

DOC. NO.
00045623

FILM CODE
00004363118

11.00

SECOND AMENDMENT TO

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

OF

LAS VENTANAS

1915 P.M. 4935

11.00 INDX
3 3 05/23/88
19.09-CHK#
456.23-0004

THE STATE OF TEXAS

§

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TRAVIS

§

WHEREAS, the undersigned are owners of more than eighty percent (80%) of the thirty-two (32) lots in the Planned Unit Development (not including the common area) known as LAS VENTANAS, which lots are more fully described as:

Lots 1-5, NORTH CAT MOUNTAIN IV-LAS VENTANAS PLANNED UNIT DEVELOPMENT, an addition in Travis County, Texas, according to the map or plat of record in Volume 82, Pages 154-157, Plat Records of Travis County, Texas; and

Lots 6-32, AMENDED PLAT OF NORTH CAT MOUNTAIN IV-A, LAS VENTANAS TWO PLANNED UNIT DEVELOPMENT, an addition in Travis County, Texas according to the map or plat of record in Volume 86, Pages 186B, 186C and 186D, Plat Records of Travis County, Texas (all of the property described above hereinafter referred to as the "Development"); and,

WHEREAS, Nash Phillips/Copus, Inc., a Texas Corporation, heretofore filed that certain Declaration of Covenants, Conditions and Restrictions of record in Volume 9642, Page 369, Real Property Records of Travis County, Texas, together with a First Amendment thereto of record in Volume 9728, Page 135, Real Property Records of Travis County, Texas, which Declaration and Amendment (the "Declaration") imposes certain easements, covenants, restrictions and conditions on the Development; and,

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TRAVIS COUNTY, TEXAS

10692 0502

WHEREAS, Article X, Paragraph 10.3 a. of the Declaration allows amendments to said Declaration by an "instrument signed by owners of not less than 80% of the Lots..." and Paragraph 10.3 b. of the Declaration requires that "... any amendment hereto... to change the method of determining the obligations, assessments, dues or other charges which may be levied against a Lot Owner... [must] have the additional approval of sixty-seven percent (67%) of the First Mortgagees..."; and,

WHEREAS, as of the date of this instrument there are no First Mortgagees or liens on any of the thirty-two (32) lots in the Development; and,

WHEREAS, First RepublicBank Austin, N.A., the owner of Lots 31 and 32, more fully described below, has agreed to restrict said lots to provide that only one single family residence shall be erected on the two lots; and,

WHEREAS, the purchaser of said lots, as a condition of the purchase, requires this amendment; and,

WHEREAS, the undersigned wish to amend the Declaration;

NOW, THEREFORE, in consideration of the premises, the Declaration is amended as follows:

1. Notwithstanding Article I, Paragraph 1.5 of the Declaration, with regard to Lots 31 and 32, AMENDED PLAT OF NORTH CAT MOUNTAIN IV-A, LAS VENTANAS TWO PLANNED UNIT DEVELOPMENT, in Travis County, Texas, according to the map or plat thereof recorded in Book 86, Pages 186B, 186C and 186D, Plat Records of Travis County, Texas (hereinafter the "Property") said Property shall be considered one lot for all purposes of

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TRAVIS COUNTY, TEXAS

the Declaration and specifically with regard to membership in Las Ventanas Owners Association, Inc. and with regard to voting rights.

2. Notwithstanding Article IV of the Declaration providing for various assessments or any other provisions of the Declaration, the owner of the Property shall be required to pay an assessment only on the basis of one lot in the Development.

3. Notwithstanding Article X, Paragraph 10.3 a. relating to amendments, the amendments to the Declaration numbered "1." and "2." above may not be amended except by an instrument signed by Owners of all of the lots in the Development.

4. First RepublicBank Austin, N.A., the Owner of the Property, hereby restricts the Property and the Declaration is hereby amended to provide that only a single-family residential unit may be constructed on the Property.

Executed this 31st day of MARCH, 1988.

FIRST REPUBLICBANK AUSTIN, N.A.

BY Betsy A. Sargent
Banking Officer
Its Betsy A. Sargent

Owner of Lots 8-29, 31 and 32

Beth B. Denius
BETH B. DENIUS, Owner of Lot 30

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TRAVIS COUNTY, TEXAS

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FEDERATED SAVINGS AND LOAN ASSOCIATION

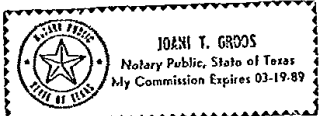
BY Daniel E. Miller
DANIEL E. Miller
Its Executive Vice President

Owner of Lot 4

Eric Jones
ERIC JONES, Purchaser of Lot 4

THE STATE OF TEXAS §
§
COUNTY OF TRAVIS §

This instrument was acknowledged before me on the 31 day of March, 1988 by BETSY SARGENT, BANKING OFFICER on behalf of FIRST REPUBLICBANK AUSTIN, N.A., a national banking association.



Joani T. Groos
Notary Public, State of Texas
MY COMMISSION EXPIRES: _____
(Printed name of Notary)

THE STATE OF TEXAS §
§
COUNTY OF TRAVIS §

This instrument was acknowledged before me on the _____ day of March, 1988 by Beth B. Denius.

Notary Public, State of Texas
MY COMMISSION EXPIRES: _____
(Printed name of Notary)

THE STATE OF TEXAS §
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COUNTY OF MCCULLOCHS §

This instrument was acknowledged before me on the 4th day of APRIL, 1988 by DANIEL E. MILLER, EXECUTIVE VICE PRES on behalf of Federated Savings and Loan Association.

Jamesina Solsbery
Notary Public, State of Texas
MY COMMISSION EXPIRES: 7/26/90
Jamesina Solsbery
(Printed name of Notary)

NOTARY SEAL

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TRAVIS COUNTY, TEXAS

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THE STATE OF TEXAS §
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COUNTY OF TRAVIS §

This instrument was acknowledged before me on the 31st day of March, 1988 by Eric Jones.



JOHN C. MILLER
Notary Public-State of Texas
My Commission Expires 2-11-89

[Signature]
Notary Public, State of Texas
MY COMMISSION EXPIRES: _____

(Printed name of Notary)

FILED
MAY 23 1988 23 PM 12: 52
DANA BEAUFVOIR
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 hereon by me; and
was duly RECORDED, in the Volume and Page of the
named RECORDS of Travis County, Texas, on

MAY 23 1988



[Signature]
COUNTY CLERK
TRAVIS COUNTY, TEXAS

Return to: 704023/jl
Security Title Co.
13915 Summit Rd #200
Austin, Tx 78728

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