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TWELFTH AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR CIRCLE C RANCH SUBDIVISION

THE STATE OF TEXAS

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COUNTY OF TRAVIS

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This Twelfth Amendment to Declaration of Covenants, Conditions and Restrictions is made to be effective the date set forth below by SPRINGBROOK JOINT VENTURE, a Texas joint venture

RECITALS:

A. By Declaration of Covenants, Conditions and Restrictions for Circle C Ranch Subdivision recorded in Volume 10585, Page 110, Real Property Records of Travis County Texas (the Original Declaration), Circle C Development Corporation, a Texas corporation (the Original Declarant) imposed certain covenants, restrictions, charges and liens upon certain real property as therein described.

B. The Original Declaration has been amended by documents recorded in Volume 10627, Page 771; Volume 10729, Page 1153; Volume 10778, Page 284; Volume 10847, Page 1704; Volume 10961, Page 0851; Volume 11003, Page 1060; Volume 11134, Page 1045; and Volume 11824, Page 0883; Volume 11924, Page 0139; Volume 11924, Page 0959; Volume 11925, Page 0009; Volume 11929, Page 0356, and Volume 12081, Page 1479, respectively, of the Real Property Records of Travis County (which Original Declaration, as so amended, is herein referred to as the Declaration).

C. Circle C Development Corporation assigned its rights and privileges as Declarant under the Declaration to Circle C Development Joint Venture, and Circle C Development Joint Venture subsequently assigned its rights and privileges as Declarant under the Declaration to Circle C Land Corp, a Texas corporation (hereinafter referred to as the Declarant).

D. Article I, Section 3 of the Declaration has the right at any time and from time to time to bring within the scheme of the Declaration additional properties, and in addition to supplement or modify the Declaration as may be appropriate for such additional property.

INITIALS

E. Declarant has by Special Warranty Deed with Vendor's Lien dated ~~xxxx/xx/xxxx~~ and conveyed to Springbrook Joint Venture, a Texas joint venture (Springbrook) 136.883 acres of land, more or less, as more particularly described in said Deed, which property is a part of the additional properties described in Article I, Section 3 that were contemplated to be brought within the scheme of the Declaration. Declarant and Springbrook have agreed that the 136.883 acres will be developed, used and occupied subject to the terms and provisions of the Declaration, and with respect to said 136.883 acres of land only, Declarant has assigned to Springbrook Declarant's rights under the Declaration (but no other rights of Declarant) to add the 136.883 acres, or portions thereof from time to time as additional land to be covered by the Declaration.

INITIALS

April 4, 1994

F. Springbrook desires to bring the hereinafter described portion of the 136.883 acres within the scheme of the Declaration and to modify the Declaration as to said property as hereinafter set forth.

NOW, THEREFORE, Springbrook hereby declares as follows

1. Addition to Property Subject to Declaration. The following tract of land (the "Additional Land") is hereby added to the Properties subject to and covered by the Declaration, to-wit

_____ acres of land, more or less, more particularly described on Exhibit A attached hereto and incorporated herein

2. Modification of the Declaration as to the Added Tracts. The Additional Land shall be held, transferred, sold, conveyed, occupied and used subject to the covenants, restrictions, charges and liens as set forth in the Declaration, provided that as the same relate to the Additional Land, the terms and provisions of the Declaration are modified as follows:

(a) Article III, Section 6 of the Declaration is hereby deleted in its entirety, and the following is substituted in the place and stead thereof:

Section 6. Commencement Date of Assessments. The first annual assessment provided for herein shall commence to accrue as to each Lot with the Additional Land on the date a final plat that includes the Lot within the property covered by such final plat is recorded in the Plat Records of Travis County Texas. No special assessment shall be made with respect to the Additional Land before the above-described commencement date for the accrual of the annual assessments.

(b) Article V, Section 2 of the Declaration is hereby deleted in its entirety, and the following is substituted in the place and stead thereof:

Section 2. Minimum Square Footage Within Improvements. The living area of the main residential structure located on any Lot exclusive of porches and parking facilities shall not be less than one thousand three hundred (1300) square feet and not more than two thousand one hundred (2100) square feet.

(c) Article V, Section 3(h) is hereby deleted in its entirety, and the following is substituted in the place and stead thereof:

h. Carports, sports courts, and swimming pools. No carports, sports courts of any kind, or swimming pools shall be constructed, erected or permitted to remain on any Lot without the express prior written approval of the Architectural Control Committee. Any outdoor lighting related to carports, sports courts, or swimming pools shall be subject to the requirements of Section 5 hereof.

