

**AMENDMENT TO DECLARATION OF MARBLE FALLS ECONOMIC DEVELOPMENT CORPORATION
(FORMERLY MARBLE FALLS INDUSTRIAL DEVELOPMENT CORPORATION)**

RESTRICTIONS AND COVENANTS

The Marble Falls Economic Development Corporation (“EDC”) (formerly known as the Marble Falls Industrial Development Corporation), Trinity Door and Window, Inc., and TIGMFG, Ltd. d/b/a/ PEC Manufacturing, hereinafter called Declarants, the owners of all that certain real property located in Burnet County, Texas, described as follows, to wit:

All of the lots in the subdivision known as the Marble Falls Economic Development Corporation, a subdivision in Burnet County, Texas, according to the map or plat thereof in Volume 809, Page 261 of the Burnet County Plat Records; (hereinafter referred to as the “Property”) and

WHEREAS, the Declarants will own and convey the above-described property, subject to certain protective covenants, conditions and restrictions as hereinafter set forth.

NOW, THEREFORE, it is hereby declared that all of the Property described above shall be held, sold and conveyed subject to the following easements, restrictions, covenants and conditions, which are for the purpose of protecting the value and desirability of, and which shall run with, the Property and shall be binding on all parties having any right, title, or interest in or to the Property or any part thereof, and their heirs, successors and assigns, and which easements, restrictions, covenants and conditions shall inure to the benefit of each owner thereof.

SECTION 1: USE

The Property shall be used only for such uses as shall be authorized by the Texas Development Corporation Act, Article 5190.6, Vernon’s Texas Civil Statutes, as amended, and by any applicable zoning ordinance of the City of Marble Falls; provided, however, that the lots used for a water tank or water booster station, used to provide access, or uses that are necessary to support authorized uses are also authorized uses.

This Declaration amends and replaces the Declaration of Marble Falls Industrial Development Corporation Restrictions and Covenants filed and recorded in Volume 1263, Pages 0091-0098 of the Burnet County Deed Records.

SECTION 2: PROHIBITED USES

The Property shall not be used for any purpose in violation of the laws of the United States, the State of Texas, Burnet County, Texas or the City of Marble Falls, Texas.

SECTION 3: ARCHITECTURAL CONTROL COMMITTEE

The Architectural Control Committee shall be the Board of Directors of the EDC until such time as 75% of the lots in the subdivision have been sold. At that time, primary responsibility for the enforcement of these restrictions shall pass to the property owners or an association created by the property owners. At that time, the Architectural Control Committee shall be composed of a minimum of three (3) persons as determined by the property owners association. Each lot owner in the Economic Development Park (the "Park") shall be entitled to one vote on the election of members to the Architectural Control Committee.

Architectural plans and specifications covering buildings, structures, loading docks, parking facilities and landscaping for initial work and for any exterior alteration, modifications and additional construction including exterior signs must be submitted to the Architectural Control Committee and receive written approval therefor prior to commencement of work.

A quorum of the Architectural Control Committee (the "Committee") shall be a simple majority of the total number of members. The Committee shall approve, reject, or request additional information of plans and specifications within 30 days of submission of those plans. In the event the Committee fails to approve, reject, or request additional information of such plans in writing, within that time period, approval by the Committee shall not be required and full compliance with this section shall be deemed to have been met.

Rejection of plans and specifications or a request for additional information regarding plans and specifications by the Architectural Control Committee must be in written form and state the basis of the rejection or request.}

SECTION 4: DEVELOPMENT STANDARDS

The Property shall be developed in strict compliance with the City of Marble Falls Land Use regulations as they may be amended from time to time and the covenants and restrictions described herein. In the event of a conflict between these covenants and restrictions and the City of Marble Falls Land Use Regulations, the more stringent provision shall govern.

SECTION 5: CONSTRUCTION STANDARDS

All construction shall conform to the plans and specifications as approved by the Committee and the building codes and other applicable ordinances of the City of Marble Falls in effect at the time of such construction.

All elevations of any improvement shall be composed of high quality brick, stone, masonry, concrete (including pre-cast concrete or tilt slab construction) or custom architectural metal panel systems or a

combination of these materials. Buildings with metal panels shall have factory applied paint (Kynar 500 or equal) or special coatings. Metal roof and wall panels shall be not less than 24 gauge material. No other materials, including corrugated steel or aluminum, asbestos, or other untreated metal may be used on the exterior of any improvements without prior written approval from the Architectural Control Committee.

