

03-701760-DH



DECLAR 2007061539
7 PGS

**CORRECTION TO DECLARATION AND PETITION
FOR THE COURTYARD AT THE PRESERVE**

This is a correction (the "Corrected Declaration") to that certain Declaration of Covenants, Conditions and Restrictions for The Courtyard At The Preserve Condominiums, dated September 23, 2003, recorded in Document No. 2003241173, Official Public Records of Travis County, Texas (the "Declaration"). This is also a correction (the "Corrected Petition") to that certain Petition To Modify Existing Restrictions dated April 7, 2004, executed by The Courtyard at the Preserve Homeowner's Association, Inc., recorded in Document No. 2004066565, Official Public Records of Travis County, Texas (the "Petition"). This Corrected Declaration and Corrected Petition is made by Cardinal Hills Investors, Ltd., a Texas Limited Partnership (herein referred to as "Declarant"), by Lennar Homes of Texas Land and Construction, Ltd., a Texas limited partnership (herein referred to as "Lennar") and by The Courtyard at the Preserve Homeowners Association (the "Association").

RECITALS

WHEREAS, John McCardle ("McCardle"), as owner of Lot 26 of the following described subdivision (the "McCardle Lot"), and Declarant, as owner of all other Lots comprising the following described subdivision ("Declarant's Lots"), created that certain subdivision described as follows:

The Courtyard At The Preserve Condominiums Replat of Lots 26 thru 67 and Lots 70 thru 84 of Cardinal Hills Unit 4, a subdivision located in the City of Lakeway, Travis County, Texas, according to the map or plat thereof recorded in Document No. 200300205, Official Public Records of Real Property of Travis County, Texas (the "subdivision").

WHEREAS, Declarant created the Declaration with the intention that the Declaration cover only Declarant's Lots and not the McCardle Lot, and similarly, Declarant asked the Association to circulate and record the Petition with the intention that the Petition cover only Declarant's Lots and not the McCardle Lots;

WHEREAS, as the result of scrivener's errors, the Declaration and the Petition contain references to the McCardle Lot and to Declarant owning the McCardle Lot, which references are erroneous and incorrect as neither the Declaration or the Petition is intended to cover the McCardle Lot, as further evidenced by the fact that McCardle did not join in the Declaration;

WHEREAS, Declarant, as to the Declaration and Petition, and the Association, as to the Petition, desires to correct the Declaration and Petition by deleting the erroneous references to the McCardle Lot, and Lennar desires to join in this corrected instrument as Lennar now owns a portion of Declarant's Lots;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged and confessed, Declarant, the Association and Lennar hereby agree as follows:

I, Dana DeBeauvoir, County Clerk, Travis County, Texas, do hereby certify that this is a true and correct copy as same appears of record in my office. Witness my hand and seal of office on

MAR 26 2007

Dana DeBeauvoir, County Clerk

By Deputy:



1. **Correction of Declaration and Petition.** The Declaration and the Petition are corrected so that all references to the McCardle Lot are hereby deleted from the Declaration and all references to the McCardle Lot are hereby deleted from the Petition. Consequently, the Declaration shall not apply to the McCardle Lot and the Petition shall not apply to the McCardle Lot. The modifications to existing restrictions or earlier restrictions as described in the Petition apply only Declarant's Lots and do not apply to the McCardle Lot.

2. **Ownership of Declarant's Lots.** Declarant and Lennar state that together they own all of Declarant's Lots. The Association states that Declarant and Lennar are the only owners entitled to vote on matters involving the Association as reflected in the records of the Association.

3. **Ratification and Confirmation.** Except as corrected in this Corrected Declaration and Corrected Petition, Declarant and Lennar hereby ratify and confirm the terms of the Declaration and the Petition, and the Association hereby ratifies and confirms the terms and provisions of the Petition, which Declaration and Petition are, and shall remain, in full force and effect in all other respects.

4. **Multiple Counterparts; Faxed Signatures.** This Corrected Declaration and Corrected Petition may be executed in any number of counterparts, each of which shall be deemed an original, but all of which collectively shall constitute one and the same instrument. Faxed signatures shall be considered to be original signatures.

EXECUTED on the dates set forth below, and to be effective as of the date of the last party to sign as reflected below.

(The remainder of this page has been intentionally left blank, and signature pages are attached)

I, Dana DeBeauvoir, County Clerk, Travis County, Texas, do hereby certify that this is a true and correct copy as same appears of record in my office. Witness my hand and seal of office on



Dana DeBeauvoir, County Clerk
By Deputy:

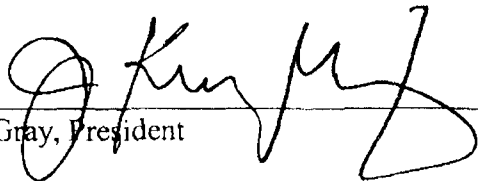
MAR 26 2007

J. JOHNSON

A handwritten signature in black ink, appearing to be "J. Johnson", is written over the printed name.

Cardinal Hills Investors, Ltd., a Texas limited partnership

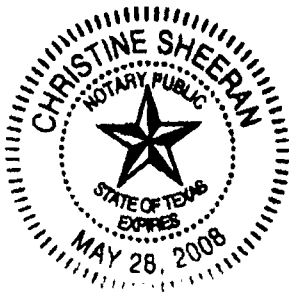
By: Cardinal Hills, Inc., its General Partner

By:  Date: June 29, 2004
J. Kelly Gray, President

THE STATE OF TEXAS

COUNTY OF TRAVIS

This instrument was acknowledged before me on the 29 day of June, 2004, by J. Kelly Gray, President of Cardinal Hills, Inc., a Texas corporation, on behalf of said corporation as General Partner of Cardinal Hills Investors, Ltd., a Texas Limited Partnership.



