

1988

DOC. NO.

00004427096

00108521

THIRD AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

OF

PAC. AM 3389

19.00 INEX
2 2 11/23/88
1025.21-DCC#
121.34-CHK#

LAS VENTANAS

THE STATE OF TEXAS
COUNTY OF TRAVIS

§
§
§

KNOW ALL M BY THESE PRESENTS:

WHEREAS, the undersigned are owners of more than eighty percent (80%) of the Planned Unit Development (not including the common area) known as LAS VENTANAS, which lots are more particularly 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, filed that certain Declaration of Covenants, Conditions and Restrictions dated March 4, 1986, and recorded 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, and a Second Amendment thereto recorded in Volume 10692,

REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

10823 0016

Page 502, Real Property Records of Travis County, Texas (which Declaration, First Amendment, and Second Amendment are collectively referred to herein as the "Declaration"), which Declaration imposes certain easements, covenants, restrictions and conditions on the development.

WHEREAS, a document entitled "Declaration of Covenants, Conditions and Restrictions for Las Ventanas Townhomes" dated April 29, 1982, is recorded in Volume 7753, Page 221, Deed Records of Travis County, Texas, and is not referred to in the Declaration;

WHEREAS, paragraph 10.3(a) of the Declaration allows amendments to said Declaration by "instruments signed by owners of not less than eighty percent (80%) of the lots . . .";

WHEREAS, as of the date of this instrument, there are no First Mortgages or liens on any of the lots in the development;

WHEREAS, the undersigned wish to make clear that the Prior Declaration was merged into the Declaration; and

WHEREAS, it has come to the attention of the undersigned that condominium buildings actually constructed on Lots 1, 2, 3, 4 and 5 encroach upon the building set-back lines of said lots as shown in the map or plat of said lots recorded in Volume 82, Pages 154-157, Plat Records of Travis County, Texas, and referred to and incorporated in the Declaration, and the undersigned wish to cure such encroachment;

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

1. The Prior Declaration, and each and every term and provision thereof, are hereby merged into the Declaration, and in the event of any conflict or discrepancy between the terms and provisions of the Prior Declaration, and the terms and provisions of the Declaration, the terms of the latter document shall control.

2. The boundary lines and area of Lots 1, 2 and 3, and common area lot 36 and common area lot 33 are hereby amended by moving the area containing .04 acres of land, more or less, described on Exhibit "A" attached hereto and incorporated herein, from common area lot 33 and common area lot 36 to Lots 1, 2 and 3, making the boundaries and dimensions of Lots 1, 2 and 3 those shown as the "new lot lines" for those lots on Exhibit "A" attached hereto; and the boundaries and dimensions of Lot 4, Lot 5 and common area lot 36 are hereby amended by moving the areas described on Exhibit "A" attached hereto containing .020 and .0195 acres, respectively, from common area lot 36 to Lots 4 and 5, so that the boundaries and dimensions of Lots 4 and 5 are those shown as the "new lot lines" for those lots on said Exhibit "A" attached hereto. The boundaries and dimensions of Lots 1, 2, 3, 4 and 5, and common area lots 33 and 36, before and after this amendment, and the area conveyed pursuant to this amendment, are all shown on said Exhibit "A" attached hereto.

NCNB TEXAS NATIONAL BANK, A signer of this document, is the

owner of lots in Las Ventanas as assignee of the Federal Deposit Insurance Corporation as Receiver for First RepublicBank Austin, N.A.

EXECUTED by each of the undersigned, to be EFFECTIVE on the 31st day of October, 1988.

NCNB TEXAS NATIONAL BANK

By: Betsy A. Sargent
BETSY A. SARGENT
Its Banking Officer

HOME SAVINGS & LOAN ASSOCIATION OF LUFKIN, TEXAS

By: [Signature]
Its ASST MGR

SUNBELT FSB, formerly FEDERATED SAVINGS AND LOAN ASSOCIATION

By: James P. Cotton
James P. Cotton
Its VICE PRESIDENT

Eric Jones
Eric Jones

Beth B. Denius
Beth B. Denius

John Douglas Hudson
John Douglas Hudson

Martha Simonson Hudson
Martha Simonson Hudson

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on 10-31-88, 1988 by Betsy A. Sargent, Banking Officer of NCNB Texas National Bank, a national banking association, on behalf of said association.

My commission expires:



Lucy E. Gracia
Notary Public - State of Texas
Notary's name (printed):

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on October 24, 1988 by C.W. Whitford, Asset Manager of Home Savings and Loan Association of Lufkin, Texas, a Texas savings and loan association, on behalf of said association.

My commission expires:
7-30-90

Ellen Parish
Notary Public - State of Texas
Notary's name (printed):

NOTARY SEAL

Ellen Parish

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on October 18, 1988 by James P. Cotton, Vice President of Sunbelt FSB, Formerly Federated Savings and Loan Association, a Texas savings and loan association, on behalf of said corporation.

