

1149

**SECOND AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE COMMONS AT CROSS VALLEY RUN**

THE STATE OF TEXAS  
COUNTY OF TRAVIS

§  
§  
§

KNOWN ALL MEN BY THESE PRESENTS

4:11 PM 5706

1 1 5.00 INDX  
04/11/94

THIS SECOND AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR THE COMMONS AT CROSS VALLEY RUN (this "Second Amendment") is executed to be effective as of the 31st day of March, 1994 by Sutton Northwest Triad, Ltd., a Texas Limited Partnership, and

4:11 PM 5706

1 1 5.00 RECM  
04/11/94

THAT, WHEREAS SUTTON - NORTHWEST TRIAD, LTD., a Texas Limited Partnership, (the "Original Declarant") executed a Declaration of Covenants, Conditions, and Restrictions for The Commons at Cross Valley Run (the "Declaration") dated May 7, 1993, and recorded in Volume 11931, Page 20 of the Real Property Records of Travis County, Texas; and

4:11 PM 5706

1 1 1.00 SEC  
04/11/94  
17.65-CHK#

WHEREAS Sutton - Northwest Triad, Ltd., a Texas Limited Partnership, (the "Original Declarant") executed a First Amendment to Declaration of Covenants, Conditions, and Restrictions for The Commons at Cross Valley Run (the "Declaration") dated March 15, 1994, and recorded in Volume 12152, Page 343 of the Real Property Records of Travis County, Texas; and

WHEREAS As of the date hereof, Sutton - Northwest Triad, Ltd., as Original Declarant, owns 100% of the acreage of the Property. Thus, in accordance with Section 9.02 of the Declaration, the consent of no party other than Sutton - Northwest Triad, Ltd. is necessary for this First Amendment to be effective.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Declarant hereby amends the Declaration as set forth below;

- 1. Section 3.26 is deleted in its entirety and replaced by the following:

3.26 Masonry Requirements. Residences located on all Lots shall have a minimum of fifty percent (50%) of their exterior walls of stone or masonry construction. In computing these percentages (1) all gables shall be excluded from the total area of exterior walls; (2) all windows and door openings shall be excluded from the total area of the exterior walls; and (3) stone and masonry used on fireplaces, chimneys and walls of an attached garage may be included in the computation as stone or masonry used.

THE DECLARATION remains in full force and effect except as amended hereby. All capitalized terms not defined herein shall have the same meaning set forth in the Declaration.

EXECUTED to be effective as of the date first written above.

DECLARANT:

SUTTON - NORTHWEST TRIAD, LTD.,  
A TEXAS LIMITED PARTNERSHIP

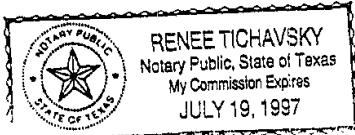
By: SUTCO, INC., dba THE SUTTON COMPANY,  
GENERAL PARTNER

By: [Signature]  
H. M. Pike, Jr., President

By: [Signature]  
Stephen S. Baumgardner, Chairman

THE STATE OF TEXAS        §  
   §  
COUNTY OF TRAVIS       §

This instrument was acknowledged before me on this 5<sup>th</sup> day of April, 1994, by H. M. Pike, Jr., President and Stephen S. Baumgardner, Chairman, of The Sutton Company, a Texas Corporation.



[Signature]  
Notary Public, State of Texas

Name Printed: Renee Tichavsky

Commission Expires: July 19, 1997

Return:  
The Sutton Company  
Attn: Renee Tichavsky  
3321 Bee Caves Rd # 300  
Austin, TX 78746

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

FILED

94 APR 11 PM 4: 12

DANA DE BEAUVOIR  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

APR 11 1994



REAL PROPERTY RECORDS  
TRAVIS COUNTY, TEXAS

12162 0695