Christine Sheeran
NOTARY PUBLIC, STATE OF TEXAS

My commission expires: May 28, 2008

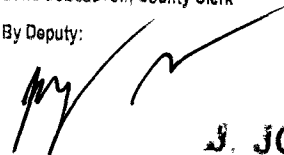
Print Name: Christine Sheeran

I, Dana DeBeauvoir, County Clerk, Travis County, Texas, do hereby certify that this is a true and correct copy as same appears of record in my office. Witness my hand and seal of office on



Dana DeBeauvoir, County Clerk

By Deputy:



J. JOHNSON

MAR 26 2007

**Lennar Homes of Texas Land and Construction, Ltd.,
a Texas limited partnership**

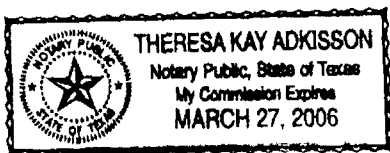
By: Lennar Texas Holding Co., its Managing General Partner

2004 By: Julie Churchill Date: June 29, 2004
Print Name: Julie Churchill
Title: Assistant Secretary

THE STATE OF TEXAS

COUNTY OF TRAVIS

This instrument was acknowledged before me on the 29 day of June, 2004, by Julie Churchill, Asst. Secretary (title) of Lennar Texas Holding Co., on behalf of said corporation as Managing General Partner of Lennar Homes of Texas Land and Construction, Ltd., a Texas limited partnership.



Theresa Kay Adkisson
NOTARY PUBLIC, STATE OF TEXAS

My commission expires: 3-27-06

Print Name: _____

I, Dana DeBeauvoir, County Clerk, Travis County, Texas, do hereby certify that this is a true and correct copy as same appears of record in my office. Witness my hand and seal of office on



Dana DeBeauvoir, County Clerk
By Deputy: J. Johnson

J. JOHNSON

MAR 26 2007

**The Courtyard at the Preserve Homeowners Association, Inc.
a Texas non-profit corporation**

By:

J. Kelly Gray, President

Date: June 29, 2004

THE STATE OF TEXAS

COUNTY OF TRAVIS

This instrument was acknowledged before me on the 29 day of June, 2004, by J. Kelly Gray, President of The Courtyard at the Preserve Homeowners Association, Inc., a Texas non-profit corporation, on behalf of said corporation.



Christine Sheeran
NOTARY PUBLIC, STATE OF TEXAS

My commission expires: May 28, 2008

Print Name: Christine Sheeran

I, Dana DeBeauvoir, County Clerk, Travis County, Texas, do hereby certify that this is a true and correct copy as same appears of record in my office. Witness my hand and seal of office on



Dana DeBeauvoir, County Clerk

By Deputy:

J. JOHNSON

MAR 26 2007

CONSENT OF LIENHOLDER

The undersigned lienholder is signing below to acknowledge its consent to the foregoing Corrected Declaration and Corrected Petition.

American Bank of Texas, ~~N.A.~~

By: _____

Oct
Date: ~~June~~ *22*, 2004

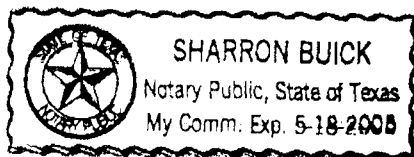
Print Name: _____

Title: _____

THE STATE OF TEXAS

COUNTY OF TRAVIS

This instrument was acknowledged before me on the *22* day of *Oct* ~~June~~, 2004, by *Kyle Beall*, *Senior V.P.* (title) of American Bank of Texas, N.A., a national banking association, on behalf of said association.



Sharron Buick
NOTARY PUBLIC, STATE OF TEXAS

My commission expires: *5-18-05*

Print Name: *SHARRON BUICK*

After recording, return to:

FILED AND RECORDED

I, Dana DeBeauvoir, County Clerk, Travis County, Texas, do hereby certify that this is a true and correct copy as same appears of record in my office. Witness my hand and seal of office on



Dana DeBeauvoir, County Clerk

By Deputy: _____

J. JOHNSON

OFFICIAL PUBLIC RECORDS

MAR 26 2007

Dana DeBeauvoir

2004 Nov 29 03:46 PM

2004221499

KNOWLES \$32.00

DANA DEBEAUVOIR COUNTY CLERK

TRAVIS COUNTY TEXAS

This document is being refiled of record to stand alone as a separate document. Originally, it was recorded in error as part of Document No. 2004221499.

Said document has a scrivener's error in that the Plat reference in the legal description should be reflected as Document No 20030265, Official Public Records of Travis County, Texas.

Charge to & Return to:

**Gracy Title Company
Lake Travis Office
1927 Lohmans Crossing
Suite 101
Austin, TX 78734**

Recorders Memorandum-At the time of recordation this instrument was found to be inadequate for the best reproduction, because of illegibility, carbon or photocopy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

2007 Apr 05 01:12 PM 2007061539

BARTHOD \$40.00

DANA DEBEAUVOIR COUNTY CLERK

TRAVIS COUNTY TEXAS