

**THIRTY-SECOND AMENDMENT TO DECLARATION OF  
COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR CIRCLE C RANCH SUBDIVISION**

THE STATE OF TEXAS           §  
  §  
COUNTY OF TRAVIS           §

This Thirty-Second Amendment to Declaration of Covenants, Conditions and Restrictions is made to be effective the date set forth below by CAPITAL PACIFIC HOLDINGS, LLC, a Delaware limited liability company.

**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 12219, Page 0642; Volume 12231, Page 1241; Volume 12236, Page 2799; Volume 12265, Page 0471, as corrected in Volume 12403, Page 0495; Volume 12280, Page 0080; Volume 12377, Page 0508; Volume 12492, Page 0516; Volume 12618, Page 0678; Volume 12667, Page 0072; Volume 12667, Page 0169; Volume 12705, Page 0016; Volume 12721, Page 1542; Volume 12864, Page 1216; Volume 13114, Page 0757; Volume 13224, Page 0043; Document No. 1999160088 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; Circle C Development Venture subsequently assigned its rights and privileges as "Declarant" under the Declaration to Circle C Land Corp., a Texas corporation; Circle C Land Corp. subsequently assigned its rights and privileges as "Declarant" under the Declaration to Phoenix Holdings, Ltd., a Texas limited partnership; and Phoenix Holdings, Ltd. subsequently assigned its rights and privileges as "Declarant" under Declaration to Capital Pacific Holdings, LLC, a Delaware limited liability company (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 tract of land (the "**Additional Land**") is hereby added to the Properties subject to and covered by the Declaration:

26.4606 acres of land, more or less, as more particularly described on Exhibit A attached hereto and made a part hereof, and also known as Circle C Ranch Phase B Section Twenty-B, a proposed subdivision in Travis County, Texas.

2. Modification of the Declaration as to the Added Tract. 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 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 that a final plat is recorded in the Deed Records of Travis County, Texas.

(b) Article IV, Section 10 of the Declaration is hereby deleted in its entirety, and the following is substituted in the place and stead thereof:

Section 10. Governmental Authorities. Declarant, its successors and assigns, and all future Owners and their successors and assigns by their acceptance of their respective deeds, and the Association shall be bound by and subject to all applicable laws, ordinances, rules or regulations, including without limitation obtaining all permits required for the construction, erection, placement, alteration or maintenance of improvements on the Additional Land. No improvements or addition or change or alteration thereof shall be constructed, erected, placed, altered or maintained on The Properties, including the Common Area, which is in violation of the applicable laws, ordinances, rules or regulations of any governmental entity or agency with jurisdiction over the portion of the Additional Land on which such improvements are so constructed, erected, placed, altered or maintained. Notwithstanding anything to the contrary herein contained, Declarant, the Association, the Committee, and their respective officers, directors, agents and employees shall have no obligation to enforce or report any violation of any such law, ordinance, rule or regulation. The approval of plans and specifications by the Committee shall not be deemed or construed to constitute a determination that such plans and specifications comply with any applicable law, ordinance, rule or regulation.

(c) Article V, Section 1 of the Declaration is hereby amended to add the following hereto:

Any home which is adjacent to or on Slaughter Lane (regardless of common lot(s)) shall be limited to one story. Each home shall have two (2) crepe myrtle trees located five (5) feet from the rear or side fence. Any variance of these provisions requires approval from the Architectural Control Committee.

(d) 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 two thousand two hundred (2,200) square feet and not more than three thousand one hundred (3,100) square feet for the Lots within the Additional Land. Variances up to three thousand six hundred (3,600) square feet may be granted on a case-by-case basis. A

STATE OF TEXAS                   §  
  §  
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FIELDNOTE DESCRIPTION of a 26.4606 acre tract out of the Samuel Hamilton Survey No. 16, Travis County, Texas, being a portion of that 58.0805 acre tract conveyed to Capital Pacific Holdings, LLC, by deed recorded in Volume 13032, Page 438 of the Travis County Deed Records; the said 26.4606 acre tract, being all of proposed Circle C Ranch, Phase B, Section Twenty-B, is more particularly described by metes and bounds as follows:

BEGINNING at a ½" iron rod with plastic cap found on the north line of the said 58.0805 acre tract, being on the south line of Village at Western Oaks, Section 16-A, a subdivision recorded in Book 86, Pages 62A through 62D of the Travis County Plat Records, and the northwest corner of Circle C Ranch, Phase B, Section Twenty-A, a subdivision recorded in Document No. 199900388 of the Official Public Records of Travis County;

THENCE, leaving the southerly line of the said Village of Western Oaks, Section Sixteen-A, across the said 58.0805 acre tract, with the westerly line of Circle C Ranch, Phase B, Section Twenty-A, for the following eleven (11) courses:

- 1) S19°48'50"W, 167.00 feet to a ½" iron rod with plastic cap found;
- 2) N70°11'10"W, 12.53 feet to a ½" iron rod with plastic cap found;
- 3) S19°48'50"W, 745.59 feet to a ½" iron rod with plastic cap found;
- 4) N76°52'00"W, 69.38 feet to a ½" iron rod with plastic cap found;
- 5) S13°08'00"W, 50.00 feet to a ½" iron rod with plastic cap found;
- 6) S76°52'00"E, 13.56 feet to a ½" iron rod with plastic cap found;
- 7) With the said curve to the right having a central angle of 90°00'00", a radius of 15.00 feet, a chord distance of 21.21 feet (chord bears S31°52'00"E), for an arc distance of 23.56 feet to a ½" iron rod with plastic cap found for the point of tangency;
- 8) S13°08'00"W, 16.60 feet to a ½" iron rod with plastic cap found for the point of curvature of a curve to the right;
- 9) With the said curve to the right having a central angle of 28°03'04", a radius of 270.00 feet, a chord distance of 130.87 feet (chord bears S27°09'32"W), for an arc distance of 132.19 feet to a ½" iron rod with plastic cap found for the point of tangency;
- 10) S41°11'04"W, 36.40 feet to a ½" iron rod with plastic cap found for the point of curvature of a curve to the right;
- 11) With the said curve to the right having a central angle of 90°58'17", a radius of 25.00 feet, a chord distance of 35.65 feet (chord bears S86°40'13"W), for an arc distance of 39.69 feet to a ½" iron rod with plastic cap found on a curve to the right for the Southwest corner of said Circle C Ranch, Phase B, Section Twenty-A, being on the southerly line of the said 58.0805 acre tract and a point on the northerly right-of-way line of Slaughter Lane (120.00 feet right-of-way) as dedicated in Volume 9457, Page 80 of the said Deed Records;

THENCE, leaving the westerly line of said Circle C Ranch, Phase B, Section Twenty-A, along the common line between said 58.0805 acre tract and Slaughter Lane, for the following two (2) courses:

- 1) With the said curve to the right having a central angle of  $16^{\circ}29'21''$ , a radius of 3496.13 feet, a chord distance of 1002.68 feet (chord bears  $N39^{\circ}35'59''W$ ), for an arc distance of 1006.15 feet to a calculated point for the point of tangency, from which a  $\frac{1}{2}$ " iron rod found on the southerly right-of-way line of Slaughter Lane bears  $S58^{\circ}38'42''W$ , 120.00 feet;
- 2)  $N31^{\circ}21'18''W$ , 671.85 feet to a  $\frac{1}{2}$ " iron rod found for the most westerly corner of the said 58.0805 acre tract, being on the easterly line of the remainder of that 61.7427 acre tract conveyed to Phoenix Holdings, Ltd., by deed recorded in Volume 12515, Page 140 of the said Deed Records;

THENCE,  $N29^{\circ}11'49''E$ , leaving the northerly right-of-way line of said Slaughter Lane, with the westerly line of the 58.0805 acre tract, 245.75 feet to a  $\frac{1}{2}$ " iron rod found for the northwest corner of the aforesaid 58.0805 acre tract, being an angle point in the south line of Circle C Ranch, Phase A, Section Two, a subdivision recorded in Book 92, Pages 388 through 390 of the said Plat Records;

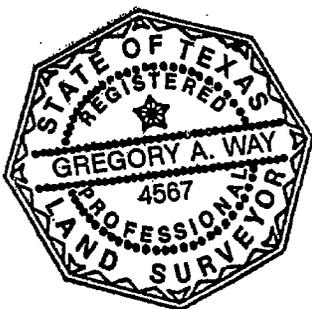
THENCE,  $S70^{\circ}23'26''E$ , with the common line between the said 58.0805 acre tract and Circle C Ranch, Phase A, Section Two, 605.22 feet to a  $\frac{1}{2}$ " iron pipe found for the southeast corner of said Circle C Ranch, Phase A, Section Two, being the southwest corner of said Village at Western Oaks, Section 16-A;

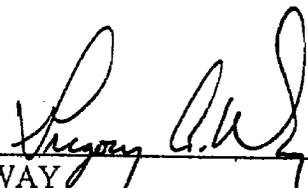
THENCE,  $S70^{\circ}11'10''E$ , leaving the easterly line of said Circle C Ranch, Phase A, Section Two, with the common line between the 58.0805 acre tract and said Village at Western Oaks, Section 16-A, 847.61 feet to the POINT OF BEGINNING, CONTAINING within these metes and bounds 26.4606 acres of land area.

NOTE: Unless otherwise noted; " $\frac{1}{2}$ " iron rod with plastic cap" denotes a plastic cap stamped "Capital Surveying Co., Inc."

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 2nd day of February, 2000.



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