

DOC. NO.  
90018602

FILM CODE  
00004570907

700

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

4:27 PM 9735

7.00 INDX  
2 2 03/01/90  
900184.02-DGC+  
821.15-CMK+

THE STATE OF TEXAS §  
COUNTY OF TRAVIS §

This Fifth Amendment to Declaration of Covenants, Conditions and Restrictions is made to be effective March 1, 1990, with respect to the following facts:

A. The Declaration of Covenants, Conditions and Restrictions for Circle C Ranch Subdivision was recorded on February 16, 1988, in Volume 10585, Page 110, Real Property Records of Travis County, Texas (the "Original Declaration"), and amended by documents recorded in Volume 10627, Page 771, Volume 10778, Page 284, Volume 10961, Page 0851 and Volume 11003, Page 1060, all of the Real Property Records of Travis County, Texas, which Original Declaration as amended is herein referred to as the "Declaration";

B. Circle C Development Corporation assigned its rights and privileges as "Declarant" under the Declaration to Circle C Development Joint Venture (hereinafter "Declarant"), which joint venture has assumed the duties and obligations associated therewith;

C. Article VIII, Section 2 of the Declaration permits amendment of the Declaration by Declarant at any time to correct grammatical and/or typographical errors and in order to comply with VA or FHA requirements for approval of The Properties, as defined in the Declaration; and

D. Declarant desires to amend the Declaration in order to correct certain grammatical and/or typographical errors and to comply with VA or FHA requirements for approval of The Properties.

NOW, THEREFORE, Declarant declares as follows:

1. Purpose of Assessments. Article III, Section 2 is hereby deleted in its entirety and replaced by the following:

Section 2. Purpose of Assessments. The assessments levied by the Association shall be used exclusively for the purpose of promoting the comfort, health, safety, and welfare of the owners of The Properties, or any part thereof,

REAL PROPERTY RECORDS  
TRAVIS COUNTY, TEXAS

11134 1045

and for carrying out the purposes of the Association as stated in its Articles of Incorporation.

2. Annual Assessment. The last sentence of Article III, Section 3 is hereby deleted in its entirety and replaced by the following:

Notwithstanding the foregoing, as to any residential structure financed by a mortgage insured by the VA or FHA, the maximum annual assessment per Lot for 1988 shall be \$275.00, which maximum annual assessment shall be increased five percent (5%) in each year following 1988. For purposes of the immediately preceding sentence only, if a detached single family residential structure financed by a mortgage insured by the VA or FHA is constructed over one or more Lot lines separating Lots owned by the same Owner (provided all approvals required for such construction have been obtained, including the approval of the Architectural Control Committee, have been obtained), the Lots on which such residential structure is located shall be considered a single "Lot" for purposes of the maximum assessment for the period that such residential structure continues to be located on more than one Lot.

CIRCLE C DEVELOPMENT JOINT VENTURE,  
a Texas joint venture

By: Bradley Development, Inc., a  
Texas corporation

By: [Signature]  
Name: STEVE BARTLET  
Title: PRESIDENT

THE STATE OF TEXAS §  
  §  
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 1<sup>st</sup> day of March, 1990, by Steve Bartlett, President of Bradley Development, Inc., a Texas corporation, Venturer in CIRCLE C DEVELOPMENT JOINT VENTURE, a Texas joint venture, on behalf of said corporation and said joint venture.

My Commission Expires:  
2-22-93

Kristen Hulse  
Notary Public, State of Texas  
Print Name: Kristen Hulse

After Recording Return to:  
Pamela S. Bacon, Esq.  
Graves, Dougherty, Hearon & Moody  
P. O. Box 98  
Austin, Texas 78767



F:\PSBACON\3008.82\3RDAMEND.DEC

FILED  
90 MAR -1 PM 4:26  
DAVE T. HANCOCK  
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 stated herein by me, and  
was duly RECORDED, in the Volume and Page of the  
public RECORDS of Travis County, Texas, on

MAR 1 1990



*[Signature]*  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

REAL PROPERTY RECORDS  
TRAVIS COUNTY, TEXAS

11134 1047