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FOURTH AMENDMENT OF FAIRWAYS OF BLACKHAWK  
MASTER DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS

This FOURTH AMENDMENT OF FAIRWAYS OF BLACKHAWK MASTER DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS is made on the date hereinafter set forth by FAIRWAYS OF BLACKHAWK, LIMITED PARTNERSHIP, an Ohio Limited Partnership and is as follows:

WITNESSETH:

Reference is made to that certain FAIRWAYS OF BLACKHAWK MASTER DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS, executed by FAIRWAYS OF BLACKHAWK, LIMITED PARTNERSHIP, an Ohio Limited Partnership, being hereinafter referred to as "DECLARANT," dated November 6, 1992, recorded in Volume 11813, Page 0056, Real Property Records of Travis County, Texas, that certain SUPPLEMENTAL DECLARATION TO FAIRWAYS OF BLACKHAWK COVENANTS, CONDITIONS AND RESTRICTIONS, dated November 6, 1992 and recorded in Volume 11813, Page 0085 of the Real Property Records of Travis County, Texas, that certain FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE FAIRWAYS OF BLACKHAWK SUBDIVISION dated April 15, 1993 and recorded in Volume 11939, Page 0992 of the Real Property Records of Travis County, Texas, that certain AMENDMENT TO MASTER DECLARATION dated August 16, 1993 and recorded in Volume 12032, Page 1108 of the Real Property Records of Travis County, Texas, that certain SECOND AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR FAIRWAYS OF BLACKHAWK SUBDIVISION dated September 13, 1993 and recorded in Volume 12032, Page 1113 of the Real Property Records of Travis County, Texas, and that certain THIRD AMENDMENT OF FAIRWAYS OF BLACKHAWK MASTER DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS dated April 3, 1995 and recorded in Volume 12419, Page 0602, of the Real Property Records of Travis County, Texas, being collectively hereinafter referred to as "EXISTING DECLARATION."

WHEREAS, pursuant to Section 9.3(A) of the EXISTING DECLARATION, the EXISTING DECLARATION may be amended by the Declarant acting alone until November 10, 2002, or until Declarant no longer holds a majority of votes in the Master Association, which ever occurs last; and

WHEREAS, the Declarant still holds a majority of votes in the Master Association;  
and

Fourth Amendment of Fairways of Blackhawk Master Declaration  
of Covenants, Conditions and Restrictions Page 1 of 4

REAL PROPERTY RECORDS  
TRAVIS COUNTY, TEXAS

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WHEREAS, the Declarant desires to amend the EXISTING DECLARATION to amend Section 7.5 requiring payment of initial Assessments, and to provide for an exemption from payment of such initial Assessments for builders who construct a home on and convey title to a Lot within one year of the builder's acquiring title to such Lot.

NOW, THEREFORE, in consideration of the premises above, the said EXISTING DECLARATION is hereby amended as follows:

I.

Section 7.5 of the EXISTING DECLARATION is hereby amended in its entirety to read as follows:

"7.5 Initial Assessments. In addition to the regular annual and special Assessments provided for above in Sections 7.3 and 7.4, a one-time initial Assessment shall be due and payable to the Master Association immediately upon the conveyance of any Lot to a new Owner. Initial Assessments shall be the obligation of each new Owner and shall be equal to eighty percent (80%) of one full year's regular annual Assessment for each such Lot, based on the most current regular annual Assessment approved by the Board. However, in no event shall an initial Assessment be less than \$240.00 per Lot, except that if such new Owner is a builder that constructs a home on the Lot and reconveys the Lot to a new Owner within one year of the builder's acquiring title to such Lot, such builder shall be exempt from payment of an initial Assessment for that Lot."

II.

In all other respects the provisions of the EXISTING DECLARATION are hereby ratified, adopted and confirmed. The Declarant, FAIRWAYS OF BLACKHAWK LIMITED PARTNERSHIP, an Ohio Limited Partnership hereby agrees to and approves this Fourth Amendment as Declarant.

FAIRWAYS OF BLACKHAWK,  
A LIMITED PARTNERSHIP,  
an Ohio Limited Partnership  
"Declarant"

BY: Ohio Blackhawk of Texas, Inc., an Ohio  
Corporation, its General Partner

BY: 

Printed Name: NICHOLAS C. BAUER

Title: Its Vice President

ACKNOWLEDGEMENT

STATE OF OHIO

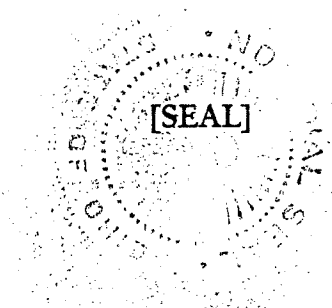
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COUNTY OF Hamilton

The foregoing instrument was acknowledged before me this 22<sup>nd</sup> day of October, 1995 by Nicholas C. Bauer, Vice President (title) of Ohio Blackhawk of Texas, Inc., an Ohio corporation, as General Partner of Fairways of Blackhawk, Limited Partnership, an Ohio Limited Partnership, on behalf of said limited partnership.

Sheri Vee Draffen  
Notary Public, State of Ohio  
SHERI VEE DRAFFEN  
Notary Public, State of Ohio  
My Commission Expires October 20, 1994

Printed or Typed Name \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_



CONSENT OF MORTGAGEE

HORIZON SAVINGS ASSOCIATION, as the owner and holder of the indebtedness secured by the Deed of Trust covering the Property, of Record in Volume 12015, Page 0023, the Real Property Records of Travis County, Texas does, hereby join in the execution of this Fourth Amendment of Fairways of Blackhawk Master Declaration of Covenants, Conditions and Restrictions, for the purposes of evidencing its consent hereto.

HORIZON SAVINGS ASSOCIATION

By:

*Charles S. Nichols, Jr.*

Printed Name: CHARLES S. NICHOLS, JR.

Title: EX. VICE PRESIDENT

ACKNOWLEDGEMENT

STATE OF TEXAS

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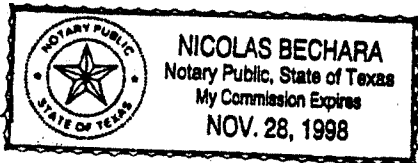
COUNTY OF TRAVIS

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The foregoing instrument was acknowledged before me this 13 day of NOVEMBER, 1995 by Charles S. Nichols, Jr. (printed name), EX. V. P. (title), of Horizon Savings Association, on behalf of Horizon Savings Association.

[SEAL



*Nicolas Bechara*  
Notary Public, State of Texas

Printed or Typed Name  
My Commission Expires: \_\_\_\_\_

AFTER RECORDING RETURN TO:

LAW OFFICES OF MIKE WILLATT  
2001 NORTH LAMAR  
AUSTIN, TEXAS 78705

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10/13/95

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