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MANAGEMENT CERTIFICATE
AVIARA CONDOMINIUM COMMUNITY, INC.

The undersigned, being an officer of Aviara Condominium Community, Inc. and in accordance with Section 82.116 of the Texas Uniform Condominium Act, does hereby certify as follows:

1. The name of the condominium project is Aviara Condominiums (the "Condominium").

2. The name of the Community is Aviara Condominium Community, Inc., a Texas non-profit corporation (the "Community").

3. The Condominium is located at 7308 Old Bee Caves Road, Austin, Texas 78735.

4. The Community is a Texas non-profit corporation established to administer common elements and the affairs of the Condominium established pursuant to Chapter 82 of the Texas Uniform Condominium Act and the terms and provisions of that certain Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2008057604, Official Public Records of Travis County, Texas.

5. The street address of the Association is 115 Wild Basin Road, Suite 308, Austin, TX 78746.

This Certificate is effective as of the 3 day of December 2008.

AVIARA CONDOMINIUM COMMUNITY, INC.,
a Texas non-profit corporation

By: Leisha Ehlert
Leisha Ehlert, President

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on 3 day of Dec, 2008, by Leisha Ehlert, President of Aviara Condominium Community Inc., a Texas non-profit corporation, on behalf of said corporation.

[SEAL]

Christy L Burley
Notary Public Signature

AFTER RECORDING RETURN TO:
Robert D. Burton, Esq.
Armbrust & Brown, L.L.P.
100 Congress Avenue, Suite 1300
Austin, Texas 78701

CHRISTY L. BURLEY
Notary Public, State of Texas
My Commission Expires
July 06, 2011

347476-2 12/03/2008

REMOVE EXECUTED PAGE AND RETAIN IN SELLER'S FILES

CONDOMINIUM INFORMATION STATEMENT

AVIARA CONDOMINIUMS

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AVIARA CONDOMINIUMS
PURCHASER'S AFFIRMATION AND RECEIPT OF CONDOMINIUM DOCUMENTS

I, THE UNDERSIGNED PURCHASER, HEREBY ACKNOWLEDGE THAT ON THE DATE SHOWN BELOW I RECEIVED THE FOLLOWING INFORMATION FOR AVIARA CONDOMINIUMS:

A. Condominium Information Statement;
B. Declaration of Condominium Regime, and any amendments thereto;
C. Certificate of Formation – Aviara Condominium Community, Inc.;
D. Declarant Appointment of Board of Directors;
E. Community Manual; and
F. Proposed Budget

Additionally, by signing below, the undersigned Purchaser(s) certif(y/ies) that the following statements are true:

1. I/We (1) received a Condominium Information Statement from the Seller/Declarant before I signed the purchase contract and/or (2) signed a purchase contract that contained an underlined or bold-print provision acknowledging my receipt of the Condominium Information Statement and recommending that I/we read the Condominium Information Statement before executing the purchase contract and/or (3) have received the Condominium Information Statement on the date indicated below.

2. I/We acknowledge that, having received the Condominium Information Statement on the date indicated below, I/we have until five (5) days after such date to exercise the right of rescission afforded to me pursuant to Section 82.156(b) of the Texas Uniform Condominium Act.

3. Even though I/we may have seen or been shown a furnished model, a condominium unit maintained by the Seller as a sales office, or a "typical unit" which has been newly decorated, I/we have received no promise or representation from the Seller or any of its

representatives that I/we will receive as part of my purchase any such decorations or furnishings, except as completed in the Unit I may purchase.

4. I/We intend to purchase the Unit for my own personal use, for residential purposes, and, in purchasing the Unit, I/we have not sought out, nor am I relying upon, the skill or judgment of the Seller nor its representatives in advising me as to the suitability of the Unit for any particular purpose for which I/we am purchasing it.

5. I/We [ ] intend [ ] do not intend to purchase the Unit for my own occupancy. If the Unit is for my own occupancy, I/we [ ] intend for it to be my/our primary home [ ] intend for it to be my/our secondary home.

6. I/we have received the Condominium Information Statement in:

☐ paper form – or- ☐ in CD form.

If we elect to receive and have received the Condominium Information Statement in CD form, i/we: (i) were presented a paper copy of the Condominium Information Statement and given the opportunity to read the Condominium Information Statement before executing the Purchase Contract and this affirmation; and (ii) have access to (a) Adobe Acrobat Reader 5.0 or compatible version, (b) Adobe Acrobat compatible printer and (c) a CPU sufficient to handle the foregoing software, and (d) understand how to access and read the documents delivered by such form of alternative media and will be able to access the documents provided by alternative media.

PURCHASER 1:

Date I received Items A-F: _____, 200__

Signed:_____
Printed Name:_____
Date Signed:_____

PURCHASER 2:

Date I received Items A-F: _____, 200__

Signed:_____
Printed Name:_____
Date Signed:_____

CONDOMINIUM INFORMATION STATEMENT

AVIARA CONDOMINIUMS

ISSUED MAY 4, 2009

PURCHASER'S CERTIFICATE LOCATED ON PREVIOUS PAGE. ONCE EXECUTED BY PURCHASER, CERTIFICATE MUST BE REMOVED AND RETAINED IN SELLER'S FILES

AVIARA CONDOMINIUMS
CONDOMINIUM INFORMATION STATEMENT

PURCHASER READ THIS DOCUMENT FOR YOUR OWN PROTECTION. IT CONTAINS INFORMATION REQUIRED BY STATUTE FOR CONDOMINIUM REGIMES TEXAS CONDOMINIUMS CREATED AFTER JANUARY 1, 1994.

NAME OF CONDOMINIUM:	Aviara Condominiums
LOCATION OF CONDOMINIUM:	A 39.459 acre tract of land situated in Travis County, Texas being described in the deed to David B. Manning, Sr. and Sandra J. Manning, recorded in Volume 11933, Page 1879 of the Real Property Records of Travis County, Texas, and more particularly described on Exhibit "A" to the Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, attached hereto as Attachment 1 (the "Declaration")
NAME OF DECLARANT:	CR-B Aviara, L.P., a Texas limited partnership
ADDRESS OF DECLARANT:	221 West 6th Street, Suite 1900 Austin, Texas 78701

EFFECTIVE DATE OF CONDOMINIUM INFORMATION STATEMENT: May 4, 2009

This Condominium Information Statement presents certain information regarding the condominium development and the units being offered for sale by DECLARANT. It consists of two parts, a narrative portion and an attachments portion. The attachments include legal documents that are required for the creation and operation of the condominium. The attachments will control any inconsistency between the attachments and the narrative. **Representatives of DECLARANT are prohibited from changing or attempting to interpret any of the terms and conditions of this Condominium Information Statement.**

The Condominium Information Statement is not intended to be all-inclusive or to address every significant feature of the condominium. Because purchasing real property is an important decision, the purchaser is encouraged to review this Condominium Information Statement with an attorney and to consult other sources for information not covered by this Condominium Information Statement.

Under limited circumstances, a purchaser has a five-day period after receiving the Condominium Information Statement during which the purchaser may cancel the contract of sale and obtain full refund of any money deposited in connection with the contract. This right to cancel does not apply if the purchaser received the Condominium Information Statement before signing the contract or if the contract contains an underlined or bold-print provision acknowledging the purchaser's receipt of the Condominium Information Statement and recommending that the purchaser read the Condominium Information Statement before signing the contract. If the purchaser elects to cancel, notice of cancellation must be given pursuant to Section 82.156 of the Texas Uniform Condominium Act.

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I. *NAMES & ADDRESSES*

a. DECLARANT:

(1) NAME:

CR-B Aviara, L.P., a Texas limited partnership

(2) PRINCIPAL ADDRESS:

221 West 6th Street, Suite 1900
Austin, Texas 78701

b. CONDOMINIUM PROJECT:

(1) NAME: Aviara Condominiums

(2) PRINCIPAL ADDRESS:

(a) Physical location address:

7308 Old Bee Caves Road
Austin, TX 78735

(b) Mailing and Manager's address:

Alliance Association Management
115 Wild Basin Road, Suite 308
Austin, Texas 78746

II. NARRATIVE PORTION

1. DECLARANT

CR-B Aviara, L.P., a Texas limited partnership is the DECLARANT of Aviara Condominiums. The corporate office of DECLARANT is located at 221 West 6th Street, Suite 1900, Austin, Texas 78701.

2. CONDOMINIUM OWNERSHIP

Aviara Condominiums utilizes the condominium form of ownership. All of the land, driveways and any private streets, and other improvements not defined as Units under the Declaration are common elements of the condominium and are owned collectively (in undivided interests) by all the owners. Unless otherwise provided in the Declaration, common elements are maintained by Aviara Condominium Community, Inc., a Texas non-profit corporation (the "**Condominium Association**"), created pursuant to the Declaration.

Aviara Condominiums includes two (2) general types of Units: "**Attached Units**" and "**Stand-Alone Units**", as more particularly described in the Declaration. An Attached Unit is a Unit located within a building which contains more than one Unit. A Stand-Alone Unit is a Unit which contains no more than one Building.

Not a Typical Condominium Unit

Although a Stand-Alone Unit resembles a platted lot: (i) a Stand-Alone Unit does not include land; (ii) the conveyance of a Stand-Alone Unit is not a metes and bounds conveyance of land; and (iii) the creation of a Stand-Alone Unit does not constitute a subdivision of land. Instead, each Stand-Alone Unit is the surface of a designated piece of land, and everything above the surface for 50 feet, and anything below the surface that serves or supports the above-surface Improvements.

3. PROPERTY/UNITS

The property submitted to the terms of the Declaration consists of a 39.459 acre tract of land situated in Travis County, Texas as more particularly described on Exhibit "A" to the Declaration (the "**Property**"). The Units are restricted to residential use as set forth more fully in the Declaration.

The condominium established by the Declaration presently includes four (4) Attached Units and three (3) Stand Alone Units. During the "**Development Period**" (as defined in the Declaration), DECLARANT has reserved the right to create up to one hundred fifty (150) Units. DECLARANT has reserved the right to annex additional land into the regime established by the Declaration. Additional land may be added in phases and each phase may include one or more Units. No assurance is given regarding any additional land that may be included in the regime or the order in which all or any land or Units may be made subject to the Declaration. No assurance is given as to the dispersion of Units or buildings, total number of Units or buildings, or the size of Units or buildings to be created upon the addition of any land to the Declaration. In the event additional land is made subject to the Declaration, DECLARANT will be under no obligation to add any other additional land to the Declaration. Additional Units may be added through the conversion of general common elements to Units and through the addition of land and the creation of Units thereon.

4. THE OWNERS ASSOCIATION

Control by the DECLARANT. Aviara Condominium Community, Inc. (the "**Association**") is the Texas nonprofit corporation that will administer Aviara Condominiums. During the "**Declarant Control Period**", as defined in the Declaration, DECLARANT will retain certain rights regarding operation and administration of the Association, namely the right to appoint and remove all directors and officers of the Association. The Declaration and the Texas Uniform Condominium Act provide for a two-step transition process from DECLARANT to non-DECLARANT control of the Association. The first step occurs within 120 days after 50% of the units that may be created under the Declaration have been conveyed by DECLARANT. Within this 120 day period, the current Board of the Association will call a meeting of all unit owners. At this meeting the owners, excluding the DECLARANT, will elect one Board member out of a three person Board. DECLARANT will retain the right to appoint and remove two Board members. The second step occurs within 120 days after 75% of the units that may be created under the Declaration have been conveyed by DECLARANT. Within this 120 day period, the current Board of the Association will call a meeting of all unit owners. At this meeting the owners, including DECLARANT, will elect the entire Board. The Declarant Control Period is described in Appendix A of the Declaration attached to this Condominium Information Statement.

Assessments for Association Expenses. Expenses incurred by the Association are discharged through assessments levied against Units. See Attachment 5 for the estimated budget of the Association and the estimated monthly assessments to be levied against each unit to discharge expenses incurred by the Association. Until the earlier to occur of three (3) years after the first conveyance of a unit or the expiration of the Declarant Control Period, DECLARANT at DECLARANT's option may support the Association's budget by either of the following methods: (i) DECLARANT may pay regular assessments on each unit owned by the DECLARANT in the same manner as any Owner; or (ii) DECLARANT may assume responsibility for the difference between the Association's actual common expenses as they are paid and the regular assessments received from Owners other than DECLARANT, and will provide any additional funds necessary to pay actual cash outlays of the Association. DECLARANT presently intends to elect option (ii).

5. SQUARE FOOTAGE

The units are restricted to residential purposes and are more particularly described on Exhibit "B" of the Declaration. The legal boundaries of each Unit are established by the Declaration and the plats and plans attached as Exhibit "B" to the Declaration. Each Owner acknowledges that the square footage of the residence constructed within a Stand-Alone Unit will differ from the legal boundaries of a Unit. DECLARANT has made no representation of the square footage of any residence or improvements constructed within a Unit.

6. WORKING CAPITAL, RESERVE AND OPERATIONAL FUND CONTRIBUTION

The Declaration requires the purchaser of each Unit to contribute an amount equal to two (2) months of regular assessments to the Association's working capital fund, an amount equal to one (1) month of regular assessments to the Association's reserve fund, and an amount equal to one (1) month of regular assessments to the Association's operational fund. An estimate of the initial monthly regular assessment is included on Attachment 5. Contributions to the working capital fund, reserve fund, and operational fund are not advance payments of regular assessments and are not refundable.

DECLARANT will not use working capital funds or reserve funds to cover the Association's operational expenses during the Declarant Control Period. The operational fund contribution is not a working capital contribution for the purpose of the Act.

7. EASEMENTS, RESTRICTIONS, LIENS, LEASES OR ENCUMBRANCES

Title to each Unit and all common elements is subject to all easements, restrictions, liens, leases and encumbrances recorded against the property. A description of such recorded easements, restrictions, liens, leases and encumbrances is attached to the Declaration within Exhibit "B". These instruments should also be listed in Schedule B of the title commitment that you may receive in connection with your purchase. You may ask the title company handling your Unit closing to provide you with copies of all the recorded instruments affecting title to your Unit and appurtenant common elements. You are encouraged to review the title instruments before closing.

The title commitment may include certain mechanic's liens which have been filed against the Property and certain Units within the Property. As a precondition to the conveyance of a Unit to a purchaser, the Unit then being conveyed will delivered free and clear of such liens.

8. WARRANTY

DECLARANT will not provide an Owner with a warranty for the Unit. By accepting a deed to a Unit, owner acknowledges and agrees that (i) the original improvements in the project were not constructed by DECLARANT; and (ii) that any statutes of limitation pertaining to the original construction may have already tolled. By accepting a deed to a Unit, owner acknowledges and understands that DECLARANT is selling the property to owner in "as is" condition as of close of escrow, without any warranty, express or implied.

9. NO JUDGMENTS OR SUITS

DECLARANT has no actual knowledge of any unsatisfied judgments against the Aviara Condominiums, nor of any pending suits to which the Association is a party, or which are material to the land title and construction of Aviara Condominiums.

10. FEES OR CHARGES FOR USE OF COMMON ELEMENTS

The common elements are available for use by residents at no additional charge.

11. INSURANCE

INSURANCE COVERAGE provided for the benefit of the Association

DECLARANT, for the benefit of the Association, will obtain a master insurance policy from an insurance carrier chosen by DECLARANT. The effective date of the coverage will be on or before the date DECLARANT first conveys a Unit to a third party and will expire one year after its effective date. The following information was provided by Pritchard & Jerden, Inc., 3565 Piedmont Road, Bldg. 3, #700, Atlanta, Georgia 30305, who may be reached at (404) 949-1102 (the "Agent").

a. PROPERTY EXPOSURE TO LOSS: The Association will insure: (i) General Common Elements; (ii) Limited Common Elements (if any); (iii) Building LCE; and (iv) property owned by the Association including, if any, records, furniture, fixtures, equipment, and supplies. In addition to insuring the Common Elements against casualty loss, the

Association will maintain property insurance on the Attached Units as originally constructed. In no event will the Association maintain property insurance on any Stand-Alone Units. Each Owner of a Stand-Alone Unit will be obligated to maintain property insurance on such Owner's Stand-Alone Unit, including any improvements installed within such Stand-Alone Unit, in an amount sufficient to cover 100 percent of the replacement cost of any repair or reconstruction in event of damage or destruction from any insured hazard. In addition, the Association strongly recommends that each Owner and resident purchase and maintain insurance on such Owner's or resident's personal belongings.

b. LIABILITY EXPOSURE TO LOSS:

(1) The Association will obtain a commercial general liability insurance policy with the following minimum coverage:

(a) Bodily Injury and Property Damage Liability - $1,000,000.00 combined single limit per occurrence.

(b) Personal Injury Liability & Advertising Injury Liability - $1,000,000.00.

(c) Fire Damage Legal Liability - $100,000.00 limit per any one fire.

(d) Medical Payment - $5,000.00 limit per person.

This policy contains an aggregate limit of liability of $2,000,000.00 bodily injury and property damage combined, covering the common property.

THE ASSOCIATION WILL NOT PROVIDE LIABILITY COVERAGE FOR ACCIDENTS OR OCCURRENCES THAT OCCUR WITHIN THAT PORTION OF THE PREMISES WHICH IS RESERVED FOR AN OWNER'S EXCLUSIVE USE AND OCCUPANCY. EACH OWNER IS REQUIRED TO OBTAIN AND MAINTAIN GENERAL LIABILITY INSURANCE ON THEIR UNIT AND ON LIMITED COMMON ELEMENT ASSIGNED EXCLUSIVELY TO THEIR UNIT.

(2) The Association will obtain a directors and officers liability insurance policy with limits no less than $1,000,000.00.

Should a situation occur where you would like to present a claim under the master policy, or if you have any questions regarding your insurance coverage, please contact the Association or the Agent.

12. BUDGET

a. Budget. The projected budget for the first fiscal year of the Association following the date of the first conveyance to a purchaser is attached as Attachment 5.

b. Preparer. The budgets were prepared for DECLARANT by Alliance Association Management.

c. Assumptions About Occupancy. The projected budget is based on the assumption that all Units are occupied for all or most of the budget year.

d. Assumptions About Inflation. All budgets are based on a one-hundred percent (100%) net collection rate and the estimates are in current dollars unadjusted for possible inflation.

13. DEVELOPMENT RIGHTS AND SPECIAL DECLARANT RIGHTS

DECLARANT has reserved certain development rights as more particularly described in the Declaration and "Appendix A" attached to the Declaration. Many of these rights expire upon expiration of the Development Period. The "Development Period", as specifically defined in the Declaration, means the fifteen (15) year period beginning on the date the Declaration is recorded in the Official Public Records of Travis County, Texas, unless such period is earlier terminated by DECLARANT' recordation of a notice of termination in the Official Public Records of Travis County, Texas. Certain additional rights expire upon expiration of the Declarant Control Period.

The following list includes a summary of the rights reserved by DECLARANT until expiration of the Development Period or the Declarant Control Period, as applicable. Please refer to "Appendix A" to the Declaration for a complete description of such rights.

a. Annexation. During the Development Period, DECLARANT may annex additional property into the Regime, and subject such property to the Declaration and the jurisdiction of the Association.

b. Creation of Units. When created, the Property contains includes four (4) Attached Units and three (3) Stand Alone Units; however, DECLARANT reserves the right to create up to and including one hundred fifty (150) Units upon full buildout of all phases of the project, which may include land added by DECLARANT in accordance with Section 2.2 of the Declaration.

c. Changes in Development Plan. During the Development Period, DECLARANT may modify the initial development plan to respond to perceived or actual changes and opportunities in the marketplace. Modifications may include, without limitation, changes in the sizes, styles, configurations, materials, and appearances of Units and Common Elements.

d. Architectural Control. During the Development Period, DECLARANT has the absolute right to review and approve all improvements constructed within the Regime.

e. Transfer Fees. During the Development Period, DECLARANT will not pay transfer-related and resale certificate fees.

f. Website & Property Name. During the Development Period, DECLARANT has the unilateral right to approve or disapprove uses of any website purporting to serve the Property or the Association, all information available on or through the Property website, if any, and all uses of the property name by the Association.

g. Fines and Penalties. During the Development Period, neither DECLARANT nor Units owned by DECLARANT are liable to the Association for late fees, fines, administrative charges, or any other charge that may be considered a penalty.

h. Statutory Development Rights. As permitted by the Texas Uniform Condominium Act, DECLARANT has reserved the right: (i) to add real property to the Regime; (ii) to create Units, General Common Elements, and Limited Common Elements within the Regime; (iii) to subdivide Units or convert Units into Common Elements; and (iv) to withdraw from the Regime any portion of the real property marked on the Plat and Plans as "Development Rights Reserved" or "Subject to Development Rights," provided that no Unit in the portion to be withdrawn has been conveyed to an Owner other than DECLARANT.

i. Amendment. During the Development Period, DECLARANT may amend the Declaration, without consent of other Owners or any mortgagee, for the following limited purposes: (i) to meet the requirements, standards, or recommended guidelines to enable an institutional or governmental lender to make or purchase mortgage loans on the Units; (ii) to correct any defects in the execution of this Declaration or the other Documents; (iii) to add real property to the Regime; (iv) to create Units, General Common Elements, and Limited Common Elements within the Regime; (v) to subdivide, combine, or reconfigure Units or convert Units into Common Elements; (vi) to withdraw from the Regime any portion of the real property marked on the Plat and Plans as "Development Rights Reserved" or "Subject to Development Rights"; (vii) to resolve conflicts, clarify ambiguities, and to correct misstatements, errors, or omissions in the Documents; (viii) to change the name or entity of DECLARANT; and (ix) for any other purpose, provided the amendment has no material adverse effect on any right of any owner.

j. Additional Rights. As permitted by the Texas Uniform Condominium Act, DECLARANT has reserved the following rights: (i) the right to complete or make improvements indicated on the Plat and Plans; (ii) the right to exercise any Development Right permitted by the Act and the Declaration; (iii) the right to make the Regime part of a larger condominium or planned community; (iv) the right to use Units owned or leased by DECLARANT as models, storage areas, and offices for the marketing, management, maintenance, customer service, construction, and leasing of the Regime; (v) for purposes of promoting, identifying, and marketing the Regime, DECLARANT has reserved an easement and right to place or install signs, banners, flags, display lighting, potted plants, exterior decorative items, seasonal decorations, temporary window treatments, and seasonal landscaping on the Regime, including items and locations that are prohibited to other Owners and residents. DECLARANT reserves an easement and right to maintain, relocate, replace, or remove the same from time to time within the Property.

k. Easement Rights. DECLARANT has reserved an easement and right of ingress and egress in and through the Common Elements and Units owned or leased by DECLARANT for purposes of constructing, maintaining, managing, and marketing the Regime, and for discharging DECLARANT's obligations under the Texas Uniform Condominium Act and the Declaration.

l. Appointment of Association Directors and Officers. During the Declarant Control Period, the right to appoint or remove any DECLARANT-appointed officer or director of the Condominium Association.

m. Additional Easements and Rights. DECLARANT has reserved the following easements and rights, exercisable at DECLARANT' sole discretion, for the duration of the Development Period: (i) an easement and right to erect, construct, and maintain on and in the Common Elements and Units owned or leased by DECLARANT whatever DECLARANT determines to be necessary or advisable in connection with the construction, completion, management, maintenance, and marketing of the Regime; (ii) the right to sell or lease any Unit owned by DECLARANT; (iii) the right of entry and access to all Units to perform warranty-related work, if any, for the benefit of the Unit being entered, adjoining Units, or Common Elements; (iv) an easement and right to make structural changes and alterations on Common Elements and Units used by DECLARANT as models and offices, as may be necessary to adapt them to the uses

permitted herein; (v) an easement over the entire Property, including the Units, to inspect the Common Elements and all improvements thereon and related thereto to evaluate the maintenance and condition of the Common Element improvements; and (vi) the right to provide a reasonable means of access for the home-buying public through the gated entrance in connection with the active marketing of Units by DECLARANT, including the right to require that the gates be kept open during certain hours or on certain days.

14. ATTACHMENTS

The attachments include documents that will be recorded or filed. The following attachments are included with this Condominium Information Statement and are incorporated by reference:

ATTACHMENT 1	Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded in the Official Public Records of Travis County, Texas.
ATTACHMENT 2	Community Manual of Aviara Condominiums and any and all amendments thereto.
ATTACHMENT 3	Certificate of Formation of Aviara Condominium Community, Inc.
ATTACHMENT 4	Declarant Appointment of Board of Directors
ATTACHMENT 5	Proposed budget for Aviara Condominium Community, Inc.

15. TO BE SIGNED AT CLOSING

Except for the items listed below, at closing DECLARANT does not require purchasers to sign documents other than loan-related documents if the purchase is financed.

- None

16. GENERAL INFORMATION

The attachments which follow this narrative portion provide a more detailed description of the condominium and the rights and obligations of the unit owner. The purchaser should carefully consider the attachments, as well as this narrative portion of the Condominium Information Statement. If the purchaser does not understand any aspect of this Condominium Information Statement, the sales contract, and any other materials provided in connection with the sale of units, the purchaser should consult with competent legal counsel.

By signing below, DECLARANT certifies that it is the preparer of this Condominium Information Statement within the meaning of Section 82.152 of the Texas Uniform Condominium Act. Builder has no actual knowledge of any false or misleading statement or any omission of material fact in any portion of this Condominium Information Statement, including the attachments hereto.

[SIGNATURE PAGE FOLLOWS]

Dated: May 4, 2009.

DECLARANT:

CR-B AVIARA, L.P., a Texas limited partnership

By: CR-B INVESTORS I GP, L.L.C., a Texas limited liability company, its General Partner

By: _____

Printed Name: John McKinney

Title: Vice President

AVIARA CONDOMINIUMS
CONDOMINIUM INFORMATION STATEMENT

ATTACHMENT "1"

DECLARATION OF CONDOMINIUM REGIME

AFTER RECORDING RETURN TO:

ROBERT D. BURTON, ESQ.
ARMBRUST & BROWN, L.L.P.
100 CONGRESS AVE., SUITE 1300
AUSTIN, TEXAS 78701

CONDO DE 2009071585
131 PGS

AVIARA

RESTATED AND AMENDED DECLARATION OF CONDOMINIUM REGIME FOR AVIARA CONDOMINIUMS

(A Residential Condominium in Travis County, Texas)

THIS DOCUMENT RESTATES AND AMENDS THAT CERTAIN DECLARATION OF CONDOMINIUM REGIME FOR AVIARA CONDOMINIUMS, RECORDED AS DOCUMENT NO. 2008057604, IN THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

Declarant: CR-B Aviara, L.P., a Texas limited partnership

347051-7 04/23/2009

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RESTATED AND AMENDED DECLARATION OF CONDOMINIUM REGIME FOR AVIARA CONDOMINIUMS

PCG-AVIARA, L.P., a Texas limited partnership ("PCG") caused to be recorded that certain Declaration of Condominium regime for Aviara Condominiums, recorded as Document No. 2008057604, in the Official Public Records of Travis County, Texas (the "**Original Declaration**"), thereby submitting 39.459 acres of real property located in Travis County, Texas, as more particularly described on Exhibit "A", attached hereto and incorporated herein by reference (the "**Land**").

CR-B Aviara, L.P., a Texas limited partnership (the "**Declarant**"), acquired the Land and all Units established by the Declaration pursuant to that certain Foreclosure Sale Deed, recorded as Document No. 2008148873, Official Public Records of Travis County, Texas, as corrected by that certain Correction Foreclosure Sale Deed, recorded as Document No. 2008185563, Official Public Records of Travis County, Texas, as supplemented by that certain Scriveners Affidavit, recorded as Document No. 2008193984, Official Public Records of Travis County, Texas (collectively, the "**Acquisition Deed**").

Declarant also assumed all "Declarant" rights under the Declaration pursuant to the Acquisition Deed and that certain Assignment of Declarant's Rights, recorded as Document No. 2008185564, Official Public Records of Travis County, Texas.

The Declarant, as the current owner of all condominium units within the Regime, now desires to amend and restate the Original Declaration in its entirety as set forth hereinbelow.

NOW, THEREFORE, it is hereby declared that the Property will be held sold, conveyed, leased, occupied, used, insured, and encumbered with this Declaration, including the representations and reservations of Declarant, set forth on Appendix "A", attached hereto, which will run with the Property, together with all Improvements thereon and all easements, rights, and appurtenances thereto, and be binding upon all parties having right, title, or interest in or to such property, their heirs, successors, and assigns and shall inure to the benefit of each owner thereof.

ARTICLE 1
DEFINITIONS

Unless otherwise defined in this Declaration, terms defined in Section 82.003 of the Act have the same meaning when used in this Declaration. The following words and phrases, whether or not capitalized, have specified meanings when used in the Documents, unless a different meaning is apparent from the context in which the word or phrase is used.

1.1 "**Act**" means Chapter 82 of the Texas Property Code, the Texas Uniform Condominium Act, as it may be amended from time to time.

1.2 "**Applicable Law**" means the statutes and public laws and ordinances in effect at the time a provision of the Documents is applied, and pertaining to the subject matter of the Document provision. Statutes and ordinances specifically referenced in the Documents are "Applicable Law" on the date of the Document, and are not intended to apply to the Property if they cease to be

applicable by operation of law, or if they are replaced or superseded by one or more other statutes or ordinances.

1.3 **"Architectural Reviewer"** means Declarant during the Development Period. After expiration of the Development Period, the rights of the Architectural Reviewer will automatically be transferred to the Board.

1.4 **"Assessment"** means any charge levied against a Unit or Owner by the Association, pursuant to the Documents, the Act, or other public law, including but not limited to Regular Assessments, Special Assessments, Utility Assessments, Individual Assessments, Building LCE Assessments and Deficiency Assessments as defined in *Article 6* of this Declaration.

1.5 **"Association"** means Aviara Condominium Community, Inc., a Texas non-profit corporation, the Members of which shall be the Owners of Units within the Regime. The term "Association" shall have the same meaning as the term "unit owners association" in Section 202.001(2) of the Texas Property Code. The failure of the Association to maintain its corporate charter from time to time does not affect the existence or legitimacy of the Association, which derives its authority from this Declaration, the Certificate, the Bylaws, and the Act.

1.6 **"Attached Unit"** means any Unit within the Regime located within a Building which contains more than (1) Unit.

1.7 **"Board"** means the Board of Directors of the Association.

1.8 **"Builder"** means a party, designated and approved by the Declarant, who constructs any General Common Elements, Limited Common Elements, Unit or any Improvement within the Regime.

1.9 **"Building"** means the detached, semi-attached, or attached residential dwelling constructed within the Regime, together with all appurtenant Improvements. Each Building and Unit is described in *Section 5.2* below and described and depicted on Exhibit "B", attached hereto. Declarant has reserved the right to add additional Units and Buildings to the Regime as permitted in Appendix "A", attached hereto.

1.9 **"Building LCE"** is defined in *Section 5.7* below.

1.10 **"Bylaws"** mean the bylaws of the Association, as they may be amended from time to time.

1.11 **"Certificate"** means the Certificate of Formation of the Association filed in the Office of the Secretary of State of Texas, as the same may be amended from time to time.

1.12 **"Common Element"** means all portions of the Property save and except the Units. All Common Elements are **"General Common Elements"** except if such Common Elements have been allocated as **"Limited Common Elements"** by this Declaration for the exclusive use of one or more but less than all of the Units.

1.13 **"Community Manual"** means the community manual, adopted by the Board for the benefit of the Association as part of the initial project documentation for the Regime. The Community Manual may include the Bylaws and Rules, and may also include such other policies

governing the Association as the Board determines to be in the best interests of the Association, in its sole and absolute discretion.

1.14 "**Declarant**" means **CR-B Aviara, L.P.**, a Texas limited partnership. Notwithstanding any provision in this Declaration to the contrary, Declarant may, by Recorded written instrument, assign, in whole or in part, exclusively or non-exclusively, any of its privileges, exemptions, rights and duties under this Declaration to any Person. Declarant may also, by Recorded written instrument, permit any other Person to participate in whole, in part, exclusively or non-exclusively, in any of Declarant's privileges, exemptions, rights and duties under this Declaration.

1.15 "**Declarant Control Period**" means that period of time during which Declarant controls the operation and management of the Association, pursuant to Appendix "A" of this Declaration. The duration of Declarant Control Period is from the date this Declaration is recorded for a maximum period not to exceed one hundred and twenty (120) days after title to seventy-five percent (75%) of the maximum Units that may be created have been conveyed to Owners other than Declarant.

1.16 "**Declaration**" means this document, as it may be amended from time to time.

1.17 "**Development Period**" means the fifteen (15) year period beginning on the date this Declaration is recorded, during which Declarant has certain rights as more particularly described on Appendix "A", attached hereto, including rights related to development, construction, expansion, and marketing of the Property. The Development Period is for a term of years and does not require that Declarant own any portion of the Property. Declarant may terminate the Development Period by recording a notice of termination.

During the Development Period, Appendix "A" has priority over the terms and provisions of this Declaration.

1.18 "**Documents**" mean, singly or collectively as the case may be, this Declaration, the Plat and Plans, attached hereto as Exhibit "B", the Certificate, Bylaws, the Community Manual, and the Rules of the Association, as each may be amended from time to time. An appendix, exhibit, schedule, or certification accompanying a Document is a part of that Document.

The Documents are subject to amendment or modification from time to time. By acquiring a Unit in Aviara Condominiums, you agree to comply with the terms and provisions of the Documents, as amended or modified.

1.19 "**General Common Elements**" mean Common Elements which are not Limited Common Elements. General Common Elements refer to those portions of the Property that are

designated as "GCE", "General Common Element", "General Common Area", "Common Area", or by the notation "General Common Elements", "GCE", "General Common Area", "Common Area", or "Common Areas" on Exhibit "B", attached hereto.

1.20 **"Improvement"** means every Building, structure and all appurtenances of every type and kind, whether temporary or permanent in nature, including, but not limited to, buildings, outbuildings, storage sheds, patios, recreational facilities, swimming pools, garages, driveways, parking areas and/or facilities, storage buildings, sidewalks, fences, gates, screening walls, retaining walls, stairs, patios, decks, walkways, landscaping, mailboxes, poles, signs, antennae, exterior air conditioning equipment or fixtures, exterior lighting fixtures, water softener fixtures or equipment, and poles, pumps, wells, tanks, reservoirs, pipes, lines, meters, antennas, towers and other facilities used in connection with water, sewer, gas, electric, telephone, regular or cable television, or other utilities.

1.21 **"Limited Common Elements"**, if any, mean those portions of the Property reserved for the exclusive use of one or more Owners to the exclusion of other Owners. Limited Common Elements are designated as "LCE", "Building LCE", "Yard LCE", "Limited Common Elements", or "Limited Common Areas" on Exhibit "B", attached hereto and as provided in *Section 5.5* of this Declaration.

1.22 **"Majority"** means more than half.

1.23 **"Member"** means a member of the Association, each Member being an Owner of a Unit, unless the context indicates that member means a member of the Board or a member of a committee of the Association.

1.24 **"Mortgagee"** means a holder, insurer, or guarantor of a purchase money mortgage secured by a recorded senior or first deed of trust lien against a Unit.

1.25 **"Occupant"** means a resident, occupant or tenant of a Unit, regardless of whether the person owns the Unit.

1.26 **"Owner"** means a holder of recorded fee simple title to a Unit. Declarant is the initial Owner of all Units. Mortgagees who acquire title to a Unit through a deed in lieu of foreclosure or through judicial or non-judicial foreclosure are Owners. Persons or entities having ownership interests merely as security for the performance of an obligation are not Owners. Every Owner is a Member of the Association.

1.27 **"Person"** shall mean any individual or entity having the legal right to hold title to real property.

1.28 **"Plat and Plans"** means the plat and plans attached hereto as Exhibit "B", as changed, modified, or amended in accordance with this Declaration.

1.29 **"Property"** means: that certain real property located in Travis County, Texas being more particularly described on Exhibit "A", attached hereto and incorporated herein by reference, together with all Improvements thereon and all easements, rights, and appurtenances thereto, and includes every Unit and Common Element thereon.

1.30 **"Recorded"** means recorded in the Official Public Records of each county in which the Property is located.

1.31 **"Regime"** means the Property, Units, General Common Elements, Limited Common Elements, Yard LCE and Building LCE that comprise the condominium regime established under this Declaration.

1.32 **"Resident"** means an occupant or tenant of a Unit, regardless of whether the person owns the Unit.

1.33 **"Rules"** means rules and regulations of the Association adopted in accordance with the Documents or the Act. The initial Rules may be adopted by Declarant for the benefit of the Association.

1.34 **"Stand-Alone Unit"** means all Units within the Regime other than Attached Units.

1.35 **"Underwriting Lender"** means a national institutional mortgage lender, insurer, underwriter, guarantor, or purchaser on the secondary market, such as Federal Home Loan Mortgage Corporation (Freddie Mac), Federal National Mortgage Association (Fannie Mae), or Government National Mortgage Association (Ginnie Mae), singularly or collectively. The use of this term and these institutions may not be construed as a limitation on an Owner's financing options or as a representation that the Property is approved by any institution.

1.36 **"Unit"** means a physical portion of the Property designated by this Declaration for separate ownership, the boundaries of which are shown on the Plat and Plans attached hereto as Exhibit "B", as further described in *Section 5.2* of this Declaration. As more particularly described in Article 5, there are two types of Units: Stand-Alone Units and Attached Units.

1.37 **"Yard LCE"** means any yard space within the Regime which has been designated on the Plat and Plans or in any other written notice executed by Declarant and recorded in the Official Public Records of Travis County, Texas as a Limited Common Element for the exclusive benefit of the Owner of an Attached Unit. Pursuant to Appendix "A", Declarant has reserved the right to convert General Common Elements to Yard LCE during the Development Period.

1.38 **"Yard Space"** means any private yard space located within a Stand-Alone Unit, or space designated as Yard LCE.

ARTICLE 2
PROPERTY SUBJECT TO DOCUMENTS

2.1. **Subject To Documents**. The Property is held, transferred, sold, conveyed, leased, occupied, used, insured, and encumbered subject to the terms, covenants, conditions, restrictions, liens, and easements of this Declaration, including Declarant's representations and reservations as set forth on Appendix "A", attached hereto, which run with the Property, bind all parties having or acquiring any right, title, or interest in the Property, their heirs, successors, and assigns, and inure to the benefit of each Owner of the Property.

2.2. **Additional Property**. Additional real property may be annexed to the Property and subjected to the Declaration and the jurisdiction of the Association on approval of Owners

representing at least two-thirds of the ownership interests in the Property, or, during the Development Period, by Declarant as permitted in Appendix "A". Annexation of additional property is accomplished by the Recording of a declaration of annexation, which will include a description of the additional real property. The declaration of annexation will also include a description, which complies with the Act, of the Units and Common Elements added to the Regime.

2.3. Recorded Easements and Licenses. In addition to the easements and restrictions contained in this Declaration, the Property is subject to all easements, licenses, leases, and encumbrances of record, including those described in the attached Exhibit "B", and any shown or referenced on a recorded plat, each of which is incorporated herein by reference. Each Owner, by accepting an interest in or title to a Unit, whether or not it is so expressed in the instrument of conveyance, covenants and agrees to be bound by prior-recorded easements, licenses, leases, and encumbrances. Each Owner further agrees to maintain any easement that crosses his Unit and for which the Association does not have express responsibility.

2.4. Common Elements. The Common Elements of the Property consist of all of the Property, save and except the Units.

2.4.1. Ownership & Maintenance. The designation of Common Elements is determined by this Declaration. The Declarant may install, construct, or authorize certain Improvements on Common Elements in connection with the initial development of the Property, and the cost thereof is not a common expense of the Association. Thereafter, all costs attributable to Common Elements, including maintenance, insurance, and enhancements, are automatically the responsibility of the Association, unless this Declaration elsewhere provides for a different allocation for a specific Common Element.

2.4.2. Acceptance. By accepting an interest in or title to a Unit, each Owner is deemed: (i) to accept the Common Elements of the Property, and any Improvement thereon, in its then-existing condition; (ii) to acknowledge the authority of the Association, acting through its Board of Directors, for all decisions pertaining to the Common Elements; (iii) to acknowledge that transfer of a Common Element's title (if any) to the Association by or through the Declarant is a ministerial task that does not require acceptance by the Association; and (iv) to acknowledge the continuity of maintenance of the Common Elements, regardless of changes in the Association's Board of Directors or management.

ARTICLE 3
PROPERTY EASEMENTS, RIGHTS AND RESTRICTIONS

3.1. General. In addition to other easements, rights and restrictions established by the Documents, the Property is subject to the easements, rights and restrictions contained in this Article.

3.2. Owner's Easement of Enjoyment. Every Owner is granted a right and easement of enjoyment over the General Common Elements and to use of Improvements therein, subject to other limitations and easements contained in the Documents. An Owner who does not occupy a Unit delegates this right of enjoyment to the Residents of his Unit, and is not entitled to use the General Common Elements.

3.3. Owner's Maintenance Easement. Each Owner is hereby granted an easement over and across any adjoining Unit and Common Elements to the extent reasonably necessary to maintain or reconstruct such Owner's Unit (and any Improvements located therein), subject to the consent of the Board and the consent of the Owner of the adjoining Unit, or the consent of the Board in the case of Common Elements, and provided that the Owner's use of the easement granted hereunder does not damage or materially interfere with the use of the adjoining Unit or Common Element. Requests for entry into an adjoining Unit must be made to the Board and the Owner of such Unit in advance. The consent of the adjoining Unit Owner will not be unreasonably withheld; however, the adjoining Unit Owner may require that access to its Unit be limited to Monday through Friday, between the hours of 8 a.m. until 6 p.m., and then only in conjunction with actual maintenance or reconstruction activities. Access to the Common Elements for the purpose of maintaining or reconstructing any Improvements must be approved in advance and in writing by the Board. The Board may require that access to the Common Elements be limited to Monday through Friday, between the hours of 8 a.m. until 6 p.m., and then only in conjunction with actual maintenance or reconstruction activities. The Board may require that the Owner abide by additional reasonable rules with respect to use and protection of the Common Elements during any such maintenance or reconstruction. If an Owner damages an adjoining Unit (or Improvements located therein) or Common Element in exercising the easement granted hereunder, the Owner will be required to restore the Unit (or Improvements located therein) or Common Element to the condition which existed prior to any such damage, at such Owner's expense, within a reasonable period of time not to exceed thirty (30) days after the date the Owner is notified in writing of the damage by the Board or the Owner of the damaged Unit.

Prior to commencing any work which requires access to, over or through the Common Elements or other Units, the Person performing such work must deliver to the Board in form reasonably satisfactory to the Board:

(i) releases of the Board and the Association for all claims that such Person may assert in connection with such work;

(ii) indemnities of the Board and the Association, holding each and all of them harmless from and against any claims asserted for loss or damage to persons or property, including, but not limited to, Common Elements or other Units;

(iii) certificates of insurance, including liability and workmen's compensation coverage, in amounts and with companies reasonably acceptable to the Board; and

(iv) all other releases, indemnities, information and assurances which the Board may reasonably require.

3.4. Owner's Ingress/Egress Easement. Each Owner is hereby granted a perpetual easement over the Property, as may be reasonably required, for vehicular and pedestrian ingress to and egress from his Unit or the Limited Common Elements assigned thereto.

3.5. Owner's Encroachment Easement. Every Owner is granted an easement for the existence and continuance of any encroachment by his Unit (or any Improvements therein) on any adjoining Unit or Common Element now existing or which may come into existence hereafter, as a result of construction, repair, shifting, settlement, or movement of any portion of a Building, or as a result of condemnation or eminent domain proceedings, so that the encroachment may remain undisturbed so long as the Improvement stands.

3.6. Easement Of Cooperative Support. Each Owner is granted an easement of cooperative support over each adjoining Unit and Limited Common Element as needed for the common benefit of the Property, or for the benefit of Units, or Units that share any aspect of the Property that requires cooperation. By accepting an interest in or title to a Unit, each Owner: (i) acknowledges the necessity for cooperation in a condominium; (ii) agrees to try to be responsive and civil in communications pertaining to the Property and to the Association; (iii) agrees to provide access to his Unit and Limited Common Elements when needed by the Association to fulfill its duties; and (iv) agrees to try refraining from actions that interfere with the Association's maintenance and operation of the Property.

3.7. Association's Access Easement. Each Owner, by accepting an interest in or title to a Unit, whether or not it is so expressed in the instrument of conveyance, grants to the Association an easement of access and entry over, across, under, and through the Property, including without limitation, all Common Areas and the Owner's Unit and all Improvements thereon for the following purposes:

(i) To perform inspections and/or maintenance that is permitted or required of the Association by the Documents or by Applicable Law.

(ii) To perform maintenance that is permitted or required of the Owner by the Documents or by Applicable Law, if the Owner fails or refuses to perform such maintenance.

(iii) To enforce the Documents.

(iv) To exercise self-help remedies permitted by the Documents or by Applicable Law.

(v) To respond to emergencies.

(vi) To grant easements to utility providers as may be necessary to install, maintain, and inspect utilities serving any portion of the Property.

(vii) To perform any and all functions or duties of the Association as permitted or required by the Documents or by Applicable Law.

3.8. Utility Easement. The Association and Declarant (during the Development Period) may grant permits, licenses, and easements over the Common Elements for utilities, and other purposes reasonably necessary for the proper operation of the Regime. Declarant (during the Development Period) and the Association may grant easements over and across the Units and Common Elements to the extent necessary or required to provide utilities to Units; provided, however, that such easements will not unreasonably interfere with the use of any Unit for residential purposes. A company or entity, public or private, furnishing utility service to the Property, is granted an easement over the Property for ingress, egress, meter reading, installation, maintenance, repair, or replacement of utility lines and equipment, and to do anything else necessary to properly maintain and furnish utility service to the Property; provided, however, this easement may not be exercised without prior notice to the Board. Utilities may include, but are not limited to, water, sewer, trash removal, electricity, gas, telephone, master or cable television, and security.

NOTICE

PLEASE READ CAREFULLY THE FOLLOWING PROVISIONS ENTITLED "SECURITY" AND "INJURY TO PERSON OR PROPERTY". THE PROVISIONS LIMIT THE RESPONSIBILITY OF DECLARANT AND THE ASSOCIATION FOR CERTAIN CONDITIONS AND ACTIVITIES.

3.9. Security. The Association may, but is not obligated to, maintain or support certain activities within the Property designed, either directly or indirectly, to improve safety in or on the Property. Each Owner and Resident acknowledges and agrees, for himself and his guests, that Declarant, the Association, and their respective directors, officers, committees, agents, and employees are not providers, insurers, or guarantors of security within the Property. Each Owner and Resident acknowledges and accepts as his sole responsibility to provide security for his own person and property, and assumes all risks for loss or damage to same. Each Owner and Resident further acknowledges that Declarant, the Association, and their respective directors, officers, committees, agents, and employees have made no representations or warranties, nor has the Owner or Resident relied on any representation or warranty, express or implied, including any warranty of merchantability or fitness for any particular purpose, relative to any fire, burglary, and/or intrusion systems recommended or installed, or any security measures undertaken within the Property. Each Owner and Resident

acknowledges and agrees that Declarant, the Association, and their respective directors, officers, committees, agents, and employees may not be held liable for any loss or damage by reason of any failure to provide adequate security or the ineffectiveness of security measures undertaken.

3.10. Injury to Person or Property. Neither the Association nor Declarant, or their respective directors, officers, committees, agents, and employees have a duty or obligation to any Owner, Resident or their guests: (a) to supervise minor children or any other person; (b) to fence or otherwise enclose any Limited Common Element, General Common Element, or other Improvement; or (c) to provide security or protection to any Owner, Resident, or their guests, employees, contractors, and invitees from harm or loss. By accepting title to a Unit, each Owner agrees that the limitations set forth in this section are reasonable and constitute the exercise of ordinary care by the Association and Declarant. Each Owner agrees to indemnify and hold harmless the Association and Declarant, and Declarant's agents from any claim of damages, to person or property arising out of an accident or injury in or about the Regime to the extent and only to the extent caused by the acts or omissions of such Owner, his tenant, his guests, employees, contractors, or invitees to the extent such claim is not covered by insurance obtained by the Association at the time of such accident or injury.

3.11. Easement to Inspect and Right To Correct. During the Development Period and for a period of 10 years thereafter, Declarant reserves for itself and for each Builder the right, but not the duty, to inspect, monitor, test, redesign, correct, and relocate any structure, Improvement, or condition that may exist on any portion of the Property, including the Units, and a perpetual nonexclusive easement of access throughout the Property to the extent reasonably necessary to exercise this right. The party exercising such rights will promptly repair, at its sole expense, any damage resulting from the exercise of this right. By way of illustration but not limitation, relocation of mechanical or electrical facilities may be warranted by a change of circumstance, imprecise siting of the original facilities, or the desire or necessity to comply more fully with public codes and ordinances. This Section may not be construed to create a duty for Declarant, the Association, or any Builder and may not be amended without Declarant's written and acknowledged consent. In support of this reservation, each Owner, by accepting an interest in or title to a Unit, hereby grants to Declarant and each Builder an easement of access and entry over, across, under, and through the Property, including without limitation, all Common Elements and the Owner's Unit and all Improvements thereon for the purposes contained in this Section.

3.12. Parking. Declarant reserves the right to designate and assign portions of the General Common Elements as parking: (i) guest parking, meaning parking designated for the use of guests; or (ii) for the exclusive use of any Owner. Any parking spaces not specifically designated by the Declarant will be under the exclusive control and administration of the Association after such time as Declarant no longer owns any Units within the Regime. The Association may thereafter assign parking spaces to any Owner or may use such parking spaces in a manner determined by the Board, but subject to any assignment or designation previously made by the Declarant. Any designation or assignment of General Common Elements as

parking will be memorialized by a written instrument executed by an authorized representative of the Declarant (or the Association if Declarant no longer owns any Units within the Regime) which shall identify the parking space(s) and the designation or Unit assigned thereto, as applicable. The assignment shall be made a part of the corporate records of the Association, and in the case of an assignment for the exclusive use of an Owner, will be considered an agreement between the Association and such Owner with regard to use of the parking spaces so assigned, and may not be terminated or modified without the consent of the Declarant (or a majority of the Board if Declarant no longer owns any Units within the Regime) and the owner of the Unit to which the parking space was assigned.

ARTICLE 4
DISCLOSURES

This Article discloses selective features of the Regime that may not be obvious to potential Owners and Occupants. Because features may change over time, no disclosure in this Article should be relied upon without independent confirmation.

4.1. Service Contracts. The Units may have been wired or fitted for one or more services to be provided by vendors to the individual Unit Owners on a contract basis, such as intrusion monitoring and cable television. In exchange for such installations, Declarant may have contracted on behalf of the Owners for a period of service to all Units. In that event, whether or not an Owner chooses to use the service, the Owner is required to pay the Unit's share of the contract for the contract period. The Association may serve as the conduit for the service fees and payments, which may be considered Regular Assessments or Individual Assessments. However, the Association is not the service provider and has no responsibility or liability for the availability or quality of the service, or for the maintenance, repair, or replacement of the wires, conduits, equipment, or other fittings relating to the contract service.

4.2. Streets Within the Property. The streets located outside the Property are public streets and maintained by applicable governmental authorities. Streets or driveways within the Property are private and maintained by the Association as Common Elements. The Association, acting through the Board has the express authority to adopt, amend, repeal, and enforce the rules, regulations and procedures for use of private streets, including but not limited to: (i) identification of vehicles used by Owners and Residents and their guests; (ii) designation of parking areas and no-parking areas, and loading/unloading zones; (iii) limitations or prohibitions on street or driveway parking; (iv) removal or prohibition of vehicles that violate applicable rules and regulations; (v) fines for violations of applicable rules and regulations.

4.3. Adjacent Thoroughfares. The Property is located adjacent to thoroughfares that may be affected by traffic and noise from time to time and may be improved and/or widened in the future.

4.4. Use of Adjacent Property. No representations are made regarding the current or future use or zoning (if applicable) of adjacent property.

4.5. Outside Conditions. Since in every neighborhood there are conditions that different people may find objectionable, it is acknowledged that there may be conditions outside of the Property that an Owner or Resident may find objectionable, and it shall be the sole responsibility of an Owner or Resident to become acquainted with neighborhood conditions that could affect the Unit.

4.6. Street Names. Declarant may change, in its sole discretion, the Property name and the street names and addresses in or within the Property including the street address of the Unit before or after closing if required by any applicable regulatory agency.

4.7. Construction Activities. Declarant and/or Builders will be constructing portions of the Regime and engaging in other construction activities related to the construction of Units and Common Elements. Such construction activities may, from time to time, produce certain conditions on the Regime, including, without limitation: (a) noise or sound that is objectionable because of its volume, duration, frequency or shrillness; (b) smoke; (c) noxious, toxic or corrosive fumes or gases; (d) obnoxious odors; (e) dust, dirt or flying ash; (f) unusual fire or explosion hazards; (g) temporary interruption of utilities; and/or (h) other conditions that may threaten the security or safety of Persons on the Regime. Notwithstanding the foregoing, all Owners and Residents agree that such conditions on the Regime resulting from construction activities shall not be deemed a nuisance and shall not cause Declarant or any Builder to be deemed in violation of any provision of the Declaration.

4.8. Water Runoff. The Property may be subject to erosion and/or flooding during unusually intense or prolonged periods of rain. Water may pond on various portions of the Property having impervious surfaces.

4.9. Photography of the Property. Declarant retains the right to obtain and use photography of the Property for publication and advertising purposes.

4.10. Name of Regime. "Aviara" is a commonly used word and may have been used by third parties in connection with many different types of real estate properties. As a result, there is a risk that one or more third parties may assert that the term "Aviara" has trademark significance and may assert claims for trademark infringement against the Declarant claiming a likelihood of confusion, and may attempt to force Declarant to change the name or recover for damages for trademark infringement. Declarant believes that it has reasonable defenses to such claims on the grounds, *inter alia*, that the term is merely descriptive, primarily geographically descriptive, and/or dilute, to the extent that no third party can claim exclusive rights in use of the term in connection with real estate development projects, including but not limited to the Regime, or that the overall circumstances of use of the term by Declarant is in different channels of commerce, such that there is no likelihood of confusion with any third party's use of the term. It is believed that due to the fact that the name is not known to be in common usage in Travis County, Texas, or more generally in connection with a residential condominium community, the term "Aviara" cannot be lawfully appropriated as a trademark by any third party and is not protectable as a trademark under federal or state law; provided, however, that: (A) Declarant

shall have no liability should the Regime be forced to change its name; (B) Declarant shall have no duty to contest any claim asserting that the name should be changed: and (C) each Owner shall, by taking title to a Unit, acknowledges that the name "Aviara" was in no way an inducement to purchase, to not sell after purchase, or to expend funds in detrimental reliance on the name remaining "Aviara". During the Declarant Control Period, Declarant shall have the right in its sole discretion to change the name of the Regime without notice to any person.

4.11. Encroachments. Improvements may have been constructed on adjoining lands that encroach onto the Property. Declarant gives no representations or warranties as to property rights, if any, created by such any such encroachments.

4.12. Budgets. Any budgets are based on estimated expenses only without consideration for the effects of inflation and may increase or decrease significantly when the actual expenses become known.

4.13. Light and Views. The natural light available to and views from a Unit can change over time due to among other things, additional development and the removal or addition of landscaping. **NATURAL LIGHT AND VIEWS ARE NOT PROTECTED.**

4.14. Schools. No representations are being made regarding which schools may now or in the future serve the Unit.

4.15. Sounds. No representations are made that the Unit is or will be soundproof or that sound and/or vibrations may not be transmitted from one Unit to another or from the Common Elements (including, but not limited to, any amenity areas) to a Unit. Sound transmission and/or vibrations between Units and Common Elements is inherent in multi-family construction and is not a construction defect. The plumbing and concrete, tile, and hardwood surfaces and other uncovered surfaces within a Unit may transmit noise, and such noise shall not constitute a use of a Unit that interferes with or causes disruption to the use and quiet enjoyment of another Unit by its respective Owner and/or Occupant.

4.16. Suburban Environment. The Property is located in a suburban environment. Sound and vibrations may be audible and felt from such things as sirens, whistles, horns, the playing of music, people speaking loudly, trash being picked up, deliveries being made, equipment being operated, dogs barking, construction activity, building and grounds maintenance being performed, automobiles, buses, trucks, ambulances, airplanes, trains and other generators of sound and vibrations typically found in an urban area. In addition to sound and vibration, there may be odors (from restaurants, food being prepared and dumpsters) and light (from signs, streetlights, other buildings, car headlights and other similar items) in suburban areas and these things are part of the reality of suburban living. The units are not constructed to be totally soundproof or free from vibrations. Sounds and vibrations can also be generated from sources located within a unit or the Common Elements including elevator motors, heating and air conditioning equipment, pump rooms, other mechanical equipment, dogs barking and the playing of certain kinds of music

4.17. Plans. Any advertising materials, brochures, renderings, drawings, and the like, furnished by Declarant and/or a Builder to Owner which purport to depict the Improvements to be constructed within the Regime or on any Unit are merely approximations and do not necessarily reflect the actual as-built conditions of same.

4.18. Unit Systems. No representations are made that the systems in the Unit including, by way of example only, heating and air conditioning and electrical systems will operate or perform at a level or standard greater than the minimum specifications of the manufacturer. In addition, the performance and methods and practices of operating heating and cooling systems can be directly affected by the orientation and location of a room or Unit in relation to the sun. Declarant has no obligation other than to install a heating and cooling system at the Unit which has been sized and designed based on industry standards for the type and size of unit to be constructed.

4.19. Wood. Natural wood has considerable variation due to its organic nature. There may be shades of white, red, black or even green in areas. In addition, mineral streaks may also be visible. Grain pattern or texture will vary from consistent to completely irregular; wood from different areas of the same tree can also have variations in pattern or texture. It is these variations in wood that add to its aesthetic appeal. These variations in grain will in turn accept stain in varying amounts, which will show throughout the wood products from one door to the next, one panel to the next or one piece of wood to the next. Also, cabinet finishes (including gloss and/or matte finishes) will not be entirely consistent and some minor irregularities will be apparent. Additionally, wood and wood products may be subject to warping, splitting, swelling and/or delamination. Wood floors may require more maintenance than some man-made materials. Owners of Units with wood floors should educate themselves about wood floor care. Owner agrees that the foregoing conditions are normal conditions and shall not constitute a construction defect.

4.20. Stone. Veins and colors of any marble, slate or other stone in the Unit, if any, may vary drastically from one piece of stone to another. Each piece is different. Marble, granite, slate and other stone can also have chips and shattering veins, which look like scratches. The thickness of the joints between marble, granite, slate and other stone and/or other materials against which they have been laid will vary and there will be irregularities in surface smoothness. Marble and other stone finishes may be dangerously slippery and Seller assumes no responsibility for injuries sustained as a result of exposure to or use of such materials. Periodic use of professionally approved and applied sealant is needed to ensure proper maintenance of the marble, granite, slate and other stone and it is the Owner's responsibility to properly maintain these materials. Marble, granite and other stone surfaces may scratch, chip or stain easily. Such substances, as part of their desirable noise attenuating properties, may flex or move slightly in order to absorb impacts. Such movement may in turn cause grout to crack or loosen or cause some cracking in the stone flooring which may need to be repaired as part of normal home maintenance.

4.21. Location of Utilities. Declarant makes no representation as to the location of mailboxes, utility boxes, street lights, fire hydrants or storm drain inlets or basins.

4.22. Responsibility for Design and Construction.

(i) Each Owner, by accepting a deed to a Unit, acknowledges and agrees that the residence and residential Improvements constructed within certain Units will be designed and constructed by a Builder (a "**Builder Unit**"), and will not be designed or constructed by Declarant. Declarant shall have no responsibility for relating to the design or construction of a residence and residential Improvements constructed by a Builder.

(ii) In connection with the foregoing, each Owner shall release Declarant, its partners and their respective officers, agents, directors, representatives and employees (collectively, the "**Released Parties**") from any and all claims, demands, debts, actions, causes of action, suits, personal injury, property damage, agreements, obligations, defenses, offsets and liabilities of any kind or character whatsoever known or unknown, suspected or unsuspected, in contract or in tort, at law or in equity, that such Owner ever had, now has, or may hereafter have (collectively, the "**Design and Construction Claims**") against the Released Parties for or by reason of any matter, cause or thing whatsoever occurring in connection the design and construction of a Builder Unit (collectively, the "Release"). **THIS RELEASE EXPRESSLY INCLUDES ANY DESIGN AND CONSTRUCTION CLAIMS ARISING OUT OF THE NEGLIGENCE OR ALLEGED NEGLIGENCE OF ONE OR MORE OF THE RELEASED PARTIES.**

(iii) Each Owner shall defend, indemnify and hold the Released Parties harmless from and against any cause of action, claim, personal injury, property damage, obligation, liability, cost or expense, including reasonable attorneys fees, incurred, arising out of or resulting from the design and construction of a Builder Unit (collectively, the "**Indemnity**"). **THIS INDEMNITY EXPRESSLY INCLUDES ANY DESIGN AND CONSTRUCTION CLAIMS ARISING OUT OF THE NEGLIGENCE OR ALLEGED NEGLIGENCE OF ONE OR MORE OF THE RELEASED PARTIES.**

This *Section* 4.22 will not be interpreted to invalidate any express written warranty for a Unit provided to an Owner by a Builder who is also an assignee of Declarant's rights under this Declaration.

ARTICLE 5
UNITS, LIMITED COMMON ELEMENTS & ALLOCATIONS

5.1. Initial Submitted Units and Maximum Number of Units. The Regime initially consists of four (4) Attached Units; Units A-1, A-2, A-3, and A-4, and three (3) Stand-Alone Units; Units D-2, D-3, and D-4. During the Development Period, Declarant, as permitted in Appendix "A", has reserved the right to create a total of one hundred and fifty (150) Units. To add Units to the Regime, Declarant during the Development Period may, from time to time, file an amendment to this Declaration creating such additional Units. To add additional units to the Regime established by the Declaration, Declarant shall prepare, execute, and record an amendment to this Declaration and the Plat and Plans which amendment will: (i) assign an identifying number to each new unit; (ii) reallocate the Common Interest Allocation among all units then existing within the Regime; (iii) describe any Limited Common Elements; if any, created or designated to each new unit; and (iv) with respect to new units, include the information required by Section 82.055 and Section 82.059(b)of the Texas Uniform Condominium Act. To add additional property to the Regime, Declarant will Record a declaration of annexation, which will include a description of the additional real property. The declaration of annexation may also include a description of the Units added to the Regime if the Declarant elects to create Units upon recordation of the declaration of annexation OR Declarant may elect to create additional Units or Common Elements on the additional property subsequent to the recordation of the declaration of annexation. No assurance is given as to the dispersion of new units, total number of new units, or size of such units.

5.2. Unit Boundaries. The boundaries and identifying number of each Unit are shown on the Plat and Plans attached as Exhibit "B". The boundaries are further described as follows:

5.2.1. Attached Units. The boundaries of the Attached Units shall be the walls, floors and ceilings of each Attached Unit.

(i) All lath, furring, wallboard, plasterboard, plaster, paneling, tiles, wallpaper, paint, finished flooring, and any other materials constituting part of the finished surfaces are a part of a the Attached Unit, and all other portions of the walls, floors, or ceilings are hereby designated as Building Limited Common Elements.

(ii) If any chute, flue, duct, wire, conduit, bearing wall, bearing column, or any other fixture is partially within and partially outside the designated boundaries of an Attached Unit, then the portion serving only that Attached Unit is a Limited Common Element allocated solely to that Attached Unit, and the portion serving more than one Attached Unit or the Common Elements is a part of the Building LCE.

(iii) Unless otherwise provided above, the spaces, interior partitions, and other fixtures and Improvements within the boundaries of an Attached Unit are a part of the Attached Unit.

(iv) Shutters, awnings, window boxes, doorsteps, stoops, porches, balconies, patios, exterior doors, door hardware, windows, window screens and frames, firebox and fireplace flue or other fixtures designed to serve a single Attached Unit, but located outside the Attached Unit's boundaries, are Limited Common Elements allocated exclusively to that Attached Unit.

5.2.2. Stand-Alone Units. The boundaries and identifying number of each Stand-Alone Unit are shown on the Plat and Plans attached hereto as Exhibit "B". The boundaries of each Stand-Alone Unit are further described as follows:

(i) **Lower Boundary of the Stand-Alone Unit**: The horizontal plane corresponding to the finished grade of the land within the Stand-Alone Unit as described and defined on Exhibit "B".

(ii) **Upper Boundary of the Stand-Alone Unit**: The horizontal plane parallel to and fifty feet (50') above the lower boundary of the Stand-Alone Unit.

5.2.3. **Lateral Boundaries of the Stand-Alone Unit**: A plane located on each side of a Stand-Alone Unit perpendicular to the lower and upper horizontal planes, from the lower boundary of the Stand-Alone Unit to the upper boundary of the Stand-Alone Unit.

Not a Typical Condominium Unit

Although a Stand-Alone Unit resembles a platted lot: (i) a Stand-Alone Unit does not include land; (ii) the conveyance of a Stand-Alone Unit is not a metes and bounds conveyance of land; and (iii) the creation of a Stand-Alone Unit does not constitute a subdivision of land. Instead, each Stand-Alone Unit is the surface of a designated piece of land, and everything above the surface for 50 feet, and anything below the surface that serves or supports the above-surface Improvements.

5.3. What Each Unit Includes. Each Unit (including both Attached Units and Stand-Alone Units) includes the spaces and Improvements within the above-described boundaries, including without limitation, any windows, window screens and frames, exterior doors and door hardware, attic area, firebox and fireplace flue, if any. Each Unit also includes Improvements, fixtures, and equipment serving the Unit exclusively, whether located inside or outside the Unit, whether or not attached to or contiguous with the Unit, including but not limited to, the following (if any): chimneys, water heaters, air conditioners, utility meters, fuse

boxes, electrical switches, wiring, pipes, ducts, conduits, smoke detectors, security systems, television antennas, lighting fixtures, telephone and electrical receptacles, and skylights.

5.3.1. Exclusions. Except as specifically included above, each Unit excludes the spaces and Improvements lying outside of the boundaries of the Unit.

5.3.2. Inconsistency with Plans. If the foregoing description of Unit boundaries is inconsistent with the Plats and Plans, then this Section will control.

5.3.3. Representations of Size. The space contained within the Unit's boundaries is not related to the size of the Unit's living areas. Similarly, the Units may be marketed on the basis of a limited number of representational floorplans, each of which is marked with a rounded and estimated size of air-conditioned space, taken from pre-construction architectural drawings. Those marketing sizes may vary from the size of the actual space contained within the Unit's vertical and horizontal boundaries and the actual area contained within the air conditioned space of the Unit. The size of a Unit may be measured different ways for different purposes, such as for tax purposes, appraisal purposes, sales purposes, and for purposes of carpeting and paint. No single measurement is definitive for all purposes.

5.4. **Additional Information to Interpret Unit Boundaries**. In the event that there is a conflict between the boundaries of a Unit as described in this Section and as shown on the Plat and Plans, this Section shall control. It is the express intent of the Declarant that the property described as being part of a Unit shall for all purposes herein be treated as and constitute a lawfully described "Unit" as that term is defined in the Act. In the event that there is a final judicial determination by a court of competent jurisdiction that the boundaries of a Unit or any portion thereof are so indefinite and vague so as to not create a legally constituted "Unit" within the meaning of the Act, then that portion of the Unit that has not been adequately described shall be severed from the property deemed a part of the Unit (if the remainder of the Unit, excluding the severed portion thereof, constitutes a properly described "Unit" under the Act) and shall thereafter be deemed to be Limited Common Elements reserved to the exclusive use of said Unit, subject to the rights and obligations of other Owners with respect to said property.

5.5. **Initial Designations Of Limited Common Elements**. The following portions of the Common Elements are Limited Common Elements assigned to the Units.

5.5.1. Shown on Plats and Plans. Portions of the Common Elements may be allocated as Limited Common Elements on the Plats and Plans, attached hereto as Exhibit "B", by use of "LCE" and the identifying number of the Unit to which the Limited Common Element is appurtenant, or by use of a comparable method of designation.

5.5.2. Appurtenant Areas. Only to the extent they are not part of the Unit, any front porch, sidewalk or fenced Yard Space that is obviously intended for the sole and exclusive use of the Unit to which the area is appurtenant is deemed a Limited Common Element, whether or not the area is so designated on Plats and Plans. If the boundaries of an appurtenant area change, with the Board's approval, the altered boundaries of the appurtenant area are the boundaries of the Limited Common Element.

5.6. **Subsequent Allocation Of Limited Common Elements.** A Common Element not allocated by this Declaration as a Limited Common Element may be so allocated only in accordance with the Act or the provisions of this Declaration. Declarant has reserved the right as set forth in Appendix "A" of this Declaration, to create and assign Limited Common Elements within the Property.

5.7. **Designation of Building LCE.** All Buildings in which Attached Units are located are hereby designated as Limited Common Element assigned to all Attached Units (the "**Building LCE**"). Building LCE is assigned to the Attached Units to permit the Association to separately allocate and charge Owners of Attached Units for the costs of: (i) maintaining, repairing, and replacing, as necessary the Buildings which include Attached Units; (ii) utilities billed to the Association and attributable to the Buildings which include Attached Units; (iii) services billed to the Association and serving Attached Units within a particular Building; (iv) insurance premiums and deductibles attributable to the Buildings which include Attached Units; and (v) contributions to the reserve funds attributable to the Buildings which include Attached Units. The costs associated with Building LCE will be levied as Building LCE Assessments and allocated to each Attached Unit based on such Attached Unit's Building LCE Allocation (defined in *Section 5.10* below).

5.8. **Common Interest Allocation.** The percentage of interest in the Common Elements (the "**Common Interest Allocation**") is allocated to each Unit is set forth on Exhibit "C". The Common Interest Allocation set forth on Exhibit "C" has been assigned to each Unit in accordance with a ratio of 1 to the total number of Units. The same formula is to be used in the event the allocated interests are reallocated as a result of any increase or decrease in the number of Units subject to this Declaration. In the event an amendment to this Declaration is filed which reallocates the Common Interest Allocation as a result of any increase or decrease in the number of Units, the reallocation will be effective on the date such amendment is recorded in the Official Public Records of Travis County, Texas.

5.9. **Common Expense Liabilities.** The percentage of liability for common expenses allocated to each Unit and levied pursuant to Article 6 is equivalent to the Common Interest Allocation assigned to the Unit.

5.10. **Building LCE Allocation.** The percentage of liability for Building LCE Assessments ("**Building LCE Allocation**") is set forth on Exhibit "C", and is assigned to each Attached Unit in accordance with a ratio of 1 to the total number of Attached Units. The same formula is to be used in the event the allocated interests are reallocated as a result of any

increase or decrease in the number of Attached Units subject to this Declaration. In the event an amendment to this Declaration is filed which reallocates the Common Interest Allocation as a result of any increase or decrease in the number of Attached Units, the reallocation will be effective on the date such amendment is recorded in the Official Public Records of Travis County, Texas.

5.11. Votes. One (1) vote is allocated to each Unit. The one vote appurtenant to each Unit is weighted equally for all votes, regardless of the other allocations appurtenant to the Unit. In other words, the one vote appurtenant to each Unit is uniform and equal to the vote appurtenant to every other Unit.

ARTICLE 6
COVENANT FOR ASSESSMENTS

6.1. Purpose of Assessments. The Association will use Assessments for the general purposes of preserving and enhancing the Regime, and for the benefit of Owners and Residents, including but not limited to maintenance of real and personal property, management, and operation of the Association, and any expense reasonably related to the purposes for which the Property was developed. If made in good faith, the Board's decision with respect to the use of Assessments is final.

6.2. Personal Obligation. An Owner is obligated to pay Assessments levied by the Board against the Owner or the Owner's Unit. Payments are made to the Association at its principal office or at any other place the Board directs. Payments must be made in full regardless of whether an Owner has a dispute with the Association, another Owner, or any other person or entity regarding any matter to which this Declaration pertains. No Owner may exempt himself from his Assessment liability by waiver of the use or enjoyment of the Common Elements or by abandonment of his Unit. An Owner's obligation is not subject to offset by the Owner, nor is it contingent on the Association's performance of the Association's duties. Payment of Assessments is both a continuing affirmative covenant personal to the Owner and a continuing covenant running with the Unit.

6.3. Types of Assessments. There are six (6) types of Assessments: Regular, Special, Utility, Individual, Building LCE and Deficiency Assessments.

GENERAL DESCRIPTION OF ASSESSMENTS/CAPITAL CONTRIBUTION FEES

In addition to Regular Assessments, Special Assessments, Individual Assessments, Utility Assessments and Deficiency Assessments, Assessments for Units will consist of the following components (as described by Unit-type):

FOR ATTACHED UNITS:

- **Building LCE Assessments** (based on the Building LCE Allocation assigned to the Attached Unit)
- **Working Capital Contribution** (a fee equal to two (2) months of Regular Assessments)
- **Operational Fund Contribution** (a fee equal to one (1) months of Regular Assessments)
- **Reserve Fund Contribution** (a fee equal to one (1) month of Regular Assessments)

FOR STAND-ALONE UNITS:

- **Working Capital Contribution** (a fee equal to two (2) months of Regular Assessments)
- **Operational Fund Contribution** (a fee equal to one (1) months of Regular Assessments)

6.4. **Regular Assessments**.

6.4.1. Purpose of Regular Assessments. Regular assessments are used for common expenses related to the recurring, periodic, and anticipated responsibilities of the Association, including but not limited to:

(i) Maintenance, repair, and replacement, as necessary, of the Common Elements, and Improvements, equipment, signage, and property owned by the Association.

(ii) Annual maintenance examination and report, as required by *Article 9*.

(iii) Utilities billed to the Association.

(iv) Services obtained by the Association and available to all Units.

(v) Taxes on property owned by the Association and the Association's income taxes.

(vi) Management, legal, accounting, auditing, and professional fees for services to the Association.

(vii) Costs of operating the Association, such as telephone, postage, office supplies, printing, meeting expenses, and educational opportunities of benefit to the Association.

(viii) Insurance premiums and deductibles.

(ix) Contributions to the reserve funds.

(x) Any other expense which the Association is required by law or the Documents to pay, or which in the opinion of the Board is necessary or proper for the operation and maintenance of the Regime or for enforcement of the Documents.

6.4.2. Annual Budget-Regular. The Board will prepare and approve an annual budget with the estimated expenses to be incurred by the Association for each fiscal year. The budget will take into account the estimated income and common expenses for the year, contributions to reserve funds, and a projection for uncollected receivables. The Board will make the budget or a summary of the budget available to the Owner of each Unit, although failure to receive a budget or budget summary will not affect an Owner's liability for Assessments. The Board will provide copies of the budget to Owners who make written request and pay a reasonable copy charge.

6.4.3. Basis of Regular Assessments. Regular Assessments will be based on the annual budget, minus estimated income from sources other than Regular Assessments. Each Unit will be liable for its allocated share of the annual budget. If the Board does not approve an annual budget or fails to determine new Regular Assessments for any year, or delays in doing so, Owners will continue to pay the Regular Assessment as last determined.

6.4.4. Supplemental Increases. If during the course of a year the Board determines that Regular Assessments are insufficient to cover the estimated common expenses for the remainder of the year, the Board may increase Regular Assessments for the remainder of the fiscal year in an amount that covers the estimated deficiency.

6.5. Special Assessments. In addition to Regular Assessments, Utility Assessments, Individual Assessments, Deficiency Assessments and Building LCE Assessments, the Board may levy one or more Special Assessments against all Units for the purpose of defraying, in whole or in part, common expenses not anticipated by the annual budget or reserve funds. Special Assessments may be used for the same purposes as Regular Assessments. Special Assessments do not require the approval of the Owners, except that Special Assessments for the following purposes must be approved by at least a majority of the votes in the Association: (i) acquisition of real property; and (ii) construction of additional Improvements within the Regime (excluding the repair or replacement of existing Improvements or the construction of additional Improvements by the Declarant or Builder). Special Assessments are allocated among the Units in the same manner as Regular Assessments.

6.6. Utility Assessments. This Section applies to utilities serving the individual Units and consumed by the Residents that are billed to the Association by the utility provider, and which may or may not be submetered by or through the Association. In addition to Regular Assessments, the Board may levy a Utility Assessment against each Unit. The Board may allocate the Association's utility charges among the Units by any conventional method for

similar types of properties. The levy of a Utility Assessment may include a share of the utilities for the Common Elements, as well as administrative and processing fees, and an allocation of any other charges that are typically incurred in connection with utility or submetering services. The Board may, from time to time, change the method allocation, provided the same type of method or combination of methods is used for all Units.

6.7. **Building LCE Assessments.**

6.7.1. Purpose of Building LCE Assessments. *Building LCE Assessments are* used for:

(i) Maintenance, repair, and replacement, as necessary, of Buildings which include Attached Units.

(ii) Utilities billed to the Association and attributable to Buildings which include Attached Units and not otherwise allocable to an Attached Unit within such Building.

(iii) Services billed to the Association and serving only the Attached Units and not otherwise allocable to a particular Attached Unit.

(iv) Insurance premiums and deductibles attributable to Buildings which include Attached Units.

(v) Contributions to the reserve funds attributable to Buildings which include Attached Units.

6.7.2. Annual Budget-Building LCE Assessments. Each fiscal year, the Board will prepare and approve an annual budget with the estimated expenses to be incurred by the Association pursuant to *Section 6.7.1* above. The budget will take into account the estimated income and expenses for the year, contributions to reserve funds, and a projection for uncollected receivables. The Board will make the budget or a summary of the budget available to the Owner of each Attached Unit, although failure to receive a budget or budget summary will not affect an Owner's liability for Building LCE Assessments.

6.7.3. Basis of Building LCE Assessments. Building LCE Assessments will be based on the annual budget for a particular Building, minus estimated income from sources other than Building LCE Assessments. Each Attached Unit will be liable for Building LCE Assessments based on such Attached Unit's Building LCE Allocation. If the Board does not approve an annual budget or fails to determine new Building LCE Assessments for any year, or delays in doing so, Owners of Attached Units will continue to pay the applicable Building LCE Assessments as last determined.

6.7.4. Supplemental Increases. If during the course of a year the Board determines that Building LCE Assessments are insufficient to cover the estimated expenses for the remainder of the year, the Board may increase Building LCE Assessments for the remainder of the fiscal year in an amount that covers the estimated deficiency.

Owners of Attached Units will pay Building LCE Assessments in addition to the Regular Assessments, Special Assessments, Individual Assessments, Utility Assessments and Deficiency Assessments. The Building LCE Assessments are for, inter alia, the repair, replacement, and maintenance (including the reserves) of particular Buildings which include Attached Units.

6.8. Individual Assessments. In addition to Regular Assessments, Special Assessments, Utility Assessments, Deficiency Assessments and Building LCE Assessments, the Board may levy an individual Assessment against an Owner and the Owner's Unit. Individual Assessments may include, but are not limited to: interest, late charges, and collection costs on delinquent Assessments; reimbursement for costs incurred in bringing an Owner or the Owner's Unit into compliance with the Documents; fines for violations of the Documents; transfer-related fees and resale certificate fees; fees for estoppel letters and project documents; insurance deductibles; sub-metered utilities serving the Unit; reimbursement for damage or waste caused by willful or negligent acts of the Owner, the Owner's guests, invitees or Residents of the Owner's Unit; common expenses that benefit fewer than all of the Units, which may be assessed according to benefit received; fees or charges levied against the Association on a per-Unit basis; and "pass through" expenses for services to Units provided through the Association and which are equitably paid by each Unit according to benefit received.

6.9. Deficiency Assessments. The Board may levy a Deficiency Assessment against all Units for the purpose of defraying, in whole or in part, the cost of repair or restoration for General Common Elements if insurance proceeds or condemnation awards prove insufficient.

6.10. Working Capital Fund. Upon the transfer of a Unit (including both transfers from Declarant to the initial Owner, and transfers from one Owner to a subsequent Owner), a working capital fee in an amount equal to two (2) months of Regular Assessments will be paid by the transferee of the Unit to the Association for the Association's working capital fund. Upon termination of the Development Period (and only at such time), the Board will be permitted to modify any working capital fund assessment payable on the transfer of a Unit. Each working capital contribution will be collected upon the conveyance of the Unit from one Owner (including Declarant) to another (expressly including any re-conveyances of the Unit upon resale or transfer thereof). Notwithstanding the foregoing provision, the following transfers will not be subject to the working capital contribution: (i) foreclosure of a deed of trust lien, tax lien, or the Association's assessment lien; (ii) transfer to, from, or by the Association; (iii) voluntary transfer by an Owner to one or more co-owners, or to the Owner's spouse, child, or parent. Contributions to the fund are not advance payments of Regular Assessments and are

not refundable. Declarant may not use working capital fees collected hereunder to pay operational expenses until the Declarant Control Period terminates.

6.11. Reserve Fund Contribution – Attached Units. Upon the transfer of an Attached Unit, including both transfers from Declarant to the initial Owner and transfers the from one Owner to a subsequent Owner, a fee equal to one (1) month of Regular Assessments will be paid from the transferee of the Attached Unit to the Association for the Association's replacement reserve funds for expenses to be incurred by the Association pursuant to its maintenance responsibilities under *Section 6.7.1*. Upon termination of the Development Period (and only at such time), the Board will be permitted to modify any reserve fund assessment payable on the transfer of an Attached Unit. Each reserve fund contribution will be collected upon the conveyance of the Attached Unit from one Owner (including Declarant) to another (expressly including any re-conveyances of the Attached Unit upon resale or transfer thereof). Notwithstanding the foregoing provision, the following transfers will not be subject to the reserve fund contribution: (i) foreclosure of a deed of trust lien, tax lien, or the Association's assessment lien; (ii) transfer to, from, or by the Association; (iii) voluntary transfer by an Owner to one or more co-owners, or to the Owner's spouse, child, or parent. Contributions to the fund are not advance payments of Regular Assessments and are not refundable. Declarant may not use reserve fund fees collected hereunder to pay operational expenses until the Declarant Control Period terminates.

6.12. Operational Fund Contribution. Upon the transfer of a Unit (including both transfers from Declarant to the initial Owner and transfers from one Owner to a subsequent Owner), a fee equal to one (1) month of Regular Assessments will be paid by the transferee of the Unit to the Association for the Association's operational funds. Upon termination of the Development Period (and only at such time), the Board will be permitted to modify any operational fund assessment payable on the transfer of a Unit. Each operational fund contribution will be collected upon the conveyance of the Unit from one Owner (including Declarant) to another (expressly including any re-conveyances of the Unit upon resale or transfer thereof). Notwithstanding the foregoing provision, the following transfers will not be subject to the operational fund contribution: (i) foreclosure of a deed of trust lien, tax lien, or the Association's assessment lien; (ii) transfer to, from, or by the Association; (iii) voluntary transfer by an Owner to one or more co-owners, or to the Owner's spouse, child, or parent. Contributions to the fund are not advance payments of Regular Assessments and are not refundable. The operational fund contribution is not a working capital contribution for the purpose of the Act.

6.13. Due Date. All Regular Assessments and Building LCE Assessments are due on the first calendar day of each month or on such other date as the Board may designate in its sole and absolute discretion, and are delinquent if not received by the Association on or before such date. Special, Individual, Deficiency, and Utility Assessments are due on the date stated in the notice of Assessment or, if no date is stated, within ten (10) days after notice of the Special, Individual, Deficiency, or Utility Assessment is given.

6.14. Reserve Funds. The Association will establish, maintain, and accumulate reserves for operations and for replacement and repair. The Association will budget for reserves and may fund reserves out of Regular Assessments.

6.14.1. Operations Reserves. The Association may maintain operations reserves at a level determined by the Board to be sufficient to cover the cost of operational or maintenance emergencies or contingencies, including deductibles on insurance policies maintained by the Association.

6.14.2. Replacement & Repair Reserves-General Common Elements. The Association will maintain replacement and repair reserves at a level that anticipates the scheduled replacement or major repair of components of the General Common Elements.

6.14.3. Replacement & Repair Reserves-Building LCE. The Association will maintain replacement and repair reserves at a level that anticipates the scheduled replacement or major repair of components of the Building LCE.

6.15. Declarant's Right To Inspect And Correct Accounts. For a period of 5 years after termination of the Declarant Control Period, Declarant reserves for itself and for Declarant's accountants and attorneys, the right, but not the duty, to inspect, correct, and adjust the Association financial records and accounts from the formation of the Association until the termination of the Declarant Control Period. The Association may not refuse to accept an adjusting or correcting payment made by or for the benefit of Declarant. By way of illustration but not limitation, Declarant may find it necessary to recharacterize an expense or payment to conform to Declarant's obligations under the Documents or applicable State law. This Section may not be construed to create a duty for Declarant or a right for the Association, and may not be amended without Declarant's written and acknowledged consent. In support of this reservation, each Owner, by accepting an interest in or title to a Unit, hereby grants to Declarant a right of access to the Association's books and records that is independent of Declarant's rights during the Declarant Control and Development Periods.

6.16. Association's Right To Borrow Money. The Association is granted the right to borrow money, subject to the consent of Owners representing at least a majority of the votes in the Association and the ability of the Association to repay the borrowed funds from Assessments. To assist its ability to borrow, the Association is granted the right to encumber, mortgage, or pledge any of its real or personal property, and the right to assign its right to future income, as security for money borrowed or debts incurred, provided that the rights of the lender in the pledged property are subordinate and inferior to the rights of the Owners hereunder.

6.17. Limitations of Interest. The Association, and its officers, directors, managers, and attorneys, intend to conform strictly to the applicable usury laws of the State of Texas. Notwithstanding anything to the contrary in the Documents or any other document or

agreement executed or made in connection with the Association's collection of Assessments, the Association will not in any event be entitled to receive or collect, as interest, a sum greater than the maximum amount permitted by applicable law. If from any circumstances whatsoever, the Association ever receives, collects, or applies as interest a sum in excess of the maximum rate permitted by law, the excess amount will be applied to the reduction of unpaid Special and Regular Assessments, or reimbursed to the Owner if those Assessments are paid in full.

6.18. Audited Financial Statements. The Association shall have an audited financial statement for the preceding full fiscal year of the Association prepared and made available within one-hundred and twenty (120) days after the Association's fiscal year-end.

ARTICLE 7
ASSESSMENT LIEN

7.1. Assessment Lien. Each Owner, by accepting an interest in or title to a Unit, whether or not it is so expressed in the instrument of conveyance, covenants and agrees to pay Assessments to the Association. Each Assessment is a charge on the Unit and is secured by a continuing lien on the Unit. Each Owner, and each prospective Owner, is placed on notice that his title may be subject to the continuing lien for Assessments attributable to a period prior to the date he purchased his Unit. An express lien on each Unit is hereby granted and conveyed by Declarant to the Association to secure the payment of Assessments.

7.2. Superiority of Assessment Lien. The Assessment lien is superior to all other liens and encumbrances on a Unit, except only for: (i) real property taxes and assessments levied by governmental and taxing authorities; (ii) a recorded deed of trust lien securing a loan for construction or acquisition of the original Unit; (iii) a deed of trust or vendor's lien recorded before this Declaration; or (iv) a first or senior purchase money vendor's lien or deed of trust lien recorded before the date on which the delinquent Assessment became due. The Assessment lien is superior to a lien for construction of Improvements to the Unit, regardless of when recorded or perfected. It is also superior to any recorded assignment of the right to insurance proceeds on the Unit, unless the assignment is part of a superior deed of trust lien.

7.3. Effect of Mortgagee's Foreclosure. Foreclosure of a superior lien extinguishes the Association's claim against the Unit for unpaid Assessments that became due before the sale, but does not extinguish the Association's claim against the former Owner. The purchaser at the foreclosure sale of a superior lien is liable for Assessments coming due from and after the date of the sale, and for the Owner's pro rata share of the pre-foreclosure deficiency as a common expense.

If you fail to pay Assessments to the Association, you may lose title to your Unit if the Association forecloses its assessment lien.

7.4. Notice and Release of Notice. The Association's lien for Assessments is created by recordation of this Declaration, which constitutes record notice and perfection of the lien. No other recordation of a lien or notice of lien is required. However, the Association, at its option, may cause a notice of the lien to be Recorded. If the debt is cured after a notice has been recorded, the Association will record a release of the notice at the expense of the curing Owner. The Association may require reimbursement of its costs of preparing and recording the notice before granting the release.

7.5. Power of Sale. By accepting an interest in or title to a Unit, each Owner grants to the Association a private power of non-judicial sale in connection with the Association's assessment lien. The Board may appoint, from time to time, any person, including an officer, agent, trustee, substitute trustee, or attorney, to exercise the Association's lien rights on behalf of the Association, including the power of sale. The appointment must be in writing and may be in the form of a resolution recorded in the minutes of a Board meeting.

7.6. Foreclosure of Lien. The Assessment lien may be enforced by judicial or non-judicial foreclosure. A non-judicial foreclosure must be conducted in accordance with the provisions applicable to the exercise of powers of sale as set forth in Section 51.002 of the Texas Property Code, or in any manner permitted by law. In any foreclosure, the Owner will be required to pay the Association's costs and expenses for the proceedings, including reasonable attorneys' fees. The Association has the power to bid on the Unit at foreclosure sale and to acquire, hold, lease, mortgage, and convey same.

ARTICLE 8
EFFECT OF NONPAYMENT OF ASSESSMENTS

An Assessment is delinquent if the Association does not receive payment in full by the Assessment's due date. The Association, acting through the Board, is responsible for taking action to collect delinquent Assessments. From time to time, the Association may delegate some or all of the collection procedures and remedies, as the Board in its sole discretion deems appropriate, to the Association's manager, an attorney, or a debt collector. Neither the Board nor the Association, however, is liable to an Owner or other person for its failure or inability to collect or attempt to collect an Assessment. The following remedies are in addition to and not in substitution for all other rights and remedies which the Association may have pursuant to the Documents or applicable law.

8.1. Interest. Delinquent Assessments are subject to interest from the due date until paid, at a rate to be determined by the Board from time to time, not to exceed the lesser of eighteen percent (18%) per annum or the maximum permitted by law. If the Board fails to establish a rate, the rate is ten percent (10%) per annum.

8.2. Late Fees. Delinquent Assessments are subject to reasonable late fees, at a rate to be determined by the Board from time to time.

8.3. Collection Expenses. The Owner of a Unit against which Assessments are delinquent is liable to the Association for reimbursement of reasonable costs incurred by the Association to collect the delinquent Assessments, including attorneys' fees and processing fees charged by the manager.

8.4. Acceleration. If an Owner defaults in paying an Assessment that is payable in installments, the Association may accelerate the remaining installments on ten (10) days' written notice to the defaulting Owner. The entire unpaid balance of the Assessment becomes due on the date stated in the notice.

8.5. Suspension of Vote. Subject to the below-described limitations, if an Owner's account has been delinquent for at least 30 days, the Association may suspend the right to vote appurtenant to the Unit during the period of delinquency. Suspension does not constitute a waiver or discharge of the Owner's obligation to pay Assessments. When the Association suspends an Owner's right to vote, the suspended Owner may nevertheless participate as a Member of the Association for the following activities: (i) be counted towards a quorum; (ii) attend meetings of the Association; (iii) participate in discussion at Association meetings; (iv) be counted as a petitioner for a special meeting of the Association; and (v) vote to remove a Director and for the replacement of the removed Director. If the number of suspended Members exceeds 20 percent of the total Members (Co-Owners of a Unit constituting one member), all Members are eligible to vote. These limitations are imposed to prevent a Board from disenfranchising a large segment of the membership and to preserve the membership's right to remove and replace Directors.

8.6. Assignment Of Rents. Every Owner hereby grants to the Association a continuing assignment of rents to secure the payment of assessments to the Association. If a Unit's account become delinquent during a period in which the Unit is leased, the Association may direct the tenant to deliver rent to the Association for application to the delinquent account, provided the Association gives the Owner notice of the delinquency, a reasonable opportunity to cure the debt, and notice of the Owner's right to a hearing before the Board. The Association must account for all monies received from a tenant and must remit to the Owner any rents received in excess of the past-due amount. A tenant's delivery of rent to the Association under the authority hereby granted is not a breach of the tenant's lease with the Owner and does not subject the tenant to penalties from the Owner.

8.7. Money Judgment. The Association may file suit seeking a money judgment against an Owner delinquent in the payment of Assessments, without foreclosing or waiving the Association lien for Assessments.

8.8. Notice to Mortgagee. The Association may notify and communicate with any holder of a lien against a Unit regarding the Owner's default in payment of Assessments.

8.9. Application of Payments. The Association may adopt and amend policies regarding the application of payments. After the Association notifies the Owner of a

delinquency, any payment received by the Association may be applied in the following order: Individual Assessments, Deficiency Assessments, Special Assessments, Utility Assessments, Building LCE Assessments and (lastly) Regular Assessments. The Association may refuse to accept partial payment, i.e., less than the full amount due and payable. The Association may also refuse to accept payments to which the payer attaches conditions or directions contrary to the Association's policy for applying payments. The Association's policy may provide that endorsement and deposit of a payment does not constitute acceptance by the Association, and that acceptance occurs when the Association posts the payment to the Unit Owner's account.

ARTICLE 9
MAINTENANCE AND REPAIR OBLIGATIONS

9.1. Association Maintains. The Association's maintenance obligations will be discharged when and how the Board deems appropriate. The Association maintains, repairs, and replaces, as a common expense, the portions of the Property listed below, regardless of whether the portions are on lots or common areas.

i) The General Common Elements.

ii) Building LCE.

iii) Limited Common Elements specifically designated for maintenance by the Board.

iv) Any real and personal property owned by the Association but which is not a Common Element, such as a Unit owned by the Association.

v) Any area, item, easement, or service, the maintenance of which is assigned to the Association by this Declaration or by the Plat and Plans.

The Association may be relieved of all or any portion of its maintenance responsibilities herein to the extent that: (i) such maintenance responsibility is assigned to an Owner under this Declaration; (ii) such maintenance responsibility is otherwise assumed by or assigned to an Owner; or (iii) such property is dedicated to any local, state or federal government or quasi-governmental entity; provided, however, that in connection with such assumption, assignment or dedication, the Association may reserve or assume the right or obligation to continue to perform all or any portion of its maintenance responsibilities, if the Board determined that such maintenance is necessary or desirable.

Subject to the maintenance responsibilities herein provided, any maintenance or repair performed on or to the General Common Elements by an Owner or Resident that is the responsibility of the Association hereunder shall be performed at the sole expense of such Owner or Resident and the Owner and Resident shall not be entitled to reimbursement from the Association even if the Association accepts the maintenance or repair.

The Association shall not be liable for injury or damage to Person or property caused by the elements or by the Owner or Resident of any Unit or any other Person or resulting from any utility, rain, snow or ice which may leak or flow from any portion of the Common Elements or from any pipe, drain, conduit, appliance or equipment which the Association is responsible to maintain hereunder, except for injuries or damages arising after the Owner or Resident of a Unit has put the Association on written notice of a specific leak or flow from any portion of the Common Elements and the Association has failed to exercise due care to correct the leak or flow within a reasonable time thereafter. The Association shall not be liable to any Owner or Resident of any Unit for loss or damage, by theft or otherwise, of any property, which may be stored in or upon any of the Common Elements or any Unit. The Association shall not be liable to any Owner or Resident, for any damage or injury caused in whole or in part by the Association's failure to discharge its responsibilities under this Section where such damage or injury is not a foreseeable, natural result of the Association's failure to discharge its responsibilities. No diminution or abatement of Assessments shall be claimed or allowed by reason of any alleged failure of the Association to take some action or perform some function required to be taken or performed by the Association under this Declaration or for inconvenience or discomfort arising from the making of repairs or Improvements which are the responsibility of the Association or from any action taken by the Association to comply with any law ordinance or with any order or directive of any municipal or other governmental authority.

9.2. Inspection Obligations.

9.2.1. Contract for Services. In addition to the Association's general maintenance obligations set forth in this Declaration, the Association shall, at all times, contract with (subject to the limitations otherwise set forth in this Declaration) or otherwise retain the services of independent, qualified, licensed individuals or entities to provide the Association with inspection services for the Common Elements. A Guide to Association's Examination of the Common Elements is attached to this Declaration as Exhibit "D".

9.2.2. Schedule of Inspections. Such inspections shall take place at least once every two (2) years. A Guide to Association's Examination of Common Elements is attached to this Declaration as Exhibit "D". The inspectors shall provide written reports of their inspections to the Association promptly following completion thereof. The written reports shall identify any items of maintenance or repair that either require current action by the Association or will need further review and analysis. The Board shall report the contents of such written reports to the Members of the Association at the next meeting of the Members following receipt of such written reports or as soon thereafter as reasonably practicable and shall include such written reports in the minutes of the Association. Subject to the provisions of the Declaration below, the Board shall promptly cause all matters identified as requiring attention to be maintained, repaired, or otherwise pursued in accordance with prudent business practices and the recommendations of the inspectors.

9.2.3. Notice to Declarant. During the Development Period, the Association shall, if requested by Declarant, deliver to Declarant ten (10) days advance written notice of all such inspections (and an opportunity to be present during such inspection, personally or through an agent) and shall provide Declarant (or its designee) with a copy of all written reports prepared by the inspectors.

9.2.4. Limitation. The provisions of this Section shall not apply during the Declarant Control Period unless otherwise directed by the Declarant.

9.3. **Owner Responsibility.** Every Owner has the following responsibilities and obligations for the maintenance, repair, and replacement of the Property:

(i) To maintain, repair, and replace his Unit, all Improvements constructed therein, the Yard Space and the Limited Common Elements (other than those Limited Common Elements which the Association elects to maintain) assigned exclusively thereto, except for components expressly assigned to the Association by this Declaration.

(ii) The routine cleaning of any balcony, porch, or deck area of his Unit, and the maintenance of all landscaping located within that portion of the General Common Elements which is parallel to the street facing any side of such Owner's Unit and between such Owner's Unit and a sidewalk, keeping same in a neat, clean, odorless, orderly, and attractive condition..

(iii) To maintain, repair, and replace all portions of the Property for which the Owner is responsible under this Declaration or by agreement with the Association.

(iv) To not do any work or to fail to do any work which, in the reasonable opinion of the Board, would materially jeopardize the soundness and safety of the Property, reduce the value thereof, or impair any easement or real property right thereto.

(v) To be responsible for his own willful or negligent acts and those of his or the Resident's family, guests, agents, employees, or contractors when those acts necessitate maintenance, repair, or replacement of Common Elements, the property of another Owner, or any component of the Property for which the Association has maintenance or insurance responsibility.

9.4. Maintenance of Yard Space. The Owner of each Stand-Alone Unit must maintain, at the Owner's expense, any Yard Space located within the Owner's Unit. Likewise, the Owner of each Attached Unit must maintain, at the Owner's expense, any Yard LCE

assigned to such Owner's Unit. Such maintenance shall be at a level, to a standard, and with an appearance that is commensurate with the neighborhood. Specifically, each Owner must:

(i) Mow the lawns and grounds and edge the street curbs at least every other week during the months of April through October of each year, and on an as needed basis during the months of November through March.

(ii) Maintain an attractive ground cover or lawn on all yards visible from a street.

(iii) Prevent lawn weeds or grass from exceeding six (6) inches in height.

(iv) Not plant vegetable gardens that are visible from a street.

(v) Maintain an attractive appearance for shrubs and trees visible from a street.

(vi) Treat fire ants in the lawn areas with applications of "Logic" or equal in the spring and fall.

9.5. **Disputes.** If a dispute arises regarding the allocation of maintenance responsibilities by this Declaration, the dispute will be resolved by delegating responsibility to the individual Owners. Unit maintenance responsibilities that are allocated to the Association are intended to be interpreted narrowly to limit and confine the scope of Association responsibility. It is the intent of this Article that all components and areas not expressly delegated to the Association are the responsibility of the individual Owners.

9.6. **Mold.** In the era in which this Declaration is written, the public and the insurance industry have a heightened awareness of and sensitivity to anything pertaining to mold. This Section addresses that environment. For more information about mold and mold prevention, an Owner should consult a reliable source, such as the U.S. Environmental Protection Agency.

9.6.1. Owner's Duties. To reduce the risks associated with concentrations of mold, Owners should be proactive in preventing circumstances conducive to mold, identifying mold, and eliminating mold. Each Owner is advised to:

(i) regularly inspect all Improvements constructed within the Owner's Unit for evidence of water leaks or penetrations or other conditions which may lead to mold growth;

(ii) promptly repair any water leaks, breaks, or malfunctions of any kind emanating from any Improvement constructed within the Owner's Unit;

(iii) regularly inspect all Improvements constructed within the Owner's Unit for visible surface mold; and

(iv) promptly report to the Association any water leak, penetration, break, or malfunction in any Improvement constructed on any Common Elements for which the Association may have maintenance responsibility.

9.6.2. Insurance. Many insurance policies do not cover damages related to mold. The Association will not maintain insurance coverage applicable to mold damage with respect to any Unit. If, an Owner wants insurance coverage for mold and mold-related damages the Owner should purchase such insurance coverage as part of the Owner's insurance policy.

9.7. **Balconies And Decks.** Except for routine cleaning, which is the Owner's responsibility pursuant to *Section 9.3*, the Association is responsible for the maintenance, repair, and replacement of balconies and decks (if any) which are part of an Attached Unit. If the outside components of the Attached Unit are most easily accessed through the Attached Unit, the Owner will cooperate in providing access to the outside components for the Association's agents and contractors. If requested by the Association, the Owner will remove all personal property from the outside components of his Attached Unit to facilitate the required maintenance, repair, or replacement. The Owner is liable to the Association for any additional expense incurred by the Association due to an Owner's failure or refusal to cooperate with reasonable requests for access or removal. This Section may not be construed to prevent an Owner at the Owner's sole expense, without right of reimbursement from the Association, from maintaining, repairing, and replacing components of the Attached Unit's balcony or deck (if any), subject to the Association's architectural control.

9.8. **Warranty Claims.** If the Owner is the beneficiary of a warranty against defects of the Common Elements, the Owner irrevocably appoints the Association, acting through the Board, as his attorney-in-fact to file, negotiate, receive, administer, and distribute the proceeds of any claim against the warranty that pertains to Common Elements.

9.9. **Owner's Default In Maintenance.** If the Board determines that an Owner has failed to properly discharge his obligation to maintain, repair, and replace items for which the Owner is responsible, the Board may give the Owner written notice of the Association's intent to provide the necessary maintenance at Owner's expense. The notice must state, with reasonable particularity, the maintenance deemed necessary and a reasonable period of time in which to complete the work. If the Owner fails or refuses to timely perform the maintenance, the Association may do so at Owner's expense, which is an Individual Assessment against the Owner and his Unit. In case of an emergency, however, the Board's responsibility to give the Owner written notice may be waived and the Board may take any action it deems necessary to protect persons or property, the cost of the action being the Owner's expense.

ARTICLE 10
ARCHITECTURAL COVENANTS AND CONTROL

10.1. Purpose. Because the Units are part of a single, unified community, the Association has the right to regulate every aspect of the exterior of the Property, including the exterior design, use and appearance of Units (including Improvements therein) and Common Elements, in order to preserve and enhance the Property's value and architectural harmony. The Association has the right to regulate every aspect of proposed or existing Improvements on the Property, including replacements or modifications of original construction or installation. During the Development Period, a primary purpose of this Article is to reserve and preserve Declarant's right of architectural control.

10.2. Architectural Reviewer. The purposes of this Article shall be undertaken by the Architectural Reviewer. Until expiration of the Development Period, the Architectural Reviewer shall mean Declarant or its designee. Upon expiration or termination of the Development Period, the rights of the Architectural Reviewer will automatically be transferred to the Board or a committee appointed by the Board.

UNTIL THE EXPIRATION OF THE DEVELOPMENT PERIOD, ONLY THE DECLARANT HAS THE AUTHORITY TO MAKE DECISIONS REGARDING ARCHITECTURAL CONTROL.

10.3. Limits on Liability. Neither the Declarant, nor the Board, or their directors, officers, committee members, employees or agents will have any liability for decisions made as Architectural Reviewer in good faith, and which are not arbitrary or capricious. Neither the Declarant, nor the Board, or their directors, officers, committee members, employees or agents are responsible for: (i) errors in or omissions from the plans and specifications submitted to the Board; (ii) supervising construction for the Owner's compliance with approved plans and specifications; or (iii) the compliance of the Owner's plans and specifications with governmental codes and ordinances, state and federal laws. Approval of a modification or Improvement may not be deemed to constitute a waiver of the right to withhold approval of similar proposals, plans or specifications that are subsequently submitted.

10.4. Prohibition of Construction, Alteration and Improvement. Without the Architectural Reviewer's prior written approval, no Person, other than Declarant or Builder, may commence or continue any construction, alteration, addition, Improvement, installation, modification, redecoration, or reconstruction of or to the Property, or do anything that affects the appearance, use, or structural integrity of the Property.

YOU CANNOT CHANGE THE EXTERIOR OF ANY IMPROVEMENTS WITHIN YOUR UNIT UNLESS YOU HAVE THE SIGNED CONSENT OF THE ARCHITECTURAL REVIEWER.

10.5. No Deemed Or Verbal Approval. Approval by the Architectural Reviewer may not be deemed, construed, or implied from an action, a lack of action, or a verbal statement by the Declarant, Declarant's representative or designee or the Association, an Association director or officer, a member or chair of the Declarant or Board-appointed architectural control committee, the Association's manager, or any other representative of the Association. To be valid, approval of the Architectural Reviewer must be: (i) in writing; (ii) on a form or letterhead issued by the Architectural Reviewer; (iii) signed and dated by a duly authorized representative of the Architectural Reviewer, designated for that purpose; (iv) specific to a Unit; and (v) accompanied by detailed plans and specifications showing the proposed change. If the Architectural Reviewer fails to respond in writing – negatively, affirmatively, or requesting information – within sixty (60) days after the Architectural Reviewer's actual receipt of the Owner's application, the application is deemed denied. Under no circumstance may approval of the Architectural Reviewer be deemed, implied or presumed. If the Architectural Reviewer approves a change, the Owner or the Architectural Reviewer may require that the architectural approval be recorded. Architectural Reviewer approval of an architectural change automatically terminates if work on the approved Improvement has not started by the commencement date stated in the Architectural Reviewer's approval or, if no commencement date is stated, within ninety (90) days after the date of Architectural Reviewer approval.

10.6. Application. To request Architectural Reviewer approval, an Owner must make written application and submit two (2) identical sets of plans and specifications showing the nature, kind, shape, color, size, materials, and locations of the work to be performed. The application must clearly identify any requirement of this Declaration for which a variance is sought. If the application is for work that requires a building permit from a municipality or other regulatory authority, the Owner must obtain such permit and provide a copy to the Architectural Reviewer in conjunction with the application. The Architectural Reviewer may return one set of plans and specifications to the applicant marked with the Architectural Reviewer's response, such as "Approved," "Denied," or "Submit Additional Information." The Architectural Reviewer will retain the other set of plans and specifications, together with the application, for the Association's files. The Architectural Reviewer has the right, but not the duty, to evaluate every aspect of construction and property use that may alter or adversely affect the general value of appearance of the Property.

10.7. Owner's Duties. If the Architectural Reviewer approves an Owner's application, the Owner may proceed with the Improvement, provided:

(i) The Owner compiles with *Section 3.3*.

(ii) The Owner must adhere strictly to the plans and specifications which accompanied his application.

(iii) The Owner must initiate and complete the Improvement in a timely manner.

(iv) If the approved application is for work that requires a building permit from the city, the Owner must obtain the appropriate permit. The Board's approval of plans and specifications does not mean that they comply with the city's requirements. Alternatively, approval by the city does not ensure Board approval.

ARTICLE 11
CONSTRUCTION AND USE RESTRICTIONS

11.1. Variance. The use of the Property is subject to the restrictions contained in this Article, and subject to Rules adopted pursuant to this Article. The Board or the Declarant, as the case may be, may grant a variance or waiver of a restriction or Rule on a case-by-case basis when unique circumstances dictate, and may limit or condition its grant. To be effective, a variance must be in writing. The grant of a variance does not effect a waiver or estoppel of the Association's right to deny a variance in other circumstances.

11.2. **Association's Right to Promulgate Rules and Adopt Community Manual**. The Association, acting through the Board, is granted the right to adopt, amend, repeal, and enforce reasonable Rules, and penalties for infractions thereof, regarding the occupancy, use, disposition, maintenance, appearance, and enjoyment of the Property. The Association, acting through the Board, is further granted the right to adopt, amend, repeal, and enforce the Community Manual, setting forth therein such policies governing the Association as the Board determines.

EVERY RESIDENT IS EXPECTED TO COMPLY WITH RULES ADOPTED BY THE BOARD OF DIRECTORS

11.3. **Rules and Regulations**. In addition to the restrictions contained in this Article, each Unit is owned and occupied subject to the right of the Board to establish Rules, and penalties for infractions thereof, governing:

(i) Use of Common Elements.

(ii) Hazardous, illegal, or annoying materials or activities on the Property.

(iii) The use of Property-wide services provided through the Association.

(iv) The consumption of utilities billed to the Association.

(v) The use, maintenance, and appearance of anything visible from the street, Common Elements, or other Units.

(vi) The occupancy and leasing of Units.

(vii) Animals.

(viii) Vehicles.

(ix) Disposition of trash and control of vermin, termites, and pests.

(x) Anything that interferes with maintenance of the Property, operation of the Association, administration of the Documents, or the quality of life for Residents.

11.4. Ages Of Residents. No person under the age of 18 years may occupy a Unit unless such Person lives with a Resident who is his spouse, parent, legal guardian, or a designee of his parent or legal guardian. Upon request by the Association, an Owner must provide satisfactory proof of the ages and relationships of the Residents of his Unit.

11.5. Animals - Household Pets. Except for fish, there shall be allowed no more than three household pets in a Unit; and *provided, further,* that said pets may consist only of domesticated dogs, cats, fish and/or birds and may not be kept, bred, or maintained for any commercial purpose and not become a nuisance or annoyance to neighbors. All pets must be registered and approved in writing by the Board, which approval may be given or withheld in the sole discretion of the Board. Owners must immediately pick up all solid waste of their pets and dispose of such waste appropriately. All individual pets, including cats, must be leashed at all times when outside a Unit. No reptiles or other forms of wildlife shall be kept in or on the Regime (including Units). Without limiting the generality of this *Section 11.5*, violations of the provisions of this *Section 11.5* will entitle the Association to all of its rights and remedies, including, but not limited to, the right to fine Owners and/or to require, through order of the Board, any pet to be permanently removed from the Regime. No one other than an Owner or an Owner's tenant is permitted to keep any pet.

11.6. Annoyance. No Unit or Limited Common Element may be used in any way that: (i) may reasonably be considered annoying to neighbors; (ii) may be calculated to reduce the desirability of the Property as a residential neighborhood; (iii) may endanger the health or safety of Residents; (iv) may result in the cancellation of insurance on any portion of the Property; (v) violates any law; or (vi) creates noise or odor pollution. The Board has the sole authority to determine what constitutes an annoyance.

11.7. Appearance. Both the exterior and the interior of the Buildings must be maintained in a manner so as not be unsightly when viewed from the street, Common Elements, or neighboring Units. The Board will be the arbitrator of acceptable appearance standards.

11.8. Declarant Privileges. In connection with the development and marketing of the Property, Declarant has reserved a number of rights and privileges to use the Property in ways that are not available to other Owners and Residents, as provided in Appendix "A" of this

Declaration. Declarant's exercise of a Development Period right that appears to violate a Rule or a Use Restriction of this Article does not constitute waiver or abandonment of the restriction by the Association.

11.9. Drainage. No person may interfere with the established drainage pattern over any part of the Property unless an adequate alternative provision for proper drainage has been approved by the Board.

11.10. Driveways. Sidewalks, driveways, and other passageways may not be used for any purpose that interferes with their ongoing use as routes of vehicular or pedestrian access.

11.11. Fire Safety. No person may use, misuse, cover, disconnect, tamper with, or modify the fire and safety equipment of the Property or interfere with the maintenance and/or testing of same by persons authorized by the Association or by public officials.

11.12. Garages. No garage may be enclosed or used for any purpose that would prohibit the parking of operable vehicles therein, without the Architectural Reviewer's written authorization. The automatic garage door opener is to be maintained by the Owner.

11.13. Landscaping. No person may perform landscaping, planting, or gardening anywhere upon the General Common Elements without the Board's prior written authorization.

11.14. Noise And Odor. A Resident must exercise reasonable care to avoid making or permitting to be made loud, disturbing, or objectionable noises or noxious odors that are likely to disturb or annoy Residents of neighboring Units. The Rules may limit, discourage, or prohibit noise-producing activities and items in the Units and on the Common Element.

11.15. Occupancy. The Board may adopt Rules regarding the occupancy of Units. If the Rules fail to establish occupancy standards, no more than 2 persons per bedroom may occupy a Unit, subject to the exception for familial status. The Association's occupancy standard for Residents who qualify for familial status protection under the fair housing laws may not be more restrictive than the minimum (*i.e., the fewest people per Unit*) permitted by the U.S. Department of Housing and Urban Development. A person may not occupy a Unit of the person constitutes a direct threat to the health or safety of other persons, or if the person's occupancy would result in substantial physical damage to the property of others.

11.16. Residential Use. The use of a Unit is limited exclusively to residential purposes or any other use permitted by this Declaration. This residential restriction does not, however, prohibit a Resident from using the Unit for personal business or professional pursuits provided that: (i) the uses are incidental to the use of the Unit as a dwelling; (ii) the uses conform to applicable governmental ordinances; (iii) there is no external evidence of the uses; (iv) the uses do not entail visits to the Unit by employees or the public; and (v) the uses do not interfere with

Residents' use and enjoyment of neighboring Units. Other than the air conditioned part of a Unit, no thing or structure on the Property may be occupied as residence at any time by any person. This provision applies, without limitation, to a garage.

11.17. Signs. No sign of any kind, including signs (including signs advertising Units for sale, for rent or for lease), may be erected, placed, or permitted to remain on the Property unless written approval has been obtained in advance from the Architectural Reviewer. The Architectural Reviewer may adopt sign guidelines associated with the erection and display of certain signs which guidelines may govern the location, nature, dimensions, number, and time period a sign may remain on the Property or a Unit. As used in this Section, "sign" includes, without limitation, lettering, images, symbols, pictures, shapes, lights, banners, and any other representation or medium that conveys a message. The Association may effect the immediate removal of any sign or object which has not been approved in advance by the Architectural Reviewer or otherwise violates the Documents or any sign guidelines promulgated by the Architectural Reviewer, or which the Architectural Reviewer deems inconsistent with Property standards without liability for trespass or any other liability connected with the removal.

11.18. Structural Integrity. No person may directly or indirectly impair the structural soundness or integrity of a Building or other Unit, nor do any work or modification that will impair an easement or real property right.

11.19. Antenna. Except as expressly provided below, no exterior radio, television or communications antenna or aerial or satellite dish or disc, nor any solar energy system (collectively, an "**Antenna/Dish**"), shall be erected, maintained, or placed on a Unit without the prior written approval of the Board.

11.19.1. Dishes Over One Meter Prohibited. Unless otherwise approved by the Board, an Antenna/Dish which is over one meter in diameter is prohibited within the Regime.

11.19.2. Notification. An Owner or Resident who wishes to install an Antenna/Dish one meter or less in diameter (a "**Permitted Antenna**") must submit a written notice to the Board or its designee, which notice must include the Owner or Resident's installation plans for the satellite dish.

11.19.3. One Dish Limitation. Unless otherwise approved by the Board, only one Permitted Antenna per Unit is permitted. In the event an acceptable quality signal for video programming or wireless communications cannot be received from one satellite dish, the Owner must provide written notification to the Board or its designee. Upon notification, the Owner will be permitted to install an additional Permitted Antenna if a single Permitted Antenna is not sufficient for the reception of an acceptable quality signal and the use of an additional Permitted Antenna results in the reception of an acceptable quality signal.

11.19.4. Permitted Installation Locations – Generally. An Owner or Resident may erect a Permitted Antenna (after written notification has been provided to the Board or its designee) if the Owner or Resident has an exclusive use area in which to install the antenna. An "exclusive use area" is an area in which only the Owner or Resident may enter and use to the exclusion of all other Owners and Residents. Unless otherwise approved by the Board or its designee, the Permitted Antenna must be entirely within the exclusive use area of the Owner's Unit. For example, if a Permitted Antenna is erected on the balcony, the Permitted Antenna may not protrude or extend outside of the balcony. **UNLESS EXPRESSLY APPROVED IN ADVANCE AND IN WRITING BY THE BOARD, NO OWNER OF AN ATTACHED UNIT MAY INSTALL OR ERECT A SATELLITE DISH ON THE ROOF OR EXTERIOR WALL OF THEIR BUILDING.**

A Permitted Antenna or the use of a Permitted Antenna may not interfere with satellite or broadcast reception to other Units or the Common Elements, or otherwise be a nuisance to Residents of other Units or to the Association. A Permitted Antenna exists at the sole risk of the Owner and/or occupant of the Unit. The Association does not insure the Permitted Antenna and is not liable to the Owner or any other person for any loss or damage to the Permitted Antenna from any cause. The Owner will defend and indemnify the Association, its directors, officers, and Members, individually and collectively, against losses due to any and all claims for damages or lawsuits, by anyone, arising from his Permitted Antenna. The Board of Directors may determine what constitutes a nuisance to the Association. The Board may, from time to time, modify, amend, or supplement the rules regarding installation and placement of a Permitted Antenna.

11.19.5. Preferred Installation Locations – Stand-Alone Units. For Stand-Alone Units, a Permitted Antenna may be installed in a location within the Stand-Alone Unit from which an acceptable quality signal can be obtained and where least visible from the street and the Regime, other than the Stand-Alone Unit. In order of preference, the locations of a Permitted Antenna which will be considered least visible by the Board are as follows:

(i) attached to the back of the Stand-Alone Unit, with no part of the Permitted Antenna any higher than the lowest point of the roofline and screened from view of adjacent Lots and the street; then

(ii) Attached to the side of Stand-Alone Unit, with no part of the Permitted Antenna any higher than the lowest point of the roofline and screened from view of adjacent Units and the street.

11.19.6. Cable Conduit. The Property is designed with a conduit for use with cable television lines. Each Owner may use the conduit for its intended purpose and for no other purpose. The draping of cable wires on the exteriors of buildings or the

installation of additional conduits are prohibited without the Board's prior written consent.

11.19.7. Prohibited Act. Other than the proper use of the satellite divot and the cable conduit, any other installation pertaining to an Antenna/Dish is prohibited without the prior written consent of the Board.

11.19.8. Association Controls. To the extent permitted by public law, the Association may adopt and amend reasonable standards for the color, appearance, location, method of installation, maintenance, camouflaging, screening, and use of an Antenna/Dish.

11.20. **Vehicles.** All vehicles on the Property, whether owned or operated by the Residents or their families and guests, are subject to this Section and any Rules regulating the types, sizes, numbers, conditions, uses, appearances, and locations of vehicles on the Property. The Board may prohibit any vehicle from which the Board deems to be a nuisance, unsightly, or inappropriate. The Board may prohibit sales, storage, washing, repairs, or restorations of vehicles on the Property. Vehicles that transport inflammatory or explosive cargo are prohibited from the Property at all times. No vehicle may obstruct the flow of traffic, constitute a nuisance, or otherwise create a safety hazard on the Property. The Association may effect the removal of any vehicle in violation of this Section or the Rules without liability to the owner or operator of the vehicle.

11.21. **Window Treatments.** The Regime is designed to have a uniform window appearance for all the Units. Therefore, the color and condition of all window panes, window screens, and window treatments must conform to the building standard. All window treatments within the Unit, that are visible from the street or another Unit, must be maintained in good condition and must not detract from the appearance of the Property. The Board may require an Owner to change or remove a window treatment, window film, window screen, or window decoration that the Board determines to be inappropriate, unattractive, or inconsistent with the Property's uniform window standard. The Board may prohibit the use of certain colors or materials for window treatments.

11.22. **Hot Tubs.** During the Development Period, no hot tub, spa, jacuzzi, sprinkler or mist system, fountain, or any other plumbed or liquid-based device may be installed in a Unit or any Common Element without the prior written consent of the Architectural Reviewer. This prohibition does not apply to replacements of customary kitchen and bathroom appliances and fixtures. This prohibition expressly applies to roofs, decks, and balconies.

11.23. **Door Locks.** Owners must allow representatives of the Association and other emergency personnel access to their Units in case of emergencies. In the case of any emergency originating in, or threatening, any Unit, regardless of whether the Owner is present at the time of such emergency, the Board, the manager or any other person authorized by the Board or Manager shall have the right to enter into such Unit for the purpose of remedying or abating the

cause of such emergency and such right of entry shall be immediate. To facilitate entry in the event of such an emergency, each Owner, if required by the Board, shall deposit a key to such Owner's Unit with the Board.

11.24. No Piercing of Walls. In addition to and without limiting the provisions set forth in *Article 10* of this Declaration, an Owner or other Person authorized by such Owner shall not pierce any of the Attached Unit walls with any type of nail, screw, drill bit or other similar item in excess of ¾ inch in length without first obtaining the consent of the Architectural Reviewer as set forth in *Article 10*.

11.25. Balconies and Terraces. No articles other than Board-approved patio-type furniture and suitable plants shall be placed on any terraces or outside balconies. No linens, cloths, clothing, towels, bathing suits or swimwear, curtains, rugs, mops or laundry of any kind, or other articles, shall be stored, shaken or hung from or on any of the windows, doors, terraces or balconies or other portions of the Regime. The Board will have the authority to require an Owner or Occupant to remove any article from a window, door, terrace, balcony, or deck, if in the sole and exclusive discretion of the Board, the article is unsightly, offensive, or constitutes an annoyance.

11.26. Wireless Internet Systems. A wireless Internet communication network ("**WiFi System**") may be installed or otherwise used in a Unit provided precautions are taken to insure against interfering with, disturbing, or intercepting computer, communications, or other permitted electronic signals, networks, or systems installed in other portions of the Regime. The Association may establish reasonable requirements relating to the installation of WiFi Systems that must be complied with, including, without limitation, requiring assurance from the installation of the system that proper precautions are being taken. Notwithstanding the foregoing, compliance with requirements relating to the installation of WiFi Systems is not a guarantee that any WiFi System installed or otherwise used in a Unit will not interfere with, disturb, or intercept other signals, networks, or systems within the Regime. The Association may require that any WiFi System found to cause such problems be terminated. The Association, Declarant, and their respective current and former partners, members, directors, officers agents employees, affiliates, and committee members, shall not in any way be considered insurers or guarantors of the proper operation or use of any WiFi Systems in the Regime, nor shall any of such Persons be held liable for any loss or damage relating to the use or operation of WiFi Systems in the Regime.

ARTICLE 12
UNIT LEASING

12.1. Lease Conditions. The leasing of Units is subject to the following conditions: (i) no Unit may be rented for transient or hotel purposes or for a period less than one-hundred eighty (180) days; (ii) no Unit may be subdivided for rent purposes, and not less than an entire Unit may be leased; (iii) all leases must be in writing and must be made subject to the Documents; (iv) an Owner is responsible for providing his tenant with copies of the Documents

and notifying him of changes thereto; and (v) each tenant is subject to and must comply with all provisions of the Documents, federal and State laws, and local ordinances.

12.2. Eviction Of Tenants. Every lease agreement on a Unit, whether written or oral, express or implied, is subject to and is deemed to include the following provisions:

12.2.1. Violation Constitutes Default. Failure by the tenant or his invitees to comply with the Documents, federal or State law, or local ordinance is deemed to be a default under the lease. When the Association notifies an Owner of his tenant's violation, the Owner will promptly obtain his tenant's compliance or exercise his rights as a landlord for tenant's breach of lease. If the tenant's violation continues or is repeated, and if the Owner is unable, unwilling, or unavailable to obtain his tenant's compliance, then the Association has the power and right to pursue the remedies of a landlord under the lease or State law for the default, including eviction of the tenant, subject to the terms of this Section.

12.2.2. Association as Attorney-in-Fact. Notwithstanding the absence of an express provision in the lease agreement for enforcement of the Documents by the Association, each Owner appoints the Association as his attorney-in-fact, with full authority to act in his place in all respects, solely for the purpose of enforcing the Documents against his tenants, including but not limited to the authority to institute forcible detainer proceedings against his tenant on his behalf, provided the Association gives the Owner at least 10 days' notice, by certified mail, of its intent to so enforce the Documents.

12.2.3. Association Not Liable for Damages. The Owner of a leased Unit is liable to the Association for any expenses incurred by the Association in connection with enforcement of the Documents against his tenant. The Association is not liable to the Owner for any damages, including lost rents, suffered by the Owner in relation to the Association's enforcement of the Documents against the Owner's tenant.

12.3. Exemption. A Mortgagee that acquires title to the Unit by foreclosure of its deed of trust lien or by deed in lieu of foreclosure of its lien is exempt from the effect of this Article. During the Development Period, Declarant is exempt from the effect of this Article.

ARTICLE 13
ASSOCIATION OPERATIONS

13.1. Board. Unless the Documents expressly reserve a right, action, or decision to the Owners, Declarant, or another party, the Board acts in all instances on behalf of the Association. Unless the context indicates otherwise, references in the Documents to the "Association" may be construed to mean "the Association acting through its Board of Directors."

13.2. The Association. The duties and powers of the Association are those set forth in the Documents, together with the general and implied powers of a condominium association and a nonprofit corporation organized under the laws of the State of Texas. Generally, the Association may do any and all things that are lawful and necessary, proper, or desirable in operating for the peace, health, comfort, and general benefit of its Members, subject only to the limitations on the exercise of such powers as stated in the Documents. The Association comes into existence on issuance of its corporate charter. The Association will continue to exist at least as long as the Declaration is effective against the Property, regardless of whether its corporate charter lapses from time to time.

13.3. Name. A name is not the defining feature of the Association. Although the initial name of the Association is the Aviara Condominium Community, Inc., the Association may operate under any name that is approved by the Board and (1) filed with the Travis County Clerk as an assumed name, or (2) filed with the Secretary of State of Texas as the name of the filing entity. The Association may also change its name by amending the Documents. Another legal entity with the same name as the Association, or with a name based on the name of the Property, is not the Association, which derives its authority from this Declaration.

13.4. Duration. The Association comes into existence on the earlier to occur of the following two events: (1) the date on which the Certificate is filed with the Secretary of State of Texas, or (2) the date on which a Unit deed is recorded in the Official Public Records of Travis County, Texas, evidencing diversity of ownership in the Property (that the Property is not owned entirely by Declarant or its affiliates). The Association will continue to exist at least as long as this Declaration, as it may be amended, is effective against all or part of the Property.

13.5. Governance. The Association will be governed by a board of directors elected by the Members. Unless the Bylaws or Certificate provide otherwise, the Board will consist of at least three (3) persons elected at the annual meeting of the Association, or at a special meeting called for that purpose. The Association will be administered in accordance with the Bylaws. Unless the Documents provide otherwise, any action requiring approval of the Members may be approved in writing by Owners representing at least a majority of the ownership interests, or at a meeting by Owners' representing at least a majority of the ownership interests that are represented at the meeting.

13.6. Merger. Merger or consolidation of the Association with another association must be evidenced by an amendment to this Declaration. The amendment must be approved by Owners of at least two-thirds (2/3) of the Units. On merger or consolidation of the Association with another association, the property, rights, and obligations of another association may, by operation of law, be added to the properties, rights, and obligations of the Association as a surviving corporation pursuant to the merger. The surviving or consolidated association may administer the provisions of the Documents within the Property, together with the covenants and restrictions established on any other property under its jurisdiction. No merger or consolidation, however, will effect a revocation, change, or addition to the covenants established by this Declaration within the Property.

13.7. Membership. Each Owner is a Member of the Association, ownership of a Unit being the sole qualification for membership. Membership is appurtenant to and may not be separated from ownership of the Unit. The Board may require satisfactory evidence of transfer of ownership before a purported Owner is entitled to vote at meetings of the Association. If a Unit is owned by more than one person or entity, each co-owner is a Member of the Association and may exercise the membership rights appurtenant to the Unit.

13.8. Manager. The Board may delegate the performance of certain functions to one or more managers or managing agents of the Association. To assist the Board in determining whether to delegate a function, a Guide to Association's Major Management & Governance Functions is attached to this Declaration as Exhibit "E". The Guide lists several of the major management and governance functions of a typical residential development with a mandatory owners association. The Guide, however, may not be construed to create legal duties for the Association and its officers, directors, members, employees, and agents that are not justified by the needs of the Association. Rather, the Guide is intended as a tool or an initial checklist for the Board to use periodically when considering a delegation of its functions. As a list of functions that owners associations commonly delegate to a manager, the Guide should not be considered as a complete list of the Board's duties, responsibilities, or functions. Notwithstanding any delegation of its functions, the Board is ultimately responsible to the Members for governance of the Association.

13.9. Books and Records. The Association will maintain copies of the Documents and the Association's books, records, and financial statements. Books and records of the Association will be made available for inspection and copying pursuant to the requirements of the Texas Business Corporation Act applicable to non-profit corporations.

13.10. Indemnification. The Association indemnifies every officer, director, and committee member (for purposes of this Section, "Leaders") against expenses, including attorney's fees, reasonably incurred by or imposed on the Leader in connection with any threatened or pending action, suit, or proceeding to which the Leader is a party or respondent by reason of being or having been a Leader. A Leader is not liable for a mistake of judgment. A Leader is liable for his willful misfeasance, malfeasance, misconduct, or bad faith. This right to indemnification does not exclude any other rights to which present or former Leaders may be entitled. As a common expense, the Association may maintain general liability and directors and officers' liability insurance to fund this obligation.

13.11. Obligations of Owners. Without limiting the obligations of Owners under the Documents, each Owner has the following obligations:

13.11.1. Information. Within thirty (30) days after acquiring an interest in a Unit, within thirty (30) days after the Owner has notice of a change in any information required by this Subsection, and on request by the Association from time to time, an Owner will provide the Association with the following information: (i) a copy of the recorded deed by which Owner has acquired title to the Unit; (ii) the Owner's address,

phone number, and driver's license number, if any; (iii) any Mortgagee's name and address; (iv) the name and phone number of any Resident other than the Owner; and (v) the name, address, and phone number of Owner's managing agent, if any.

13.11.2.Pay Assessments. Each Owner will pay Assessments properly levied by the Association against the Owner or such Owner's Unit and will pay Regular Assessments and Building LCE Assessments without demand by the Association.

13.11.3.Compliance with Documents. Each Owner will comply with the Documents as amended from time to time.

13.11.4.Reimburse for Damages. Each Owner will pay for damage to the Property caused by the negligence or willful misconduct of the Owner, a Resident of the Owner's Unit, or the Owner or Resident's family, guests, employees, contractors, agents, or invitees.

13.11.5.Liability for Damages. Each Owner is liable to the Association for violations of the Documents by the Owner, a Resident of the Owner's unit, or the Owner or Resident's family, guests, employees, agents, or invitees, and for costs incurred by the Association to obtain compliance, including attorney's fees whether or not suit is filed.

13.12. Unit Resales. This Section applies to every sale or conveyance of a Unit or an interest in a Unit by an Owner other than Declarant:

13.12.1. Resale Certificate. An Owner intending to sell his Unit will notify the Association and will request a condominium resale certificate from the Association.

13.12.2. No Right of First Refusal. The Association does not have a right of first refusal and may not compel a selling Owner to convey the Owner's Unit to the Association.

13.12.3. Other Transfer-Related Fees. A number of independent fees may be charged in relation to the transfer of title to a Unit, including but not limited to, fees for resale certificates, estoppel certificates, copies of Documents, compliance inspections, ownership record changes, and priority processing, provided the fees are customary in amount, kind and number for the local marketplace. Transfer-related fees are not refundable and may not be regarded as a prepayment of or credit against regular or special assessments. Transfer-related fees may be charged by the Association or by the Association's managing agent, provided there is no duplication of fees. Transfer-related fees charged by or paid to a managing agent must have the prior written approval of the Association, are not subject to the Association's assessment lien, and are not payable by the Association. This Section does not obligate the Board or the manager to levy transfer-related fees. This exclusion may be waived by a party to a conveyance who requests transfer-related services or documentation for which fees are charged.

13.12.4. Exclusions. The requirements of this Section do not apply to the following transfers: (i) foreclosure of a mortgagee's deed of trust lien, a tax lien, or the Association's assessment lien; (ii) conveyance by a mortgagee who acquires title by foreclosure or deed in lieu of foreclosure; transfer to, from, or by the Association; (iii) voluntary transfer by an Owner to one or more Co-Owners, or to the Owner's spouse, child, or parent; a transfer by a fiduciary in the course of administering a decedent's estate, guardianship, conservatorship, or trust; a conveyance pursuant to a court's order, including a transfer by a bankruptcy trustee; or (iv) a disposition by a government or governmental agency. The requirements of this Section do not apply to the initial conveyance from Declarant.

ARTICLE 14
ENFORCING THE DOCUMENTS

14.1. Notice And Hearing. Before levying a fine for violation of the Documents (other than nonpayment of Assessments), or before levying an Individual Assessment for property damage, the Association will give the Owner written notice of the levy and an opportunity to be heard, to the extent required by applicable law. The Association's written notice must contain a description of the violation or property damage; the amount of the proposed fine or damage charge; a statement that not later than the 30th day after the date of the notice, the Owner may request a hearing before the Board to contest the fine or charge; and a stated date by which the Owner may cure the violation to avoid the fine - - unless the Owner was given notice and a reasonable opportunity to cure a similar violation within the preceding twelve (12) months. The Association may also give a copy of the notice to the Resident. Pending the hearing, the Association may continue to exercise its other rights and remedies for the violation, as if the declared violation were valid. The Owner's request for a hearing suspends only the levy of a fine or damage charge. The Owner may attend the hearing in person, or may be represented by another person or written communication. The Board may adopt additional or alternative procedures and requirements for notices and hearing, provided they are consistent with the requirements of applicable law.

14.2. Remedies. The remedies provided in this Article for breach of the Documents are cumulative and not exclusive. In addition to other rights and remedies provided by the Documents and by law, the Association has the following rights to enforce the Documents:

14.2.1. Nuisance. The result of every act or omission that violates any provision of the Documents is a nuisance, and any remedy allowed by law against a nuisance, either public or private, is applicable against the violation.

14.2.2. Fine. The Association may levy reasonable charges, as an Individual Assessment, against an Owner and the Owner's Unit if the Owner or Resident, or the Owner or Resident's family, guests, employees, agents, or contractors violate a provision of the Documents. Fines may be levied for each act of violation or for each day a

violation continues, and does not constitute a waiver or discharge of the Owner's obligations under the Documents.

14.2.3. Suspension. The Association may suspend the right of Owners and Residents to use Common Elements (except rights of ingress and egress) for any period during which the Owner or Resident, or the Owner or Resident's family, guests, employees, agents, or contractors violate the Documents. A suspension does not constitute a waiver or discharge of the Owner's obligations under the Documents.

14.2.4. Self-Help. The Association has the right to enter a Common Element or Unit to abate or remove, using force as may reasonably be necessary, any erection, thing, animal, person, vehicle, or condition that violates the Documents. In exercising this right, the Board is not trespassing and is not liable for damages related to the abatement. The Board may levy its costs of abatement against the Unit and Owner as an Individual Assessment. Unless an emergency situation exists in the good faith opinion of the Board, the Board will give the violating Owner fifteen (15) days' notice of its intent to exercise self-help. Notwithstanding the foregoing, the Association may not alter or demolish Improvements on or within a Unit.

14.2.5. Suit. Failure to comply with the Documents will be grounds for an action to recover damages or for injunctive relief to cause any such violation to be remedied, or both. Prior to commencing any legal proceeding, the Association will give the defaulting party reasonable notice and an opportunity to cure the violation.

14.3. Board Discretion. The Board may use its sole discretion in determining whether to pursue a violation of the Documents, provided the Board does not act in an arbitrary or capricious manner. In evaluating a particular violation, the Board may determine that under the particular circumstances: (i) the Association's position is not sufficiently strong to justify taking any or further action; (ii) the provision being enforced is or may be construed as inconsistent with applicable law; (iii) although a technical violation may exist, it is not of such a material nature as to be objectionable to a reasonable person or to justify expending the Association's resources; or (iv) that enforcement is not in the Association's best interests, based on hardship, expense, or other reasonable criteria.

14.4. No Waiver. The Association and every Owner has the right to enforce all restrictions, conditions, covenants, liens, and charges now or hereafter imposed by the Documents. Failure by the Association or by any Owner to enforce a provision of the Documents is not a waiver of the right to do so thereafter.

14.5. Recovery of Costs. The costs of curing or abating a violation are the expense of the Owner or other person responsible for the violation. If legal assistance is obtained to enforce any provision of the Documents, or in any legal proceeding (whether or not suit is brought) for damages or for the enforcement of the Documents or the restraint of violations of the Documents, the prevailing party is entitled to recover from the non-prevailing party all

reasonable and necessary costs incurred by it in such action, including reasonable attorneys' fees.

ARTICLE 15
INSURANCE

15.1. General Provisions. The broad purpose of this Article is to require that the Property be insured with the types and amounts of coverage that are customary for similar types of properties and that are acceptable to mortgage lenders, guarantors, or insurers that finance the purchase or Improvement of Units. Because the insurance requirements of mortgage underwriters are subject to change, as are State-promulgated insurance regulations and policies, this Articles tries to balance the need for certain minimum insurance requirements with the desire to adapt to a periodically changing insurance environment. The Board will make every reasonable effort to comply with the requirements of this Article.

15.1.1. Unavailability. The Association, and its directors, officers, and managers, will not be liable for failure to obtain any coverage required by this Article or for any loss or damage resulting from such failure if the failure is due to the unavailability of a particular coverage from reputable insurance companies, or if the coverage is available only at demonstrably unreasonable cost.

15.1.2. No Coverage. Even if the Association and the Owner have adequate amounts of recommended and required coverages, the Property may experience a loss that is not covered by insurance. In that event, the Association is responsible for restoring the Common Elements as a common expense, and the Owner is responsible for restoring his Unit at his sole expense. This provision does not apply to the deductible portion of a policy.

15.1.3. Requirements. The cost of insurance coverages and bonds maintained by the Association is a common expense. Insurance policies and bonds obtained and maintained by the Association must be issued by responsible insurance companies authorized to do business in the State of Texas. The Association must be the named insured on all policies obtained by the Association. The Association's policies should contain the standard mortgage clause naming either the Mortgagee or its servicer followed by "its successors and assigns." The loss payee clause should show the Association as trustee for each Owner and Mortgagee. Policies of property and general liability insurance maintained by the Association must provide that the insurer waives its rights to subrogation under the policy against an Owner. The Association's insurance policies will not be prejudiced by the act or omission of any Owner or Resident who is not under the Association's control.

15.1.4. Association as Trustee. Each Owner irrevocably appoints the Association, acting through its Board, as his trustee to negotiate, receive, administer,

and distribute the proceeds of any claim against an insurance policy maintained by the Association.

15.1.5. Notice of Cancellation or Modification. Each insurance policy maintained by the Association should contain a provision requiring the insurer to give prior written notice, as provided by the Act, to the Board before the policy may be canceled, terminated, materially modified, or allowed to expire, by either the insurer or the insured. The Board will give to Eligible Mortgagees, and the insurer will give go Mortgagees, prior notices of cancellation, termination, expiration, or material modification.

15.1.6. Deductibles. An insurance policy obtained by the Association may contain a reasonable deductible, and the amount thereof may not be subtracted from the face amount of the policy in determining whether the policy limits satisfy the coverage limits required by this Declaration or an Underwriting lender. In the event of an insured loss, the deductible is treated as a common expense of the Association in the same manner as the insurance premium. However, if the Board reasonably determines that the loss is the result of the negligence or willful misconduct of an Owner or Resident or their invitee, then the Board may levy an Individual Assessment against the Owner and his Unit for the amount of the deductible that is attributable to the act or omission, provided the Owner is given notice and an opportunity to be heard in accordance with the Notice and hearing Section of this Declaration.

15.2. Property Insurance. The Association will obtain blanket all-risk insurance, if reasonably available, for all Common Element Improvements insurable by the Association. If blanket all-risk insurance is not reasonably available, then at a minimum, the Association will obtain an insurance policy providing fire and extended coverage. This insurance must be in an amount sufficient to cover 100 percent of the replacement cost of any repair or reconstruction in event of damage or destruction from any insured hazard. The Federal National Mortgage Association recommends use of a guaranteed replacement cost endorsement, or a replacement cost endorsement, together with an agreed amount endorsement in case of coinsurance.

15.2.1. Common Property Insured. The Association will insure: (i) General Common Elements; (ii) Limited Common Elements; (iii) Building LCE; and (iv) property owned by the Association including, if any, records, furniture, fixtures, equipment, and supplies.

15.2.2. Attached Units Insured by Association. In addition to insuring the Common Elements against casualty loss, the Association will maintain property insurance on the Attached Units as originally constructed. The Association may insure betterments and Improvements installed within Attached Units by current or previous Owners, but will have no obligation to insure such items. In insuring Attached Units, the Association may be guided by types of policies customarily available for similar types of properties.

15.2.3. Stand-Alone Units Not Insured by Association. In no event will the Association maintain property insurance on any Stand-Alone Units. Accordingly, each Owner of a Stand-Alone Unit will be obligated to maintain property insurance on such Owner's Stand-Alone Unit, including any betterments and Improvements installed within such Stand-Alone Unit by the current or previous Owner, in an amount sufficient to cover 100 percent of the replacement cost of any repair or reconstruction in event of damage or destruction from any insured hazard.

15.2.4. Endorsements. To the extent reasonably available, the Association will obtain endorsements to its property insurance policy if required by an Underwriting Lender, such as Inflation Guard Endorsement, Building Ordinance or Law Endorsement, and a Special Condominium Endorsement.

15.3. **Liability Insurance.** The Association will maintain a commercial general liability insurance policy over the Common Elements – expressly excluding the liability of each Owner and Resident within his Unit – for bodily injury and property damage resulting from the operation, maintenance, or use of the Common Elements. Each Owner will obtain and maintain general liability insurance on his Unit. The amount of coverage should be at least that required by an Underwriting Lender, to the extent reasonably available. The purpose of this requirement is, in part, to assure mortgage companies that the Association maintains at least minimum levels of insurance coverage. For example, the Federal National Mortgage Association requires a minimum of $1 million for bodily injury and property damage per single occurrence. If the policy does not contain a severability of interest provision, it should contain an endorsement to preclude the insurer's denial of an Owner's claim because of negligent acts of the Association or other Owners.

15.4. **Worker's Compensation.** The Association may maintain worker's compensation insurance if and to the extent necessary to meet the requirements of State law or if the Board so chooses.

15.5. **Fidelity Coverage.** The Association may maintain blanket fidelity coverage for any person who handles or is responsible for funds held or administered by the Association, whether or not the person is paid for his services. The policy should be for an amount that exceeds the greater of: (i) the estimated maximum funds, including reserve funds, that will be in the Association's custody at any time the policy is in force; or (ii) an amount equal to 3 months of Regular Assessments on all Units. A management agent that handles Association funds should be covered for its own fidelity insurance policy with the same coverages. If the Property has more than 20 Units, the Association must maintain fidelity coverage to the extent reasonably available.

15.6. **Directors And Officers Liability.** The Association may maintain directors and officer's liability insurance, errors and omissions insurance, indemnity bonds, or other insurance the Board deems advisable to insure the Association's directors, officers, committee

members, and managers against liability for an act or omission in carrying out their duties in those capacities.

15.7. Mortgagee Required Policies. Unless coverage is not available or has been waived in writing, the Association will maintain any insurance and bond required by an Underwriting Lender for condominium developments as long as an Underwriting Lender is a Mortgagee or an Owner.

15.8. Other Policies. The Association may maintain any insurance policies and bonds deemed by the Board to be necessary or desirable for the benefit of the Association.

15.9. Owner's Responsibility For Insurance.

15.9.1. Insurance by Owners. Notwithstanding the foregoing, the Board may establish minimum insurance requirements, including types and minimum amounts of coverage, to be individually obtained and maintained by Owners if the insurance is deemed necessary or desirable by the Board to reduce potential risks to the Association or other Owners. If an Owner fails to maintain required insurance, the Board may obtain it on behalf of the Owner who will be obligated for the cost as an Individual Assessment.

15.9.2. Owners' Responsibilities. On request, an Owner will give the Board written notification of any and all structural changes, additions, betterments, or Improvements to his Unit, and any other information the Board may require to maintain adequate levels of insurance coverage. Each Owner will comply with reasonable requests by the Board for periodic inspection of the Unit for purposes of insurance appraisal. Each Owner, at his expense, will maintain any insurance coverage required by the Association pursuant to this Article. Each Owner at his expense, may obtain additional insurance coverage of his real property, Improvements, and betterments thereto, or personal property.

15.10. Association Does Not Insure. The Association does not insure an Owner or Resident's personal property. Each Owner and Resident is solely responsible for insuring his personal property in his Unit and on the Property, including furnishings, vehicles, and stored items. The Association strongly recommends that each Owner and Resident purchase and maintain insurance on his personal belongings.

ARTICLE 16
RECONSTRUCTION OR REPAIR AFTER LOSS

16.1. Subject To Act. The Association's response to damage or destruction of the Property will be governed by Section 82.111(i) of the Act. The following provisions apply to the extent the Act is silent.

16.2. Restoration Funds. For purposes of this Article, "**Restoration Funds**" include insurance proceeds, condemnation awards, Deficiency Assessments, Individual Assessments, and other funds received on account of or arising out of injury or damage to the Common Elements. All funds paid to the Association for purposes of repair or restoration will be deposited in a financial institution in which accounts are insured by a federal agency. Withdrawal of Restoration Funds requires the signatures of at least two (2) Association directors or that of an agent duly authorized by the Board.

16.2.1. Sufficient Proceeds. If Restoration Funds obtained from insurance proceeds or condemnation awards are sufficient to repair or restore the damaged or destroyed Property, the Association, as trustee for the Owners, will promptly apply the funds to the repair or restoration.

16.2.2. Insufficient Proceeds. If Restoration Funds are not sufficient to pay the estimated or actual costs of restoration as determined by the Board, the Board may levy a Deficiency Assessment against the Owners to fund the difference.

16.2.3. Surplus Funds. If the Association has a surplus of Restoration Funds after payment of all costs of repair and restoration, the surplus will be applied as follows: If Deficiency Assessments were a source of Restoration Funds, the surplus will be paid to Owners in proportion to their contributions resulting from the Deficiency Assessment levied against them; provided that no Owner may receive a sum greater than that actually contributed by him, and further provided that any Delinquent Assessments owed by the Owner to the Association will first be deducted from the surplus. Any surplus remaining after the disbursement described in the foregoing paragraph will be common funds of the Association to be used as directed by the Board.

16.3. Costs And Plans.

16.3.1. Cost Estimates. Promptly after the loss, the Board will obtain reliable and detailed estimates of the cost of restoring the damaged Property. Costs may include premiums for bonds and fees for the services of professionals, as the Board deems necessary, to assist in estimating and supervising the repair.

16.3.2. Plans and Specifications. Common Elements will be repaired and restored substantially as they existed immediately prior to the damage or destruction. Units will be repaired and restored substantially in accordance with original construction plans and specifications, unless the Association insures betterments and Improvements made by Owners, in which case the Units will be repaired and restored substantially as they existed immediately prior to the damage or destruction . Alternate plans and specifications for repair and restoration of either Common Elements or Units must be approved by Owners of at least two-thirds of the Units and by certain Mortgagees if so required by the Mortgagee Protection article of this Declaration.

16.4. Owner's Duty to Repair.

16.4.1. Uninsured Loss. Within sixty (60) days after the date of damage, the Owner will begin repair or reconstruction of any portion of his Unit not covered by the Association's insurance policy, subject to the right of the Association to supervise, approve, or disapprove repair or restoration during the course thereof.

16.4.2. Insured Loss. If the loss to a Unit is covered by the Association's insurance policy, the Owner will begin repair or restoration of damage on receipt of the insurance proceeds or any portion thereof from the Association, subject to the rights of the Association to supervise, approve, or disapprove the repair or restoration during the course thereof.

16.4.3. Failure to Repair. If an Owner fails to repair or restore damage as required by this Section, the Association may effect the necessary repairs and levy an Individual Assessment against the Owner and Unit for the cost thereof, after giving an Owner of the Unit reasonable notice of the Association's intent to do so.

16.5. Owner's Liability For Insurance Deductible. If repair or restoration of Common Elements or Units is required as a result of an insured loss, the Board may levy an individual assessment, in the amount of the insurance deductible, against the Owner or Owners who would be responsible for the cost of the repair or reconstruction in the absence of insurance.

ARTICLE 17
TERMINATION AND CONDEMNATION

17.1. Association As Trustee. Each Owner hereby irrevocably appoints the Association, acting through the Board, as trustee to deal with the Property in the event of damage, destruction, obsolescence, condemnation, or termination of all or any part of the Property. As trustee, the Association will have full and complete authority, right, and power to do all things reasonable and necessary to effect the provisions of this Declaration and the Act, including, without limitation, the right to receive, administer, and distribute funds, awards, and insurance proceeds; to effect the sale of the Property as permitted by this Declaration or by the Act; and to make, execute, and deliver any contract, deed, or other instrument with respect to the interest of an Owner.

17.2. Termination. Termination of the terms of this Declaration and the condominium status of the Property will be governed by Section 82.068 of the Act, except that an agreement to terminate must be approved by Owners of at least eighty percent (80%) of the Units and by certain Mortgagees pursuant to *Article 18* of this Declaration. In the event of condemnation of the entire Property, an agreement to terminate may be executed by the Board without a vote of Owners or Mortgagees.

17.3. Condemnation. The Association's response to condemnation of any part of the Property will be governed by Section 82.007 of the Act. On behalf of Owners, but without their consent, the Board may execute an amendment of this Declaration to reallocate allocated interests (including the Building LCE allocation) following condemnation and to describe the altered parameters of the Property. If the Association replaces or restores Common Elements taken by condemnation by obtaining other land or constructing additional Improvements, the Board may, to the extent permitted by law, execute an amendment without the prior consent of Owners to describe the altered parameters of the Property and any corresponding change of facilities or Improvements.

ARTICLE 18
MORTGAGEE PROTECTION

18.1. Introduction. This Article is supplemental to, not a substitution for, any other provision of the Documents. In case of conflict, this Article controls. Some sections of this Article apply to "Mortgagees," as defined in *Article 1*. Other sections apply to "Eligible Mortgagees," as defined below.

18.1.1. Known Mortgagees. An Owner who mortgages his Unit will notify the Association, giving the complete name and address of his mortgagee and the loan number. The Association's obligations to mortgagees under the Documents extend only to those mortgagees known to the Association. All actions and approvals required by mortgagees will be conclusively satisfied by the mortgagees known to the Association, without regard to other holders of mortgages on Units. The Association may rely on the information provided by Owners and mortgagees.

18.1.2. Eligible Mortgagees. "**Eligible Mortgagee**" means the holder, insurer, or guarantor of a first purchase money mortgage secured by a recorded deed of trust lien against a Unit who has submitted to the Association a written notice containing its name and address, the loan number, and the identifying number and street address of the mortgaged Unit. A single notice per Unit will be valid so long as the Eligible Mortgagee holds a mortgage on the Unit. The Board will maintain this information. The Association will treat the notice as the Eligible Mortgagee's request to be notified of any proposed action requiring the consent of Eligible Mortgagees. A provision of the Documents requiring the approval of a specified percentage of Eligible Mortgagees will be based on the number of Units subject to mortgages held by Eligible Mortgagees. For example, "51 percent of Eligible Mortgagees" means Eligible Mortgagees of fifty-one percent (51%) of the Units that are subject to mortgages held by Eligible Mortgagees.

18.2. Amendment. This Article establishes certain standards for the benefit of Underwriting Lenders, and is written to comply with their requirements and guidelines in effect at the time of drafting. If an Underwriting Lender subsequently changes its requirements, the Board, without approval of Owners or mortgagees, may amend this Article and other

provisions of the Documents, as necessary, to meet the requirements of the Underwriting Lender.

18.3. Termination-. An action to terminate the legal status of the Property after substantial destruction or condemnation must be approved by at least fifty-one percent (51%) of Eligible Mortgagees. An action to terminate the legal status for reasons other than substantial destruction or condemnation must be approved by at least sixty-seven percent (67%) of Eligible Mortgagees.

18.4. Implied Approval. The approval of an Eligible Mortgagee is implied when the Eligible Mortgagee fails to respond within sixty (60) days after receiving the Association's written request for approval of a proposed amendment, provided the Association's request was delivered by certified or registered mail, return receipt requested.

18.5. Other Mortgagee Rights.

18.5.1. Inspection of Books. The Association will maintain current copies of the Documents and the Association's books, records, and financial statements. Mortgagees may inspect the Documents and records, by appointment, during normal business hours.

18.5.2. Financial Statements. A Mortgagee may have an audited statement prepared at its own expense.

18.5.3. Attendance at Meetings. A representative of an Eligible Mortgagee may attend and address any meeting which an Owner may attend.

18.5.4. Right of First Refusal. Any right of first refusal imposed by the Association with respect to a lease, sale, or transfer of a Unit does not apply to a lease, sale, or transfer by a Mortgagee, including transfer by deed in lieu of foreclosure or foreclosure of a deed of trust lien. No right of first refusal is established by this Declaration.

18.5.5. Management Contract. If professional management of the Association is required by this Article, the contract for professional management may not require more than ninety (90) days' notice to terminate the contract, nor payment of a termination penalty.

18.6. Insurance Policies. If an Underwriting Lender that holds a mortgage on a Unit or desires to finance a Unit has requirements for insurance of condominiums, the Association must try to obtain and maintain the required coverages, to the extent they are reasonably available, and must try to comply with any notifications or processes required by the Underwriting Lender. Because underwriting requirements are subject to change, they are not recited here.

18.7. Notice of Actions. The Association will use its best efforts to send timely written notice to Eligible Mortgagees of the following actions:

(i) Any condemnation or casualty loss that affects a material portion of the Property or the mortgaged Unit.

(ii) Any sixty (60) day delinquency in the payment of assessments or charges owed by the Owner of the mortgaged Unit.

(iii) A lapse, cancellation, or material modification of any insurance policy maintained by the Association.

(iv) Any proposed action that requires the consent of a specified percentage of Eligible Mortgagees.

(v) Any proposed amendment of a material nature, as provided in this Article.

(vi) Any proposed termination of the condominium status of the Property.

18.8. Amendments of a Material Nature. A Document amendment of a material nature must be approved by owners representing at least sixty-seven percent (67%) of the votes in the Association, and by at least fifty-one percent (51%) of Eligible Mortgagees. **THIS APPROVAL REQUIREMENT DOES NOT APPLY TO AMENDMENTS EFFECTED BY THE EXERCISE OF A DEVELOPMENT RIGHT PROVIDED IN APPENDIX "A" ATTACHED HERETO.** A change to any of the provisions governing the following would be considered material:

(i) Voting rights.

(ii) Assessment liens or the priority of assessment liens.

(iii) Reductions in reserves for maintenance, repair, and replacement of Common Elements.

(iv) Responsibility for maintenance and repairs.

(v) Reallocation of interests in the General Common Elements or Limited Common Elements, or rights to their use; except that when Limited Common Elements are reallocated by Declarant pursuant to any rights reserved by Declarant pursuant to Appendix "A", by agreement between Owners (only those Owners and only the Eligible Mortgagees holding mortgages against those Units need approve the action).

(vi) Redefinitions of boundaries of Units, except that when boundaries of only adjoining Units are involved, then only those owners and the Eligible Mortgagees holding mortgages against the Unit or Units need approve the action.

(vii) Convertibility of Units into Common Elements or Common Elements into Units.

(viii) Expansion or contraction of the Property, or the addition, annexation, or withdrawal of property to or from the Property.

(ix) Property or fidelity insurance requirements.

(x) Imposition of any restrictions on the leasing of Units.

(xi) Imposition of any restrictions on Owners' right to sell or transfer their Units.

(xii) Restoration or repair of the Property, in a manner other than that specified in the Documents, after hazard damage or partial condemnation.

(xiii) Any provision that expressly benefits mortgage holders, insurers, or guarantors.

ARTICLE 19
AMENDMENTS

19.1. Consents Required. As permitted by the Act or by this Declaration, certain amendments of this Declaration may be executed by Declarant acting alone, or by certain Owners acting alone, or by the Board acting alone. Otherwise, amendments to this Declaration must be approved by Owners representing at least sixty-seven percent (67%) of the votes in the Association.

19.2. Amendments Generally. For amendments requiring the consent of Eligible Mortgagees, the Association will send each Eligible Mortgagee a detailed description, if not the exact wording, of any proposed amendment. Notwithstanding any provisions in this Declaration to the contrary, no amendment to this Declaration shall modify, alter, abridge or delete any: (i) provision of this Declaration that benefits Declarant; (ii) rights, privileges, easements, protections, or defenses of Declarant; or (iii) rights of the Owners or the Association in relationship to Declarant, without the written consent of Declarant attached to and Recorded with such amendment. In addition, no amendment to this Declaration shall modify, alter, abridge or delete any: (i) permissible use of a Unit absent the consent of the Owner(s) of the Unit affected by the change in permissible use; or (ii) any license, easement or other contractual

rights contained in this Declaration, including, without limitation, any easement, right and license benefiting or in favor of the Declarant.

19.3. Effective. To be effective, an amendment must be in the form of a written instrument: (i) referencing the name of the Regime, the name of the Association, and the recording data of this Declaration and any amendments hereto; (ii) signed and acknowledged by an officer of the Association, certifying the requisite approval of Owners and, if required, Eligible Mortgagees; provided, however, this subsection (ii) will not apply for amendments prosecuted by Declarant pursuant to any rights reserved by Declarant under this Declaration; and (iii) Recorded.

19.4. Declarant Provisions. Declarant has an exclusive right to unilaterally amend this Declaration for the purposes stated in Appendix "A". An amendment that may be executed by Declarant alone is not required to name the Association or to be signed by an officer of the Association. No amendment may affect Declarant's rights under this Declaration or the Act without Declarant's written and acknowledged consent, which must be part of the recorded amendment instrument. Because Appendix "A" of this Declaration is destined to become obsolete, beginning 15 years after the date this Declaration is first recorded, the Board may restate, rerecord, or publish this Declaration without Appendix "A". The automatic expiration and subsequent deletion of Appendix "A" does not constitute an amendment of this Declaration. This Section may not be amended without Declarant's written and acknowledged consent.

ARTICLE 20
DISPUTE RESOLUTION

20.1. Introduction And Definitions. The Association, the Owners, Declarant, Builders, all persons subject to this Declaration, and any person not otherwise subject to this Declaration who agrees to submit to this Article (collectively, the "**Parties**") agree to encourage the amicable resolution of disputes involving the Property and to avoid the emotional and financial costs of litigation and arbitration if at all possible. Accordingly, each Party hereby covenants and agrees that this Article applies to all Claims as hereafter defined. As used in this Article only, the following words, when capitalized, have the following specified meanings:

20.1.1. "**Claim**" means any claim, grievance, or dispute between Parties involving the Property, except Exempt Claims as defined below, and including without limitation:

(i) Claims relating to the rights and/or duties of Declarant, or its permitted assigns, under the Documents.

(ii) Claims relating to the design or construction of the Property or any Improvement by Declarant, its permitted assigns, its contractor or subcontractors, or its designee.

20.1.2. **"Claimant"** means any Party having a Claim against any other Party.

20.1.3. **"Exempt Claims"** means the following claims or actions, which are exempt from this Article:

(i) The Association's claim for Assessments and any action by the Association to collect Assessments.

(ii) An action by a Party to obtain a temporary restraining order or equivalent emergency equitable relief, and such other ancillary relief as the court deems necessary to maintain the status quo and preserve the Party's ability to enforce the provisions of this Declaration.

(iii) Any enforcement by the Association or the Declarant of the easements, architectural control, maintenance, and use restrictions of this Declaration; provided, however, that any enforcement action brought by the Association against the Declarant, or vice versa, is not an Exempt Claim hereunder.

(iv) A suit to which an applicable statute of limitations would expire within the notice period of this Article, unless a Party against whom the Claim is made agrees to toll the statute of limitations as to the Claim for the period reasonably necessary to comply with this Article.

20.1.4. **"Respondent"** means any Party against which a Claim has been asserted by a Claimant.

20.2. <u>Mandatory Procedures</u>. Claimant may not initiate any proceeding before any administrative tribunal seeking redress of resolution of its Claim until Claimant has complied with the procedures of this Article. As provided in *Section 20.7* below, a Claim will be resolved by binding arbitration.

20.3. <u>Notice</u>. Claimant must notify Respondent in writing of the Claim (the "**Notice**"), stating plainly and concisely: (i) the nature of the Claim, including date, time, location, persons involved, and Respondent's role in the Claim; (ii) the basis of the Claim (i.e., the provision of the Documents or other authority out of which the Claim arises); (iii) what Claimant wants Respondent to do or not do to resolve the Claim; and (iv) that the Notice is given pursuant to this Section. For Claims governed by Chapter 27 of the Texas Property Code, the time period for negotiation in *Section 20.4* below, is equivalent to the sixty (60) day period under Section 27.004 of the Texas Property Code. If a Claim is subject to Chapter 27 of the Texas Property Code, the Claimant and Respondent are advised, in addition to compliance with *Section 20.4*, to comply with the terms and provisions of Section 27.004 during such sixty (60) day period. *Section 20.4* does not modify or extend the time period set forth in Section 27.004 of the Texas Property Code. Failure to comply with the time periods or actions specified in Section 27.004

could affect a Claim if the Claim is subject to Chapter 27 of the Texas Property Code. The one hundred and twenty (120) day period for mediation set forth in *Section 20.5* below, is intended to provide the Claimant and Respondent with sufficient time to resolve the Claim in the event resolution is not accomplished during negotiation. If the Claim is not resolved during negotiation, mediation pursuant to *Section 20.5* is required without regard to the monetary amount of the Claim.

20.4. Negotiation. Claimant and Respondent will make every reasonable effort to meet in person to resolve the Claim by good faith negotiation. Within 60 days after Respondent's receipt of the Notice, Respondent and Claimant will meet at a mutually-acceptable place and time to discuss the Claim. If the Claim involves all or any portion of the Property, then at such meeting or at some other mutually-agreeable time, Respondent and Respondent's representatives will have full access to the Property that is subject to the Claim for the purposes of inspecting the Property. If Respondent elects to take corrective action, Claimant will provide Respondent and Respondent's representatives and agents with full access to the Property to take and complete corrective action.

20.5. Mediation. If the parties negotiate, but do not resolve the Claim through negotiation within one-hundred twenty (120) days from the date of the Notice (or within such other period as may be agreed on by the parties), Claimant will have thirty (30) additional days within which to submit the Claim to mediation under the auspices of a mediation center or individual mediator on which the parties mutually agree. The mediator must have at least five (5) years of experience serving as a mediator and must have technical knowledge or expertise appropriate to the subject matter of the Claim. If Claimant does not submit the Claim to mediation within the 30-day period, Respondent will submit the Claim to mediation in accordance with this *Section 20.5*.

20.6. Termination Of Mediation. If the Parties do not settle the Claim within thirty (30) days after submission to mediation, or within a time deemed reasonable by the mediator, the mediator will issue a notice of termination of the mediation proceedings indicating that the Parties are at an impasse and the date that mediation was terminated. Thereafter, Claimant may file suit or initiate arbitration proceedings on the Claim, as appropriate and permitted by this Article.

20.7. Binding Arbitration-Claims. All Claims must be settled by binding arbitration. Claimant or Respondent may, by summary proceedings (*e.g.*, a plea in abatement or motion to stay further proceedings), bring an action in court to compel arbitration of any Claim not referred to arbitration as required by this *Section 20.7*. This section may not be amended without the prior written approval of the Declarant, the Association (acting through a Majority of the Board), and Owners holding at least seventy percent (70%) of the votes in the Association.

20.7.1. Governing Rules. If a Claim has not been resolved after Mediation as required by *Section 20.5*, the Claim will be resolved by binding arbitration in accordance with the terms of this *Section 20.7* and the rules and procedures of the American

Arbitration Association ("AAA") or, if the AAA is unable or unwilling to act as the arbitrator, then the arbitration shall be conducted by another neutral reputable arbitration service selected by Respondent in Travis County, Texas. Regardless of what entity or person is acting as the arbitrator, the arbitration shall be conducted in accordance with the AAA's "Construction Industry Dispute Resolution Procedures" and, if they apply to the disagreement, the rules contained in the Supplementary Procedures for Consumer-Related Disputes. If such Rules have changed or been renamed by the time a disagreement arises, then the successor rules will apply. Also, despite the choice of rules governing the arbitration of any Claim, if the AAA has, by the time of Claim, identified different rules that would specifically apply to the Claim, then those rules will apply instead of the rules identified above. In the event of any inconsistency between any such applicable rules and this *Section 20.7*, this *Section 20.7* will control. Judgment upon the award rendered by the arbitrator shall be binding and not subject to appeal, but may be reduced to judgment in any court having jurisdiction. Notwithstanding any provision to the contrary or any applicable rules for arbitration, any arbitration with respect to Claims arising hereunder shall be conducted by a panel of three (3) arbitrators, to be chosen as follows:

(1) one arbitrator shall be selected by Respondent, in its sole and absolute discretion;

(2) one arbitrator shall be selected by the Claimant, in its sole and absolute discretion; and

(3) one arbitrator shall be selected by mutual agreement of the arbitrators having been selected by Respondent and the Claimant, in their sole and absolute discretion.

20.7.2. Exceptions to Arbitration; Preservation of Remedies. No provision of, nor the exercise of any rights under, this *Section 20.7* will limit the right of Claimant or Respondent, and Claimant and the Respondent will have the right during any Claim, to seek, use, and employ ancillary or preliminary remedies, judicial or otherwise, for the purposes of realizing upon, preserving, or protecting upon any property, real or personal, that is involved in a Claim, including, without limitation, rights and remedies relating to: (i) exercising self-help remedies (including set-off rights); or (ii) obtaining provisions or ancillary remedies such as injunctive relief, sequestration, attachment, garnishment, or the appointment of a receiver from a court having jurisdiction before, during, or after the pendency of any arbitration. The institution and maintenance of an action for judicial relief or pursuit of provisional or ancillary remedies or exercise of self-help remedies shall not constitute a waiver of the right of any party to submit the Claim to arbitration nor render inapplicable the compulsory arbitration provisions hereof.

20.7.3. Statute of Limitations. All statutes of limitation that would otherwise be applicable shall apply to any arbitration proceeding under this *Section 20.7*.

20.7.4. Scope of Award; Modification or Vacation of Award. The arbitrator shall resolve all Claims in accordance with the applicable substantive law. The arbitrator may grant any remedy or relief that the arbitrator deem just and equitable and within the scope of this *Section 20.7*; provided, however, that for a Claim, or any portion of a Claim governed by Chapter 27 of the Texas Property Code, or any successor statute, in no event shall the arbitrator award damages which exceed the damages a Claimant would be entitled to under Chapter 27 of the Texas Property Code. The arbitrator may also grant such ancillary relief as is necessary to make effective the award. In all arbitration proceedings in which the amount in controversy exceeds $50,000.00, in the aggregate, the arbitrator shall make specific, written findings of fact and conclusions of law. In all arbitration proceedings in which the amount in controversy exceeds $50,000.00, in the aggregate, the parties shall have the right to seek vacation or modification of any award that is based in whole, or in part, on an incorrect or erroneous ruling of law by appeal to an appropriate court having jurisdiction; provided, however, that any such application for vacation or modification of an award based on an incorrect ruling of law must be filed in a court having jurisdiction over the Claim within fifteen (15) days from the date the award is rendered. The arbitrator's findings of fact shall be binding on all parties and shall not be subject to further review except as otherwise allowed by applicable law. In no event may an arbitrator award speculative, consequential, or punitive damages for any Claim.

20.7.5. Other Matters. To the maximum extent practicable, an arbitration proceeding hereunder shall be concluded within one hundred and eighty (180) days of the filing of the Claim for arbitration by notice from either party to the other. Arbitration proceedings hereunder shall be conducted in Travis County, Texas. The arbitrator shall be empowered to impose sanctions and to take such other actions as the arbitrator deems necessary to the same extent a judge could pursuant to the Federal Rules of Civil Procedure, the Texas Rules of Civil Procedure and applicable law. The arbitrator shall have the power to award recovery of all costs and fees (including attorney's fees, administrative fees, and arbitrator's fees) to the prevailing party. Each party agrees to keep all Claims and arbitration proceedings strictly confidential, except for disclosures of information required in the ordinary course of business of the parties or by applicable law or regulation. In no event shall any party discuss with the news media or grant any interviews with the news media regarding a Claim or issue any press release regarding any Claim without the written consent of the other parties to the Claim.

20.8. **Allocation Of Costs**. Except as otherwise provided in this Article, each Party bears all of its own costs incurred prior to and during the proceedings described in the Notice, Negotiation, Mediation, and Arbitration sections above, including its attorneys fees. Respondent and Claimant will equally divide all expenses and fees charged by the mediator and arbitrator.

20.9. General Provisions. A release or discharge of Respondent from liability to Claimant on account of the Claim does not release Respondent from liability to persons who are not party to Claimant's Claim. The Respondent and Claimant to any Exempt Claim may mutually agree to submit such Exempt Claim to the negotiation, mediation, and/or arbitration sections above.

20.10. Period of Limitation.

20.10.1. For Actions by an Owner or Resident of a Unit. The exclusive period of limitation for any of the Parties to bring any Claim of any nature against Declarant or its contractors, including, but not limited to, a Claim of construction defect or defective design of a Unit, shall be the earliest of: (i) for Claims alleging construction defect or defective design, two (2) years and one (1) day from the date that the Owner or Resident discovered or reasonably should have discovered evidence of the Claim, provided, however, that in no event shall the limitation period exceed four (4) years and one (1) day from the date Declarant conveyed the Unit to the original Owner unless the basis of the Claim was intentionally concealed or willfully concealed by Declarant or its contractors, in which case, the state law governing the limitation period and period of repose shall apply to the Claim; or (ii) for Claims other than those alleging construction defect or defective design, two (2) years and one (1) day after the date Declarant conveyed the Unit to the original Owner or such other shorter period specified in any written agreement between Declarant and the Owner to whom Declarant initially conveyed the Unit, unless the basis of the Claim was intentional fraud or willful misconduct, in which case, the applicable law governing the limitation period and period of repose shall apply to the Claim.

20.10.2. For Actions by the Association. The exclusive period of limitation for the Association to bring any Claim of any nature against Declarant or its contractors, including, but not limited to, a Claim of construction defect or defective design of the Common Elements, shall be the earliest of: (i) for Claims alleging construction defect or defective design, two (2) years and one (1) day from the date that the Association or its agents discovered or reasonably should have discovered evidence of the Claim, provided, however, that in no event shall the limitation period exceed four (4) years from the date Declarant substantially completed the Common Elements unless the basis of the Claim was intentionally concealed or willfully concealed by Declarant or its contractors, in which case, the state law governing the limitation period and period of repose shall apply to the Claim; or (ii) for Claims other than those alleging construction defect or defective design of the Common Elements, two (2) years and one (1) day after the Declarant Control Period, unless the basis of the Claim was intentional fraud or willful misconduct, in which case, the applicable law governing the limitation period and period of repose shall apply to the Claim.

20.11. Approval & Settlement. Notwithstanding any provision in this Article to the contrary, the initiation of binding arbitration as required by this Article is subject to the following conditions:

20.11.1. Owner Acceptance. Each Owner, by accepting an interest in or title to a Unit, whether or not it is so expressed in the instrument of conveyance, covenants and agrees to be bound by this *Section 20.11* and *Article 20*.

20.11.2. Owner Approval. The Association may not initiate binding arbitration or any judicial proceeding without the prior approval of Owners holding at least a Majority of the votes in the Association, except that no such approval is required for the initiation of arbitration or litigation to resolve any Exempt Claim.

20.11.3. Funding Arbitration and Litigation. Except for Exempt Claims, the Association must levy a Special Assessment to fund the estimated costs of arbitration conducted pursuant to this *Article 20* or any judicial action initiated by the Association. The Association may not use its annual operating income or reserve funds or savings to fund arbitration or litigation, unless the Association's annual budget or a savings account was established and funded from its inception as an arbitration and litigation reserve fund.

20.11.4. Settlement. The Board, on behalf of the Association and without the consent of Owners, is hereby authorized to negotiate the settlement of arbitration and litigation, and may execute any document related thereto, such as settlement agreement and waiver or release of claims.

This *Section 20.11* may only be amended with the prior written approval of the Declarant, the Association (acting through a Majority of the Board), and Owners holding seventy percent (70%) of the votes in the Association.

ARTICLE 21
GENERAL PROVISIONS

21.1. Notices. Any notice permitted or required to be given by this Declaration shall be in writing and may be delivered either personally or by mail. If delivery is made by mail, it shall be deemed to have been delivered on the third day (other than a Sunday or legal holiday) after a copy of the same has been deposited in the United States mail, postage prepaid, addressed to the person at the address given by such person to the Association for the purpose of service of notices. Such address may be changed from time to time by notice in writing given by such person to the Association of created.

21.2. Compliance. The Owners hereby covenant and agree that the administration of the Association will be in accordance with the provisions of the Documents and applicable

laws, regulations, and ordinances, as same may be amended from time to time, of any governmental or quasigovernmental entity having jurisdiction over the Association or Property.

21.3. Higher Authority. The documents are subordinate to federal and State law, and local ordinances. Generally, the terms of the Documents are enforceable to the extent they do not violate or conflict with local, State, or federal law or ordinance.

21.4. Interpretation. The provisions of this Declaration shall be liberally construed to effectuate the purposes of creating a uniform plan for the development and operation of the Regime and of promoting and effectuating the fundamental concepts of the Regime set forth in this Declaration. This Declaration shall be construed and governed under the laws of the State of Texas.

21.5. Duration. Unless terminated or amended by Owners as permitted herein, the provisions of this Declaration run with and bind the Property, and will remain in effect perpetually to the extent permitted by law.

21.6. Captions. In all Documents, the captions of articles and sections are inserted only for convenience and are in no way to be construed as defining or modifying the text to which they refer. Boxed notices are inserted to alert the reader to certain provisions and are not to be construed as defining or modifying the text.

21.7. Construction. The provisions of this Declaration shall be deemed independent and severable, and the invalidity or partial invalidity of any provision or portion thereof shall not affect the validity or enforceability of any other provision or portion thereof. Unless the context requires a contrary construction, the singular shall include the plural and the plural the singular; and the masculine, feminine, or neuter shall each include the masculine, feminine, and neuter. All captions and titles used in this Declaration are intended solely for convenience of reference and shall not enlarge, limit or otherwise effect that which is set forth in any of the paragraphs, sections, or articles hereof. Throughout this Declaration there appears text enclosed by a box. This text is used to aid in the reader's comprehension of certain provisions of this Declaration. In the event of a conflict between the text enclosed by a box and any provision of this Declaration, the provision of the Declaration will control.

21.8. Declarant as Attorney in Fact and Proxy. To secure and facilitate Declarant's exercise of the rights reserved by Declarant pursuant to Appendix "A" and elsewhere in this Declaration, each Owner, by accepting a deed to a Unit and each Mortgagee, by accepting the benefits of a Mortgage against a Unit within the Regime, and any other Person, by acceptance of the benefits of a mortgage, deed of trust, mechanic's lien contract, mechanic's lien claim, vendor's lien and/or any other security interest against any Unit in the Regime, shall thereby be deemed to have appointed Declarant such Owner's, Mortgagee's, and Person's irrevocable attorney-in-fact, with full power of substitution, to do and perform, each and every act permitted or required to be performed by Declarant pursuant to Appendix "A" or elsewhere in this Declaration. The power thereby vested in Declarant as attorney-in-fact for each Owner,

Mortgagee, and/or Person, shall be deemed, conclusively, to be coupled with an interest and shall survive the dissolution, termination, insolvency, bankruptcy, incompetency, and death of an Owner, Mortgagee, and/or Person and shall be binding upon the legal representatives, administrators, executors, successors, heirs, and assigns of each such party. In addition, each Owner, by accepting a deed to a Unit, and each Mortgagee, by accepting the benefits of a Mortgage against a Unit in the Regime, and any Person, by accepting the benefits of a mortgage, deed of trust, mechanic's lien contract, mechanic's lien claim, vendor's lien, and/or any other security interest against any Unit in the Regime, shall thereby appoint Declarant the proxy of such Owner, Mortgagee, or Person, with full power of substitution in the premises, to do and perform each and every act permitted or required pursuant to Appendix "A" or elsewhere in this Declaration, and which may otherwise be reasonably necessary in connection therewith, including without limitation, to cast a vote for such Owner, Mortgagee, or Person at any meeting of the Members for the purpose of approving or consenting to any amendment to this Declaration in order to effect and perfect any such act permitted or required pursuant to Appendix "A" or elsewhere in this Declaration and to execute and record amendments on their behalf to such effect; and the power hereby reposed in Declarant, as the attorney-in-fact for each such Owner, Mortgagee, or Person includes, without limitation, the authority to execute a proxy as the act and deed of any Owner, Mortgagee, or Person and, upon termination or revocation of any Owner's proxy as permitted by the Texas Non-profit Corporation Act the authority to execute successive proxies as the act and deed of any Owner, Mortgagee, or Person authorizing Declarant, or any substitute or successor Declarant appointed thereby, to cast a like vote for such Owner at any meeting of the Members of the Association. Furthermore, each Owner, Mortgagee, and Person upon request by Declarant, will execute and deliver a written proxy pursuant to Section 82.110(b) of the Act, including a successive written proxy upon the termination or revocation as permitted by the Act of any earlier proxy, authorizing Declarant, or any substitute or successor Declarant appointed thereby, to cast a like vote for such Owner at any meeting of the Members of the Association. All such appointments and successive proxies shall expire as to power reserved by Declarant pursuant to Appendix "A" or elsewhere in this Declaration on the date Declarant no longer has the right to exercise such rights. All such proxies shall be non-revocable for the maximum lawful time and upon the expiration of non-revocable period, new proxies shall again be executed for the maximum non-revocable time until Declarant's right to require such successive proxies expires.

21.9. **Attachment/Appendix/Exhibits**. The following appendixes and exhibits are attached to this Declaration and are incorporated herein by reference:

Exhibit "A"	Description of Property
Exhibit "B"	Plats and Plans
Exhibit "C"	Schedule of Allocated Interests and Building LCE Allocation
Exhibit "D"	Guide to Association's Examination of Common Elements

Exhibit "E"	Guide to Association's Major Management and Governance Functions
Appendix "A"	Declarant Representations and Reservations

[SIGNATURE PAGE FOLLOWS]

EXECUTED on this 30th day of April, 2009.

DECLARANT:

CR-B AVIARA, L.P., a Texas limited partnership

By: CR-B INVESTORS I GP, L.L.C., a Texas limited liability company, ~~its General~~ Partner

By: _____
Printed Name: John McKinnemey
Title: Vice President

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this 30 day of April, 2009 by John McKinnemey, Vice President of CR-B Investors I GP, L.L.C., a Texas limited liability company, General Partner of CR-B Aviara, L.P., a Texas limited partnership, on behalf of said entities.

Misti Keyes
Notary Public Signature

(SEAL)

MISTI PORTER
MY COMMISSION EXPIRES
June 23, 2010

EXHIBIT "A"

DESCRIPTION OF PROPERTY

A 39.459 acre tract of land situated in Travis County, Texas being described in the deed to David B. Manning, Sr. and Sandra J. Manning, recorded in Volume 11933, Page 1879 of the Real Property Records of Travis County, Texas, and more particularly described on Exhibit "A"-1, attached hereto and incorporated herein by reference

EXHIBIT "A"-1

[ATTACH METES AND BOUNDS DESCRIPTION OF PROPERTY]

EXHIBIT "A-1"

TRACT 1
5.054 ACRES

FN. NO. 05-341(MAZ)
MAY 23, 2005
BPI JOB NO. 1582.01.92

DESCRIPTION

OF A 5.054 ACRE TRACT OUT OF THE A.J. BOND SURVEY NO. 91, ABSTRACT NO. 114, SITUATED IN TRAVIS COUNTY, TEXAS; BEING THE SAME CERTAIN 5.054 ACRE TRACT DESCRIBED IN THE DEED TO DAVID B. MANNING, SR. AND SANDRA J. MANNING OF RECORD IN VOLUME 11933, PAGE 1879 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 5.054 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING, at a PK nail found on the northerly right-of-way line of Old Bee Caves Road (R.O.W. varies) for the southerly most corner of that certain 39.466 acre tract described in said Volume 11933, Page 1879, same being the westerly most corner of that certain 1.987 acre tract described in the deed to Alan Abbe and wife, Roberta Abbe of record in Volume 8732, Page 547 of said Real Property Records;

THENCE, along the northerly right-of-way line of Old Bee Caves Road, being the southerly line of said 39.466 acre tract, the following two (2) courses and distances:

1) N44°13'16"W, a distance of 8.22 feet to a 1/2 inch iron rod found for an angle point;

2) N42°17'19"W, a distance of 149.73 feet to a 1/2 inch iron rod found for the POINT OF BEGINNING and the southerly most corner of said 5.054 acre tract and hereof;

THENCE, N42°17'19"W continuing along the northerly right-of-way line of Old Bee Caves Road, being a portion of the southerly line hereof, a distance of 50.00 feet to a 1/2 inch iron rod with cap set for an angle point, from which a concrete monument found for an angle point in the northerly right-of-way line of Old Bee Caves Road bears N42°17'19"W, a distance of 29.68 feet;

THENCE, leaving the northerly right-of-way line of Old Bee Caves Road along the irregular westerly line of said 5.054 acre tract and hereof, the following five (5) courses and distances:

1) N47°46'42"E, a distance of 44.93 feet to a 1/2 inch iron rod with cap set for an angle point;

2) N13°13'18"W, a distance of 132.55 feet to a 1/2 inch iron rod with cap set for an angle point;

3) N30°46'09"E, a distance of 278.41 feet to a 1/2 inch iron rod with cap set for an angle point;

4) N11°43'51"W, passing at a distance of 130.18 feet a 1/2 inch iron rod found for the easterly most corner of Lot 2 and the southerly most corner of Lot 1 of The Hans Deroucher Subdivision, of record in Volume 96, Page 108 of the Plat Records of Travis County, Texas, continuing with the common line of said Lot 1 and said 5.054 acre tract for a total distance of 1091.67 feet to a 1/2 inch iron rod found for an angle point;

5) N06°59'04"E, continuing along the common line of said Lot 1 and said 5.054 acre tract, a distance of 690.29 feet to a 1/2 inch iron rod found for an angle point, same being in the southwesterly line of that certain 0.52 acre tract described in the deed to Travis County Water Control and Improvement District No. 9 of record in Volume 1819, Page 189 of the Deed Records of Travis County, Texas;

THENCE, along the common line of said 0.52 acre tract and said 5.054 acre tract for a portion of the irregular northerly line hereof, the following two (2) courses and distances:

1) S61°33'21"E, a distance of 99.47 feet to a 1/2 inch iron rod found for an angle point;

2) N28°41'54"E, a distance of 150.41 feet to a 1/2 inch iron rod found for the northerly most corner of said 5.054 acre tract and hereof, same being at the southeasterly common corner of that certain 0.029 acre tract described in the deed to the City of Austin of record in Volume 10958, Page 277 and the remainder of 888.051 acres of record in Volume 10958, Page 280, both of said Real Property Records;

THENCE, continuing along the irregular northerly line of said 5.054 acre tract, same being in part the southerly line of said remainder of 888.051 acres and the southerly line of Lot 115, Block B, Lantana Southwest Phase I, of record in Document No. 200300137 of the Official Public Records of Travis County, Texas, for a portion of the irregular northerly line hereof, the following two (2) courses and distances:

1) S61°31'44"E, a distance of 339.00 feet to a 1/2 inch iron rod found for an angle point;

2) S62°05'56"E, a distance of 62.24 feet to a 1/2 inch iron rod with cap set for the easterly most corner of said 5.054 acre tract and hereof, from which a 1/2 inch iron rod found for the easterly most corner of said 39.466 acre tract and interior "ell" corner of said Lot 115 bears S62°05'56"E, a distance of 664.70 feet;

THENCE, leaving the southerly line of said Lot 115 along the irregular easterly line of said 5.054 acre tract, for the easterly line hereof, the following eight courses and distances:

1) S28°27'29"W, a distance of 256.82 feet to a 1/2 inch iron rod with cap set for an angle point;

2) N61°31'44"W, a distance of 293.11 feet to a 1/2 inch iron rod with cap set for an angle point;

3) N83°03'40"W, a distance of 105.05 feet to a cotton spindle set for an angle point;

4) S06°59'04"W, a distance of 507.29 feet to a 1/2 inch iron rod found for an angle point;

5) S11°43'51"E, a distance of 1102.87 feet to a 1/2 inch iron rod with cap set for an angle point;

6) S30°46'09"W, a distance of 277.66 feet to a 1/2 inch iron rod with cap set for an angle point;

7) S13°13'18"E, a distance of 141.81 feet to a cotton spindle set for an angle point;

8) S47°46'42"W, a distance of 74.32 feet to the POINT OF BEGINNING, containing an area of 5.054 acres (220,166 square feet) of land, more or less, within these metes and bounds.

BASIS OF BEARINGS: IS THE TEXAS COORDINATE SYSTEM NAD83(93) CENTRAL ZONE UTILIZING LCRA GPS CONTROL MONUMENTS E169 AND E171.

I, JOHN T. BILNOSKI, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE ABOVE DESCRIPTION WAS DETERMINED BY A SURVEY MADE ON THE GROUND BY ME OR UNDER MY DIRECTION AND SUPERVISION. A LAND TITLE SURVEY WAS PREPARED TO ACCOMPANY THIS DESCRIPTION.

