

**FOURTH SUPPLEMENTARY DECLARATION
OF COVENANTS, CONDITIONS, AND RESTRICTIONS
FOR RUBY RANCH SUBDIVISION**

PREAMBLE

This Fourth Supplementary Declaration of Covenants, Conditions, and Restrictions is made on the 22nd day of July, 1999, by TWC Enterprises, Inc., a corporation duly formed and existing in the State of Texas, acting by and through the officer whose signature appears below (who has been duly authorized to execute this instrument on behalf of the corporation), (such corporation being referred to herein as the "Declarant").

RECITALS

1. Declarant is the owner of all that certain real property located in Hays County, Texas, described and shown on Exhibit "A" attached hereto and incorporated herein for all purposes.
2. The Declarant has devised general plans for all of the property described and shown on: (a) the subdivision plat for Ruby Ranch, Phase One, a subdivision in Hays County, Texas, as recorded in Volume 6, Pages 398 of the Plat Records of Hays County, Texas, reference being here made to such subdivision for all relevant purposes herein, and said subdivision being sometimes referred to herein as "Ruby Ranch, Phase One"; (b) the subdivision plat for Ruby Ranch, Phase Two, a subdivision in Hays County, Texas, as recorded in Volume 7, Page 22 of the Plat Records of Hays County, Texas, reference being here made to such subdivision for all relevant purposes herein, and said subdivision being sometimes referred to herein as "Ruby Ranch, Phase Two"; (c) the subdivision plat for Ruby Ranch, Phase Three, a subdivision in Hays County, Texas, as recorded in Volume 7, Page 331 of the Plat Records of Hays County, Texas, reference being here made to such subdivision for all relevant purposes herein, and said subdivision being sometimes referred to herein as Ruby Ranch, Phase Three"; (d) the subdivision plat for Ruby Ranch, Phase Four, a subdivision in Hays County, Texas, as recorded in Volume 8, Page 235 of the Plat Records of Hays County, Texas, reference being here made to such subdivision for all relevant purposes herein, and said subdivision being sometimes referred to herein as Ruby Ranch, Phase Four"; and, (e) the subdivision plat for Ruby Ranch, Phase Five, a subdivision in Hays County, Texas, as recorded in Volume 8, Page 241 of the Plat Records of Hays County, Texas, reference being here made to such subdivision for all relevant purposes herein, and said subdivision being sometimes referred to herein as Ruby Ranch, Phase Five". Such general plans provide a common scheme of development designed to protect and safeguard the property shown on the above-referenced subdivision plats over a long period; such plans being filed for record in Volume 1181, Page 57 of the Official Public Records of Hays County, Texas (entitled "Declaration Of Covenants, Conditions, And Restrictions

(Fourth Supplementary Declaration)
(Ruby Ranch Subdivision)

For Ruby Ranch Subdivision"), filed for record in Volume 1214, Page 247 of the Official Public Records of Hays County, Texas (entitled "Supplementary Declaration of Covenants, Conditions, and Restrictions for Ruby Ranch Subdivision"), Volume 1344, Page 410 of the Official Public Records of Hays County, Texas (entitled "Second Supplementary Declaration of Covenants, Conditions, and Restrictions for Ruby Ranch Subdivision") and Volume 1470, Page 141 of the Official Public Records of Hays County, Texas (entitled "Third Supplementary Declaration of Covenants, Conditions, and Restrictions for Ruby Ranch Subdivision"), and such general plans being herein referenced for all relevant purposes herein. Declarant now desires, pursuant to the terms of such general plans and subject to certain modifications set forth herein, to add the property described and shown on Exhibit "A" attached hereto (except for Lots 4 and 5, Block A, Ruby Ranch, Phase VI, which are excepted from these Declarations) to such general plans filed for record in Volume 1181, Page 57, Official Public Records, Hays County, Texas (sometimes referred to herein as the "General Plan"), so that the common scheme of development provided for in such General Plan is extended to the property described and shown on Exhibit "A" attached hereto (except for Lots 4 and 5, Block A, Ruby Ranch, Phase VI, which are excepted from these Declarations). The property described and shown on Exhibit "A" attached hereto is contiguous to the property shown on the subdivision plats for Ruby Ranch, Phases One, Two, Three, Four and Five; and the plat referenced on Exhibit "A", and incorporated herein by reference, contains a geographical description of such property.

