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

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

This Seventeenth Amendment to Declaration of Covenants, Conditions and Restrictions is made to be effective the date set forth below by CIRCLE C LAND CORP., a Texas corporation.

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; Volume 11824, Page 0883; Volume 11924, Page 0139; Volume 11924, Page 0959; Volume 11925, Page 0009; Volume 11929, Page 0356; Volume 12081, Page 1479; Volume 12159, Page 3169; Volume 12159, Page 3177; and Volume 12219, Page 0642; Volume 12231, Page 12451; and Volume 12236, Page 2799, respectively, of the Real Property Records of Travis County, Texas (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 provides that Declarant has the right at any time and from time to time to bring within the scheme of the Declaration additional properties, and further has the right to supplement or modify the Declaration as may be appropriate for such additional property.

E. Declarant desires to bring certain property within the scheme of the Declaration and to modify the Declaration as to said property as hereinafter set forth.

NOW, THEREFORE, Declarant hereby declares as follows:

1. Addition to Property Subject to Declaration. The following tracts of land (the "Additional Land") are hereby added to the Properties subject to and covered by the Declaration:

17.3110 acres of land, more or less, as more particularly described on Exhibit A attached hereto and made a part hereof, and also known as Phase A, Section Four (4), Circle C Ranch, a subdivision in Travis County, Texas, according to the map or plat thereof filed with the City of Austin under file number C8-84-164.04(A).1.

REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

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29.2796 acres of land, more or less, as more particularly described on Exhibit B attached hereto and made a part hereof, and also known as Phase A, Section Five (5), Circle C Ranch, a subdivision in Travis County, Texas, according to the map or plat thereof filed with the City of Austin under file number C8-84-164.04(A)(92).2A.

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, and as to the Additional Land only, 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 5. Commencement Date of Assessments. The first annual assessment provided for herein shall commence to accrue as to each Lot within the Additional Land on the date (the "Commencement Date") that 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.

(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 (1,300) square feet and not more than two thousand four hundred (2,400) 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(s) for the Additional Land. No structure may be placed within the setback lines; however, 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; and
- e. any other improvement approved in writing by the Architectural Control Committee, provided that roofed structures other than relatively minor encroachments (including incidental projections of eaves and overhanging roofs) 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 construct or cause to be constructed, at such 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 constructed on any Lot within the Additional Land 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 residential structure, except that the rear wall of any residential that backs up to a street 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.

3. Correction of Prior Amendment. This Correction Seventeenth Amendment to Declaration is made in place of and to correct a Sevaenth Amendment to Declaration of Covenants, Conditions and Restrictions for Circle C Ranch Subdivision executed by Declarant, dated August 31, 1994, and recorded in Volume 12265, Page 0471 of

the Real Property Records of Travis County, Texas. By error and mistake said prior Seventeenth Amendment to Declaration described the first tract of the Additional Land as 16.8254 acres of land as more particularly described on Exhibit A attached thereto, and being also known as Circle C Ranch, Phase A, Section Four, a subdivision in Travis County, Texas, according to the map or plat thereof filed with the City of Austin under File No. C8-84-164.04(A).1, when in truth and fact the property intended to be added to the Declaration and comprising all of the residential subdivision to be known as Circle C Ranch, Phase A, Section Four was 17.3110 acres of land as more particularly described on Exhibit A attached hereto. This Correction Seventeenth Amendment to Declaration is made by Declarant to correct said error and mistake; is effective as of August 31, 1994; and in all other respects confirms the prior Seventeenth Amendment to Declaration.

Clark Wilson Homes, Inc., a Texas corporation, as the owner of Lots Ten (10) and Eleven (11), Block I, CIRCLE C RANCH, PHASE A, SECTION FOUR, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 94, Pages 93-95 of the Plat Records of Travis County, Texas, some or all of which Lots were not included in the 16.8254 acres described on Exhibit A attached to the prior Seventeenth Amendment to Declaration corrected hereby, has joined in the execution of this Correction Seventeenth Amendment to Declaration for the purposes of confirming, agreeing and covenanting that said Lots are, and shall be, held, transferred, sold, conveyed, occupied and used subject to the covenants, restrictions, conditions, charges and liens as set forth in the Declaration, as amended as to the Additional Land as provided herein.

EXECUTED this the 3rd day of March, 1995.

CIRCLE C LAND CORP.,
a Texas corporation

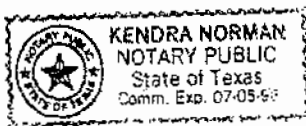
By: [Signature]
Steven P. Bartlett, President

CLARK WILSON HOMES, INC.,
a Texas corporation

By: [Signature]
Name: Lucius S. Davidson
Title: Vice-President

THE STATE OF TEXAS §
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This instrument was acknowledged before me on this the 3rd day of March, 1995, by Steven P. Bartlett, President of Circle C Land Corp., a Texas corporation, on behalf of said corporation.