5/23/05

JOHN T. BILNOSKI DATE
R.P.L.S. NO. 4998

STATE OF TEXAS
REGISTERED
JOHN T. BILNOSKI
4998
PROFESSIONAL
LAND SURVEYOR

BURY & PARTNERS, INC.
ENGINEERS-SURVEYORS
3345 BEE CAVE ROAD
AUSTIN, TEXAS 78746

TRACT 2
33.098 ACRES

FN. NO. 05-342(MAZ)
MAY 23, 2005
BPI JOB NO. 1582.01.92

DESCRIPTION

OF A 33.098 ACRE TRACT OUT OF THE A.J. BOND SURVEY NO. 91, ABSTRACT NO. 114, T.W. MOORE SURVEY NO. 526, ABSTRACT NO. 548, AND THE THOMAS ANDERSON SURVEY NO. 93, ABSTRACT NO. 28, SITUATED IN TRAVIS COUNTY, TEXAS; BEING A PORTION OF THAT SAME CERTAIN 39.466 ACRE TRACT DESCRIBED IN THE DEED TO DAVID B. MANNING, SR. AND SANDRA J. MANNING OF RECORD IN VOLUME 11933, PAGE 1879 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 33.098 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a PK nail found on the northerly right-of-way line of Old Bee Caves Road (R.O.W. varies) for the southerly most corner of said 39.466 acre tract, same being the westerly most corner of that certain 1.987 acre tract described in the deed to Alan Abbe and wife, Roberta Abbe of record in Volume 8732, Page 547 of said Real Property Records;

THENCE, along the northerly right-of-way line of Old Bee Caves Road, being a portion of the southerly line of said 39.466 acre tract, the following two (2) courses and distances:

1) N44°13'16"W, a distance of 8.22 feet to a 1/2 inch iron rod found for an angle point;

2) N42°17'19"W, a distance of 149.73 feet to a 1/2 inch iron rod found for the southerly most corner of that certain 5.054 acre tract described in said Volume 11933, Page 1879, for the southwesterly most corner hereof, from which a concrete monument found for an angle point in the northerly right-of-way line of Old Bee Caves Road bears N42°17'19"W, a distance of 79.68 feet;

THENCE, leaving the northerly right-of-way line of Old Bee Caves Road along the irregular easterly line of said 5.054 acre tract, same being the westerly line hereof, the following eight (8) courses and distances:

1) N47°46'42"E, a distance of 74.32 feet to a cotton spindle set for an angle point;

2) N13°13'18"W, a distance of 141.81 feet to a 1/2 inch iron rod with cap set for an angle point;

3) N30°46'09"E, a distance of 277.66 feet to a 1/2 inch iron rod with cap set for an angle point;

4) N11°43'51"W, a distance of 1102.87 feet to a 1/2 inch iron rod found for an angle point;

5) N06°59'04"E, a distance of 507.29 feet to a cotton spindle set for an angle point;

6) S83°03'40"E, a distance of 105.05 feet to a 1/2 inch iron rod with cap set for an angle point;

7) S61°31'44"E, a distance of 293.11 feet to a 1/2 inch iron rod with cap set for an angle point;

8) N28°27'29"E, a distance of 256.82 feet to a 1/2 inch iron rod with cap set for the easterly most corner of said 5.054 acre tract and hereof, same being in the southerly line of Lot 115, Block B, Lantana Southwest Phase I, of record in Document No. 200300137 of the Official Public Records of Travis County, Texas and the northerly line of said 39.466 acre tract, from which a 1/2 inch iron rod found for an angle point in the line common to the southerly line of said Lot 115 and the northerly line of said 5.054 acre tract bears N62°05'56"W, a distance of 62.24 feet;

THENCE, S62°05'56"E, along the northerly line of said 39.466 acre tract, being in part the southerly line of said Lot 115, the southerly line of that certain 1.757 acre Tract 2, 1.0397 acre tract, and 1.655 acre Tract 1 described in deeds to the City of Austin of record in Volume 12910, Page 670, and Volume 10031, Page 300 of said Real Property Records, for the northerly line hereof, a distance of 664.70 feet to a 1/2 inch iron rod found for the easterly most corner of said 39.466 acre tract and interior "ell" corner of said Lot 115, for the easterly most corner hereof;

THENCE, along the line common to the easterly line of said 39.466 acre tract and said Lot 115, for a portion of the easterly line hereof, the following two (2) courses and distances:

1) S28°09'37"W, a distance of 454.17 feet to a 1/2 inch iron rod found for an angle point;

2) S01°29'17"W, a distance of 129.69 feet to a 60-D nail found in a corner fence post for an angle point of said Lot 115 and said 39.466 acre tract and being the northwesterly corner of that of that certain 4.993 acre tract described in the deed to Keystone Construction of record in Volume 11918, Page 1755 of said Real Property Records, from which the apparent northeasterly corner of said 4.993 acre tract bears S84°23'39"E, a distance of 55.04 feet;

THENCE, S13°59'06"W, along the line common to the easterly line of said 39.466 acre tract and the westerly line of said 4.993 acre tract, for a portion of the easterly line hereof, a distance of 318.13 feet to a 1/2 inch iron pipe found for an angle point, same being the northerly corner of that certain 1.896 acre Tract Two described in the deed to Gilbert M. Japko of record in Volume 6095, Page 822 of said Real Property Records;

THENCE, continuing along the easterly line of said 39.466 acre tract, same being the westerly line of said 1.896 acre Tract Two and a portion of the westerly line of that certain 3.129 acre Tract One of record in said Volume 6095, Page 822, for a portion of the easterly line hereof, the following two (2) courses and distances:

1) S14°13'48"W, a distance of 833.27 feet to a 1/2 inch iron pipe found for an angle point and apparent westerly common corner of said 1.896 acre tract and said 3.129 acre tract;

2) S15°23'30"W, a distance of 23.59 feet to a corner fencepost found for an angle point of said 39.466 acre tract and hereof and being the northeasterly corner of that certain 1.951 acre tract described in Volume 11400, Page 875 of said Real Property Records;

THENCE, continuing along the easterly line of said 39.466 acre tract, same being the northerly and a portion of the westerly line of said 1.951 acre tract, for a portion of the easterly line hereof, the following two(2) courses and distances:

1) N63°40'17"W, a distance of 39.11 feet to a 60-D nail found in a corner fence post for an angle point of said 39.466 acre tract and hereof;

2) S35°15'01"W, a distance of 53.03 feet to a 1/2 inch iron rod found for an angle point of said 39.466 acre tract and hereof, same being the northeasterly corner of said 1.9807 acre Abbe tract;

THENCE, continuing along the easterly line of said 39.466 acre tract, same being the northerly and a portion of the westerly line of said 1.9807 acre tract, for a portion of the easterly line hereof, the following two(2) courses and distances:

1) N45°50'18"W, a distance of 208.14 feet to a 1/2 inch iron rod found for an angle point of said 39.466 acre tract and hereof, same being the northwesterly corner of said 1.9807 acre Abbe tract;

2) S36°03'59"W, a distance of 419.07 feet to the POINT OF BEGINNING, containing an area of 33.098 acres (1,441,766 square feet) of land, more or less, within these metes and bounds.

BASIS OF BEARINGS: IS THE TEXAS COORDINATE SYSTEM NAD83(93) CENTRAL ZONE UTILIZING LCRA GPS CONTROL MONUMENTS E169 AND E171.

I, JOHN T. BILNOSKI, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE ABOVE DESCRIPTION WAS DETERMINED BY A SURVEY MADE ON THE GROUND BY ME OR UNDER MY DIRECTION AND SUPERVISION. A LAND TITLE SURVEY WAS PREPARED TO ACCOMPANY THIS DESCRIPTION.

BURY & PARTNERS, INC.
ENGINEERS-SURVEYORS
3345 BEE CAVE ROAD
AUSTIN, TEXAS 78746

5/23/05
JOHN T. BILNOSKI DATE
R.P.L.S. NO. 4998

STATE OF TEXAS
REGISTERED
JOHN T. BILNOSKI
4998
PROFESSIONAL
LAND SURVEYOR

TRACT 3
1.307 ACRES

FN. NO. 05-343(MAZ)
MAY 23, 2005
BPI JOB NO. 1582.01.92

DESCRIPTION

OF A 1.307 ACRE TRACT OUT OF THE A.J. BOND SURVEY NO. 91, ABSTRACT NO. 114, SITUATED IN TRAVIS COUNTY, TEXAS; BEING A PORTION OF THAT SAME CERTAIN 39.466 ACRE TRACT DESCRIBED IN THE DEED TO DAVID B. MANNING, SR. AND SANDRA J. MANNING OF RECORD IN VOLUME 11933, PAGE 1879 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 1.307 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a railroad spike found on the northerly right-of-way line of Old Bee Caves Road (R.O.W. varies) for the southwesterly most corner of said 39.466 acre tract;

THENCE, N38°21'07"E, along the westerly line of said 39.466 acre tract, same being in part the northerly right-of-way of Old Bee Caves Road and in part the easterly line of Lot 2, Block "A", of The Hans Deroucher Subdivision of record in Volume 96, Page 108 of the Plat Records of Travis County, Texas, for the westerly line hereof, passing at a distance of 5.28 feet a 1/2 inch iron rod found for an angle point in said northerly line of Old Bee Caves Road and being the southeasterly corner of said Lot 2, continuing with the line common to the easterly line of said Lot 2 and the westerly line of said 39.466 acre tract for a total distance of 433.91 feet to a 1/2 inch iron rod found for the northeasterly corner of said Lot 2, the southerly most corner of Lot 1, Block "A" of said The Hans Deroucher Subdivision, same being an angle point of said 39.466 acre tract and in the westerly line of that certain 5.054 acre tract described in said Volume 11933, Page 1879, for the northerly corner hereof;

THENCE, over and across said 39.466 acre tract along the westerly line of said 5.054 acre tract, for the easterly line hereof, the following four (4) courses and distances:

1) S11°43'51"E, a distance of 130.18 feet to a 1/2 inch iron rod with cap set for an angle point;

2) S30°46'09"W, a distance of 278.41 feet to a 1/2 inch iron rod with cap set for an angle point;

3) S13°13'18"E, a distance of 132.55 feet to a 1/2 inch iron rod with cap set for an angle point;

4) S47°46'42"W, a distance of 44.93 feet to a 1/2 inch iron rod with cap set for the southwesterly most corner of said 5.054 acre tract, same being in the northerly right-of-way line of Old Bee Caves Road and the southerly line of said 39.466 acre tract;

THENCE; along the northerly right-of-way line of Old Bee Caves Road, being the southerly line of said 39.466 acre tract, for the southerly line hereof, the following two (2) courses and distances:

1) N42°17'19"W, as distance of 29.68 feet to a concrete monument found for an angle point;

2) N38°32'05"W, a distance of 209.24 feet to the POINT OF BEGINNING, containing an area of 1.307 acres (56,925 square feet) of land, more or less, within these metes and bounds.

BASIS OF BEARINGS: IS THE TEXAS COORDINATE SYSTEM NAD83(93) CENTRAL ZONE UTILIZING LCRA GPS CONTROL MONUMENTS E169 AND E171.

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ENGINEERS-SURVEYORS
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5/23/05

JOHN T. BILNOSKI DATE
R.P.L.S. NO. 4998

STATE OF TEXAS
REGISTERED
JOHN T. BILNOSKI
4998
PROFESSIONAL
LAND SURVEYOR

EXHIBIT "B"

[CONDOMINIUM PLATS AND PLANS]

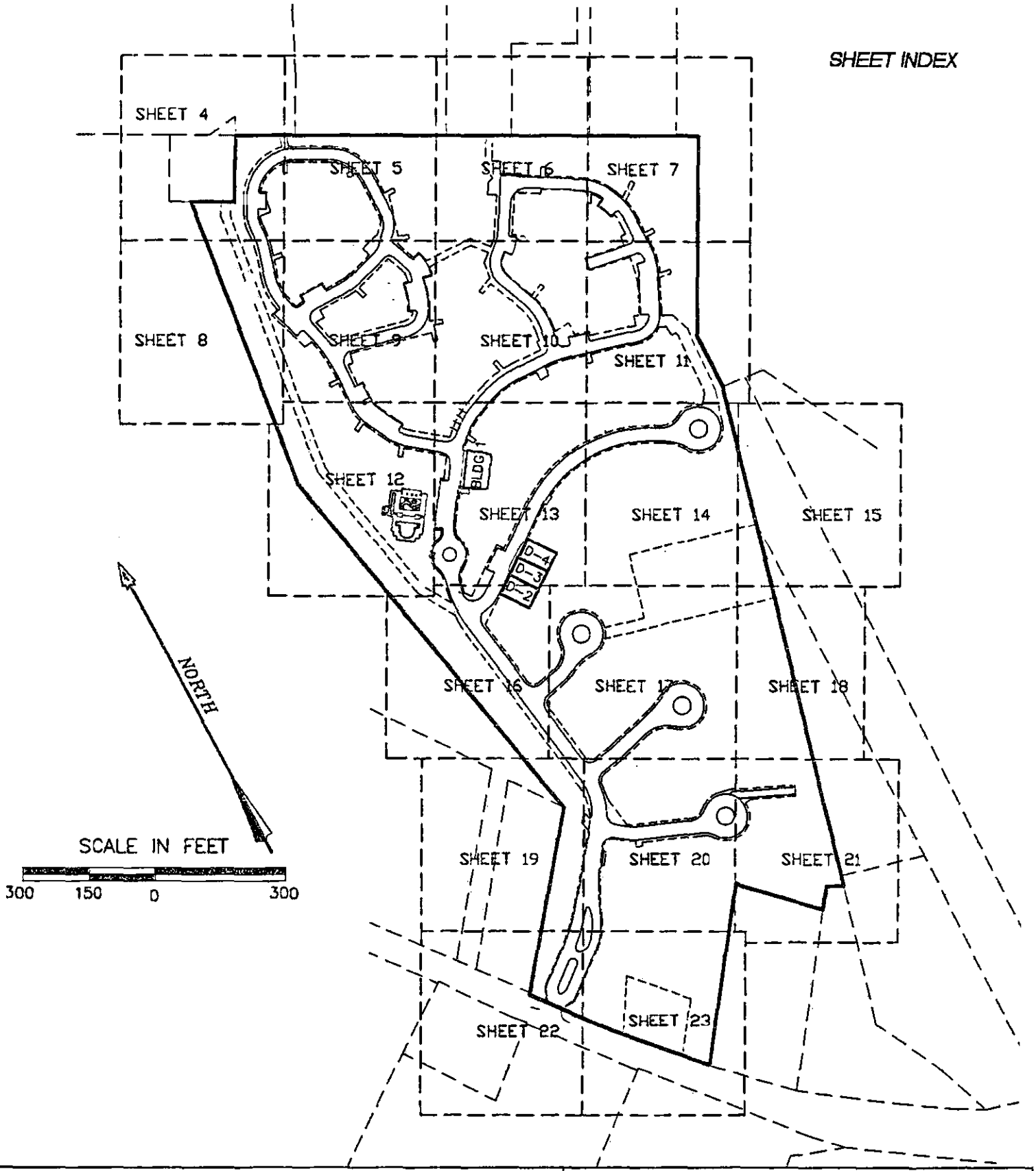
The plats and plans, attached hereto as Exhibit "B" contains the information required by the Texas Uniform Condominium Act.

Printed Name:_____
RPLS or License No._____

BOUNDARIES OF UNIT

The legal boundaries of each Unit are established by the Declarant and the plats and plans attached hereto. However, each Owner acknowledges that the Unit may be measured and depicted in a manner which differs from the legal boundaries of a Unit. For example, the Unit may be measured or depicted differently for tax purposes, appraisal purposes, sales purposes, and for purposes of carpeting and paint. No single measurement is definitive for all purposes. Measurements may be of the area under roof, or the air conditioned space, or the area within the Unit's legal boundaries. The Unit's partition wall cavities and/or its perimeter wall cavities may or may not be included. The Unit's garage area, attic area, front porch, and/or balcony space may or may not be included.

SEE SHEET 24 OF 24 FOR ORIGINAL CERTIFICATION



AVIARA CONDOMINIUMS

EXHIBIT
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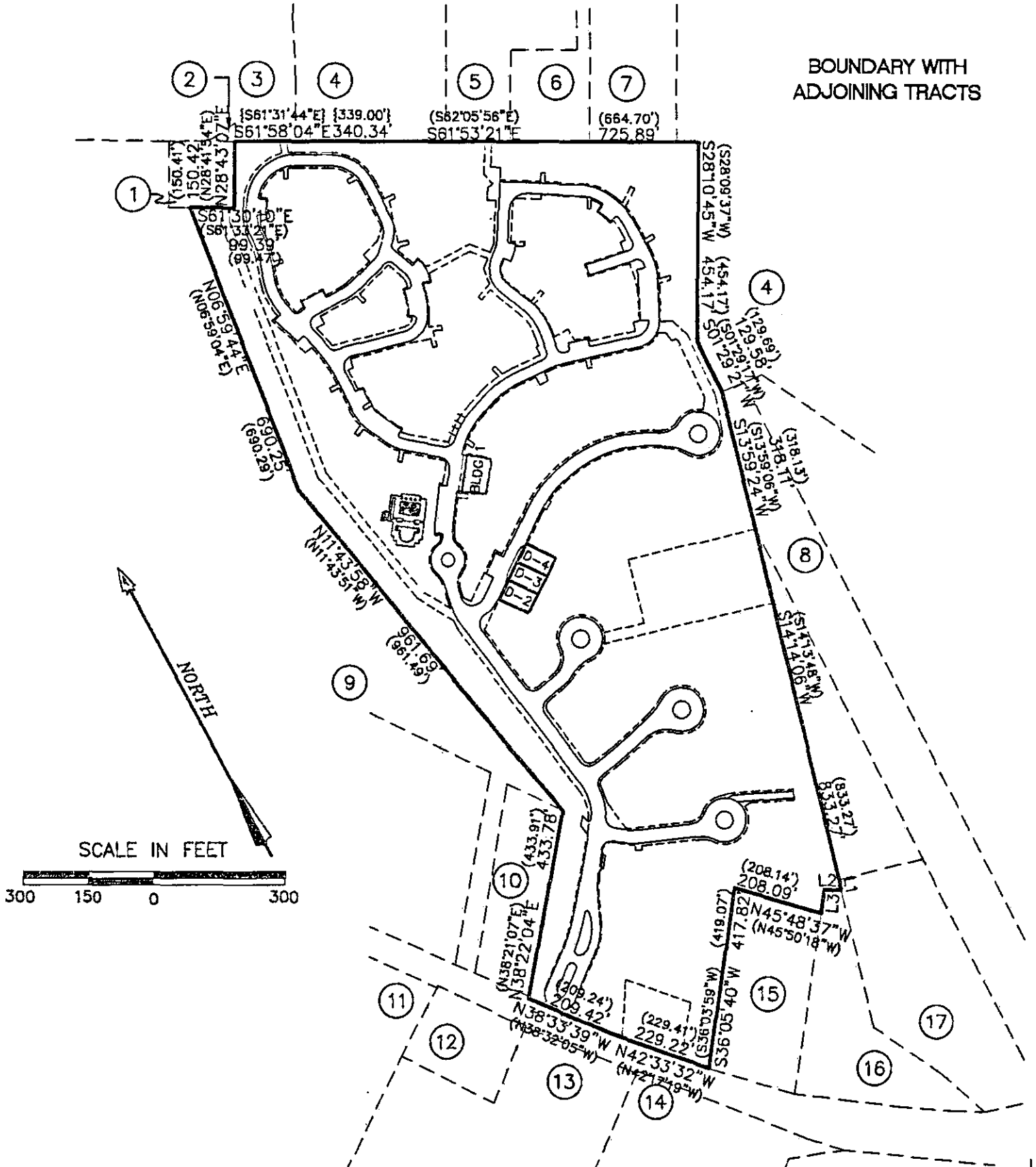

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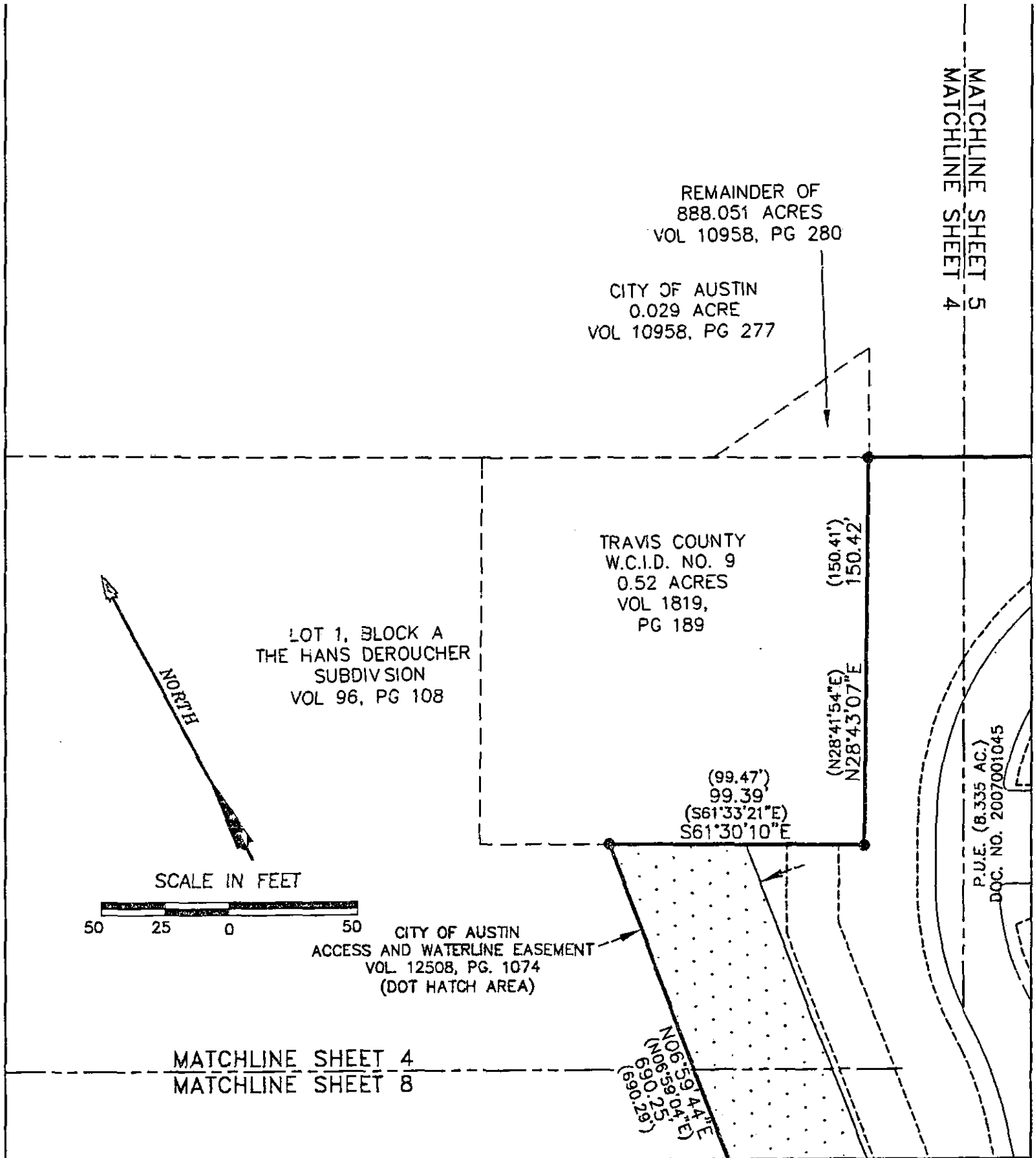
1. TRAVIS COUNTY W.C.I.D. NO. 9, VOL. 1819, PG. 189 (0.52 ACRES)
2. CITY OF AUSTIN, VOL. 10958, PG. 277 (0.029 ACRES)
3. REMAINDER OF 888.051 ACRES, VOL. 10958, PG. 280
4. LOT 115, BLOCK B, LANTANA SOUTHWEST, PHASE 1, DOC. NO. 200300137
5. CITY OF AUSTIN, TRACT 2, VOL. 12910, PG. 670 (1.757 ACRES)
6. CITY OF AUSTIN, VOL. 10031 PG. 300 (1.0397 ACRES)
7. CITY OF AUSTIN, TRACT 1, VOL. 12910, PG. 670 (1.655 ACRES)
8. KEYSTONE CONSTRUCTION, INC., VOL. 11918, PG. 1755 (4.993 ACRES)
9. LOT 1, BLOCK "A", THE HANS DEROUCHER SUBDIVISION, VOL. 96, PG. 108
10. LOT 2, BLOCK "A", THE HANS DEROUCHER SUBDIVISION, VOL. 96, PG. 108
11. AARON GARDNER SUBDIVISION, VOL. 49, PG. 95
12. BENJAMIN L. NORS, DOC. NO. 2001174575 (1.00 ACRE)
13. HUEBETTER SUBDIVISION, VOL. 78, PG. 1
14. JAMES L. SCHORR, VOL. 11883, PG. 1334 (10.177 ACRES)
15. ALAN ABBE, et ux, VOL. 8732, PG. 5 (1.9807 ACRES)
16. 1.951 ACRES, VOL. 11400, PG. 875
17. GILBERT M. JAPKO, TRACT ONE, VOL. 6095, PG. 82 (3.129 ACRES)



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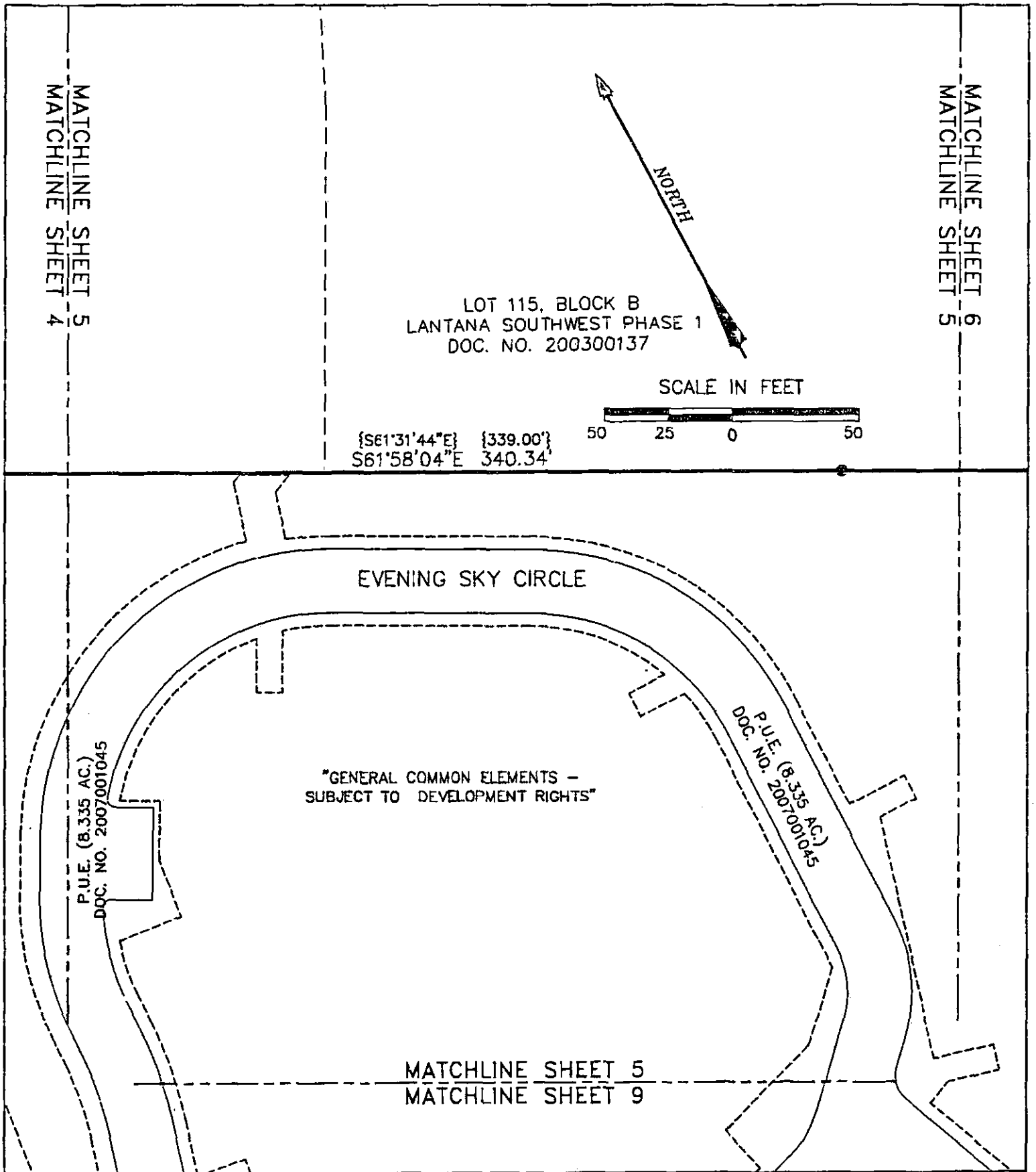

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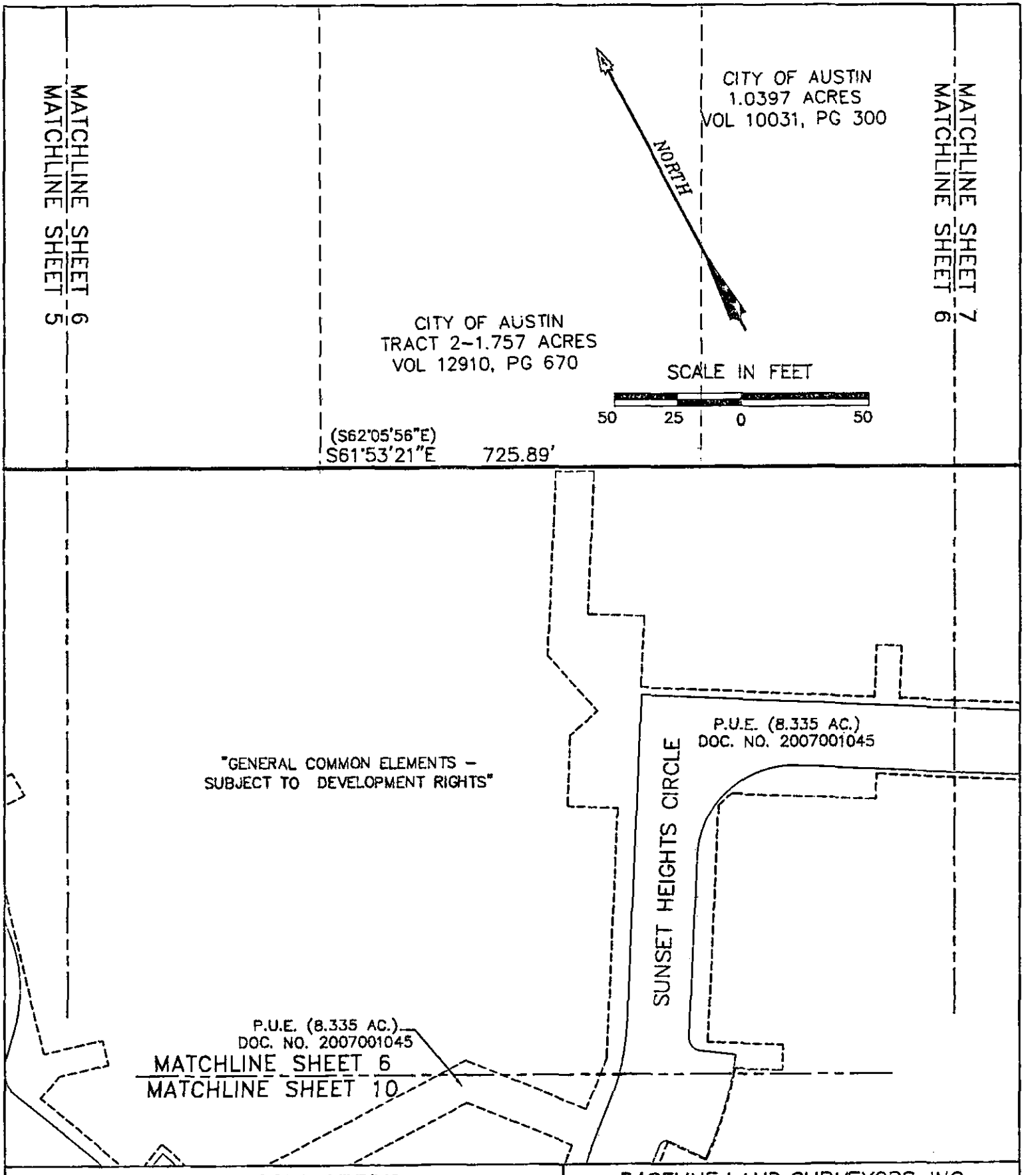

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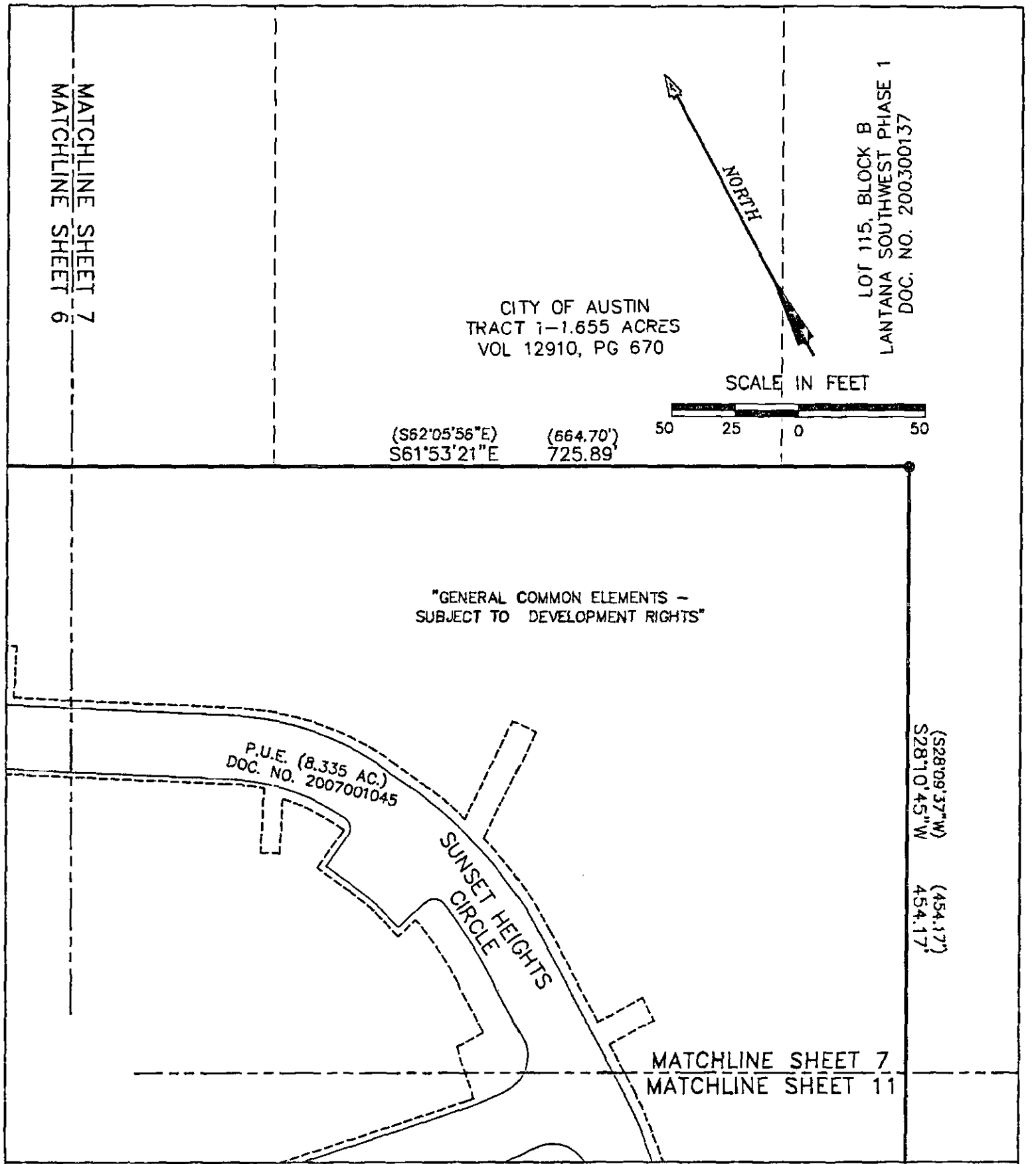

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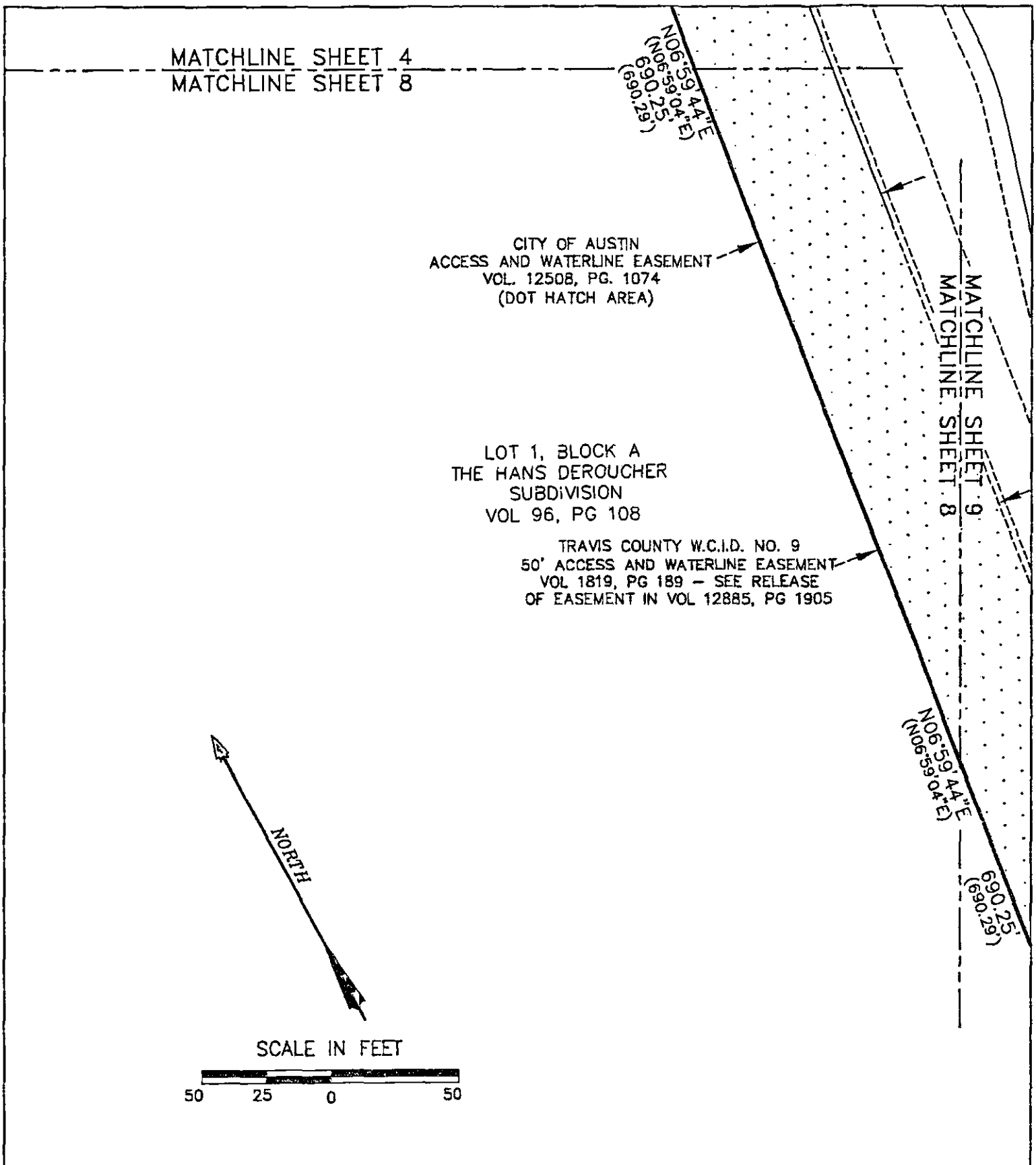

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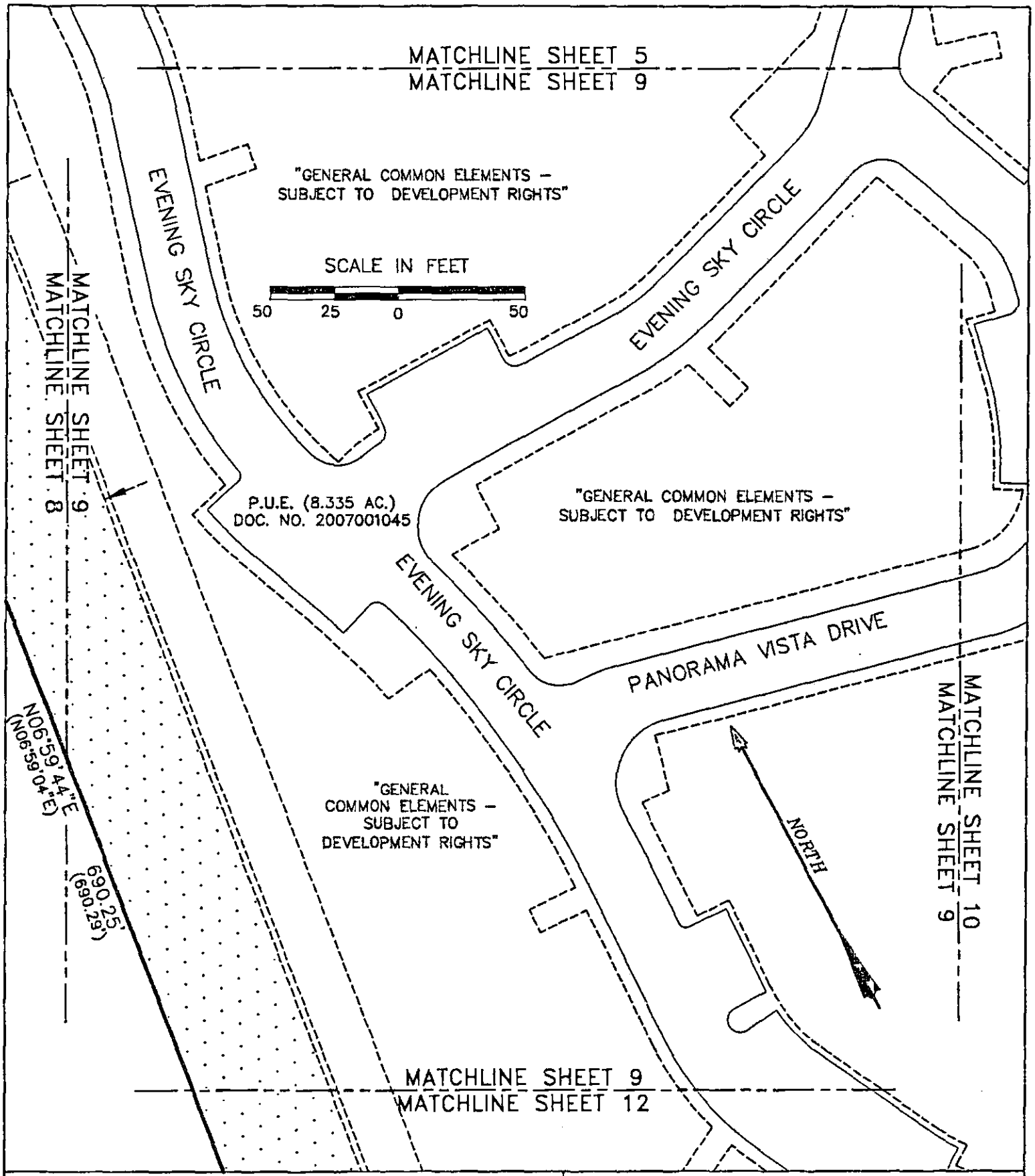

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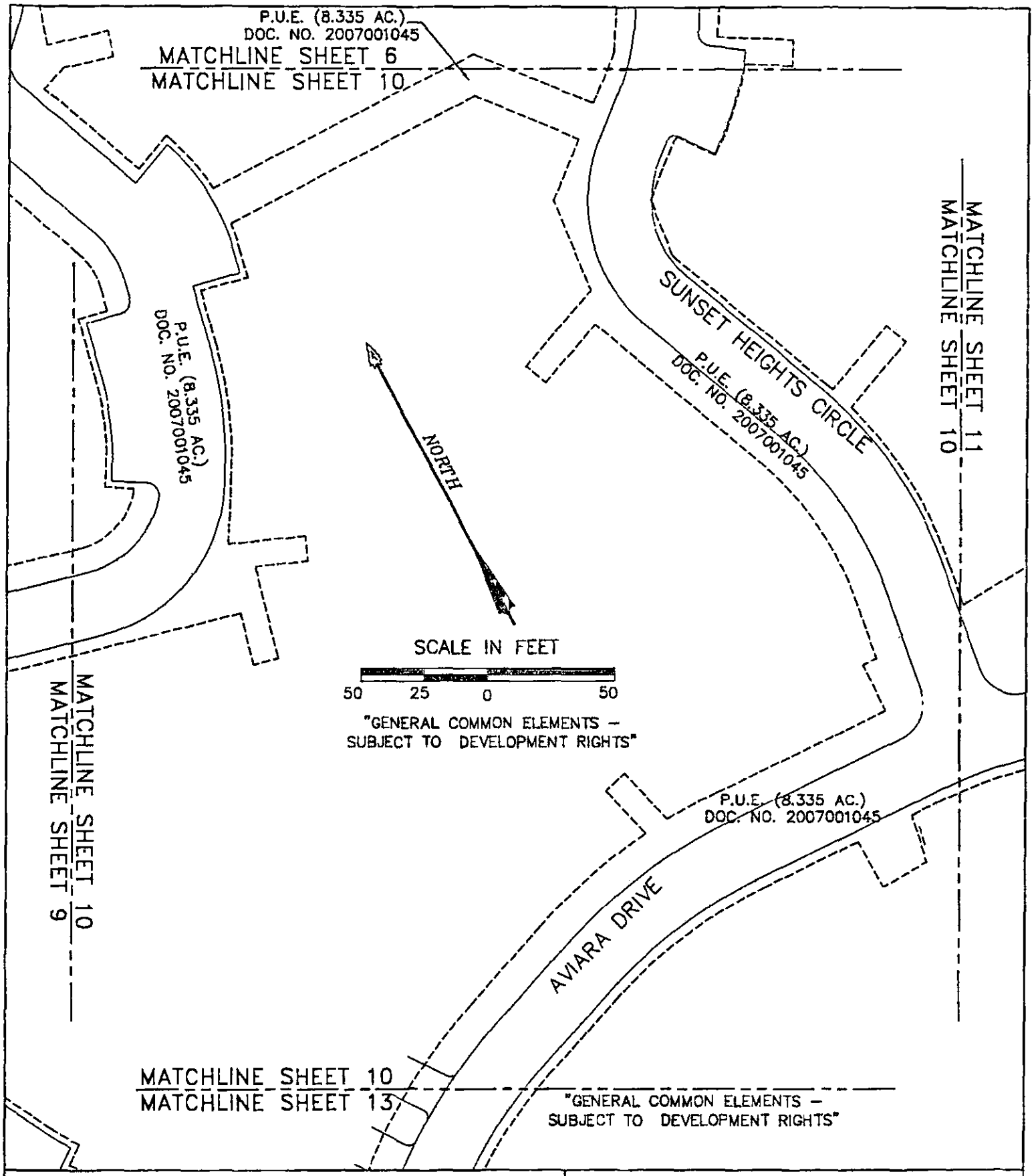

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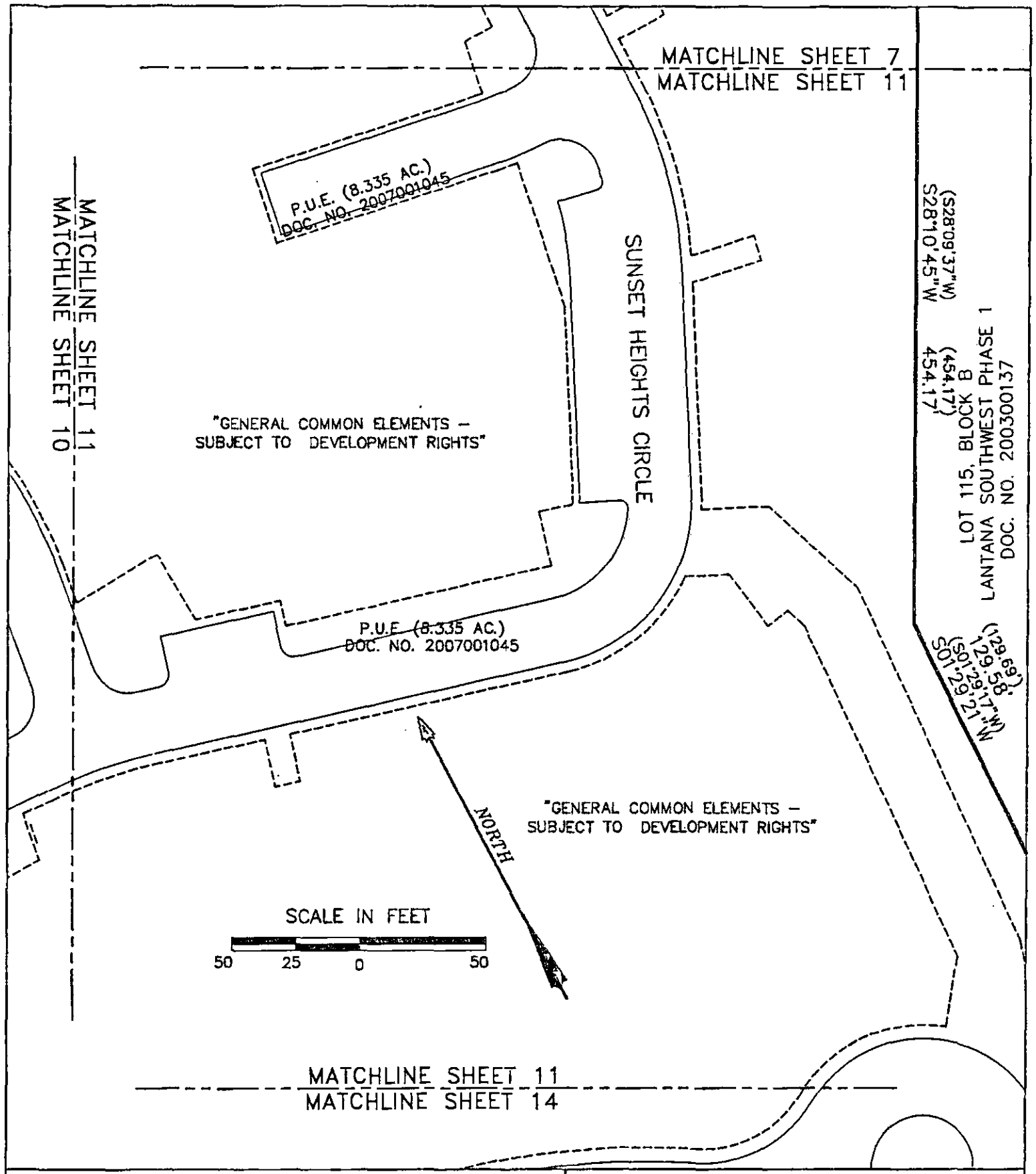

AVIARA CONDOMINIUMS

EXHIBIT
OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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PROFESSIONAL LAND SURVEYING SERVICES
8333 CROSS PARK DRIVE
AUSTIN, TEXAS 78754
OFFICE: 512.374.9722 FAX: 512.873.9743
ron-baseline@austin.rr.com

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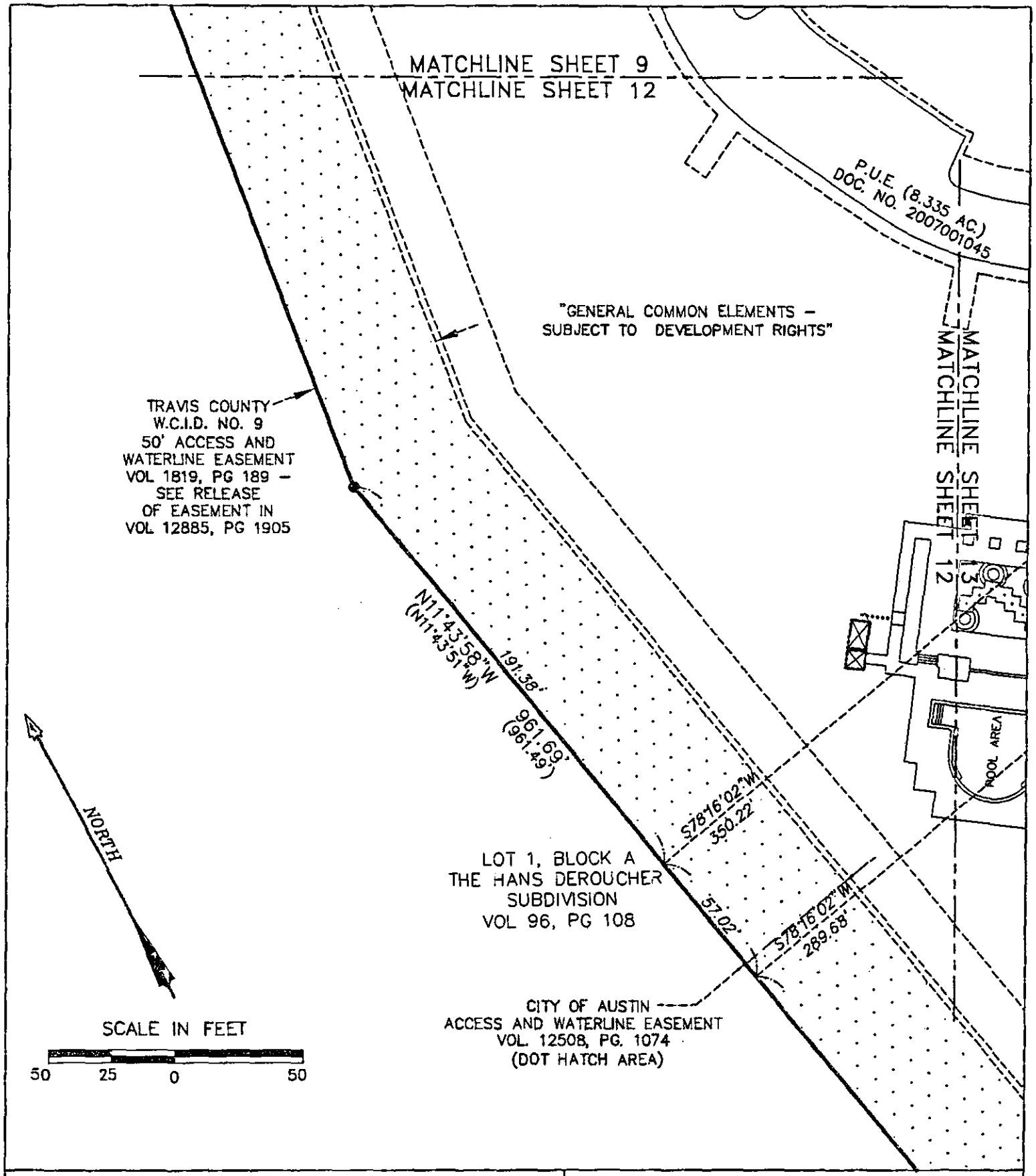

AVIARA CONDOMINIUMS

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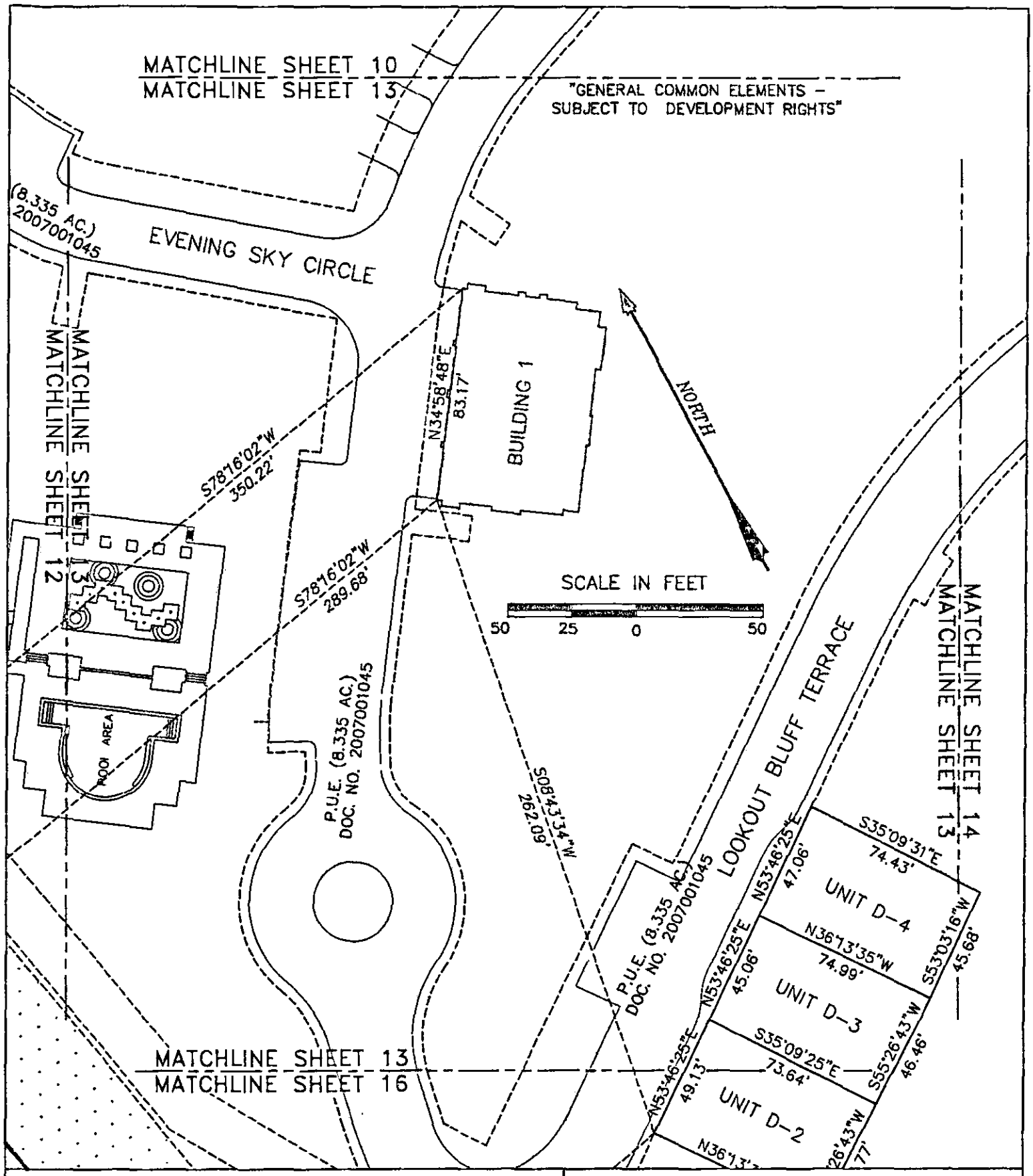

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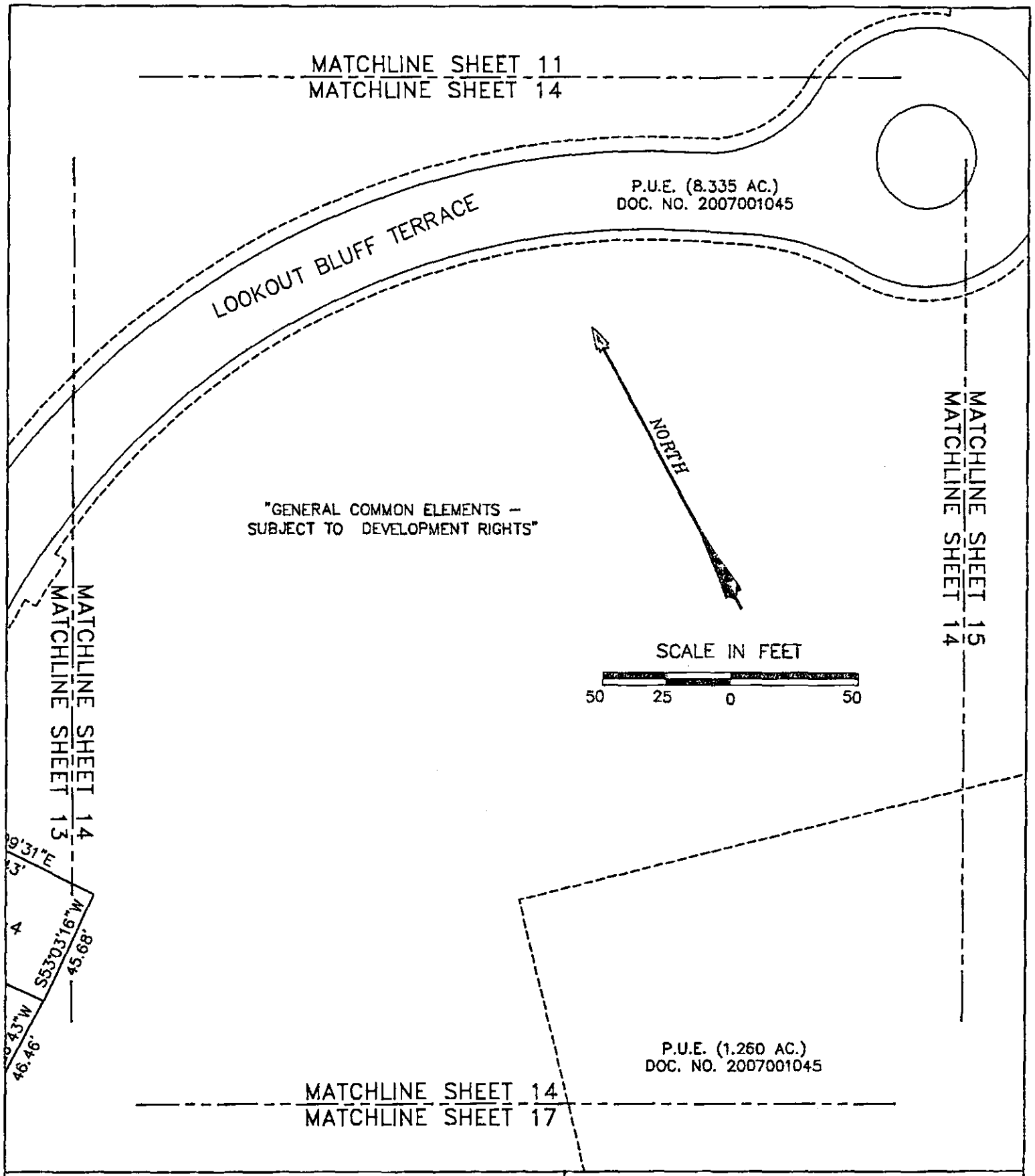

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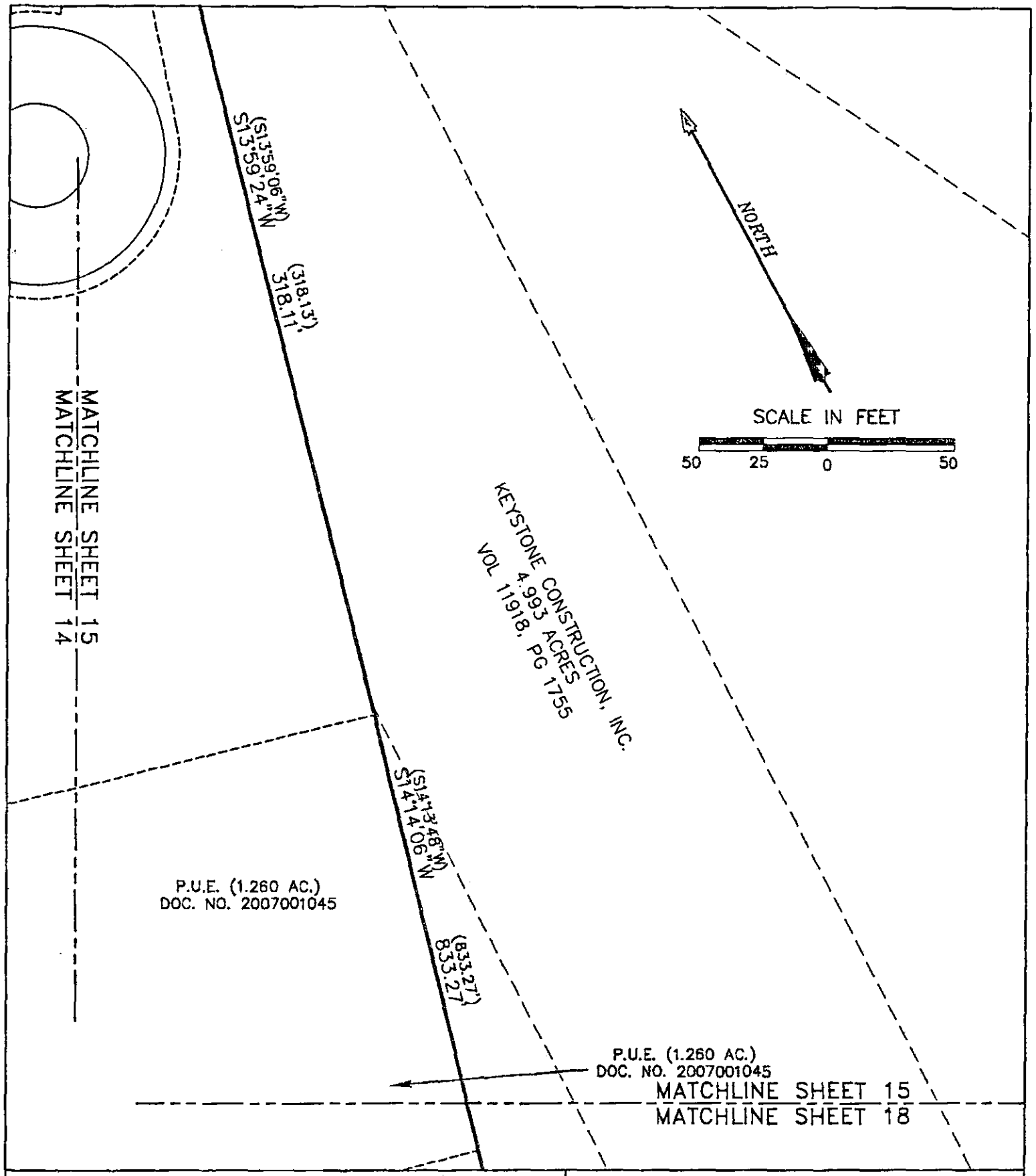

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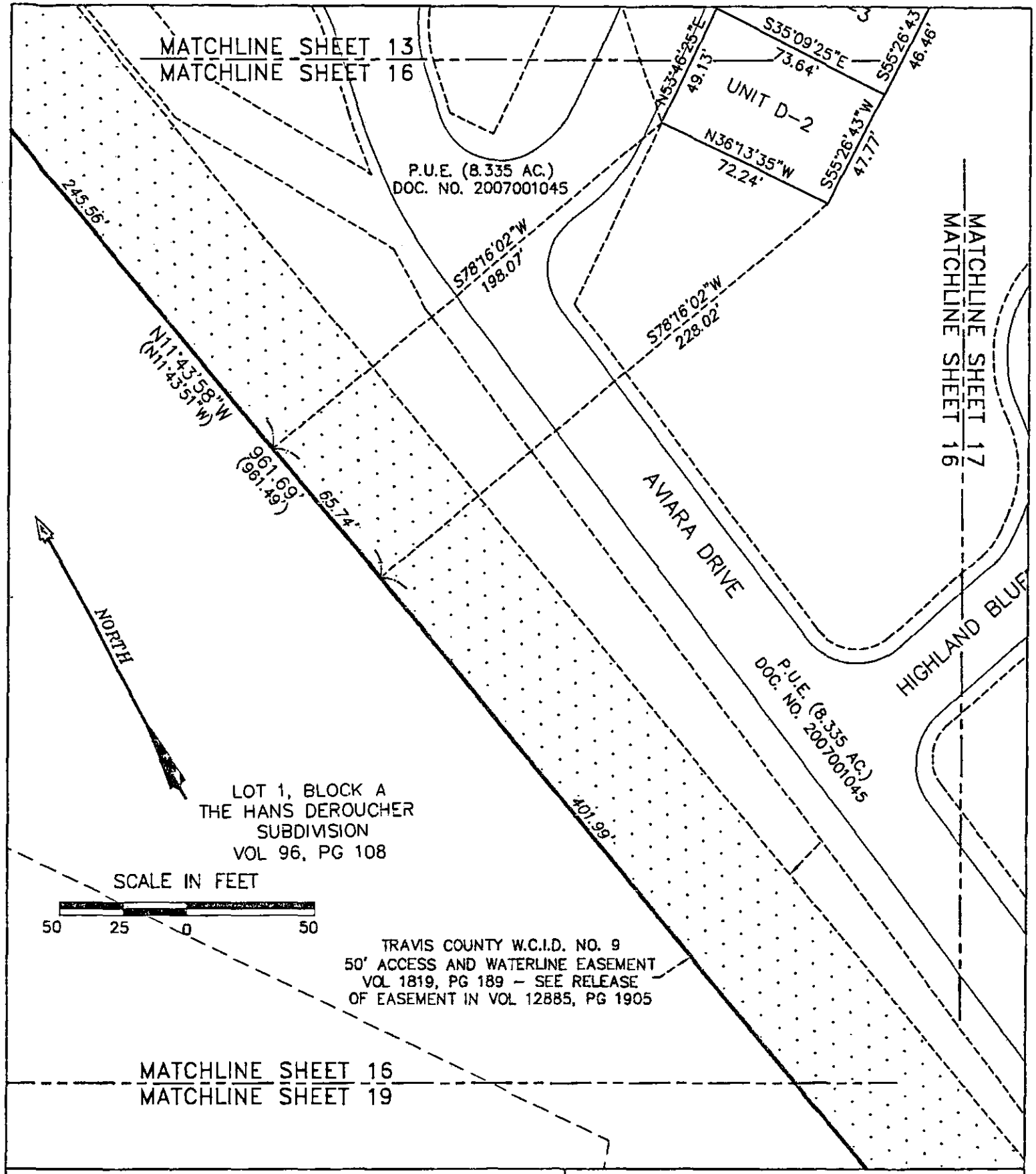

AVIARA CONDOMINIUMS

EXHIBIT

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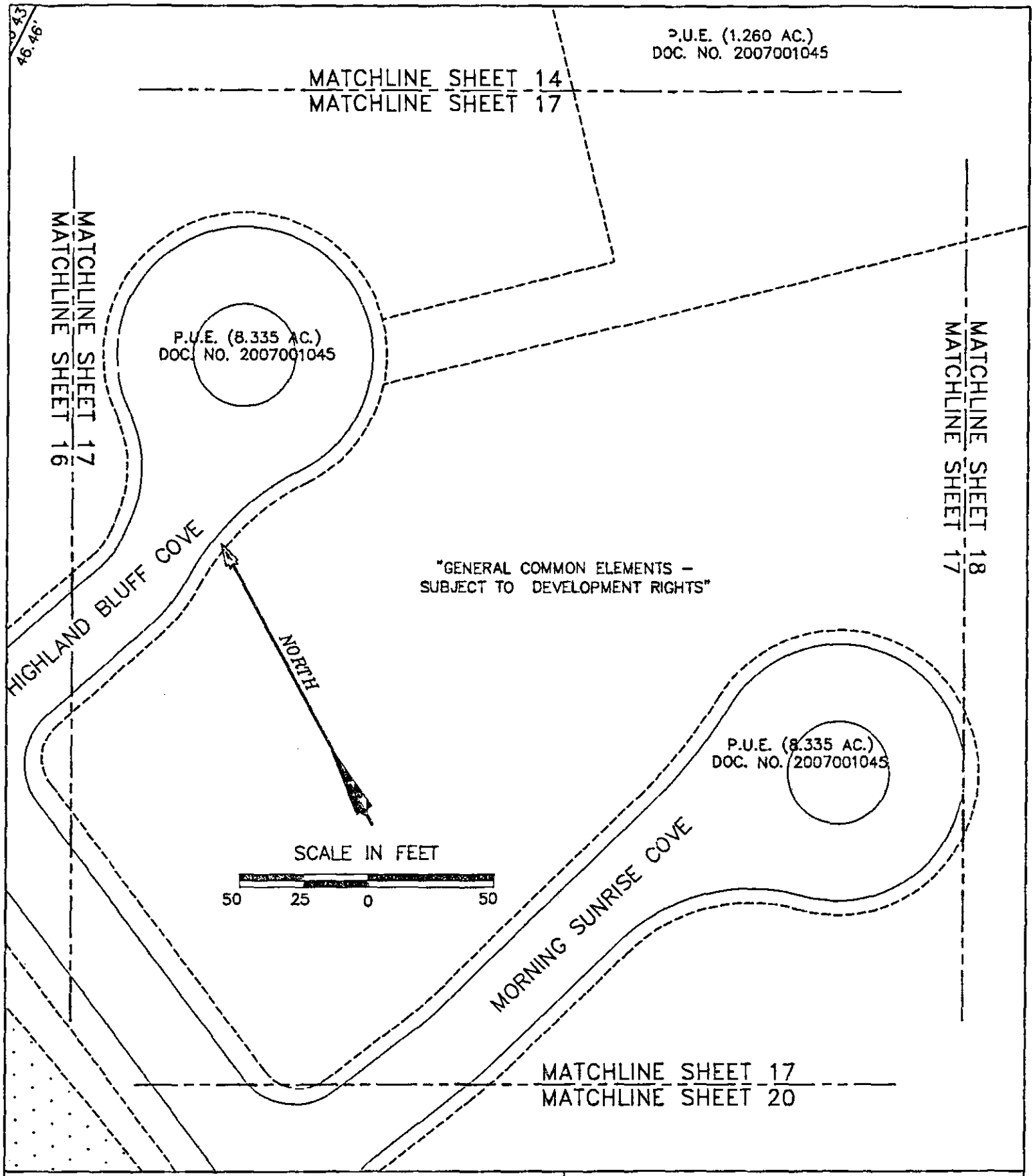

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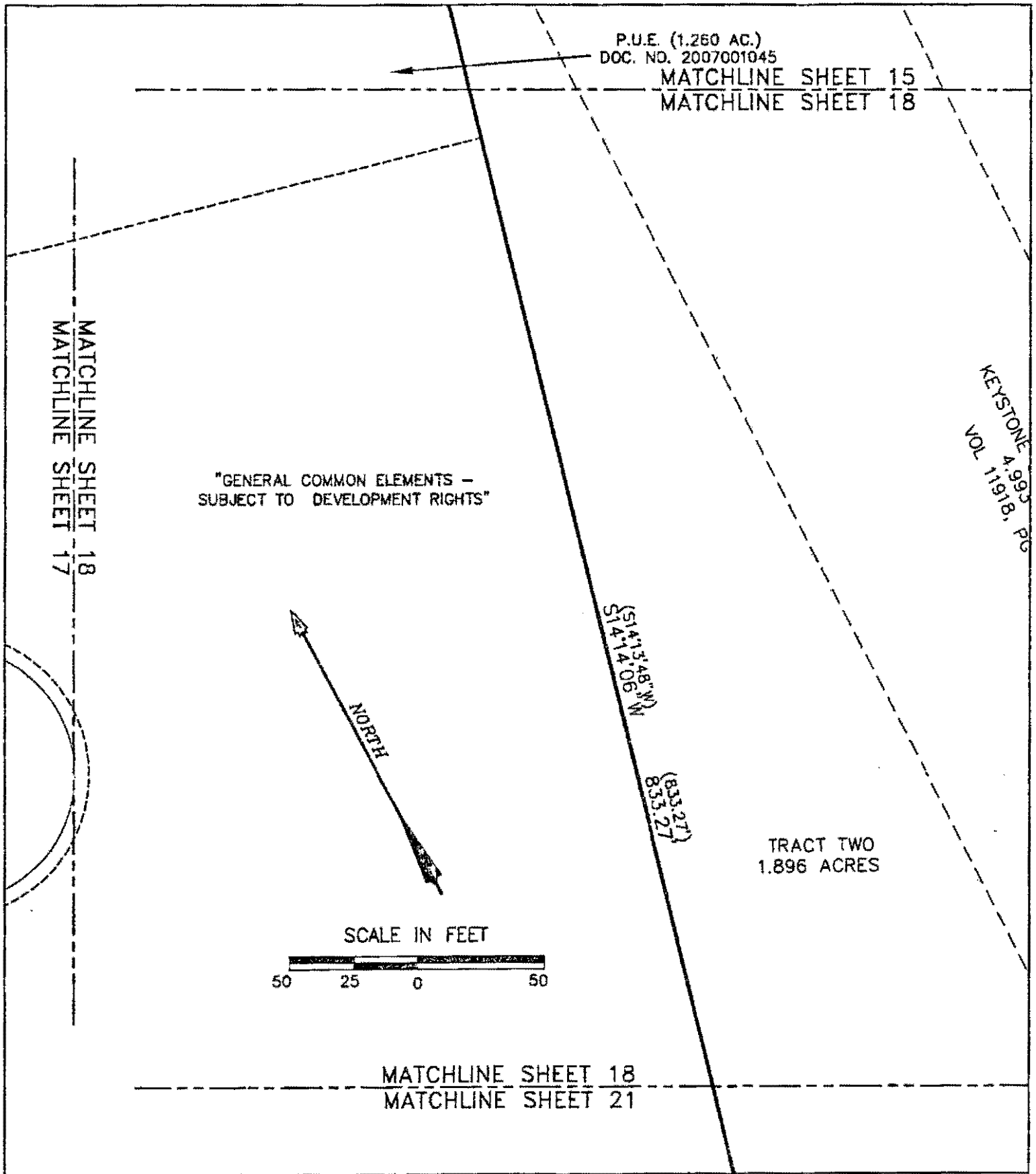

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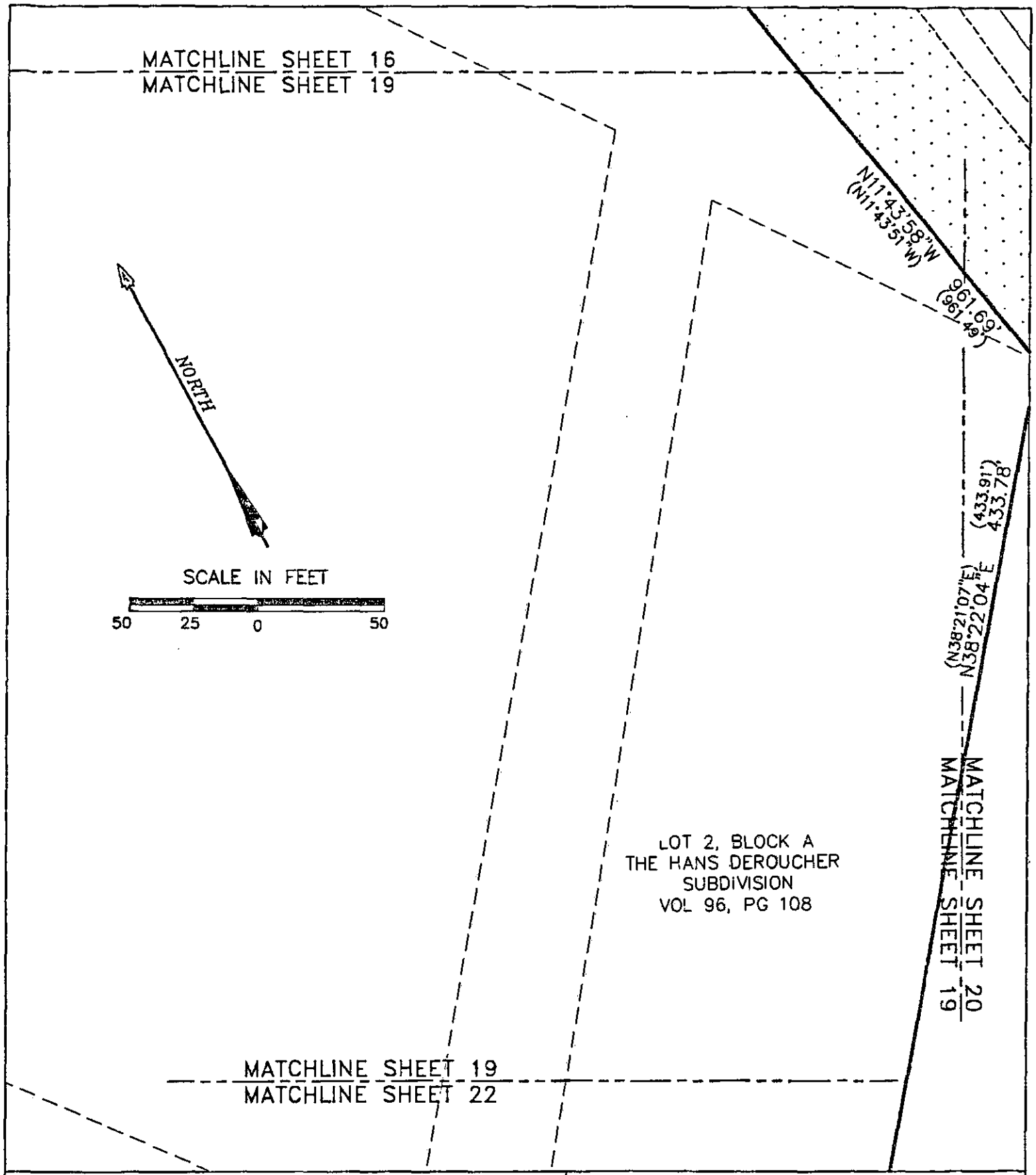

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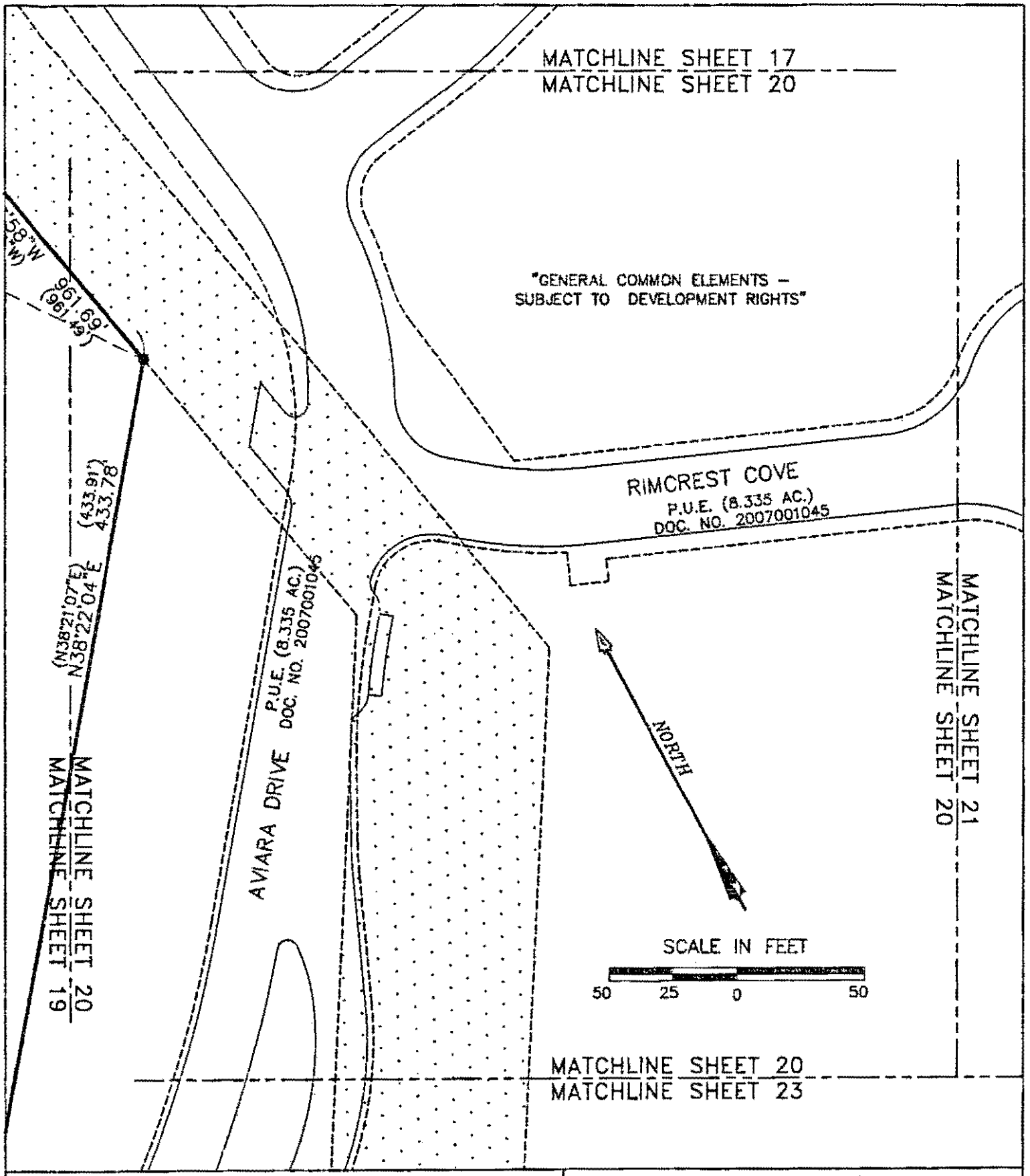

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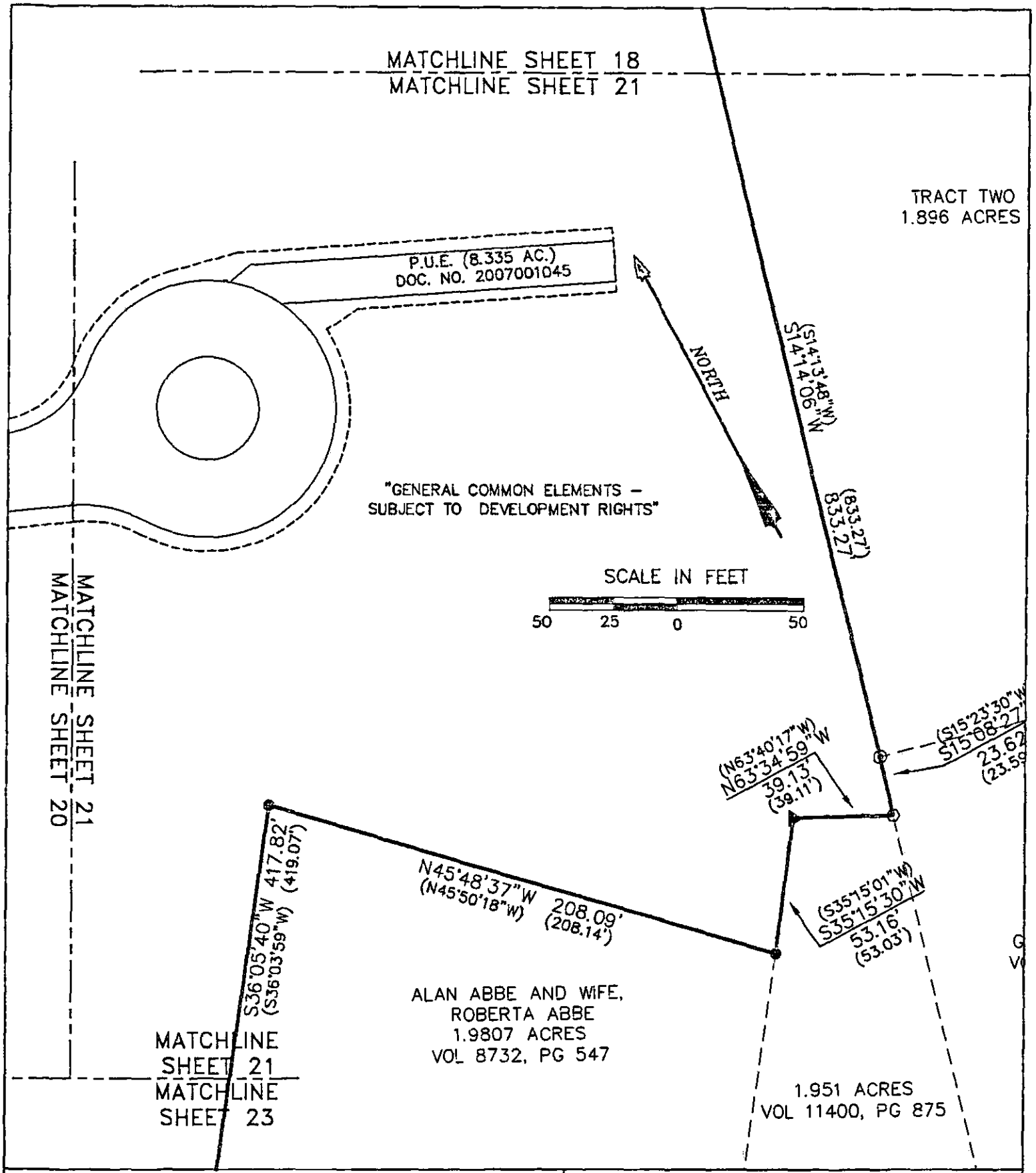

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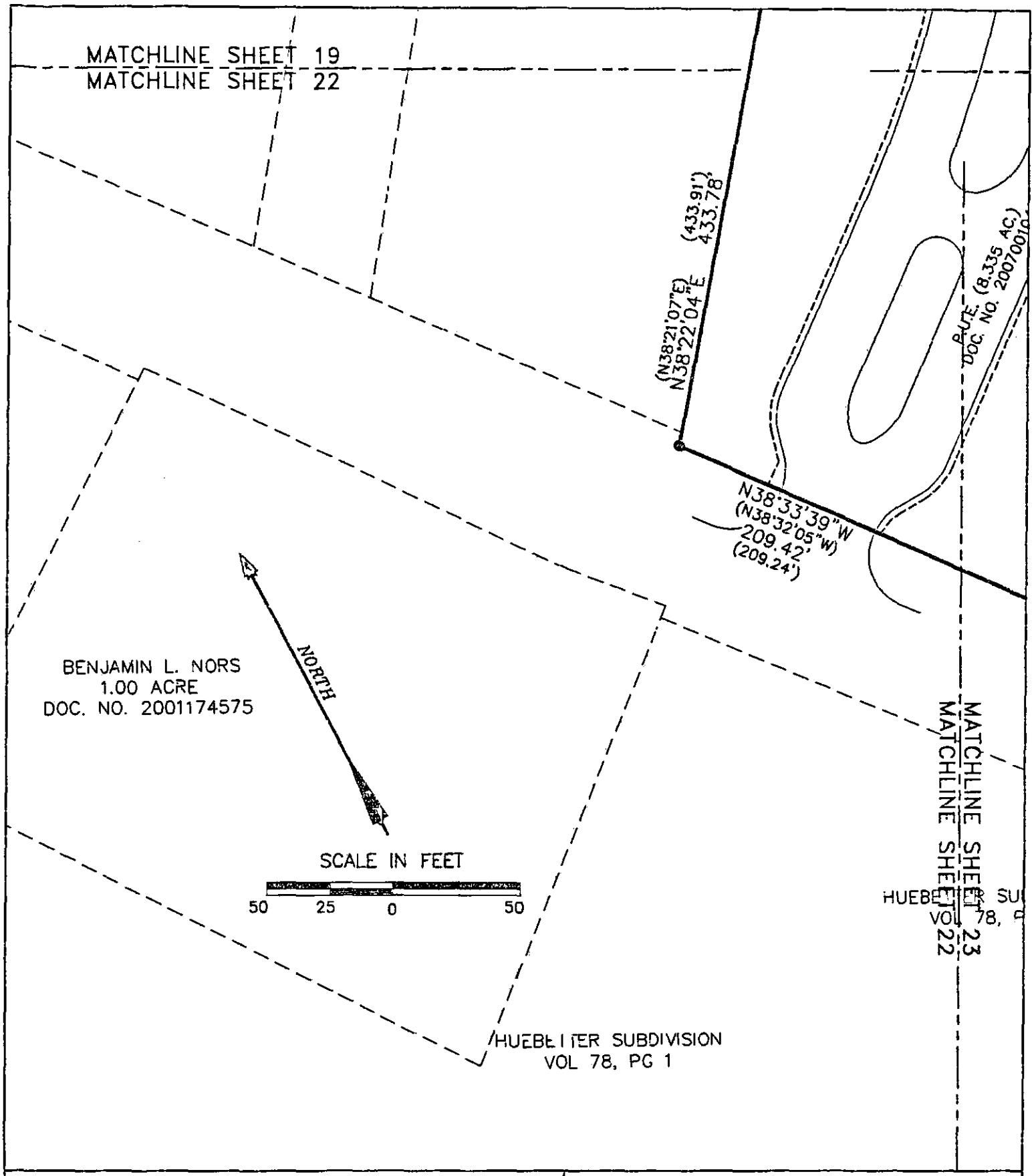

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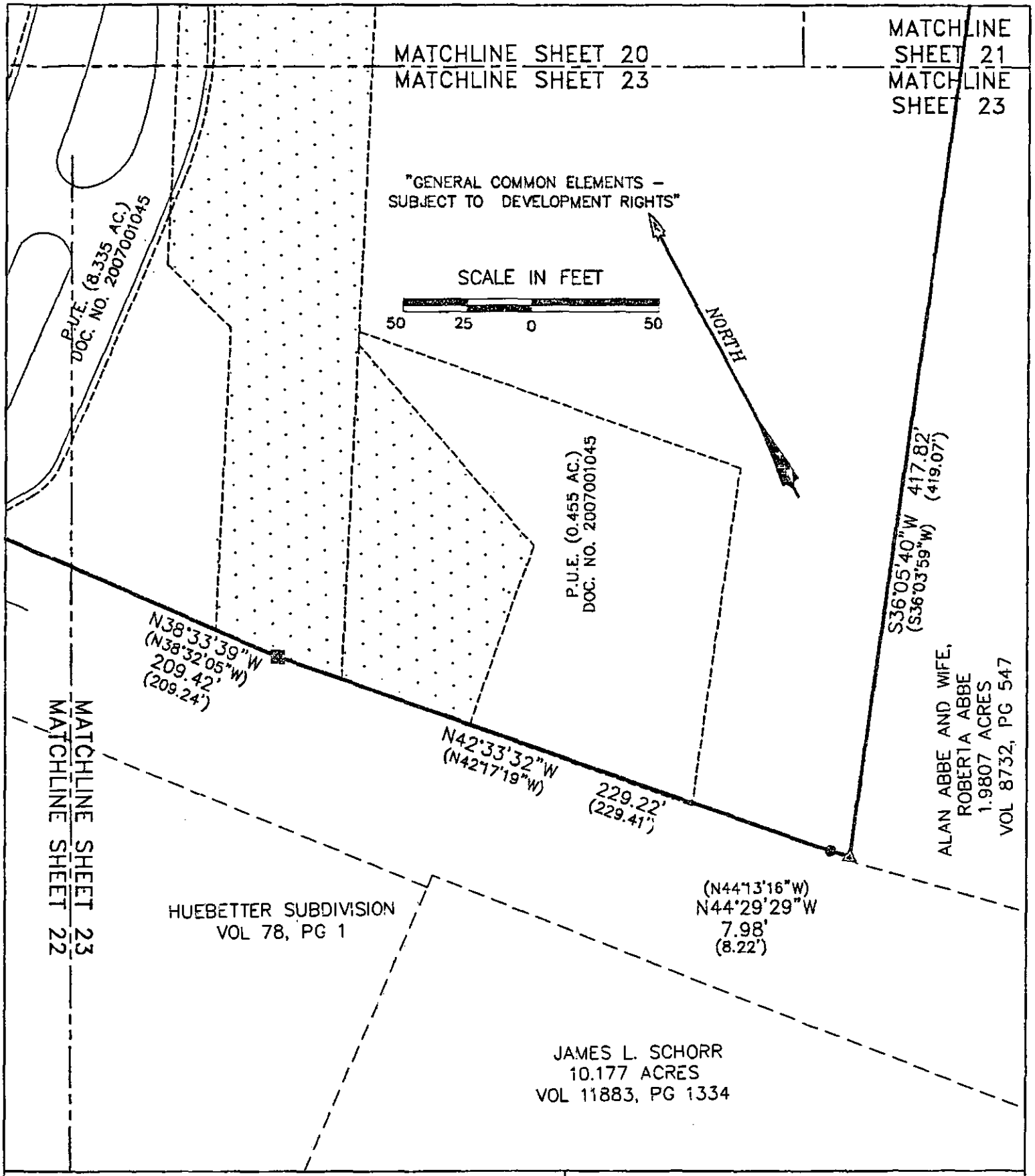

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EXHIBIT

AVIARA CONDOMINIUMS

[PLAT]

§ Certification of Surveyor §

The attached plat, attached hereto as Exhibit contain the information required by Section 82.052 and Section 82.059 of the Texas Uniform Condominium Act, as applicable.

Ronnie Wallace
R.P.L.S. No. 5222

Date: 16 March 2009

STATE OF TEXAS
REGISTERED
RONNIE WALLACE
5222
PROFESSIONAL
LAND SURVEYOR

AVIARA CONDOMINIUMS	BASELINE LAND SURVEYORS, INC.
EXHIBIT OF 38.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS	PROFESSIONAL LAND SURVEYING SERVICES 8333 CROSS PARK DRIVE AUSTIN, TEXAS 78754 OFFICE: 512.374.9722 FAX: 512.873.9743 ron-baseline@austin.rr.com

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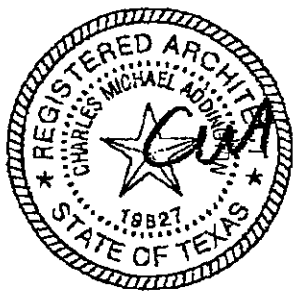
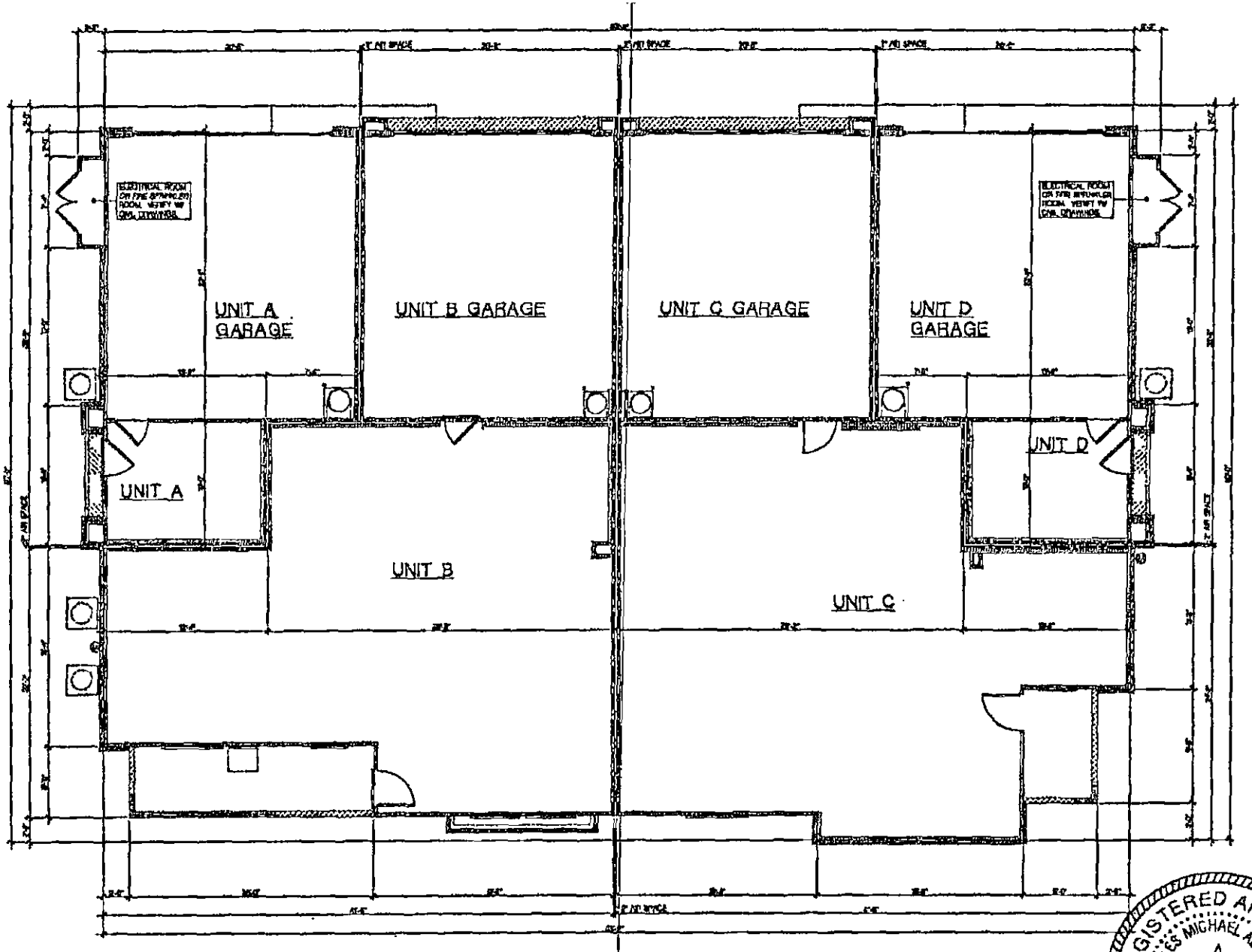
Date: 03/16/09	Checked By: JSL	Drawn By: HPE\RLW	

CERTIFICATION OF CONDOMINIUM PLANS

The condominium plans attached hereto contain the information required by Sections 82.052 and 82.059 of the Texas Uniform Condominium Act, as applicable.

Printed Name: Charles M. Addington
License No. 19,827





THE HEIGHTS AT AVIARA 2005-1258

COMPOSITE PLAN
FIRST FLOOR
SCALE 3/16" = 1'-0"
07/25/07

KTGY GROUP, INC.
ARCHITECTURE PLANNING
17922 MITCHELL SOUTH
IRVINE, CALIFORNIA 92614
(949) 851-2153 FAX (949) 419-0479
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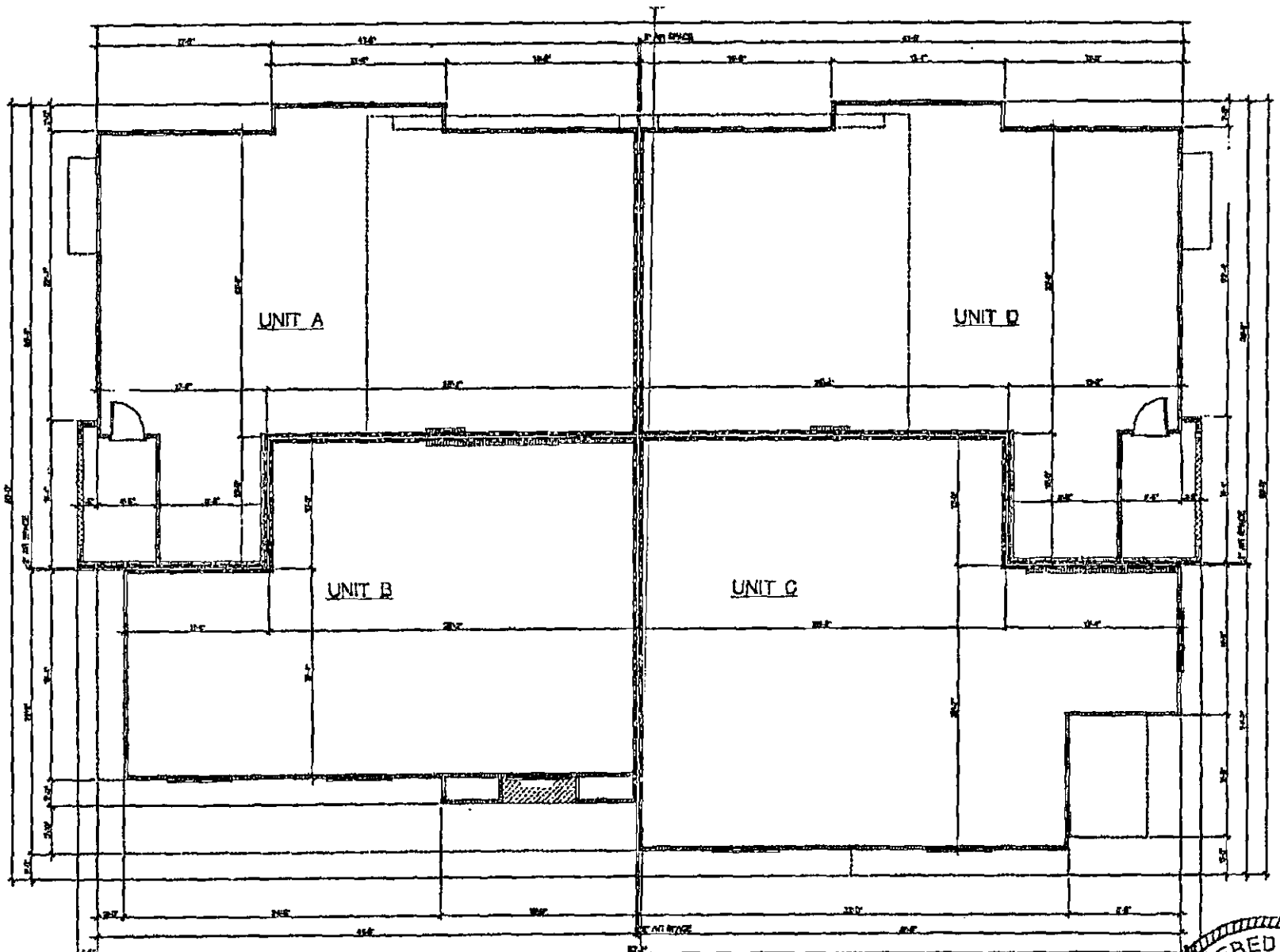
REGISTERED ARCHITECT
CHARLES MICHAEL ADDISON
19827
STATE OF TEXAS



THE HEIGHTS AT AVIARA 2005-1258

COMPOSITE PLAN
SECOND FLOOR
SCALE 3/16" = 1'-0"
07/25/07

KTGY GROUP, INC.
ARCHITECTURE PLANNING
17922 MITCHELL SOUTH
IRVINE, CALIFORNIA 92614
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CHARLES MICHAEL ADDISON
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STATE OF TEXAS

UNIT PLAN TYPES – ATTACHED UNITS

Unit No.	Plan Type*
A-1	A
B-1	B
C-1	C
D-1	D

* SEE CONDOMINIUM PLANS FOR PLAN TYPE. THERE ARE FOUR PLAN TYPES DESIGNATED AS I, II, II, AND IV.

EXHIBIT "B"
[ENCUMBRANCES]

1. Restrictive Covenant recorded in Volume 9955, Page 260 of the Real Property Records of Travis County, Texas and Document No. 2007042617, Official Public Records of Travis County, Texas.

2. Electric and telephone lines and systems easement granted to the City of Austin, by instrument dated April 9,1968, recorded in Volume 3489, Page 865 of the Deed Records of Travis County, Texas.

3. Access and waterline easement granted to the City of Austin, by instrument dated April 27,1995, recorded in Volume 12508, Page 1074 of the Real Property Records of Travis County, Texas.

4. The terms, conditions and stipulations set out in that certain Boundary Line Agreement dated June 5,1956, recorded in Volume 1706, Page(s) 495 of the Deed Records of Travis County, Texas.

5. The terms, conditions and stipulations set out in that certain Boundary Line Agreement dated February 6,1984, recorded in Volume 8451, Page 12 of the Deed Records of Travis County, Texas.

6. Public utility easement granted to the City of Austin, by instrument dated December 20, 2006, recorded under Document No. 2007001045 of the Official Public Records of Travis County, Texas.

7. Electric utility easement granted to the City of Austin, by instrument dated January 24, 2007, recorded under Document No. 2007017563 of the Official Public Records of Travis County, Texas.

8. The terms, conditions and stipulations set out in that certain instrument dated February 20, 2007, recorded under Document No. 2007042617 of the Official Public Records of Travis County, Texas.

9. The terms, conditions and stipulations set out in that certain System Installation and Service Agreement dated July 12, 2007, recorded under Document No. 2007153015 of the Official Public Records of Travis County, Texas.

10. Pipeline and right-of-way easement granted to Texas Gas Service Company, by instrument dated July 19, 2007, recorded under Document No. 2008003260 of the Official Public Records of Travis County, Texas.

EXHIBIT "C"

COMMON INTEREST ALLOCATION & BUILDING LCE ALLOCATION

COMMON INTEREST ALLOCATION

The Common Interest Allocation and percentage of liability for common expenses for each Unit is 1/7.

THE COMMON INTEREST ALLOCATION ASSIGNED TO A PARTICULAR UNIT WILL DECREASE IF ADDITIONAL UNITS ARE CREATED AND ADDED TO THE REGIME BY THE DECLARANT.

BUILDING LCE ALLOCATION

The Building LCE Allocation for each Attached Unit is 1/4.

THE BUILDING LCE ALLOCATION ASSIGNED TO A PARTICULAR UNIT WILL DECREASE IF ADDITIONAL UNITS ARE CREATED AND ADDED TO THE REGIME BY THE DECLARANT.

EXHIBIT "D"

GUIDE TO THE ASSOCIATION'S EXAMINATION OF COMMON ELEMENTS

This Guide provides information to assist the Board in conducting an annual examination of the Common Elements for the purpose maintaining replacement and repair reserves at a level that anticipates the scheduled replacement or major repair of components of the General Common Elements maintained by the Association. The examination is required pursuant *Section 9.2* of the Declaration, and is a necessary prerequisite in establishing sufficient reserves as required by *Section 6.14* of the Declaration. Additional information on conducting the examination may be obtained from the Community Associations Institute and their publication, *The National Reserve Study Standards of the Community Associations Institute.* See www.caionline.org. In addition, the Community Associations Institute provides certification for qualified preparers of reserve studies, known as a "Reserve Professionals Designation" (R.S.). Neither this Declaration nor current law requires that the Board engage an individual holding a Reserve Professional Designation for the purpose of conducting the annual examination of the Common Elements. Because laws and practices change over time, the Board should not use this Guide without taking into account applicable changes in law and practice.

Developing a Plan

In developing a plan, the age and condition of Common Elements maintained by the Association must be considered. The possibility that new types of material, equipment, or maintenance processes associated with the repair and/or maintenance of Common Elements should also be taken into account. The individual or company who prepares the examination calculates a suggested annual funding amount and, in doing so, may consider such factors as which components are included, estimated replacement costs of the components, useful lives of the components, inflation, and interest on reserve account balances or other earnings rates. Annual contributions to the replacement fund from annual assessments are based on this examination or reserve study. A reserve study generally includes the following:

- Identification and analysis of each major component of Common Elements maintained by the Association
- Estimates of the remaining useful lives of the components
- Estimates of the costs of replacements or repairs
- A cash flow projection showing anticipated changes in expenditures and contributions over a time period generally ranging between 20 and 30 years
- The "Funding Goal" which is generally one of the following:
    - Component Full Funding: Attaining, over a period of time, and maintaining, once the initial goal is achieved, a cumulative reserve account cash balance necessary to discharge anticipated expenditures at or near 100 percent; or

Threshold Funding: Maintaining the reserve account cash balance above a specified dollar or percent funded amount.

Note that Threshold Funding will increase the likelihood that special assessments will be required to fund major repairs and replacements. For example, one study has shown that a Threshold Funding goal of 40 to 50% results in an 11.2% chance that the Association will be unable to fund repairs and replacement projects in the next funding year. See "Measuring the Adequacy of Reserves", *Common Ground*, July/August 1997. The same study found that Component Full Funding reduces this likelihood to between .09 and 1.4%.

Finding Common Element Component Replacement Information

Common Element component replacement information may be obtained from contractors, suppliers, technical specialists (IT, cable, fiber optics, etc), a "Reserve Study" specialist or from using tables in technical manuals on useful lives of various components. As provided in *Section 9.2* of the Declaration, the Board must reevaluate its funding level each year based upon changes to the Common Elements as well as changes to replacement costs and component conditions. The specific components of Common Elements include, but are not limited to, roofing, electrical systems, plumbing, information technology equipment, floor coverings, air conditioning systems, heating and hot water equipment, roads, recreational facilities, and furniture and equipment owned or maintained by the Association. Components covered by maintenance contracts may be excluded if the contracts include maintenance and replacement of the components. The Board must also include within their overall budget a deferred maintenance account for those components requiring periodic maintenance which does not occur annually. Typically, the deferred maintenance account would include such components as painting, staining, and caulking.

EXHIBIT "E"
GUIDE TO ASSOCIATION'S MAJOR MANAGEMENT & GOVERNANCE FUNCTIONS

This Guide lists several of the major management and governance functions of a typical residential development with a mandatory owners association. The Association's Board of Directors may, from time to time, use this Guide to consider what functions, if any, to delegate to one or more managers, managing agents, employees, or volunteers. Because laws and practices change over time, the Association and/or the Board should not use this Guide without taking account of applicable changes in law and practices.

MAJOR MANAGEMENT & GOVERNANCE FUNCTIONS	Performed by Association officers or directors	Delegated to Association employee or agent
FINANCIAL MANAGEMENT		
To adopt annual budget and levy assessments, per Declaration.		
Prepare annual operating budget, periodic operating statements, and year-end statement.		
Identify components of the property the Association is required to maintain. Estimate remaining useful life of each component. Estimate costs and schedule of major repairs and replacements, and develop replacement reserve schedule. Annually update same.		
Collect assessments and maintain Association accounts.		
Pay Association's expenses and taxes.		
Obtain annual audit and income tax filing.		
Maintain fidelity bond on whoever handles Association funds.		
Report annually to members on financial status of Association.		

MAJOR MANAGEMENT & GOVERNANCE FUNCTIONS	Performed by Association officers or directors	Delegated to Association employee or agent
PHYSICAL MANAGEMENT		
Inspect, maintain, repair, and replace, as needed, all components of the property for which the Association has maintenance responsibility.		
Contract for services, as needed to operate or maintain the property.		
Prepare specifications and call for bids for major projects.		
Coordinate and supervise work on the property, as warranted.		
ADMINISTRATIVE MANAGEMENT		
Receive and respond to correspondence from owners, and assist in resolving owners' problems related to the Association.		
Conduct hearings with owners to resolve disputes or to enforce the governing documents.		
Obtain and supervise personnel and/or contracts needed to fulfill Association's functions.		
Schedule Association meetings and give owners timely notice of same.		
Schedule board meetings and give directors timely notice of same.		
Enforce the governing documents.		
Maintain insurance and bonds as required by the governing documents or state law, or as customary for similar types of property in the same geographic area.		
Maintain Association books, records, and files.		

MAJOR MANAGEMENT & GOVERNANCE FUNCTIONS	Performed by Association officers or directors	Delegated to Association employee or agent
Maintain Association's corporate charter and registered agent & address.		
<u>OVERALL FUNCTIONS</u> Promote harmonious relationships within the community. Protect and enhance property values in the community. Encourage compliance with governing documents and applicable laws and ordinances. Act as liaison between the community of owners and governmental, taxing, or regulatory bodies. Protect the Association and the property from loss and damage by lawsuit or otherwise.		

APPENDIX "A"

DECLARANT RESERVATIONS AND REPRESENTATIONS

A.1. General Provisions.

A.1.1. Introduction. Declarant intends the Declaration to be perpetual and understands that provisions pertaining to the initial development, construction, marketing, and control of the Property will become obsolete when Declarant's role is complete. As a courtesy to future users of the Declaration, who may be frustrated by then-obsolete terms, Declarant is compiling Declarant-related provisions in this Appendix.

A.1.2. General Reservation and Construction. Notwithstanding other provisions of the Documents to the contrary, nothing contained therein may be construed to, nor may any mortgagee, other Owner, or the Association, prevent or interfere with the rights contained in this Appendix which Declarant hereby reserves exclusively unto itself and its successors and assigns. In case of a conflict between this Appendix "A" and any other Document, this Appendix "A" controls. This Appendix may not be amended without the prior written consent of Declarant. The terms and provisions of this Appendix must be construed liberally to give effect to Declarant's intent to protect Declarant's interests in the Property.

A.1.3. Purpose of Development and Declarant Control Periods. This Appendix gives Declarant certain rights during the Development Period and Declarant Control Period to ensure a complete and orderly sellout of the Property, which is ultimately for the benefit and protection of Owners and mortgagees. The "**Development Period**", as specifically defined in the *Section 1.17* of the Declaration, means the fifteen (15) year period beginning on the date this Declaration is recorded, unless such period is earlier terminated by Declarant's recordation of a notice of termination. Declarant Control Period is defined in *Section 1.15* of the Declaration. Declarant may not use its control of the Association and the Property for an advantage over the Owners by way of retention of any residual rights or interests in the Association or through the creation of any contractual agreements which the Association may not terminate without cause with ninety (90) days' written notice.

A.2. Declarant Control Period Reservations. For the benefit and protection of Owners and mortgagees, and for the purpose of ensuring a complete and orderly build-out and sellout of the Property, Declarant will retain control of the Association, subject to the following:

A.2.1. Association Budget. During the Declarant Control Period, the Declarant-appointed Board will establish a projected budget for the Property as a fully developed, fully constructed, and fully occupied residential community with a level of services and

maintenance that is typical for similar types of developments in the general area of the Property, using cost estimates that are current for the period in which the budget is prepared. The Association budget may not include enhancements voluntarily provided by Declarant to facilitate the marketing of new homes in the Property.

A.2.2. Officers and Directors. During Declarant Control Period, the Board may consist of three (3) persons. Declarant may appoint, remove, and replace any officer or director of the Association, none of whom need be members or owners, and each of whom is indemnified by the Association as a "Leader," subject to the following limitation: within one hundred and twenty (120) days after 50 percent of the maximum number of Units that may be created have been conveyed to Owners other than Declarant, at least one-third of the Board must be elected by Owners other than Declarant.

A.2.3. Obligation for Assessments. For each Unit owned by Declarant, Declarant is liable for Special Assessments, Utility Assessments, Individual Assessments, and Deficiency Assessments in the same manner as any Owner. Regarding Regular Assessments, during the Declarant Control Period only, Declarant at Declarant's option may support the Association's budget by either of the following methods: (i) Declarant will pay Regular Assessments on each Declarant owned Unit in the same manner as any Owner; or (ii) Declarant will assume responsibility for the difference between the Association's actual common expenses as they are paid and the Regular Assessments received from Owners other than Declarant, and will provide any additional funds necessary to pay actual cash outlays of the Association. On the earlier to occur of three (3) years after the first conveyance of a Unit by the Declarant or termination of the Declarant Control Period, Declarant must begin paying Assessments on each Declarant owned Unit according to the Unit's allocated Interest for Assessments.

A.2.4. Obligation for Reserves. During the Declarant Control Period, neither the Association nor Declarant may use the Association working capital or reserve funds to pay operational expenses of the Association.

A.2.5. Enhancements. During the Declarant Control and Development Periods, Declarant – solely at Declarant's discretion – may voluntarily provide enhancements for the Property, such as higher levels of maintenance, management, insurance, and seasonal color in landscaping. Such enhancements are not included in the Association's annual operating budget or, alternatively, if included are identified as Declarant enhancements.

A.2.6. Expenses of Declarant. Expenses related to the completion and marketing of the Property will be paid by Declarant and are not expenses of the Association.

A.2.7. Management Contract. If Declarant enters into a professional management contract on behalf of the Association during Declarant Control Period, the Association has the right to terminate the contract without cause or penalty, but with at least 30 days written notice to the manager, at any time after a Board elected by the Owners other than Declarant takes office.

A.2.8. Common Elements. At or prior to termination of Declarant Control Period, if title or ownership to any Common Element is capable of being transferred, Declarant will convey title or ownership to the Association. At the time of conveyance, the Common Element will be free of encumbrance except for the property taxes, if any, accruing for the year of conveyance. Declarant's conveyance of title or ownership is a ministerial task that does not require and is not subject to acceptance by the Association or the Owners.

A.3. Development Period Rights. Declarant makes the following representations and reservations regarding Declarant's development of the Property:

A.3.1. Annexation. The Property is subject to expansion by phasing for up to fifteen (15) years from the date this Declaration is recorded. During the Development Period, Declarant may annex additional property into the Regime, and subject such property to this Declaration and the jurisdiction of the Association by recording an amendment or supplement of this Declaration, executed by Declarant, in the Official Public Records of Travis County, Texas.

A.3.2. Creation of Units. When created, the Property contains of four (4) Attached Units and three (3) Stand-Alone Units; however, Declarant reserves the right to create up to and including one hundred and fifty (150) Units upon full buildout of all phases of the project which may include land added by the Declarant in accordance with *Section* 2.2 of the Declaration. Declarant's right to create Units is for a term of years and does not require that Declarant own a Unit in the Property at the time or times Declarant exercises its right of creation. The instrument creating additional units must include a revised schedule of allocated interests.

A.3.3. Changes in Development Plan. During the Development Period, Declarant may modify the initial development plan to respond to perceived or actual changes and opportunities in the marketplace. Modifications may include, without limitation, the subdivision or combination of Units, changes in the sizes, styles, configurations, materials, and appearances of Units, and Common Elements. Declarant also expressly reserves the right to modify and convert an Attached Unit into a Stand-Alone Unit provided Declarant owns all Attached Units in a single Building. **It is anticipated that Declarant will convert Building 22 and 24, which includes Units 22A, 22B, 22C, 22D, 24A, 24B, 24C, and 24D into one or more Stand-Alone Units and/or Common Elements.**

A.3.4. Architectural Control. During the Development Period, Declarant has the absolute right of architectural control. Notwithstanding the foregoing, during the Development Period and after termination of Declarant Control, or earlier if Declarant permits, the Board may appoint or serve as a "modifications committee" to respond exclusively to modifications of completed Units that are owned by persons other than Declarant. A modifications committee may not involve itself with the approval of new Units or Common Elements.

A.3.5. Transfer Fees. During the Development Period, Declarant will not pay transfer-related and resale certificate fees.

A.3.6. Website & Property Name. During the Development Period, Declarant has the unilateral right to approve or disapprove uses of any website purporting to serve the Property or the Association, all information available on or through the Property website, if any, and all uses of the property name by the Association.

A.3.7. Fines and Penalties. During the Development Period, neither Declarant nor Units owned by Declarant are liable to the Association for late fees, fines, administrative charges, or any other charge that may be considered a penalty.

A.3.8. Statutory Development Rights. As permitted by the Act, Declarant reserves the following Development Rights which may be exercised during the Development Period: (i) to add real property to the Property; (ii) to create and modify Units, General Common Elements, and Limited Common Elements within the Property, including the reallocation of portions of the Property currently designated a General Common Element to be a Limited Common Element for the exclusive use and benefit of one or more Owners; (iii) to subdivide Units, convert Units into Common Elements, or convert Attached Units into Stand-Alone Units and Common Elements; and (iv) to withdraw from the Property any portion of the real property marked on the Plat and Plans as "Development Rights Reserved" or "Subject to Development Rights," provided that no Unit in the portion to be withdrawn has been conveyed to an Owner other than Declarant.

A.3.9. Development Rights Reserved. Regarding portions of the real property shown on the Plat and Plans as "Development Rights Reserved" or "Subject to Development Rights," if any, Declarant makes no assurances as to whether Declarant will exercise its Development Rights, the order in which portions will be developed, or whether all portions will be developed. The exercise of Development Rights as to some portions will not obligate Declarant to exercise them as to other portions.

A.3.10. Amendment. During the Development Period, Declarant may amend this Declaration and the other Documents, without consent of other Owners or any mortgagee, for the following limited purposes:

(i) To meet the requirements, standards, or recommended guidelines of an Underwriting Lender to enable an institutional or governmental lender to make or purchase mortgage loans on the Units.

(ii) To correct any defects in the execution of this Declaration or the other Documents.

(iii) To add real property to the Property, in the exercise of statutory Development Rights.

(iv) To create Units, General Common Elements, and Limited Common Elements within the Property, in the exercise of statutory Development Rights.

(v) To subdivide, combine, or reconfigure Units, convert Units into Common Elements, or convert Attached Units into Stand-Alone Units and Common Elements, in the exercise of statutory Development Rights.

(vi) To withdraw from the Property any portion of the real property marked on the Plat and Plans as "Development Rights Reserved" or 'Subject to Development Rights" in the exercise of statutory Development Rights.

(vii) To resolve conflicts, clarify ambiguities, and to correct misstatements, errors, or omissions in the Documents.

(viii) To change the name or entity of Declarant.

(ix) For any other purpose, provided the amendment has no material adverse effect on any right of any owner.

A.4. <u>Special Declarant Rights</u>. As permitted by the Act, Declarant reserves the below described Special Declarant Rights, to the maximum extent permitted by law, which may be exercised, where applicable, anywhere within the Property during the Development Period. Unless terminated earlier by an amendment to this Declaration executed by Declarant, any Special Declarant Right may be exercised by Declarant so long as Declarant holds a Development Right to create additional Units or Common Elements or Declarant owns a Unit, whichever ceases last. Earlier termination of certain rights may occur by statute.

(i) The right to complete or make Improvements indicated on the Plat and Plans.

(ii) The right to exercise any Development Right permitted by the Act and this Declaration.

(iii) The right to make the Property part of a larger condominium or planned community.

(iv) The right to use Units owned or leased by Declarant as models, storage areas, and offices for the marketing, management, maintenance, customer service, construction, and leasing of the Property.

(v) For purposes of promoting, identifying, and marketing the Property, Declarant reserves an easement and right to place or install signs, banners, flags, display lighting, potted plants, exterior decorative items, seasonal decorations, temporary window treatments, and seasonal landscaping on the Property, including items and locations that are prohibited to other Owners and Residents. Declarant reserves an easement and right to maintain, relocate, replace, or remove the same from time to time within the Property. Declarant also reserves the right to sponsor marketing events – such as open houses, MLS tours, and broker's parties – at the Property to promote the sale of Units.

(vi) Declarant has an easement and right of ingress and egress in and through the Common Elements and Units owned or leased by Declarant for purposes of constructing, maintaining, managing, and marketing the Property, and for discharging Declarant's obligations under the Act and this Declaration.

(vii) The right to appoint or remove any Declarant-appointed officer or director of the Association during Declarant Control Period consistent with the Act.

A.5. Additional Easements and Rights. Declarant reserves the following easements and rights, exercisable at Declarant's sole discretion, for the duration of the Development Period:

(i) An easement and right to erect, construct, and maintain on and in the Common Elements and Units owned or leased by Declarant whatever Declarant determines to be necessary or advisable in connection with the construction, completion, management, maintenance, and marketing of the Property.

(ii) The right to sell or lease any Unit owned by Declarant. Units owned by Declarant are not subject to leasing or occupancy restrictions or prohibitions contained elsewhere in this Declaration or the other Documents.

(iii) The right of entry and access to all Units to perform warranty-related work, if any, for the benefit of the Unit being entered, adjoining Units, or Common Elements. Requests for entry must be made in advance for a time reasonably convenient for the Owner who may not unreasonably withhold consent.

(iv) An easement and right to make structural changes and alterations on Common Elements and Units used by Declarant as models and offices, as may be necessary to adapt them to the uses permitted herein. Declarant, at Declarant's sole expense, will restore altered Common Elements and Units to conform to the architectural standards of the Property. The restoration will be done within one hundred and twenty (120) days after termination of the Development Period.

(v) An easement over the entire Property, including the Units, to inspect the Common Elements and all Improvements thereon and related thereto to evaluate the maintenance and condition of the Common Element Improvements.

(vi) The right to provide a reasonable means of access for the home-buying public through the gated entrance in connection with the active marketing of Units by Declarant, including the right to require that the gates be kept open during certain hours or on certain days.

A.6. Marketing Other Locations. This Declaration grants to Declarant a number of significant rights to market the Property. Declarant hereby reserves for itself and its affiliates the right to use each and every such right and privilege for the additional purposes of promoting, identifying, and marketing off-site developments of Declarant or its affiliates for the duration of the Development Period, even though Declarant may have completed the marketing of Units in the Property. Additionally, Declarant – at Declarant's sole option and discretion – may extend the effect of this Section for up to twelve (12) months after the end of the Development Period by paying the Association $1,000.

A.7. Common Elements. Because the Common Elements are owned by the owners, collectively and in undivided interest, the Common Elements are not capable of being separately conveyed. The transfer of control of the Association at the end of the Declarant Control Period is not a transfer of the ownership of the Common Elements. Because ownership of the Common Elements is not conveyed by Declarant to the Association, there is no basis for the popular misconception that Owners may "accept" or "refuse" the Common Elements.

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

2009 May 04 12:37 PM 2009071585

FERGUSONLL $536.00

DANA DEBEAUVOIR COUNTY CLERK

TRAVIS COUNTY TEXAS

Recorders Memorandum-At the time of recordation this instrument was found to be inadequate for the best reproduction, because of illegibility, carbon or photocopy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.

AVIARA CONDOMINIUMS
CONDOMINIUM INFORMATION STATEMENT

ATTACHMENT "2"

COMMUNITY MANUAL

AFTER RECORDING RETURN TO:

ROBERT D. BURTON, ESQ.
ARMBRUST & BROWN, L.L.P.
100 CONGRESS AVE., SUITE 1300
AUSTIN, TEXAS 78701

OTHER 2007151586
41 PGS

AVIARA

COMMUNITY MANUAL

Consisting of:
Bylaws
Initial Rules & Regulations
Assessment Collection Policy
Fining Policy
Mold Policy
Certification & Acknowledgement

For Owners & Residents of
Aviara Condominiums
7308 Old Bee Caves Road, Austin, Texas 78735

PROPERTY

Aviara Condominiums is located at 7308 Old Bee Caves Road, Austin, Texas 78735 and is subject to the Declaration of Condominium Regime for Aviara Condominiums, recorded or to be recorded in the Official Public Records of Travis County, Texas.

258184-4 07/31/2007

AFTER RECORDING RETURN TO:

ROBERT D. BURTON, ESQ.
ARMBRUST & BROWN, L.L.P.
100 CONGRESS AVE., SUITE 1300
AUSTIN, TEXAS 78701

OTHER 2007151586
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AVIARA

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258184-4 07/31/2007

AVIARA CONDOMINIUMS
COMMUNITY MANUAL

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I. AVIARA CONDOMINIUM COMMUNITY, INC.
BYLAWS
(a Texas condominium association)

ARTICLE 1
INTRODUCTION

1.1. Property. These Bylaws of Aviara Condominium Community, Inc., provide for the governance of the condominium regime known as Aviara Condominiums, established on certain real property located in Travis County, Texas (the "Property"), as more particularly described in that certain Declaration of Condominium Regime For Aviara Condominiums, recorded or to be recorded in the Official Public Records of Travis County, Texas (the "Declaration").

1.2. Parties to Bylaws. All present or future Owners of Units and all other persons who use or occupy the Property in any manner are subject to these Bylaws, the Declaration, and the other Documents as defined in the Declaration. The mere acquisition or occupancy of a Unit will signify that these Bylaws are accepted, ratified, and will be strictly followed.

1.3. Definitions. Words and phrases defined in the Declaration have the same meanings when used in these Bylaws. Article 1 of the Declaration is incorporated herein by reference.

1.4. Nonprofit Purpose. The Association is organized to be a nonprofit corporation.

1.5. Declarant Control. **Notwithstanding anything to the contrary in these Bylaws, a number of provisions are modified by the Declarant's reservations in Appendix "A" of the Declaration during the Declarant Control Period and the Development Period, as defined in the Declaration, including the number, qualification, appointment, removal, and replacement of directors.**

1.6. General Powers and Duties. The Association, acting through the Board, has the powers and duties necessary for the administration of the affairs of the Association and for the operation and maintenance of the Property as may be required or permitted by the Documents and Texas law. The Association may do any and all things that are lawful and which are necessary, proper, or desirable in operating for the best interests of its Members, subject only to the limitations upon the exercise of such powers as are expressly set forth in the Documents.

ARTICLE 2
BOARD OF DIRECTORS

During the Declarant Control Period, Appendix "A" of the Declaration governs the number, qualification, and appointment of directors. The initial directors will be appointed by Declarant and need not be Owners. Directors appointed by Declarant may not be removed

by the Owners and may be removed by Declarant only. Declarant has the right to fill vacancies in any directorship vacated by a Declarant appointee.

2.1. Number and Term of Office. The Board will consist of three (3) persons. One director will be elected for a three (3) year term, one director will be elected for a two (2) year term, and one director will be elected for a one (1) year term. A director takes office upon the adjournment of the meeting or balloting at which he is elected or appointed and, absent death, ineligibility, resignation, or removal, will hold office until his successor is elected or appointed. The number of directors may be changed by amendment of these Bylaws, but may not be less than three (3).

2.2. Qualification. The following qualifications apply to the election or appointment of persons to the Board.

2.2.1. Owners. At least a Majority of the directors must be Members of the Association or spouses of Members.

2.2.2. Entity Member. If a Unit is owned by a legal entity, such as a partnership or corporation, any officer, partner, agent, or employee of that entity Member is eligible to serve as a director and is deemed to be a Member for the purposes of this Section. If the relationship between the entity Member and the director representing it terminates, that directorship will be deemed vacant.

2.2.3. Delinquency. No person may be elected or appointed as a director if any assessment or fine against the person or his Unit is delinquent at the time of election or appointment, provided he has been given notice of the delinquency and a reasonable opportunity to cure the delinquency.

2.2.4. Litigation. No person may be elected or appointed as a director if the person is a party adverse to the Association or the Board in pending litigation to which the Association or the Board is a party.

2.3. Election. Directors will be elected by the Members of the Association. The election of directors will be conducted at the annual meeting of the Association, at any special meeting called for that purpose, or by mail, facsimile transmission, electronic mail, or a combination of any of these.

2.4. Vacancies. Vacancies on the Board caused by any reason, except the removal of a director by a vote of the Association, are filled by a vote of the Majority of the remaining directors, even though less than a quorum, at any meeting of the Board. Each director so elected serves until the next meeting of the Association, at which time a successor will be elected to fill the remainder of the term.

2.5. Removal of Directors.

2.5.1. Removal by Members. At any annual meeting or special meeting of the Association, any one or more of the directors may be removed with or without cause by Members representing at least two-thirds of the votes present in person or by proxy at the meeting, and a successor may then and there be elected to fill the vacancy thus created. Any director whose removal has been proposed by the Members must be given an opportunity to be heard at the meeting.

2.5.2. Removal by Directors. A director may not be removed by the officers or by the remaining directors, except for the following limited reasons for which a director may be removed by at least a Majority of the other directors at a meeting of the Board called for that purpose:

i. The director is a party adverse to the Association or the Board in pending litigation to which the Association or the Board is a party; provided the Association did not file suit to effect removal of the director.

ii. The director's account with the Association has been delinquent for at least ninety (90) days or has been delinquent at least three (3) times during the preceding twelve (12) months; provided he was given notice of the default and a reasonable opportunity to cure.

iii. The director has refused or failed to attend three (3) or more meetings of the Board during the preceding twelve (12) months; provided he was given proper notice of the meetings.

iv. The director has refused or failed to cure a violation of the Documents for which he has been given notice, a reasonable opportunity to cure, and an opportunity to request a hearing before the Board.

2.6. Meetings of the Board.

2.6.1. Organizational Meeting of the Board. Within ten (10) days after the annual meeting, the directors will convene an organizational meeting for the purpose of electing officers. The time and place of the meeting will be fixed by the Board and announced to the directors.

2.6.2. Regular Meetings of the Board. Regular meetings of the Board may be held at a time and place that the Board determines, from time to time, but at least one (1) such meeting must be held each calendar quarter. Notice of regular meetings of the Board will be given to each director, personally or by telephone, written, or electronic communication, at least three (3) days prior to the date of the meeting.

2.6.3. Special Meetings of the Board. Special meetings of the Board may be called by the president or, if he is absent or refuses to act, by the secretary, or by any two (2) directors. At least three (3) days notice will be given to each director, personally or by telephone, written, or electronic communication, which notice must state the place, time, and purpose of the meeting.

2.6.4. Emergency Meetings. In case of emergency, the Board may convene a meeting after making a diligent attempt to notify each director by any practical method.

2.6.5. Conduct of Meetings. The president presides over meetings of the Board and the secretary keeps, or causes to be kept, a record of resolutions adopted by the Board and a record of transactions and proceedings occurring at meetings. When not in conflict with law or the Documents, the then current edition of Robert's Rules of Order governs the conduct of the meetings of the Board.

2.6.6. Quorum. At meetings of the Board, a Majority of directors constitutes a quorum for the transaction of business, and the acts of the Majority of the directors present at a meeting at which a quorum is present are the acts of the Board. If less than a quorum is present at a meeting of the Board, the Majority of those present may adjourn the meeting from time to time. At any reconvened meeting at which a quorum is present, any business that may have been transacted at the meeting as originally called may be transacted without further notice. Directors may not participate by proxy at meetings of the Board.

2.6.7. Open Meetings. Regular and special meetings of the Board are open to Members of the Association, subject to the following provisions to the extent permitted or required by the Act:

i. No audio or video recording of the meeting may be made, except by the Board or with the Board's prior express consent.

ii. Members who are not directors may not participate in Board deliberations under any circumstances, and may not participate in Board discussions unless the Board expressly so authorizes at the meeting.

iii. The Board may adjourn any meeting and reconvene in executive session to discuss and vote on personnel matters, litigation in which the Association is or may become involved, and orders of business of a similar or sensitive nature. The nature of business to be considered in executive session will first be announced in open session.

iv. The Board may prohibit attendance by non-Members, including representatives, proxies, agents, and attorneys of Members.

v. The Board may prohibit attendance by any Member who disrupts meetings or interferes with the conduct of Board business.

vi. The Board may but is not required to publish to Members the time, date, and place of Board meetings, but will provide the information if requested in writing by a Member on a meeting by meeting basis.

2.6.8. Telephone Meetings. Members of the Board or any committee of the Association may participate in and hold meetings of the Board or committee by means of conference telephone or similar communications equipment by means of which all persons participating in the meeting can hear each other. Participation in such meeting constitutes presence in person at the meeting, except where a person participates in the meeting for the express purpose of objecting to the transaction of any business on the ground that the meeting is not lawfully called or convened.

2.6.9. Action without a Meeting. Any action required or permitted to be taken by the Board at a meeting may be taken without a meeting, if all directors individually or collectively consent in writing to such action. The written consent must be filed with the minutes of Board meetings. Action by written consent has the same force and effect as a unanimous vote. This Section does not apply to actions that require meetings under the Act.

2.7. **Liabilities and Standard of Care**. In performing their duties, the directors are required to exercise certain standards of care and are subject to certain liabilities, including but not limited to the following provisions of State law: Section 82.103(a) and (f) of the Act, and Sections 3.102, 3.105, 22.221, 22.223, 22.224, 22.225, 22.226, 22.227 and 22.230 of the Texas Business Organizations Code.

2.8. **Powers and Duties**. The Board has all the powers and duties necessary for the administration of the Association and for the operation and maintenance of the Property. The Board may do all acts and things except those which, by law or the Documents, are reserved to the Members and may not be delegated to the Board. Without prejudice to the general and specific powers and duties set forth in laws or the Documents, or powers and duties as may hereafter be imposed on the Board by resolution of the Association, the powers and duties of the Board include, but are not limited to, the following:

2.8.1. Appointment of Committees. The Board, by resolution, may from time to time designate standing or ad hoc committees to advise or assist the Board with its responsibilities. The resolution may establish the purposes and powers of the committee created, provide for the appointment of a chair and committee Members, and may provide for reports, termination, and other administrative matters deemed appropriate by the Board. Members of committees will be appointed from among the Owners and residents.

2.8.2. Manager. The Board may employ a manager or managing agent for the Association, at a compensation established by the Board, to perform duties and services authorized by the Board.

2.9. **Fidelity Bonds**. Any person handling or responsible for Association funds, including officers, agents, and employees of the Association, must furnish adequate fidelity bonds. The premiums on the bonds may be a common expense of the Association.

ARTICLE 3
OFFICERS

3.1. **Designation**. The principal officers of the Association are the president, the secretary, and the treasurer. The Board may appoint one (1) or more vice-presidents and other officers and assistant officers as it deems necessary. The president and secretary must be directors. Other officers may, but need not, be Members or directors. Any two (2) offices may be held by the same person, except the offices of president and secretary. If an officer is absent or unable to act, the Board may appoint a director to perform the duties of that officer and to act in place of that officer, on an interim basis.

3.2. **Election of Officers**. The officers are elected no less than annually by the directors at the organizational meeting of the Board and hold office at the pleasure of the Board. Except for resignation or removal, officers hold office until their respective successors have been designated by the Board.

3.3. **Removal and Resignation of Officers**. A Majority of directors may remove any officer, with or without cause, at any regular meeting of the Board or at any special meeting of the Board called for that purpose. A successor may be elected at any regular or special meeting of the Board called for that purpose. An officer may resign at any time by giving written notice to the Board. Unless the notice of resignation states otherwise, it is effective when received by the Board and does not require acceptance by the Board. The resignation or removal of an officer who is also a director does not constitute resignation or removal from the Board.

3.4. **Standard of Care**. In performing their duties, the officers are required to exercise the standards of care provided by Section 82.103(a) and (f) of the Act and by Section 3.105 of the Texas Business Organizations Code.

3.5. **Description of Principal Offices**.

3.5.1. President. As the chief executive officer of the Association, the president: (i) presides at all meetings of the Association and of the Board; (ii) has all the general powers and duties which are usually vested in the office of president of a corporation organized under the laws of the State of Texas; (iii) has general supervision, direction, and control of the business of the Association, subject to the control of the Board; and (iv) sees that all orders and resolutions of the Board are carried into effect.

3.5.2. Secretary. The secretary: (i) keeps the minutes of all meetings of the Board and of the Association; (ii) has charge of such books, papers, and records as the Board may direct; (iii) maintains a record of the names and addresses of the Members for the mailing of notices; and (iv) in general, performs all duties incident to the office of secretary.

3.5.3. Treasurer. The treasurer: (i) is responsible for Association funds; (ii) keeps full and accurate financial records and books of account showing all receipts and disbursements; (iii) prepares all required financial data and tax returns; (iv) deposits all monies or other valuable effects in the name of the Association in depositories as may from time to time be designated by the Board; (v) prepares the annual and supplemental budgets of the Association; (vi) reviews the accounts of the managing agent on a monthly basis in the event a managing agent is responsible for collecting and disbursing Association funds; and (vii) performs all the duties incident to the office of treasurer.

3.6. Authorized Agents. Except when the Documents require execution of certain instruments by certain individuals, the Board may authorize any person to execute instruments on behalf of the Association. In the absence of Board designation, the president and the secretary are the only persons authorized to execute instruments on behalf of the Association.

ARTICLE 4
MEETINGS OF THE ASSOCIATION

4.1. Annual Meeting. An annual meeting of the Association will be held once during each 12 month period on a date and at a time determined by the Board. At each annual meeting the Members will elect directors in accordance with these Bylaws. The Members may also transact such other business of the Association as may properly come before them.

4.2. Special Meetings. It is the duty of the president to call a special meeting of the Association if directed to do so by a Majority of the Board or by a petition signed by Owners of at least twenty percent (20%) of the Units. The meeting must be held within thirty (30) days after the Board resolution or receipt of petition. The notice of any special meeting must state the time, place, and purpose of the meeting. No business, except the purpose stated in the notice of the meeting, may be transacted at a special meeting.

4.3. Place of Meetings. Meetings of the Association may be held at the Property or at a suitable place convenient to the Members, as determined by the Board.

4.4. Notice of Meetings. At the direction of the Board, written notice of meetings of the Association will be given to an Owner of each Unit at least ten (10) days but not more than sixty (60) days prior to the meeting. Notices of meetings will state the date, time, and place the meeting is to be held. Notices will identify the type of meeting as annual or special, and will state the particular purpose of a special meeting. Notices may also set forth any other items of information deemed appropriate by the Board.

4.5. Ineligibility. The Board may determine that no Member may vote at meetings of the Association if the Member's financial account with the Association is in arrears forty-five (45) days before the date of a meeting of the Association at which Members will vote, provided each ineligible Member is given notice of the arrearage and an opportunity to become eligible. The Board may specify the manner, place, and time for payment for purposes of restoring eligibility. A determination of Members entitled to vote at a meeting of the Association is effective for any adjournment of the meeting, provided the date of the adjourned meeting is not more than forty-five (45) days after the original meeting.

4.6. Voting Members List. The Board will prepare and make available a list of the Association's voting Members in accordance with Section 22.158(b) of the Texas Business Organizations Code.

4.7. Quorum. At any meeting of the Association, the presence in person or by proxy of Members representing at least twenty percent (20%) of the Units in the Property constitutes a quorum. Members present at a meeting at which a quorum is present may continue to transact business until adjournment, provided that Members representing at least twenty percent (20%) of the Units in the Property remain in attendance, and provided that any action taken is approved by at least a majority of the votes required to constitute a quorum.

4.8. Lack of Quorum. If a quorum is not present at any meeting of the Association for which proper notice was given, Members representing at least a Majority of the votes present at the meeting, although not constituting a quorum, may vote to recess the meeting for not more than twenty-four (24) hours in order to attain a quorum, provided the place of the meeting remains as stated in the notice. If the meeting is adjourned without attainment of a quorum, notice of a new meeting for the same purposes within fifteen (15) to thirty (30) days may be given to an Owner of each Unit, at which meeting the Members present in person or by proxy (even if representing less than twenty percent (20%) of the Units) will be sufficient to constitute a quorum for the purposes of that meeting.

4.9. Votes. The vote of Members representing at least a Majority of the votes cast at any meeting at which a quorum is present binds all Members for all purposes, except when a higher percentage is required by these Bylaws, the Declaration, or by law. Cumulative voting is prohibited.

4.9.1. Co-Owned Units. If a Unit is owned by more than one Member, the vote appurtenant to that Unit is cast in accordance with Section 82.110(a) of Act, which is summarized as follows. If only one of the multiple Owners of a Unit is present at a meeting of the Association, that person may cast the vote allocated to that Unit. If more than one of the multiple Owners is present, the vote allocated to that Unit may be cast only in accordance with the Owners' unanimous agreement. Multiple Owners are in unanimous agreement if one of the multiple Owners casts the vote allocated to a Unit and none of the other Owners makes prompt protest to the person presiding over the meeting.

4.9.2. Corporation-Owned Units. If a Unit is owned by a corporation, the vote appurtenant to that Unit may be cast by any officer of the corporation in the absence of the corporation's written appointment of a specific person to exercise its vote. The vote of a partnership may be cast by any general partner in the absence of the partners' written appointment of a specific person. The person presiding over a meeting or vote may require reasonable evidence that a person voting on behalf of a corporation or partnership is qualified to vote.

4.9.3. Association-Owned Units. Votes allocated to a Unit owned by the Association may be counted towards a quorum and for all ballots and votes except the election or removal of directors. The vote appurtenant to a Unit owned by the Association is exercised by the Board.

4.10. **Proxies**. Votes may be cast in person or by written proxy. To be valid, each proxy must: (i) be signed and dated by a Member or his attorney-in-fact; (ii) identify the Unit to which the vote is appurtenant; (iii) name the person or title (such as "presiding officer") in favor of whom the proxy is granted, such person having agreed to exercise the proxy; (iv) identify the meeting for which the proxy is given; (v) not purport to be revocable without notice; and (vi) be delivered to the secretary, to the person presiding over the Association meeting for which the proxy is designated, or to a person or company designated by the Board. Unless the proxy specifies a shorter or longer time, it terminates eleven (11) months after the date of its execution. Perpetual or self-renewing proxies are permitted, provided they are revocable. To revoke a proxy, the granting Member must give actual notice of revocation to the person presiding over the Association meeting for which the proxy is designated. Unless revoked, any proxy designated for a meeting which is adjourned, recessed, or rescheduled is valid when the meeting reconvenes. A proxy may be delivered by fax. However, a proxy received by fax may not be counted to make or break a tie-vote unless: (a) the proxy has been acknowledged or sworn to by the Member, before and certified by an officer authorized to take acknowledgments and oaths; or (b) the Association also receives the original proxy within five (5) days after the vote.

4.11. **Conduct of Meetings**. The president, or any person designated by the Board, presides over meetings of the Association. The secretary keeps, or causes to be kept, the minutes of the meeting which should record all resolutions adopted and all transactions occurring at the meeting, as well as a record of any votes taken at the meeting. The person presiding over the meeting may appoint a parliamentarian. The then current edition of Robert's Rules of Order governs the conduct of meetings of the Association when not in conflict with the Documents. Votes should be tallied by Members appointed by the person presiding over the meeting.

4.12. Order Of Business. Unless the notice of meeting states otherwise, or the assembly adopts a different agenda at the meeting, the order of business at meetings of the Association is as follows:

- Determine votes present by roll call or check-in procedure
- Announcement of quorum
- Proof of notice of meeting
- Approval of minutes of preceding meeting
- Reports of Officers (if any)
- Election of directors (when required)
- Unfinished or old business
- New business

4.13. Adjournment of Meeting. At any meeting of the Association, a Majority of the Members present at that meeting, either in person or by proxy, may adjourn the meeting to another time and place.

4.14. Action without Meeting. Subject to Board approval, any action which may be taken by a vote of the Members at a meeting of the Association may also be taken without a meeting by written consents. The Board may permit Members to vote by any method allowed by Section 22.160(b)(c) and (d) of the Texas Business Organizations Code, which may include hand delivery, mail, fax, email, or any combination of these. Written consents by Members representing at least a Majority of votes in the Association, or such higher percentage as may be required by the Documents, constitutes approval by written consent. This Section may not be used to avoid the requirement of an annual meeting and does not apply to the election of directors.

4.15. Telephone Meetings. Members of the Association may participate in and hold meetings of the Association by means of conference telephone or similar communications equipment by means of which all persons participating in the meeting can hear each other. Participation in the meeting constitutes presence in person at the meeting, except where a person participates in the meeting for the express purpose of objecting to the transaction of any business on the ground that the meeting is not lawfully called or convened.

ARTICLE 5
RULES

5.1. Rules. The Declarant has adopted initial rules and regulations for: (i) the administration of the Association and the Documents; (ii) the maintenance, management, operation, use, conservation, and beautification of the Property; and (iii) the health, comfort, and general welfare of the residents; provided, however, that such rules may not be in conflict with law or the Documents. The Board will, at all times, maintain the then current and complete rules in a written form which can be copied and distributed to the Members. The Board has the right to amend, from time to time, the rules and regulations; provided, however, that until the expiration or termination of the Development Period, all amendments to the rules and regulations must be approved in advance and in writing by Declarant.

5.2. Adoption and Amendment. Any rule may be adopted, amended, or terminated by the Board, provided that the rule and the requisite Board (and Declarant, if applicable) approval are properly recorded as a resolution in the minutes of the meeting of the Board.

5.3. Distribution. On request from any Member or resident, the Board will provide a current and complete copy of rules. Additionally, the Board will, from time to time, distribute copies of the current and complete rules to Owners and, if the Board so chooses, to non-Member residents.

ARTICLE 6
ENFORCEMENT

6.1. Remedies. The violation of any provision of the Documents gives the Board the following rights, in addition to any other rights set forth in the Documents:

6.1.1. Fines. To impose reasonable fines, if notice and an opportunity to be heard are given.

6.1.2. Self-Help. After notice and an opportunity to be heard are given, except in case of an emergency, to enter the Unit or Common Element in which, or as to which, the violation or breach exists and to summarily abate and remove, at the expense of the defaulting Owner, any structure, thing, or condition (except for additions or alterations of a permanent nature that may exist in that Unit) that is contrary to the intent and meaning of the provisions of the Documents. The Board may not be deemed liable for any manner of trespass by this action.

6.1.3. Courts. To enjoin, abate, or remedy, by appropriate legal proceedings, the continuance of any breach.

6.2. Notice and Hearing. Before imposing a fine or exercising self-help abatement, the Board must give the Owner a written violation notice and an opportunity to be heard.

6.2.1. Notice of Violation. The Board's written violation notice will contain the following: (i) the date the violation notice is prepared or mailed; (ii) a description of the violation; (iii) a reference to the rule or provision of the Documents that is being violated; (iv) a description of the action required to cure the violation; (v) the amount of the fine to be levied and/or the abatement action to be taken; (vi) the date the fine begins accruing or abatement action becomes possible; and (vi) a statement that not later than the 30th day after the date of the violation notice, the Owner may request a hearing before the Board to contest the fine or the abatement action.

6.2.2. Notice to Resident. In addition to giving the written violation notice to the Owner, the Board may also give a copy of the notice to the non-Owner resident, if the Board deems it appropriate.

6.2.3. Request for Hearing. To request a hearing before the Board, an Owner must submit a written request to the Board within thirty (30) days after the date of the violation notice. Within ten (10) days after receiving the Owner's request for a hearing, the Board will give the Owner notice of the date, time, and place of the hearing. The hearing will be scheduled for a date within forty-five (45) days from the date the Board receives the Owner's request, and should be scheduled to provide a reasonable opportunity for both the Board and the Owner to attend.

6.2.4. Pending Hearing. Pending the hearing, the Board may continue to exercise the Association's other rights and remedies for the violation, as if the declared violation were valid. The Owner's request for a hearing suspends only the levy of the fine or the abatement action described in the notice.

6.2.5. Hearing. The hearing will be held in a closed or executive session of the Board. At the hearing, the Board will consider the facts and circumstances surrounding the violation. The Owner may attend the hearing in person, or may be represented by another person or written communication. No audio or video recording of the hearing may be made.

6.2.6. Minutes of Hearing. The minutes of the hearing must contain a statement of the results of the hearing and the amount of fine, if any, imposed, or abatement action, if any, authorized. A copy of the violation notice and request for hearing should be placed in the minutes of the hearing. If the Owner appears at the hearing, the notice requirement will be deemed satisfied.

6.3. **Imposition of Fine**. Within thirty (30) days after levying the fine or authorizing the abatement, the Board must give the Owner notice of the levied fine or abatement action. If the fine or action is announced at the hearing at which the Owner is actually present, the notice requirement will be satisfied. Otherwise, the notice must be in writing.

6.3.1. Amount. The Board may set fine amounts on a case by case basis, provided the fine is reasonable in light of the nature, frequency, and effects of the violation. The Board may establish a schedule of fines for certain types of violations. The amount and cumulative total of a fine must be reasonable in comparison to the violation. If the Board allows fines to accumulate, it may establish a maximum amount for a particular fine, at which point the total fine will be capped.

6.3.2. Type of Fine. If the violation is ongoing or continuous, the fine may be levied on a periodic basis (such as daily, weekly, or monthly). If the violation is not ongoing, but is instead sporadic or periodic, the fine may be levied on a per occurrence basis.

6.3.3. Other Fine-Related. The Association is not entitled to collect a fine from an Owner to whom it has not given notice and an opportunity to be heard. The Association may not charge interest on unpaid fines. The Association may not foreclose

its assessment lien on a debt consisting solely of fines. The Board may adopt a collection policy that applies Owners' payments to unpaid fines before retiring other types of assessments.

6.4. Additional Enforcement Rights. Notwithstanding the notice and hearing requirement, the Board may take immediate and appropriate action, without giving the notices required in this Article, against violations of the Documents which, in the Board's opinion, are: (i) self-evident, such as vehicles parked illegally or in violation of posted signs; (ii) threatening to life or property; or (iii) repeat violations of the same provision by the same Owner to whom prior notices and demands have been given for the same violation. Further, the provisions of this Article do not apply to specific remedies provided in the Documents for certain violations, such as nonpayment of assessments.

ARTICLE 7
OBLIGATIONS OF THE OWNERS

7.1. Notice of Sale. Any Owner intending to sell or convey his Unit or any interest therein must give written notice to the Board of his intention, together with: (i) the address or legal description of the Unit being conveyed; (ii) the name and address of the intended purchaser; (iii) the name, address, and phone number of the title company or attorney designated to close the transaction; (iv) names and phone numbers of real estate agents, if any, representing seller and purchaser; and (v) scheduled date of closing. An Owner will furnish this information to the Board at least ten (10) business days before the scheduled date of closing or conveyance. The requirements of this Section may be satisfied by giving the Association a copy of an accepted resale contract in connection with the Owner's request to the Association for a resale certificate.

7.2. Proof of Ownership. On request by the Association from time to time, any person who purports to be an Owner or the agent of an Owner must furnish to the Board evidence of ownership of the Unit. A copy of the recorded deed is the customary evidence. This requirement may be satisfied by receipt of a Board-approved form that is completed and acknowledged by a title company or attorney at time of conveyance of the Unit or any interest therein. The Association may refuse to recognize a person as a Member unless the requested documentation is provided.

7.3. Owners' Information. Within thirty (30) days after acquiring an ownership interest in a Unit, the Owner must provide the Association with the Owner's mailing address, telephone number, and driver's license number, if any; the name and telephone number of any resident other than the Owner; and the name, address, and telephone number of any person managing the Unit as agent of the Unit Owner. An Owner must notify the Association within thirty (30) days after he has notice of a change in any information required by this Section, and must provide the information on request by the Association from time to time.

7.4. Mailing Address. The Owner or the several co-Owners of a Unit must register and maintain one mailing address to be used by the Association for mailing of notices, demands, and all other communications. If an Owner fails to maintain a current mailing address with the Association, the address of the Owner's Unit is deemed to be his mailing address.

7.5. Registration of Mortgagees. Within thirty (30) days after granting a lien against his Unit, the Owner must provide the Association with the name and address of the holder of the lien and the loan number. The Owner must notify the Association within thirty (30) days after he has notice of a change in the information required by this Section. Also, the Owner will provide the information on request by the Association from time to time.

7.6. Assessments. All Owners are obligated to pay assessments imposed by the Association to meet the common expenses as defined in the Declaration. A Member is deemed to be in good standing and entitled to vote at any meeting of the Association if he is current in the assessments made or levied against him and his Unit.

7.7. Compliance with Documents. Each Owner will comply with the provisions and terms of the Documents, and any amendments thereto. Further, each Owner will always endeavor to observe and promote the cooperative purposes for which the Property was established.

ARTICLE 8
ASSOCIATION RECORDS

8.1. Records. The Association will use its best efforts to keep the records required by Section 82.114(a) of the Act, including the following:

i. Minutes or a similar record of the proceedings of meetings of the Association.

ii. Minutes or a similar record of the proceedings of meetings of the Board.

iii. Names and mailing addresses of the Members, the currency and accuracy of the information being the responsibility of the Members.

iv. Names and mailing addresses of the mortgagees, the currency and accuracy of the information being the responsibility of the Members and their mortgagees.

v. Financial records and books of account for the Association, kept in a manner consistent with generally accepted accounting principles.

vi. Copies of income tax returns prepared for the Internal Revenue Service.

vii. Copies of the Documents and all amendments to any of these.

viii. A record of all votes or written consents by which amendments to the Documents were approved, for at least four (4) years after the approval.

8.2. Inspection of Books and Records. Books and records of the Association will be made available for inspection and copying pursuant to Section 82.114(b) of the Act and Sections 3.151, 3.153 and 22.351 of the Texas Business Organizations Code.

8.2.1. Proper Purpose. The Board may require a Member to submit a written demand for inspection, stating the purpose for which the Member will inspect the books and records. The Board has the following rights: (i) to determine whether the Member's purpose for inspection is proper; (ii) to deny the request if the Board determines that the Member's purpose is not proper; (iii) if granting the request, to identify which books and records are relevant to the Member's stated purpose for inspection.

8.2.2. Copies. A Member, at Member's expense, may obtain photocopies of books and records for which the Board grants the right of inspection. The Board has the right to retain possession of the original books and records, to make copies requested by the Member, and to charge the Member a reasonable fee for copying.

8.2.3. Member's Agent. A Member's inspection of the books and records may be assisted or performed by the Member's agent, accountant, or attorney.

8.2.4. Records of Attorneys and Accountants. The files and records of an attorney or accountant who performs services for the Association are not records of the Association, are not subject to inspection by Members, and are not subject to production in a legal proceeding.

8.3. Resale Certificates. Any officer may prepare or cause to be prepared, certify, and execute resale certificates in accordance with Section 82.157 of the Act. The Association may charge a reasonable fee for preparing resale certificates. The Association may refuse to furnish resale certificates until the fee is paid. Any unpaid fees may be assessed against the Unit for which the certificate is furnished.

ARTICLE 9
NOTICES

9.1. Co-Owners. If a Unit is owned by more than one person, notice to one co-Owner is deemed notice to all co-Owners.

9.2. Delivery of Notices. Any written notice required or permitted by these Bylaws may be given personally, by mail, by fax, or by any other method permitted by the Texas Business Organizations Code. If mailed, the notice is deemed delivered when deposited in the

U.S. mail addressed to the Member at the address shown on the Association's records. If transmitted by fax, the notice is deemed delivered on successful transmission of the facsimile.

9.3. Waiver of Notice. Whenever a notice is required to be given to an Owner, Member, or director, a written waiver of the notice, signed by the person entitled to the notice, whether before or after the time stated in the notice, is equivalent to giving the notice. Attendance by a Member or director at any meeting of the Association or Board, respectively, constitutes a waiver of notice by the Member or director of the time, place, and purpose of the meeting. If all Members or directors are present at any meeting of the Association or Board, respectively, no notice is required and any business may be transacted at the meeting.

ARTICLE 10
DECLARANT PROVISIONS

10.1. Conflict. The provisions of this Article control over any provision to the contrary elsewhere in these Bylaws.

10.2. Board of Directors. During the Declarant Control Period, Appendix "A" of the Declaration governs the number, qualification, and appointment of directors. The initial directors will be appointed by Declarant and need not be Owners or residents. Directors appointed by Declarant may not be removed by the Owners and may be removed by Declarant only. Declarant has the right to fill vacancies in any directorship vacated by a Declarant appointee.

10.3. Organizational Meeting. Within sixty (60) days after the end of the Declarant Control Period, or sooner at Declarant's option, Declarant will call an organizational meeting of the Members for the purpose of electing directors, by ballot of Members. Notice of the organizational meeting will be given as if it were notice of an annual meeting.

ARTICLE 11
AMENDMENTS TO BYLAWS

11.1. Authority. These Bylaws may be amended by a majority vote of the Board of Directors.

11.2. Mortgagee Protection. In addition to the notices and consents required by these Bylaws, certain actions and amendments require notice to or approval by Eligible Mortgagees, pursuant to the Mortgagee Protection article of the Declaration. If applicable, the Association must give the required notices to and obtain the required approvals from Eligible Mortgagees.

11.3. Effective. To be effective, each amendment must be in writing, reference the names of the Property and the Association, and be executed by a majority of the Board of Directors. Further, if these Bylaws are publicly recorded, the amendment must recite the recording data for the Bylaws, and be recorded in the Official Public Records of Travis County, Texas.

11.4. Declarant Protection. During the Development Period, no amendment of these Bylaws may affect the Declarant's rights herein without the Declarant's written and acknowledged consent. Specifically, this Section and the article titled "Declarant Provisions" may not be amended without the prior written approval of the Declarant. The Declarant's written consent must be part of the amendment instrument.

ARTICLE 12
GENERAL PROVISIONS

12.1. Compensation. A director, officer, Member, or resident may not receive any pecuniary profit from the operation of the Association, and no funds or assets of the Association may be paid as a salary or as compensation to, or be distributed to, or inure to the benefit of a director, officer, Member, or resident. Nevertheless,

i. Reasonable compensation may be paid to a director, officer, Member, or resident for services rendered to the Association in other capacities.

ii. A director, officer, Member, or resident may, from time to time, be reimbursed for his actual and reasonable expenses incurred on behalf of the Association in connection with the administration of the affairs of the Association, provided the expense has been approved by the Board.

iii. The Board may budget and use Association funds to purchase awards, certificates, a celebratory meal, or other customary tokens or demonstrations of appreciation for volunteer activities.

iv. This provision does not apply to distributions to Unit Owners permitted or required by the Declaration or the Act.

12.2. Conflicting Provisions. If any provision of these Bylaws conflicts with any provision of the laws of the State of Texas, the conflicting Bylaws provision is null and void, but all other provisions of these Bylaws remain in full force and effect. In the case of any conflict between the certificate of formation of the Association and these Bylaws, the certificate of formation controls. In the case of any conflict between the Declaration and these Bylaws, the Declaration controls.

12.3. Severability. Whenever possible, each provision of these Bylaws will be interpreted in a manner as to be effective and valid. Invalidation of any provision of these Bylaws, by judgment or court order, does not affect any other provision which remains in full force and effect.

12.4. Construction. The effect of a general statement is not limited by the enumerations of specific matters similar to the general. The captions of articles and sections are inserted only for convenience and may not be construed as defining or modifying the text to

which they refer. The singular is construed to mean the plural, when applicable, and the use of masculine or neuter pronouns includes the feminine.

12.5. Fiscal Year. The fiscal year of the Association will be set by resolution of the Board, and is subject to change from time to time as the Board determines. In the absence of a resolution by the Board, the fiscal year is the calendar year.

12.6. Waiver. No restriction, condition, obligation, or covenant contained in these Bylaws may be deemed to have been abrogated or waived by reason of failure to enforce the same, irrespective of the number of violations or breaches thereof which may occur.

12.7. Indemnification. To the fullest extent permitted by applicable law, the Association will indemnify any person who was or is a party, or is threatened to be made a party, to any threatened, pending, or completed action, suit, or proceeding, whether civil, criminal, administrative, or investigative, by reason of the fact that such person is or was a director, officer, committee member, employee, servant, or agent of the Association against expenses (including attorney's fees, judgments, fines, and amounts paid in settlement) actually and reasonably incurred by such person in connection with such action, suit or proceeding if it is found and determined by the Board or a court that such person: (i) acted in good faith and in a manner which such person reasonably believed to be in, or not opposed to, the best interests of the Association; or (ii) with respect to any criminal action or proceeding, had no reasonable cause to believe such conduct was unlawful. The termination of any action, suit, or proceeding by settlement, or upon a plea of Nolo Contendere or its equivalent, will not of itself create a presumption that the person did not act in good faith or in a manner reasonably believed to be in, or not opposed to, the best interests of the Association, or, with respect to any criminal action or proceeding, had reasonable cause to believe that such conduct was unlawful.

12.8. Preparer. These Bylaws were prepared by Robert D. Burton, Esq., Armbrust & Brown, L.L.P., 100 Congress Ave., Suite 1300, Austin, Texas 78701.

II. INITIAL RULES & REGULATIONS

These Initial Rules & Regulations are established by **PCG-AVIARA, L.P.**, a Texas limited partnership, for the benefit of the Aviara Condominium Community, Inc., a Texas non-profit corporation (the "**Association**"). These Community Rules are the "Rules" defined in Article 1 of the Declaration of Condominium Regime for Aviara Condominiums, recorded or to be recorded in the Official Public Records of Travis County, Texas (the "**Declaration**").

These Rules are in addition to the provisions of the Declaration and Bylaws. By owning or occupying a Unit, each Owner and Resident agrees to abide by these Rules and to comply with the obligations of Owners and Residents under the Declaration and Bylaws of the Association.

Words and phrases defined in the Declaration have the same meaning when used in these Rules. In the event of a conflict between Documents, the hierarchy of authority is as follows: Declaration (highest), Bylaws, and these Rules (lowest). The Association's board of directors is empowered to interpret, enforce, amend, and repeal these Rules.

A. COMPLIANCE

A-1. Compliance. Each Owner will comply with the provisions of these Rules, the other Documents, and policies adopted by the Board to supplement these Rules, as any of these may be revised from time to time. Each Owner, additionally, is responsible for compliance with the Documents by the Residents of his Unit, and his or their respective relatives, invitees, tenants, agents, employees, or contractors. If a Rule requires or prohibits conduct by an "Owner" or "Resident," each of those terms are deemed to include the other, and applies to all persons for whom an Owner or Resident is responsible. Any question regarding these rules should be referred to the Association The Association has the right to enforce these Rules against any person on the Property.

> *Users of this document should periodically review statutes and court rulings that may modify or nullify provisions of this document or its enforcement, or may create rights or duties not anticipated by this document.*

A-2. Additional Rules. Each Resident must comply with any rules and signs posted from time to time on the Property by the Association. Each Resident must comply with notices communicated by the Association, from time to time, which may include seasonal or temporary rules, or notice of a change affecting use of the Property. Posted and temporary rules are incorporated in these Rules by reference.

A-3. Variance. Circumstances may warrant a variance of these Rules. To obtain a variance an Owner must make written application to the Board. The Board's approval of a variance must be in writing, and may be conditioned.

A-4. Limits. It is understood that individuals may have different interpretations of and tolerances for these Rules. On lifestyle-related rules, such as the "Community Etiquette" rules below, the Association may refrain from acting on a perceived violation unless the Board determines the violation to be significant or a community-wide problem. The Association may not be compelled by one Resident to enforce these Rules against another Resident. Residents are expected to deal directly and peaceably with each other about their differences.

A-5. Filing Complaints. Because the Association is not staffed to monitor the Property for Rules violations, the Association relies on Residents to identify and report violations of these Rules and the Documents, and to monitor compliance with these Rules by violators. The Association also relies on Residents to help keep each other informed about the Rules. Recognizing that a Resident may be reluctant to confront another Resident about a violation, the Association will work with Residents to enforce the Rules. Generally, a complaint must be in writing and must be signed by a Resident or Owner who is willing to be identified as the complainant. The Association may refuse to enforce a violation (1) that cannot be easily and independently verified, (2) for which it did not receive a signed written complaint, (3) for which the complainant will not cooperate with monitoring the violation and compliance, and (4) which the Board does not consider to be significant or community-wide.

B. OBLIGATIONS OF OWNERS AND RESIDENTS

B-1. Damage. An Owner is responsible for any loss or damage he causes to his Unit or the improvements therein, other Units and residences, the personal property of other Residents or their guests, or to the common elements.

B-2. Association Does Not Insure Units. A person assumes full risk and sole responsibility for placing his personal property in or on the Property. Each Resident is solely responsible for insuring his Unit and personal property in the Unit and on the Property, including improvements and betterments installed by the Owner within their Unit, and the Owner's furnishings and vehicles.

B-3. Risk Management. An Owner may not permit anything to be done or kept in his Unit or the common elements that is illegal or that may result in the cancellation of insurance on the Property.

B-4. Reimbursement for Enforcement. An Owner must promptly reimburse the Association for any expense incurred by the Association to enforce the Documents against the Owner, his Unit, or persons for whom the Owner is responsible.

B-5. Reimbursement for Damage. An Owner must promptly reimburse the Association for the cost of damage to the Property caused by the negligent or willful conduct of the Owner or persons for whom the Owner is responsible.

B-6. No Garage Sales. Without the Board's prior written permission, no person may conduct at the Property a sale or activity that is advertised or attractive to the public, such as garage sales, car sales, or estate sales. This section does not apply to marketing the sale or rental of a Unit, unless combined with a prohibited activity.

C. OCCUPANCY STANDARDS

C-1. Leases. Less than the entire Unit may not be leased. All leases must be made subject to the Declaration, Bylaws and these Rules and an Owner is responsible for providing his tenant with copies of the Declaration, Bylaws and these Rules and notifying him of changes thereto. Each tenant is subject to and must comply with all provisions of the Declaration, Bylaws, these Rules, federal and State laws, and local ordinances.

C-2. Minors. No person under the age of 18 years may occupy a residence within a Unit unless he lives with a Resident who is his parent, legal guardian, or a designee of his parent or legal guardian. Upon request by the Association, an Owner will provide satisfactory proof of the ages and relationships among the occupants of his residence.

C-3. Danger. As permitted by the federal Fair Housing Act Rules, no residence within a Unit may be occupied by a person who constitutes a direct threat to the health or safety of other persons, or whose occupancy would result in substantial physical damage to the property of others.

D. FIRE AND SAFETY

D-1. Safety. Each Resident is solely responsible for his own safety and for the safety, well-being, and supervision of his guests and any person on the Property to whom the Resident has a duty of care, control, or custody.

D-2. Fires. Except for barbecue fires as permitted by these Rules, there may not be any exterior fires on the Property.

D-3. Barbecue. The Board reserves the right to prohibit or restrict the existence and/or use of all or certain outdoor cooking grills if, in the Board's discretion, a grill constitutes a fire hazard or is unattractive or oversized for the area in which it is kept. Grills are expressly prohibited on the balconies of Attached Units. On permitted grills, (a) open fires must be supervised at all times; (b) gas tanks must be properly used and maintained; (c) no flames may be higher than the cooking surface, except as is customary for regular use; and (d) a grill may not be used near combustible materials.

D-4. Security. The Association may, but is not be obligated to, maintain or support certain activities within the Property designed to make the Property less attractive to intruders than it otherwise might be. The Association, its directors, committees, Members, agents, and employees will not in any way be considered an insurer or guarantor of security within the Property, and may not be held liable for any loss or damage by reason of

failure to provide adequate security or ineffectiveness of security measures undertaken. Each Owner, Resident, guest, and invitee on the Property assumes all risk for loss or damage to his person, to his Unit, to the contents of his Unit, and to any other of his property an the Property. The Association expressly disclaims and disavows any and all representations or warranties, expressed or implied, including any warranty of merchantability or fitness for any particular purpose, relative to any security systems, equipment, or measures recommended, installed, or undertaken within the Property.

E. GENERAL USE AND MAINTENANCE OF UNIT

E-1. Residential Use. Each Unit must be used solely for residential use, and may not be used for commercial or business purposes, except as permitted in the Declaration. This restriction does not prohibit a Resident from using his Unit for personal, business, or professional pursuits, provided that: (a) the non-residential use is incidental to the Unit's residential use; (b) the use conforms to applicable laws and ordinances; (c) there is no external evidence of the non-residential use; (d) the non-residential use does not entail visits to the Unit by the public, employees, suppliers, or clients; and (e) the non-residential use does not interfere with the use and enjoyment of neighboring Units.

E-2. Maintenance. An Owner, at his expense, will maintain his Unit and keep it in good condition and repair.

E-3. Combustibles. A Resident may not store or maintain, anywhere on the Property – including within a Unit – explosives or materials capable of spontaneous combustion.

E-4. Report Malfunctions. A Resident will immediately report to the Board his discovery of any leak, break, or malfunction in any portion of the Property which the Association has a duty to maintain. A Resident who fails to promptly report a problem may be deemed negligent, in which case the Owner may be liable for any additional damage caused by the delay.

F. GENERAL USE & MAINTENANCE OF COMMON ELEMENTS

F-1. Intended Use. Every area and facility in the Property may be used only for its intended and obvious use. For example, streets, walkways, sidewalks, and driveways are used exclusively for purposes of access, not for social congregation or recreation. Vehicular and pedestrian ingress to and egress from the Units and any Limited Common Elements shall be limited to streets, walkways, sidewalks and driveways (but only to the extent such driveway serves the Unit, and not other Units in the Regime).

F-2. Grounds. Unless the Board designates otherwise, Residents may not use or abuse the landscaped areas, lawns, beds, and plant materials on the common elements.

F-3. Abandoned Items. No item or object of any type may be stored, placed, or maintained anywhere on the general common elements, except by the Board or with the Board's

prior written consent. Items of personal property found an general common elements are deemed abandoned and may be disposed of by the Board.

G. COMMUNITY ETIQUETTE

G-1. Courtesy. Each Resident will endeavor to use his Unit and the common elements in a manner calculated to respect the rights and privileges of other Residents.

G-2. Annoyance. A Resident will avoid doing or permitting anything to be done that will annoy, harass, embarrass, or inconvenience other Residents or their guests, or the Association's employees and agents.

G-3. Noise and Odors. Each Resident must exercise reasonable care to avoid making or permitting to be made loud, disturbing, or objectionable noises or noxious odors that are likely to disturb Residents of other Units.

G-4. Reception Interference. Each Resident will avoid doing or permitting anything to be done that may unreasonably interfere with the television, radio, telephonic, or electronic reception on the Property.

H. VEHICLE RESTRICTIONS

H-1. Permitted Vehicles. To be permitted on the Property, a vehicle must be operable, and must display a current license tag and inspection sticker. For purposes of these Rules, vehicles include automobiles, motorcycles, motorized bikes, passenger trucks, small vans, and similar passenger vehicles. The following are not permitted on the Property for more than twenty-four (24) hours without the Board's consent: trailers, boats, recreational vehicles, buses, large commercial trucks, industrial vehicles. Motorcycles, motorbikes, or other motorized vehicles may not be operated on the Property except to provide transportation to and from a Unit.

H-2. Repairs. Washing, repairs, restoration, or maintenance (including oil changes) of vehicles is prohibited on the private streets except for emergency repairs, and then only to the extent necessary to enable movement of the vehicle to a repair facility.

H-3. Nuisances. Each vehicle must be muffled and must be maintained and operated to minimize noise, odor, and oil emissions. The use of car horns on the Property is discouraged. No vehicle may be kept on the Property if the Board deems it to be unsightly, inoperable, inappropriate, or otherwise violative of these Rules.

H-4. Obstructions. No vehicle may be parked in a manner that impedes or prevents ready access to the Property, driveways, or parking spaces. No vehicle may obstruct the flow of traffic, constitute a nuisance, or otherwise create a safety hazard. No vehicle may be parked, even temporarily, in firelanes or in any area designated as "No Parking."

H-5. Garages. Because of the shortage of visitor parking within the Property, it is imperative that each Resident use their garage for the parking of vehicles. A Resident with a car must use his garage for routine parking. Garage doors must be kept closed at all times, except when entering or exiting.

I. TRASH DISPOSAL

I-1. General Duty. Resident will endeavor to keep the Property clean and will dispose of all refuse in receptacles designated specifically by the Association or by the city for that purpose. Residents may NOT litter common elements.

I-2. Hazards. Residents may NOT store trash inside or outside his Unit in a manner that may permit the spread of fire, odors, or seepage, or encouragement of vermin. Before discarding coals, ashes, logs, or other materials used in barbecue grills or fireplaces, Resident will ensure that the debris is thoroughly cold.

J. PETS

J-1. Prohibited Animals. No Resident may keep a dangerous or exotic animal, trained attack dog, or any other animal deemed by the Board to be a potential threat to the well-being of people or other animals. No animal or housepet may be kept, bred, or maintained for any commercial purpose or for food.

J-2. Indoors/Outdoors. No pet is allowed on common elements unless carried or leashed. No pet may be leashed to a stationary object on the common elements.

J-3. Disturbance. Pets must be kept in a manner that does not disturb another Resident's rest or peaceful enjoyment of his Unit or the common elements. No pet may be permitted to bark, howl, whine, screech, or make other loud noises for extended or repeated periods of time.

J-4. Damage. Each resident is responsible for any property damage, injury, or disturbance his pet may cause or inflict. A Resident who keeps a pet on the Property is deemed to indemnify and agrees to hold harmless the Board, the Association, and other Owners and Residents, from any loss, claim, or liability of any kind or character whatever resulting from any action of his pet or arising by reason of keeping or maintaining the pet on the Property.

J-5. Pooper Scooper. Each resident is responsible for the removal of his pet's wastes from the common elements. The Board may levy a fine against a unit and its Owner each time feces are discovered on the common elements and attributed to an animal in the custody of that Unit's Resident.

J-6. Removal. If a Resident or his pet violates these Rules, or if a pet creates a noise, odor, or other disturbance or nuisance, the Resident or person having control of the animal may

be given a written notice by the Board to correct the problem. If the problem is not corrected within the time specified in the notice (not less than 10 days), the Resident, upon written notice from the Board, may be required to remove the animal. Each Resident agrees to permanently remove his violating animal from the Property within 10 days after receipt of a removal notice from the Board.

K. MISCELLANEOUS

K-1. Right to Hearing. An Owner may request in writing a hearing by the Board regarding an alleged breach of these Rules by the Owner or any person for whom the Owner is responsible. The Board will schedule a hearing within 30 days after receiving the Owner's written request. At the hearing, the Board will consider the facts and circumstances surrounding the alleged violation. The Owner may attend the hearing in person, or may be represented by another person or written communication.

K-2. Mailing Address. An Owner who receives mail at any address other than the address of his Unit must maintain with the Association his current mailing address. Notifications of change of name or change of address should be clearly marked as such. All notices required to be sent to Owners by the Documents may be sent to an Owner's most recent address as shown on the records of the Association. If an Owner fails to provide a forwarding address, the address of that Owner's Unit is deemed effective for purposes of delivery.

K-3. Revision. These Rules are subject to being revised, replaced, or supplemented, and Owners and Residents are urged to contact the Association to verify the rules currently in effect on any matter of interest. These Rules will remain effective until 10 days after an Owner of each Unit has been given a notice of the amendment or revocation of these Rules.

K-4. Other Rights. These Rules are in addition to and in no way whatsoever detract from the rights of the Association under the other Documents and the laws of the State of Texas.

III. ASSESSMENT COLLECTION POLICY

Aviara Condominiums is a condominium regime created by and subject to the Declaration of Condominium Regime for Aviara Condominiums, recorded or to be recorded in the Official Public Records of Travis County, Texas, as it may be amended (the "**Declaration**"). As a condominium regime, Aviara Condominiums is also subject to State laws, including Chapter 82 of the Texas Property Code -- the Texas Uniform Condominium Act ("**TUCA**"). The operation of Aviara Condominiums is vested in the Aviara Condominium Community, Inc. (the "**Association**"), acting through its board of directors (the "**Board**"). The Association is empowered to enforce the covenants of the Declaration, including the obligation of owners to pay assessments. In addition to rights and remedies of the Association under the Declaration, TUCA gives the Association, acting through the Board:

1. Authority to adopt and amend rules regulating the collection of delinquent assessments and the application of payments. §82.102(a)(13).

2. Authority to impose interest and late charges for late payments of assessments, and returned check charges. §82.102(a)(12).

3. Authority to adopt and amend rules regulating the termination of utility service to a unit, the owner of which is delinquent in the payment of an assessment that is used, in whole or in part, to pay the cost of that utility. §82.102(a)(14).

4. Authority to suspend the voting privileges of or the use of certain general common elements by an owner delinquent for more than 30 days in the payment of assessments. §82.102(a)(18).

5. A private power of sale to foreclose the assessment lien nonjudicially, subject to a limited right of redemption by the unit owner. §82.113.

To establish equitable policies and procedures for the collection of delinquent assessments, the declarant adopts this policy for the benefit of the Association, as part of the initial project documentation.

SECTION 1. DELINQUENCIES, LATE CHARGES & INTEREST

1-A. Due Date. An owner will timely and fully pay regular assessments and special assessments. Regular assessments are due and payable on the first calendar day of each month.

1-B. Delinquent. Any assessment that is not fully paid when due is delinquent. When the account of a unit becomes delinquent, it remains delinquent until paid in full – including collection costs and late fees.

1-C. Late Fees & Interest. If the Association does not receive full payment of a regular assessment by 5:00 p.m. on the fifth calendar day of the month, the Association may levy a late fee of $25 per month and/or interest of ten percent (10%) per annum from the first day of delinquency until the delinquency is paid in full. After the initial month of delinquency, a late fee of $25 may be on the first day of each month the account is delinquent until the account is current.

1-D. Liability for Collection Costs. The defaulting owner is liable to the Association for the cast of title reports, credit reports, certified mail, long distance calls, court casts, filing fees, and other reasonable costs and attorney's fees incurred by the Association in collecting the delinquency.

Users of this document should periodically review statutes and court rulings that may modify or nullify provisions of this document or its enforcement, or may create rights or duties not anticipated by this document.

1-E. Insufficient Funds. The Association may levy a charge of $25 for any check returned to the Association marked "not sufficient funds" or the equivalent.

1-F. Waiver. Properly levied collection costs, late fees, and interest may not be waived by the Board, unless a majority of the directors determines that extraordinary circumstances warrant an adjustment to the account, in which case the adjustment must be described in detail in the minutes of the Board's meeting. Because of the potential for inadvertently effecting a waiver of the policies contained in this policy, the Board will exercise caution in granting adjustments to an owner's account.

SECTION 2. INSTALLMENTS & ACCELERATION

If a special assessment is payable in installments, and if an owner defaults in the payment of any installment, the Association may declare the entire assessment in default and accelerate the due date on all remaining installments of that assessment. A special assessment payable in installments may be accelerated only after the Association gives the owner at least fifteen (15) days prior notice of the default and the Association's intent to accelerate the unpaid balance if the default is not timely cured. Following acceleration of the indebtedness, the Association has no duty to reinstate the installment program upon partial payment by the owner.

SECTION 3. PAYMENTS

3-A. Application of Payments. After the Association notifies the owner of a delinquency and the owner's liability for late fees or interest, and collection costs, any payment received by the Association may be applied in the following order, starting with the oldest charge in each category, until that category is fully paid, regardless of the amount of payment, notations on checks, and the date the obligations arose:

(1) Collection costs and attorneys fees
(2) Fines
(3) Reimbursable expenses
(4) Late charges & interest
(5) Delinquent special assessments
(6) Delinquent regular assessments
(7) Current special assessments
(8) Current regular assessments

3-B. Form of Payment. The Association may require that payment of delinquent assessments be made only in the form of cash, cashier's check, or certified funds.

3-C. Partial and Conditioned Payment. The Association may refuse to accept partial payment (i.e., less than the full amount due and payable) and payments to which the payer attaches conditions or directions contrary to the Board's policy for applying payments. The Association's endorsement and deposit of a payment does not constitute acceptance. Instead, acceptance by the Association occurs when the Association posts the payment to the unit's account. If the Association does not accept the payment at that time, it will promptly refund the payment to the payer. A payment that is not refunded to the payer within thirty (30) days after being deposited by the Association may be deemed accepted as to payment, but not as to words of limitation or instruction accompanying the payment. The acceptance by the Association of partial payment of delinquent assessments does not waive the Association's right to pursue or to continue pursuing its remedies for payment in full of all outstanding obligations.

3-D. Notice of Payment. If the Association receives full payment of the delinquency after recording a notice of lien, the Association will cause a release of notice of lien to be publicly recorded, a copy of which will be sent to the owner. The Association may require the owner to prepay the cost of preparing and recording the release.

3-E. Correction of Credit Report. If the Association receives full payment of the delinquency after reporting the defaulting owner to a credit reporting service, the Association will report receipt of payment to the credit reporting service.

SECTION 4. LIABILITY FOR COLLECTION COSTS

The defaulting owner is liable to the Association for the cost of title reports, credit reports, certified mail, long distance calls, filing fees, and other reasonable costs and attorney's fees incurred in the collection of the delinquency, which amounts are secured by a lien against the unit.

SECTION 5. COLLECTION PROCEDURES

5-A. Delegation of Collection Procedures. From time to time, the Association may delegate some or all of the collection procedures, as the Board in its sole discretion deems appropriate, to the Association's managing agent, an attorney, or a debt collector.

5-B. Delinquency Notices. If the Association has not received full payment of an assessment by the due date, the Association may send one or more written notices of nonpayment to the defaulting owner, by hand delivery, first class mail, and/or by certified mail, stating the amount delinquent. The Association's delinquency-related correspondence may state that if full payment is not timely received, the Association may pursue any or all of the Association's remedies, at the sole cost and expense of the defaulting owner.

5-C. Collection by Attorney. After giving the owner notice of the delinquency, the Association may refer the delinquent account to an attorney for collection. In that event, the defaulting owner will be liable to the Association for its legal fees and expenses.

5-D. Verification of Owner Information. The Association may obtain a title report to determine the names of the owners and the identity of other lienholders, including the mortgage company.

5-E. Notification of Mortgage Lender. The Association may notify the mortgage lender of the default obligations.

5-F. Notification of Credit Bureau. The Association may report the defaulting owner to one or more credit reporting services.

5-G. Notice of Lien. The Association may cause a notice of the Association's assessment lien against the unit to be publicly recorded. In that event, a copy of the notice will be sent to the defaulting owner, and may be sent to his mortgage holder.

5-H. Foreclosure of Lien -- Nonjudicially. The Board may instruct an attorney, officer, or agent of the Association to notify the defaulting owner of the Association's intent to foreclose its assessment lien, to post the property for public auction, and to conduct a public auction of the unit on the steps of the county courthouse in accordance with State law and the Association's documents. The Board may not foreclose a lien consisting solely of fines or securing money for which the Association has obtained a personal money judgment.

5-I. Foreclosure of Lien -- Judicially. The Association may file suit against the owner for judicial foreclosure of the Association's assessment lien, This action may be combined with a claim against the owner's personal liability, for recovery of a money judgment.

5-J. Suit for Owner's Personal Liability. Whether or not the Association forecloses the Association's assessment lien, the Board may file suit for a personal judgment against the defaulting owner, and may execute on the judgment.

5-K. Possession Following Foreclosure. If the Association purchases the unit at public auction, the Board may immediately institute actions to recover possession.

5-L. Limited Right of Redemption. If the Association buys a unit at the nonjudicial foreclosure sale of its assessment lien, the Association's ownership is subject to a 90-day right of redemption by the owner. TUCA's statutory right of redemption does not apply to judicial foreclosures or foreclosures of judgment liens.

5-M. Collection Agency. The Board may employ or assign the debt to one or more collection agencies.

5-N. Cancellation of Debt. If the Board deems the debt to be uncollectible, the Board may elect to cancel the debt on the books of the Association, in which case the Association may report the full amount of the forgiven indebtedness to the Internal Revenue Service as income to the defaulting owner.

5-O. Suspension of Voting Rights. The Association may suspend the voting rights of an owner whose account with the Association is delinquent for at least 30 days.

5-P. Suspension of Use of Certain Facilities or Services. The Association may suspend the use of the common element amenities by an owner, or his tenant, whose account with the Association is delinquent for at least thirty (30) days.

5-Q. Utility Shut-Off. The Association may terminate utility service to the unit for which assessments used to pay the cost of that utility are delinquent, according to the Association's utility shut-off policy.

SECTION 6. GENERAL PROVISIONS

6-A. Independent Judgment. Notwithstanding the contents of this detailed policy, the officers, directors, manager, and attorney of the Association will exercise their independent, collective, and respective judgment in applying this policy.

6-B. Other Rights. This policy is in addition to and does not detract from the rights of the Association to collect assessments under the Association's Documents and the laws of the State of Texas.

6-C. Limitations of Interest. The Association, and its officers, directors, managers, and attorneys, intend to conform strictly to the applicable usury laws of the State of Texas. Notwithstanding anything to the contrary in the Documents or any other document or agreement executed or made in connection with this policy, the Association will not in any event be entitled to receive or collect, as interest, a sum greater than the maximum amount permitted by applicable law. If from any circumstances whatsoever, the Association ever receives, collects, or applies as interest a sum in excess of the maximum rate permitted by law, the excess amount will be applied to the reduction of unpaid special and regular assessments, or reimbursed to the owner if those assessments are paid in full.