(d) Article V, Section 4 is hereby deleted in its entirety, and the following is substituted in the place and stead thereof:

Section 4. Minimum Setback Lines. All setback lines shall be in accordance with the approved final plat for the Additional Land. No structure may be placed within the setback lines, however, subject to applicable City of Austin Zoning Ordinances and other governmental regulations, the following improvements are allowed within minimum setback areas:

- a. structures below and covered by the ground;
- b. steps, walks, driveways, and curbing;
- c. retaining or screening walls as approved by the Architectural Control Committee;
- d. landscaping;
- e. any other improvement approved in writing by the Architectural Control Committee, provided that roofed structures other than relatively minor encroachments shall in no event be so approved.

(e) Article V, Section 8(e) is hereby deleted in its entirety, and the following is substituted in the place and stead thereof:

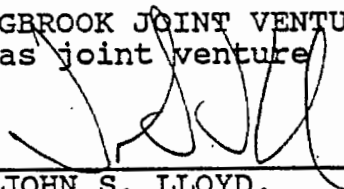
e. Fences The Owner of each Lot upon which a residential structure has been constructed (or is under construction) shall further construct or cause to be constructed, at Owner's expense, a six-foot privacy fence along the rear and side Lot lines, the materials and location of which shall be subject to approval by the Architectural Control Committee. Where fences are constructed adjacent to any school or open space, such fences shall be constructed with face toward the school or open space, according to the Design Guidelines. Cost of construction and maintenance of fences along common Lot lines may be shared by the Owners of adjacent Lots; however, each such Owner shall be fully liable for the construction and maintenance of fences along the rear and side Lot lines of his respective Lot.

(f) Article V, Section 9(b)(iv) is hereby deleted in its entirety, and the following is substituted in the place and stead thereof:

iv. The exterior walls of all residential structures must have a minimum of 100% masonry coverage on any side facing a street (including both walls facing streets on corner lots), and 50% masonry coverage on any other side; provided no masonry coverage shall be required on the rear or back of such structure, except that the rear wall of any residential structure that backs up to a four-lane divided street; or to a street on which no driveway access is permitted, must have a minimum of 100% masonry coverage. Under no circumstances shall any residential structure be deemed to have more than one back. In case of any dispute, the Architectural Control Committee shall determine which sides of the residential structure are facing a street; or are on the side or on the back of the residential structure.

EXECUTED TO BE EFFECTIVE the 4th day of April, 1999.

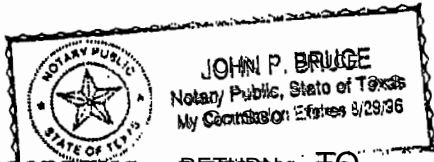
SPRINGBROOK JOINT VENTURE,
a Texas joint venture

By: 
JOHN S. LLOYD,
Managing Venturer

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 4 day of April, 1994, by John S. Lloyd, Managing Venturer of SPRINGBROOK JOINT VENTURE, a Texas joint venture, on behalf of said joint venture.



[Signature]
Notary Public, State of Texas
Print Name: _____

~~AFTER RECORDING, RETURN TO:~~

~~Mr. R. Alad-Haywood
Graves, Daugherty, Hearn & Moody
P.O. Box 98
Austin, Texas 78767~~

AFTER RECORDING RETURN TO:

ATTN: Notary Office
STEWART TITLE
P.O. BOX 1806
AUSTIN, TX 78767

STATE OF TEXAS §
COUNTY OF TRAVIS §

FIELDNOTE DESCRIPTION of a 136.883 acre tract out of the Samuel Hamilton Survey No. 16, Travis County, Texas, being a 131.883 acre portion of the remainder of that 28071345 acre tract conveyed to Circle C Land Comp by deed recorded in Volume 11620, Page 1126 of the Travis County Deed Records, all of that 1.0000 acre tract conveyed to Craig M. Toyd in Volume 10581, Page 793, that 1.0000 acre tract conveyed to Circle C Land Comp by a deed without warranty in Volume 12072, Page 44, that 1.0000 acre tract conveyed to Edward Walty Willis, Jr, in Volume 10581, Page 798, that 1.0000 acre tract conveyed to David Thomas Smith in Volume 11853, Page 623 and that 1.0000 acre tract conveyed to James Michael O'Reilly in Volume 11814, Page 631, all of the said Deed Records of Travis County, Texas; the said 136.883 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod found for the southeast corner of Circle C Ranch, Phase C, Section Four, a subdivision recorded in Book 92, Pages 4 through 6 of the Travis County Plat Records, being a point in the southwest right-of-way line of LaCrosse Avenue (100.00' right-of-way) as dedicated in the abovesaid Circle C Ranch, Phase C, Section Four;

