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

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

This Fifty-Seventh Amendment to Declaration of Covenants, Conditions and Restrictions is made to be effective the date set forth below by DURHAM TRADING OFFICE SUITES, LLC., a Texas 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 12159, Page 3169; Volume 10778, Page 284; Volume 12159, Page 3177; 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 1192 Document No. 2000114433;5, 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 12671, 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; Document No. 20031512004; Document No. 20051768111; Document No. 2004142555; Document No. 2007003201; Document No. 2007118689; Document No. 2008034578; Document No. 2008152827 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 Origin Homes, L.P., a Texas limited partnership; and Origin Homes, L.P. subsequently assigned its rights and privileges as "Declarant" under Declaration to Durham Trading Office Suites, LLC., (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 the the Declaration of Covenants, Conditions and Restrictions for Circle C Ranch, as recorded in Document No. 2002182179 of the Real Property Records of Travis County, Texas. 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:

6.385 acres of land, more or less, as more particularly described on Exhibit A attached hereto and made a part hereof, and also known as BARSTOW COURT, 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 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. On any Lot which is less than 7,999 square feet in size the following shall apply. 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 seven hundred fifty (1,750) square feet and not more than two thousand eight hundred (2,800) square feet. On any Lot which is greater than 8,000 square feet in size the following shall apply. 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 seven hundred fifty (1,750) square feet and not more than three thousand two hundred (3,200) square feet. A registered Architect shall certify (signed and sealed) the square footage for each residential structure.

(i) Article V, Section 7(e) (iv) is hereby deleted in its entirety, and the following is substituted in the place and stead thereof:

(iv) Required Trees. The land use listed below shall be landscaped with the following numbers of shade trees. The shade trees shall be no smaller in size than 3" caliper.

| <u>Land Use</u> | <u>Required Number of Trees</u> |
|-----------------|---|
| Single Family | Three per front yard within 15' 0" of Right-of-Way (Four for corner lots, two on the front and two on the side) |

On a non-corner lot, the Architectural Control Committee may designate that two trees be located in the front yard and one tree be located in the back yard.

(j) 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 and/or walls are constructed adjacent to any school, open space, common area, or Right-of-Way such fences and/or walls shall be constructed on the single-family Lot with face toward the school, open space, or common area according to the Design Guidelines. These fences and/or walls shall be maintained by the single-family Lot owner. Where fences and/or walls are constructed on side Lots, Owner is required to install shrubs along the entire side fence. Gates are not allowed on rear or side fences and/or walls. Cost of construction and maintenance of fences along common single-family 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 a drainage easement without the approval of the City of Austin.

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 valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Durham Trading Office Suites, LLC, has joined in this Fifty-Seventh Amendment to confirm and declare that it has consented to and approved, and does hereby consent to and approve, the addition of the Additional Land to the Properties covered by the Declaration, on and subject to the terms and provisions of this Amendment; does further declare that 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 set forth in this Amendment; and does further hereby in all respects adopt, confirm, ratify and approve this Amendment.

EXECUTED this the 8^m day of August, 2011.

DURHAM TRADING OFFICE SUITES, LLC, a Texas Limited Liability Company

By: [Signature]
Jeff Blatt - Manager

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 8th day of August, 2011, by Jeff Blatt, Manager of DURHAM TRADING OFFICE SUITES, a Texas Limited Liability Company.

[Signature]
Notary Public, State of Texas

Print Name: Erin A. Finney

After recording, return to:
Steve Bartlett
1406 Camp Craft Rd. Suite 222
Austin, Texas 78746

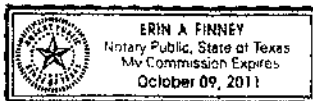


EXHIBIT A

6.385 Acres
Page 1 of 3

Jesse Williams Survey No. 62, Abst. No. 788
Sept. 20, 2006
06534.20

STATE OF TEXAS §
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COUNTY OF TRAVIS §

FIELDNOTE DESCRIPTION, of a 6.385 acre tract of land out of the Jesse Williams Survey No. 62, Abstract No. 788, Travis County, Texas, being a portion of the remainder of that 77.5775 acre tract, described as Tract 1, conveyed to Phoenix Holdings, Ltd. by deed recorded in Volume 12515, Page 140 of the Real Property Records of Travis County, Texas; the said 6.385 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a ½" iron rod found on the southeast line of the said 77.5775 acre tract, being a southerly corner of Lot 31, Block 'I', Circle C Ranch, Phase A, Section Five, a subdivision recorded in Book 96, Pages 257 through 259 of the Plat Records of Travis County, Texas, and a point on the northerly right-of-way line of Slaughter Lane (120.00' right-of-way) as conveyed to the public by deed recorded in Volume 9457, Page 80 of the Deed Records of Travis County, Texas;

