

**FIRST AMENDMENT TO  
DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS  
for  
THE BAR BC RANCH**

Upon recording, please return to:

**Hawks & Associates, L.C.  
P.O. Box 4430  
199 East Pearl Ave., Suite 102  
Jackson, WY 83001**

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SCANNED	

Grantor: HILLWOOD BAR BC LLC  
Grantee: THE PUBLIC  
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Sherry L Daigle, Teton County Clerk fees: 35.00  
By ANN SCHROEDER Deputy

# First Amendment to Declaration of Covenants, Conditions and Restrictions

for

## The Bar BC Ranch

### ARTICLE ONE

This FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS ("First Amendment") is made this tenth day of March, 2006, by HILLWOOD BAR BC, LLC, a Wyoming Limited Liability Company (hereinafter referred to as the "Founder").

**1.1 Purpose and Intent.** The Founder, as the owner of the real property described on **Exhibit "A"** and pursuant to the provisions of Section 13.1 of the Declaration intends by the recording of this First Amendment to amend the Declaration of Covenants, Conditions and Restrictions for The Bar BC Ranch recorded in the Office of the Teton County Clerk on the 8<sup>th</sup> day of October, 2004 in Book 566 of Photo at Pages 1073 to 1188 (the "Declaration"). The Declaration shall remain in full force and effect following the recording of the First Amendment except as amended herein.

**1.2 Binding Effect.** All property described on **Exhibit "A"** and any additional property which is made a part of the Bar BC Ranch Homeowners Association in the future by filing one or more additional First Amendments in the Public Records, shall be owned, conveyed and used subject to all of the provisions of this First Amendment, which shall run with the title to such property. This First Amendment shall be binding upon all Persons having any right, title, or interest in any portion of the Properties, their heirs, successors, successors-in-title, and assigns. The property described on **Exhibit "A"** is made subject to the First Amendment only for purposes of the exercise of the powers set forth herein as against those properties. To the extent the properties described on **Exhibit "A"** are not already subject to the Declaration, the recording of the First Amendment shall not further subject those properties to the provisions of the Declaration except as specifically provided for herein.

This First Amendment shall be enforceable in perpetuity by the Founder, the Bar BC Ranch Homeowners Association, any Owner, and their respective legal representatives, heirs, successors, and assigns.

### PART TWO

#### ARTICLE II - DEFINITIONS

Capitalized terms used herein which are not defined below shall have the same meanings as set forth in the Declaration and the Governing Documents.

## ARTICLE XI – EASEMENTS

In developing the Properties, the Founder, as part of the orderly development of the Properties, attempted to negotiate recreational access to Hansen Peak, which is adjacent to and not located within the Properties. As part of the contemplated recreational access to Hansen Peak, the Founder established a recreational easement set forth in Section 11.8 of the Declaration, which recreational easement burdens Ranches 6, 7, 8, 9, 10 and 11 and which recreational easement is legally described on **Exhibit G** to the Declaration. Following reasonable efforts, the Founder was not able to secure access to Hansen Peak and now, as part of the orderly development of the Properties and as provided for in Section 13.1 of the Declaration, desires to abandon the recreational easement described on **Exhibit G** to the Declaration, Founder having concluded that said recreational easement serves no material benefit to the Properties and does not further the orderly development of the Properties. Accordingly, Section 11.8 of the Declaration is hereby amended to read as follows:

**“11.8 Recreational Easements.** Ranches 1, 2, 3, 4, and 5 are hereby burdened by a recreational easement located as described on **Exhibit F**, attached hereto and incorporated herein by this reference, benefiting the Association and the Owners of the Ranches for purposes of recreational uses, including, but not limited to, walking, fishing, equestrian activities, cross-country skiing, and other non-motorized pedestrian pursuits. Bicycles shall be permitted on this easement. Motorized vehicles may be used within the easement for the sole purpose of maintaining the easement area. Motorized vehicles of any kind are otherwise prohibited in the easement area.

The location of the recreational easements provided in this Section may be changed by amendment of this Declaration. Notwithstanding the foregoing, before presenting a change of recreational easement location to a vote of the Association, the Board shall obtain the written consent of the Owner of any Ranch burdened by such recreational easement if the location of the recreational easement will change within the boundary of that Owner’s Ranch.”

*[Remainder of page intentionally left blank.  
Signature page follows.]*

IN WITNESS WHEREOF, the undersigned Founder has executed this First Amendment the date and year first written above.