THENCE, N52°42'36"E, leaving the said easterly line of Circle C Ranch, Phase C, Section Four, along the southerly line of said LaCrosse Avenue, at 4.36 feet pass a calculated point for the northwest corner of that 0.247 acre Temporary cul-de-sac Easement conveyed to Travis County by deed recorded in Volume 11917, Page 1123 of the said Deed Records, at 88.00 feet pass a calculated point for the most northerly corner of the said 0.247 acre easement for a total distance of 100.00 feet to a 1/2" iron rod found, on a curve to the left, in the northeast right-of-way line of said LaCrosse Avenue, being a point in the southwest line of that 44.0991 acre tract, described as Tract 2, conveyed to the City of Austin by deed recorded in Volume 11573, Page 124 of the said Deed Records;

THENCE, leaving the southerly line of said LaCrosse Avenue, along the southerly line of the 44.0991 acre tract, being an interior line of the said remainder of the 28071345 acre tract for the following four (4) courses:

- 1) With the said curve to the left having a central angle of 02°33'08", a radius of 1,500.00 feet, a chord distance of 66.81 feet (chord bears S38°33'58"E) for an arc distance of 66.82 feet to a 1/2" iron rod set for corner;
- 2) S81°16'56"E, 692.86 feet to a 1/2" iron rod found for corner;
- 3) S73°28'50"E, 771.78 feet to a 1/2" iron rod found for corner;
- 4) N70°46'42"E, 276.66 feet to a 1/2" iron rod found for the southeast corner of the said 44.0991 acre tract, being a point in a westerly line of that 2854585 acre tract conveyed to the City of Austin by deed recorded in Volume 9495, Page 281 of the said Deed Records;

THENCE, leaving the said southerly line of the 44.0991 acre tract, along the said westerly line of the 2854585 acre tract, being an interior line of the said remainder of the 28071345 acre tract for the following two (2) courses:

- 1) S22°30'22"W, 501.65 feet to a 1/2" iron rod found for corner;

- 2) ~~S0116604E~~, 270.84 feet to a 1/2" iron rod found for the northwest corner of that 7.6108 acre tract, described as Tract 1, conveyed to the City of Austin by deed recorded in Volume 11573, Page 124 of the said Deed Records;

THENCE, leaving the said westerly line of the ~~28544685~~ acre tract, along the northwest line of the 7.6108 acre tract, being an interior line of the said remainder of the ~~28071345~~ acre tract for the following two (2) courses:

- 1) ~~S114803W~~, 123.88 feet to a 1/2" iron rod found for corner;
- 2) ~~N852301W~~, 178.74 feet to a 1/2" iron rod found for the most westerly corner of the 7.6108 acre tract;

THENCE, leaving the westerly line of the said 7.6108 acre tract, across the said remainder of the ~~28071345~~ acre tract for the following eleven (11) courses:

- 1) ~~S851600W~~, 175.36 feet to a 1/2" iron rod found for corner;
- 2) ~~S6009347W~~, 259.81 feet to a 1/2" iron rod found for corner;
- 3) ~~S490046W~~, 324.77 feet to a 1/2" iron rod found for corner;
- 4) ~~S384734W~~, 426.39 feet to a 1/2" iron rod set for corner;
- 5) ~~N763738W~~, 307.62 feet to a 1/2" iron rod found for corner;
- 6) ~~N875717W~~, 131.72 feet to a 1/2" iron rod found for corner;
- 7) ~~S6484912W~~, 284.95 feet to a 1/2" iron rod found for corner;
- 8) ~~S803925W~~, 173.22 feet to a 1/2" iron rod found for corner;
- 9) ~~S712130W~~, 396.57 feet to a 1/2" iron rod found for corner;
- 10) ~~N532106W~~, 85.70 feet to a 1/2" iron rod found for corner;
- 11) ~~S355881W~~, 149.99 feet to a 1/2" iron rod found in the southerly line of the said remainder of the ~~28071345~~ acre tract, being a point in the northerly line of the remainder of that 412.9003 acre tract conveyed to Ira Jon Yates by deed recorded in Volume 10166, Page 726 of the said Deed Records;

THENCE, along the common line between the said remainder of the ~~28071345~~ acre tract and the said remainder of the 412.9003 acre tract for the following two (2) courses:

- 1) ~~N623229W~~, 98.60 feet to a 3/4" iron rod found for corner;
- 2) ~~N135332E~~, 342.24 feet to a 5/8" iron rod found for corner;

THENCE, ~~S893826W~~, along the northerly line of the said remainder of the 412.9003 acre tract, at 61.74 feet pass a calculated point for the southeast corner of the 1.0000 acre James Michael O'Reilly tract, at 176.74 feet pass a calculated point for the southwest corner of the 1.0000 acre James Michael O'Reilly tract, being the southeast corner of the 1.0000 acre David Thomas Smith tract, at 291.74 feet pass a calculated point for the southwest corner of the 1.0000 acre David Thomas Smith tract, being the southeast corner of the 1.0000 acre Edward Welty