3. The general plans, referred to above in Volume 1181, Page 57, Official Public Records, Hays County, Texas, (and as modified herein) will benefit the property described and shown on Exhibit "A" attached hereto, the parcels and lots that constitute such property, the Declarant, and each successive owner of an interest in such property.

4. The purpose of the general plans, referred above in Volume 1181, Page 57, Official Public Records, Hays County, Texas, in addition to those stated above, is to enhance and protect the value, attractiveness, and desirability of the property subject to such general plan and to prevent nuisances and to maintain the desired character of the property subject to such plan; and it is the desire of the Declarant to extend such benefits to the property shown and described on Exhibit "A" attached hereto (except for Lots 4 and 5, Block A, Ruby Ranch, Phase VI, which are excepted from these Declarations).

5. Therefore, in accordance with both the doctrines of restrictive covenant and implied equitable servitude, the Declarant desires to restrict the property shown and described on Exhibit "A" attached hereto (except for Lots 4 and 5, Block A, Ruby Ranch, Phase VI, which are excepted from these Declarations) according to such General Plan referred to above in Volume 1181, Page 57, Official Public Records, Hays County, Texas (and as modified herein) and in furtherance of such general development plan.

(Fourth Supplementary Declaration)
(Ruby Ranch Subdivision)

NOW THEREFORE, it is declared that all of the property shown and described on Exhibit "A" attached hereto (except for Lots 4 and 5, Block A, Ruby Ranch, Phase VI, which are excepted from these Declarations) shall be held, sold, and conveyed subject to the easements, restrictions, covenants, and conditions contained and referred to in the General Plan of development (subject to the modifications set forth below) recorded in Volume 1181, Page 57, Official Public Records, Hays County, Texas (as supplemented by those recorded in Volume 1214, Page 247, Official Public Records, Hays County, Texas, those recorded in Volume 1344, Page 410, Official Public Records, Hays County, Texas, and those recorded in Volume 1470, Page 141, Official Public Records, Hays County, Texas); and such General Plan (as modified herein) shall run with the property shown and described on Exhibit "A" attached hereto (except for Lots 4 and 5, Block A, Ruby Ranch, Phase VI, which are excepted from these Declarations).

ARTICLE I Definitions

The Declaration Of Covenants, Conditions, and Restrictions For Ruby Ranch Subdivision, recorded in Volume 1181, Page 57, Official Public Records of Hays County, Texas (the "General Plan") (as supplemented by those recorded in Volume 1214, Page 247, Official Public Records of Hays County, Texas, those recorded in Volume 1344, Page 410, Official Public Records, Hays County, Texas, and those recorded in Volume 1470, Page 141, Official Public Records, Hays County, Texas) (herein referred to as the "Declarations"), shall be modified and supplemented as follows:

1. The term "Property" as defined in such Declarations is hereby modified and supplemented to include and be extended to the property shown and described on Exhibit "A" attached hereto (except for Lots 4 and 5, Block A, Ruby Ranch, Phase VI, which are excepted from these Declarations).
2. The term "Subdivision" as defined in such General Plan is hereby modified and supplemented to include and be extended to the subdivided property shown and described on Exhibit "A" attached hereto (except for Lots 4 and 5, Block A, Ruby Ranch, Phase VI, which are excepted from these Declarations).
3. The term "Lot" as defined in such Declarations is hereby modified and supplemented to include and be extended to any of the plots of land, except the "common area" as defined herein (and except for Lots 4 and 5, Block A, Ruby Ranch, Phase VI), shown and described on the plan and subdivision map recorded in Volume 8, Page ~~384~~, Plat Records of Hays County, Texas (being designated on such map and being sometimes referred to herein as "Ruby Ranch, Phase VI), on which there is or will be built a single family dwelling.