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

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 7th day of March, 1995, by Curtis S. Davidson, vice President of Clark Wilson Homes, Inc., a Texas corporation, on behalf of said corporation.



Theresa Wilcox
Notary Public, State of Texas
Print Name: _____

AFTER RECORDING, RETURN TO:

Mr. R. Alan Haywood
Graves, Dougherty, Hearon & Moody, P.C.
P.O. Box 98
Austin, Texas 78767

STATE OF TEXAS §
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COUNTY OF TRAVIS §

FIELDNOTE DESCRIPTION of a 17.3110 acre tract out of the Jesse Williams Survey No. 62, Travis County, Texas, being all of Circle C Ranch, Phase A, Section Four, a subdivision recorded in Book 94, Pages 93 through 95 of the Travis County Plat Records; the said 17.3110 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod found for the northeast corner of Barstow Avenue (right-of-way varies) as dedicated by plat in Circle C Ranch, Phase A, Section One, a subdivision recorded in Book 91, Pages 344 through 346 of the Travis County Plat Records, said point being the northwest corner of Lot 2, Block "H" of Circle C Ranch, Phase A, Section One, and the southwest corner of Lot 3, Block H, Circle C Ranch, Phase A, Section Three, a subdivision recorded in Book 93, Pages 209 through 211 of the said Plat Records, from which a 1/2" iron rod found for the northeast corner of said Lot 2, Block "H", being a point in the westerly right-of-way line of Edwardson Lane (50' right-of-way) and the southeast corner of Lot 3, Block "H" bears S57°49'59"E, 120.26 feet;

THENCE, N57°49'59"W, leaving the westerly line of said Lot 2, Block "H" and the westerly line of Circle C Ranch, Phase A, Section Three, 82.05 feet to a concrete monument found on a curve to the right in the westerly right-of-way line of said Barstow Avenue;

THENCE, along the common line between said Circle C Ranch, Phase A, Section Four, and the westerly right-of-way line of Barstow Avenue, as dedicated by plat in Circle C Ranch, Phase A, Section One, for the following six (6) courses:

- 1) With the said curve to the right having a central angle of 01°55'44", a radius of 700.00 feet, a chord distance of 23.57 feet (chord bears S42°27'48"W) for an arc distance of 23.57 feet to a 1/2" iron rod found for the point of reverse curvature of a curve to the left;
- 2) With the said curve to the left having a central angle of 04°46'23", a radius of 729.72 feet, a chord distance of 60.77 feet (chord bears S41°02'28"W) for an arc distance of 60.79 feet to a 1/2" iron rod found for the point of tangency;
- 3) S38°39'17"W, 168.09 feet to a 1/2" iron rod found for the point of curvature of a curve to the left;
- 4) With the said curve to the left having a central angle of 00°41'23", a radius of 1,000.00 feet, a chord distance of 12.04 feet (chord bears S38°15'07"W) for an arc distance of 12.04 feet to a 1/2" iron rod found for the point of tangency;
- 5) S37°54'25"W, 123.87 feet to a 1/2" iron rod found for the point of curvature of a curve to the right;
- 6) With the said curve to the right having a central angle of 15°20'11", a radius of 600.00 feet, a chord distance of 160.12 feet (chord bears S45°34'30"W) for an arc distance of 160.60 feet to a concrete monument found for the most southerly southeast corner of the herein described tract;

THENCE, N79°53'36"W, leaving the said westerly right-of-way line of Barstow Avenue, along an interior line of the remainder of that 538.5087 acre tract conveyed to Circle C Land Corp. by deed recorded in Volume 11620, Page 1126 of the Travis County Deed Records, for a distance of 639.28 feet to a concrete monument found for the southwest corner of said Circle C Ranch, Phase A,

Section Four, being the southeast corner of proposed Circle C Ranch, Phase A, Section Five subdivision;

THENCE, continuing along an interior line of the said remainder of the 538.5087 acre tract, along the common line between Circle C Ranch, Phase A, Section Four and proposed Circle C Ranch, Phase A, Section Five for the following thirteen (13) courses:

- 1) N10°06'24"E, 150.00 feet to a 1/2" iron rod found for corner;
- 2) S79°53'36"E, 0.28 feet to a 1/2" iron rod found for corner;
- 3) N10°06'24"E, 125.00 feet to a 1/2" iron rod found for corner;
- 4) N01°12'19"E, 174.28 feet to a 1/2" iron rod found for corner;
- 5) N10°39'10"W, 53.03 feet to a 1/2" iron rod found for corner;
- 6) N72°43'37"E, 120.00 feet to a 1/2" iron rod found on a curve to the left;
- 7) With the said curve to the left having a central angle of 10°22'48", a radius of 350.00 feet, a chord distance of 63.32 feet (chord bears N22°27'47"W) for an arc distance of 63.41 feet to a 1/2" iron rod found for corner;
- 8) N62°20'49"E, 217.00 feet to a 1/2" iron rod found for corner;
- 9) S69°37'06"E, 242.36 feet to a 1/2" iron rod found for corner;
- 10) S51°20'43"E, 43.73 feet to a 1/2" iron rod found for corner;
- 11) N45°48'59"E, 186.49 feet to a 1/2" iron rod found for corner;
- 12) N65°07'27"E, 135.82 feet to a 1/2" iron rod found for corner;
- 13) N36°17'26"E, 151.05 feet to a 1/2" iron rod found on a curve to the left for the northwest corner of Circle C Ranch, Phase A, Section Four, being the proposed northeast corner of Circle C Ranch, Phase A, Section Five and a point on the southerly line of proposed Circle C Ranch, Phase A, Section Six subdivision;

THENCE, leaving the easterly line of proposed Circle C Ranch, Phase A, Section Five, and continuing along an interior line of the said remainder of the 538.5087 acre tract, along the common line between Circle C Ranch, Phase A, Section Four and proposed Circle C Ranch, Phase A, Section Six for the following four (4) courses:

- 1) With the said curve to the left having a central angle of 12°13'47", a radius of 468.00 feet, a chord distance of 99.71 feet (chord bears S59°49'28"E) for an arc distance of 99.89 feet to a concrete monument found for the point of tangency;
- 2) S65°56'21"E, 183.22 feet to a 1/2" iron rod found for the point of curvature of a curve to the left;
- 3) With the said curve to the left having a central angle of 90°46'59", a radius of 20.00 feet, a chord distance of 28.48 feet (chord bears N68°40'09"E) for an arc distance of

31.69 feet to a 1/2" iron rod found for the point of compound curvature of a curve to the right;

- 4) With the said curve to the right having a central angle of $00^{\circ}46'59''$, a radius of 1,000.00 feet, a chord distance of 13.67 feet (chord bears $N23^{\circ}40'10''E$) for an arc distance of 13.67 feet to a 1/2" iron rod found for the northwest corner of Barstow Avenue as dedicated by plat in abovesaid Circle C Ranch, Phase A, Section Four;

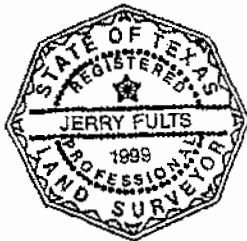
THENCE, $S65^{\circ}56'21''E$, leaving the easterly line of proposed Circle C Ranch, Phase A, Section Six, 90.00 feet to a 1/2" iron rod set for the northeast corner of said Circle C Ranch, Phase A, Section Four, being a point in the westerly line of said Circle C Ranch, Phase A, Section Three;

THENCE, along the common line between Circle C Ranch, Phase A, Section Four and Circle C Ranch, Phase A, Section Three, being the easterly right-of-way line of Barstow Avenue for the following four (4) courses:

- 1) $S24^{\circ}03'39''W$, 327.40 feet to a 1/2" iron rod found for the point of curvature of a curve to the right;
- 2) With the said curve to the right having a central angle of $07^{\circ}28'26''$, a radius of 1,000.00 feet, a chord distance of 130.35 feet (chord bears $S27^{\circ}47'52''W$) for an arc distance of 130.44 feet to a 1/2" iron rod found for the point of tangency;
- 3) $S31^{\circ}32'05''W$, 61.49 feet to a 1/2" iron rod found for the point of curvature of a curve to the right;
- 4) With the said curve to the right having a central angle of $01^{\circ}45'17''$, a radius of 1,000.00 feet, a chord distance of 30.62 feet (chord bears $S32^{\circ}24'43''W$) for an arc distance of 30.63 feet to the PLACE OF BEGINNING, CONTAINING within these metes and bounds 17.3110 acres of land area.

That I, Jerry W. Fults, 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 1 day of MARCH, 1995.



Jerry W. Fults
JERRY W. FULTS
Registered Professional Land Surveyor
No. 1999 - State of Texas

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

MAR 28 1995



FILED
95 MAR 28 PM 4:07
DANA DE FLORES
COUNTY CLERK
TRAVIS COUNTY, TEXAS