions.

IN WITNESS WHEREOF, this First Amendment to the First Amended and Restated Restrictions and Covenants Applicable to Rancho Escondido Subdivision, is executed as of the 11 day of February, 2010.

**RANCHO ESCONDIDO COMMUNITY
IMPROVEMENT ASSOCIATION, INC.**

By: *David A. DesAutels*
Print Name: DAVID A. DESAUTELS
Print Title: PRESIDENT RACIA

STATE OF TEXAS §
 §
COUNTY OF MONTGOMERY §

BEFORE ME, the undersigned authority, on this day personally appeared DAVID A. DESAUTELS the PRESIDENT of Rancho Escondido Community Improvement Association, Inc., known by me to be the person whose name is subscribed to this instrument, and acknowledged to me that s/he executed the same for the purposes and consideration therein expressed and in the capacity therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 11TH the day of February, 2010.



Linda M. Maier
Notary Public – State of Texas

CERTIFICATION

I, the undersigned, do hereby certify:

That I am the Secretary of the Rancho Escondido Community Improvement Association Inc., a Texas non-profit corporation;

That the foregoing First Amendment to the First Amended and Restated Restrictions and Covenants Applicable to Rancho Escondido Subdivision has been duly approved by the written ballots of Owners representing at least sixty-seven percent (67%) of the Lots, in accordance with Article 3, Section 3.2 of the First Amended and Restated Restrictions and Covenants Applicable to Rancho Escondido Subdivision.

IN WITNESS WHEREOF, I have hereunto subscribed my name on this 10 day of February, 2010.

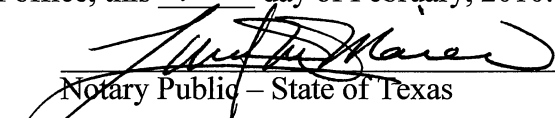
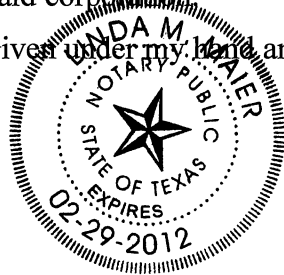


Print Name: Jim Hayman
Title: SECRETARY

STATE OF TEXAS §
 §
COUNTY OF MONTGOMERY §

BEFORE ME, the undersigned authority, on this day personally appeared Jim Hayman the Secretary of the Rancho Escondido Community Improvement Association, Inc., known by me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that s/he executed the same for the purposes and consideration therein expressed and in the capacity therein and herein stated, and as the act and deed of said corporation.

Gives under my hand and seal of office, this 10 day of February, 2010.



Notary Public – State of Texas

After Recording, Return To:
Stephanie Quade
Roberts Markel P.C.
2800 Post Oak Blvd., 57th Floor
Houston, TX 77056

J Haymon

From: J Haymon [jhaymon@SuddenLink.net]
Sent: Tuesday, February 09, 2010 12:02 PM
To: jhaymon@suddenlink.net
Subject: FW: Trash Hauling Amendment
Attachments: Trash BALLOT.tif

From: Mpbarhouston@aol.com [mailto:Mpbarhouston@aol.com]
Sent: Saturday, February 06, 2010 5:49 PM
To: jhaymon@SuddenLink.net
Subject: Re: Trash Hauling Amendment

Jim,

My signed ballot is attached.

Thanks,

Michael Paolucci
713.256.1171

In a message dated 2/6/2010 11:25:45 A.M. Central Standard Time, jhaymon@SuddenLink.net writes:

Mike, attached is the ballot. Please print and sign the ballot and return to me. Thanks,

Jim Haymon

From: Mpbarhouston@aol.com [mailto:Mpbarhouston@aol.com]
Sent: Saturday, February 06, 2010 11:08 AM
To: ranchocia@gmail.com
Subject: Re: Trash Hauling Amendment

I don't recall seeing the letter?

Thanks,

Michael Paolucci
713.256.1171

In a message dated 2/6/2010 9:04:22 A.M. Central Standard Time, ranchocia@gmail.com writes:

FILED FOR RECORD

02/12/2010 11:03AM



COUNTY CLERK
MONTGOMERY COUNTY, TEXAS

STATE OF TEXAS

COUNTY OF MONTGOMERY

I hereby certify this instrument was filed in file number
sequence on the date and at the time stamped herein
by me and was duly RECORDED in the Official Public
Records of Montgomery County, Texas.

02/12/2010



County Clerk
Montgomery County, Texas