(Fourth Supplementary Declaration)
(Ruby Ranch Subdivision)

4. The term "Owner" as defined in such Declarations is hereby modified and supplemented to include and be extended to the record owner or owners of the fee simple title to any Lot or portion of a Lot (except for Lots 4 and 5, Block A, Ruby Ranch, Phase VI, which are excepted from these Declarations) in the property shown and described on Exhibit "A" attached hereto (as subdivided by the subdivision map referred to in Item #3 above as Ruby Ranch, Phase VI) on which there is or will be built a detached single family dwelling.

5. The term "Common Area" as defined in such General Plan is hereby modified and supplemented to include and be extended to the roads/streets shown and described within the boundaries of the subdivision shown and described on the plat recorded in Volume 8, Page 384, Plat Records of Hays County, Texas (Ruby Ranch, Phase VI) and the 3.438 acre "Park" shown and described on the plat recorded in Volume 8, Page 384, Plat Records of Hays County, Texas (Ruby Ranch, Phase VI) as Lot 8, Block A, Ruby Ranch, Phase VI.

ARTICLE II

Property Subject to Second Supplementary Declaration

Property Subject to Fourth Supplementary Declaration. The real property covered by this Fourth Supplementary Declaration is described in Exhibit "A" attached hereto (except for Lots 4 and 5, Block A, Ruby Ranch, Phase VI, which are excepted from these Declarations) and incorporated by reference (said property comprising Ruby Ranch, Phase VI). All of the properties (except for Lots 4 and 5, Block A, Ruby Ranch, Phase VI, which are excepted from these Declarations) and any right, title or interest therein shall be owned, held, leased, sold and/or conveyed by Declarant, and any subsequent owner of all or any part thereof, subject to this Fourth Supplementary Declaration [and the Declarations recorded in Volume 1181, Page 57, Official Public Records, Hays County, Texas, referred to herein and which have been incorporated herein by reference (except as modified herein)].

ARTICLE III

Covenants Running With the Land

Covenants Running With the Land. The easements, restrictions, covenants, and conditions contained in the Declarations, as supplemented and modified by this Fourth Supplementary Declaration, are for the purpose of protecting the value and desirability of the real property described herein (in addition to the real property described in such Declarations). Consequently, they shall run with the real property described herein (except for Lots 4 and 5, Block A, Ruby Ranch, Phase VI, which are excepted from these Declarations) and shall be binding on all parties having any right, title, or interest in such property (in whole or in part) (except for Lots 4 and 5, Block A, Ruby Ranch, Phase VI, which are excepted from these Declarations), and their heirs, successors, and assigns. Such easements, covenants, conditions, and restrictions shall be for the benefit of the real property

(Fourth Supplementary Declaration)
(Ruby Ranch Subdivision)

described herein (except for Lots 4 and 5, Block A, Ruby Ranch, Phase VI, which are excepted from these Declarations), each Lot, and each Lot Owner.

ARTICLE IV

Park

Article V of the Declarations filed at Volume 1181, Page 57 of the Official Public Records of Hays County, Texas, is amended to add provision 5.04 which will read as follows:

Notwithstanding anything to the contrary (and subject to the rights of Declarant set forth hereinbelow), Lot 8, Block A, Ruby Ranch, Phase VI, shown on the plat for Phase VI filed in Volume 8, Page 384, Plat Records, Hays County, Texas, shall be a park for use by all owners of lots in the subdivision (the "Park"). Declarant (and its successors and assigns) reserves and retains: (a) a right of ingress and egress over and across said Park for the purpose of access to and from Ruby Ranch Road (shown on the plat for Ruby Ranch, Phase VI) and Lots 4 and 5, Block A, Ruby Ranch, Phase VI; and (2) the right to use such Park, subject to any rules and regulations that may be applicable to the use of such Park by owners of lots in the subdivision;. Subject to Declarant's right of ingress and egress as set forth hereinabove, the Ruby Ranch Homeowner's Association shall have the right to establish rules and regulations governing the use of such Park, including without limitation, provisions for enforcement of such rules and regulations.