HILLWOOD BAR BC, LLC,  
a Wyoming limited liability company

By: HGI GP, LLC,  
a Texas limited liability company,  
its managing member

By: HGI Group, L.P.,  
a Texas limited partnership,  
its sole member

By: Hillwood Associates, L.P.,  
a Texas limited partnership,  
its general partner

By: Hillwood Development Company, LLC,  
a Texas limited liability company,  
its general partner

By: *Gary L. Schmitz*  
Name: Gary L. Schmitz  
Title: Vice President, Residential Division

STATE OF TEXAS            )  
  ) ss.  
COUNTY OF DALLAS    )

On the 9 day of March, 2006, before me, *Melissa Wine*,  
Notary Public, personally appeared Gary L. Schmitz personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he or she executed the same in his or her authorized capacity, and that by his or her signature on the instrument, the person or entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

*Melissa Wine*  
Notary Public  
My commission expires:



**LAND DESCRIPTION**  
**BAR BC – THE RANCHES – CC&R PARCEL**

A parcel of land situated in Sections 4, 5, 6, 8 and 9 of Township 41 North, Range 116 West and Section 33, of Township 42 North, Range 116 West, 6th P.M., Teton County, Wyoming, comprised of the two parcels being more particularly described as follows;

**Parcel No. 1**

COMMENCING at the North 1/16 Corner common to said Sections 8 and 9, being the **True Point of Beginning** for this description;

THENCE, South 0°26'44" East (with the basis of bearing being North 1°47'32" West along the East line of the Southeast 1/4 of said Section 8,) along the East line of the South 1/2 of the Northeast 1/4 of said Section 8, a distance of 1315.15 feet to the 1/4 Corner common to said Sections 8 and 9;

THENCE, South 1°47'32" East, along the East line of the North 1/2 of the Southeast 1/4 of said Section 8, a distance of 1334.69 feet to the South 1/16 Corner common to said Sections 8 and 9;

THENCE, North 86°07'58" West, along the South line of the Northeast 1/4 of the Southeast 1/4 of said Section 8, a distance of 1303.00 feet to the Southeast 1/16 Corner of said Section 8,

THENCE, South 1°14'39" East, along the East line of the Southwest 1/4 of the Southeast 1/4 of said Section 8, a distance of 1298.80 feet to the East 1/16 Corner common to said Section 8 and Section 17, Township 41 North, Range 116 West;

THENCE, North 84°37'57" West, along the South line of said Section 8, a distance of 1319.54 feet to the 1/4 Corner common to said Sections 8 and 17;

THENCE, North 0°39'38" West along the North-South centerline of said Section 8, a distance of 5162.34 feet to the 1/4 Corner common to said Sections 8 and 5;

THENCE, North 1°20'26" West along the East line of the South 1/2 of the Southeast 1/4 of said Section 5, a distance of 671.36 feet to the Center-South-South 1/64 Corner of said Section 5,

THENCE, North 87°40'05" West along the South line of the North 1/2 of the South 1/2 of the Southwest 1/4 of said Section 5, a distance of 2559.74 feet to the South-South 1/64 Corner common to said Sections 5 and 6;

THENCE, South 0°49'37" West along the West line of said Section 5, a distance of 478 feet to the northeast corner of a parcel described in Book 10 of Deeds, Page 135, Records of Teton County, State of Wyoming, as the South 660 feet of Government Lot 11 in said Section 6;

THENCE, North 89°55'14" West, along the North line of said Parcel, a distance of 813.65 feet to **Point A**, being the intersection of said line with the Meander Line run on the Left Bank of the Snake River by the United States Department of the Interior, Bureau of Land Management as accepted in 1987;

THENCE, North 44°32'51" East, along said Meander Line, a distance of 211.14 feet to Angle Point 5 of said Section 6;

THENCE, North 46°31'51" East, along said Meander Line, a distance of 166.32 feet to Angle Point 6 of said Section 6;

THENCE, North 58°26'51" East, along said Meander Line, a distance of 491.70 feet to Angle Point 7 of said Section 6;

THENCE, North 39°45'51" East, along said Meander Line, a distance of 212.52 feet to the Meander Corner of said Sections 5 and 6;

THENCE, North 43°11'59" East, along said Meander Line, a distance of 194.46 feet to Angle Point 1 of said Section 5;

THENCE, North 44°47'10" East, along said Meander Line, a distance of 713.46 feet to Angle Point 2 of said Section 5;

THENCE, North 56°00'10" East, along said Meander Line, a distance of 560.34 feet to Angle Point 3 of said Section 5;

THENCE, North 74°40'10" East, along said Meander Line, a distance of 382.80 feet to Angle Point 4 of said Section 5;