On metal clad buildings, architectural panels with concealed fasteners shall be used to reduce the visual prominence of fasteners. Wall colors shall be used that are compatible with other buildings in the development. Exterior and interior walls shall be protected from aggressive manufacturing, vehicular corrosion, and other abusive conditions by the use of bollards, wainscoting, or landscaping. Unless they are used as a legitimate architectural detail, downspouts should match the wall color or be concealed within walls. Roof colors shall be coordinated with those on surrounding facades. Roof panels without color or which are painted white should be avoided. Calvalume, Zinalume, Al-Zn or white painted panels may be used if these light colored surfaces do not have an objectionable effect when viewed from public streets surrounding areas or if the roof is screened from view by the use of parapet walls.

The architectural design of new buildings and major exterior additions should relate to neighboring buildings. While specific design need not be duplicated, the general size, bulk materials and color should have a complimentary design relationship to other buildings in the vicinity. The size of windows and doors should be related to the scale of the wall in which they appear. Monotonous repetition should be avoided where possible in the location, size and shape of windows and small doors. Utility doors, fire doors, loading docks, and other potentially unsightly elements should be designed to blend with the building's architecture.

All exterior walls of any building erected upon any lot in the Marble Falls Economic Development Park shall be masonry construction from finished grade to four (4) feet above finished grade excluding doors, windows and entryways. In addition, the exterior must have masonry in the following percentage:

80% on the front of the structure facing a street and any other wall of the structure facing a street.

Masonry construction material is defined to include only brick, stone, stucco or hardy board/concrete plank siding. However, the Architectural Control Committee may approve the use of cement aggregate or tilt wall material or other similar material. Masonry shall specifically exclude exposed cinder block.

All exposed wood shall be limited to the main entry doors, door frames, door trim, window mullions, and decorative roof soffits. Wood siding and wood shingles shall not be installed as veneering material or roofing. No wood shall be exposed on buildings unless it is treated for exterior use, and protected from direct sun and rain by an overhang. All exterior wood on buildings shall be painted, stained or sealed or clear finished and then only with the expressed, written approval of the Committee.

The Architectural Control Committee must approve all plans and specifications in accordance with Section 4 herein including any requests to use masonry materials in the construction of exterior walls other than those listed herein in Section 5. In the event that a conflict occurs between the plans and specifications approved by the Committee and the City of Marble Falls building code requirements or

other ordinances, the more stringent provision shall apply; provided, however, that Committee approved plans and specifications shall never be construed as authorizing a violation of a City ordinance. In the event that Committee plans and specifications are approved that do not comply with City of Marble Falls Ordinances, such approval shall be deemed as conditional approval and subject to approval of a waiver or variance from the City of Marble Falls. If a waiver or variance is not received from the City, the plans and specifications must be resubmitted to the Committee for review and approval.

Construction must begin within 12 months of approval by the Architectural Control Committee. If construction does not commence within the 12 months, approval of the plans and specifications shall expire and must be resubmitted for approval.

{Screening: Any allowed outside storage shall be screened from all sides fronting on a street. All loading areas requiring screening shall be screened on all sides fronting on a street. Screening shall at a minimum consist of a solid opaque man-made face fence or wall of a minimum of 6 feet and a maximum of 8 feet in height and shall be architecturally consistent with the adjoining structure. Gates, if provided to drives, need not be solid or opaque. The type and location of screening shall be shown on the site plan, and such screening shall be located no closer than 30' to the street right-of-way line.

Trash Receptacle Screens: An enclosure shall be provided for the refuse and trash of each building, group of buildings or separate business enterprise to be accommodated on the site. This enclosure shall screen from any public view all storage, handling, processing, moving, and disposal of trash and other waste products. The enclosure shall be of masonry, plaster, metal, or other materials compatible with the materials used on the exterior of the building(s).}

SECTION 6: OTHER USE RESTRICTIONS

Minimum Building Size: Any main building shall have a 3,000 square foot minimum.

Glare: Any operation or activity producing intense glare shall be performed in such a manner as not to create a nuisance or hazard across lot lines. Direct illumination from any source of light or direct welding glare shall be screened from adjoining properties and reflected light from these sources shall not exceed 0.5 foot candles across the source's lot lines.

Smoke and Particulate Matter: Smoke emitted from any vent, stack, chimney, skylight, window, building opening, or combustion process shall comply with State law and the Rules and Regulations of the Texas Commission on Environmental Quality or its successor agencies.

Hazardous Substances: In no case shall a hazardous substance be released. In the event of release of a hazardous substance, the Committee shall be notified immediately and the property owner shall take whatever measures necessary to prevent the hazardous substance from escaping from the property. Clean up costs resulting from a hazardous substance release shall be the responsibility of the lot owner.

