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

THE STATE OF TEXAS §
§
COUNTY OF TRAVIS §

1955 PR 2022 3 25.00 INDI 09/06/94
1955 PR 2022 3 4 09/06/94
1955 PR 2027 3 1.00 SEC 09/06/94
1174.56-0484

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:

16.8254 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.

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,

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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 6. 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.

EXECUTED this the 31st day of August, 1994.

CIRCLE C LAND CORP.,
a Texas corporation

By: 

Steven P. Bartlett, President

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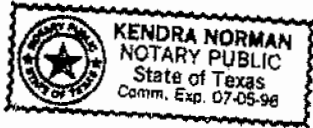
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TRAVIS COUNTY, TEXAS

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THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 31st day of August, 1994, by Steven P. Bartlett, President of Circle C Land Corp., a Texas corporation, on behalf of said corporation.



Kendra Norman
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 16.8254 acre tract out of the Jesse Williams Survey No. 62, Travis County, Texas, being a portion of the remainder of that 538.5087 acre tract, described as Tract Two, conveyed to Circle C Land Corp. by deed recorded in Volume 11620, Page 1126 of the Travis County Deed Records; the said 16.8254 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, across the said remainder of the 538.5087 acre tract, 82.05 feet to a concrete monument found on a curve to the right for the northwest corner of said Barstow Avenue;

THENCE, along the common line between the said remainder of the 538.5087 acre tract, and the westerly right-of-way line of Barstow Avenue, for the following two (2) 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 03°53'54", a radius of 729.72 feet, a chord distance of 49.64 feet (chord bears S41°28'43"W) for an arc distance of 49.65 feet to a 1/2" iron rod set for corner; from which a 1/2" iron rod found in the aforesaid common line of Barstow Avenue bears S39°05'32"W, a chord distance of 11.14 feet;

THENCE, leaving the said westerly right-of-way line of Barstow Avenue, across the 538.5087 acre tract for the following four (4) courses:

- 1) N55°23'51"W, 117.94 feet to a 1/2" iron rod set on a curve to the right;

EXHIBIT A

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- 2) With the said curve to the right having a central angle of $04^{\circ}03'08''$, a radius of 1,025.00 feet, a chord distance of 72.48 feet (chord bears $S36^{\circ}37'42''W$) for an arc distance of 72.49 feet to a $1/2''$ iron rod set for the point of tangency;
- 3) $S38^{\circ}39'17''W$, 106.65 feet to a $1/2''$ iron rod set for corner;
- 4) $S51^{\circ}20'43''E$, 115.04 feet to a $1/2''$ iron rod set on a curve to the left in the westerly right-of-way line of aforesaid Barstow Avenue;

THENCE, along the common line between the remainder of the 538.5087 acre tract and the westerly right-of-way line of said Barstow Avenue for the following three (3) courses:

- 1) With the said curve to the left having a central angle of $00^{\circ}13'15''$, a radius of 1,000.00 feet, a chord distance of 3.85 feet (chord bears $S38^{\circ}01'03''W$) for an arc distance of 3.85 feet to a $1/2''$ iron rod found for the point of tangency;
- 2) $S37^{\circ}54'25''W$, 123.87 feet to a $1/2''$ iron rod found for the point of curvature of a curve to the right;
- 3) With the said curve to the right having a central angle of $15^{\circ}20'11''$, a radius of 600.00 feet, a chord distance of 160.12 feet (chord bears $S45^{\circ}34'30''W$) for an arc distance of 160.60 feet to a concrete monument set for the most southerly southeast corner of the herein described tract;

THENCE, $N79^{\circ}53'36''W$, leaving the said westerly right-of-way line of Barstow Avenue, across the remainder of that 538.5087 acre tract, for a distance of 639.28 feet to a concrete monument set for the southwest corner of the herein described tract, being the southeast corner of proposed Circle C Ranch, Phase A, Section Five subdivision;

THENCE, continuing across the said remainder of the 538.5087 acre tract, along the proposed easterly line of Circle C Ranch, Phase A, Section Five for the following thirteen (13) courses:

