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AMENDMENT TO AMENDED DECLARATION
OF COVENANTS, CONDITIONS AND RESTRICTIONS

SUMMERWOOD HOMEOWNERS' ASSOCIATION OF AUSTIN

(Amending Amended Declaration of Record in Vol. 5148,
Page 622, of the Deed Records of Travis County, Texas)

WHEREAS, J L P DEVELOPMENT CORPORATION, a Texas Corporation did by instrument ("Amended Declaration") dated March 28, 1975, of record in Volume 5148, Page 622, of the Deed Records of Travis County, Texas, supercede its original Declaration pertaining to Summer Wood, a proposed subdivision of 23.33 acres of land out of the Jame P. Wallace Survey No. 18 in Travis County, Texas, prior to the sale of any Lot in any part of the proposed subdivision to any third party; and

WHEREAS, two errors or mistakes have been discovered in said Amended Declaration, one of such being the definition of "Association" in Section 1 of Article I of said Amended Declaration and the other of such being the description of the Common Area set forth in Section 4 of Article I of said Amended Declaration; and

WHEREAS, the definition of "Association," while not fatally defective, nevertheless should be clarified; and

WHEREAS, the description of the Common Area initially subjected to the jurisdiction of the Association, if precedence is given to calls for courses and distances and not to calls for corners and boundaries of Blocks in that portion of the proposed subdivision which has been platted, and as so platted, recorded as Summer Wood Section One Amended, a Subdivision in the City of Austin of record in Book 71, Page 79, of the Plat Records of Travis County, Texas, would, in theory, leave a strip of land bordering the Northern boundary of Block I out of the Common Area and place portions of the Lots in Block J of Summerwood Section One Amended in the Common Area, which, if so construed or interpreted, would be violative of the Subdivision Ordinance of the City of Austin, Texas, and would be contrary to the in-

DEED RECORDS
Travis County, Texas

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tention of Declarant and the Intention of the Association and therefore should be corrected; and

WHEREAS, both the Declarant and the Association have agreed that the Amended Declaration should be amended to correct the errors or mistakes above identified; now, therefore,

KNOW ALL MEN BY THESE PRESENTS:

That both the Declarant and the Association do hereby amend said Amended Declaration, effective as of March 28, 1975, as follows:

1. Section 1 of Article I of said Amended Declaration is hereby amended to read as follows: "Section 1. 'Association' shall mean and refer to Summerwood Homeowners' Association of Austin, Inc., a Texas Non-Profit Corporation, its successors and Assigns."

2. Section 4 of Article I of said Amended Declaration is hereby amended to read as follows: "Section 4. 'Common Area' shall mean all real property (including the improvements thereto) owned by the Association for the common use and enjoyment of the Owners. The Common Area to be owned by the Association, free and clear of any lien or other encumbrance excepting only public utility easements, at the time of the conveyance of the first lot is described as follows:

FIELD NOTES FOR 2.09 ACRES OF LAND OUT OF THE JAMES P. WALLACE SURVEY NO. 18 IN TRAVIS COUNTY, TEXAS, SAID 2.09 ACRE TRACT OF LAND BEING A PORTION OF A 23.33 ACRE TRACT OF LAND CONVEYED TO JONES & LAKE COMPANY IN VOLUME 4707, PAGE 33 OF THE TRAVIS COUNTY DEED RECORDS, SAID 2.09 ACRE TRACT OF LAND BEING A PORTION OF SUMMER WOOD SECTION ONE AMENDED, A SUBDIVISION IN THE CITY OF AUSTIN AS RECORDED AT BOOK 71, PAGE 79 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAID 2.09 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a point in the south line of the said Summer Wood Section One Subdivision, said point of beginning also being in the north right-of-way line of Steck Avenue, from which point of beginning an iron pin at a point of curvature in the north line of Steck Avenue at the intersection of Steck Avenue with Greenslope Drive bears N 61° 04' W, 293.74 feet, said point of beginning also being the most southerly southwest corner of the herein described tract of land;

1-14-9125

THENCE N 28° 56' E, 27.83 feet to a point;

THENCE N 04° 26' E, 9.89 feet to a point;

THENCE S 85° 34' E, 48.00 feet along a south line of Block "J,"
Summer Wood Section One to a point;

THENCE S 04° 26' W, 5.00 feet to a point;

THENCE S 85° 34' E, 59.00 feet to a point at the southeast corner
of said Block "J";

THENCE along the east boundary line of Block "J" N 04° 26' E,
85.00 feet to a point at the northeast corner of Block "J";

THENCE along the northern boundary line of Block "J" with the
following four (4) courses:

- 1) N 63° 36' W, 33.43 feet to a point;
- 2) N 85° 34' W, 28.00 feet to a point;
- 3) N 04° 26' E, 1.67 feet to a point;
- 4) N 85° 34' W, 59.00 feet to a point at the
northwest corner of Block "J";

THENCE N 04° 26' E, 6.22 feet to a point;

THENCE N 61° 04' W, 133.62 feet to a point for the most westerly
southwest corner of the herein described tract of land;

THENCE N 28° 56' E, 136.00 feet to a point;

THENCE S 61° 04' E, 3.26 feet to a point;