My commission expires: April 18, 1990

NOTARY SEAL

Kathleen Compere Couch
Notary Public - State of Texas
Notary's name (printed):
KATHLEEN COMPERE COUCH

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on October 28, 1988 by Eric Jones.

My commission expires: 6/21/88

NOTARY SEAL

Sara M. Giuliano
Notary Public - State of Texas
Notary's name (printed):
SARA M. GIULIANO

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on October 24, 1988 by Beth B. Denius.

My commission expires: 2-13-89

NOTARY SEAL

Martha Russell
Notary Public - State of Texas
Notary's name (printed):
Martha Russell

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on October 27,
1988 by John Douglas Hudson.

My commission expires:

6/21/88

Sara M. Giuliano
Notary Public - State of Texas
Notary's name (printed):

SARA M. GIULIANO

NOTARY SEAL

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on October 27,
1988 by Martha Simonson Hudson.

My commission expires:

6/21/88

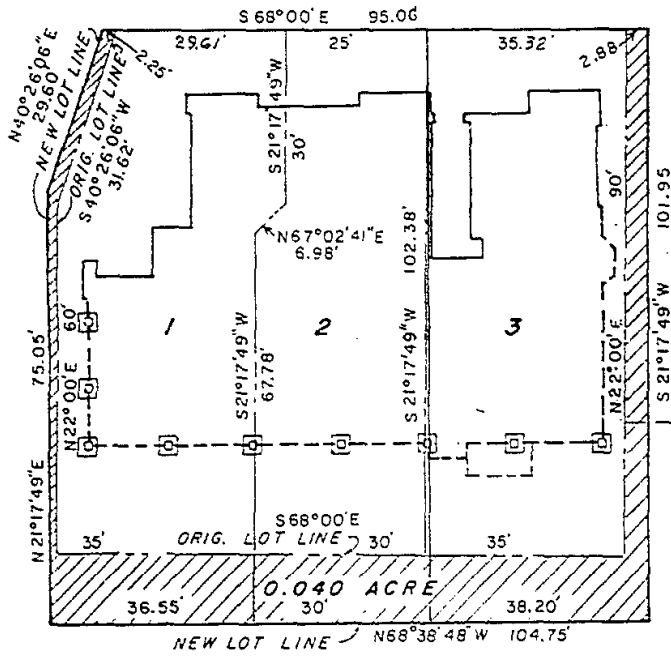
Sara M. Giuliano
Notary Public - State of Texas
Notary's name (printed):

SARA M. GIULIANO

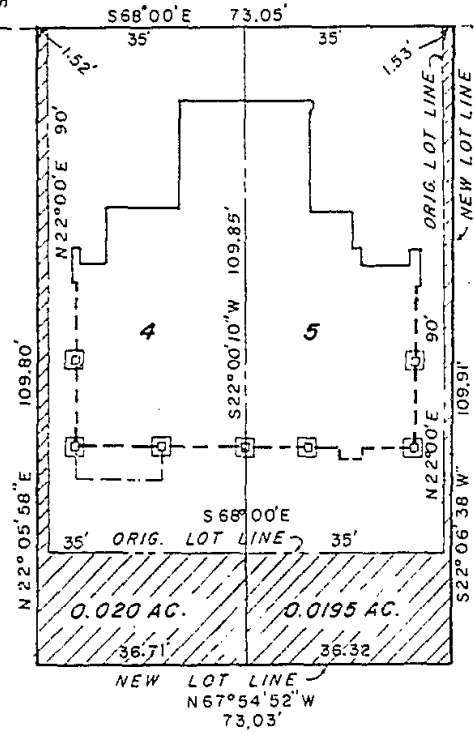
NOTARY SEAL

LAS VENTANAS DRIVE PRIVATE INGRESS - EGRESS

LOT 33



LOT 36
COMMON AREA



LOT 36
COMMON AREA

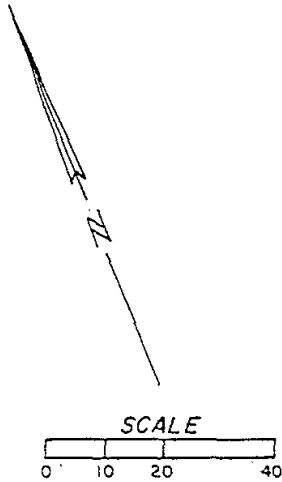


EXHIBIT A

REAL PROPERTY RECORDS
DALLAS COUNTY, TEXAS

10823 0023

Ret. To: Small, Craig & Werkenthin
100 Congress Ave. #100
P.O. Box 2023
Austin, TX. 78768

FILED

NOV 1988 23 AM 8:41

DANA DE BEAUVOIR
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 stamped hereon by me; and
was duly RECORDED, in the Volume and Page of the
named RECORDS of Travis County, Texas, on

NOV 23 1988



Dana De Beauvoir
COUNTY CLERK
TRAVIS COUNTY, TEXAS

REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

10823 0024