

**FIRST AMENDMENT**  
**TO**  
**THE AMENDED AND RESTATED DECLARATION**  
**OF COVENANTS, CONDITIONS AND RESTRICTIONS**  
**FOR**  
**THE DOWNS OF HILLCREST**

STATE OF TEXAS           §  
  §    **KNOW ALL MEN BY THESE PRESENTS:**  
COUNTY OF DALLAS       §

This FIRST AMENDMENT TO THE AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE DOWNS OF HILLCREST (this "First Amendment") is made this 10<sup>th</sup> day of SEPTEMBER, 2003, by the Board of Directors of The Downs of Hillcrest Residential Association, Inc. (the "Association").

**WITNESSETH:**

WHEREAS, the Association recorded an instrument entitled Amended and Restated Declaration of Covenants, Conditions and Restrictions for The Downs of Hillcrest recorded on August 22, 2000 in Volume 2000163, Page 00074 of the Real Property Records, Dallas County, Texas (the "Declaration"); and

WHEREAS, the Declaration replaced and superceded a prior instrument entitled "Declaration of Covenants, Conditions and Restrictions for the Downs of Hillcrest, Dallas, Texas" recorded at Volume 92221, Page 4152 of the Deed Records, Dallas County, Texas (the "Original Declaration"); and

WHEREAS, Article XII, Section 12.02 of the Declaration provides that the Board may unilaterally amend the Declaration to, among other things, correct technical or typographical errors in the Declaration; and

WHEREAS, the Board desires to correct a typographical error which occurred during the transcription of Article IX, Section 9.07 of the Original Declaration which was then incorporated into the Declaration.

**NOW, THEREFORE,** the Board hereby amends the Declaration as follows:

1. Article IX, Section 9.07 of the Declaration is hereby amended by deleting this Section in its entirety and replacing it with the following:

9.07 Driveways. Each Lot must be accessible to the adjoining street by a driveway suitable for such purposes and approved in writing as to design, materials and location by the Architectural Control Committee before the residential structure located on such Lot may be occupied or used. All driveway aprons and sidewalks within the right of way must be constructed using concrete admixtures to match the color of the adjacent street curbs and be in strict compliance with the applicable bulletins issued by the Committee. In addition, the color, finish, and materials for all driveways beyond the apron shall be subject to the approval of the Architectural Control Committee to promote harmonious colors and enhance texture on paved surfaces visible from the street and common properties.

Except as modified by this First Amendment, the Declaration shall remain in full force and effect.

IN WITNESS WHEREOF, this First Amendment has been executed as of the date first above written.

**THE DOWNS OF HILLCREST RESIDENTIAL  
ASSOCIATION, INC.**

By:   
Its: President

ACKNOWLEDGMENT

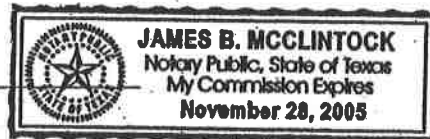
STATE OF TEXAS §  
  §  
COUNTY OF DALLAS §

BEFORE ME, the undersigned authority, a Notary Public in and for said county and state, on this day personally appeared Ronald M Gaswirth, President of The Downs of Hillcrest Residential Association, Inc., a Texas non-profit corporation, 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, in the capacity therein stated and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 10<sup>th</sup> day of September, 2003.

*James B. McClintock*

Notary Public in and for  
the State of Texas  
My Commission Expires:



**AFTER RECORDING RETURN TO:**  
Riddle & Williams, P.C.  
3811 Turtle Creek Boulevard, Suite 1050  
Dallas, Texas 75219

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CYNTHIA CALHOUN  
COUNTY CLERK  
DALLAS COUNTY

Any provision herein which restricts the sale, rental, or use of the described real property because of color or race is invalid and unenforceable under federal law.

STATE OF TEXAS

COUNTY OF DALLAS

I hereby certify this instrument was filed on the date and time stamped hereon by me and was duly recorded in the volume and page of the named records of Dallas County, Texas as stamped hereon by me.

OCT 6 2003



*Cynthia Calhoun*

COUNTY CLERK, Dallas County, Texas

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