6-D. Notices. Unless the Documents, State law, or this policy provide otherwise, any notice or other written communication given to an owner pursuant to this policy will be deemed delivered to the owner upon depositing same with the U.S. Postal Service, addressed to the owner at the most recent address shown on the Association's records, or on personal delivery to the owner, If the Association's records show that a unit is owned by 2 or more persons, notice to one co-owner is deemed notice to all co-owners. Similarly, notice to one resident is deemed notice to all residents. Written communications to the Association, pursuant to this policy, will be deemed given on actual receipt by the Association's president, secretary, managing agent, or attorney.

6-E. Definitions. Words and phrases used in this policy have the same meanings given to them by the Declaration.

6-F. Amendment of Policy. This policy will remain effective until 10 days after the Association delivers to an owner of each unit notice of amendment or revocation of this policy. The notice may be published and distributed in an Association newsletter or other community-wide publication.

IV. FINING POLICY

1. Background. This fining policy is based on the requirements of Sec. 82.102(d) and (e) of TUCA. To establish policies and procedures for fining under TUCA, the Declarant adopts this policy for the benefit of the Association, as part of the initial project documentation.

2. Policy. The Association uses fines to discourage violations of the Documents, and to encourage compliance when a violation occurs - not to punish violators or generate revenue for the Association. Although a fine may be an effective and efficient remedy for certain types of violations or violators, it is only one of several methods available to the Association for enforcing the Documents. The Association's use of fines does not interfere with its exercise of other rights and remedies for the same violation. Nor may the Association use fines to the exclusion of other remedies.

> *Users of this document should periodically review statutes and court rulings that may modify or nullify provisions of this document or its enforcement, or may create rights or duties not anticipated by this document.*

3. Owner's Liability. An owner is liable for fines levied by the Association for violations of the Documents by the owner, the residents of the unit, and the relatives, guests, employees, and agents of the owner and residents. Regardless of who performs the violation, the Association will direct its communications to the owner, although the Association may send copies of its notices to the resident.

4. Violation Notice. Before levying a fine, the Association will give the owner a written violation notice and an opportunity to be heard. This requirement may not be waived. The Association's written violation notice will contain the following items: (1) the date the violation notice is prepared or mailed; (2) a description of the violation; (3) a reference to the rule or provision that is being violated; (4) a description of the action required to cure the violation; (5) the amount of the fine; (6) a statement that not later than the 30th day after the date of the violation notice, the owner may request a hearing before the Board to contest the fine; and (7) the date the fine attaches or begins accruing (the "Start Date"), subject to the following:

   a. New Violation. If the owner was not given notice and a reasonable opportunity to cure a similar violation within the preceding twelve (12) months, the notice will state a specific date by which the violation must be cured to avoid the fine, if the violation is ongoing or continuous. If the violation is not ongoing, but is instead sporadic or periodic, the notice must state that any future violation of the same rule may result in the levy of a fine.

b. Repeat Violation. In the case of a repeat violation, the notice will state that, because the owner was given notice and a reasonable opportunity to cure a similar violation within the preceding twelve (12) months, the fine attaches from the date of the violation notice.

4. Violation Hearing. An owner may request in writing a hearing by the Board to contest the fine. To request a hearing before the Board, an owner must submit a written request to the Association's manager within thirty (30) days after the date of the violation notice. Within fifteen (15) days after owner's request for a hearing, the Association will give the owner at least fifteen (15) days' notice of the date, time, and place of the hearing. The hearing will be scheduled to provide a reasonable opportunity for both the Board and the owner to attend. Pending the hearing, the Association may continue to exercise its other rights and remedies for the violation, as if the declared violation were valid. The owner's request for a hearing suspends only the levy of a fine. The hearing will be held in a closed or executive session of the Board. At the hearing, the Board will consider the facts and circumstances surrounding the violation. The owner may attend the hearing in person, or may be represented by another person or written communication. No audio or video recording of the hearing may be made. The minutes of the hearing must contain a statement of the results of the hearing and the fine, if any, imposed. A copy of the violation notice and request for hearing should be placed in the minutes of the hearing. If the owner appears at the meeting, the notice requirements will be deemed satisfied.

5. Levy of Fine. Within thirty (30) days after levying the fine, the Board must give the owner notice of the levied fine. If the fine is levied at the hearing at which the owner is actually present, the notice requirement will be satisfied if the Board announces its decision to the owner at the hearing. Otherwise, the notice must be in writing. In addition to the initial levy notice, the Association will give the owner periodic written notices of an accruing fine or the application of an owner's payments to reduce the fine. The periodic notices may be in the form of monthly statements or delinquency notices.

6. Amount. The Association may set fine amounts on a case by case basis, provided the fine is reasonable in light of the nature, frequency, and effects of the violation. The Association may establish a schedule of fines for certain types of violations. If circumstances warrant a variance from the schedule, the Board will document the reasons for the variance in the minutes of its meeting. The amount and cumulative total of a fine must be reasonable in comparison to the violation, and should be uniform for similar violations of the same provision of the Documents. If the Association allows fines to accumulate, it will establish a maximum amount for a particular fine, at which point the total fine will be capped.

7. Type of Levy. If the violation is ongoing or continuous, the fine may be levied on a periodic basis (such as daily, monthly, or quarterly), beginning on the Start Date. If the violation is not ongoing, but is instead sporadic or periodic, the fine may be levied on a per occurrence basis.

8. Collection of Fines. The Association is not entitled to collect a fine from an owner to whom it has not given notice and an opportunity to be heard. The Association may not foreclose its assessment lien on a debt consisting solely of fines. The Association may not charge interest or late fees for unpaid fines.

9. Amendment of Policy. This policy may be revoked or amended from time to time by the Board. This policy will remain effective until ten (10) days after the Association delivers to an owner of each unit notice of amendment or revocation of this policy. The notice may be published and distributed in an Association newsletter or other community-wide publication.

V. MOLD POLICY

RECITALS

A. Background. Because of extensive news coverage in recent years relating to mold, the public and the insurance industry have a heightened awareness of and sensitivity to anything pertaining to mold. In a condominium context, the mold issue has numerous facets. Like many other maintenance issues, the community of owners must know where to draw the line between the Association's responsibility and the owner's responsibility. The purpose of this policy is to help draw that line.

B. Mold Information. In adopting this policy, the Association relies on information about mold obtained from government sources, including the "Indoor Air Mold" website sponsored by the U. S. Environmental Protection Agency at www.epa.gov/mold. On the date of this policy, the first page of the website contains this information:

> *The key to mold control is moisture control. It is important to dry water damaged areas and items within 24-48 hours to prevent mold growth. If mold is a problem in your home, clean up the mold and get rid of the excess water or moisture. Fix leaky plumbing or other sources of water. Wash mold off hard surfaces with detergent and water, and dry completely. Absorbent materials (such as ceiling tiles & carpet) that become moldy may have to be replaced.*

C. Owner/Resident Duty. Because the Association does not have continual access to the individually owned units, the Association relies on owners and residents to control the moisture levels in their units, and to promptly identify and report water leaks and water penetrations in their units. That a unit is vacant or occupied by a person other than the owner does not relieve the owner from fulfilling his obligations to the Association and to the owners of units that adjoin his own. Although the resident, if not the owner, may perform the obligations, the owner is ultimately responsible if the non-owner resident fails or refuses to perform.

D. Insurance. On the date of this Policy, property insurance available to the Association does not include coverage of mold at a price that is affordable for the Association. An owner who wants insurance coverage with respect to mold and mold-related damages is advised to purchase such insurance coverage as part of his homeowners insurance policy.

E. Mold Reminders. Mold spores are a natural component of our environment. Mold spores are everywhere - in the outside air and inside of units. In addition to air-borne mold, visible surface mold is a common occurrence in wet areas, such as showers. Air quality tests for mold are capable of being unreliable as determinates of a health problem.

RULES

1. Inspect for Surface Mold. Each resident and owner will regularly inspect his entire unit (including inside closets and cabinets, and behind furniture and appliances) and the appurtenant limited common elements for visible surface mold and will promptly remove same using procedures recommended by an appropriate source, such as the U. S. Environmental Protection Agency (www.epa.gov). Similarly, the resident and owner will be alert to odors associated with mold, and will try to locate the source of such odor when detected.

2. Inspect for Water Leaks. Each resident and owner will regularly inspect his entire unit (including inside closets and cabinets, and behind furniture and appliances) and the appurtenant limited common elements for leaks, breaks, or malfunctions of any kind that may emanate from or cause damage to the common elements or another unit. When possible, such inspection will be performed after rains when leaks from wind-driven rain are most likely to be evident. Typical indicators of water penetration problems include water leaks around windows, doors, flues, and vents; standing water an a floor; water stains on ceilings and walls.

3. Monitor Water Appliances. Each owner is responsible for the inspection, maintenance, repair, and replacement of all water-using appliances and fixtures in the unit or serving the unit exclusively, such as dishwashers, water heaters, washing machines, ice-makers, toilets, air conditioning drip pans, and shower pans. The owner is solely responsible for any age to his unit, another unit, or the common elements coming from the appliances and fixtures in his unit or serving his unit exclusively, regardless of the nature or exact location of the water source.

4. Report. A resident or owner will promptly report to the Association his discovery of any leak, break, or malfunction in any portion of his unit or the adjacent common elements for which the Association has a maintenance responsibility. The origin of a water leak can be difficult to locate and may require repeated attempts to repair. The failure of the Association or its contractors to effectively stop a water leak on the first repair attempt is not uncommon and must not dissuade a resident or owner from re-reporting the leak on its next occurrence. The failure by an owner or resident to promptly report a water leak or water penetration problem may be deemed negligence, thereby making the resident or owner liable for any additional damage caused by the delay.

5. Mitigate. To mitigate damage from water leaks and penetrations, and to discourage mold, the resident or owner of a unit that experiences a water leak or penetration must promptly dry, clean, and disinfect the wet area. if the water penetration is inside a wall cavity or above a ceiling, it may be necessary to cut a hole in the wall or ceiling to circulate air that will dry the wet materials. If the wall or ceiling cavity that holds water

is a common element, the Association will pay the cost of repairing the sheetrock, notwithstanding the Sheetrock Section in the Declaration.

6. Humidity. To discourage mold in his unit, the owner or resident should maintain an inside humidity level under sixty percent (60%). If condensation or moisture collects on windows, walls or pipes, the owner or resident should promptly dry the wet surface and reduce the moisture/water source. Condensation can be a sign of high humidity.

7. Negligence. The failure to promptly and properly repair a water-related problem in the unit may be deemed negligence by the owner, who may be liable for any additional damage caused by the failure or the delay.

8. Information. For more information about mold, please consult a reliable source, such as "A Brief Guide to Mold, Moisture, and Your Home" - a brochure published by the U. S. Environmental Protection Agency, which is available on its website at www.epa.gov/mold.

VI.

AVIARA CONDOMINIUMS

COMMUNITY MANUAL

CERTIFICATION & ACKNOWLEDGMENT

As the Declarant of Aviara Condominiums and the initial and sole member of Aviara Condominium Community, Inc. (the "Association"), I certify that the foregoing Aviara Condominiums Community Manual was adopted by the Board of Directors of the Association for the benefit of the Association as part of the initial project documentation for Aviara Condominiums, located in Dripping Springs, Texas. This Community Manual becomes effective when recorded.

SIGNED on this 14th day of August, 2007.

DECLARANT:

PCG-AVIARA, L.P., a Texas limited partnership

By: PACIFIC SUMMIT PARTNERS, LLC, a Delaware limited liability company, its general partner

By: _____
Name: STEVE LEVENSON
Title: Manager

THE STATE OF Texas §

COUNTY OF Travis §

This instrument was acknowledged before me this 14th day of August, 2007 by Steve Levenson, Manager of Pacific Summit Partners, LLC, a Delaware limited liability company, general partner of PCG-Aviara, L.P., a Texas limited partnership, on behalf of said limited liability company and limited partnership.

(SEAL) Sarah A. Shannon
Notary Public
State of Texas
My Commission Expires
NOVEMBER 14, 2008

Sarah A. Shannon
Notary Public Signature

Recorders Memorandum-At the time of recordation this instrument was found to be inadequate for the best reproduction, because of illegibility, carbon or photocopy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

2007 Aug 14 03:08 PM 2007151586

CLARKMM $176.00

DANA DEBEAUVOIR COUNTY CLERK

TRAVIS COUNTY TEXAS

AVIARA CONDOMINIUMS
CONDOMINIUM INFORMATION STATEMENT

ATTACHMENT"3"

CERTIFICATE OF FORMATION

FILED
In the Office of the
Secretary of State of Texas

APR 17 2008

Corporations Section

CERTIFICATE OF FORMATION

OF

AVIARA CONDOMINIUM COMMUNITY, INC.

The undersigned natural person, being of the age of eighteen (18) years or more, a citizen of the State of Texas, acting as incorporator of a corporation under the Texas Business Organizations Code, does hereby adopt the following Certificate of Formation for such corporation:

ARTICLE I

NAME

The name of the corporation is: Aviara Condominium Community, Inc. (hereinafter called the "Association").

ARTICLE II

NONPROFIT CORPORATION

The Association is a nonprofit corporation.

ARTICLE III

DURATION

The Association shall exist perpetually.

ARTICLE IV

PURPOSE AND POWERS OF THE ASSOCIATION

The Association is organized in accordance with, and shall operate for nonprofit purposes pursuant to, the Texas Business Organizations Code, and does not contemplate pecuniary gain or profit to its members. The Association is formed for the purpose of exercising all of the powers and privileges, and performing all of the duties, obligations, and purposes of the Association as set forth in that certain "Declaration of Condominium Regime for Aviara Condominiums", which is recorded in the Official Public Records of Travis County, Texas, as the same may be amended from time to time (the "Declaration").

ARTICLE V

REGISTERED OFFICE; REGISTERED AGENT

The street address of the initial registered office of the Association is 111 Congress Avenue, Suite 1950, Austin, Texas 78701. The name of its initial registered agent at such address is Steven Levenson.

ARTICLE VI

MEMBERSHIP

Membership in the Association shall be determined by Section 13.7 of the Declaration.

ARTICLE VII

VOTING RIGHTS

Voting rights of the members of the Association shall be determined as set forth in Section 5.10 of the Declaration. Notwithstanding the foregoing, cumulative voting is not permitted.

ARTICLE VIII

INCORPORATOR

The name and street address of the incorporator is:

NAME	ADDRESS
Robert D. Burton	100 Congress Avenue, Suite 1300 Austin, Texas 78701

ARTICLE IX

BOARD OF DIRECTORS

The affairs of the Association shall be managed by an initial Board of Directors consisting of three (3) individuals, who must be members of the Association. The Board shall fulfill all of the functions of, and possess all powers granted to, Boards of Directors for nonprofit corporations pursuant to the Texas Business Organizations Code. The number of Directors of the Association may be increased in accordance with the Bylaws of the Association. The names and addresses of the persons who are to act in the capacity of initial Directors until the selection of their successors are:

NAME	ADDRESS
Steven Levenson	111 Congress Avenue, Suite 1950 Austin, Texas 78701
Bryan Avilla	111 Congress Avenue, Suite 1950 Austin, Texas 78701
Eric DeYoung	111 Congress Avenue, Suite 1950 Austin, Texas 78701

All of the powers and prerogatives of the Association shall be exercised by the initial Board of Directors named above until the first annual meeting of the Association.

ARTICLE X

LIMITATION OF DIRECTOR LIABILITY

A director of the Association shall not be personally liable to the Association for monetary damages for any act or omission in his capacity as a director, except to the extent otherwise expressly provided by a statute of the State of Texas. Any repeal or modification of this Article shall be prospective only, and shall not adversely affect any limitation of the personal liability of a director of the Association existing at the time of the repeal or modification.

ARTICLE XI

INDEMNIFICATION

Each person who acts as a director, officer or committee member of the Association shall be indemnified by the Association against any costs, expenses and liabilities which may be imposed upon or reasonably incurred by him in connection with any civil or criminal action, suit or proceeding in which he may be named as a party defendant or in which he may be a witness by reason of his being or having been such director or officer or by reason of any action alleged to have been taken or omitted by him in either such capacity. Such indemnification shall be provided in the manner and under the terms, conditions and limitations set forth in the Bylaws of the Association.

ARTICLE XII

DISSOLUTION

Upon dissolution of the Association, other than incident to a merger or consolidation, the assets of the Association shall be dedicated to an appropriate public agency to be used for

purposes substantially similar to those for which this Association was created. In the event that such dedication is refused acceptance, such assets shall be granted, conveyed, and assigned to any nonprofit corporation, association, trust, or other organization to be devoted to such substantially similar purposes.

ARTICLE XIII

ACTION WITHOUT MEETING

Any action required by law to be taken at any annual or special meeting of the members of the Association, or any action that may be taken at any annual or special meeting of the members of the Association, may be taken without a meeting, without prior notice, and without a vote, if a consent or consents in writing, setting forth the action so taken, shall be signed by the number of members having the total number of votes of the Association necessary to enact the action taken, as determined under the Declaration or this Certificate of Formation.

ARTICLE XIV

AMENDMENT

This Certificate of Formation may be amended by proposal submitted to the membership of the Association. Any such proposed amendment shall be adopted only upon an affirmative vote by the holders of two-thirds (2/3) majority of the total number of votes of the Association, as determined under the Declaration. In the case of any conflict between the Declaration and this Certificate of Formation, the Declaration shall control; and in the case of any conflict between this Certificate of Formation and the Bylaws of the Association, this Certificate of Formation shall control.

IN WITNESS WHEREOF, the undersigned has hereunto set his hand, this 17th day of April, 2008.

Robert D. Burton, Incorporator

Corporations Section
P.O.Box 13697
Austin, Texas 78711-3697

Phil Wilson
Secretary of State

Office of the Secretary of State

CERTIFICATE OF FILING
OF

Aviara Condominium Community, Inc.
File Number: 800966519

The undersigned, as Secretary of State of Texas, hereby certifies that a Certificate of Formation for the above named Domestic Nonprofit Corporation has been received in this office and has been found to conform to the applicable provisions of law.

ACCORDINGLY, the undersigned, as Secretary of State, and by virtue of the authority vested in the secretary by law, hereby issues this certificate evidencing filing effective on the date shown below.

The issuance of this certificate does not authorize the use of a name in this state in violation of the rights of another under the federal Trademark Act of 1946, the Texas trademark law, the Assumed Business or Professional Name Act, or the common law.

Dated: 04/17/2008

Effective: 04/17/2008

Phil Wilson
Secretary of State

AVIARA CONDOMINIUMS
CONDOMINIUM INFORMATION STATEMENT

ATTACHMENT"4"

DECLARANT APPOINTMENT OF BOARD OF DIRECTORS

AVIARA CONDOMINIUM COMMUNITY, INC.
APPOINTMENT OF BOARD OF DIRECTORS AND OFFICERS

PCG-AVIARA, L.P., a Texas limited partnership ("PCG") caused to be recorded that certain Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2008057604, in the Official Public Records of Travis County, Texas (the "Declaration"), thereby submitting 39.459 acres of real property located in Travis County, Texas, as more particularly described in the Declaration (the "Land").

CR-B Aviara, L.P., a Texas limited partnership (the "Declarant"), acquired the Land and all Units established by the Declaration pursuant to that certain Foreclosure Sale Deed, recorded as Document No. 2008148873, Official Public Records of Travis County, Texas, as corrected by that certain Correction Foreclosure Sale Deed, recorded as Document No. 2008185563, Official Public Records of Travis County, Texas, as supplemented by that certain Scriveners Affidavit, recorded in the Official Public Records of Travis County, Texas (collectively, the "Acquisition Deed").

Declarant also assumed all "Declarant" rights under the Declaration pursuant to the Acquisition Deed and that certain Assignment of Declarant's Rights, recorded as Document No. 2008185564, Official Public Records of Travis County, Texas.

Pursuant to Provision A.2.2. of Appendix "A" of the Declaration, Declarant is currently entitled to appoint and remove all members of the Board of Directors and all Officers of the Aviara Condominium Community, Inc. (the "Association").

APPOINTMENT OF BOARD MEMBERS

In accordance with the foregoing authority, the Declarant hereby appoints the following individuals to the three (3) member Board of Directors of the Association:

Leisha Ehlert
David Arnow
Gary Mefford

APPOINTMENT OF OFFICERS

In accordance with the foregoing authority, the Declarant hereby appoints the following individuals as Officers of the Association:

Leisha Ehlert--President
David Arnow--Vice-President
Gary Mefford--Secretary/Treasurer

All prior appointments are hereby revoked.

EXECUTED TO BE EFFECTIVE on the 2nd day of September, 2008.

DECLARANT:

CR-B AVIARA, L.P., a Texas limited partnership

By: CR-B INVESTORS I GP, L.L.C., a Texas limited liability company, its General Partner

By: _____

Printed Name: David N. Arrow

Title: Vice President

AVIARA CONDOMINIUMS
CONDOMINIUM INFORMATION STATEMENT

ATTACHMENT "5"

PROPOSED BUDGET

Aviara Condominiums
Fiscal Year & First Year Budget

ESTIMATED ASSESSMENTS:	
Detached Unit	**88.81 Per Month**
Attached Unit (Regular + LCE Assessment)	**210.16 Per Month**
REGULAR EXPENSE BUDGET	
DIRECT EXPENSES	
Income & Franchise Taxes	$0.00
Landscaping Contract	$12,600.00
R&M-Misc / General	$250.00
Electricity - General /Common Areas	$5,700.00
Water/ Wastewater (Common Areas/ Irrig)	$13,500.00
Water / Wastewater (Units)	$0.00
R&M - Irrigation System	$1,200.00
Trash Removal (single dumpster - pool)	$1,440.00
Telephone / Entry Gate / Pool	$1,800.00
R&M Misc. Landscape Maint. (Extras)	$1,500.00
R&M - Pool	$10,200.00
Pool Supplies	$4,850.00
Maintenance - Air Conditioning & Heating	$0.00
Maintenance - Gate Repair & Maint.	$450.00
Maintenance - Electrical Repairs	$225.00
Maintenance - Exterminating	$300.00
Drainage Pond Maintenance	$1,500.00
TOTAL DIRECT EXPENSES	**$55,515.00**
GEN/ADMIN EXPENSES	
Accounting and Auditing Fees	$1,200.00
Postage, Printing & Copying	$600.00
Insurance-G&L/Property/D&O/Commercial	$3,900.00
Website Maintenance	$0.00
Office Supplies & Professional Fees	$300.00
License Fees & Permits	$250.00
Management Fee	$6,600.00
Day Maintenance/Porter	$2,600.00
Controlled Access Card Keys	$600.00
TOTAL GEN/ADMIN EXPENSES	**$16,050.00**
TOTAL EXPENSES	**$71,565.00**
ESTIMATED RESERVES	$ 32,142.86
Less Working Capital Contribution	$ (6,951.20)
TOTAL	$ **25,191.66**
ATTACHED BUILDING EXPENSE BUDGET	
EXPENSES	
Insurance-Property	$3,500.00
Reserves	$1,125.02
Exterior Maintenance	$1,200.00
TOTAL	**$5,825.02**

AVIARA CONDOMINIUMS

TYPE	ESTIMATED REGULAR MONTHLY ASSESSMENTS	ESTIMATED LCE BUILDING MONTHLY ASSESSMENTS
Attached	$88.81 (PER UNIT)	$121.35 (PER UNIT)
Detached	$88.81 (PER UNIT)	N/A

ATTACHED UNITS

ESTIMATED MONTHLY ASSESSMENTS $210.16 (PER UNIT includes $88.81 Regular Assessment and $121.35 LCE Assessment)

WORKING CAPITAL FUND: $177.62 (equal to 2 months of regular assessments)

OPERATIONAL FUND CONTRIBUTION $88.81 (equal to 1 month of regular assessments)

RESERVE FUND CONTRIBUTION: $88.81 (equal to 1 month of regular assessments)

INSURANCE REIMBURSEMENT: $52.00

DETACHED UNITS

ESTIMATED MONTHLY ASSESSMENTS $88.81 (PER UNIT)

WORKING CAPITAL FUND: $177.62 (equal to 2 months of regular assessments)

OPERATIONAL FUND CONTRIBUTION $88.81 (equal to 1 month of regular assessments)

INSURANCE REIMBURSEMENT: $52.00

ESTIMATED ANNUAL TAXES:

The current property tax rate is $2.1787 per $100.00 valuation. To estimate annual taxes:

Sales Price of Unit/100=Y

Y x 2.1787 = Estimated Annual Taxes

Below is an example:

$250,000 (sales price of unit)/100 = $2,500

$2,500 x 2.1787 = $5,446.75 (Estimated Annual Taxes)

ORIGINAL
FILED FOR RECORD

AFTER RECORDING RETURN TO:
Robert D. Burton, Esq.
Armbrust & Brown, L.L.P.
100 Congress Ave., Suite 1300
Austin, Texas 78701

AVIARA

FIRST AMENDMENT TO RESTATED AND AMENDED DECLARATION OF CONDOMINIUM REGIME FOR AVIARA CONDOMINIUMS

(A Residential Condominium in Travis County, Texas)

Cross Reference to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2009071585, Official Public Records of Travis County, Texas.

FIRST AMENDMENT TO
RESTATED AND AMENDED DECLARATION OF CONDOMINIUM REGIME
FOR AVIARA CONDOMINIUMS

This First Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums (the "Amendment") is made CR-B AVIARA, L.P., a Texas limited partnership ("Declarant"), and is as follows:

RECITALS:

A. Aviara Condominiums, a condominium regime (the "Regime"), located in Travis County, Texas, was established pursuant to that certain Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2009071585, *Official Public Records of Travis County, Texas (collectively, the "Declaration").*

B. Pursuant to *Provision A.3.10* of Appendix "A" to the Declaration, Declarant may amend the Declaration unilaterally and without the consent of other Owners or any mortgagee to add real property to the Property and create Units, General Common Elements and Limited Common Elements within the Property.

C. In accordance with *Provision A.3.8* of Appendix "A" to the Declaration, Declarant has reserved the right, during the Development Period, to create Units, General Common Elements, and Limited Common Elements within the Property. The "Development Period" as such term is defined in the Declaration, is a seven (7) year period commencing on the date the Declaration was recorded in the Official Public Records of Travis County, Texas. The Declaration was recorded in the Official Public Records of Travis County, Texas, on May 4, 2009.

D. This amendment is promulgated for the purpose of creating five (5) additional Units within the Regime. The total number of Units within the Regime after giving effect to this Amendment is equal to twelve (12), and the total number of Units which Declarant has reserved the right to create by amendment is equal to sixty-eight (68).

NOW THEREFORE, the Declaration is hereby amended as follows:

1. Creation of Units. In accordance with the rights reserved by the Declarant pursuant to *Section 5.1* of the Declaration and *Provisions A.3.98* and *A.3.10* of Appendix "A" to the Declaration, Declarant hereby creates five (5) Units, which are designated as Unit Nos. A-2, A-3, A-4, A-5 and A-13 (collectively, the "New Units"). The New Units are hereby classified as Units which MUST BE BUILT.

2. Replacement of Exhibit "B". Exhibit 'B" to the Declaration is hereby deleted in its entirety and the Plats and Plans attached hereto as Attachment 1 (the "New Plats and Plans") are substituted in their place. The New Plats and Plans: (i) assign an identifying number to all Units; (ii) describe the portion of the limited common elements created or assigned to all Units; and (iii) include the information required by Section 82.059 of the Texas Uniform Condominium Act.

3. Replacement of Exhibit "C". The Percentage Interests allocated to all Units within the Regime, after the addition of the New Units, is set forth on Attachment 2, attached hereto. Attachment 2, attached hereto, will supersede and replace Exhibit "C" attached to the Declaration.

4. 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.

[SIGNATURE PAGE FOLLOWS]

EXECUTED to be effective as of the 19th day of August, 2009.

DECLARANT:

CR-B AVIARA, L.P., a Texas limited partnership

By: CR-B INVESTORS I GP, L.L.C., a Texas limited liability company, its General Partner

By: _____
Printed Name: John McKinney
Title: Vice President

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this 19th day of August, 2009 by John McKinney, Vice President of CR-B Investors I GP, L.L.C., a Texas limited liability company, General Partner of CR-B Aviara, L.P., a Texas limited partnership, on behalf of said entities.

(SEAL)

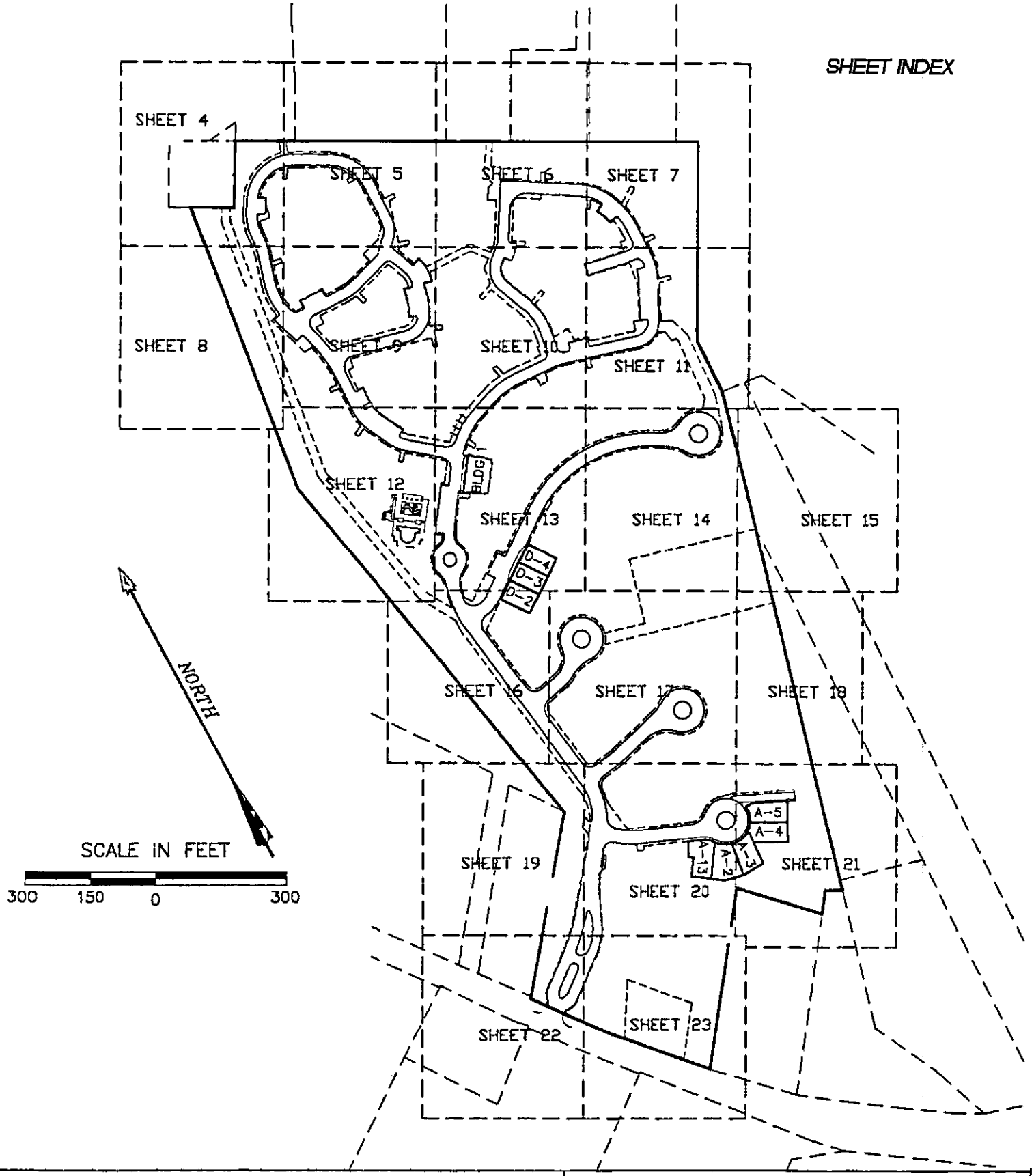
JAMIE ORR SCHROEDER
MY COMMISSION EXPIRES
June 8, 2011

_____
Notary Public Signature

ATTACHMENT 1

EXHIBIT "B" TO THE DECLARATION OF CONDOMINIUM REGIME

SEE SHEET 24 OF 26 FOR ORIGINAL CERTIFICATION



AVIARA CONDOMINIUMS

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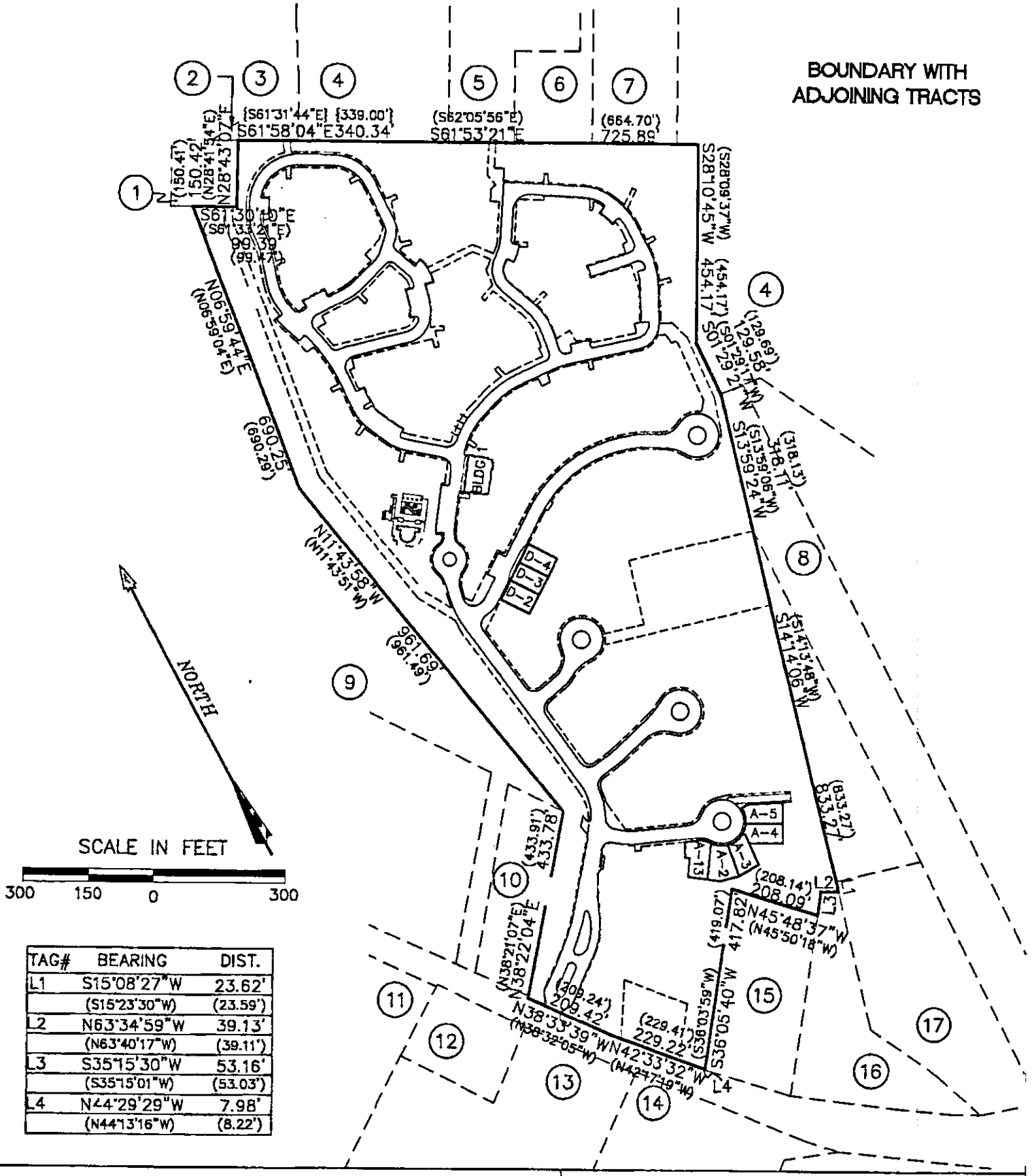

TAG#	BEARING	DIST.
L1	S15°08'27"W	23.62'
	(S15°23'30"W)	(23.59')
L2	N63°34'59"W	39.13'
	(N63°40'17"W)	(39.11')
L3	S35°15'30"W	53.16'
	(S35°15'01"W)	(53.03')
L4	N44°29'29"W	7.98'
	(N44°13'16"W)	(8.22')

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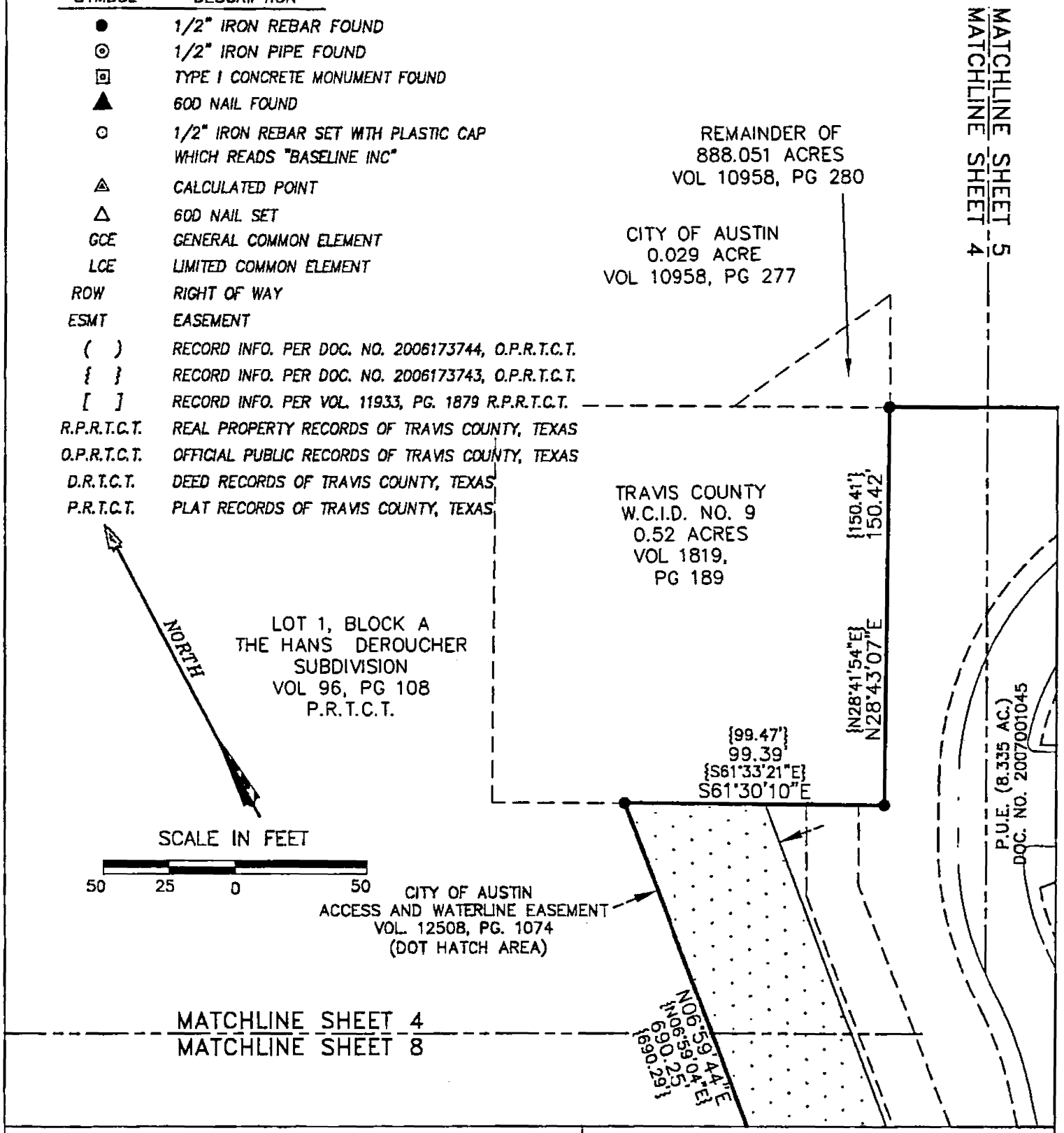
Date: 08/18/09	Checked By: JSL	Drawn By: HPE\RLW

1. TRAVIS COUNTY W.C.I.D. NO. 9, VOL. 1819, PG. 189 (0.52 ACRES)
2. CITY OF AUSTIN, VOL. 10958, PG. 277 (0.029 ACRES)
3. REMAINDER OF 888.051 ACRES, VOL. 10958, PG. 280
4. LOT 115, BLOCK B, LANTANA SOUTHWEST, PHASE 1, DOC. NO. 200300137
5. CITY OF AUSTIN, TRACT 2, VOL. 12910, PG. 670 (1.757 ACRES)
6. CITY OF AUSTIN, VOL. 10031 PG. 300 (1.0397 ACRES)
7. CITY OF AUSTIN, TRACT 1, VOL. 12910, PG. 670 (1.655 ACRES)
8. KEYSTONE CONSTRUCTION, INC., VOL. 11918, PG. 1755 (4.993 ACRES)
9. LOT 1, BLOCK "A", THE HANS DEROUCHER SUBDIVISION, VOL. 96, PG. 108
10. LOT 2, BLOCK "A", THE HANS DEROUCHER SUBDIVISION, VOL. 96, PG. 108
11. AARON GARDNER SUBDIVISION, VOL. 49, PG. 95
12. BENJAMIN L. NORS, DOC. NO. 2001174575 (1.00 ACRE)
13. HUEBETTER SUBDIVISION, VOL. 78, PG. 1
14. JAMES L. SCHORR, VOL. 11883, PG. 1334 (10.177 ACRES)
15. ALAN ABBE, et ux, VOL. 8732, PG. 5 (1.9807 ACRES)
16. 1.951 ACRES, VOL. 11400, PG. 875
17. GILBERT M. JAPKO, TRACT ONE, VOL. 6095, PG. 82 (3.129 ACRES)

SEE SHEETS 25 & 26 FOR
CURVE & LINE TABLES

LEGEND

SYMBOL	DESCRIPTION
●	1/2" IRON REBAR FOUND
⊙	1/2" IRON PIPE FOUND
⊡	TYPE I CONCRETE MONUMENT FOUND
▲	60D NAIL FOUND
○	1/2" IRON REBAR SET WITH PLASTIC CAP WHICH READS "BASELINE INC"
⊿	CALCULATED POINT
△	60D NAIL SET
GCE	GENERAL COMMON ELEMENT
LCE	LIMITED COMMON ELEMENT
ROW	RIGHT OF WAY
ESMT	EASEMENT
( )	RECORD INFO. PER DOC. NO. 2006173744, O.P.R.T.C.T.
{ }	RECORD INFO. PER DOC. NO. 2006173743, O.P.R.T.C.T.
[ ]	RECORD INFO. PER VOL. 11933, PG. 1879 R.P.R.T.C.T.
R.P.R.T.C.T.	REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS
O.P.R.T.C.T.	OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS
D.R.T.C.T.	DEED RECORDS OF TRAVIS COUNTY, TEXAS
P.R.T.C.T.	PLAT RECORDS OF TRAVIS COUNTY, TEXAS



AVIARA CONDOMINIUMS

EXHIBIT

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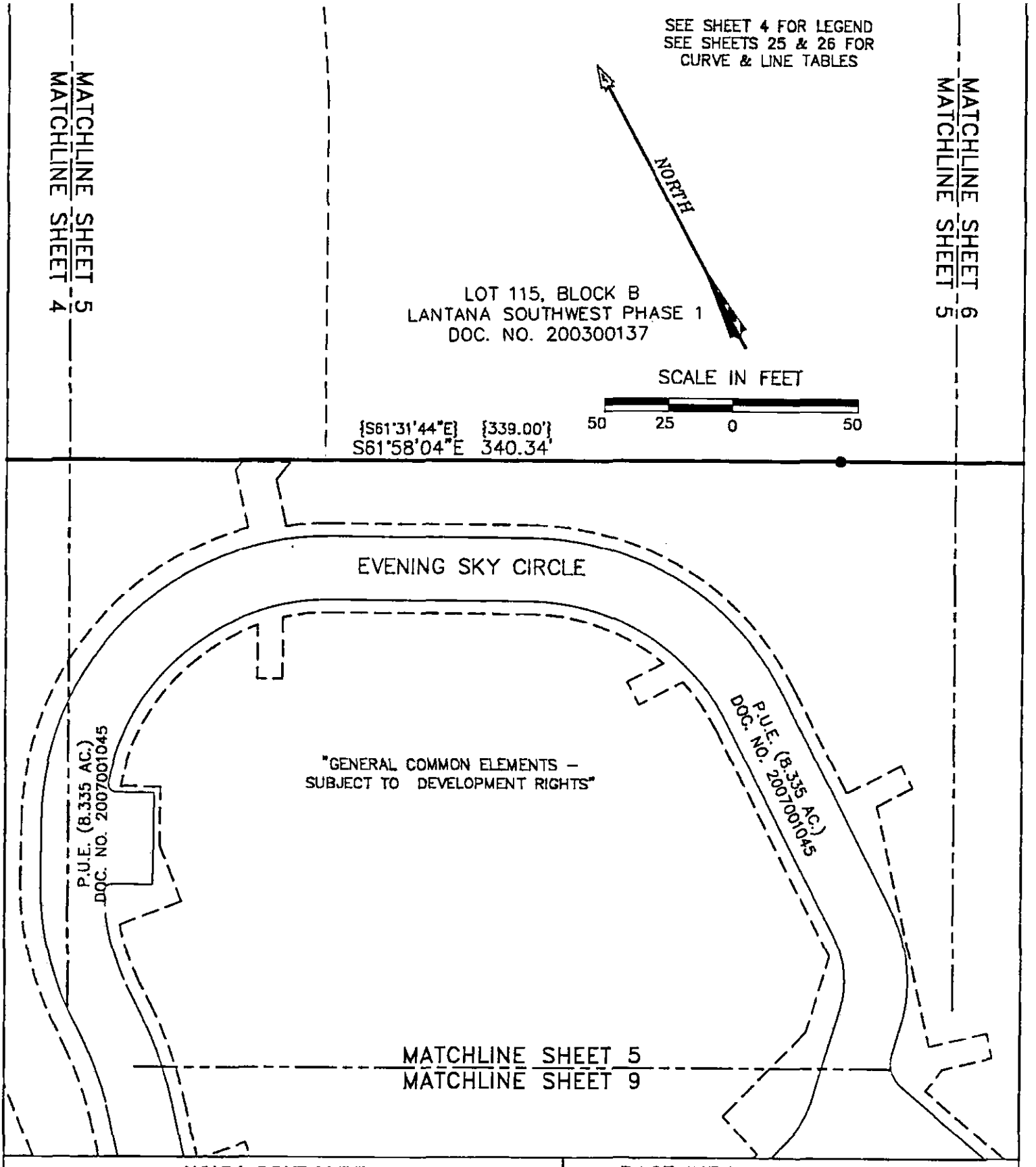

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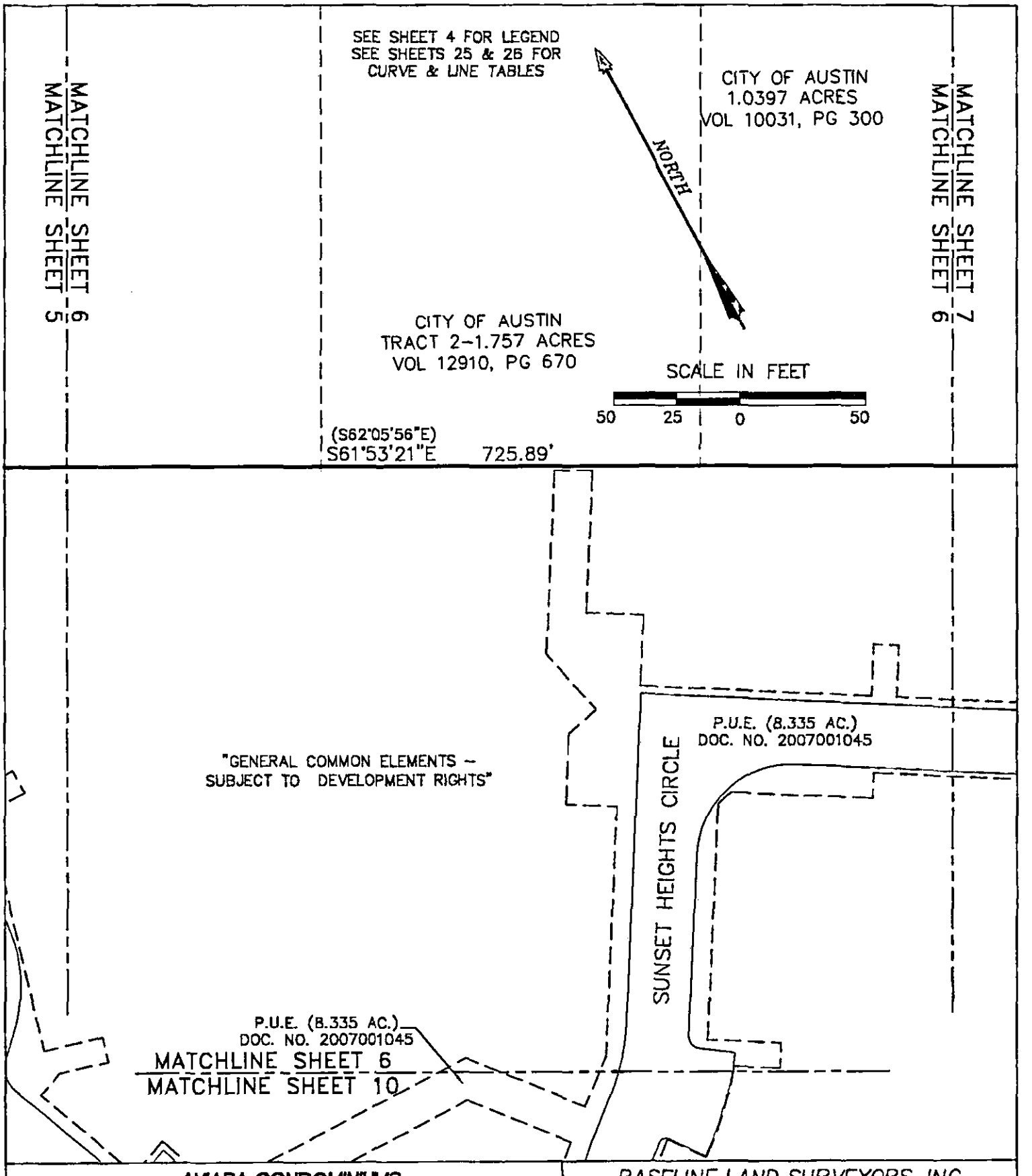

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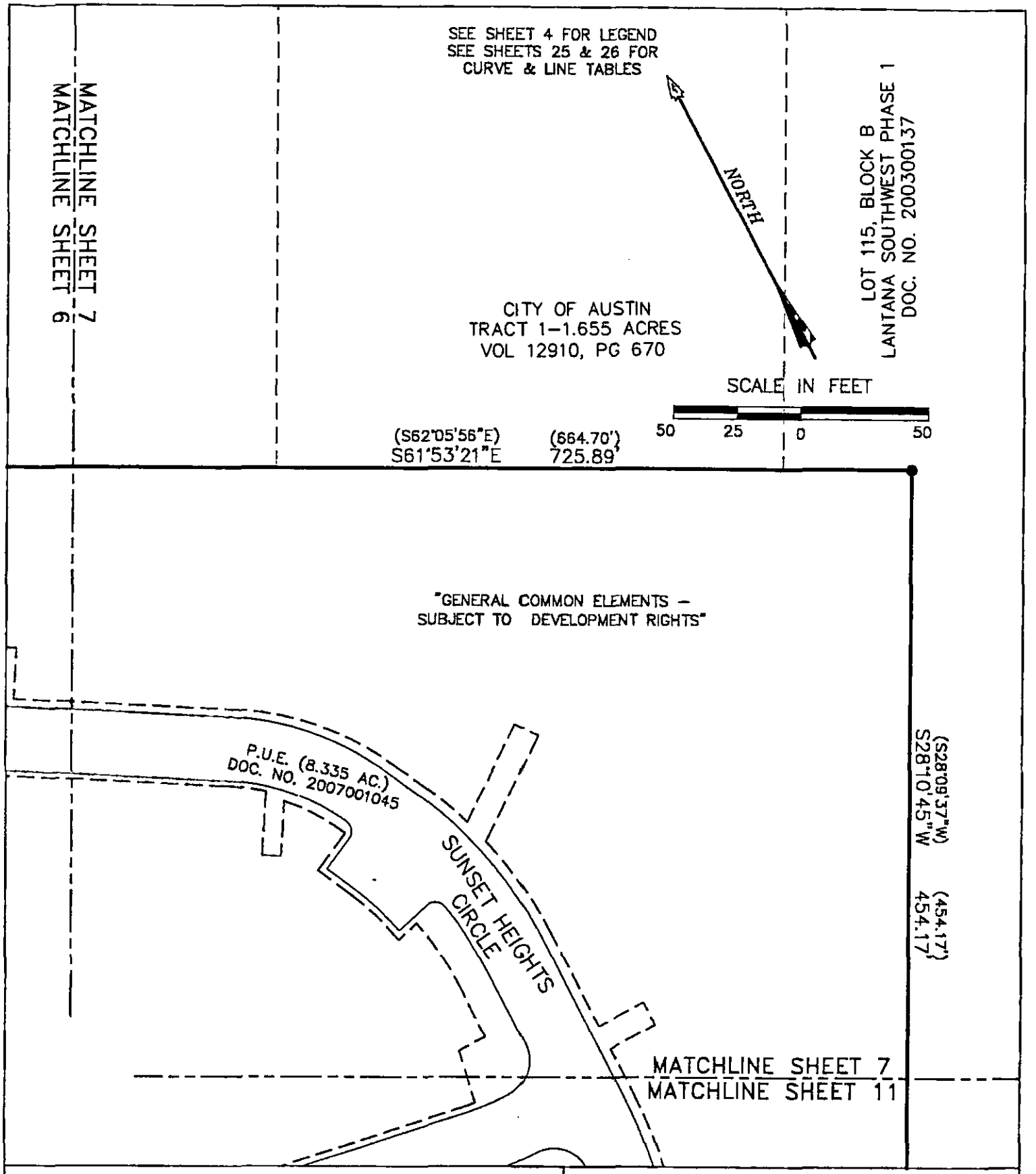

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MATCHLINE SHEET 4
MATCHLINE SHEET 8

N06°59'44"E
{N06°59'04"E}
690.25'
{690.29'}

CITY OF AUSTIN
ACCESS AND WATERLINE EASEMENT
VOL. 12508, PG. 1074
(DOT HATCH AREA)

MATCHLINE SHEET 9
MATCHLINE SHEET 8

LOT 1, BLOCK A
THE HANS DEROUCHER
SUBDIVISION
VOL 96, PG 108
P.R.T.C.T.

TRAVIS COUNTY W.C.I.D. NO. 9
50' ACCESS AND WATERLINE EASEMENT
VOL 1819, PG 189 – SEE RELEASE
OF EASEMENT IN VOL 12885, PG 1905

N06°59'44"E
{N06°59'04"E}
690.25'
{690.29'}

NORTH

SCALE IN FEET
50 25 0 50

SEE SHEET 4 FOR LEGEND
SEE SHEETS 25 & 26 FOR
CURVE & LINE TABLES

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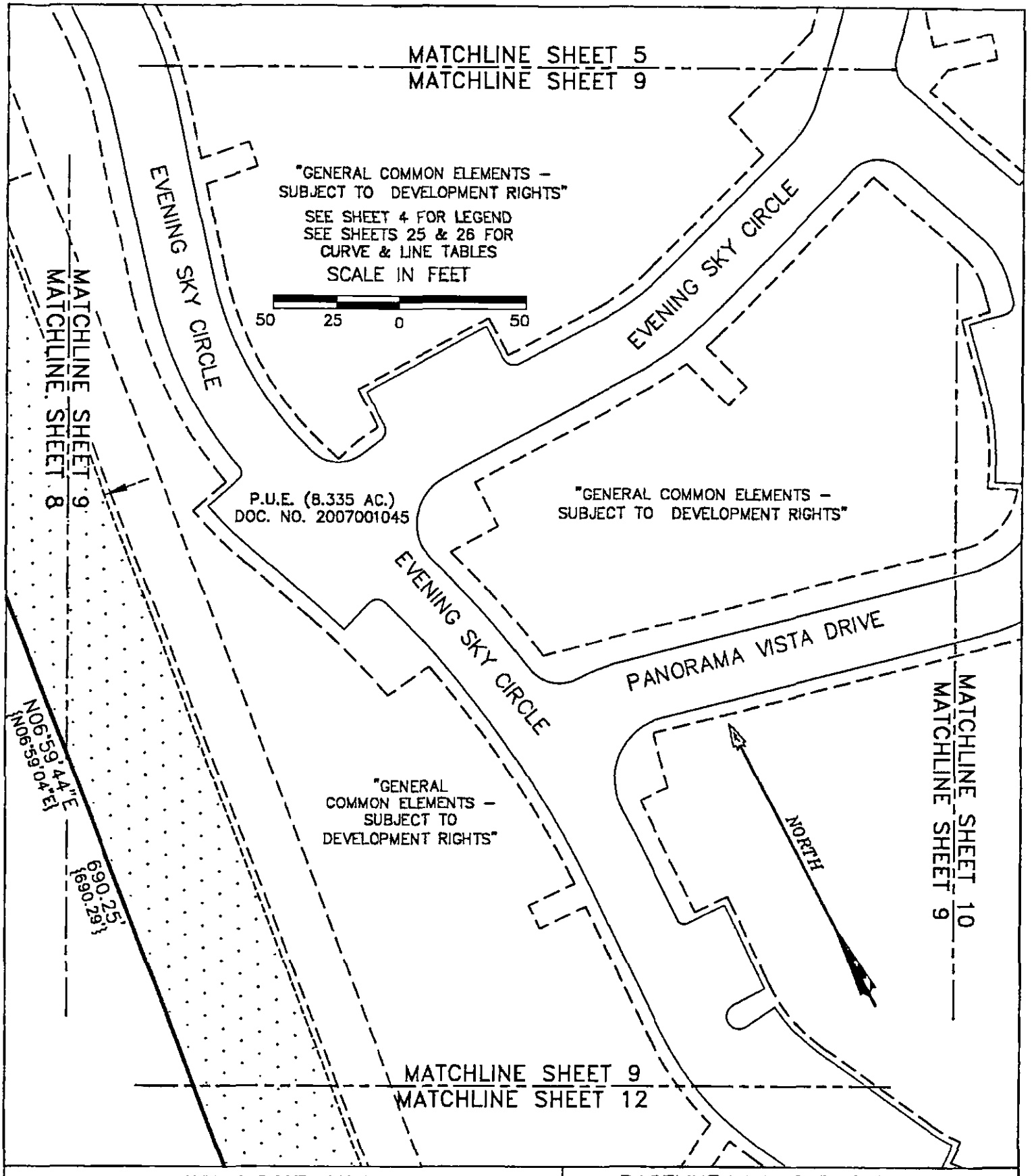

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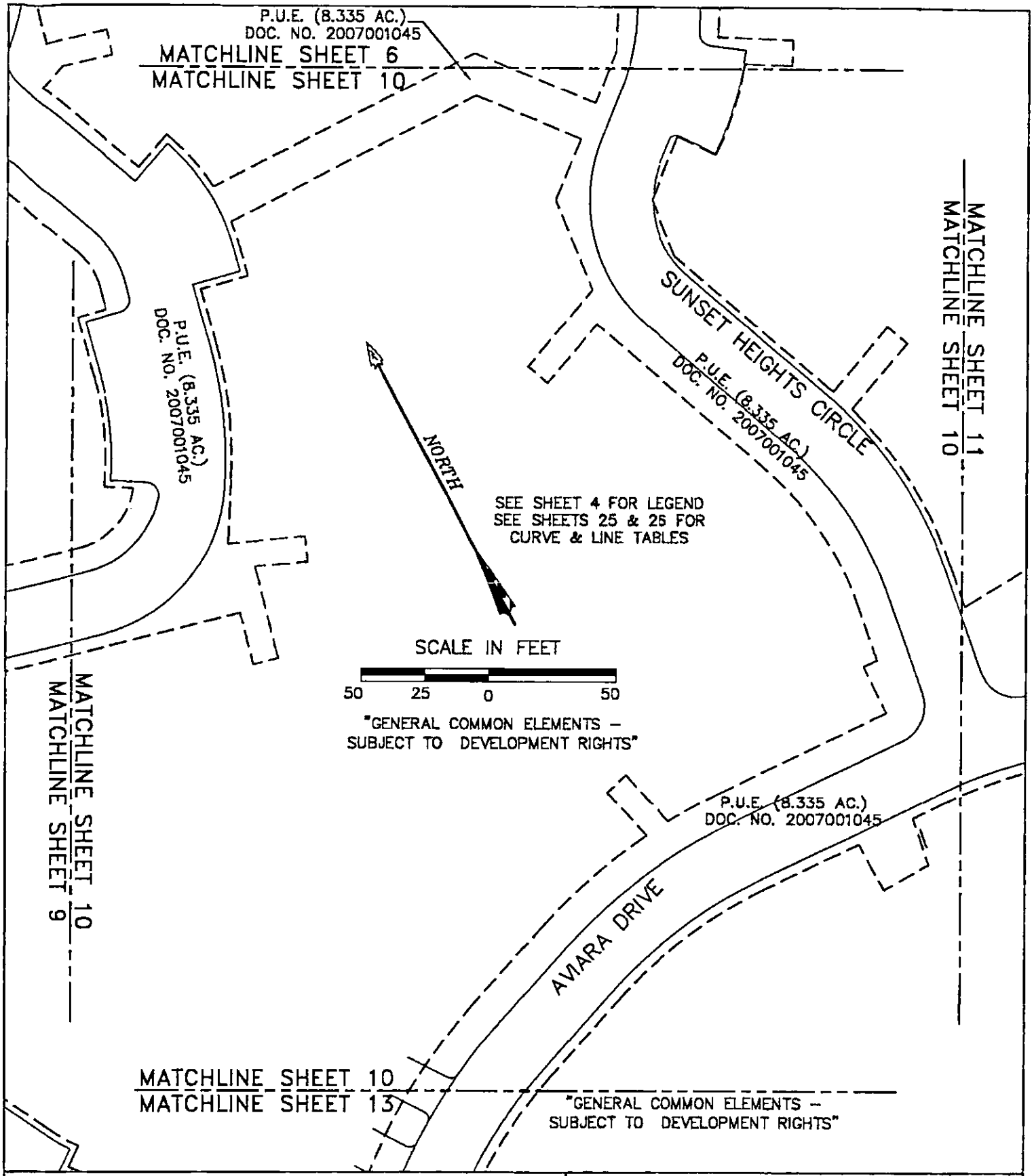

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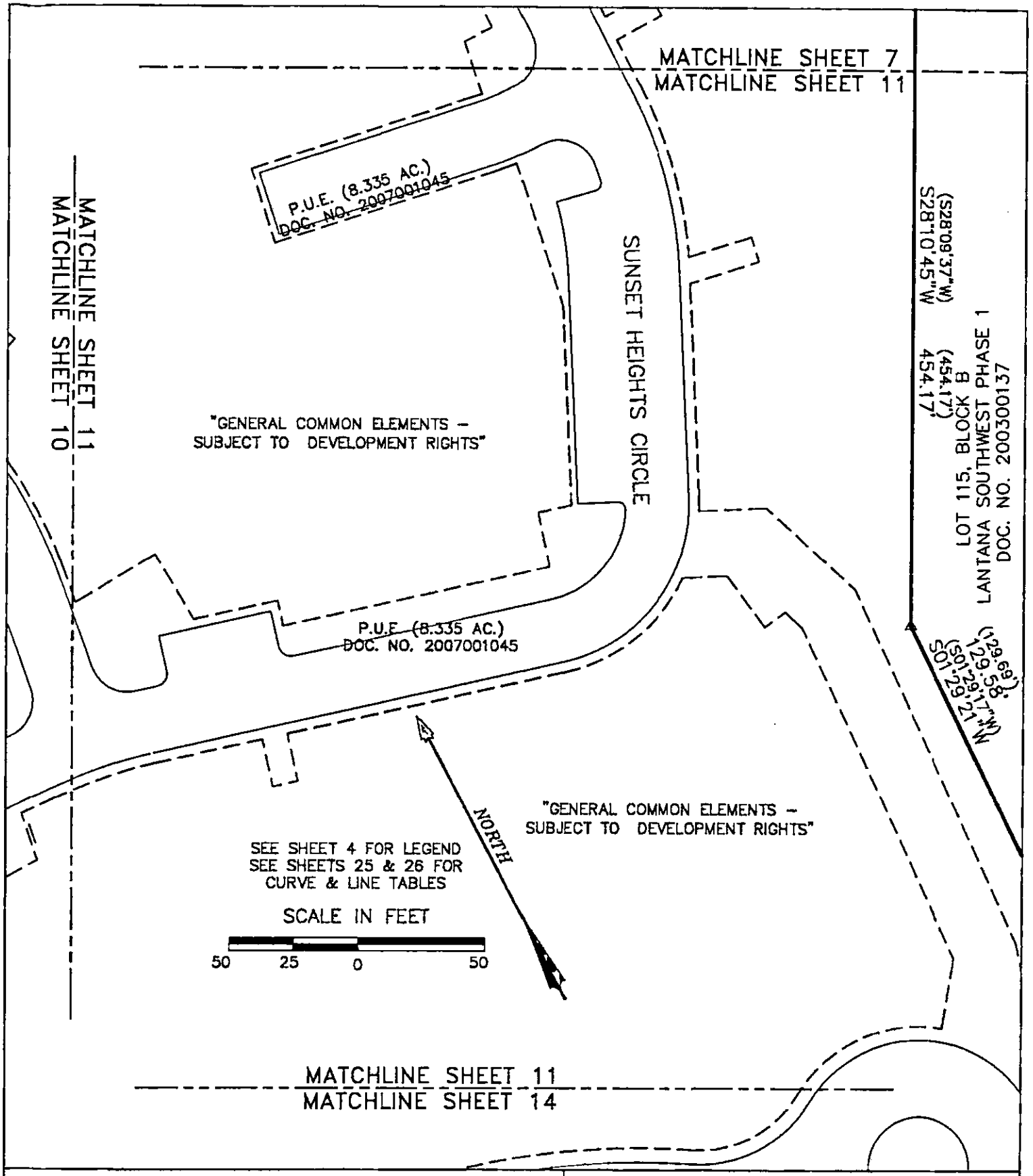

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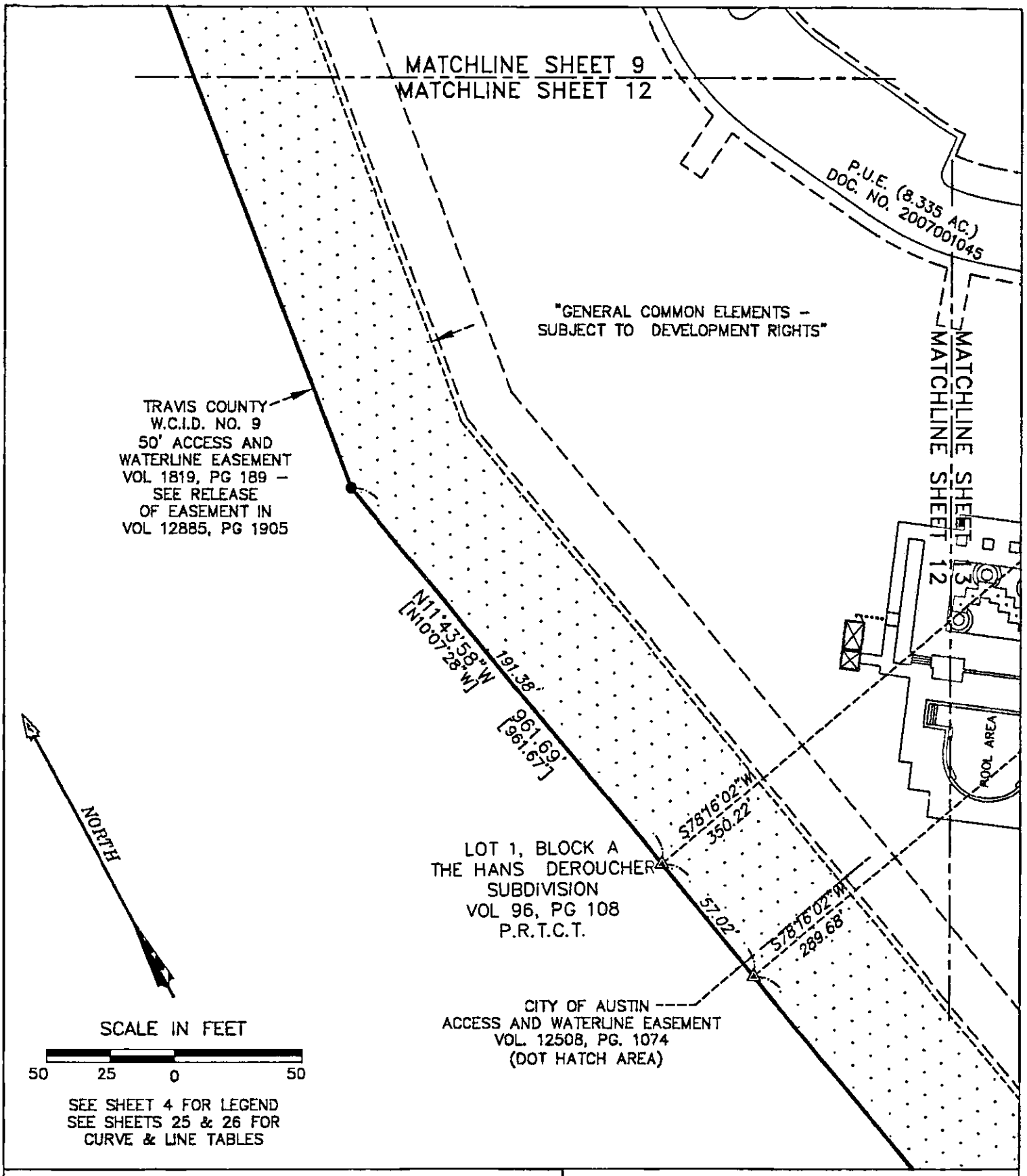

SEE SHEET 4 FOR LEGEND
SEE SHEETS 25 & 26 FOR CURVE & LINE TABLES

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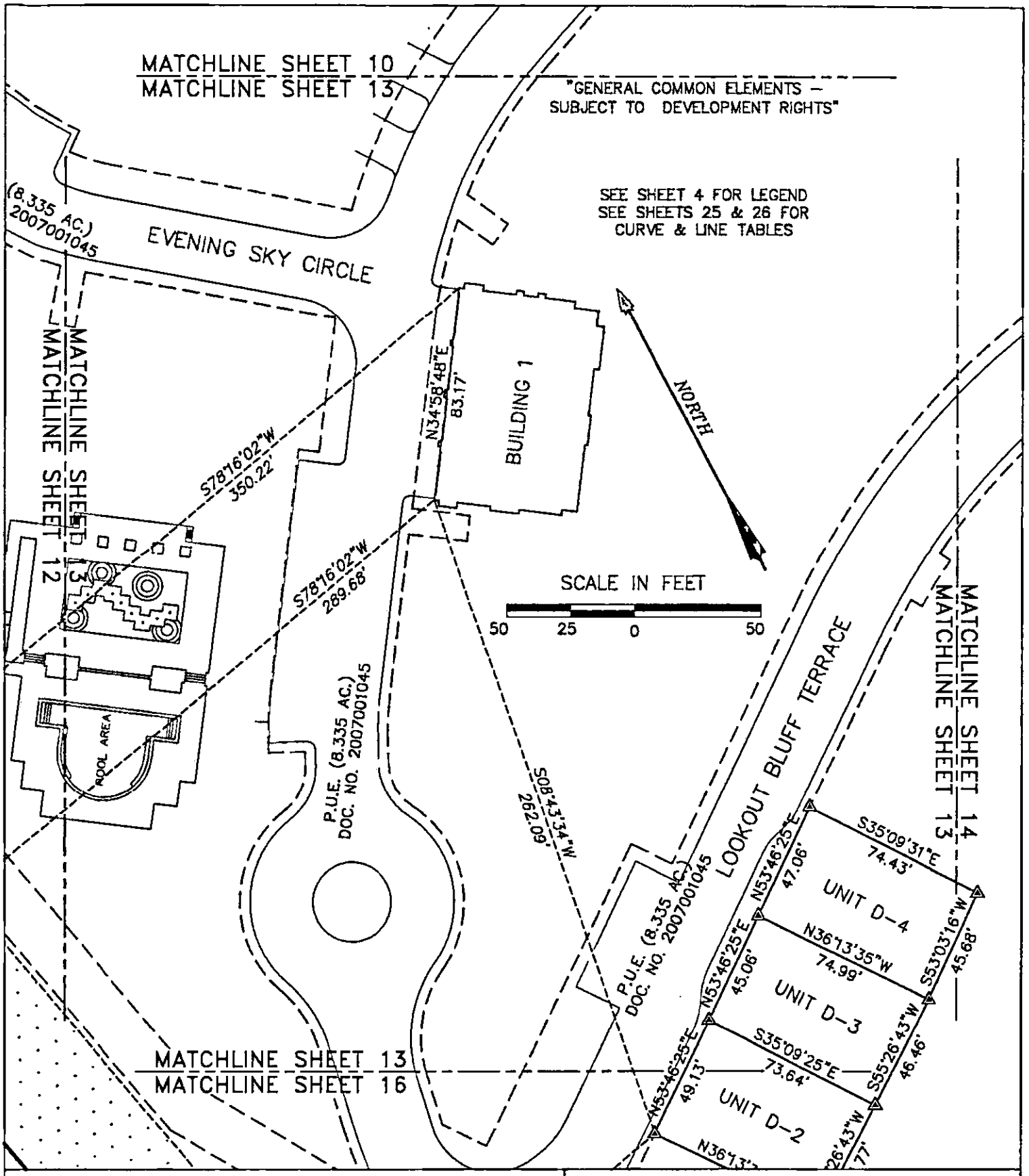

AVIARA CONDOMINIUMS

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OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG--AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG--AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

BASELINE LAND SURVEYORS, INC.
PROFESSIONAL LAND SURVEYING SERVICES
8333 CROSS PARK DRIVE
AUSTIN, TEXAS 78754
OFFICE: 512.374.9722 FAX: 512.873.9743
ron-baseline@austin.rr.com

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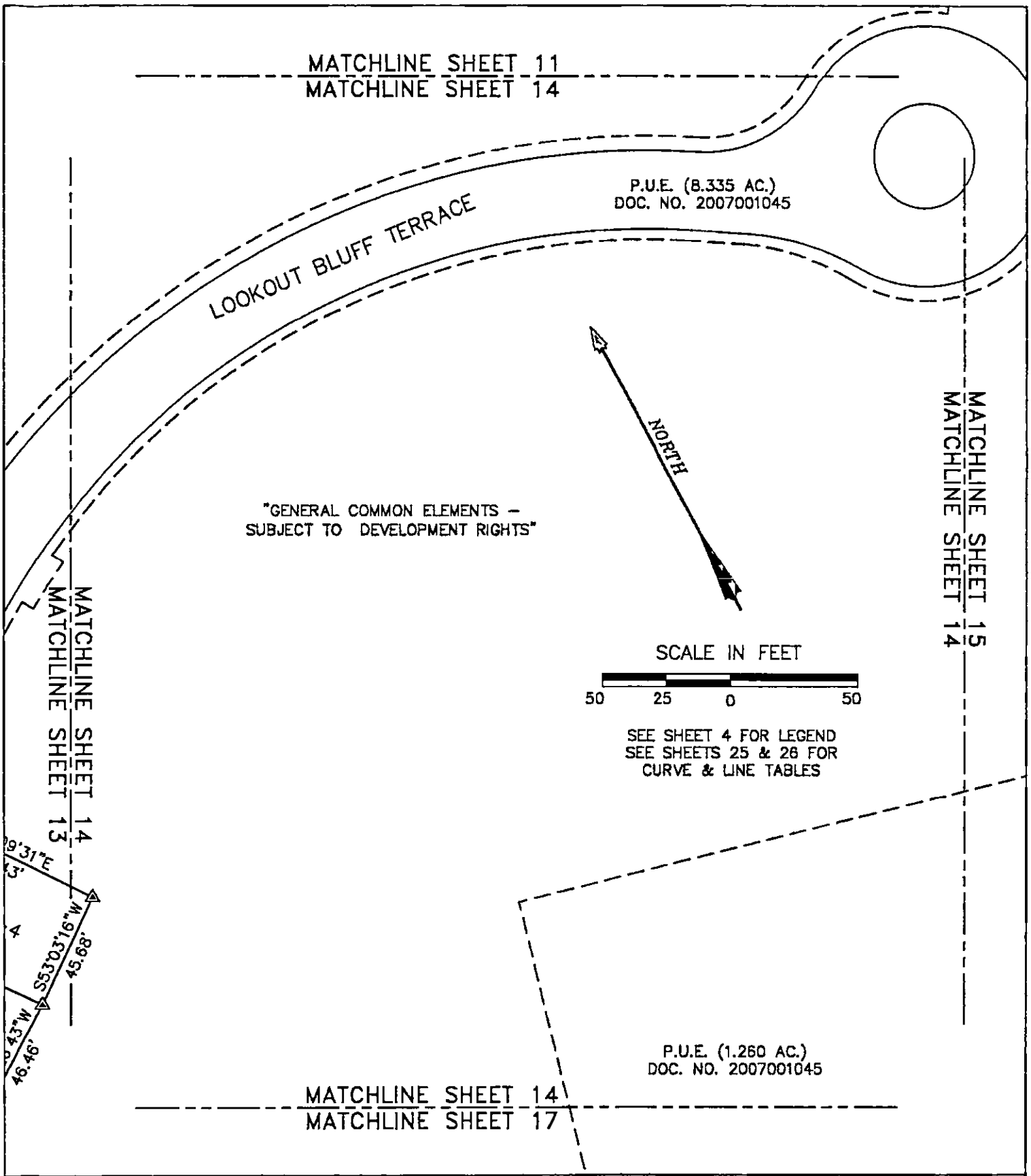

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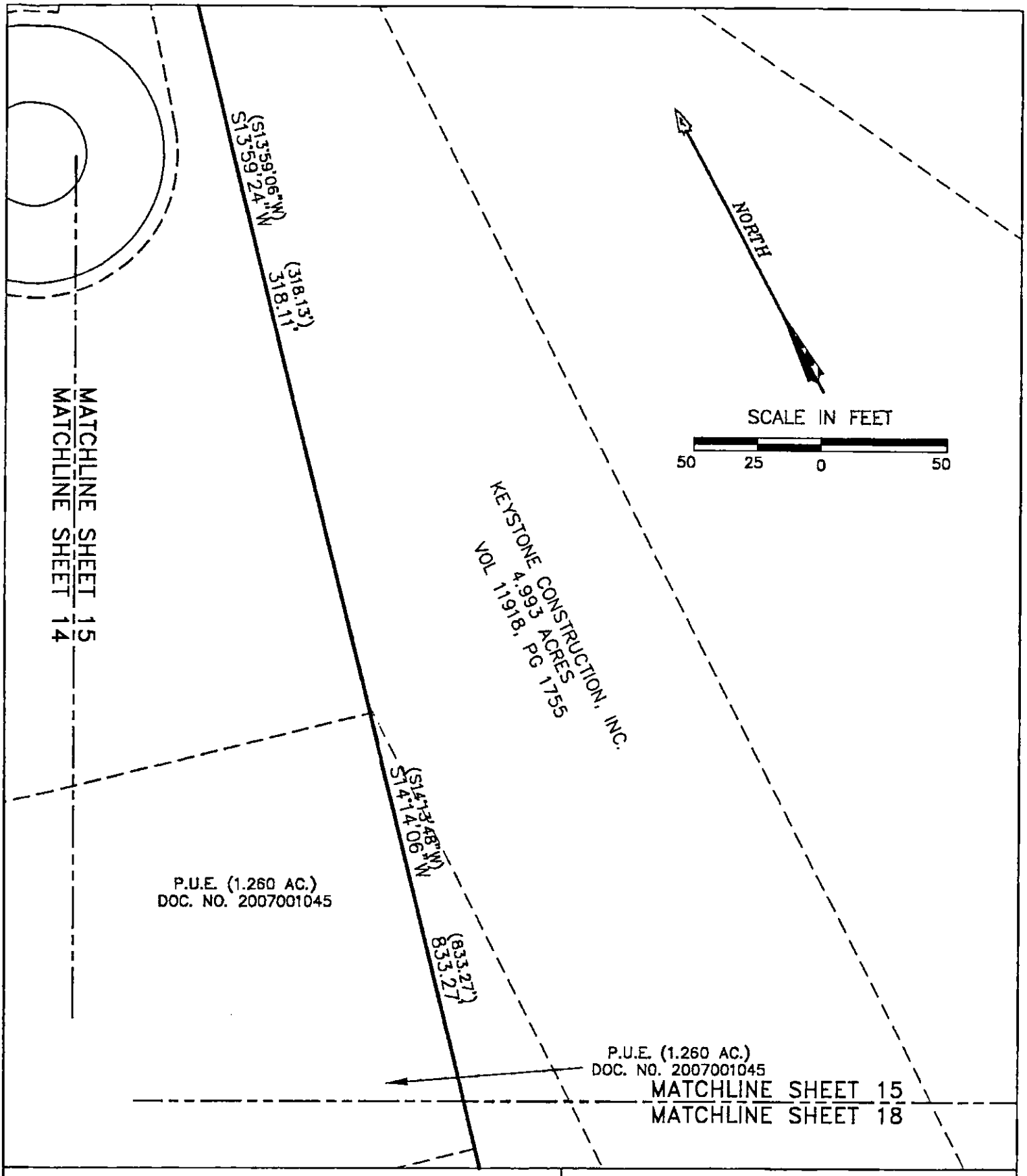

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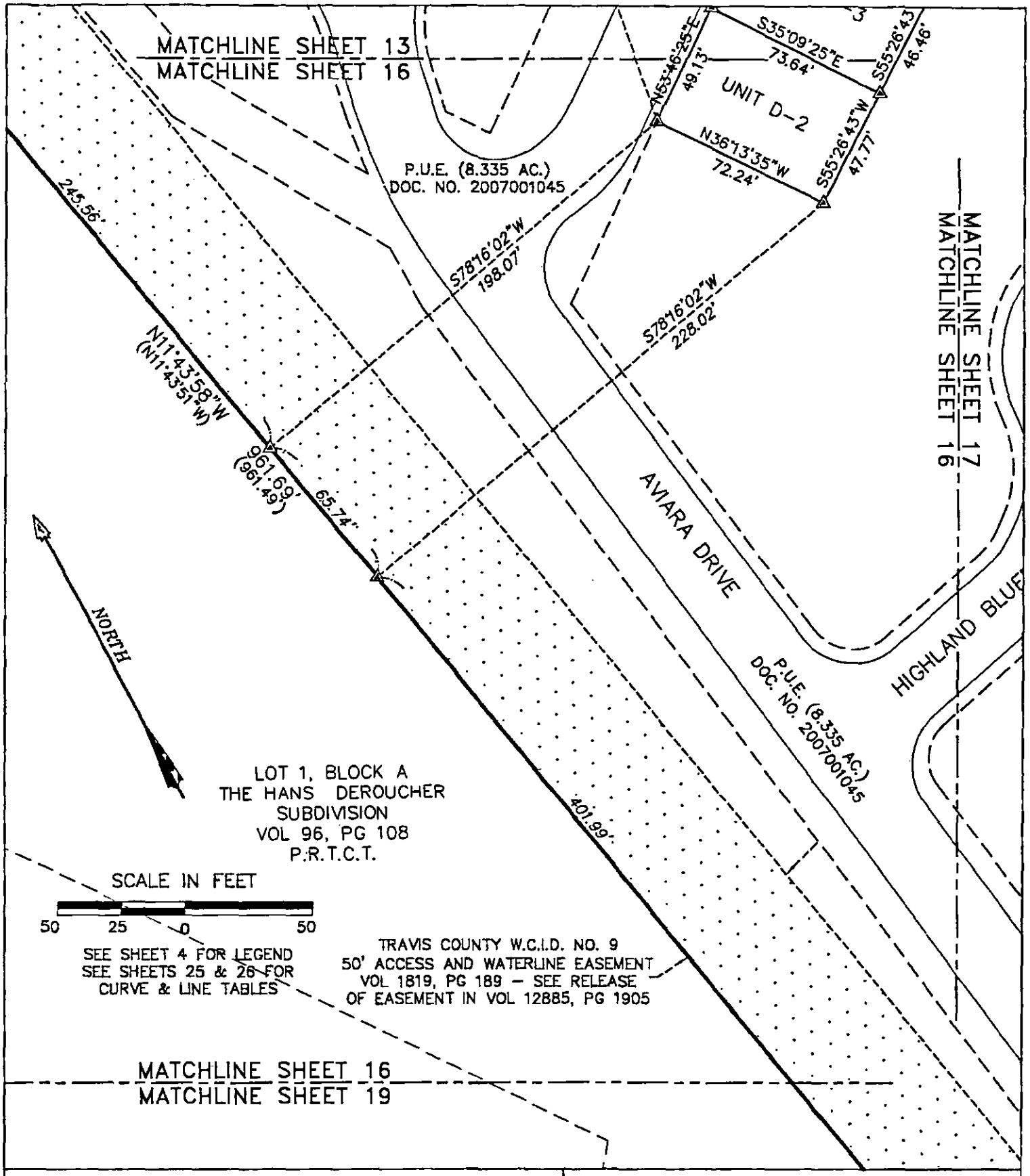

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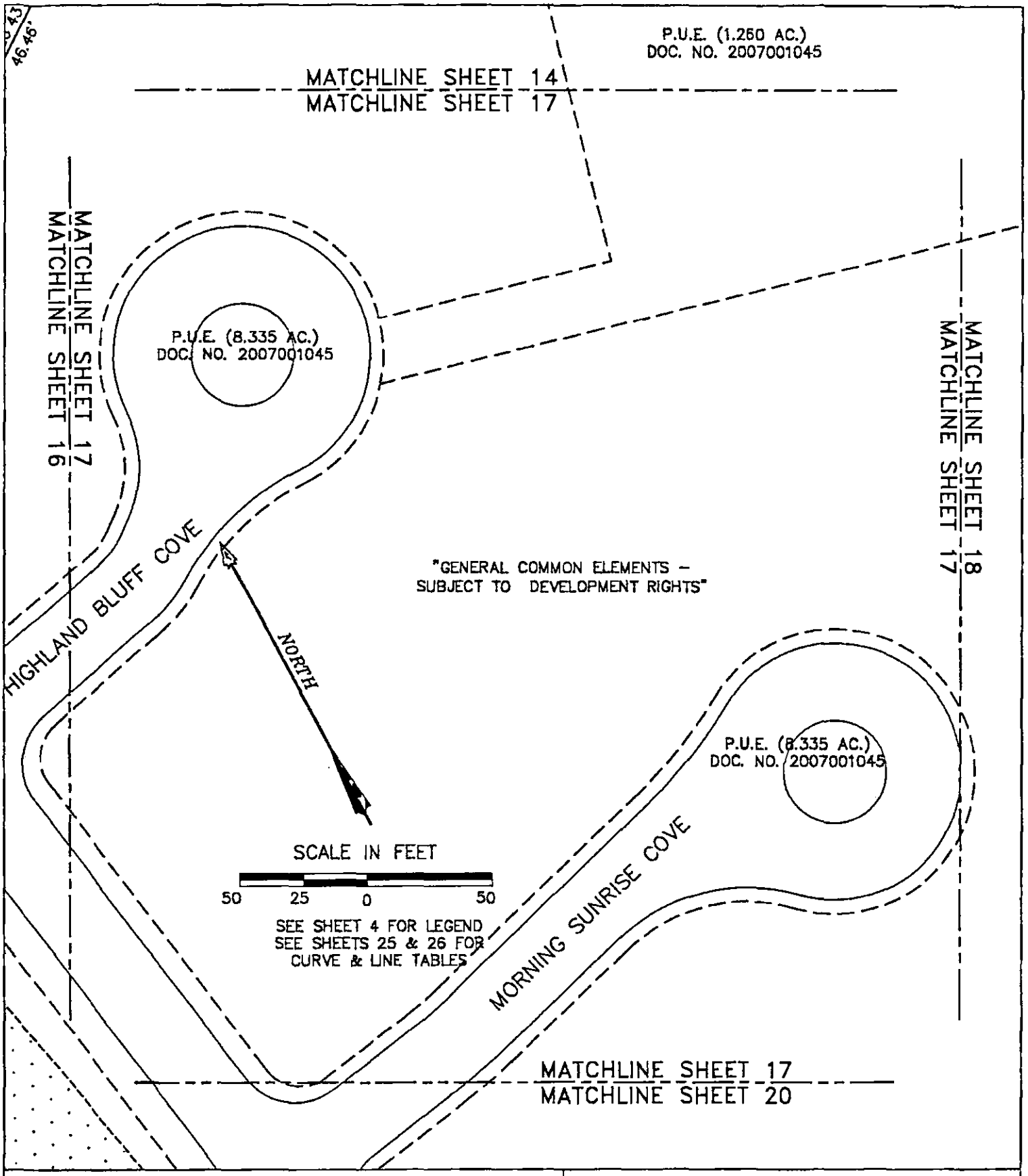

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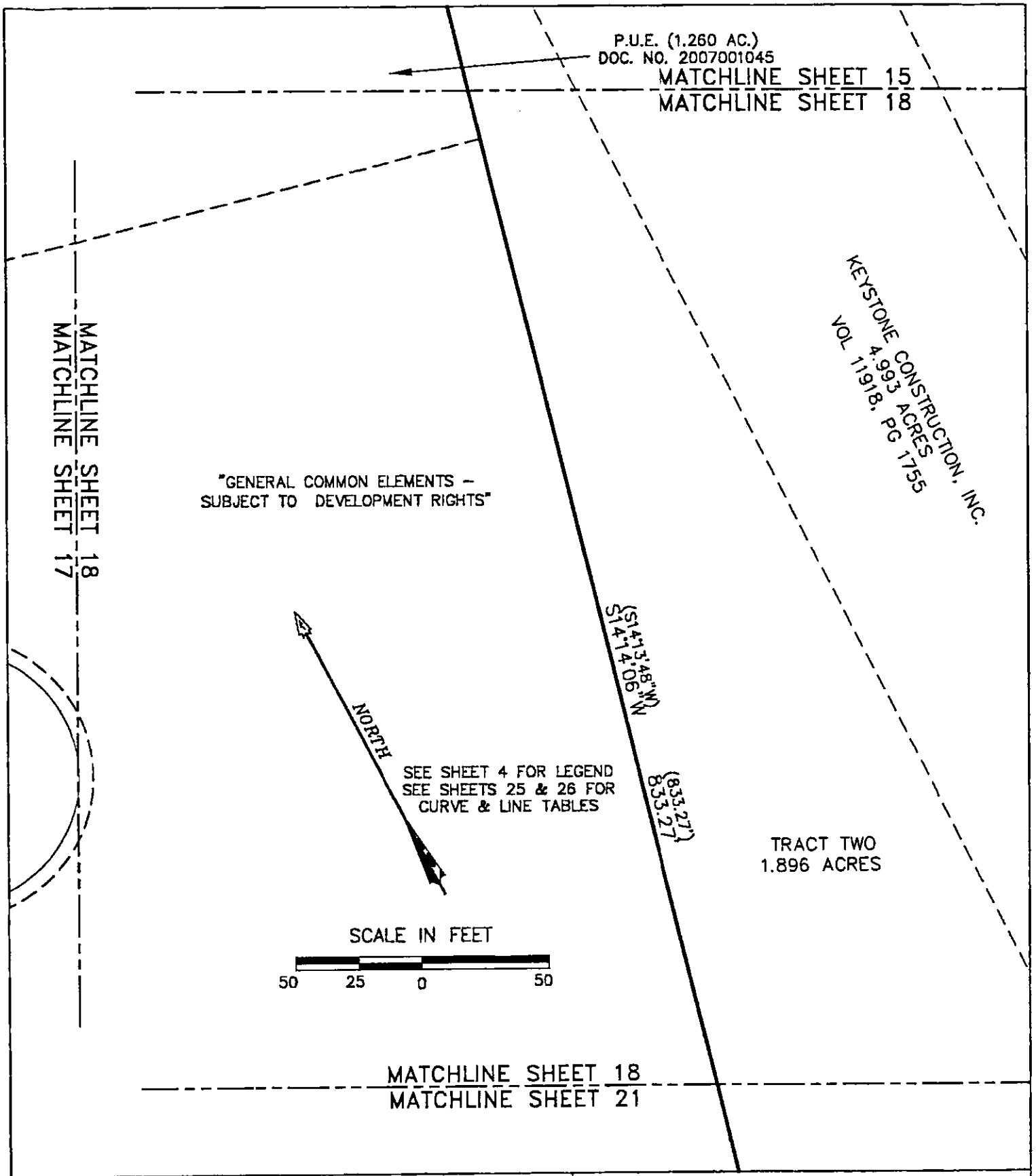

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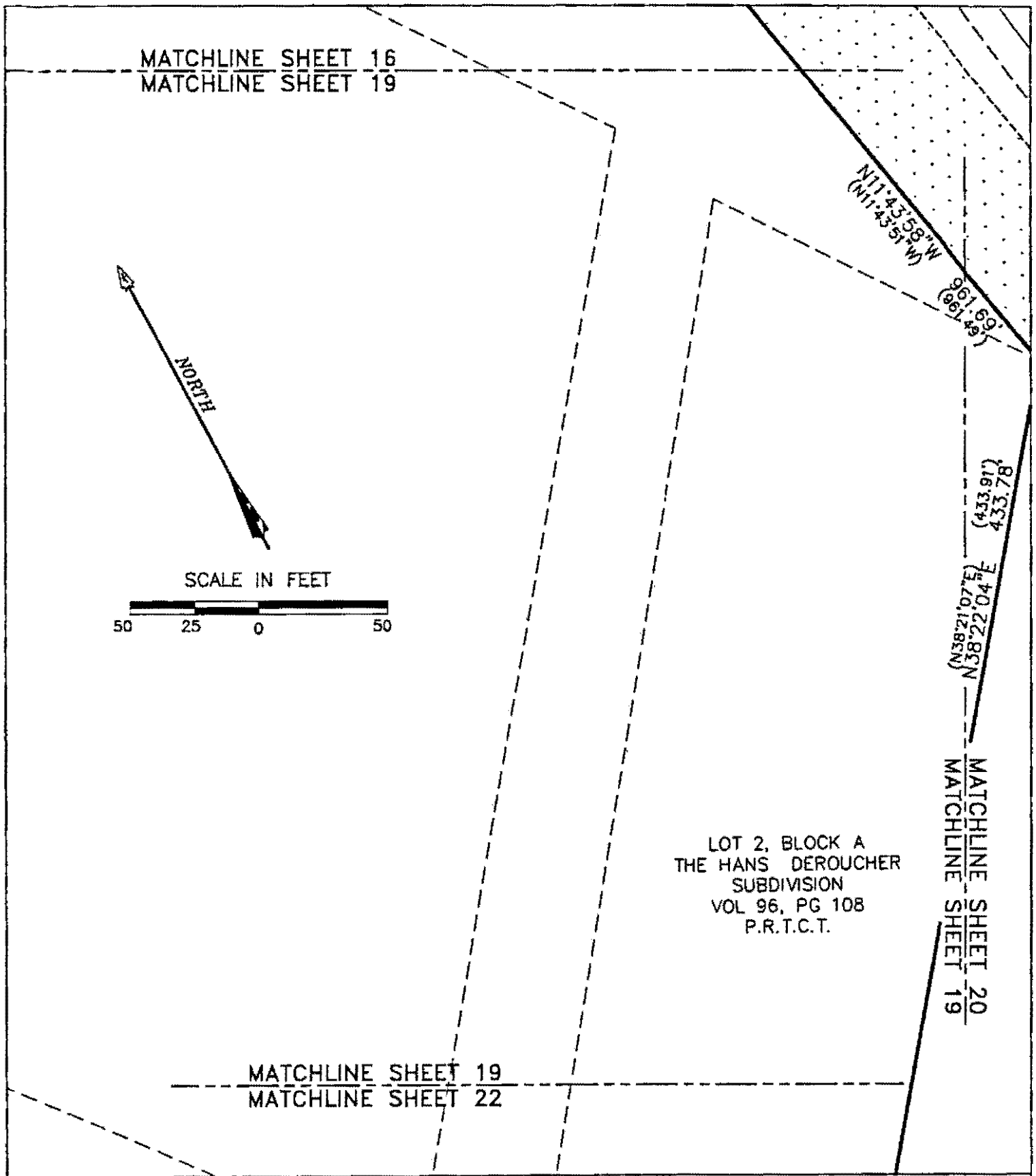

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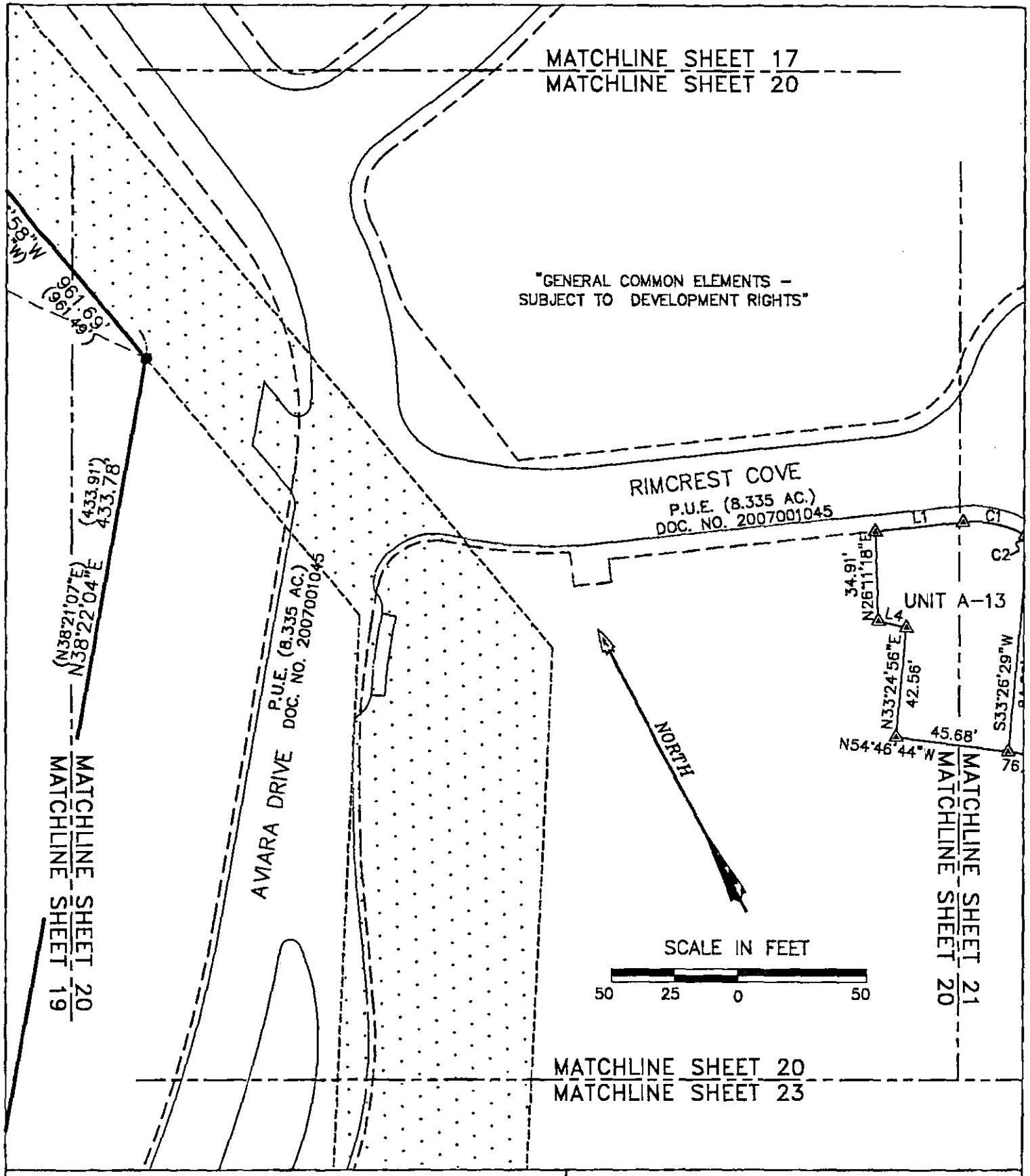

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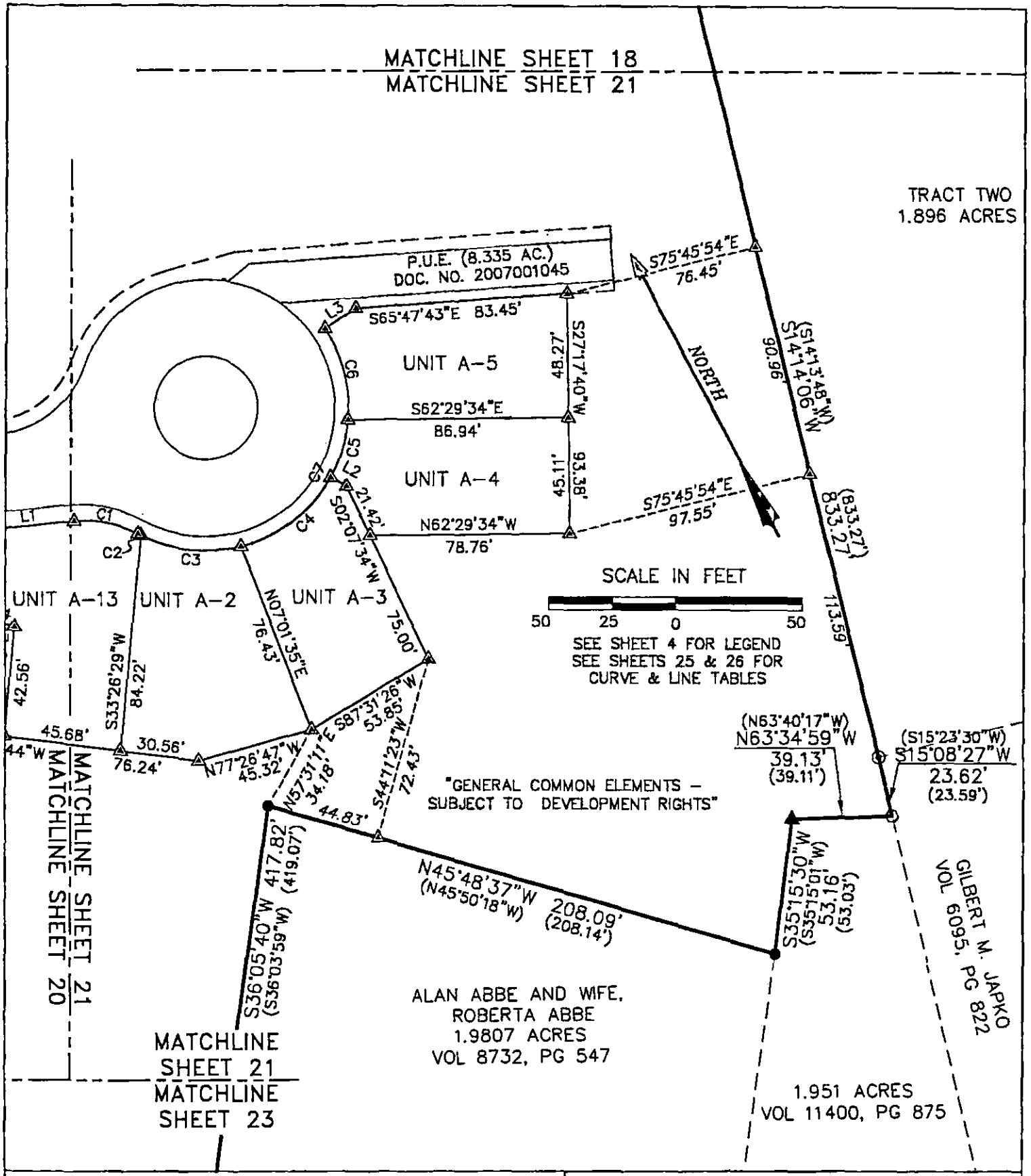

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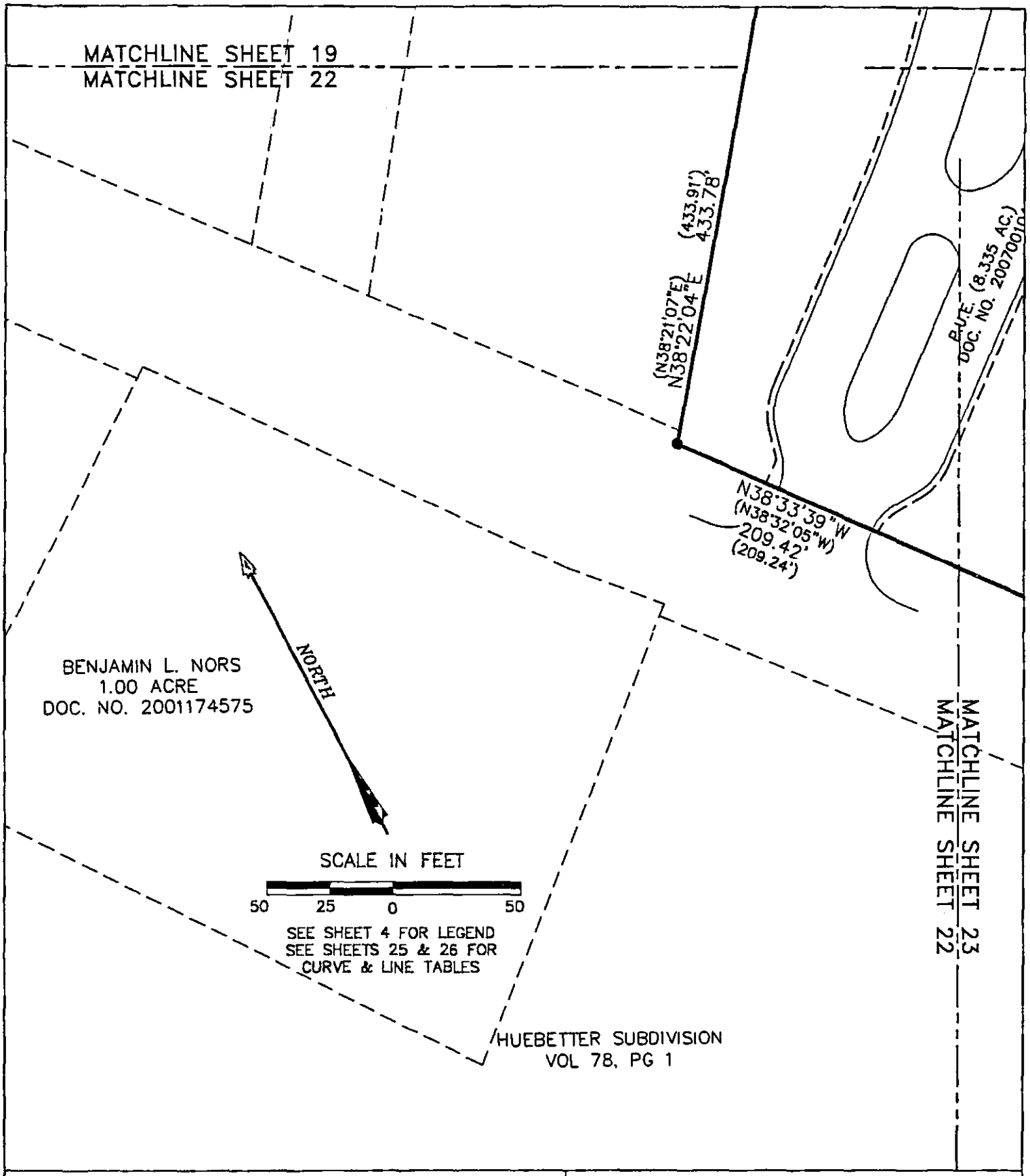

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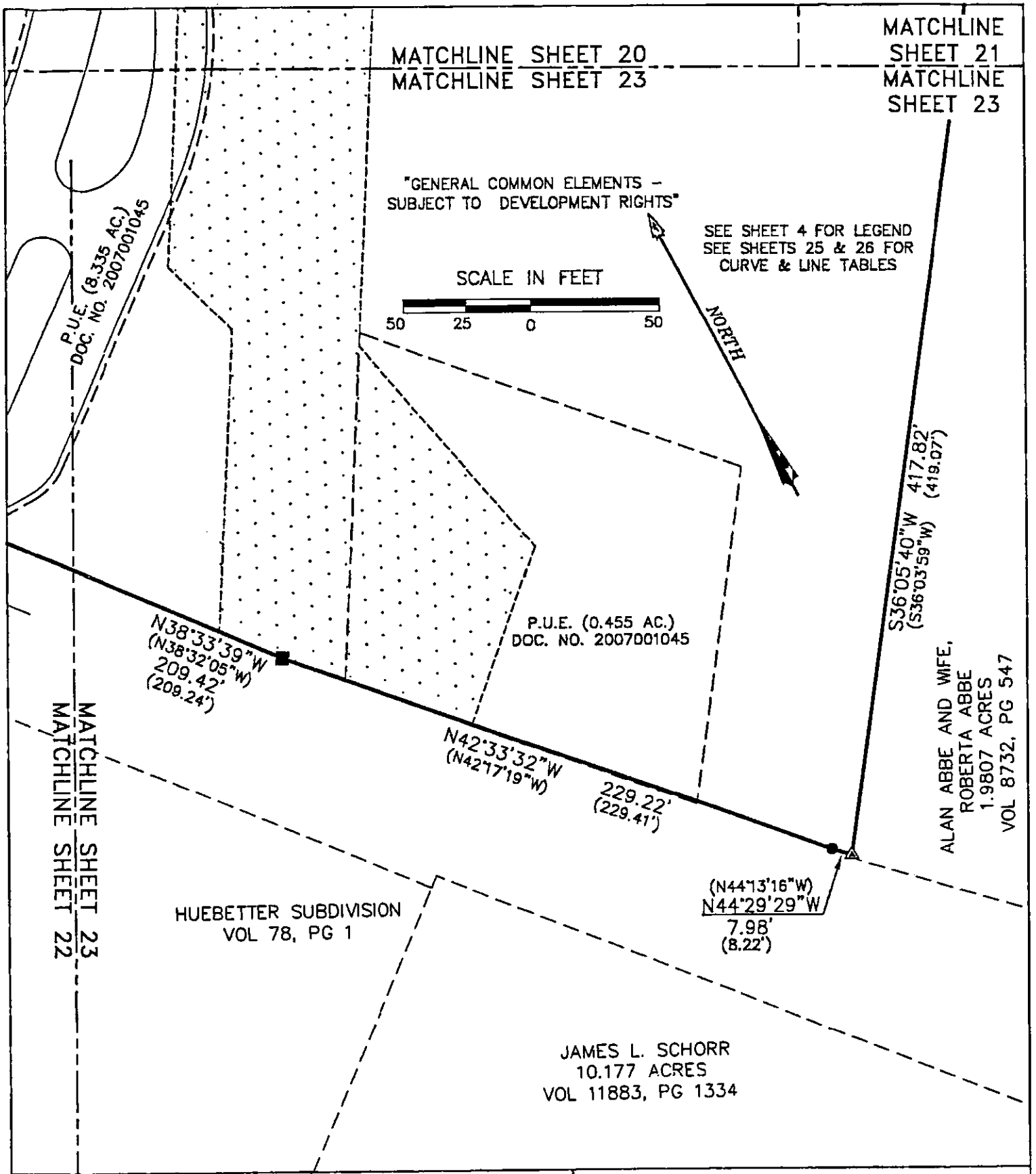

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Scale (Hor.): 1"=50'	Scale (Vert.):	
Date: 08/18/09	Checked By: JSL	Drawn By: HPE\RLW

EXHIBIT

AVIARA CONDOMINIUMS

[PLAT]

§ Certification of Surveyor §

The attached plat, attached hereto as Exhibit contain the information required by Section 82.052 and Section 82.059 of the Texas Uniform Condominium Act, as applicable.

Ron L. Wallace

Ronnie Wallace
R.P.L.S. No. 5222

Date: 18 August 2009

STATE OF TEXAS
REGISTERED
RONNIE WALLACE
5222
PROFESSIONAL
LAND SURVEYOR

AVIARA CONDOMINIUMS EXHIBIT OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS	*BASELINE LAND SURVEYORS, INC.* *PROFESSIONAL LAND SURVEYING SERVICES* *8333 CROSS PARK DRIVE* *AUSTIN, TEXAS 78754* *OFFICE: 512.374.9722 FAX: 512.873.9743* *ron-baseline@austin.rr.com*

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Job No.	Snapshot:		24 of 26
Scale (Hor.): 1"=50'	Scale (Vert.):		
Date: 08/18/09	Checked By: JSL	Drawn By: HPE\RLW	

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C1	43.50'	25.85'	34°03'14"	N50°51'00"W	25.48'
C2	55.50'	1.36'	1°24'13"	S34°31'30"E	1.36'
C3	55.50'	39.74'	41°01'24"	S55°44'18"E	38.89'
C4	55.50'	45.25'	46°42'38"	N80°23'41"E	44.00'
C5	55.50'	23.52'	24°16'50"	N44°53'57"E	23.34'
C6	55.50'	37.22'	38°25'09"	N13°32'57"E	36.52'
C7	55.50'	147.08'	151°50'14"	N70°15'30"E	107.66'

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Job No.	Snapshot:	
Scale (Hor.): 1"=50'	Scale (Vert.):	
Date: 08/18/09	Checked By: JSL	Drawn By: HPE\RLW

LINE TABLE		
LINE	BEARING	LENGTH
L1	S67°52'37"E	35.37'
L2	N32°57'38"W	7.06'
L3	N84°20'23"E	14.65'
L4	N47°51'55"W	11.34'

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Job No.	Snapshot:		
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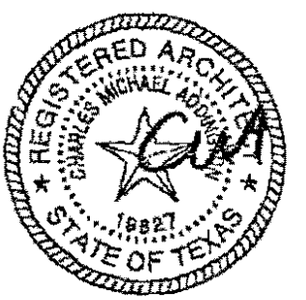
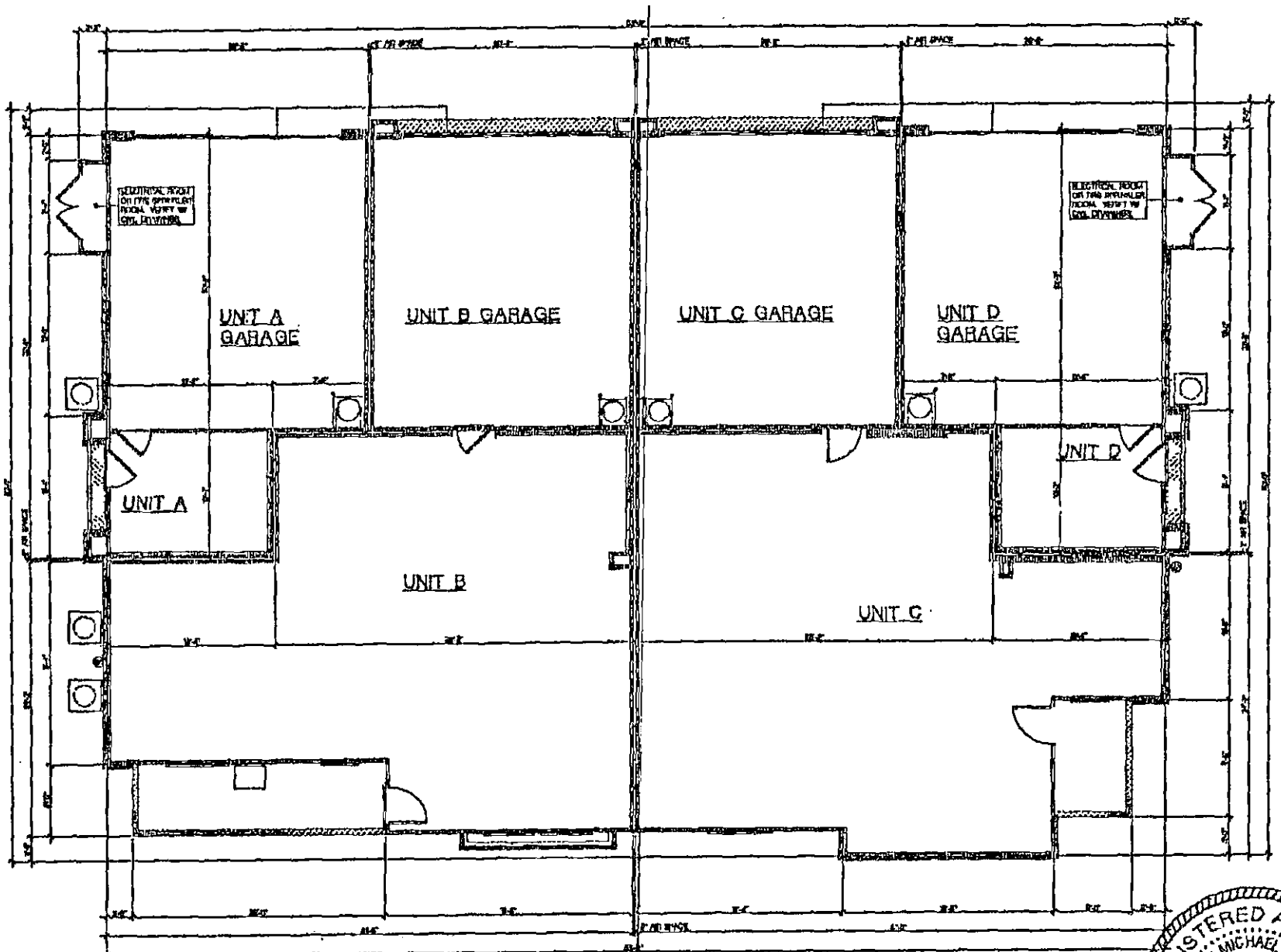
Date: 08/18/09	Checked By: JSL	Drawn By: HPE\RLW	

CERTIFICATION OF CONDOMINIUM PLANS

The condominium plans attached hereto contain the information required by Sections 82.052 and 82.059 of the Texas Uniform Condominium Act, as applicable.

Printed Name: Charles M. Addington
License No. 19,827





THE HEIGHTS AT AVIARA 2005-1258

COMPOSITE PLAN
FIRST FLOOR
SCALE 3/16" = 1'-0"
07/25/07

KTGY GROUP, INC.
ARCHITECTURE PLANNING
17922 MITCHELL SOUTH
IRVINE, CALIFORNIA 92614
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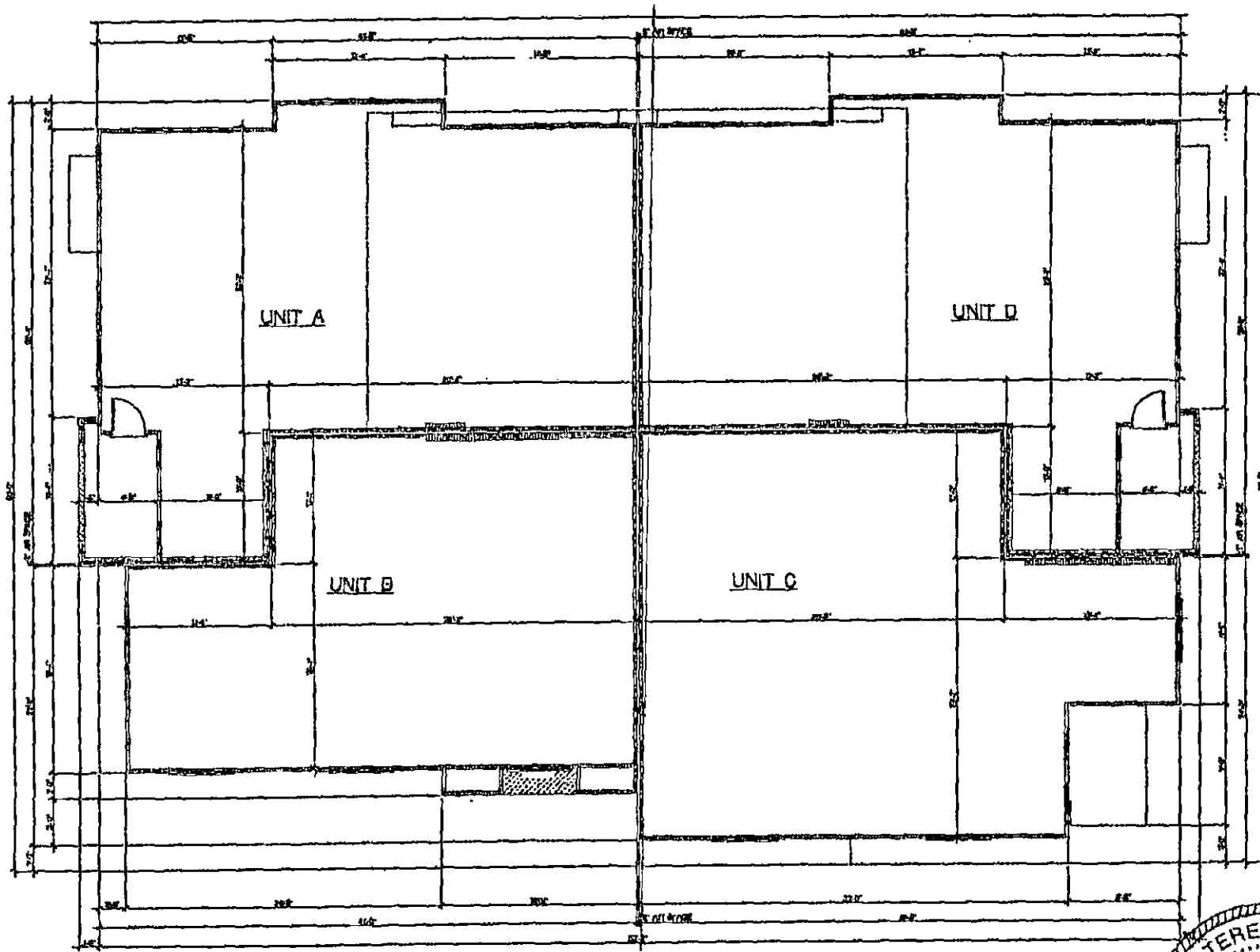
CHARLES MICHAEL ADDOMS
19827
STATE OF TEXAS



THE HEIGHTS AT AVIARA 2005-1258

COMPOSITE PLAN
SECOND FLOOR
SCALE 3/16" = 1'-0"
07/15/07

KTGY GROUP, INC.
ARCHITECTURE PLANNING
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2 of 2

UNIT PLAN TYPES – ATTACHED UNITS

Unit No.	Plan Type*
A-1	A
B-1	B
C-1	C
D-1	D

* SEE CONDOMINIUM PLANS FOR PLAN TYPE. THERE ARE FOUR PLAN TYPES DESIGNATED AS I, II, II, AND IV.

ATTACHMENT 2

EXHIBIT "C" TO THE DECLARATION OF CONDOMINIUM REGIME

COMMON INTEREST ALLOCATION & BUILDING LCE ALLOCATION

COMMON INTEREST ALLOCATION

The Common Interest Allocation and percentage of liability for common expenses for each Unit is 1/12.

THE COMMON INTEREST ALLOCATION ASSIGNED TO A PARTICULAR UNIT WILL DECREASE IF ADDITIONAL UNITS ARE CREATED AND ADDED TO THE REGIME BY THE DECLARANT.

BUILDING LCE ALLOCATION

The Building LCE Allocation for each Attached Unit is 1/4.

THE BUILDING LCE ALLOCATION ASSIGNED TO A PARTICULAR UNIT WILL DECREASE IF ADDITIONAL UNITS ARE CREATED AND ADDED TO THE REGIME BY THE DECLARANT.

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

2009 Aug 21 03:03 PM 2009142835

BARTHOD $160.00

DANA DEBEAUVOIR COUNTY CLERK

TRAVIS COUNTY TEXAS

ORIGINAL
FILED FOR RECORD

ISAFTER RECORDING RETURN TO:
Robert D. Burton, Esq.
Armbrust & Brown, L.L.P.
100 Congress Ave., Suite 1300
Austin, Texas 78701

AVIARA

SECOND AMENDMENT TO RESTATED AND AMENDED DECLARATION OF CONDOMINIUM REGIME FOR AVIARA CONDOMINIUMS

(A Residential Condominium in Travis County, Texas)

Cross Reference to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2009071585, Official Public Records of Travis County, Texas as amended by that certain First Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2009071585, Official Public Records of Travis County, Texas.

SECOND AMENDMENT TO
RESTATED AND AMENDED DECLARATION OF CONDOMINIUM REGIME
FOR AVIARA CONDOMINIUMS

This Second Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums (the "**Amendment**") is made **CR-B AVIARA, L.P.**, a Texas limited partnership ("**Declarant**"), and is as follows:

RECITALS:

A. Aviara Condominiums, a condominium regime (the "**Regime**"), located in Travis County, Texas, was established pursuant to that certain Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2009071585, Official Public Records of Travis County, Texas as amended by that certain First Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2009071585, Official Public Records of Travis County, Texas (collectively, the "**Declaration**").

B. Pursuant to *Provision A.3.10* of Appendix "A" to the Declaration, Declarant may amend the Declaration unilaterally and without the consent of other Owners or any mortgagee to add real property to the Property and create Units, General Common Elements and Limited Common Elements within the Property.

C. In accordance with *Provision A.3.8* of Appendix "A" to the Declaration, Declarant has reserved the right, during the Development Period, to create Units, General Common Elements, and Limited Common Elements within the Property. The "Development Period" as such term is defined in the Declaration, is a seven (7) year period commencing on the date the Declaration was recorded in the Official Public Records of Travis County, Texas. The Declaration was recorded in the Official Public Records of Travis County, Texas, on May 4, 2009.

D. This amendment is promulgated for the purpose of creating four (4) additional Units within the Regime. The total number of Units within the Regime after giving effect to this Amendment is equal to sixteen (16), and the total number of Units which Declarant has reserved the right to create by amendment is equal to one hundred thirty-four (134).

NOW THEREFORE, the Declaration is hereby amended as follows:

1. Creation of Units. In accordance with the rights reserved by the Declarant pursuant to *Section 5.1* of the Declaration and *Provisions A.3.8* and *A.3.10* of Appendix "A" to the Declaration, Declarant hereby creates four (4) Units, which are designated as Unit Nos. A-11, A-

12, B-13 and C-6 (collectively, the "**New Units**"). The New Units are hereby classified as Units which MUST BE BUILT.

2. Replacement of Exhibit "B". Exhibit 'B" to the Declaration is hereby deleted in its entirety and the Plats and Plans attached hereto as Attachment 1 (the "**New Plats and Plans**") are substituted in their place. The New Plats and Plans: (i) assign an identifying number to all Units; (ii) describe the portion of the limited common elements created or assigned to all Units; and (iii) include the information required by Section 82.059 of the Texas Uniform Condominium Act.

3. Replacement of Exhibit "C". The Percentage Interests allocated to all Units within the Regime, after the addition of the New Units, is set forth on Attachment 2, attached hereto. Attachment 2, attached hereto, will supersede and replace Exhibit "C" attached to the Declaration.

4. 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.

[SIGNATURE PAGE FOLLOWS]

EXECUTED to be effective as of the 14 day of April, 2010.

DECLARANT:

CR-B AVIARA, L.P., a Texas limited partnership

By: CR-B INVESTORS I GP, L.L.C., a Texas limited liability company, its General Partner

By: _____

Printed Name: R. Warren Walters

Title: Vice President

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this 14th day of April, 2010 by R. Warren Walters, Vice-President of CR-B Investors I GP, L.L.C., a Texas limited liability company, General Partner of CR-B Aviara, L.P., a Texas limited partnership, on behalf of said entities.

(SEAL)

GWEN MCLENDON
MY COMMISSION EXPIRES
August 20, 2010

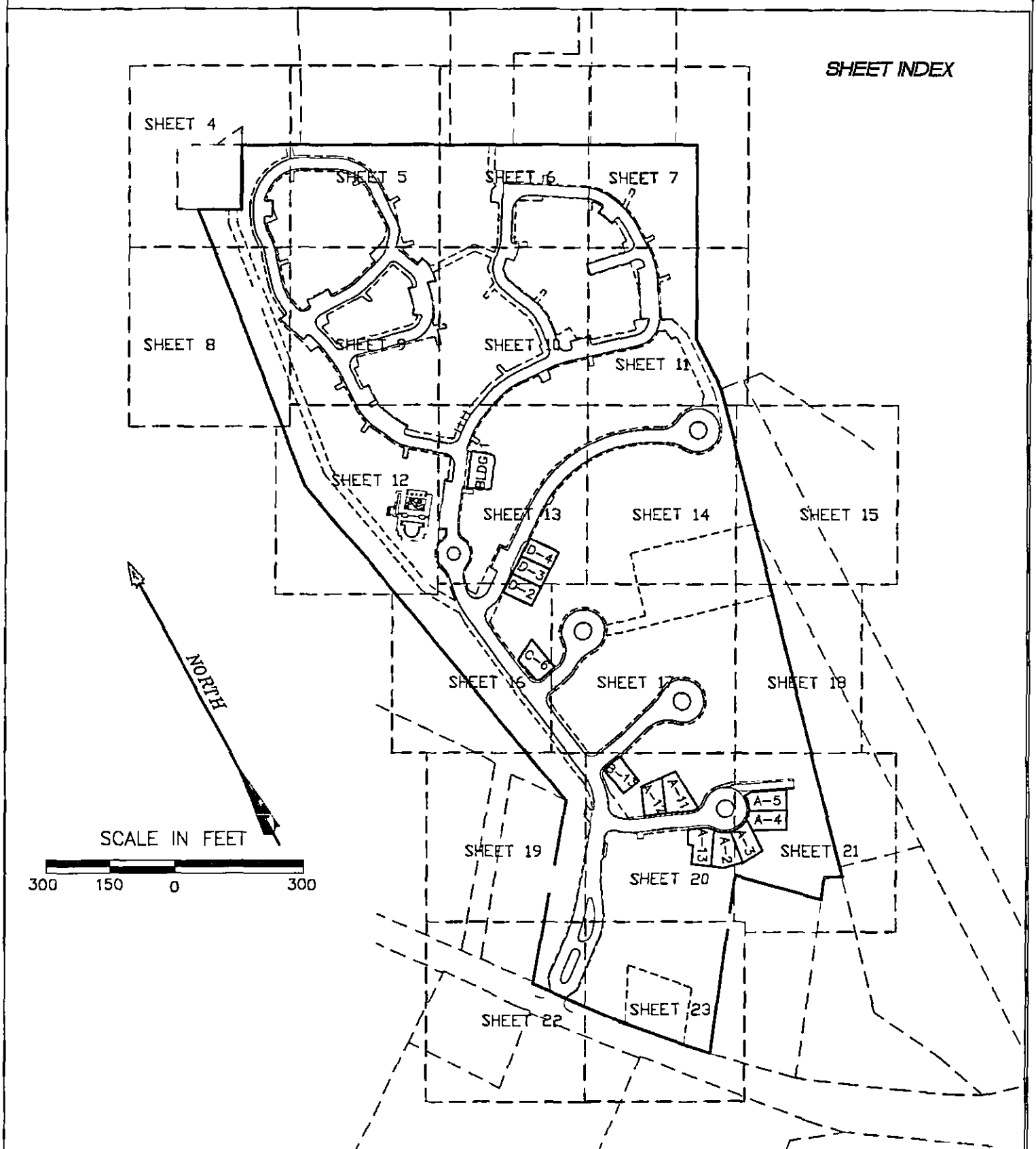
_____
Notary Public Signature

GWEN MCLENDON
MY COMMISSION EXPIRES
August 20, 2010

ATTACHMENT 1

EXHIBIT "B" TO THE DECLARATION OF CONDOMINIUM REGIME

SEE SHEET 24 OF 26 FOR ORIGINAL CERTIFICATION



AVIARA CONDOMINIUMS

EXHIBIT

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BASELINE LAND SURVEYORS, INC.

PROFESSIONAL LAND SURVEYING SERVICES

8333 CROSS PARK DRIVE

AUSTIN, TEXAS 78754

OFFICE: 512.374.9722 FAX: 512.873.9743

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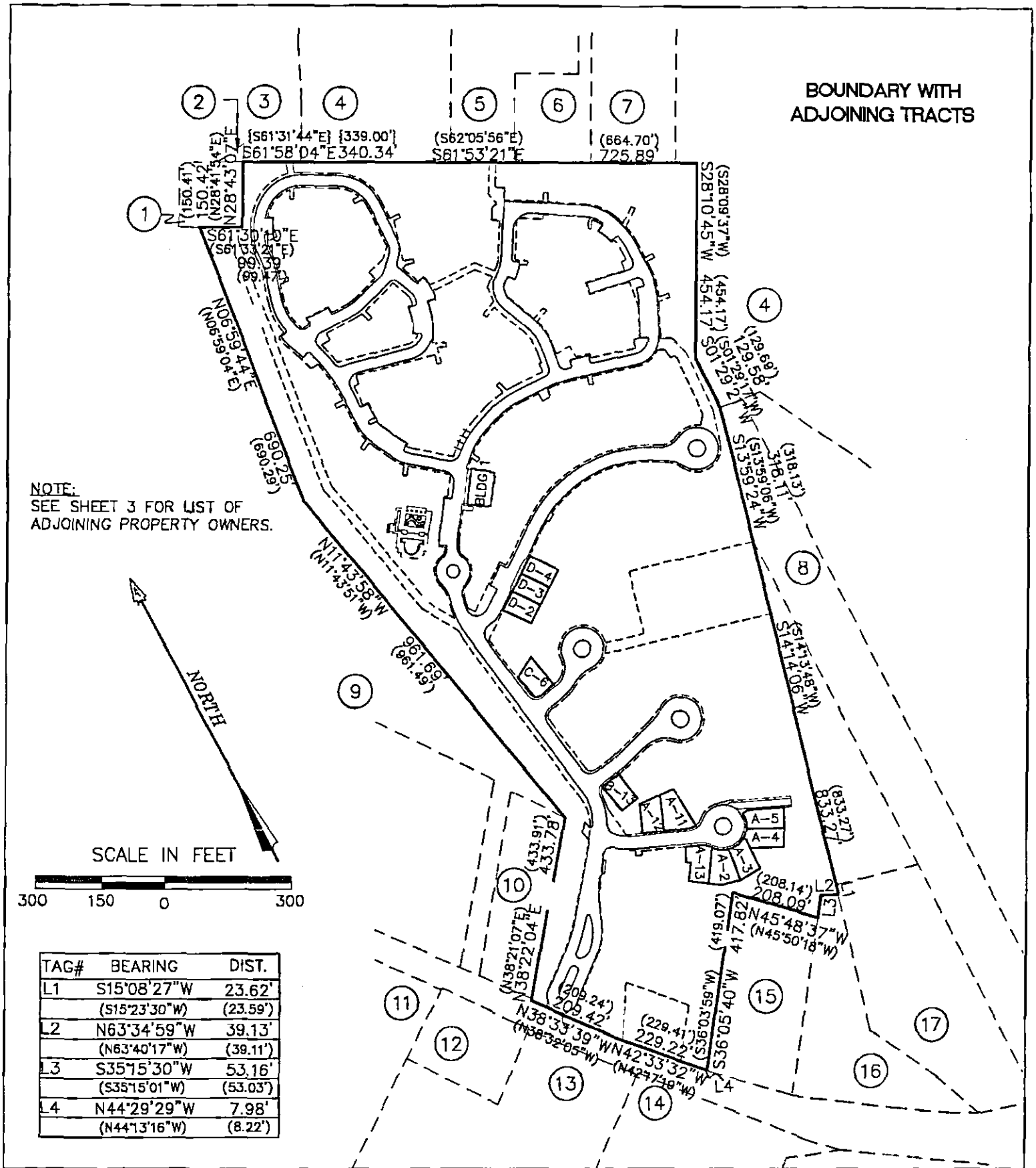

TAG#	BEARING	DIST.
L1	S15°08'27"W	23.62'
	(S15°23'30"W)	(23.59')
L2	N63°34'59"W	39.13'
	(N63°40'17"W)	(39.11')
L3	S35°15'30"W	53.16'
	(S35°15'01"W)	(53.03')
L4	N44°29'29"W	7.98'
	(N44°13'16"W)	(8.22')

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ADJOINING OWNERS

1. TRAVIS COUNTY W.C.I.D. NO. 9, VOL. 1819, PG. 189 (0.52 ACRES)
2. CITY OF AUSTIN, VOL. 10958, PG. 277 (0.029 ACRES)
3. REMAINDER OF 888.051 ACRES, VOL. 10958, PG. 280
4. LOT 115, BLOCK B, LANTANA SOUTHWEST, PHASE 1, DOC. NO. 200300137
5. CITY OF AUSTIN, TRACT 2, VOL. 12910, PG. 670 (1.757 ACRES)
6. CITY OF AUSTIN, VOL. 10031 PG. 300 (1.0397 ACRES)
7. CITY OF AUSTIN, TRACT 1, VOL. 12910, PG. 670 (1.655 ACRES)
8. KEYSTONE CONSTRUCTION, INC., VOL. 11918, PG. 1755 (4.993 ACRES)
9. LOT 1, BLOCK "A", THE HANS DEROUCHER SUBDIVISION, VOL. 96, PG. 108
10. LOT 2, BLOCK "A", THE HANS DEROUCHER SUBDIVISION, VOL. 96, PG. 108
11. AARON GARDNER SUBDIVISION, VOL. 49, PG. 95
12. BENJAMIN L. NORS, DOC. NO. 2001174575 (1.00 ACRE)
13. HUEBETTER SUBDIVISION, VOL. 78, PG. 1
14. JAMES L. SCHORR, VOL. 11883, PG. 1334 (10.177 ACRES)
15. ALAN ABBE, et ux, VOL. 8732, PG. 5 (1.9807 ACRES)
16. 1.951 ACRES, VOL. 11400, PG. 875
17. GILBERT M. JAPKO, TRACT ONE, VOL. 6095, PG. 82 (3.129 ACRES)

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SEE SHEETS 25 & 26 FOR CURVE & LINE TABLES

LEGEND

SYMBOL	DESCRIPTION
●	1/2" IRON REBAR FOUND
⊙	1/2" IRON PIPE FOUND
⊡	TYPE I CONCRETE MONUMENT FOUND
▲	60D NAIL FOUND
○	1/2" IRON REBAR SET WITH PLASTIC CAP WHICH READS "BASELINE INC"
⊿	CALCULATED POINT
△	60D NAIL SET
GCE	GENERAL COMMON ELEMENT
LCE	LIMITED COMMON ELEMENT
ROW	RIGHT OF WAY
ESMT	EASEMENT
( )	RECORD INFO. PER DOC. NO. 2006173744, O.P.R.T.C.T.
{ }	RECORD INFO. PER DOC. NO. 2006173743, O.P.R.T.C.T.
[ ]	RECORD INFO. PER VOL. 11933, PG. 1879 R.P.R.T.C.T.
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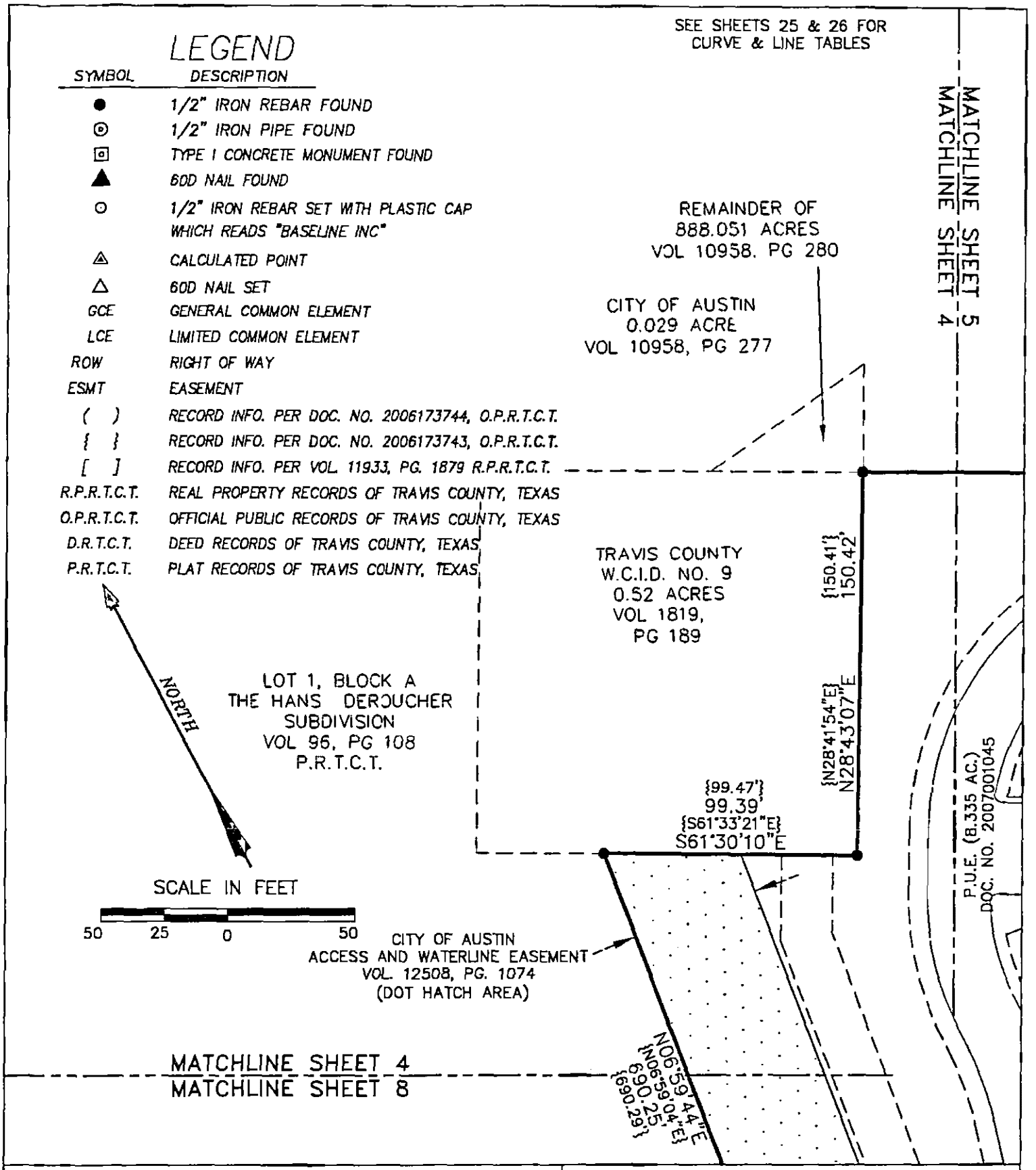
O.P.R.T.C.T.	OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS
D.R.T.C.T.	DEED RECORDS OF TRAVIS COUNTY, TEXAS
P.R.T.C.T.	PLAT RECORDS OF TRAVIS COUNTY, TEXAS



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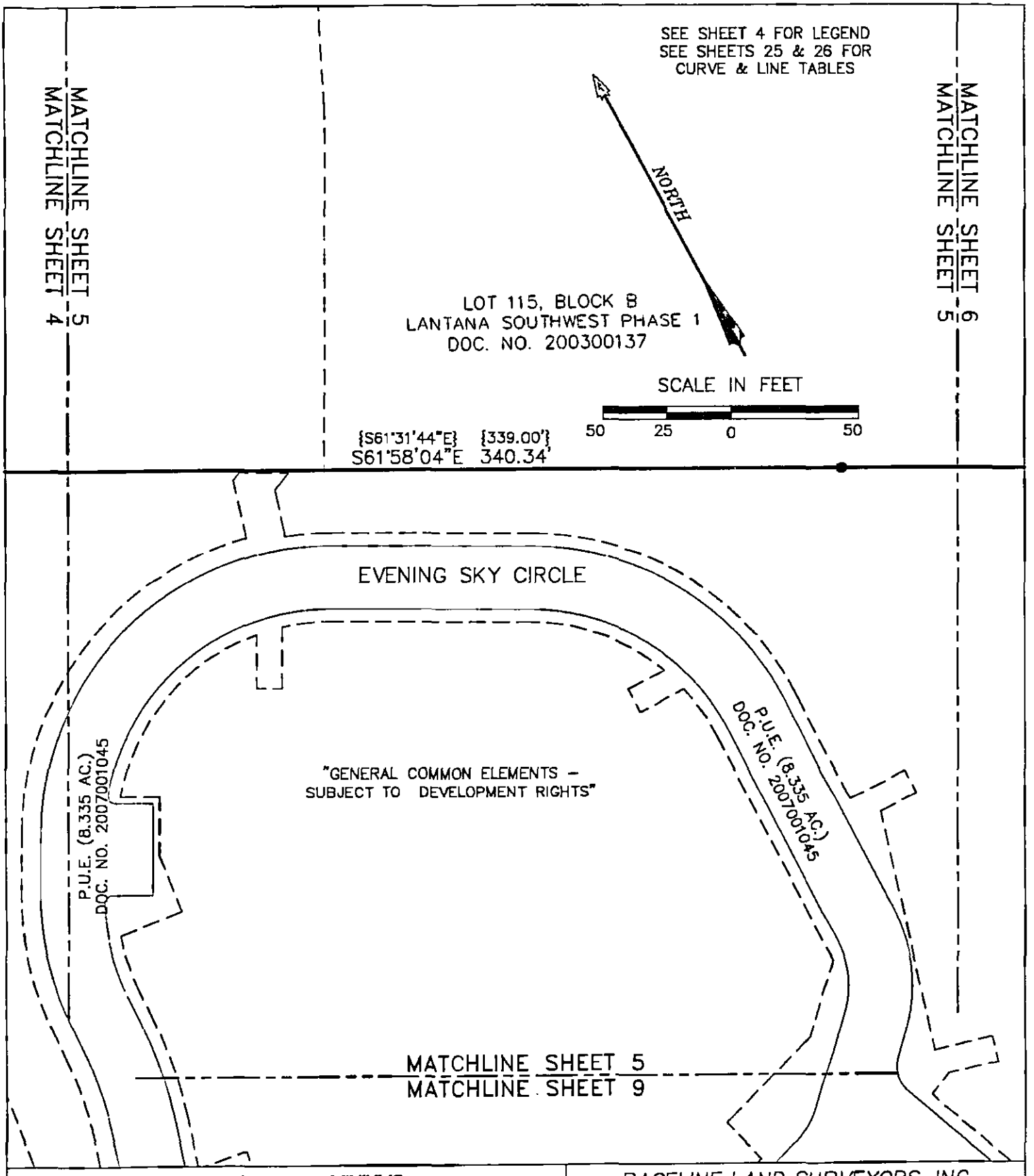

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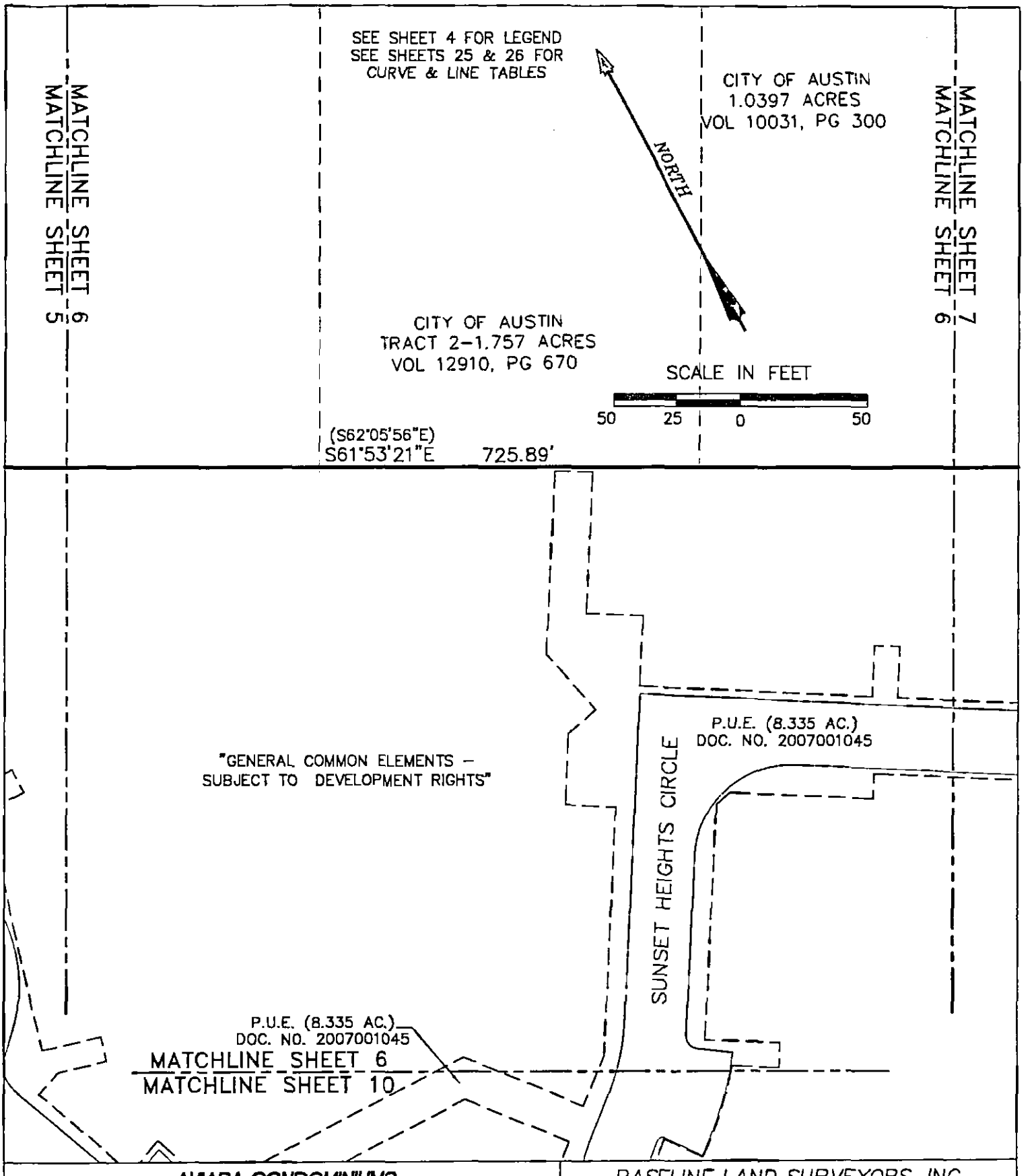

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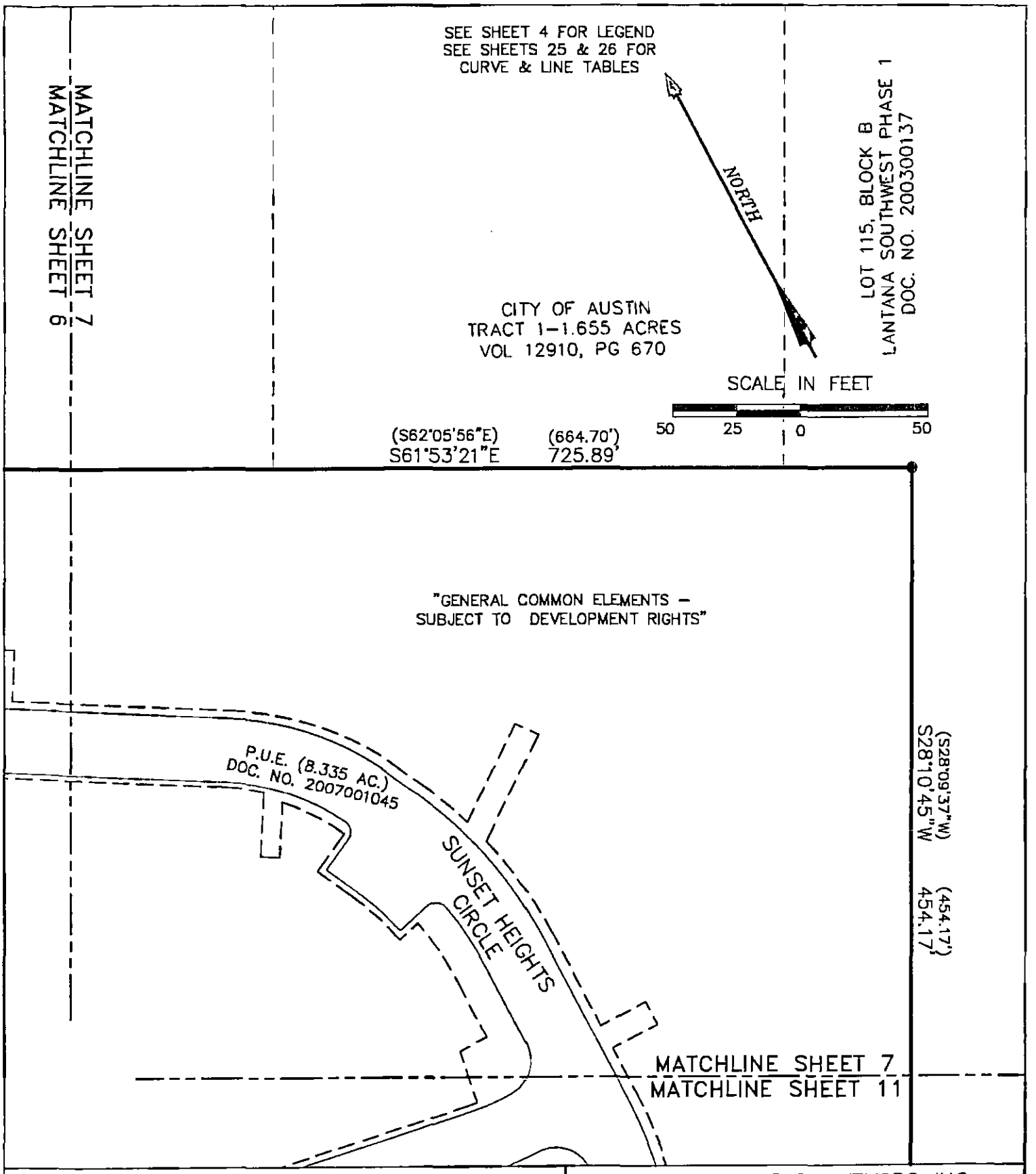

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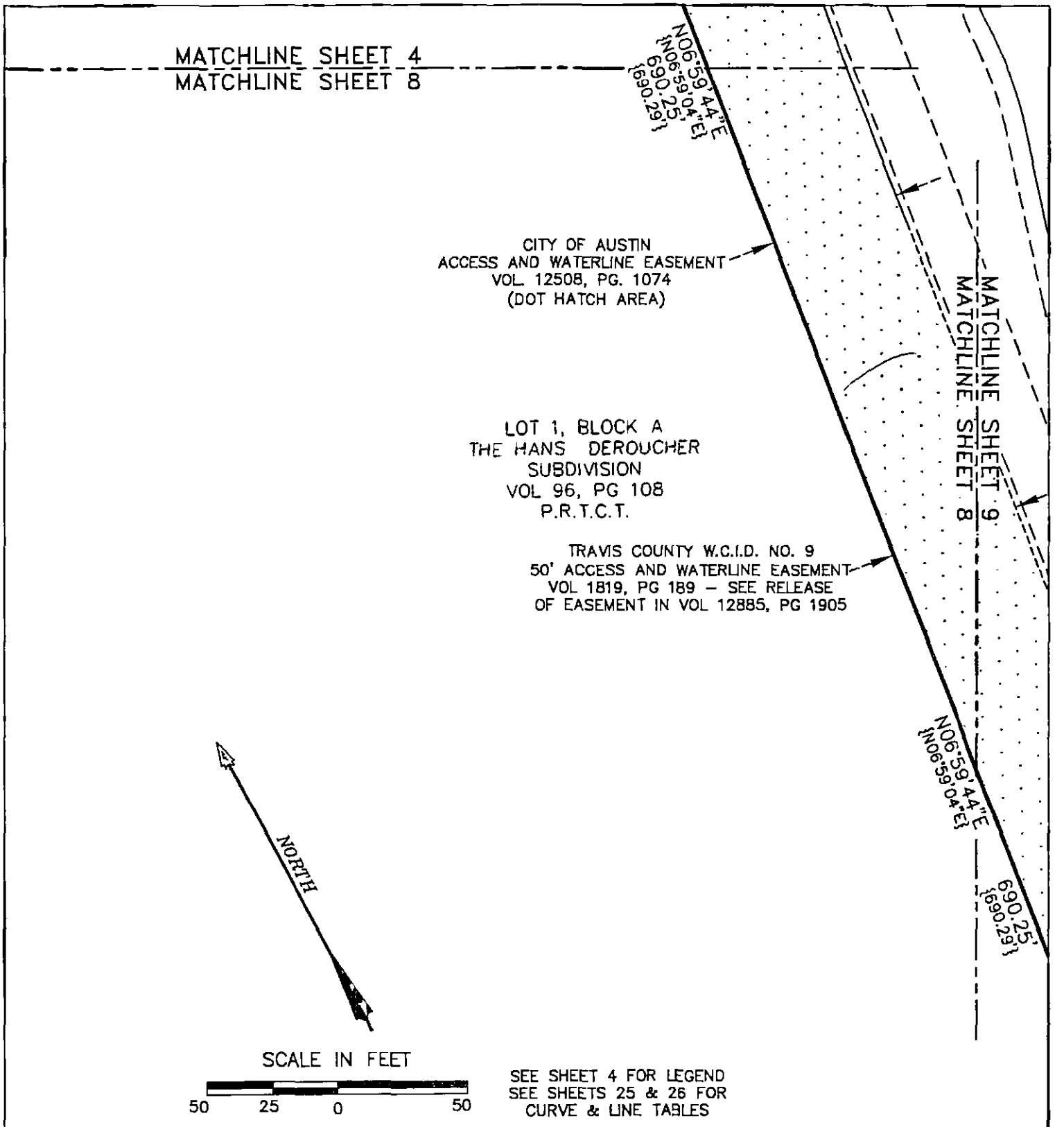

SEE SHEET 4 FOR LEGEND
SEE SHEETS 25 & 26 FOR
CURVE & LINE TABLES

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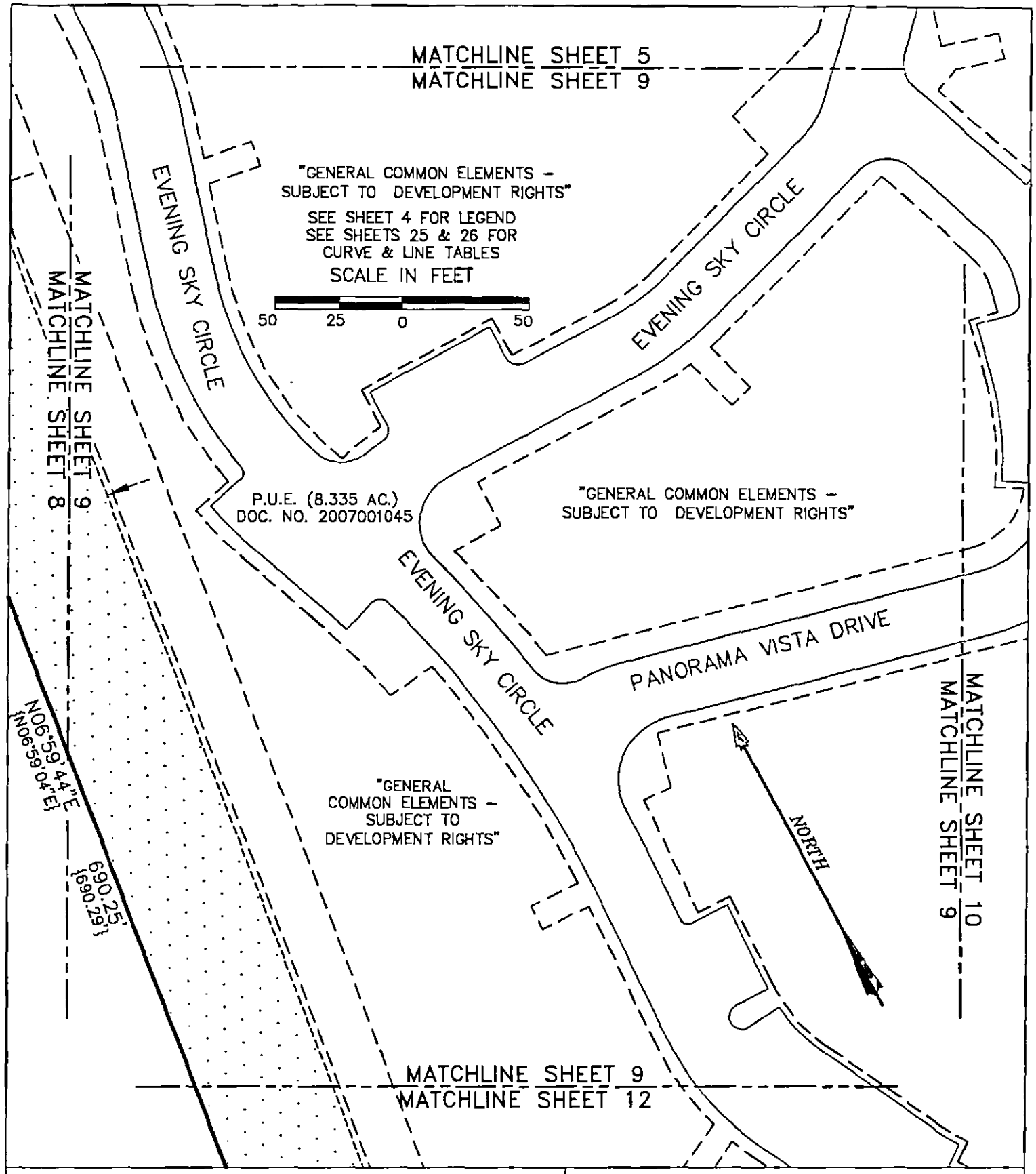

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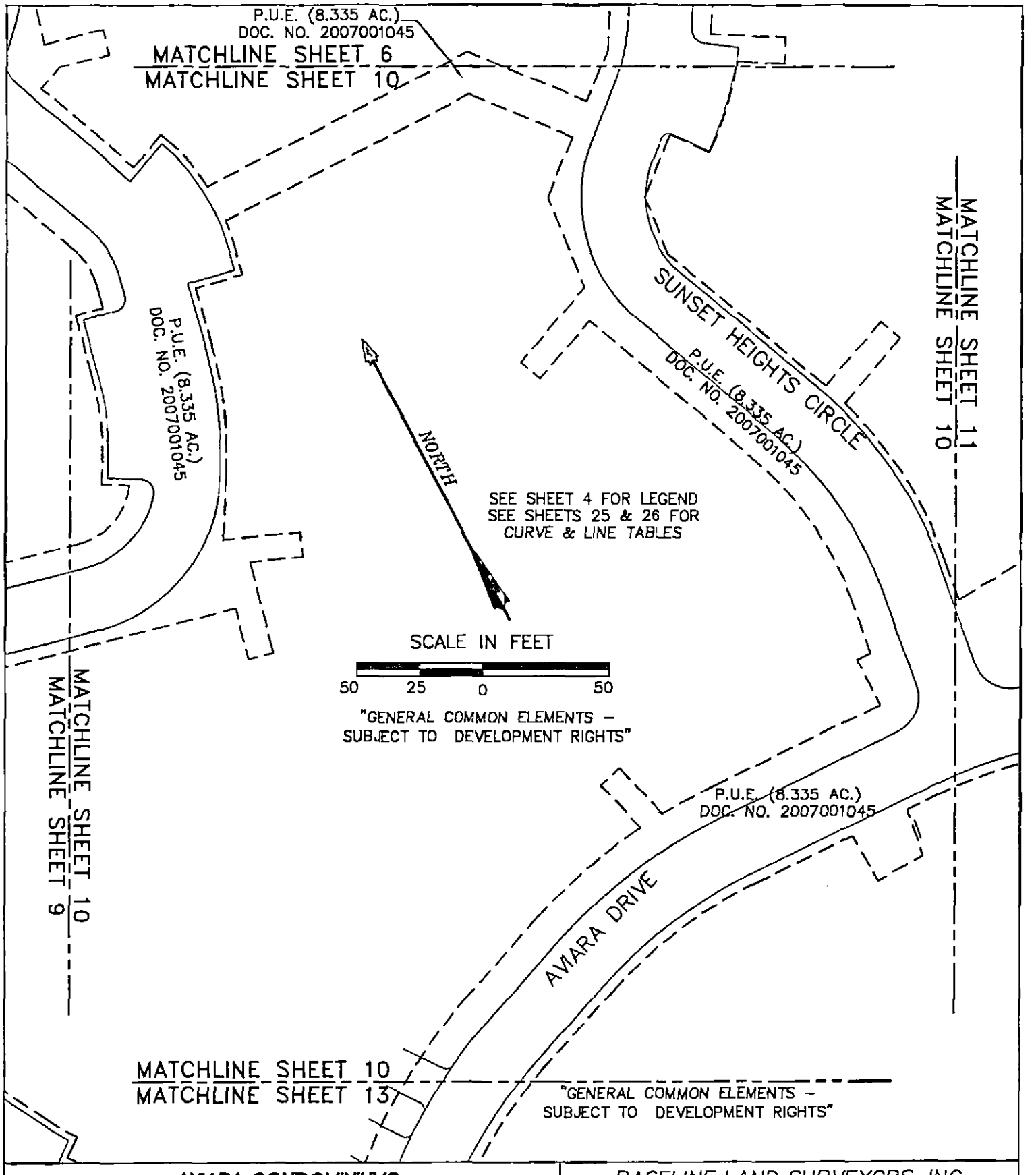

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG–AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG–AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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8333 CROSS PARK DRIVE
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OFFICE: 512.374.9722 FAX: 512.873.9743
ron–baseline@austin.rr.com

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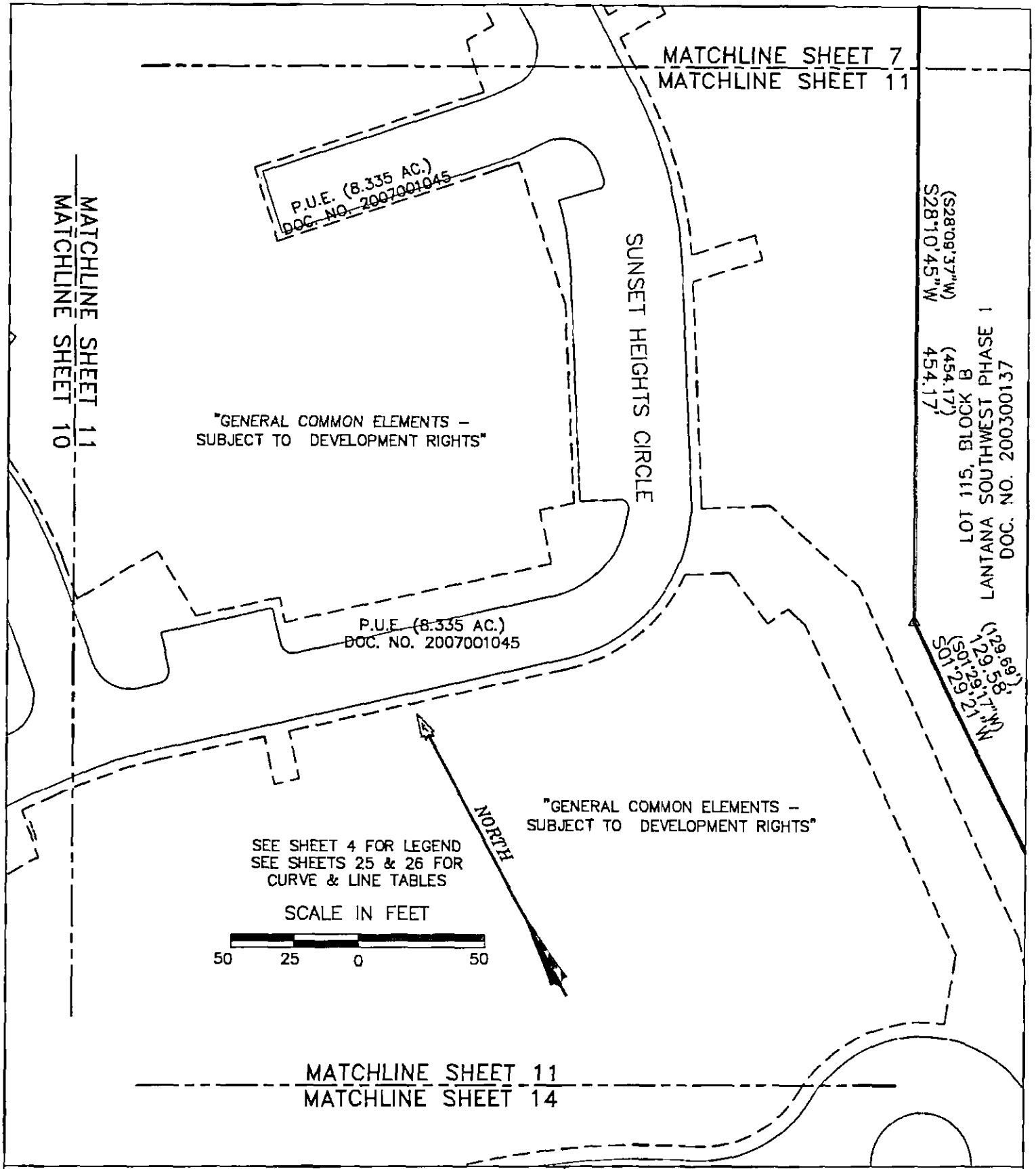

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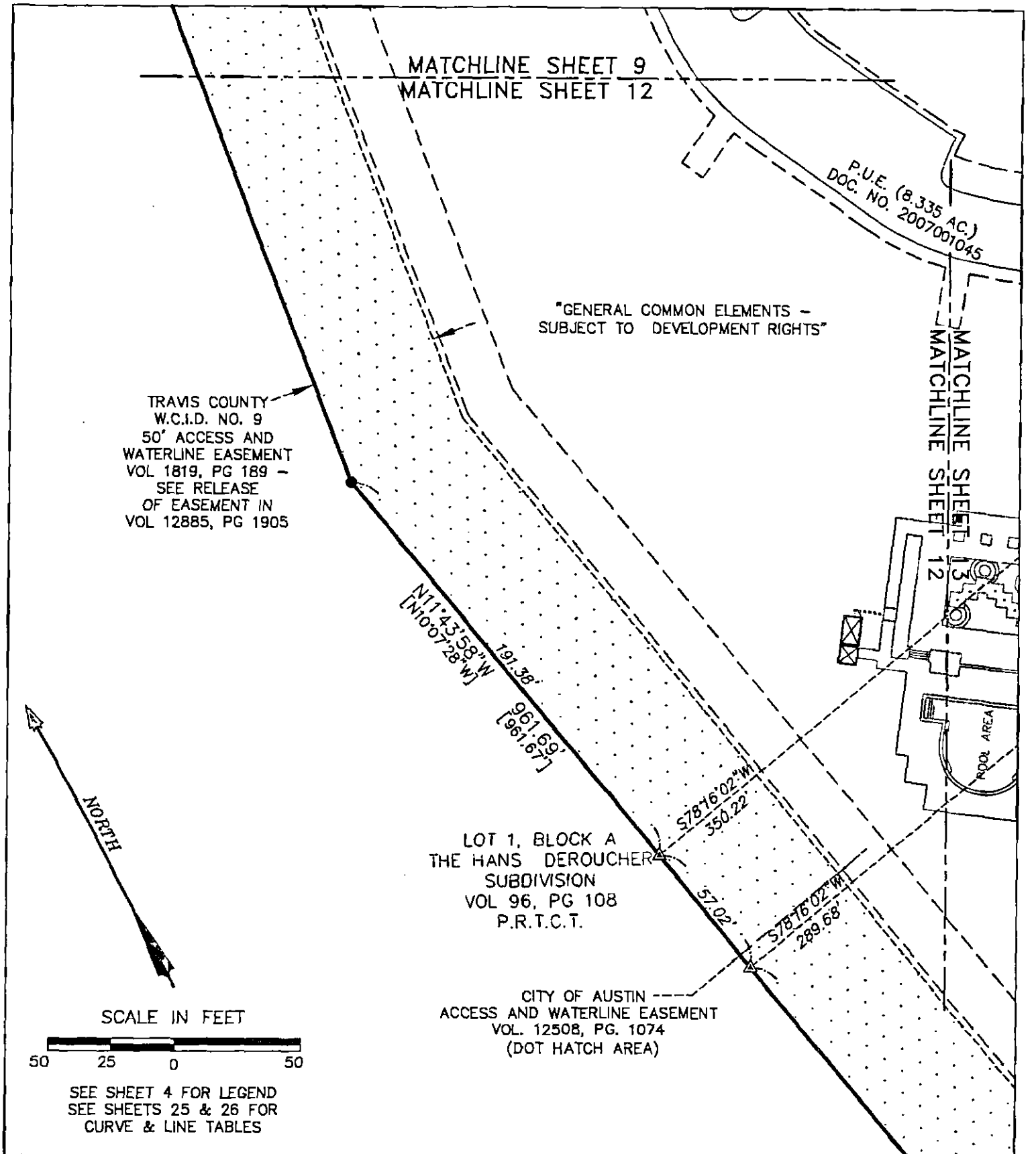

SEE SHEET 4 FOR LEGEND
SEE SHEETS 25 & 26 FOR CURVE & LINE TABLES

AVIARA CONDOMINIUMS

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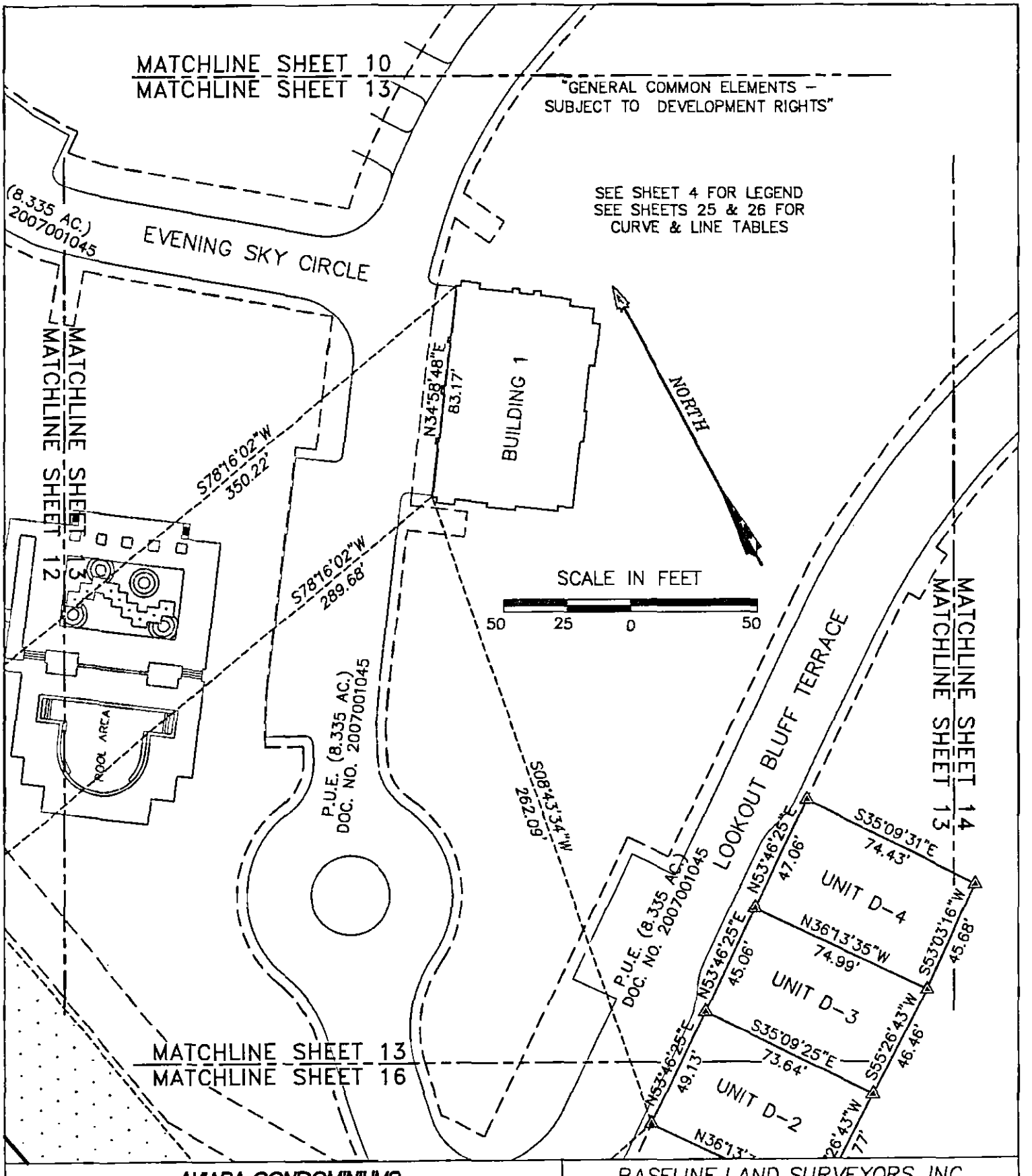

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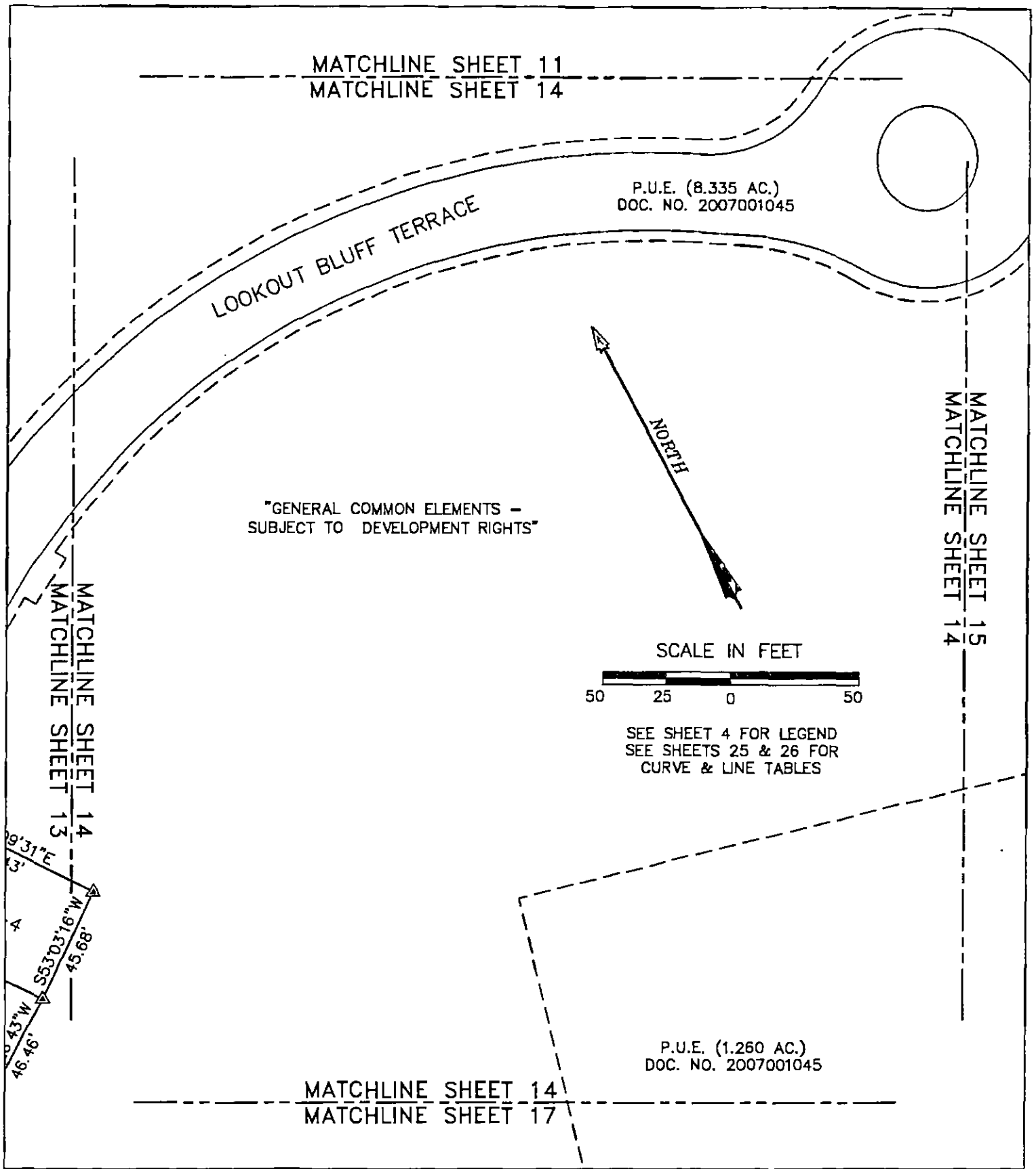

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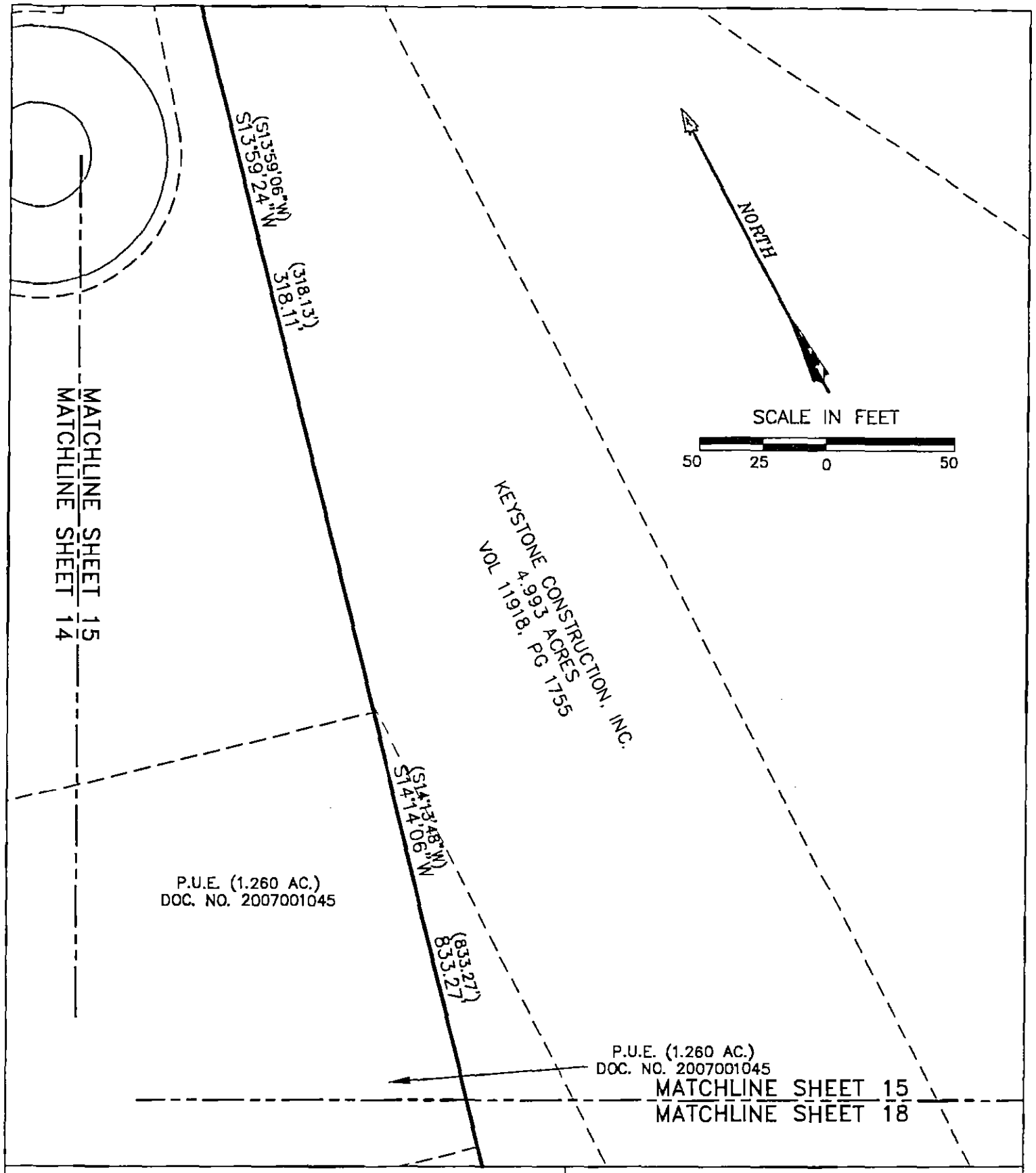

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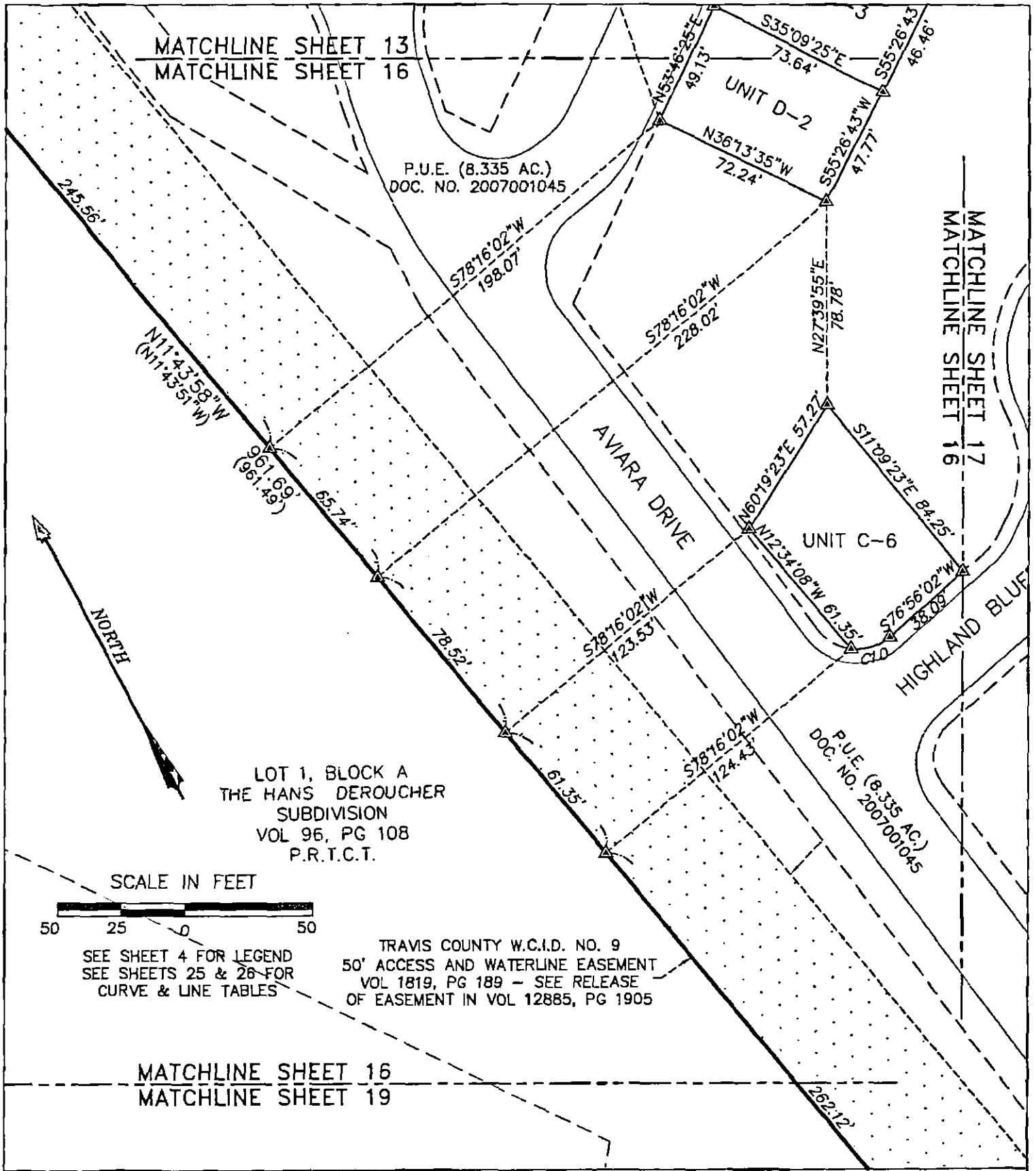

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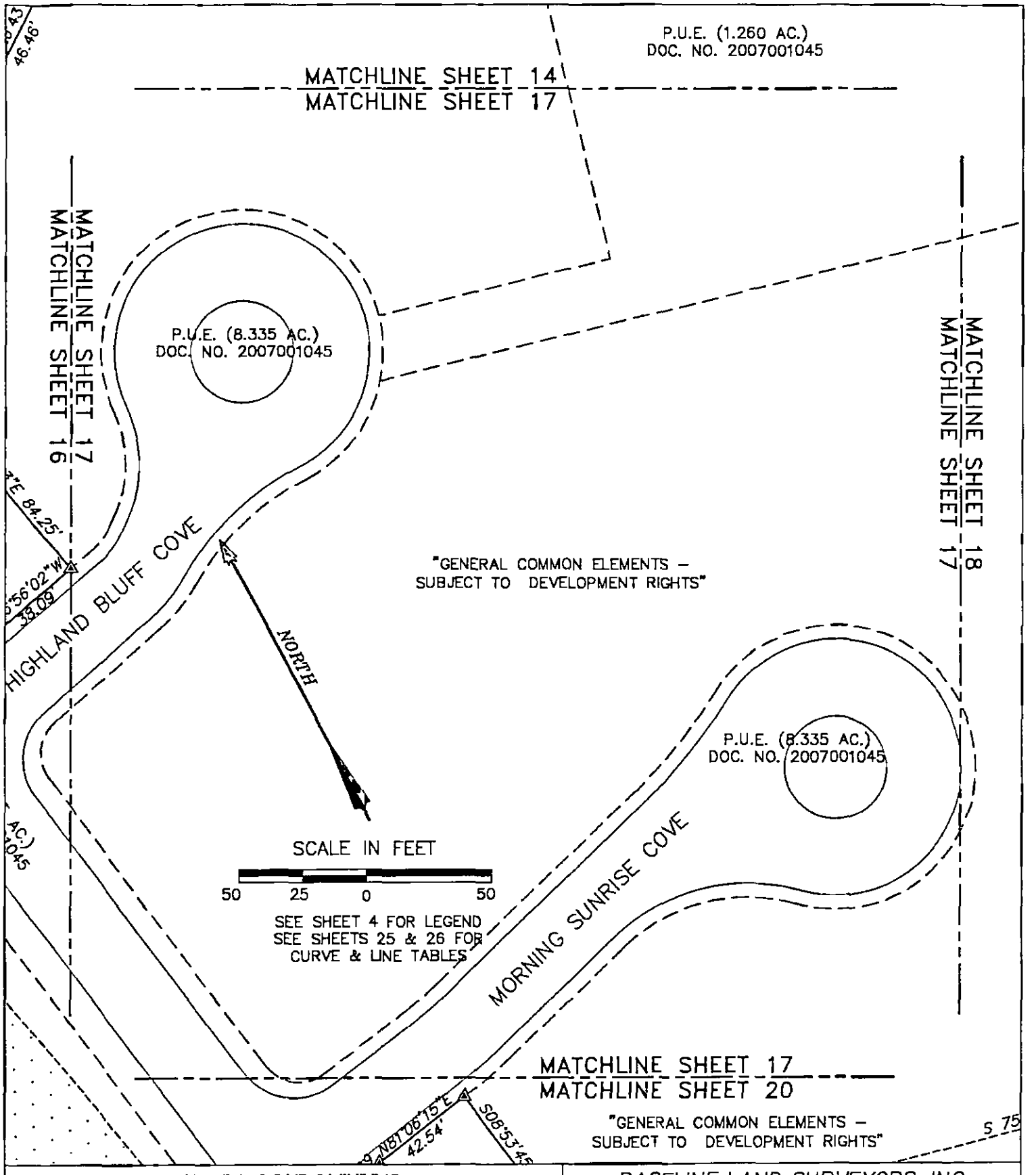

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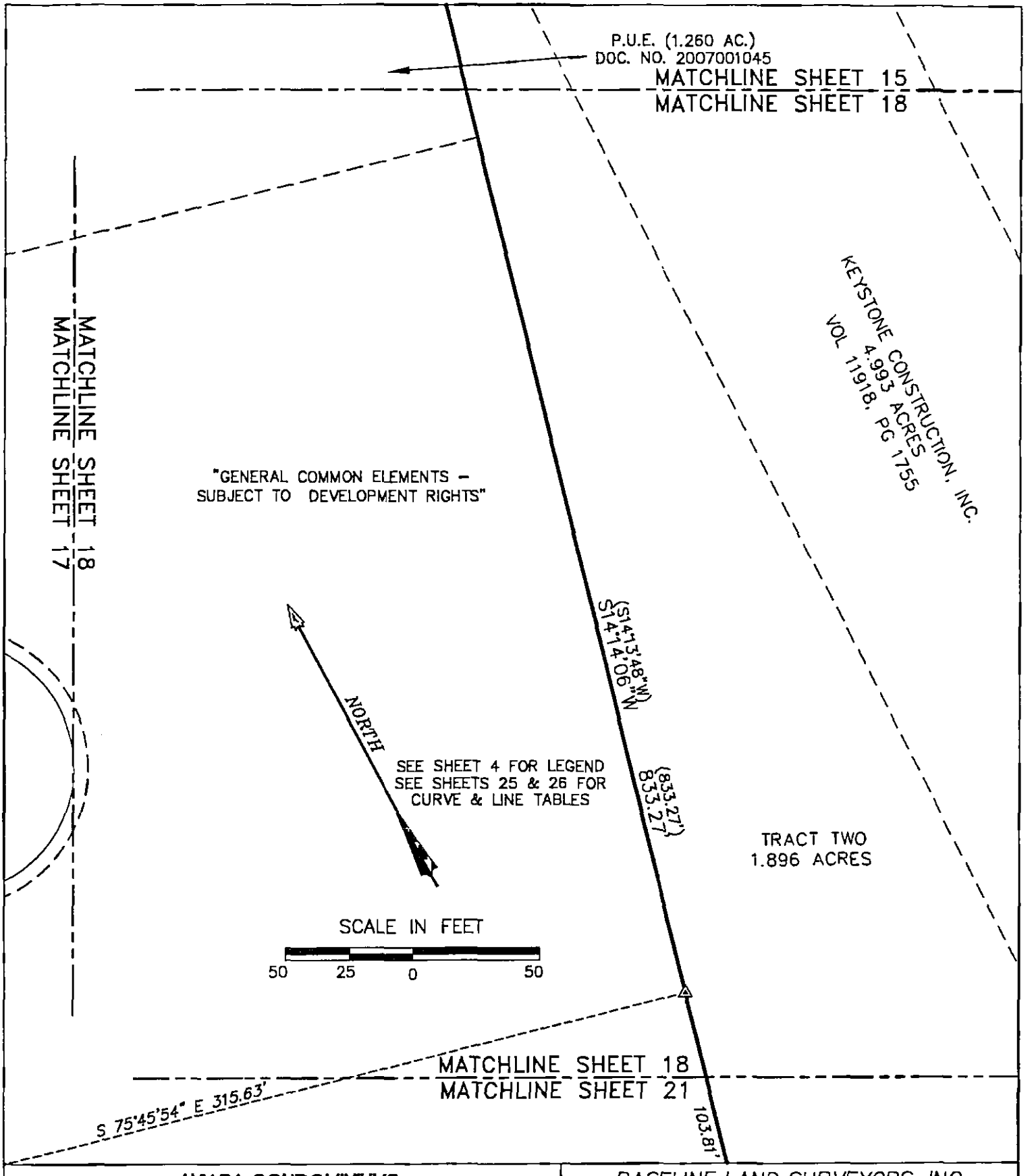

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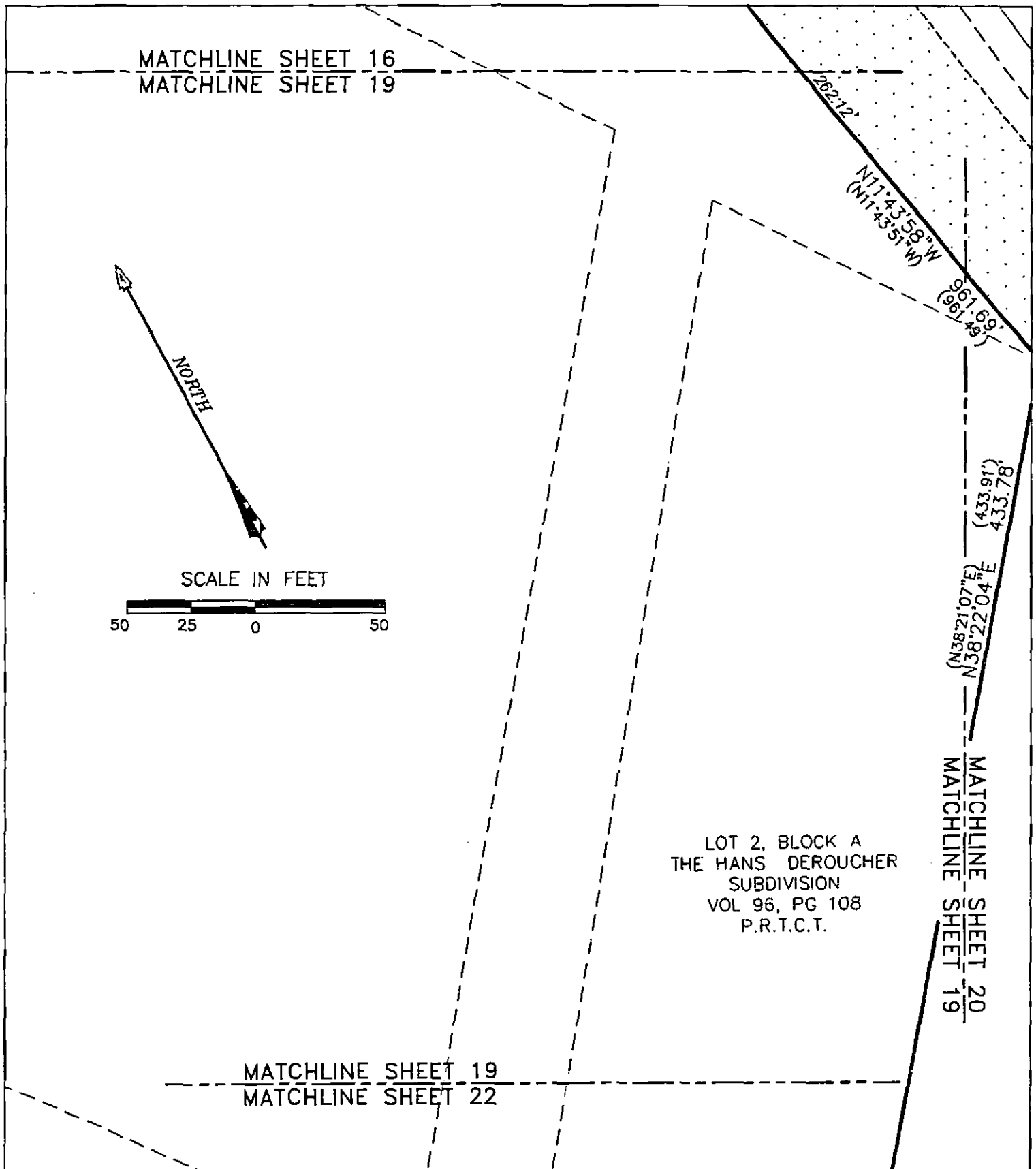

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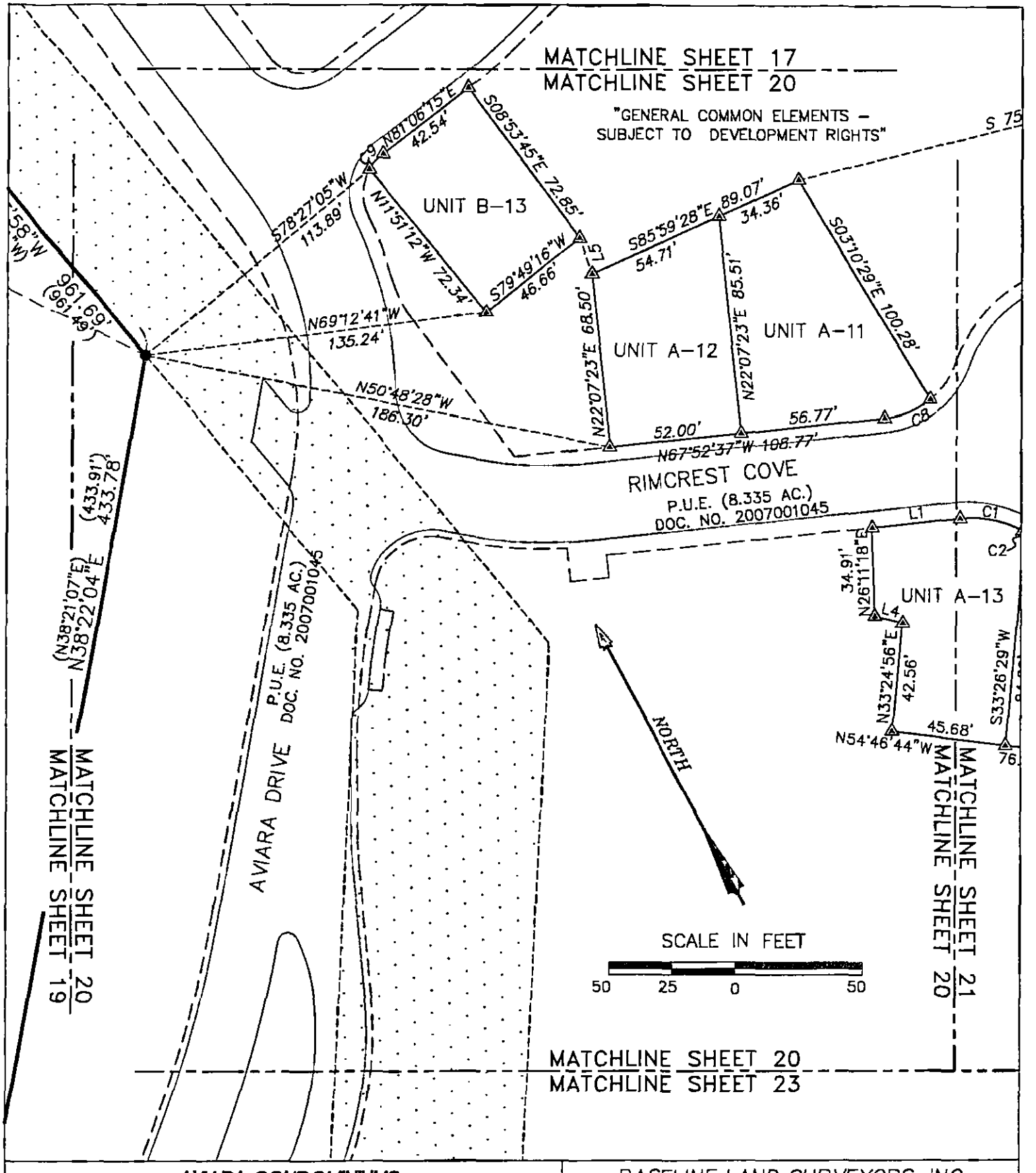

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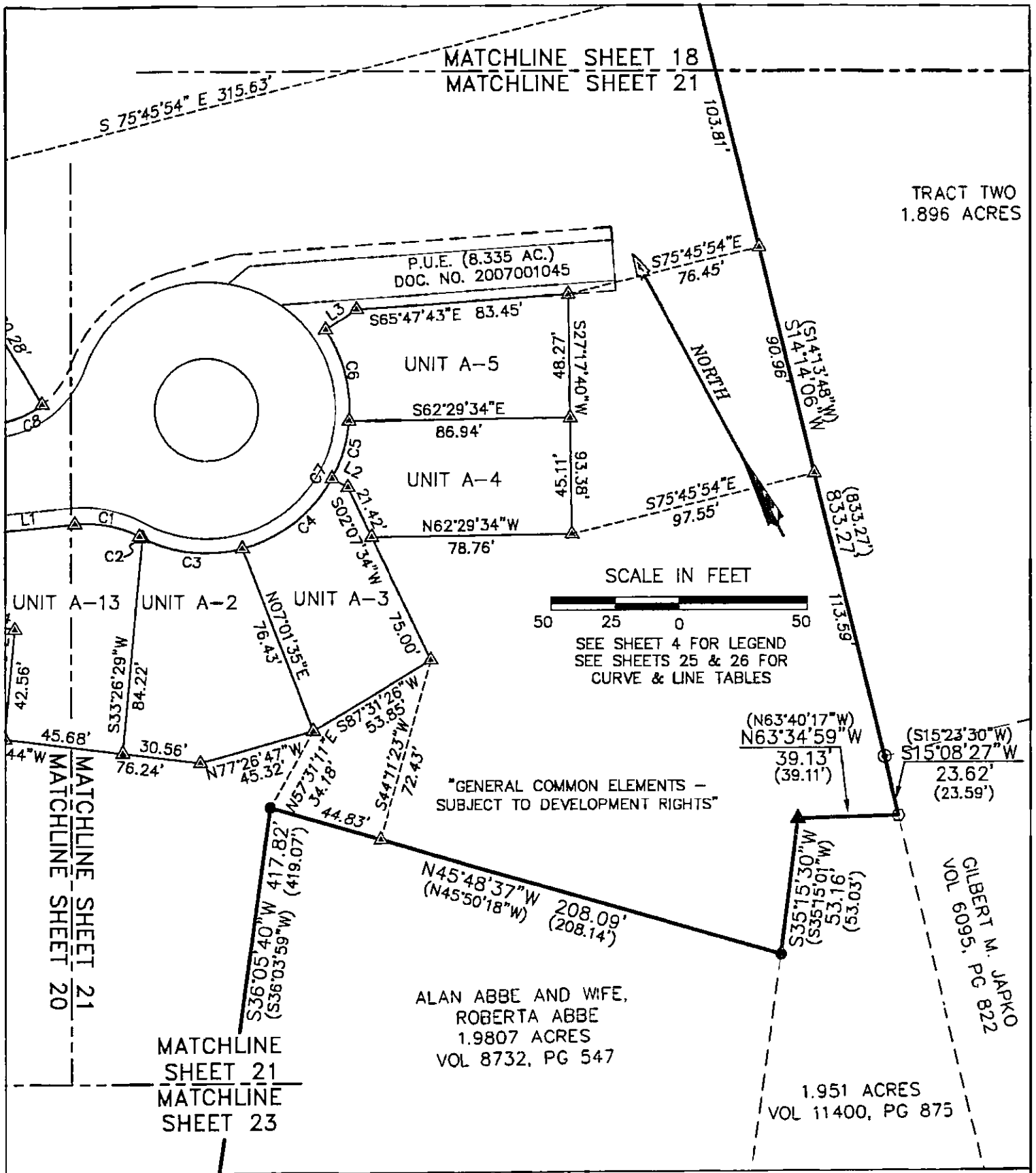

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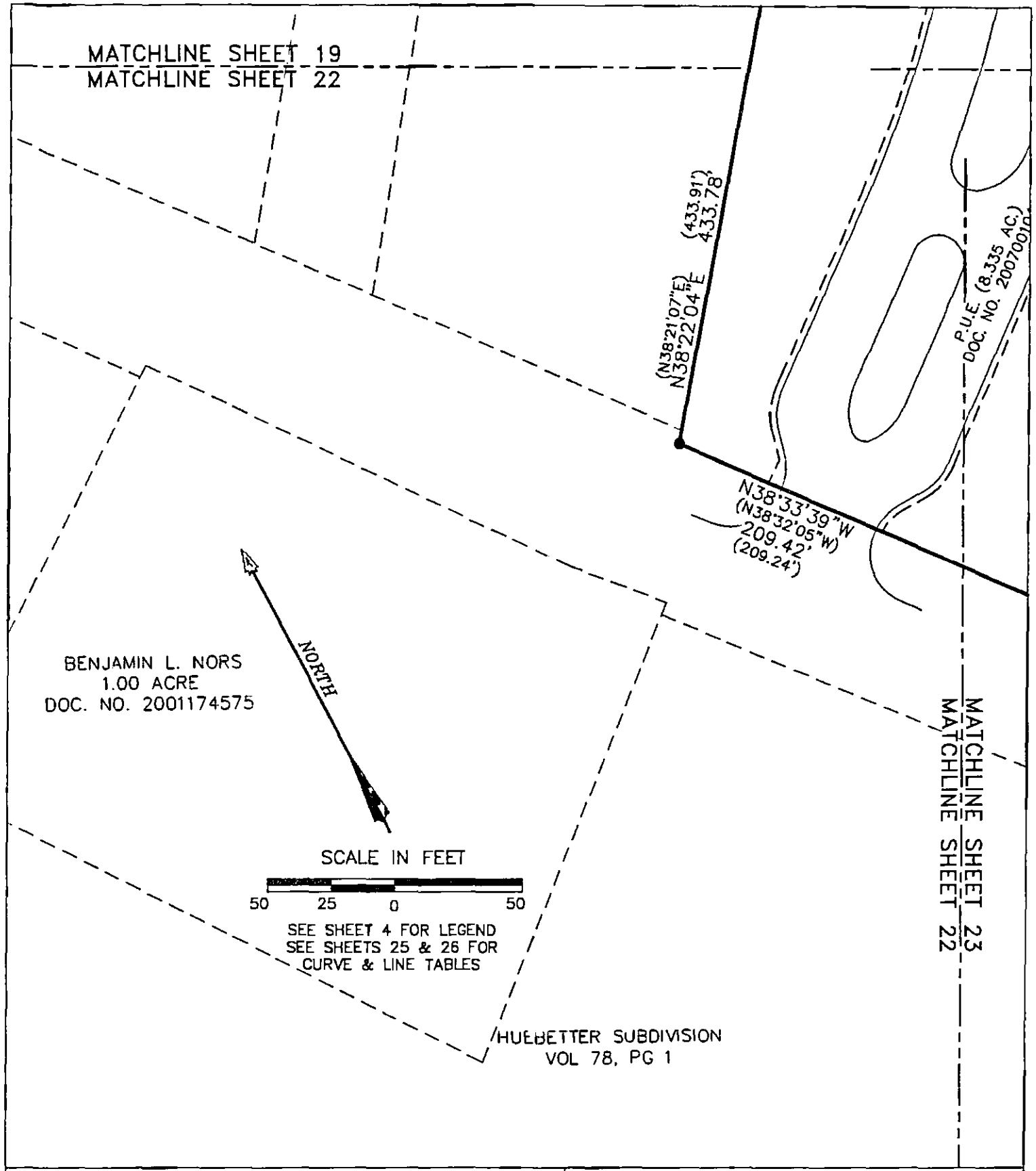

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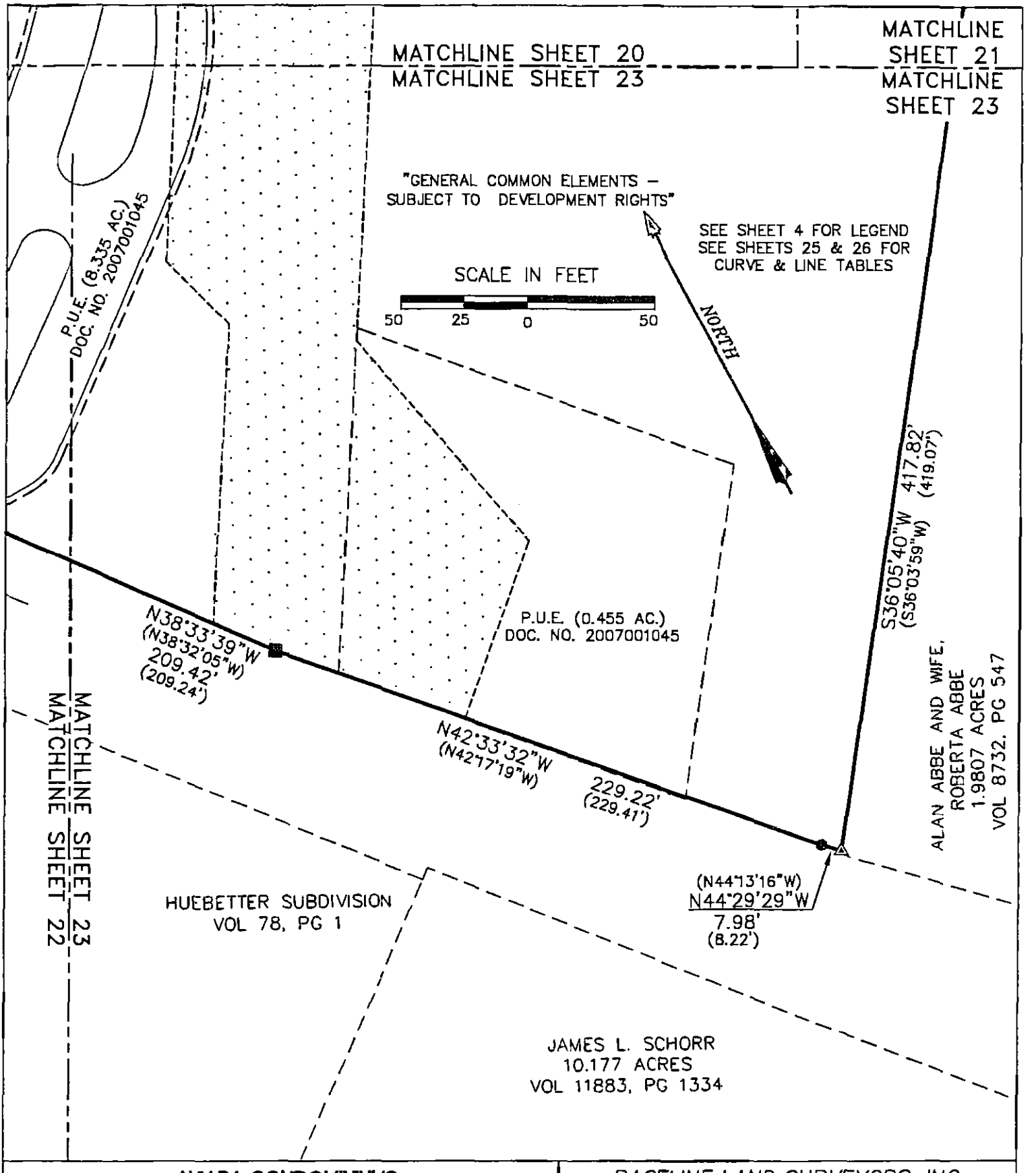

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Date: 04/14/10	Checked By: JSL / Drawn By: HPE\RLW	

EXHIBIT

AVIARA CONDOMINIUMS

[PLAT]

§ Certification of Surveyor §

The attached plat, attached hereto as Exhibit contain the information required by Section 82.052 and Section 82.059 of the Texas Uniform Condominium Act, as applicable.

