



AFTER RECORDING RETURN TO:

ROBERT D. BURTON, ESQ.
WINSTEAD, PC
401 CONGRESS AVE., SUITE 2100
AUSTIN, TEXAS 78701
EMAIL: RBURTON@WINSTEAD.COM

AVALON

AMENDMENT TO
DEVELOPMENT AREA DECLARATION

Travis County, Texas

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

**AVALON
AMENDMENT TO DEVELOPMENT AREA DECLARATION**

This Amendment to the Development Area Declaration (the "**Amendment**") is made by **KM AVALON, LTD.**, a Texas limited partnership ("**Declarant**"), and is as follows:

RECITALS:

A. Declarant caused to be recorded that certain: (i) Avalon Development Area Declaration [Phase 1], recorded as Document No. 2006198637, Official Public Records of Travis County, Texas, as amended; (ii) Avalon Development Area Declaration [Phase 2], recorded as Document No. 2006198640, Official Public Records of Travis County, Texas, as amended; and (iii) Avalon Development Area Declaration [Phase 4], recorded as Document No. 2008201105, Official Public Records of Travis County, Texas, as amended (collectively, the instruments referred to in (i) through (iii) above are referred to herein as the "**Declarations**"). Certain residential lots located within Avalon Phase 3, a subdivision in Travis County, Texas, according to the map or plat recorded as Document No. 200600366, in the Official Public Records of Travis County, Texas, were made subject to the Avalon Development Area Declaration [Phase 2] described in (ii) above. Certain residential lots located within Avalon Phase 7A, a subdivision in Travis County, Texas, according to the map or plat recorded as Document No. 200900157, in the Official Public Records of Travis County, Texas, were made subject to the Avalon Development Area Declaration [Phase 4] described in (iii) above. This Amendment modifies the terms and provisions of the instruments identified in (i) through (iii) above and pertains to the Lots encumbered by said instruments.

B. Pursuant to Section 7.02 of the each of the Declarations, Declarant may unilaterally amend the Declarations by recording, in the Official Public Records of Williamson County, Texas, an instrument setting forth the amendment.

NOW THEREFORE, Declarant hereby amends and modifies Declarations as follows:

1. **Unightly Articles: Vehicles.** Section 2.14 of the Declaration is hereby deleted in its entirety and replaced with the following:

2.14 **Unightly Articles: Vehicles.** No article deemed to be unsightly by the Avalon Reviewer shall be permitted to remain on any Lot so as to be visible from adjoining property or from public or private thoroughfares. Without limiting the generality of the foregoing, trailers, graders, trucks other than pickups, tow trucks, commercial vehicles, boats, tractors, campers, wagons, buses, motorcycles, motor scooters, all terrain vehicles, and garden maintenance equipment shall be kept at all times, except when in actual use, in enclosed structures or screened from view and no repair or maintenance work shall be done on any of the foregoing, or on any automobile (other than minor emergency

repairs), except in enclosed garages or other structures. For the purpose of this section, a "commercial vehicle" means a non-passenger truck, van or car with commercial writing on their exteriors or vehicles primarily used or designed for a commercial purpose and vehicles with advertising signage attached or displayed on such vehicle's exterior, but shall not include official vehicles owners by governmental or quasi-governmental bodies. Construction, service and delivery vehicles shall be exempt from the provisions of this Section for such a period of time as is reasonably necessary to provide service or to make a delivery to a Lot within the Development Area.

Each single family residential structure constructed within the Development Area shall have sufficient garage space, as approved by the Avalon Reviewer, to house all vehicles to be kept on the Lot. Notwithstanding the forgoing provision all terrain vehicles, motor scooters, and motorized mini-bikes may not be used on the Development Area or on any road or street within the Development Area. Lot Owners shall not keep more than two (2) automobiles in such manner as to be visible from any other portion of the Development Area for any period in excess of seventy-two (72) hours. Service areas, storage areas, compost piles and facilities for hanging, drying or airing clothing or household fabrics shall be appropriately screened from view, and no lumber, grass, plant waste, shrub or tree clippings, metals, bulk materials, scrap, refuse or trash shall be kept, stored, or allowed to accumulate on any portion of the Development Area except within enclosed structures or appropriately screened from view. No: (i) racing vehicles; or (ii) other vehicles (including, without limitation, motorcycles or motor scooters) which are inoperable or do not have a current license tag shall be permitted to remain visible on any Lot or to be parked on any roadway within the Development Area.

Unless a written waiver is obtained from the Board, recreational vehicles (ie., motor homes) may only be temporarily parked within the Development Area for immediate loading and unloading. In no event may a recreational vehicle be stored within the Development Area.

No garage may be permanently enclosed or otherwise used for habitation unless approved in advance by the Avalon Reviewer.

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

EXECUTED TO BE EFFECTIVE on this 28th day of March, 2012.

DECLARANT:

KM AVALON, LTD., a Texas limited partnership


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

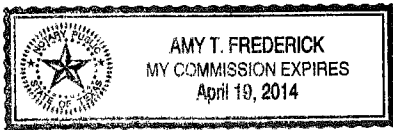
By: 
Blake Magee, President

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §


This instrument was acknowledged before me on the 28th day of March, 2012, 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.

[seal]


Notary Public, State of Texas



**FILED AND RECORDED
OFFICIAL PUBLIC RECORDS**


DANA DEBEAUVOIR, COUNTY CLERK
TRAVIS COUNTY, TEXAS

April 05 2012 12:49 PM

FEE: \$ 28.00 2012053296