Fire and Explosive Hazards: Activities involving the storage and utilization of materials or products which decompose by detonation are permitted only when specifically approved by the fire department providing service to the area. Such materials shall include but are not limited to all primary explosives such as lead azide, lead styphante, fulminates and cetracene; all high explosives usch as TNT, HMX, PETN and picric acid; propellants and components thereof such as nitrocellulose, black powder, boron hydrides, hydrazine and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate, and potassium nitrate; blasting explosives such as dynamite and nitroglycerin; unstable organic compounds such as acetylides, and ozonides; strong oxidizing agents such as perchloric acid, perchlorates, chlorates, and hydrogen peroxide in concentrations greater than thirty-five percent (35%); and nuclear fuels, fissionable materials and products, and reactor elements such as Uranium 235 and Plutonium 239.

Explosives shall be stored, utilized and manufactured in accordance with applicable local, state and federal codes. All applications for uses involving fire and involving fire and explosive hazards may be referred to the office of the fire department providing service to the area for approval. Such approval shall indicate compliance with all applicable fire codes and policies of all local governmental entities with jurisdiction. A copy of such approval shall be filed with the Architectural Control Committee at the time site plan approval is requested.

Liquid or Solid Wastes: No discharge shall be made into a public sanitary sewer, storm sewer, any private sewage disposal system, stream, pond, or into the ground unless in strict compliance with the standards of federal, state, and local laws.

Excavations and Storage or Burning of Rubbish: No excavations shall be made and no rock, sand, gravel or soil shall be removed from the Property except in connection with Plans approved by the Architectural Control Committee. No storage or burning of rubbish or trash shall be permitted at any time.

Subdivision of Parcels: No parcel of record within the Park may be further subdivided for sale, transfer or use without prior written permission of the Architectural Control Committee. Such permission will not be a guarantee that other owners of record of any portion of the property will agree to or permit the subdivision under the provisions of State Law regarding County and Municipal subdivision regulations.

SECTION 7: TEMPORARY BUILDINGS

No structure of a temporary character, trailer, mobile home, motor home, tent, shack, garage, barn or other outbuilding shall be used on the Property at any time. However, such temporary structures may be used in connection with and during the construction of improvements or in conjunction with a business modifying such structure but at no time shall such structure remain on site after the improvements are completed.

SECTION 8: MODIFICATIONS TO RESTRICTIONS

These restrictions may be modified upon the approval of the owners of 75% of the lots.

SECTION 9: ENFORCEMENT

The Declarants or any owner shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, reservations, liens and charges now or hereafter imposed by the provisions of this Declaration. Failure by the Declarants or by an owner to enforce any covenant or restrictions herein contained shall in no event be deemed a waiver of the right to do so thereafter. Until 75% of the lots have been sold, the Declarant EDC shall have primary responsibility for enforcement of deed restrictions, and during such time shall have the sole right to seek any civil penalties for violation of these restrictions.

Any violation of these deed restrictions is hereby declared to be a nuisance and may be enjoined or abated, by the Declarant or any lot owner.

SECTION 10: INVALIDATION

Invalidation of any of these covenants or restrictions by judgment or court order shall not affect any other provisions, which shall remain in full force and effect.

SECTION 11: OTHER VIOLATIONS

A violation of any Federal, State or Local law, ordinance or regulation pertaining to the ownership, occupation or use of any lot within the Park is a violation of these Restrictions.

SECTION 12: MAINTENANCE

The owner, occupant, user or lessee of a lot shall jointly and severally have the duty and responsibility, at their sole cost and expense, of keeping each lot in a well-maintained, safe, clean and attractive condition at all times.

SECTION 13: MUTUALITY, RECIPROCITY: RUNS WITH THE LAND

These restrictions and covenants as recorded and as amended from time to time, and recorded in the Real Property Records of Burnet County, Texas, are made for the mutual and reciprocal benefit of each and every parcel of land in the Park. The latest recorded version of these restrictions and covenants shall

apply to all property owners, lessees, and occupants, shall create mutual and equitable servitude upon each parcel of land in the Park in favor of every other parcel of land in the Park; and shall create reciprocal rights and obligations between the respective landowners as well as privity of contract and estate between all landowners and occupants of real property in the Park, their heirs, executors, administrators, successors and assigns; of all other parcels of land in the Park, and the owners and occupants thereof. Any person, firm or corporation upon acceptance of title to any land within the Park, does thereby agree and covenant to abide by and fully perform these restrictions and covenants.