Ronnie Wallace
R.P.L.S. No. 5222

Date: 14 April 2010

STATE OF TEXAS
REGISTERED
RONNIE WALLACE
5222
PROFESSIONAL
LAND SURVEYOR

AVIARA CONDOMINIUMS EXHIBIT OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS	BASELINE LAND SURVEYORS, INC. PROFESSIONAL LAND SURVEYING SERVICES 8333 CROSS PARK DRIVE AUSTIN, TEXAS 78754 OFFICE: 512.374.9722 FAX: 512.873.9743 ron-baseline@austin.rr.com
	File: S:\Proj\Aviara\Dwg\AVIARA CONDO Annex 2.dwg Job No. / Snapshot: Scale (Hor.): 1"=50' / Scale (Vert.): Date: 04/14/10 / Checked By: JSL / Drawn By: HPE\RLW
	SHEET 24 of 26

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C1	43.50'	25.85'	34°03'14"	N50°51'00"W	25.48'
C2	55.50'	1.36'	1°24'13"	S34°31'30"E	1.36'
C3	55.50'	39.74'	41°01'24"	S55°44'18"E	38.89'
C4	55.50'	45.25'	46°42'38"	N80°23'41"E	44.00'
C5	55.50'	23.52'	24°16'50"	N44°53'57"E	23.34'
C6	55.50'	37.22'	38°25'09"	N13°32'57"E	36.52'
C7	55.50'	147.08'	151°50'14"	N70°15'30"E	107.66'
C8	34.50	19.81	32°53'54"	S84°19'34"E	19.54
C9	19.50	8.07	23°43'20"	N69°14'35"E	8.02
C10	19.50	16.37	48°06'28"	S79°00'44"E	15.90

AVIARA CONDOMINIUMS

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Job No.	Snapshot:		25 of 26
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LINE TABLE		
LINE	BEARING	LENGTH
L1	S67°52'37"E	35.37'
L2	N32°57'38"W	7.06'
L3	N84°20'23"E	14.65'
L4	N47°51'55"W	11.34'
L5	S08°33'47"W	14.68'

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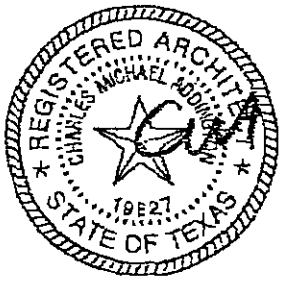
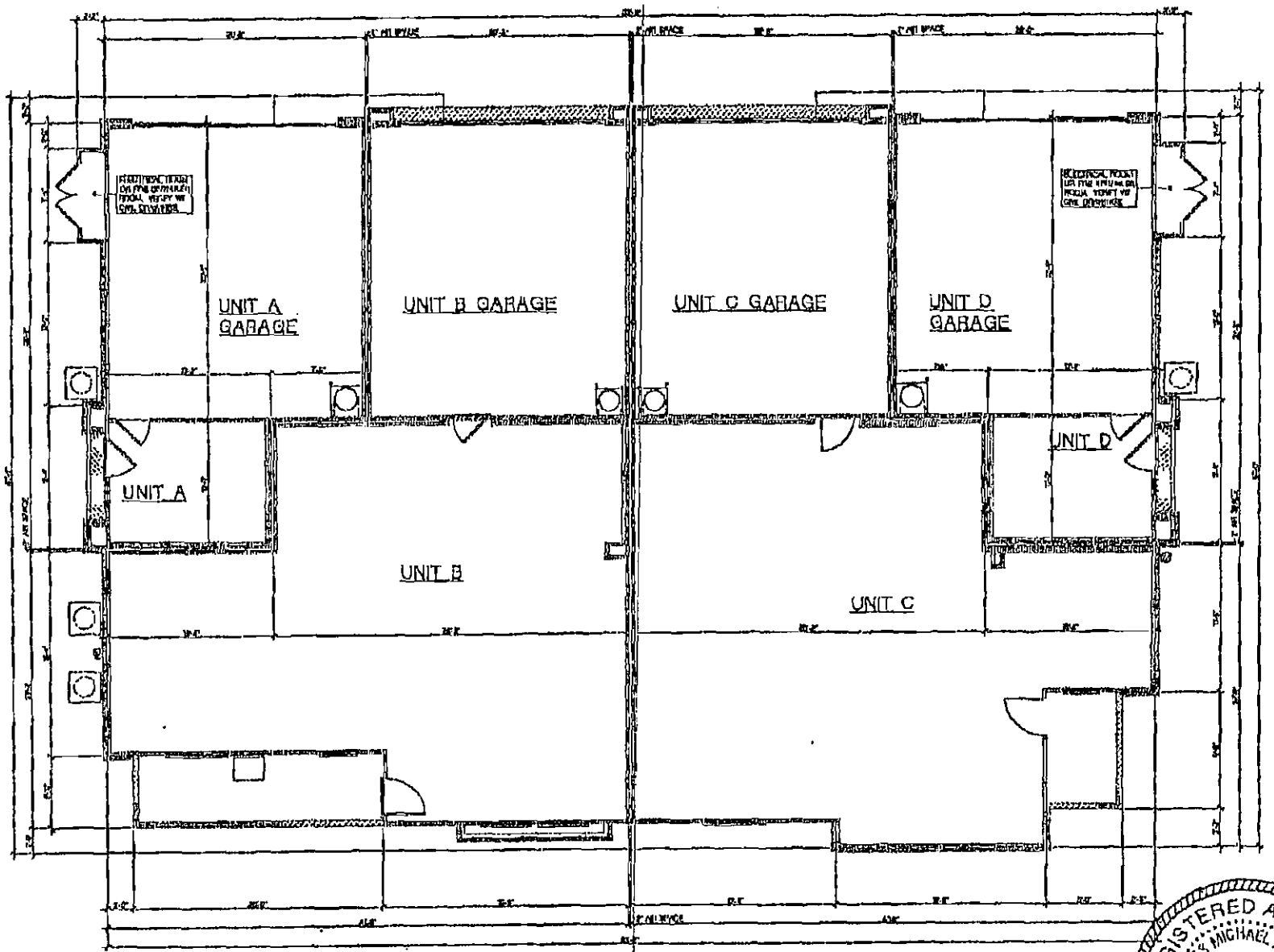
CERTIFICATION OF CONDOMINIUM PLANS

The condominium plans attached hereto contain the information required by Sections 82.052 and 82.059 of the Texas Uniform Condominium Act, as applicable.

Printed Name: Charles M. Addington
License No. 19,827



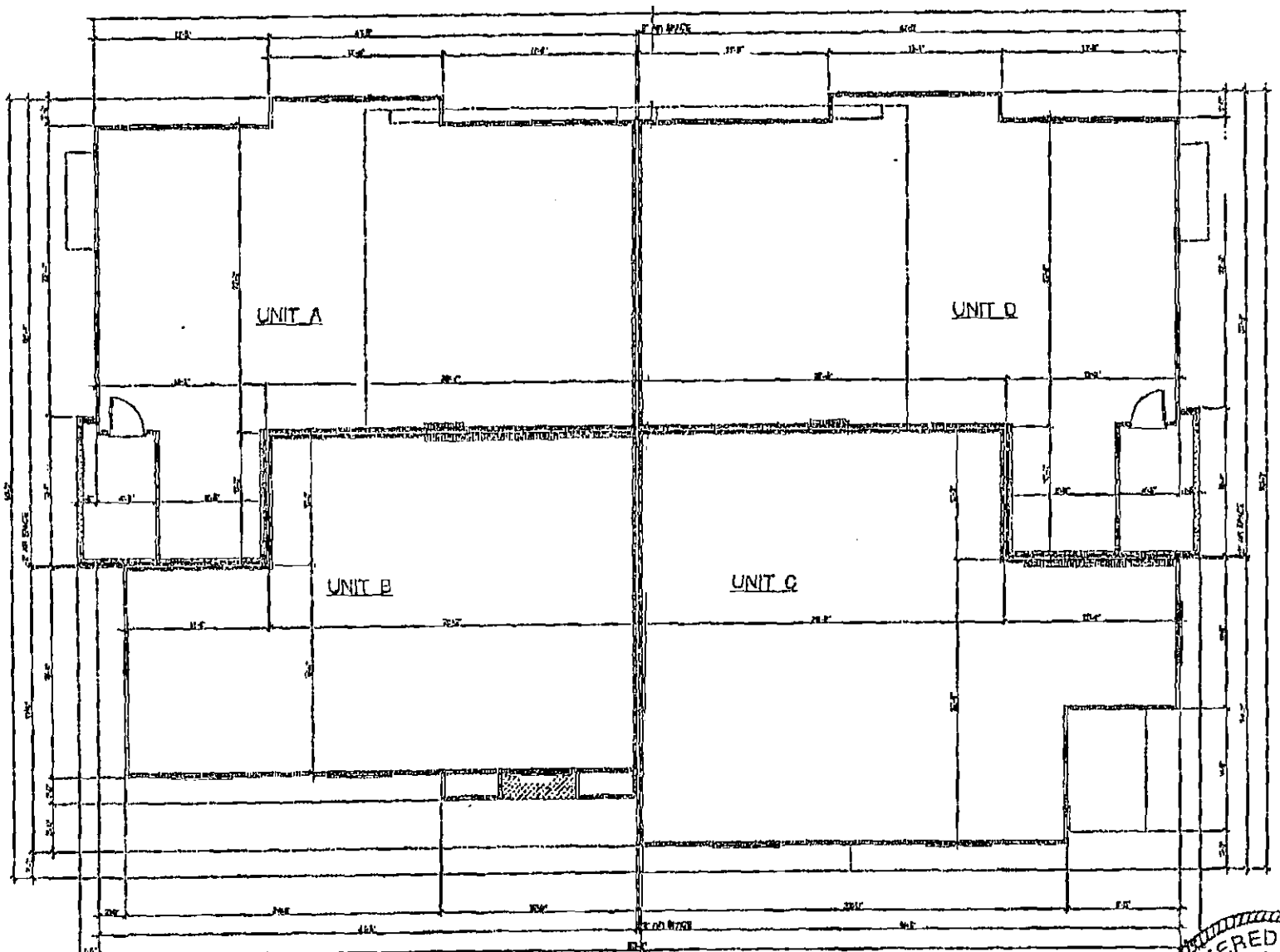


THE HEIGHTS AT AVIARA 2005-1258

COMPOSITE PLAN
FIRST FLOOR
SCALE 3/16" = 1'-0"
07/25/07

KTGY GROUP, INC.
ARCHITECTURE PLANNING
17592 MITCHELL SOUTH
IRVINE, CALIFORNIA 92614
(949) 851-2100 FAX (949) 419-0428
©ALL RIGHTS RESERVED

REGISTERED ARCHITECT
CHARLES MICHAEL ADAMS
19027
STATE OF TEXAS



THE HEIGHTS AT AVIARA 2005-1258

COMPOSITE PLAN
SECOND FLOOR
SCALE: 3/16" = 1'-0"
07/25/07

KTGY GROUP, INC.
ARCHITECTURE PLANNING
17199 MITCHELL SOUTH
IRVINE, CALIFORNIA 92614
(949) 851-2133
FAX (949) 410-8470
©ALL RIGHTS RESERVED

REGISTERED ARCHITECT
CHARLES MICHAEL ADOMS
19827
STATE OF TEXAS

UNIT PLAN TYPES – ATTACHED UNITS

Unit No.	Plan Type*
A-1	A
B-1	B
C-1	C
D-1	D

* SEE CONDOMINIUM PLANS FOR PLAN TYPE.

ATTACHMENT 2

EXHIBIT "C" TO THE DECLARATION OF CONDOMINIUM REGIME

COMMON INTEREST ALLOCATION & BUILDING LCE ALLOCATION

COMMON INTEREST ALLOCATION

The Common Interest Allocation and percentage of liability for common expenses for each Unit is 1/16.

THE COMMON INTEREST ALLOCATION ASSIGNED TO A PARTICULAR UNIT WILL DECREASE IF ADDITIONAL UNITS ARE CREATED AND ADDED TO THE REGIME BY THE DECLARANT.

BUILDING LCE ALLOCATION

The Building LCE Allocation for each Attached Unit is 1/4.

THE BUILDING LCE ALLOCATION ASSIGNED TO A PARTICULAR UNIT WILL DECREASE IF ADDITIONAL UNITS ARE CREATED AND ADDED TO THE REGIME BY THE DECLARANT.

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

2010 Apr 15 11:45 AM 2010051936

HOLMC $156.00

DANA DEBEAUVOIR COUNTY CLERK

TRAVIS COUNTY TEXAS

CONDO DE 2010073309
36 PGS

AFTER RECORDING RETURN TO:
Robert D. Burton, Esq.
Armbrust & Brown, L.L.P.
100 Congress Ave., Suite 1300
Austin, Texas 78701

AVIARA

THIRD AMENDMENT TO RESTATED AND AMENDED DECLARATION OF CONDOMINIUM REGIME FOR AVIARA CONDOMINIUMS

(A Residential Condominium in Travis County, Texas)

Cross Reference to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2009071585, Official Public Records of Travis County, Texas, amended by that certain First Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2009071585, Official Public Records of Travis County, Texas and as further as amended by that certain Second Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2010051936, Official Public Records of Travis County, Texas.

THIRD AMENDMENT TO
RESTATED AND AMENDED DECLARATION OF CONDOMINIUM REGIME
FOR AVIARA CONDOMINIUMS

This Third Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums (the "**Amendment**") is made **CR-B AVIARA, L.P.**, a Texas limited partnership ("**Declarant**"), and is as follows:

RECITALS:

A. Aviara Condominiums, a condominium regime (the "**Regime**"), located in Travis County, Texas, was established pursuant to that certain Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2009071585, Official Public Records of Travis County, Texas, amended by that certain First Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2009071585, Official Public Records of Travis County, Texas and as further as amended by that certain Second Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2010051936, Official Public Records of Travis County, Texas (collectively, the "**Declaration**").

B. CR-B Aviara, L.P., presently holds the rights of the "**Declarant**" under the Declaration.

C. Meritage Homes Of Texas, LLC, is the Owner of Units A-11, A-12, B-13 and C-6 and consents to this Amendment as evidenced below.

D. Pursuant to *Provision A.3.10(v)* of Appendix "A" to the Declaration, during the Development Period, Declarant may amend the Declaration unilaterally and without the consent of other Owners or any mortgagee to subdivide, combine or reconfigure Units, or convert Units into Common Elements, in the exercise of statutory development rights.

E. Pursuant to Section 82.060 of the Texas Uniform Condominium Act, to exercise a statutory development right, Declarant must prepare, execute and record an amendment to the Declaration and record new plats and plans for that real property. The amendment to the declaration must reallocate the allocated interests among all Units.

F. The Development Period is a fifteen (15) year period commencing on the date the Declaration was recorded in the Official Public Records of Travis County, Texas. The Declaration was recorded in the Official Public Records of Travis County, Texas on May 4, 2009; as such, the Development Period has not yet expired.

G. Declarant now desires to amend the Declaration to reconfigure the boundaries of Units A-11, A-12, B-13 and C-6 in the Regime, as set forth more fully hereinbelow.

NOW THEREFORE, the Declaration is hereby amended as follows:

1. **Reconfiguration of Units**. In accordance with the rights reserved by the Declarant pursuant to *Provision A.3.10(v)* of Appendix "A" to the Declaration, Declarant hereby reconfigures the boundaries of Units A-11, A-12, B-13 and C-6 in the Regime as set forth on the New Plats and Plans (as defined below).

2. **Replacement of Exhibit "B"**. Exhibit 'B" to the Declaration is hereby deleted in its entirety and the Plats and Plans attached hereto as Attachment 1 (the "**New Plats and Plans**") are substituted in their place. The New Plats and Plans: (i) assign an identifying number to all Units; (ii) describe the portion of the limited common elements created or assigned to all Units; and (iii) include the information required by Section 82.059 of the Texas Uniform Condominium Act.

3. **Common Interest/Common Expense Allocation**. The Common Interest Allocation and percentage of liability for common expenses shall remain as stated in the Declaration and shall be unaffected by this Amendment.

4. **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.

[SIGNATURE PAGE FOLLOWS]

EXECUTED to be effective as of the 20th day of May, 2010.

DECLARANT:

CR-B AVIARA, L.P., a Texas limited partnership

By: CR-B INVESTORS I GP, L.L.C., a Texas limited liability company, its General Partner

By: _____

Printed Name: David Amow

Title: Vice President

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this 18th day of May, 2010 by David N. Amow, Vice President of CR-B Investors I GP, L.L.C., a Texas limited liability company, General Partner of CR-B Aviara, L.P., a Texas limited partnership, on behalf of said entities.

(SEAL)

JAMIE ORR SCHROEDER
MY COMMISSION EXPIRES
June 8, 2011

Notary Public Signature

ACKNOWLEDGED AND AGREED:

MERITAGE HOMES OF TEXAS, LLC,
an Arizona limited liability company

By: _____
Printed Name: Dale Thornton
Title: VP Land

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this 20 day of May, 2010 by Dale Thornton, VP Land of Meritage Homes Of Texas, LLC, an Arizona limited liability company, on behalf of said limited liability company.

(SEAL)

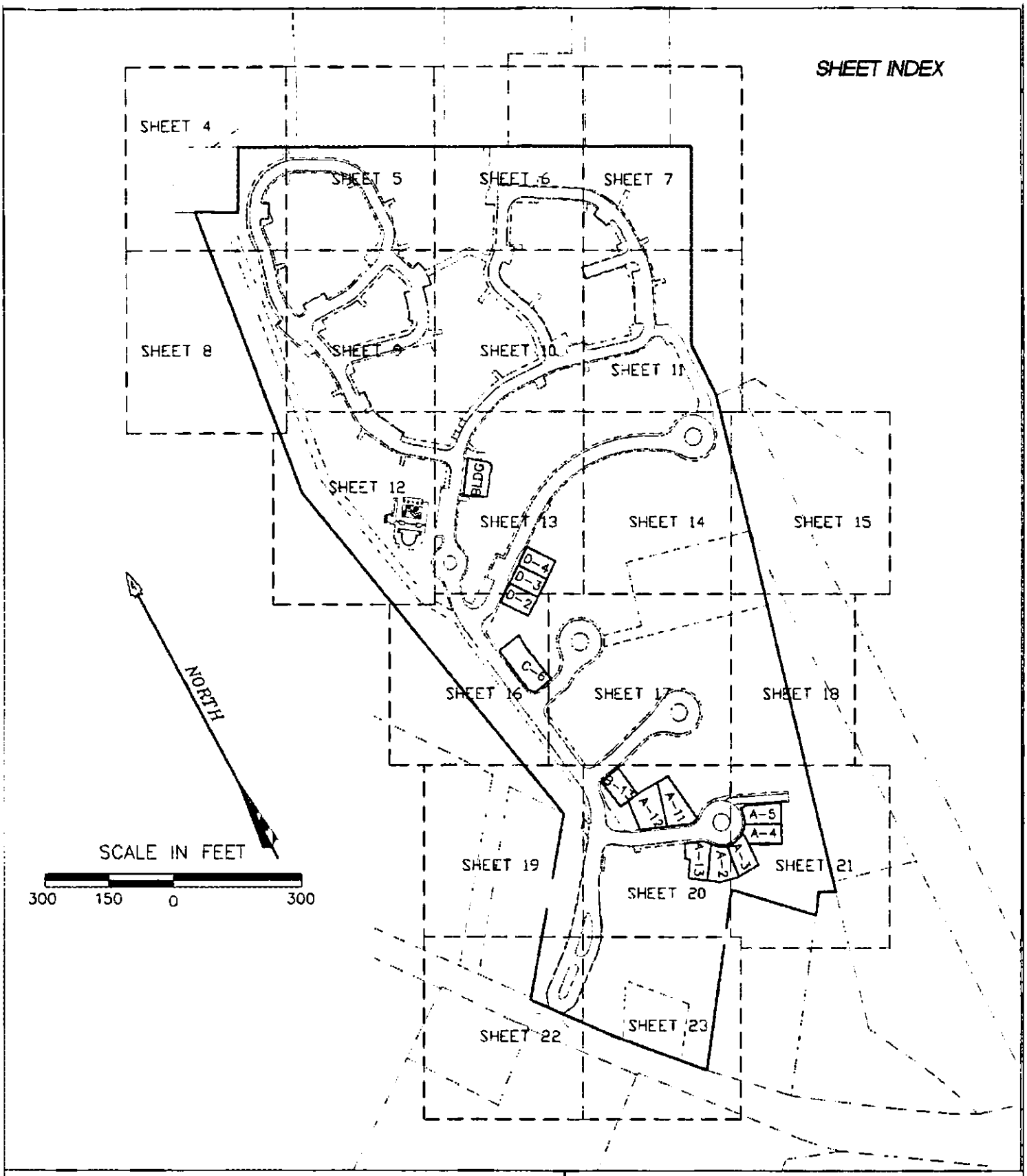
Notary Public Signature

TAMELA R. TAYLOR
Notary Public, State of Texas
My Commission Expires
February 06, 2011

ATTACHMENT 1

EXHIBIT "B" TO THE DECLARATION OF CONDOMINIUM REGIME

SEE SHEET 24 OF 26 FOR ORIGINAL CERTIFICATION



AVIARA CONDOMINIUMS

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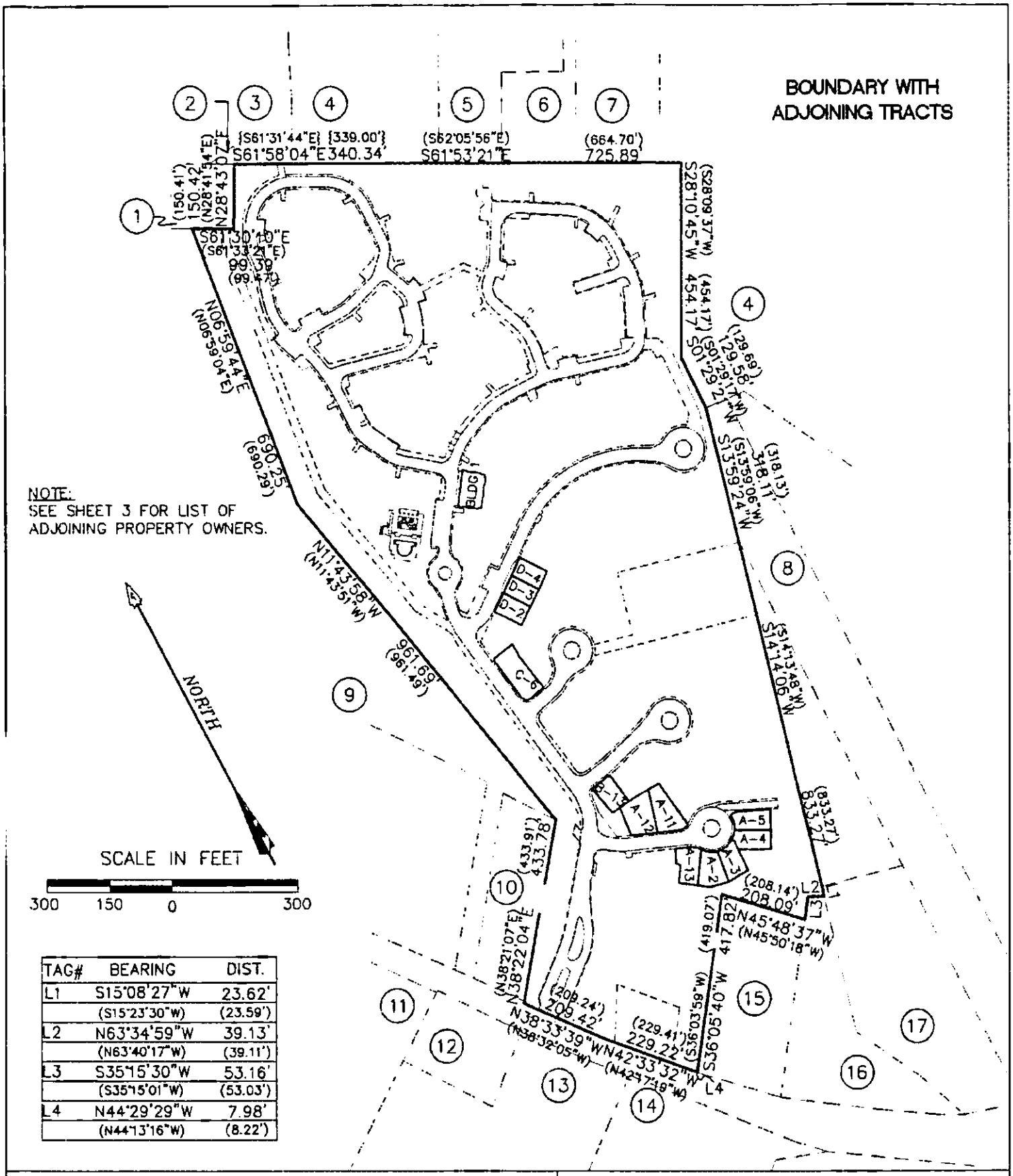

TAG#	BEARING	DIST.
L1	S15°08'27"W	23.62'
	(S15°23'30"W)	(23.59')
L2	N63°34'59"W	39.13'
	(N63°40'17"W)	(39.11')
L3	S35°15'30"W	53.16'
	(S35°15'01"W)	(53.03')
L4	N44°29'29"W	7.98'
	(N44°13'16"W)	(8.22')

AVIARA CONDOMINIUMS

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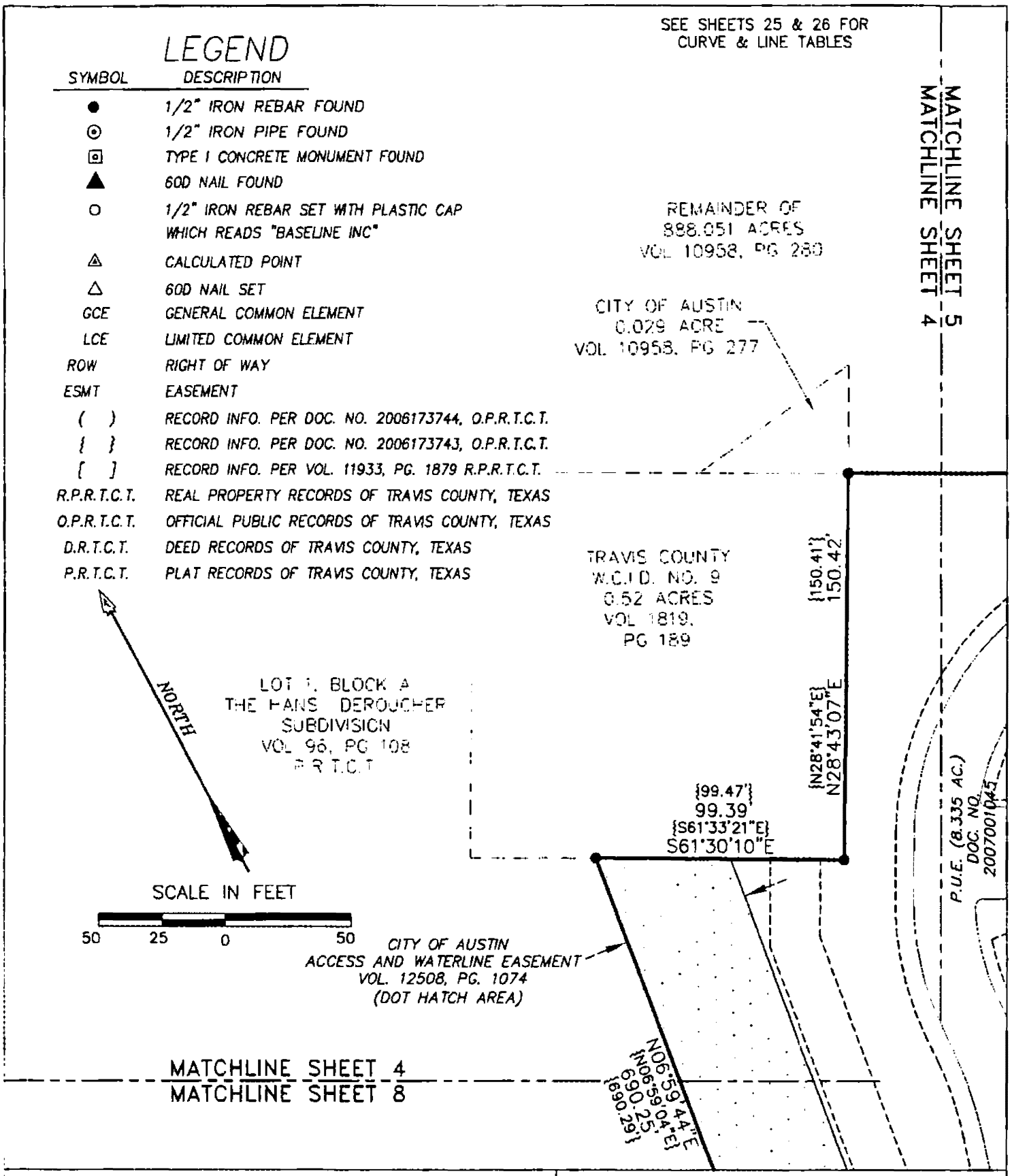
Date: 05/13/10	Checked By: JSL	Drawn By: HPE\RLW

1. TRAVIS COUNTY W.C.I.D. NO. 9, VOL. 1819, PG. 189 (0.52 ACRES)
2. CITY OF AUSTIN, VOL. 10958, PG. 277 (0.029 ACRES)
3. REMAINDER OF 888.051 ACRES, VOL. 10958, PG. 280
4. LOT 115, BLOCK B, LANTANA SOUTHWEST, PHASE 1, DOC. NO. 200300137
5. CITY OF AUSTIN, TRACT 2, VOL. 12910, PG. 670 (1.757 ACRES)
6. CITY OF AUSTIN, VOL. 10031 PG. 300 (1.0397 ACRES)
7. CITY OF AUSTIN, TRACT 1, VOL. 12910, PG. 670 (1.655 ACRES)
8. KEYSTONE CONSTRUCTION, INC., VOL. 11918, PG. 1755 (4.993 ACRES)
9. LOT 1, BLOCK "A", THE HANS DEROUCHER SUBDIVISION, VOL. 96, PG. 108
10. LOT 2, BLOCK "A", THE HANS DEROUCHER SUBDIVISION, VOL. 96, PG. 108
11. AARON GARDNER SUBDIVISION, VOL. 49, PG. 95
12. BENJAMIN L. NORS, DOC. NO. 2001174575 (1.00 ACRE)
13. HUEBETTER SUBDIVISION, VOL. 78, PG. 1
14. JAMES L. SCHORR, VOL. 11883, PG. 1334 (10.177 ACRES)
15. ALAN ABBE, et ux, VOL. 8732, PG. 5 (1.9807 ACRES)
16. 1.951 ACRES, VOL. 11400, PG. 875
17. GILBERT M. JAPKO, TRACT ONE, VOL. 6095, PG. 82 (3.129 ACRES)

SEE SHEETS 25 & 26 FOR
CURVE & LINE TABLES

LEGEND

SYMBOL	DESCRIPTION
●	1/2" IRON REBAR FOUND
⊙	1/2" IRON PIPE FOUND
⊡	TYPE I CONCRETE MONUMENT FOUND
▲	60D NAIL FOUND
○	1/2" IRON REBAR SET WITH PLASTIC CAP WHICH READS "BASELINE INC"
◬	CALCULATED POINT
△	60D NAIL SET
GCE	GENERAL COMMON ELEMENT
LCE	LIMITED COMMON ELEMENT
ROW	RIGHT OF WAY
ESMT	EASEMENT
( )	RECORD INFO. PER DOC. NO. 2006173744, O.P.R.T.C.T.
{ }	RECORD INFO. PER DOC. NO. 2006173743, O.P.R.T.C.T.
[ ]	RECORD INFO. PER VOL. 11933, PG. 1879 R.P.R.T.C.T.
R.P.R.T.C.T.	REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS
O.P.R.T.C.T.	OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS
D.R.T.C.T.	DEED RECORDS OF TRAVIS COUNTY, TEXAS
P.R.T.C.T.	PLAT RECORDS OF TRAVIS COUNTY, TEXAS



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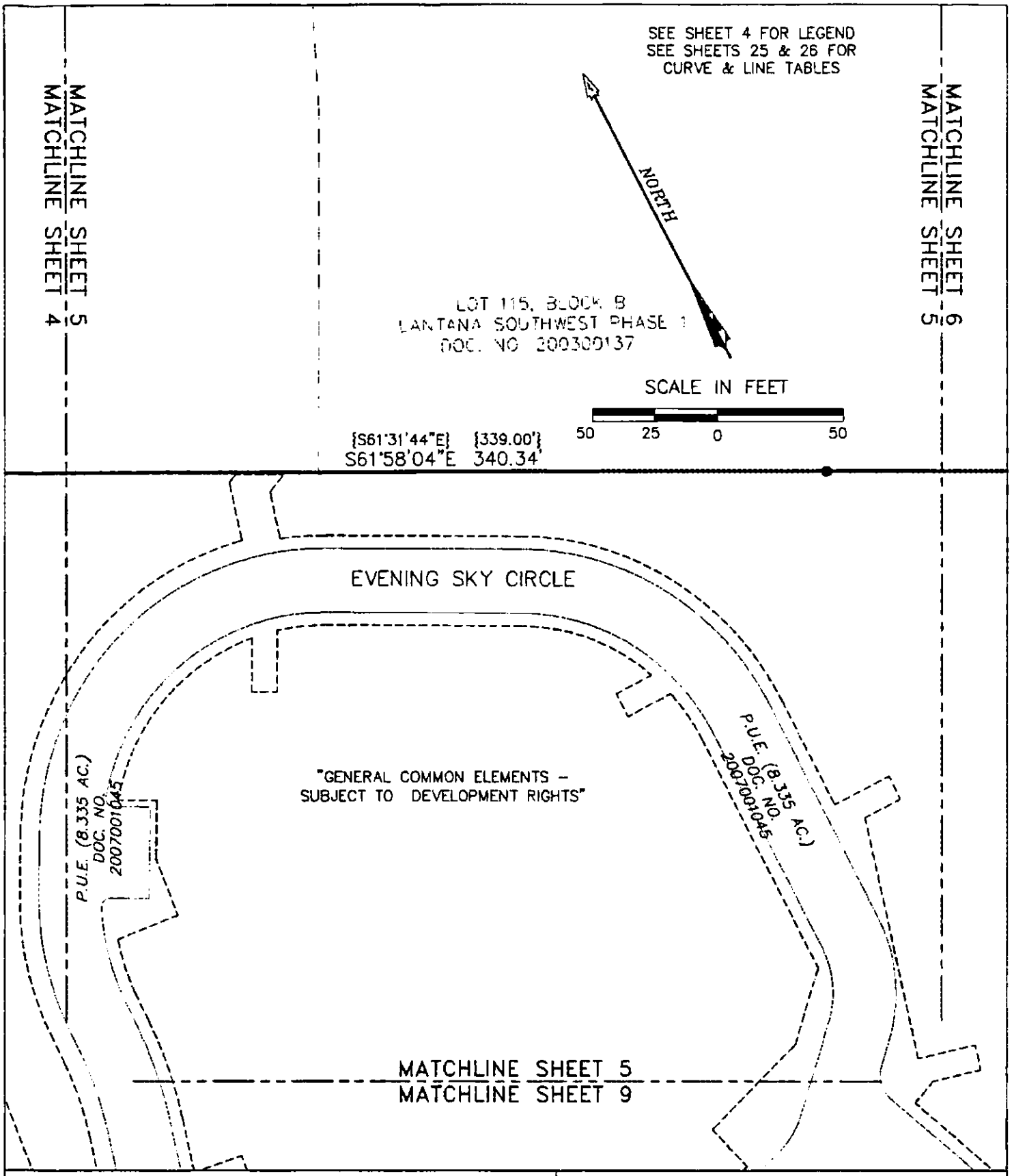

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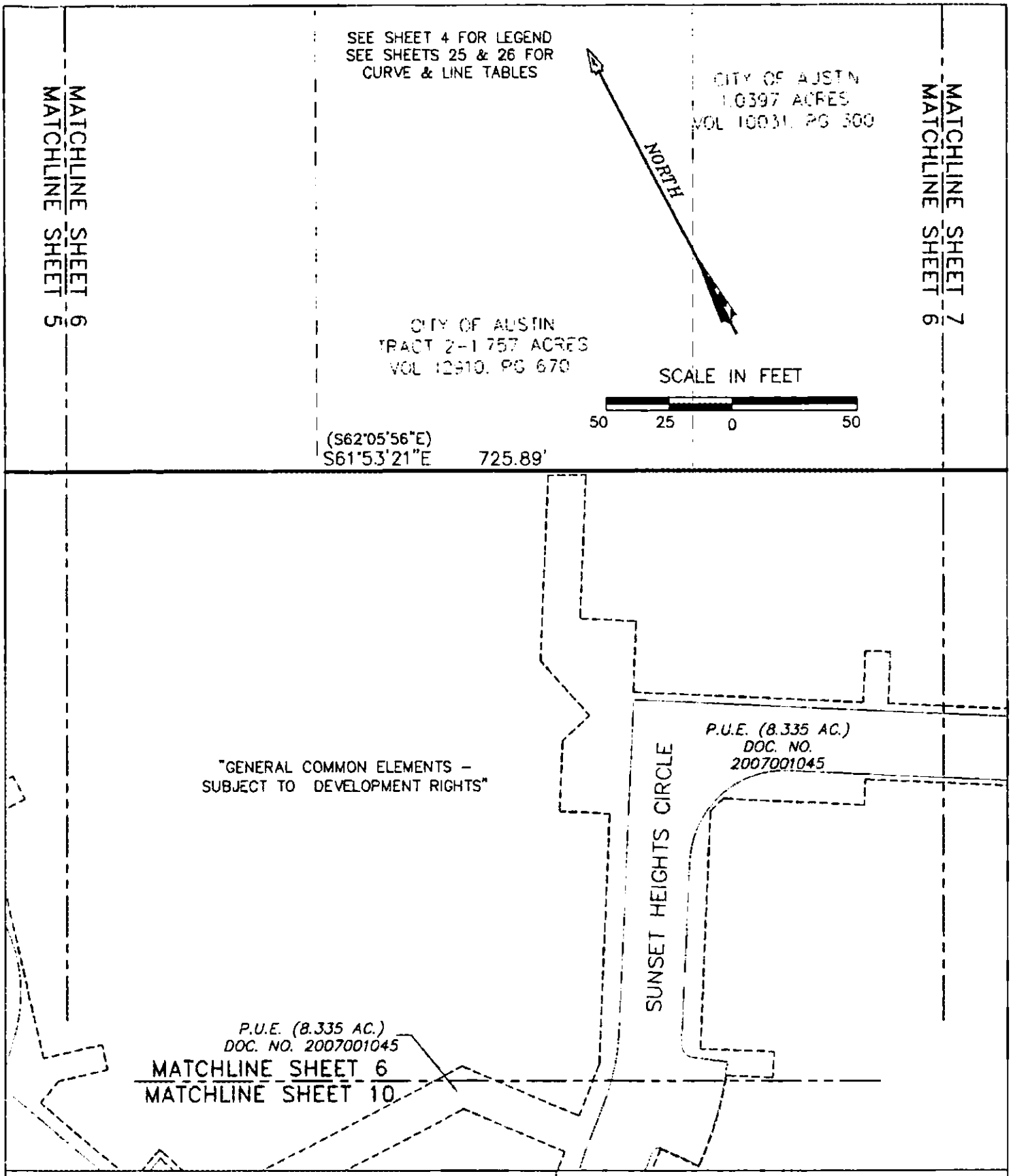

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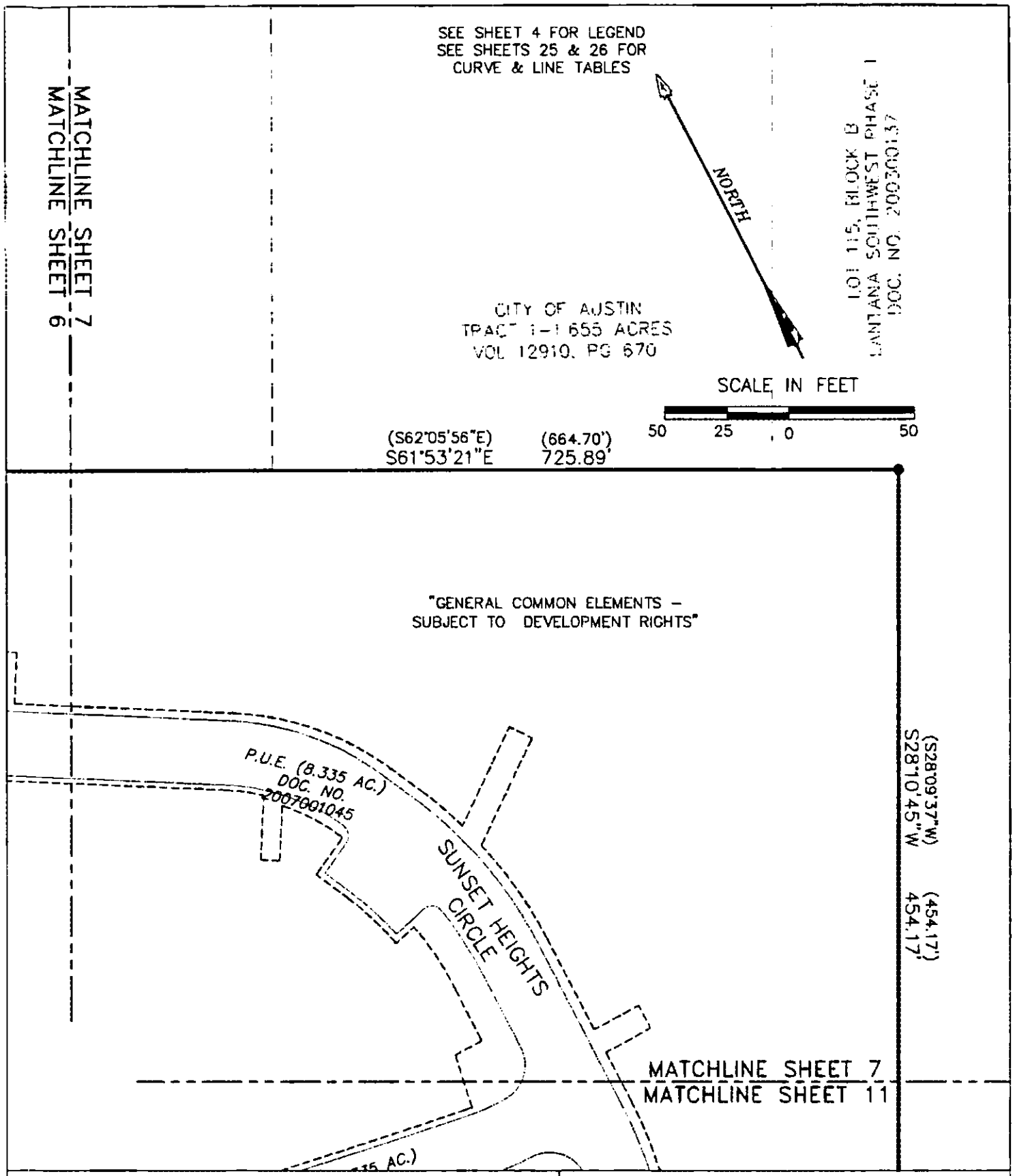

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 6.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.096 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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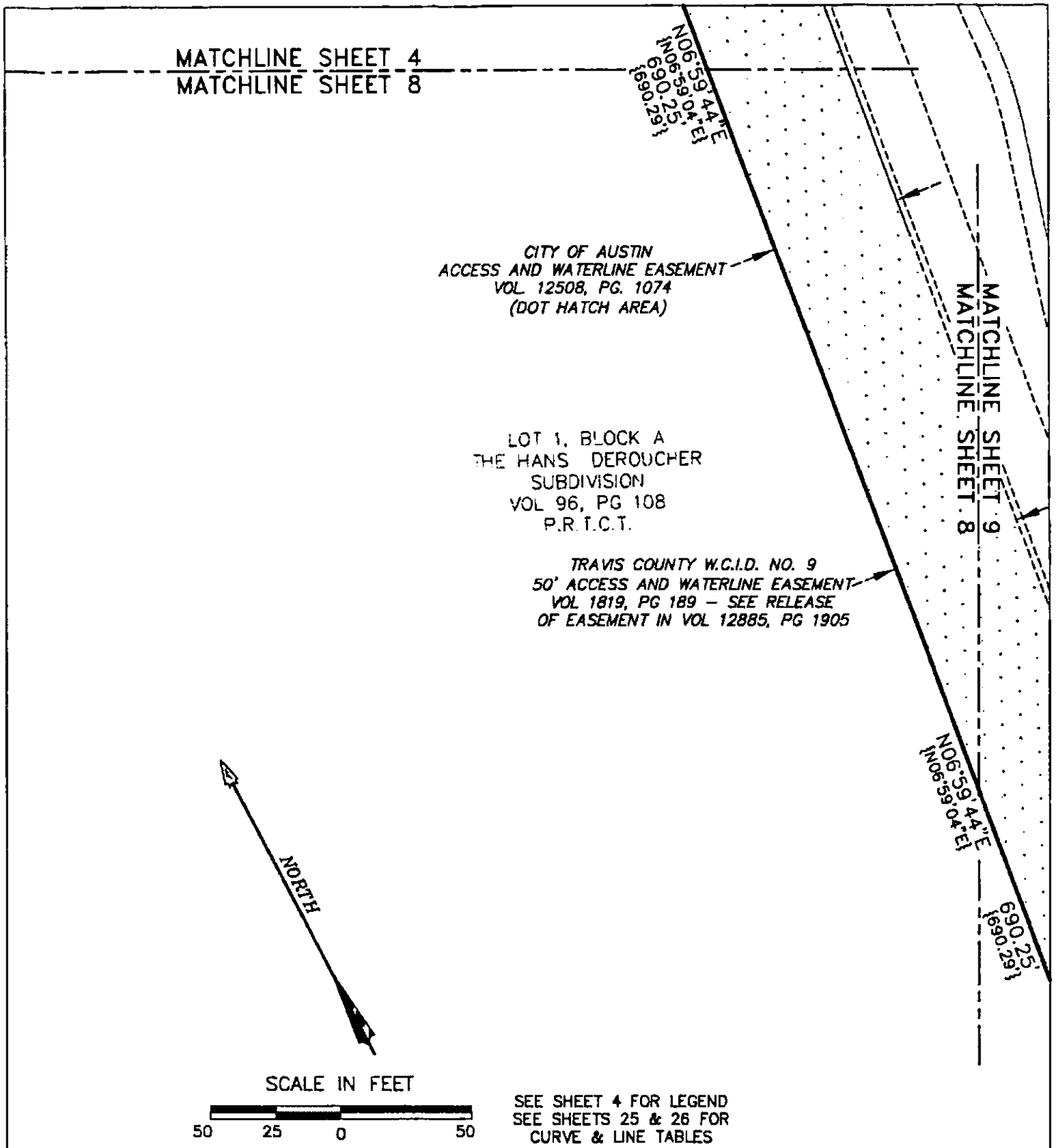

SEE SHEET 4 FOR LEGEND
SEE SHEETS 25 & 26 FOR
CURVE & LINE TABLES

AVIARA CONDOMINIUMS

EXHIBIT
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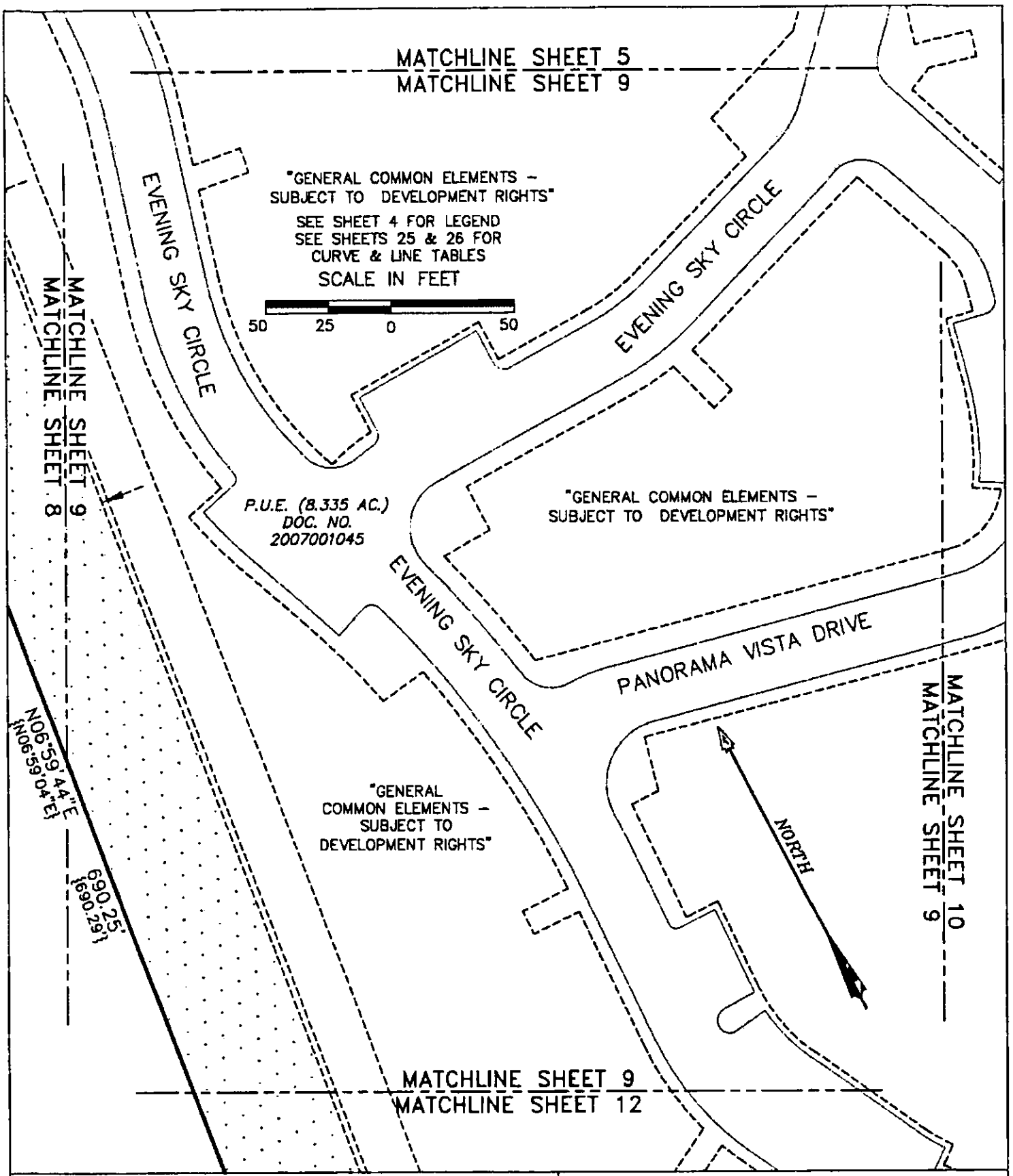

AVIARA CONDOMINIUMS

EXHIBIT

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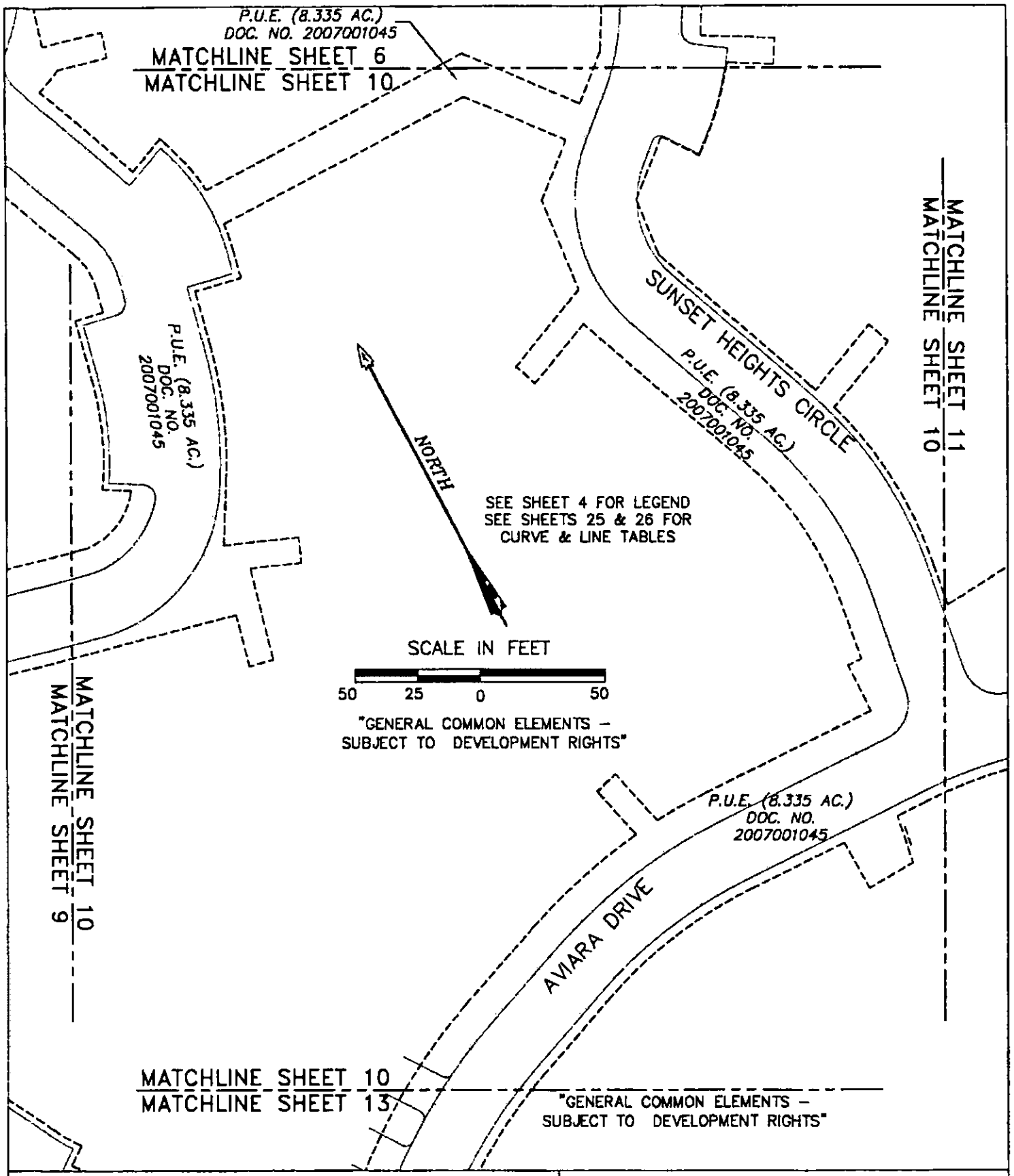

AVIARA CONDOMINIUMS

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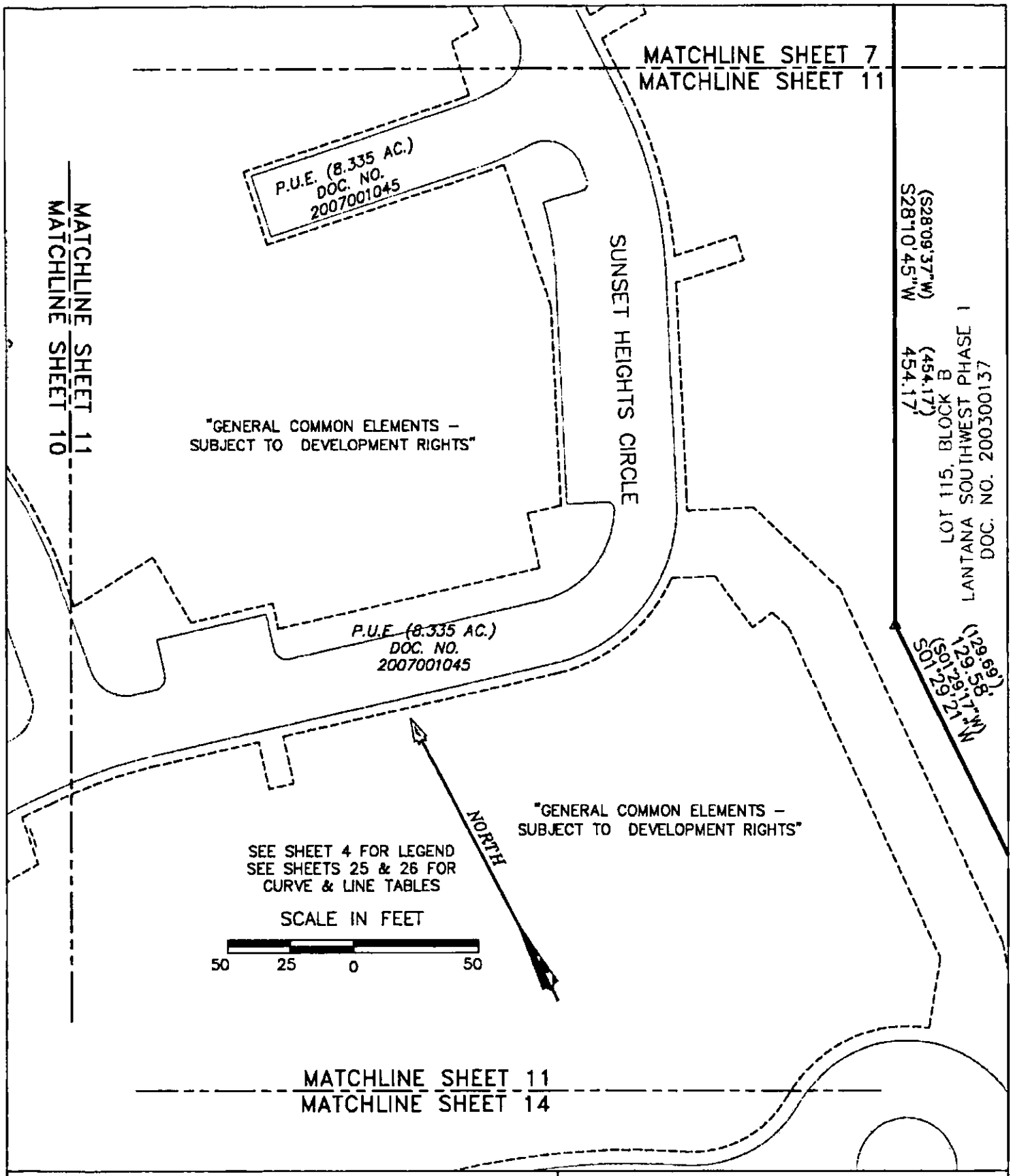

AVIARA CONDOMINIUMS

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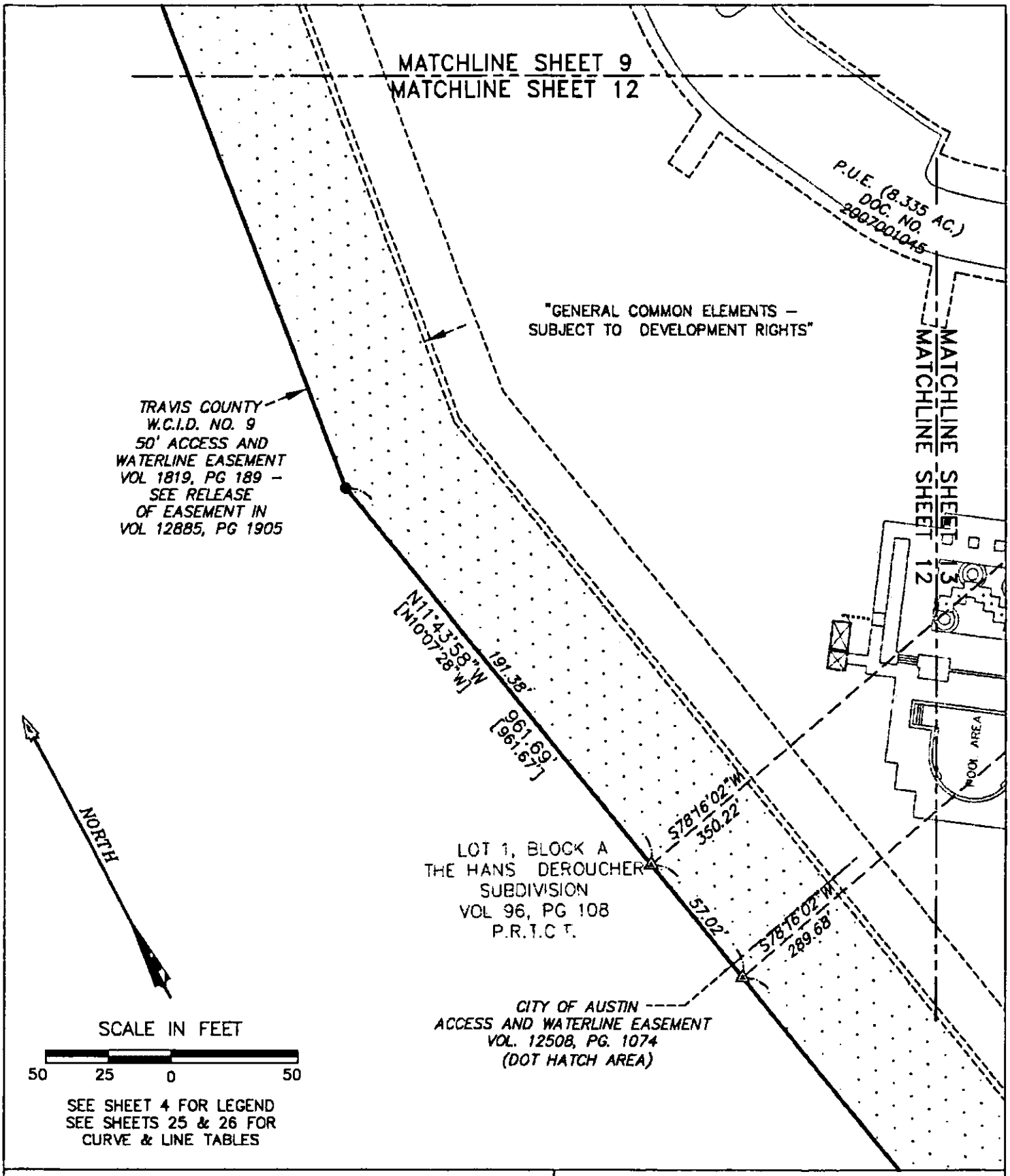

SEE SHEET 4 FOR LEGEND
SEE SHEETS 25 & 26 FOR
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AVIARA CONDOMINIUMS

EXHIBIT

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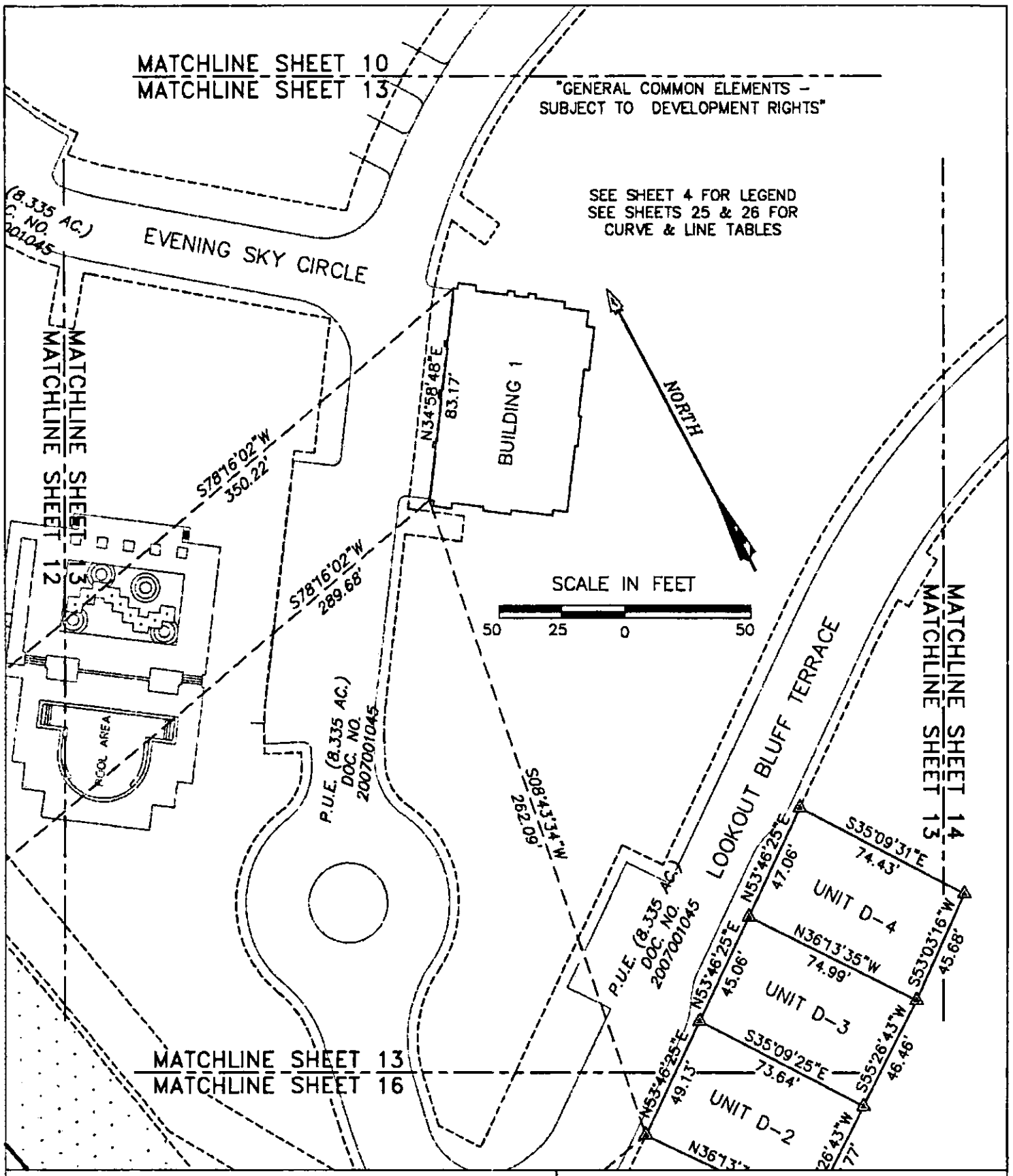

AVIARA CONDOMINIUMS

EXHIBIT

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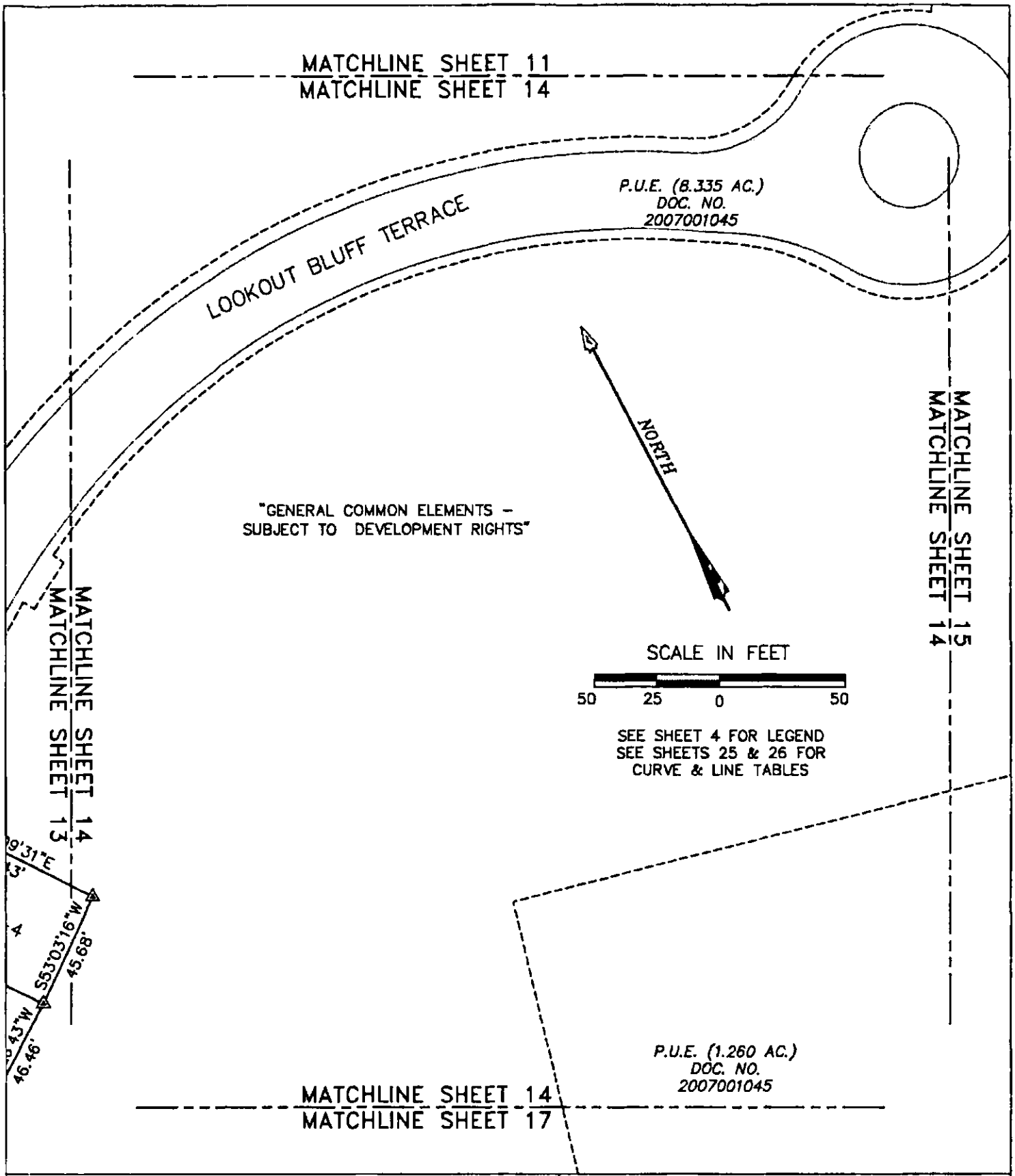

AVIARA CONDOMINIUMS

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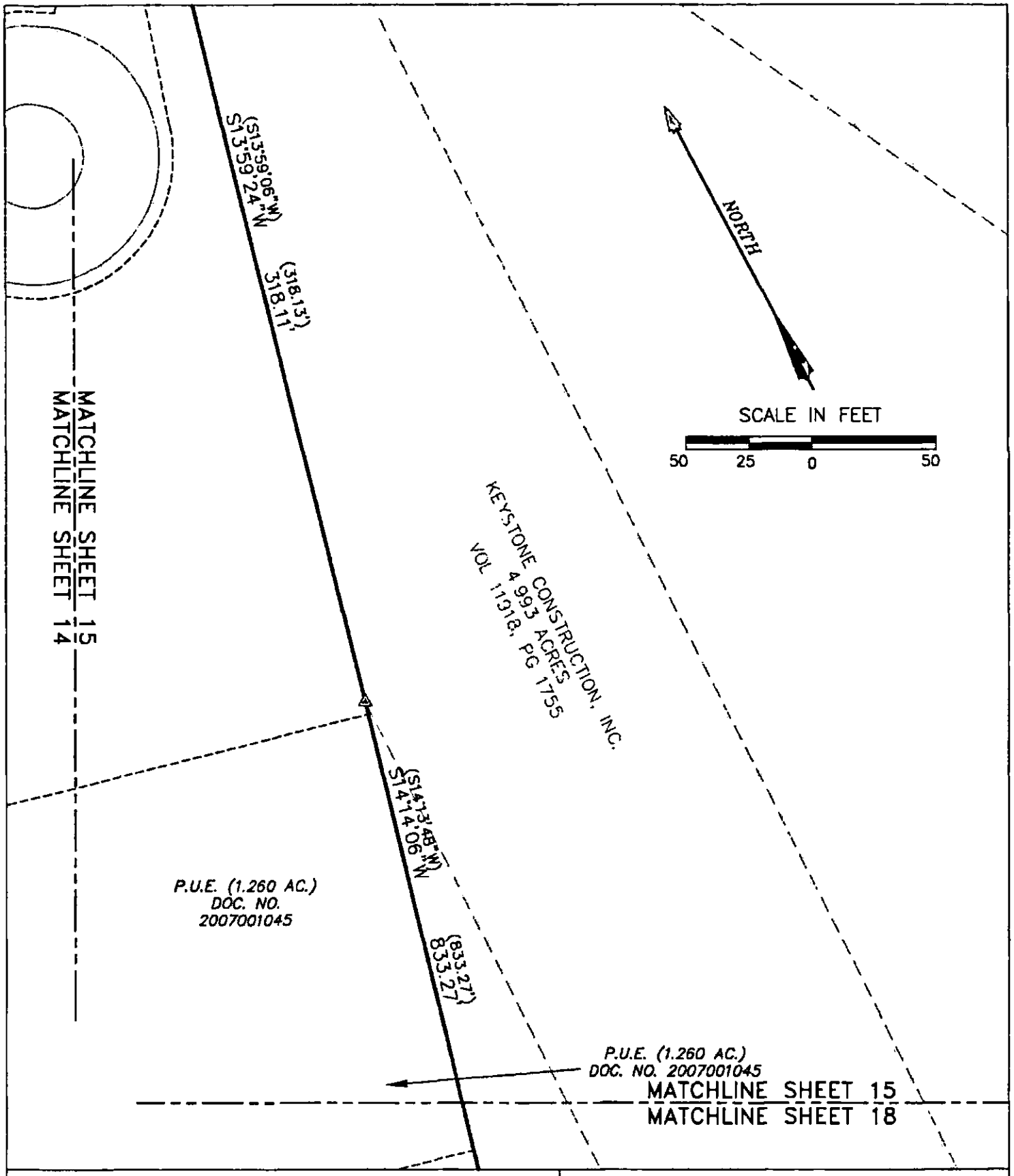

AVIARA CONDOMINIUMS

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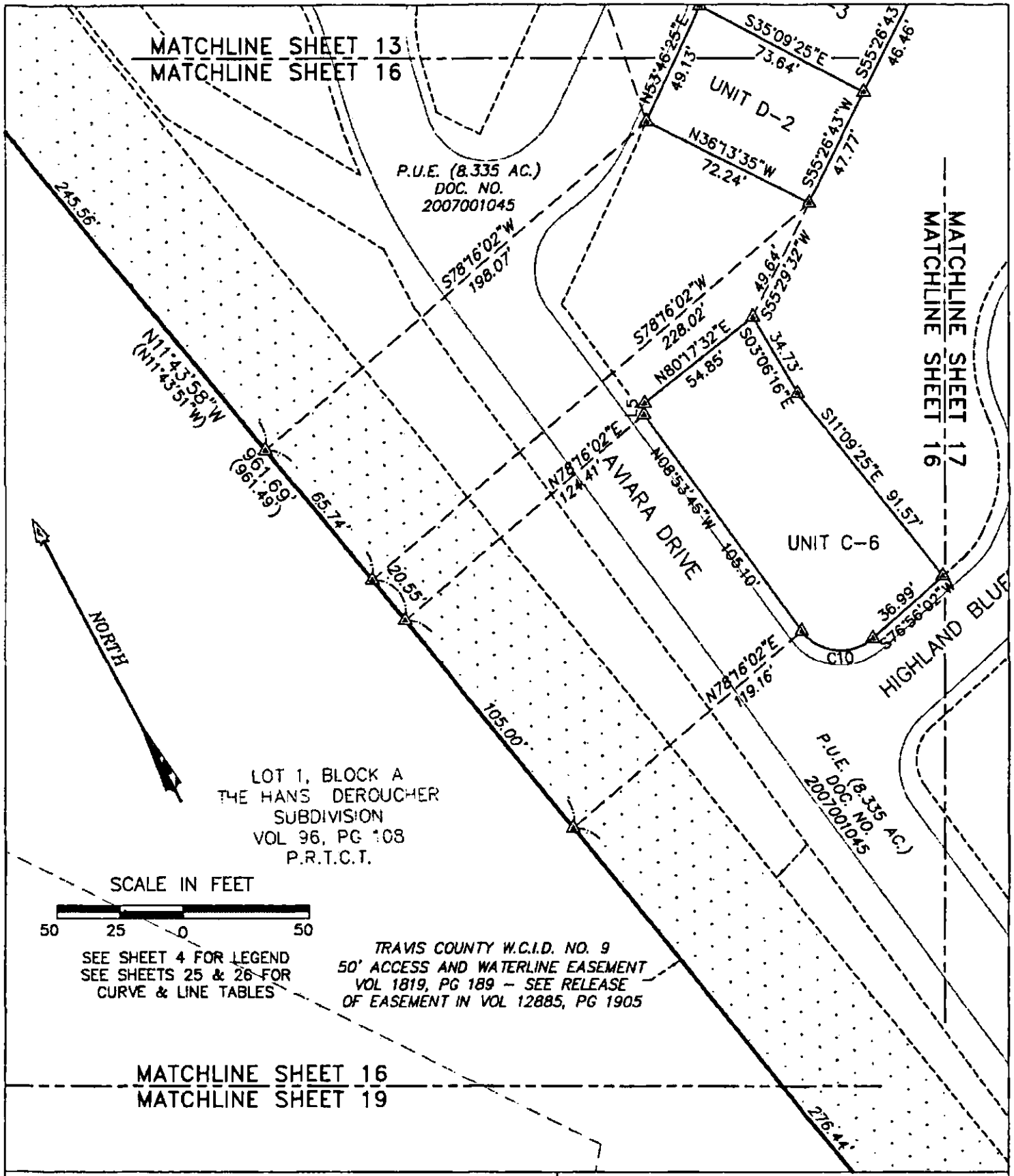

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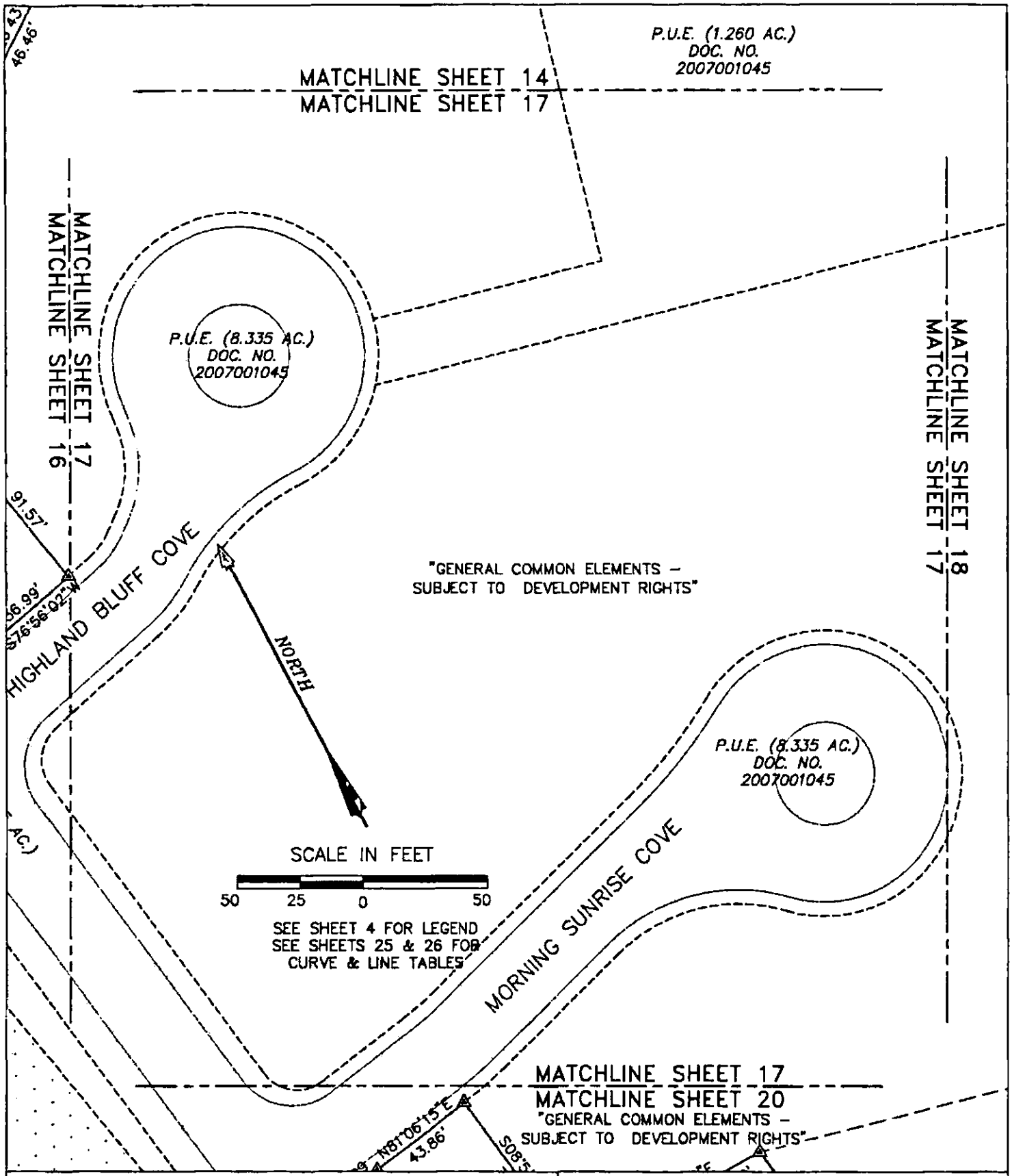

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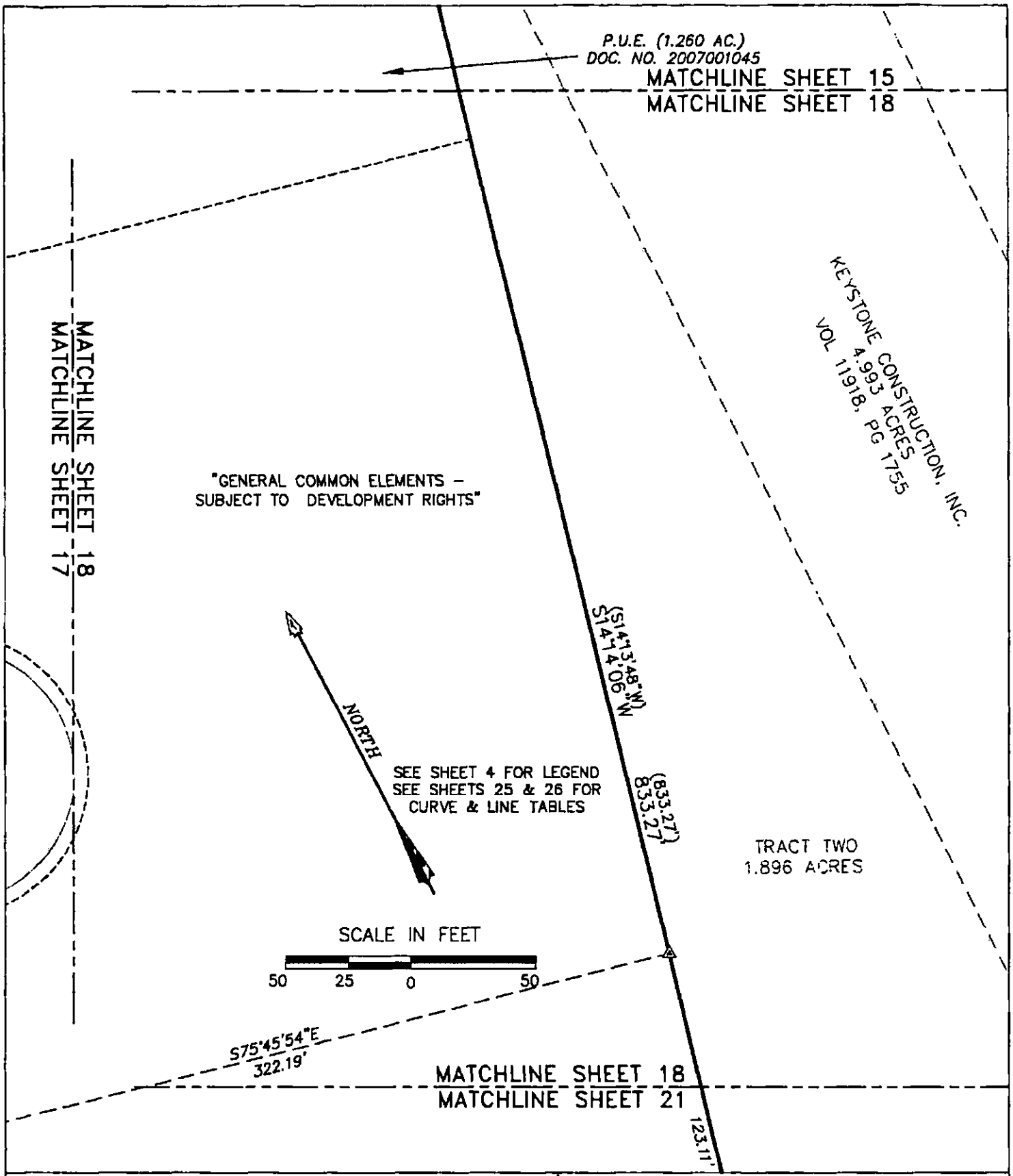

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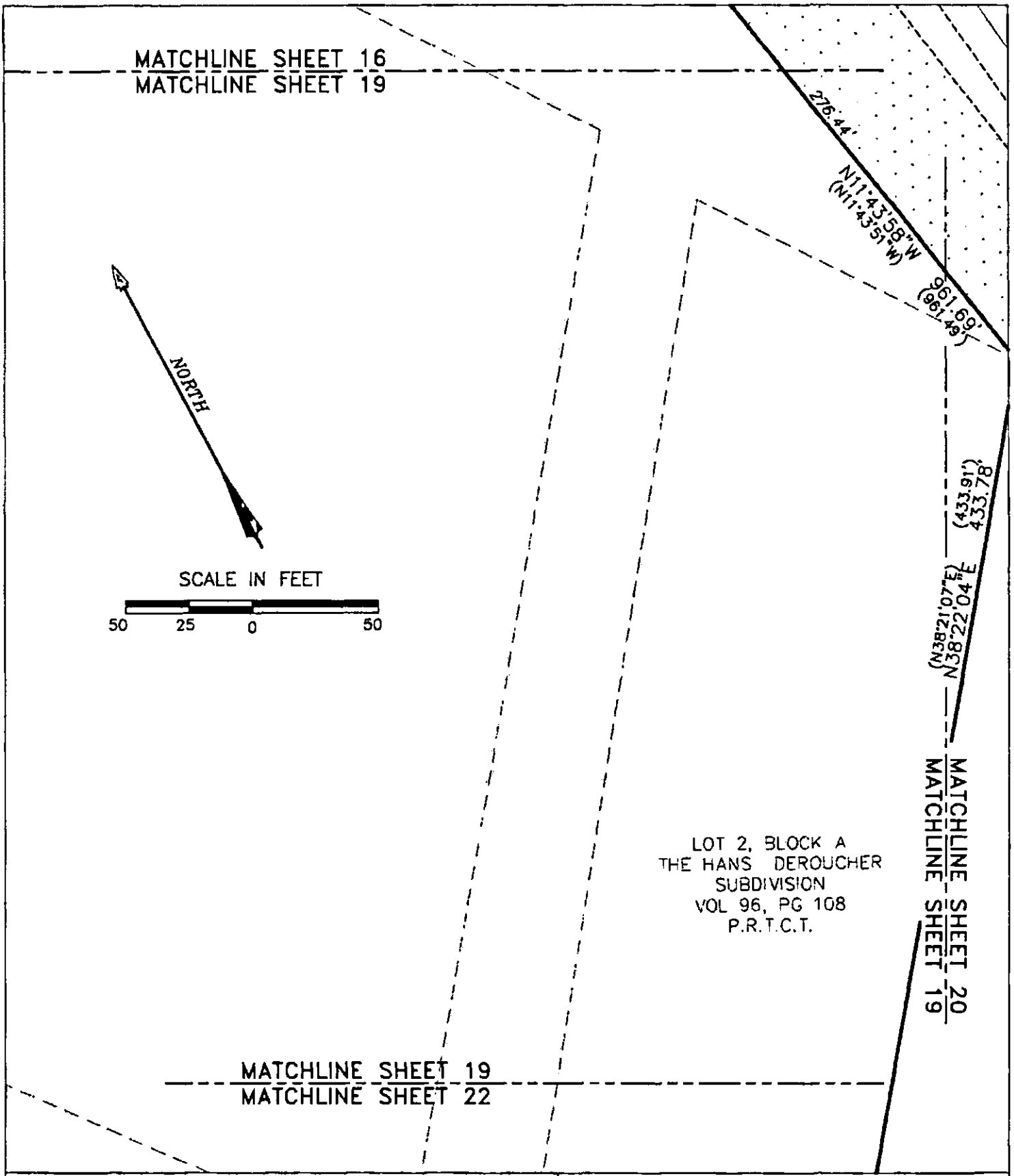

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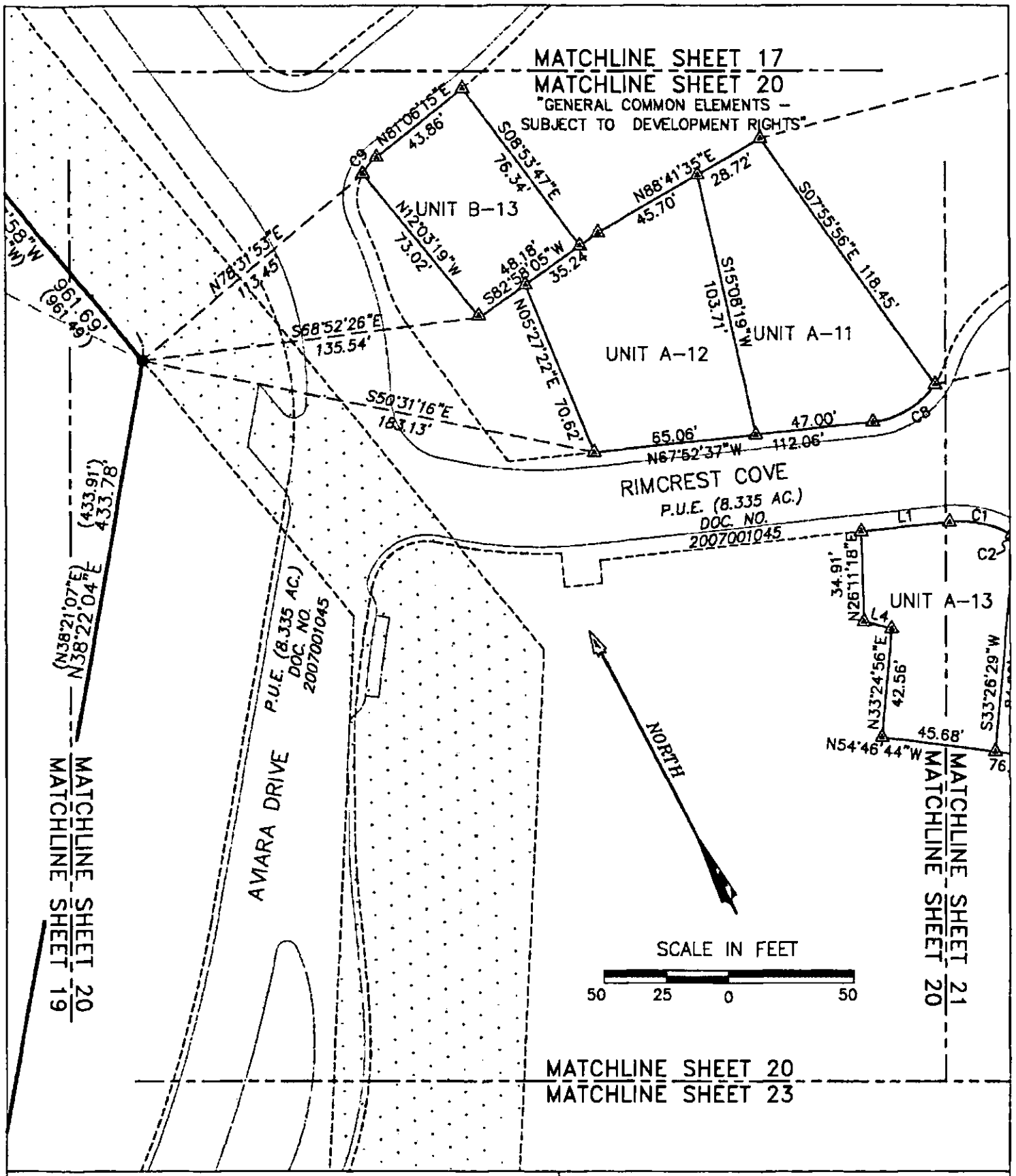

AVIARA CONDOMINIUMS

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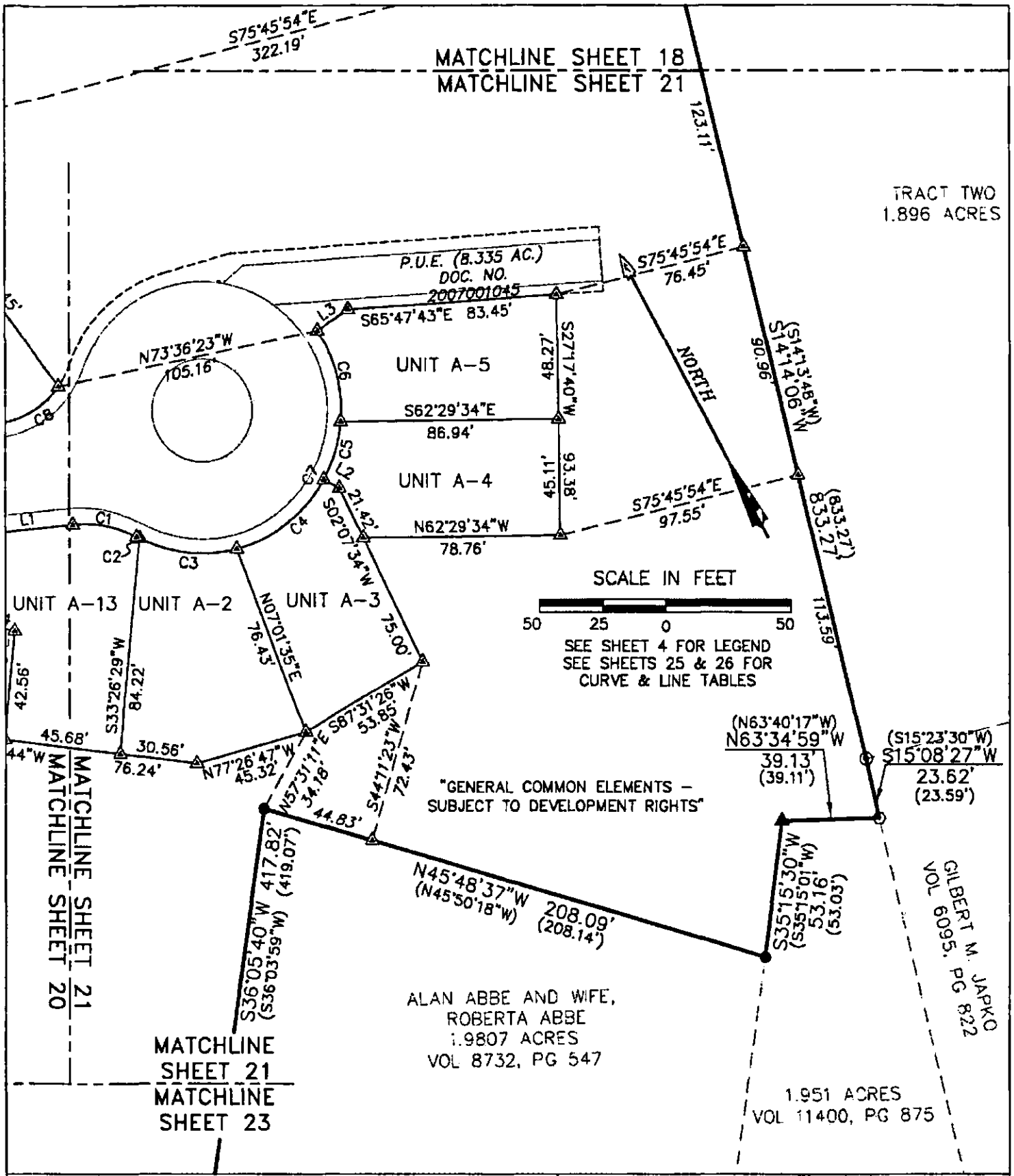

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 6.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

BASELINE LAND SURVEYORS, INC.
PROFESSIONAL LAND SURVEYING SERVICES
8333 CROSS PARK DRIVE
AUSTIN, TEXAS 78754
OFFICE: 512.374.9722 FAX: 512.873.9743
ron-baseline@austin.rr.com

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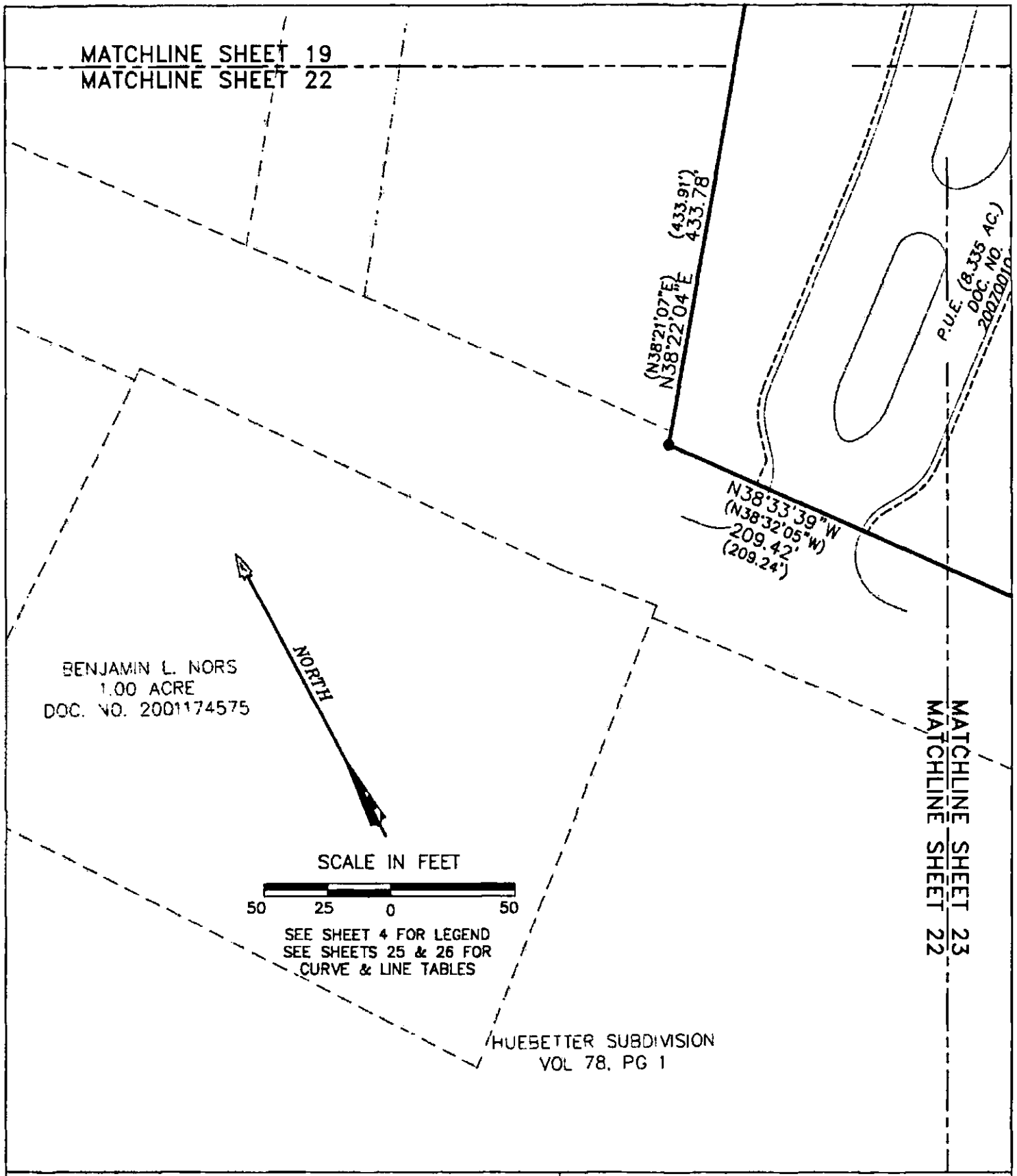

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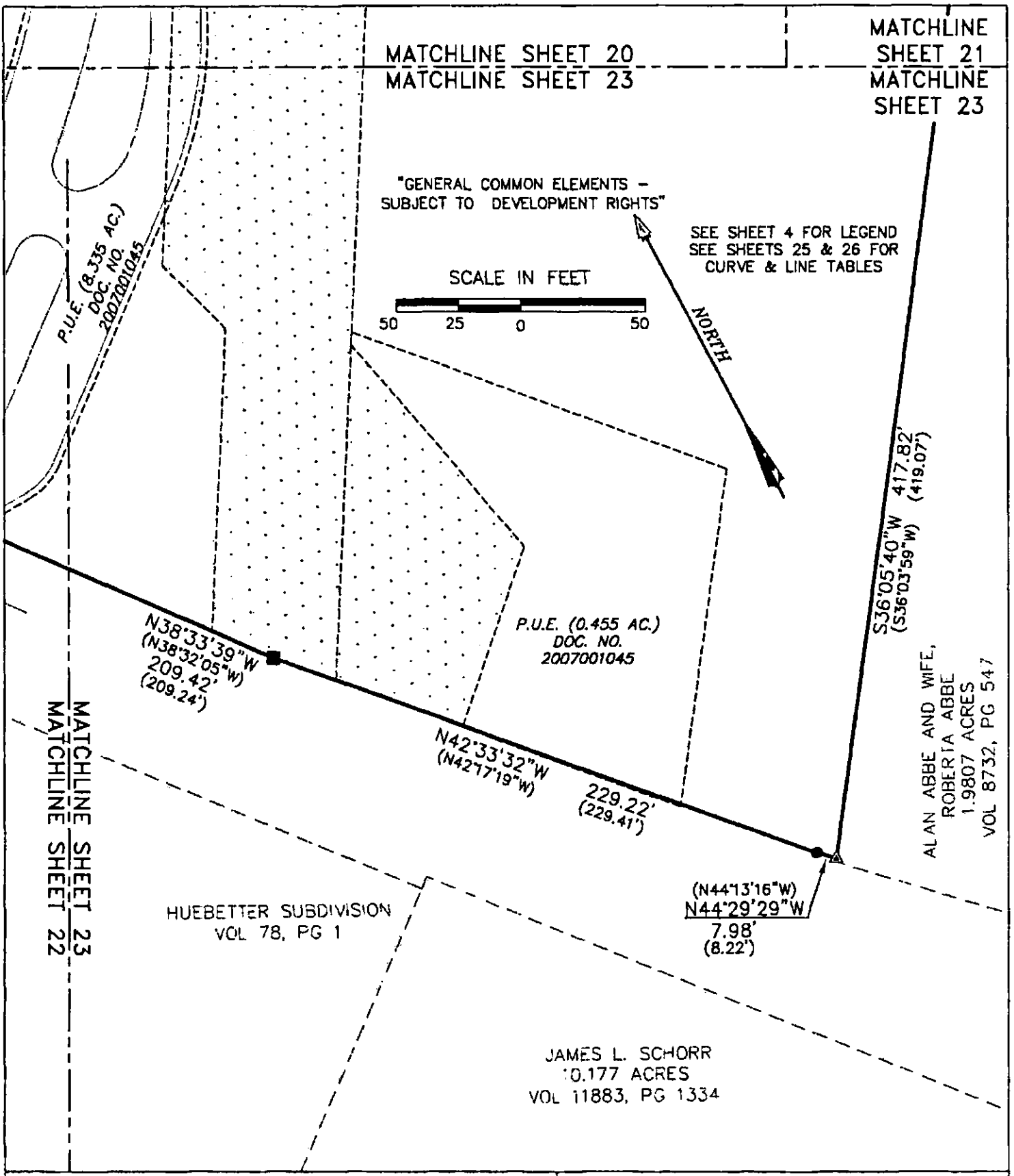

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EXHIBIT

AVIARA CONDOMINIUMS

[PLAT]

§ Certification of Surveyor §

The attached plat, attached hereto as Exhibit contain the information required by Section 82.052 and Section 82.059 of the Texas Uniform Condominium Act, as applicable.

Ron L. Wallace

Ronnie Wallace
R.P.L.S. No. 5222

Date: 13 May 2010

STATE OF TEXAS
REGISTERED
RONNIE WALLACE
5222
PROFESSIONAL
LAND SURVEYOR

AVIARA CONDOMINIUMS	BASELINE LAND SURVEYORS, INC.
EXHIBIT OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 6.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.096 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS	PROFESSIONAL LAND SURVEYING SERVICES 8333 CROSS PARK DRIVE AUSTIN, TEXAS 78754 OFFICE: 512.374.9722 FAX: 512.873.9743 ron-baseline@austin.rr.com

File: S:\Proj\Aviara\Dwg\AVIARA CONDO Annex 3.dwg			SHEET
Job No.	Snapshot:		24 of 26
Scale (Hor.): 1"=50'	Scale (Vert.):		
Date: 05/13/10	Checked By: JSL	Drawn By: HPE\RLW	

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C1	43.50'	25.85'	34°03'14"	N50°51'00"W	25.48'
C2	55.50'	1.36'	1°24'13"	S34°31'30"E	1.36'
C3	55.50'	39.74'	41°01'24"	S55°44'18"E	38.89'
C4	55.50'	45.25'	46°42'38"	N80°23'41"E	44.00'
C5	55.50'	23.52'	24°16'50"	N44°53'57"E	23.34'
C6	55.50'	37.22'	38°25'09"	N13°32'57"E	36.52'
C7	55.50'	147.08'	151°50'14"	N70°15'30"E	107.66'
C8	34.50	29.54'	49°03'46"	N87°35'30"E	28.65'
C9	19.50'	8.60'	25°15'47"	S68°28'21"W	8.53'
C10	19.50	32.05'	94°10'13"	S55°58'52"E	28.56'

AVIARA CONDOMINIUMS

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Date: 05/13/10	Checked By: JSL	Drawn By: HPE\RLW

LINE TABLE		
LINE	BEARING	LENGTH
L1	S67°52'37"E	35.37'
L2	N32°57'38"W	7.06'
L3	N84°20'23"E	14.65'
L4	N47°51'55"W	11.34'

AVIARA CONDOMINIUMS

EXHIBIT

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO Annex 3.dwg			SHEET 26 of 26
Job No.	Snapshot:		
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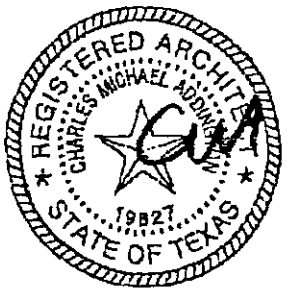
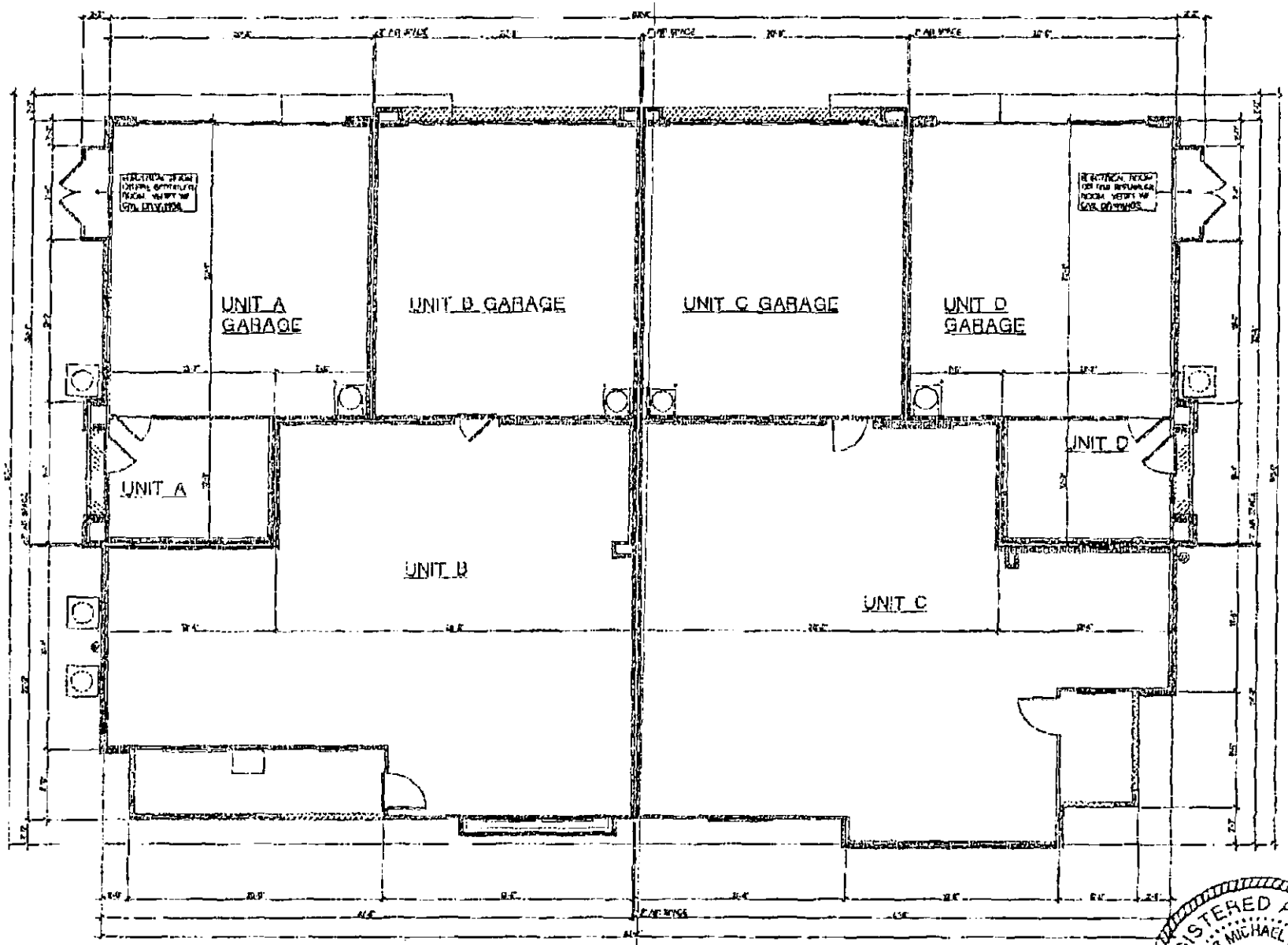
Date: 05/13/10	Checked By: JSL	Drawn By: HPE\RLW	

CERTIFICATION OF CONDOMINIUM PLANS

The condominium plans attached hereto contain the information required by Sections 82.052 and 82.059 of the Texas Uniform Condominium Act, as applicable.

Printed Name: Charles M. Addington
License No. 19,827



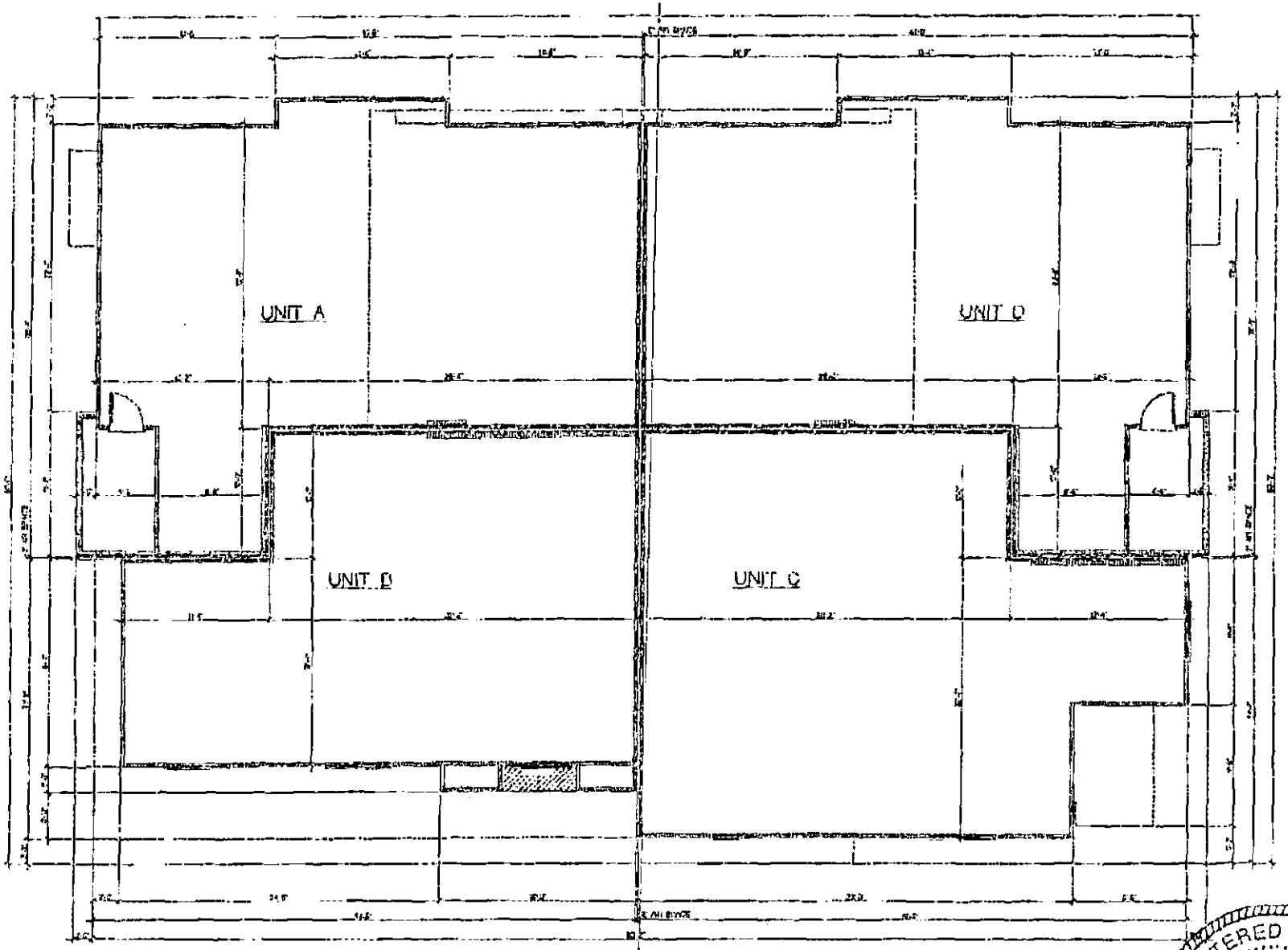


THE HEIGHTS AT AVIARA 2005-1258

COMPOSITE PLAN
FIRST FLOOR
SCALE 3/16" = 1'-0"
9/25/07

KTGY GROUP, INC.
ARCHITECTURE PLANNING
17922 MITCHELL SOUTH
IRVINE, CALIFORNIA 92614
(949) 851-2133 FAX (949) 419-2478
©ALL RIGHTS RESERVED

REGISTERED ARCHITECT
CHARLES MICHAEL ADDOMS
19127
STATE OF TEXAS



THE HEIGHTS AT AVIARA 2005-1258

COMPOSITE PLAN
SECOND FLOOR
SCALE 3/16" = 1'-0"
07/25/07

KTGY GROUP, INC.
ARCHITECTURE PLANNING
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IRVINE, CALIFORNIA 92614
(949) 851-2133 FAX (949) 476-0476
© ALL RIGHTS RESERVED

REGISTERED ARCHITECT
CHARLES MICHAEL ROBINSON
19827
STATE OF TEXAS

UNIT PLAN TYPES – ATTACHED UNITS

Unit No.	Plan Type*
A-1	A
B-1	B
C-1	C
D-1	D

*** SEE CONDOMINIUM PLANS FOR PLAN TYPE.**

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

2010 May 24 02:33 PM 2010073309

HOLMC $156.00

DANA DEBEAUVOIR COUNTY CLERK

TRAVIS COUNTY TEXAS

ORIGINAL
FILED FOR RECORD

AFTER RECORDING RETURN TO:
Robert D. Burton, Esq.
Armbrust & Brown, L.L.P.
100 Congress Ave., Suite 1300
Austin, Texas 78701

AVIARA

FOURTH AMENDMENT TO RESTATED AND AMENDED DECLARATION OF CONDOMINIUM REGIME FOR AVIARA CONDOMINIUMS

(A Residential Condominium in Travis County, Texas)

Cross Reference to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2009071585, Official Public Records of Travis County, Texas as amended by that certain First Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2009142835, Official Public Records of Travis County, Texas, as amended by that certain Second Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2010051936, Official Public Records of Travis County, Texas and as further amended by that certain Third Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2010073309, Official Public Records of Travis County, Texas

FOURTH AMENDMENT TO
RESTATED AND AMENDED DECLARATION OF CONDOMINIUM REGIME
FOR AVIARA CONDOMINIUMS

This Fourth Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums (the "**Amendment**") is made **CR-B AVIARA, L.P.**, a Texas limited partnership ("**Declarant**"), and is as follows:

RECITALS:

A. Aviara Condominiums, a condominium regime (the "**Regime**"), located in Travis County, Texas, was established pursuant to that certain Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2009071585, Official Public Records of Travis County, Texas as amended by that certain First Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2009142835, Official Public Records of Travis County, Texas, as amended by that certain Second Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2010051936, Official Public Records of Travis County, Texas and as further amended by that certain Third Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2010073309, Official Public Records of Travis County, Texas (collectively, the "**Declaration**").

B. Pursuant to *Provision A.3.10* of Appendix "A" to the Declaration, Declarant may amend the Declaration unilaterally and without the consent of other Owners or any mortgagee to add real property to the Property and create Units, General Common Elements and Limited Common Elements within the Property.

C. In accordance with *Provision A.3.8* of Appendix "A" to the Declaration, Declarant has reserved the right, during the Development Period, to create Units, General Common Elements, and Limited Common Elements within the Property. The "Development Period" as such term is defined in the Declaration, is a fifteen (15) year period commencing on the date the Declaration was recorded in the Official Public Records of Travis County, Texas. The Declaration was recorded in the Official Public Records of Travis County, Texas, on May 4, 2009.

D. This amendment is promulgated for the purpose of creating three (3) additional Units within the Regime. The total number of Units within the Regime after giving effect to this Amendment is equal to nineteen (19), and the total number of Units which Declarant has reserved the right to create by amendment is equal to one hundred thirty-one (131).

NOW THEREFORE, the Declaration is hereby amended as follows:

1. Creation of Units. In accordance with the rights reserved by the Declarant pursuant to *Section 5.1* of the Declaration and *Provisions A.3.8* and *A.3.10* of Appendix "A" to the Declaration, Declarant hereby creates three (3) Units, which are designated as Unit Nos. A-8, B-7 and B-11 (collectively, the "**New Units**"). The New Units are hereby classified as Units which MUST BE BUILT.

2. Replacement of Exhibit "B". Exhibit 'B" to the Declaration is hereby deleted in its entirety and the Plats and Plans attached hereto as Attachment 1 (the "**New Plats and Plans**") are substituted in their place. The New Plats and Plans: (i) assign an identifying number to all Units; (ii) describe the portion of the limited common elements created or assigned to all Units; and (iii) include the information required by Section 82.059 of the Texas Uniform Condominium Act.

3. Replacement of Exhibit "C". The Percentage Interests allocated to all Units within the Regime, after the addition of the New Units, is set forth on Attachment 2, attached hereto. Attachment 2, attached hereto, will supersede and replace Exhibit "C" attached to the Declaration.

4. 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.

[SIGNATURE PAGE FOLLOWS]

EXECUTED to be effective as of the 17 day of June, 2010.

DECLARANT:

CR-B AVIARA, L.P., a Texas limited partnership

By: CR-B INVESTORS I GP, L.L.C., a Texas limited liability company, its General Partner

By: _____
Printed Name: John McKinney
Title: Vice President

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this 17th day of June, 2010 by John McKinney Vice President of CR-B Investors I GP, L.L.C., a Texas limited liability company, General Partner of CR-B Aviara, L.P., a Texas limited partnership, on behalf of said entities.

(SEAL)

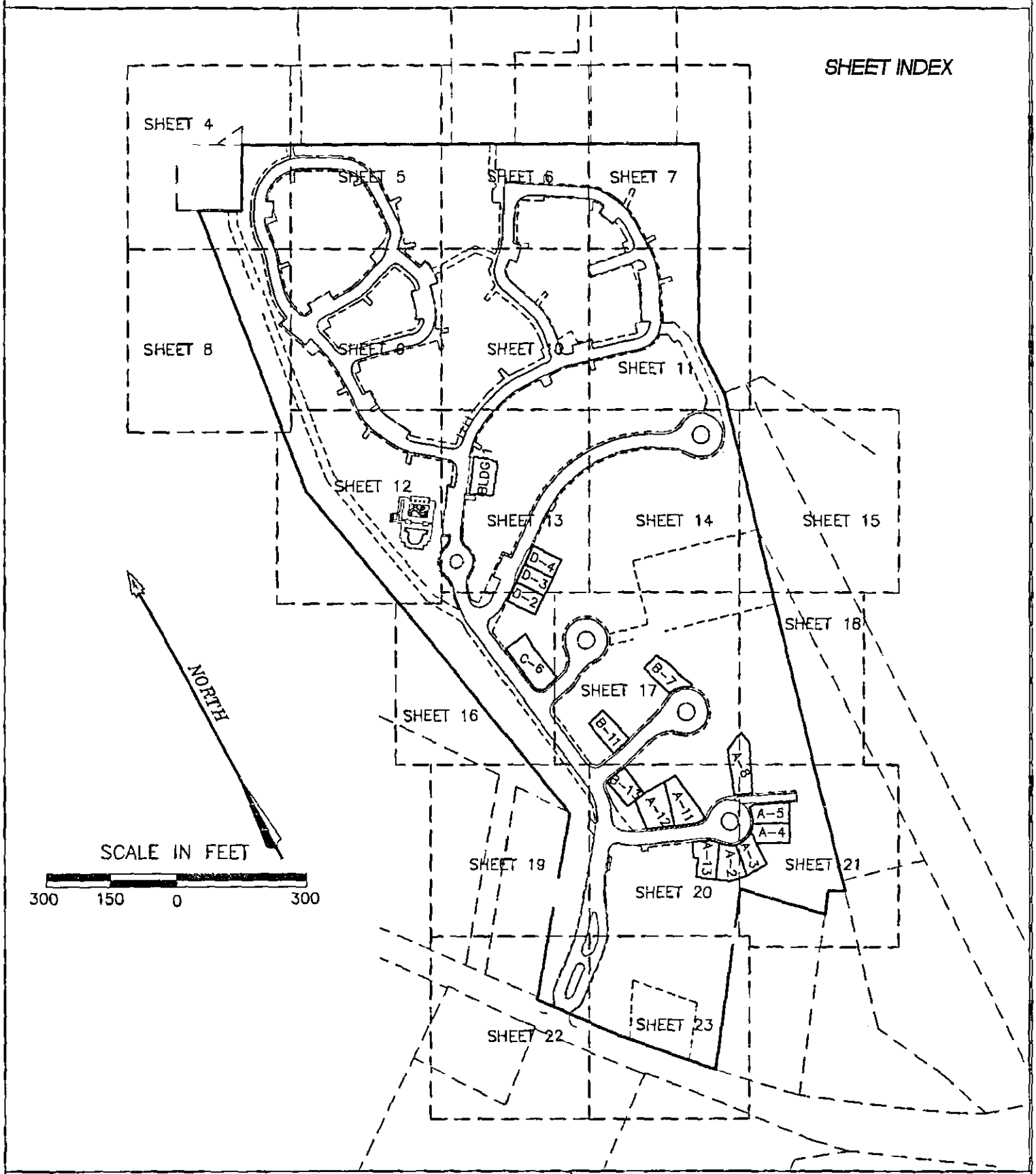
Notary Public Signature

JAMIE ORR SCHROEDER
MY COMMISSION EXPIRES
June 8, 2011

ATTACHMENT 1

EXHIBIT "B" TO THE DECLARATION OF CONDOMINIUM REGIME

SEE SHEET 24 OF 26 FOR ORIGINAL CERTIFICATION



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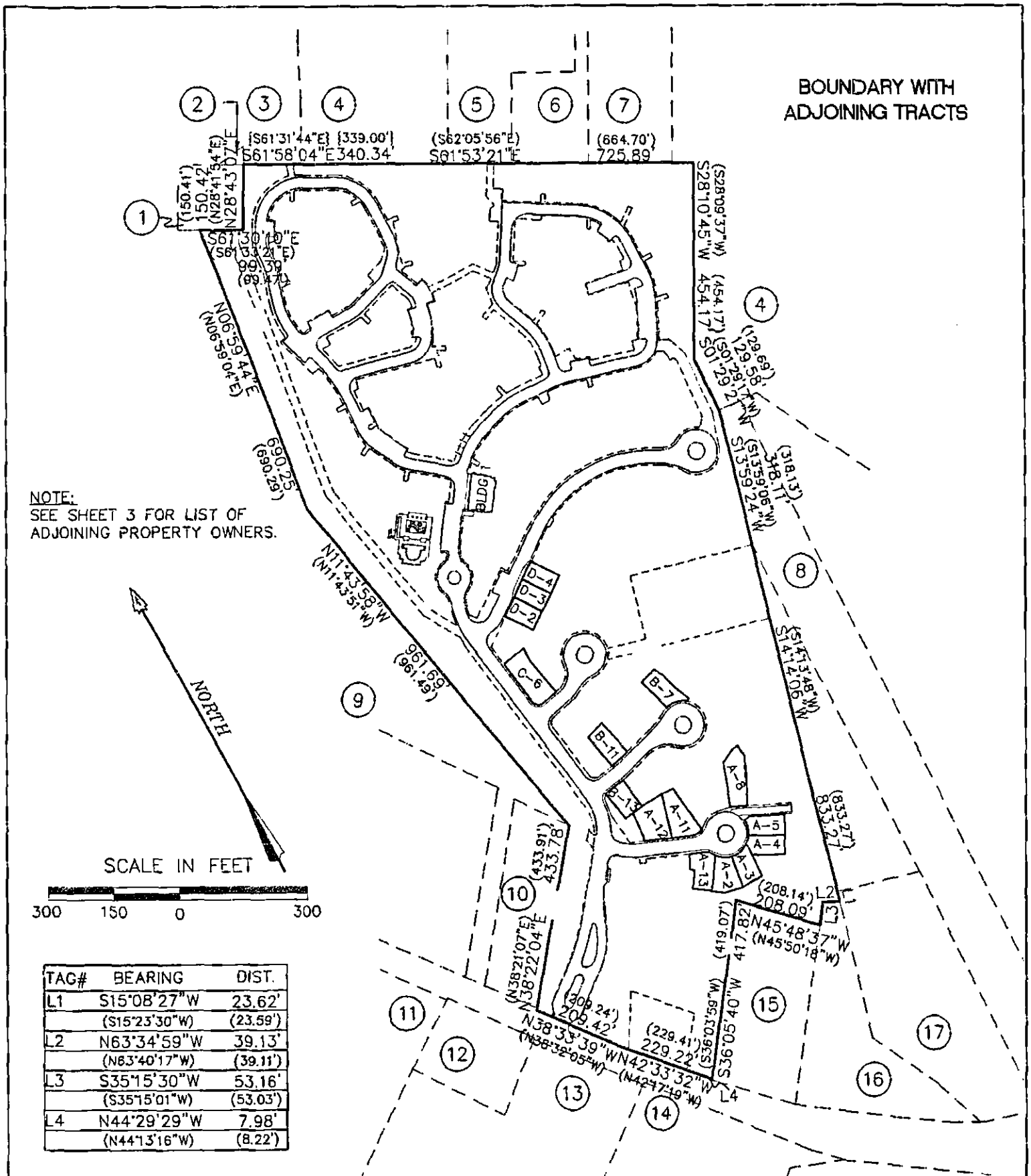

TAG#	BEARING	DIST.
L1	S15°08'27"W	23.62'
	(S15°23'30"W)	(23.59')
L2	N63°34'59"W	39.13'
	(N63°40'17"W)	(39.11')
L3	S35°15'30"W	53.16'
	(S35°15'01"W)	(53.03')
L4	N44°29'29"W	7.98'
	(N44°13'16"W)	(8.22')

AVIARA CONDOMINIUMS

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET 2 of 26
Job No.	Snapshot:		
Scale (Hor.): 1"=50'	Scale (Vert.):		
Date: 06/15/10	Checked By: JSL	Drawn By: HPE\RLW	

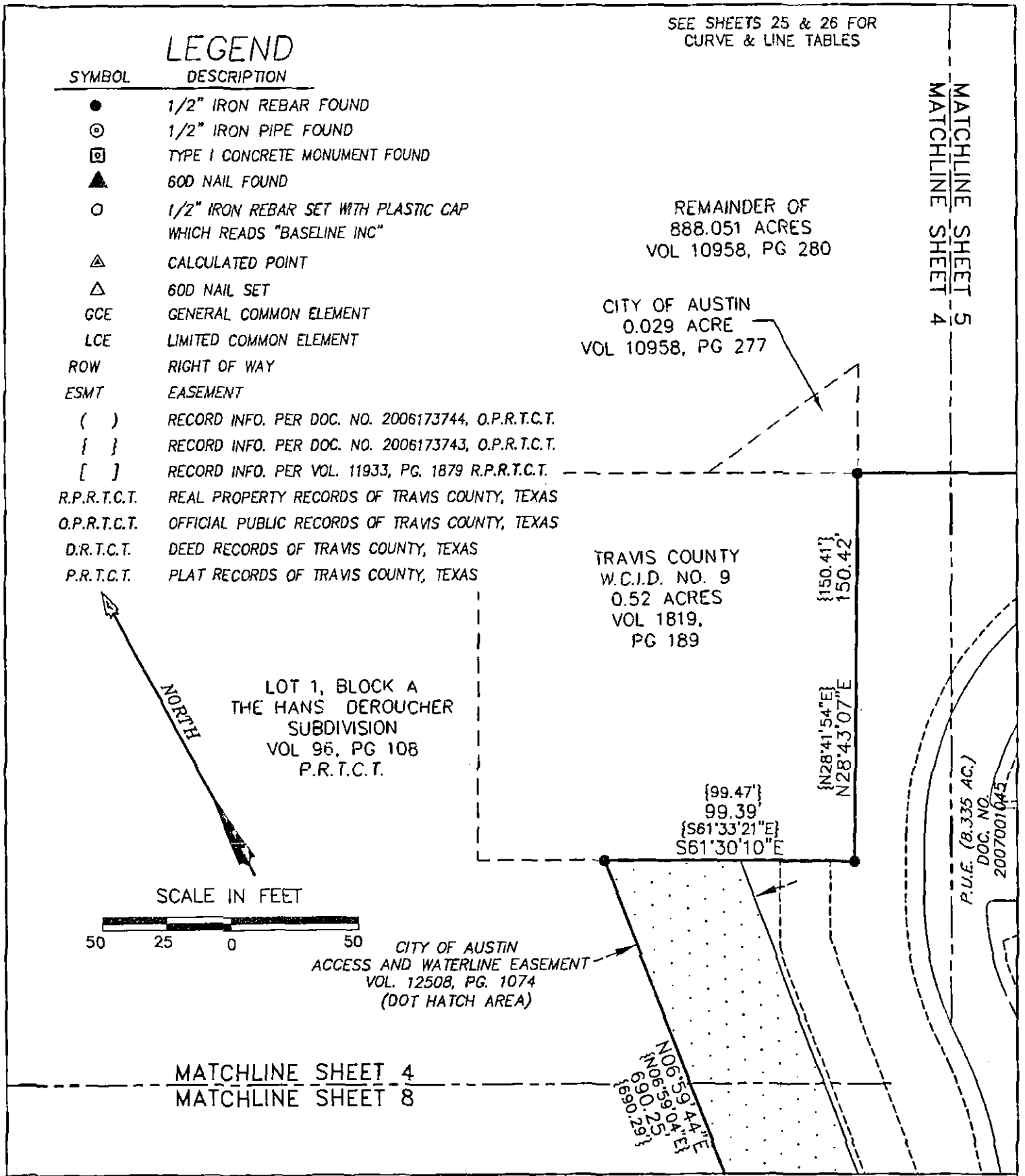
ADJOINING OWNERS

1. TRAVIS COUNTY W.C.I.D. NO. 9, VOL. 1819, PG. 189 (0.52 ACRES)
2. CITY OF AUSTIN, VOL. 10958, PG. 277 (0.029 ACRES)
3. REMAINDER OF 888.051 ACRES, VOL. 10958, PG. 280
4. LOT 115, BLOCK B, LANTANA SOUTHWEST, PHASE 1, DOC. NO. 200300137
5. CITY OF AUSTIN, TRACT 2, VOL. 12910, PG. 670 (1.757 ACRES)
6. CITY OF AUSTIN, VOL. 10031 PG. 300 (1.0397 ACRES)
7. CITY OF AUSTIN, TRACT 1, VOL. 12910, PG. 670 (1.655 ACRES)
8. KEYSTONE CONSTRUCTION, INC., VOL. 11918, PG. 1755 (4.993 ACRES)
9. LOT 1, BLOCK "A", THE HANS DEROUCHER SUBDIVISION, VOL. 96, PG. 108
10. LOT 2, BLOCK "A", THE HANS DEROUCHER SUBDIVISION, VOL. 96, PG. 108
11. AARON GARDNER SUBDIVISION, VOL. 49, PG. 95
12. BENJAMIN L. NORS, DOC. NO. 2001174575 (1.00 ACRE)
13. HUEBETTER SUBDIVISION, VOL. 78, PG. 1
14. JAMES L. SCHORR, VOL. 11883, PG. 1334 (10.177 ACRES)
15. ALAN ABBE, et ux, VOL. 8732, PG. 5 (1.9807 ACRES)
16. 1.951 ACRES, VOL. 11400, PG. 875
17. GILBERT M. JAPKO, TRACT ONE, VOL. 6095, PG. 82 (3.129 ACRES)

SEE SHEETS 25 & 26 FOR
CURVE & LINE TABLES

LEGEND

SYMBOL	DESCRIPTION
●	1/2" IRON REBAR FOUND
⊙	1/2" IRON PIPE FOUND
⊡	TYPE I CONCRETE MONUMENT FOUND
▲	60D NAIL FOUND
O	1/2" IRON REBAR SET WITH PLASTIC CAP WHICH READS "BASELINE INC"
◬	CALCULATED POINT
△	60D NAIL SET
GCE	GENERAL COMMON ELEMENT
LCE	LIMITED COMMON ELEMENT
ROW	RIGHT OF WAY
ESMT	EASEMENT
( )	RECORD INFO. PER DOC. NO. 2006173744, O.P.R.T.C.T.
{ }	RECORD INFO. PER DOC. NO. 2006173743, O.P.R.T.C.T.
[ ]	RECORD INFO. PER VOL. 11933, PG. 1879 R.P.R.T.C.T.
R.P.R.T.C.T.	REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS
O.P.R.T.C.T.	OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS
D.R.T.C.T.	DEED RECORDS OF TRAVIS COUNTY, TEXAS
P.R.T.C.T.	PLAT RECORDS OF TRAVIS COUNTY, TEXAS



AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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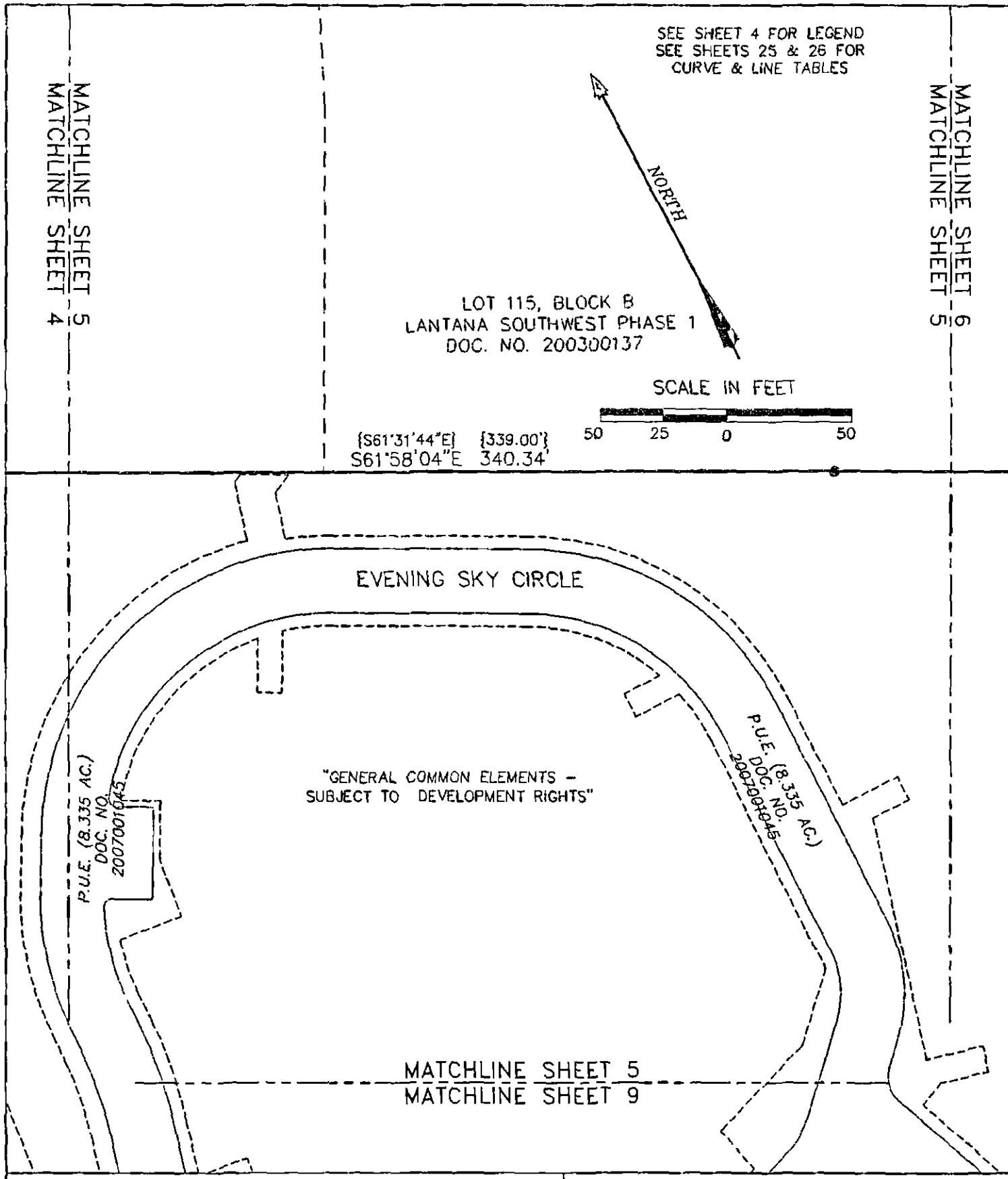

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 528; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.090 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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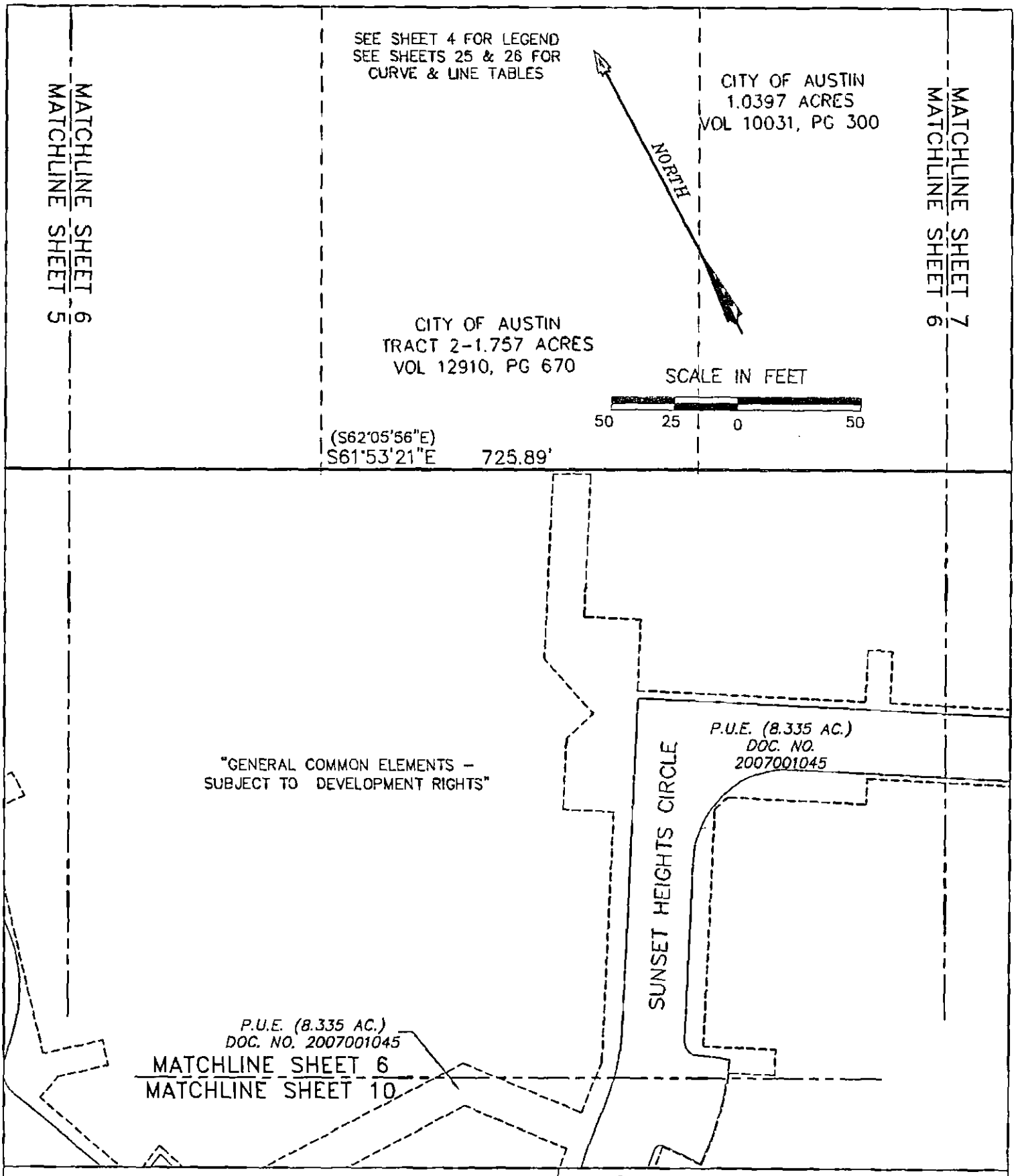

AVIARA CONDOMINIUMS

EXHIBIT

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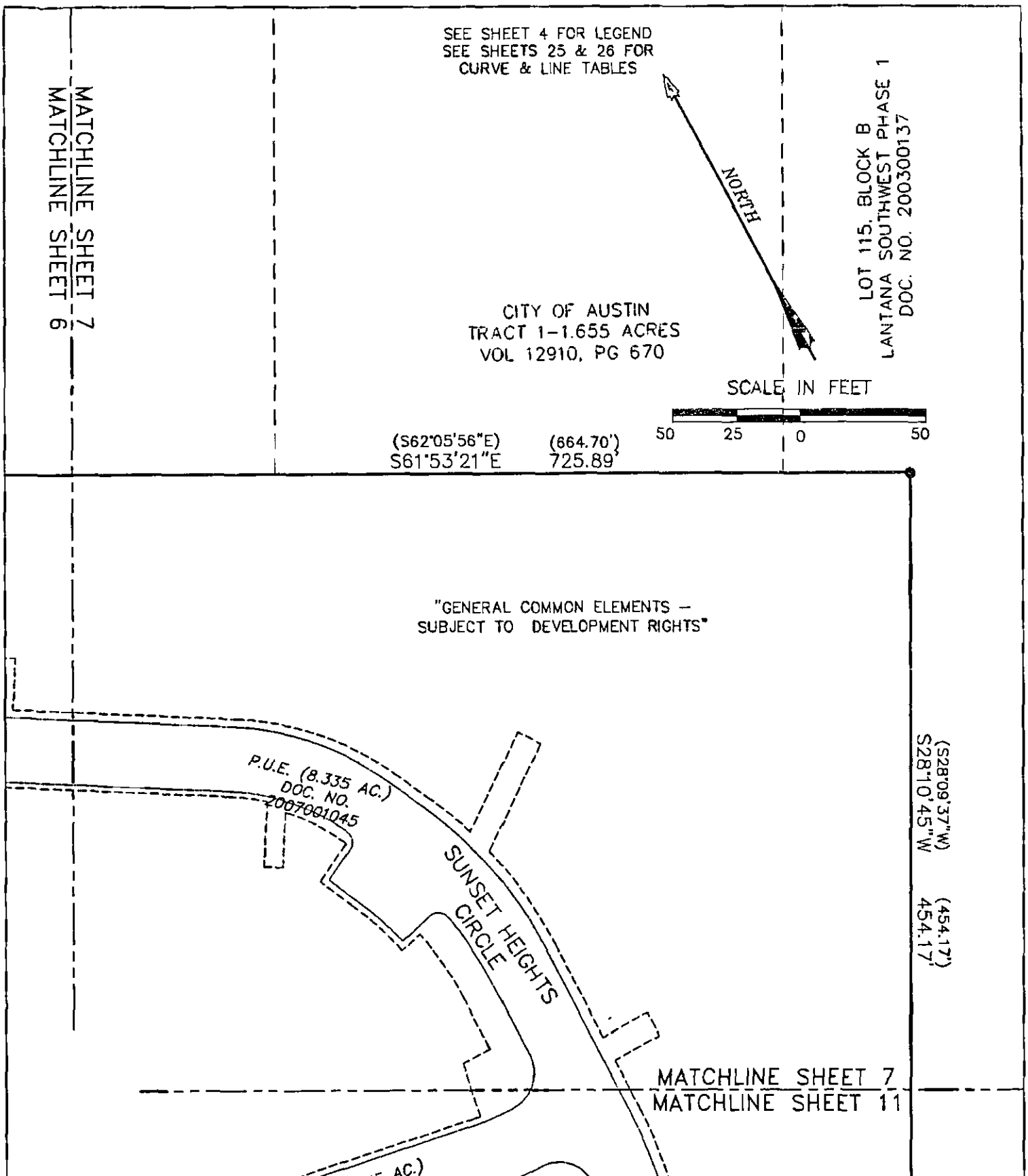

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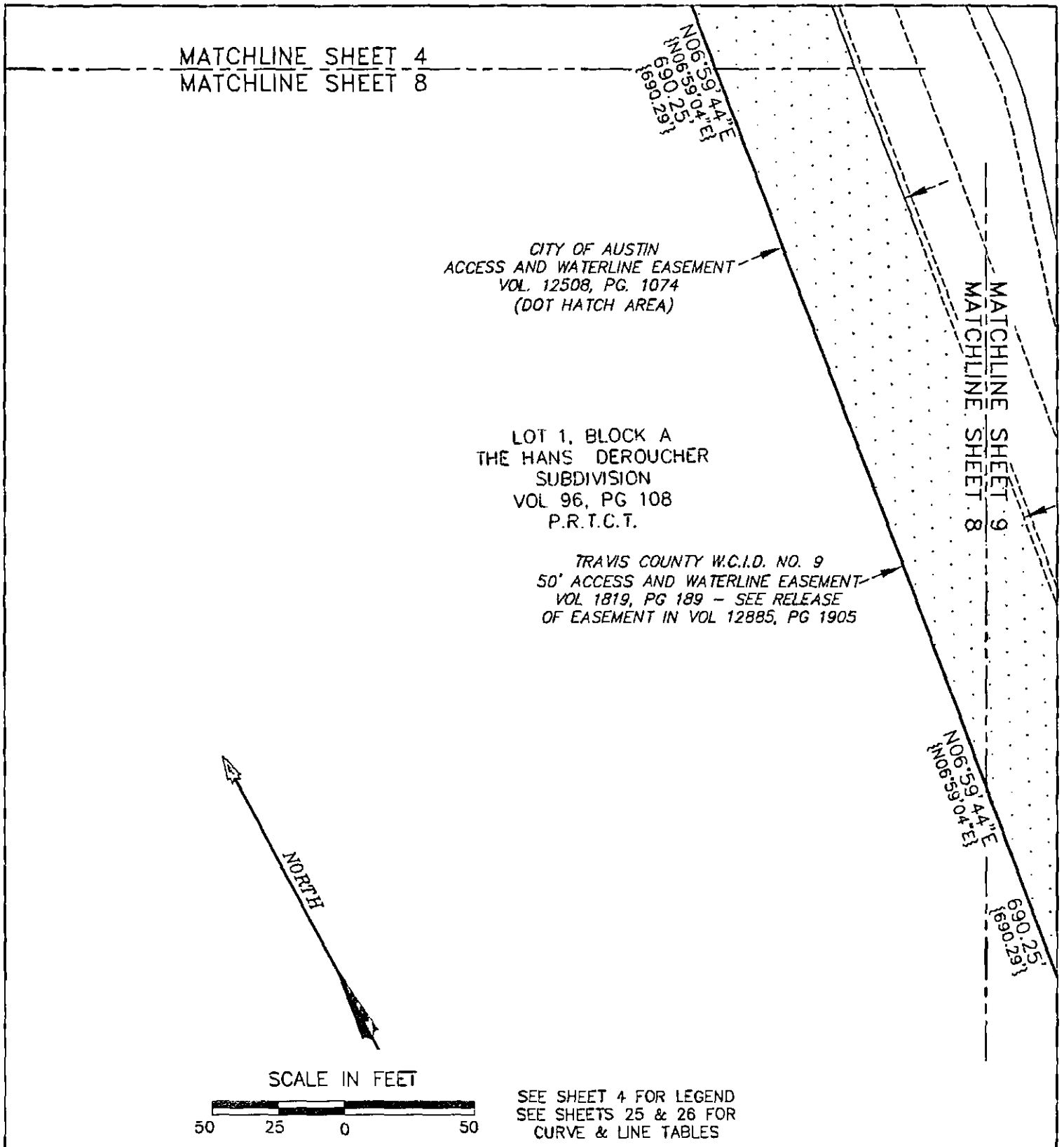

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SEE SHEETS 25 & 26 FOR
CURVE & LINE TABLES

AVIARA CONDOMINIUMS

EXHIBIT
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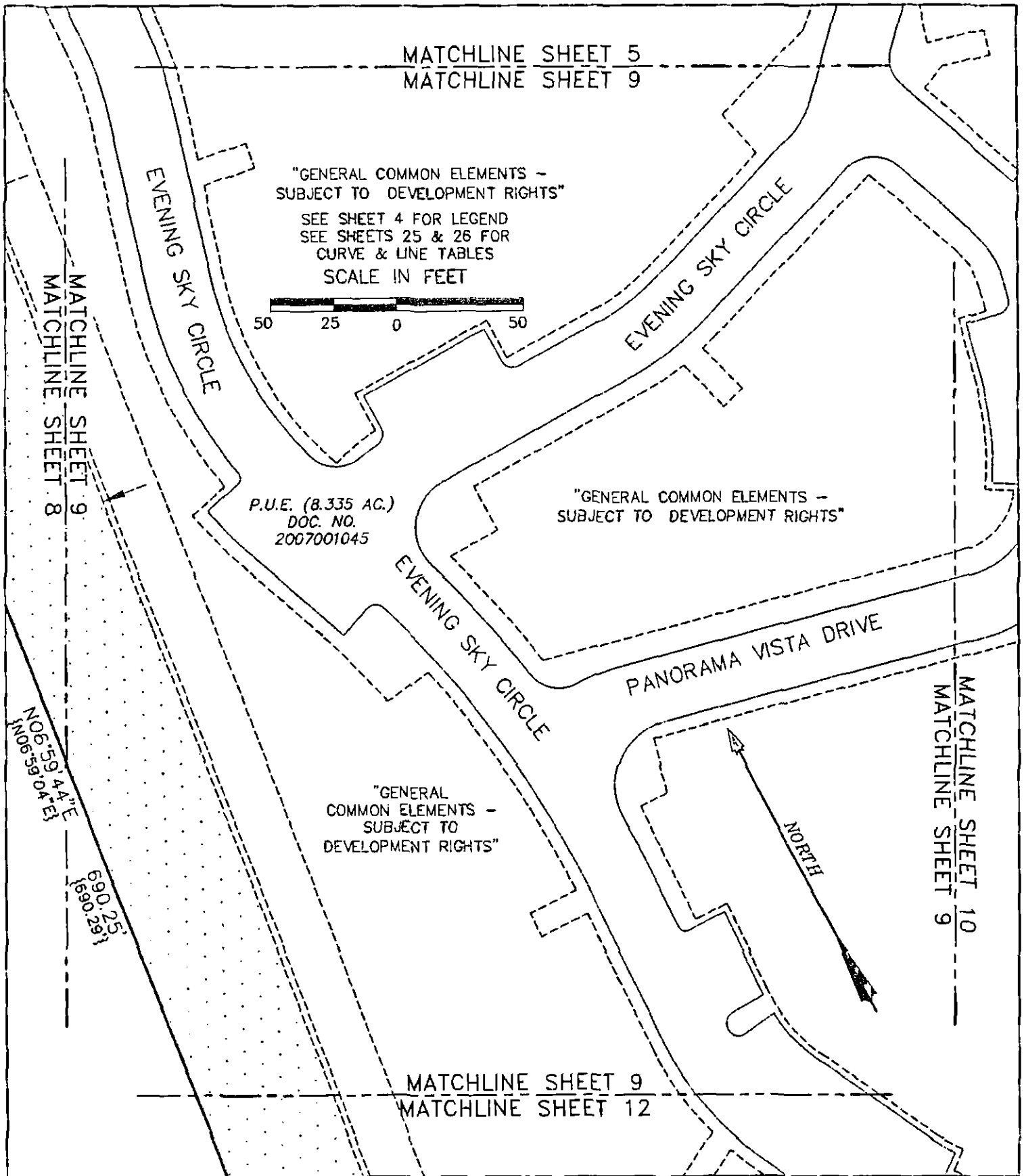

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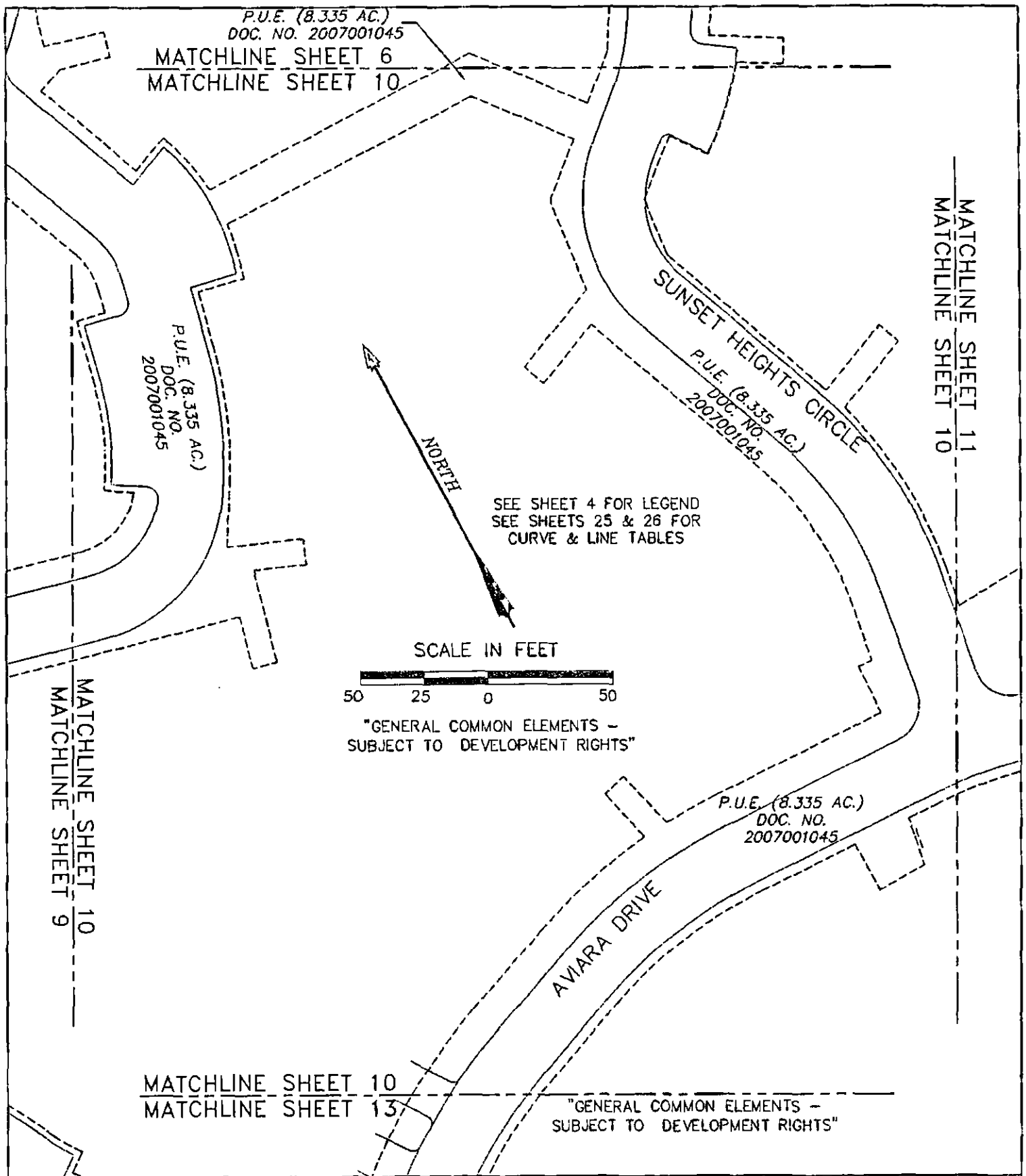

AVIARA CONDOMINIUMS

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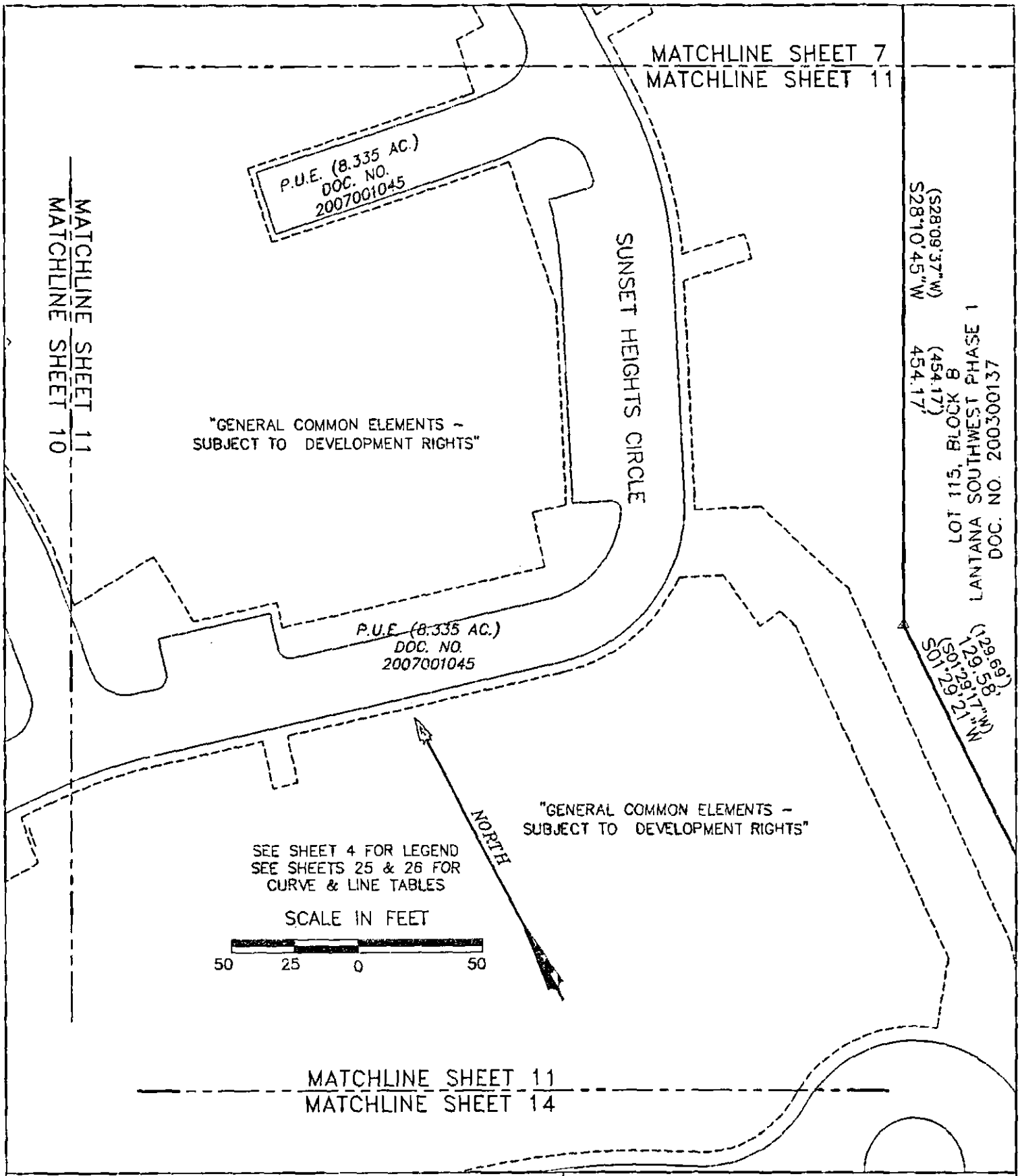