THENCE, S79°53'36"E, leaving the north right-of-way line of Slaughter Lane, with the south line of said Block 'I', Circle C Ranch, Phase A, Section Five and the south line of Block 'I', Circle C Ranch, Phase A, Section Four, a subdivision recorded in Book 94, Pages 93 through 95 of the said Plat Records, at a record distance of 446.61 feet pass the southeast corner of aforesaid Section Five, being the southwest corner of Section Four, for a total distance of 1085.66 feet to a ½" iron rod set for the most southerly corner of aforesaid Section Four, same being a point on the westerly right-of-way line 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 said Plat Records and an easterly corner of the aforesaid 77.5775 acre tract;

THENCE, leaving the southerly line of said Circle C Ranch, Phase A, Section Four, with the common line between the said 77.5775 acre tract and the westerly right-of-way line of Barstow Avenue, for the following twelve (12) courses:

- 1) S53°18'15"W, 103.53 feet to a ½" iron rod set for the point of curvature of a curve to the left;
- 2) With the said curve to the left having a central angle of 06°56'35", a radius of 427.00 feet, a chord distance of 51.71 feet (chord bears S49°49'58"W), for an arc distance of 51.74 feet to a ½" iron rod set for the point of tangency;
- 3) S46°21'41"W, 64.51 feet to a ½" iron rod found for the point of curvature of a non-tangent curve to the right;

- 4) With the said curve to the right having a central angle of $9^{\circ}32'38''$, a radius of 500.00 feet, a chord distance of 83.19 feet (chord bears $S50^{\circ}59'39''W$), for an arc distance of 83.29 feet to a $\frac{1}{2}$ " iron rod found for the point of non-tangency;
- 5) $S55^{\circ}52'58''W$, 65.70 feet to a $\frac{1}{2}$ " iron rod found for the point of curvature of a curve to the left;
- 6) With the said curve to the left having a central angle of $04^{\circ}31'40''$, a radius of 300.00 feet, a chord distance of 23.70 feet (chord bears $S53^{\circ}37'08''W$), for an arc distance of 23.71 feet to the calculated point of tangency, from which a $\frac{1}{2}$ " iron rod found bears $N01^{\circ}40'34''E$, 0.11 feet;
- 7) $S51^{\circ}17'10''W$, 81.46 feet to a $\frac{1}{2}$ " iron rod found for the point of curvature of a curve to the right;
- 8) With the said curve to the right having a central angle of $08^{\circ}14'33''$, a radius of 355.00 feet, a chord distance of 51.03 feet (chord bears $S55^{\circ}24'26''W$), for an arc distance of 51.07 feet to a $\frac{1}{2}$ " iron rod found for the point of tangency;
- 9) $S59^{\circ}31'42''W$, 68.35 feet to a $\frac{1}{2}$ " iron rod found for the point of curvature of a curve to the left;
- 10) With the said curve to the left having a central angle of $11^{\circ}46'47''$, a radius of 228.00 feet, a chord distance of 46.79 feet (chord bears $S53^{\circ}38'19''W$), for an arc distance of 46.88 feet to a $\frac{1}{2}$ " iron rod set for the point of tangency;
- 11) $S47^{\circ}57'24''W$, 25.30 feet to a $\frac{1}{2}$ " iron rod found for the point of curvature of a curve to the right;
- 12) With the said curve to the right having a central angle of $93^{\circ}27'38''$, a radius of 25.00 feet, a chord distance of 36.41 feet (chord bears $N85^{\circ}27'20''W$), for an arc distance of 40.78 feet to a calculated point for the point of reverse curvature of a curve to the left, being the most westerly corner of aforesaid Barstow Avenue and a point on the northerly right-of-way line Slaughter Lane, from which a $\frac{1}{2}$ " iron rod found bears $N49^{\circ}22'31''W$, 0.21 feet;

THENCE, leaving the westerly right-of-way line of said Barstow Avenue, with the common line between the northerly right-of-way of Slaughter Lane and the 77.5775 acre tract, for the following two (2) courses:

- 1) With the said curve to the left having a central angle of $01^{\circ}55'10''$, a radius of 2260.00 feet, a chord distance of 75.71 feet (chord bears $N39^{\circ}41'05''W$), for an arc distance of 75.71 feet to a $\frac{1}{2}$ " iron rod set for the point of non-tangency, from which a $\frac{1}{2}$ " iron rod found on the southerly right-of-way line of said Slaughter Lane bears $S49^{\circ}23'07''W$, 120.00 feet;

2) N40°36'53"W, a distance of 700.34 feet to the POINT OF BEGINNING, CONTAINING within these metes and bounds 6.385 acres of land area.

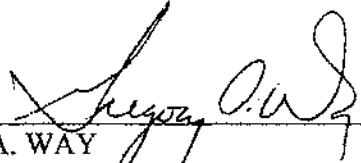
Basis of Bearing is the Texas State Plane Coordinate System, Central Zone, NAD 83

Note: " ½" iron rod set" denotes a ½" iron rod, with plastic cap marked "Capital Surveying Company, Inc.", set

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 20th day of September, 2006.




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

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS



Aug 08, 2011 02:17 PM 2011114646

PEREZTA: \$36.00

Dana DeBeauvoir, County Clerk

Travis County TEXAS