



AFTER RECORDING RETURN TO:

Robert D. Burton  
Armbrust & Brown, L.L.P.  
100 Congress Ave., Suite 1300  
Austin, Texas 78701



AMEND 2007132484  
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# AVALON [PHASE 2]

## THIRD AMENDMENT TO DEVELOPMENT AREA DECLARATION

*Travis County, Texas*

**Declarant: KM AVALON, LTD., a Texas limited partnership**

Cross reference to Avalon Development Area Declaration for [Phase 2] recorded under Document No. 2006198640, Official Public Records of Travis County, Texas as amended by that certain First Amendment to Avalon Development Area Declaration for [Phase 2] recorded under Document No. 2006208124, Official Public Records of Travis County, Texas, and that certain Second Amendment to Avalon Development Area Declaration for [Phase 2] recorded under Document No. 2007012259, Official Public Records of Travis County, Texas

**THIRD AMENDMENT TO AVALON DEVELOPMENT AREA DECLARATION**  
**[PHASE 2]**

This Third Amendment to Avalon Development Area Declaration [Phase 2] (this “**Third Amendment**”) is made by **KM AVALON, LTD.**, a Texas limited partnership (“**Declarant**”), and is as follows:

**RECITALS:**

A. Declarant previously executed and recorded that certain Avalon Development Area Declaration [Phase 2] recorded under Document No. 2006198640, Official Public Records of Travis County, Texas as amended by that certain First Amendment to Avalon Development Area Declaration for [Phase 2] recorded under Document No. 2006208124, Official Public Records of Travis County, Texas, and that certain Second Amendment to Avalon Development Area Declaration for [Phase 2] recorded under Document No. 2007012259, Official Public Records of Travis County, Texas (collectively, the “**Declaration**”).

B. Pursuant to Section 7.02 of the Declaration, the Declaration may be amended by Declarant acting alone.

C. Declarant desires to amend the Declaration as set forth hereinbelow.

**NOW THEREFORE**, Declarant hereby amends and modifies the Declaration as follows:

1. **Setbacks.** Section 3.10 of the Declaration is hereby deleted in its entirety and replaced with the following:

**3.10 Compliance with Setbacks.** Unless otherwise approved in advance by the Avalon Reviewer, no residence may be constructed within twenty-five feet (25’) of the front boundary line of a Lot, within twenty feet (20’) of the rear boundary line of a Lot or within five feet (5’) of any side boundary line of a Lot. Notwithstanding the foregoing, detached garages are permitted be constructed up to a point that is within ten feet (10’) of the rear boundary line of a Lot, but no closer than ten feet (10’) to the rear boundary line of a Lot. In the event of any disagreement regarding the location of the front, rear, or side boundary lines of a Lot, the decision of the Avalon Reviewer will be final. For the purpose of this restriction, eaves, steps, and open porches will not be considered as part of a residence; however, this Section will not be construed to permit any portion of any Improvement on any Lot to encroach upon another Lot or other portion of the Development Area. No permitted accessory building may exceed eight feet (8’) in height.


2. **Effect of Third Amendment.** Any capitalized terms used and not otherwise defined herein shall have the meanings set forth in the Declaration. Unless expressly amended by this Third Amendment, all other terms and provisions of the Declaration and each Declaration remain in full force and effect as written.

Executed on this 16<sup>th</sup> day of July, 2007.

**DECLARANT:**

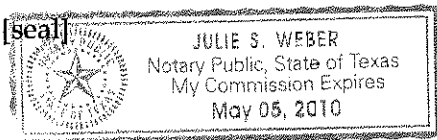
**KM AVALON, LTD.,** a Texas limited partnership

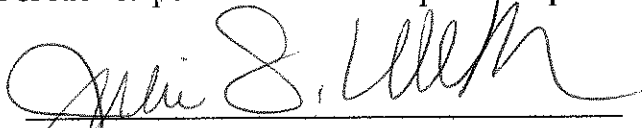
By: KM Avalon GP, Inc., a Texas corporation,  
its General Partner

By:   
Blake Magee, President

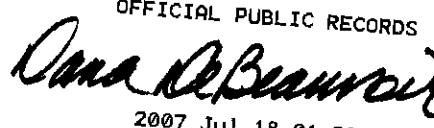
STATE OF TEXAS           §  
  §  
COUNTY OF TRAVIS       §

This instrument was acknowledged before me on the 16<sup>th</sup> day of July, 2007, by Blake Magee, President of KM Avalon GP, Inc., a Texas corporation, General Partner of KM Avalon, Ltd., a Texas limited partnership, on behalf of such corporation and limited partnership.



  
Notary Public, State of Texas

**SEAL**

**FILED AND RECORDED**  
OFFICIAL PUBLIC RECORDS  
  
2007 Jul 18 01:20 PM   2007132484  
BENAVIDESV \$24.00  
DANA DEBEAUVOIR COUNTY CLERK  
TRAVIS COUNTY TEXAS