AVIARA CONDOMINIUMS

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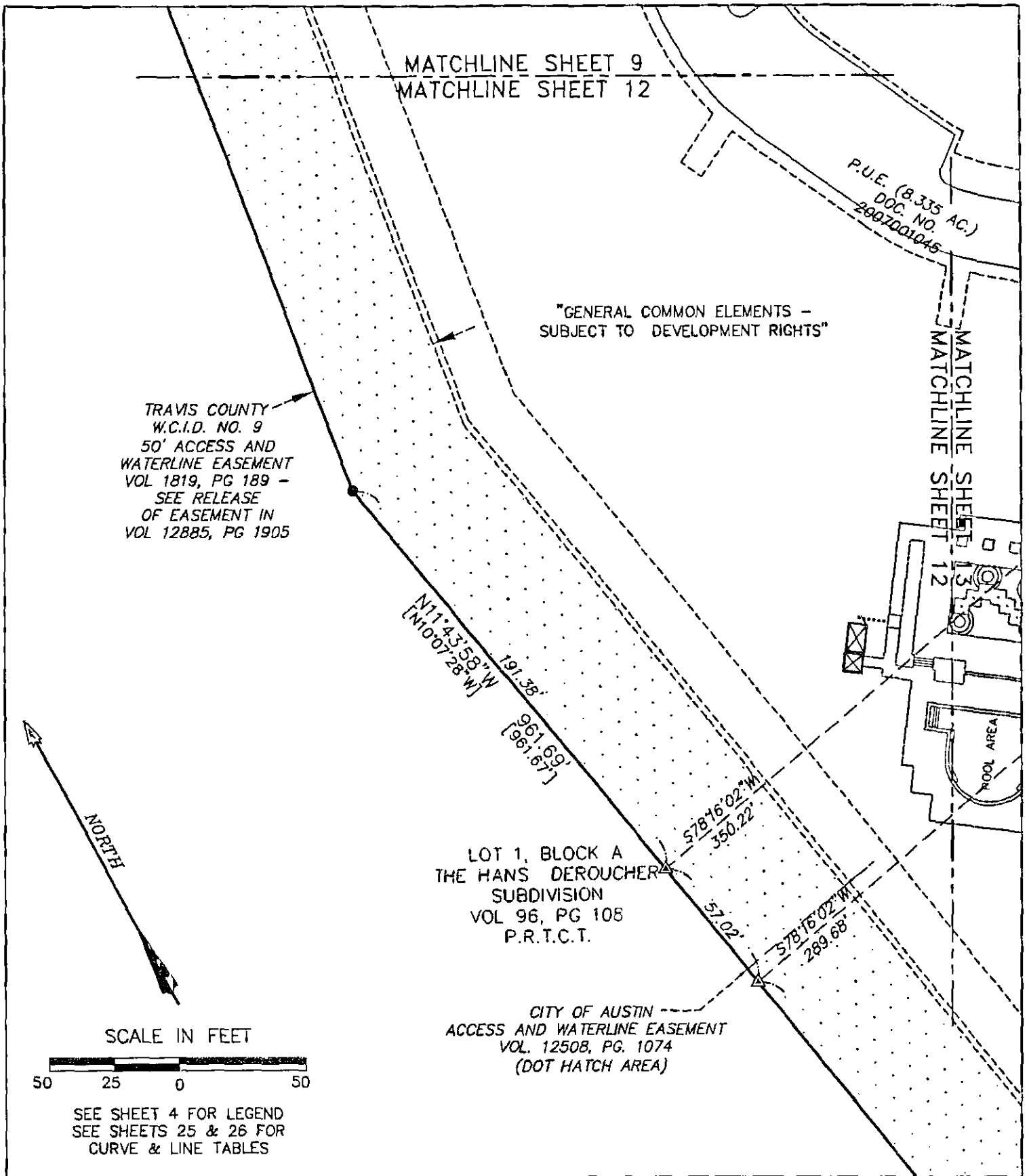

SEE SHEET 4 FOR LEGEND
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AVIARA CONDOMINIUMS

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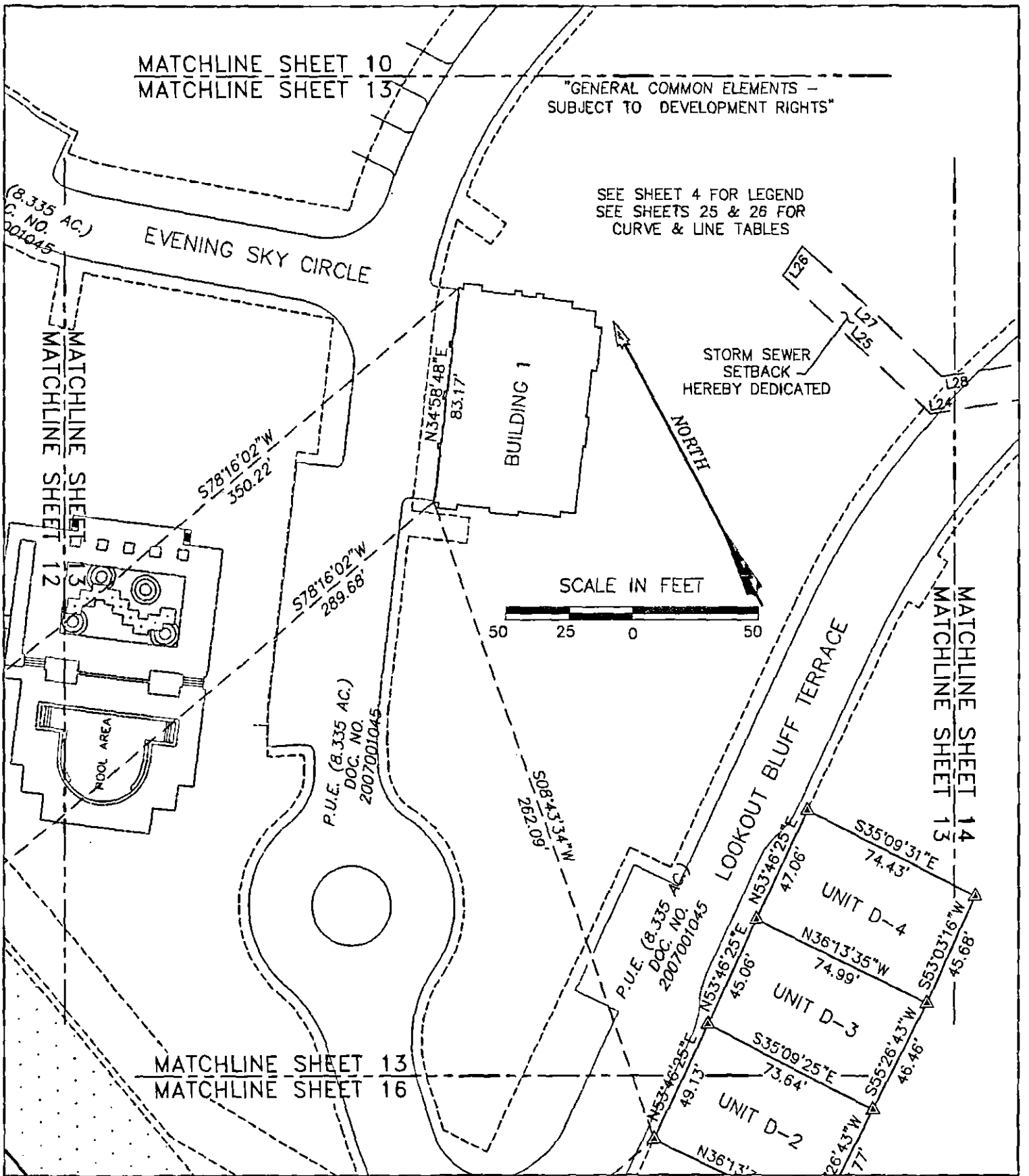

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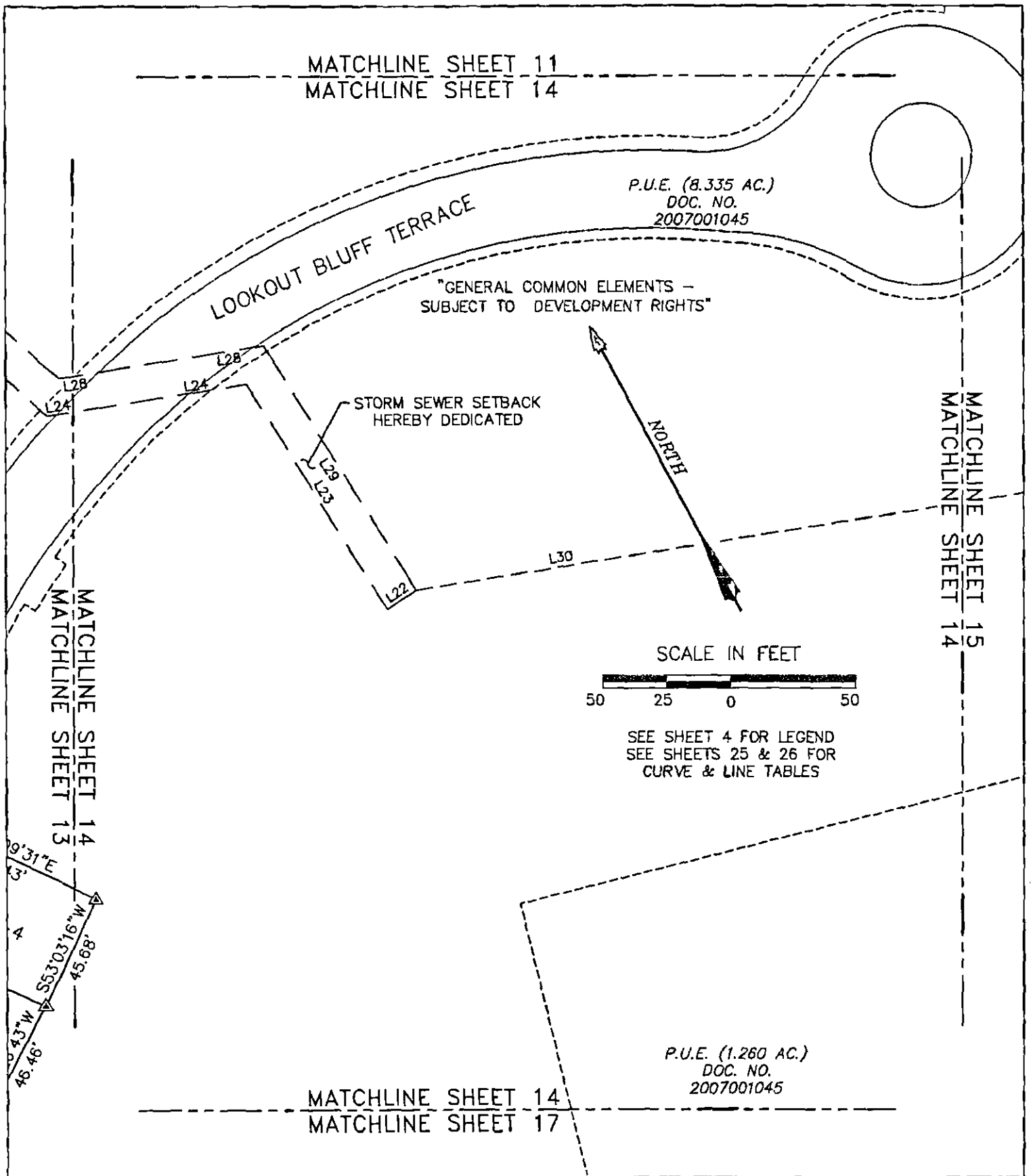

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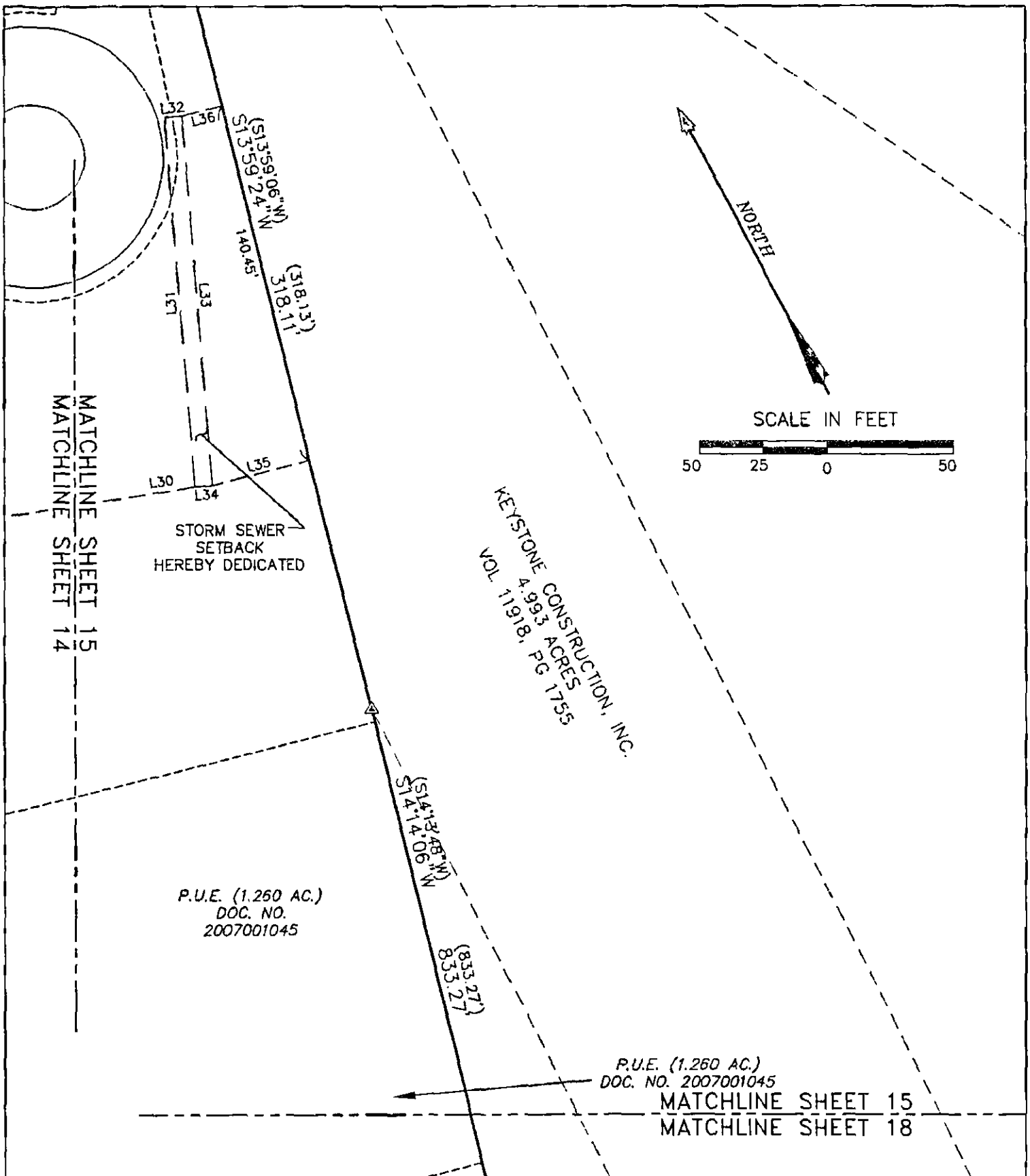

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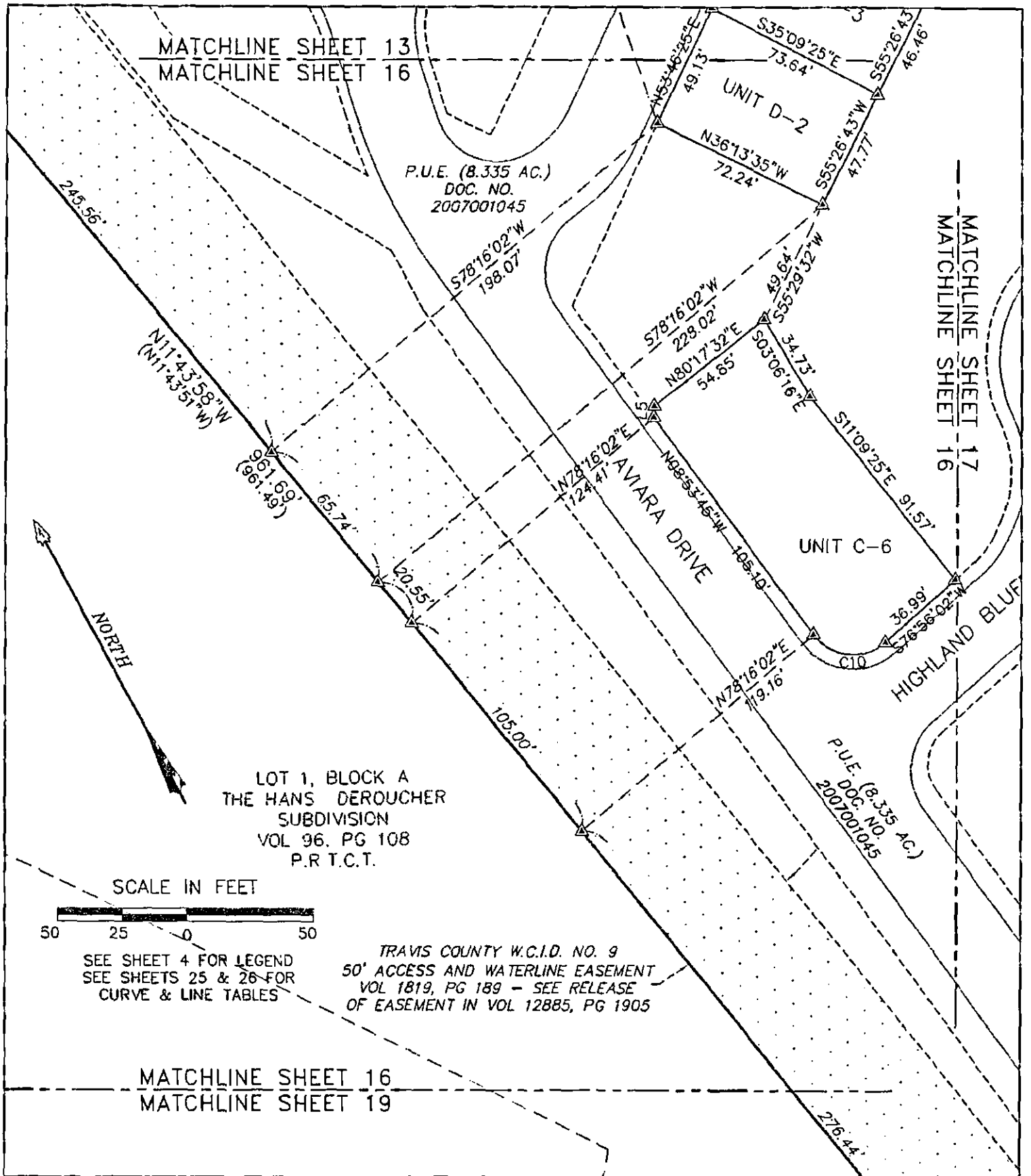

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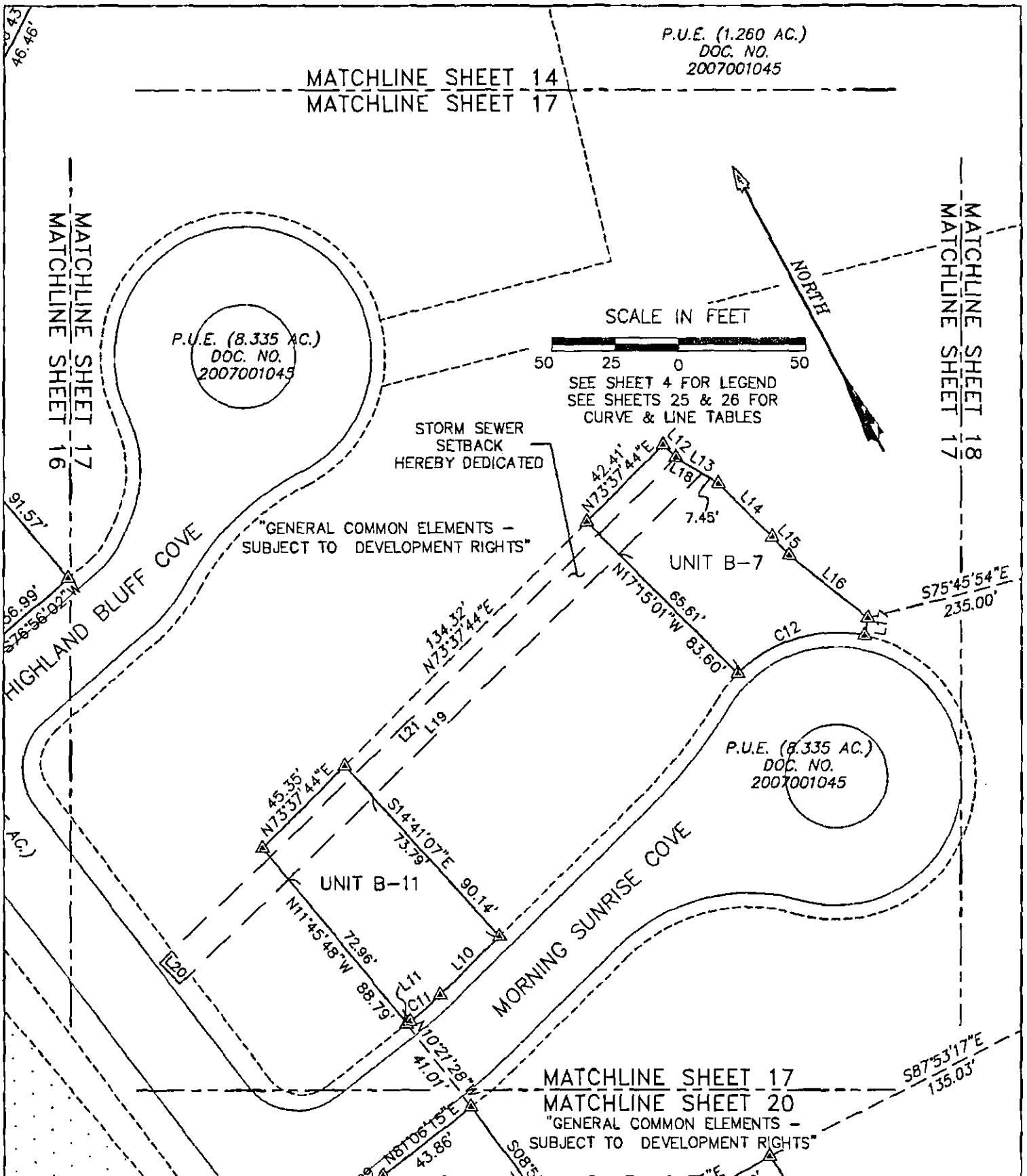

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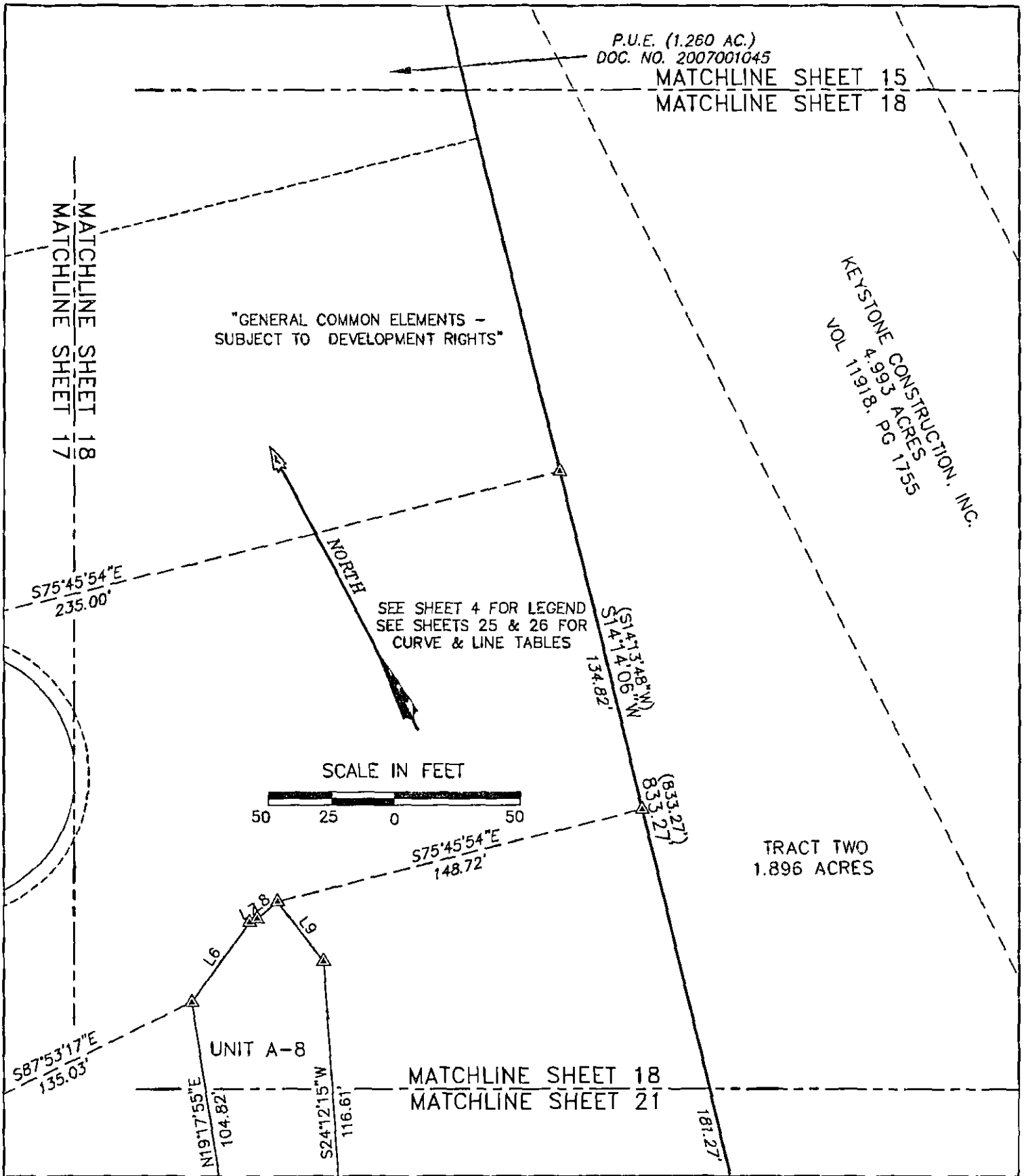

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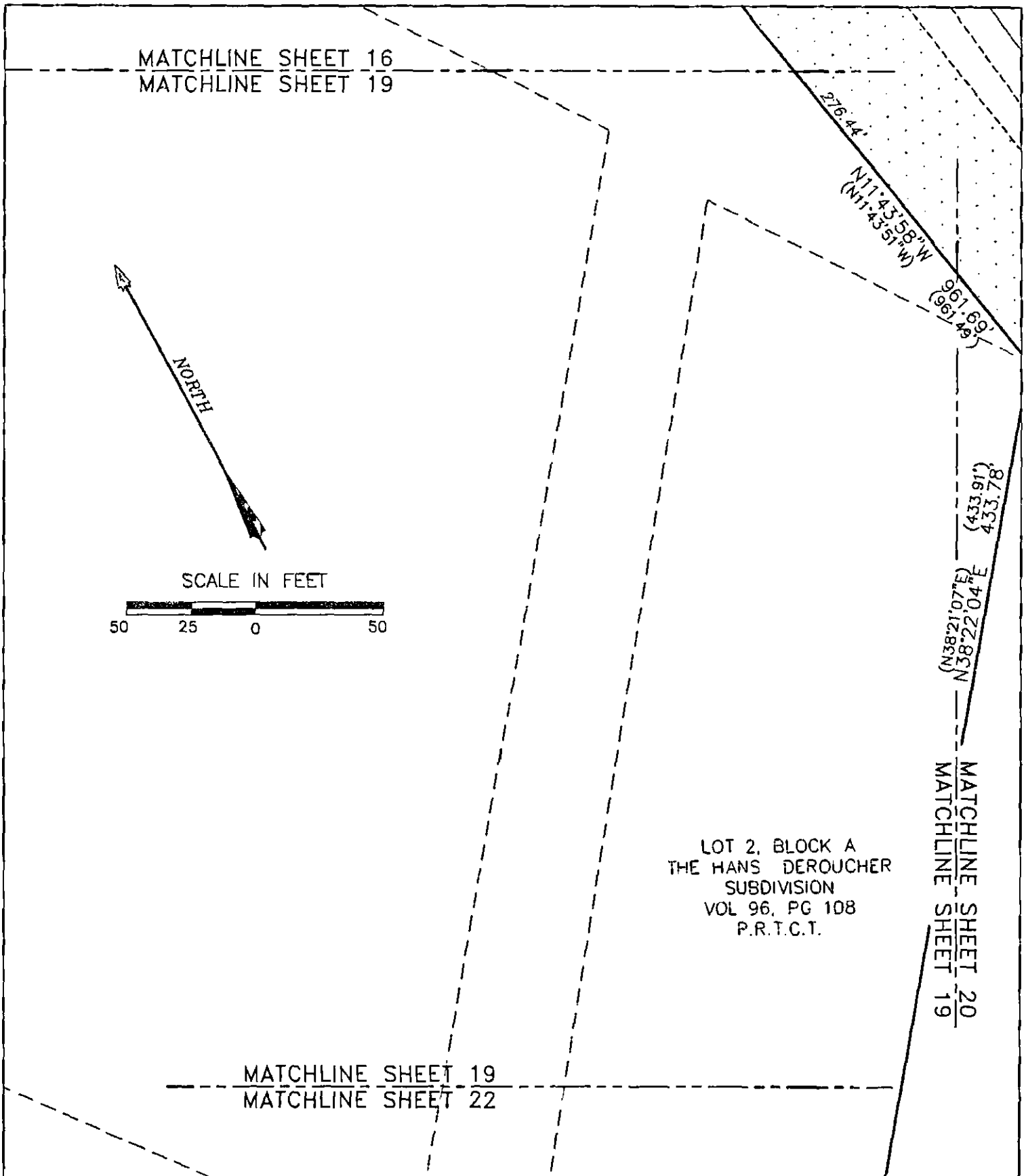

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

BASELINE LAND SURVEYORS, INC.
PROFESSIONAL LAND SURVEYING SERVICES
8333 CROSS PARK DRIVE
AUSTIN, TEXAS 78754
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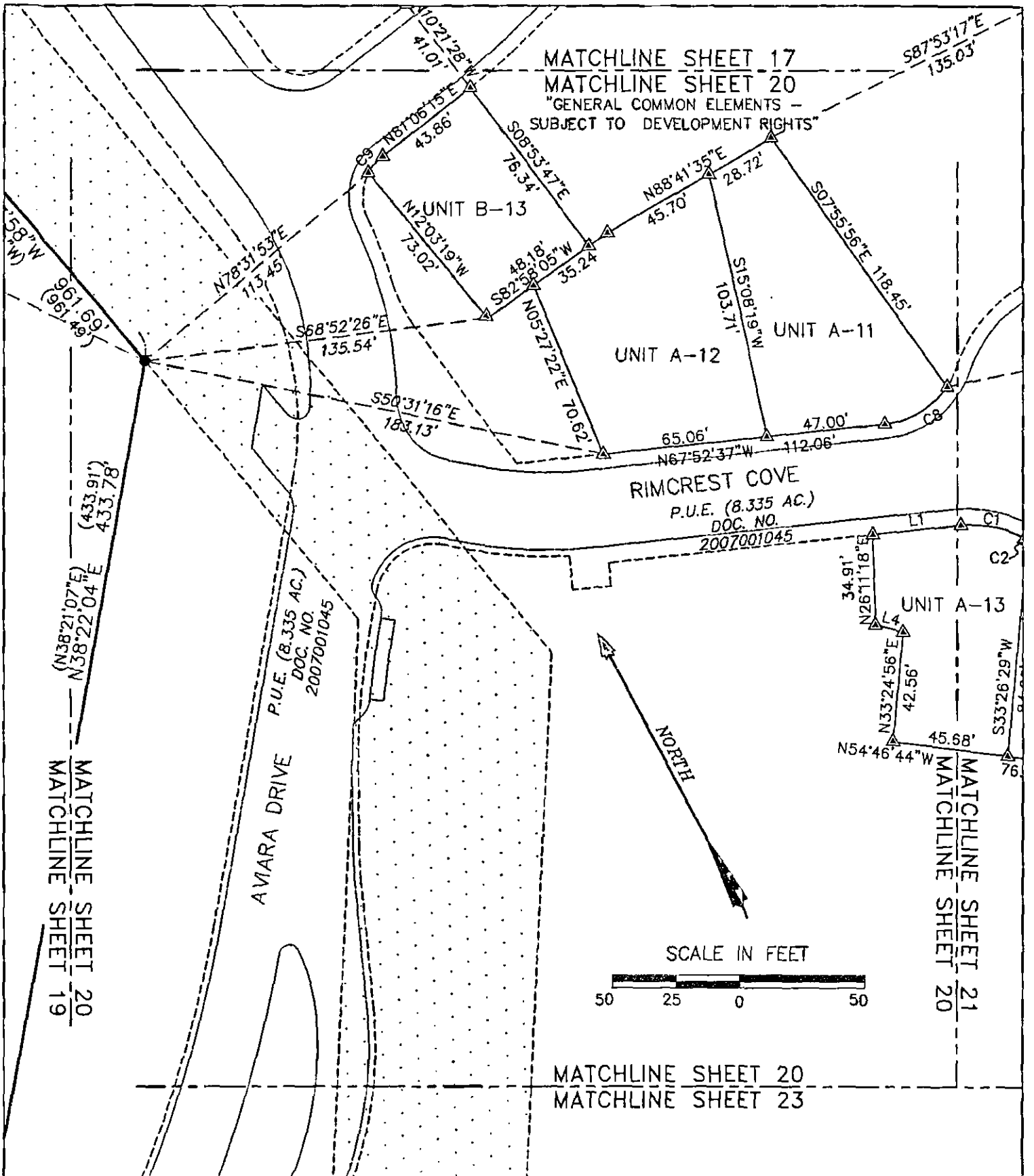

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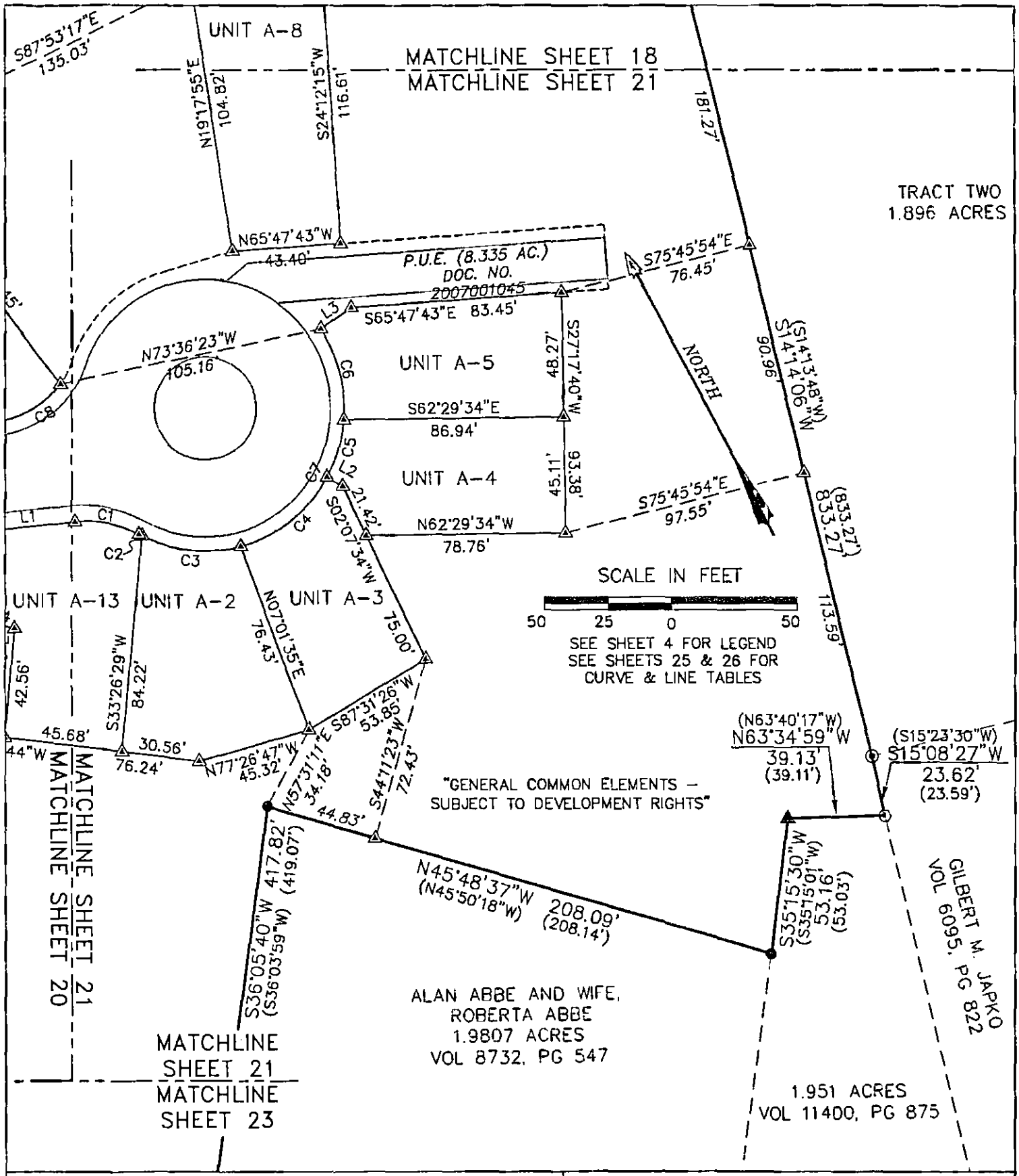

AVIARA CONDOMINIUMS

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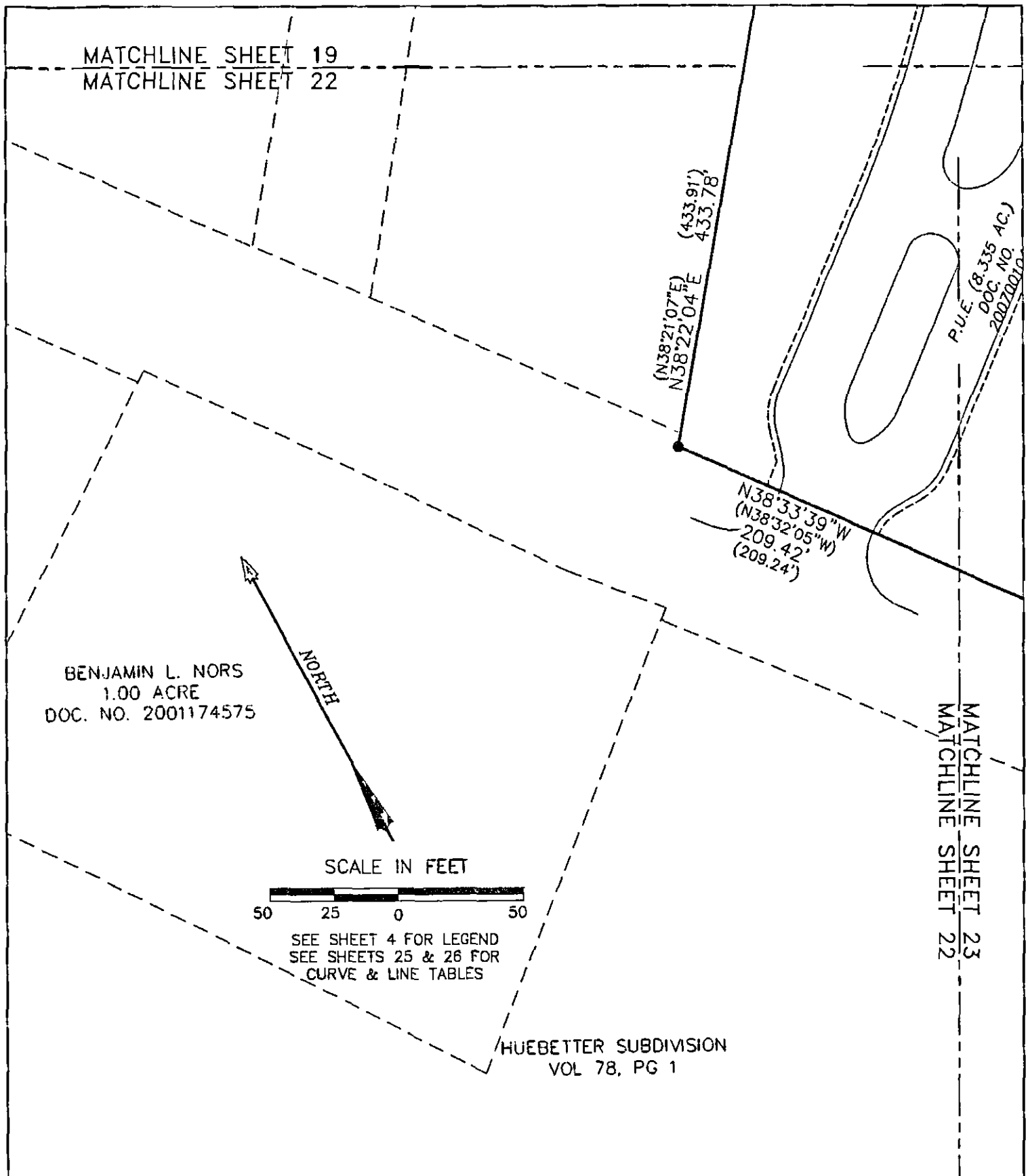

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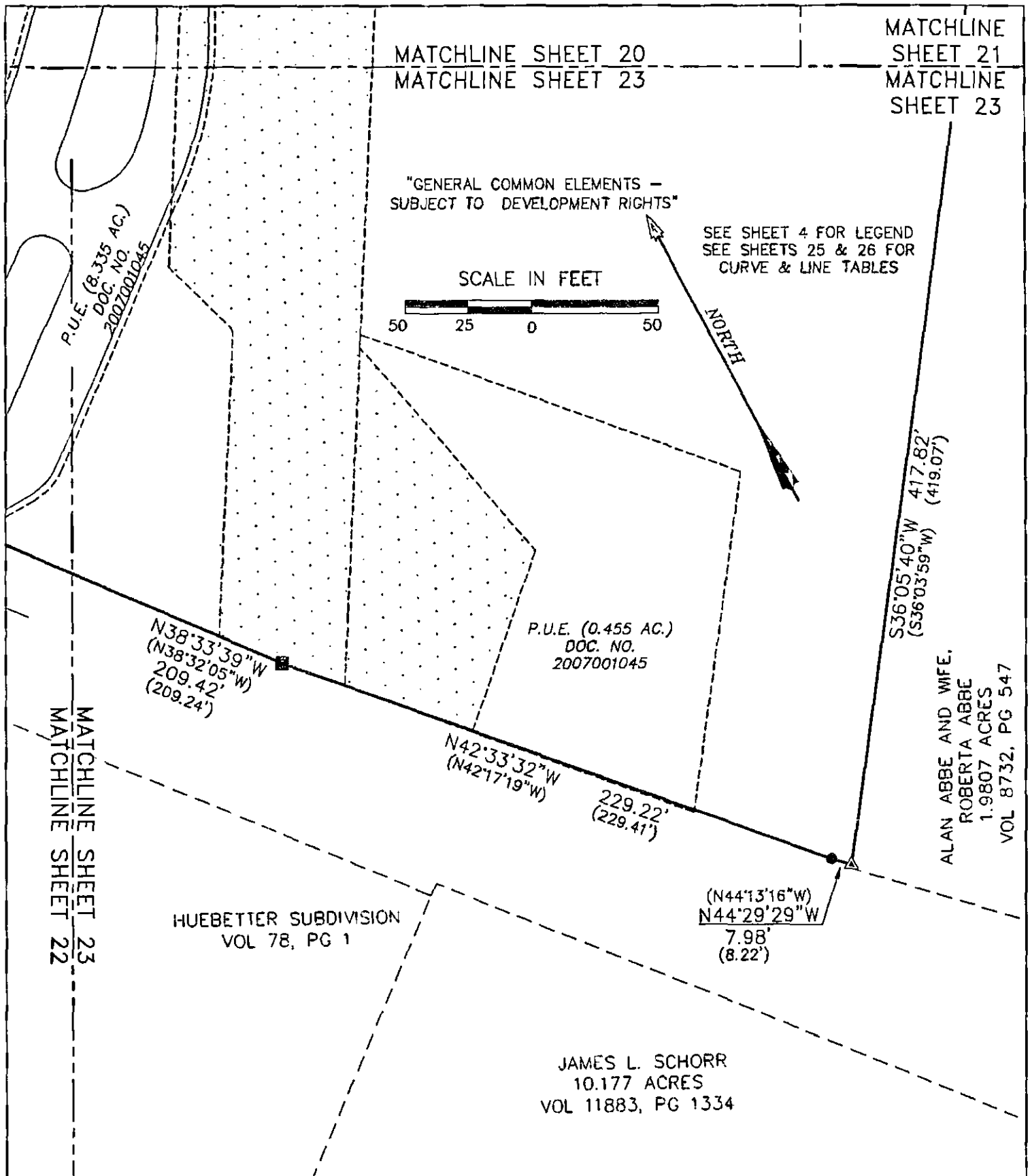

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Job No.	Snapshot:		
Scale (Hor.): 1"=50'	Scale (Vert.):		
Date: 06/15/10	Checked By: JSL	Drawn By: HPE\RLW	

EXHIBIT

AVIARA CONDOMINIUMS

[PLAT]

§ Certification of Surveyor §

The attached plat, attached hereto as Exhibit contain the information required by Section 82.052 and Section 82.059 of the Texas Uniform Condominium Act, as applicable.

Ron L. Wallace

Ronnie Wallace
R.P.L.S. No. 5222

Date: 15 June 2010

STATE OF TEXAS
REGISTERED
RONNIE WALLACE
5222
PROFESSIONAL
LAND SURVEYOR

AVIARA CONDOMINIUMS	BASELINE LAND SURVEYORS, INC.
EXHIBIT OF 39.481 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.088 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS	PROFESSIONAL LAND SURVEYING SERVICES 8333 CROSS PARK DRIVE AUSTIN, TEXAS 78754 OFFICE: 512.374.9722 FAX: 512.873.9743 ron-baseline@austin.rr.com

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Job No.	Snapshot:		24 of 26
Scale (Hor.): 1"=50'	Scale (Vert.):		
Date: 06/15/10	Checked By: JSL	Drawn By: HPE\RLW	

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C1	43.50'	25.85'	34°03'14"	N50°51'00"W	25.48'
C2	55.50'	1.36'	1°24'13"	S34°31'30"E	1.36'
C3	55.50'	39.74'	41°01'24"	S55°44'18"E	38.89'
C4	55.50'	45.25'	46°42'38"	N80°23'41"E	44.00'
C5	55.50'	23.52'	24°16'50"	N44°53'57"E	23.34'
C6	55.50'	37.22'	38°25'09"	N13°32'57"E	36.52'
C7	55.50'	147.08'	151°50'14"	N70°15'30"E	107.66'
C8	34.50	29.54'	49°03'46"	N87°35'30"E	28.65'
C9	19.50'	8.60'	25°15'47"	S68°28'21"W	8.53'
C10	19.50	32.05'	94°10'13"	S55°58'52"E	28.56'
C11	128.50'	15.59'	6°56'58"	N77°37'46"E	15.58'
C12	55.50'	54.03'	55°46'56"	N78°25'05"W	51.92'

AVIARA CONDOMINIUMS

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PROFESSIONAL LAND SURVEYING SERVICES

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AUSTIN, TEXAS 78754

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Scale (Hor.): 1"=50'	Scale (Vert.):	
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LINE TABLE		
LINE	BEARING	LENGTH
L1	S67°52'37"E	35.37'
L2	N32°57'38"W	7.06'
L3	N84°20'23"E	14.65'
L4	N47°51'55"W	11.34'
L5	N31°01'52"E	4.45'
L6	N63°54'09"E	38.04'
L7	S86°57'47"E	3.29'
L8	N78°01'20"E	10.29'
L9	S10°13'03"E	29.53'
L10	S74°09'17"W	32.66'
L11	S81°06'15"W	1.64'
L12	S18°00'07"E	6.87'
L13	S30°23'57"E	19.47'
L14	S17°47'50"E	29.77'
L15	S15°29'37"E	9.67'
L16	S23°37'34"E	39.17'
L17	S39°28'12"W	6.91'

AVIARA CONDOMINIUMS

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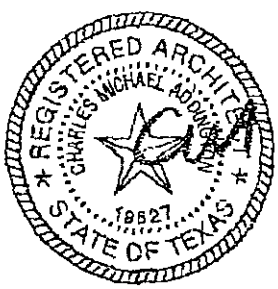
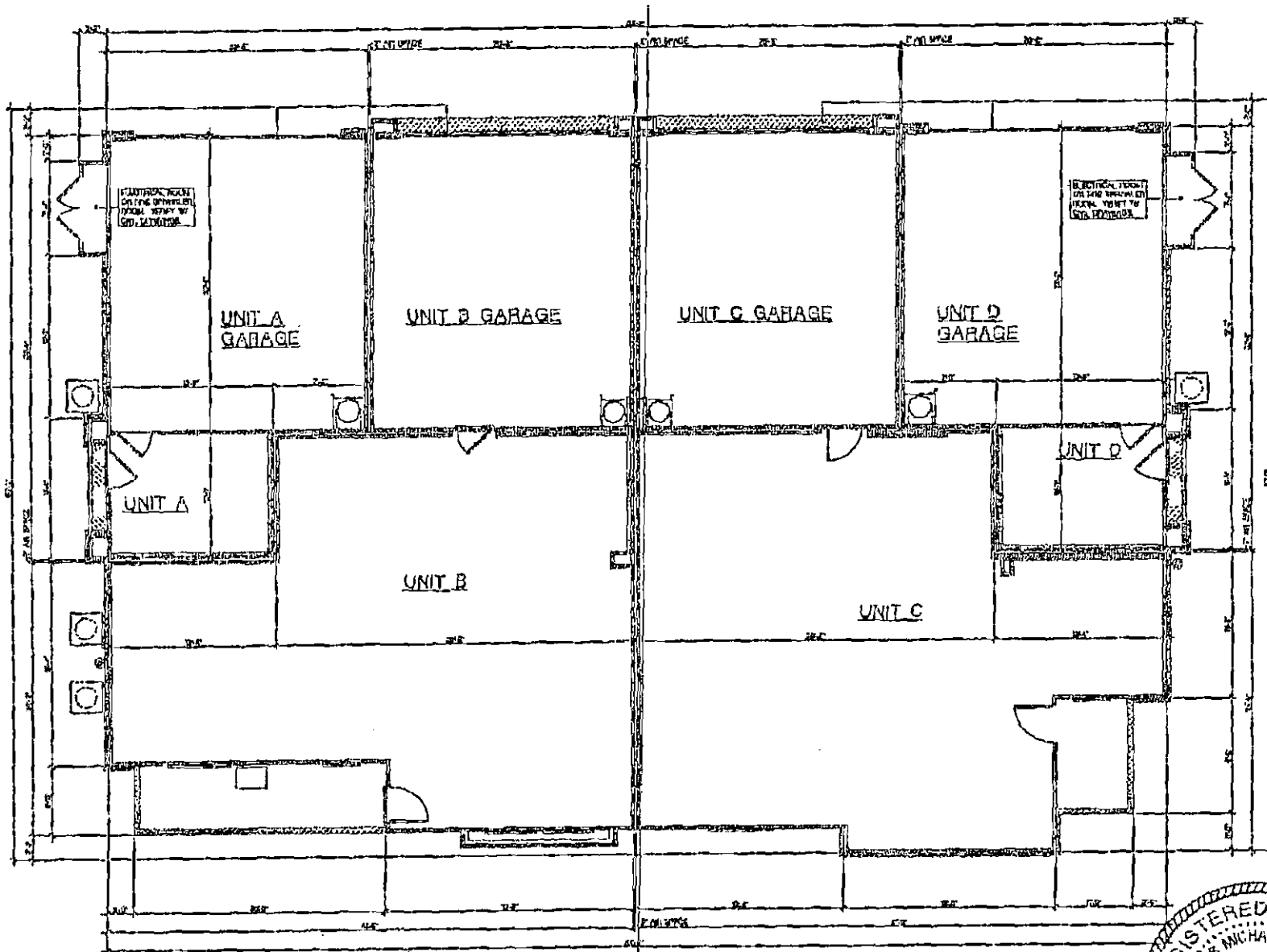
Date: 08/15/10	Checked By: JSL	Drawn By: HPE\RLW

CERTIFICATION OF CONDOMINIUM PLANS

The condominium plans attached hereto contain the information required by Sections 82.052 and 82.059 of the Texas Uniform Condominium Act, as applicable.

Printed Name: Charles M. Addington
License No. 19,827



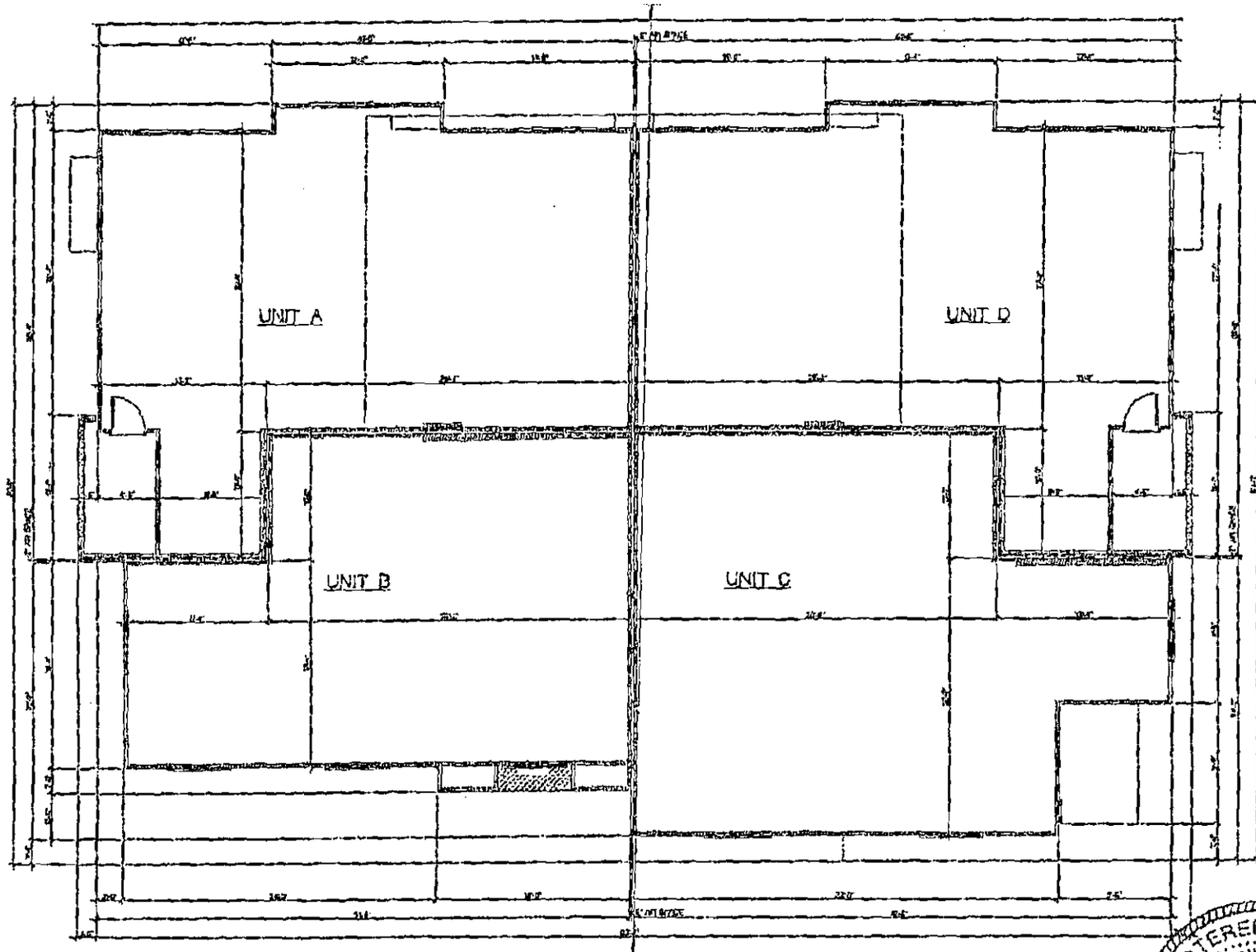


THE HEIGHTS AT AVIARA 2005-1258

COMPOSITE PLAN
FIRST FLOOR
SCALE 3/16" = 1'-0"
07/25/07

KTGY GROUP, INC.
ARCHITECTURE PLANNING
17622 ARMSTRONG AVENUE
IRVINE, CALIFORNIA 92614
(949) 851-2146
FAX (949) 419-2929
©ALL RIGHTS RESERVED

REGISTERED ARCHITECT
CHARLES MICHAEL MOORE
19027
STATE OF TEXAS



THE HEIGHTS AT AVIARA 2005-1258

COMPOSITE PLAN
SECOND FLOOR
SCALE 3/16" = 1'-0"
07/25/07

KTGY GROUP, INC.
ARCHITECTURE PLANNING
17595 MITCHELL SOUTH
IRVINE, CALIFORNIA 92614
(949) 851-2133
FAX (949) 419-0579
CALL DIGITS (DECEIVED

REGISTERED ARCHITECT
CHARLES MICHAEL ADDISON
19027
STATE OF TEXAS

UNIT PLAN TYPES – ATTACHED UNITS

Unit No.	Plan Type*
A-1	A
B-1	B
C-1	C
D-1	D

* SEE CONDOMINIUM PLANS FOR PLAN TYPE.

ATTACHMENT 2

EXHIBIT "C" TO THE DECLARATION OF CONDOMINIUM REGIME

COMMON INTEREST ALLOCATION & BUILDING LCE ALLOCATION

COMMON INTEREST ALLOCATION

The Common Interest Allocation and percentage of liability for common expenses for each Unit is 1/19.

THE COMMON INTEREST ALLOCATION ASSIGNED TO A PARTICULAR UNIT WILL DECREASE IF ADDITIONAL UNITS ARE CREATED AND ADDED TO THE REGIME BY THE DECLARANT.

BUILDING LCE ALLOCATION

The Building LCE Allocation for each Attached Unit is 1/4.

THE BUILDING LCE ALLOCATION ASSIGNED TO A PARTICULAR UNIT WILL DECREASE IF ADDITIONAL UNITS ARE CREATED AND ADDED TO THE REGIME BY THE DECLARANT.

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS
Dana DeBeauvoir
Jun 18, 2010 10:42 AM 2010087345
GONZALESM: $156.00
Dana DeBeauvoir, County Clerk
Travis County TEXAS

AFTER RECORDING RETURN TO:
Robert D. Burton, Esq.
Armbrust & Brown, PLLC
100 Congress Ave., Suite 1300
Austin, Texas 78701

COPY

AVIARA

ORIGINAL FILED FOR RECORD

FIFTH AMENDMENT TO RESTATED AND AMENDED DECLARATION OF CONDOMINIUM REGIME FOR AVIARA CONDOMINIUMS

(A Residential Condominium in Travis County, Texas)

Cross Reference to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2009071585, Official Public Records of Travis County, Texas as amended by that certain First Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2009142835, Official Public Records of Travis County, Texas, as amended by that certain Second Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2010051936, Official Public Records of Travis County, Texas, as amended by that certain Third Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2010073309, Official Public Records of Travis County, Texas and as further amended by that certain Fourth Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2010087345, Official Public Records of Travis County, Texas.

FIFTH AMENDMENT TO
RESTATED AND AMENDED DECLARATION OF CONDOMINIUM REGIME
FOR AVIARA CONDOMINIUMS

This Fifth Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums (the "Amendment") is made CR-B AVIARA, L.P., a Texas limited partnership ("Declarant"), and is as follows:

RECITALS:

A. Aviara Condominiums, a condominium regime (the "Regime"), located in Travis County, Texas, was established pursuant to that certain Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2009071585, Official Public Records of Travis County, Texas as amended by that certain First Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2009142835, Official Public Records of Travis County, Texas, as amended by that certain Second Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2010051936, Official Public Records of Travis County, Texas, as amended by that certain Third Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2010073309, Official Public Records of Travis County, Texas and as further amended by that certain Fourth Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2010087345, Official Public Records of Travis County, Texas (collectively, the "Declaration").

B. Pursuant to *Provision A.3.10* of Appendix "A" to the Declaration, Declarant may amend the Declaration unilaterally and without the consent of other Owners or any mortgagee to add real property to the Property and create Units, General Common Elements and Limited Common Elements within the Property.

C. In accordance with *Provision A.3.8* of Appendix "A" to the Declaration, Declarant has reserved the right, during the Development Period, to create Units, General Common Elements, and Limited Common Elements within the Property. The "Development Period" as such term is defined in the Declaration, is a fifteen (15) year period commencing on the date the Declaration was recorded in the Official Public Records of Travis County, Texas. The Declaration was recorded in the Official Public Records of Travis County, Texas, on May 4, 2009.

D. This amendment is promulgated for the purpose of creating seven (7) additional Units within the Regime. The total number of Units within the Regime after giving effect to this Amendment is equal to twenty-six (26), and the total number of Units which Declarant has reserved the right to create by amendment is equal to one hundred twenty-four (124).

NOW THEREFORE, the Declaration is hereby amended as follows:

1. Creation of Units. In accordance with the rights reserved by the Declarant pursuant to *Section 5.1* of the Declaration and *Provisions A.3.8* and *A.3.10* of Appendix "A" to the Declaration, Declarant hereby creates seven (7) Units, which are designated as Unit Nos. A-9, A-10, B-9, D-9, D-16, D-17 and D-18 (collectively, the "New Units"). The New Units are hereby classified as Units which MUST BE BUILT.

2. Replacement of Exhibit "B". Exhibit "B" to the Declaration is hereby deleted in its entirety and the Plats and Plans attached hereto as Attachment 1 (the "New Plats and Plans") are substituted in their place. The New Plats and Plans: (i) assign an identifying number to all Units; (ii) describe the portion of the limited common elements created or assigned to all Units; and (iii) include the information required by Section 82.059 of the Texas Uniform Condominium Act.

3. Replacement of Exhibit "C". The Percentage Interests allocated to all Units within the Regime, after the addition of the New Units, is set forth on Attachment 2, attached hereto. Attachment 2, attached hereto, will supersede and replace Exhibit "C" attached to the Declaration.

4. 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.

[SIGNATURE PAGE FOLLOWS]

EXECUTED to be effective as of the 26 day of July, 2010.

DECLARANT:

CR-B AVIARA, L.P., a Texas limited partnership

By: CR-B INVESTORS I GP, L.L.C., a Texas limited liability company, its General Partner

By: _____

Printed Name: David Arnow

Title: Vice President

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this 26 day of July, 2010 by David Arnow, Vice President of CR-B Investors I GP, L.L.C., a Texas limited liability company, General Partner of CR-B Aviara, L.P., a Texas limited partnership, on behalf of said entities.

_____
Notary Public Signature

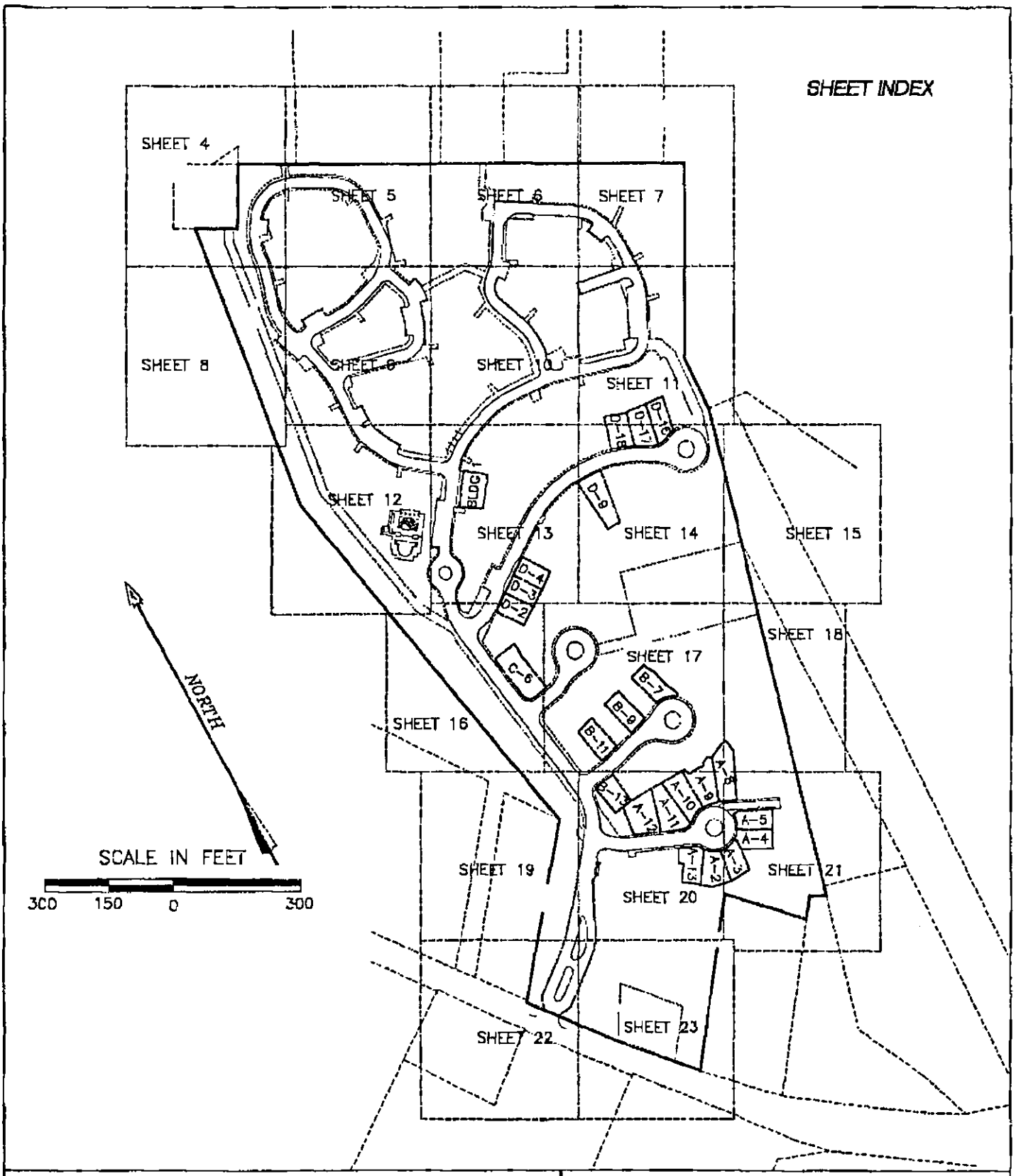
(SEAL)

GWEN MCLENDON
MY COMMISSION EXPIRES
August 20, 2010

ATTACHMENT 1

EXHIBIT "B" TO THE DECLARATION OF CONDOMINIUM REGIME

SEE SHEET 24 OF 26 FOR ORIGINAL CERTIFICATION



AVIARA CONDOMINIUMS

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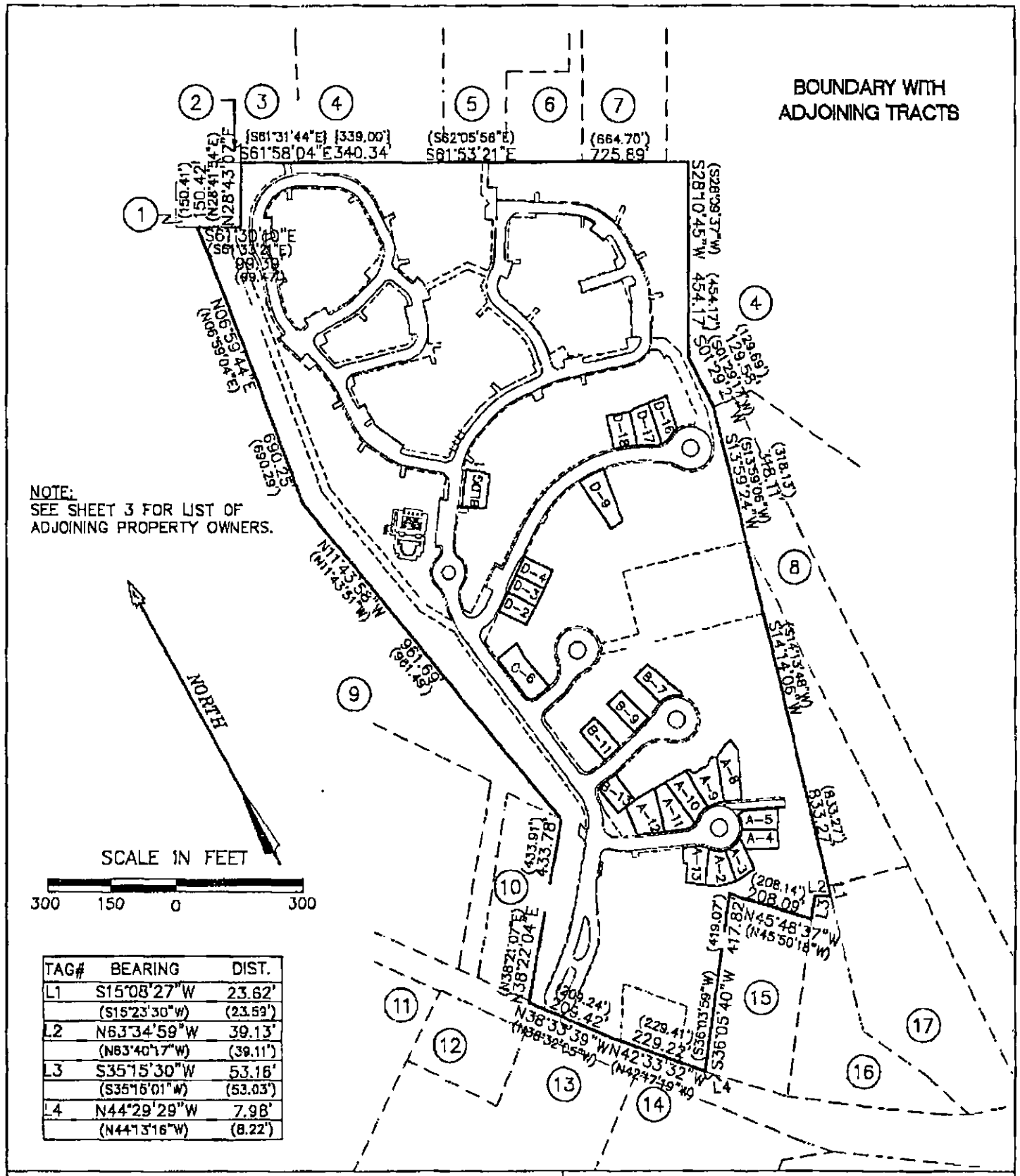
PROFESSIONAL LAND SURVEYING SERVICES
8333 CROSS PARK DRIVE
AUSTIN, TEXAS 78754
OFFICE: 512.374.8722 FAX: 512.873.9743
ron-baseline@austin.rr.com

File: S:\Prj\Aviara\Dwg\AVIARA CONDO BASE.dwg		
Job No.	Snapshot:	
Scale (Hor.): N/A	Scale (Vert.):	
Date: 07/23/10	Checked By: JSL	Drawn By: HPE\RLW



TAG#	BEARING	DIST.
L1	S15°08'27"W	23.62'
	(S15°23'30"W)	(23.59')
L2	N63°34'59"W	39.13'
	(N63°40'17"W)	(39.11')
L3	S35°15'30"W	53.16'
	(S35°15'01"W)	(53.03')
L4	N44°29'29"W	7.98'
	(N44°13'16"W)	(8.22')

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg		SHEET 2 of 26
Job No.	Snapshot:	
Scale (Hor.): N/A	Scale (Vert.):	
Date: 07/23/10	Checked By: JSL	Drawn By: HPE\RLW

ADJOINING OWNERS

1. TRAVIS COUNTY W.C.I.D. NO. 9, VOL. 1819, PG. 189 (0.52 ACRES)
2. CITY OF AUSTIN, VOL. 10958, PG. 277 (0.029 ACRES)
3. REMAINDER OF 888.051 ACRES, VOL. 10958, PG. 280
4. LOT 115, BLOCK B, LANTANA SOUTHWEST, PHASE 1, DOC. NO. 200300137
5. CITY OF AUSTIN, TRACT 2, VOL. 12910, PG. 670 (1.757 ACRES)
6. CITY OF AUSTIN, VOL. 10031 PG. 300 (1.0397 ACRES)
7. CITY OF AUSTIN, TRACT 1, VOL. 12910, PG. 670 (1.655 ACRES)
8. KEYSTONE CONSTRUCTION, INC., VOL. 11918, PG. 1755 (4.993 ACRES)
9. LOT 1, BLOCK "A", THE HANS DEROUCHER SUBDIVISION, VOL. 96, PG. 108
10. LOT 2, BLOCK "A", THE HANS DEROUCHER SUBDIVISION, VOL. 96, PG. 108
11. AARON GARDNER SUBDIVISION, VOL. 49, PG. 95
12. BENJAMIN L. NORS, DOC. NO. 2001174575 (1.00 ACRE)
13. HUEBETTER SUBDIVISION, VOL. 78, PG. 1
14. JAMES L. SCHORR, VOL. 11883, PG. 1334 (10.177 ACRES)
15. ALAN ABBE, et ux, VOL. 8732, PG. 5 (1.9807 ACRES)
16. 1.951 ACRES, VOL. 11400, PG. 875
17. GILBERT M. JAPKO, TRACT ONE, VOL. 6095, PG. 82 (3.129 ACRES)

AVIARA CONDOMINIUMS

EXHIBIT
OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.096 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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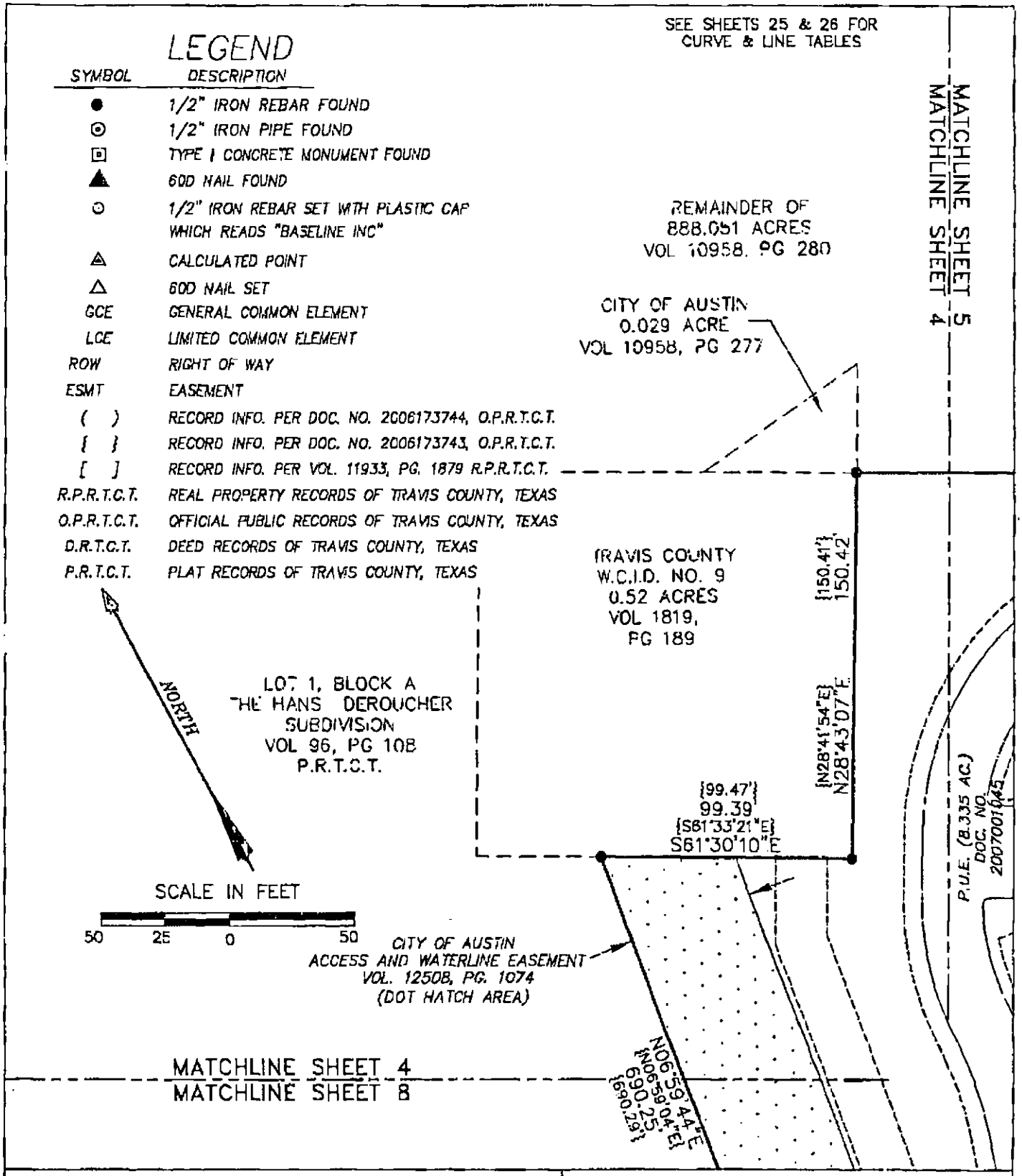
File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET
Job No.	Snapshot:		3 of 26
Scale (Hor.): N/A	Scale (Vert.):		
Date: 07/23/10	Checked By: JSL	Drawn By: HPE\RLW	

SEE SHEETS 25 & 26 FOR
CURVE & LINE TABLES

LEGEND

SYMBOL	DESCRIPTION
●	1/2" IRON REBAR FOUND
⊙	1/2" IRON PIPE FOUND
⊡	TYPE I CONCRETE MONUMENT FOUND
▲	60D NAIL FOUND
⊙	1/2" IRON REBAR SET WITH PLASTIC CAP WHICH READS "BASELINE INC"
◬	CALCULATED POINT
△	60D NAIL SET
GCE	GENERAL COMMON ELEMENT
LCE	LIMITED COMMON ELEMENT
ROW	RIGHT OF WAY
ESMT	EASEMENT
( )	RECORD INFO. PER DOC. NO. 2006173744, O.P.R.T.C.T.
{ }	RECORD INFO. PER DOC. NO. 2006173743, O.P.R.T.C.T.
[ ]	RECORD INFO. PER VOL. 11933, PG. 1879 R.P.R.T.C.T.
R.P.R.T.C.T.	REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS
O.P.R.T.C.T.	OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS
D.R.T.C.T.	DEED RECORDS OF TRAVIS COUNTY, TEXAS
P.R.T.C.T.	PLAT RECORDS OF TRAVIS COUNTY, TEXAS



AVIARA CONDOMINIUMS

EXHIBIT
OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 81, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 528; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 6.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.099 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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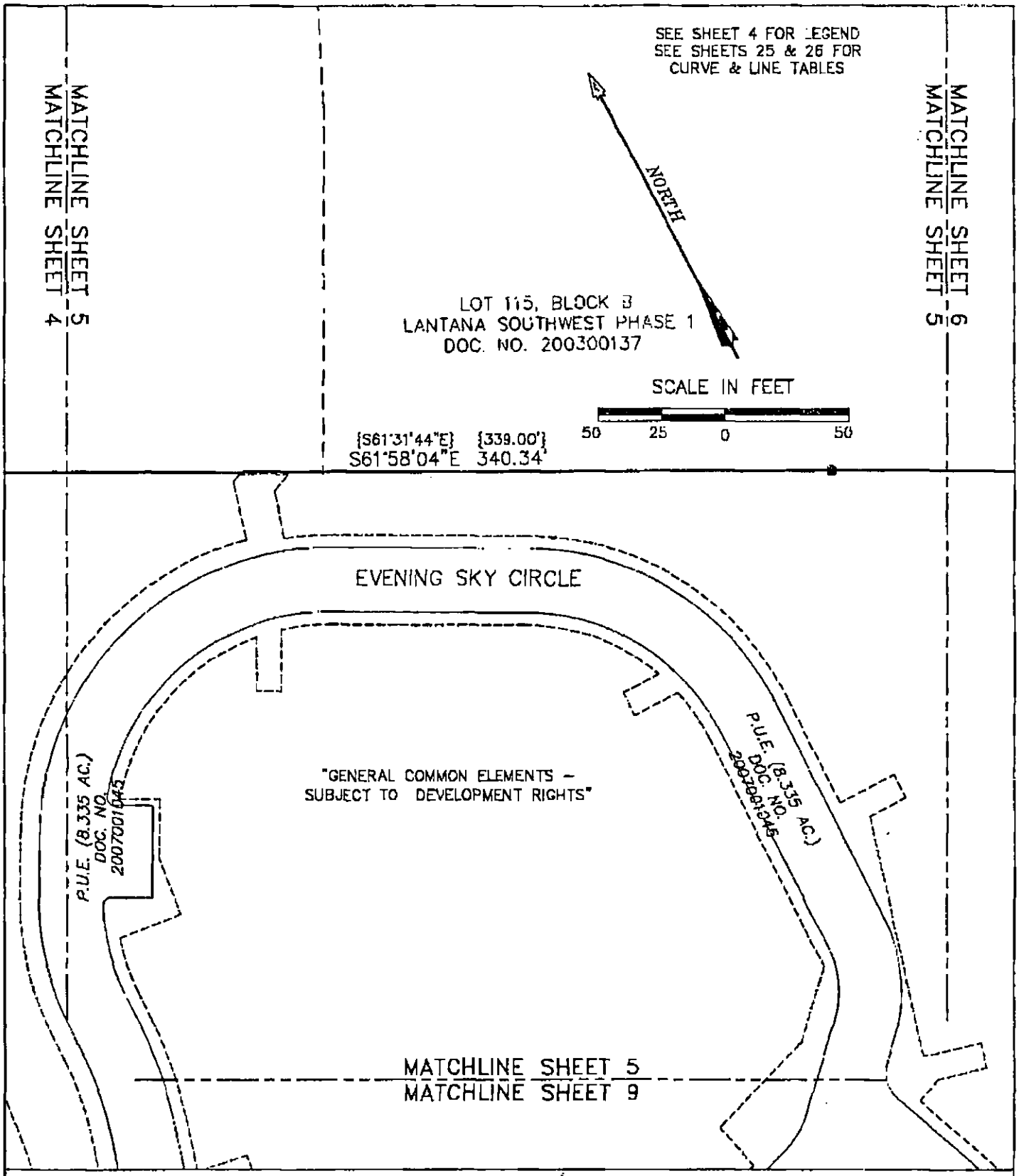
File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg		SHEET
Job No.	Snapshot:	4 of 26
Scale (Hor.): 1"=50'	Scale (Vert.):	
Date: 07/23/10	Checked By: JSL	Drawn By: HPE\RLW



AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG–AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2008173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG–AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2008173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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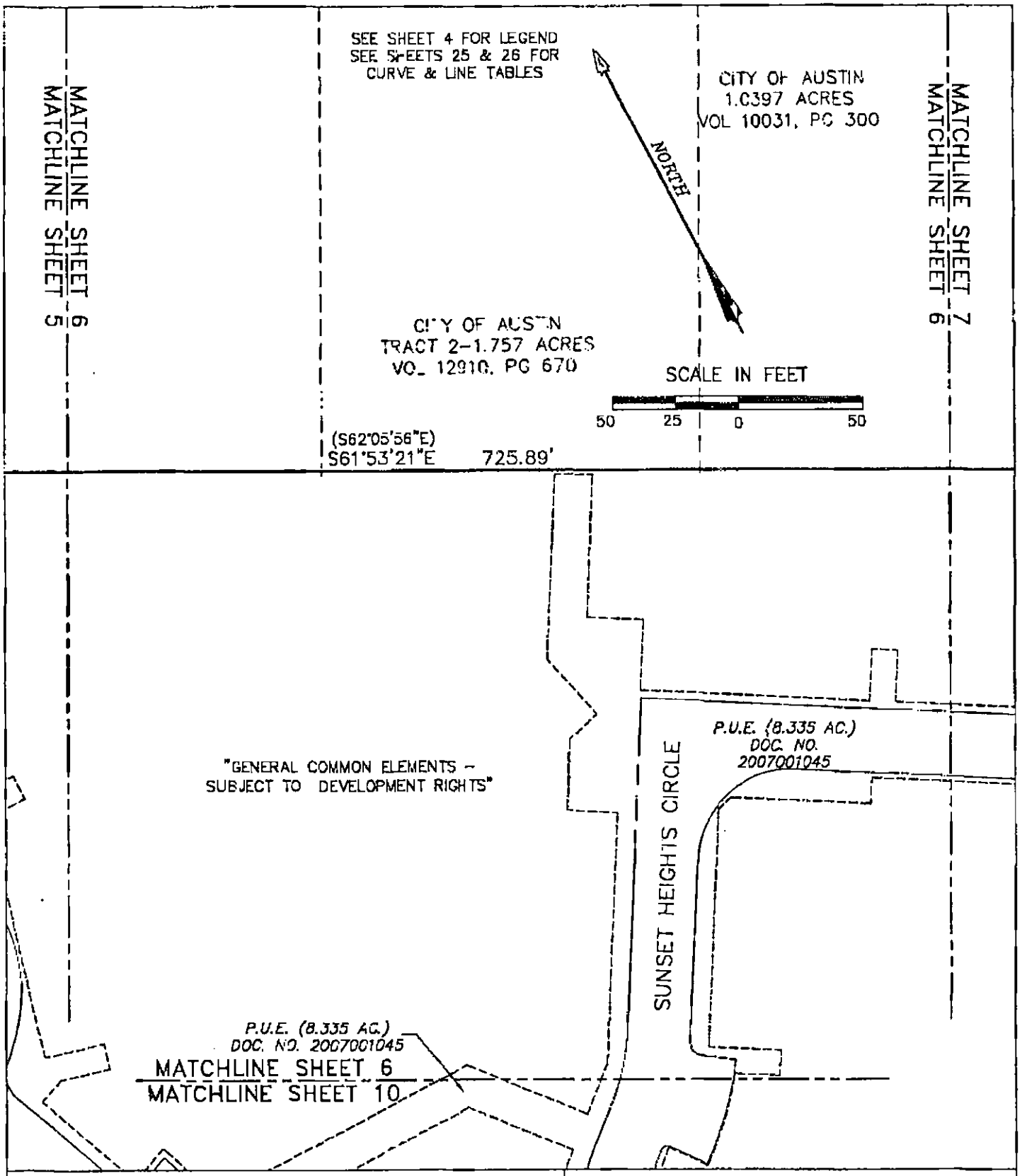
File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg		SHEET
Job No.	Snapshot:	5 of 26
Scale (Hor.): 1"=50'	Scale (Vert.):	
Date: 07/23/10	Checked By: JSL	Drawn By: HPE\RLW



AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 626; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.064 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.698 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg		SHEET
Job No.	Snapshot:	6 of 26
Scale (Hor.): 1"=50'	Scale (Vert.):	
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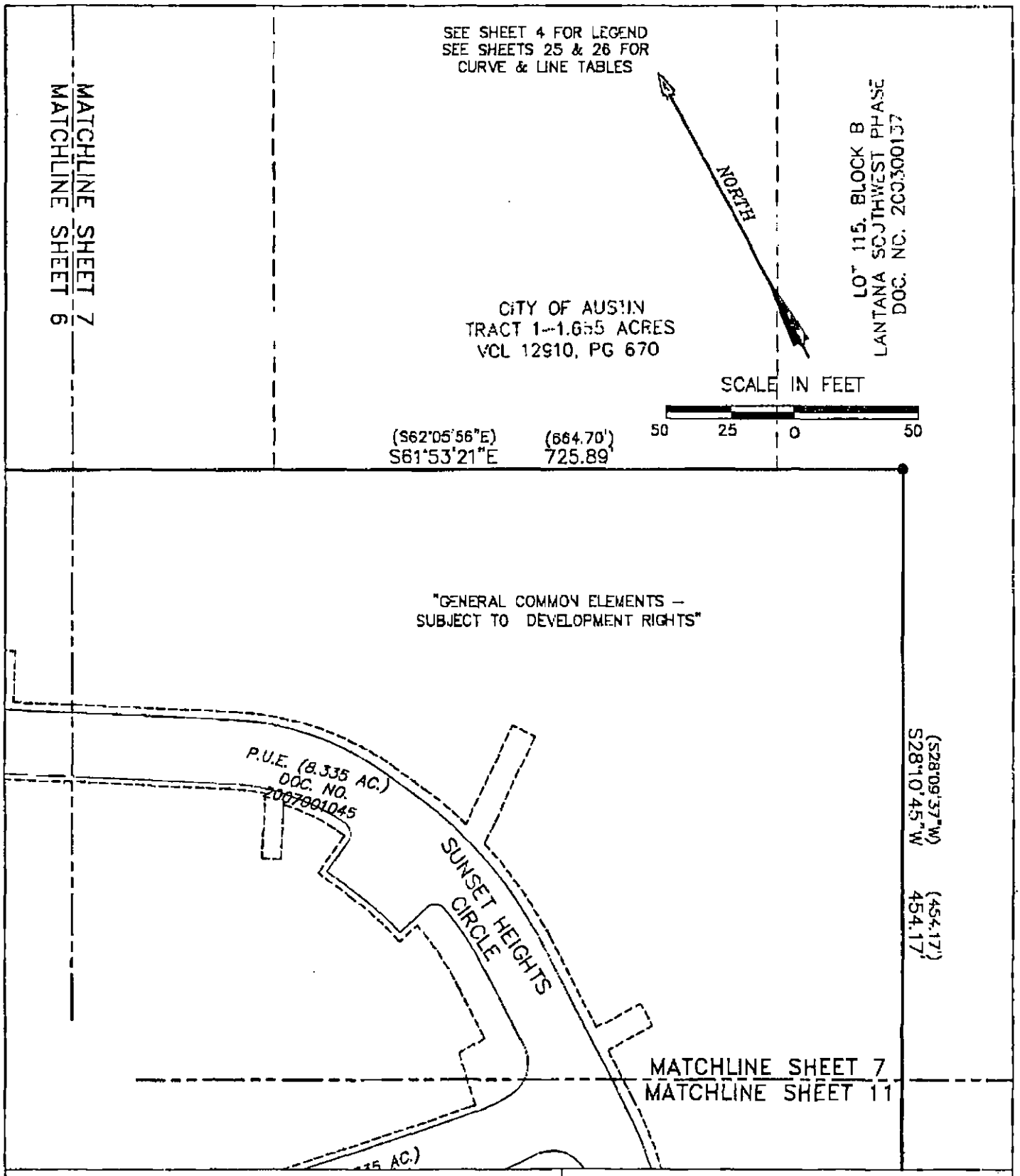

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 81, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG–AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2008173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.080 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG–AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2008173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET 7 of 26
Job No.	Snapshot:		
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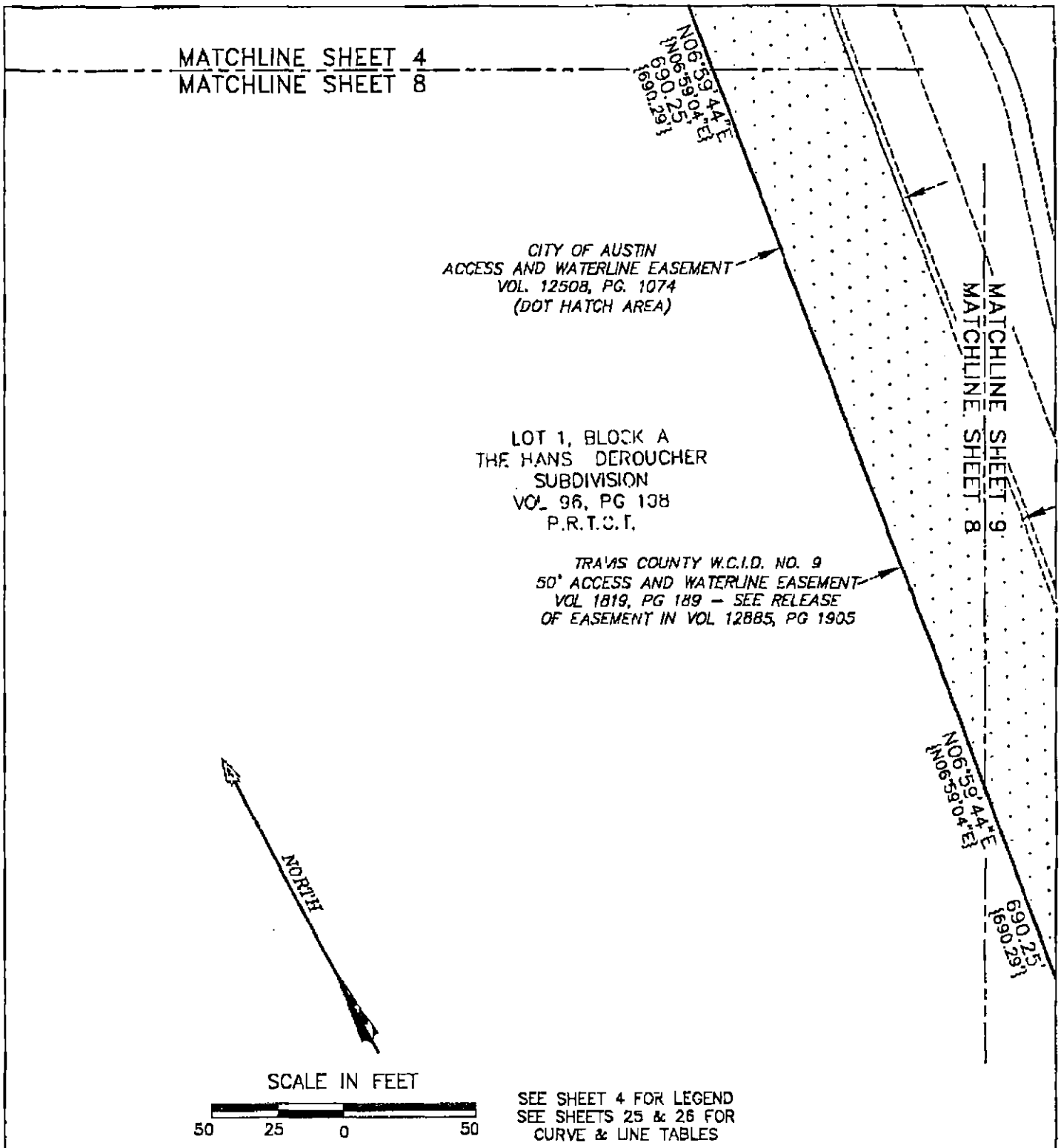

SEE SHEET 4 FOR LEGEND
SEE SHEETS 25 & 26 FOR
CURVE & LINE TABLES

AVIARA CONDOMINIUMS

EXHIBIT
OF 32.481 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG–AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.096 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG–AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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File: S:\Pro\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET
Job No.	Snapshot:		8 of 26
Scale (Hor.): 1"=50'	Scale (Vert.):		
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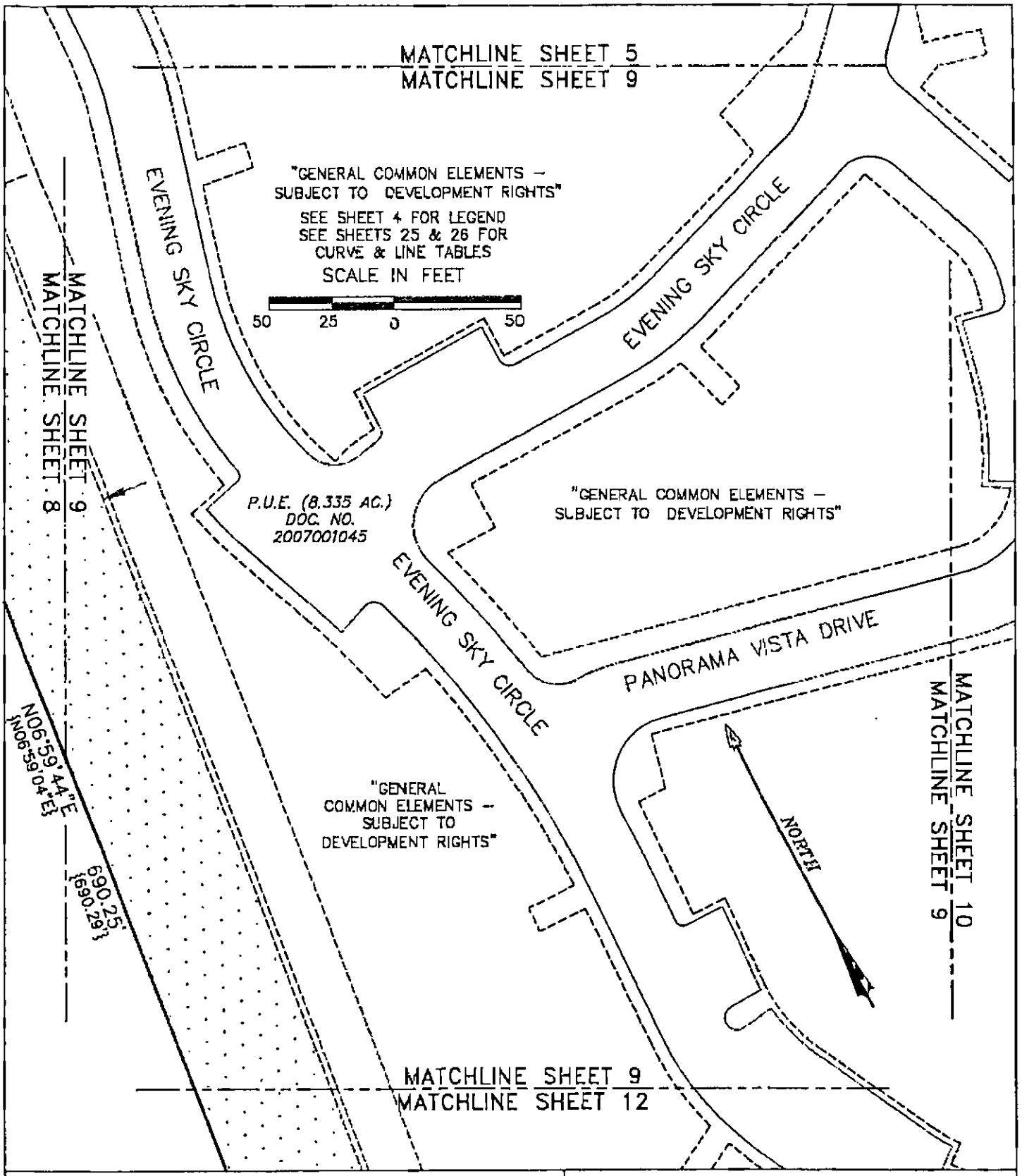

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 6.054 ACRE TRACT OF LAND CONVEYED TO PCG–AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG–AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET 9 of 26
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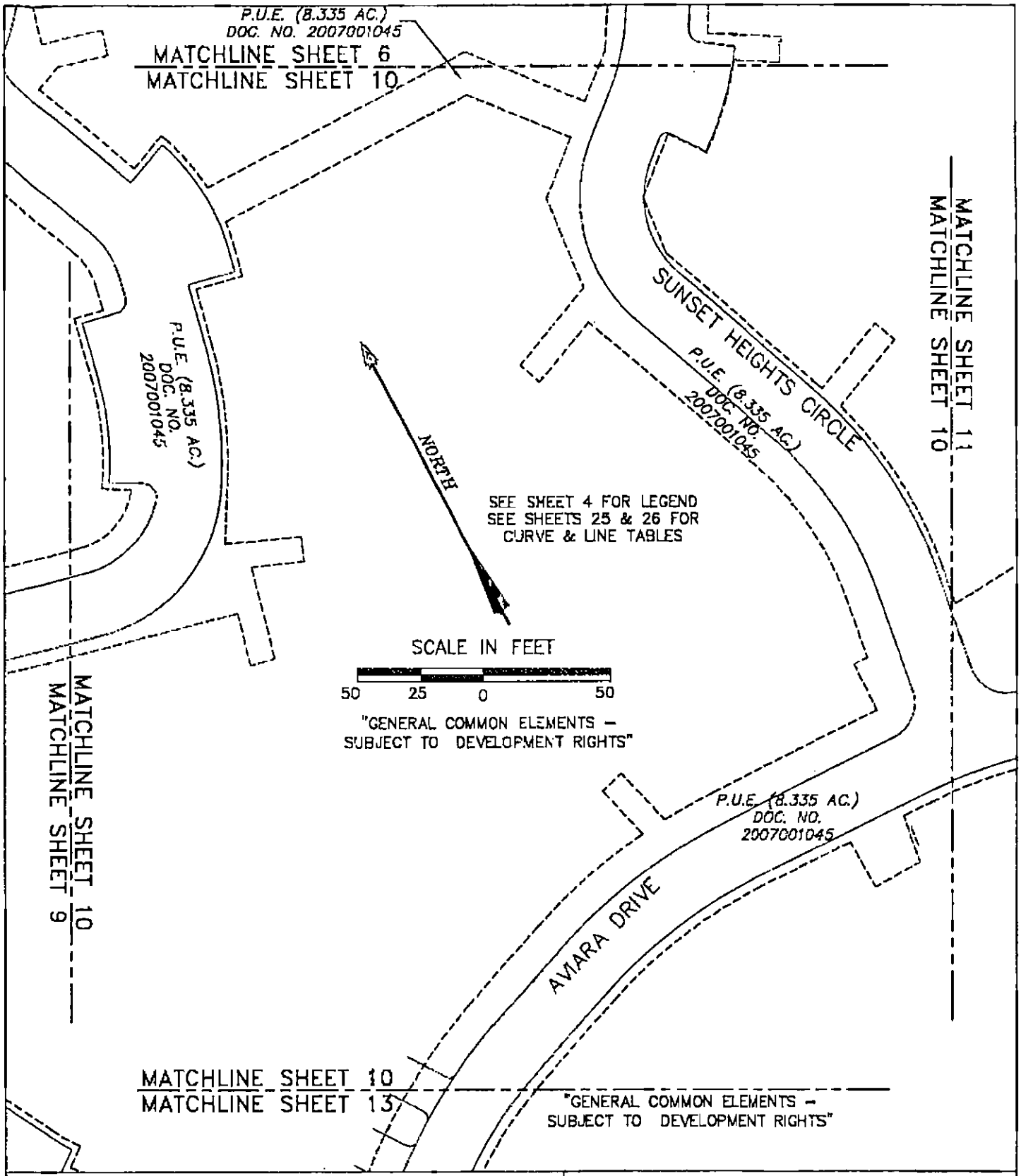

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG–AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG–AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg		SHEET
Job No.	Snapshot:	10 of 26
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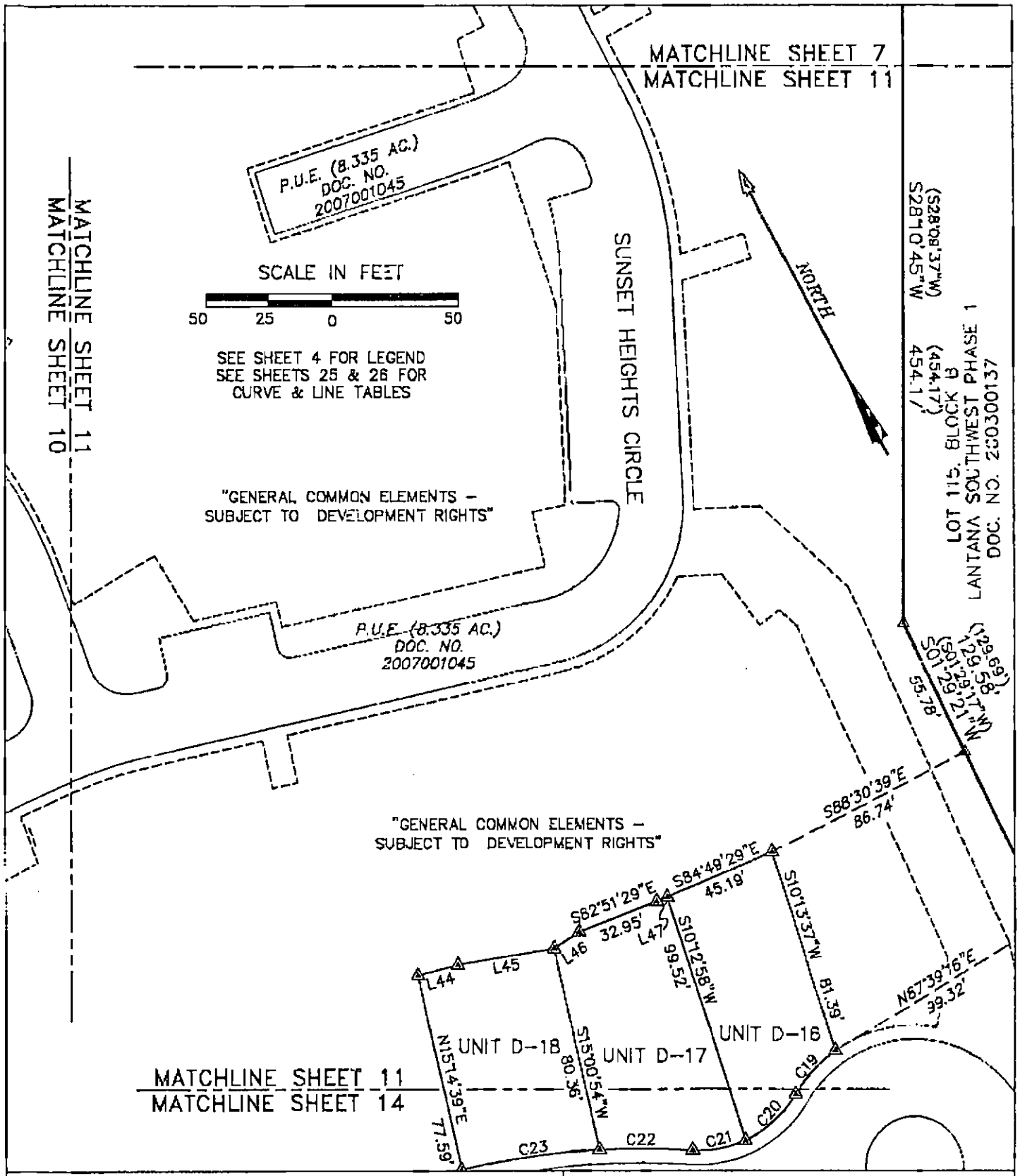

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 536; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.008 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg		SHEET 11 of 26
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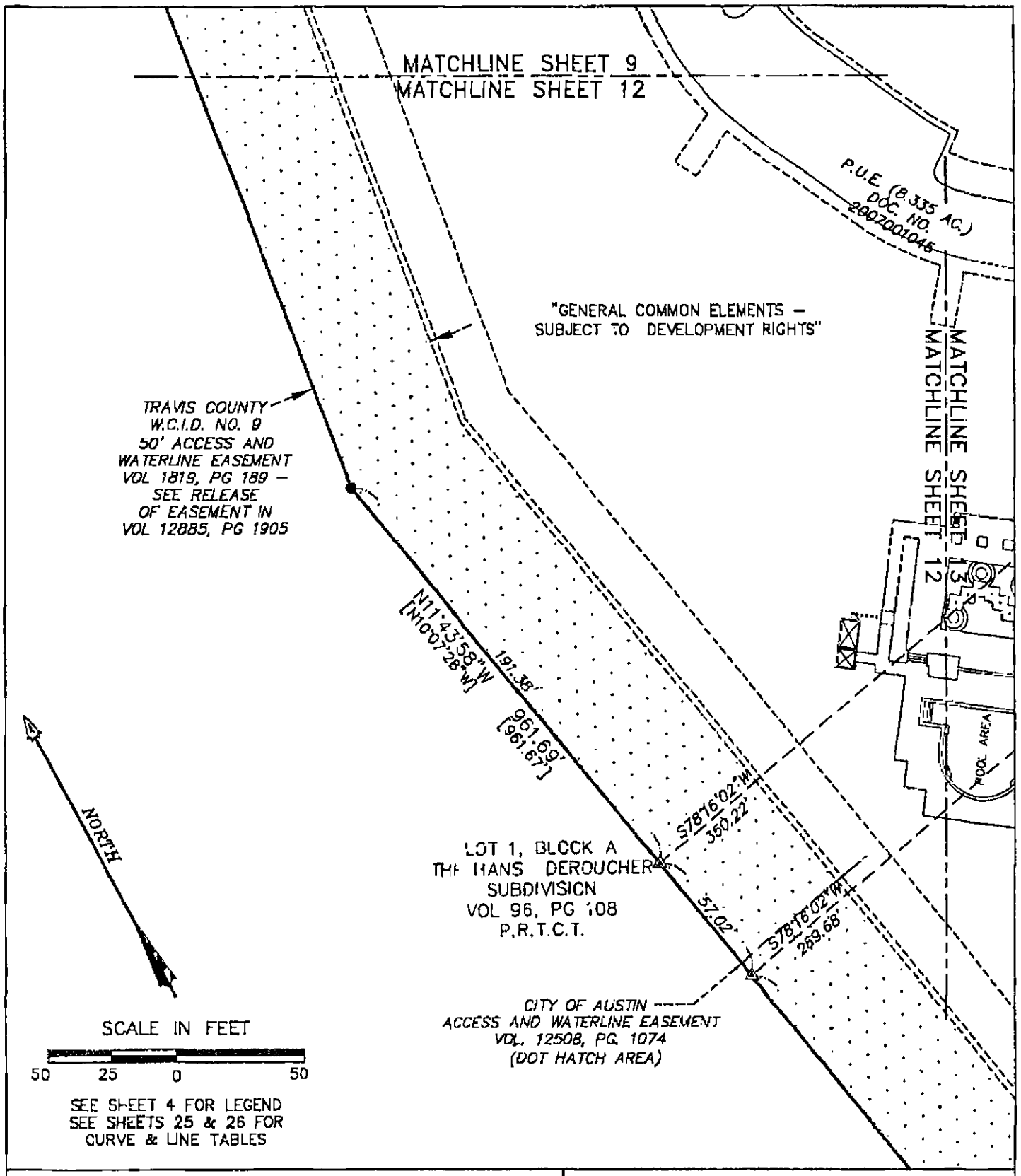

SEE SHEET 4 FOR LEGEND
SEE SHEETS 25 & 26 FOR
CURVE & LINE TABLES

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG–AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.093 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG–AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET
Job No.	Snapshot:		12 of 26
Scale (Hor.): 1"=60'	Scale (Vert.):		
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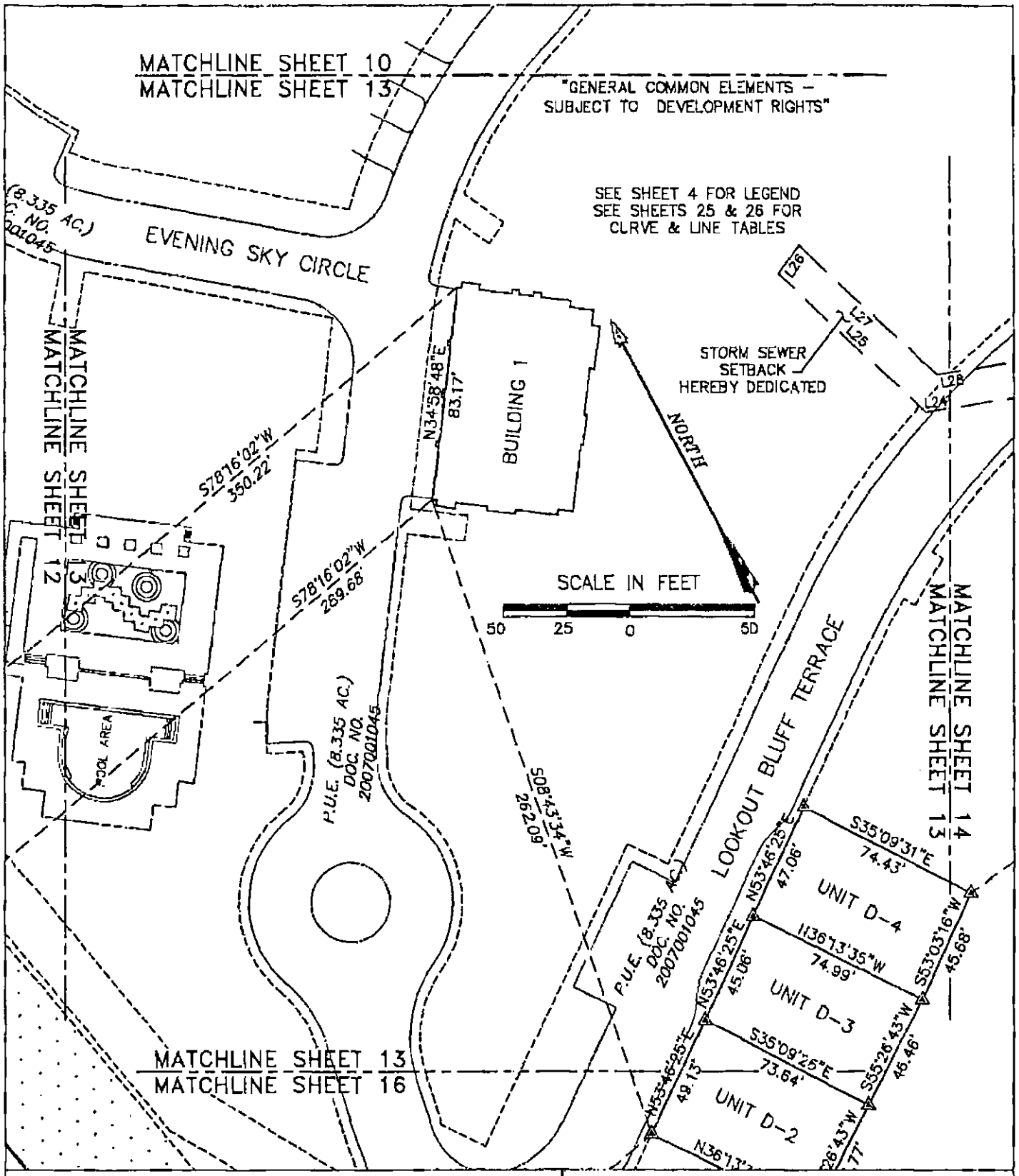

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 586; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET 13 of 26
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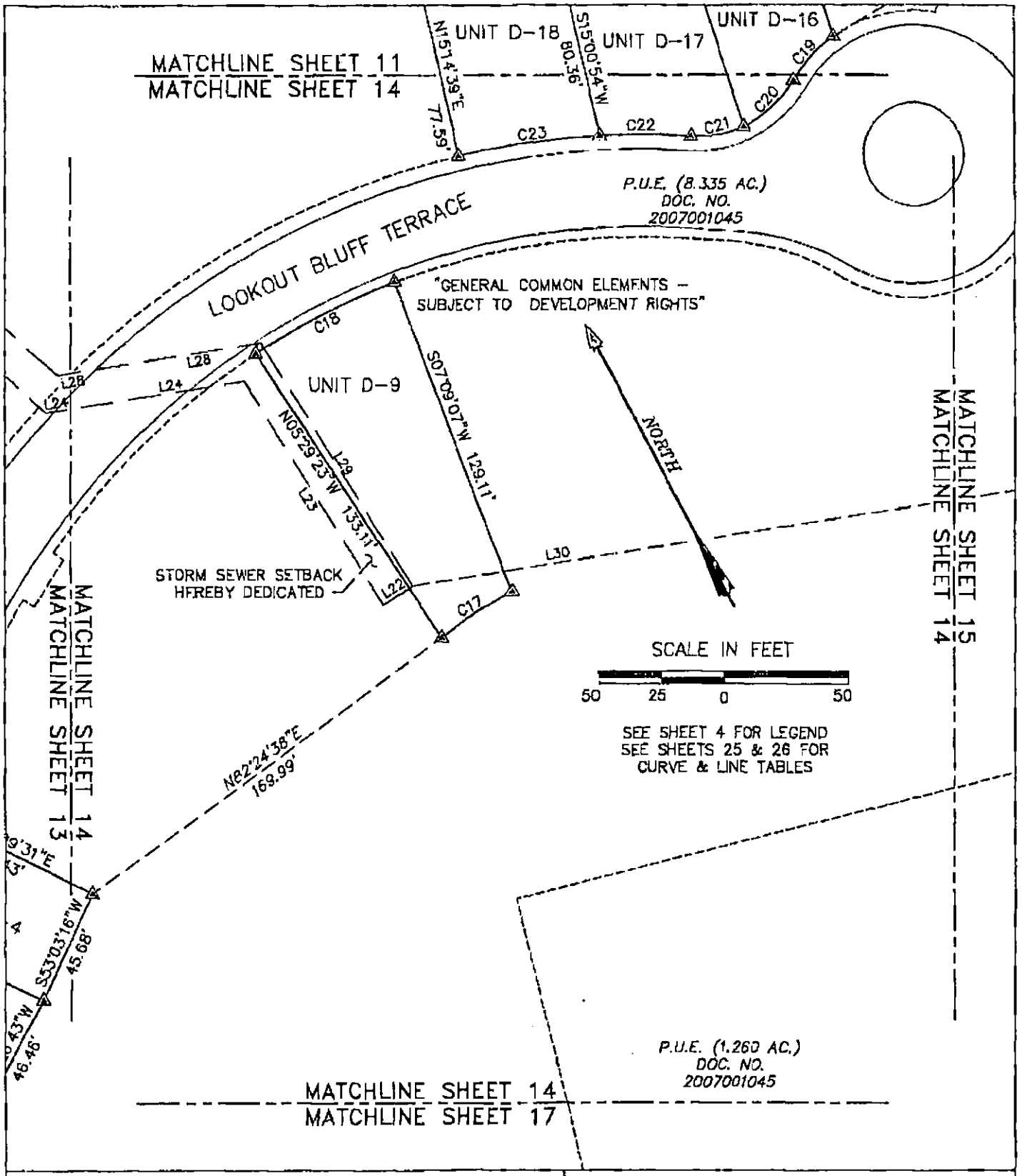

AVIARA CONDOMINIUMS

EXHIBIT
OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCC-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.096 ACRE TRACT AND A (CALLED) 1.369 ACRE TRACT OF LAND CONVEYED TO PCC-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

BASELINE LAND SURVEYORS, INC.
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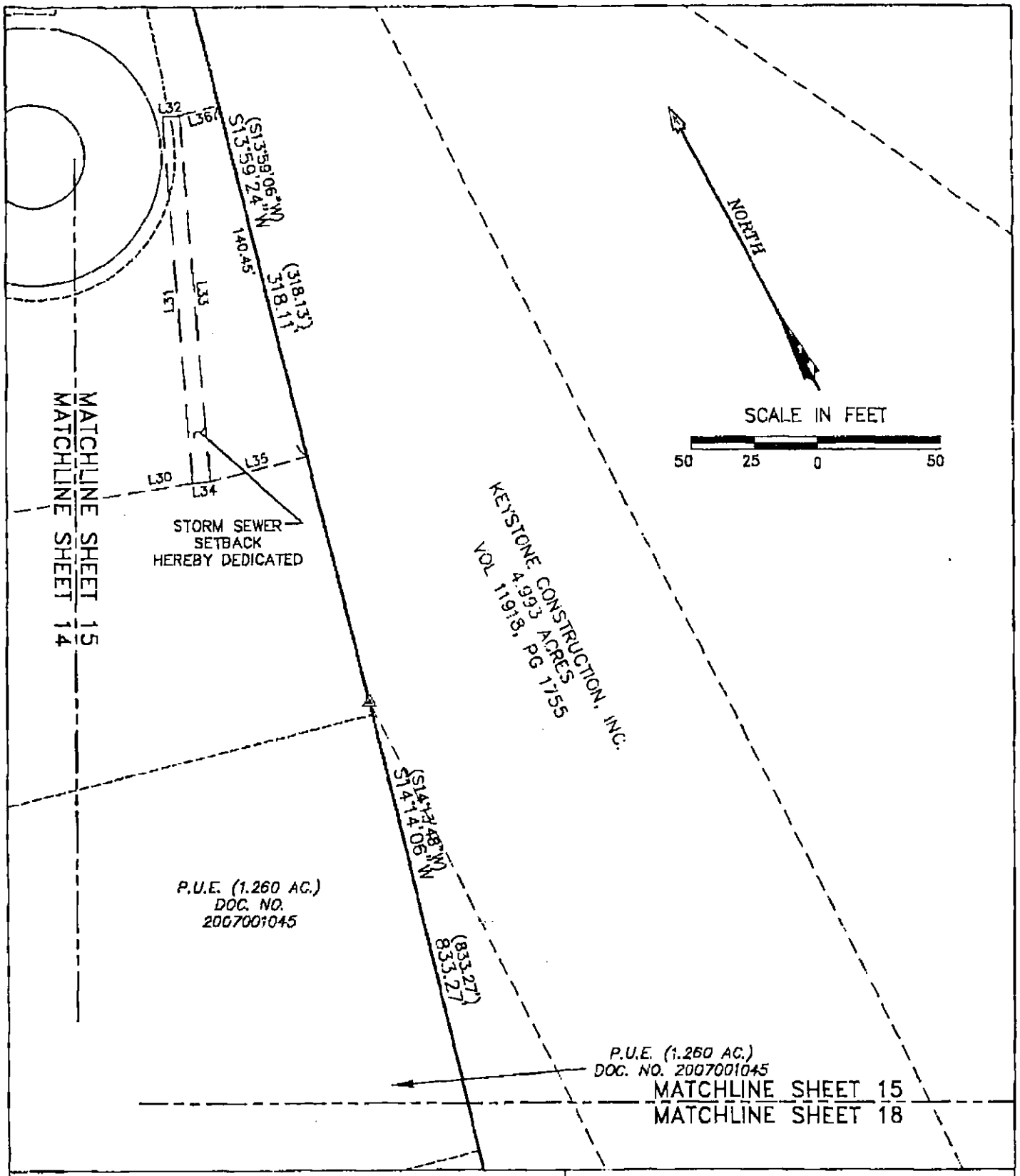
ron-baseline@austin.rr.com

File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET 14 of 26
Job No.	Snapshot:		
Scale (Hor.): 1"=50'	Scale (Vert.):		
Date: 07/23/10	Checked By: JSL	Drawn By: HPE\RLW	



AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.337 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET 15 of 26
Job No.	Snapshot:		
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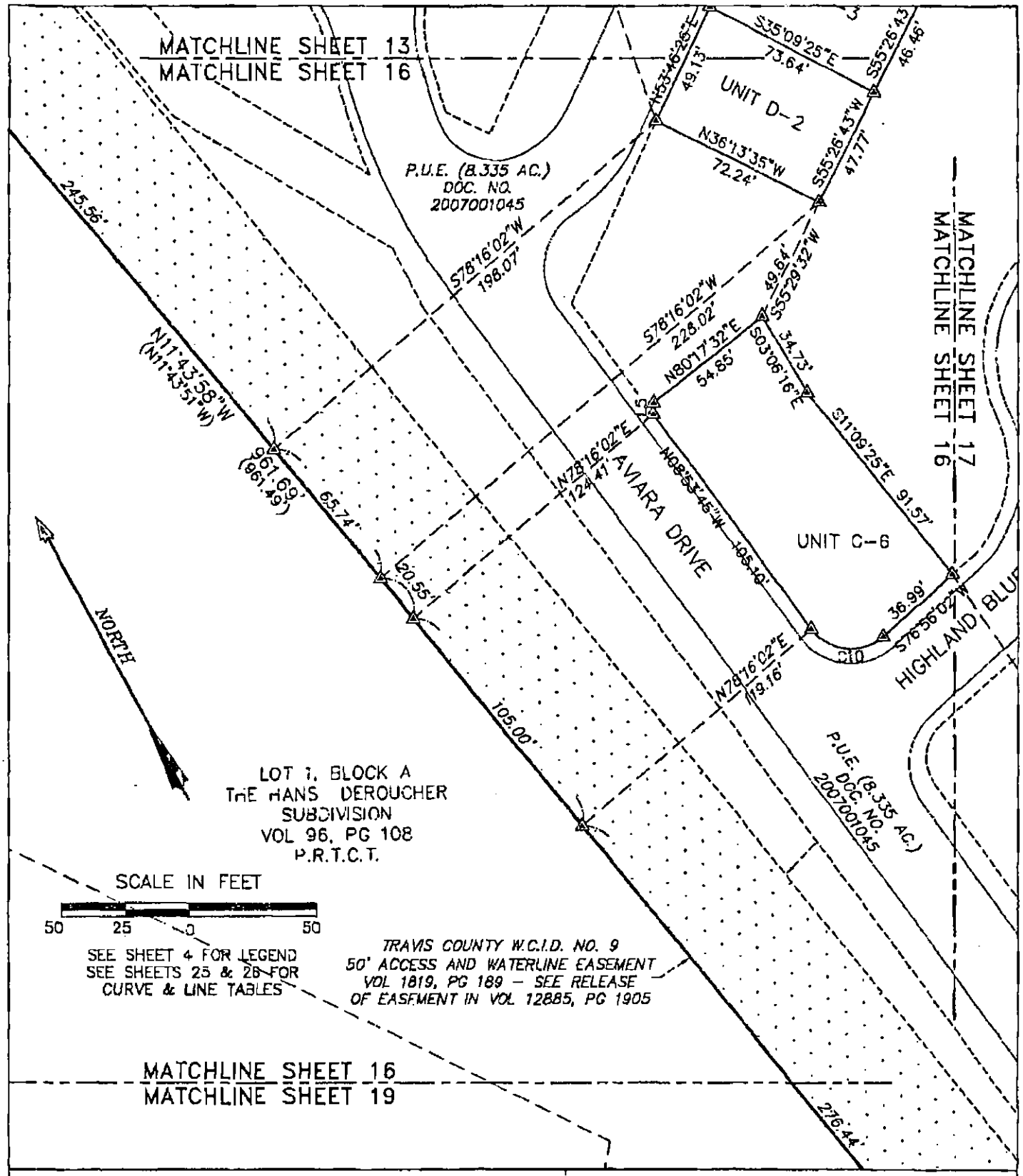
Date: 07/23/10	Checked By: JSL	Drawn By: HPE\RLW	



AVIARA CONDOMINIUMS

EXHIBIT

OF 39.481 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 6.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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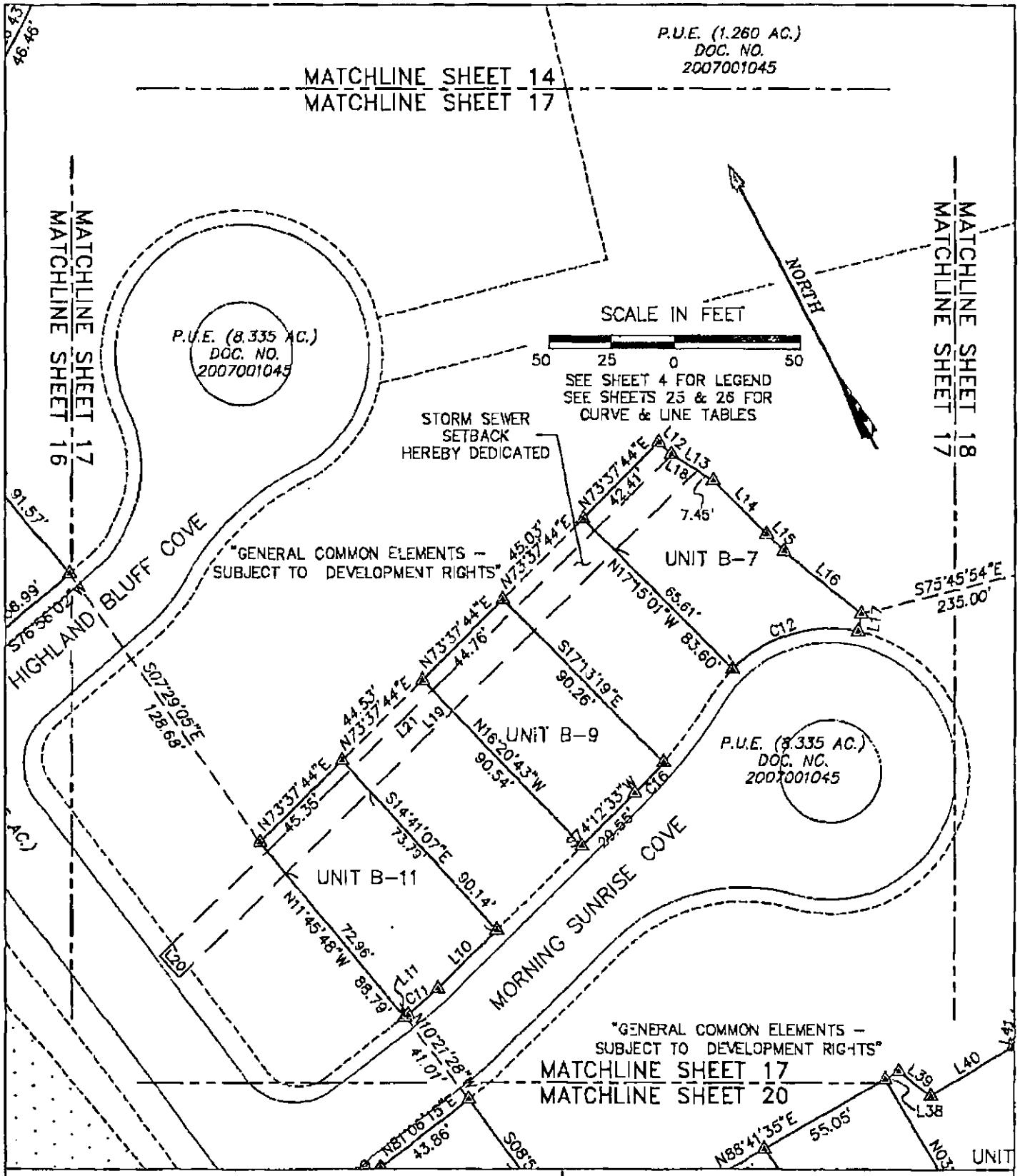
File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET 16 of 26
Job No.	Snapshot:		
Scale (Hor.): 1"=50'	Scale (Vert.):		
Date: 07/23/10	Checked By: JSL	Drawn By: HPE\RLW	



AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG–AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG–AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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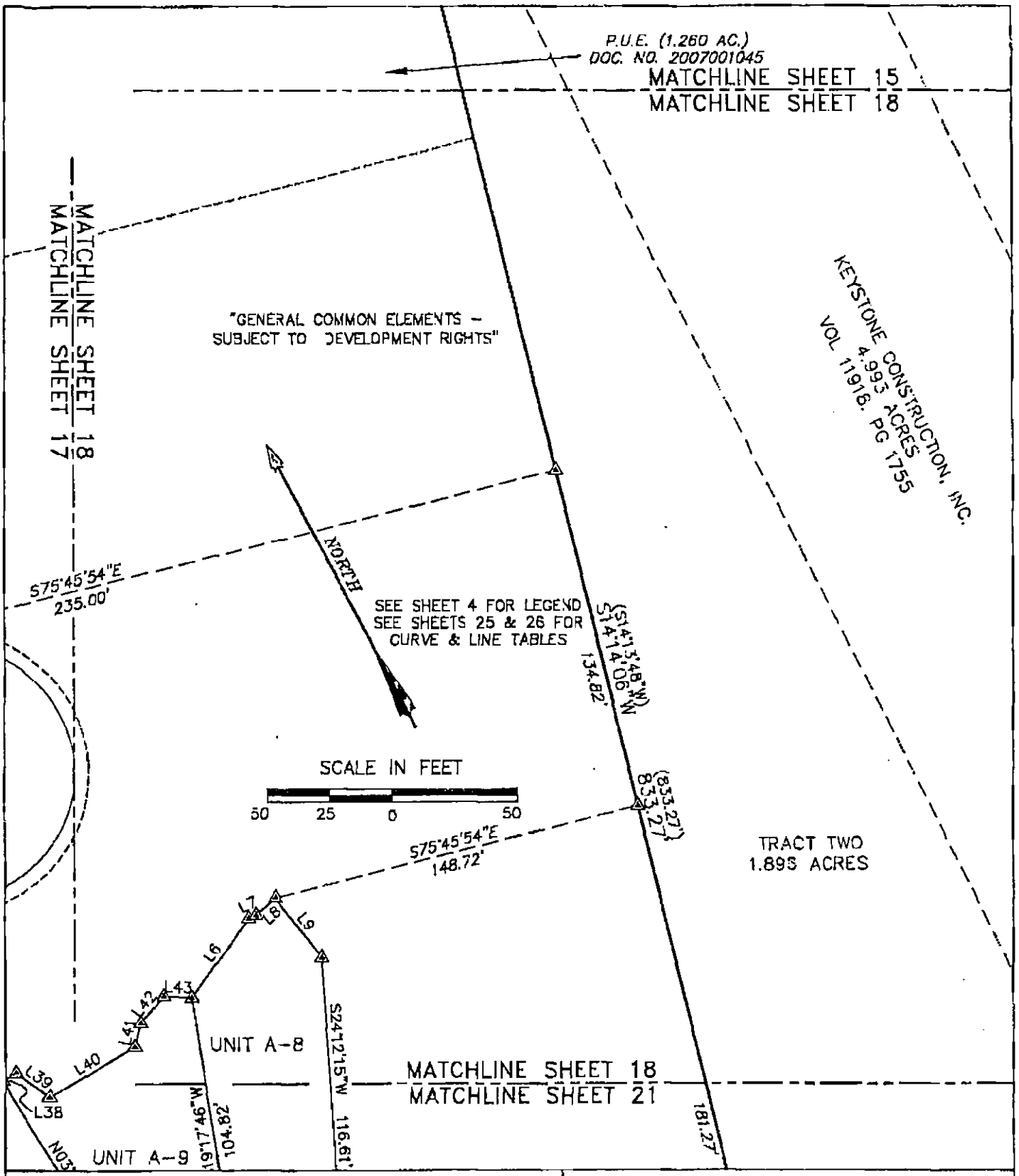
File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET
Job No.	Snapshot:		17 of 26
Scale (Hor.): 1"=50'	Scale (Vert.):		
Date: 07/23/10	Checked By: JSL	Drawn By: HPE\RLW	



AVIARA CONDOMINIUMS

EXHIBIT
OF 89.401 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.064 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.026 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg		SHEET
Job No.	Snapshot:	18 of 26
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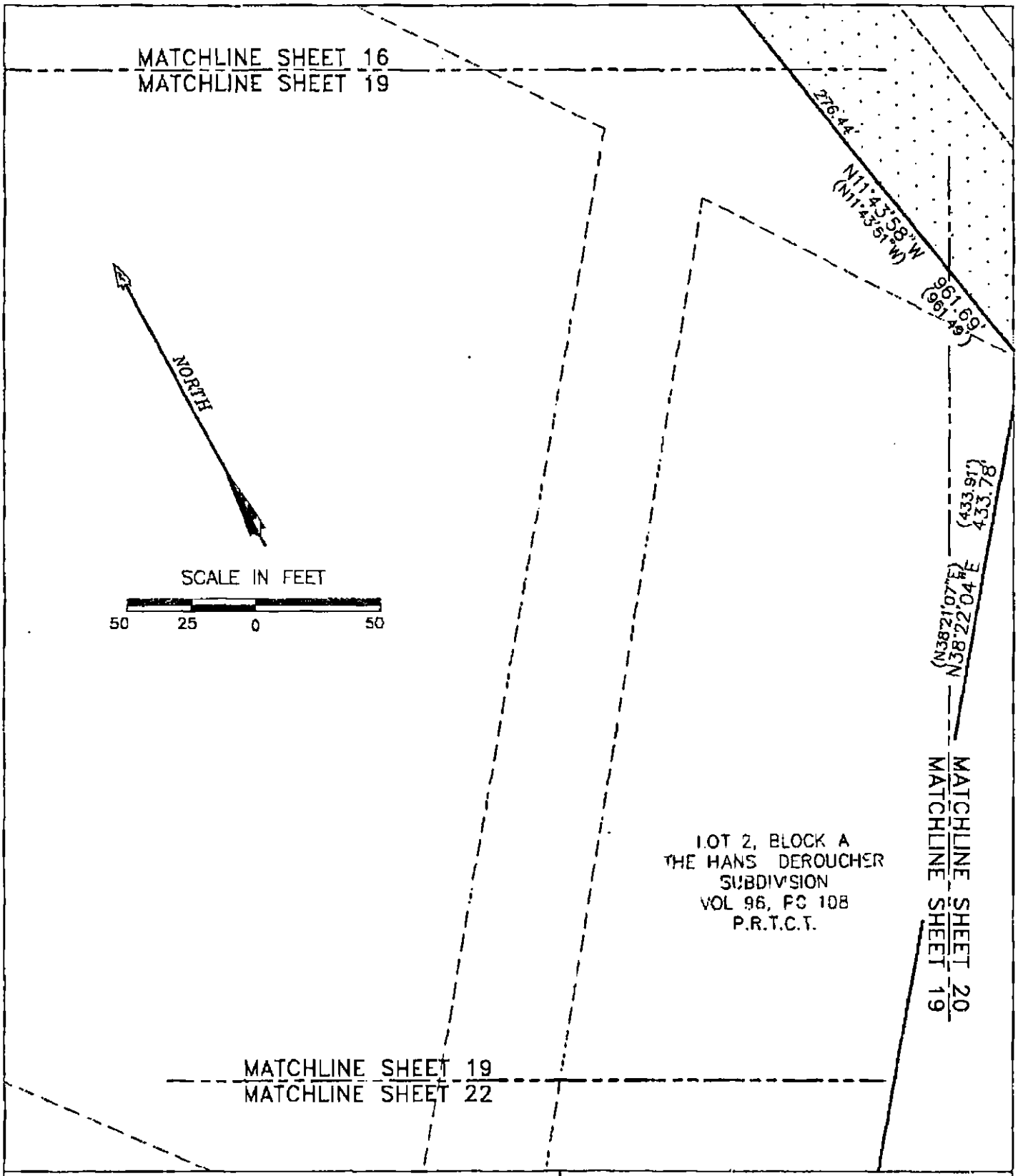
Date: 07/23/10	Checked By: JSL	Drawn By: HPE\RLW



AVIARA CONDOMINIUMS

EXHIBIT

OF 32.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 536; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 8.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.309 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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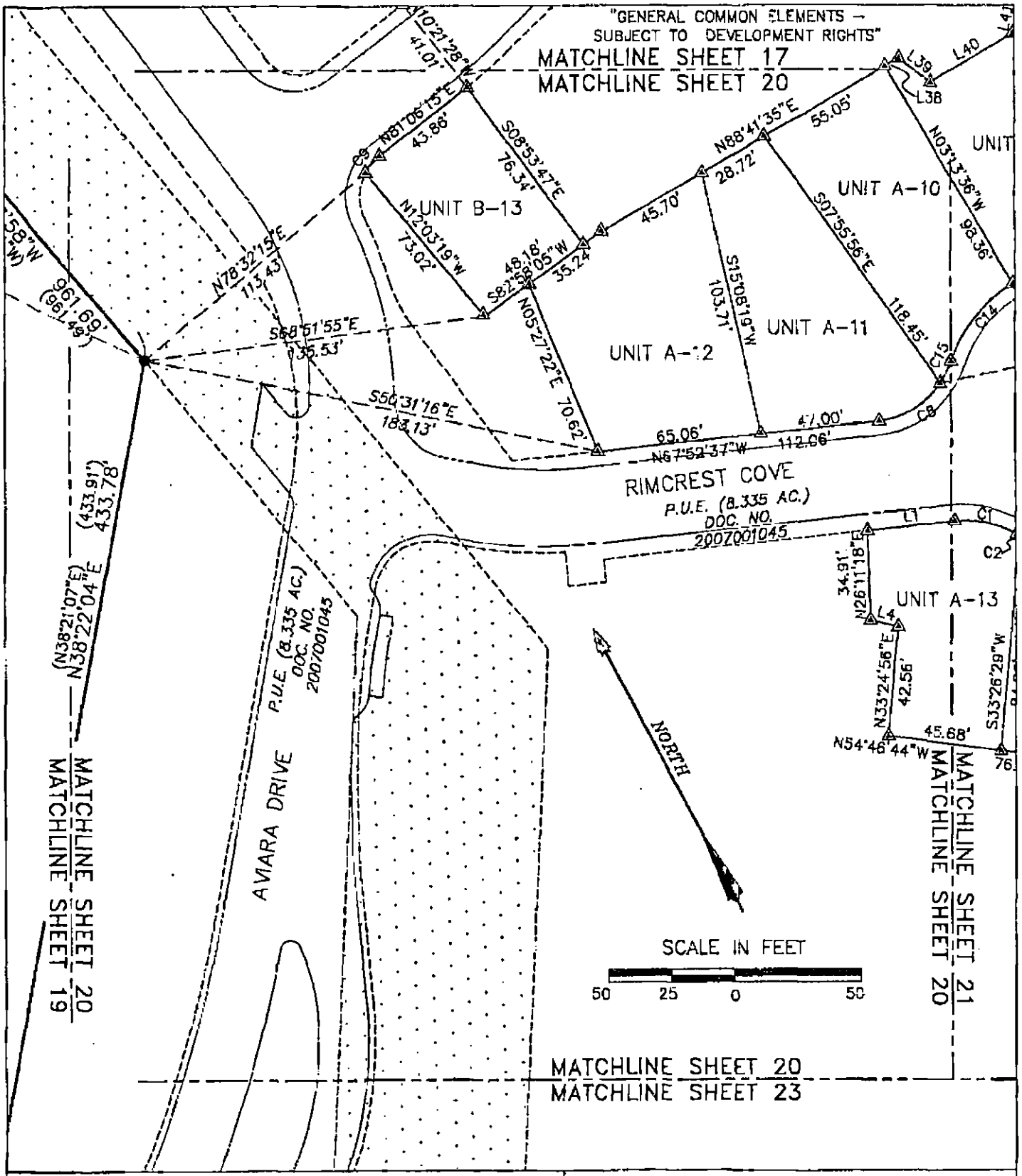
File: S:\Pro\Aviara\Dwg\AVIARA CONDO BASE.dwg		SHEET
Job No.	Snapshot:	19 of 26
Scale (Hor.): 1"=50'	Scale (Vert.):	
Date: 07/23/10	Checked By: JSL / Drawn By: HFE\RLW	



AVIARA CONDOMINIUMS

EXHIBIT
OF 39.401 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG–AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG–AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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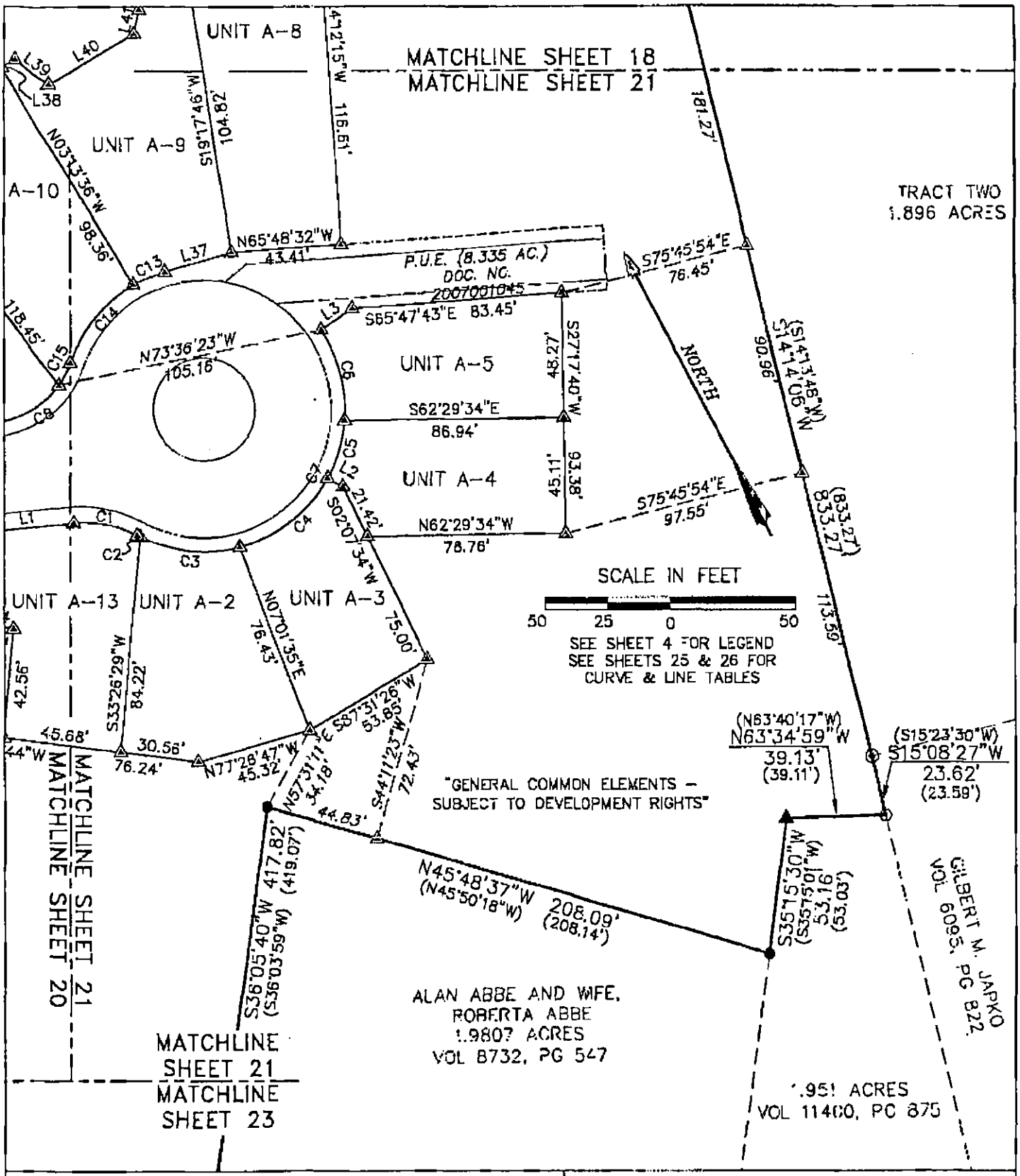
File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg		
Job No.	Snapshot:	
Scale (Hor.): 1"=50'	Scale (Vert.):	
Date: 07/23/10	Checked By: JSL	Drawn By: HPE\RLW



AVIARA CONDOMINIUMS

EXHIBIT

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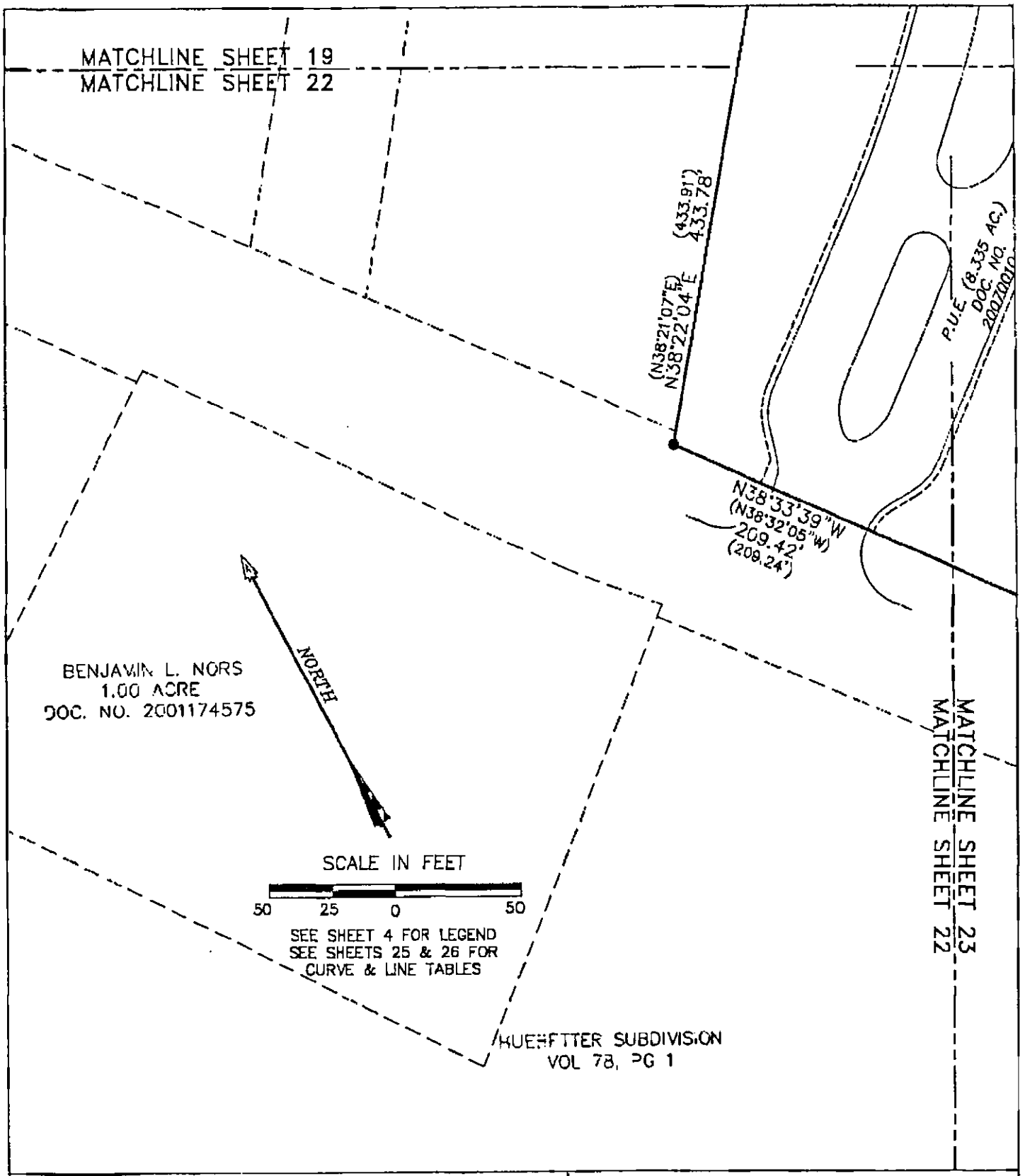
File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET
Job No.	Snapshot:		21 of 26
Scale (Hor.): 1"=50'	Scale (Vert.):		
Date: 07/23/10	Checked By: JSL	Drawn By: HPE\RLW	



AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 6.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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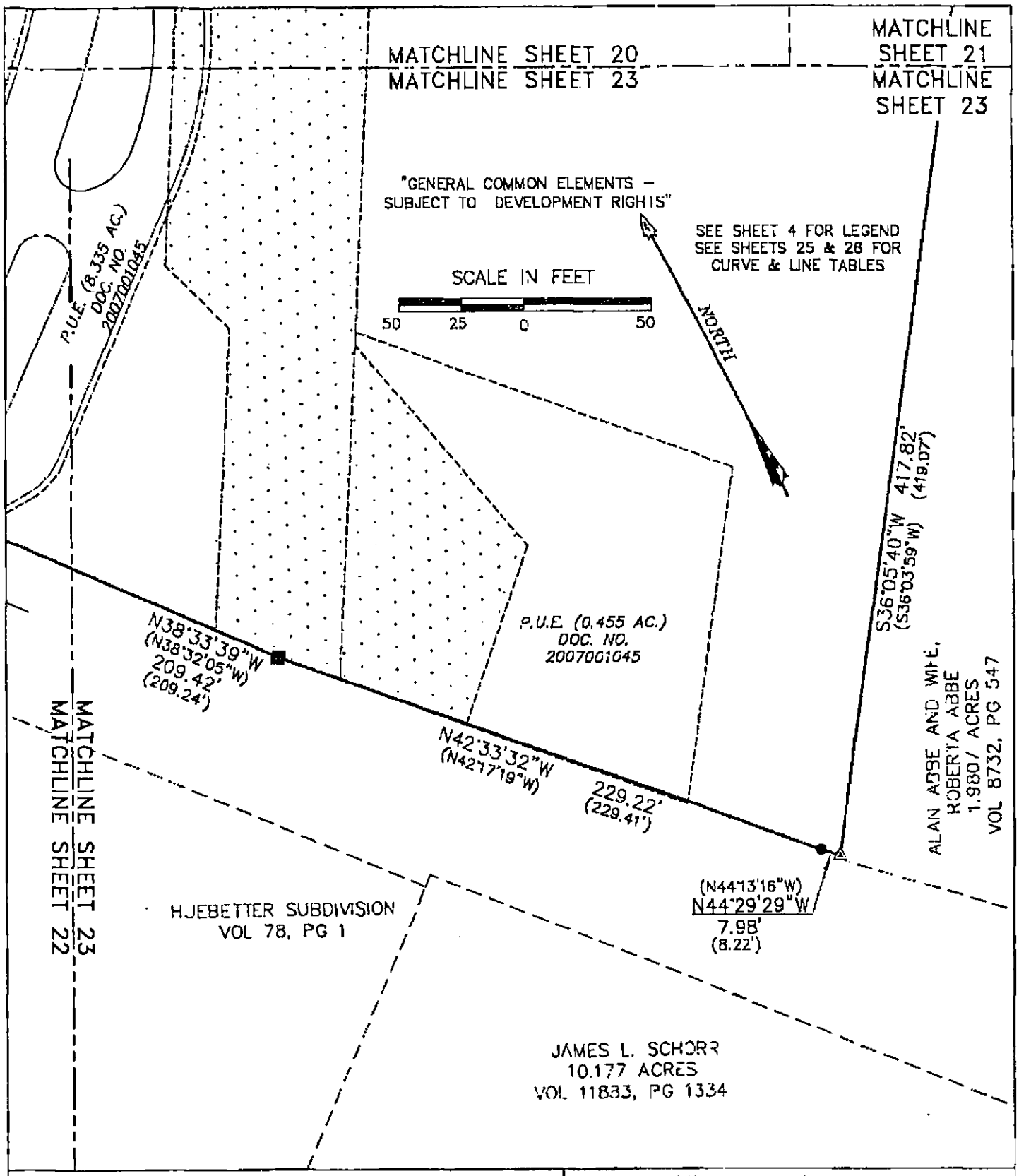
File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET
Job No.	Snapshot:		22 of 26
Scale (Hor.): 1"=50'	Scale (Vert.):		
Date: 07/23/10	Checked By: JSL	Drawn By: HPE\RLW	



AVIARA CONDOMINIUMS

EXHIBIT

OF 99.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 6.064 ACRE TRACT OF LAND CONVEYED TO PCG–AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 93.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG–AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENTY OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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File: S:\Pro\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET 23 of 26
Job No.	Snapshot:		
Scale (Hor.): 1"=50'	Scale (Vert.):		
Date: 07/23/10	Checked By: JSL	Drawn By: HPE\RLW	

EXHIBIT

AVIARA CONDOMINIUMS

[PLAT]

§ Certification of Surveyor §

The attached plat, attached hereto as Exhibit contain the information required by Section 82.052 and Section 82.059 of the Texas Uniform Condominium Act, as applicable.

Ron L. Wallace

Ronnie Wallace
R.P.L.S. No. 5222

Date: 23 July 2010

STATE OF TEXAS
REGISTERED
RONNIE WALLACE
5222
PROFESSIONAL
LAND SURVEYOR

AVIARA CONDOMINIUMS	BASELINE LAND SURVEYORS, INC.	
EXHIBIT OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE F.W. MOORE SURVEY NO. 528; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.064 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS	PROFESSIONAL LAND SURVEYING SERVICES 8333 CROSS PARK DRIVE AUSTIN, TEXAS 78754 OFFICE: 512.374.9722 FAX: 512.873.9743 ron-baseline@austin.rr.com	
	File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg	SHEET 24 of 26
	Job No. / Snapshot:	
	Scale (Hor.): 1"=50' / Scale (Vert.):	
	Date: 07/23/10 / Checked By: JSL / Drawn By: HPE\RLW	

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C1	43.50'	25.85'	34°03'14"	N50°51'00"W	25.48'
C2	55.50'	1.36'	1°24'13"	S34°31'30"E	1.36'
C3	55.50'	39.74'	41°01'24"	S55°44'18"E	38.89'
C4	55.50'	45.25'	46°42'38"	N80°23'41"E	44.00'
C5	55.50'	23.52'	24°16'50"	N44°53'57"E	23.34'
C6	55.50'	37.22'	38°25'09"	N13°32'57"E	36.52'
C7	55.50'	147.08'	151°50'14"	N70°15'30"E	107.66'
C8	34.50	29.54'	49°03'46"	N87°35'30"E	28.65'
C9	19.50'	8.60'	25°15'47"	S68°28'21"W	8.53'
C10	19.50	32.05'	94°10'13"	S55°58'52"E	28.56'
C11	128.50'	15.59'	6°55'58"	N77°37'46"E	15.58'
C12	55.50'	54.03'	55°46'56"	N78°25'05"W	51.92'
C13	55.50'	13.29'	13°43'20"	N84°39'53"W	13.25'
C14	55.50'	40.10'	41°23'40"	S67°46'37"W	39.23'
C15	34.50'	9.87'	16°03'39"	N55°06'36"E	9.64'
C16	194.50'	16.61'	4°53'34"	N71°36'45"E	16.60'
C17	160.00'	33.10'	11°51'14"	S85°23'29"W	33.04'
C18	281.00'	61.89'	12°37'13"	N88°22'50"W	61.77'
C19	55.50'	23.40'	24°09'12"	S71°04'10"W	23.22'
C20	44.50'	27.40'	35°16'52"	N76°38'00"E	26.97'
C21	44.50'	21.40'	27°32'51"	S71°57'09"E	21.19'
C22	320.50'	36.55'	6°32'02"	N61°26'44"W	36.53'
C23	320.50'	56.16'	10°02'22"	N69°43'56"W	56.09'

AVIARA CONDOMINIUMS

EXHIBIT

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg		SHEET
Job No.	Snapshot:	25 of 26
Scale (Hor.): 1"=50'	Scale (Vert.):	
Date: 07/23/10	Checked By: JSL Drawn By: HPE\RLW	

LINE TABLE		
LINE	BEARING	LENGTH
L1	S67°52'37"E	35.37'
L2	N32°57'38"W	7.06'
L3	N84°20'23"E	14.65'
L4	N47°51'55"W	11.34'
L5	N31°01'52"E	4.45'
L6	N63°54'09"E	38.04'
L7	S86°57'47"E	3.29'
L8	N78°01'20"E	10.29'
L9	S10°13'03"E	29.53'
L10	S74°09'17"W	32.66'
L11	S81°06'15"W	1.64'
L12	S18°00'07"E	6.87'
L13	S30°23'57"E	19.47'
L14	S17°47'50"E	29.77'
L15	S15°29'37"E	9.67'
L16	S23°37'34"E	39.17'
L17	S39°28'12"W	6.91'
L18	S30°23'57"E	11.73'
L19	S74°19'32"W	284.75'
L20	N15°40'28"W	11.34'
L21	N74°19'32"E	281.77'
L22	S85°45'47"W	13.66'
L23	N04°14'13"W	103.33'
L24	N70°42'51"W	78.43'
L25	N19°29'12"W	79.32'
L26	N63°34'35"E	13.76'
L27	S19°29'12"E	74.44'
L28	S70°42'51"E	80.83'
L29	S04°14'13"E	112.29'
L30	S70°42'26"E	264.71'
L31	N23°29'14"E	142.40'
L32	S66°30'46"E	6.83'
L33	S23°29'14"W	142.40'
L34	N66°30'46"W	6.83'
L35	S76°00'36"E	39.58'
L36	S76°00'36"E	16.09'
L37	N77°49'15"W	27.15'
L38	N88°41'35"E	6.13'
L39	S25°44'32"E	15.92'
L40	N88°11'04"E	38.53'
L41	N40°42'32"E	9.55'
L42	N67°35'04"E	13.92'
L43	S57°59'22"E	10.92'
L44	S76°25'51"E	16.48'
L45	S70°54'33"E	39.17'
L46	N86°12'33"E	12.02'
L47	S84°49'29"E	4.40'

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

BASELINE LAND SURVEYORS, INC.

PROFESSIONAL LAND SURVEYING SERVICES

8333 CROSS PARK DRIVE

AUSTIN, TEXAS 78754

OFFICE: 512.374.9722 FAX: 512.873.9743

ron-baseline@austin.rr.com

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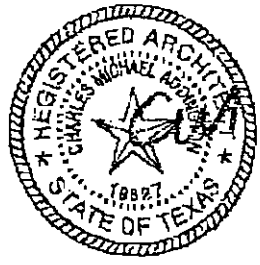
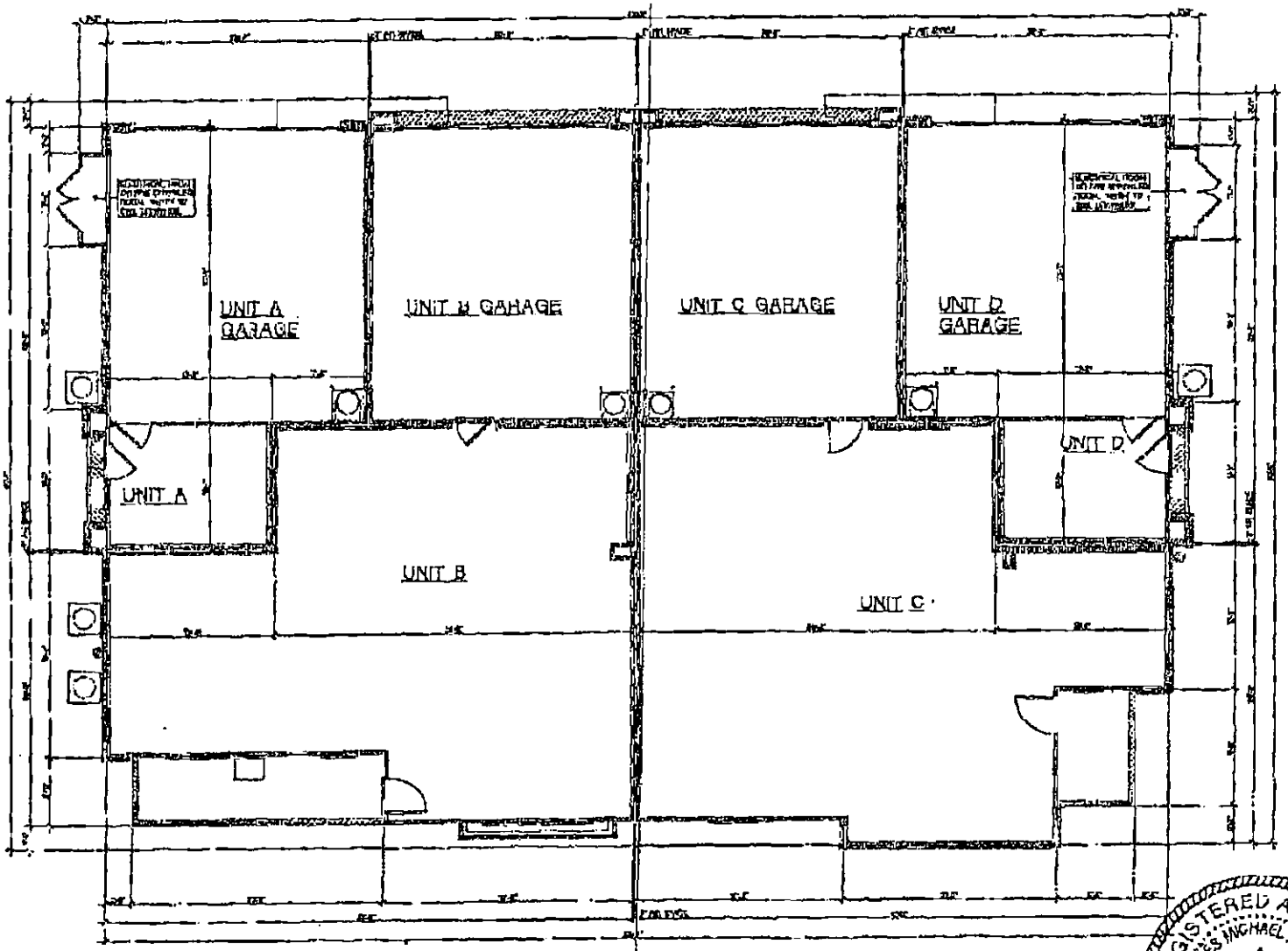
Job No.	Snapshot:	26 of 26
Scale (Hor.): 1"=50'	Scale (Vert.):	
Date: 07/23/10	Checked By: JSL / Drawn By: HPE\RLW	

CERTIFICATION OF CONDOMINIUM PLANS

The condominium plans attached hereto contain the information required by Sections 82.052 and 82.059 of the Texas Uniform Condominium Act, as applicable.

Printed Name: Charles M. Addington
License No. 19,827

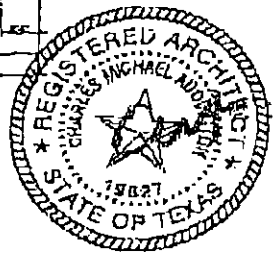


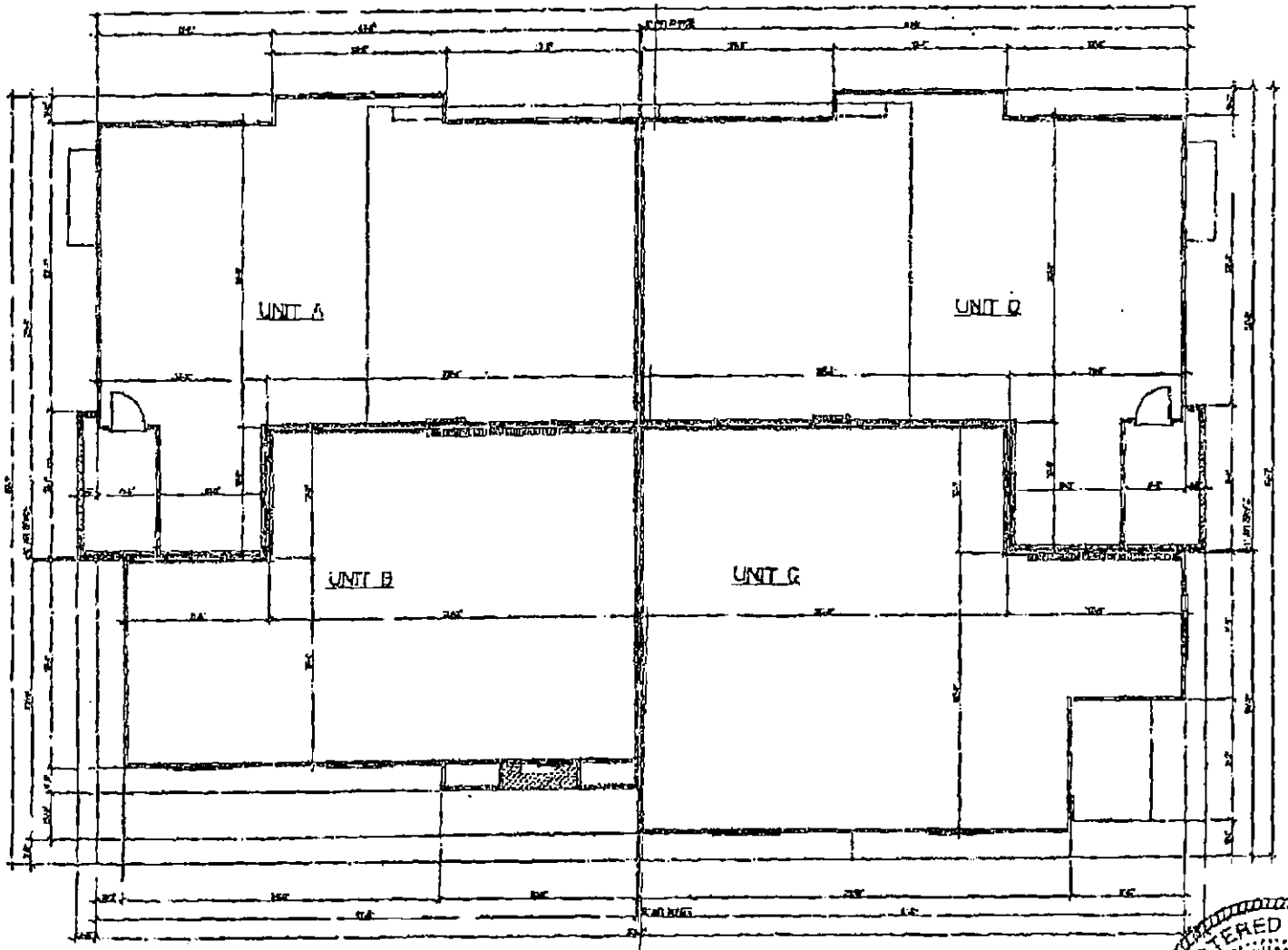


THE HEIGHTS AT AVIARA 2005-1258

COMPOSITE PLAN
FIRST FLOOR
SCALE 3/16" = 1'-0"
07/25/07

KTGY GROUP, INC.
ARCHITECTURE PLANNING
17190 BUNTING DRIVE, SUITE
IRVINE, CALIFORNIA 92612
(949) 851-9100
FAX (949) 851-9429
E-MAIL: KTGY@KTGY.COM





THE HEIGHTS AT AVIARA 2005-1258

COMPOSITE PLAN
SECOND FLOOR
SCALE 3/64" = 1'-0"

KTGY GROUP, INC.
ARCHITECTURE PLANNING
IRVINE, CALIFORNIA 92614

REGISTERED ARCHITECT
CHARLES MICHAEL HOOPER
78827
STATE OF TEXAS

UNIT PLAN TYPES – ATTACHED UNITS

Unit No.	Plan Type*
A-1	A
B-1	B
C-1	C
D-1	D

* SEE CONDOMINIUM PLANS FOR PLAN TYPE.

ALL UNITS SHOWN ON THE PLAT AND PLANS OTHER AN A-1, B-1, C-1, D-1 ARE STAND-ALONE UNITS

ATTACHMENT 2

EXHIBIT "C" TO THE DECLARATION OF CONDOMINIUM REGIME

COMMON INTEREST ALLOCATION & BUILDING LCE ALLOCATION

COMMON INTEREST ALLOCATION

The Common Interest Allocation and percentage of liability for common expenses for each Unit is 1/26.

THE COMMON INTEREST ALLOCATION ASSIGNED TO A PARTICULAR UNIT WILL DECREASE IF ADDITIONAL UNITS ARE CREATED AND ADDED TO THE REGIME BY THE DECLARANT.

BUILDING LCE ALLOCATION

The Building LCE Allocation for each Attached Unit is 1/4.

THE BUILDING LCE ALLOCATION ASSIGNED TO A PARTICULAR UNIT WILL DECREASE IF ADDITIONAL UNITS ARE CREATED AND ADDED TO THE REGIME BY THE DECLARANT.

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

Jul 26, 2010 04:32 PM 2010106978
BARTHOLOMEWD: $156.00
Dana DeBeauvoir, County Clerk
Travis County TEXAS

AFTER RECORDING RETURN TO:
Robert D. Burton, Esq.
Armbrust & Brown, PLLC
100 Congress Ave., Suite 1300
Austin, Texas 78701

ORIGINAL FILED FOR RECORD

AVIARA

SIXTH AMENDMENT TO RESTATED AND AMENDED DECLARATION OF CONDOMINIUM REGIME FOR AVIARA CONDOMINIUMS

(A Residential Condominium in Travis County, Texas)

Cross Reference to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2009071585, Official Public Records of Travis County, Texas as amended by that certain First Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2009142835, Official Public Records of Travis County, Texas, as amended by that certain Second Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2010051936, Official Public Records of Travis County, Texas, as amended by that certain Third Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2010073309, Official Public Records of Travis County, Texas, as amended by that certain Fourth Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2010087345, Official Public Records of Travis County, Texas and as further amended by that certain Fifth Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2010106978, Official Public Records of Travis County, Texas.

SIXTH AMENDMENT TO
RESTATED AND AMENDED DECLARATION OF CONDOMINIUM REGIME
FOR AVIARA CONDOMINIUMS

This Sixth Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums (the "**Amendment**") is made **CR-B AVIARA, L.P.**, a Texas limited partnership ("**Declarant**"), and is as follows:

RECITALS:

A. Aviara Condominiums, a condominium regime (the "**Regime**"), located in Travis County, Texas, was established pursuant to that certain Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2009071585, Official Public Records of Travis County, Texas as amended by that certain First Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2009142835, Official Public Records of Travis County, Texas, as amended by that certain Second Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2010051936, Official Public Records of Travis County, Texas, as amended by that certain Third Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2010073309, Official Public Records of Travis County, Texas, as amended by that certain Fourth Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2010087345, Official Public Records of Travis County, Texas and as further amended by that certain Fifth Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2010106978, Official Public Records of Travis County, Texas (collectively, the "**Declaration**").

B. Pursuant to *Provision A.3.10* of Appendix "A" to the Declaration, Declarant may amend the Declaration unilaterally and without the consent of other Owners or any mortgagee to add real property to the Property and create Units, General Common Elements and Limited Common Elements within the Property.

C. In accordance with *Provision A.3.8* of Appendix "A" to the Declaration, Declarant has reserved the right, during the Development Period, to create Units, General Common Elements, and Limited Common Elements within the Property. The "Development Period" as such term is defined in the Declaration, is a fifteen (15) year period commencing on the date the Declaration was recorded in the Official Public Records of Travis County, Texas. The Declaration was recorded in the Official Public Records of Travis County, Texas, on May 4, 2009.

D. This amendment is promulgated for the purpose of creating five (5) additional Units within the Regime. The total number of Units within the Regime after giving effect to this Amendment is equal to thirty-one (31), and the total number of Units which Declarant has reserved the right to create by amendment is equal to one hundred nineteen (119).

NOW THEREFORE, the Declaration is hereby amended as follows:

1. Creation of Units. In accordance with the rights reserved by the Declarant pursuant to *Section 5.1* of the Declaration and *Provisions A.3.8* and *A.3.10* of Appendix "A" to the Declaration, Declarant hereby creates five (5) Units, which are designated as Unit Nos. A-6, A-7, B-10, D-15 and D-27 (collectively, the "**New Units**"). The New Units are hereby classified as Units which MUST BE BUILT.

2. Replacement of Exhibit "B". Exhibit 'B" to the Declaration is hereby deleted in its entirety and the Plats and Plans attached hereto as Attachment 1 (the "**New Plats and Plans**") are substituted in their place. The New Plats and Plans: (i) assign an identifying number to all Units; (ii) describe the portion of the limited common elements created or assigned to all Units; and (iii) include the information required by Section 82.059 of the Texas Uniform Condominium Act.

3. Replacement of Exhibit "C". The Percentage Interests allocated to all Units within the Regime, after the addition of the New Units, is set forth on Attachment 2, attached hereto. Attachment 2, attached hereto, will supersede and replace Exhibit "C" attached to the Declaration.

4. 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.

[SIGNATURE PAGE FOLLOWS]

EXECUTED to be effective as of the 10 day of August, 2010.

DECLARANT:

CR-B AVIARA, L.P., a Texas limited partnership

By: CR-B INVESTORS I GP, L.L.C., a Texas limited liability company, its General Partner

By: _____
Printed Name: John McKinney
Title: Vice President

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this 10 day of August, 2010 by John McKinney, Vice President of CR-B Investors I GP, L.L.C., a Texas limited liability company, General Partner of CR-B Aviara, L.P., a Texas limited partnership, on behalf of said entities.