THENCE, North 11°12'12" East, along said Meander Line, a distance of 488.76 feet to **Point B**, said point being the point of intersection with the South line of "Bugling Elk Trail Tracts" as shown on Map of Survey, Map T-436B, Teton County Clerk;

THENCE, North 76°39'02" East, along said South Line, a distance of 366.52 feet to a point,

THENCE, South 89°01'29" East, along said South Line, a distance of 540.94 feet to the Northwest Corner of Two Rivers Tracts, Deeds recorded in Book 424 of Deeds, Pages 1087-1100, records of Teton County, State of Wyoming;

THENCE, South 0°05'07" East, along the West boundary of said Two Rivers Tracts, a distance of 669.05 feet to a point,

THENCE, North 81°39'20" East, along the South boundary of said Two Rivers Tracts, a distance of 1196.19 feet to a point;

THENCE, South 89°29'20" East, along the South boundary of said Two Rivers Tracts, a distance of 187.81 feet to a point;

THENCE, South 59°31'50" East, a distance of 531.34 feet to a point,

THENCE, South 64°20'48" East, a distance of 369.41 feet to a point;

THENCE, North 41°13'34" East, a distance of 280.00 feet to a point;  
THENCE, North 70°10'59" East, a distance of 219.83 feet to a point;  
THENCE, South 78°02'18" East, a distance of 350.00 feet to a point;  
THENCE, South 48°50'57" East, a distance of 226.16 feet to a point;  
THENCE, South 7°29'46" West, a distance of 352.79 feet to a point;  
THENCE, South 00°49'25" West, a distance of 352.75 feet to a point;  
THENCE, South 29°42'16" East, a distance of 388.78 feet to a point;  
THENCE, South 47°51'34" East, a distance of 427.19 feet to a point;  
THENCE, South 34°56'14" East, a distance of 231.07 feet to a point;  
THENCE, South 7°45'57" West, a distance of 423.44 feet to a point;  
THENCE, South 27°31'28" West, a distance of 369.29 feet to a point;  
THENCE, South 38°52'00" West, a distance of 442.17 feet to a point;  
THENCE, South 6°30'18" West, a distance of 500.00 feet to a point;  
THENCE, South 6°16'16" East, a distance of 535.94 feet to a point on the South line of the North 1/2 of the Northwest 1/4 of said Section 9;  
thence South 89°55'29" West, along the South line of the North 1/2 of the Northwest 1/4 of said Section 9, a distance of 460.00 feet to the **True Point of Beginning** for this description,

**INCLUDING the following adjoining riparian area to the above parcel:**

**Snake River Riparian Parcel:**

Commencing at said **Point A** along the meander line of the left bank of the Snake River and the **True Point of Beginning** for this description;

THENCE along an unfixed riparian boundary line normal to the thalweg of the current main channel of the Snake River, North 14°41' West, a distance of 900.4 feet, more or less, to the thalweg of the Snake River;

THENCE, along the thalweg of the Snake River through the following courses:

THENCE, North 74°57" East, a distance of 196.7 feet, more or less, to a point;

THENCE, North 61°32' East, a distance of 486.3 feet, more or less, to a point;

THENCE, North 64°06' East, a distance of 482.1 feet, more or less, to a point;

THENCE, North 57°59' East, a distance of 609.2 feet, more or less, to a point;

THENCE, North 71°27' East, a distance of 252.6 feet, more or less, to a point;

THENCE, North 46°14' East, a distance of 513.6 feet, more or less, to a point;

THENCE, North 56°07' East, a distance of 198.6 feet, more or less, to a point;

THENCE, South 88°43' East, a distance of 273.7 feet, more or less, to said **Point B** at the point of intersection of the said meander line of the left bank of the Snake River and south boundary line of said "Bugling Elk Trail Tracts"

THENCE, southwesterly along said meander line of the left bank of the Snake River from **Point B** to **Point A** through the courses shown in the main description, said **Point A** being the **True Point of Beginning** and the terminus of this description.