ARTICLE V

Modifications

Modifications of Declarations applicable to Property. The following modifications of the Declarations shall be applicable to, and only applicable to, the real property described in Exhibit "A" attached hereto (except for Lots 4 and 5, Block A, Ruby Ranch, Phase VI, which are excepted from these Declarations):

1. Article VIII, provisions 8.02 and 8.03, of the Declarations filed at Volume 1181, Page 57 of the Official Public Records of Hays County, Texas, are amended to add the following:

All residences constructed on the lots in Ruby Ranch, Phase VI, must have an enclosed side or rear entry garage (which may be attached or detached) providing for the parking and storage of at least two (2) automobiles; and none of such lots in Ruby Ranch, Phase VI, will be permitted to have carports.

2. Article VIII, provision 8.04, of the Declarations filed at Volume 1181, Page 57 of the Official Public Records of Hays County, Texas, is amended to add the following:

(Fourth Supplementary Declaration)
(Ruby Ranch Subdivision)

The building setback requirement for all lots in Ruby Ranch, Phase VI, are as follows: no building or other structure will be built any closer than 40' from the front property line or any side property line facing any road/street, nor closer than 20' from side (not facing a road/street) or rear property line.

3. Article VIII, provision 8.13, of the Declarations filed at Volume 1181, Page 57 of the Official Public Records of Hays County, Texas, is amended to add the following:

None of the lots in Ruby Ranch, Phase VI (except for Lots 4 and 5, Ruby Ranch, Phase VI), shall be permitted to have an individual water supply system unless the centralized water supply system as mentioned hereinbelow ceases to exist and/or is not replaced by another centralized water supply system. The lots in Ruby Ranch, Phase VI (except for Lots 4 and 5, Block A, Ruby Ranch, Phase VI), shall be serviced by the centralized water system currently located adjacent to Ruby Ranch, Phase III. A water supply corporation has been created under the name "Ruby Ranch Water Supply Corporation" (referred to herein as "RRWSC"). The Declarant and RRWSC have entered into an agreement under which RRWSC will acquire such water system at some point in the future (such agreement being entitled "Agreement For Conveyance and Transfer Of Water System", dated September 15, 1997, and filed of record in the Official Public Records of Hays County, Texas, and reference being here made to such agreement for all relevant purposes herein); and until the consummation of the transaction contemplated under such agreement, the Declarant, among other things, will operate such water system and will be entitled to collect and retain the fees and charges lawfully permitted to be assessed for such water service. Each and every owner of a lot in Ruby Ranch, Phase VI (except for Lots 4 and 5, Block A, Ruby Ranch, Phase VI), shall automatically become, and must remain, a member of RRWSC during such owner's period of ownership of such lot; and membership will appurtenant to and may not be separated from ownership of a lot. The membership of a person or entity in RRWSC shall terminate automatically whenever such person or entity ceases to be an owner, except that such termination shall not release or relieve any such person or entity from any liability or obligation incurred under or in any way connected with RRWSC during the period of ownership, nor impair any rights or remedies which RRWSC or any other owner has with regard to such former owner. By accepting ownership of a lot in Ruby Ranch, Phase VI (which shall be evidenced by the recording of a deed to such lot), each owner (except for Lots 4 and 5, Block A, Ruby Ranch, Phase VI) shall be deemed to ratify, confirm and accept the Agreement between Declarant and RRWSC as referenced above (and all of the terms, conditions and provisions contained therein) for the period covered by such Agreement. Notwithstanding anything to the contrary, Lots 4 and 5, Block A, Ruby Ranch, Phase VI, may utilize the centralized water system referenced hereinabove subject to the rates and tariffs established for such system and subject to the "Agreement For Conveyance and Transfer Of Water System" referenced hereinabove; provided, however, such lots may continue to also utilize the private water well or wells currently located on such lots or to be located on such lots.