_____
Notary Public Signature

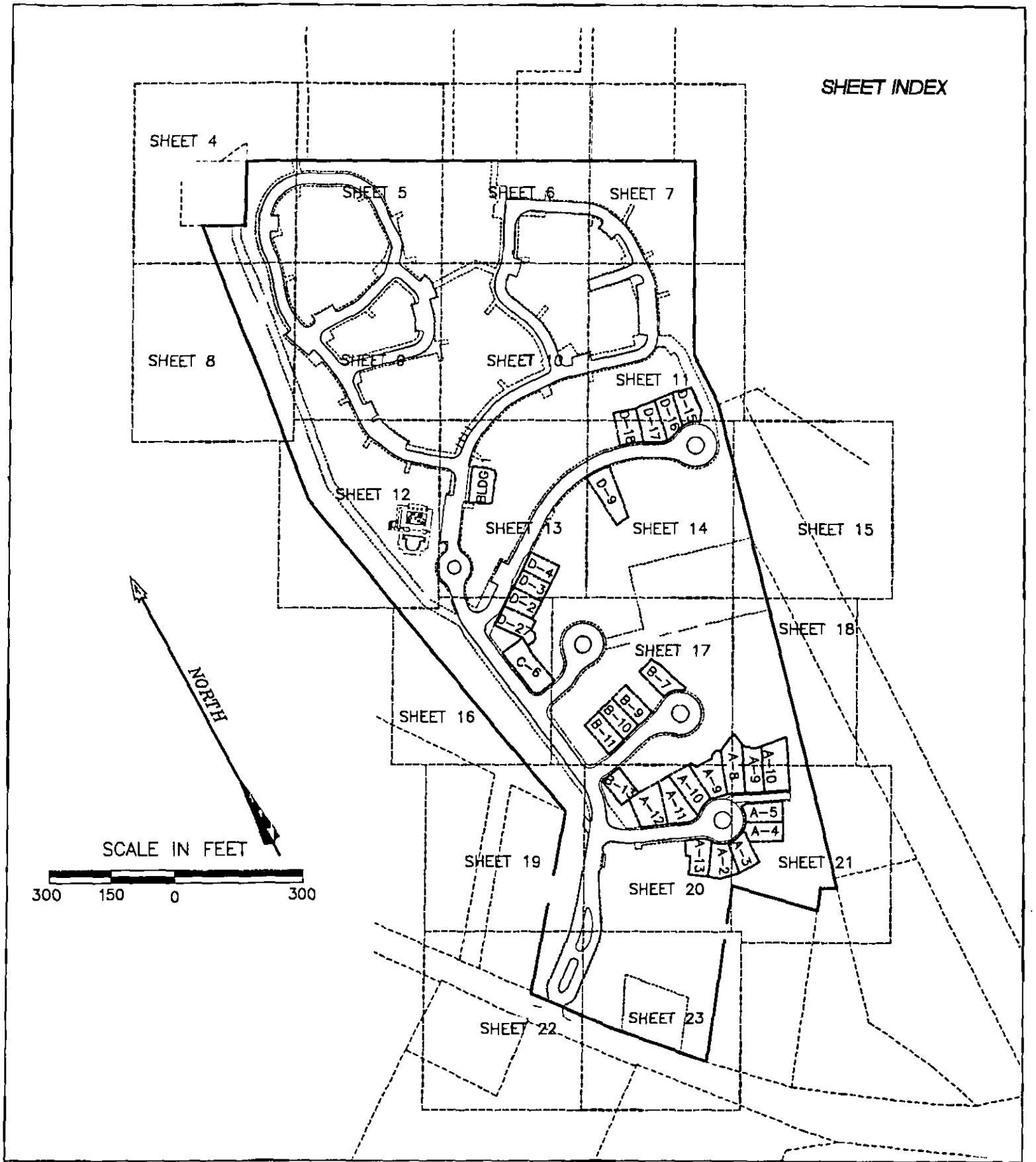
(SEAL)

JAMIE ORR SCHROEDER
MY COMMISSION EXPIRES
June 8, 2011

ATTACHMENT 1

EXHIBIT "B" TO THE DECLARATION OF CONDOMINIUM REGIME

SEE SHEET 24 OF 26 FOR ORIGINAL CERTIFICATION



AVIARA CONDOMINIUMS

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ron-baseline@austin.rr.com

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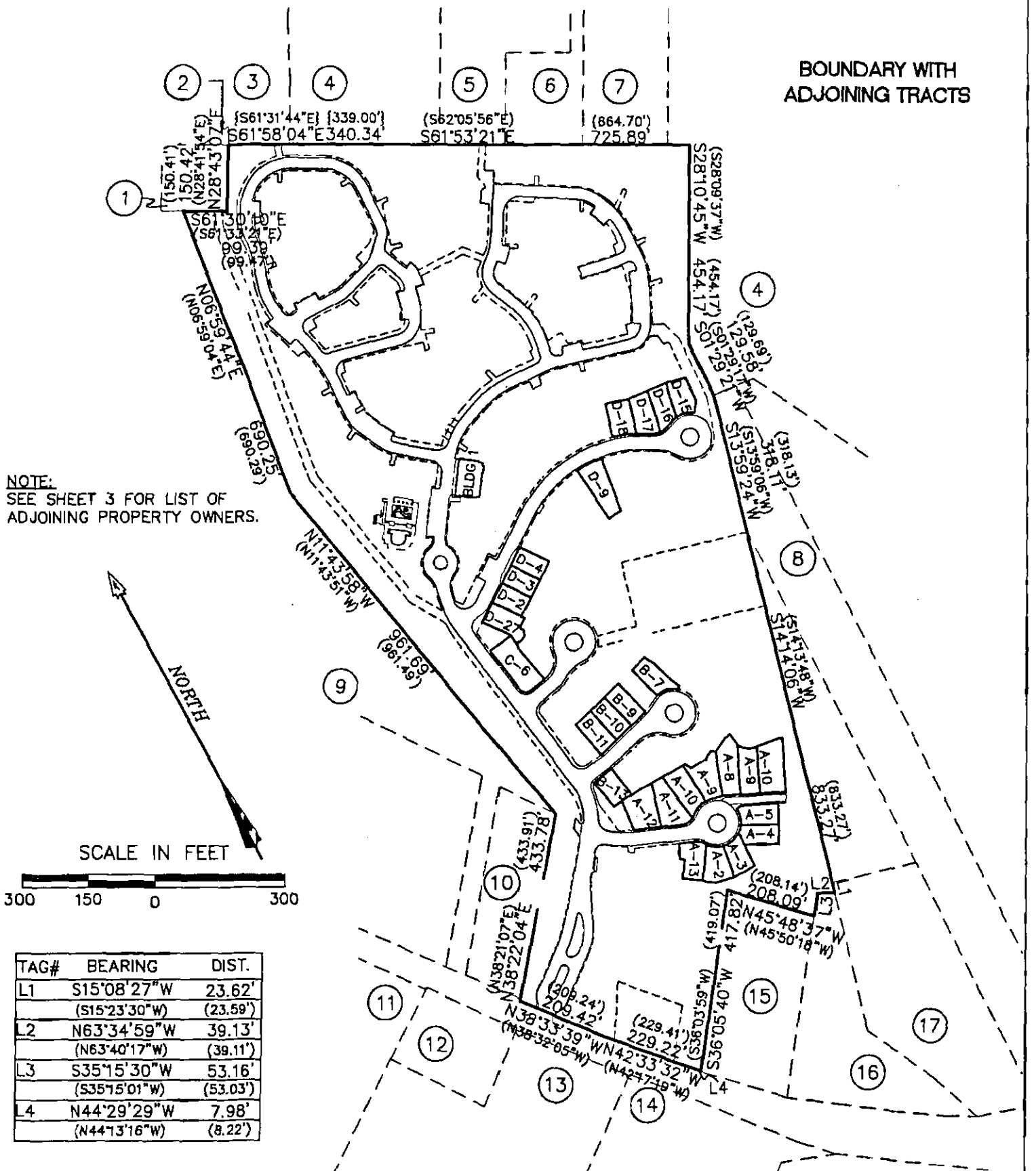

TAG#	BEARING	DIST.
L1	S15°08'27"W	23.62'
	(S15°23'30"W)	(23.59')
L2	N63°34'59"W	39.13'
	(N63°40'17"W)	(39.11')
L3	S35°15'30"W	53.16'
	(S35°15'01"W)	(53.03')
L4	N44°29'29"W	7.98'
	(N44°13'16"W)	(8.22')

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ADJOINING OWNERS

1. TRAVIS COUNTY W.C.I.D. NO. 9, VOL. 1819, PG. 189 (0.52 ACRES)
2. CITY OF AUSTIN, VOL. 10958, PG. 277 (0.029 ACRES)
3. REMAINDER OF 888.051 ACRES, VOL. 10958, PG. 280
4. LOT 115, BLOCK B, LANTANA SOUTHWEST, PHASE 1, DOC. NO. 200300137
5. CITY OF AUSTIN, TRACT 2, VOL. 12910, PG. 670 (1.757 ACRES)
6. CITY OF AUSTIN, VOL. 10031 PG. 300 (1.0397 ACRES)
7. CITY OF AUSTIN, TRACT 1, VOL. 12910, PG. 670 (1.655 ACRES)
8. KEYSTONE CONSTRUCTION, INC., VOL. 11918, PG. 1755 (4.993 ACRES)
9. LOT 1, BLOCK "A", THE HANS DEROUCHER SUBDIVISION, VOL. 96, PG. 108
10. LOT 2, BLOCK "A", THE HANS DEROUCHER SUBDIVISION, VOL. 96, PG. 108
11. AARON GARDNER SUBDIVISION, VOL. 49, PG. 95
12. BENJAMIN L. NORS, DOC. NO. 2001174575 (1.00 ACRE)
13. HUEBETTER SUBDIVISION, VOL. 78, PG. 1
14. JAMES L. SCHORR, VOL. 11883, PG. 1334 (10.177 ACRES)
15. ALAN ABBE, et ux, VOL. 8732, PG. 5 (1.9807 ACRES)
16. 1.951 ACRES, VOL. 11400, PG. 875
17. GILBERT M. JAPKO, TRACT ONE, VOL. 6095, PG. 82 (3.129 ACRES)

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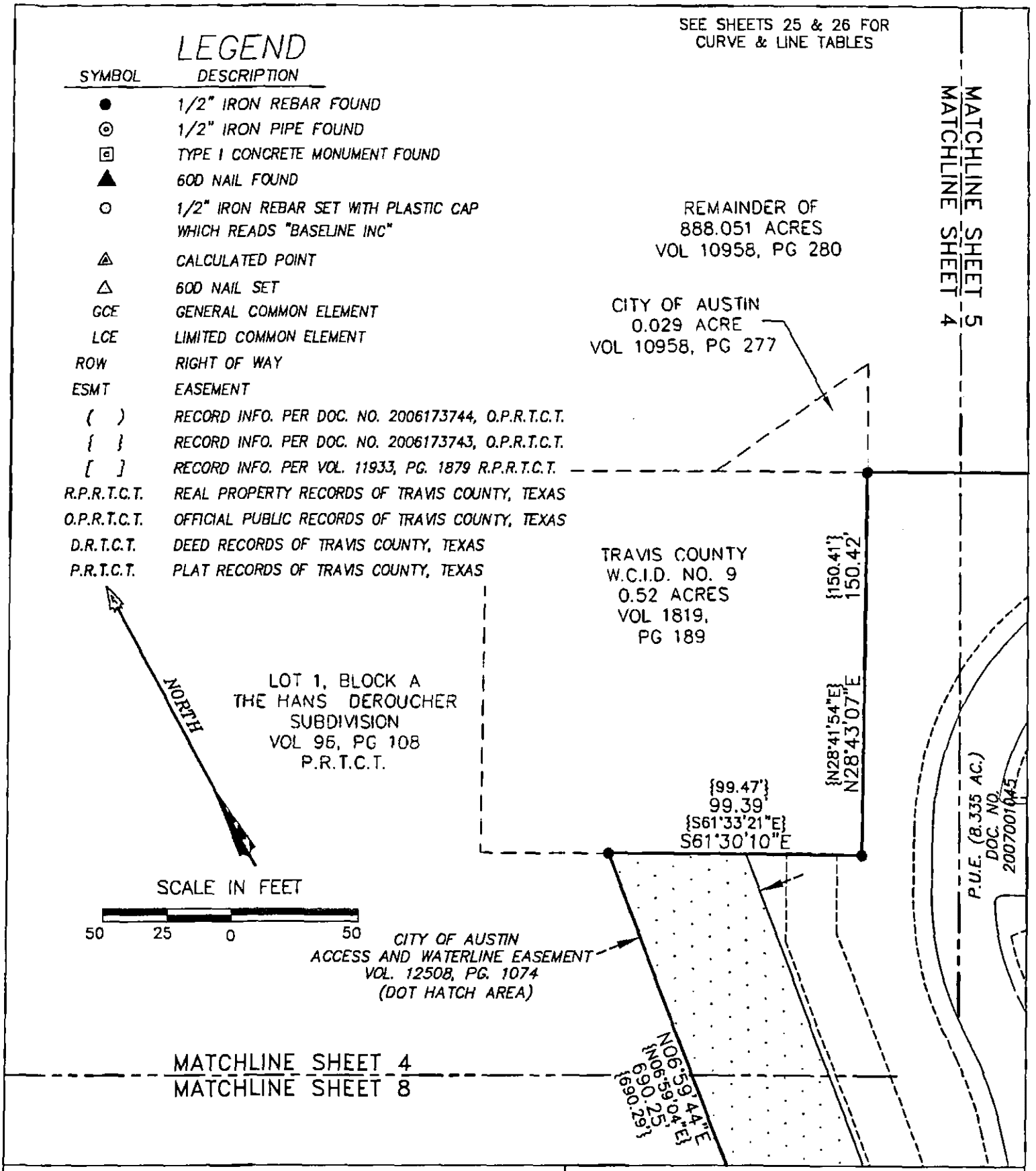
SEE SHEETS 25 & 26 FOR
CURVE & LINE TABLES

LEGEND

SYMBOL	DESCRIPTION
●	1/2" IRON REBAR FOUND
⊙	1/2" IRON PIPE FOUND
⊡	TYPE I CONCRETE MONUMENT FOUND
▲	60D NAIL FOUND
○	1/2" IRON REBAR SET WITH PLASTIC CAP WHICH READS "BASELINE INC"
◬	CALCULATED POINT
△	60D NAIL SET
GCE	GENERAL COMMON ELEMENT
LCE	LIMITED COMMON ELEMENT
ROW	RIGHT OF WAY
ESMT	EASEMENT
( )	RECORD INFO. PER DOC. NO. 2006173744, O.P.R.T.C.T.
{ }	RECORD INFO. PER DOC. NO. 2006173743, O.P.R.T.C.T.
[ ]	RECORD INFO. PER VOL. 11933, PG. 1879 R.P.R.T.C.T.
R.P.R.T.C.T.	REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS
O.P.R.T.C.T.	OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS
D.R.T.C.T.	DEED RECORDS OF TRAVIS COUNTY, TEXAS
P.R.T.C.T.	PLAT RECORDS OF TRAVIS COUNTY, TEXAS



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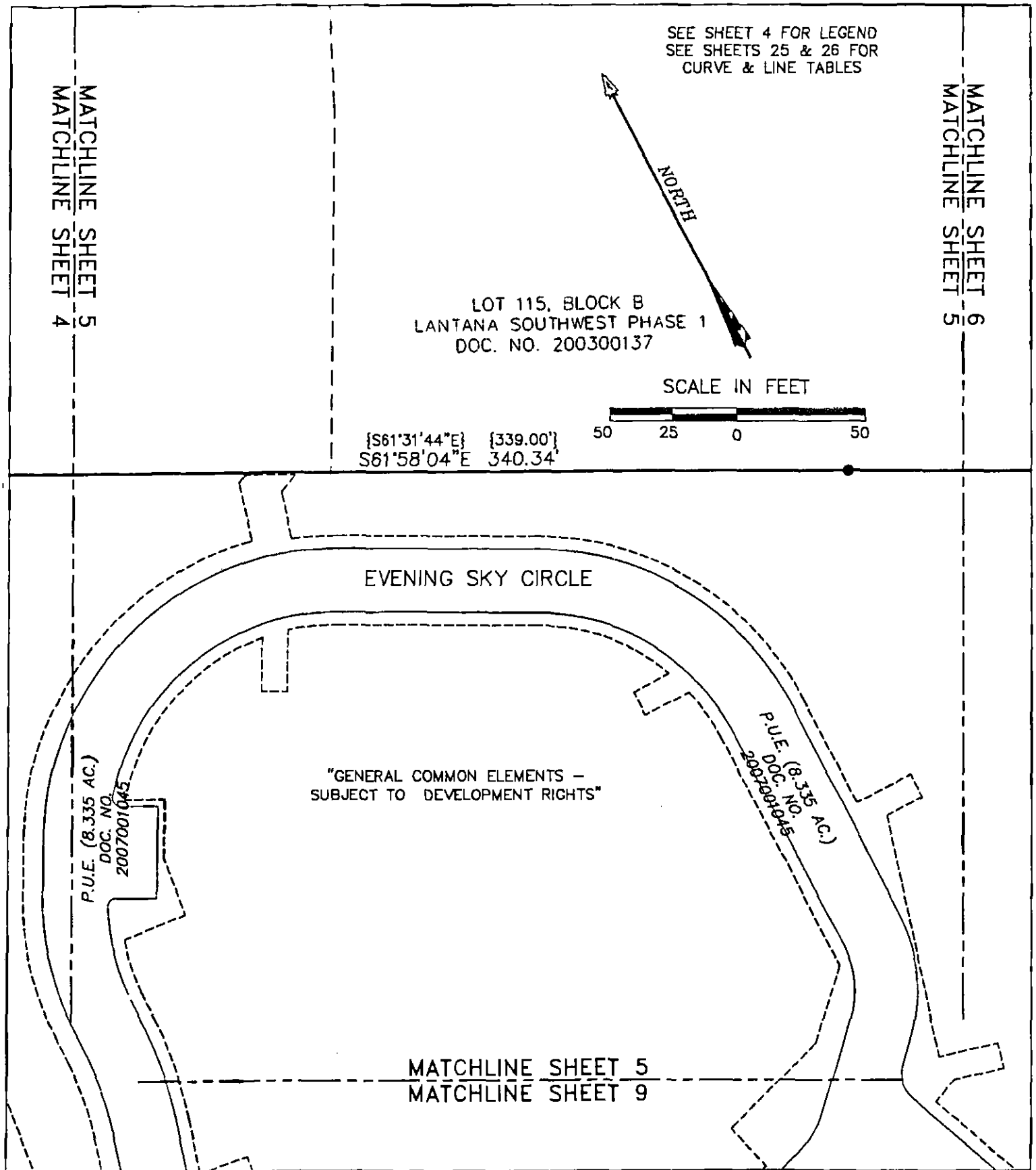

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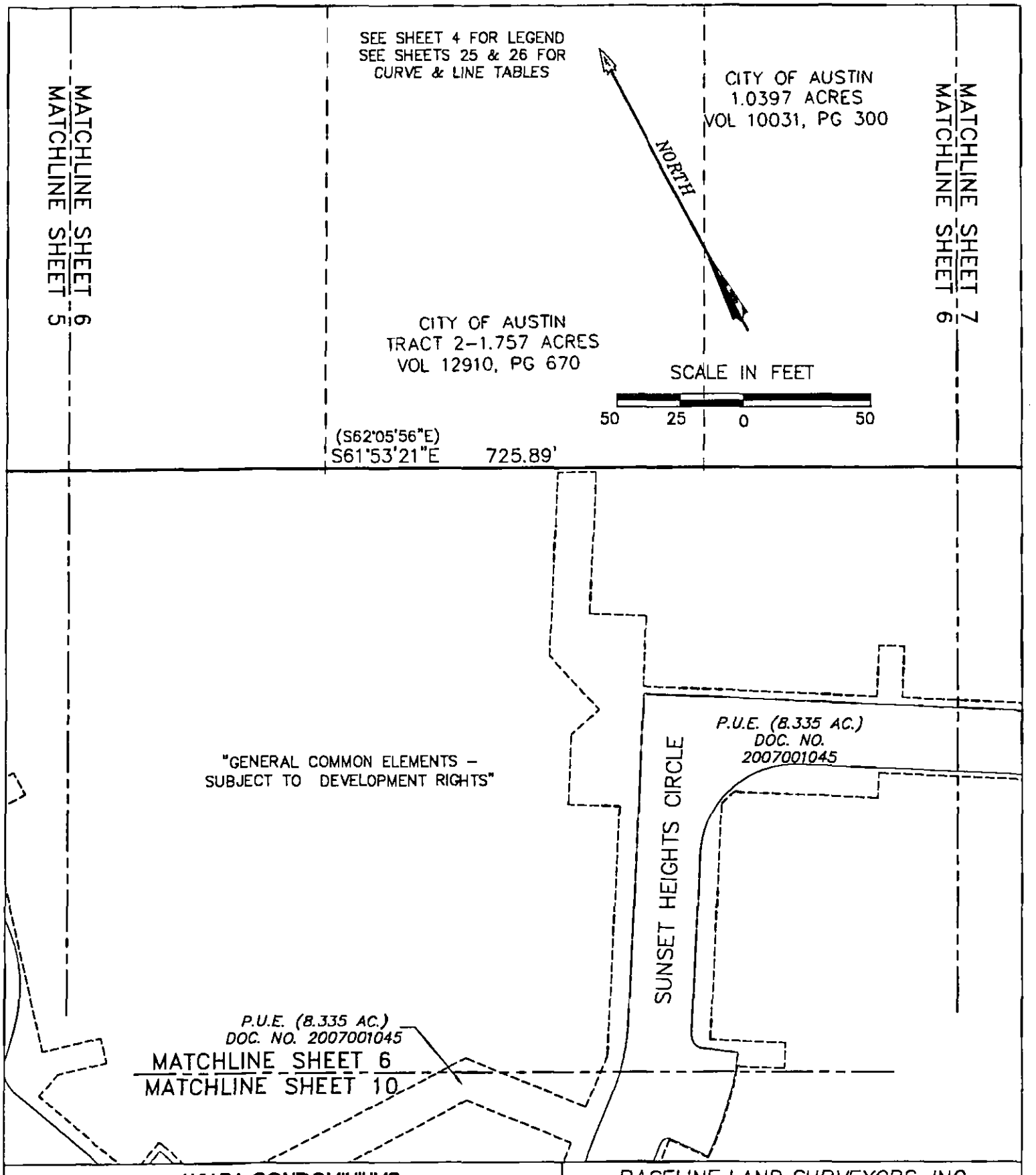

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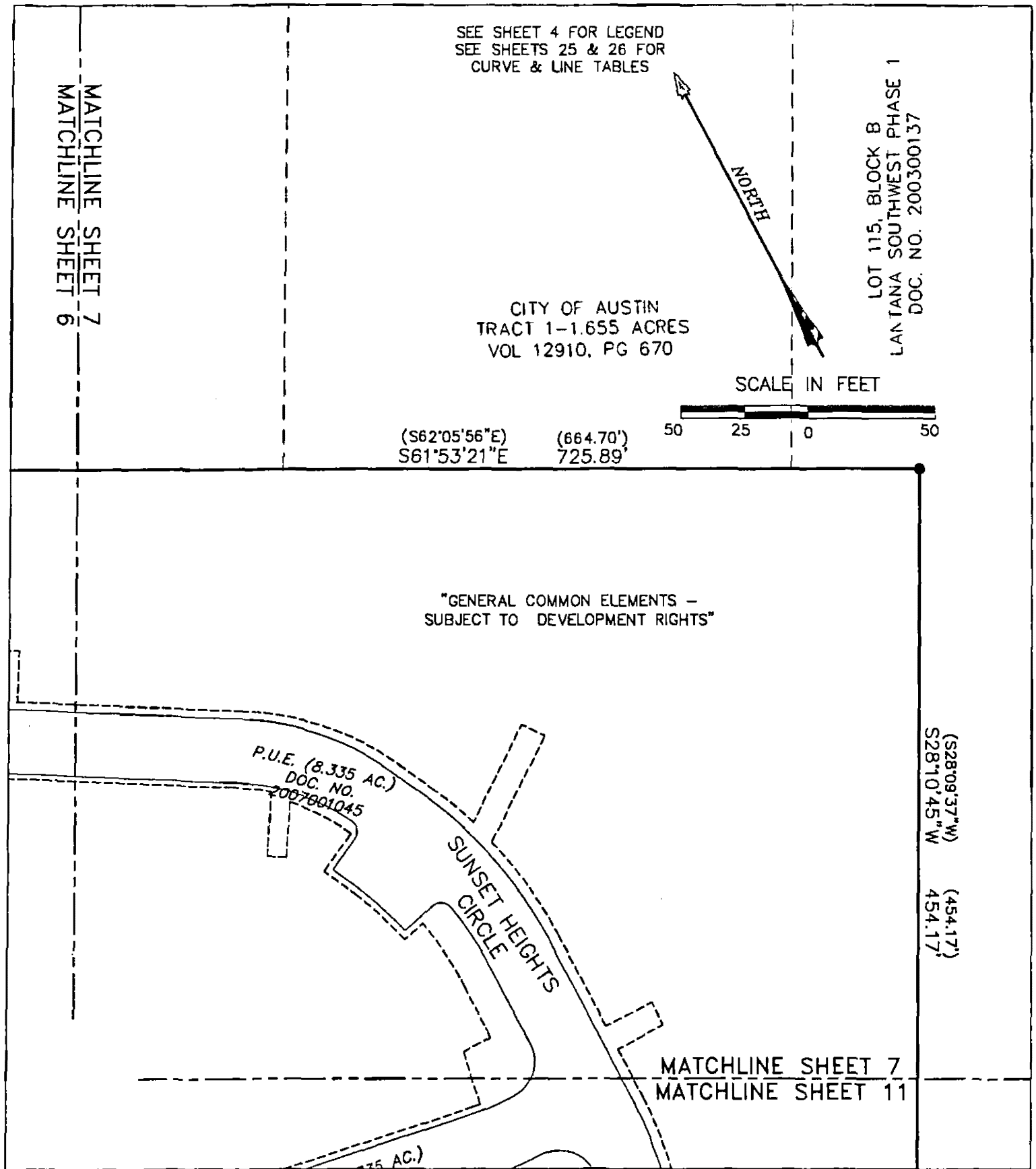

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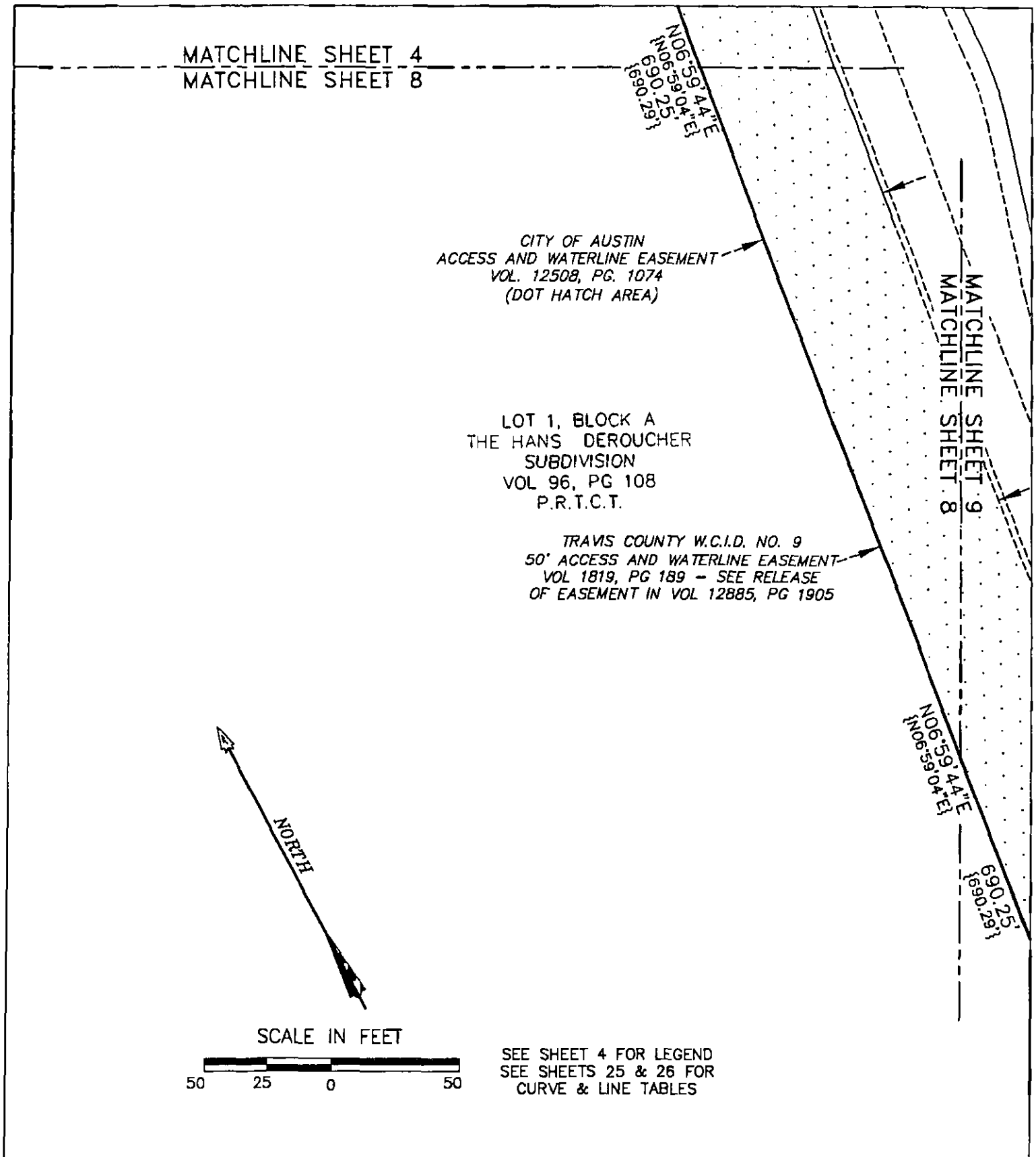

SEE SHEET 4 FOR LEGEND
SEE SHEETS 25 & 26 FOR
CURVE & LINE TABLES

AVIARA CONDOMINIUMS

EXHIBIT
OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 6.064 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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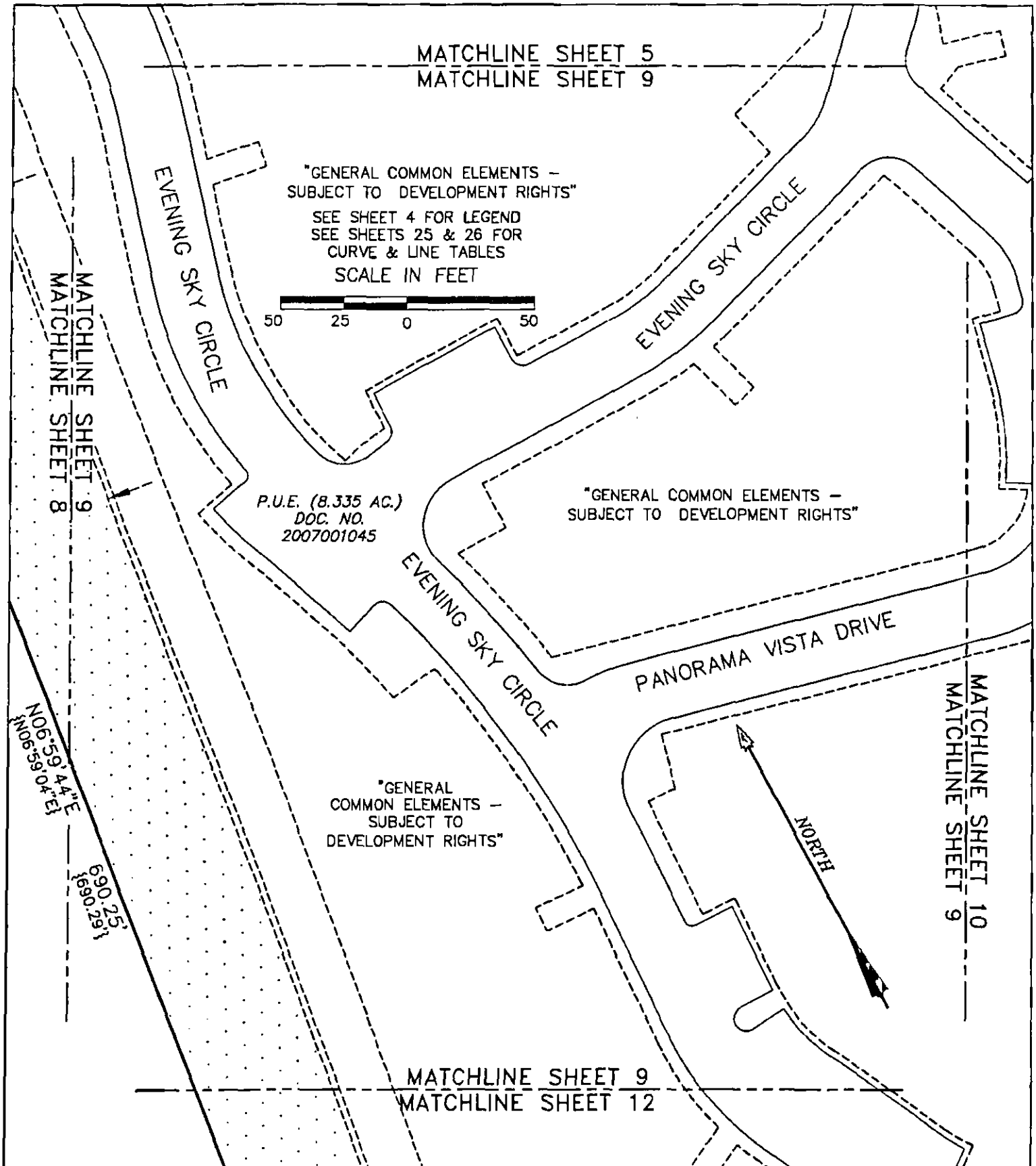

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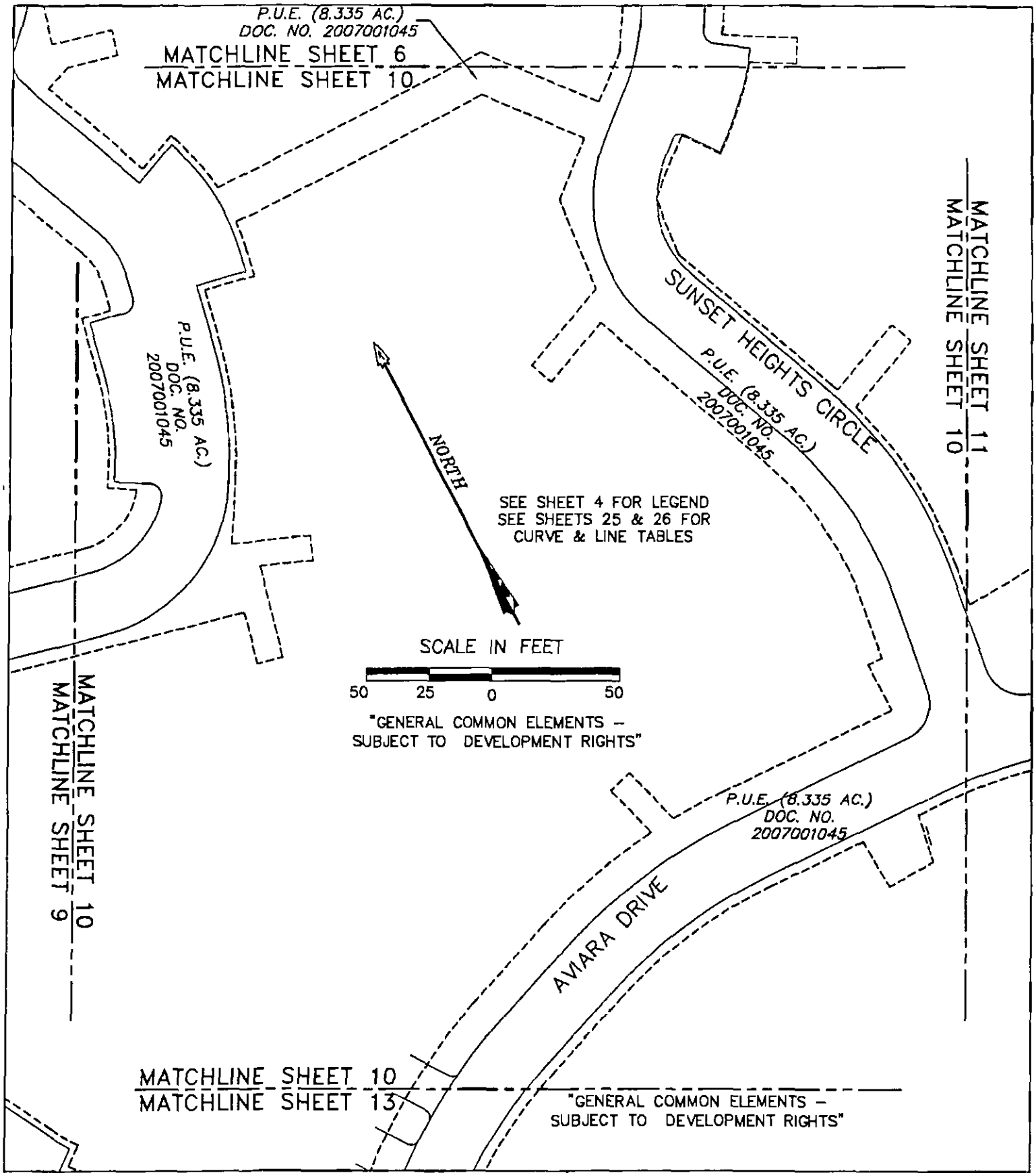

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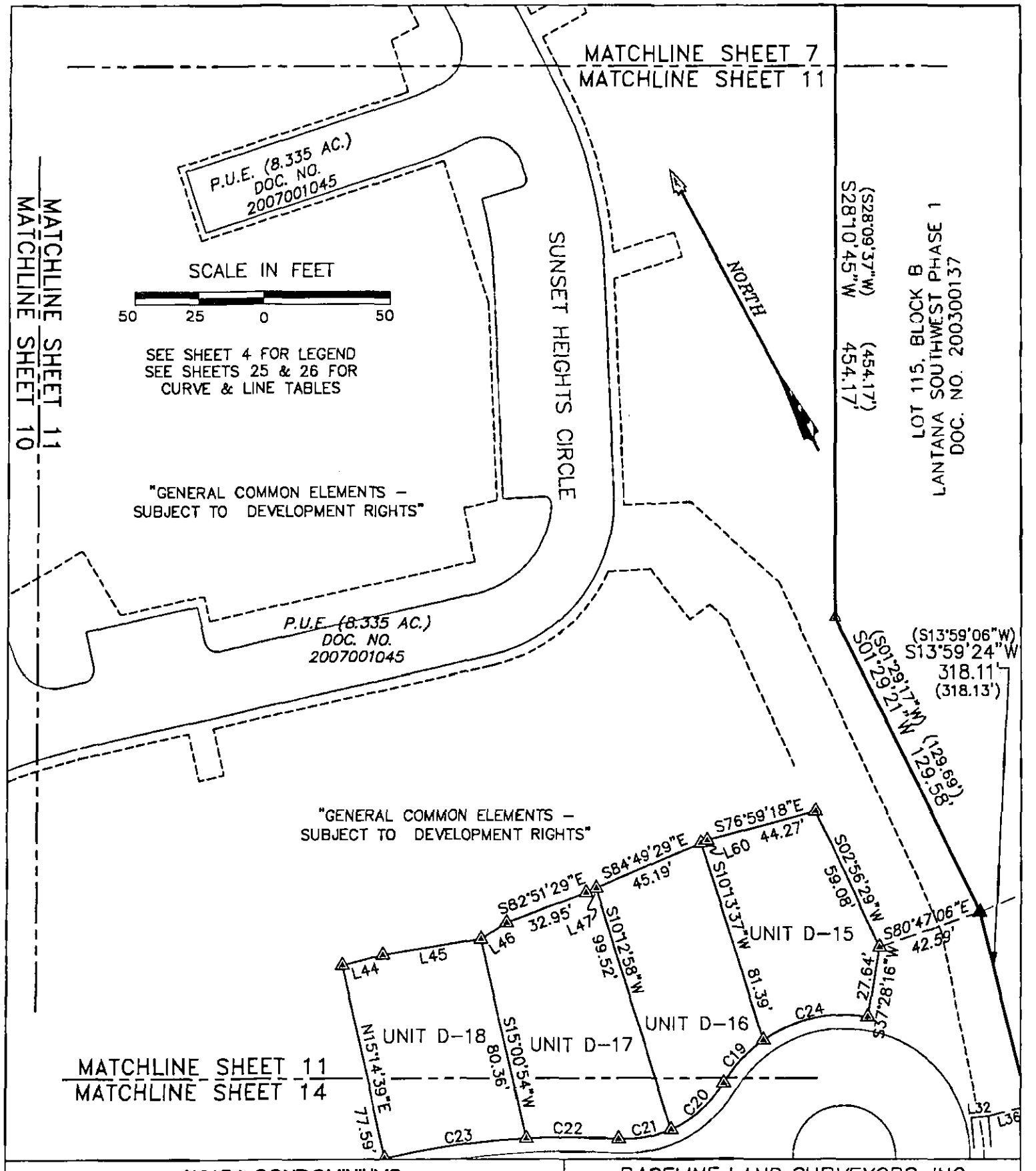

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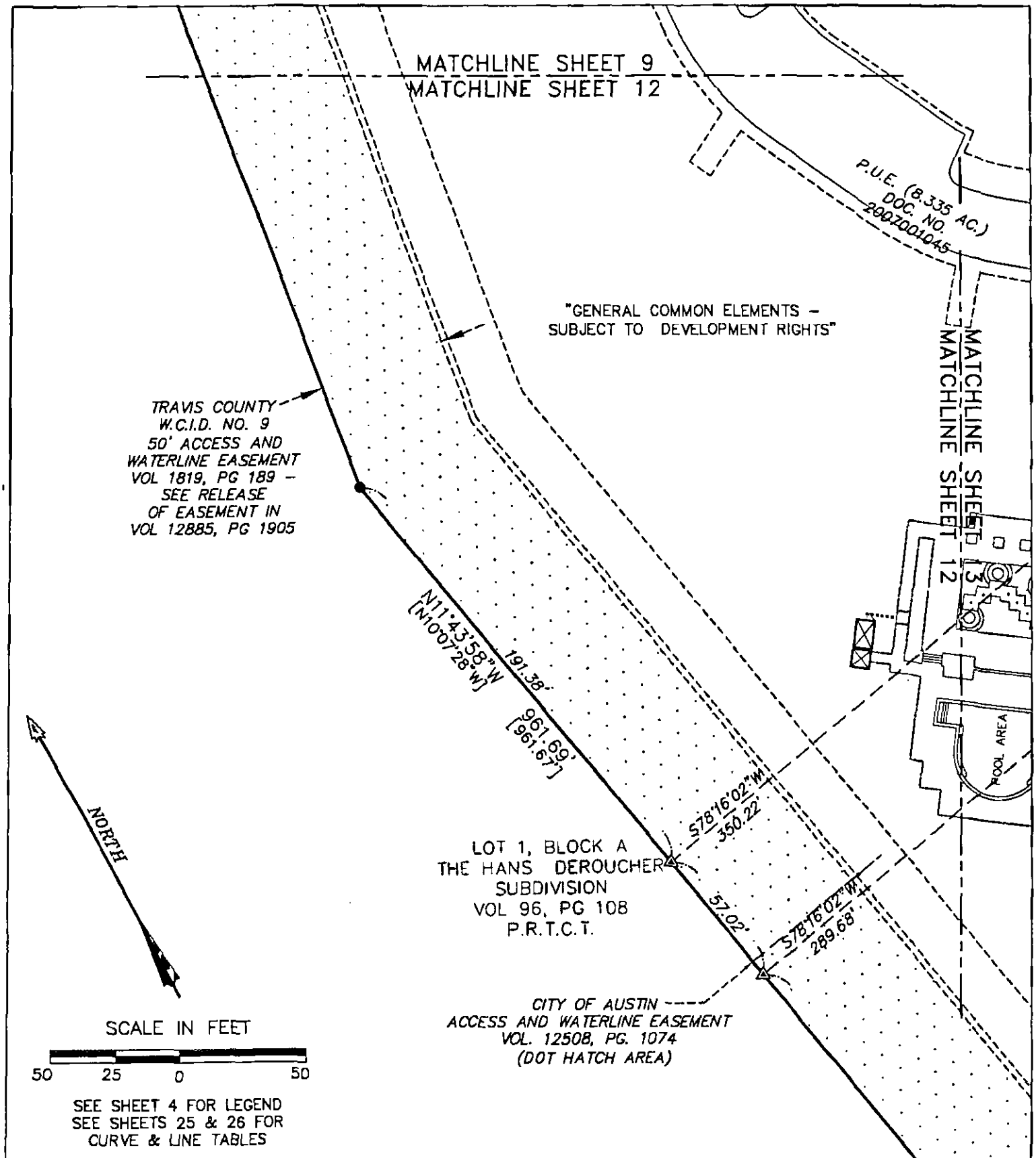

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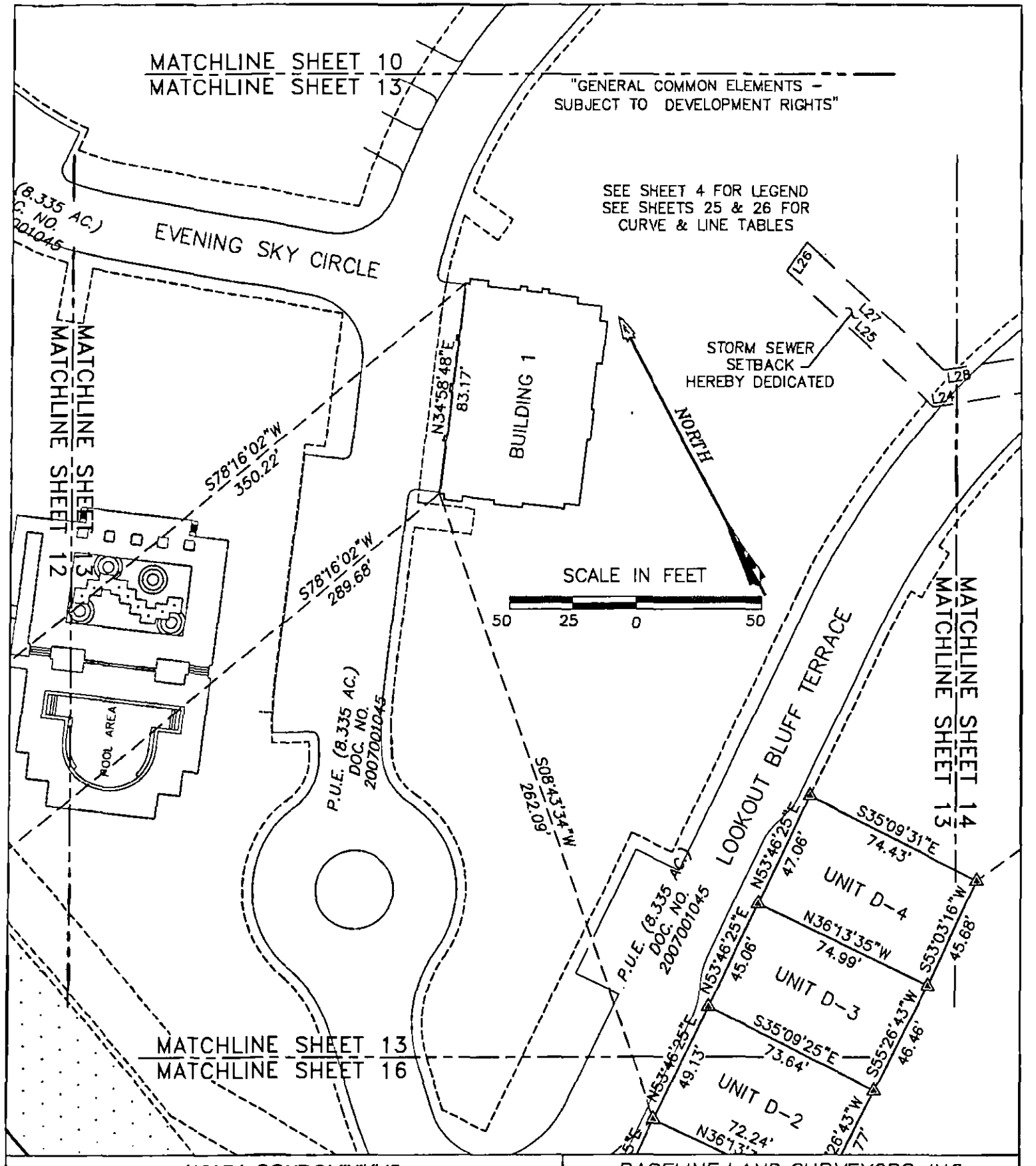

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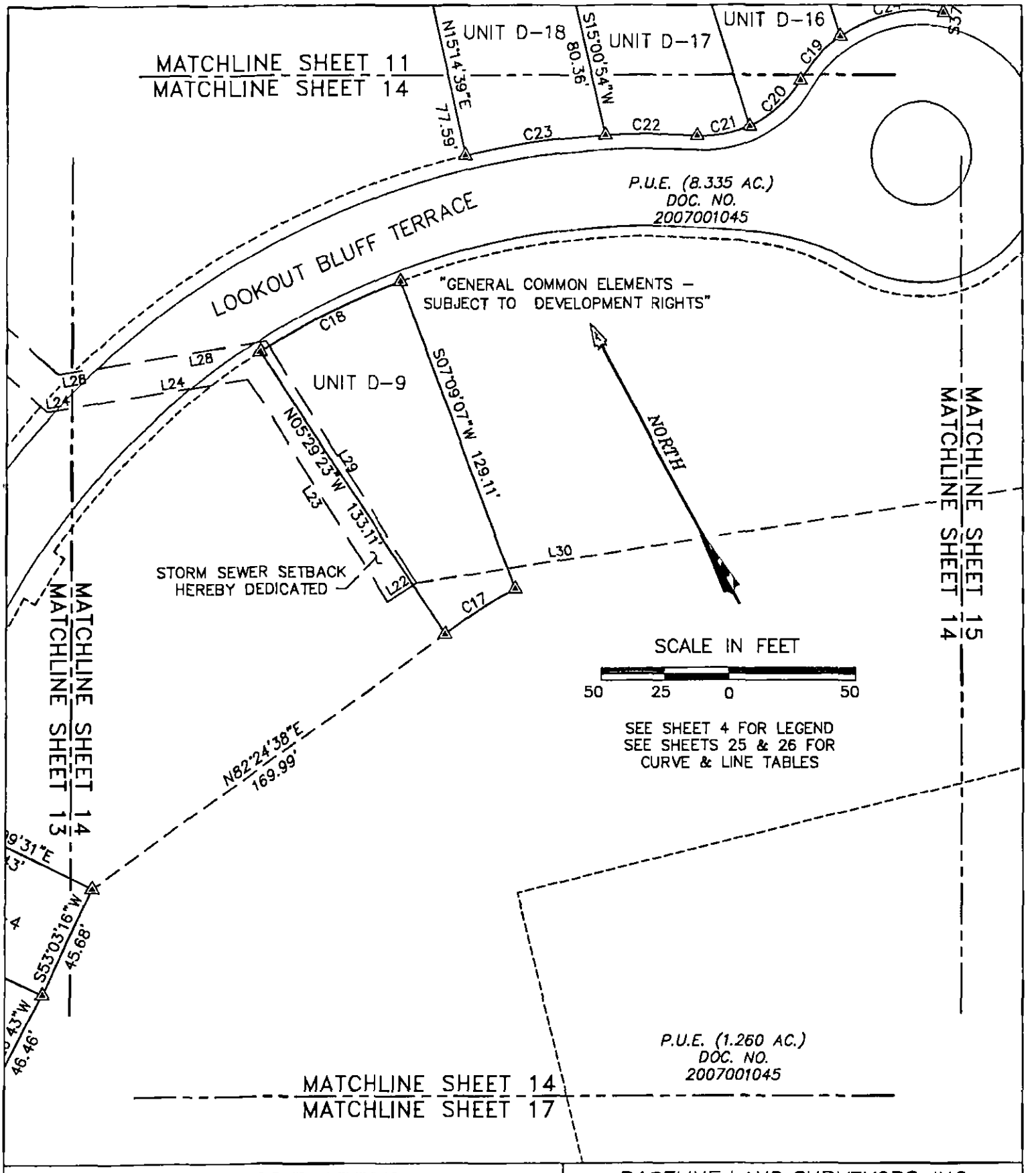

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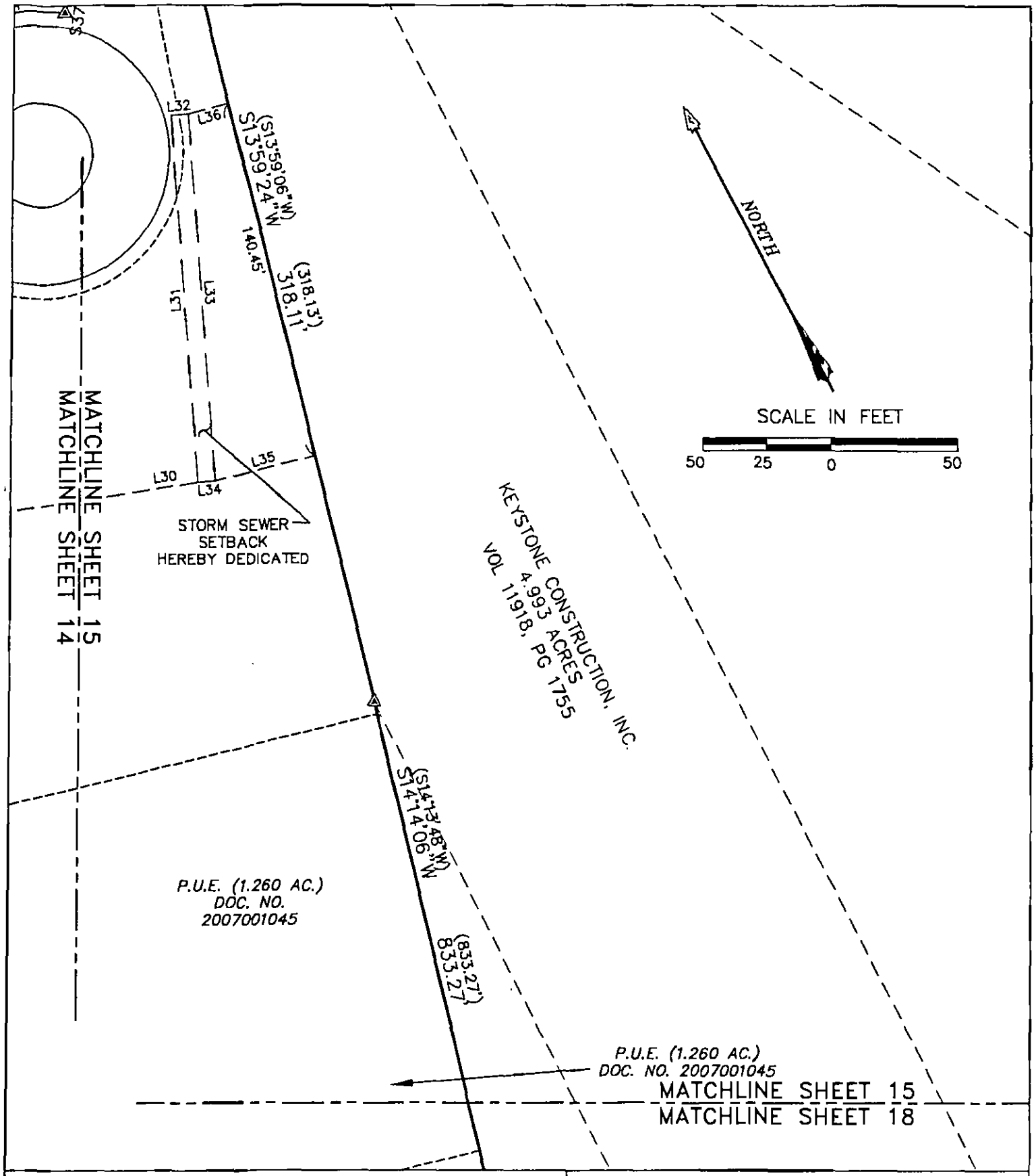

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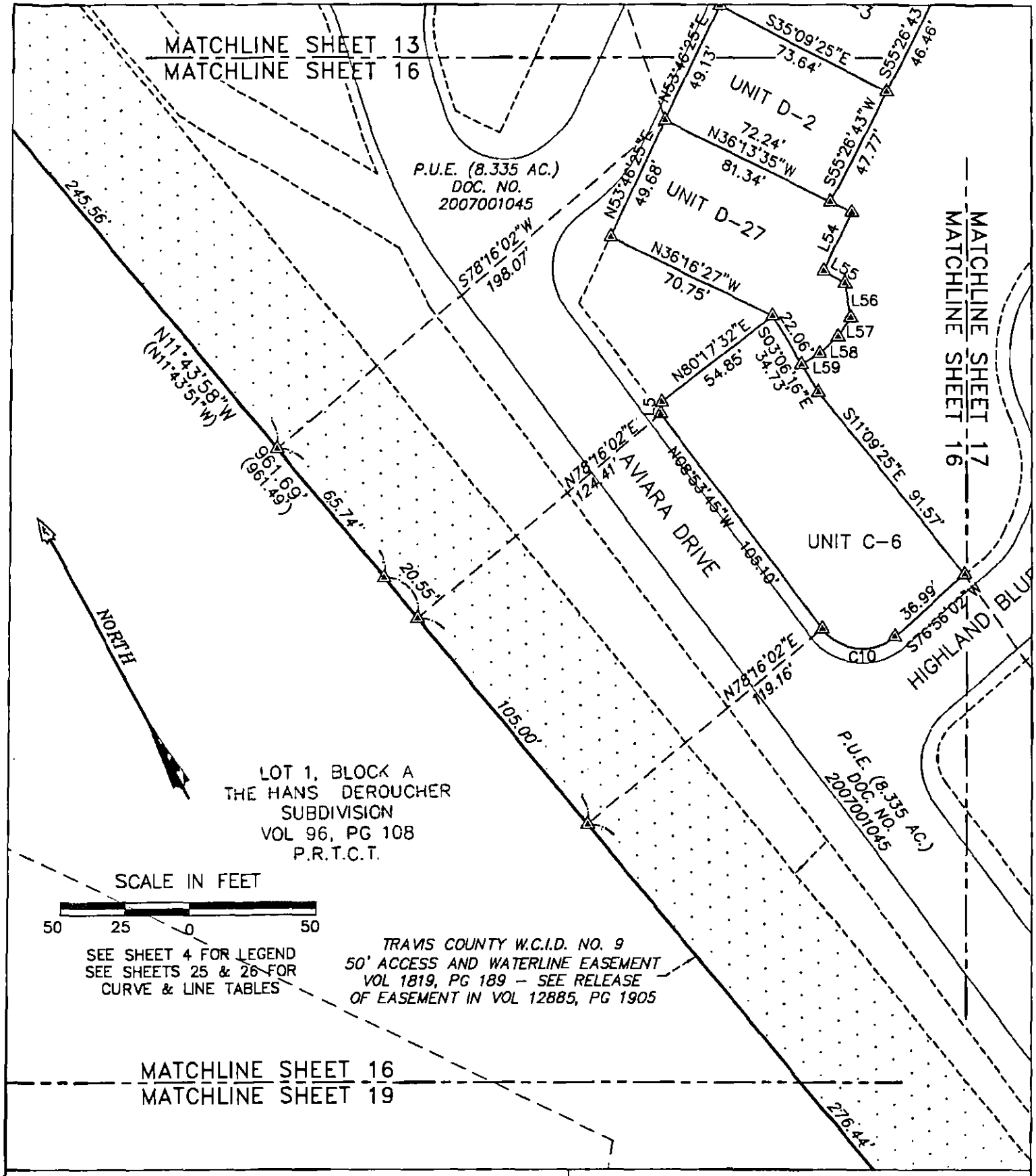

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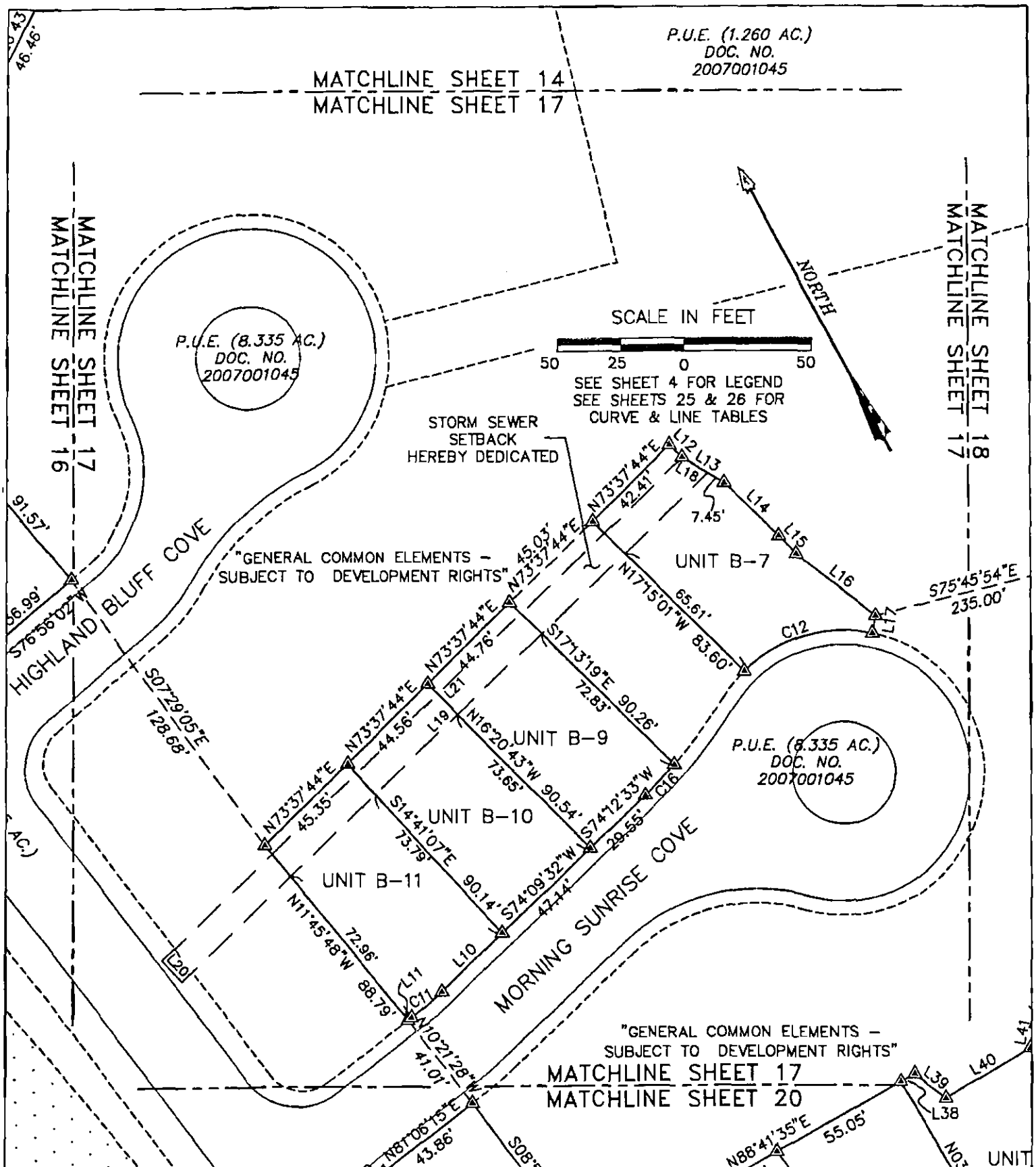

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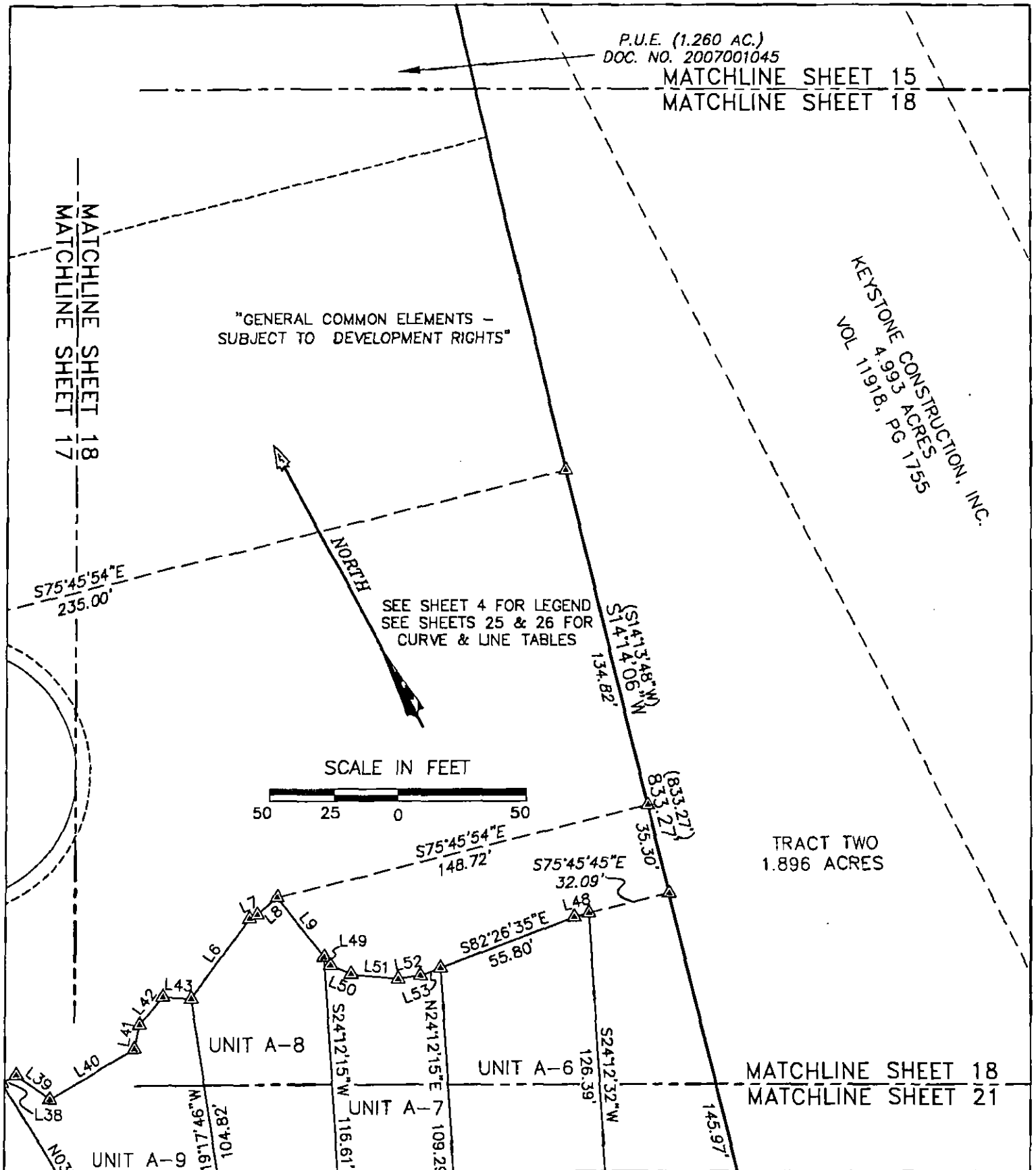

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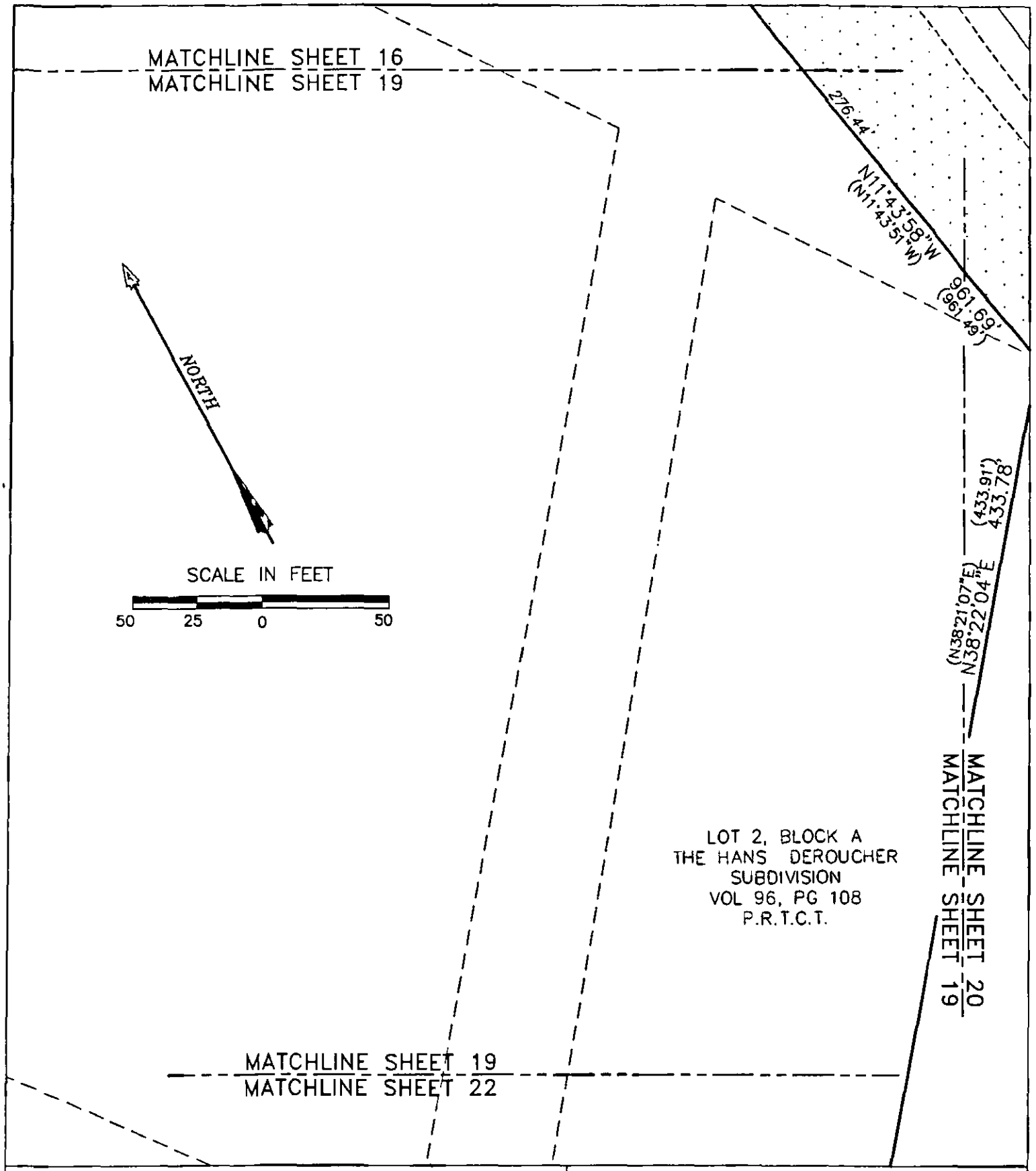

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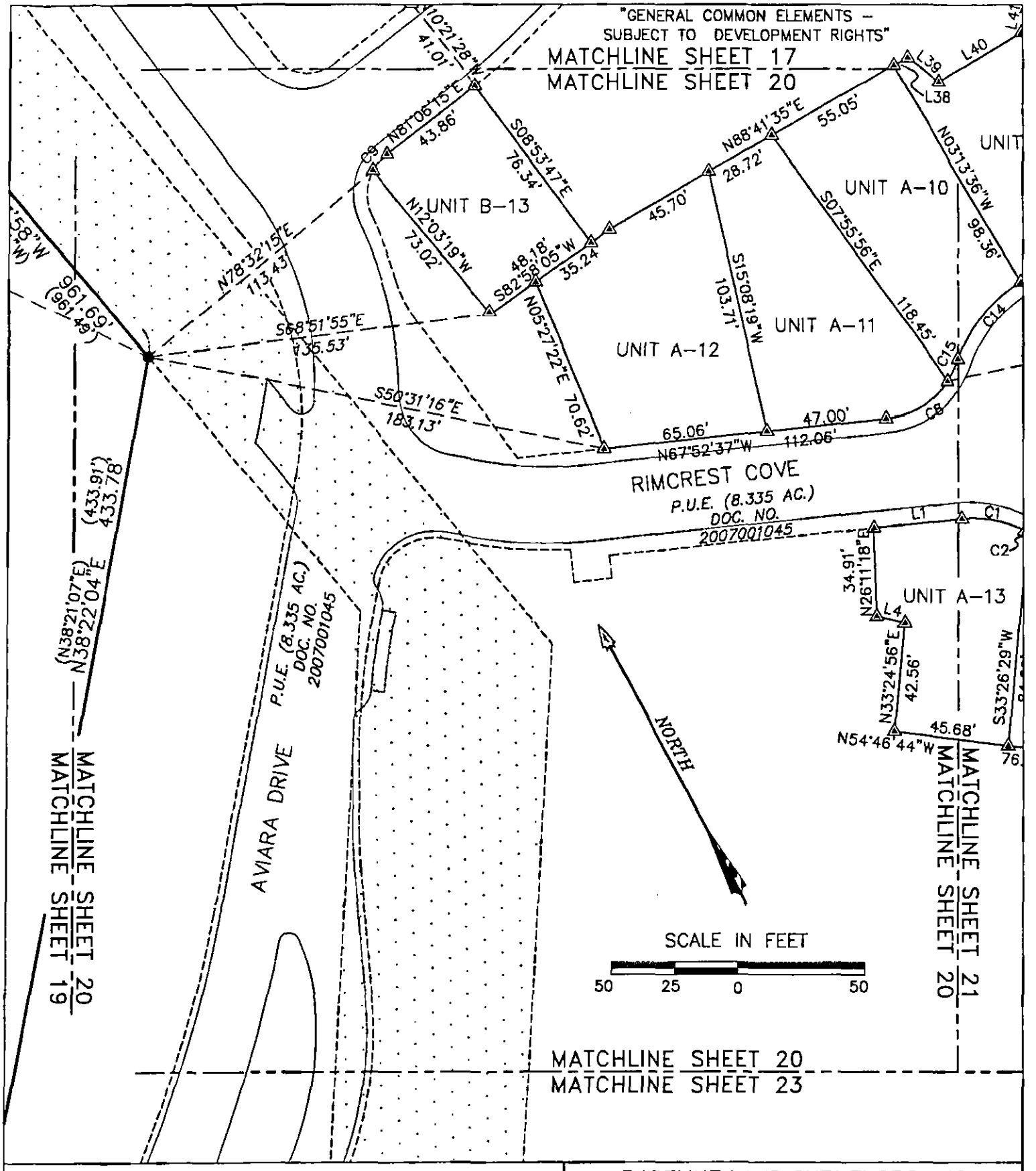

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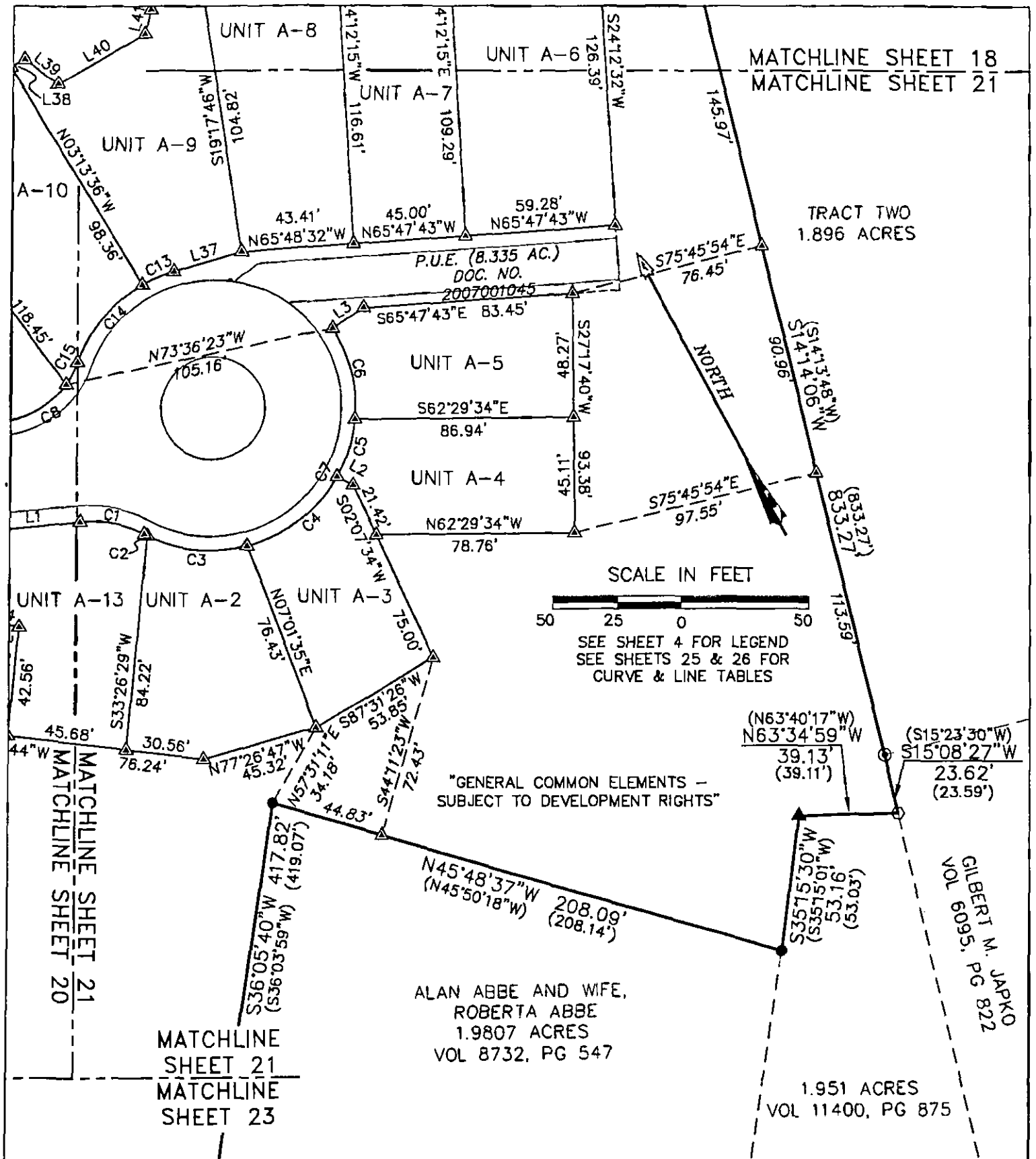

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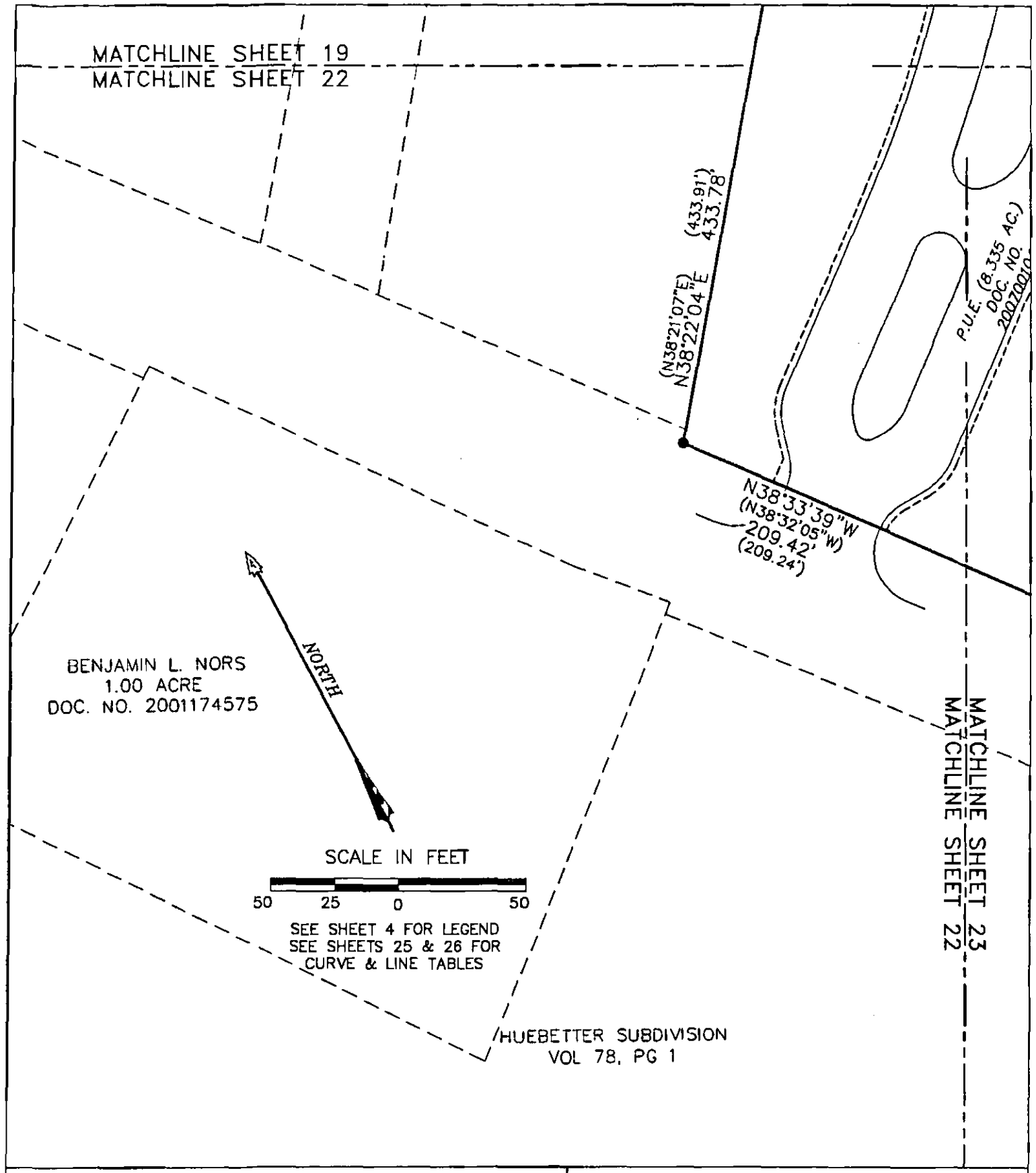


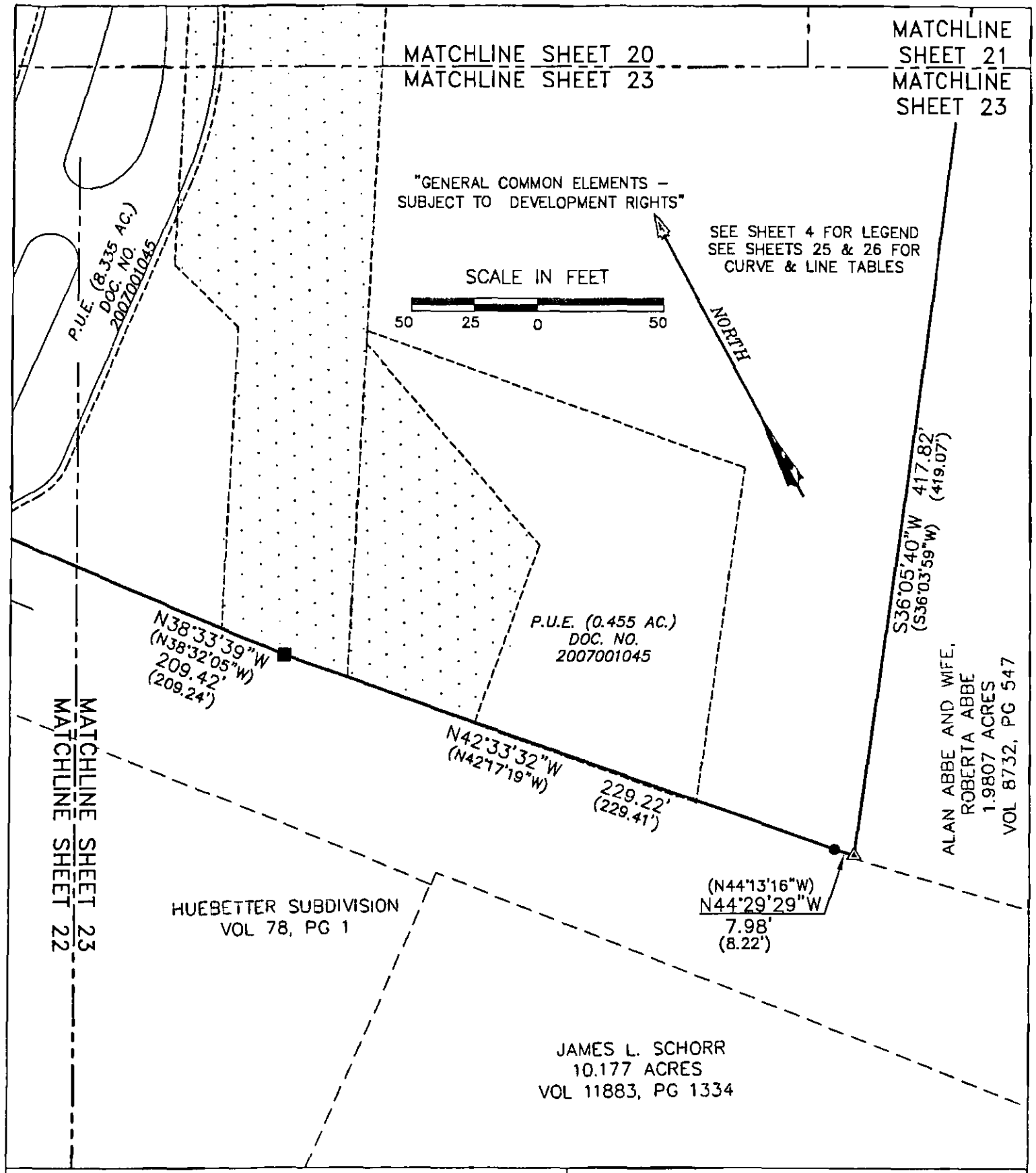
AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

BASELINE LAND SURVEYORS, INC.
PROFESSIONAL LAND SURVEYING SERVICES
8333 CROSS PARK DRIVE
AUSTIN, TEXAS 78754
OFFICE: 512.374.9722 FAX: 512.873.9743
ron-baseline@austin.rr.com

File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET 22 of 26
Job No.	Snapshot:		
Scale (Hor.): 1"=50'	Scale (Vert.):		
Date: 08/09/10	Checked By: JSL	Drawn By: HPE\RLW	



AVIARA CONDOMINIUMS

EXHIBIT

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg		SHEET 23 of 26
Job No.	Snapshot:	
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Date: 08/09/10	Checked By: JSL / Drawn By: HPE\RLW	

EXHIBIT

AVIARA CONDOMINIUMS

[PLAT]

§ Certification of Surveyor §

The attached plat, attached hereto as Exhibit contain the information required by Section 82.052 and Section 82.059 of the Texas Uniform Condominium Act, as applicable.

Ronnie Wallace
R.P.L.S. No. 5222

Date: 9 August 2010

STATE OF TEXAS
REGISTERED
RONNIE WALLACE
5222
PROFESSIONAL
LAND SURVEYOR

AVIARA CONDOMINIUMS *EXHIBIT* *OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS*	*BASELINE LAND SURVEYORS, INC.* *PROFESSIONAL LAND SURVEYING SERVICES* *8333 CROSS PARK DRIVE* *AUSTIN, TEXAS 78754* *OFFICE: 512.374.9722 FAX: 512.873.9743* *ron-baseline@austin.rr.com*

File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET 24 of 26
Job No.	Snapshot:		
Scale (Hor.): 1"=50'	Scale (Vert.):		
Date: 08/09/10	Checked By: JSL	Drawn By: HPE\RLW	

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C1	43.50'	25.85'	34°03'14"	N50°51'00"W	25.48'
C2	55.50'	1.36'	1°24'13"	S34°31'30"E	1.36'
C3	55.50'	39.74'	41°01'24"	S55°44'18"E	38.89'
C4	55.50'	45.25'	46°42'38"	N80°23'41"E	44.00'
C5	55.50'	23.52'	24°16'50"	N44°53'57"E	23.34'
C6	55.50'	37.22'	38°25'09"	N13°32'57"E	36.52'
C7	55.50'	147.08'	151°50'14"	N70°15'30"E	107.66'
C8	34.50	29.54'	49°03'46"	N87°35'30"E	28.65'
C9	19.50'	8.60'	25°15'47"	S68°28'21"W	8.53'
C10	19.50	32.05'	94°10'13"	S55°58'52"E	28.56'
C11	128.50'	15.59'	6°56'58"	N77°37'46"E	15.58'
C12	55.50'	54.03'	55°46'56"	N78°25'05"W	51.92'
C13	55.50'	13.29'	13°43'20"	N84°39'53"W	13.26'
C14	55.50'	40.10'	41°23'40"	S67°46'37"W	39.23'
C15	34.50'	9.67'	16°03'39"	N55°06'36"E	9.64'
C16	194.50'	16.61'	4°53'34"	N71°36'45"E	16.60'
C17	160.00'	33.10'	11°51'14"	S85°23'29"W	33.04'
C18	281.00'	61.89'	12°37'13"	N88°22'50"W	61.77'
C19	55.50'	23.40'	24°09'12"	S71°04'10"W	23.22'
C20	44.50'	27.40'	35°16'52"	N76°38'00"E	26.97'
C21	44.50'	21.40'	27°32'51"	S71°57'09"E	21.19'
C22	320.50'	36.55'	6°32'02"	N61°26'44"W	36.53'
C23	320.50'	56.16'	10°02'22"	N69°43'56"W	56.09'
C24	55.50'	42.94'	44°19'30"	N74°41'29"W	41.87'

AVIARA CONDOMINIUMS

EXHIBIT

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PROFESSIONAL LAND SURVEYING SERVICES

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg		
Job No.	Snapshot:	
Scale (Hor.): 1"=50'	Scale (Vert.):	
Date: 08/09/10	Checked By: JSL	Drawn By: HPE\RLW

LINE TABLE		
LINE	BEARING	LENGTH
L1	S67°52'37"E	35.37'
L2	N32°57'38"W	7.06'
L3	N84°20'23"E	14.65'
L4	N47°51'55"W	11.34'
L5	N31°01'52"E	4.45'
L6	N63°54'29"E	38.06'
L7	S86°57'47"E	3.29'
L8	N78°01'20"E	10.29'
L9	S10°13'03"E	29.53'
L10	S74°09'17"W	32.66'
L11	S81°06'15"W	1.64'
L12	S18°00'07"E	6.87'
L13	S30°23'57"E	19.47'
L14	S17°47'50"E	29.77'
L15	S15°29'37"E	9.67'
L16	S23°37'34"E	39.17'
L17	S39°28'12"W	6.91'
L18	S30°23'57"E	11.73'
L19	S74°19'32"W	284.75'
L20	N15°40'28"W	11.34'
L21	N74°19'32"E	281.77'
L22	S85°45'47"W	13.66'
L23	N04°14'13"W	103.33'
L24	N70°42'51"W	78.43'
L25	N19°29'12"W	79.32'
L26	N63°34'35"E	13.76'
L27	S19°29'12"E	74.44'
L28	S70°42'51"E	80.83'
L29	S04°14'13"E	112.29'
L30	S70°42'26"E	264.71'
L31	N23°29'14"E	142.40'
L32	S66°30'46"E	6.83'
L33	S23°29'14"W	142.40'
L34	N66°30'46"W	6.83'
L35	S76°00'36"E	39.58'
L36	S76°00'36"E	16.09'
L37	N77°48'13"W	27.14'
L38	N88°41'35"E	6.13'
L39	S25°44'32"E	15.92'
L40	N88°11'04"E	38.53'
L41	N40°42'32"E	9.55'
L42	N67°35'04"E	13.92'
L43	S57°59'22"E	10.92'
L44	S76°25'51"E	16.48'
L45	S70°54'33"E	39.17'
L46	N86°12'33"E	12.02'
L47	S84°49'29"E	4.40'
L48	S76°40'56"E	5.93'
L49	S10°13'03"E	4.06'
L50	S38°01'06"E	8.58'

LINE TABLE		
LINE	BEARING	LENGTH
L51	S56°04'51"E	18.69'
L52	S70°55'02"E	8.71'
L53	S82°26'35"E	8.37'
L54	S53°46'22"W	25.12'
L55	S31°37'01"E	9.49'
L56	S18°24'32"W	13.40'
L57	S60°30'23"W	9.18'
L58	S76°42'45"W	9.64'
L59	S87°05'06"W	8.22'
L60	S84°49'29"E	2.67'

AVIARA CONDOMINIUMS

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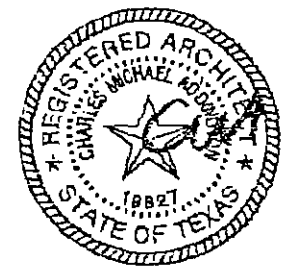
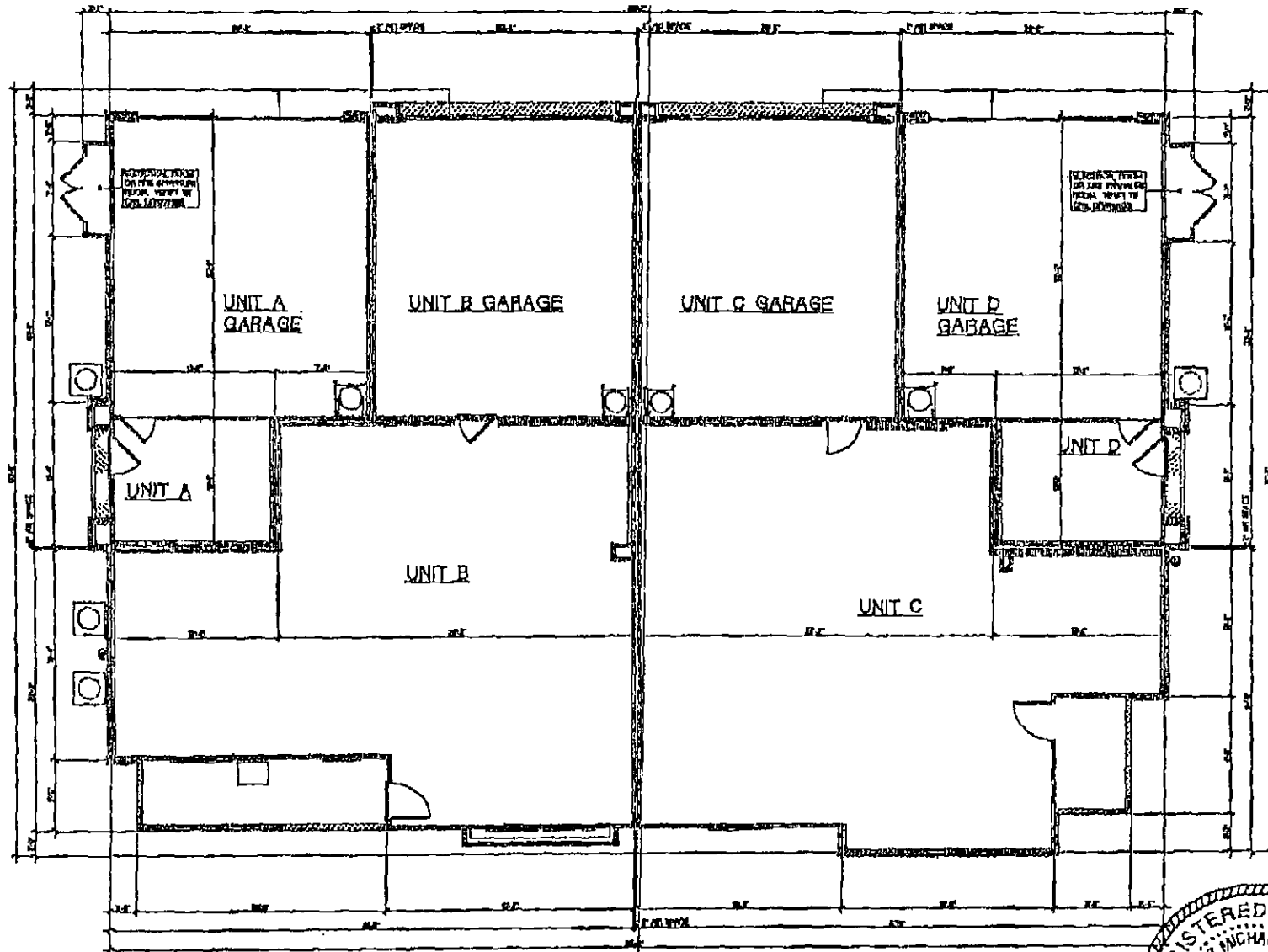
Job No.	Snapshot:	
Scale (Hor.): 1"=50'	Scale (Vert.):	
Date: 08/09/10	Checked By: JSL	Drawn By: HPE\RLW

CERTIFICATION OF CONDOMINIUM PLANS

The condominium plans attached hereto contain the information required by Sections 82.052 and 82.059 of the Texas Uniform Condominium Act, as applicable.

Printed Name: Charles M. Addington
License No. 19,827



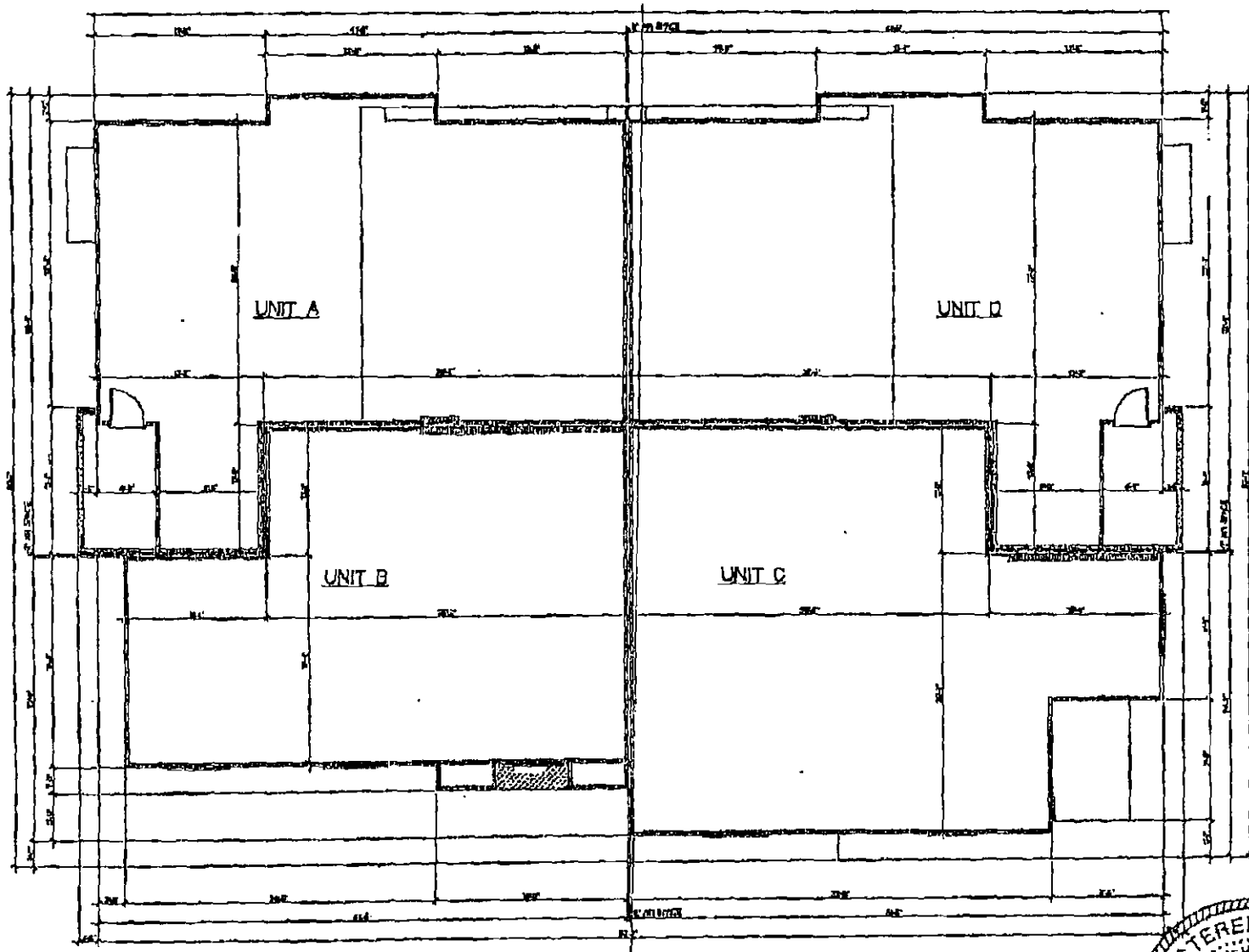


THE HEIGHTS AT AVIARA 2005-1258

COMPOSITE PLAN
FIRST FLOOR
SCALE 3/16" = 1'-0"
07/21/07

KTGY GROUP, INC.
ARCHITECTURE PLANNING
17922 BEACH BLVD. SOUTH
IRVINE, CALIFORNIA 92612
(949) 851-2133 FAX (949) 419-0474
CALL BEFORE YOU DIG

REGISTERED ARCHITECT
CHARLES MICHAEL ROBINSON
19027
STATE OF TEXAS



THE HEIGHTS AT AVIARA 2005-1258

COMPOSITE PLAN
SECOND FLOOR
SCALE 3/16" = 1'-0"
07/13/07

KTGY GROUP, INC.
ARCHITECTURE PLANNING
17199 BITONELL SOUTH
IRVINE, CALIFORNIA 92614
(949) 851-2133
FAX (949) 476-0469
CALL (949) 851-2133

REGISTERED ARCHITECT
CHARLES MICHAEL ADDOMS
19027
STATE OF TEXAS

UNIT PLAN TYPES – ATTACHED UNITS

Unit No.	Plan Type*
A-1	A
B-1	B
C-1	C
D-1	D

** SEE CONDOMINIUM PLANS FOR PLAN TYPE.*

ALL UNITS SHOWN ON THE PLAT AND PLANS OTHER THAN UNITS A-1, B-1, C-1, D-1 ARE STAND-ALONE UNITS.

ATTACHMENT 2

EXHIBIT "C" TO THE DECLARATION OF CONDOMINIUM REGIME

COMMON INTEREST ALLOCATION & BUILDING LCE ALLOCATION

COMMON INTEREST ALLOCATION

The Common Interest Allocation and percentage of liability for common expenses for each Unit is 1/31.

THE COMMON INTEREST ALLOCATION ASSIGNED TO A PARTICULAR UNIT WILL DECREASE IF ADDITIONAL UNITS ARE CREATED AND ADDED TO THE REGIME BY THE DECLARANT.

BUILDING LCE ALLOCATION

The Building LCE Allocation for each Attached Unit is 1/4.

THE BUILDING LCE ALLOCATION ASSIGNED TO A PARTICULAR UNIT WILL DECREASE IF ADDITIONAL UNITS ARE CREATED AND ADDED TO THE REGIME BY THE DECLARANT.

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS
Dana DeBeauvoir
Aug 11, 2010 01:38 PM 2010115972
HAYWOODK: $156.00
Dana DeBeauvoir, County Clerk
Travis County TEXAS

AFTER RECORDING RETURN TO:
Robert D. Burton, Esq.
Armbrust & Brown, PLLC
100 Congress Ave., Suite 1300
Austin, Texas 78701

AVIARA

SEVENTH AMENDMENT TO RESTATED AND AMENDED DECLARATION OF CONDOMINIUM REGIME FOR AVIARA CONDOMINIUMS

(A Residential Condominium in Travis County, Texas)

Cross Reference to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2009071585, Official Public Records of Travis County, Texas as amended by that certain First Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2009142835, Official Public Records of Travis County, Texas, as amended by that certain Second Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2010051936, Official Public Records of Travis County, Texas, as amended by that certain Third Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2010073309, Official Public Records of Travis County, Texas, as amended by that certain Fourth Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2010087345, Official Public Records of Travis County, Texas, as amended by that certain Fifth Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2010106978, Official Public Records of Travis County, Texas and as further amended by that certain Sixth Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2010115971, Official Public Records of Travis County, Texas.

SEVENTH AMENDMENT TO
RESTATED AND AMENDED DECLARATION OF CONDOMINIUM REGIME
FOR AVIARA CONDOMINIUMS

This Seventh Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums (the "**Amendment**") is made **CR-B AVIARA, L.P.**, a Texas limited partnership ("**Declarant**"), and is as follows:

RECITALS:

A. Aviara Condominiums, a condominium regime (the "**Regime**"), located in Travis County, Texas, was established pursuant to that certain Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2009071585, Official Public Records of Travis County, Texas, as amended by that certain First Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2009142835, Official Public Records of Travis County, Texas, as amended by that certain Second Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2010051936, Official Public Records of Travis County, Texas, as amended by that certain Third Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2010073309, Official Public Records of Travis County, Texas, as amended by that certain Fourth Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2010087345, Official Public Records of Travis County, Texas, as amended by that certain Fifth Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2010106978, Official Public Records of Travis County, Texas, and as further amended by that certain Sixth Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2010115971, Official Public Records of Travis County, Texas (collectively, the "**Declaration**").

B. Pursuant to Section 82.067(a) of the Texas Uniform Condominium Act, Declarant, and Meritage Homes Of Texas, LLC, an Arizona limited liability company ("**Meritage**"), as the Owners of Units to which at least sixty-seven percent (67%) of the votes in the Association (as defined in the Declaration) are allocated, may amend the Declaration.

C. Declarant and Meritage, as the Owners of Units to which at least sixty-seven percent (67%) of the votes in the Association are allocated, desire to amend the Declaration as set forth hereinbelow.

NOW THEREFORE, the Declaration is hereby amended as follows:

1. **Window Treatments.** *Section 11.21* of the Declaration is hereby deleted in its entirety and replaced with the following:

> **11.21** Window Treatments. The Regime is designed to have a uniform window appearance for all Attached Units. All window treatments within an Attached Unit, that are visible from the street or another Unit, must be maintained in good condition and must not detract from the appearance of the Property. The Board may require an Owner

of an Attached Unit to change or remove a window treatment, window film, window screen, or window decoration that the Board determines to detract from the appearance of the Property.

2. **Hot Tubs**. *Section 11.22* of the Declaration is hereby deleted in its entirety and replaced with the following:

> 11.22 **Hot Tubs**. During the Development Period, no hot tub, spa, jacuzzi, sprinkler or mist system, fountain, or any other plumbed or liquid-based device may be installed in an Attached Unit or any Common Element without the prior written consent of the Architectural Reviewer. This prohibition does not apply to replacements of customary kitchen and bathroom appliances and fixtures. This prohibition expressly applies to roofs, decks, and balconies appurtenant to an Attached Unit.

3. **Door Locks**. *Section 11.23* of the Declaration is hereby deleted in its entirety.

4. **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.

[SIGNATURE PAGE FOLLOWS]

EXECUTED to be effective as of the 1st day of September, 2010.

DECLARANT:

CR-B AVIARA, L.P., a Texas limited partnership

By: CR-B INVESTORS I GP, L.L.C., a Texas limited liability company, its General Partner

By: _____
Printed Name: David N. Arnow
Title: Vice President

MERITAGE:

MERITAGE HOMES OF TEXAS, LLC, an Arizona limited liability company

By: _____
Printed Name: _____
Title: _____

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this 25th day of August, 2010 by David Arnow, Vice President of CR-B Investors I GP, L.L.C., a Texas limited liability company, General Partner of CR-B Aviara, L.P., a Texas limited partnership, on behalf of said entities.

JAMIE ORR SCHROEDER
MY COMMISSION EXPIRES
June 8, 2011

(SEAL)

Jamie O. Schroeder
Notary Public Signature

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this _____ day of _____, 2010, by _____, _____ of Meritage Homes of Texas, LLC, an Arizona limited liability company, on behalf of said limited liability company.

(SEAL)

_____
Notary Public Signature

EXECUTED to be effective as of the 1st day of September, 2010.

DECLARANT:

CR-B AVIARA, L.P., a Texas limited partnership

By: CR-B INVESTORS I GP, L.L.C., a Texas limited liability company, its General Partner

By:_____
Printed Name:_____
Title:_____

MERITAGE:

MERITAGE HOMES OF TEXAS, LLC, an Arizona limited liability company

By:_____
Printed Name: Dale Thornton
Title: VP Land

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this ___ day of _____, 2010 by _____ of CR-B Investors I GP, L.L.C., a Texas limited liability company, General Partner of CR-B Aviara, L.P., a Texas limited partnership, on behalf of said entities.

(SEAL)

Notary Public Signature

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this 1 day of September, 2010, by Dale Thornton, VP of Land of Meritage Homes of Texas, LLC, an Arizona limited liability company, on behalf of said limited liability company.

(SEAL)

TAMELA R. TAYLOR
Notary Public, State of Texas
My Commission Expires
February 06, 2011

Notary Public Signature

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

Sep 01, 2010 01:57 PM 2010128041

HAYWOODK: $36.00

Dana DeBeauvoir, County Clerk

Travis County TEXAS

ORIGINAL
FILED FOR RECORD

AFTER RECORDING RETURN TO:
Robert D. Burton, Esq.
Armbrust & Brown, PLLC
100 Congress Ave., Suite 1300
Austin, Texas 78701

AVIARA

EIGHTH AMENDMENT TO RESTATED AND AMENDED DECLARATION OF CONDOMINIUM REGIME FOR AVIARA CONDOMINIUMS

(A Residential Condominium in Travis County, Texas)

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EIGHTH AMENDMENT TO
RESTATED AND AMENDED DECLARATION OF CONDOMINIUM REGIME
FOR AVIARA CONDOMINIUMS

This Eighth Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums (the "**Amendment**") is made **CR-B AVIARA, L.P.**, a Texas limited partnership ("**Declarant**"), and is as follows:

RECITALS:

A. Aviara Condominiums, a condominium regime (the "**Regime**"), located in Travis County, Texas, was established pursuant to that certain Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2009071585, Official Public Records of Travis County, Texas as amended by that certain First Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2009142835, Official Public Records of Travis County, Texas, as amended by that certain Second Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2010051936, Official Public Records of Travis County, Texas, as amended by that certain Third Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2010073309, Official Public Records of Travis County, Texas, as amended by that certain Fourth Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2010087345, Official Public Records of Travis County, Texas, as amended by that certain Fifth Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2010106978, Official Public Records of Travis County, Texas, as amended by that certain Sixth Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2010115972, Official Public Records of Travis County, Texas and as further amended by that certain Seventh Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2010128041, Official Public Records of Travis County, Texas (collectively, the "**Declaration**").

B. Pursuant to *Provision A.3.10* of Appendix "A" to the Declaration, Declarant may amend the Declaration unilaterally and without the consent of other Owners or any mortgagee to add real property to the Property and create Units, General Common Elements and Limited Common Elements within the Property.

C. In accordance with *Provision A.3.8* of Appendix "A" to the Declaration, Declarant has reserved the right, during the Development Period, to create Units, General Common Elements, and Limited Common Elements within the Property. The "Development Period" as such term is defined in the Declaration, is a fifteen (15) year period commencing on the date the

Declaration was recorded in the Official Public Records of Travis County, Texas. The Declaration was recorded in the Official Public Records of Travis County, Texas, on May 4, 2009.

D. This amendment is promulgated for the purpose of creating five (5) additional Units within the Regime. The total number of Units within the Regime after giving effect to this Amendment is equal to thirty-six (36), and the total number of Units which Declarant has reserved the right to create by amendment is equal to one hundred fourteen (114).

NOW THEREFORE, the Declaration is hereby amended as follows:

1. Creation of Units. In accordance with the rights reserved by the Declarant pursuant to *Section 5.1* of the Declaration and *Provisions A.3.8* and *A.3.10* of Appendix "A" to the Declaration, Declarant hereby creates five (5) Units, which are designated as Unit Nos. B-3, B-8, D-11, D-19 and D-26 (collectively, the "**New Units**"). The New Units are hereby classified as Units which MUST BE BUILT.

2. Replacement of Exhibit "B". Exhibit "B" to the Declaration is hereby deleted in its entirety and the Plats and Plans attached hereto as Attachment 1 (the "**New Plats and Plans**") are substituted in their place. The New Plats and Plans: (i) assign an identifying number to all Units; (ii) describe the portion of the limited common elements created or assigned to all Units; and (iii) include the information required by Section 82.059 of the Texas Uniform Condominium Act.

3. Replacement of Exhibit "C". The Percentage Interests allocated to all Units within the Regime, after the addition of the New Units, is set forth on Attachment 2, attached hereto. Attachment 2, attached hereto, will supersede and replace Exhibit "C" attached to the Declaration.

4. 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.

[SIGNATURE PAGE FOLLOWS]

EXECUTED to be effective as of the 3rd day of September, 2010.

DECLARANT:

CR-B AVIARA, L.P., a Texas limited partnership

By: CR-B INVESTORS I GP, L.L.C., a Texas limited liability company, its General Partner

By: _____
Printed Name: John McKinnerney
Title: Vice President

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this 3rd day of September, 2010 by John McKinnerney, Vice President of CR-B Investors I GP, L.L.C., a Texas limited liability company, General Partner of CR-B Aviara, L.P., a Texas limited partnership, on behalf of said entities.

(SEAL)

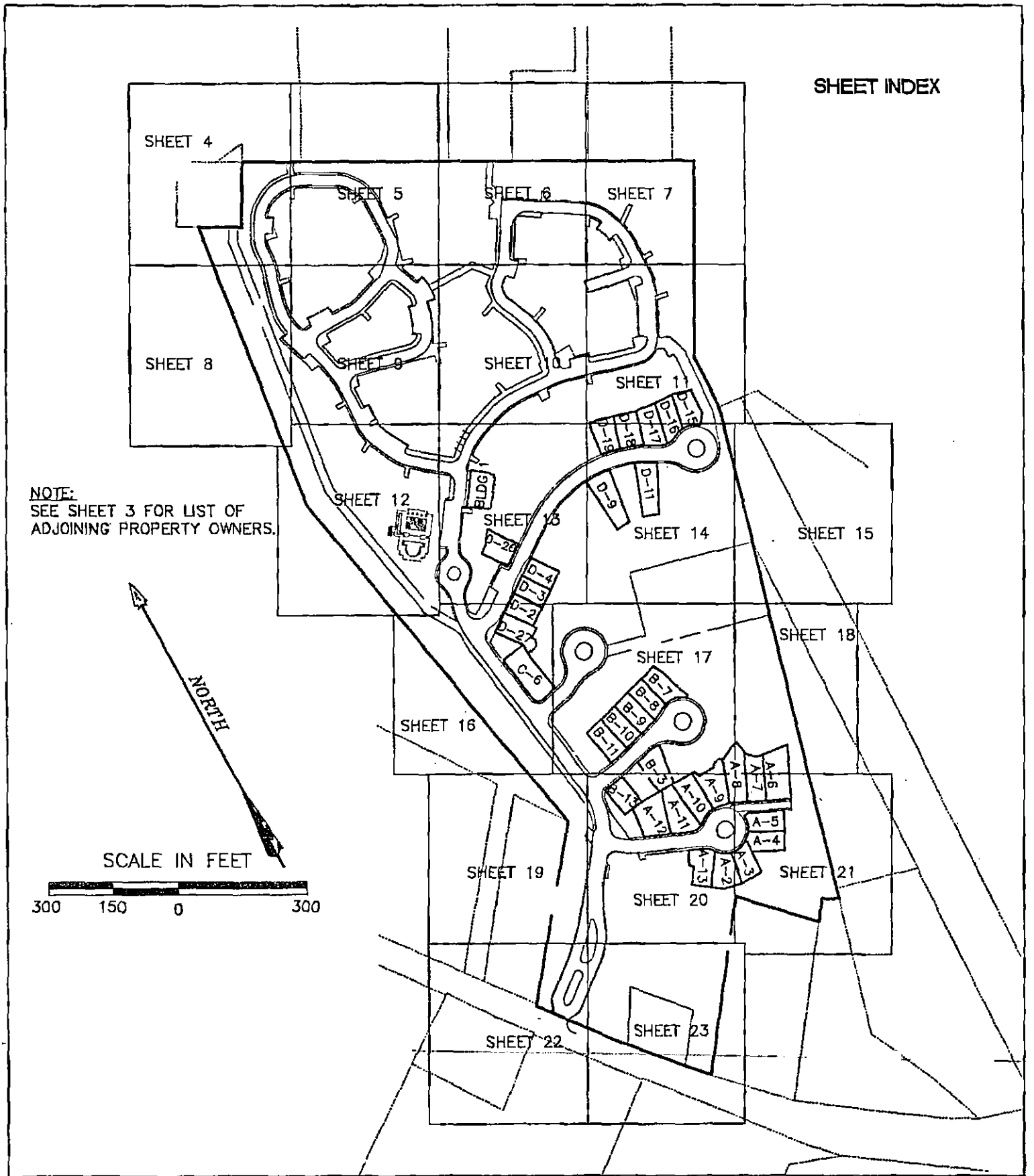
Notary Public Signature

JAMIE ORR SCHROEDER
MY COMMISSION EXPIRES
June 8, 2011

ATTACHMENT 1

EXHIBIT "B" TO THE DECLARATION OF CONDOMINIUM REGIME

SEE SHEET 24 OF 26 FOR ORIGINAL CERTIFICATION



AVIARA CONDOMINIUMS

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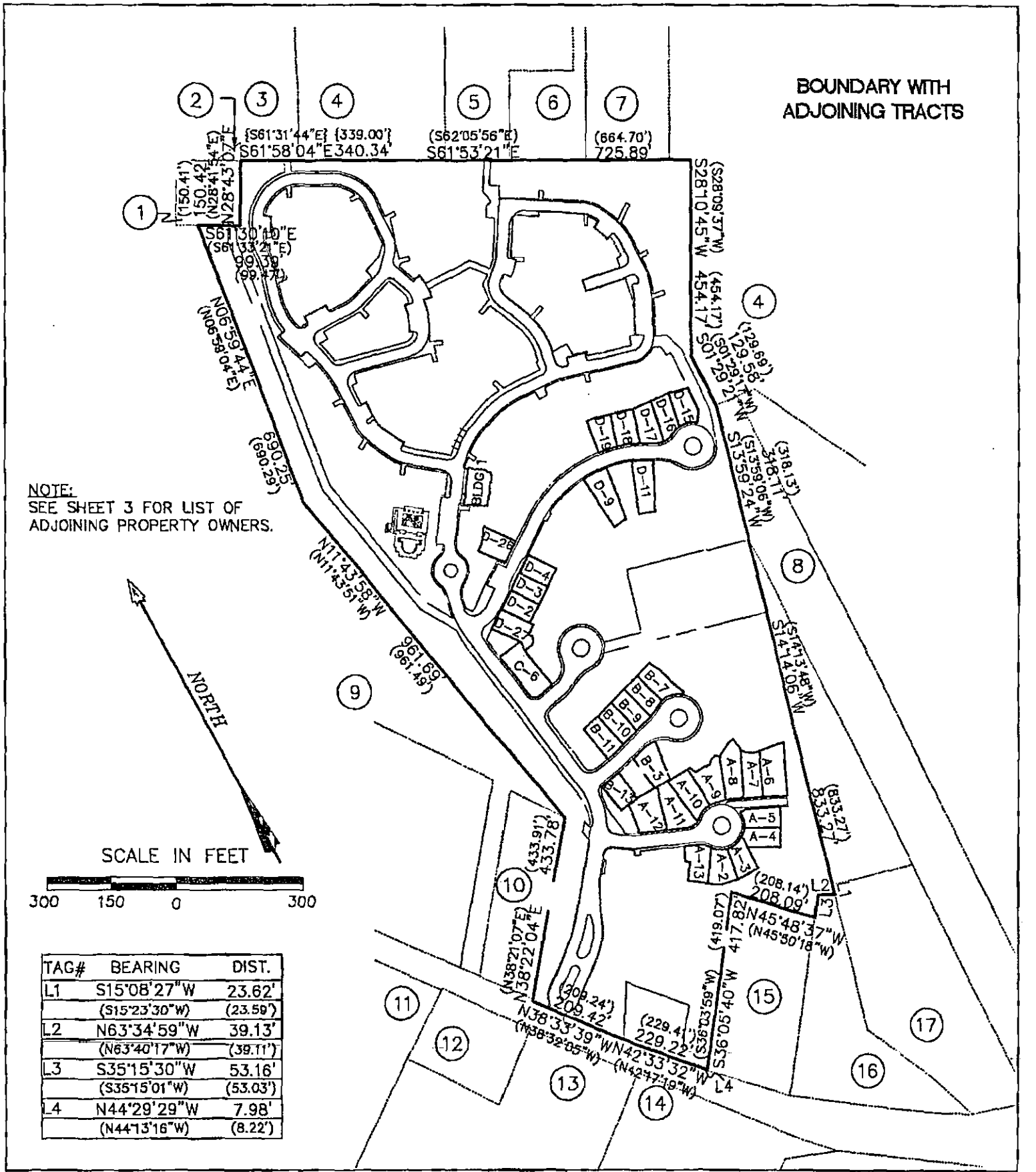

TAG#	BEARING	DIST.
L1	S15°08'27"W	23.62'
	(S15°23'30"W)	(23.59')
L2	N63°34'59"W	39.13'
	(N63°40'17"W)	(39.11')
L3	S35°15'30"W	53.16'
	(S35°15'01"W)	(53.03')
L4	N44°29'29"W	7.98'
	(N44°13'16"W)	(8.22')

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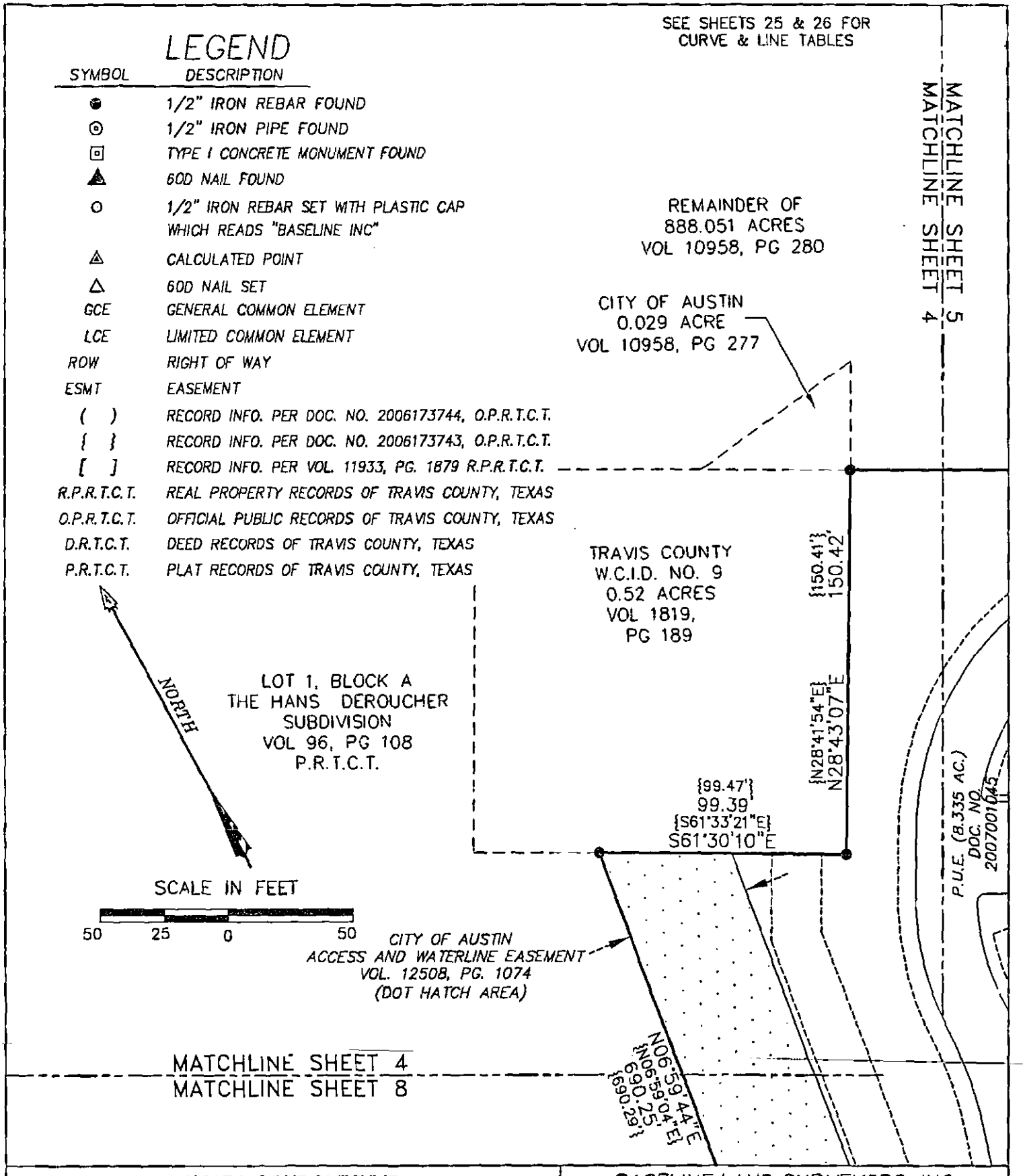
ADJOINING OWNERS

1. TRAVIS COUNTY W.C.I.D. NO. 9, VOL. 1819, PG. 189 (0.52 ACRES)
2. CITY OF AUSTIN, VOL. 10958, PG. 277 (0.029 ACRES)
3. REMAINDER OF 888.051 ACRES, VOL. 10958, PG. 280
4. LOT 115, BLOCK B, LANTANA SOUTHWEST, PHASE 1, DOC. NO. 200300137
5. CITY OF AUSTIN, TRACT 2, VOL. 12910, PG. 670 (1.757 ACRES)
6. CITY OF AUSTIN, VOL. 10031 PG. 300 (1.0397 ACRES)
7. CITY OF AUSTIN, TRACT 1, VOL. 12910, PG. 670 (1.655 ACRES)
8. KEYSTONE CONSTRUCTION, INC., VOL. 11918, PG. 1755 (4.993 ACRES)
9. LOT 1, BLOCK "A", THE HANS DEROUCHER SUBDIVISION, VOL. 96, PG. 108
10. LOT 2, BLOCK "A", THE HANS DEROUCHER SUBDIVISION, VOL. 96, PG. 108
11. AARON GARDNER SUBDIVISION, VOL. 49, PG. 95
12. BENJAMIN L. NORS, DOC. NO. 2001174575 (1.00 ACRE)
13. HUEBETTER SUBDIVISION, VOL. 78, PG. 1
14. JAMES L. SCHORR, VOL. 11883, PG. 1334 (10.177 ACRES)
15. ALAN ABBE, et ux, VOL. 8732, PG. 5 (1.9807 ACRES)
16. 1.951 ACRES, VOL. 11400, PG. 875
17. GILBERT M. JAPKO, TRACT ONE, VOL. 6095, PG. 82 (3.129 ACRES)

SEE SHEETS 25 & 26 FOR
CURVE & LINE TABLES

LEGEND

SYMBOL	DESCRIPTION
●	1/2" IRON REBAR FOUND
⊙	1/2" IRON PIPE FOUND
⊡	TYPE I CONCRETE MONUMENT FOUND
▲	60D NAIL FOUND
○	1/2" IRON REBAR SET WITH PLASTIC CAP WHICH READS "BASELINE INC"
◬	CALCULATED POINT
△	60D NAIL SET
GCE	GENERAL COMMON ELEMENT
LCE	LIMITED COMMON ELEMENT
ROW	RIGHT OF WAY
ESMT	EASEMENT
( )	RECORD INFO. PER DOC. NO. 2006173744, O.P.R.T.C.T.
{ }	RECORD INFO. PER DOC. NO. 2006173743, O.P.R.T.C.T.
[ ]	RECORD INFO. PER VOL. 11933, PG. 1879 R.P.R.T.C.T.
R.P.R.T.C.T.	REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS
O.P.R.T.C.T.	OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS
D.R.T.C.T.	DEED RECORDS OF TRAVIS COUNTY, TEXAS
P.R.T.C.T.	PLAT RECORDS OF TRAVIS COUNTY, TEXAS



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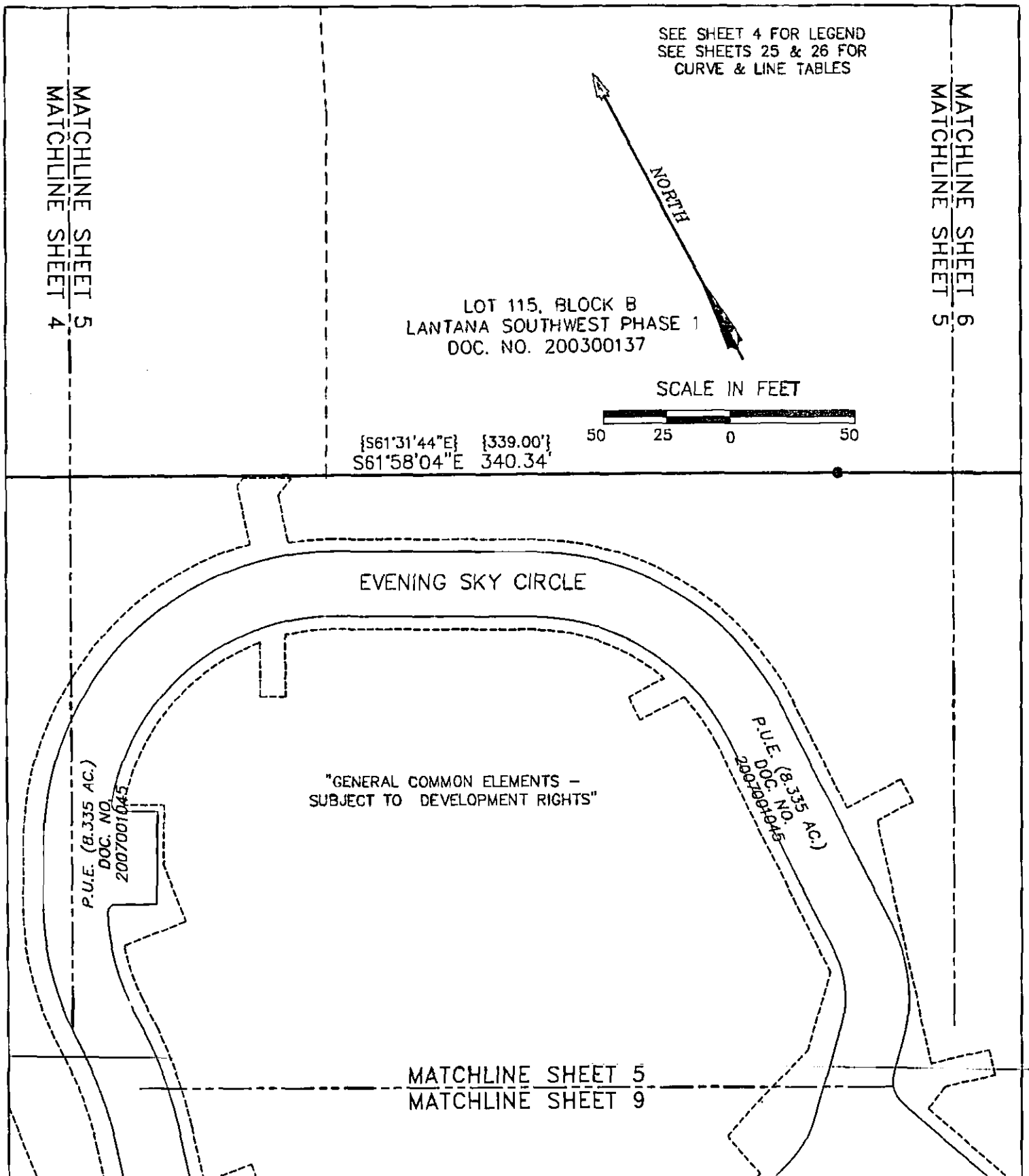

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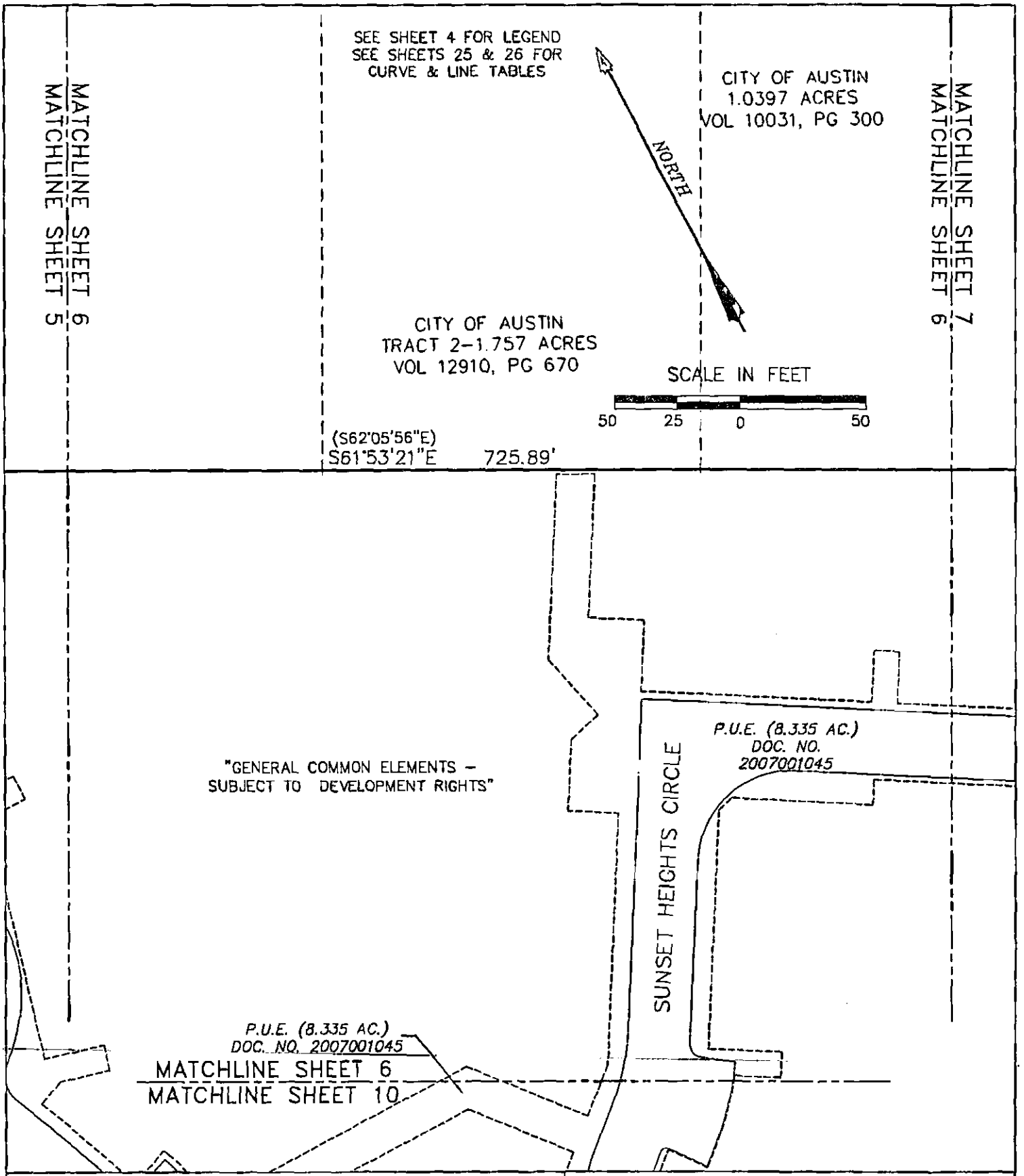

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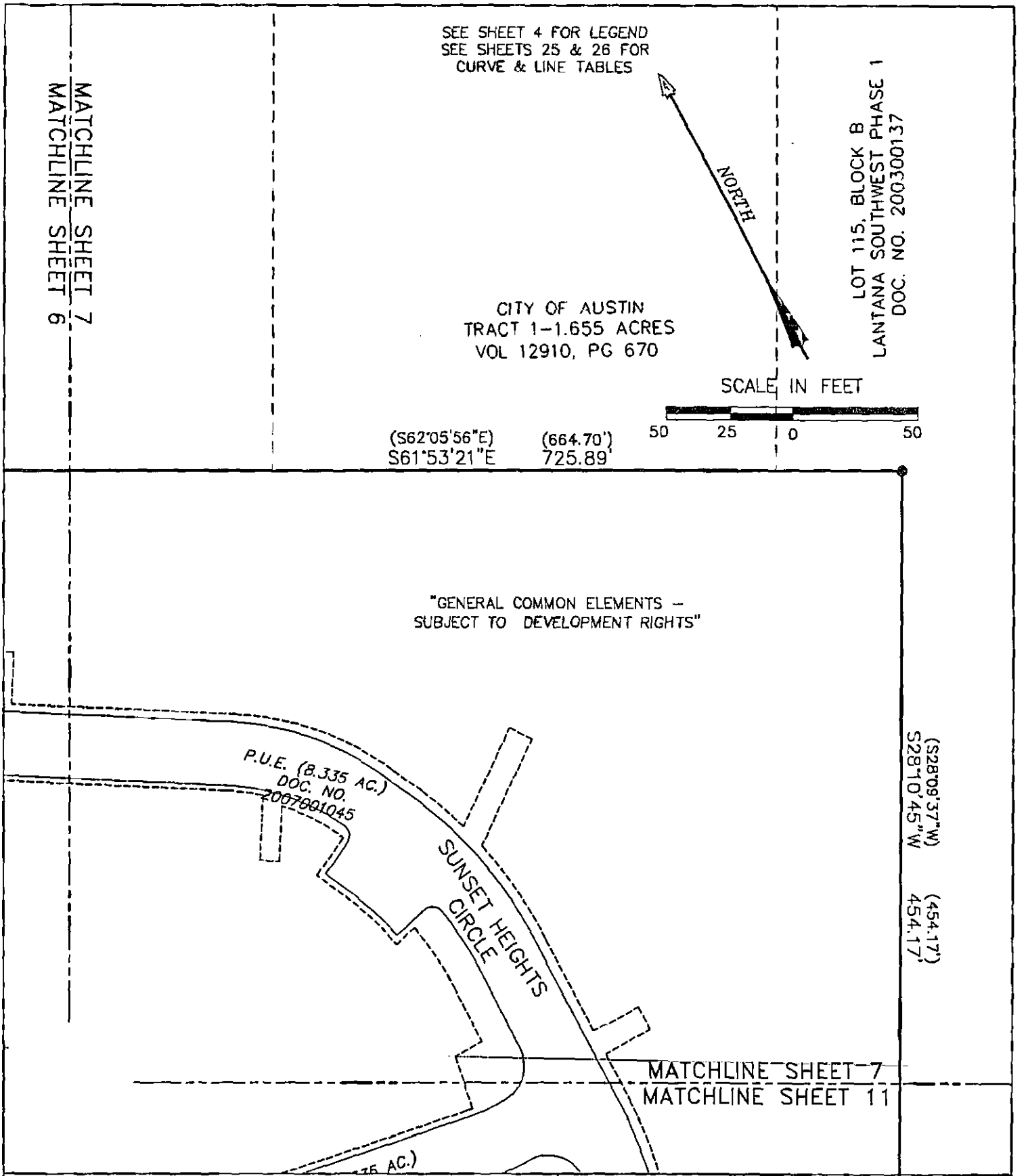

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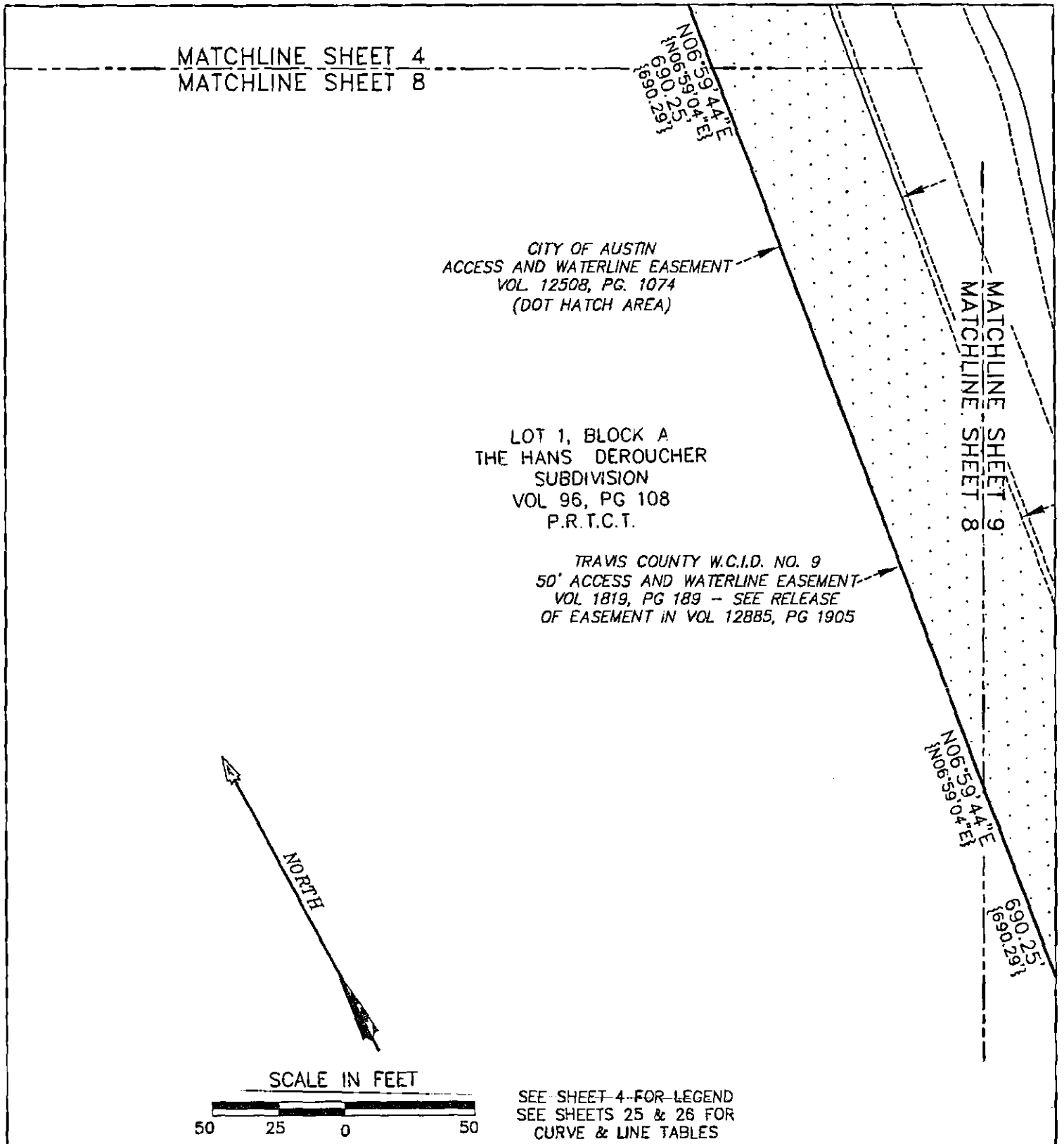

SEE SHEET 4 FOR LEGEND
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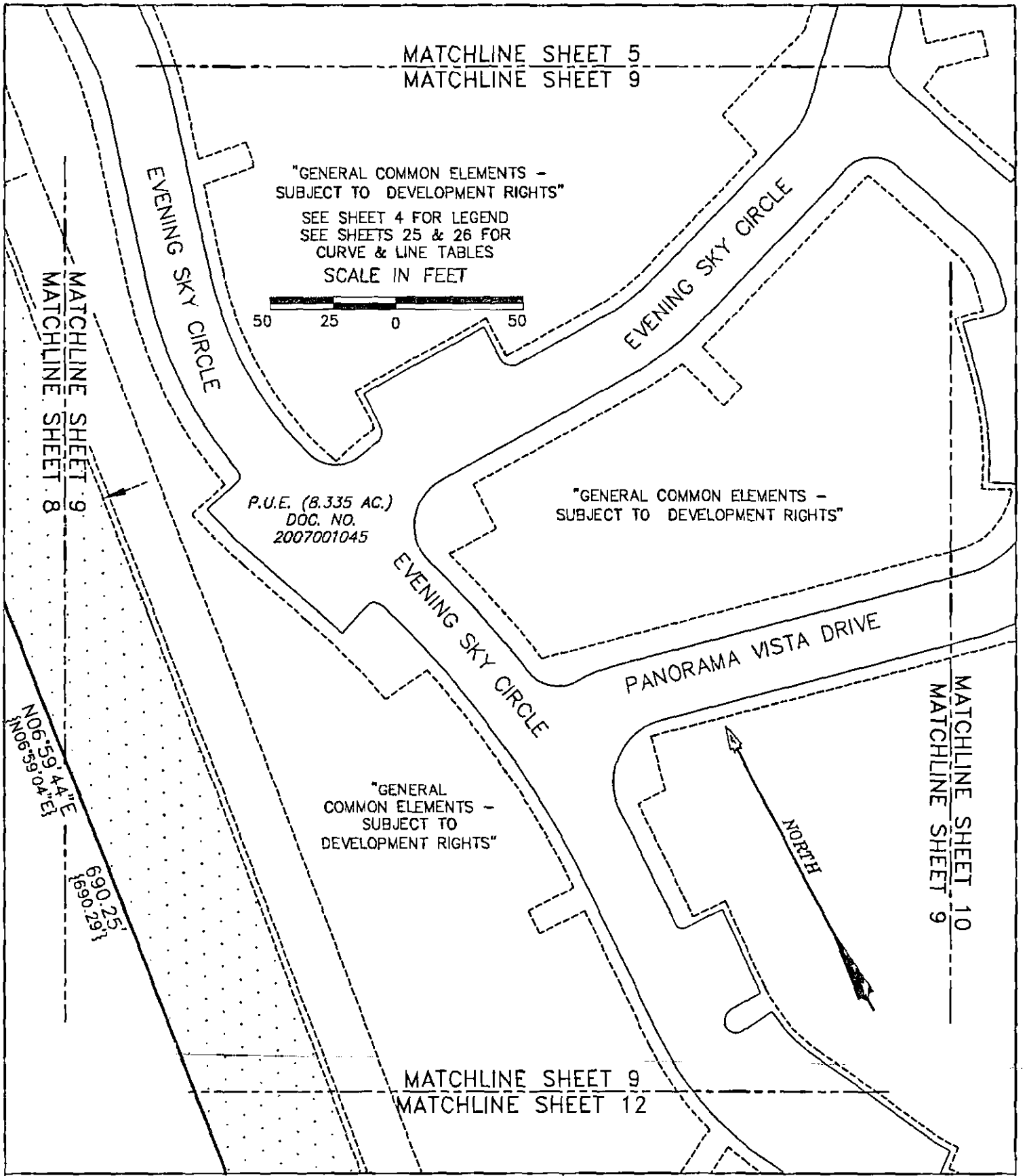

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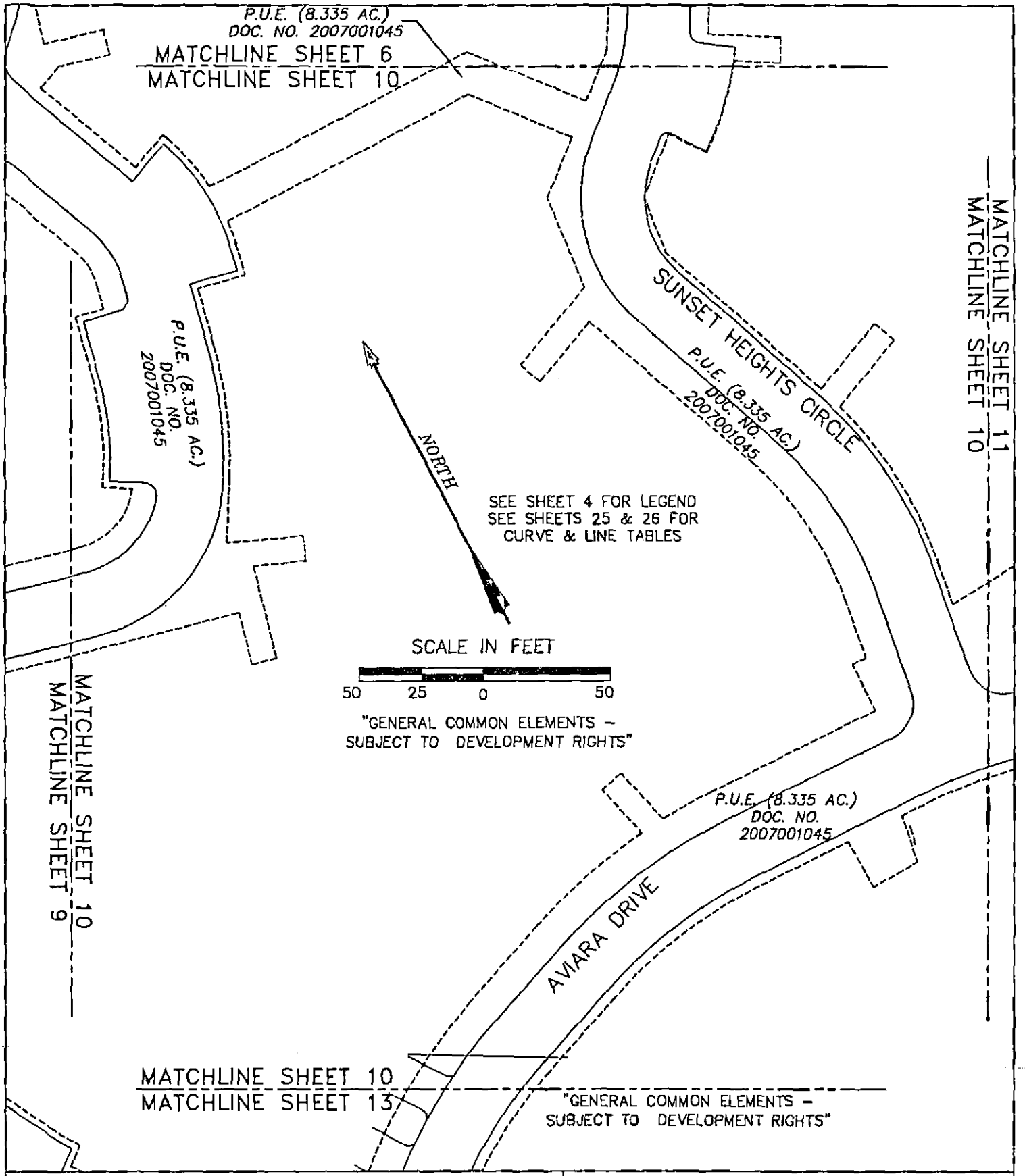

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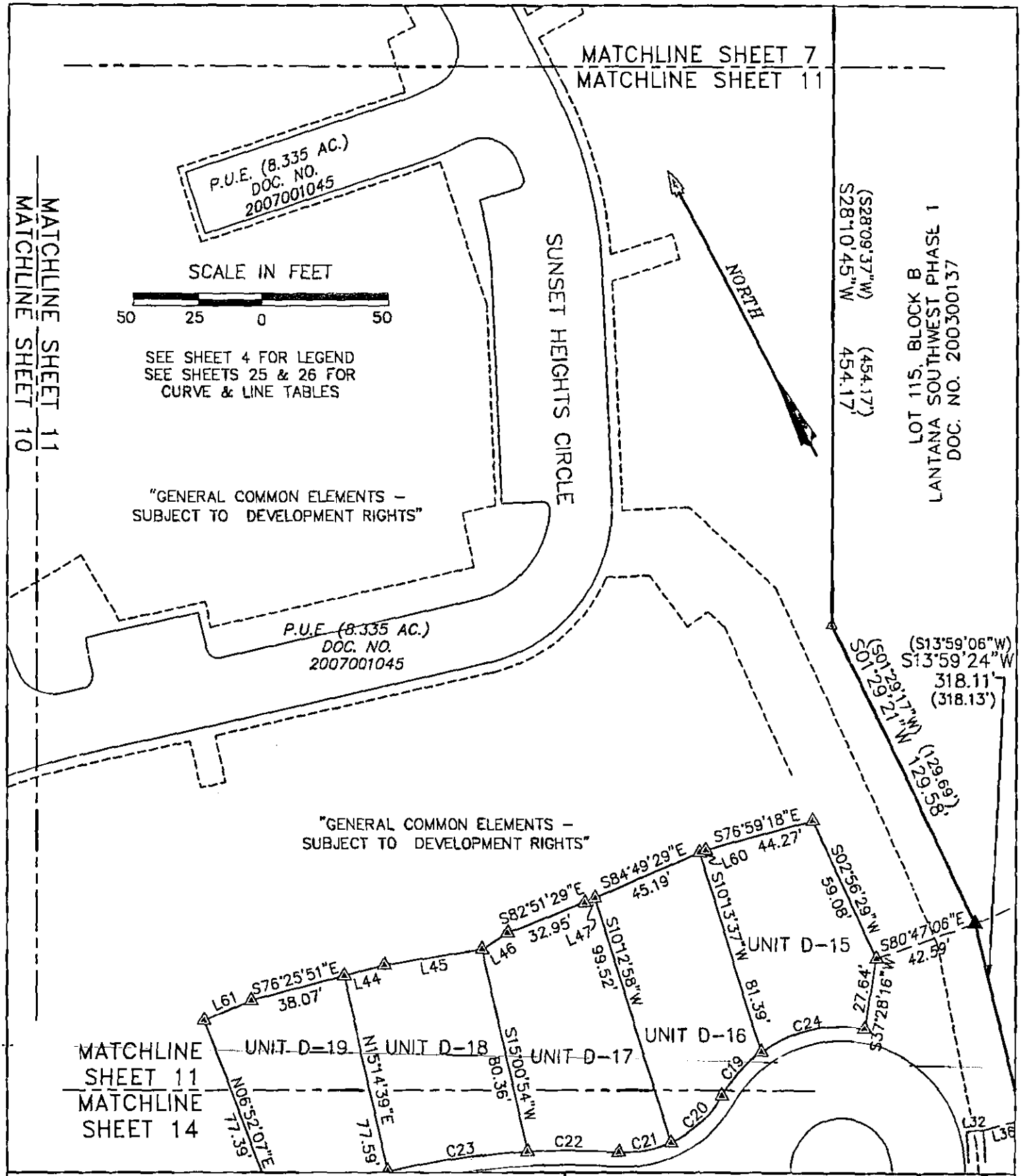

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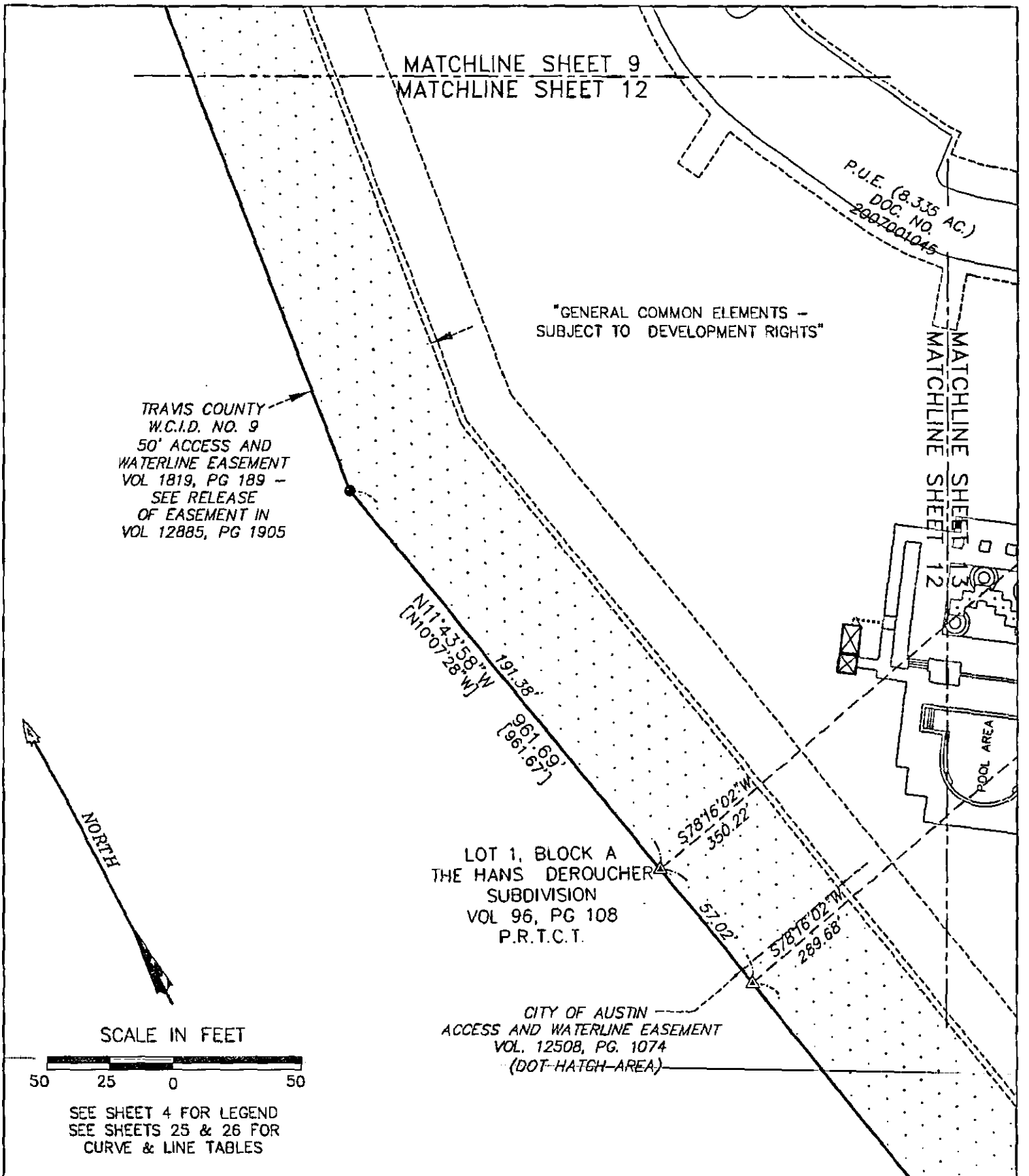

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AVIARA CONDOMINIUMS

EXHIBIT
OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BRING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

BASELINE LAND SURVEYORS, INC.
PROFESSIONAL LAND SURVEYING SERVICES
8333 CROSS PARK DRIVE
AUSTIN, TEXAS 78754
OFFICE: 512.374.9722 FAX: 512.873.9743
ron-baseline@austin.rr.com

File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET 12 of 26
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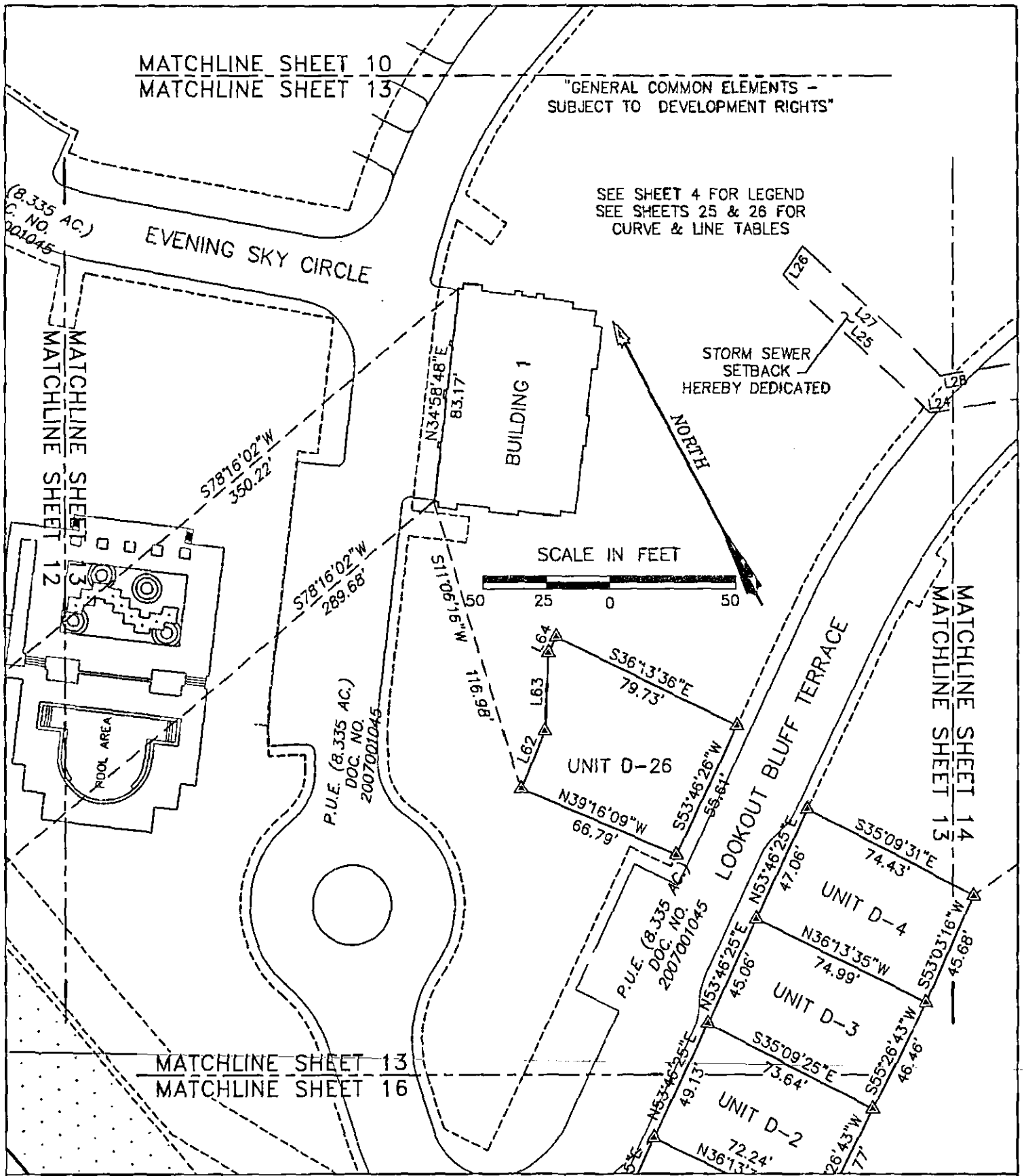

AVIARA CONDOMINIUMS

EXHIBIT

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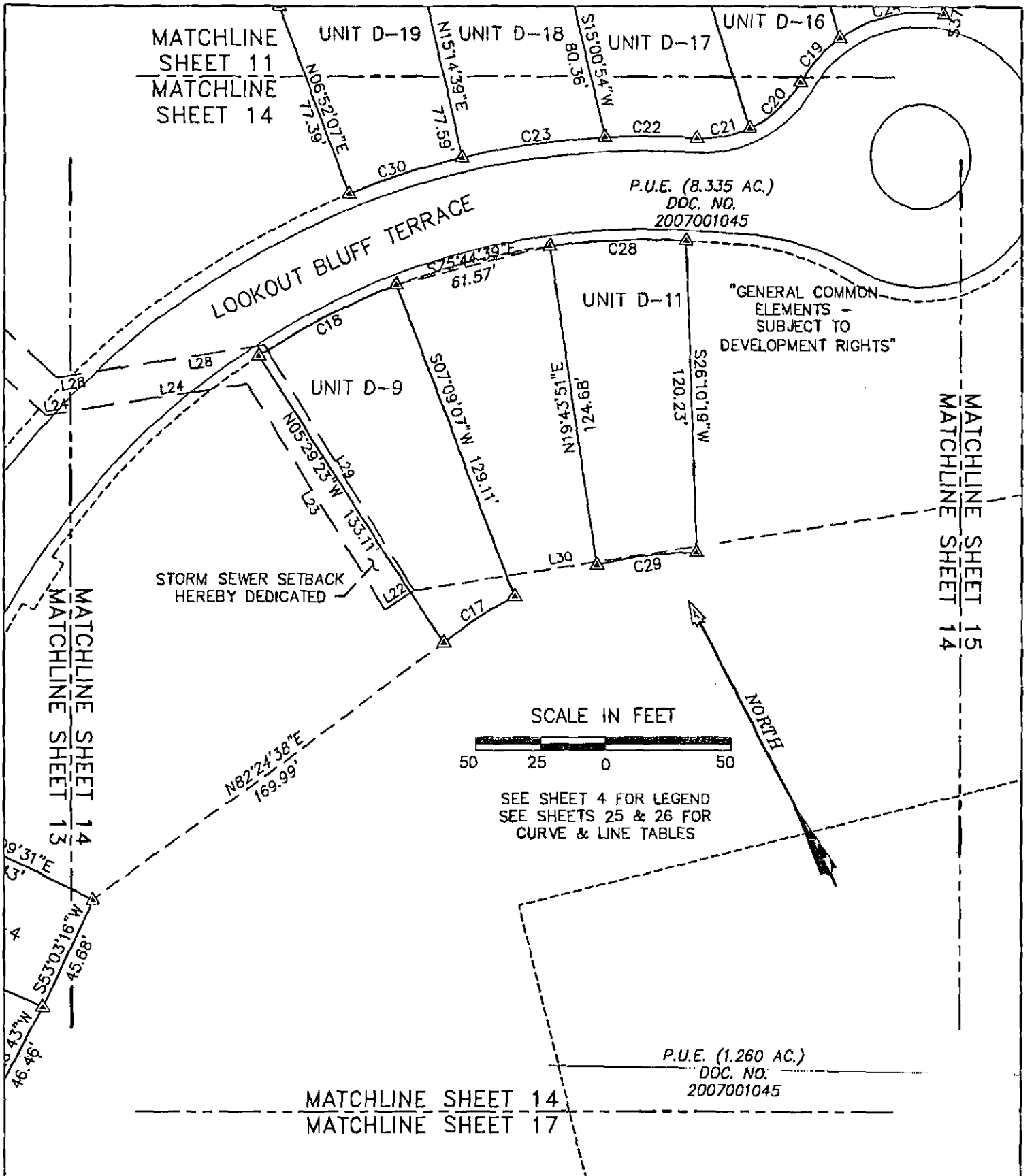

AVIARA CONDOMINIUMS

EXHIBIT

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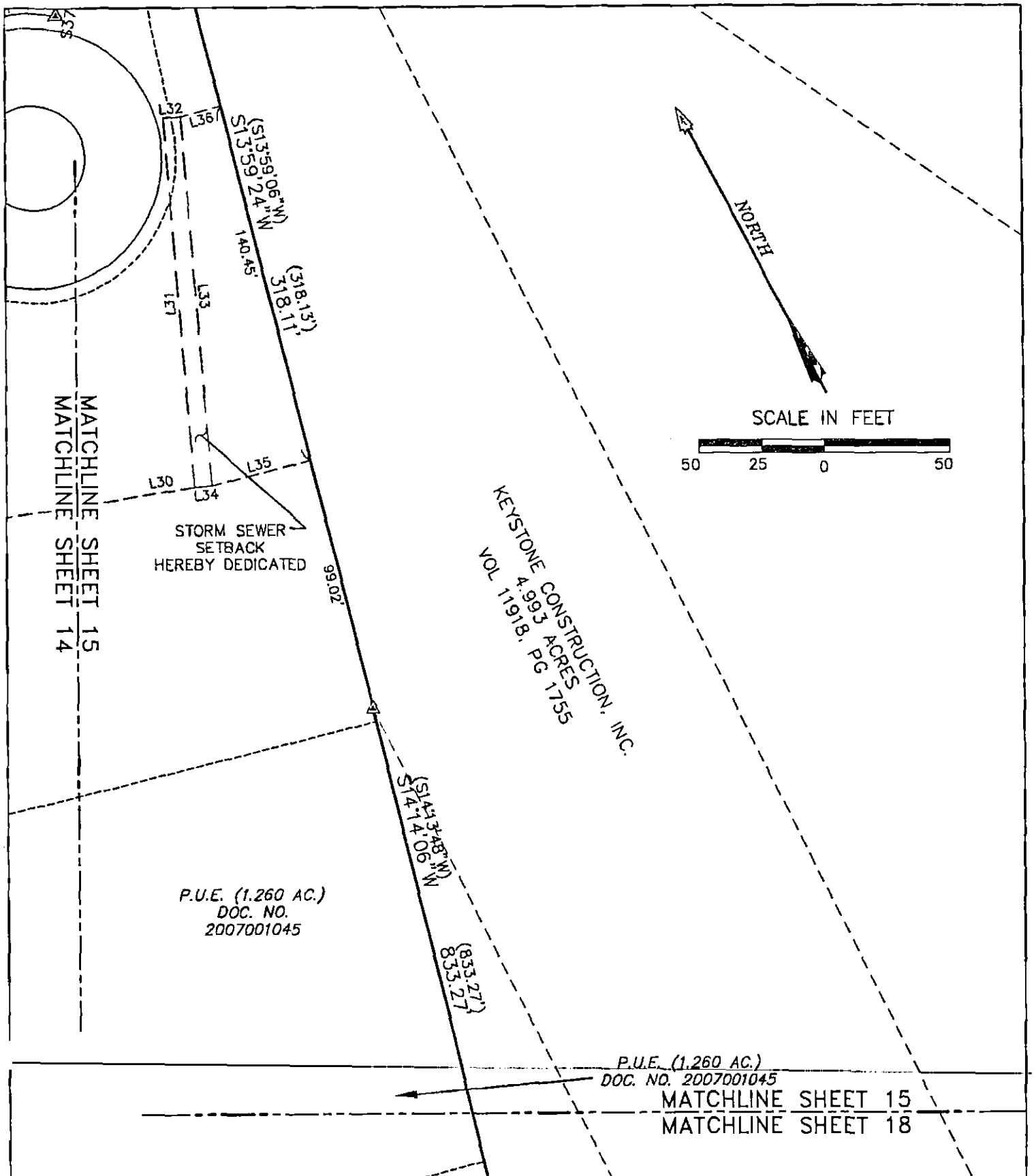

AVIARA CONDOMINIUMS

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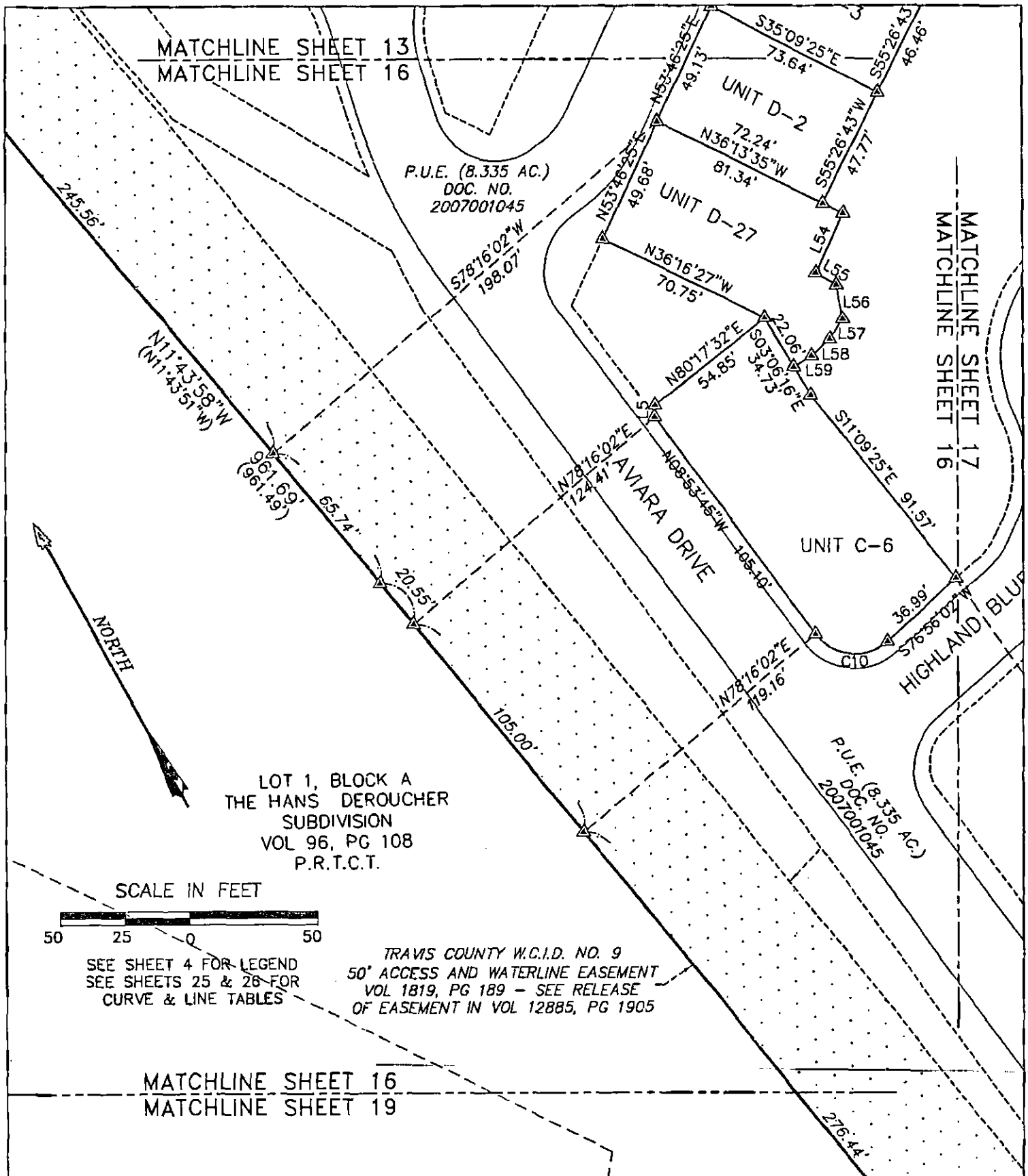

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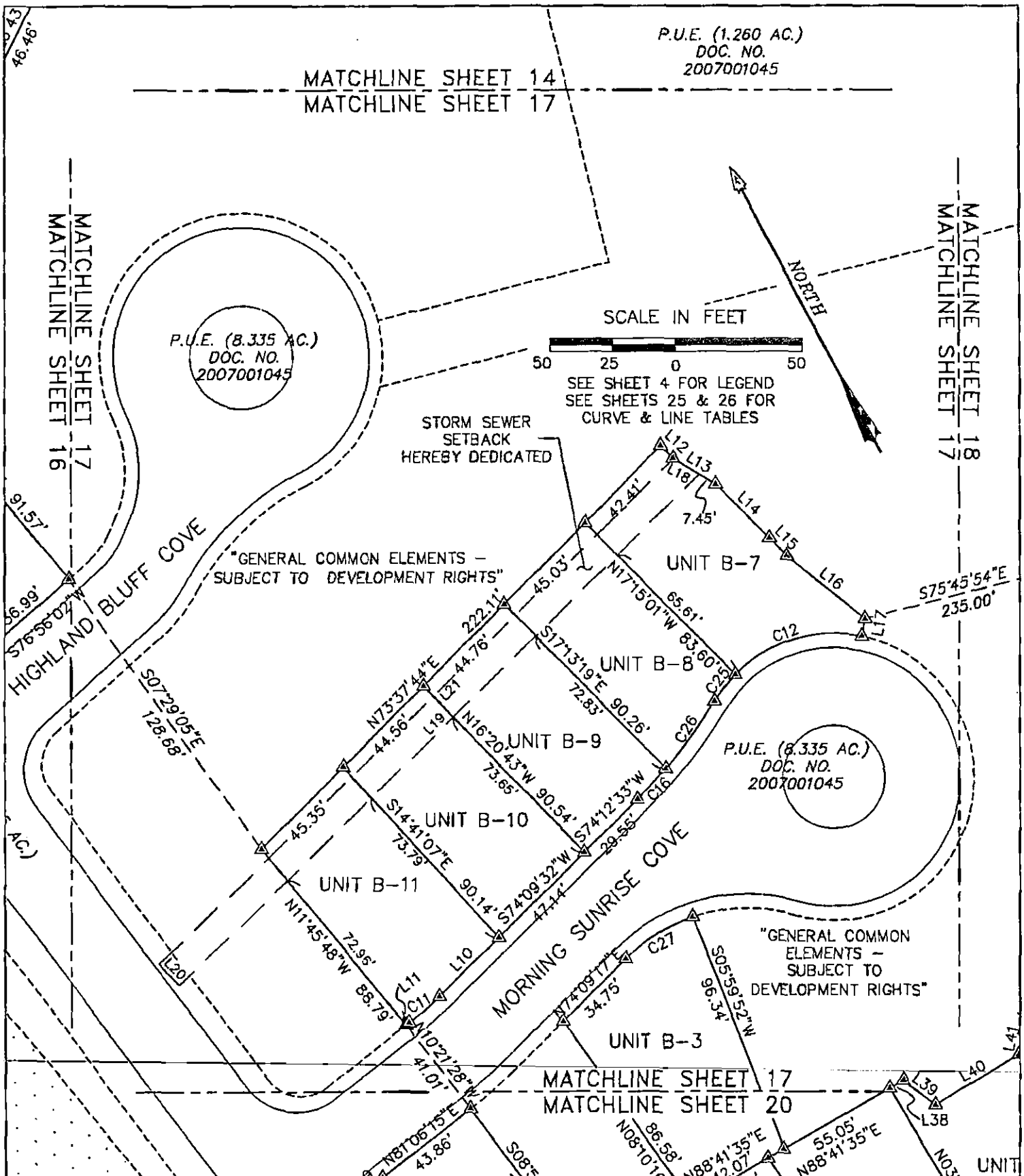

AVIARA CONDOMINIUMS

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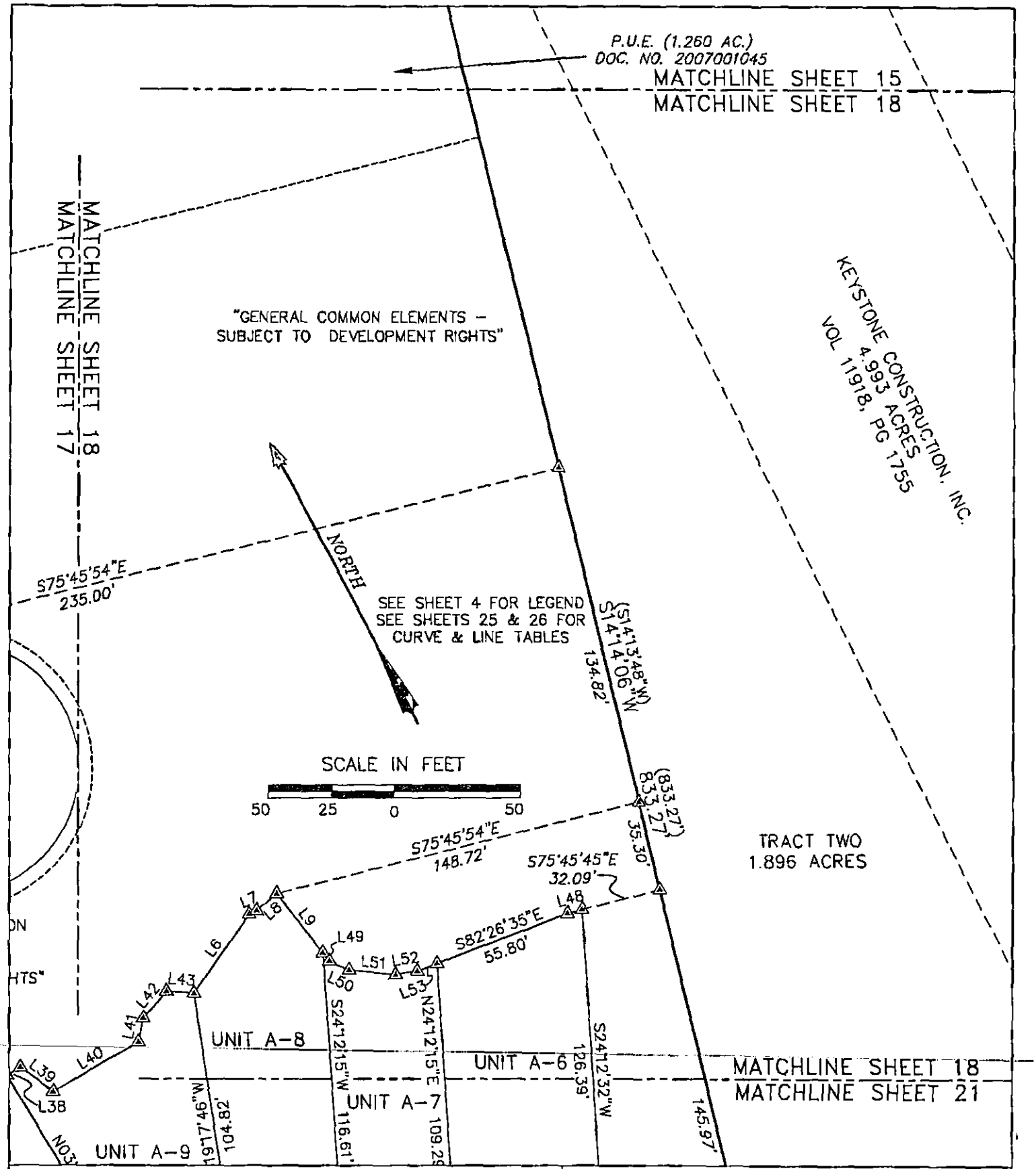

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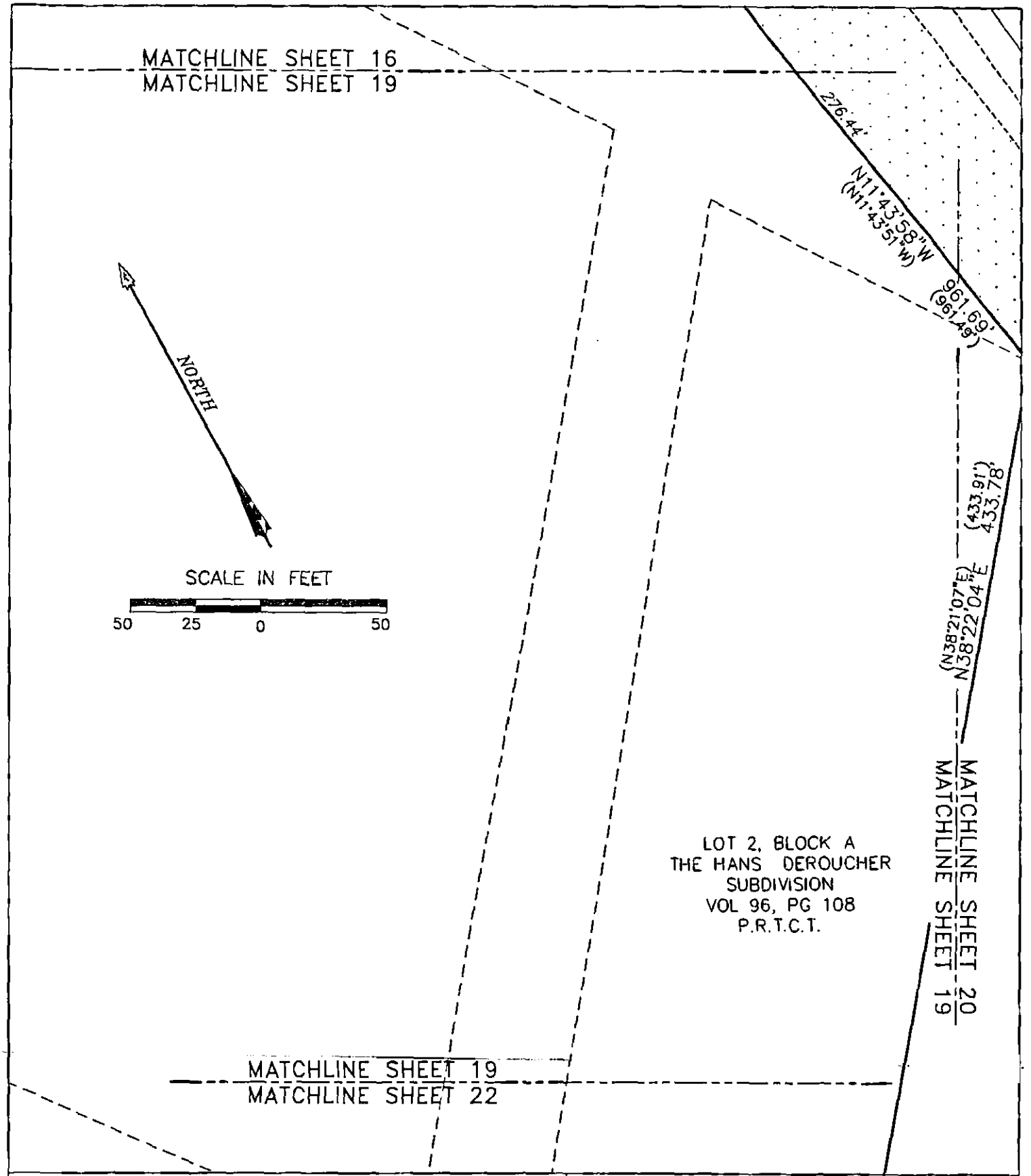

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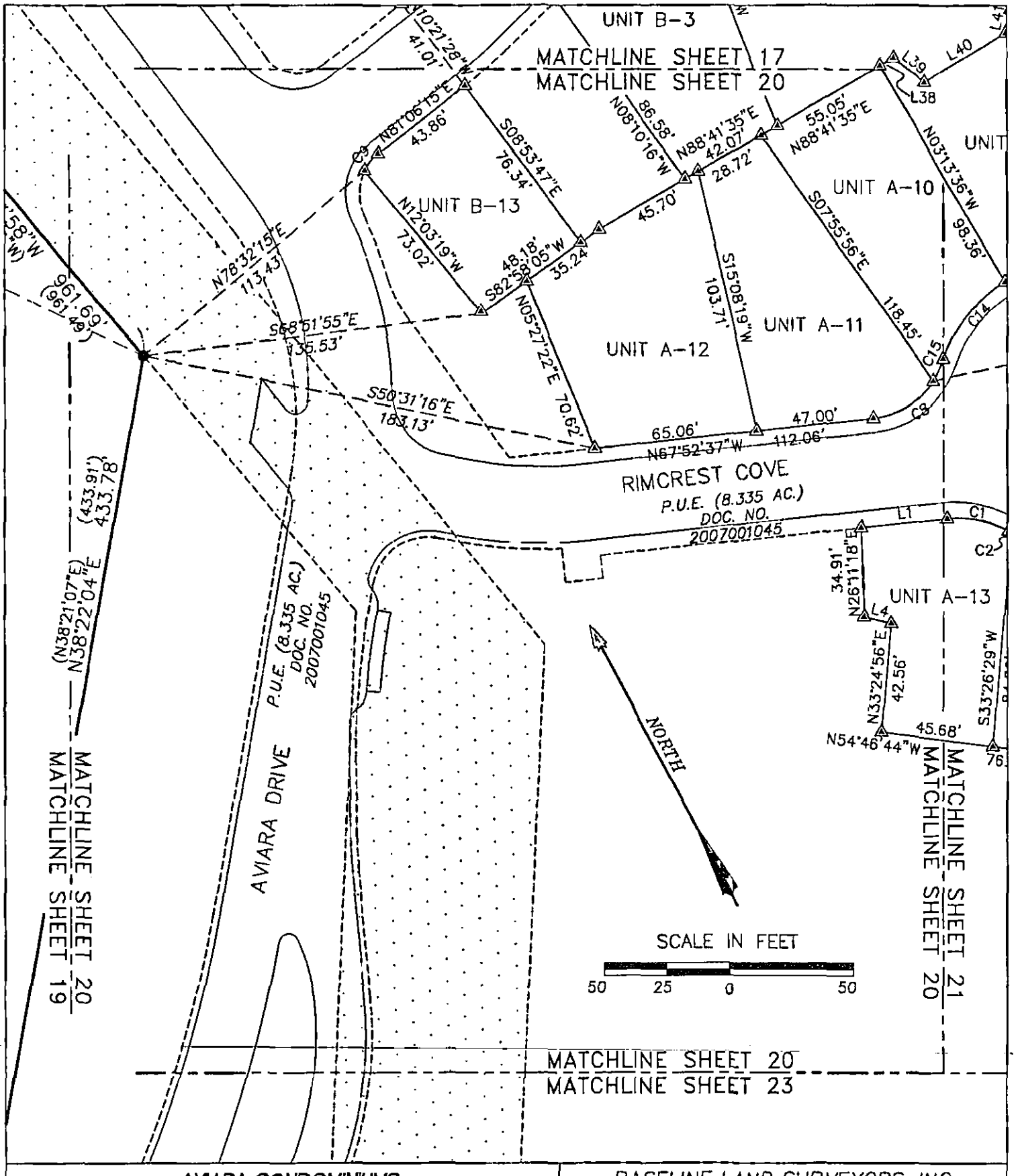

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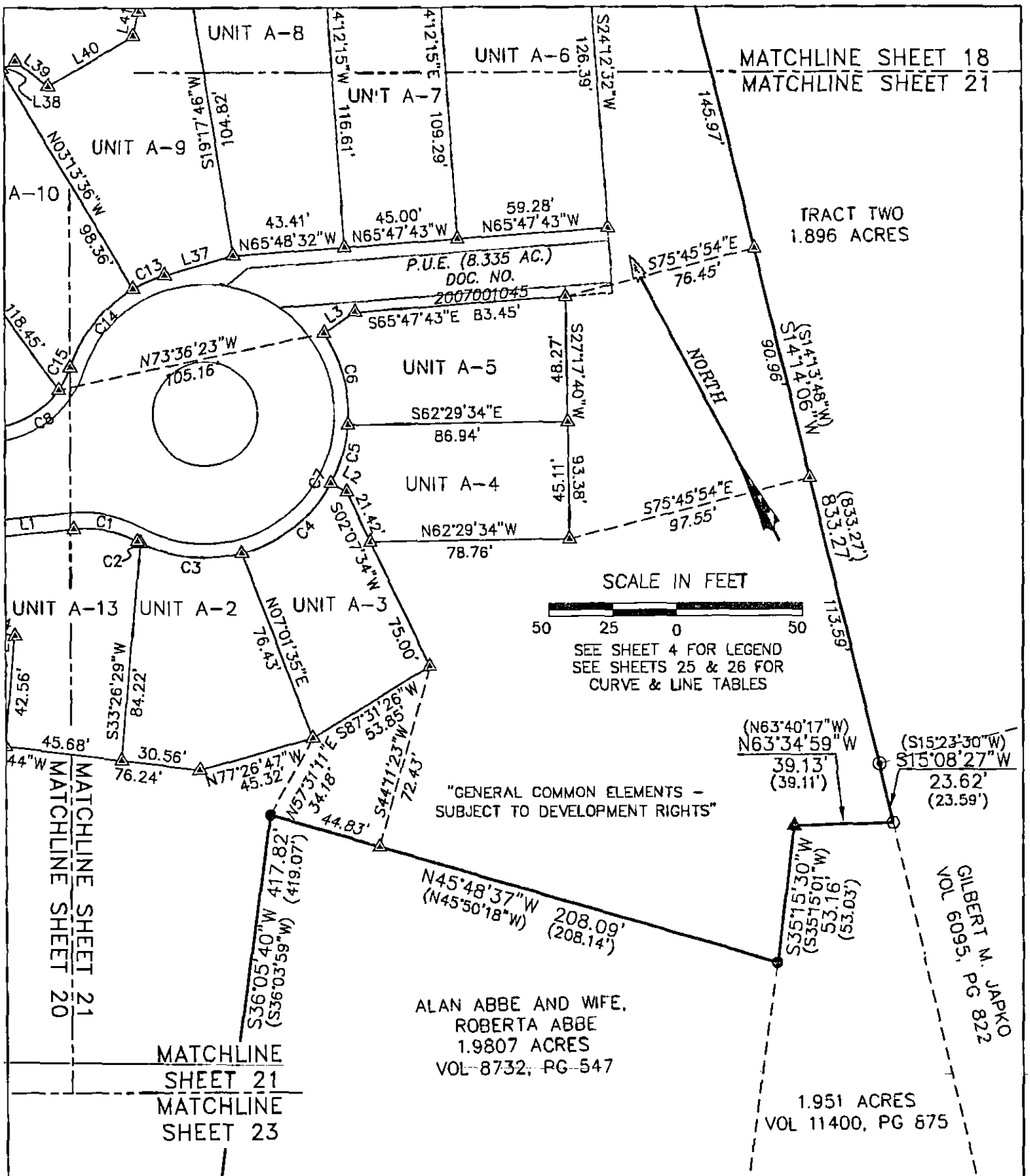

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg		SHEET 21 of 26
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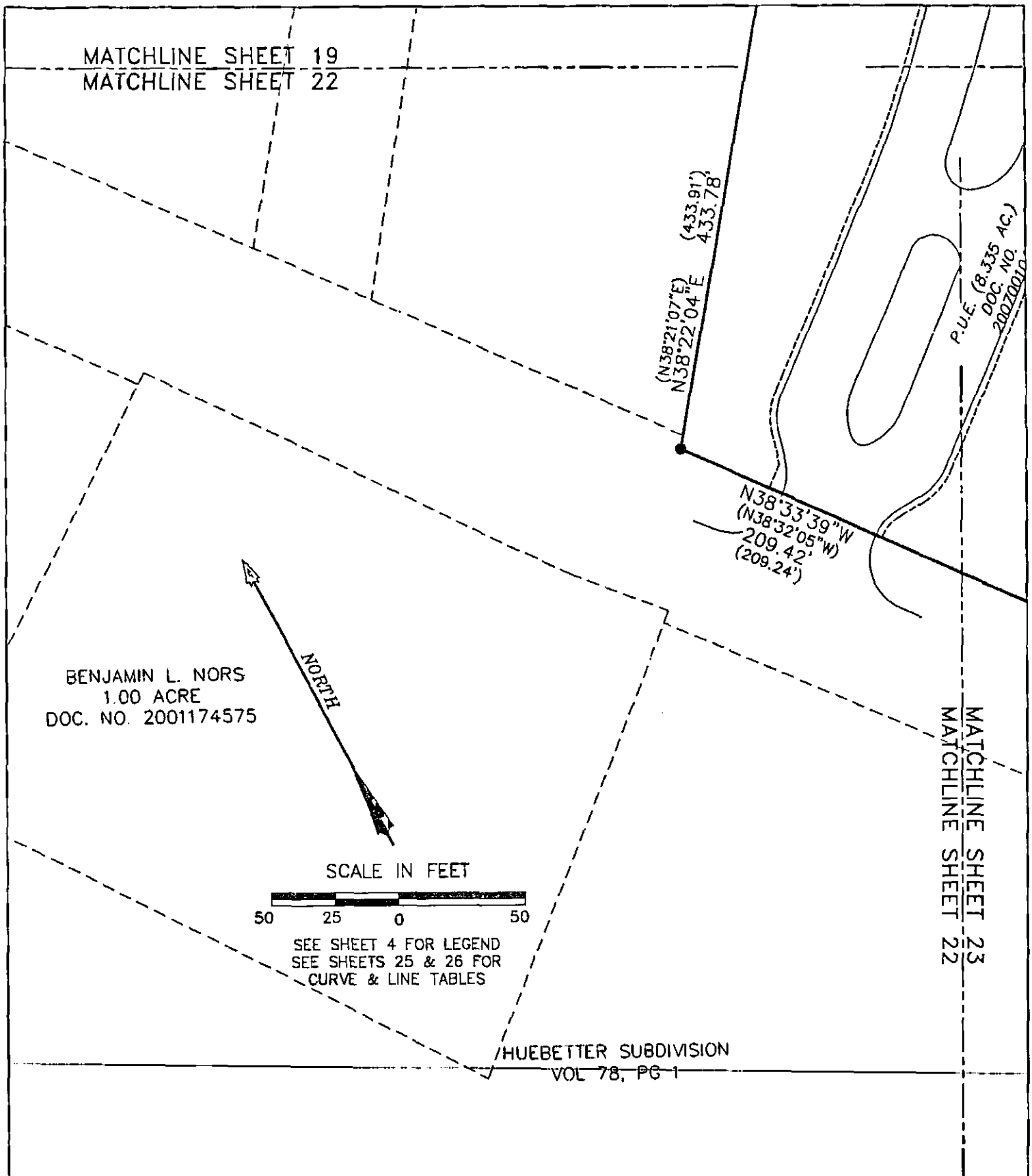

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET 22 of 26
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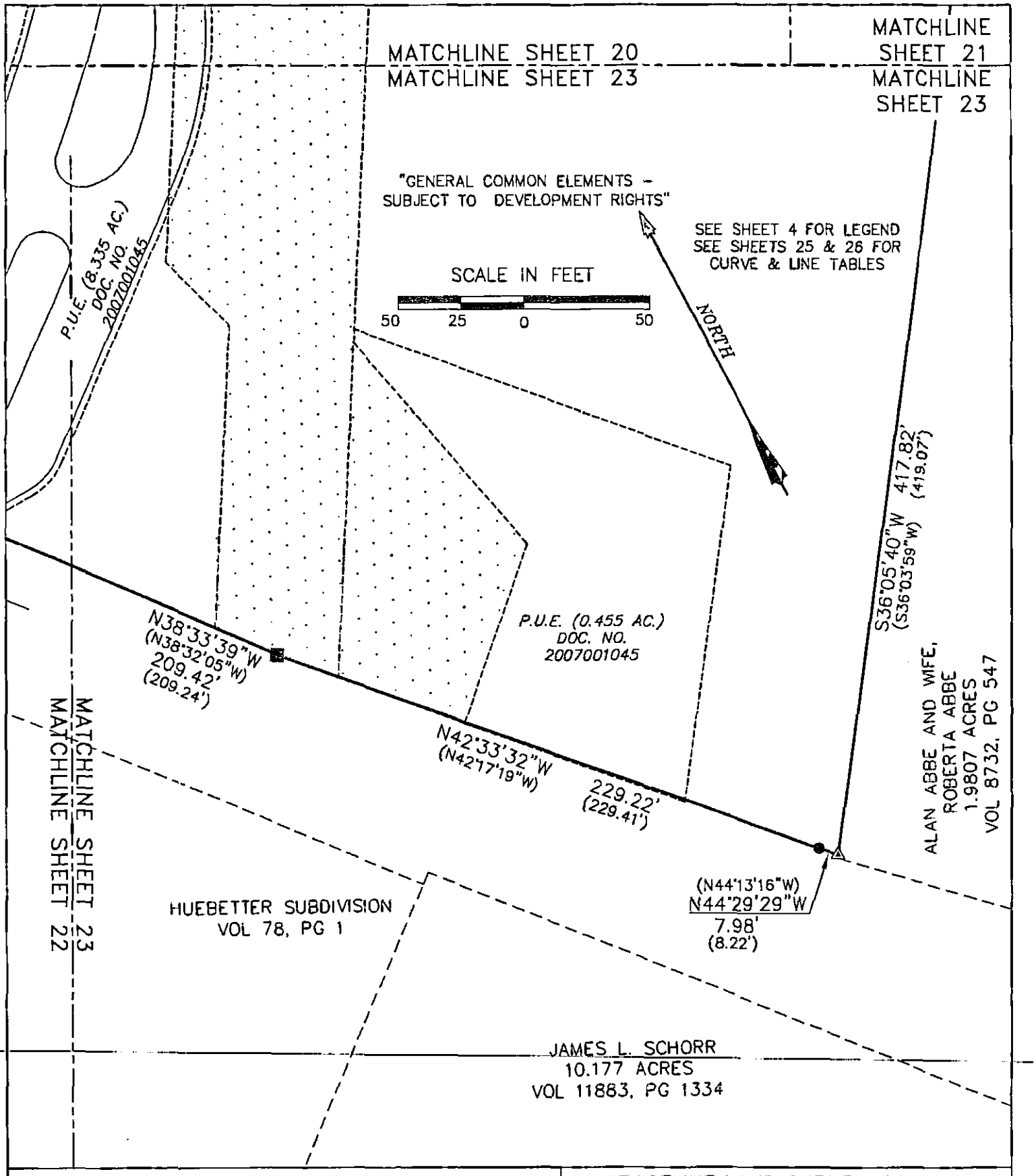

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Job No.	Snapshot:	
Scale (Hor.): 1"=50'	Scale (Vert.):	
Date: 09/02/10	Checked By: JSL	Drawn By: HPE\RLW

EXHIBIT

AVIARA CONDOMINIUMS

[PLAT]

§ Certification of Surveyor §

The attached plat, attached hereto as Exhibit contain the information required by Section 82.052 and Section 82.059 of the Texas Uniform Condominium Act, as applicable.