- 1) $N10^{\circ}06'24''E$, 150.00 feet to a $1/2''$ iron rod set for corner;
- 2) $S79^{\circ}53'36''E$, 0.28 feet to a $1/2''$ iron rod set for corner;
- 3) $N10^{\circ}06'24''E$, 125.00 feet to a $1/2''$ iron rod set for corner;
- 4) $N01^{\circ}12'19''E$, 174.28 feet to a $1/2''$ iron rod set for corner;
- 5) $N10^{\circ}39'10''W$, 53.03 feet to a $1/2''$ iron rod set for corner;

- 6) N72°43'37"E, 120.00 feet to a 1/2" iron rod set 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 set for corner;
- 8) N62°20'49"E, 217.00 feet to a 1/2" iron rod set for corner;
- 9) S69°37'06"E, 242.36 feet to a 1/2" iron rod set for corner;
- 10) S51°20'43"E, 43.73 feet to a 1/2" iron rod set for corner;
- 11) N45°48'59"E, 186.49 feet to a 1/2" iron rod set for corner;
- 12) N65°07'27"E, 135.82 feet to a 1/2" iron rod set for corner;
- 13) N36°17'26"E, 151.05 feet to a 1/2" iron rod set on a curve to the left for the northwest corner of the herein described tract, 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 across the said remainder of the 538.5087 acre tract, along the proposed southerly line of 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 set for the point of tangency;
- 2) S65°56'21"E, 183.22 feet to a 1/2" iron rod set 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 set 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°46'59", a radius of 1,000.00 feet, a chord distance of 13.67 feet (chord bears N23°40'10"E) for an arc distance of 13.67 feet to a 1/2" iron rod set for corner;

THENCE, S65°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 the herein described tract, being a point in the westerly line of said Circle C Ranch, Phase A, Section Three;

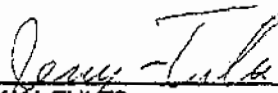
THENCE, along the common line between the said remainder of the 538.5087 acre tract and Circle C Ranch, Phase A, Section Three for the following four (4) courses:

- 1) S24°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°28'26", a radius of 1,000.00 feet, a chord distance of 130.35 feet (chord bears S27°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°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°45'17", a radius of 1,000.00 feet, a chord distance of 30.62 feet (chord bears S32°24'43"W) for an arc distance of 30.63 feet to the PLACE OF BEGINNING, CONTAINING within these metes and bounds 16.8254 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 12 day of AUGUST, 1994.





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

STATE OF TEXAS §
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COUNTY OF TRAVIS §

FIELDNOTE DESCRIPTION of a 29.2796 acre tract out of the Jesse Williams Survey No. 62, Travis County, Texas, being a portion of the remainder of that 538.5087 acre tract, described as Tract Two in a deed conveyed to Circle C Land Corp. recorded in Volume 11620, Page 1126 of the Travis County Deed Records; the said 29.2796 acre tract being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2" iron rod found on a curve to the left in the northerly right-of-way line of Slaughter Lane (120.00 foot right-of-way), described as 36.3515 acres recorded in Volume 9457, Page 80 of the Travis County Deed Records, being the southwest corner of Barstow Avenue (right-of-way varies) as dedicated by plat in Book 91, Pages 395 of the said Plat Records;

THENCE, leaving the southwest corner of Barstow Avenue, with the northerly right-of-way line of said Slaughter Lane, being an interior line of the said 538.5087 acre tract for the following two (2) courses:

- 1) With the said curve to the left having a central angle of 01°54'47", a radius of 2,260.00 feet, a chord distance of 75.46 feet (chord bears N39°48'44"W) for an arc distance of 75.46 feet to a 1/2" iron rod found for the point of tangency;
- 2) N40°36'36"W, 700.83 feet to a concrete monument set for a southerly corner and POINT OF BEGINNING of the herein described tract;

THENCE, N40°36'36"W, continuing along the northerly right-of-way line of Slaughter Lane, 369.41 feet to a 1/2" iron rod set for the most westerly corner of the herein described tract, from which, a 1/2" iron rod found in the aforesaid northerly right-of-way line of Slaughter Lane bears N40°36'36"W, 79.67 feet;