**AND**

**Parcel No. 2**

COMMENCING at the Northeast Section Corner of said Section 4; Thence North 89°54'39" West (with the basis of bearing being North 1°47'32" West along the East line of the Southeast 1/4 of said Section 8,) along the north line of said Section 4, a distance of 951.01' to the **True Point of Beginning** for this description;

THENCE, South, 134.34 feet to a point;

THENCE, South 57°28'19" West, a distance of 212.02 feet to a point;

THENCE, South 60°35'24" West, a distance of 345.19 feet to a point;

THENCE, South 59°45'01" West, a distance of 138.22 feet to a point;

THENCE, South 30°03'25" West, a distance of 246.79 feet to a point;

THENCE, South 41°31'59" West, a distance of 141.42 feet to a point;

THENCE, South 62°20'22" West, a distance of 300.79 feet to a point;

THENCE, South 67°37'47" West, a distance of 313.08 feet to a point;

THENCE, South 71°47'33" West, a distance of 251.36 feet to a point;

THENCE, South 37°17'14" West, a distance of 87.28 feet to a point;

THENCE, South, a distance of 158.42 feet to a point;

THENCE, South 44°44'35" West, a distance of 196.76 feet to a point;

THENCE, South 13°00'53" West, a distance of 226.17 feet to a point;

THENCE, South 45°19'11" West, a distance of 199.78 feet to a point;

THENCE, South 50°36'03" West, a distance of 201.38 feet to a point;

THENCE, South 81°20'13" West, a distance of 161.67 feet to a point;

THENCE, South 44°37'53" West, a distance of 10.45 feet to a point on the East boundary of Lot 1, Goldenyears 1 Lot Working Ranch Subdivision, recorded as Plat Number 1065, in Book 2, Page 53, Records of Teton County, State of Wyoming;

THENCE, North 29°32'22" West, along the East boundary of said Lot 1, Goldenyears 1 Lot Working Ranch Subdivision, a distance of 185.49 feet to a point;

THENCE, South 83°01'39" West, along the North boundary of said Lot 1, Goldenyears 1 Lot Working Ranch Subdivision, a distance of 147.41 feet to a point;

THENCE, South 32°06'47" West, along the West boundary of said Lot 1, Goldenyears 1 Lot Working Ranch Subdivision, a distance of 235.06 feet to a point;

THENCE, South 60°10'18" West, a distance of 666.52 feet to the southeast corner of Two Rivers Tracts, Deeds recorded in Book 424 of Deeds, Pages 1087-1100, records of Teton County, State of Wyoming;

THENCE, North 13°00'53" East, a distance of 869.14 feet to a point;

THENCE, North, a distance of 1100.00 feet to a point on the South line of "Bugling Elk Trail Tracts" as shown on Map of Survey, Map T-436B, Teton County Clerk;

THENCE, North 79°54'37" East, along said South Line, a distance of 159.49 feet to a point;

THENCE, North 26°07'14" East, along said South Line, a distance of 174.49 feet to **POINT C**, said point being the point of intersection with the Meander Line run on the left bank of the Gros Ventre River by the United States General Land Office as accepted in 1893;

THENCE, North 84°59'41" East along said Meander Line, a distance of 141.99 feet to a point;

THENCE, North 89°54'41" East along said Meander Line, a distance of 307.02 feet to a point;

THENCE, North 73°24'41" East along said Meander Line, a distance of 480.55 feet to a point;

THENCE, North 81°24'41" East along said Meander Line, a distance of 934.40 feet to **POINT D**, said point being the point of intersection with the North Line of said Section 4;

THENCE, South 89°54'39" East, along the North line of said Section 4, a distance of 996.55 feet to **True Point of Beginning** for this description;

**INCLUDING the following adjoining riparian area to the above parcel:**

**Gros Ventre Riparian Parcel:**

Commencing at said **Point C** along the meander line for the left bank of the Gros Ventre River and the **True Point of Beginning** for this description:

THENCE, North 26°07'14" East, along the south boundary of said "Bugling Elk Trail Tracts," a distance of 225.38 feet to a point on the west line of a Parcel as described in Book 36 of Photo, Pages 395 and 396, Records of Teton County, State of Wyoming;

THENCE, South 0°22'51" East, along the west line of said Parcel, a distance of 102.07 feet to the southwest corner of said Parcel;

THENCE, North 60°47'55" East, along the south line of said Parcel, a distance of 1450.6 feet, more or less, to a point;

THENCE, along an unfixed riparian boundary line normal to the thalweg of the current main channel of the Gros Ventre River, South 42°00' East, a distance of 697.6 feet, more or less, to said **Point D** at a point of intersection with said meander line of the left bank of the Gros Ventre River and the North Line of said Section 4;

THENCE, southwesterly along said meander line of the left bank of the Gros Ventre River from **Point D** to **Point C** through the courses shown in the main description, said **Point C** being the **True Point of Beginning** and the terminus of this description

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The basis of bearing for this description is North 1°47'32" West along the East line of the Southeast ¼ of Section 8, Township 41 North, Range 116 West., 6<sup>th</sup> P.M., Teton County, Wyoming

September 22, 2004  
Pierson Land Surveys P C.