Ronnie Wallace
R.P.L.S. No. 5222

Date: 2 September 2010

STATE OF TEXAS
REGISTERED
RONNIE WALLACE
5222
PROFESSIONAL
LAND SURVEYOR

AVIARA CONDOMINIUMS *EXHIBIT* *OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS*	*BASELINE LAND SURVEYORS, INC.* *PROFESSIONAL LAND SURVEYING SERVICES* *8333 CROSS PARK DRIVE* *AUSTIN, TEXAS 78754* *OFFICE: 512.374.9722 FAX: 512.873.9743* *ron-baseline@austin.rr.com*
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	SHEET 24 of 26

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C1	43.50'	25.85'	34°03'14"	N50°51'00"W	25.48'
C2	55.50'	1.36'	1°24'13"	S34°31'30"E	1.36'
C3	55.50'	39.74'	41°01'24"	S55°44'18"E	38.89'
C4	55.50'	45.25'	46°42'38"	N80°23'41"E	44.00'
C5	55.50'	23.52'	24°16'50"	N44°53'57"E	23.34'
C6	55.50'	37.22'	38°25'09"	N13°32'57"E	36.52'
C7	55.50'	147.08'	151°50'14"	N70°15'30"E	107.66'
C8	34.50	29.54'	49°03'46"	N87°35'30"E	28.65'
C9	19.50'	8.60'	25°15'47"	S68°28'21"W	8.53'
C10	19.50	32.05'	94°10'13"	S55°58'52"E	28.56'
C11	128.50'	15.59'	6°56'58"	N77°37'46"E	15.58'
C12	55.50'	54.03'	55°46'56"	N78°25'05"W	51.92'
C13	55.50'	13.29'	13°43'20"	N84°39'53"W	13.26'
C14	55.50'	40.10'	41°23'40"	S67°46'37"W	39.23'
C15	34.50'	9.67'	16°03'39"	N55°06'36"E	9.64'
C16	194.50'	16.61'	4°53'34"	N71°36'45"E	16.60'
C17	160.00'	33.10'	11°51'14"	S85°23'29"W	33.04'
C18	281.00'	61.89'	12°37'13"	N88°22'50"W	61.77'
C19	55.50'	23.40'	24°09'12"	S71°04'10"W	23.22'
C20	44.50'	27.40'	35°16'52"	N76°38'00"E	26.97'
C21	44.50'	21.40'	27°32'51"	S71°57'09"E	21.19'
C22	320.50'	36.55'	6°32'02"	N61°26'44"W	36.53'
C23	320.50'	56.16'	10°02'22"	N69°43'56"W	56.09'
C24	55.50'	42.94'	44°19'30"	N74°41'29"W	41.87'
C25	55.50'	13.43'	13°52'10"	S66°45'22"W	13.40'
C26	194.50'	32.10'	9°27'22"	N64°33'01"E	32.06'
C27	69.50'	31.31'	25°48'34"	S87°03'34"W	31.04'
C28	281.00'	53.69'	10°56'52"	N64°01'05"W	53.61'
C29	160.00'	39.91'	14°17'34"	N69°21'21"W	39.81'
C30	320.50'	46.88'	8°22'48"	N78°59'29"W	46.83'

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

BASELINE LAND SURVEYORS, INC.

PROFESSIONAL LAND SURVEYING SERVICES

8333 CROSS PARK DRIVE

AUSTIN, TEXAS 78754

OFFICE: 512.374.9722 FAX: 512.873.9743

ron-baseline@austin.rr.com

File: S:\Prc\Aviara\Dwg\AVIARA CONDO BASE.dwg		
Job No.	Snapshot:	
Scale (Hor.): 1"=50'	Scale (Vert.):	
Date: 09/02/10	Checked By: JSL	Drawn By: HPE\RLW

LINE TABLE		
LINE	BEARING	LENGTH
L1	S67°52'37"E	35.37'
L2	N32°57'38"W	7.06'
L3	N84°20'23"E	14.65'
L4	N47°51'55"W	11.34'
L5	N31°01'52"E	4.45'
L6	N63°54'29"E	38.06'
L7	S86°57'47"E	3.29'
L8	N78°01'20"E	10.29'
L9	S10°13'03"E	29.53'
L10	S74°09'17"W	32.66'
L11	S81°06'15"W	1.64'
L12	S18°00'07"E	6.87'
L13	S30°23'57"E	19.47'
L14	S17°47'50"E	29.77'
L15	S15°29'37"E	9.67'
L16	S23°37'34"E	39.17'
L17	S39°28'12"W	6.91'
L18	S30°23'57"E	11.73'
L19	S74°19'32"W	284.75'
L20	N15°40'28"W	11.34'
L21	N74°19'32"E	281.77'
L22	S85°45'47"W	13.66'
L23	N04°14'13"W	103.33'
L24	N70°42'51"W	78.43'
L25	N19°29'12"W	79.32'
L26	N63°34'35"E	13.76'
L27	S19°29'12"E	74.44'
L28	S70°42'51"E	80.83'
L29	S04°14'13"E	112.29'
L30	S70°42'26"E	264.71'
L31	N23°29'14"E	142.40'
L32	S66°30'46"E	6.83'
L33	S23°29'14"W	142.40'
L34	N66°30'46"W	6.83'
L35	S76°00'36"E	39.58'
L36	S76°00'36"E	16.09'
L37	N77°48'13"W	27.14'
L38	N88°41'35"E	6.13'
L39	S25°44'32"E	15.92'
L40	N88°11'04"E	38.53'
L41	N40°42'32"E	9.55'
L42	N67°35'04"E	13.92'
L43	S57°59'22"E	10.92'
L44	S76°25'51"E	16.48'
L45	S70°54'33"E	39.17'
L46	N86°12'33"E	12.02'
L47	S84°49'29"E	4.40'
L48	S76°40'56"E	5.93'
L49	S10°13'03"E	4.06'
L50	S38°01'06"E	8.58'

LINE TABLE		
LINE	BEARING	LENGTH
L51	S56°04'51"E	18.69'
L52	S70°55'02"E	8.71'
L53	S82°26'35"E	8.37'
L54	S53°46'22"W	25.12'
L55	S31°37'01"E	9.49'
L56	S18°24'32"W	13.40'
L57	S60°30'23"W	9.18'
L58	S76°42'45"W	9.64'
L59	S87°05'06"W	8.22'
L60	S84°49'29"E	2.67'
L61	S84°21'45"E	20.21'
L62	N50°43'51"E	24.50'
L63	N30°48'59"E	30.25'
L64	N54°18'02"E	6.85'

AVIARA CONDOMINIUMS

EXHIBIT

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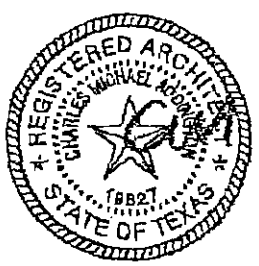
Job No.	Snapshot:	
Scale (Hor.): 1"=50'	Scale (Vert.):	
Date: 09/02/10	Checked By: JSL	Drawn By: HPE\RLW

CERTIFICATION OF CONDOMINIUM PLANS

The condominium plans attached hereto contain the information required by Sections 82.052 and 82.059 of the Texas Uniform Condominium Act, as applicable.

Printed Name: Charles M. Addington
License No. 19,827



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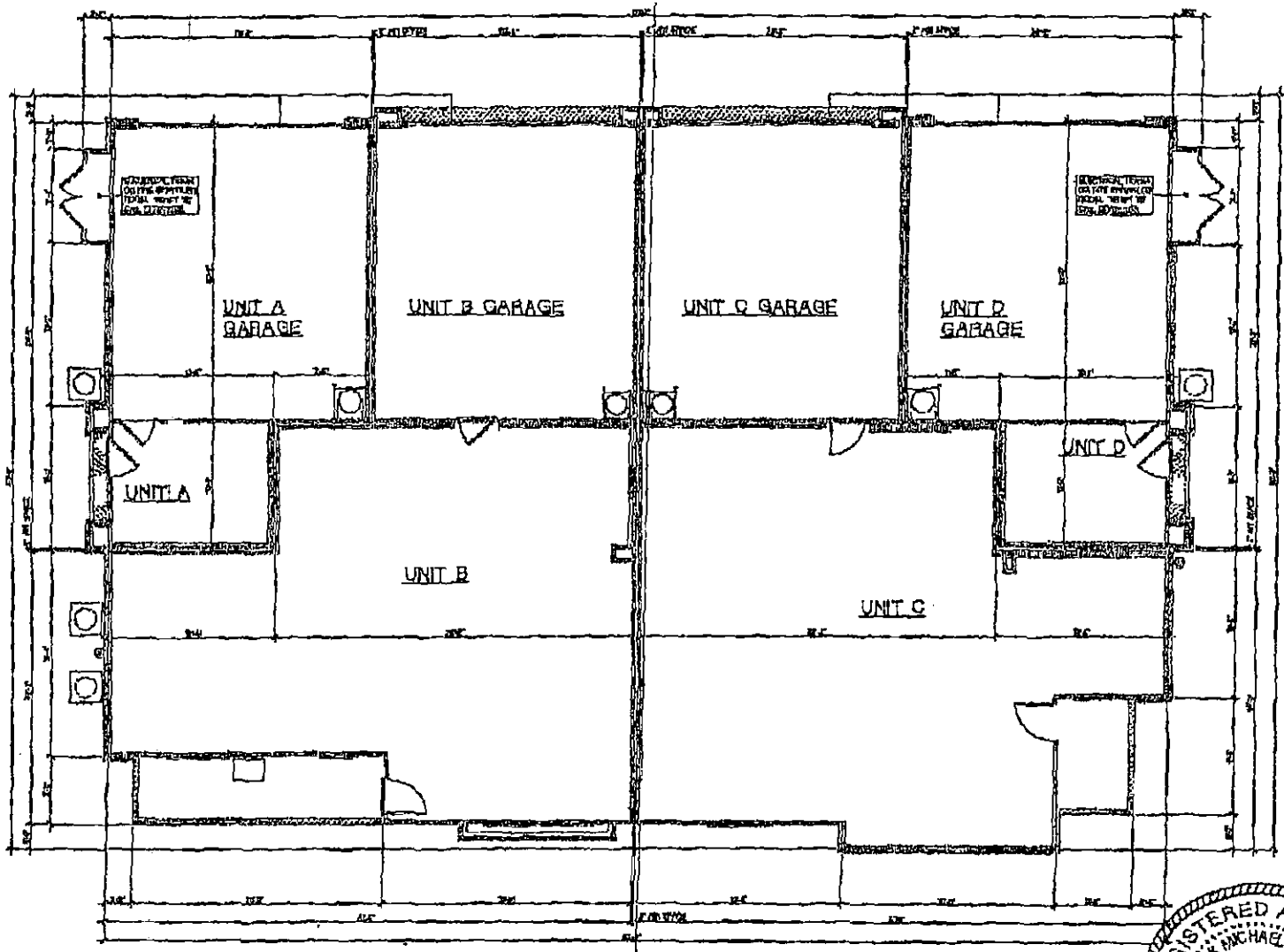
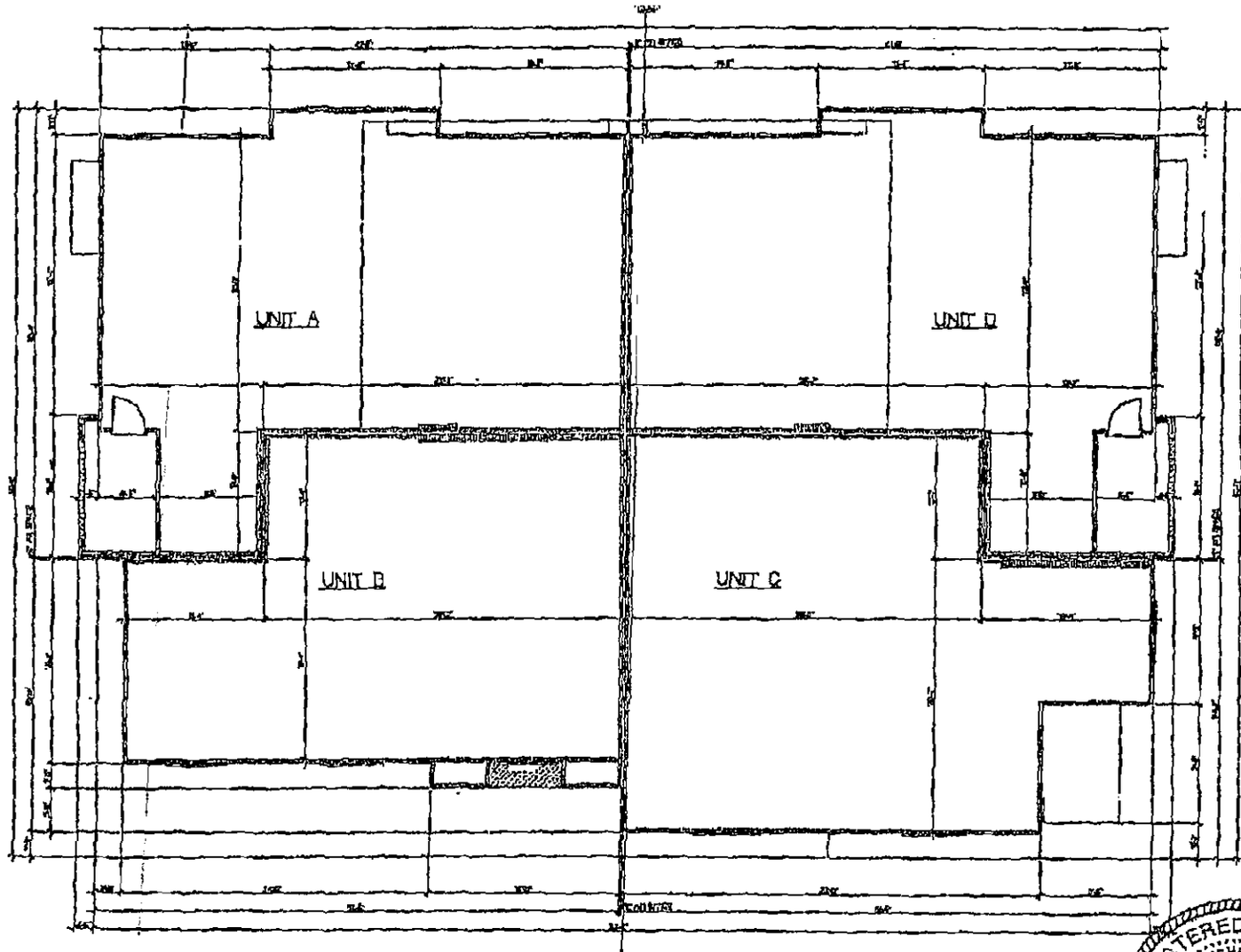


THE HEIGHTS AT AVIARA 2005-1258

COMPOSITE PLAN
FIRST FLOOR
SCALE 3/16" = 1'-0"
07/13/07

KTGY GROUP, INC.
ARCHITECTURE PLANNING

REGISTERED ARCHITECT
CHARLES MICHAEL ADAMS
18027
STATE OF TEXAS



THE HEIGHTS AT AVIARA 2005-1258

COMPOSITE PLAN
SECOND FLOOR
SCALE 3/16" = 1'-0"
07/22/07

KTGY GROUP, INC.
ARCHITECTURE PLANNING
17771 BIRCHWELL ROAD
IRVINE, CALIFORNIA 92614
(949) 851-9123
FAX (949) 851-9128
CALL FOR TIME REQUIRED

REGISTERED ARCHITECT
CHARLES MICHAEL HOOD
19027
STATE OF TEXAS

UNIT PLAN TYPES – ATTACHED UNITS

Unit No.	Plan Type*
A-1	A
B-1	B
C-1	C
D-1	D

* SEE CONDOMINIUM PLANS FOR PLAN TYPE.

ALL UNITS SHOWN ON THE PLAT AND PLANS OTHER THAN UNITS A-1, B-1, C-1, D-1 ARE STAND-ALONE UNITS.

ATTACHMENT 2

EXHIBIT "C" TO THE DECLARATION OF CONDOMINIUM REGIME

COMMON INTEREST ALLOCATION & BUILDING LCE ALLOCATION

COMMON INTEREST ALLOCATION

The Common Interest Allocation and percentage of liability for common expenses for each Unit is 1/36.

THE COMMON INTEREST ALLOCATION ASSIGNED TO A PARTICULAR UNIT WILL DECREASE IF ADDITIONAL UNITS ARE CREATED AND ADDED TO THE REGIME BY THE DECLARANT.

BUILDING LCE ALLOCATION

The Building LCE Allocation for each Attached Unit is 1/4.

THE BUILDING LCE ALLOCATION ASSIGNED TO A PARTICULAR UNIT WILL DECREASE IF ADDITIONAL UNITS ARE CREATED AND ADDED TO THE REGIME BY THE DECLARANT.

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS
Dana DeBeauvoir
Sep 03, 2010 03:39 PM 2010129787
HOLMC: $156.00
Dana DeBeauvoir, County Clerk
Travis County TEXAS

TRV 2010175181
34 PGS

AFTER RECORDING RETURN TO:
Robert D. Burton, Esq.
Armbrust & Brown, PLLC
100 Congress Ave., Suite 1300
Austin, Texas 78701

AVIARA

NINTH AMENDMENT TO RESTATED AND AMENDED DECLARATION OF CONDOMINIUM REGIME FOR AVIARA CONDOMINIUMS

(A Residential Condominium in Travis County, Texas)

Cross Reference to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2009071585, Official Public Records of Travis County, Texas as amended by that certain First Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2009142835, Official Public Records of Travis County, Texas, as amended by that certain Second Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2010051936, Official Public Records of Travis County, Texas, as amended by that certain Third Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2010073309, Official Public Records of Travis County, Texas, as amended by that certain Fourth Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2010087345, Official Public Records of Travis County, Texas, as amended by that certain Fifth Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2010106978, Official Public Records of Travis County, Texas, as amended by that certain Sixth Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2010115972, Official Public Records of Travis County, Texas, as amended by that certain Seventh Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2010128041, Official Public Records of Travis County, Texas and as further amended by that certain Eighth Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2010129787, Official Public Records of Travis County, Texas.

TRV 2010175181
34 PGS

AFTER RECORDING RETURN TO:
Robert D. Burton, Esq.
Armbrust & Brown, PLLC
100 Congress Ave., Suite 1300
Austin, Texas 78701

NINTH AMENDMENT TO RESTATED AND AMENDED DECLARATION OF CONDOMINIUM REGIME FOR AVIARA CONDOMINIUMS

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NINTH AMENDMENT TO
RESTATED AND AMENDED DECLARATION OF CONDOMINIUM REGIME
FOR AVIARA CONDOMINIUMS

This Ninth Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums (the "**Amendment**") is made **CR-B AVIARA, L.P.**, a Texas limited partnership ("**Declarant**"), and is as follows:

RECITALS:

A. Aviara Condominiums, a condominium regime (the "**Regime**"), located in Travis County, Texas, was established pursuant to that certain Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2009071585, Official Public Records of Travis County, Texas as amended by that certain First Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2009142835, Official Public Records of Travis County, Texas, as amended by that certain Second Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2010051936, Official Public Records of Travis County, Texas, as amended by that certain Third Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2010073309, Official Public Records of Travis County, Texas, as amended by that certain Fourth Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2010087345, Official Public Records of Travis County, Texas, as amended by that certain Fifth Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2010106978, Official Public Records of Travis County, Texas, as amended by that certain Sixth Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2010115972, Official Public Records of Travis County, Texas, as amended by that certain Seventh Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2010128041, Official Public Records of Travis County, Texas and as further amended by that certain Eighth Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2010129787, Official Public Records of Travis County, Texas (collectively, the "**Declaration**").

B. Pursuant to *Provision A.3.10* of Appendix "A" to the Declaration, Declarant may amend the Declaration unilaterally and without the consent of other Owners or any mortgagee to add real property to the Property and create Units, General Common Elements and Limited Common Elements within the Property.

C. In accordance with *Provision A.3.8* of Appendix "A" to the Declaration, Declarant has reserved the right, during the Development Period, to create Units, General Common Elements, and Limited Common Elements within the Property. The "Development Period" as such term is defined in the Declaration, is a fifteen (15) year period commencing on the date the Declaration was recorded in the Official Public Records of Travis County, Texas. The Declaration was recorded in the Official Public Records of Travis County, Texas, on May 4, 2009.

D. This amendment is promulgated for the purpose of creating four (4) additional Units within the Regime. The total number of Units within the Regime after giving effect to this Amendment is equal to forty (40), and the total number of additional Units which Declarant has reserved the right to create by amendment is equal to one hundred ten (110).

NOW THEREFORE, the Declaration is hereby amended as follows:

1. **Creation of Units.** In accordance with the rights reserved by the Declarant pursuant to *Section 5.1* of the Declaration and *Provisions A.3.8* and *A.3.10* of Appendix "A" to the Declaration, Declarant hereby creates four (4) Units, which are designated as Unit Nos. B-4, C-4, D-13 and D-21 (collectively, the "**New Units**"). The New Units are hereby classified as Units which MUST BE BUILT.

2. **Replacement of Exhibit "B".** Exhibit "B" to the Declaration is hereby deleted in its entirety and the Plats and Plans attached hereto as Attachment 1 (the "**New Plats and Plans**") are substituted in their place. The New Plats and Plans: (i) assign an identifying number to all Units; (ii) describe the portion of the limited common elements created or assigned to all Units; and (iii) include the information required by Section 82.059 of the Texas Uniform Condominium Act.

3. **Replacement of Exhibit "C".** The Percentage Interests allocated to all Units within the Regime, after the addition of the New Units, is set forth on Attachment 2, attached hereto. Attachment 2, attached hereto, will supersede and replace Exhibit "C" attached to the Declaration.

4. **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.

[SIGNATURE PAGE FOLLOWS]

EXECUTED to be effective as of the 22nd day of November, 2010.

DECLARANT:

CR-B AVIARA, L.P., *a Texas limited partnership*

By: CR-B INVESTORS I GP, L.L.C., a Texas limited liability company, its General Partner

By: _____

Printed Name: David N. Arrow

Title: Vice-President

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this 22 day of November, 2010 by David N. Arrow, Vice President of CR-B Investors I GP, L.L.C., a Texas limited liability company, General Partner of CR-B Aviara, L.P., a Texas limited partnership, on behalf of said entities.

(SEAL)

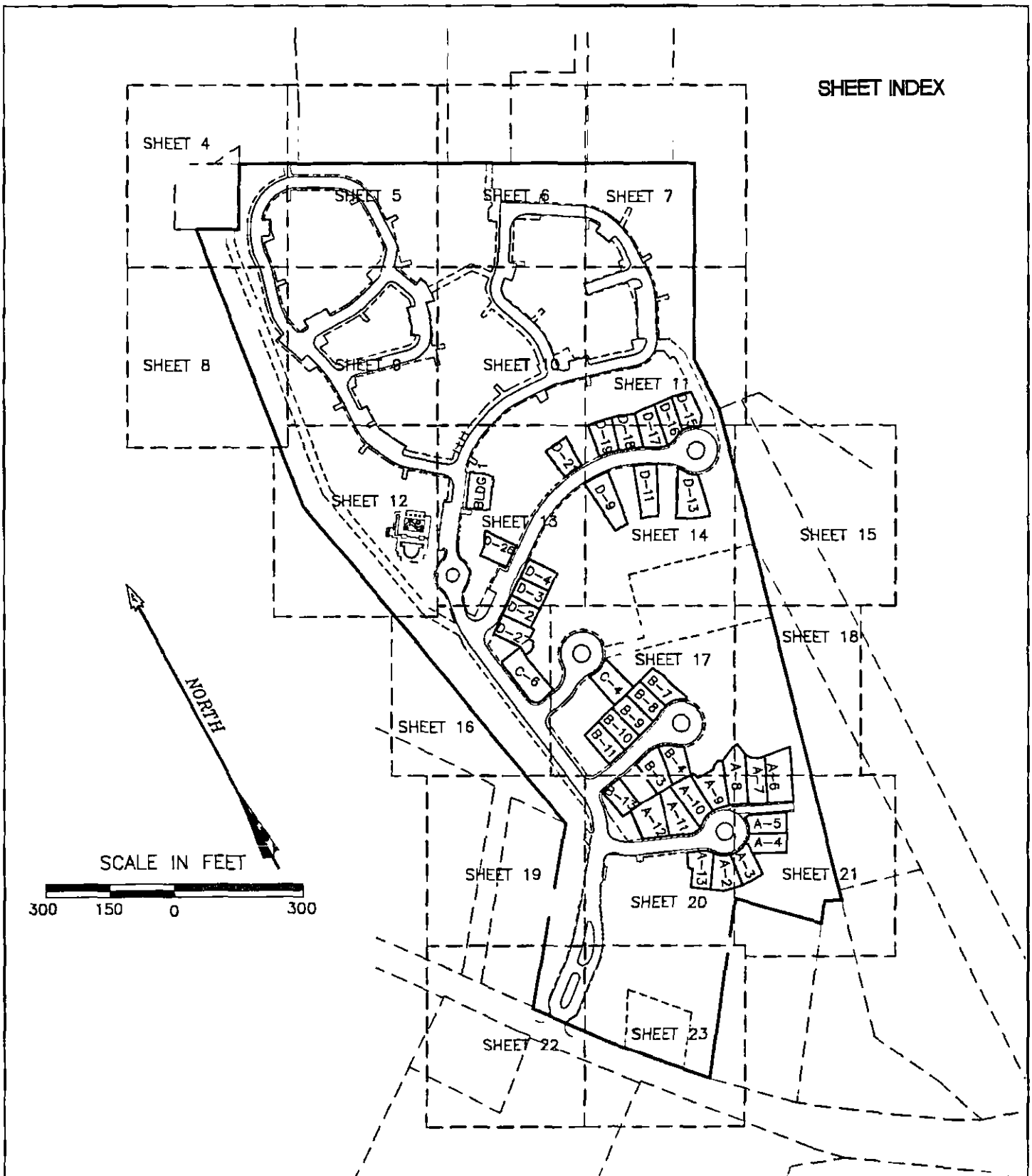
Notary Public Signature

GWEN MCLENDON
MY COMMISSION EXPIRES
August 20, 2014

ATTACHMENT 1

EXHIBIT "B" TO THE DECLARATION OF CONDOMINIUM REGIME

SEE SHEET 24 OF 26 FOR ORIGINAL CERTIFICATION



AVIARA CONDOMINIUMS

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Job No.		Snapshot:	
Scale (Hor.): N/A		Scale (Vert.):	
Date: 11/18/10	Checked By: JSL	Drawn By: HPE\RLW	

GENERAL NOTES

1.) ALL IMPROVEMENTS AND LAND REFLECTED ON THE PLAT ARE DESIGNATED AS GENERAL COMMON ELEMENTS, SAVE AND EXCEPT PORTIONS OF THE REGIME DESIGNATED AS LIMITED COMMON ELEMENTS OR "L.C.E." OR UNITS: (i) IN THE DECLARATION OF CONDOMINIUM REGIME FOR AVIARA CONDOMINIUMS; OR (ii) ON THE PLATS AND PLANS OF THE REGIME.

2.) OWNERSHIP AND USE OF CONDOMINIUM UNITS IS SUBJECT TO THE RIGHTS AND RESTRICTIONS CONTAINED IN THE DECLARATION OF CONDOMINIUM REGIME FOR AVIARA CONDOMINIUMS.

3.) EACH UNIT, BUILDING, LIMITED COMMON ELEMENT AND GENERAL COMMON ELEMENT IS SUBJECT TO SPECIAL RIGHTS RESERVED BY THE DECLARANT AS PROVIDED IN APPENDIX "A" OF THE DECLARATION OF CONDOMINIUM REGIME FOR AVIARA CONDOMINIUMS. PURSUANT TO SUCH PROVISIONS, AMONG OTHER THINGS, DECLARANT HAS RESERVED THE RIGHT TO: (i) COMPLETE OR MAKE IMPROVEMENTS INDICATED ON THE PLAT AND PLANS, AS PROVIDED IN APPENDIX "A" OF THE DECLARATION; (ii) EXERCISE ANY DEVELOPMENT RIGHT PERMITTED BY THE TEXAS UNIFORM CONDOMINIUM ACT AND THE DECLARATION, INCLUDING THE ADDITION OF REAL PROPERTY TO THE REGIME DESCRIBED ON THIS PLAT AS "ADDITIONAL PROPERTY WHICH MAY BE ADDED TO THE REGIME," WHICH PROPERTY MAY BE ADDED AS UNITS, GENERAL COMMON ELEMENTS AND/OR LIMITED COMMON ELEMENTS, AS PROVIDED IN SECTION 2.2 OF THE DECLARATION AND APPENDIX "A" OF THE DECLARATION;. (iii) MAKE THE PROPERTY PART OF A LARGER CONDOMINIUM OR PLANNED COMMUNITY, AS PROVIDED IN APPENDIX "A" OF THE DECLARATION; (iv) USE UNITS OWNED OR LEASED BY DECLARANT AS MODELS, STORAGE AREAS, AND OFFICES FOR THE MARKETING, MANAGEMENT, MAINTENANCE, CUSTOMER SERVICE, CONSTRUCTION, AND LEASING OF THE PROPERTY, AS PROVIDED IN APPENDIX "A" OF THE DECLARATION, AND (v) APPOINT OR REMOVE ANY DECLARANT-APPOINTED OFFICER OR DIRECTOR OF THE ASSOCIATION DURING THE DECLARANT CONTROL PERIOD (AS DESCRIBED IN THE DECLARATION) CONSISTENT WITH THE TEXAS UNIFORM CONDOMINIUM ACT, AS PROVIDED IN APPENDIX "A" OF THE DECLARATION. AS PROVIDED IN APPENDIX "A" OF THE DECLARATION, FOR PURPOSES OF PROMOTING, IDENTIFYING, AND MARKETING THE PROPERTY, DECLARANT RESERVES AN EASEMENT AND RIGHT TO PLACE OR INSTALL SIGNS, BANNERS, FLAGS, DISPLAY LIGHTING, POTTED PLANTS, EXTERIOR DECORATIVE ITEMS, SEASONAL DECORATIONS, TEMPORARY WINDOW TREATMENTS, AND SEASONAL LANDSCAPING ON THE PROPERTY, INCLUDING ITEMS AND LOCATIONS THAT ARE PROHIBITED TO OTHER OWNERS AND RESIDENTS. DECLARANT RESERVES AN EASEMENT AND RIGHT TO MAINTAIN, RELOCATE, REPLACE, OR REMOVE THE SAME FROM TIME TO TIME WITHIN THE PROPERTY. AS PROVIDED IN APPENDIX "A" OF THE DECLARATION, DECLARANT HAS AN EASEMENT AND RIGHT OF INGRESS AND EGRESS IN AND THROUGH THE COMMON ELEMENTS (AS DEFINED IN THE DECLARATION) AND UNITS OWNED OR LEASED BY DECLARANT FOR PURPOSES OF CONSTRUCTING, MAINTAINING, MANAGING, AND MARKETING THE PROPERTY, AND FOR DISCHARGING DECLARANT'S OBLIGATIONS UNDER THE TEXAS UNIFORM CONDOMINIUM ACT AND THE DECLARATION.

BASELINE LAND SURVEYORS, INC.

PROFESSIONAL LAND SURVEYING SERVICES

8333 CROSS PARK DRIVE

AUSTIN, TEXAS 78754

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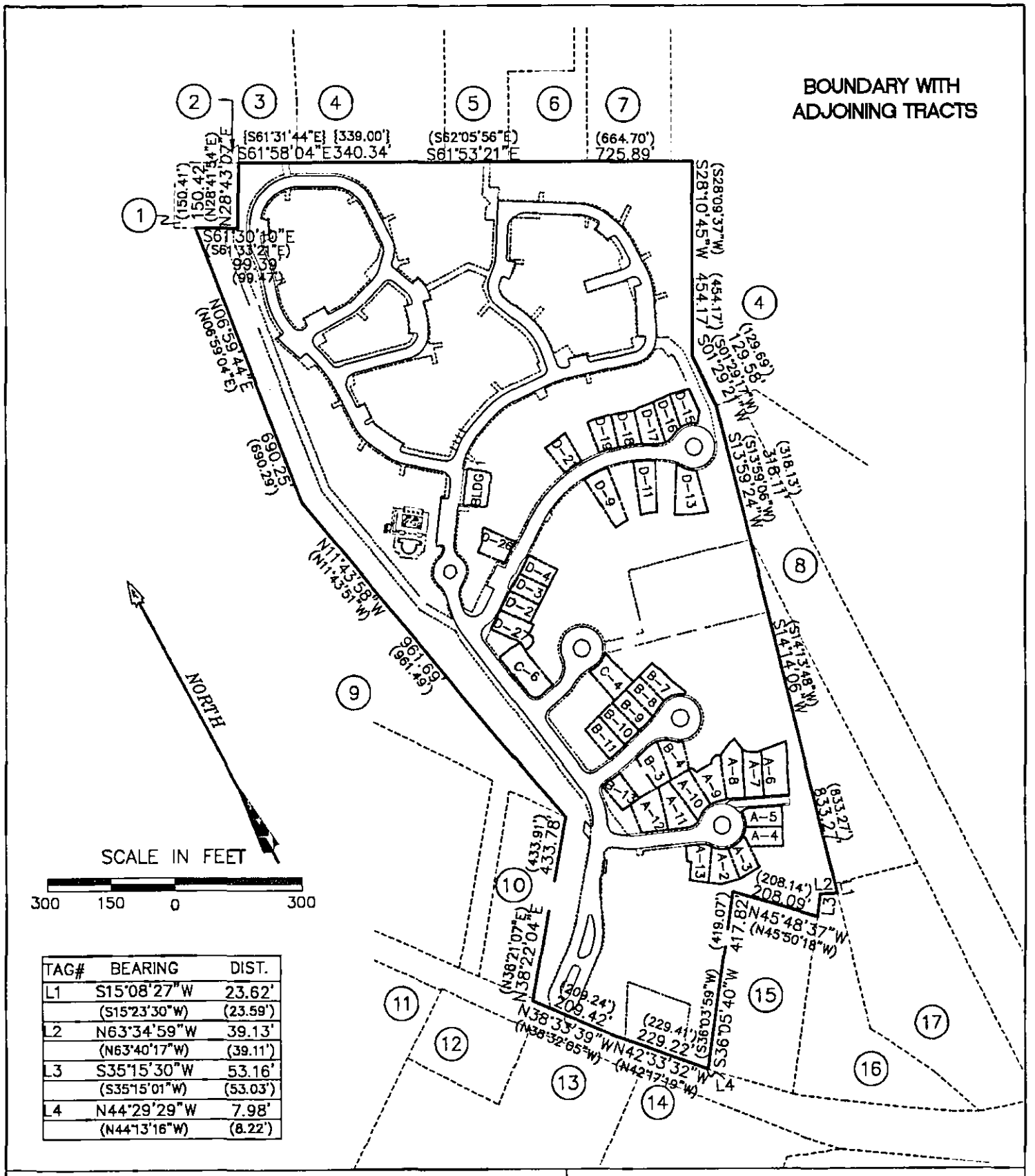

TAG#	BEARING	DIST.
L1	S15°08'27"W	23.62'
	(S15°23'30"W)	(23.59')
L2	N63°34'59"W	39.13'
	(N63°40'17"W)	(39.11')
L3	S35°15'30"W	53.16'
	(S35°15'01"W)	(53.03')
L4	N44°29'29"W	7.98'
	(N44°13'16"W)	(8.22')

AVIARA CONDOMINIUMS

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Job No.	Snapshot:	2 of 26
Scale (Hor.): N/A	Scale (Vert.):	
Date: 11/18/10	Checked By: JSL	Drawn By: HPE\RLW

ADJOINING OWNERS

1. TRAVIS COUNTY W.C.I.D. NO. 9, VOL. 1819, PG. 189 (0.52 ACRES)
2. CITY OF AUSTIN, VOL. 10958, PG. 277 (0.029 ACRES)
3. REMAINDER OF 888.051 ACRES, VOL. 10958, PG. 280
4. LOT 115, BLOCK B, LANTANA SOUTHWEST, PHASE 1, DOC. NO. 200300137
5. CITY OF AUSTIN, TRACT 2, VOL. 12910, PG. 670 (1.757 ACRES)
6. CITY OF AUSTIN, VOL. 10031 PG. 300 (1.0397 ACRES)
7. CITY OF AUSTIN, TRACT 1, VOL. 12910, PG. 670 (1.655 ACRES)
8. KEYSTONE CONSTRUCTION, INC., VOL. 11918, PG. 1755 (4.993 ACRES)
9. LOT 1, BLOCK "A", THE HANS DEROUCHER SUBDIVISION, VOL. 96, PG. 108
10. LOT 2, BLOCK "A", THE HANS DEROUCHER SUBDIVISION, VOL. 96, PG. 108
11. AARON GARDNER SUBDIVISION, VOL. 49, PG. 95
12. BENJAMIN L. NORS, DOC. NO. 2001174575 (1.00 ACRE)
13. HUEBETTER SUBDIVISION, VOL. 78, PG. 1
14. JAMES L. SCHORR, VOL. 11883, PG. 1334 (10.177 ACRES)
15. ALAN ABBE, et ux, VOL. 8732, PG. 5 (1.9807 ACRES)
16. 1.951 ACRES, VOL. 11400, PG. 875
17. GILBERT M. JAPKO, TRACT ONE, VOL. 6095, PG. 82 (3.129 ACRES)

AVIARA CONDOMINIUMS

EXHIBIT
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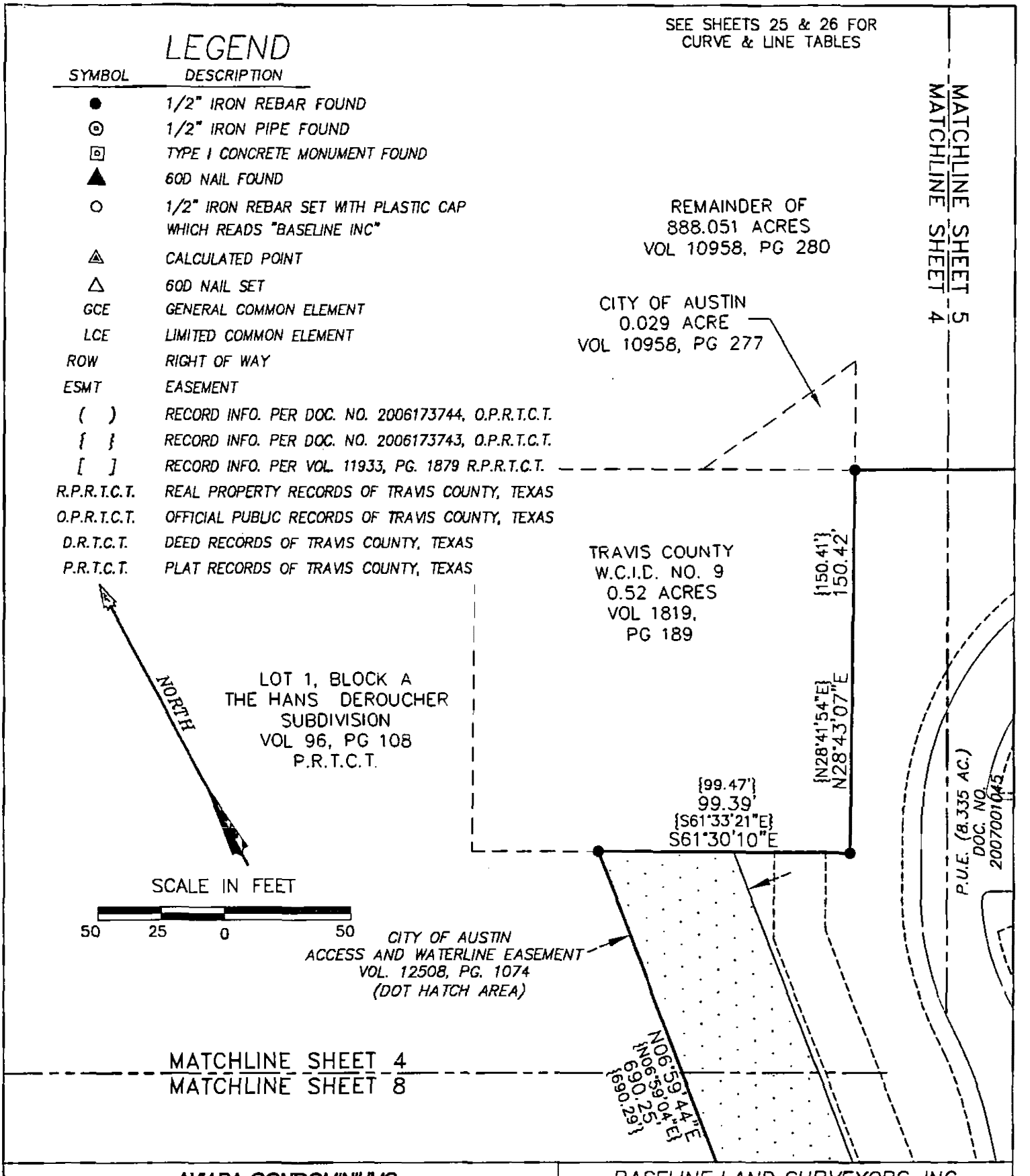

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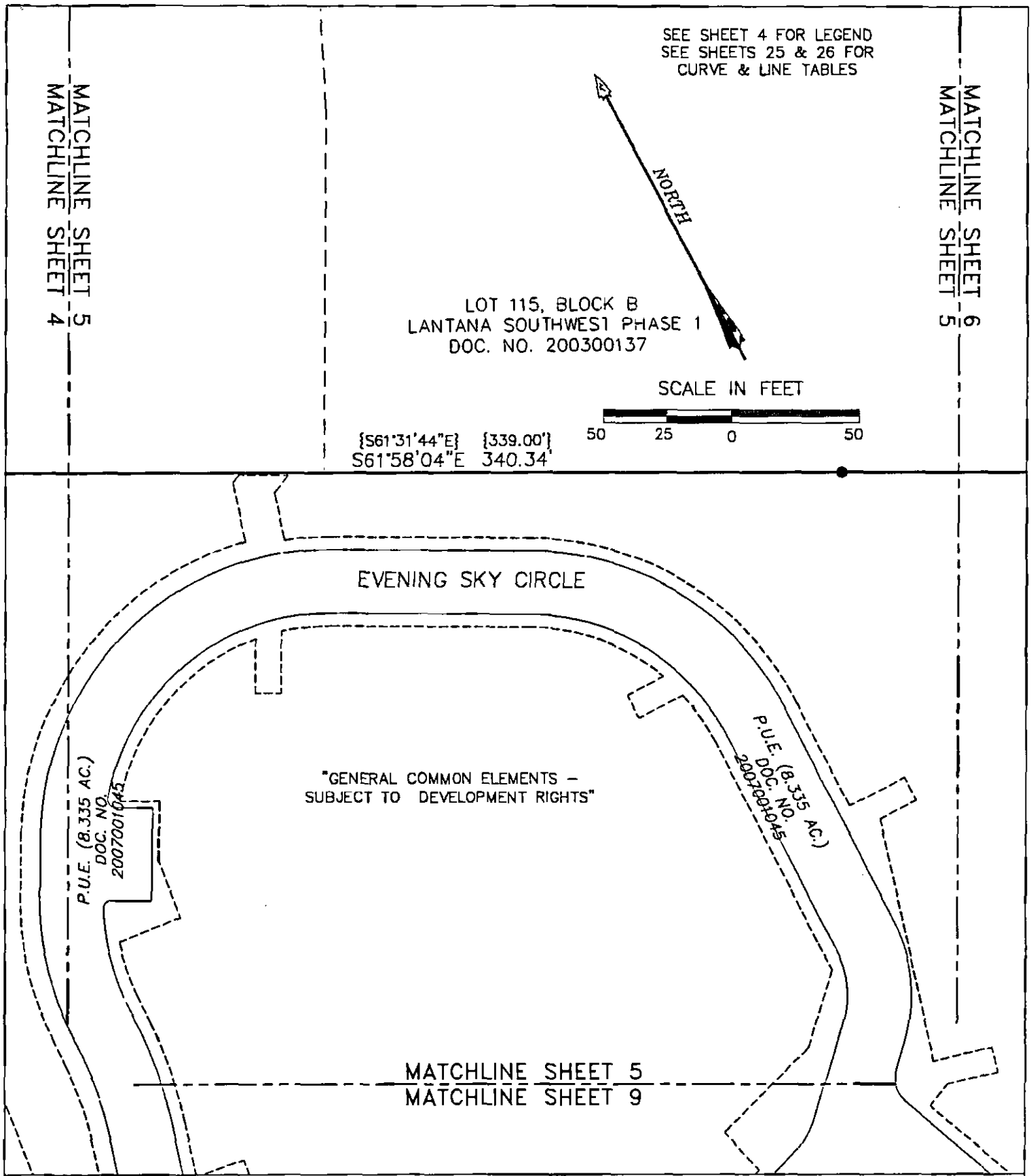

AVIARA CONDOMINIUMS

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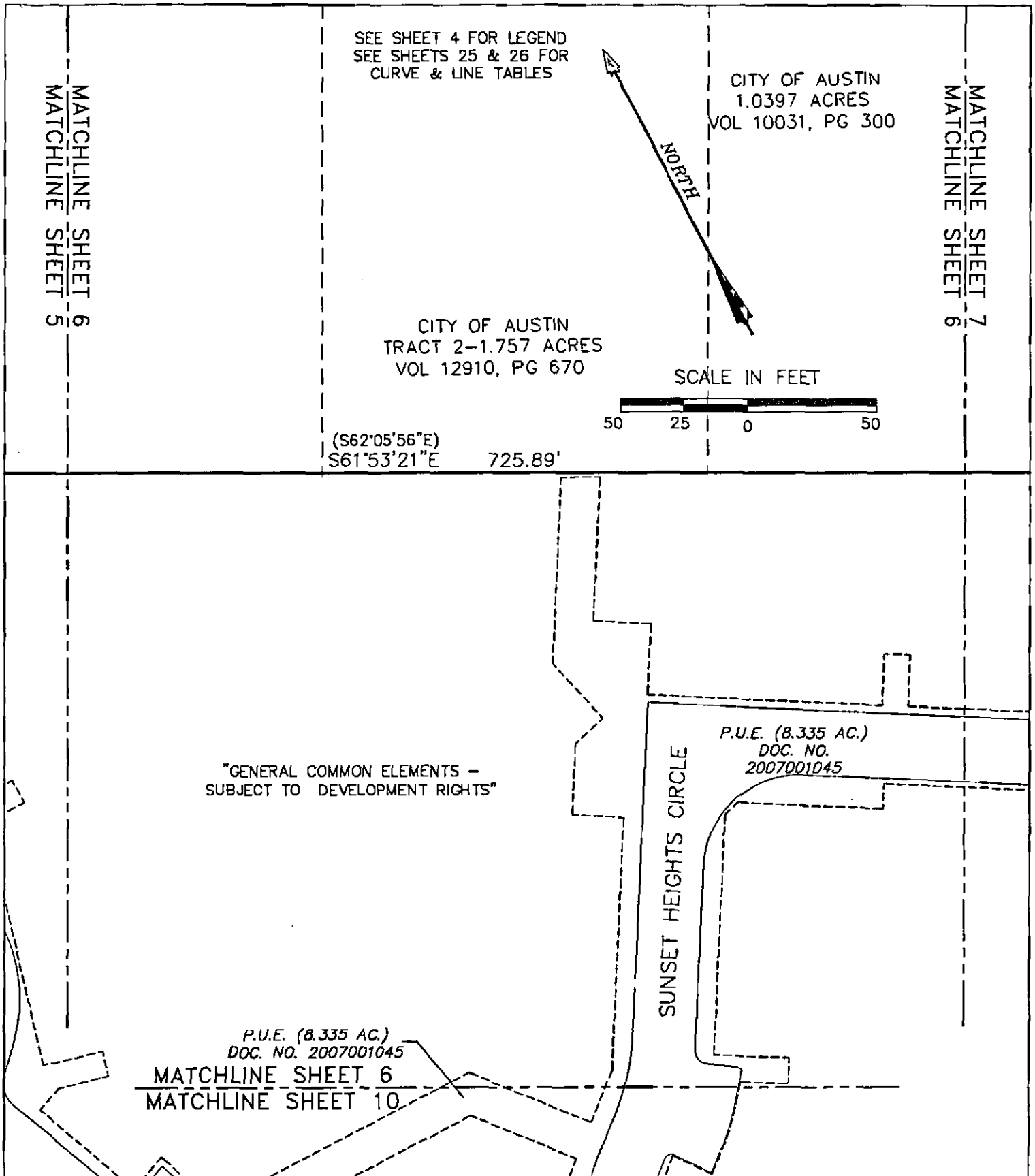

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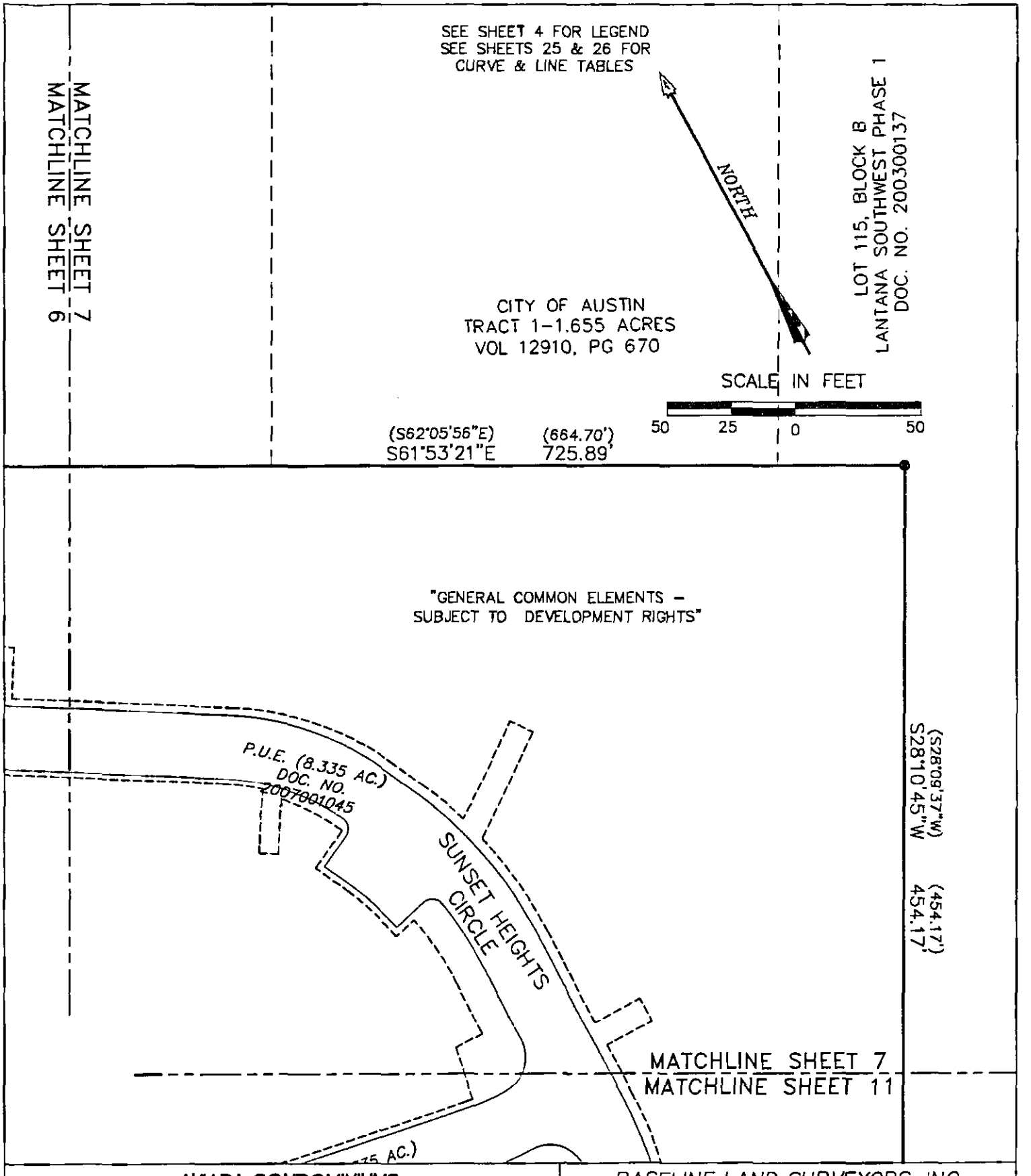

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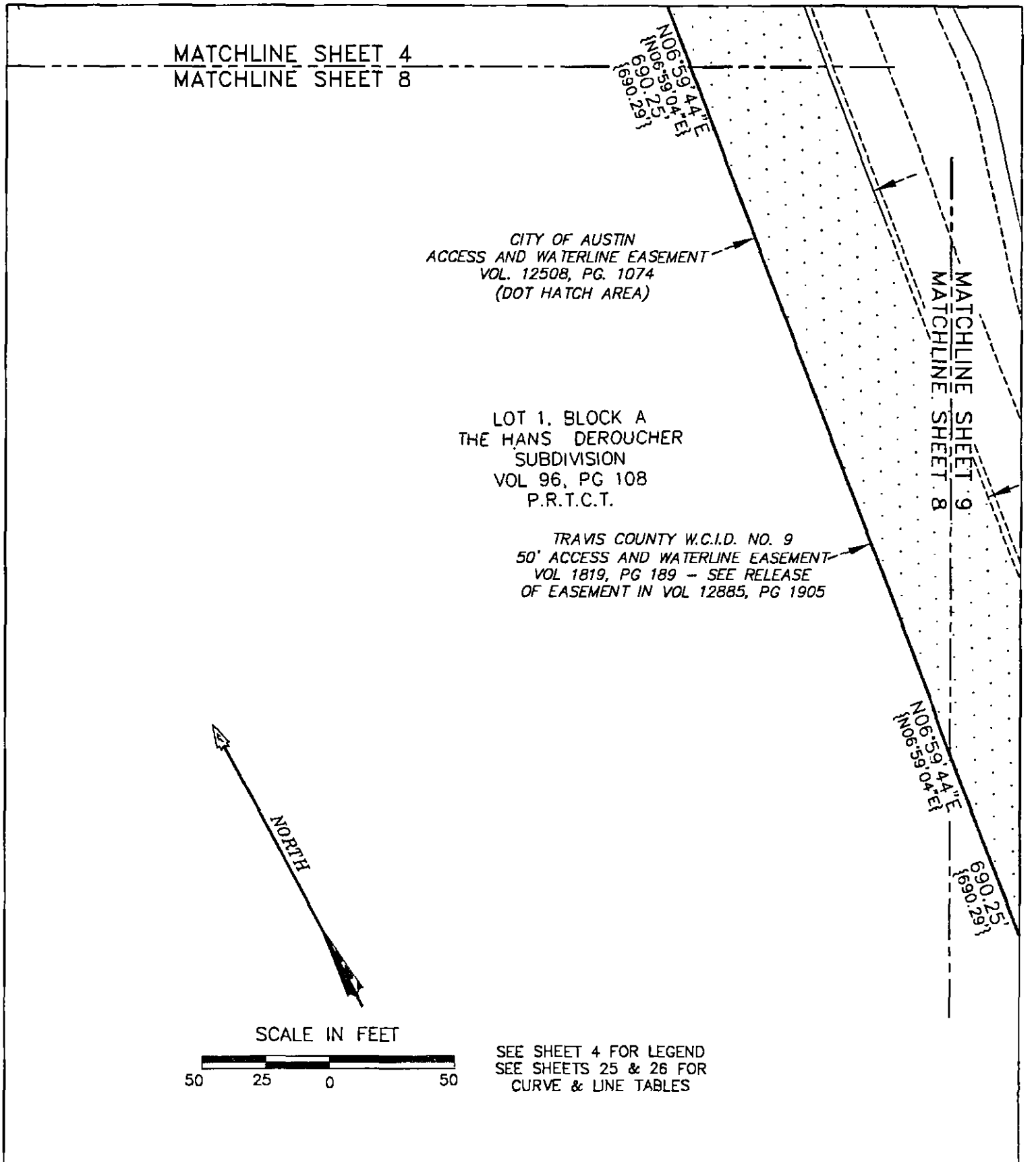

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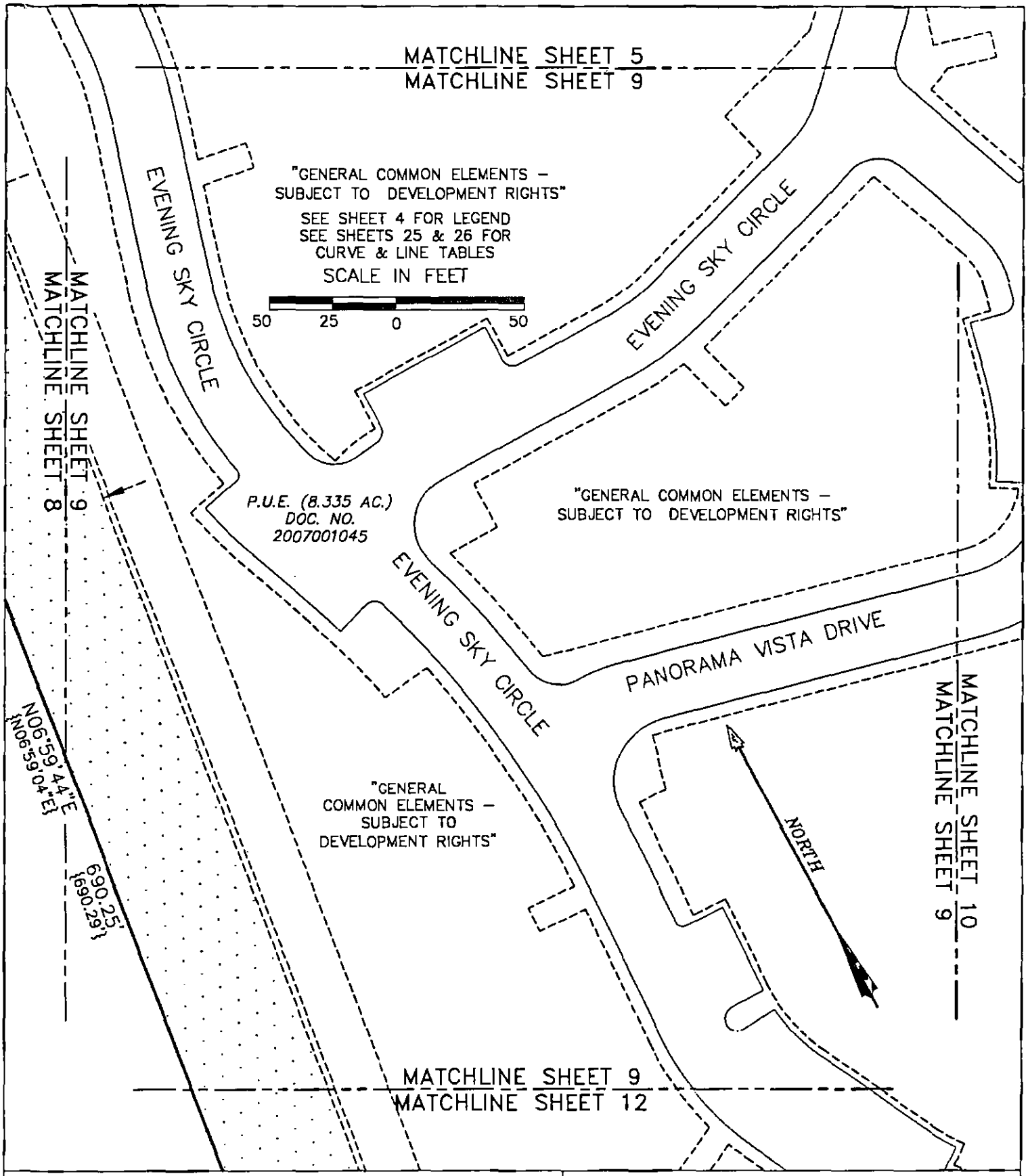

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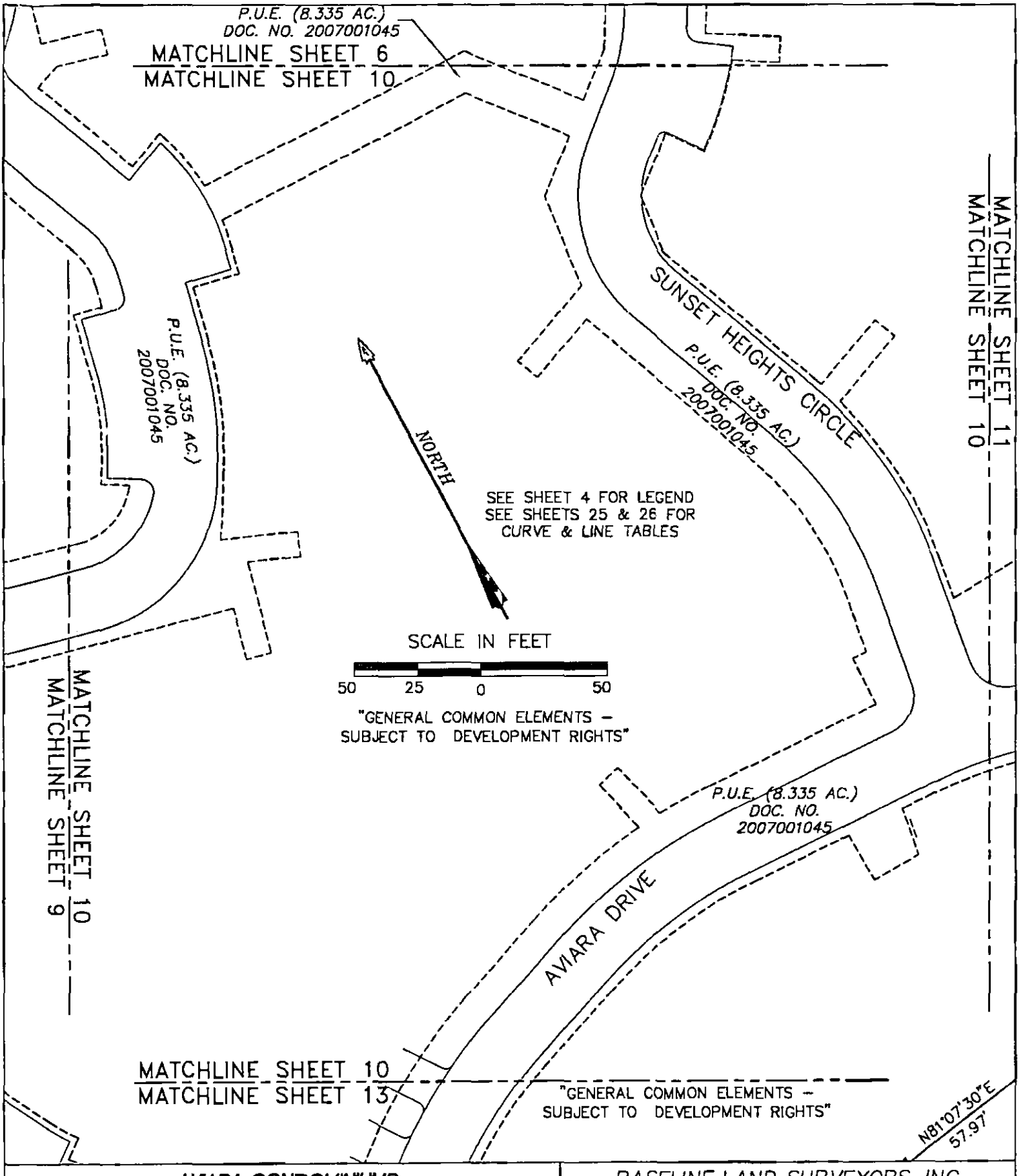

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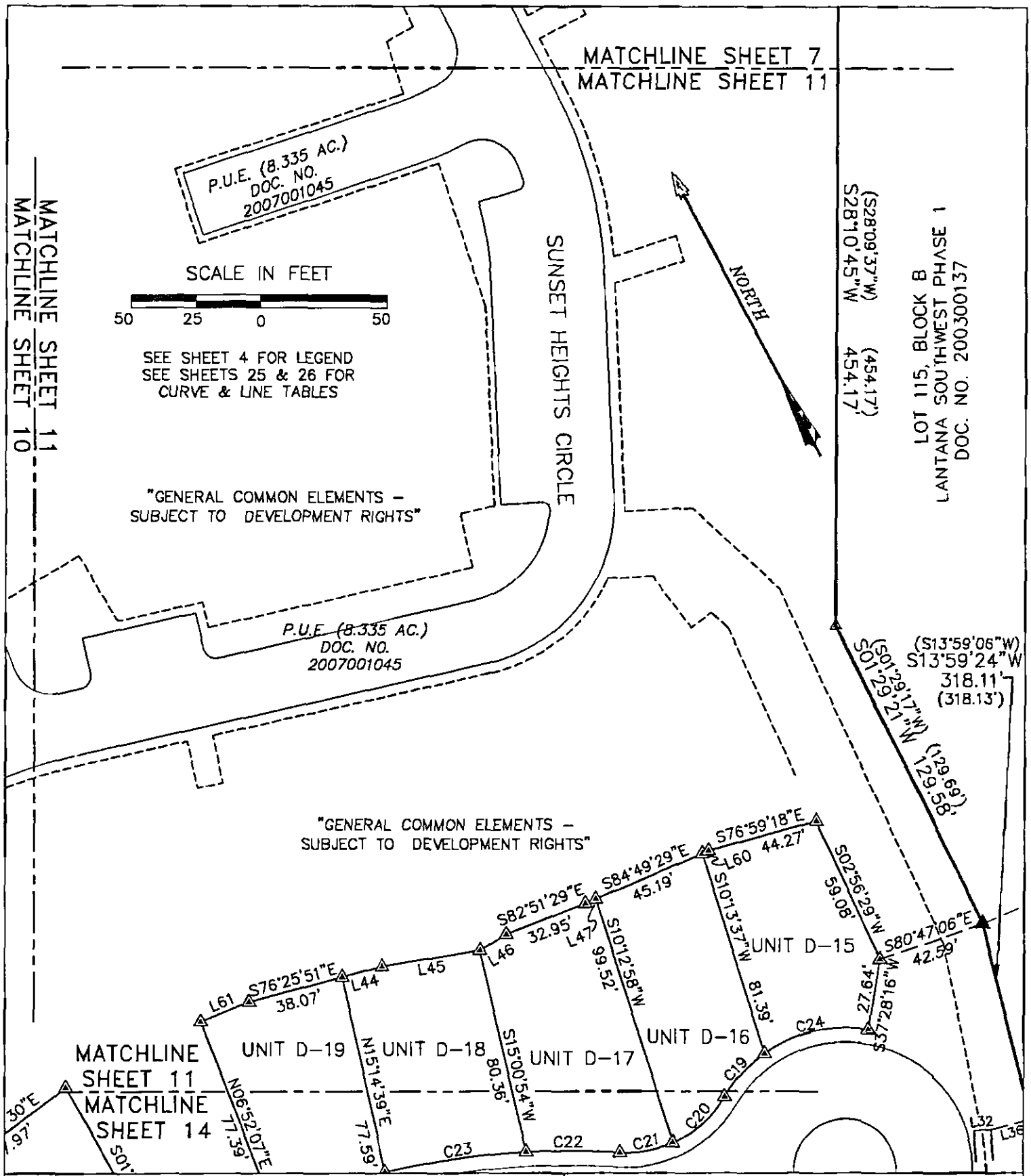

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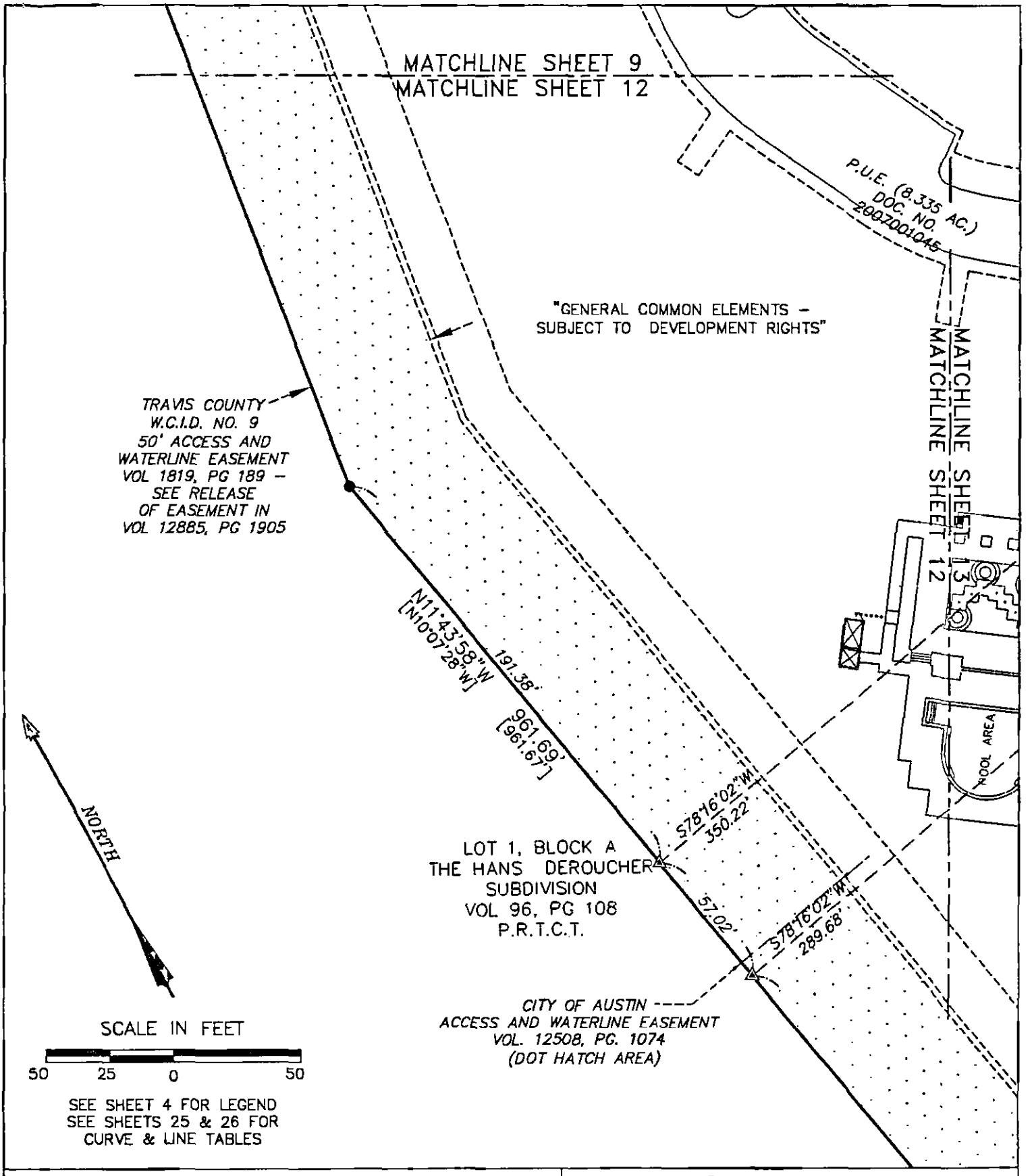

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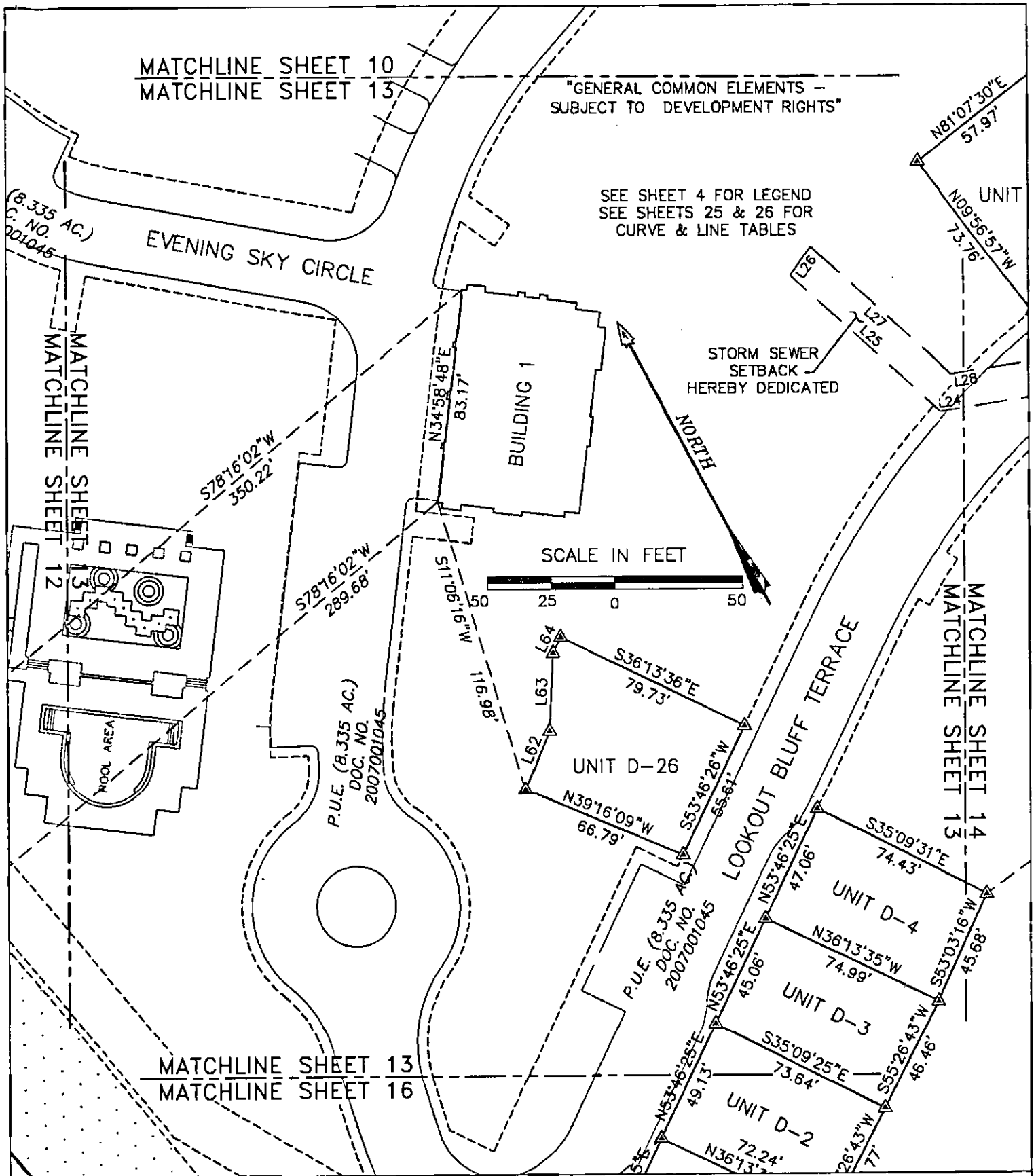

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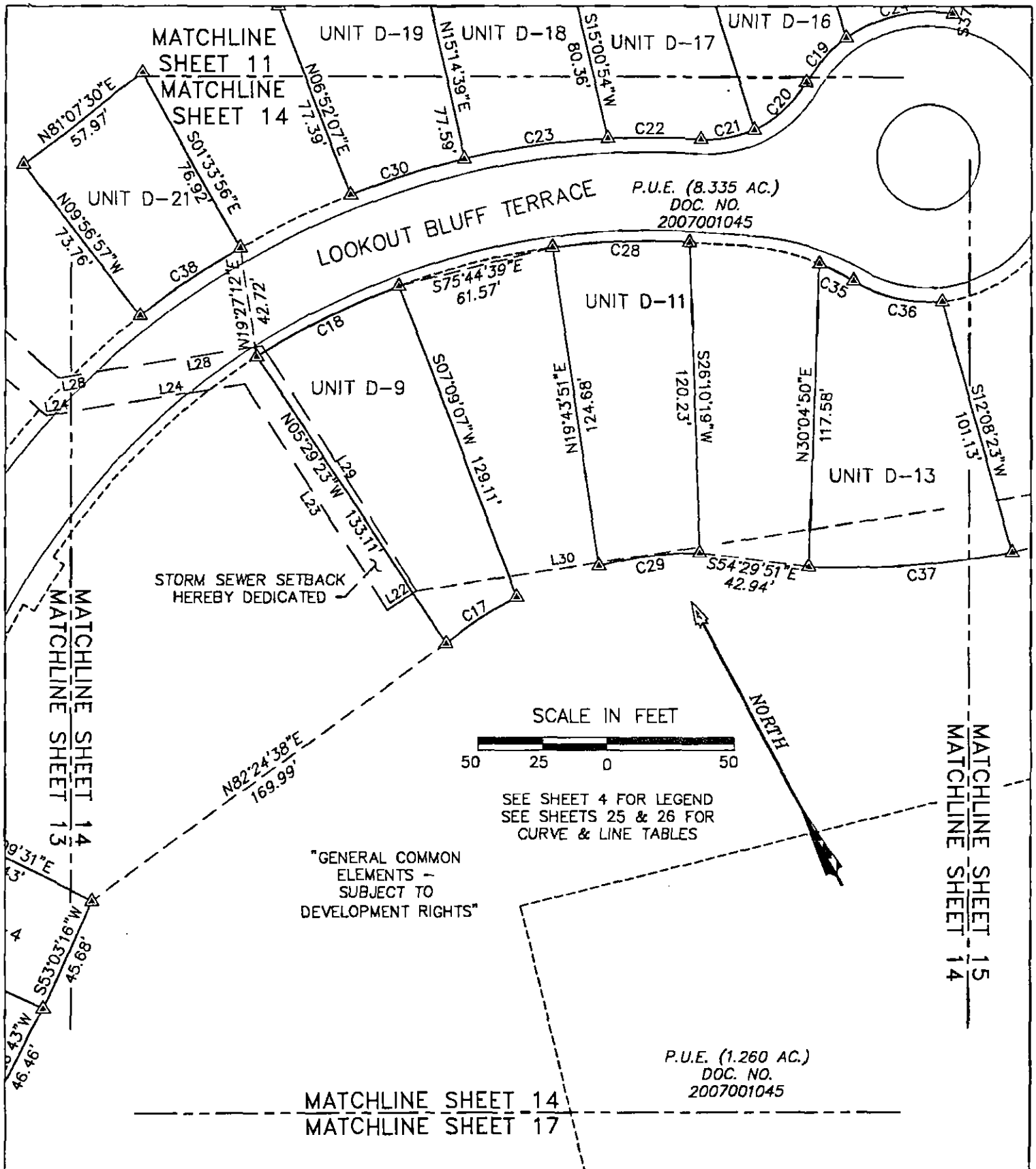

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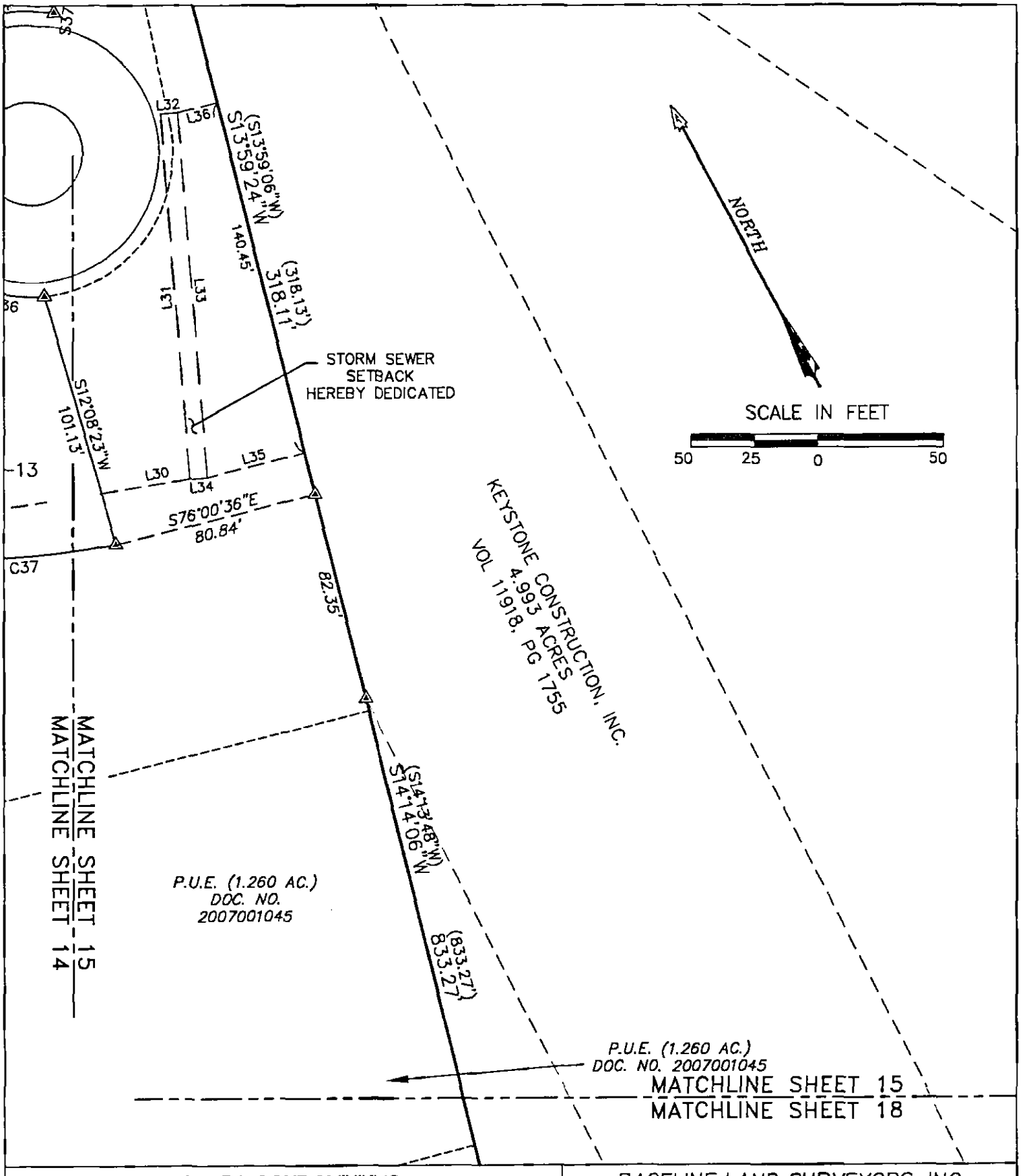

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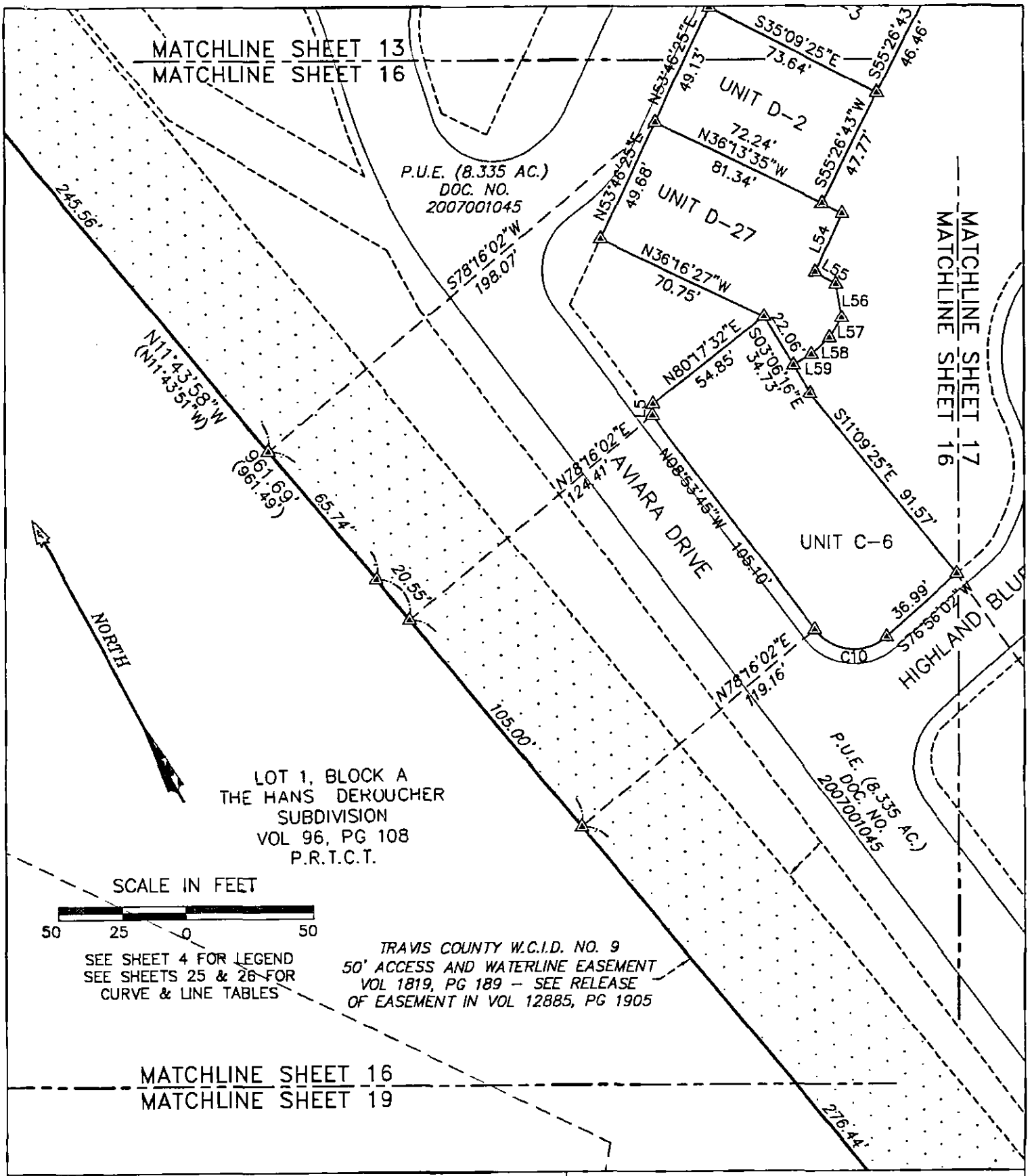

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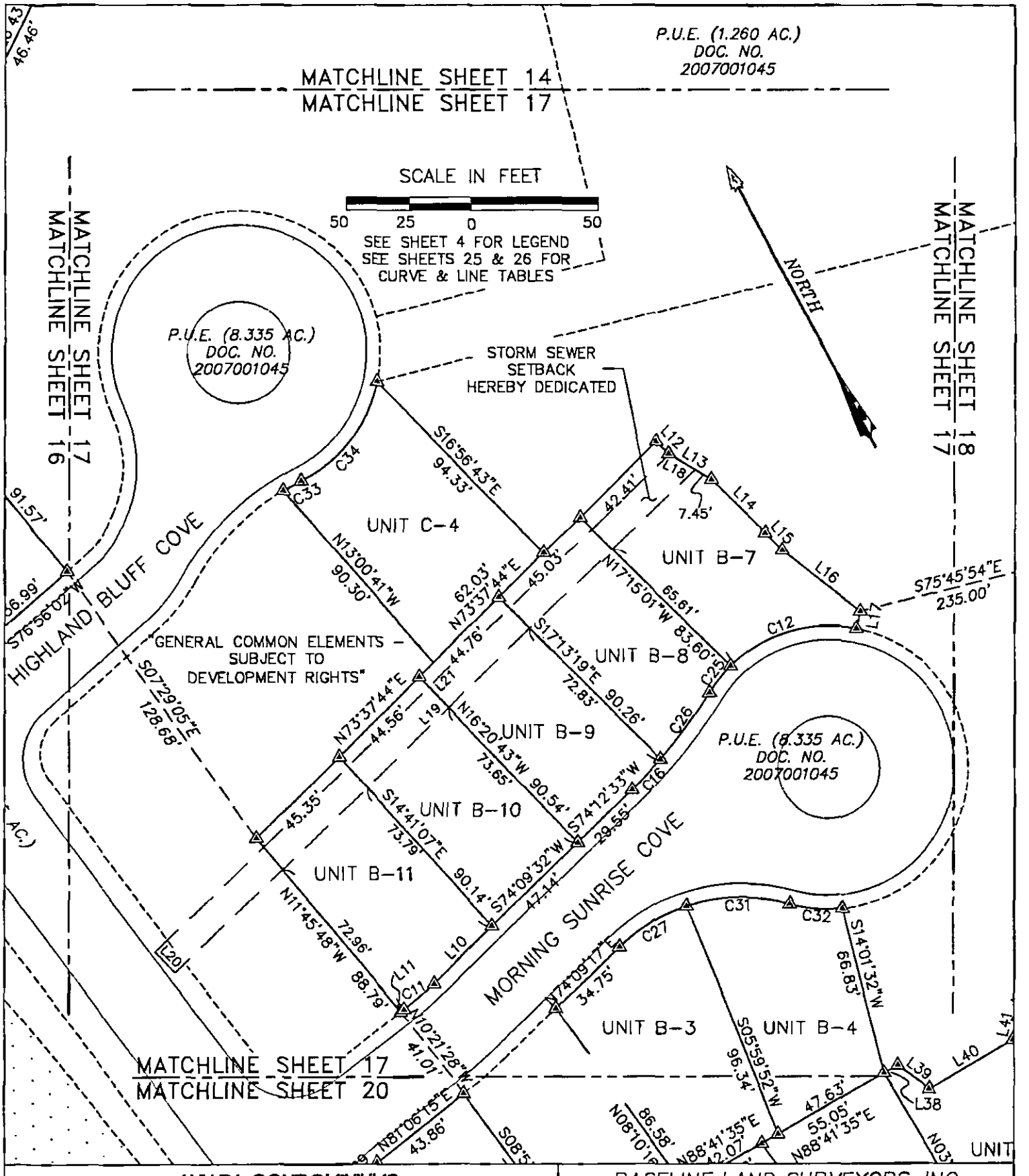


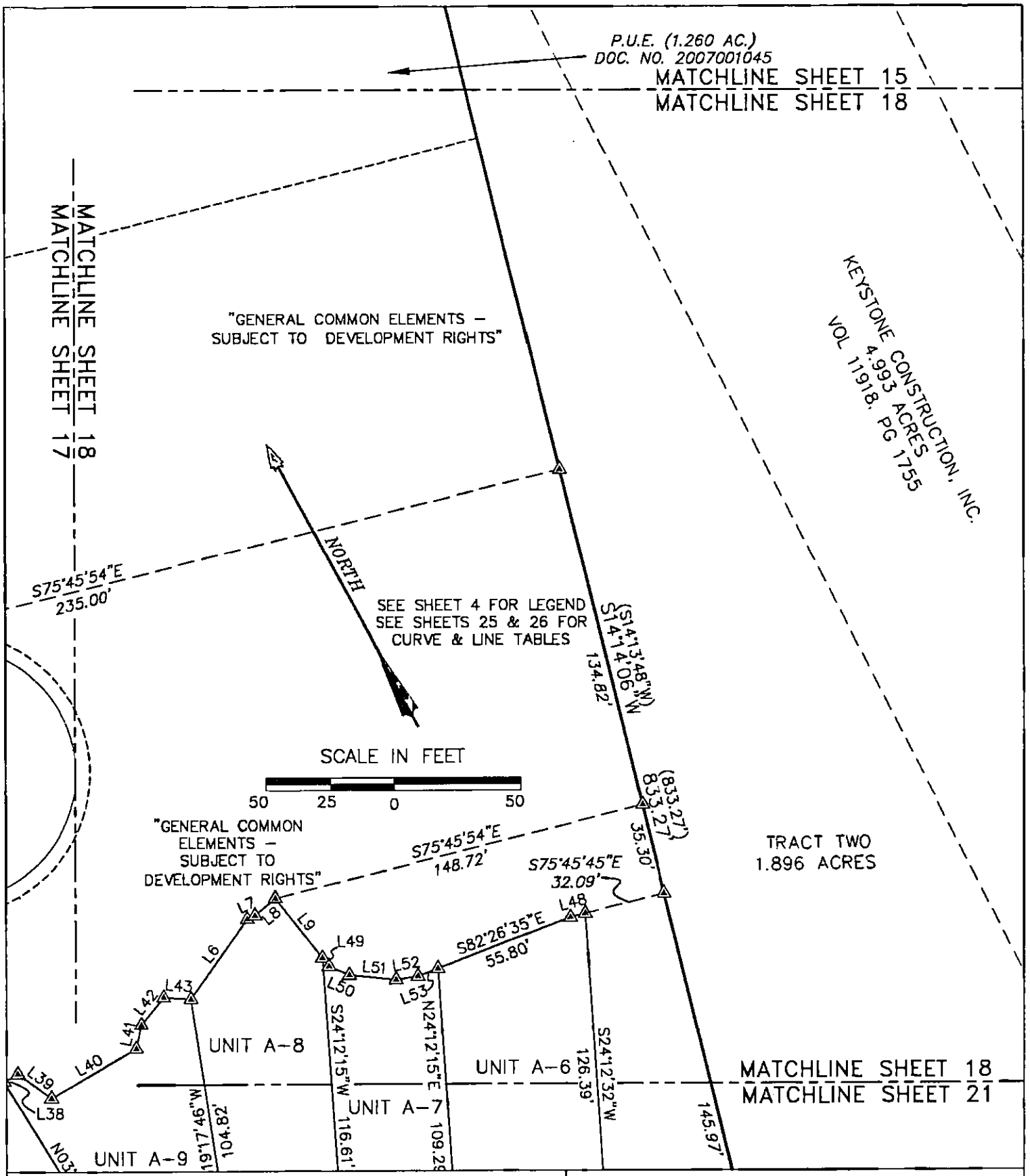
AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

BASELINE LAND SURVEYORS, INC.
PROFESSIONAL LAND SURVEYING SERVICES
8333 CROSS PARK DRIVE
AUSTIN, TEXAS 78754
OFFICE: 512.374.9722 FAX: 512.873.9743
ron-baseline@austin.rr.com

File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg		SHEET 17 of 26
Job No.	Snapshot:	
Scale (Hor.): 1"=50'	Scale (Vert.):	
Date: 11/18/10	Checked By: JSL	Drawn By: HPE\RLW



AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET 18 of 26
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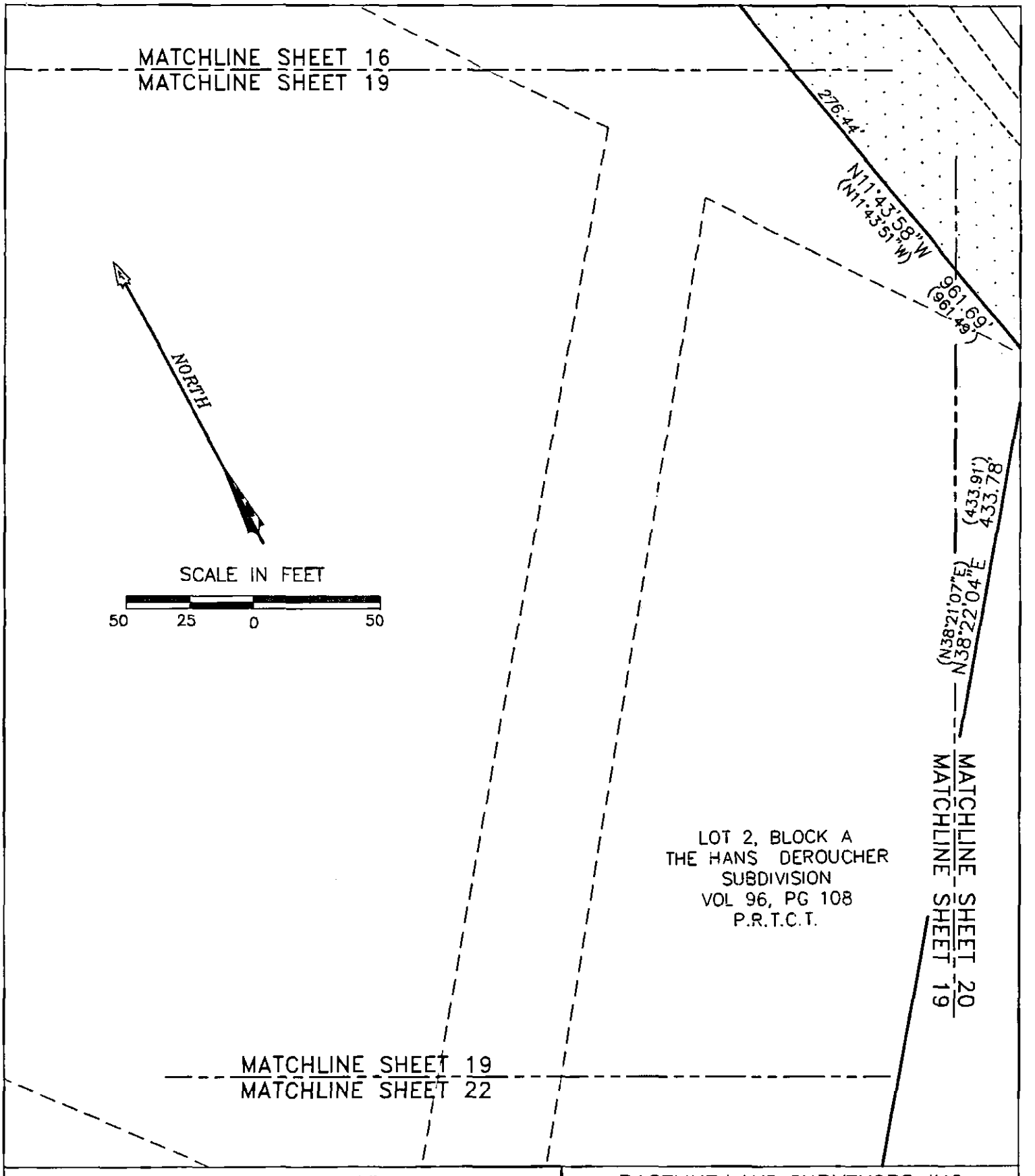

AVIARA CONDOMINIUMS

EXHIBIT

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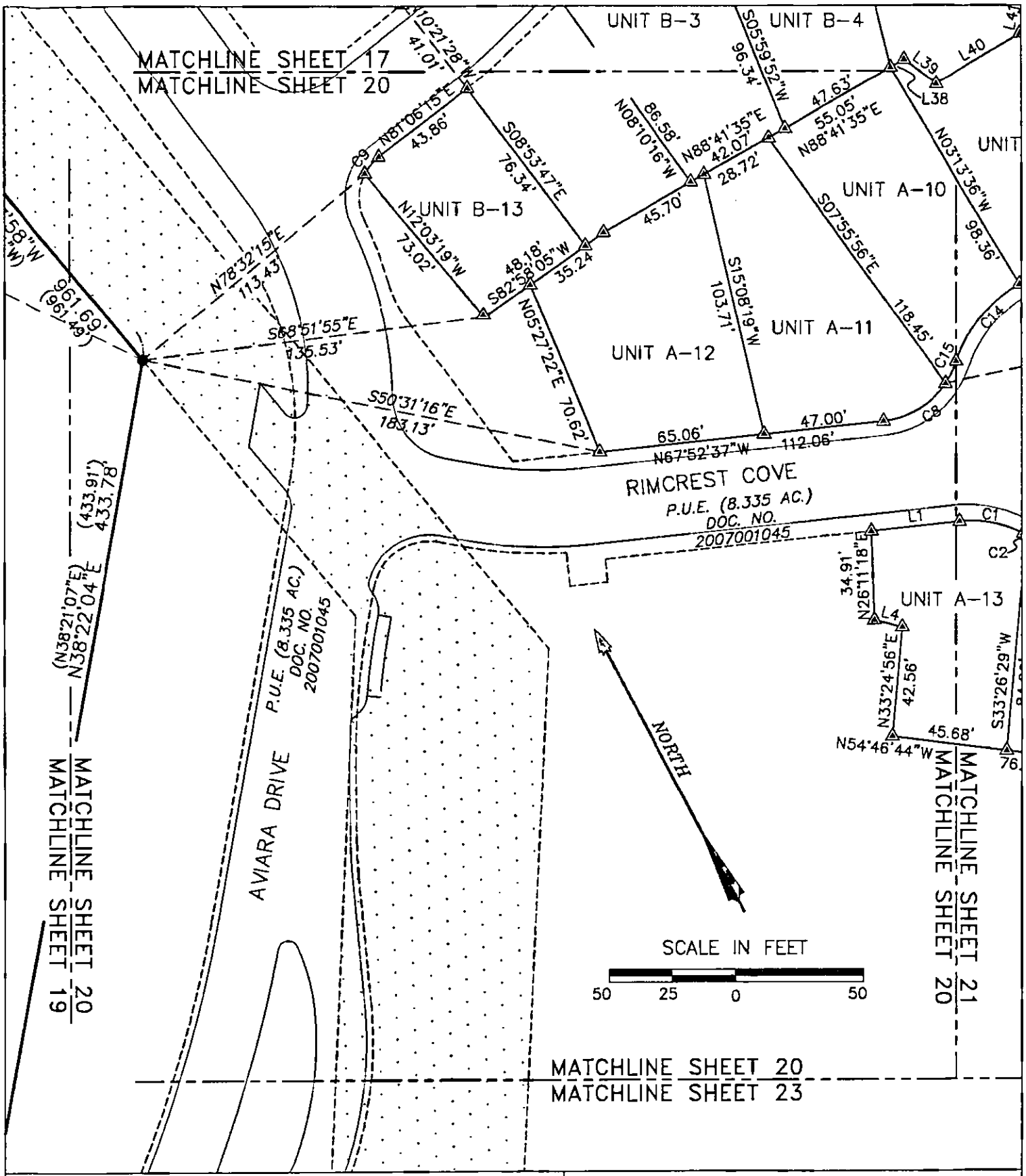

AVIARA CONDOMINIUMS

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET 20 of 26
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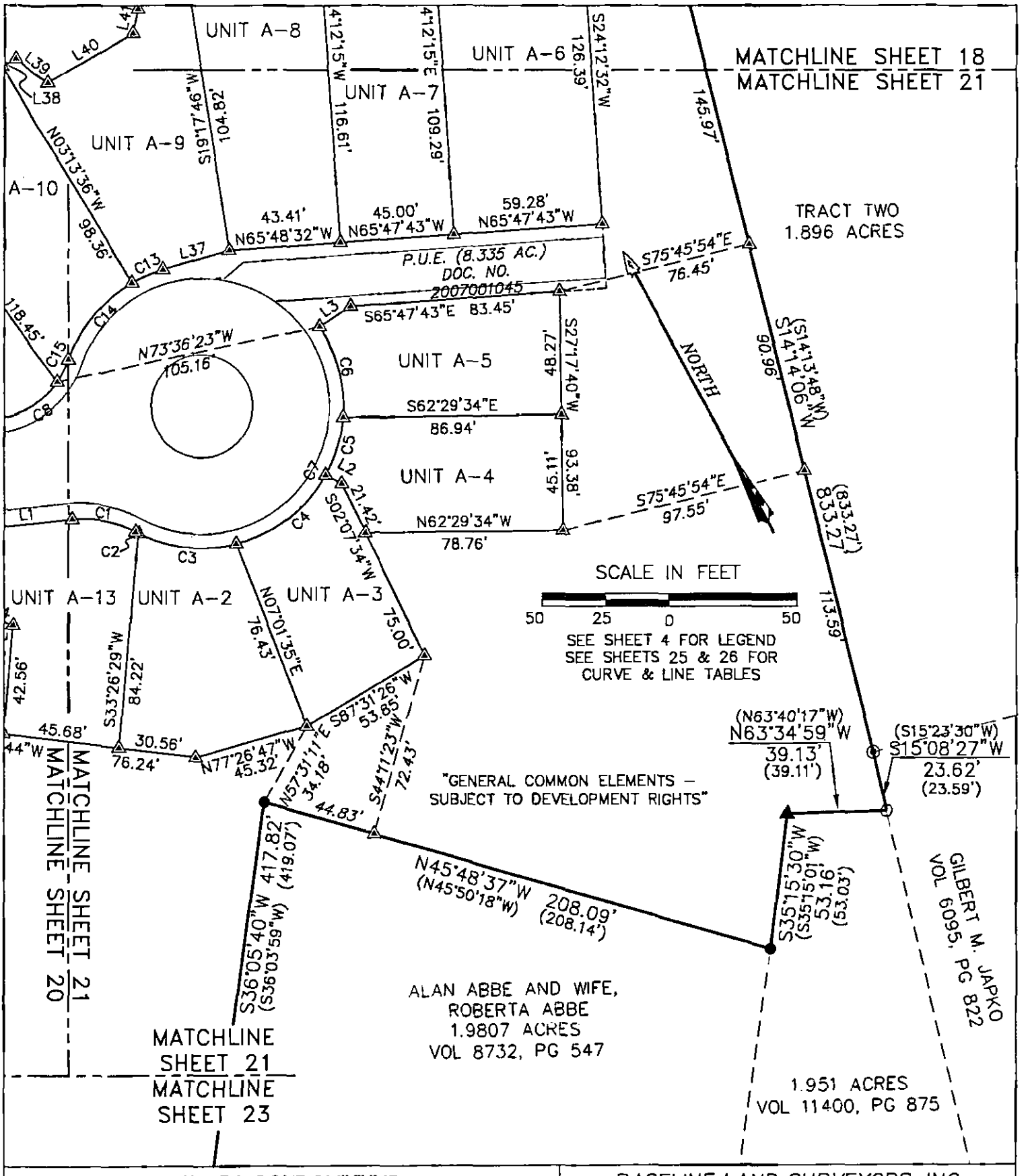

AVIARA CONDOMINIUMS

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET
Job No.	Snapshot:		21 of 26
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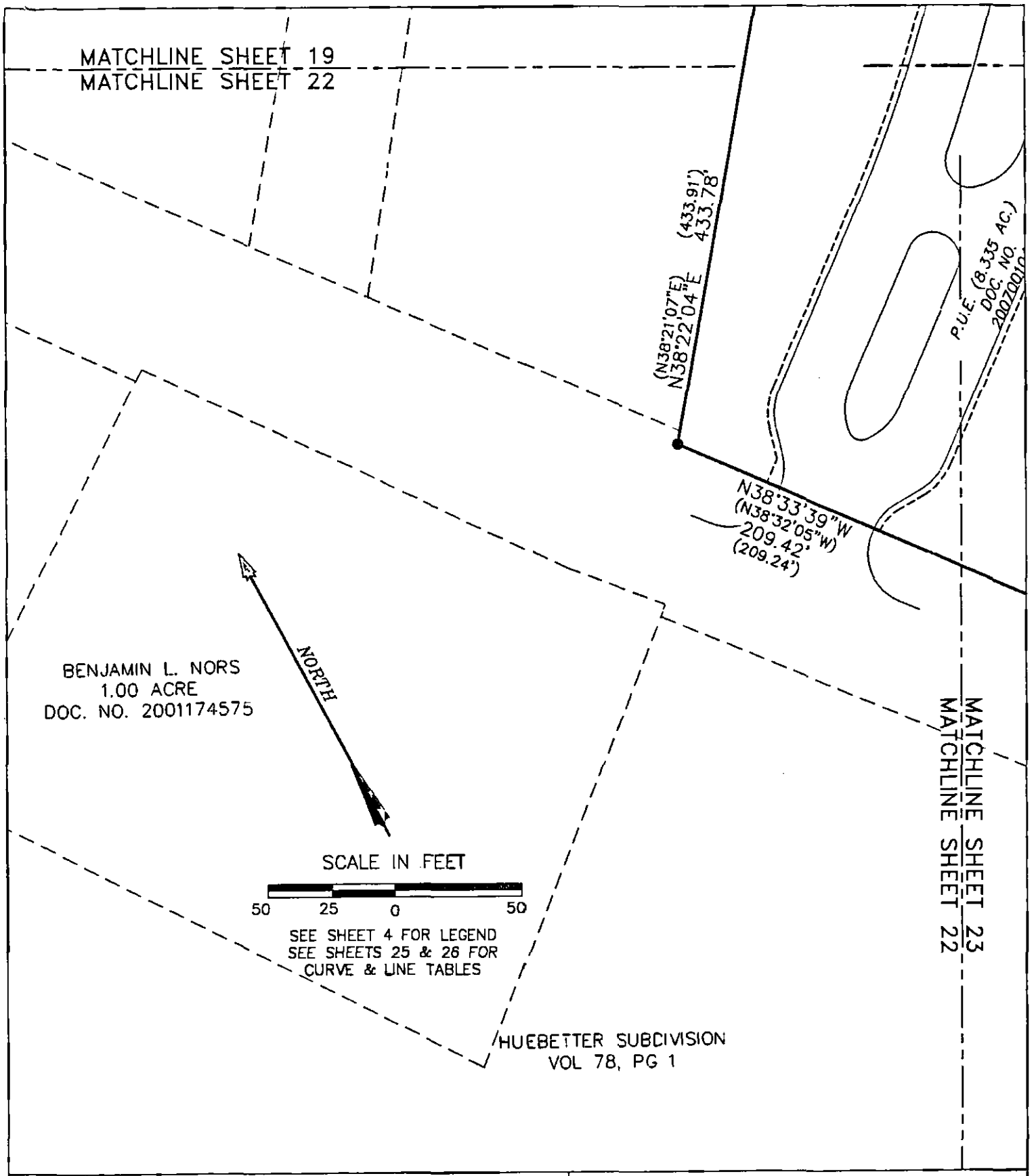

AVIARA CONDOMINIUMS

EXHIBIT
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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET
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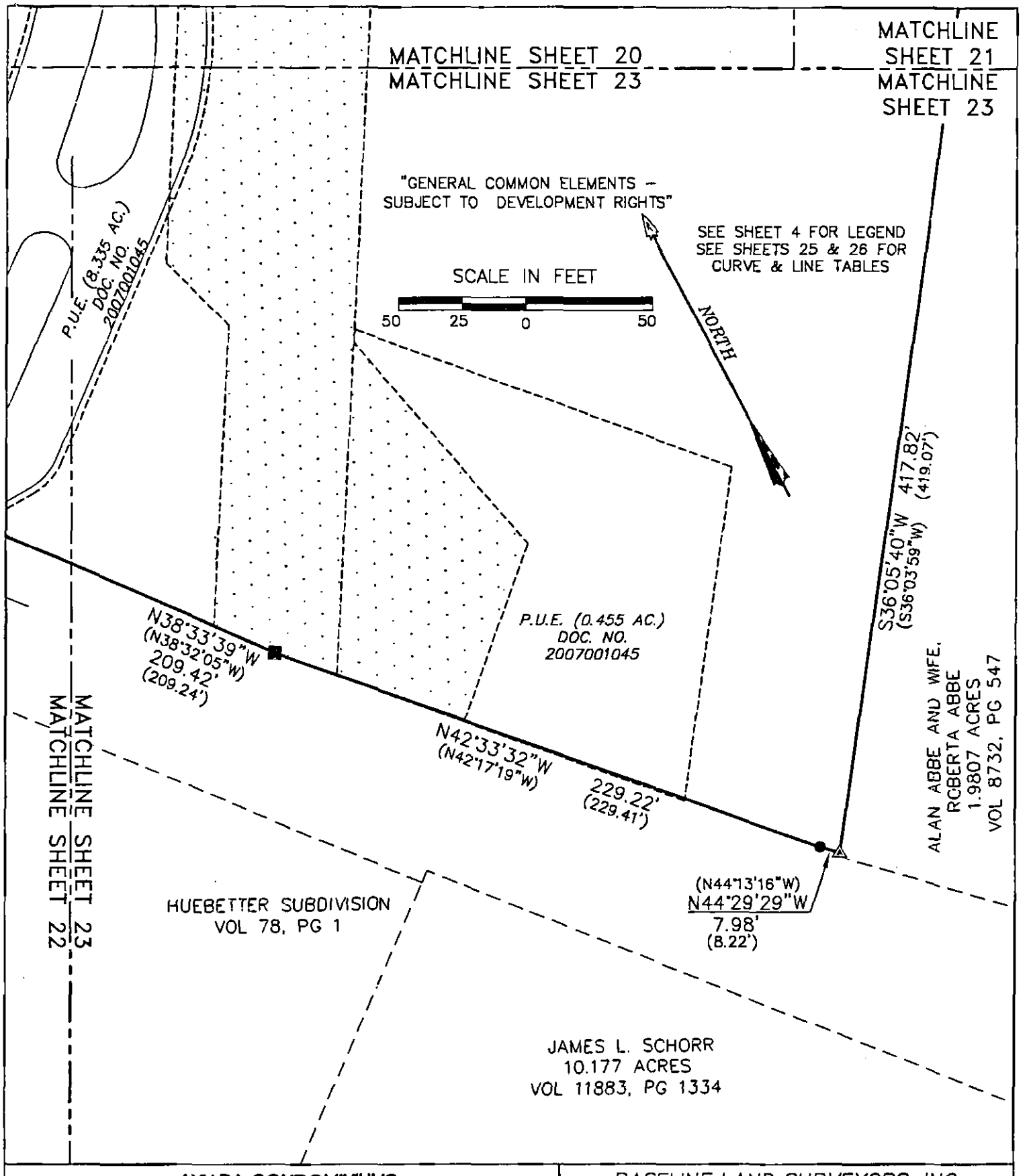
Date: 11/18/10	Checked By: JSL	Drawn By: HPE\RLW	



AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 626; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG–AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.096 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG–AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET 23 of 26
Job No.	Snapshot:		
Scale (Hor.): 1"=50'	Scale (Vert.):		
Date: 11/18/10	Checked By: JSL	Drawn By: HPE\RLW	

EXHIBIT

AVIARA CONDOMINIUMS

[PLAT]

§ Certification of Surveyor §

The attached plot, attached hereto as Exhibit contain the information required by Section 82.052 and Section 82.059 of the Texas Uniform Condominium Act, as applicable.

Ronnie Wallace
R.P.L.S. No. 5222

Date: 18 November 2010

STATE OF TEXAS
REGISTERED
RONNIE WALLACE
5222
PROFESSIONAL
LAND SURVEYOR

AVIARA CONDOMINIUMS EXHIBIT OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS	BASELINE LAND SURVEYORS, INC. PROFESSIONAL LAND SURVEYING SERVICES 8333 CROSS PARK DRIVE AUSTIN, TEXAS 78754 OFFICE: 512.374.9722 FAX: 512.873.9743 ron-baseline@austin.rr.com		
	File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg		SHEET 24 of 26
	Job No.	Snapshot:	
	Scale (Hor.): 1"=50'	Scale (Vert.):	
	Date: 11/18/10	Checked By: JSL / Drawn By: HPE\RLW	

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C1	43.50'	25.85'	34°03'14"	N50°51'00"W	25.48'
C2	55.50'	1.36'	1°24'13"	S34°31'30"E	1.36'
C3	55.50'	39.74'	41°01'24"	S55°44'18"E	38.89'
C4	55.50'	45.25'	46°42'38"	N80°23'41"E	44.00'
C5	55.50'	23.52'	24°16'50"	N44°53'57"E	23.34'
C6	55.50'	37.22'	38°25'09"	N13°32'57"E	36.52'
C7	55.50'	147.08'	151°50'14"	N70°15'30"E	107.66'
C8	34.50	29.54'	49°03'46"	N87°35'30"E	28.65'
C9	19.50'	8.60'	25°15'47"	S68°28'21"W	8.53'
C10	19.50	32.05'	94°10'13"	S55°58'52"E	28.56'
C11	128.50'	15.59'	6°56'58"	N77°37'46"E	15.58'
C12	55.50'	54.03'	55°46'56"	N78°25'05"W	51.92'
C13	55.50'	13.29'	13°43'20"	N84°39'53"W	13.26'
C14	55.50'	40.10'	41°23'40"	S67°46'37"W	39.23'
C15	34.50'	9.67'	16°03'39"	N55°06'36"E	9.64'
C16	194.50'	16.61'	4°53'34"	N71°36'45"E	16.60'
C17	160.00'	33.10'	11°51'14"	S85°23'29"W	33.04'
C18	281.00'	61.89'	12°37'13"	N88°22'50"W	61.77'
C19	55.50'	23.40'	24°09'12"	S71°04'10"W	23.22'
C20	44.50'	27.40'	35°16'52"	N76°38'00"E	26.97'
C21	44.50'	21.40'	27°32'51"	S71°57'09"E	21.19'
C22	320.50'	36.55'	6°32'02"	N61°26'44"W	36.53'
C23	320.50'	56.16'	10°02'22"	N69°43'56"W	56.09'
C24	55.50'	42.94'	44°19'30"	N74°41'29"W	41.87'
C25	55.50'	13.43'	13°52'10"	S66°45'22"W	13.40'
C26	194.50'	32.10'	9°27'22"	N64°33'01"E	32.06'
C27	69.50'	31.31'	25°48'34"	S87°03'34"W	31.04'
C28	281.00'	53.69'	10°56'52"	N64°01'05"W	53.61'
C29	160.00'	39.91'	14°17'34"	N69°21'21"W	39.81'
C30	320.50'	46.88'	8°22'48"	N78°59'29"W	46.83'
C31	69.50'	41.29'	34°02'29"	N63°00'55"W	40.69'
C32	55.50'	21.02'	21°42'01"	S56°50'41"E	20.89'
C33	94.50'	8.03'	4°52'04"	S89°32'13"W	8.03'
C34	55.50'	50.19'	51°48'35"	N66°03'57"E	48.49'
C35	94.50'	15.08'	9°08'25"	N35°02'28"W	15.06'
C36	55.50'	35.52'	36°40'03"	S48°48'17"E	34.92'
C37	350.00'	79.68'	13°02'37"	S65°54'47"E	79.51'
C38	320.50'	46.91'	8°23'10"	S84°14'33"W	46.87'

AVIARA CONDOMINIUMS

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Job No.	Snapshot:		25 of 26
Scale (Hor.): 1"=50'	Scale (Vert.):		
Date: 11/18/10	Checked By: JSL	Drawn By: HPE\RLW	

LINE TABLE		
LINE	BEARING	LENGTH
L1	S67°52'37"E	35.37'
L2	N32°57'38"W	7.06'
L3	N84°20'23"E	14.65'
L4	N47°51'55"W	11.34'
L5	N31°01'52"E	4.45'
L6	N63°54'29"E	38.06'
L7	S86°57'47"E	3.29'
L8	N78°01'20"E	10.29'
L9	S10°13'03"E	29.53'
L10	S74°09'17"W	32.66'
L11	S81°06'15"W	1.64'
L12	S18°00'07"E	6.87'
L13	S30°23'57"E	19.47'
L14	S17°47'50"E	29.77'
L15	S15°29'37"E	9.67'
L16	S23°37'34"E	39.17'
L17	S39°28'12"W	6.91'
L18	S30°23'57"E	11.73'
L19	S74°19'32"W	284.75'
L20	N15°40'28"W	11.34'
L21	N74°19'32"E	281.77'
L22	S85°45'47"W	13.66'
L23	N04°14'13"W	103.33'
L24	N70°42'51"W	78.43'
L25	N19°29'12"W	79.32'
L26	N63°34'35"E	13.76'
L27	S19°29'12"E	74.44'
L28	S70°42'51"E	80.83'
L29	S04°14'13"E	112.29'
L30	S70°42'26"E	264.71'
L31	N23°29'14"E	142.40'
L32	S66°30'46"E	6.83'
L33	S23°29'14"W	142.40'
L34	N66°30'46"W	6.83'
L35	S76°00'36"E	39.58'
L36	S76°00'36"E	16.09'
L37	N77°48'13"W	27.14'
L38	N88°41'35"E	6.13'
L39	S25°44'32"E	15.92'
L40	N88°11'04"E	38.53'
L41	N40°42'32"E	9.55'
L42	N67°35'04"E	13.92'
L43	S57°59'22"E	10.92'
L44	S76°25'51"E	16.48'
L45	S70°54'33"E	39.17'
L46	N86°12'33"E	12.02'
L47	S84°49'29"E	4.40'
L48	S76°40'56"E	5.93'
L49	S10°13'03"E	4.06'
L50	S38°01'06"E	8.58'

LINE TABLE		
LINE	BEARING	LENGTH
L51	S56°04'51"E	18.69'
L52	S70°55'02"E	8.71'
L53	S82°26'35"E	8.37'
L54	S53°46'22"W	25.12'
L55	S31°37'01"E	9.49'
L56	S18°24'32"W	13.40'
L57	S60°30'23"W	9.18'
L58	S76°42'45"W	9.64'
L59	S87°05'06"W	8.22'
L60	S84°49'29"E	2.67'
L61	S84°21'45"E	20.21'
L62	N50°43'51"E	24.50'
L63	N30°48'59"E	30.25'
L64	N54°18'02"E	6.85'

AVIARA CONDOMINIUMS

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UNIT PLAN TYPES – ATTACHED UNITS

Unit No.	Plan Type*
A-1	A
B-1	B
C-1	C
D-1	D

*** SEE CONDOMINIUM PLANS FOR PLAN TYPE.**

ALL UNITS SHOWN ON THE PLAT AND PLANS OTHER THAN UNITS A-1, B-1, C-1, D-1 ARE STAND-ALONE UNITS.

ATTACHMENT 2

EXHIBIT "C" TO THE DECLARATION OF CONDOMINIUM REGIME

COMMON INTEREST ALLOCATION & BUILDING LCE ALLOCATION

COMMON INTEREST ALLOCATION

The Common Interest Allocation and percentage of liability for common expenses for each Unit is 1/40.

THE COMMON INTEREST ALLOCATION ASSIGNED TO A PARTICULAR UNIT WILL DECREASE IF ADDITIONAL UNITS ARE CREATED AND ADDED TO THE REGIME BY THE DECLARANT.

BUILDING LCE ALLOCATION

The Building LCE Allocation for each Attached Unit is 1/4.

THE BUILDING LCE ALLOCATION ASSIGNED TO A PARTICULAR UNIT WILL DECREASE IF ADDITIONAL UNITS ARE CREATED AND ADDED TO THE REGIME BY THE DECLARANT.

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS
Dana DeBeauvoir
Nov 23, 2010 04:47 PM 2010175181
PEREZTA: $148.00
Dana DeBeauvoir, County Clerk
Travis County TEXAS

AFTER RECORDING RETURN TO:
Robert D. Burton, Esq.
Armbrust & Brown, PLLC
100 Congress Ave., Suite 1300
Austin, Texas 78701

AVIARA

TENTH AMENDMENT TO RESTATED AND AMENDED DECLARATION OF CONDOMINIUM REGIME FOR AVIARA CONDOMINIUMS

(A Residential Condominium in Travis County, Texas)

Cross Reference to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2009071585, Official Public Records of Travis County, Texas as amended by that certain First Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2009142835, Official Public Records of Travis County, Texas, as amended by that certain Second Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2010051936, Official Public Records of Travis County, Texas, as amended by that certain Third Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2010073309, Official Public Records of Travis County, Texas, as amended by that certain Fourth Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2010087345, Official Public Records of Travis County, Texas, as amended by that certain Fifth Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2010106978, Official Public Records of Travis County, Texas, as amended by that certain Sixth Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2010115972, Official Public Records of Travis County, Texas, as amended by that certain Seventh Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2010128041, Official Public Records of Travis County, Texas and as further amended by that certain Eighth Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2010129787, Official Public Records of Travis County, Texas, as amended by that certain Ninth Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2010175181, Official Public Records of Travis County, Texas.

TENTH AMENDMENT TO
RESTATED AND AMENDED DECLARATION OF CONDOMINIUM REGIME
FOR AVIARA CONDOMINIUMS

This Tenth Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums (the "**Amendment**") is made **CR-B AVIARA, L.P.**, a Texas limited partnership ("**Declarant**"), and is as follows:

RECITALS:

A. Aviara Condominiums, a condominium regime (the "**Regime**"), located in Travis County, Texas, was established pursuant to that certain Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2009071585, Official Public Records of Travis County, Texas as amended by that certain First Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2009142835, Official Public Records of Travis County, Texas, as amended by that certain Second Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2010051936, Official Public Records of Travis County, Texas, as amended by that certain Third Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2010073309, Official Public Records of Travis County, Texas, as amended by that certain Fourth Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2010087345, Official Public Records of Travis County, Texas, as amended by that certain Fifth Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2010106978, Official Public Records of Travis County, Texas, as amended by that certain Sixth Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2010115972, Official Public Records of Travis County, Texas, as amended by that certain Seventh Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2010128041, Official Public Records of Travis County, Texas and as further amended by that certain Eighth Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2010129787, Official Public Records of Travis County, Texas, as amended by that certain Ninth Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2010175181, Official Public Records of Travis County, Texas (collectively, the "**Declaration**").

B. CR-B Aviara, L.P., presently holds the rights of the "Declarant" under the Declaration.

C. Monica Rodriguez and Ihab Reda, are the Owners of Unit B-7 and consent to this Amendment as evidenced below.

D. Pursuant to *Provision A.3.10(v)* of Appendix "A" to the Declaration, during the Development Period, Declarant may amend the Declaration unilaterally and without the consent of other Owners or any mortgagee to subdivide, combine or reconfigure Units, or convert Units into Common Elements, in the exercise of statutory development rights.

E. Pursuant to Section 82.060 of the Texas Uniform Condominium Act, to exercise a statutory development right, Declarant must prepare, execute and record an amendment to the Declaration and record new plats and plans for that real property. The amendment to the declaration must reallocate the allocated interests among all Units.

F. The Development Period is a fifteen (15) year period commencing on the date the Declaration was recorded in the Official Public Records of Travis County, Texas. The Declaration was recorded in the Official Public Records of Travis County, Texas on May 4, 2009; as such, the Development Period has not yet expired.

G. Declarant now desires to amend the Declaration to reconfigure the boundaries of Unit B-7 in the Regime, as set forth more fully hereinbelow.

NOW THEREFORE, the Declaration is hereby amended as follows:

1. Reconfiguration of Units. In accordance with the rights reserved by the Declarant pursuant to *Provision A.3.10(v)* of Appendix "A" to the Declaration, Declarant hereby reconfigures the boundaries of Unit B-7 in the Regime as set forth on the New Plats and Plans (as defined below).

2. Replacement of Exhibit "B". Exhibit "B" to the Declaration is hereby deleted in its entirety and the Plats and Plans attached hereto as Attachment 1 (the "**New Plats and Plans**") are substituted in their place. The New Plats and Plans: (i) assign an identifying number to all Units; (ii) describe the portion of the limited common elements created or assigned to all Units; and (iii) include the information required by Section 82.059 of the Texas Uniform Condominium Act.

3. Common Interest/Common Expense Allocation. The Common Interest Allocation and percentage of liability for common expenses shall remain as stated in the Declaration and shall be unaffected by this Amendment.

4. 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.

[SIGNATURE PAGE FOLLOWS]

EXECUTED to be effective as of the 2nd day of December, 2010.

DECLARANT:

CR-B AVIARA, L.P., a Texas limited partnership

By: CR-B INVESTORS I GP, L.L.C., a Texas limited liability company, its General Partner

By: _____

Printed Name: John McKinnerney

Title: Vice President

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this 15th day of December, 2010 by John McKinnerney, Vice President of CR-B Investors I GP, L.L.C., a Texas limited liability company, General Partner of CR-B Aviara, L.P., a Texas limited partnership, on behalf of said entities.

Donna M. Scotka
Notary Public Signature

(SEAL)

DONNA M. SCOTKA
Notary Public, State of Texas
My Commission Expires
July 15, 2014

ACKNOWLEDGED AND AGREED:

MONICA RODRIGUEZ

By: _____

Printed Name: Monica Rodriguez

IHAB REDA

By: _____

Printed Name: IHAB REDA

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this 22nd day of December, 2010 by Monica Rodriguez.

(SEAL) ANGELA DORIS TIDWELL NOTARY PUBLIC State of Texas Comm. Exp. 03-28-2014

Angela Doris Tidwell
Notary Public Signature

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this 22nd day of December, 2010 by Ihab Reda.

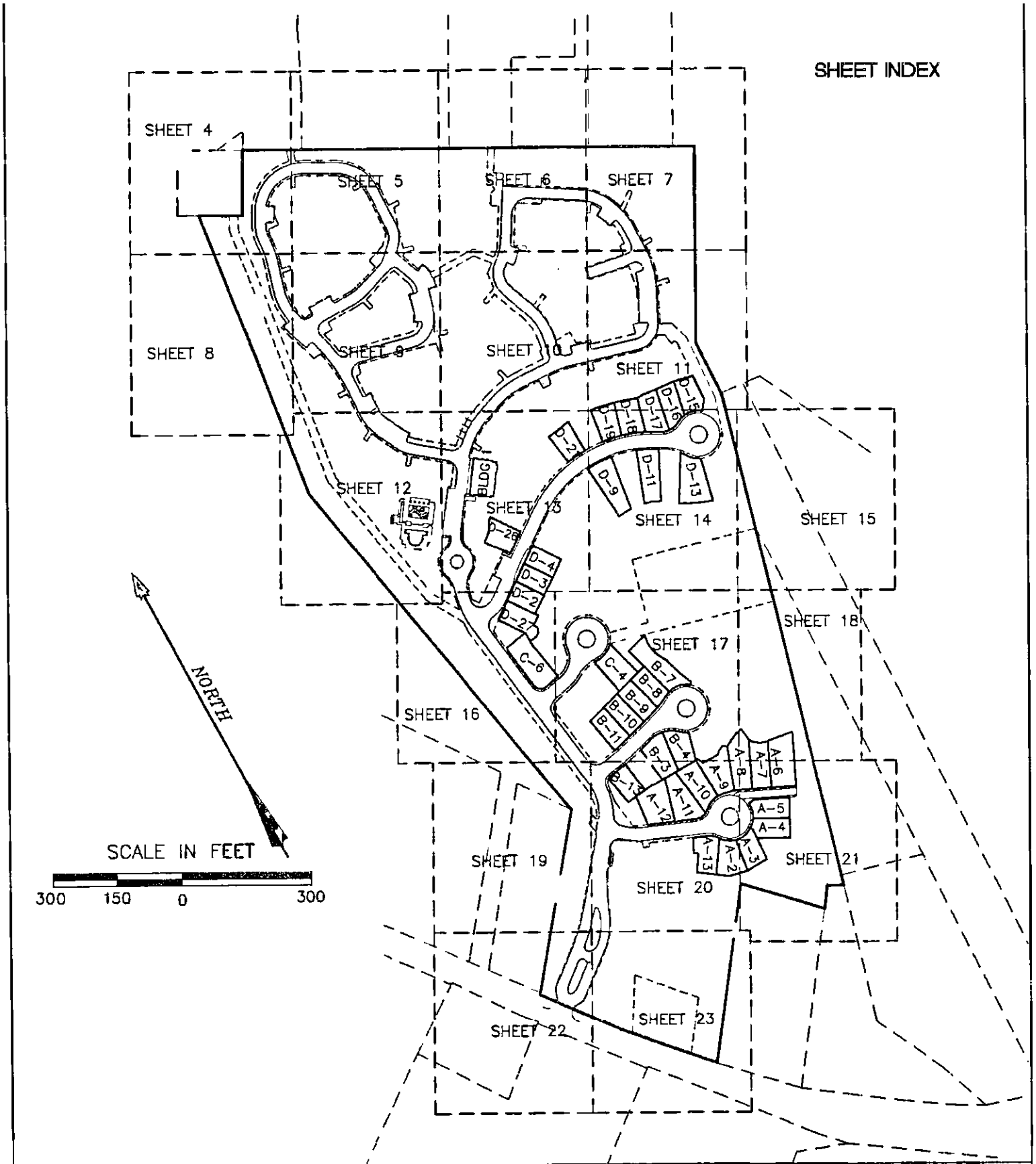
(SEAL) ANGELA DORIS TIDWELL NOTARY PUBLIC State of Texas Comm. Exp. 03-28-2014

Angela Doris Tidwell
Notary Public Signature

ATTACHMENT 1

EXHIBIT "B" TO THE DECLARATION OF CONDOMINIUM REGIME

SEE SHEET 24 OF 26 FOR ORIGINAL CERTIFICATION



AVIARA CONDOMINIUMS

EXHIBIT

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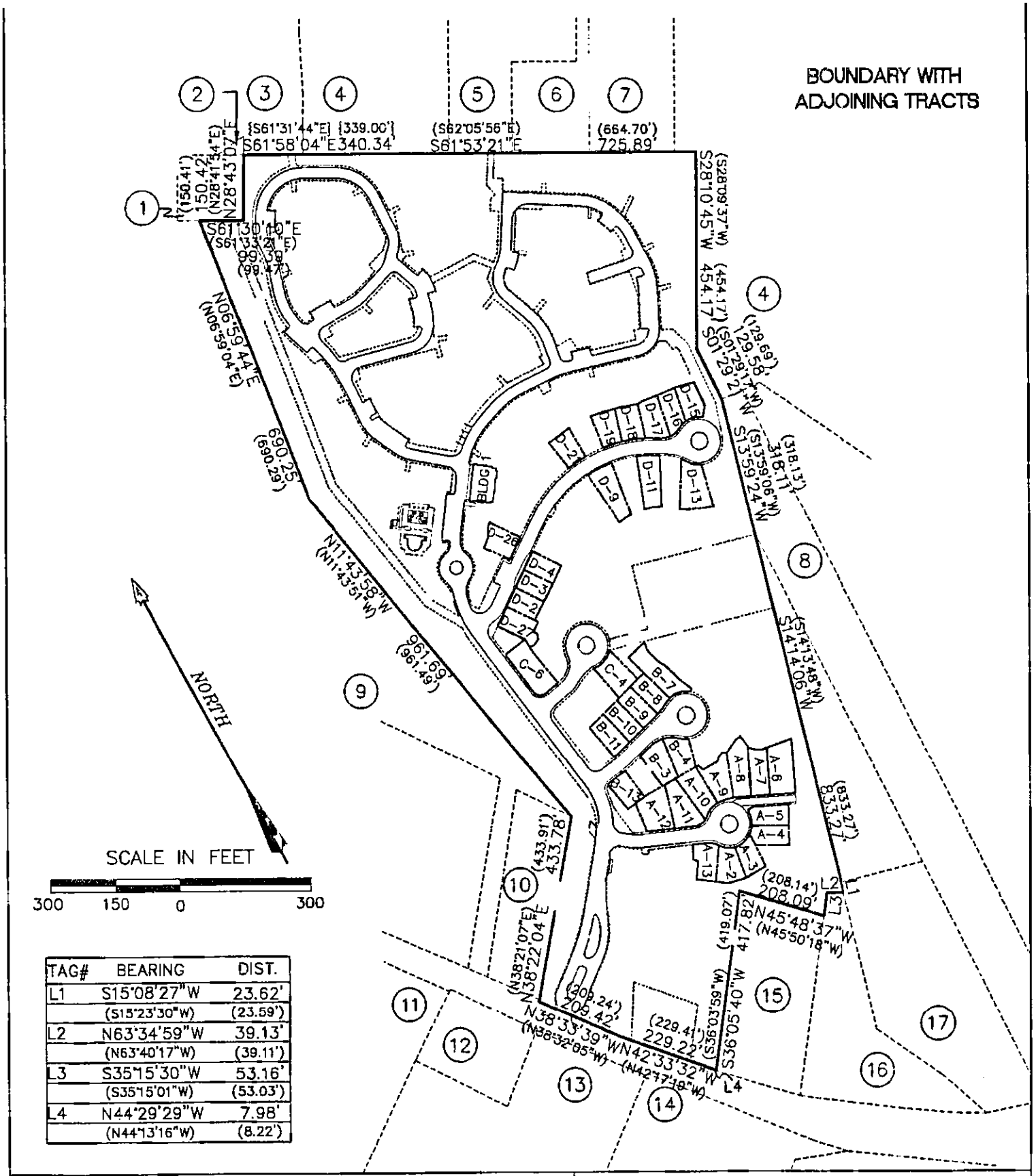
GENERAL NOTES

1.) ALL IMPROVEMENTS AND LAND REFLECTED ON THE PLAT ARE DESIGNATED AS GENERAL COMMON ELEMENTS, SAVE AND EXCEPT PORTIONS OF THE REGIME DESIGNATED AS LIMITED COMMON ELEMENTS OR "L.C.E." OR UNITS: (i) IN THE DECLARATION OF CONDOMINIUM REGIME FOR AVIARA CONDOMINIUMS; OR (ii) ON THE PLATS AND PLANS OF THE REGIME.

2.) OWNERSHIP AND USE OF CONDOMINIUM UNITS IS SUBJECT TO THE RIGHTS AND RESTRICTIONS CONTAINED IN THE DECLARATION OF CONDOMINIUM REGIME FOR AVIARA CONDOMINIUMS.

3.) EACH UNIT, BUILDING, LIMITED COMMON ELEMENT AND GENERAL COMMON ELEMENT IS SUBJECT TO SPECIAL RIGHTS RESERVED BY THE DECLARANT AS PROVIDED IN APPENDIX "A" OF THE DECLARATION OF CONDOMINIUM REGIME FOR AVIARA CONDOMINIUMS. PURSUANT TO SUCH PROVISIONS, AMONG OTHER THINGS, DECLARANT HAS RESERVED THE RIGHT TO: (i) COMPLETE OR MAKE IMPROVEMENTS INDICATED ON THE PLAT AND PLANS, AS PROVIDED IN APPENDIX "A" OF THE DECLARATION; (ii) EXERCISE ANY DEVELOPMENT RIGHT PERMITTED BY THE TEXAS UNIFORM CONDOMINIUM ACT AND THE DECLARATION, INCLUDING THE ADDITION OF REAL PROPERTY TO THE REGIME DESCRIBED ON THIS PLAT AS "ADDITIONAL PROPERTY WHICH MAY BE ADDED TO THE REGIME," WHICH PROPERTY MAY BE ADDED AS UNITS, GENERAL COMMON ELEMENTS AND/OR LIMITED COMMON ELEMENTS, AS PROVIDED IN SECTION 2.2 OF THE DECLARATION AND APPENDIX "A" OF THE DECLARATION; (iii) MAKE THE PROPERTY PART OF A LARGER CONDOMINIUM OR PLANNED COMMUNITY, AS PROVIDED IN APPENDIX "A" OF THE DECLARATION; (iv) USE UNITS OWNED OR LEASED BY DECLARANT AS MODELS, STORAGE AREAS, AND OFFICES FOR THE MARKETING, MANAGEMENT, MAINTENANCE, CUSTOMER SERVICE, CONSTRUCTION, AND LEASING OF THE PROPERTY, AS PROVIDED IN APPENDIX "A" OF THE DECLARATION, AND (v) APPOINT OR REMOVE ANY DECLARANT-APPOINTED OFFICER OR DIRECTOR OF THE ASSOCIATION DURING THE DECLARANT CONTROL PERIOD (AS DESCRIBED IN THE DECLARATION) CONSISTENT WITH THE TEXAS UNIFORM CONDOMINIUM ACT, AS PROVIDED IN APPENDIX "A" OF THE DECLARATION. AS PROVIDED IN APPENDIX "A" OF THE DECLARATION, FOR PURPOSES OF PROMOTING, IDENTIFYING, AND MARKETING THE PROPERTY, DECLARANT RESERVES AN EASEMENT AND RIGHT TO PLACE OR INSTALL SIGNS, BANNERS, FLAGS, DISPLAY LIGHTING, POTTED PLANTS, EXTERIOR DECORATIVE ITEMS, SEASONAL DECORATIONS, TEMPORARY WINDOW TREATMENTS, AND SEASONAL LANDSCAPING ON THE PROPERTY, INCLUDING ITEMS AND LOCATIONS THAT ARE PROHIBITED TO OTHER OWNERS AND RESIDENTS. DECLARANT RESERVES AN EASEMENT AND RIGHT TO MAINTAIN, RELOCATE, REPLACE, OR REMOVE THE SAME FROM TIME TO TIME WITHIN THE PROPERTY. AS PROVIDED IN APPENDIX "A" OF THE DECLARATION, DECLARANT HAS AN EASEMENT AND RIGHT OF INGRESS AND EGRESS IN AND THROUGH THE COMMON ELEMENTS (AS DEFINED IN THE DECLARATION) AND UNITS OWNED OR LEASED BY DECLARANT FOR PURPOSES OF CONSTRUCTING, MAINTAINING, MANAGING, AND MARKETING THE PROPERTY, AND FOR DISCHARGING DECLARANT'S OBLIGATIONS UNDER THE TEXAS UNIFORM CONDOMINIUM ACT AND THE DECLARATION.



TAG#	BEARING	DIST.
L1	S15°08'27"W	23.62'
	(S15°23'30"W)	(23.59')
L2	N63°34'59"W	39.13'
	(N63°40'17"W)	(39.11')
L3	S35°15'30"W	53.16'
	(S35°15'01"W)	(53.03')
L4	N44°29'29"W	7.98'
	(N44°13'16"W)	(8.22')

AVIARA CONDOMINIUMS

EXHIBIT

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ADJOINING OWNERS

1. TRAVIS COUNTY W.C.I.D. NO. 9, VOL. 1819, PG. 189 (0.52 ACRES)
2. CITY OF AUSTIN, VOL. 10958, PG. 277 (0.029 ACRES)
3. REMAINDER OF 888.051 ACRES, VOL. 10958, PG. 280
4. LOT 115, BLOCK B, LANTANA SOUTHWEST, PHASE 1, DOC. NO. 200300137
5. CITY OF AUSTIN, TRACT 2, VOL. 12910, PG. 670 (1.757 ACRES)
6. CITY OF AUSTIN, VOL. 10031 PG. 300 (1.0397 ACRES)
7. CITY OF AUSTIN, TRACT 1, VOL. 12910, PG. 670 (1.655 ACRES)
8. KEYSTONE CONSTRUCTION, INC., VOL. 11918, PG. 1755 (4.993 ACRES)
9. LOT 1, BLOCK "A", THE HANS DEROUCHER SUBDIVISION, VOL. 96, PG. 108
10. LOT 2, BLOCK "A", THE HANS DEROUCHER SUBDIVISION, VOL. 96, PG. 108
11. AARON GARDNER SUBDIVISION, VOL. 49, PG. 95
12. BENJAMIN L. NORS, DOC. NO. 2001174575 (1.00 ACRE)
13. HUEBETTER SUBDIVISION, VOL. 78, PG. 1
14. JAMES L. SCHORR, VOL. 11883, PG. 1334 (10.177 ACRES)
15. ALAN ABBE, et ux, VOL. 8732, PG. 5 (1.9807 ACRES)
16. 1.951 ACRES, VOL. 11400, PG. 875
17. GILBERT M. JAPKO, TRACT ONE, VOL. 6095, PG. 82 (3.129 ACRES)

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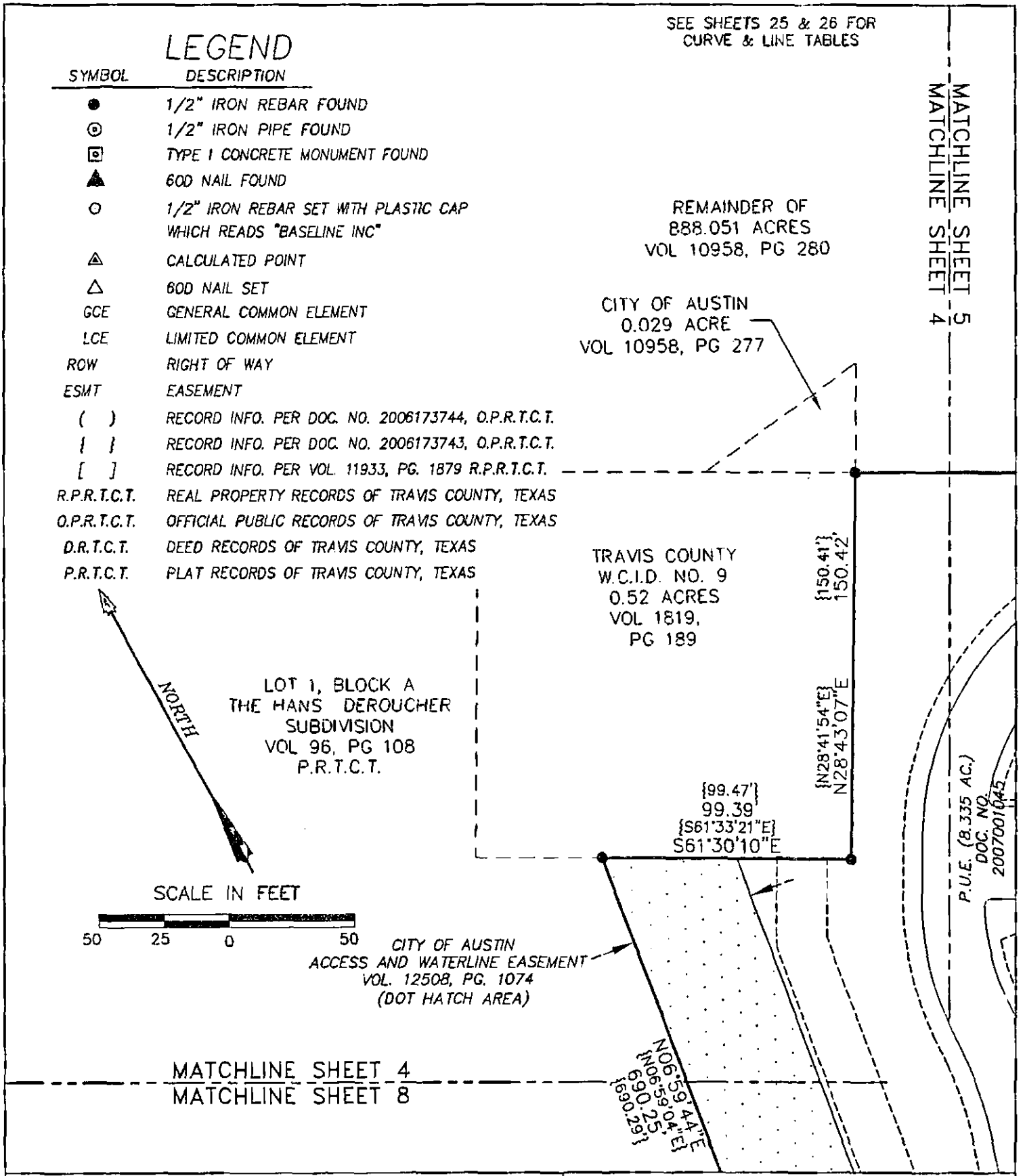
SEE SHEETS 25 & 26 FOR
CURVE & LINE TABLES

LEGEND

SYMBOL	DESCRIPTION
●	1/2" IRON REBAR FOUND
⊙	1/2" IRON PIPE FOUND
⊡	TYPE I CONCRETE MONUMENT FOUND
▲	60D NAIL FOUND
○	1/2" IRON REBAR SET WITH PLASTIC CAP WHICH READS "BASELINE INC"
◬	CALCULATED POINT
△	60D NAIL SET
GCE	GENERAL COMMON ELEMENT
LCE	LIMITED COMMON ELEMENT
ROW	RIGHT OF WAY
ESMT	EASEMENT
( )	RECORD INFO. PER DOC. NO. 2006173744, O.P.R.T.C.T.
{ }	RECORD INFO. PER DOC. NO. 2006173743, O.P.R.T.C.T.
[ ]	RECORD INFO. PER VOL. 11933, PG. 1879 R.P.R.T.C.T.
R.P.R.T.C.T.	REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS
O.P.R.T.C.T.	OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS
D.R.T.C.T.	DEED RECORDS OF TRAVIS COUNTY, TEXAS
P.R.T.C.T.	PLAT RECORDS OF TRAVIS COUNTY, TEXAS



AVIARA CONDOMINIUMS

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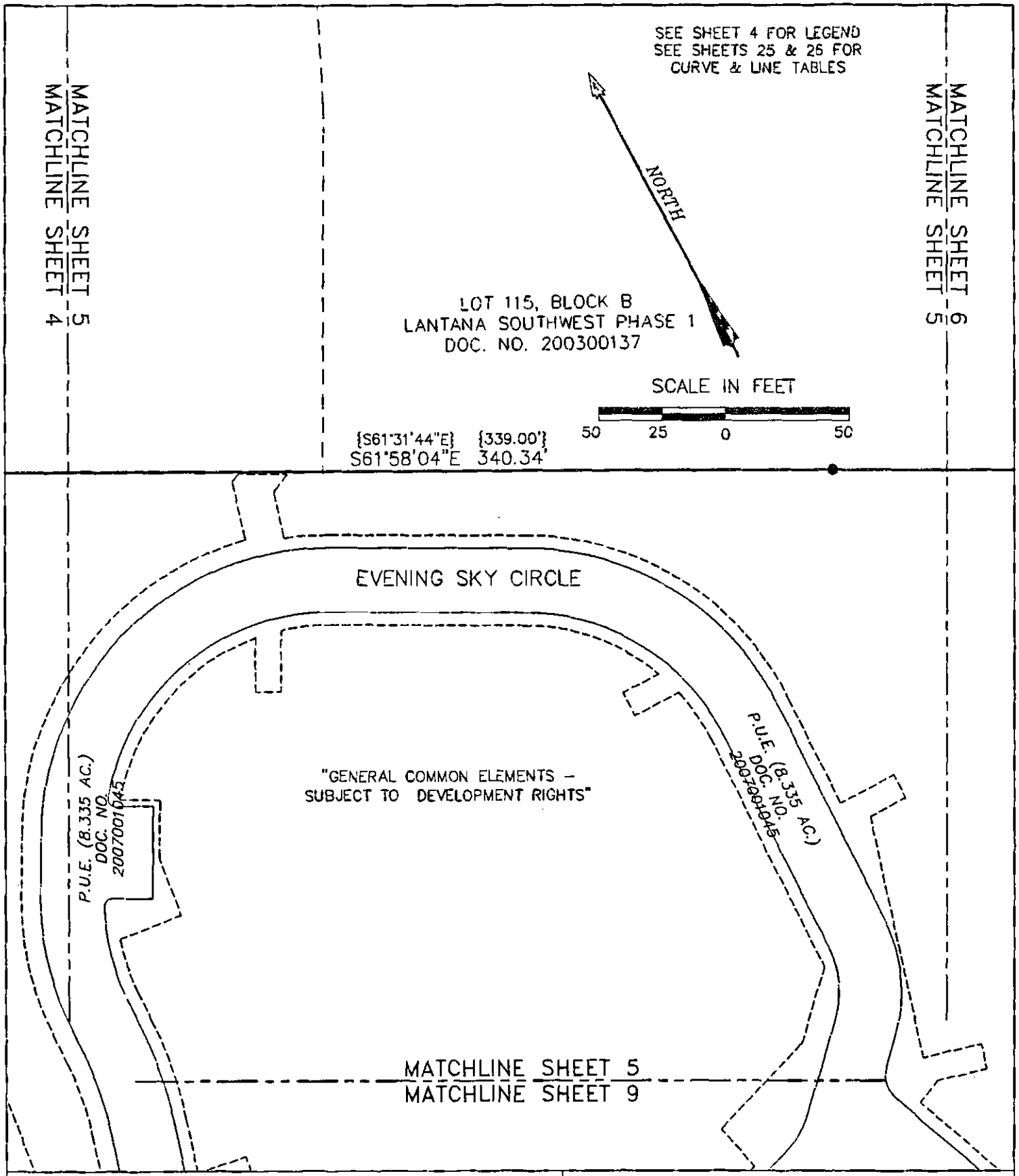

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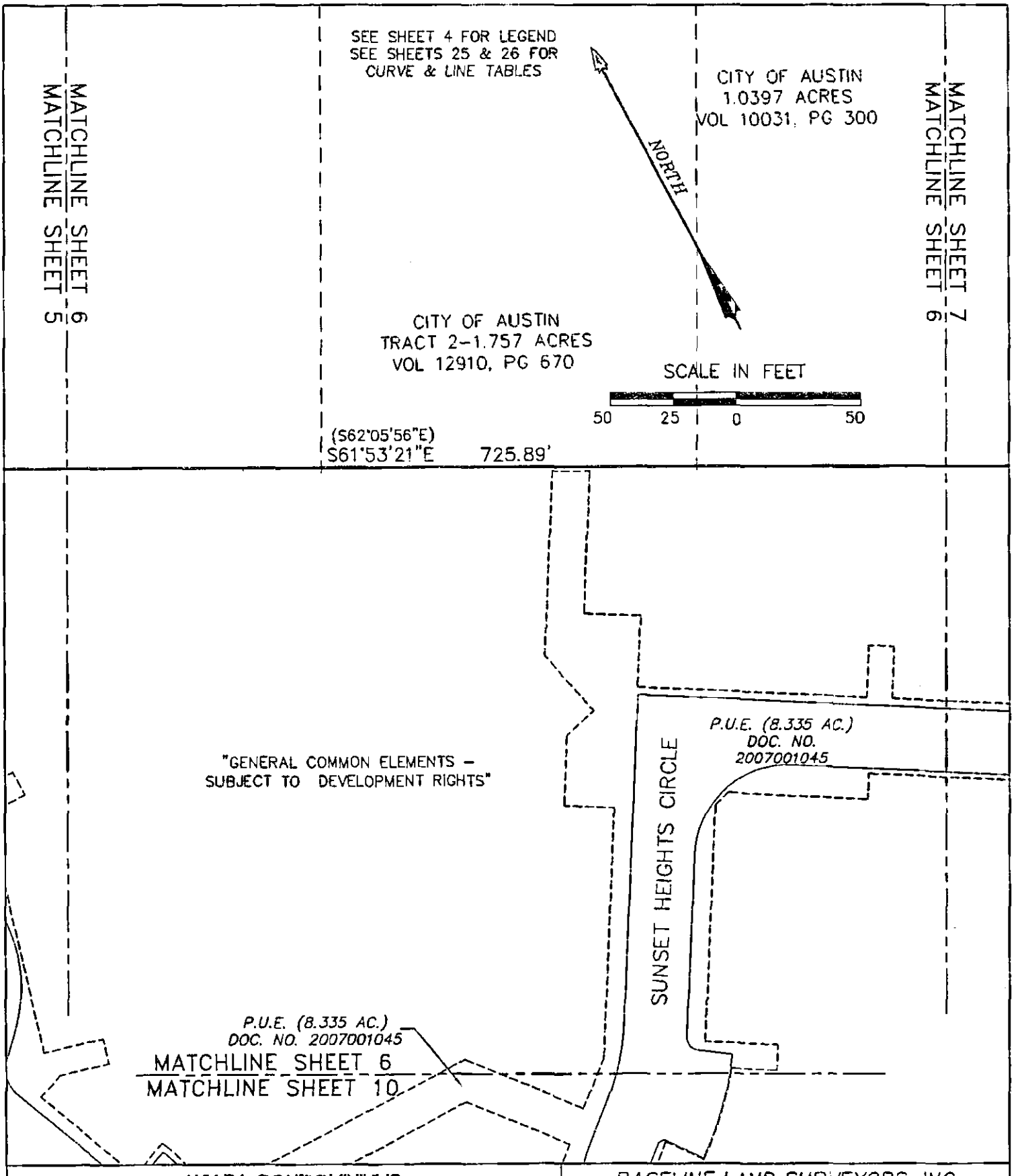

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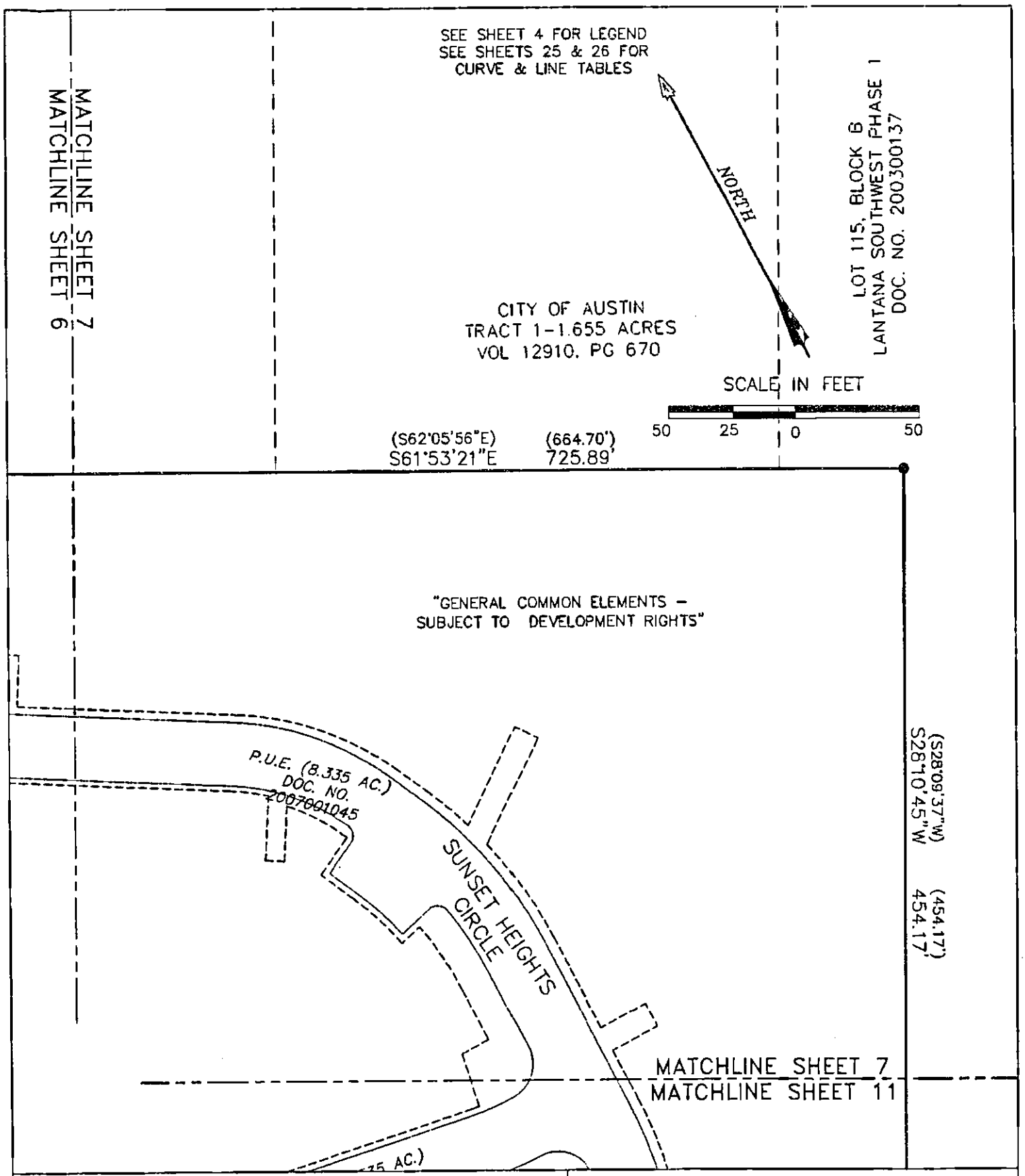

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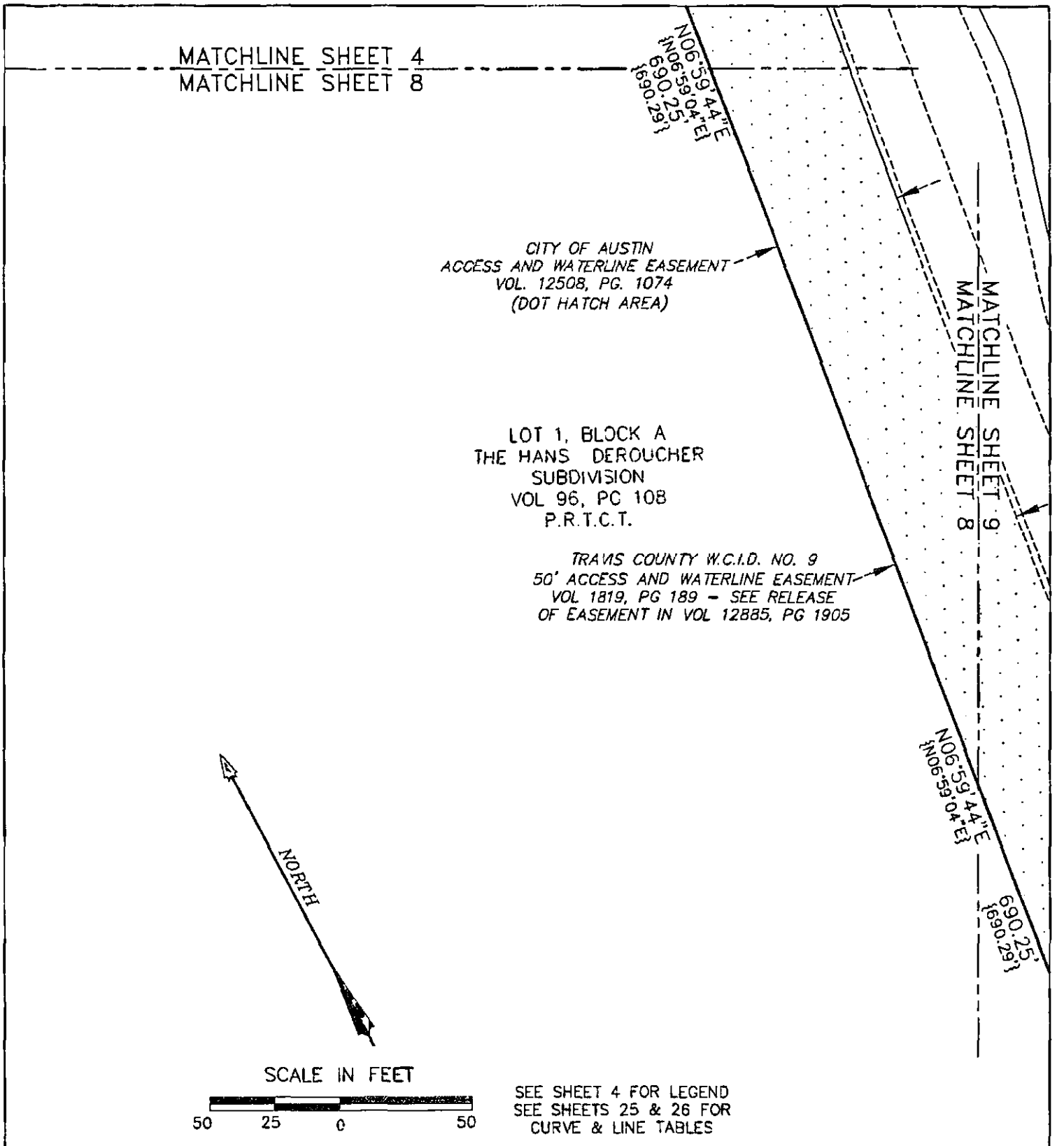

SEE SHEET 4 FOR LEGEND
SEE SHEETS 25 & 26 FOR
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AVIARA CONDOMINIUMS

EXHIBIT
OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

BASELINE LAND SURVEYORS, INC.
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ron-baseline@austin.rr.com

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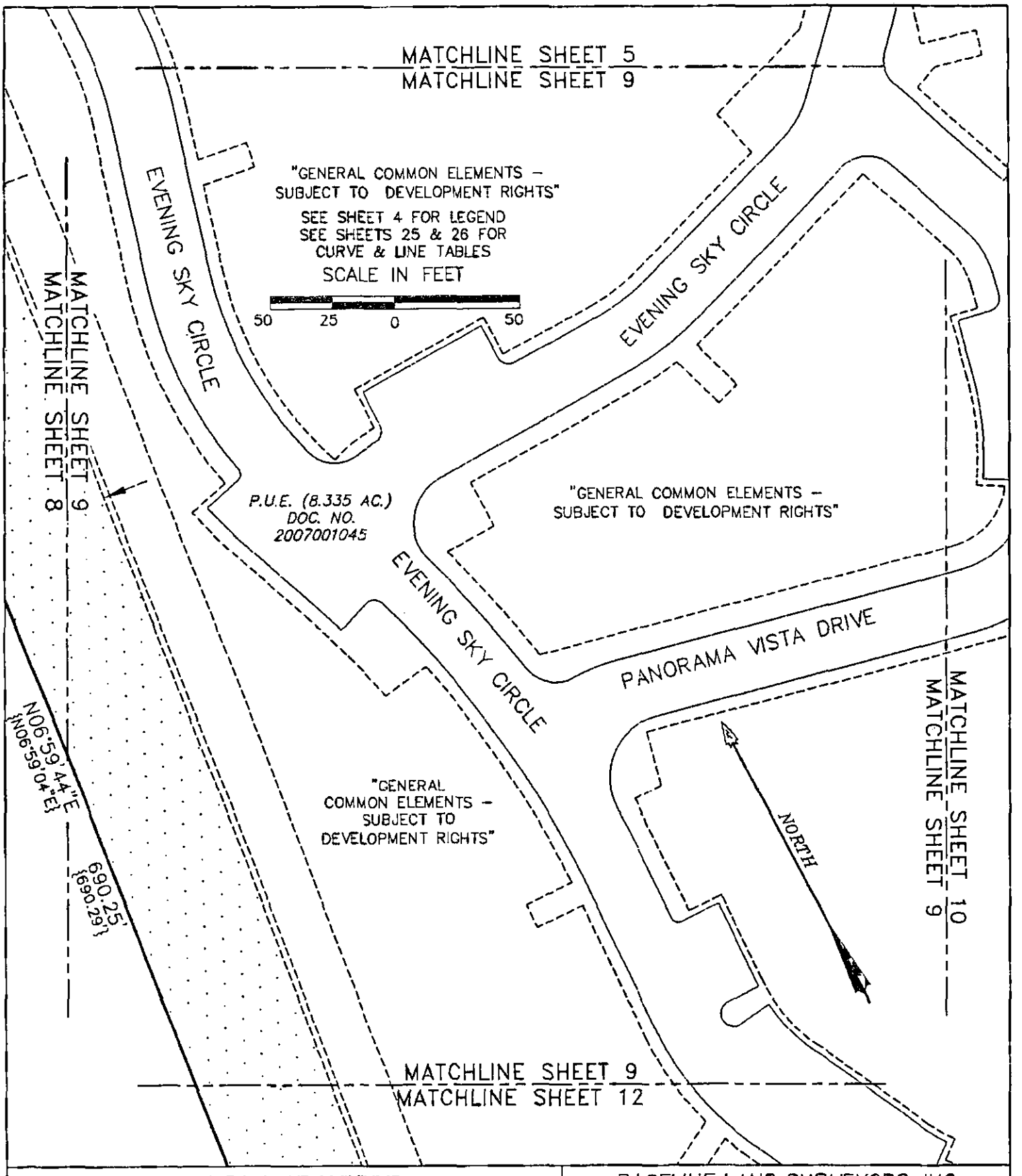

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 626; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 6.064 ACRE TRACT OF LAND CONVEYED TO PCG–AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG–AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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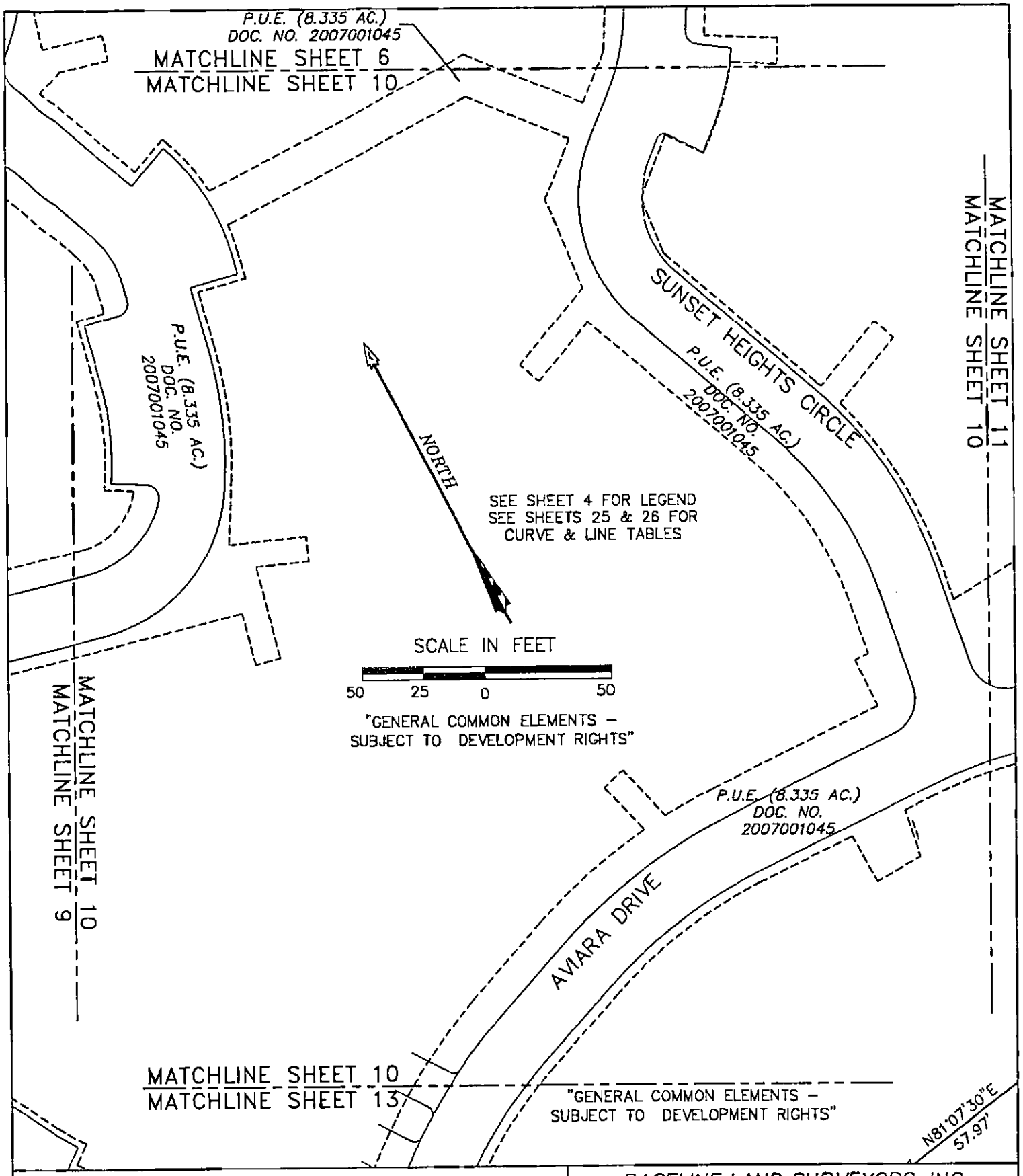

AVIARA CONDOMINIUMS

EXHIBIT

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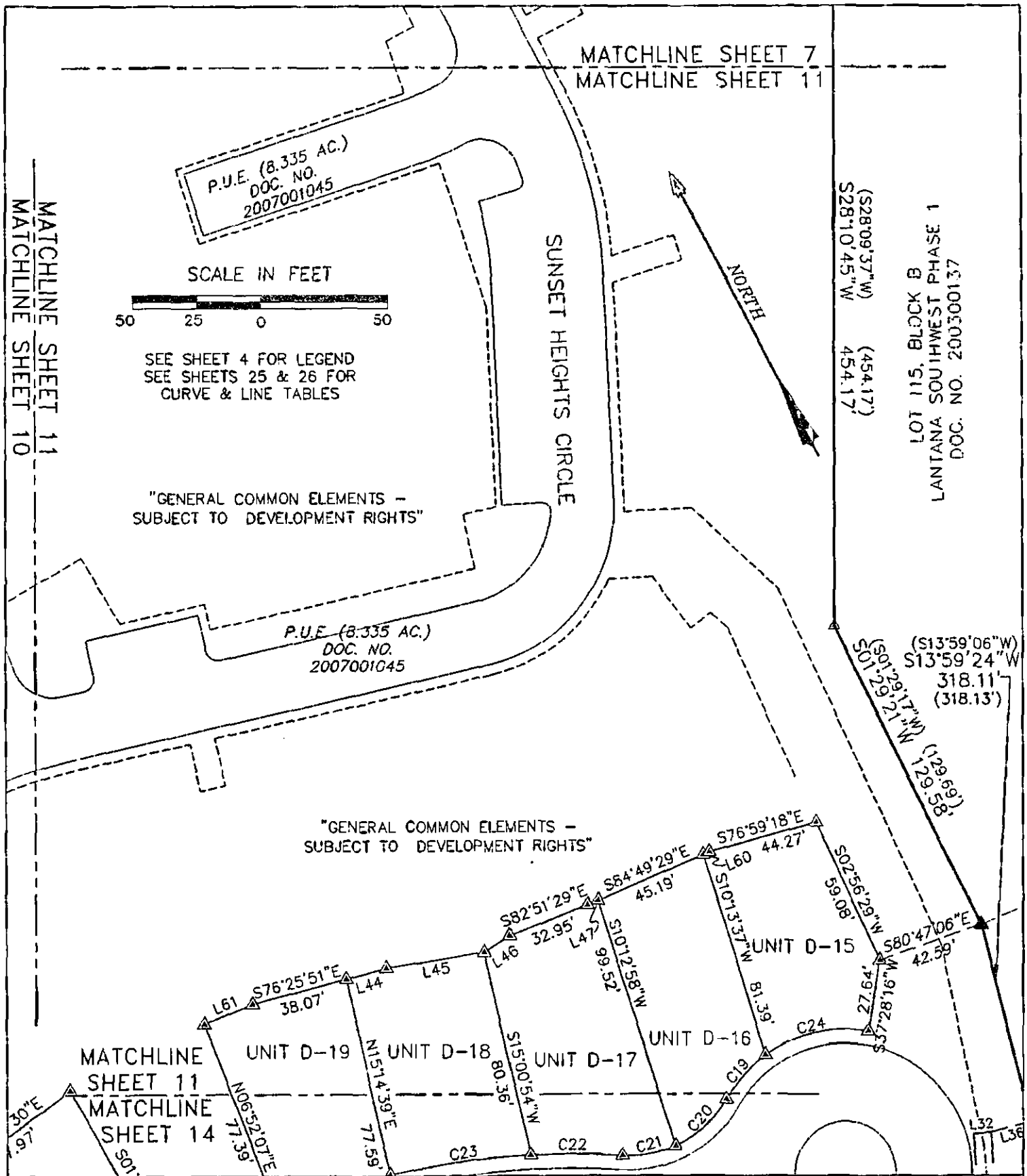

AVIARA CONDOMINIUMS

EXHIBIT

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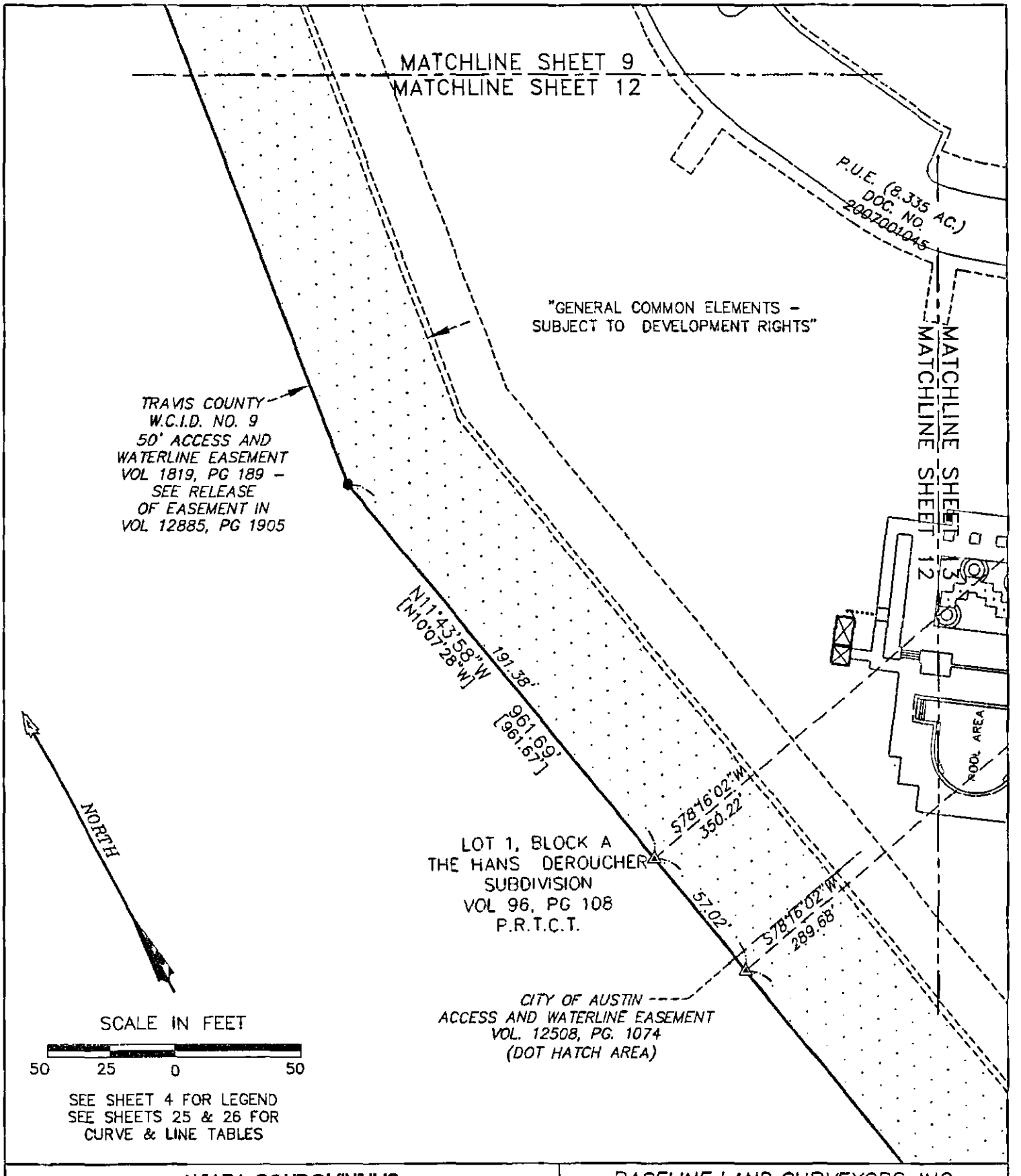

SEE SHEET 4 FOR LEGEND
SEE SHEETS 25 & 26 FOR
CURVE & LINE TABLES

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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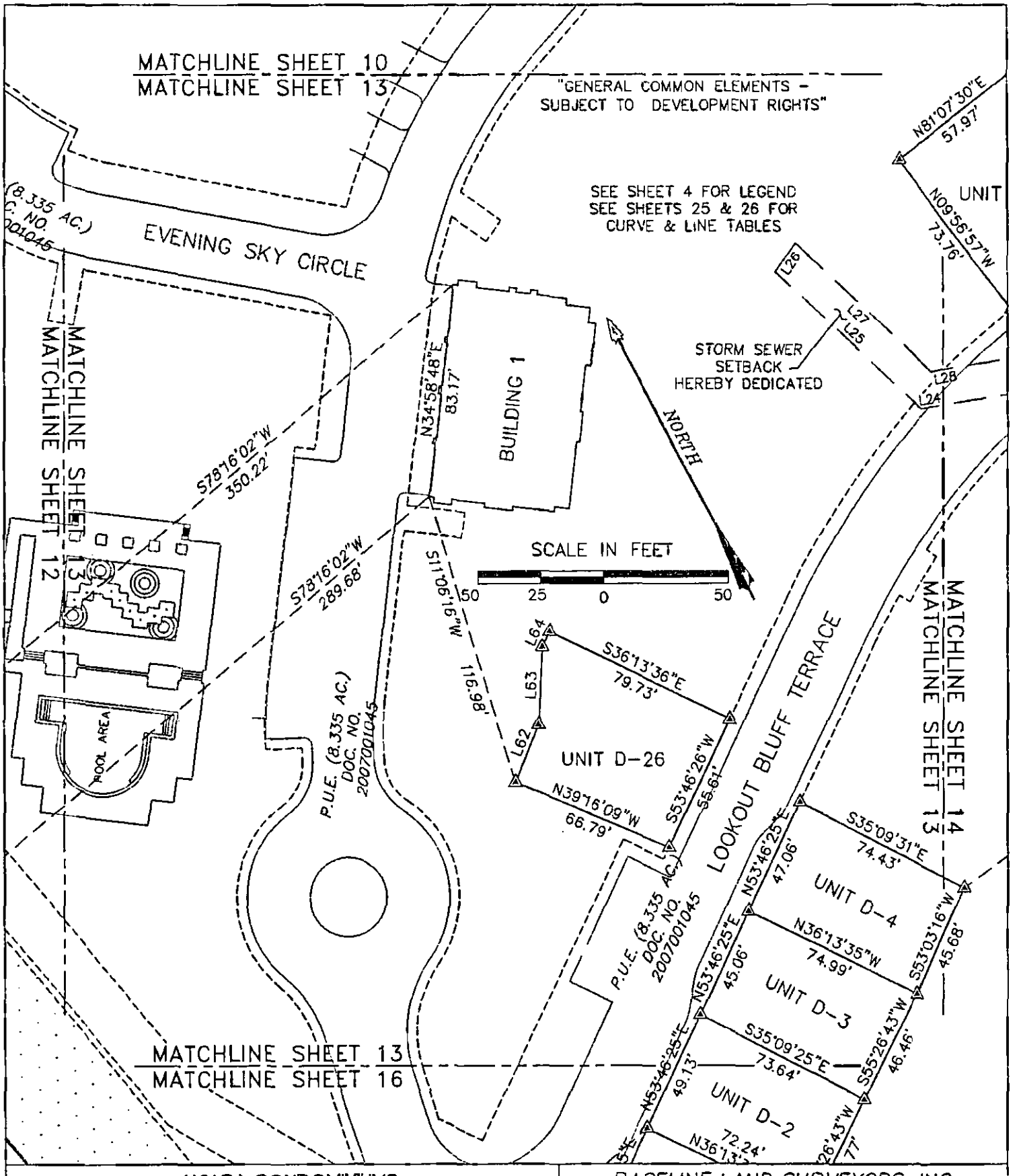

AVIARA CONDOMINIUMS

EXHIBIT

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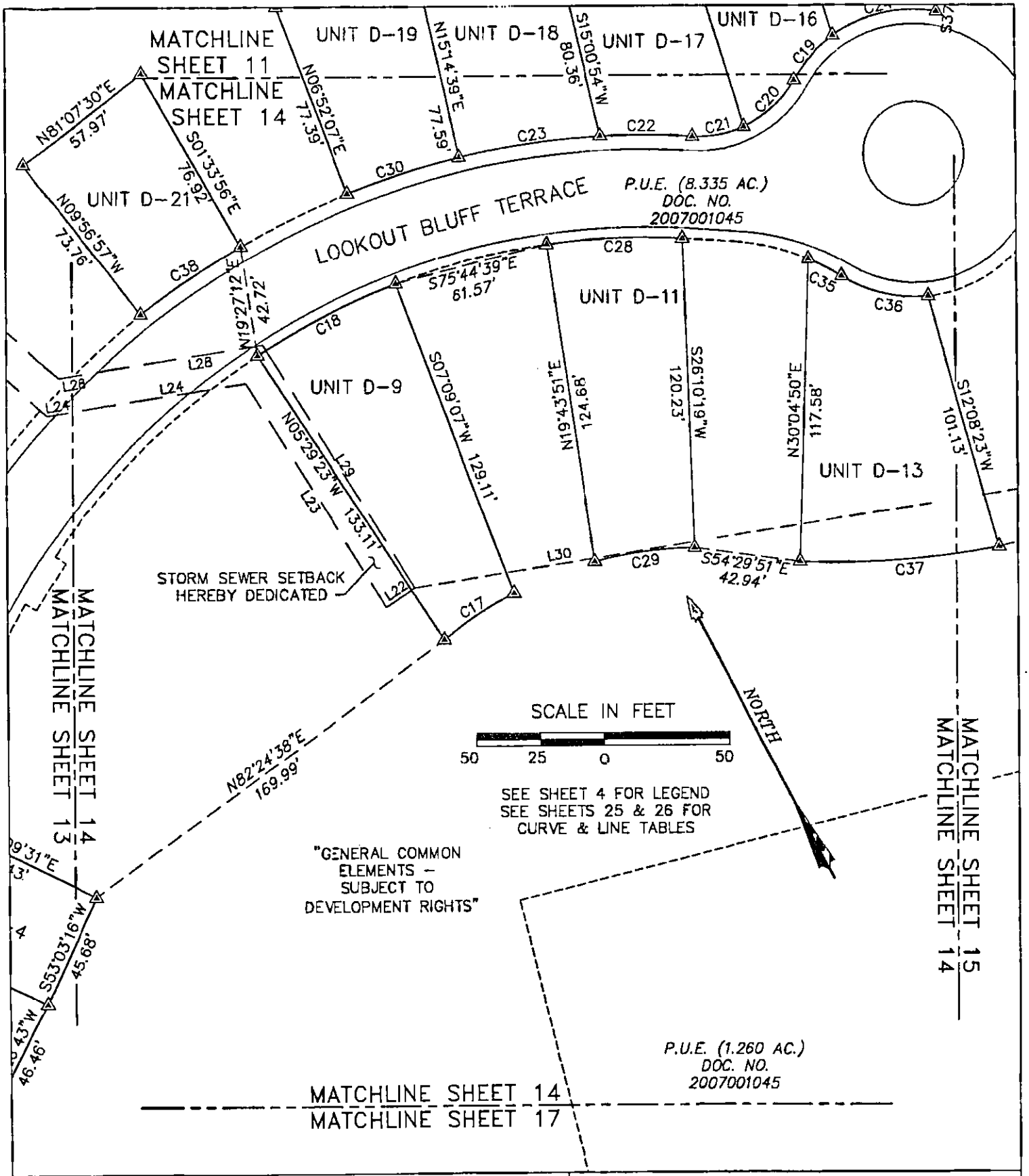

AVIARA CONDOMINIUMS

EXHIBIT

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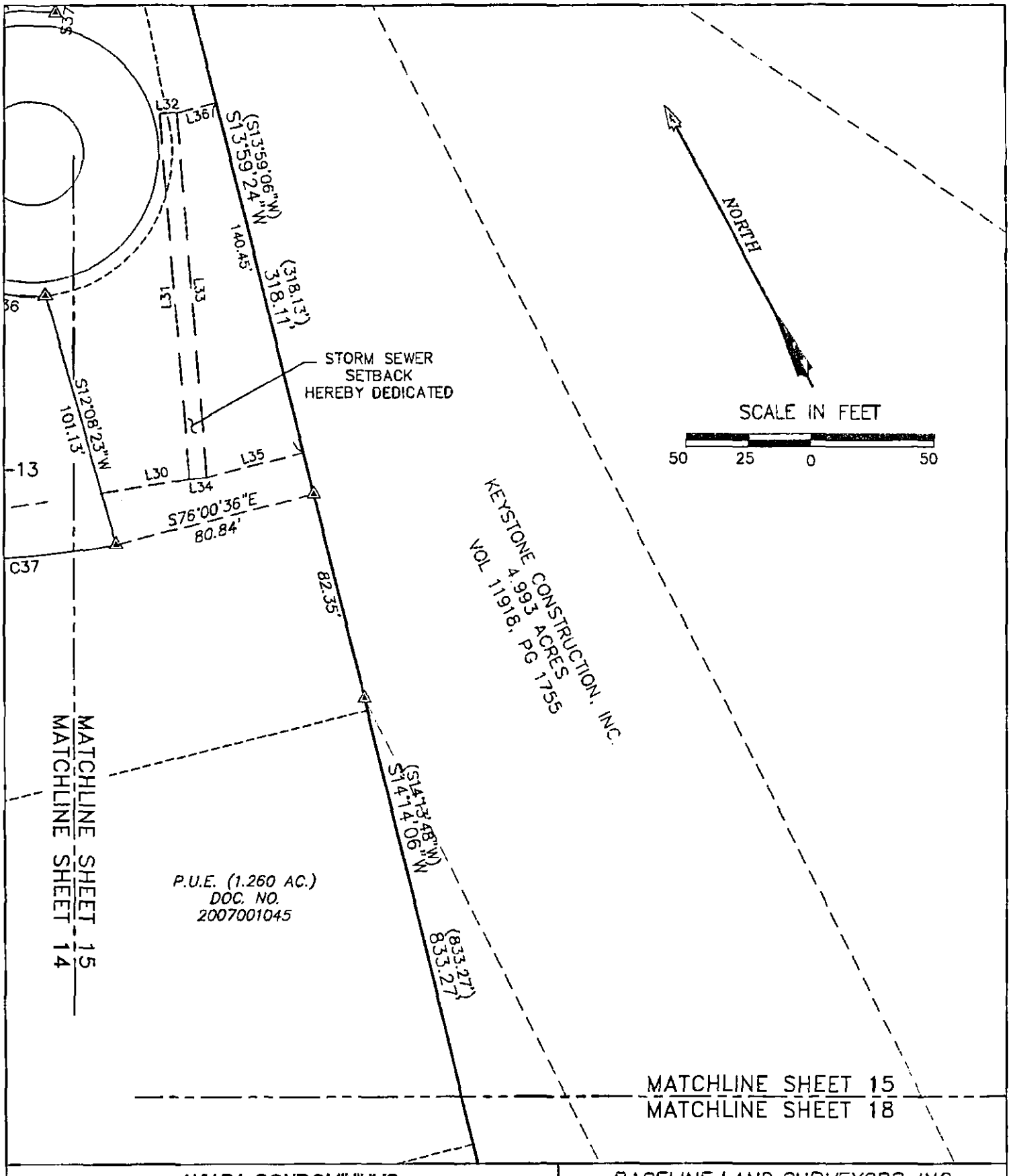

