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**FIFTH AMENDMENT OF FAIRWAYS OF BLACKHAWK
MASTER DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS**

This FIFTH 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, 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, and that certain FOURTH AMENDMENT OF FAIRWAYS OF BLACKHAWK MASTER DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS dated October 23, 1995 and recorded in Volume 12565, Page 1692, 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

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WHEREAS, the Declarant desires to amend the EXISTING DECLARATION to revise Section 9.3 to and clarify the procedures for bringing additional properties within the scheme of the Declaration.

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

I.

Section 2.1 of the EXISTING DECLARATION is hereby amended in its entirety to read as follows:

"2.1 Staged Subdivision. As of September 1, 1997, the following real property is subject to the terms of this Declaration: Fairways of Blackhawk, Phase I-A, a subdivision in Travis County, Texas as shown by the map or plat thereof recorded at Volume 91, Pages 216-218, Plat Records of Travis County, Texas, Fairways of Blackhawk, Phase II-A, a subdivision in Travis County, Texas, as shown by the map or plat thereof recorded at Volume 93, Pages 245-247, Plat Records, Travis County, Texas, and Fairways of Blackhawk, Phase VII, a subdivision in Travis County, Texas as shown by the map or plat thereof recorded at Volume 92, Pages 43-45, Plat Records of Travis County, Texas. The Declarant, its successors and assigns, shall have the right and option at any time prior to August 1, 2002, to bring within the scheme of this Declaration, and make subject to the terms of this Declaration, additional real property, so long as such real property is within the area described on Exhibit "A" attached to the Second Amendment to Declaration of Covenants, Conditions and Restrictions for Fairways of Blackhawk Subdivision, dated to be effective September 13, 1993 and recorded at Volume 12032, Page 1113, Real Property Records of Travis County, Texas (including without limitation, subsequent phases of the Fairways of Blackhawk Subdivision) without the consent or approval of the Owners of any Lot or the Association. Furthermore, other additional real property may be made subject to the terms of this Declaration at any time with the written consent of Declarant, the owner(s) of such additional real property and two-thirds (2/3rds) of each class of member of the Association. As additional real property is made subject to the terms of this Declaration, Declarant may, with respect to such real property, record Supplemental Declarations which may supplement or modify this Declaration with such additional covenants, restrictions and conditions as may be appropriate for those properties. Declarant shall record a Notice of Addition of Land or an amendment to this Declaration describing the properties to be made subject to the terms of the Declaration, if and when additional properties are


brought within the scheme of the Declaration in accordance with the requirements set forth above. Upon recordation of such Notice of Addition of Land or amendment to this Declaration, then and thereafter the added properties shall be subject to the terms of this Declaration and the Owners of all Lots in the added properties shall have the rights, privileges and obligations with respect to all of the Property in the Subdivision (including such additional properties) in accordance with the provisions of, and to the extent set forth in, this Declaration and each such Supplemental Declaration."

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 Fifth 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

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