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

THE STATE OF TEXAS           §  
  §  
COUNTY OF TRAVIS           §

This Fifty-Second Amendment to Declaration of Covenants, Conditions and Restrictions is made to be effective the date set forth below by KB Home Lone Star, L.P., a Texas limited partnership.

**RECITALS:**

Watershed Protection and  
Development Review  
505 Barton Springs, 4th Flr.  
Austin, TX 78701

*Attn: D. Perryman  
CS-02-0017-01.1A*

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, Document No. 2000011673, Document No.2000093548, Document No. 2000114433, Document No. 2000197659, Document No. 2000163769 Document No. 2001089350, Document No. 2002058627, Document No. 2002058630, Document No. 2002058624, Document No. 2002019633 Document No. 2002167238, Document No. 2002102177, Document No. 2002182179, Document No. 2002182178, Document No. 2002183448, Document No. 2002181398, Document No. 2002181399, 20031512004, 20051768111, and 2004142555 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 the Declaration to KB Home Lone Star, L.P., a Texas limited partnership (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. Paragraph E, Section 3 of the Forty-Second Amendment to the Declaration of Covenants Conditions and Restrictions for Circle C Ranch, as recorded in Document No. 2002182178 of the Travis County Property Records, requires recorded supplemental Declaration to modify certain Articles of the Forty-Second Amendment.

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:

24.23 acres of land, more or less, as more particularly described on Exhibit A attached hereto and made a part hereof, and also known as La Crosse Subdivision, Section Two, a proposed subdivision in Travis County, Texas.

2. Modification of the Declaration as to the Additional Land. 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 Lane only, the terms and provisions of the Declaration are modified as follows:

(a) 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 conform to the minimum and maximum square footages set forth below. Lots on the golf course must be at least 80 feet in width. A registered Architect shall certify (signed and sealed) the square footage for each residential structure.

Lot Size	Minimum Sq. Footage	Maximum Sq. Footage
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50' – 59'	1300	2800
60' – 64'	2200	3100
65' – 69'	2590	3390
70' – 79'	2800	3600
80' – 89'	3200	n/a
90' +	3200 *	n/a

\*A one story home may have a minimum square footage of 3,000 square feet

(b) Article V, Section 8(e) 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, open space, or common area, such fences shall be constructed with face toward the school, open space, or common area according to the Design Guidelines. Where fences are constructed on side Lots, Owner is required to install shrubs along the entire side fence. Gates are not allowed in/on rear or side fences. 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. No fence shall be built in or on a drainage easement.

(c) 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 all sides.

(d) Article V, Section 10(a) is hereby deleted in its entirety, and the following is substituted in the place and stead thereof:

(a) The rear building setback line shall be (30) thirty feet.

3. In consideration of the benefits to the Additional Land and the subsequent owners thereof as a result of being brought within the scheme of the Declaration, and other good and



EXHIBIT A

La Crosse Subdivision, Section Two, Final Plat

# LaCROSSE SUBDIVISION SECTION TWO

CORBET STEVENS SURVEY NO. 63 ABSTRACT NO. 740

CITY OF AUSTIN  
124.864 ACRES  
VOL. 13313 PG. 2987

CITY OF AUSTIN  
124.864 ACRES  
VOL. 13313 PG. 2987

SCALE 1" = 100'

PHOENIX HOLDINGS LTD.  
REMAINDER TRACT 12  
629.758 ACRES  
VOL. 12515, PG. 140

PHOENIX HOLDINGS LTD.  
REMAINDER TRACT 12  
529.758 ACRES  
VOL. 12515, PG. 140

CORBET STEVENS SURVEY NO. 63 ABSTRACT NO. 740

DATE: JANUARY 13, 2006

OWNER:  
KB HOME  
11911 BURNHRT ROAD  
AUSTIN, TEXAS 78759  
PHONE: (512) 833-8880  
FAX: (512) 795-6181

ENGINEER AND SURVEYOR:  
CARLSON, BRIGANCE & DOERING, INC.  
3401 SLAUGHTER LANE WEST  
AUSTIN, TEXAS 78748  
(512) 280-5160  
FAX (512) 280-5165


TOTAL ACREAGE: 24.231 ACRES  
SURVEY: CORBET STEVENS SURVEY NO. 63, ABSTRACT NO. 740  
F.E.M.A. MAP NO. 48453C 0300 E  
TRAVIS COUNTY, TEXAS DATED: JUNE 16, 1993

TOTAL OF LOTS: 72  
NO. OF SINGLE FAMILY LOTS: 68  
NO. OF L.S.E., S.W.E., P.U.E., D.E.  
AND OPEN SPACE LOTS: 1  
NO. OF L.S.E., S.W.E., P.U.E., D.E., OPEN SPACE  
AND P.A.E. LOTS: 1  
NO. OF L.S.E. AND D.E. LOTS: 1  
NO. OF PRIVATE, D.E. AND P.U.E. LOTS: 1  
NO. OF BLOCKS: 3

SHEET 1 OF 4

## LEGEND

- IRON PIN SET
- IRON PIPE FOUND
- P.U.E. PUBLIC UTILITY EASEMENT
- D.E. DRAINAGE EASEMENT
- W.W.E. WASTEWATER EASEMENT
- L.S.E. LANDSCAPE EASEMENT
- S.W.E. SIDEWALK EASEMENT
- P.A.E. PUBLIC ACCESS EASEMENT
- LOT NUMBER
- BLOCK NUMBER
- APPROX. SIDEWALK LOCATION
- BUILDING SETBACK LINE
- EASEMENT LINE



**Carlson, Brigance & Doering, Inc.**  
Civil Engineering • Surveying  
3401 Slaughter Lane West • Austin, Texas 78748  
PH (512) 280-5160 • FAX (512) 280-5165

C8-02-0017.01.2A

EXHIBIT "A"

**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*

2006 May 23 10:31 AM 2006094946

RANEYJ \$40.00

DANA DEBEAUVOIR COUNTY CLERK

TRAVIS COUNTY TEXAS