THENCE N 28° 56' E, 108.36 feet to a point for the northwest
corner of the herein described tract of land;

THENCE S 61° 04' E, 91.79 feet to a point;

THENCE S 38° 28' E, 91.03 feet to a point;

THENCE along the west boundary line of Block "K" with the follow-
ing three courses:

- 1) S 28° 56' W, 115.00 feet to a point;
- 2) N 61° 04' W, 10.00 feet to a point;
- 3) S 28° 56' W, 59.00 feet to a point at the
southwest corner of Block "K";

THENCE along the south boundary line of Block "K" S 61° 04' E,
120.00 feet to a point at the southeast corner of Block "K",
same point being in the west line of a 60 foot wide private drive
known as Summer Wood Drive;

THENCE along the west line of said Summer Wood Drive N 28° 56' E,
174.00 feet to a point at the northeast corner of Block "K";

THENCE N 28° 56' E, 10.00 feet to a point of curvature;

THENCE along a curve to the right that has an internal angle of
8° 42', a radius of 206.51 feet, a tangent of 15.71 feet, an arc
length of 31.36 feet, and a chord that bears N 33° 17' E, 31.33
feet to a point;

1-14-9126

THENCE S 61° 04' E, 95.61 feet to a point;

THENCE S 64° 31' E, 29.03 feet to a point;

THENCE along the northwest boundary line of Block "S" with the following five (5) courses:

- 1) S 47° 45' W, 59.00 feet to a point;
- 2) S 42° 15' E, 5.00 feet to a point;
- 3) S 47° 45' W, 56.00 feet to a point;
- 4) S 42° 15' E, 10.00 feet to a point;
- 5) S 47° 45' W, 59.00 feet to a point at the western most corner of Block "S";

THENCE along the southwest boundary line of Block "S", S 42° 15' E, 95.00 feet to a point at the most southern corner of said Block "S";

THENCE along the southeast boundary line of Block "S" with the following five (5) courses:

- 1) N 47° 45' E, 59.00 feet to a point;
- 2) N 42° 15' W, 10.00 feet to a point;
- 3) N 47° 45' E, 56.00 feet to a point;
- 4) N 42° 15' W, 5.00 feet to a point;
- 5) N 47° 45' E, 59.00 feet to a point at the most eastern corner of Block "S";

THENCE S 33° 22' W, 281.53 feet to a point for the southeast corner of the herein described tract of land;

THENCE along the eastern boundary line of Block "R" with the following three (3) courses:

- 1) N 02° 37' E, 59.00 feet to a point;
- 2) S 87° 23' E, 14.32 feet to a point;
- 3) N 02° 37' E, 59.00 feet to a point at the northeast corner of Block "R";

THENCE N 87° 23' W, 105.00 feet to a point at the northwest corner of Block "R", same point being in the east boundary line of Summer Wood Drive;

THENCE along a curve to the left having a radius of 130.25 feet, an arc distance of 21.48 feet, and a chord which bears S 15° 29' W, 21.46 feet to a point of reverse curvature in the aforementioned east line of Summer Wood Drive;

THENCE along a curve to the right having an interior angle of 18° 11', a radius of 190.25 feet, an arc length of 60.37 feet, and a chord which bears S 19° 51' W, 60.12 feet to a point of tangency;

THENCE S 28° 56' W, 50.00 feet to a point of intersection with the north right-of-way line of Steck Avenue, same point being in the east line of Summer Wood Drive;

THENCE along the north right-of-way line of Steck Avenue N 61° 04' W, 176.00 feet to the original point of beginning containing 2.09 acres of land.

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3. This Amendment shall relate back to and be effective as of March 28, 1975.

Executed this the 19th day of June, 1975.

(NO SEAL)

J L P DEVELOPMENT CORPORATION,
Declarant

By: Edwin W. Prewitt Jr.
Its Vice President

(NO SEAL)

SUMMERWOOD HOMEOWNERS' ASSOCIATION
OF AUSTIN, INC.

By: William F. Jones
Its _____ President

STATE OF TEXAS ()
 ()
COUNTY OF TRAVIS ()

BEFORE ME, the undersigned authority on this day personally appeared Edwin W. Prewitt Jr., Vice President of J L P DEVELOPMENT CORPORATION, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, and in the capacity therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 19 day of June, 1975.

NOTARY SEAL
(SEAL)

Sharon Press ORIGINAL DEM
Notary Public in and for Travis
County, Texas

My Commission Expires: June 1975

STATE OF TEXAS
COUNTY OF TRAVIS

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BEFORE ME, the undersigned authority on this day personally appeared William E. Jones, President of SUMMERWOOD HOMEOWNERS' ASSOCIATION OF AUSTIN, INC., known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, and in the capacity therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 19 day of June, 1975.

NOTARY SEAL
(SEAL)

Sharon Ross ORIGINAL DIM
Notary Public in and for Travis
County, Texas

My Commission Expires: June 1975

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, as Stamped hereon by me, on

FILED
JUN 24 1 49 PM 1975
Terrie Abney
COUNTY CLERK
TRAVIS COUNTY, TEXAS

JUN 24 1975



Terrie Abney
COUNTY CLERK
TRAVIS COUNTY, TEXAS

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