(Fourth Supplementary Declaration)
(Ruby Ranch Subdivision)

4. Article VIII, provision 8.15, of the Declarations filed at Volume 1181, Page 57 of the Official Public Records of Hays County, Texas, is amended to add the following:

Only household pets shall be allowed on any of the lots in Ruby Ranch, Phase VI. Provided, however, and notwithstanding the foregoing prohibition, on Lots 1, 2, 3, 4, 5 and 6, Block D, and Lots 1, 2, 3, 4, 5, 6, 7, and 8, Block E, Ruby Ranch, Phase VI, animals shall be allowed as provided in Article VIII, provision 8.15 of the Declaration filed at Volume 1181, Page 57, Official Public Records of Hays County, Texas.

The above modifications will apply to, and only to, the affected lots in Ruby Ranch, Phase VI, as set forth above in this Article V, notwithstanding anything to the contrary contained in those Declarations filed for record at Volume 1181, Page 57, Official Public Records of Hays County, Texas (as supplemented by those certain instrument filed for record at Volume 1214, Page 247, Official Public Records of Hays County, Texas, Volume 1344, Page 410, Official Public Records, Hays County, Texas, and Volume 1470, Page 141, Official Public Records, Hays County, Texas).

ARTICLE VI
Miscellaneous

1. It is currently the intent of Declarant to use Lots 4 and 5, Ruby Ranch, Phase VI, for commercial purposes. Notwithstanding anything contained herein to the contrary or in any Declarations referenced herein, Declarant may add either or both Lot 4 and/or Lot 5, Block A, Ruby Ranch, Phase VI, to these Declarations by filing a supplementary declaration as provided for in Article II of the Declaration of Covenants filed at Volume 1181, Page 57, Official Public Records, Hays County, Texas; and in such event, any improvements currently located on such lots shall be permitted as an exception to the masonry requirements contained in provision 8.03 of the Declaration of Covenants filed at Volume 1181, Page 57, Official Public Records, Hays County, Texas.

2. It is the express intent of the Declarant that this document supplement the Declarations referred to herein. Notwithstanding anything contained herein to the contrary, this instrument is expressly declared to be a supplement of such Declarations and not a replacement of such Declarations.

(Fourth Supplementary Declaration)
(Ruby Ranch Subdivision)

This Fourth Declaration is executed this the 22nd day of July, 1999.

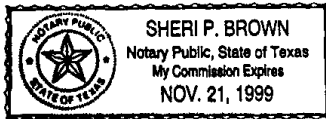
TWC Enterprises, Inc., a Texas corporation

By: Terri Lee Wimmer Vice-President
Terri Lee Wimmer

Acknowledgment

State of Texas
County of Hays

This instrument was acknowledged before me on the 22 day of July, 1999, by Terri Lee Wimmer, Vice-President of TWC Enterprises, Inc., a Texas corporation, on behalf of such corporation.



Sheri P. Brown
Notary Public, State of Texas
Notary's Stamp with Printed Name
and Commission Expiration Date:

AFTER RECORDING, RETURN TO:

TWC Enterprises, Inc.
1900 FM 967
Buda, Texas 78610

(Fourth Supplementary Declaration)
(Ruby Ranch Subdivision)

EXHIBIT "A"

(Attached to Fourth Supplementary Declaration of Covenants, Conditions,
and Restrictions For Ruby Ranch Subdivision dated July 22, 1999)

All of the property and lots (except for Lots 4 and 5, Block A, Ruby Ranch, Phase VI) shown on and described on that certain map or plat filed of record for Ruby Ranch, Phase VI, in Volume 8, Page 384 of the Plat Records of Hays County, Texas, said map or plat referred to and incorporated herein for all relevant and pertinent purposes; and being the same property as described in Deed from James C. Ruby, Jr., Trustee and the Jim & Jessie Ruby Family Partnership, Ltd. to TWC Enterprises, Inc. filed of record in Document Number 9915205 (11 pages), Official Public Records, Hays County, Texas, said Deed referred to and incorporated herein for all relevant and pertinent purposes.

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Lee Carlisle

7-22-99 10:37 AM 9917185
KLEEN \$25.00
LEE CARLISLE, County Clerk
HAYS COUNTY