Willis, Jr. tract, at 411.74 feet pass a calculated point for the southwest corner of the 1.0000 acre Edward Walty Willis, Jr. tract, being the southeast corner of the 1.0000 acre Circle C Land Corp. tract, for a total distance of 501.74 feet to a 1/2" iron rod found for the southwest corner of the 1.0000 acre Circle C Land Corp. tract, being the southeast corner of the 1.0000 acre Craig M. Teykl tract;

THENCE, S63°32'33"W, continuing along the said northerly line of the remainder of the 412.9003 acre tract, 89.90 feet to a 1/2" iron rod found for the southwest corner of the 1.0000 acre Craig M. Teykl tract;

THENCE, N47°56'24"W, leaving the northerly line of the remainder of the 412.9003 acre tract, along the southwest line of the said 1.0000 acre Craig M. Teykl tract, for a distance of 305.35 feet to a 1/2" iron rod set for the northwest corner of the aforesaid 1.0000 acre Craig M. Teykl tract;

THENCE, leaving the northerly line of the 1.0000 acre Craig M. Teykl tract, across the said remainder of the 2,807.1345 acre tract, for the following four (4) courses:

- 1) N77°19'30"W, 239.17 feet to a 1/2" iron rod set for corner;
- 2) N67°33'31"W, 262.93 feet to a 1/2" iron rod set for corner;
- 3) N30°07'44"W, 291.25 feet to a 1/2" iron rod set for corner;
- 4) N70°50'44"W, 515.41 feet to a 1/2" iron rod set in the easterly Right-of-Way line of State Highway Loop 1 (Mopac), described as 74.595 acres conveyed to the State of Texas in Volume 11198, Page 1136 of the said Deed Records;

THENCE, along the easterly Right-of-Way line of State Highway Loop 1 (right-of-way varies), being an interior line of the remainder of the said 2,807.1345 acre tract for the following four (4) courses:

- 1) N153°36'50"E, 186.61 feet to a brass disk found in concrete 175.38' left of State Highway Loop 1 (Mopac) Centerline Station 1105+44.26;
- 2) N26°28'37"E, 364.87 feet to a brass disk found in concrete 150.00' left of State Highway Loop 1 (Mopac) Centerline Station 1101+84.02;
- 3) N29°49'09"E, 448.89 feet to a brass disk found in concrete for the point of curvature of a non-tangent curve to the right, 150.00' left of State Highway Loop 1 (Mopac) Centerline Station 1097+83.24;
- 4) With the said curve to the right having a central angle of 05°22'45", a radius of 7489.44 feet, a chord distance of 702.88 (chord bears N32°29'29"E) for an arc distance of 703.14 feet to a calculated point for the northeast corner of the herein described tract, being the most westerly southwest corner of the aforesaid Circle C Ranch, Phase C, Section Four;

THENCE, leaving the easterly right-of-way line of State Highway Loop 1 (Mopac), along the southerly line of Circle C Ranch, Phase C, Section Four, being an interior line of the said remainder of the 2,807.1345 acre tract for the following five (5) courses:

- 1) S03°55'33"W, at 0.73 feet pass a 1/2" iron rod found 0.11 feet to the left, for a total distance of 186.81 feet to a 1/2" iron rod found for corner;

136.883 acres

Samuel Hamilton Survey No. 16

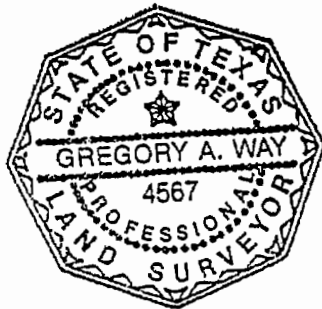
January 28, 1994

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- 2) ~~S213948~~E, 162.91 feet to a 1/2" iron rod found for corner;
- 3) ~~S3916131~~E, 384.10 feet to a 1/2" iron rod found for corner;
- 4) ~~S7684915~~E, 375.63 feet to a 1/2" iron rod found for corner;
- 5) N77~~30~~' 17'E, for a distance of 1,419.43 feet to the PLACE OF BEGINNING, CONTAINING within these metes and bounds 136.883 acres of land area.

That I, Gregory A. Way, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 27th day of January, 1994.



Gregory A. Way

 GREGORY A. WAY
 Registered Professional Land Surveyor
 No. 4567 - State of 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

APR 6 1994

Chad Okanson
 COUNTY CLERK
 TRAVIS COUNTY, TEXAS

FILED

APR 6 PM 4:26

DAHA DEBEAUVOIR
 COUNTY CLERK
 TRAVIS COUNTY, TEXAS

REAL PROPERTY RECORDS
 TRAVIS COUNTY, TEXAS