

AMENDMENT TO
DEVELOPMENT AREA DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS FOR
BARTON CREEK NORTH RIM

FILM CODE

00005603913

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This Amendment to Development Area Declaration of Covenants, Conditions and Restrictions for Barton Creek North Rim (the "First Amendment") is made by FM PROPERTIES OPERATING CO., A Delaware general partnership (the "Declarant"), and is as follows:

RECITALS:

A. Declarant recorded that certain Development Area Declaration of Covenants, Conditions and Restrictions for Barton Creek North Rim dated June 26, 1996, recorded in Volume 12717, Page 2028, Real Property Records of Travis County, Texas (the "Development Area Declaration"), which relates to certain real property (the "Property") therein described.

B. Pursuant to Section 8.02 of the Development Area Declaration, the Development Area Declaration may be amended by recording in the Real Property Records of Travis County, Texas, an instrument executed and acknowledged by (i) the Declarant, acting alone; or (ii) the President and Secretary of the Association certifying that such amendment has been approved by either (a) the Declarant, or (b) Members of the Association entitled to cast at least seventy percent (70%) of the number of votes of the Association and the Declarant.

C. The following amendment has been approved by Declarant, acting alone, and Declarant has executed and caused this instrument to be recorded to effectuate the following amendment to the Development Area Declaration.

NOW THEREFORE, the undersigned Declarant hereby declares and certifies that the following amendment to the Development Area Declaration has been duly approved by Declarant:

1. Article II, Section 2.02(a) of the Development Area Declaration shall be amended to read in its entirety as follows:

"No more than eighteen (18) single family residences shall be permitted upon the Property unless additional units are authorized by Declarant as evidenced by an amendment approved and recorded in accordance with Section 8.02."

REAL PROPERTY RECORD
TRAVIS COUNTY, TEXAS

12980 2243

2. Any capitalized terms used and not otherwise defined herein shall have the meanings set forth in the Development Area Declaration. Unless expressly amended by this First Amendment, all other terms and provisions of the Development Area Declaration remain in full force and effect as written.

Executed on this the 18th day of July, 1997.

DECLARANT:

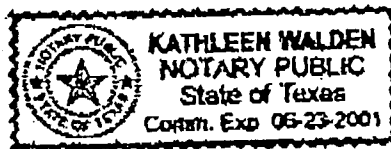
FM PROPERTIES OPERATING CO.,
a Delaware general partnership

By: [Signature]
William H. Armstrong, III, Attorney-in-Fact

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on July 18, 1997, by William H. Armstrong, III, Attorney-in-Fact for FM Properties Operating Co., a Delaware general partnership, on behalf of said partnership.



(seal)

Kathleen Walden
Notary Public Signature

FILED

97 JUL 21 AM 11:02

DAHA DE BEAUVOIS
COUNTY CLERK
TRAVIS COUNTY, TEXAS

AFTER RECORDING, RETURN TO:

KENNETH N. JONES
ARMERUST BROWN & DAVIS LLP
100 CONGRESS SUITE 1350
AUSTIN TX 78701

STATE OF TEXAS COUNTY OF TRAVIS
I hereby certify that this instrument was FILED on
the date and at the time stamped herein by me, and
was duly RECORDED, in the Volume and Page of the
record RECORDS of Travis County, Texas, on

REAL PROPERTY RECORD
TRAVIS COUNTY, TEXAS

12980 2244



JUL 21 1997

[Signature]
COUNTY CLERK
TRAVIS COUNTY, TEXAS

RECEIPT: SUCCESS TRANS: 10770 LEFT: REGULAR RECORD \$11.00
CASHIER: BAYON FILE DATE: 7/21/97 TRANS DATE: 7/21/97
PAID BY: CHECK# 1666

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FIRST AMENDMENT TO DEVELOPMENT AREA
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR BARTON CREEK NORTH RIM

FILM CODE

00005684370

THE STATE OF TEXAS

§

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TRAVIS

§

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This First Amendment to Development Area Declaration of Covenants, Conditions and Restrictions for Barton Creek North Rim (the "Amendment") is made by FM PROPERTIES OPERATING CO., a Delaware general partnership (the "Declarant"), and is as follows:

RECITALS:

A. Declarant, recorded that certain Development Area Declaration of Covenants, Conditions and Restrictions for Barton Creek North Rim recorded in Volume 12717, Page 2028 et seq., of the Real Property Records of Travis County, Texas (the "Declaration") which relates to certain real property (the "Property").

B. Pursuant to that one certain Notice of Applicability of Master Declaration of Covenants, Conditions and Restrictions for Barton Creek North Rim, dated June 26, 1996, recorded in Volume 12717, Page 2021, of the Real Property Records of Travis County, Texas, the Property is subject to the Master Declaration of Covenants, Conditions and Restrictions of record in Volume 11324, Page 707 of the Real Property Records of Travis County, Texas (the "Master Declaration").

C. Pursuant to Section 8.02 of the Declaration, the Declaration may be amended by recording in the Real Property Records of Travis County, Texas an instrument executed and acknowledged by the Declarant, acting alone.

NOW, THEREFORE, the undersigned Declarant hereby declares and certifies and hereby amends and modifies the Declaration, as follows:

1. Article II, Section 2.02(b) (v) is hereby deleted in its entirety and the following is substituted in its place:

No roof shall have pitch in excess of 12/12.

2. Any capitalized items used and not otherwise defined herein shall have the meanings set forth in the Declaration or Master Declaration. Unless expressly amended by this First Amendment, all other terms and provisions of the Declaration remain in full force and effect as written.

Executed to be effective this 11th day of February 1998.

DECLARANT:

FM PROPERTIES OPERATING CO., a Delaware general partnership

By: 

William H. Armstrong, III, Attorney-in-Fact

REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

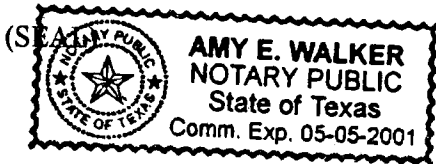
23776.1/020998

13118 0192

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on the 11th day of FEBRUARY 1998 by William H. Armstrong, III, Attorney in Fact for FM Properties Operating Co., a Delaware general partnership on behalf of said ~~corporation~~ partnership.



Amy E. Walker
Notary Public Signature

AFTER RECORDING, RETURN TO:

Robert D. Burton
Armbrust Brown & Davis, L.L.P.
100 Congress Avenue, Suite 1300
Austin, Texas 78701

FILED
98 FEB 11 PM 2:29
DANA DE BEAUVOIR
COUNTY CLERK
TRAVIS COUNTY, TEXAS

STATE OF TEXAS COUNTY OF TRAVIS
I hereby certify that this instrument was FILED on
the date and at the time stamped hereon by me; and
was duly RECORDED, in the Volume and Page of the
named RECORDS of Travis County, Texas, on



FEB 11 1998

Dana De Beauvoir
COUNTY CLERK
TRAVIS COUNTY, TEXAS

23776.1/020998

REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

13118 0193

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RECEIPT#: 800098485 TRANC#: 84681 SEPT: REGULAR RECORD \$11.00
CASHIER: KIMED FILE DATE: 2/11/98 TRANS DATE: 2/11/98
PAID BY CHECK# 10350