THENCE, N29°32'47"E, leaving the said northerly right-of-way line of Slaughter Lane, across the said remainder of the 538.5087 acre tract, 1,515.66 feet to a 1/2" iron rod found on a curve to the right for the most northerly corner of the herein described tract, being the most westerly corner of proposed Circle C Ranch, Phase A, Section Six subdivision;

THENCE, continuing across the said 538.5087 acre tract, along the proposed southerly line of Circle C Ranch, Phase A, Section Six for the following five (5) courses:

- 1) With the said curve to the right having a central angle of 05°52'16", a radius of 518.50 feet, a chord distance of 52.44 feet (chord bears S63°23'21"E) for an arc distance of 52.47 feet to a 1/2" iron rod set for the point of tangency;
- 2) S60°27'13"E, 373.02 feet to a 1/2" iron rod set for the point of curvature of a curve to the right;
- 3) With the said curve to the right having a central angle of 26°12'08", a radius of 532.00 feet, a chord distance of 241.18 feet (chord bears S47°21'09"E) for an arc distance of 243.29 feet to a 1/2" iron rod set for the point of tangency;
- 4) S34°15'05"E, 367.39 feet to a 1/2" iron rod set for the point of curvature of a curve to the left;
- 5) With the said curve to the left having a central angle of 19°27'29", a radius of 468.00 feet, a chord distance of 158.17 feet (chord bears S43°58'50"E) for an arc distance of

158.94 feet to a 1/2" iron rod found for the northeast corner of the herein described tract, being the northwest corner of proposed Circle C Ranch, Phase A, Section Four subdivision;

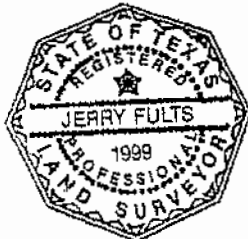
THENCE, leaving the proposed southerly line of Circle C Ranch, Phase A, Section Six, across the said remainder of the 538.5087 acre tract, along the common line between the herein described tract and Proposed Circle C Ranch, Phase A, Section Four for the following thirteen (13) courses:

- 1) S36°17'26"W, 151.05 feet to a 1/2" iron rod found for corner;
- 2) S65°07'27"W, 135.82 feet to a 1/2" iron rod found for corner;
- 3) S45°48'59"W, 186.49 feet to a 1/2" iron rod found for corner;
- 4) N51°20'43"W, 43.73 feet to a 1/2" iron rod found for corner;
- 5) N69°37'06"W, 242.36 feet to a 1/2" iron rod found for corner;
- 6) S62°20'49"W, 217.00 feet to a 1/2" iron rod found on a curve to the right;
- 7) With the said curve to the right having a central angle of 10°22'49", a radius of 350.00 feet, a chord distance of 63.32 feet (chord bears S22°27'47"E) for an arc distance of 63.41 feet to a concrete monument set for corner;
- 8) S72°43'37"W, 120.00 feet to a 1/2" iron rod found for corner;
- 9) S10°39'10"E, 53.03 feet to a 1/2" iron rod found for corner;
- 10) S01°12'19"W, 174.28 feet to a 1/2" iron rod found for corner;
- 11) S10°06'24"W, 125.00 feet to a 1/2" iron rod found for corner;
- 12) N79°53'36"W, 0.28 feet to a 1/2" iron rod found for corner;
- 13) S10°06'24"W, 150.00 feet to a concrete monument found for the most southerly southeast corner of the herein described tract, being the southwest corner of the aforesaid proposed Circle C Ranch, Phase A, Section Four;

THENCE, N79°53'36"W, leaving the said westerly line of Circle C Ranch, Phase A, Section Four and continuing across the said remainder of the 538.5087 acre tract for a distance of 446.61 feet to the PLACE OF BEGINNING, CONTAINING within these metes and bounds 29.2796 acres of land area.

That I, Jerry 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 9 day of AUGUST, 1994.



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

REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

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FILED

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DANA DEBEAUVOIR
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

SEP 6 1984



Dana Debeauvoir
COUNTY CLERK
TRAVIS COUNTY, TEXAS

After Recording Return to:

R. ALAN HAYWOOD
GRAVES, DOUGHERTY, HEARON & MOODY
P.O. Box 98
Austin, TX 78767

REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

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