



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

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THE STATE OF TEXAS           §  
  §       **KNOWN ALL MEN BY THESE PRESENTS**  
COUNTY OF TRAVIS           §

THIS THIRD AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR THE COMMONS AT CROSS VALLEY RUN (this "Third Amendment") is executed to be effective as of the 8<sup>th</sup> day of March 2016, by the Commons at Cross Valley Run Residence Owner's Association.

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 for the Subdivision and all Lots therein located in Volume 11931, Page 20, of the Real Property Records of Travis County, Texas; and

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 for the Subdivision and all Lots therein located in Volume 12152, Page 343, of the Real Property Records of Travis County, Texas; and

WHEREAS, Sutton-Northwest Triad, Ltd. A Texas Limited Partnership, (the "Original Declarant") executed a Second Amendment to Declaration of Covenants, Conditions, and Restrictions for The Commons at Cross Valley Run (The "Declaration") dated April 5, 1994, and recorded for the Subdivision and all Lots therein located in Volume 12162, Page 695, of the Real Property Records of Travis County, Texas; and

WHEREAS, Section 9.02 (B) of the Original Declaration provides that the Declaration "may be amended by recording in the Travis County Real Property Records an instrument executed and acknowledged by the President and Secretary of the Association setting forth the amendment and certifying that such amendment has been approved by Owners entitled to cast at least eighty percent (80%) of the number of votes entitled to be cast pursuant the Section 5.03 hereof"; and

WHEREAS, Section 209.0041(h) of the Texas Property Code provides that "...a declaration may be amended only by a vote of 67 percent of the total votes allocated to property owners in the property owners' association, in addition to any governmental approval required by law" and supersedes the eighty percent (80%) requirement contained in Section 9.02 (B); and

WHEREAS, on the effective date listed above, 79 percent of the Owners of The Commons at Cross Valley Run Residential Owners Association voted in favor of this Amendment, as reflected in the records of The Commons at Cross Valley Run.

NOW, THEREFORE, the following Amendment to the Declaration is hereby adopted by the Owners of the Lots subject to the Declaration, and shall be enforceable as though contained in the Declaration.

**Short-Term Rentals shall be prohibited in The Commons at Cross Valley Run Subdivision.**

**"SHORT-TERM RENTALS" shall mean the rental, lease, demise, tenancy, occupancy, non-owner occupancy, or use, transient or otherwise, of any kind or nature whatsoever, by any person other than the primary owner of any residence for any form of compensation or remuneration whatsoever for a period of less than one hundred and eighty consecutive days.**

**"FINES AND REMEDIES" in the event of a violation of the prohibition on Short Term Rentals, the Commons at Cross Valley Run may impose a fine of \$1,500 for the first violation, \$2,500 for the second violation, and \$5,000 for each subsequent violation. Additionally, at any time the Commons at Cross Valley Run may seek a temporary restraining order, temporary injunction and permanent injunction against any homeowner who violates or attempts to violate this statute and upon proving an actual prior violation, the Commons at Cross Valley Run shall be awarded its reasonable attorney's fees.**

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.

**[PAGE INTENTIONALLY LEFT BLANK]**

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

**THE COMMONS AT CROSS VALLEY RUN:**

*Rod MacDonnell*  
President

Rod MacDonnell  
Printed Name

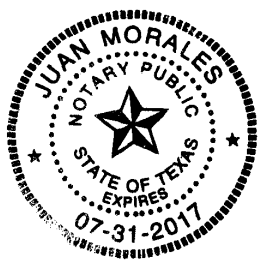
*Juan Morales*  
Secretary

TRACY BENTON  
Printed Name

**THE STATE OF TEXAS**        §  
**COUNTY OF TRAVIS**        §

This instrument was acknowledged before me on this 19 day of April 2016, by Rod MacDonnell, and TRACY BENTON, President and Secretary, respectively, of The Commons at Cross Valley Run Residential Owners Association.

*Juan Morales*  
Notary Public, State of Texas  
Juan Morales  
Printed Name  
7-31-2017  
Commission Expires



**CERTIFICATE OF FILING**

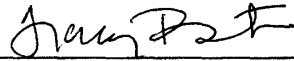
I, the undersigned, do hereby certify that:

I am the duly qualified and acting Secretary of The Commons at Cross Valley Run Residential Owners Association, a duly organized and existing Texas non-profit corporation.

The attached instrument is a Dedicatory Instrument, as that term is defined by Section 202.001 of the Texas Property Code, pertaining to The Commons at Cross Valley Run Residential Owners Association, duly adopted by the members of said ROA, after proper notice, process, and vote occurred according to the Bylaws and Declaration of Covenants, Conditions and Restrictions for the Commons at Cross Valley Run, and in compliance with Section 209.0041 of the Texas Property Code.

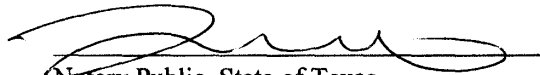
The attached instrument is being presented for recording in the Official Public Real Property Records of Travis County, Texas.

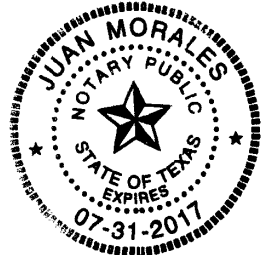
DATED: 4-19-16

  
\_\_\_\_\_  
TRACY BENTON, Secretary  
The Commons at Cross Valley Run  
Residential Owners Association

THE STATE OF TEXAS           §  
COUNTY OF TRAVIS           §

BEFORE ME, on this 19 day of April 2016, the undersigned authority, on this day personally appeared TRACY BENTON, Secretary of The Commons at Cross Valley Run Residential Owners Association, a Texas non-profit corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that (s)he executed the same as the act of said corporation for the purposes therein expressed, and in the capacity therein stated..

  
\_\_\_\_\_  
Notary Public, State of Texas  
Juan Morales  
Printed Name  
7-31-2017  
Commission Expires



✓  
Return:

NANCY MACDONALD  
4404 SMALL DR  
AUSTIN TX 78731

**FILED AND RECORDED**

OFFICIAL PUBLIC RECORDS

*Dana DeBeauvoir*

Aug 08, 2016 10:05 AM 2016129150

BARTHOLOMEWD: \$42.00

Dana DeBeauvoir, County Clerk

Travis County TEXAS