AVIARA CONDOMINIUMS

EXHIBIT

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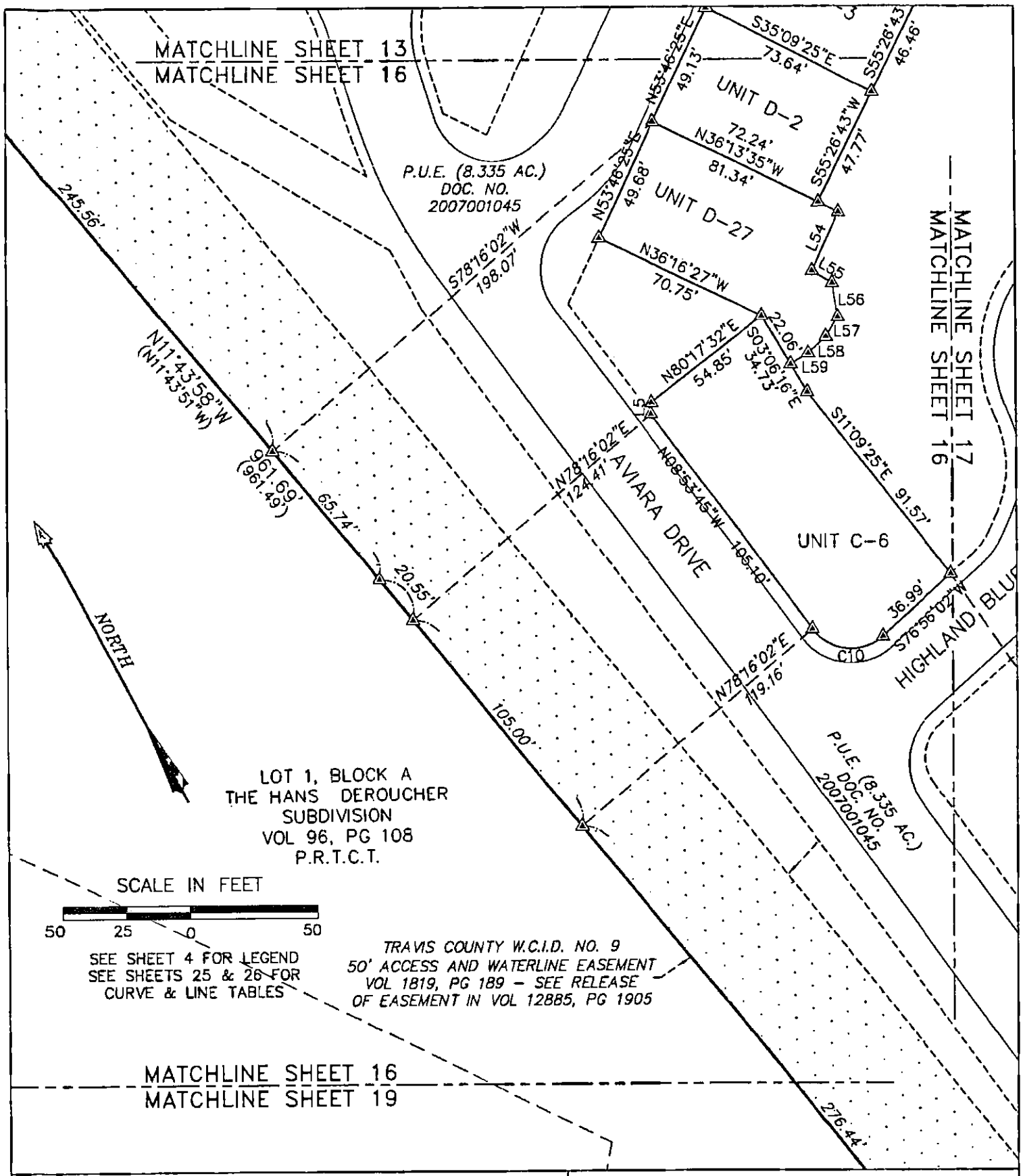

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.401 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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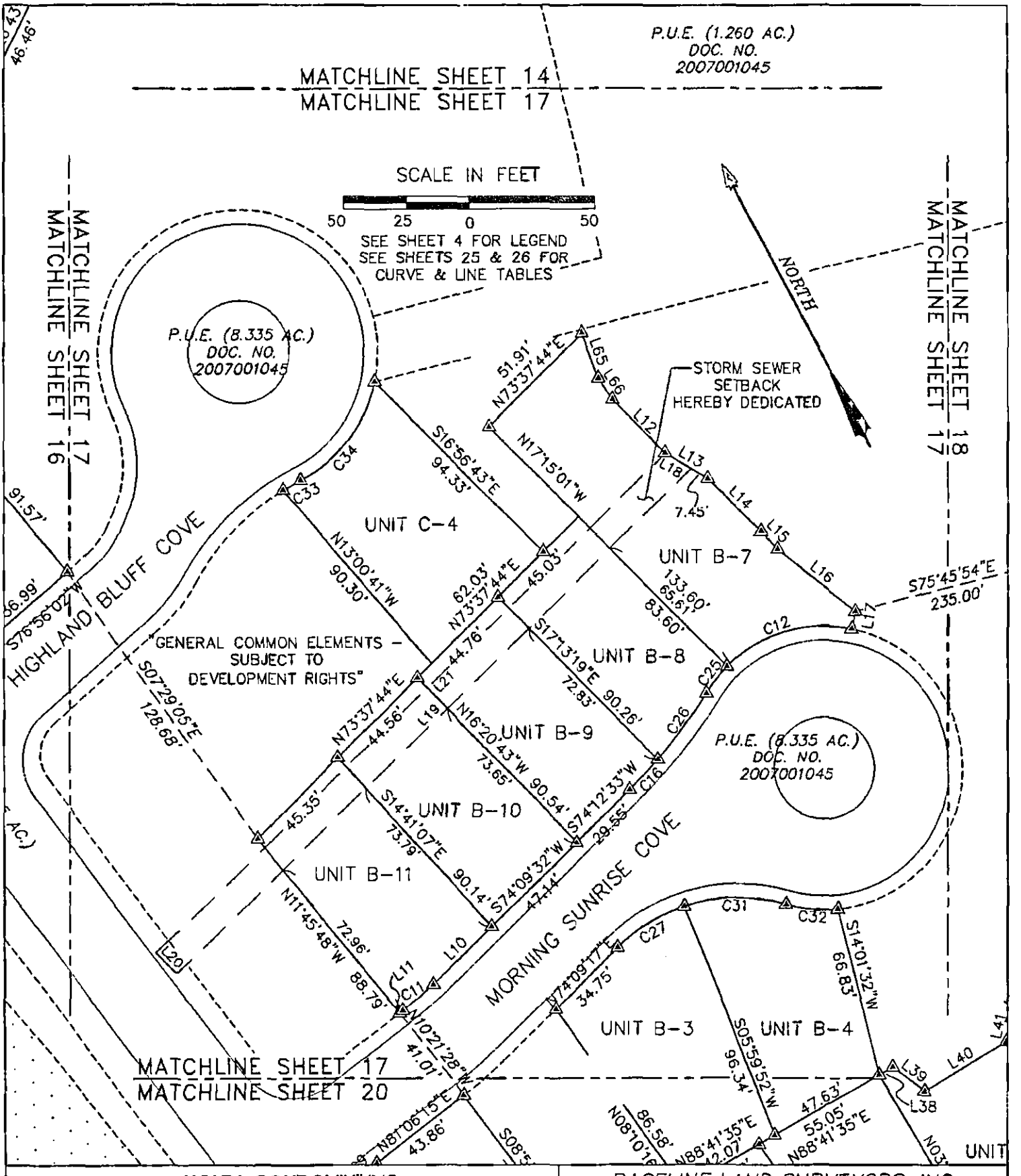

AVIARA CONDOMINIUMS

EXHIBIT

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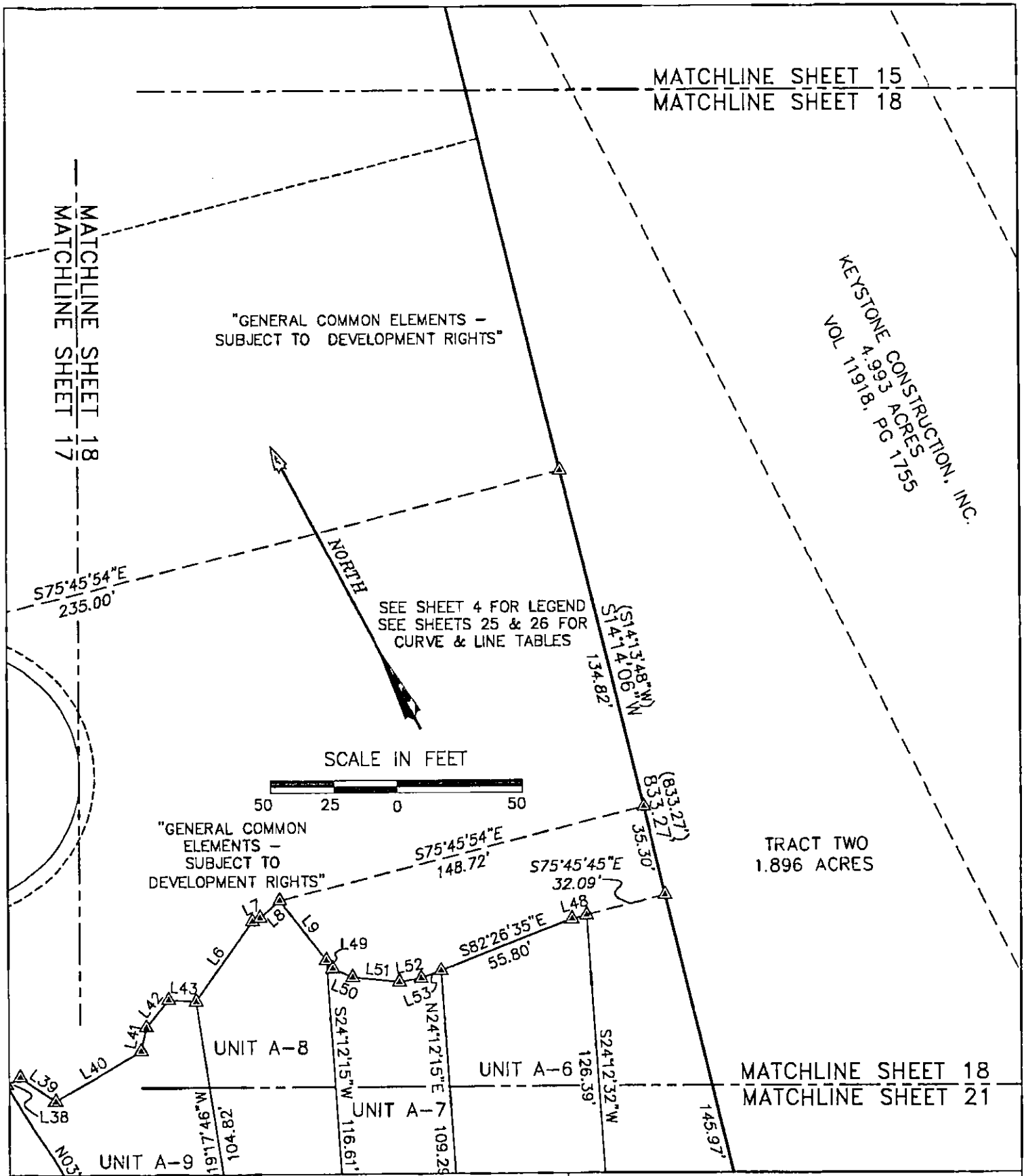

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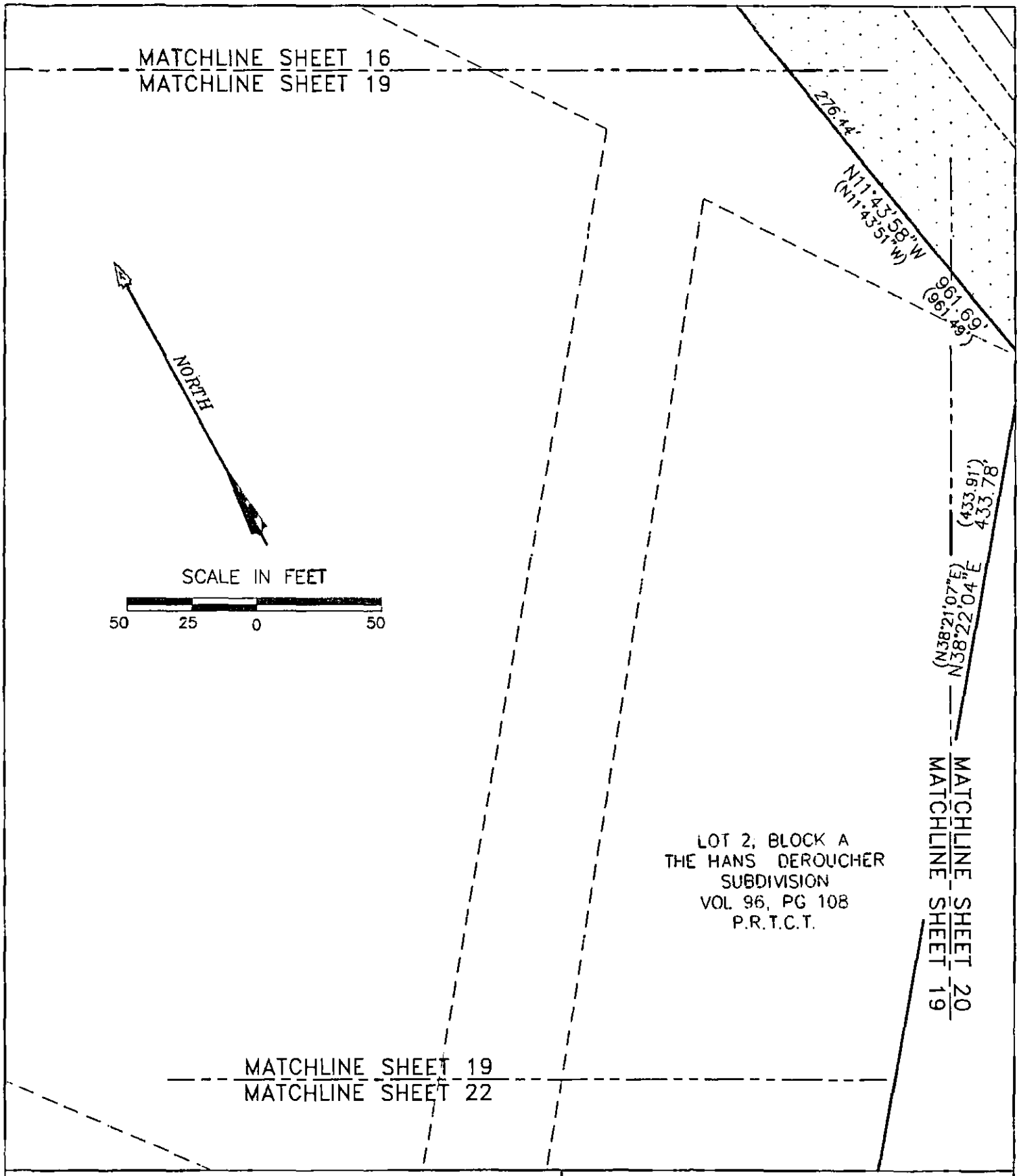

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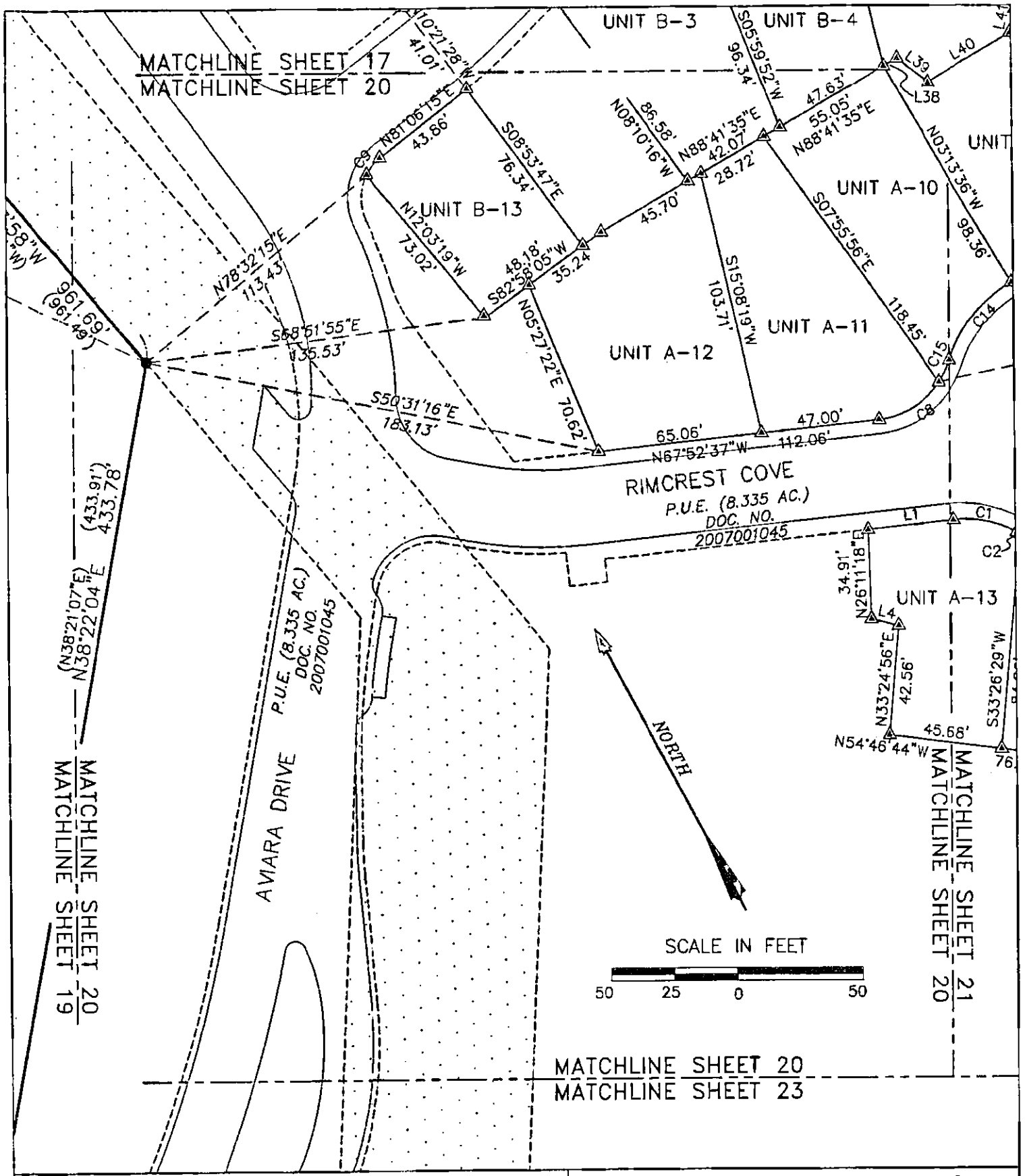

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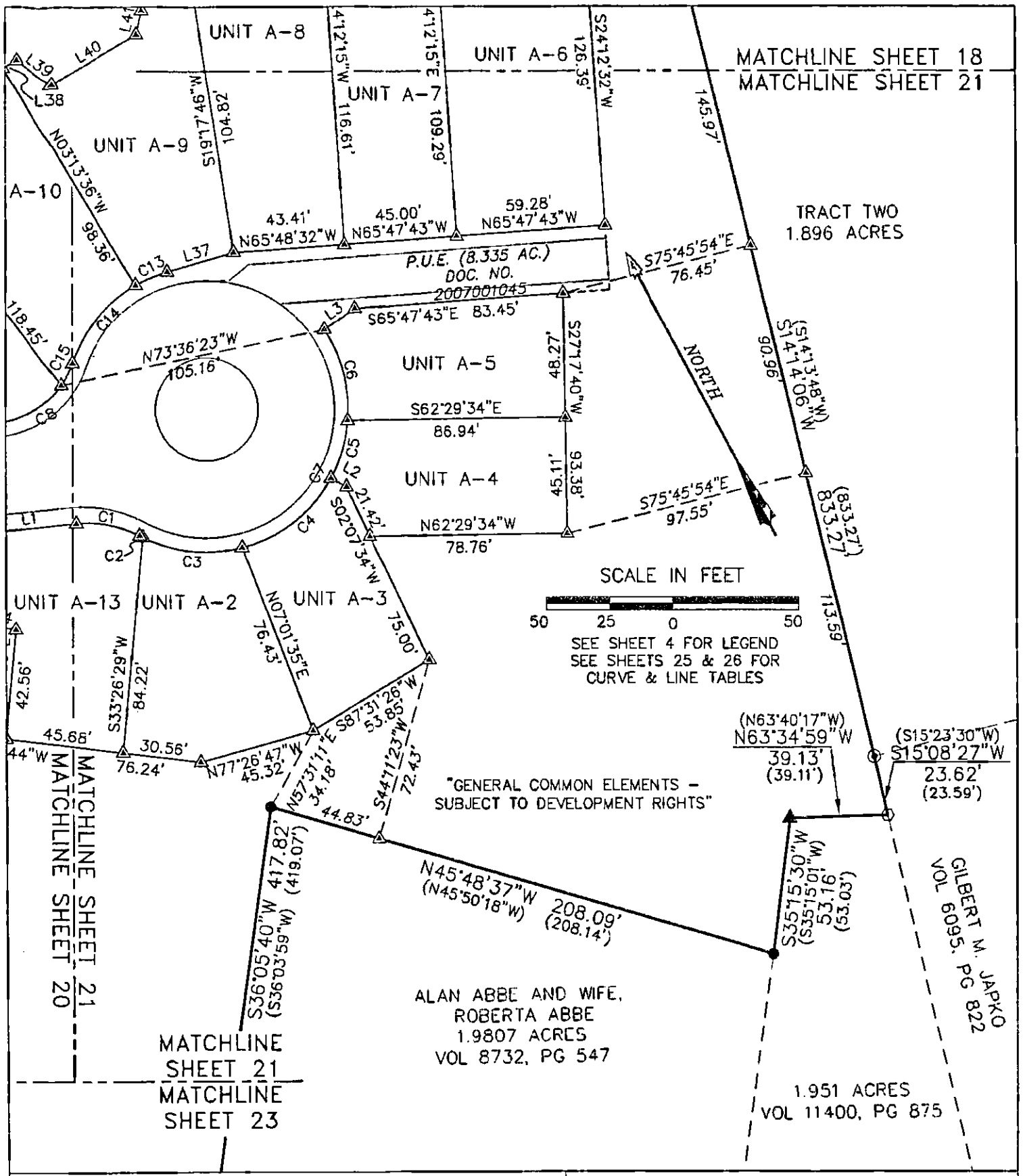

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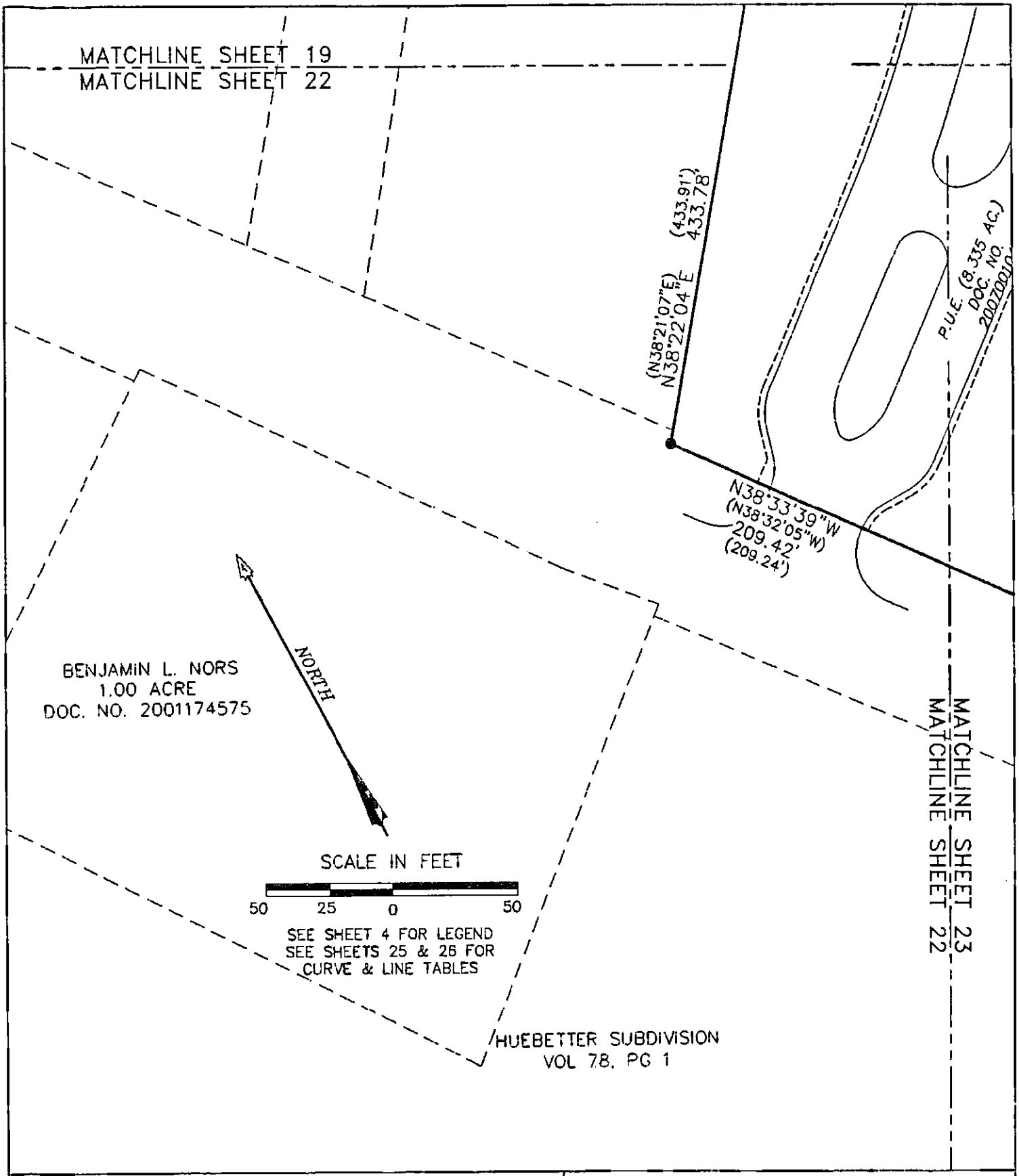

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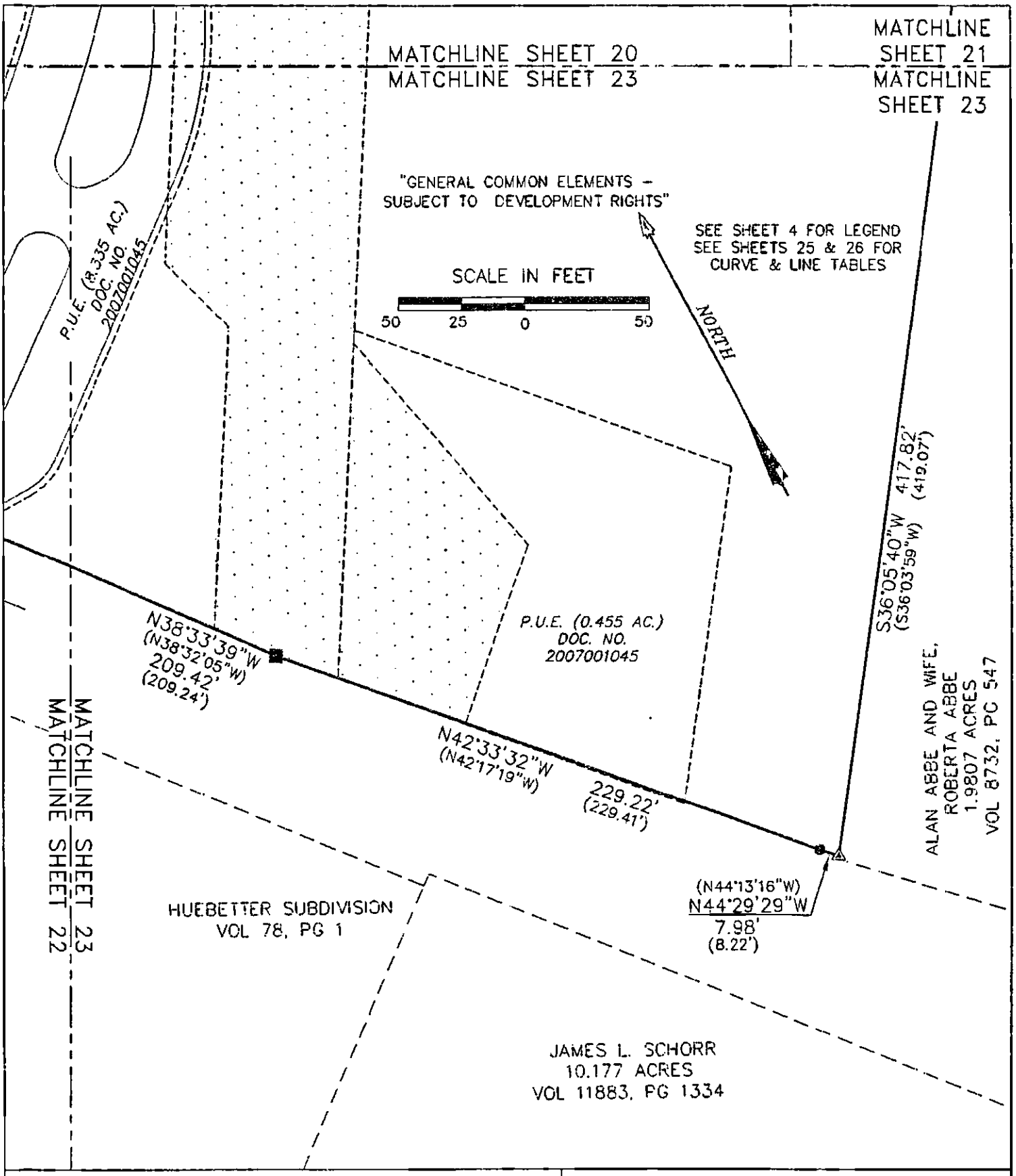

AVIARA CONDOMINIUMS

EXHIBIT
OF 39.401 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG–AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG–AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

BASELINE LAND SURVEYORS, INC.
PROFESSIONAL LAND SURVEYING SERVICES
8333 CROSS PARK DRIVE
AUSTIN, TEXAS 78754
OFFICE: 512.374.9722 FAX: 512.873.9743
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Date: 12/06/10	Checked By: JSL	Drawn By: HPE\RLW

EXHIBIT

AVIARA CONDOMINIUMS

[PLAT]

§ Certification of Surveyor §

The attached plat, attached hereto as Exhibit contain the information required by Section 82.052 and Section 82.059 of the Texas Uniform Condominium Act, as applicable.

Ronnie Wallace
R.P.L.S. No. 5222

Date: 6 December 2010

STATE OF TEXAS
REGISTERED
RONNIE WALLACE
5222
PROFESSIONAL
LAND SURVEYOR

AVIARA CONDOMINIUMS EXHIBIT OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS	BASELINE LAND SURVEYORS, INC. PROFESSIONAL LAND SURVEYING SERVICES 8333 CROSS PARK DRIVE AUSTIN, TEXAS 78754 OFFICE: 512.374.9722 FAX: 512.873.9743 ron-baseline@austin.rr.com File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg Job No. / Snapshot: Scale (Hor.): 1"=50' / Scale (Vert.): Date: 12/06/10 / Checked By: JSL / Drawn By: HPE\RLW SHEET 24 of 26

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C1	43.50'	25.85'	34°03'14"	N50°51'00"W	25.48'
C2	55.50'	1.36'	1°24'13"	S34°31'30"E	1.36'
C3	55.50'	39.74'	41°01'24"	S55°44'18"E	38.89'
C4	55.50'	45.25'	46°42'38"	N80°23'41"E	44.00'
C5	55.50'	23.52'	24°16'50"	N44°53'57"E	23.34'
C6	55.50'	37.22'	38°25'09"	N13°32'57"E	36.52'
C7	55.50'	147.08'	151°50'14"	N70°15'30"E	107.66'
C8	34.50	29.54'	49°03'46"	N87°35'30"E	28.65'
C9	19.50'	8.60'	25°15'47"	S68°28'21"W	8.53'
C10	19.50	32.05'	94°10'13"	S55°58'52"E	28.56'
C11	128.50'	15.59'	6°56'58"	N77°37'46"E	15.58'
C12	55.50'	54.03'	55°46'56"	N78°25'05"W	51.92'
C13	55.50'	13.29'	13°43'20"	N84°39'53"W	13.26'
C14	55.50'	40.10'	41°23'40"	S67°46'37"W	39.23'
C15	34.50'	9.67'	16°03'39"	N55°06'36"E	9.64'
C16	194.50'	16.61'	4°53'34"	N71°36'45"E	16.60'
C17	160.00'	33.10'	11°51'14"	S85°23'29"W	33.04'
C18	281.00'	61.89'	12°37'13"	N88°22'50"W	61.77'
C19	55.50'	23.40'	24°09'12"	S71°04'10"W	23.22'
C20	44.50'	27.40'	35°16'52"	N76°38'00"E	26.97'
C21	44.50'	21.40'	27°32'51"	S71°57'09"E	21.19'
C22	320.50'	36.55'	6°32'02"	N61°26'44"W	36.53'
C23	320.50'	56.16'	10°02'22"	N69°43'56"W	56.09'
C24	55.50'	42.94'	44°19'30"	N74°41'29"W	41.87'
C25	55.50'	13.43'	13°52'10"	S66°45'22"W	13.40'
C26	194.50'	32.10'	9°27'22"	N64°33'01"E	32.06'
C27	69.50'	31.31'	25°48'34"	S87°03'34"W	31.04'
C28	281.00'	53.69'	10°56'52"	N64°01'05"W	53.61'
C29	160.00'	39.91'	14°17'34"	N69°21'21"W	39.81'
C30	320.50'	46.88'	8°22'48"	N78°59'29"W	46.83'
C31	69.50'	41.29'	34°02'29"	N63°00'55"W	40.69'
C32	55.50'	21.02'	21°42'01"	S56°50'41"E	20.89'
C33	94.50'	8.03'	4°52'04"	S89°32'13"W	8.03'
C34	55.50'	50.19'	51°48'35"	N66°03'57"E	48.49'
C35	94.50'	15.08'	9°08'25"	N35°02'28"W	15.06'
C36	55.50'	35.52'	36°40'03"	S48°48'17"E	34.92'
C37	350.00'	79.68'	13°02'37"	S65°54'47"E	79.51'
C38	320.50'	46.91'	8°23'10"	S84°14'33"W	46.87'

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 6.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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PROFESSIONAL LAND SURVEYING SERVICES

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET
Job No.	Snapshot:		25 of 26
Scale (Hor.): 1"=50'	Scale (Vert.):		
Date: 12/06/10	Checked By: JSL	Drawn By: HPE\RLW	

LINE TABLE		
LINE	BEARING	LENGTH
L1	S67°52'37"E	35.37'
L2	N32°57'38"W	7.06'
L3	N84°20'23"E	14.65'
L4	N47°51'55"W	11.34'
L5	N31°01'52"E	4.45'
L6	N63°54'29"E	38.06'
L7	S86°57'47"E	3.29'
L8	N78°01'20"E	10.29'
L9	S10°13'03"E	29.53'
L10	S74°09'17"W	32.66'
L11	S81°06'15"W	1.64'
L12	S18°00'07"E	29.66'
L13	S30°23'57"E	19.47'
L14	S17°47'50"E	29.77'
L15	S15°29'37"E	9.67'
L16	S23°37'34"E	39.17'
L17	S39°28'12"W	6.91'
L18	S30°23'57"E	11.73'
L19	S74°19'32"W	284.75'
L20	N15°40'28"W	11.34'
L21	N74°19'32"E	281.77'
L22	S85°45'47"W	13.66'
L23	N04°14'13"W	103.33'
L24	N70°42'51"W	78.43'
L25	N19°29'12"W	79.32'
L26	N63°34'35"E	13.76'
L27	S19°29'12"E	74.44'
L28	S70°42'51"E	80.83'
L29	S04°14'13"E	112.29'
L30	S70°42'26"E	264.71'
L31	N23°29'14"E	142.40'
L32	S66°30'46"E	6.83'
L33	S23°29'14"W	142.40'
L34	N66°30'46"W	6.83'
L35	S76°00'36"E	39.58'
L36	S76°00'36"E	16.09'
L37	N77°48'13"W	27.14'
L38	N88°41'35"E	6.13'
L39	S25°44'32"E	15.92'
L40	N88°11'04"E	38.53'
L41	N40°42'32"E	9.55'
L42	N67°35'04"E	13.92'
L43	S57°59'22"E	10.92'
L44	S76°25'51"E	16.48'
L45	S70°54'33"E	39.17'
L46	N86°12'33"E	12.02'
L47	S84°49'29"E	4.40'
L48	S76°40'56"E	5.93'
L49	S10°13'03"E	4.06'
L50	S38°01'06"E	8.58'

LINE TABLE		
LINE	BEARING	LENGTH
L51	S56°04'51"E	18.69'
L52	S70°55'02"E	8.71'
L53	S82°26'35"E	8.37'
L54	S53°46'22"W	25.12'
L55	S31°37'01"E	9.49'
L56	S18°24'32"W	13.40'
L57	S60°30'23"W	9.18'
L58	S76°42'45"W	9.64'
L59	S87°05'06"W	8.22'
L60	S84°49'29"E	2.67'
L61	S84°21'45"E	20.21'
L62	N50°43'51"E	24.50'
L63	N30°48'59"E	30.25'
L64	N54°18'02"E	6.85'
L65	S07°17'18"W	18.99'
L66	S06°13'30"E	9.98'

AVIARA CONDOMINIUMS

EXHIBIT

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UNIT PLAN TYPES – ATTACHED UNITS

Unit No.	Plan Type*
A-1	A
B-1	B
C-1	C
D-1	D

* SEE CONDOMINIUM PLANS FOR PLAN TYPE.

ALL UNITS SHOWN ON THE PLAT AND PLANS OTHER THAN UNITS A-1, B-1, C-1, D-1 ARE STAND-ALONE UNITS.

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS
Dana DeBeauvoir
Dec 22, 2010 03:32 PM 2010192022
DAVISD: $148.00
Dana DeBeauvoir, County Clerk
Travis County TEXAS

AFTER RECORDING RETURN TO:
Robert D. Burton, Esq.
Armbrust & Brown, PLLC
100 Congress Ave., Suite 1300
Austin, Texas 78701

AVIARA

ELEVENTH AMENDMENT TO RESTATED AND AMENDED DECLARATION OF CONDOMINIUM REGIME FOR AVIARA CONDOMINIUMS

(A Residential Condominium in Travis County, Texas)

Cross Reference to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2009071585, Official Public Records of Travis County, Texas as amended by that certain First Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2009142835, Official Public Records of Travis County, Texas, as amended by that certain Second Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2010051936, Official Public Records of Travis County, Texas, as amended by that certain Third Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2010073309, Official Public Records of Travis County, Texas, as amended by that certain Fourth Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2010087345, Official Public Records of Travis County, Texas, as amended by that certain Fifth Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2010106978, Official Public Records of Travis County, Texas, as amended by that certain Sixth Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2010115972, Official Public Records of Travis County, Texas, as amended by that certain Seventh Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2010128041, Official Public Records of Travis County, Texas and as amended by that certain Eighth Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2010129787, Official Public Records of Travis County, Texas, as amended by that certain Ninth Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2010175181, Official Public Records of Travis County, Texas, as further amended by that certain Tenth Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2010192022, Official Public Records of Travis County, Texas.

ELEVENTH AMENDMENT TO
RESTATED AND AMENDED DECLARATION OF CONDOMINIUM REGIME
FOR AVIARA CONDOMINIUMS

This Eleventh Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums (the "**Amendment**") is made **CR-B AVIARA, L.P.**, a Texas limited partnership ("**Declarant**"), and is as follows:

RECITALS:

A. Aviara Condominiums, a condominium regime (the "**Regime**"), located in Travis County, Texas, was established pursuant to that certain Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2009071585, Official Public Records of Travis County, Texas as amended by that certain First Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2009142835, Official Public Records of Travis County, Texas, as amended by that certain Second Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2010051936, Official Public Records of Travis County, Texas, as amended by that certain Third Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2010073309, Official Public Records of Travis County, Texas, as amended by that certain Fourth Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2010087345, Official Public Records of Travis County, Texas, as amended by that certain Fifth Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2010106978, Official Public Records of Travis County, Texas, as amended by that certain Sixth Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2010115972, Official Public Records of Travis County, Texas, as amended by that certain Seventh Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2010128041, Official Public Records of Travis County, Texas and as amended by that certain Eighth Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2010129787, Official Public Records of Travis County, Texas, as amended by that certain Ninth Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2010175181, Official Public Records of Travis County, Texas, as further amended by that certain Tenth Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2010192022, Official Public Records of Travis County, Texas (collectively, the "**Declaration**").

B. Pursuant to *Provision A.3.10* of Appendix "A" to the Declaration, Declarant may amend the Declaration unilaterally and without the consent of other Owners or any mortgagee

to add real property to the Property and create Units, General Common Elements and Limited Common Elements within the Property.

C. In accordance with *Provision A.3.8* of Appendix "A" to the Declaration, Declarant has reserved the right, during the Development Period, to create Units, General Common Elements, and Limited Common Elements within the Property. The "Development Period" as such term is defined in the Declaration, is a fifteen (15) year period commencing on the date the Declaration was recorded in the Official Public Records of Travis County, Texas. The Declaration was recorded in the Official Public Records of Travis County, Texas, on May 4, 2009.

D. This amendment is promulgated for the purpose of creating one (1) additional Unit within the Regime. The total number of Units within the Regime after giving effect to this Amendment is equal to forty-one (41), and the total number of additional Units which Declarant has reserved the right to create by amendment is equal to one hundred nine (109).

NOW THEREFORE, the Declaration is hereby amended as follows:

1. Creation of Units. In accordance with the rights reserved by the Declarant pursuant to *Section 5.1* of the Declaration and *Provisions A.3.8* and *A.3.10* of Appendix "A" to the Declaration, Declarant hereby creates one (1) Unit, which is designated as Unit No. D-12 (the "New Unit"). The New Unit is hereby classified as a Unit which MUST BE BUILT.

2. Replacement of Exhibit "B". Exhibit "B" to the Declaration is hereby deleted in its entirety and the Plats and Plans attached hereto as Attachment 1 (the "New Plats and Plans") are substituted in their place. The New Plats and Plans: (i) assign an identifying number to all Units; (ii) describe the portion of the limited common elements created or assigned to all Units; and (iii) include the information required by Section 82.059 of the Texas Uniform Condominium Act.

3. Replacement of Exhibit "C". The Percentage Interests allocated to all Units within the Regime, after the addition of the New Units, is set forth on Attachment 2, attached hereto. Attachment 2, attached hereto, will supersede and replace Exhibit "C" attached to the Declaration.

4. 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.

[SIGNATURE PAGE FOLLOWS]

EXECUTED to be effective as of the 22nd day of December, 2010.

DECLARANT:

CR-B AVIARA, L.P., a Texas limited partnership

By: CR-B INVESTORS I GP, L.L.C., a Texas limited liability company, its General Partner

By: _____

Printed Name: David N. Arnow

Title: Vice President

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this 22nd day of December, 2010 by David Arnow, Vice President of CR-B Investors I GP, L.L.C., a Texas limited liability company, General Partner of CR-B Aviara, L.P., a Texas limited partnership, on behalf of said entities.

Donna M. Scotka
Notary Public Signature

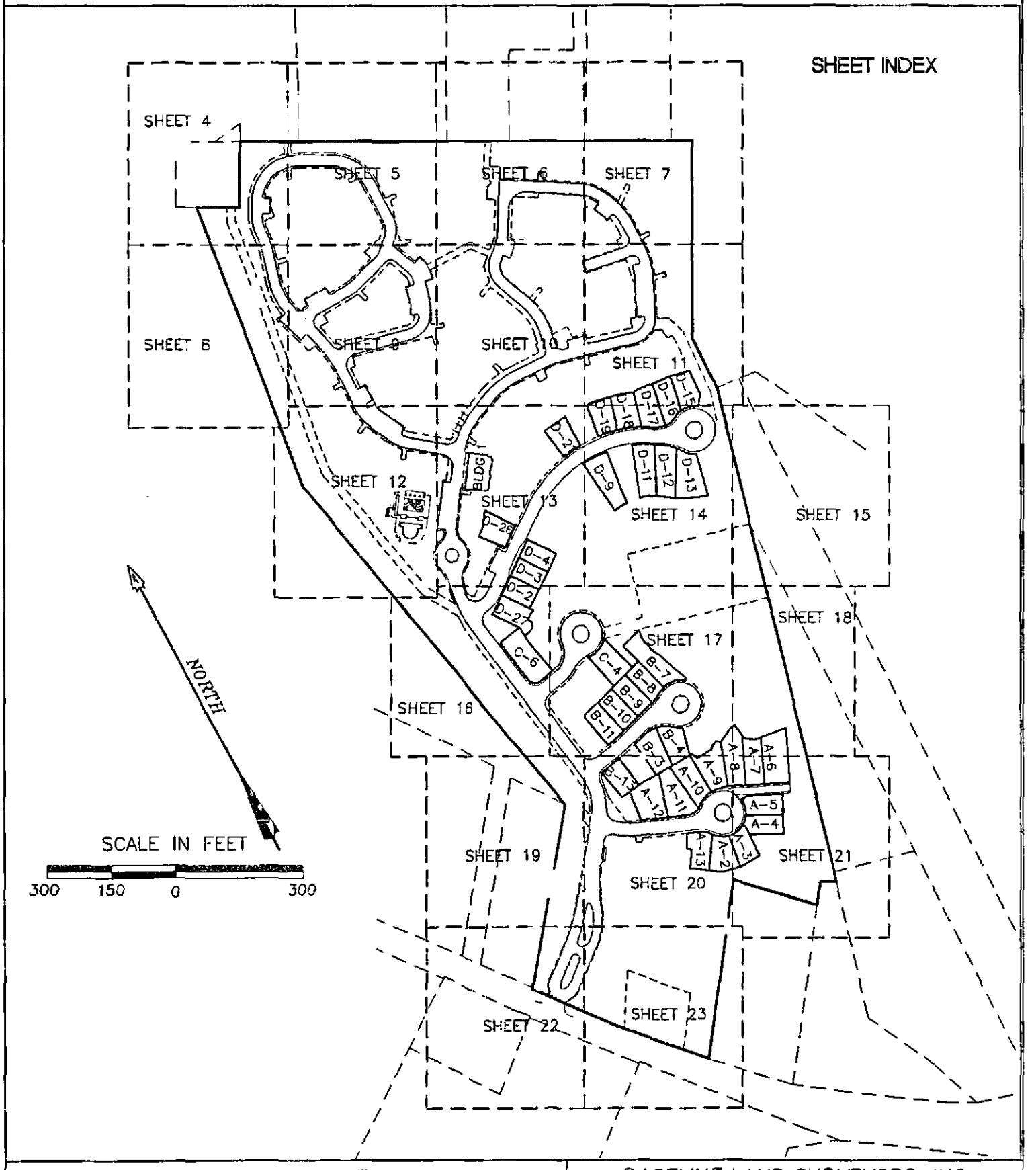
(SEAL)

DONNA M. SCOTKA
Notary Public, State of Texas
My Commission Expires
July 15, 2014

ATTACHMENT 1

EXHIBIT "B" TO THE DECLARATION OF CONDOMINIUM REGIME

SEE SHEET 24 OF 26 FOR ORIGINAL CERTIFICATION



AVIARA CONDOMINIUMS

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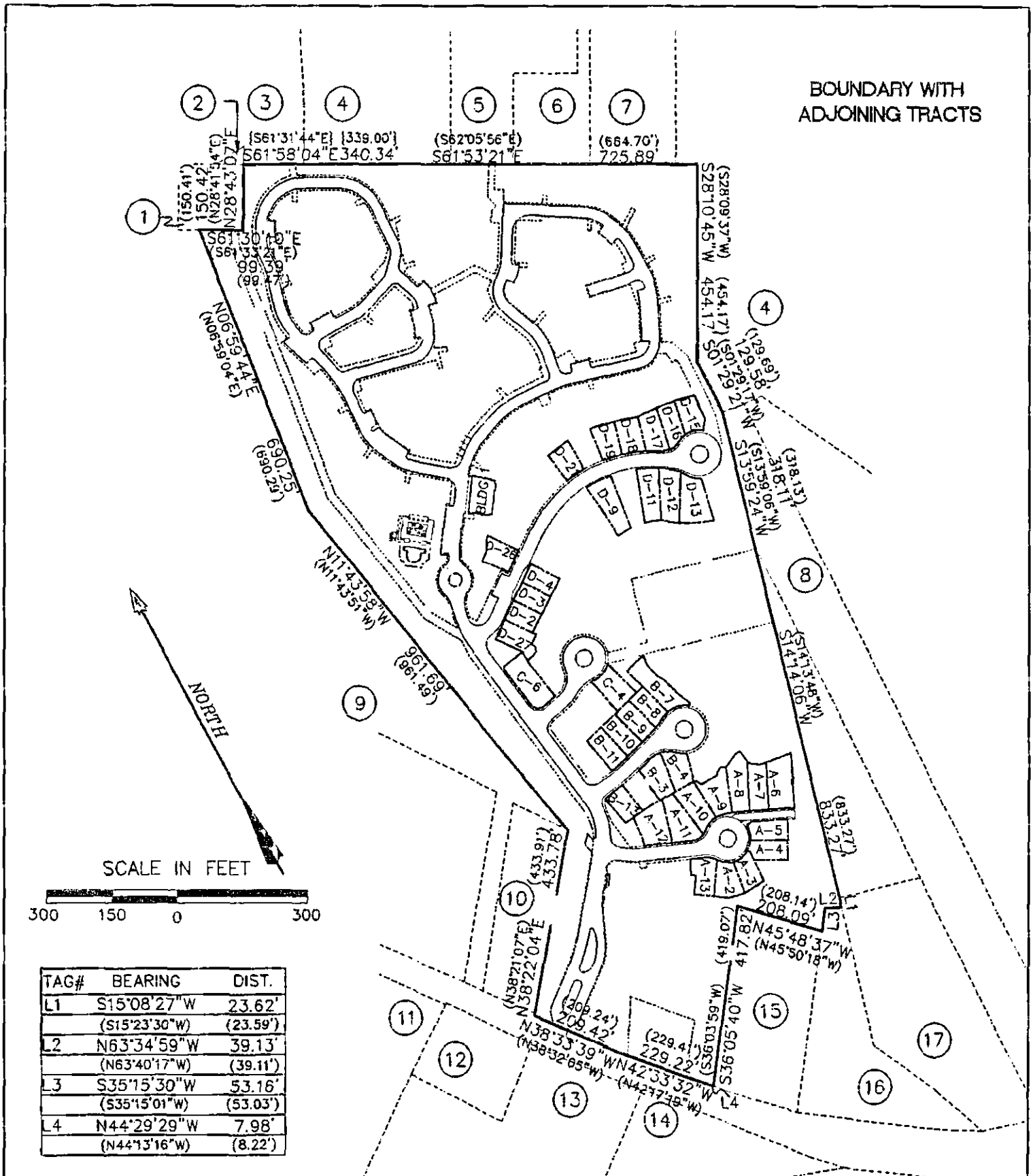
Job No.	Snapshot:		
Scale (Hor.): N/A	Scale (Vert.):		
Date: 12/21/10	Checked By: JSL	Drawn By: HPE\RLW	

GENERAL NOTES

1.) ALL IMPROVEMENTS AND LAND REFLECTED ON THE PLAT ARE DESIGNATED AS GENERAL COMMON ELEMENTS, SAVE AND EXCEPT PORTIONS OF THE REGIME DESIGNATED AS LIMITED COMMON ELEMENTS OR "L.C.E." OR UNITS: (i) IN THE DECLARATION OF CONDOMINIUM REGIME FOR AVIARA CONDOMINIUMS; OR (ii) ON THE PLATS AND PLANS OF THE REGIME.

2.) OWNERSHIP AND USE OF CONDOMINIUM UNITS IS SUBJECT TO THE RIGHTS AND RESTRICTIONS CONTAINED IN THE DECLARATION OF CONDOMINIUM REGIME FOR AVIARA CONDOMINIUMS.

3.) EACH UNIT, BUILDING, LIMITED COMMON ELEMENT AND GENERAL COMMON ELEMENT IS SUBJECT TO SPECIAL RIGHTS RESERVED BY THE DECLARANT AS PROVIDED IN APPENDIX "A" OF THE DECLARATION OF CONDOMINIUM REGIME FOR AVIARA CONDOMINIUMS. PURSUANT TO SUCH PROVISIONS, AMONG OTHER THINGS, DECLARANT HAS RESERVED THE RIGHT TO: (i) COMPLETE OR MAKE IMPROVEMENTS INDICATED ON THE PLAT AND PLANS, AS PROVIDED IN APPENDIX "A" OF THE DECLARATION; (ii) EXERCISE ANY DEVELOPMENT RIGHT PERMITTED BY THE TEXAS UNIFORM CONDOMINIUM ACT AND THE DECLARATION, INCLUDING THE ADDITION OF REAL PROPERTY TO THE REGIME DESCRIBED ON THIS PLAT AS "ADDITIONAL PROPERTY WHICH MAY BE ADDED TO THE REGIME," WHICH PROPERTY MAY BE ADDED AS UNITS, GENERAL COMMON ELEMENTS AND/OR LIMITED COMMON ELEMENTS, AS PROVIDED IN SECTION 2.2 OF THE DECLARATION AND APPENDIX "A" OF THE DECLARATION; (iii) MAKE THE PROPERTY PART OF A LARGER CONDOMINIUM OR PLANNED COMMUNITY, AS PROVIDED IN APPENDIX "A" OF THE DECLARATION; (iv) USE UNITS OWNED OR LEASED BY DECLARANT AS MODELS, STORAGE AREAS, AND OFFICES FOR THE MARKETING, MANAGEMENT, MAINTENANCE, CUSTOMER SERVICE, CONSTRUCTION, AND LEASING OF THE PROPERTY, AS PROVIDED IN APPENDIX "A" OF THE DECLARATION, AND (v) APPOINT OR REMOVE ANY DECLARANT-APPOINTED OFFICER OR DIRECTOR OF THE ASSOCIATION DURING THE DECLARANT CONTROL PERIOD (AS DESCRIBED IN THE DECLARATION) CONSISTENT WITH THE TEXAS UNIFORM CONDOMINIUM ACT, AS PROVIDED IN APPENDIX "A" OF THE DECLARATION. AS PROVIDED IN APPENDIX "A" OF THE DECLARATION, FOR PURPOSES OF PROMOTING, IDENTIFYING, AND MARKETING THE PROPERTY, DECLARANT RESERVES AN EASEMENT AND RIGHT TO PLACE OR INSTALL SIGNS, BANNERS, FLAGS, DISPLAY LIGHTING, POTTED PLANTS, EXTERIOR DECORATIVE ITEMS, SEASONAL DECORATIONS, TEMPORARY WINDOW TREATMENTS, AND SEASONAL LANDSCAPING ON THE PROPERTY, INCLUDING ITEMS AND LOCATIONS THAT ARE PROHIBITED TO OTHER OWNERS AND RESIDENTS. DECLARANT RESERVES AN EASEMENT AND RIGHT TO MAINTAIN, RELOCATE, REPLACE, OR REMOVE THE SAME FROM TIME TO TIME WITHIN THE PROPERTY. AS PROVIDED IN APPENDIX "A" OF THE DECLARATION, DECLARANT HAS AN EASEMENT AND RIGHT OF INGRESS AND EGRESS IN AND THROUGH THE COMMON ELEMENTS (AS DEFINED IN THE DECLARATION) AND UNITS OWNED OR LEASED BY DECLARANT FOR PURPOSES OF CONSTRUCTING, MAINTAINING, MANAGING, AND MARKETING THE PROPERTY, AND FOR DISCHARGING DECLARANT'S OBLIGATIONS UNDER THE TEXAS UNIFORM CONDOMINIUM ACT AND THE DECLARATION.



TAG#	BEARING	DIST.
L1	S15°08'27"W	23.62'
	(S15°23'30"W)	(23.59')
L2	N63°34'59"W	39.13'
	(N63°40'17"W)	(39.11')
L3	S35°15'30"W	53.16'
	(S35°15'01"W)	(53.03')
L4	N44°29'29"W	7.98'
	(N44°13'16"W)	(8.22')

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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AUSTIN, TEXAS 78754

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg		
Job No.	Snapshot:	
Scale (Hor.): N/A	Scale (Vert.):	
Date: 12/21/10	Checked By: JSL	Drawn By: HPE\RLW

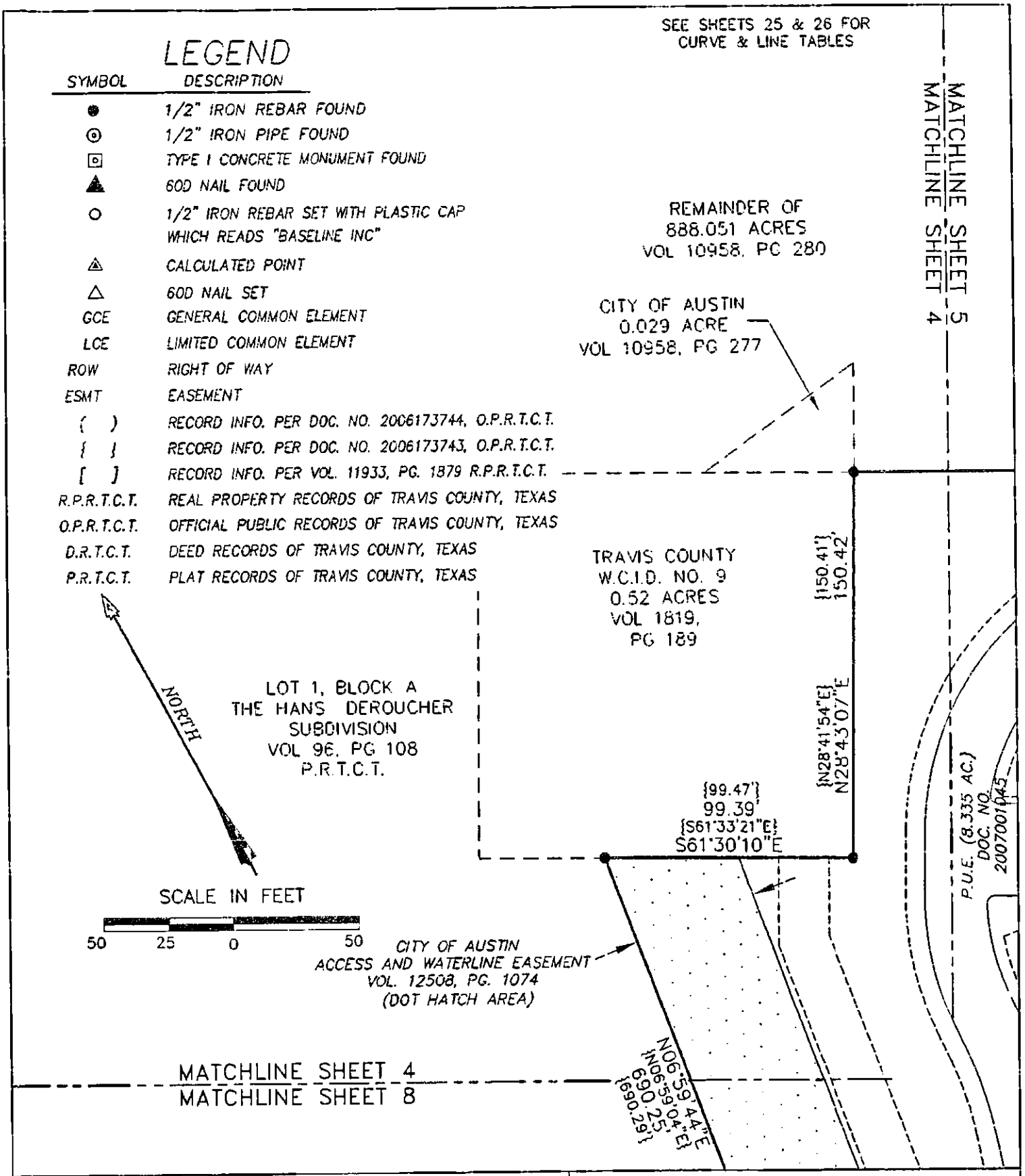
ADJOINING OWNERS

1. TRAVIS COUNTY W.C.I.D. NO. 9, VOL. 1819, PG. 189 (0.52 ACRES)
2. CITY OF AUSTIN, VOL. 10958, PG. 277 (0.029 ACRES)
3. REMAINDER OF 888.051 ACRES, VOL. 10958, PG. 280
4. LOT 115, BLOCK B, LANTANA SOUTHWEST, PHASE 1, DOC. NO. 200300137
5. CITY OF AUSTIN, TRACT 2, VOL. 12910, PG. 670 (1.757 ACRES)
6. CITY OF AUSTIN, VOL. 10031 PG. 300 (1.0397 ACRES)
7. CITY OF AUSTIN, TRACT 1, VOL. 12910, PG. 670 (1.655 ACRES)
8. KEYSTONE CONSTRUCTION, INC., VOL. 11918, PG. 1755 (4.993 ACRES)
9. LOT 1, BLOCK "A", THE HANS DEROUCHER SUBDIVISION, VOL. 96, PG. 108
10. LOT 2, BLOCK "A", THE HANS DEROUCHER SUBDIVISION, VOL. 96, PG. 108
11. AARON GARDNER SUBDIVISION, VOL. 49, PG. 95
12. BENJAMIN L. NORS, DOC. NO. 2001174575 (1.00 ACRE)
13. HUEBETTER SUBDIVISION, VOL. 78, PG. 1
14. JAMES L. SCHORR, VOL. 11883, PG. 1334 (10.177 ACRES)
15. ALAN ABBE, et ux, VOL. 8732, PG. 5 (1.9807 ACRES)
16. 1.951 ACRES, VOL. 11400, PG. 875
17. GILBERT M. JAPKO, TRACT ONE, VOL. 6095, PG. 82 (3.129 ACRES)

SEE SHEETS 25 & 26 FOR CURVE & LINE TABLES

LEGEND

SYMBOL	DESCRIPTION
●	1/2" IRON REBAR FOUND
⊙	1/2" IRON PIPE FOUND
⊡	TYPE I CONCRETE MONUMENT FOUND
▲	60D NAIL FOUND
○	1/2" IRON REBAR SET WITH PLASTIC CAP WHICH READS "BASELINE INC"
◬	CALCULATED POINT
△	60D NAIL SET
GCE	GENERAL COMMON ELEMENT
LCE	LIMITED COMMON ELEMENT
ROW	RIGHT OF WAY
ESMT	EASEMENT
( )	RECORD INFO. PER DOC. NO. 2006173744, O.P.R.T.C.T.
{ }	RECORD INFO. PER DOC. NO. 2006173743, O.P.R.T.C.T.
[ ]	RECORD INFO. PER VOL. 11933, PG. 1879 R.P.R.T.C.T.
R.P.R.T.C.T.	REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS
O.P.R.T.C.T.	OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS
D.R.T.C.T.	DEED RECORDS OF TRAVIS COUNTY, TEXAS
P.R.T.C.T.	PLAT RECORDS OF TRAVIS COUNTY, TEXAS



AVIARA CONDOMINIUMS

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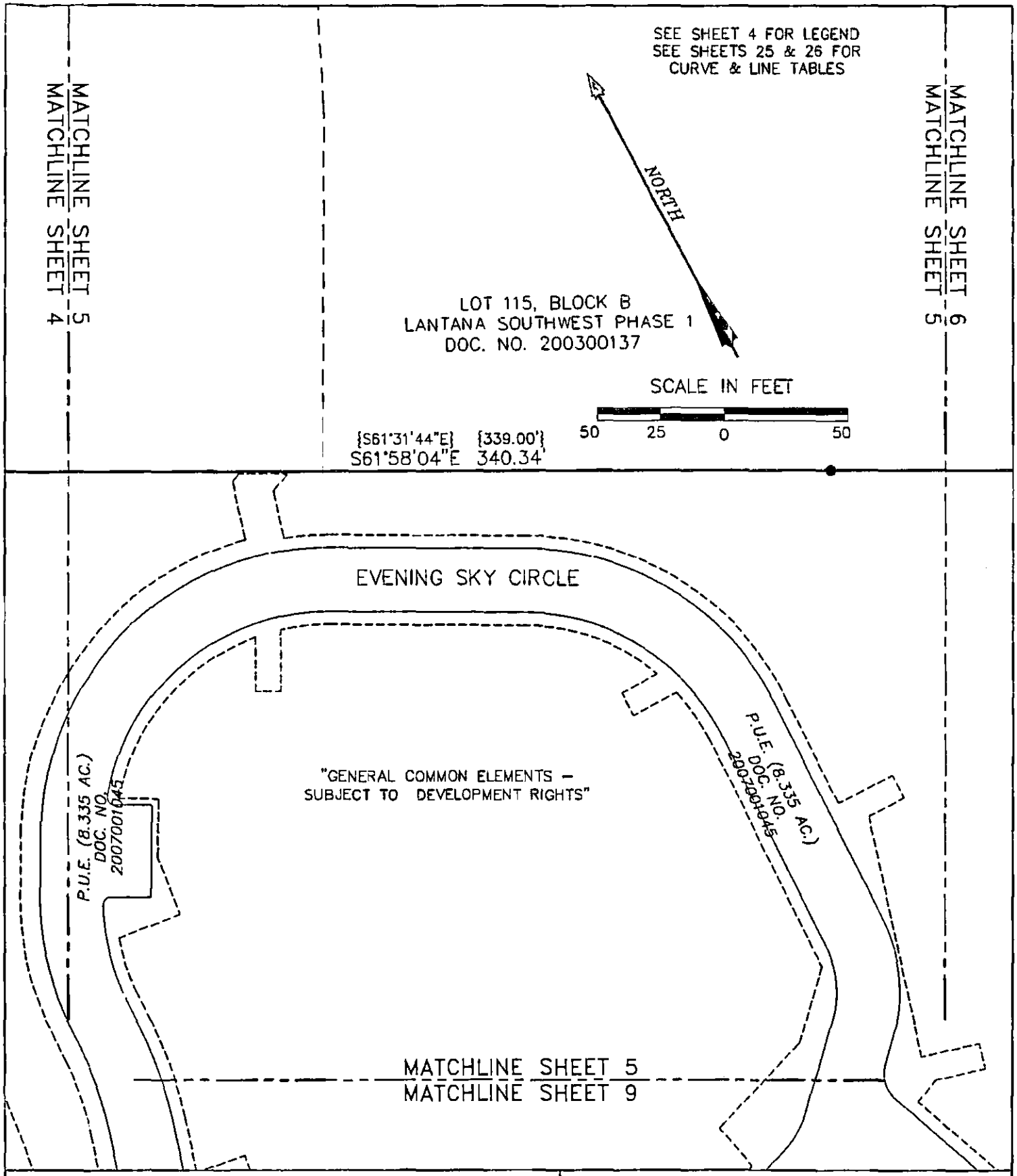

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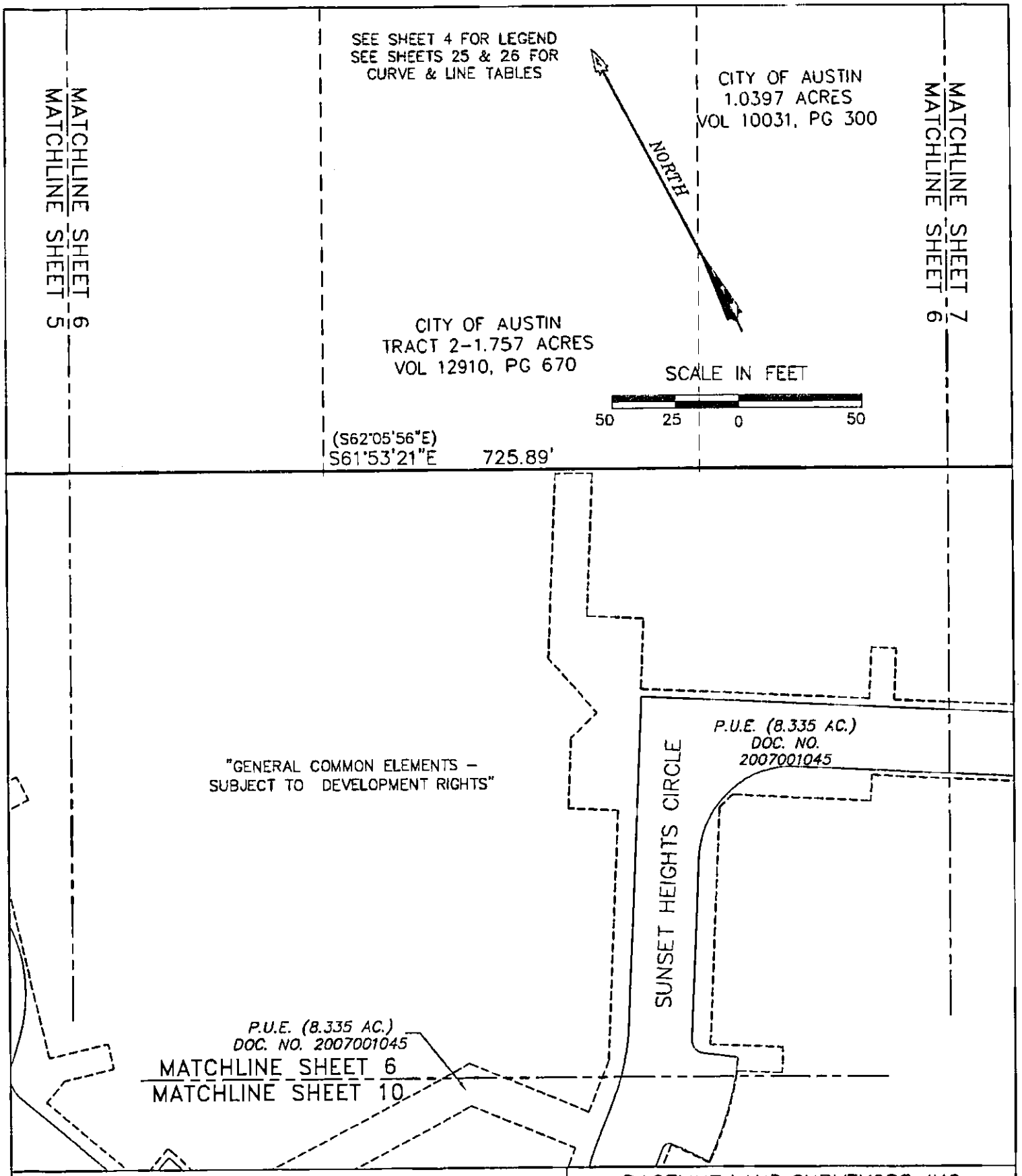

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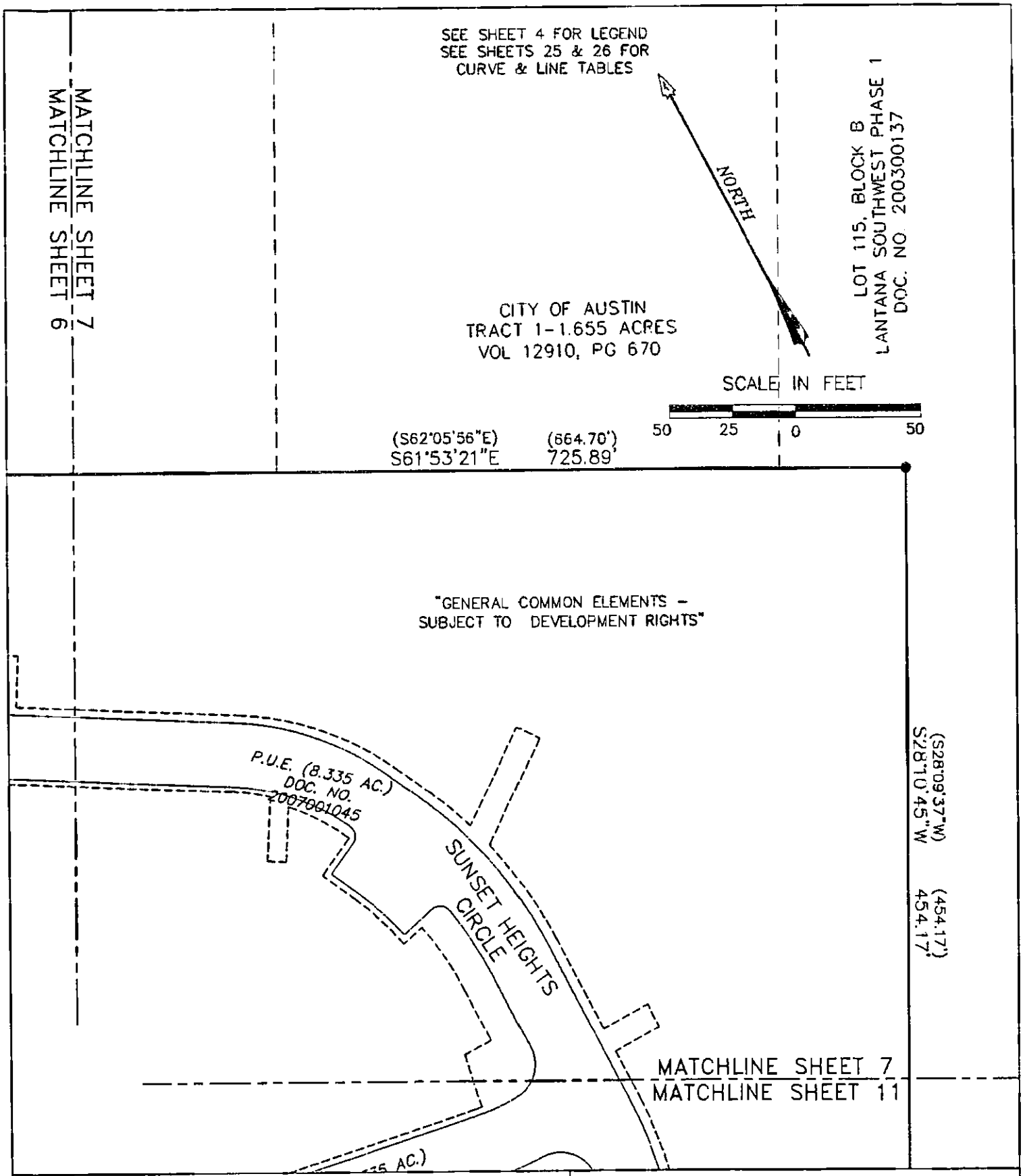

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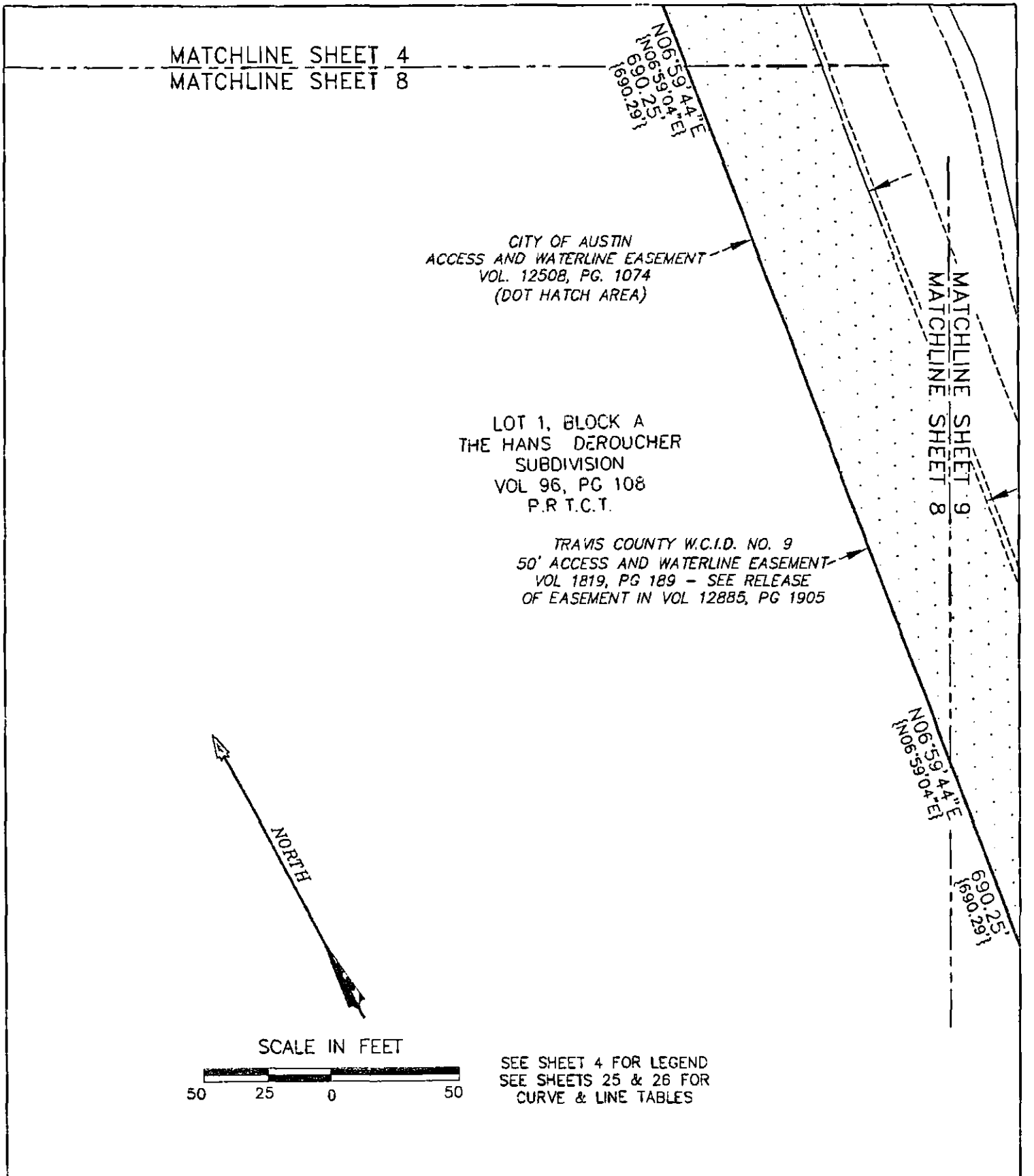

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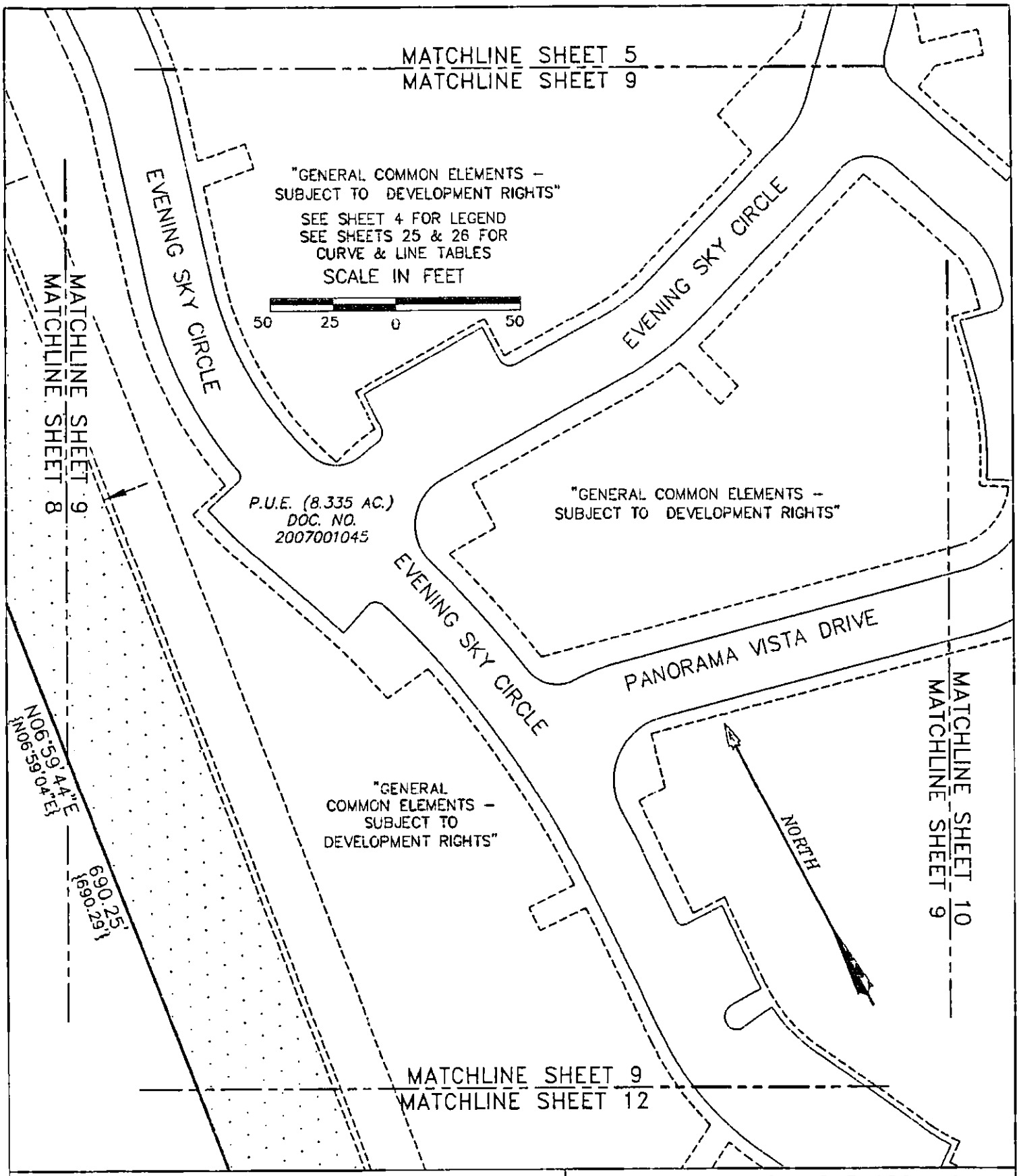

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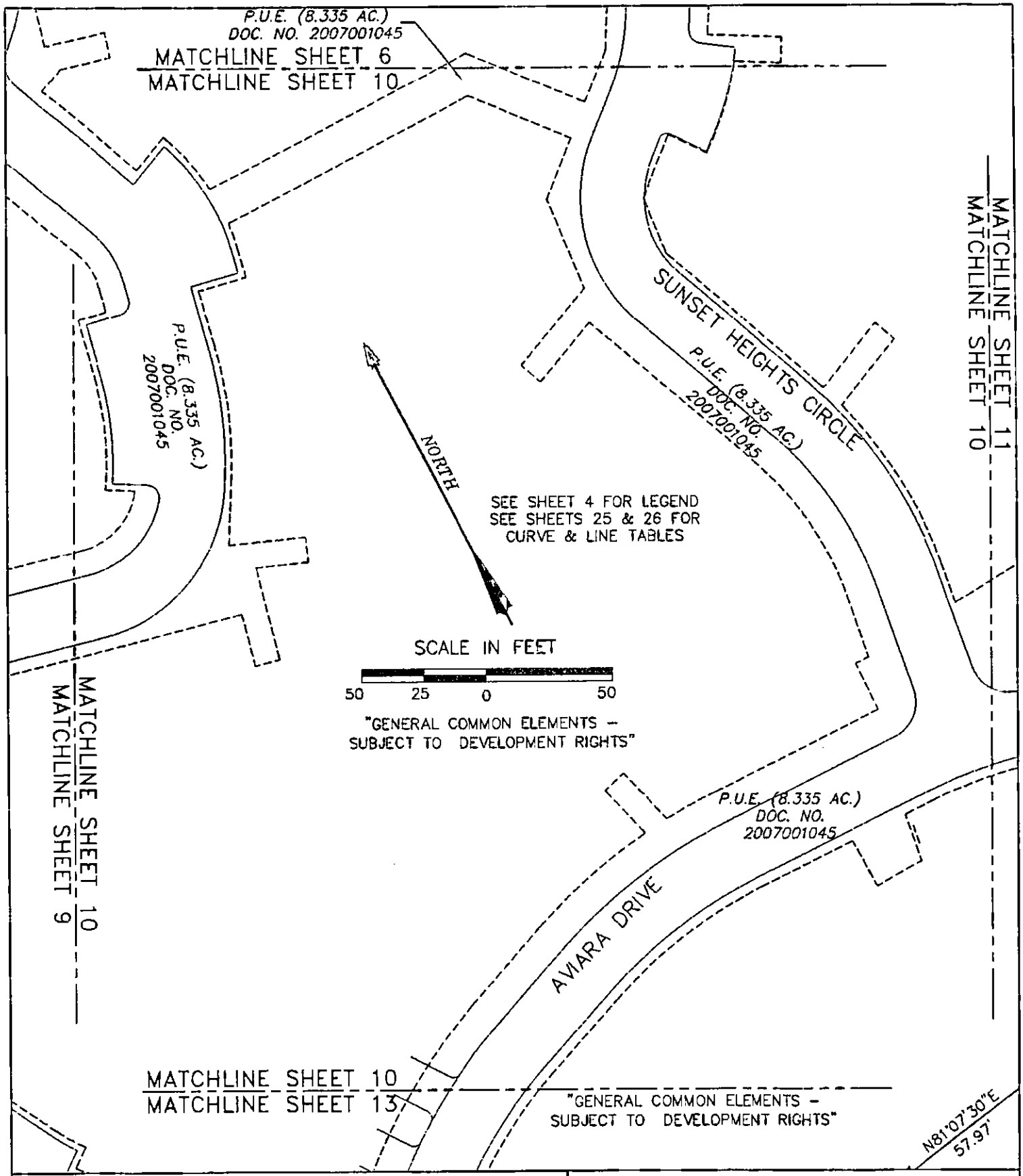

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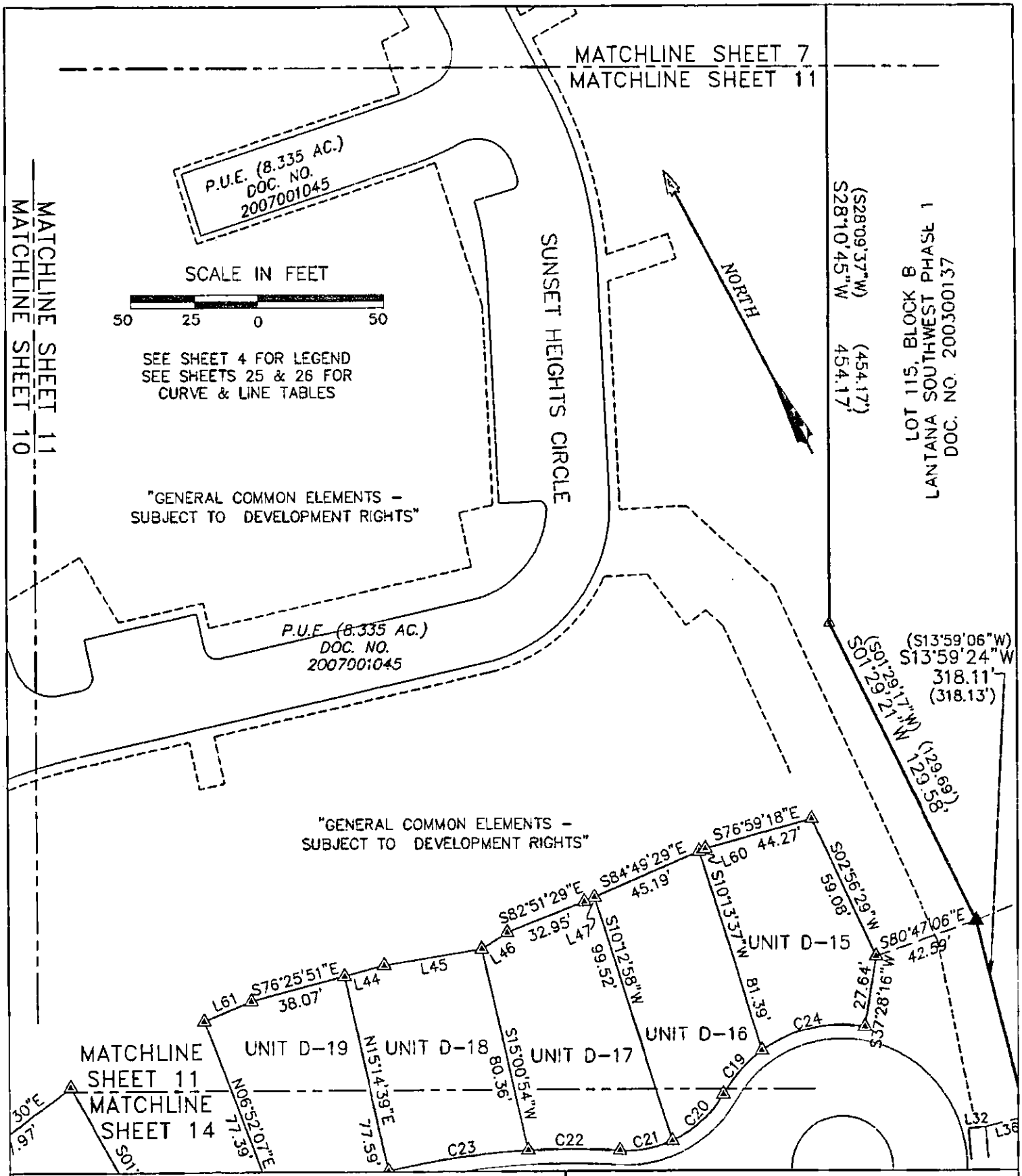

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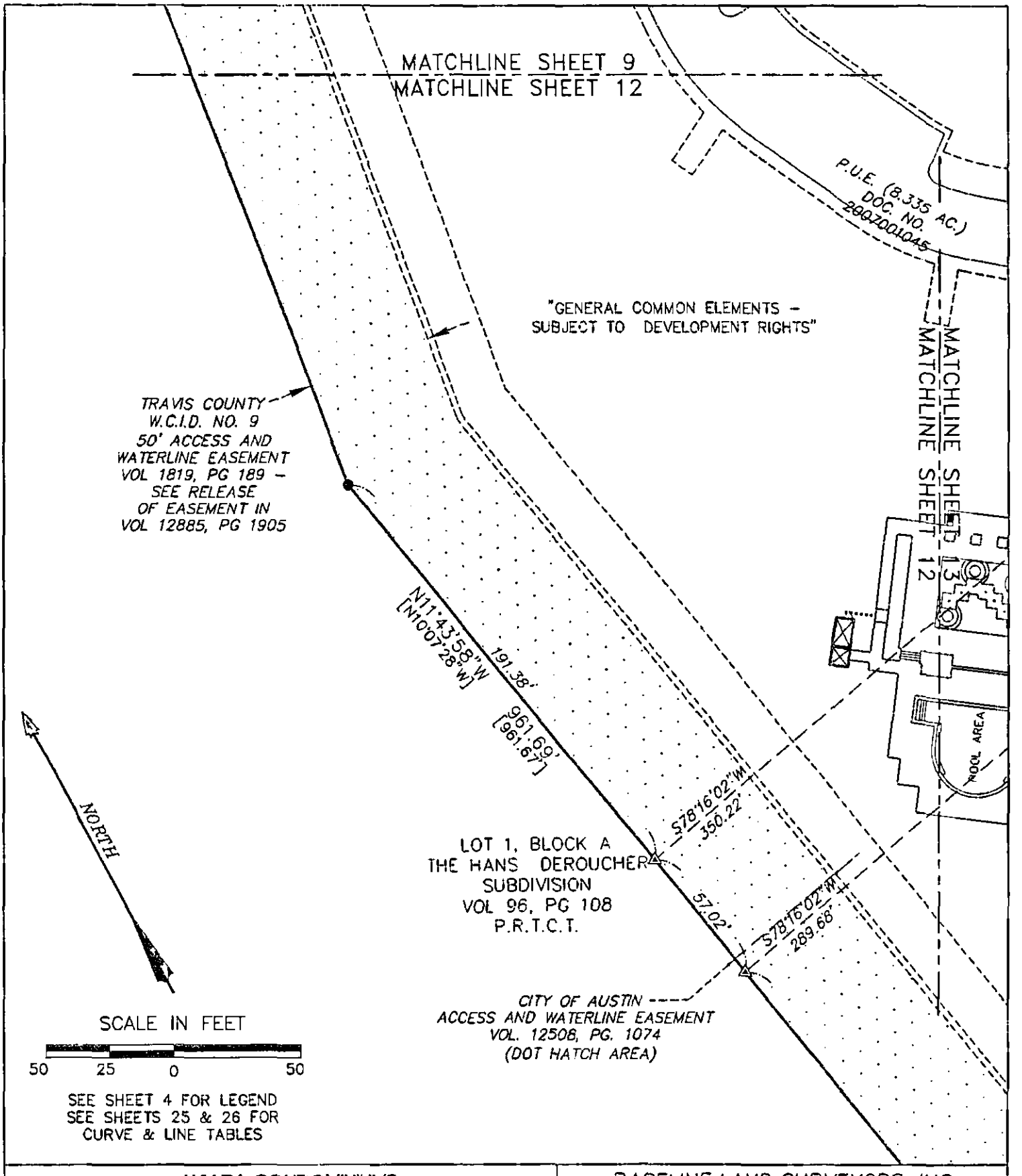

SEE SHEET 4 FOR LEGEND
SEE SHEETS 25 & 26 FOR
CURVE & LINE TABLES

AVIARA CONDOMINIUMS

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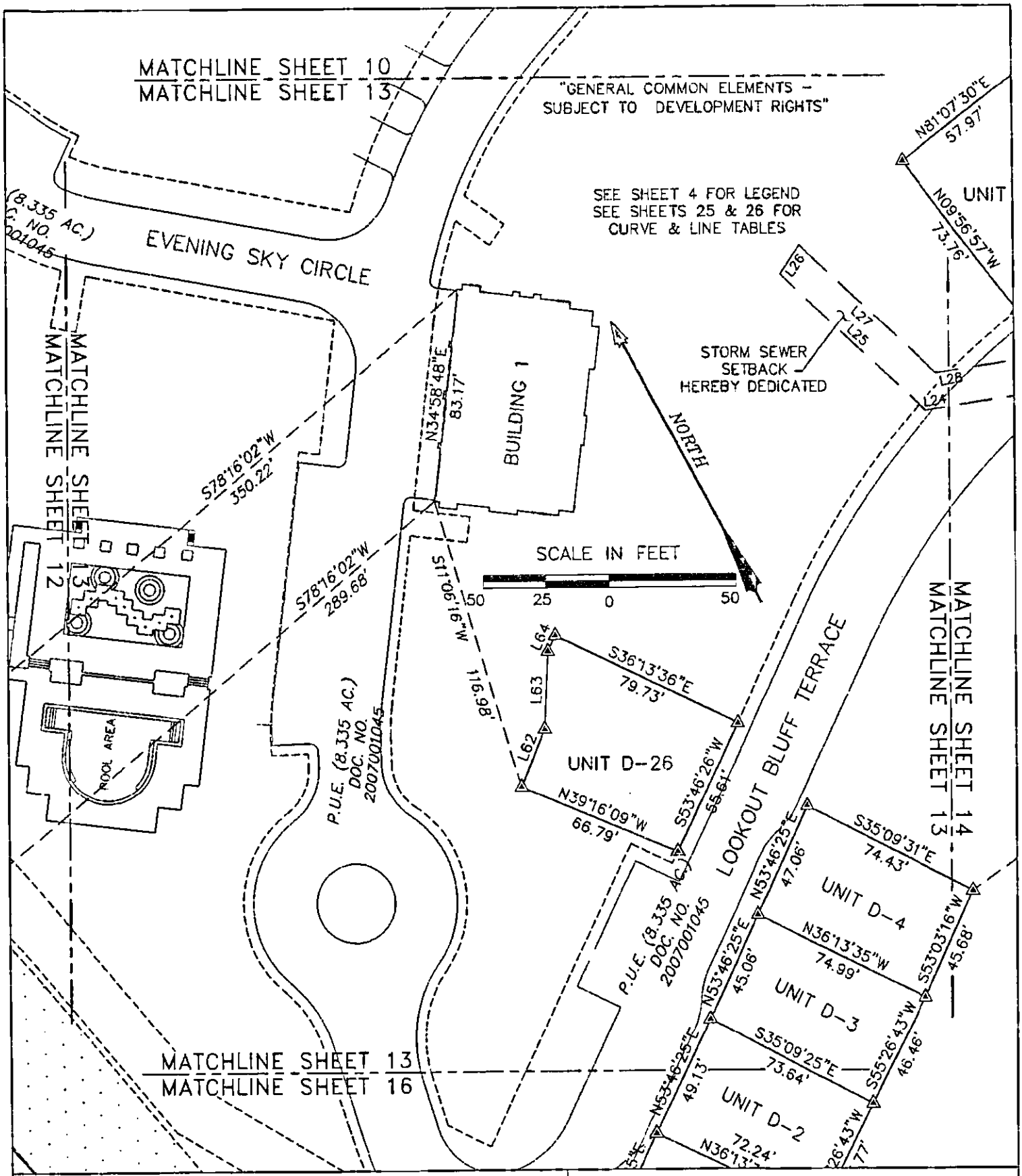

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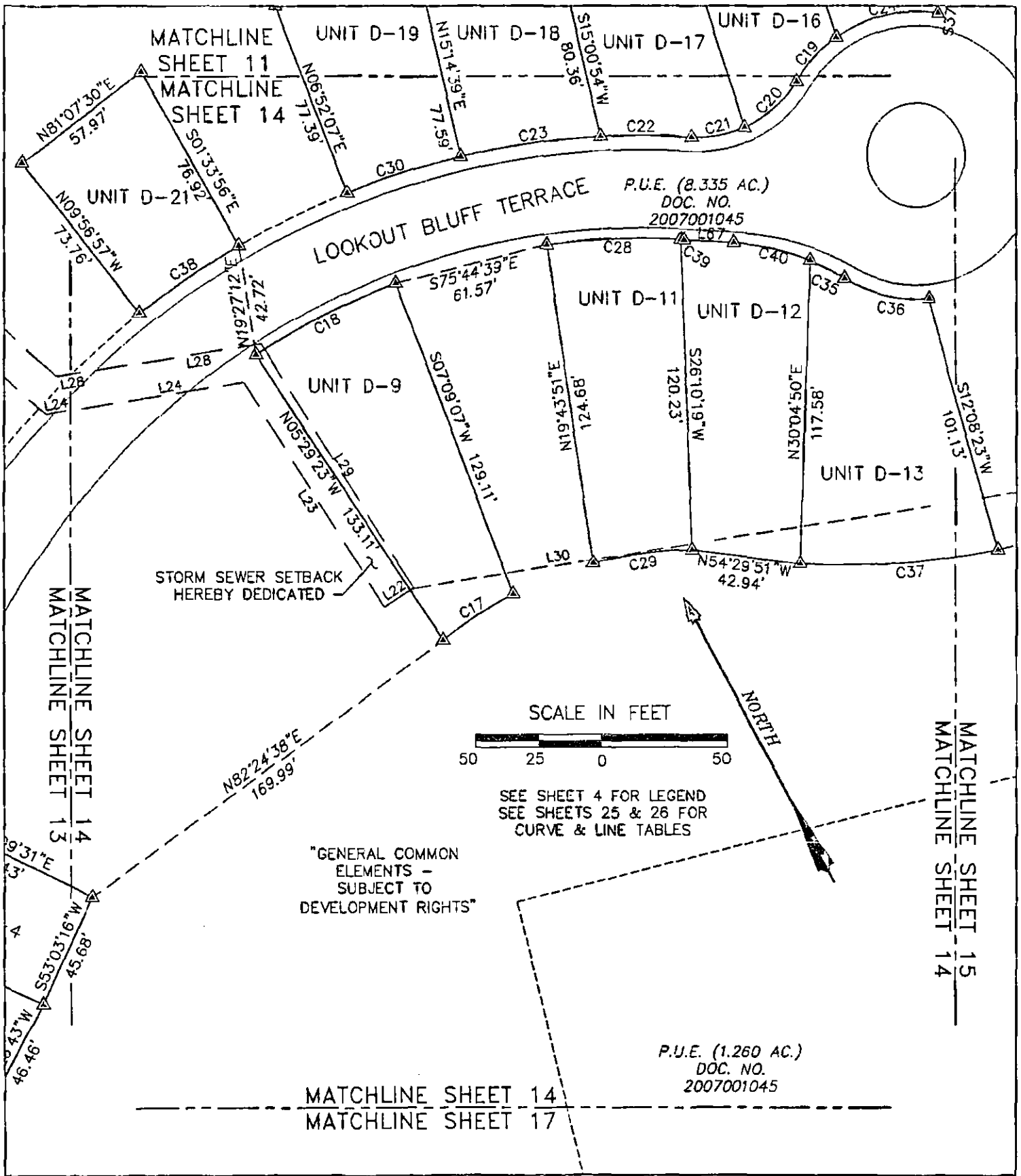

AVIARA CONDOMINIUMS

EXHIBIT
OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

BASELINE LAND SURVEYORS, INC.
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AUSTIN, TEXAS 78754
OFFICE: 512.374.9722 FAX: 512.873.9743
ron-baseline@austin.rr.com

File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg		SHEET
Job No.	Snapshot:	14 of 26
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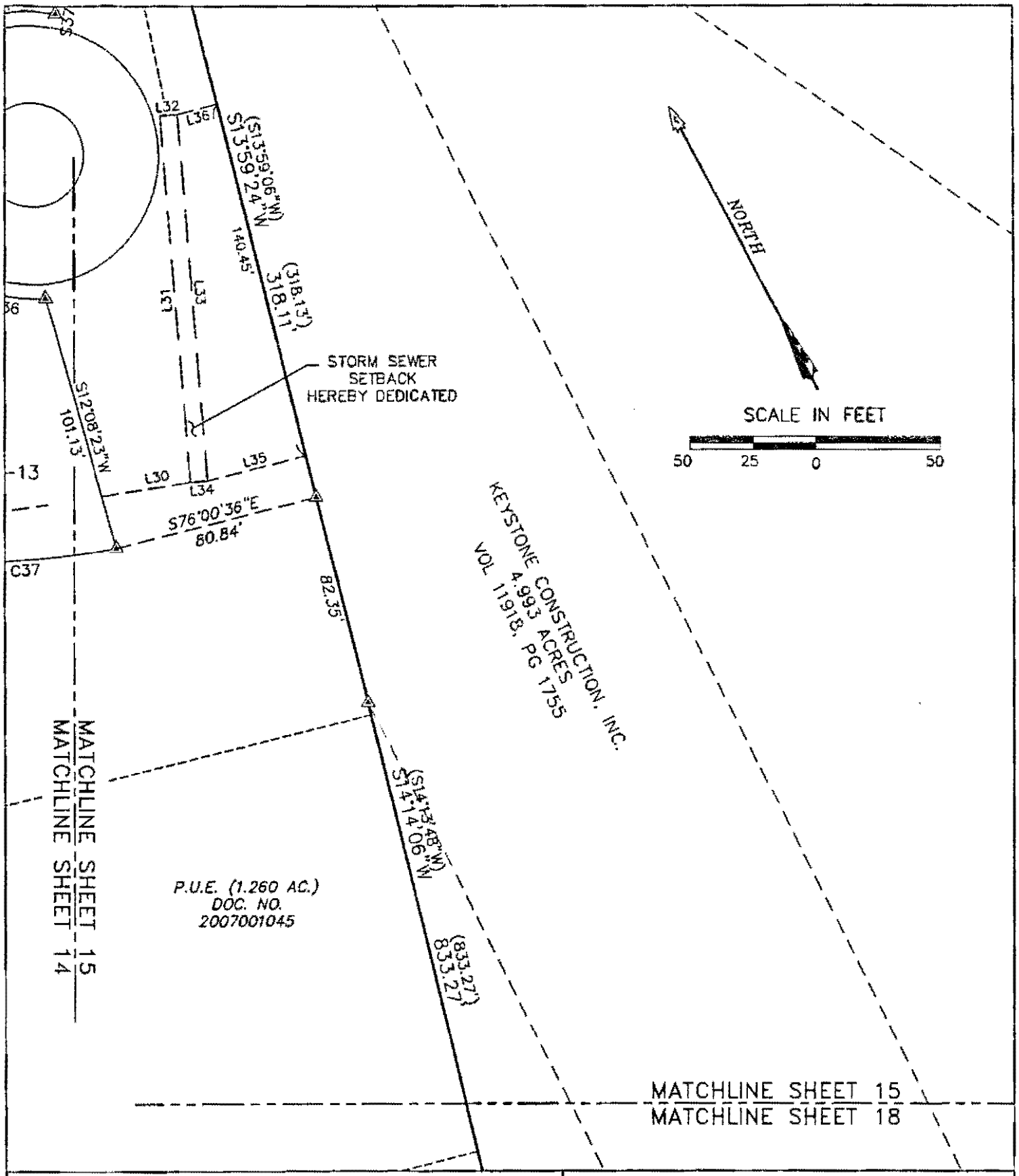
Date: 12/21/10	Checked By: JSL	Drawn By: HPE\RLW



AVIARA CONDOMINIUMS

EXHIBIT

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File: S:\Pro\Aviara\Dwg\AVIARA CONDO BASE.dwg		SHEET 15 of 26
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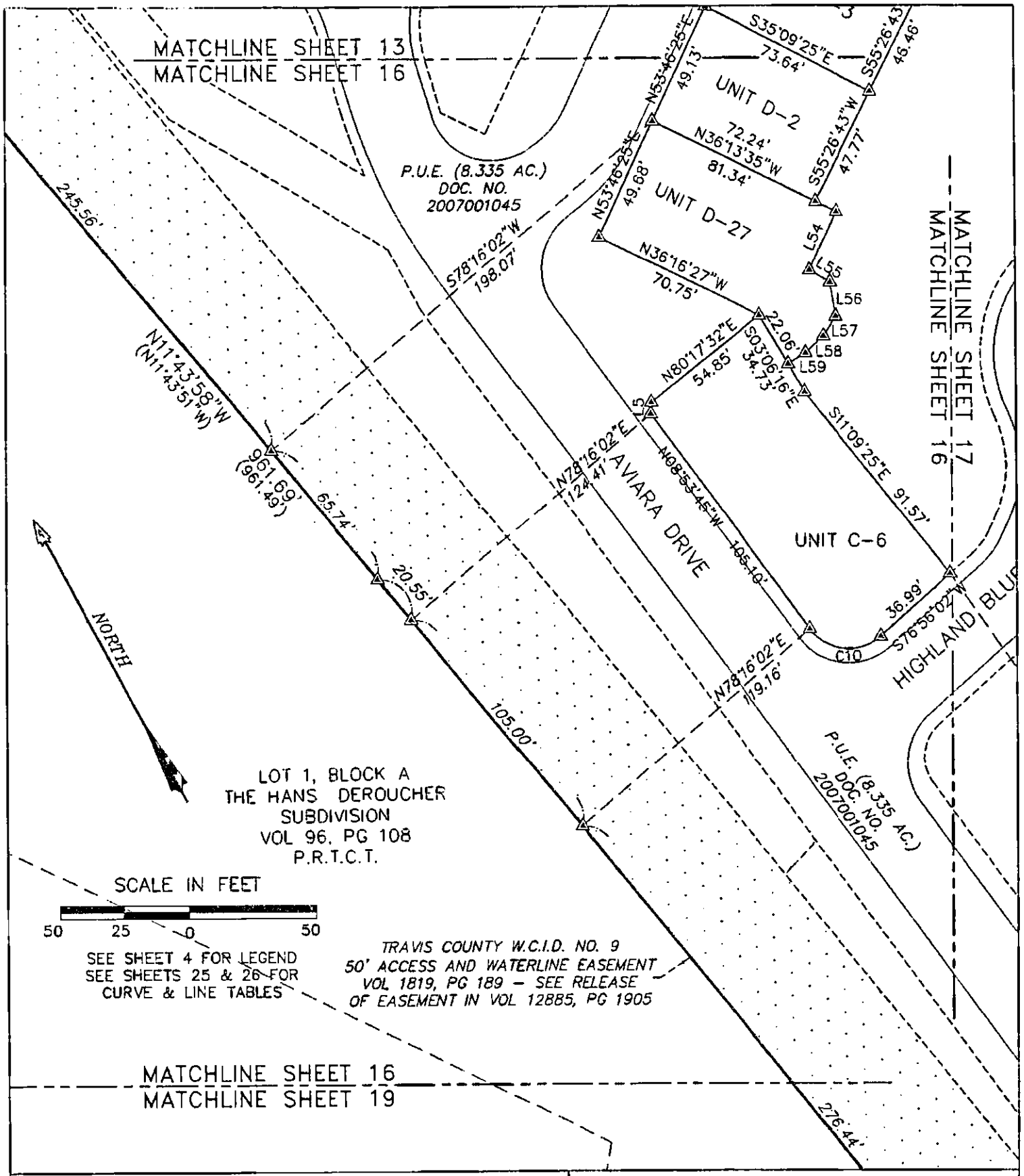

AVIARA CONDOMINIUMS

EXHIBIT

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg		SHEET
Job No.	Snapshot:	16 of 26
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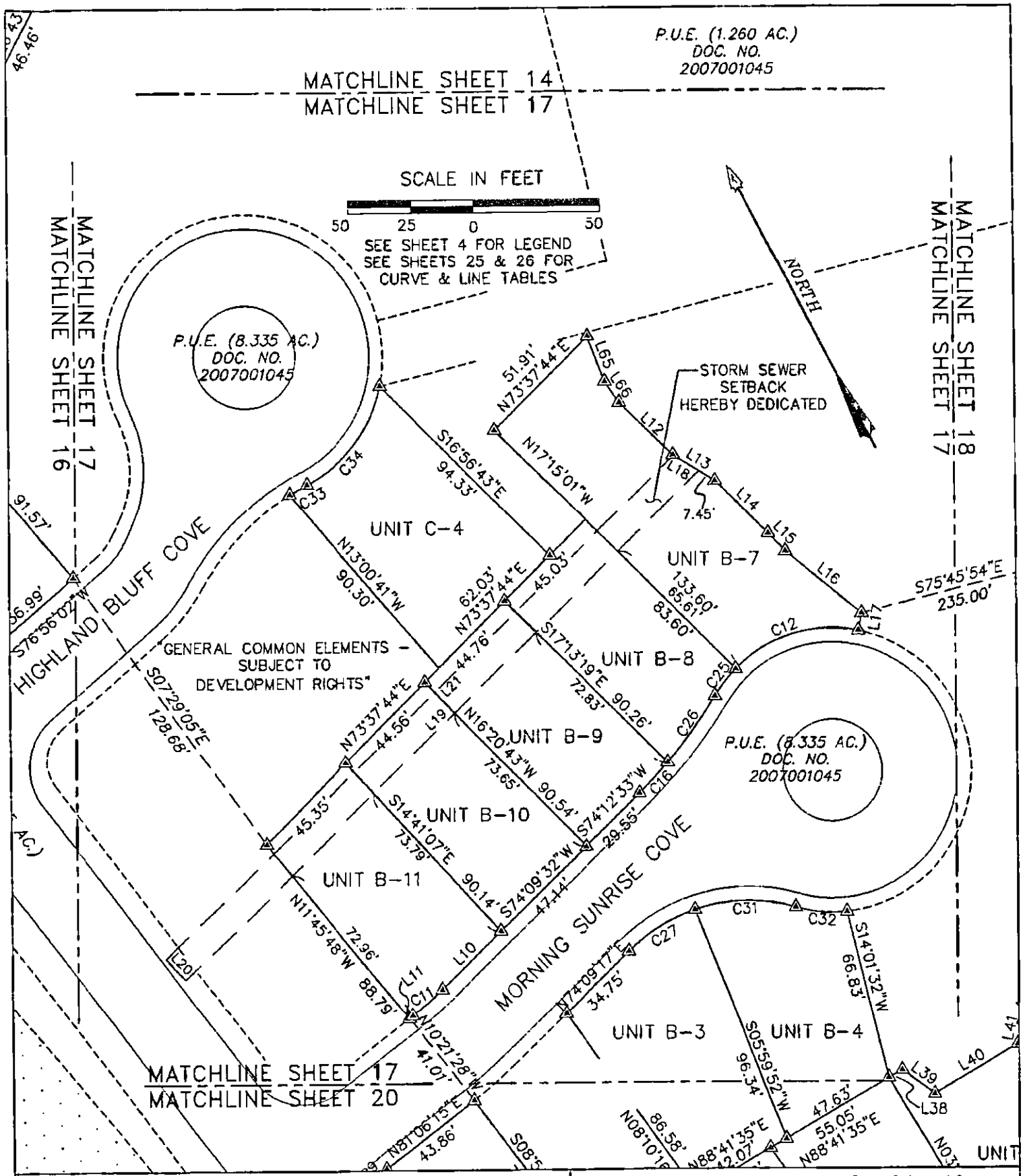
Date: 12/21/10	Checked By: JSL / Drawn By: HPE\RLW	



AVIARA CONDOMINIUMS

EXHIBIT
OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg		SHEET
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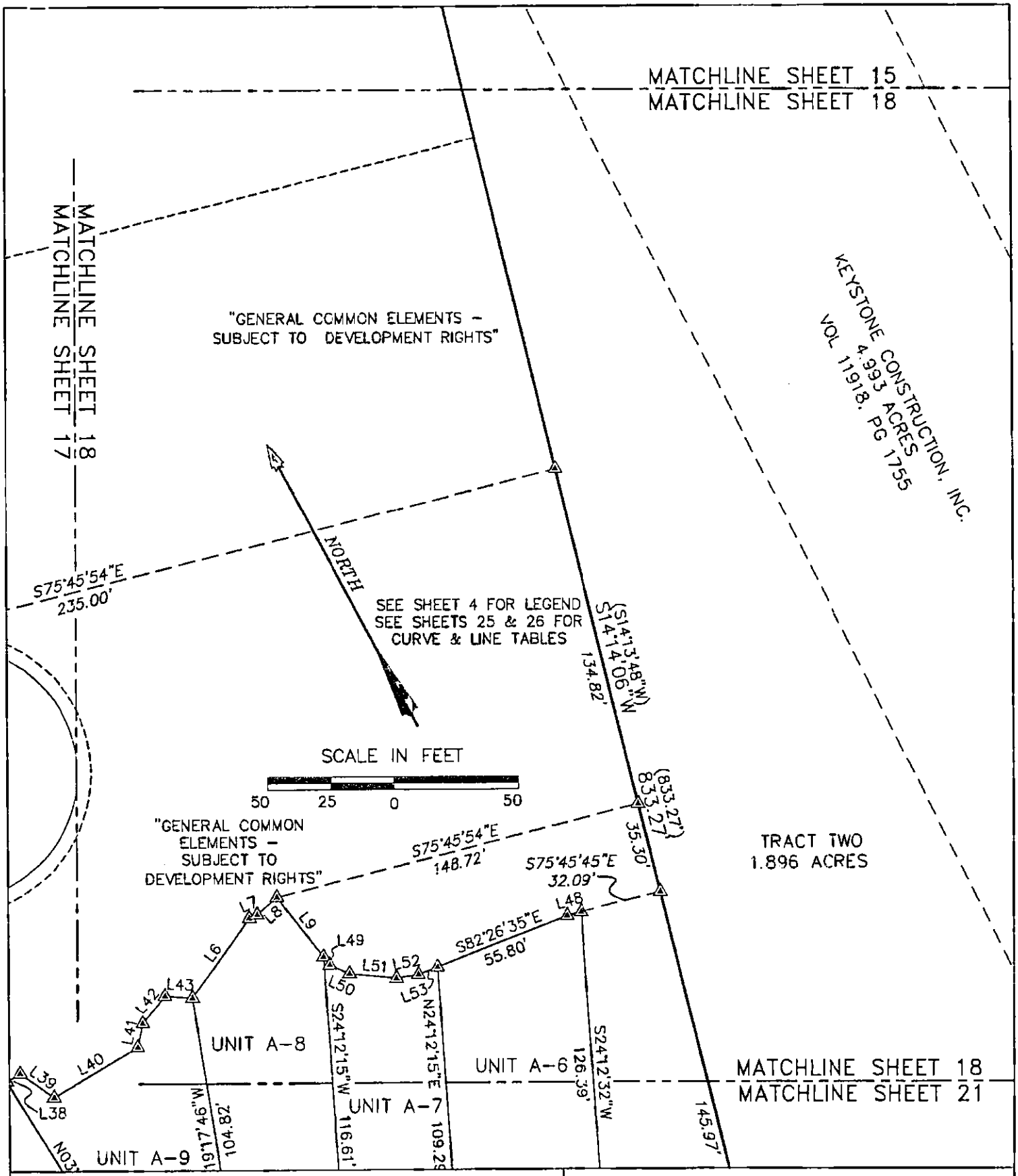

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.481 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 81, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET 18 of 26
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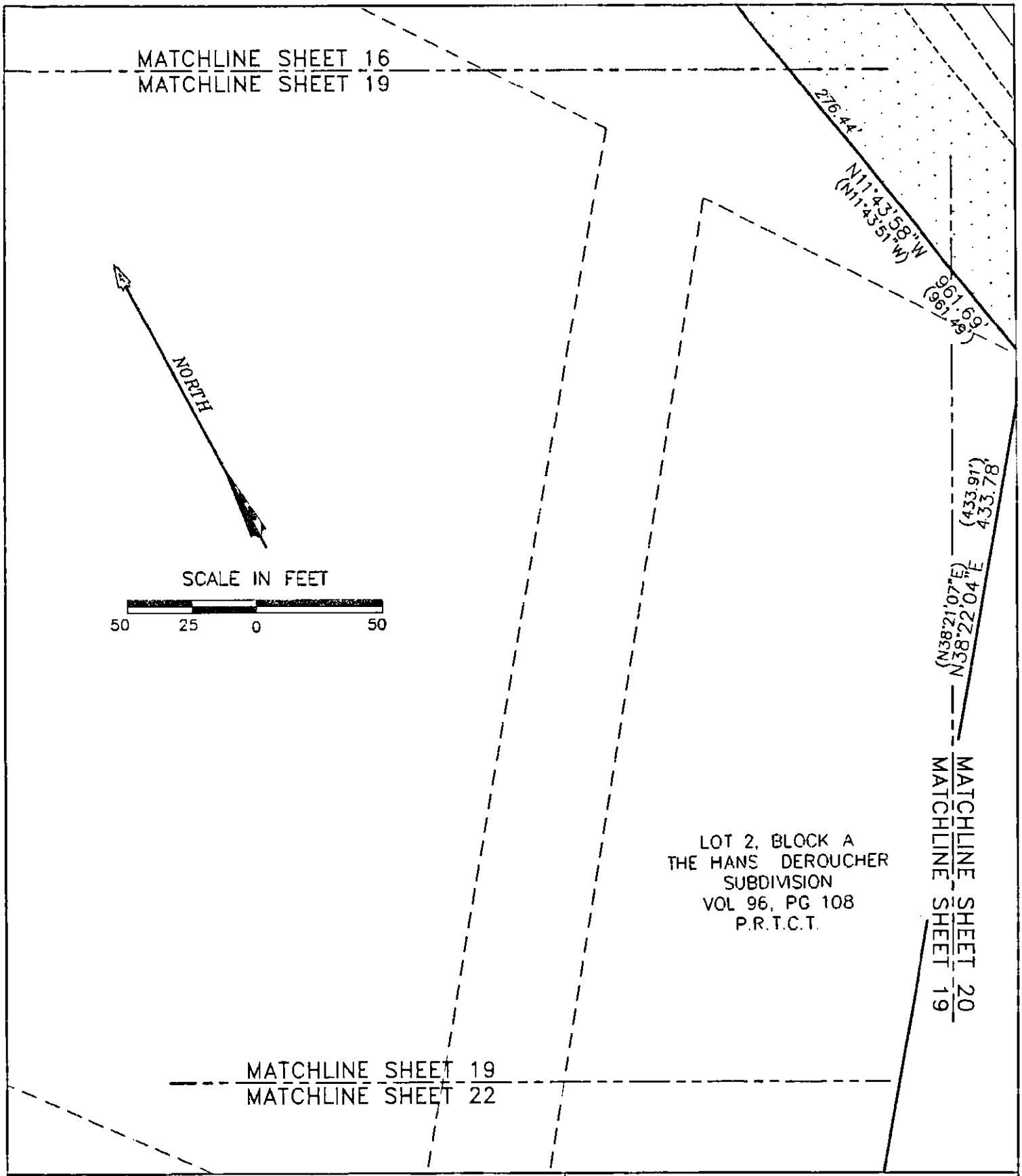

AVIARA CONDOMINIUMS

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET 19 of 26
Job No.	Snapshot:		
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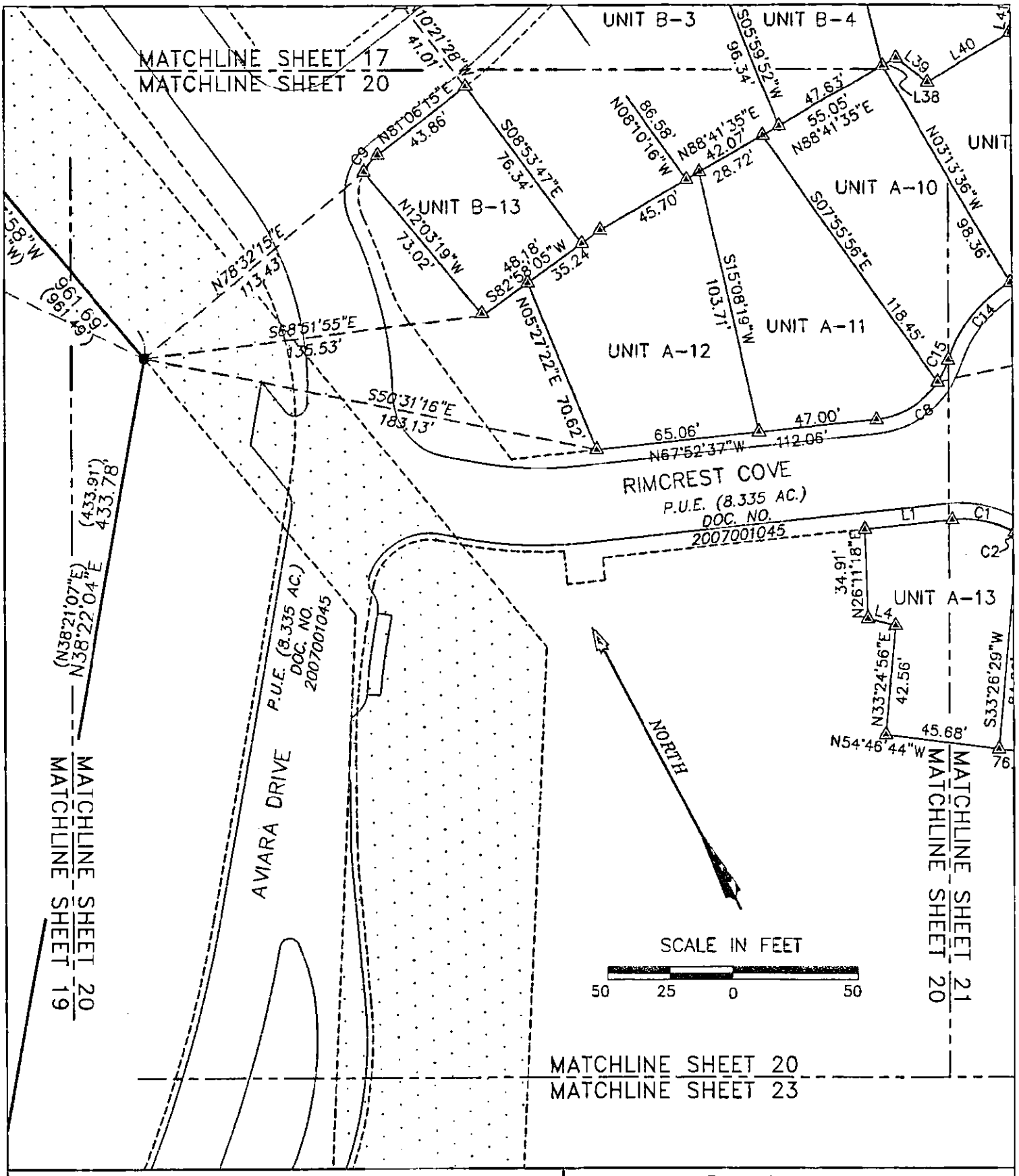

AVIARA CONDOMINIUMS

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET 20 of 26
Job No.	Snapshot:		
Scale (Hor.): 1"=50'	Scale (Vert.):		
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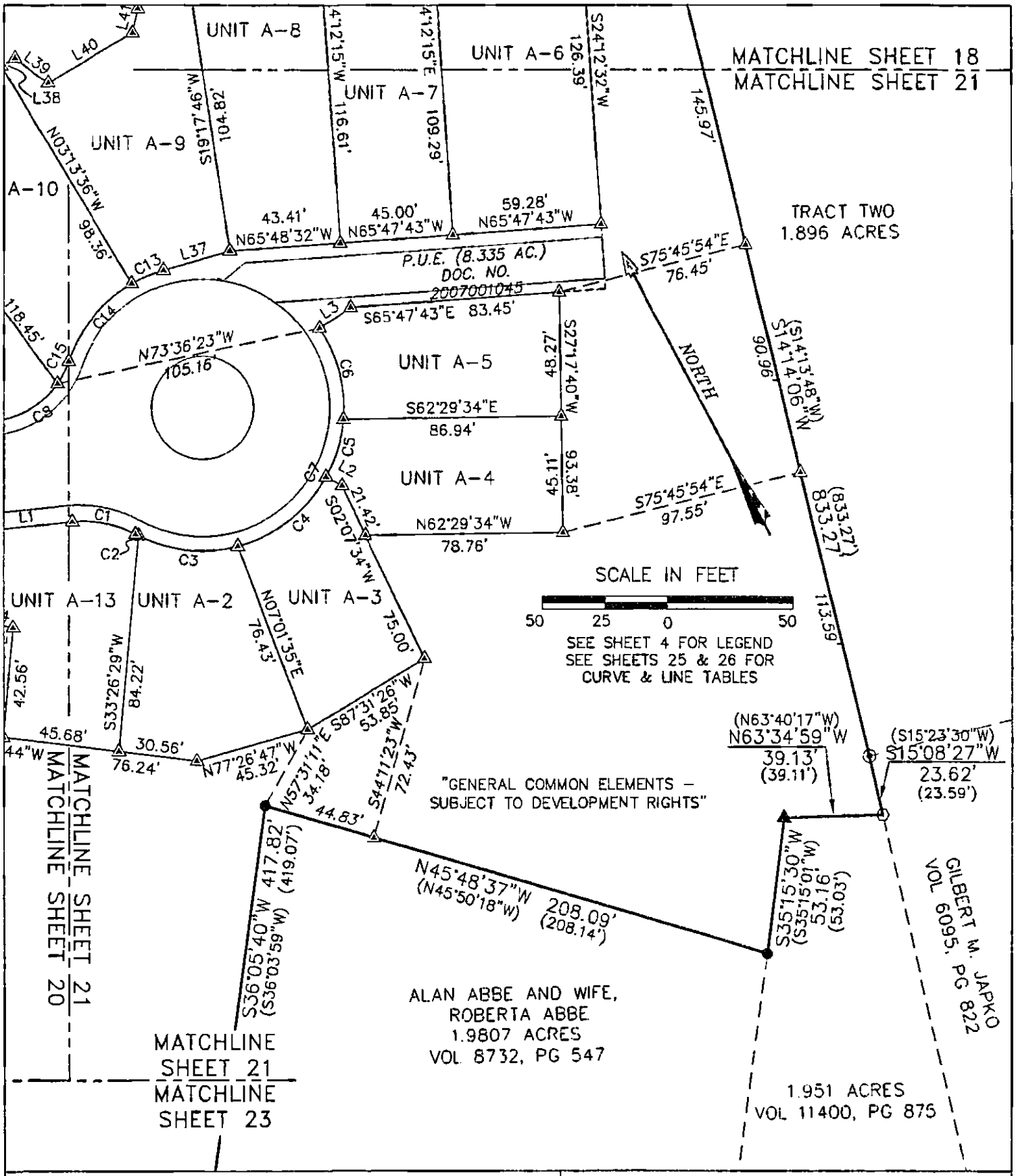

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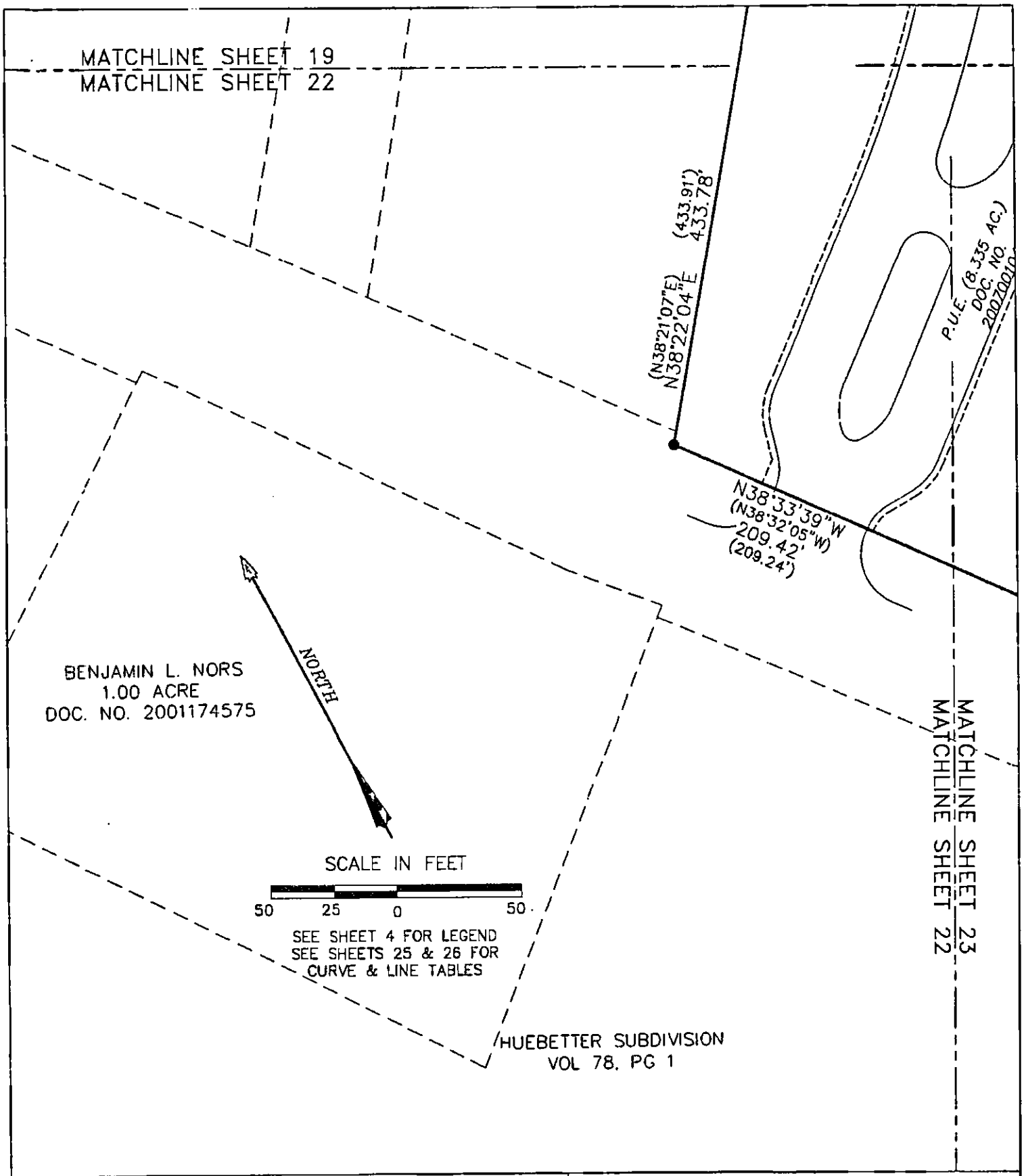
File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg		SHEET 21 of 26
Job No.	Snapshot:	
Scale (Hor.): 1"=50'	Scale (Vert.):	
Date: 12/21/10	Checked By: JSL / Drawn By: HPE\RLW	



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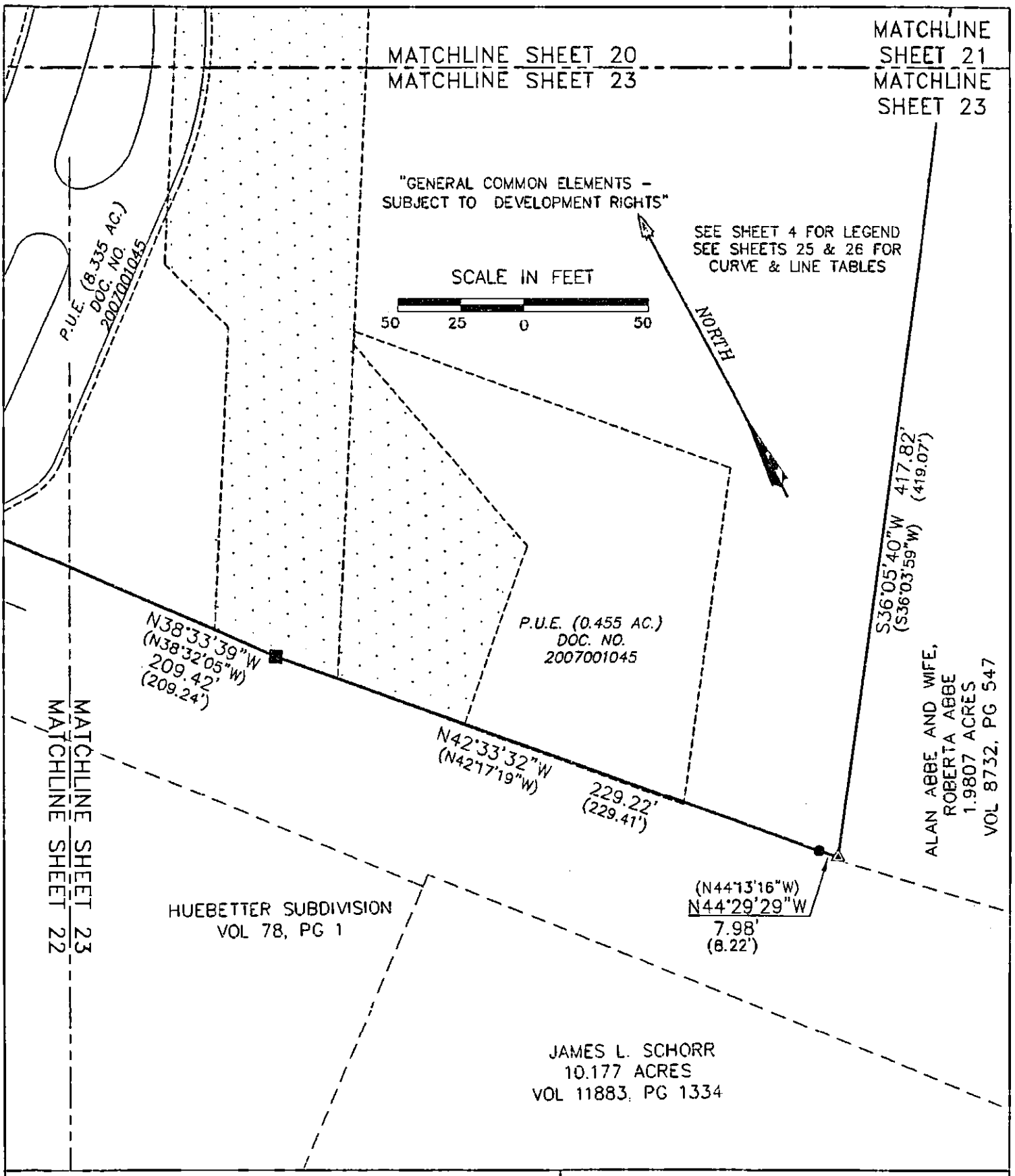
File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg		SHEET
Job No.	Snapshot:	22 of 26
Scale (Hor.): 1"=50'	Scale (Vert.):	
Date: 12/21/10	Checked By: JSL / Drawn By: HPE\RLW	



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File: S:\Proj\Aviara\Dwg\AVIARA CONDC BASE.dwg		SHEET 23 of 26
Job No.	Snapshot:	
Scale (Hor.): 1"=50'	Scale (Vert.):	
Date: 12/21/10	Checked By: JSL / Drawn By: HPE\RLW	

EXHIBIT

AVIARA CONDOMINIUMS

[PLAT]

§ Certification of Surveyor §

The attached plat, attached hereto as Exhibit contain the information required by Section 82.052 and Section 82.059 of the Texas Uniform Condominium Act, as applicable.

Ronnie Wallace
R.P.L.S. No. 5222

Date: 21 December 2010

STATE OF TEXAS
REGISTERED
RONNIE WALLACE
5222
PROFESSIONAL
LAND SURVEYOR

AVIARA CONDOMINIUMS	BASELINE LAND SURVEYORS, INC.
EXHIBIT OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS	PROFESSIONAL LAND SURVEYING SERVICES 8333 CROSS PARK DRIVE AUSTIN, TEXAS 78754 OFFICE: 512.374.9722 FAX: 512.873.9743 ron-baseline@austin.rr.com

File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET 24 of 26
Job No.	Snapshot:		
Scale (Hor.): 1"=50'	Scale (Vert.):		
Date: 12/21/10	Checked By: JSL	Drawn By: HPE\RLW	

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C1	43.50'	25.85'	34°03'14"	N50°51'00"W	25.48'
C2	55.50'	1.36'	1°24'13"	S34°31'30"E	1.36'
C3	55.50'	39.74'	41°01'24"	S55°44'18"E	38.89'
C4	55.50'	45.25'	46°42'38"	N80°23'41"E	44.00'
C5	55.50'	23.52'	24°16'50"	N44°53'57"E	23.34'
C6	55.50'	37.22'	38°25'09"	N13°32'57"E	36.52'
C7	55.50'	147.08'	151°50'14"	N70°15'30"E	107.66'
C8	34.50	29.54'	49°03'46"	N87°35'30"E	28.65'
C9	19.50'	8.60'	25°15'47"	S68°28'21"W	8.53'
C10	19.50	32.05'	94°10'13"	S55°56'52"E	28.56'
C11	128.50'	15.59'	6°56'58"	N77°37'46"E	15.58'
C12	55.50'	54.03'	55°46'56"	N78°25'05"W	51.92'
C13	55.50'	13.29'	13°43'20"	N84°39'53"W	13.26'
C14	55.50'	40.10'	41°23'40"	S67°46'37"W	39.23'
C15	34.50'	9.67'	16°03'39"	N55°06'36"E	9.64'
C16	194.50'	16.61'	4°53'34"	N71°36'45"E	16.60'
C17	160.00'	33.10'	11°51'14"	S85°23'29"W	33.04'
C18	281.00'	61.89'	12°37'13"	N88°22'50"W	61.77'
C19	55.50'	23.40'	24°09'12"	S71°04'10"W	23.22'
C20	44.50'	27.40'	35°16'52"	N76°38'00"E	26.97'
C21	44.50'	21.40'	27°32'51"	S71°57'09"E	21.19'
C22	320.50'	36.55'	6°32'02"	N61°26'44"W	36.53'
C23	320.50'	56.16'	10°02'22"	N69°43'56"W	56.09'
C24	55.50'	42.94'	44°19'30"	N74°41'29"W	41.87'
C25	55.50'	13.43'	13°52'10"	S66°45'22"W	13.40'
C26	194.50'	32.10'	9°27'22"	N64°33'01"E	32.06'
C27	69.50'	31.31'	25°48'34"	S87°03'34"W	31.04'
C28	281.00'	53.69'	10°56'52"	N64°01'05"W	53.61'
C29	160.00'	39.91'	14°17'34"	N69°21'21"W	39.81'
C30	320.50'	46.88'	8°22'48"	N78°59'29"W	46.83'
C31	69.50'	41.29'	34°02'29"	N63°00'55"W	40.69'
C32	55.50'	21.02'	21°42'01"	S56°50'41"E	20.89'
C33	94.50'	8.03'	4°52'04"	S89°32'13"W	8.03'
C34	55.50'	50.19'	51°48'35"	N66°03'57"E	48.49'
C35	94.50'	15.08'	9°08'25"	N35°02'28"W	15.06'
C36	55.50'	35.52'	36°40'03"	S48°48'17"E	34.92'
C37	350.00'	79.68'	13°02'37"	S65°54'47"E	79.51'
C38	320.50'	46.91'	8°23'10"	S84°14'33"W	46.87'
C39	281.00'	1.34'	0°16'21"	S58°24'28"E	1.34'
C40	94.50'	30.77'	18°39'32"	S48°56'28"E	30.64'

AVIARA CONDOMINIUMS

EXHIBIT

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET
Job No.	Snapshot:		25 of 26
Scale (Hor.): 1"=50'	Scale (Vert.):		
Date: 12/21/10	Checked By: JSL	Drawn By: HPE\RLW	

LINE TABLE		
LINE	BEARING	LENGTH
L1	S67°52'37"E	35.37'
L2	N32°57'38"W	7.06'
L3	N84°20'23"E	14.65'
L4	N47°51'55"W	11.34'
L5	N31°01'52"E	4.45'
L6	N63°54'29"E	38.06'
L7	S86°57'47"E	3.29'
L8	N78°01'20"E	10.29'
L9	S10°13'03"E	29.53'
L10	S74°09'17"W	32.66'
L11	S81°06'15"W	1.64'
L12	S18°00'07"E	29.66'
L13	S30°23'57"E	19.47'
L14	S17°47'50"E	29.77'
L15	S15°29'37"E	9.67'
L16	S23°37'34"E	39.17'
L17	S39°28'12"W	6.91'
L18	S30°23'57"E	11.73'
L19	S74°19'32"W	284.75'
L20	N15°40'28"W	11.34'
L21	N74°19'32"E	281.77'
L22	S85°45'47"W	13.66'
L23	N04°14'13"W	103.33'
L24	N70°42'51"W	78.43'
L25	N19°29'12"W	79.32'
L26	N63°34'35"E	13.76'
L27	S19°29'12"E	74.44'
L28	S70°42'51"E	80.83'
L29	S04°14'13"E	112.29'
L30	S70°42'25"E	264.71'
L31	N23°29'14"E	142.40'
L32	S66°30'46"E	6.83'
L33	S23°29'14"W	142.40'
L34	N66°30'46"W	6.83'
L35	S76°00'36"E	39.58'
L36	S76°00'36"E	16.09'
L37	N77°48'13"W	27.14'
L38	N88°41'35"E	6.13'
L39	S25°44'32"E	15.92'
L40	N88°11'04"E	38.53'
L41	N40°42'32"E	9.55'
L42	N67°35'04"E	13.92'
L43	S57°59'22"E	10.92'
L44	S76°25'51"E	16.48'
L45	S70°54'33"E	39.17'
L46	N86°12'33"E	12.02'
L47	S84°49'29"E	4.40'
L48	S76°40'56"E	5.93'
L49	S10°13'03"E	4.06'
L50	S38°01'06"E	8.58'

LINE TABLE		
LINE	BEARING	LENGTH
L51	S56°04'51"E	18.69'
L52	S70°55'02"E	8.71'
L53	S82°26'35"E	8.37'
L54	S53°46'22"W	25.12'
L55	S31°37'01"E	9.49'
L56	S18°24'32"W	13.40'
L57	S60°30'23"W	9.18'
L58	S76°42'45"W	9.64'
L59	S87°05'06"W	8.22'
L60	S84°49'29"E	2.67'
L61	S84°21'45"E	20.21'
L62	N50°43'51"E	24.50'
L63	N30°46'59"E	30.25'
L64	N54°18'02"E	6.85'
L65	S07°17'18"W	18.99'
L66	S06°13'30"E	9.98'
L67	S58°16'14"E	19.54'

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

BASELINE LAND SURVEYORS, INC.

PROFESSIONAL LAND SURVEYING SERVICES

8333 CROSS PARK DRIVE

AUSTIN, TEXAS 78754

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ron-baseline@austin.rr.com

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Job No.	Snapshot:	
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Date: 12/21/10	Checked By: JSL	Drawn By: HPE\RLW

UNIT PLAN TYPES – ATTACHED UNITS

Unit No.	Plan Type*
A-1	A
B-1	B
C-1	C
D-1	D

* SEE CONDOMINIUM PLANS FOR PLAN TYPE.

ALL UNITS SHOWN ON THE PLAT AND PLANS OTHER THAN UNITS A-1, B-1, C-1, D-1 ARE STAND-ALONE UNITS.

ATTACHMENT 2

EXHIBIT "C" TO THE DECLARATION OF CONDOMINIUM REGIME

COMMON INTEREST ALLOCATION & BUILDING LCE ALLOCATION

COMMON INTEREST ALLOCATION

The Common Interest Allocation and percentage of liability for common expenses for each Unit is 1/41.

THE COMMON INTEREST ALLOCATION ASSIGNED TO A PARTICULAR UNIT WILL DECREASE IF ADDITIONAL UNITS ARE CREATED AND ADDED TO THE REGIME BY THE DECLARANT.

BUILDING LCE ALLOCATION

The Building LCE Allocation for each Attached Unit is 1/4.

THE BUILDING LCE ALLOCATION ASSIGNED TO A PARTICULAR UNIT WILL DECREASE IF ADDITIONAL UNITS ARE CREATED AND ADDED TO THE REGIME BY THE DECLARANT.

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS
Dana DeBeauvoir
Dec 22, 2010 03:36 PM 2010192027
DAVISD: $148.00
Dana DeBeauvoir, County Clerk
Travis County TEXAS

Document No. 2011006771

AFTER RECORDING RETURN TO:
Robert D. Burton, Esq.
Armbrust & Brown, PLLC
100 Congress Ave., Suite 1300
Austin, Texas 78701

AVIARA

TWELFTH AMENDMENT TO RESTATED AND AMENDED DECLARATION OF CONDOMINIUM REGIME FOR AVIARA CONDOMINIUMS

(A Residential Condominium in Travis County, Texas)

Cross Reference to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2009071585, Official Public Records of Travis County, Texas as amended.

TWELFTH AMENDMENT TO
RESTATED AND AMENDED DECLARATION OF CONDOMINIUM REGIME
FOR AVIARA CONDOMINIUMS

This Twelfth Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums (the "**Amendment**") is made **CR-B AVIARA, L.P.**, a Texas limited partnership ("**Declarant**"), and is as follows:

RECITALS:

A. Aviara Condominiums, a condominium regime (the "**Regime**"), located in Travis County, Texas, was established pursuant to that certain Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2009071585, Official Public Records of Travis County, Texas as amended (collectively, the "**Declaration**").

B. CR-B Aviara, L.P., presently holds the rights of the "**Declarant**" under the Declaration.

C. Chad Bayer is the Owner of Unit A-4 and consents to this Amendment as evidenced below.

D. Pursuant to *Provision A.3.10(v)* of Appendix "A" to the Declaration, during the Development Period, Declarant may amend the Declaration unilaterally and without the consent of other Owners or any mortgagee to subdivide, combine or reconfigure Units, or convert Units into Common Elements, in the exercise of statutory development rights.

E. Pursuant to Section 82.060 of the Texas Uniform Condominium Act, to exercise a statutory development right, Declarant must prepare, execute and record an amendment to the Declaration and record new plats and plans for that real property. The amendment to the declaration must reallocate the allocated interests among all Units.

F. The Development Period is a fifteen (15) year period commencing on the date the Declaration was recorded in the Official Public Records of Travis County, Texas. The Declaration was recorded in the Official Public Records of Travis County, Texas on May 4, 2009; as such, the Development Period has not yet expired.

G. Declarant now desires to amend the Declaration to reconfigure the boundaries of Unit A-4 in the Regime, as set forth more fully hereinbelow.

NOW THEREFORE, the Declaration is hereby amended as follows:

1. Reconfiguration of Units. In accordance with the rights reserved by the Declarant pursuant to *Provision A.3.10(v)* of Appendix "A" to the Declaration, Declarant hereby

reconfigures the boundaries of Unit A-4 in the Regime as set forth on the New Plats and Plans (as defined below).

2. **Replacement of Exhibit "B".** Exhibit "B" to the Declaration is hereby deleted in its entirety and the Plats and Plans attached hereto as Attachment 1 (the "**New Plats and Plans**") are substituted in their place. The New Plats and Plans: (i) assign an identifying number to all Units; (ii) describe the portion of the limited common elements created or assigned to all Units; and (iii) include the information required by Section 82.059 of the Texas Uniform Condominium Act.

3. **Common Interest/Common Expense Allocation.** The Common Interest Allocation and percentage of liability for common expenses shall remain as stated in the Declaration and shall be unaffected by this Amendment.

4. **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.

[SIGNATURE PAGE FOLLOWS]

EXECUTED to be effective as of the 10th day of January, 2011.

DECLARANT:

CR-B AVIARA, L.P., a Texas limited partnership

By: CR-B INVESTORS I GP, L.L.C., a Texas limited liability company, its General Partner

By: _____

Printed Name: David N. Arnow

Title: Vice President

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this 6th day of January, 2011 by David Arnow, Vice President of CR-B Investors I GP, L.L.C., a Texas limited liability company, General Partner of CR-B Aviara, L.P., a Texas limited partnership, on behalf of said entities.

(SEAL)

Donna M. Scotka
Notary Public Signature

DONNA M. SCOTKA
Notary Public, State of Texas
My Commission Expires
July 18, 2014

ACKNOWLEDGED AND AGREED:

CHAD BAYER

By: _____

Printed Name: Chad Bayer

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this 10th day of January, 2011 by Chad Bayer.

(SEAL)

DAWN V. MILLER
Notary Public, State of Texas
My Commission Expires
April 16, 2012

_____
Notary Public Signature

ATTACHMENT 1

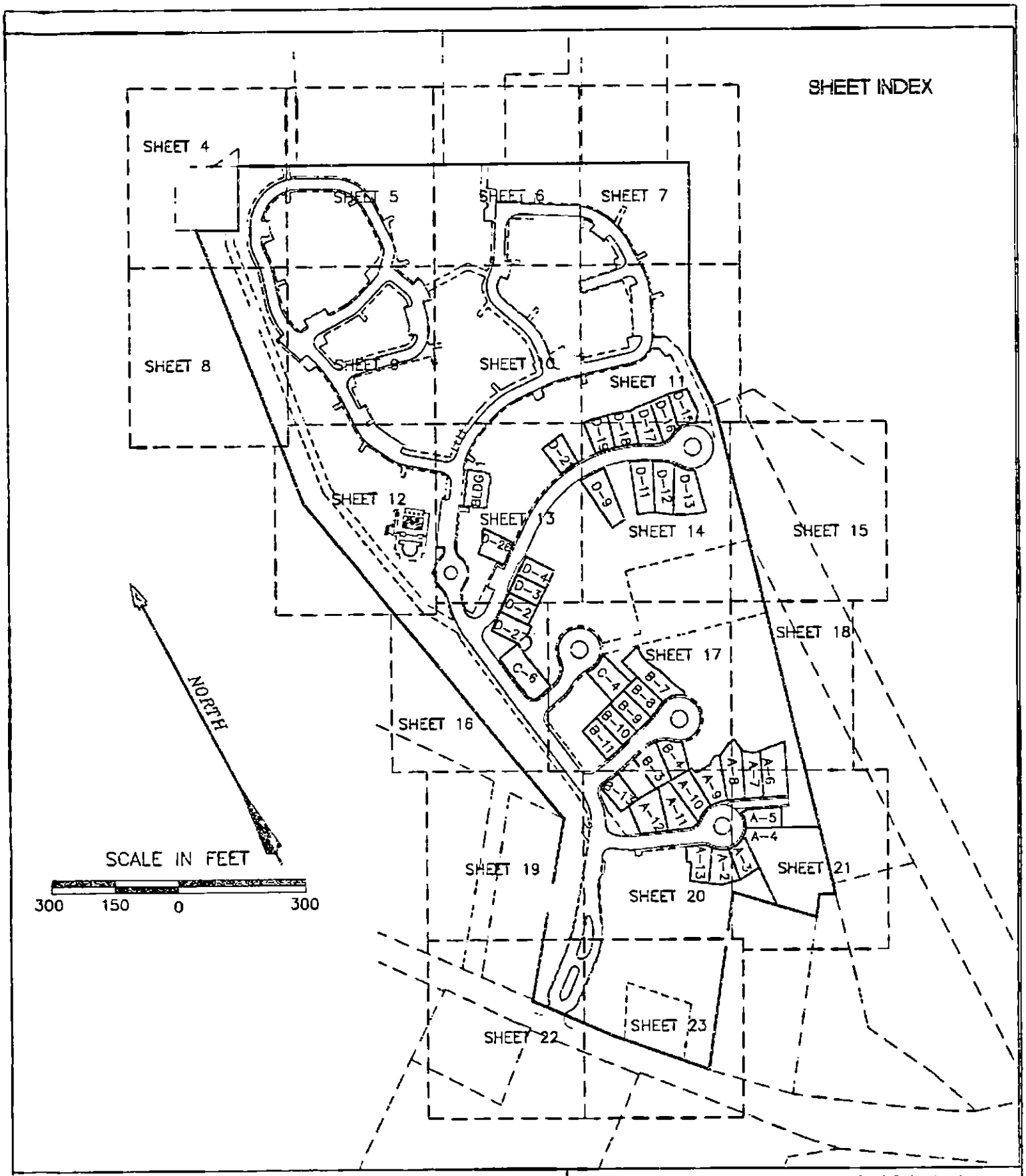
EXHIBIT "B" TO THE DECLARATION OF CONDOMINIUM REGIME

SEE SHEET 24 OF 26 FOR ORIGINAL CERTIFICATION

ATTACHMENT 1

EXHIBIT "B" TO THE DECLARATION OF CONDOMINIUM REGIME

SEE SHEET 24 OF 26 FOR ORIGINAL CERTIFICATION



AVIARA CONDOMINIUMS

EXHIBIT
OF 39.481 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; (CALLED) 35.096 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg		SHEET 1 of 26
Job No.	Sno. st:	
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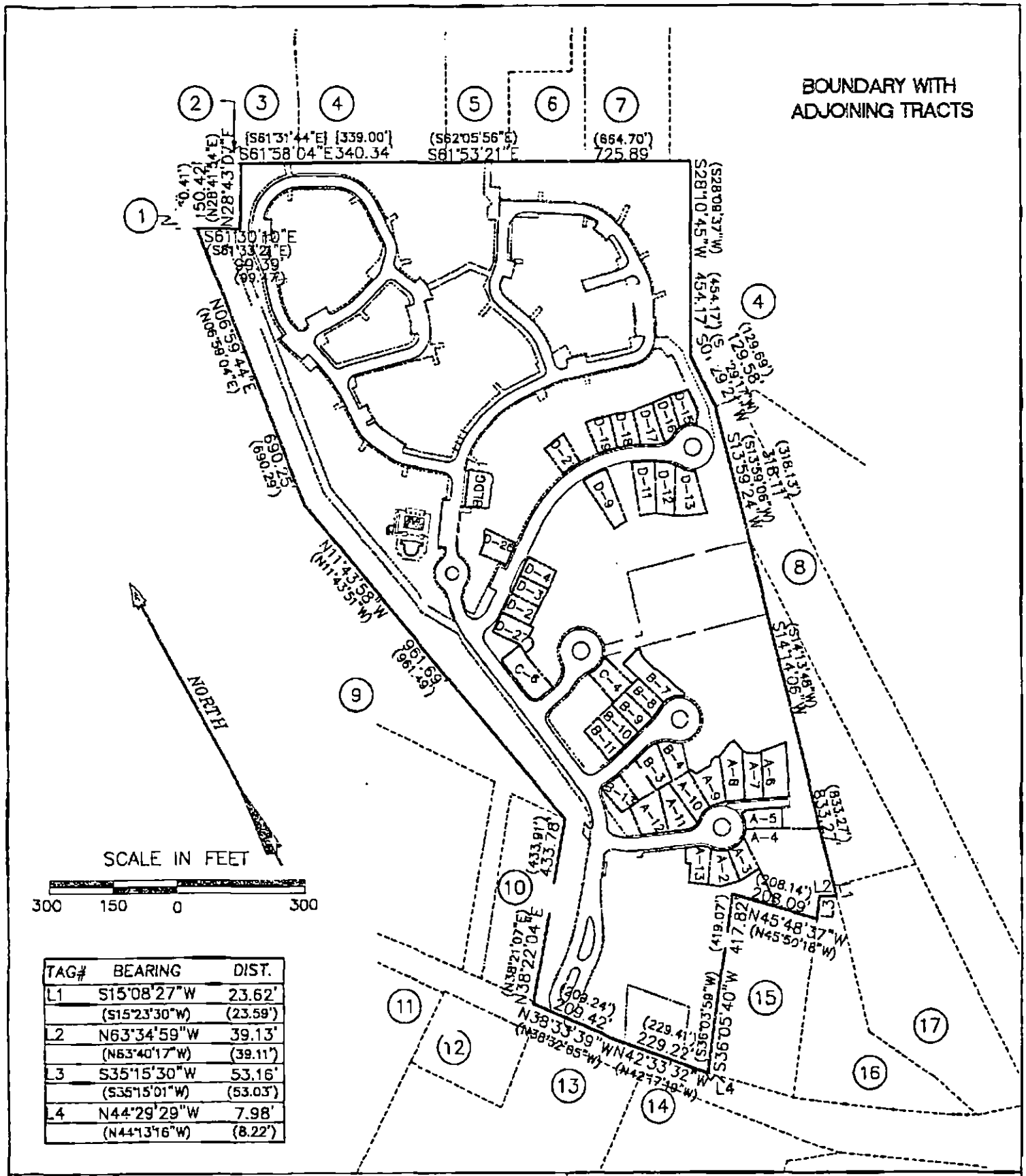
Date: 01/04/11	Checked By: JSL / Drawn By: HPE\RLW	



TAG#	BEARING	DIST.
L1	S15°08'27"W	23.62'
	(S15°23'30"W)	(23.59')
L2	N63°34'59"W	39.13'
	(N63°40'17"W)	(39.11')
L3	S35°15'30"W	53.16'
	(S35°15'01"W)	(53.03')
L4	N44°29'29"W	7.98'
	(N44°13'16"W)	(8.22')

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006175745 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006175744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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ron-b baseline@austin.rr.com

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Job No.	Snapshot:	2 of 26
Scale (Hor.): N/A	Scale (Vert.):	
Date: 01/04/11	Checked By: JSL	Drawn By: HPE\RLW

ADJOINING OWNERS

1. TRAVIS COUNTY W.C.I.D. NO. 9, VOL. 1819, PG. 189 (0.52 ACRES)
2. CITY OF AUSTIN, VOL. 10958, PG. 277 (0.029 ACRES)
3. REMAINDER OF 888.051 ACRES, VOL. 10958, PG. 280
4. LOT 115, BLOCK B, LANTANA SOUTHWEST, PHASE 1, DOC. NO. 200300137
5. CITY OF AUSTIN, TRACT 2, VOL. 12910, PG. 670 (1.757 ACRES)
6. CITY OF AUSTIN, VOL. 10031 PG. 300 (1.0397 ACRES)
7. CITY OF AUSTIN, TRACT 1, VOL. 12910, PG. 670 (1.655 ACRES)
8. KEYSTONE CONSTRUCTION, INC., VOL. 11918, PG. 1755 (4.993 ACRES)
9. LOT 1, BLOCK "A", THE HANS DEROUCHER SUBDIVISION, VOL. 96, PG. 108
10. LOT 2, BLOCK "A", THE HANS DEROUCHER SUBDIVISION, VOL. 96, PG. 108
11. AARON GARDNER SUBDIVISION, VOL. 49, PG. 95
12. BENJAMIN L. NORS, DOC. NO. 2001174575 (1.00 ACRE)
13. HUEBETTER SUBDIVISION, VOL. 78, PG. 1
14. JAMES L. SCHORR, VOL. 11883, PG. 1334 (10.177 ACRES)
15. ALAN ABBE, et ux, VOL. 8732, PG. 5 (1.9807 ACRES)
16. 1.951 ACRES, VOL. 11400, PG. 875
17. GILBERT M. JAPKO, TRACT ONE, VOL. 6095, PG. 82 (3.129 ACRES)

AVIARA CONDOMINIUMS

EXHIBIT

OF 56.621 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 55.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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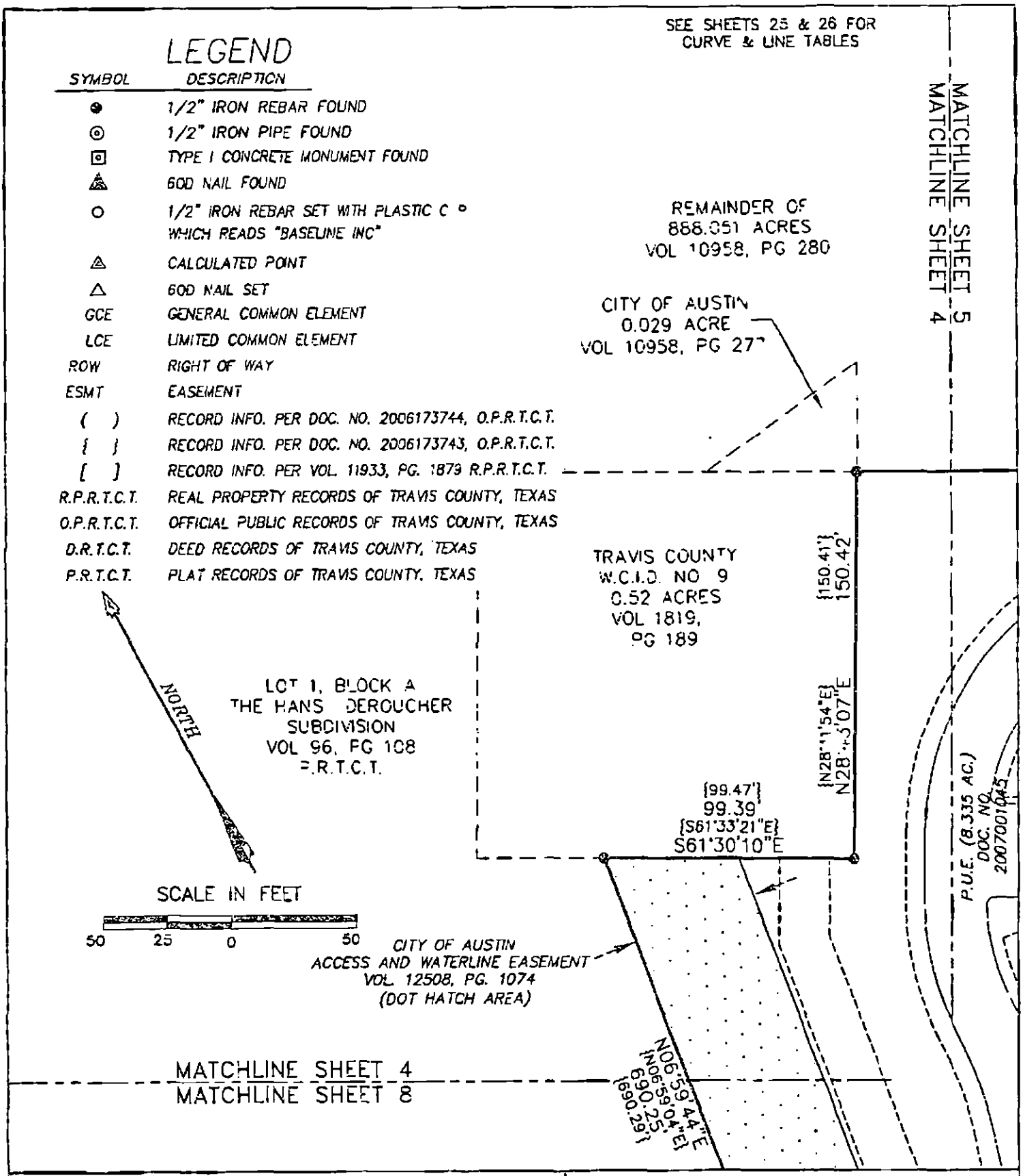
Job No.	Snapshot:	3 of 26
Scale (Hor.): N/A	Scale (Vert.):	
Date: 01/04/11	Checked By: JSL	Drawn By: HPE\RLW

SEE SHEETS 25 & 26 FOR
CURVE & LINE TABLES

LEGEND

SYMBOL	DESCRIPTION
●	1/2" IRON REBAR FOUND
⊙	1/2" IRON PIPE FOUND
⊡	TYPE I CONCRETE MONUMENT FOUND
⚠	60D NAIL FOUND
○	1/2" IRON REBAR SET WITH PLASTIC C ° WHICH READS "BASELINE INC"
⚠	CALCULATED POINT
△	60D NAIL SET
GCE	GENERAL COMMON ELEMENT
LCE	LIMITED COMMON ELEMENT
ROW	RIGHT OF WAY
ESMT	EASEMENT
( )	RECORD INFO. PER DOC. NO. 2006173744, O.P.R.T.C.T.
{ }	RECORD INFO. PER DOC. NO. 2006173743, O.P.R.T.C.T.
[ ]	RECORD INFO. PER VOL. 11933, PG. 1879 R.P.R.T.C.T.
R.P.R.T.C.T.	REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS
O.P.R.T.C.T.	OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS
D.R.T.C.T.	DEED RECORDS OF TRAVIS COUNTY, TEXAS
P.R.T.C.T.	PLAT RECORDS OF TRAVIS COUNTY, TEXAS



AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.N. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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Date: 01/04/11	Checked By: JSL	Drawn By: HPE\RLW

SEE SHEET 4 FOR LEGEND
SEE SHEETS 25 & 26 FOR
CURVE & LINE TABLES

MATCHLINE SHEET 5
MATCHLINE SHEET 4

MATCHLINE SHEET 6
MATCHLINE SHEET 5

NORTH

LOT 115, BLOCK B
LANTANA SOUTHWEST PHASE 1
DOC. NO. 200300137

SCALE IN FEET

50 25 0 50

{S61°31'44"E} {339.00'}
S61°58'04"E 340.34'

EVENING SKY CIRCLE

"GENERAL COMMON ELEMENTS –
SUBJECT TO DEVELOPMENT RIGHTS"

P.U.E. (8.335 AC.)
DOC. NO.
2007001045

P.U.E. (8.335 AC.)
DOC. NO.
2007001045

MATCHLINE SHEET 5
MATCHLINE SHEET 9

AVIARA CONDOMINIUMS

EXHIBIT
OF 36.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 31, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.K. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 35.091 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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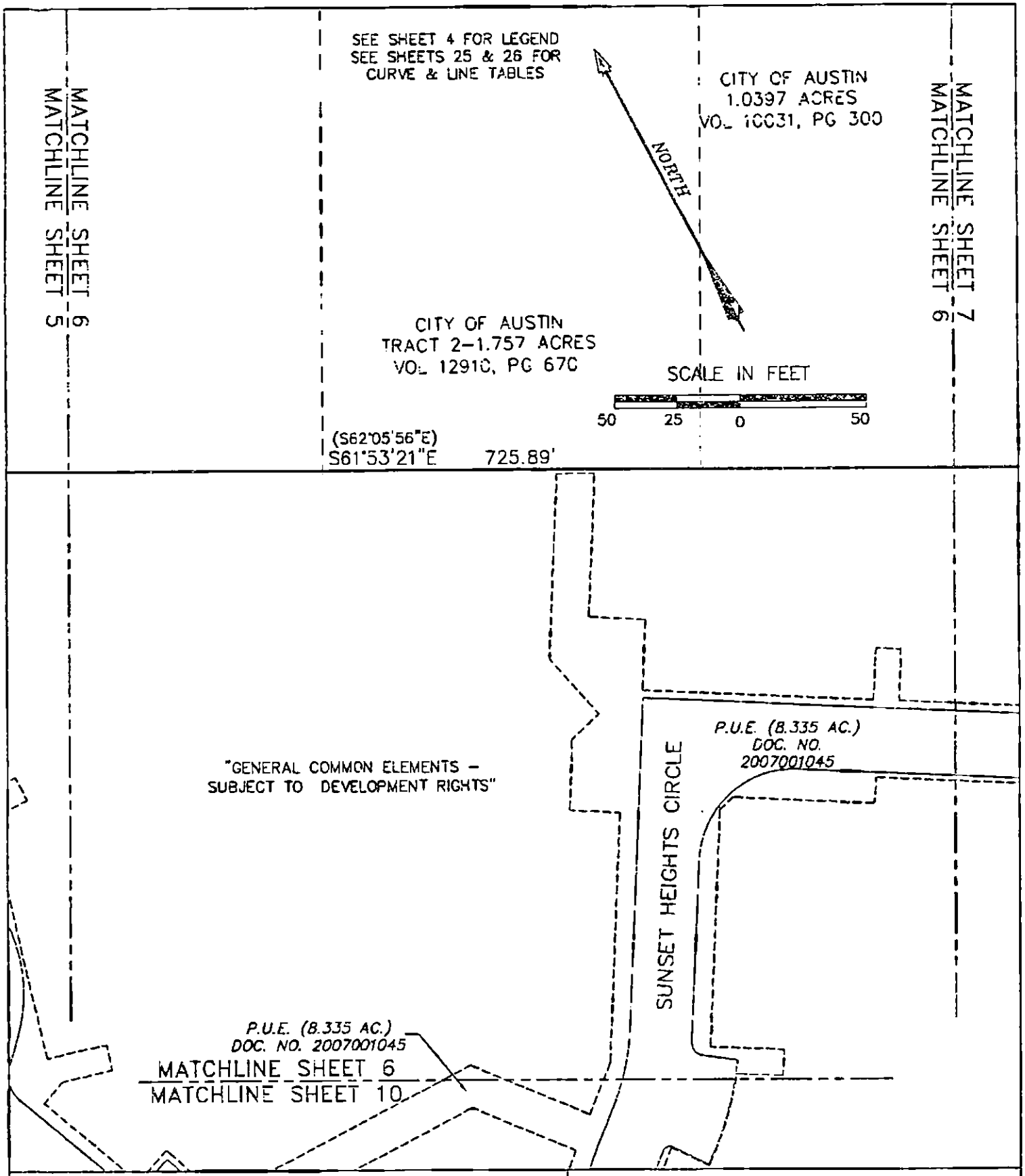

AVIARA CONDOMINIUMS

EXHIBIT

OF 20.691 ACRES OF LAND OUT OF THE L.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.096 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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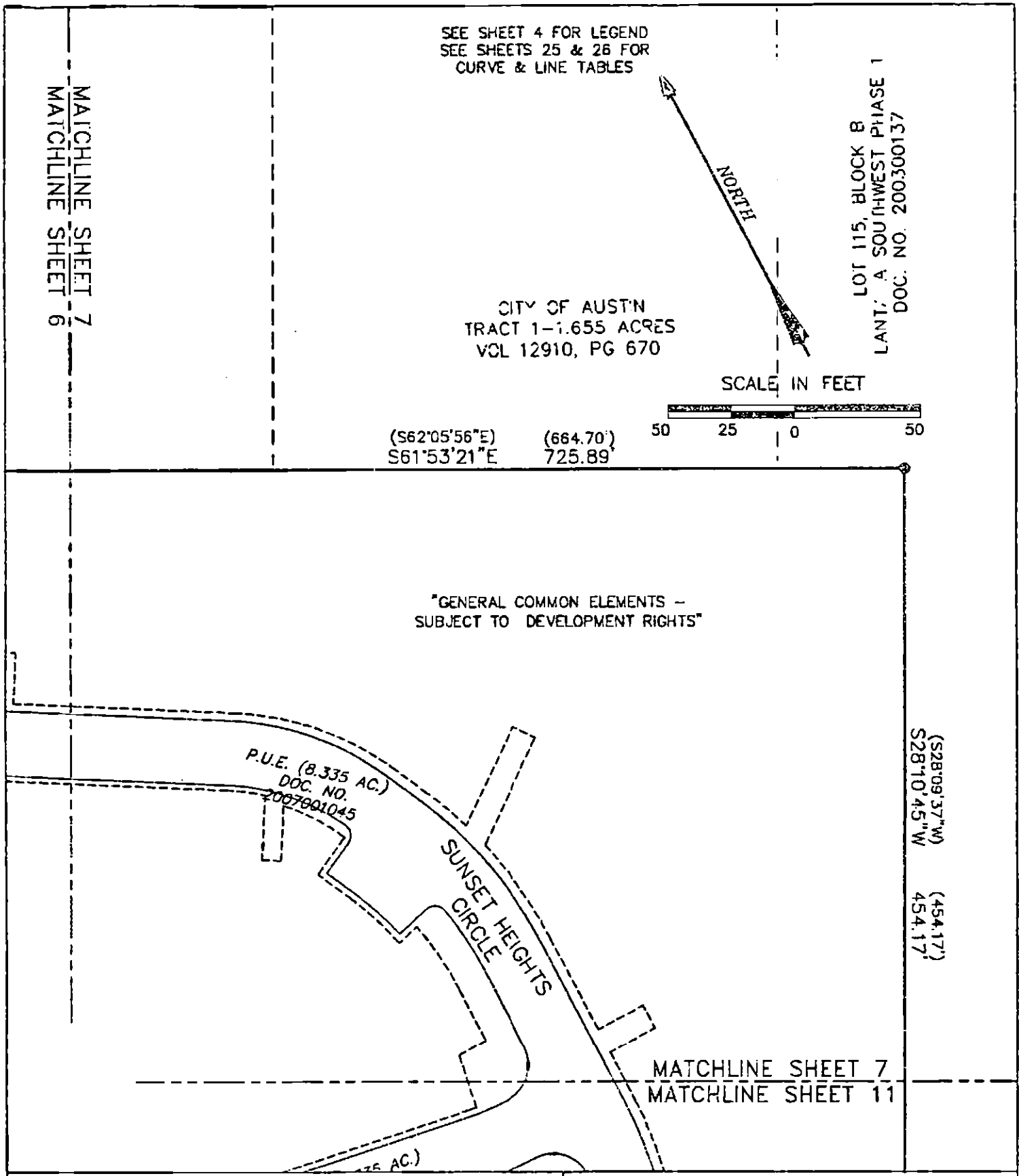

AVIARA CONDOMINIUMS

EXHIBIT

OF 36.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 528; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006175743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.088 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006175744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET 7 of 26
Job No.	Snapshot:		
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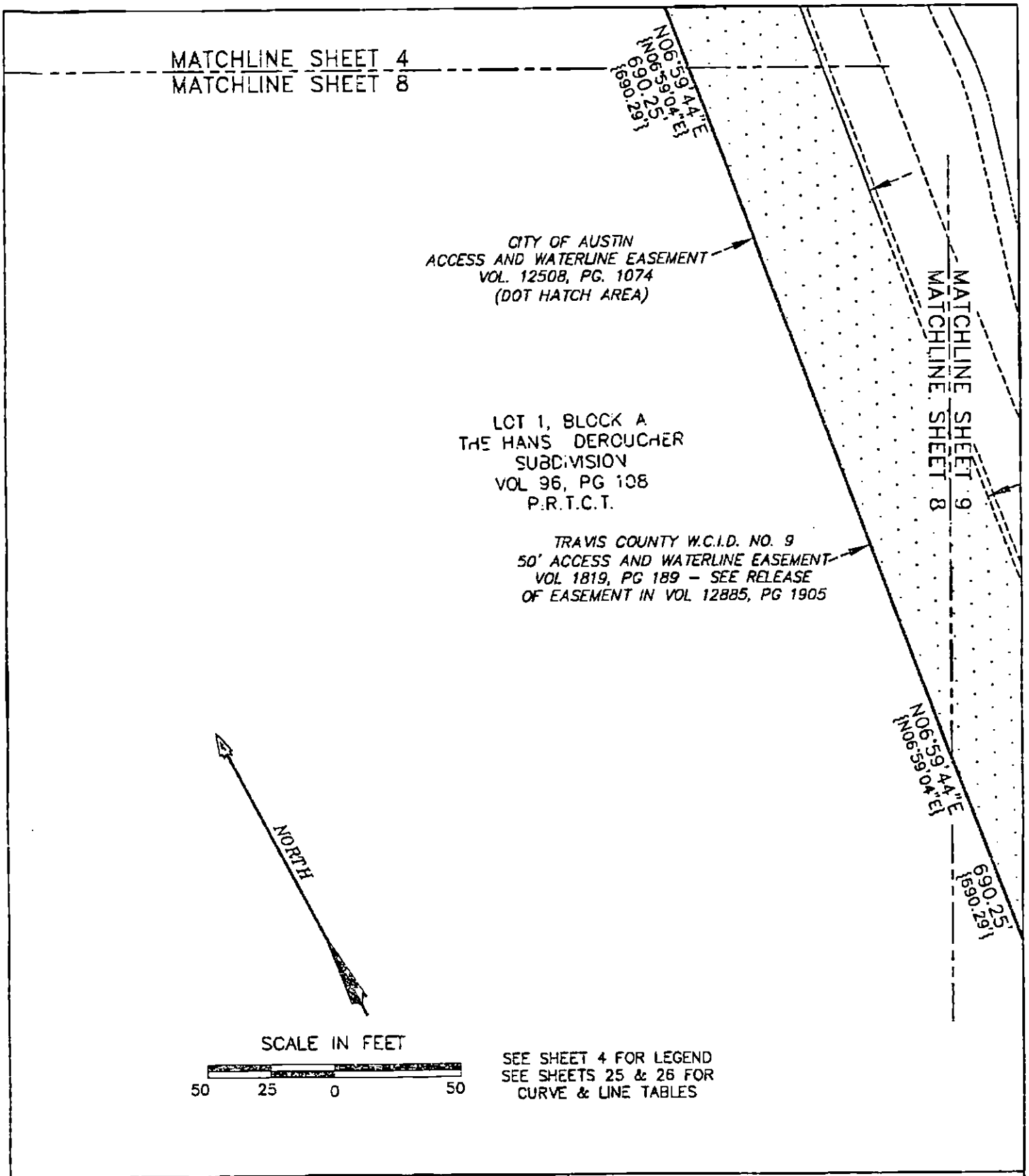

SEE SHEET 4 FOR LEGEND
SEE SHEETS 25 & 26 FOR
CURVE & LINE TABLES

AVIARA CONDOMINIUMS

EXHIBIT

OF 55.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 528; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG–AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG–AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

BASELINE LAND SURVEYORS, INC.
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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg		SHEET
Job No.	Snapshot:	8 of 26
Scale (Hor.): 1"=50'	Scale (Vert.):	
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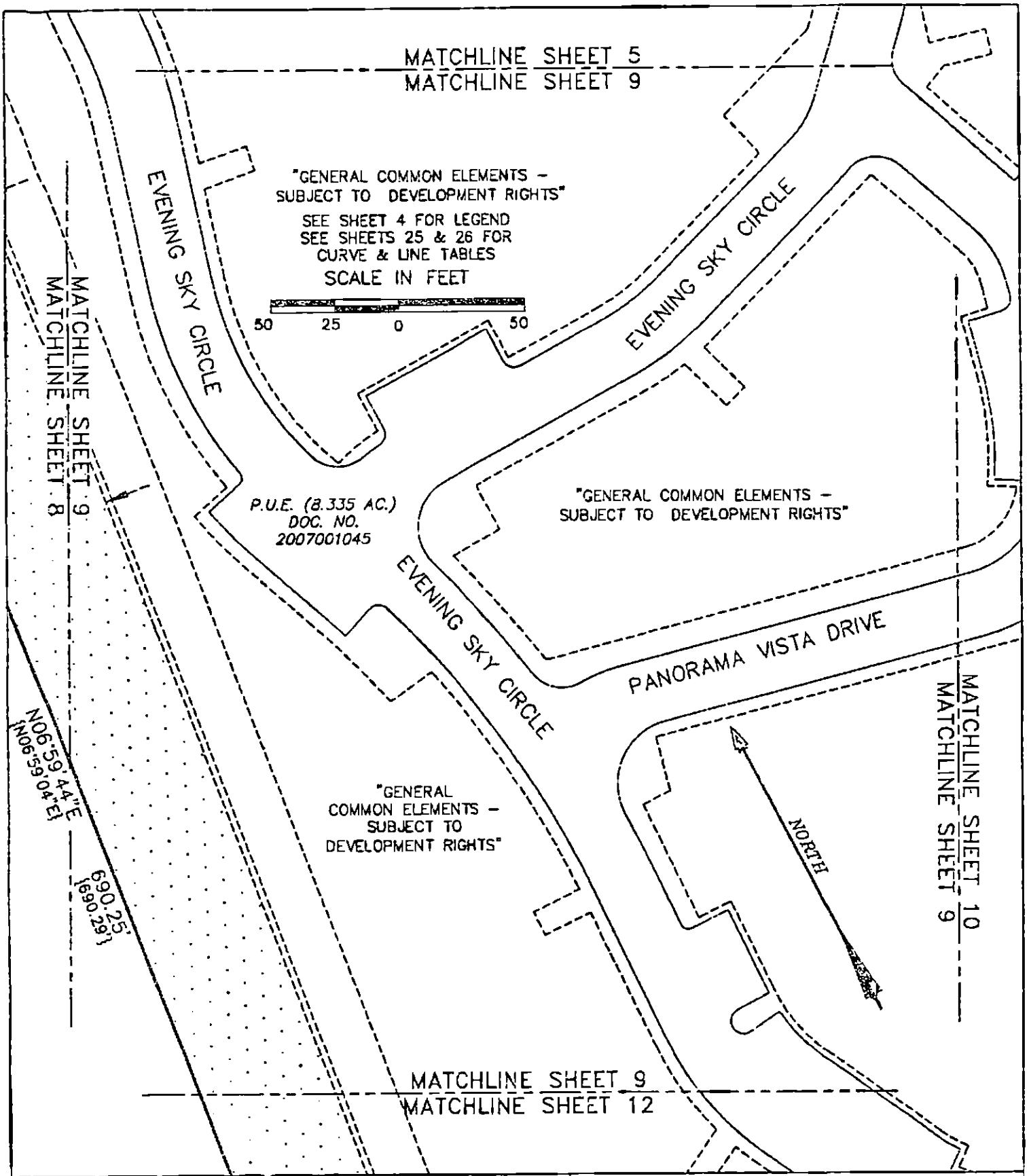

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET 9 of 26
Job No.	Snapshot		
Scale (Hor.): 1"=50'	Scale (Vert.):		
Date: 01/04/11	Checked By: JSL	Drawn By: HPE\RLW	

P.U.E. (8.335 AC.)
DOC. NO. 2007001045

MATCHLINE SHEET 6
MATCHLINE SHEET 10

MATCHLINE SHEET 11
MATCHLINE SHEET 10

SUNSET HEIGHTS CIRCLE

P.U.E. (8.335 AC.)
DOC. NO.
2007001045

P.U.E. (8.335 AC.)
DOC. NO.
2007001045

NORTH

SEE SHEET 4 FOR LEGEND
SEE SHEETS 25 & 26 FOR
CURVE & LINE TABLES

SCALE IN FEET

50 25 0 50

"GENERAL COMMON ELEMENTS –
SUBJECT TO DEVELOPMENT RIGHTS"

MATCHLINE SHEET 10
MATCHLINE SHEET 9

P.U.E. (8.335 AC.)
DOC. NO.
2007001045

AVIARA DRIVE

MATCHLINE SHEET 10
MATCHLINE SHEET 13

"GENERAL COMMON ELEMENTS –
SUBJECT TO DEVELOPMENT RIGHTS"

N81°07'30"E
57.97'

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 20 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCC–AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.086 ACRE TRACT AND A (CALLED) 1.507 ACRE TRACT OF LAND CONVEYED TO PCC–AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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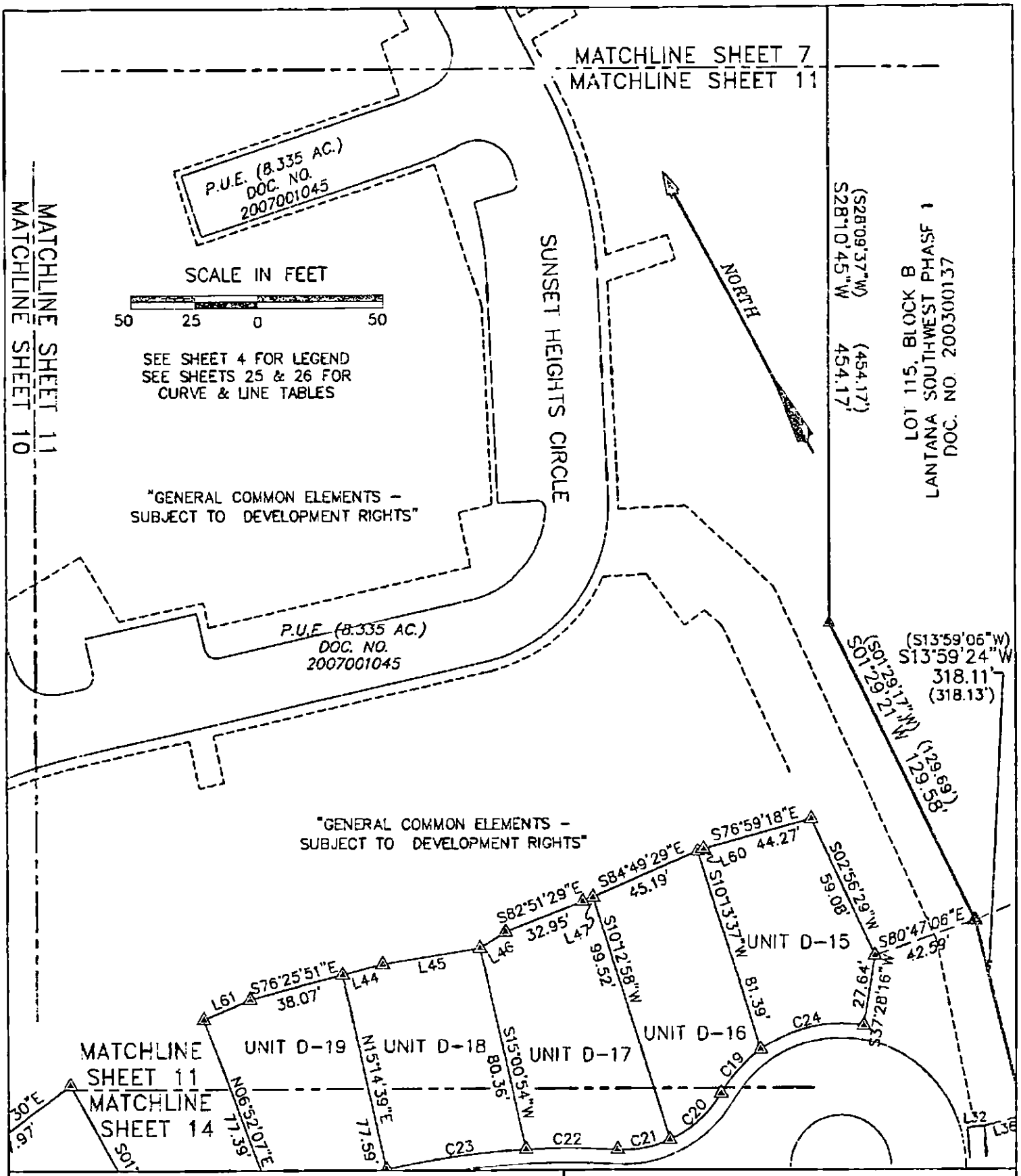

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.954 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 53.096 ACRE TRACT AND A (CALLED) 1.507 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg		SHEET
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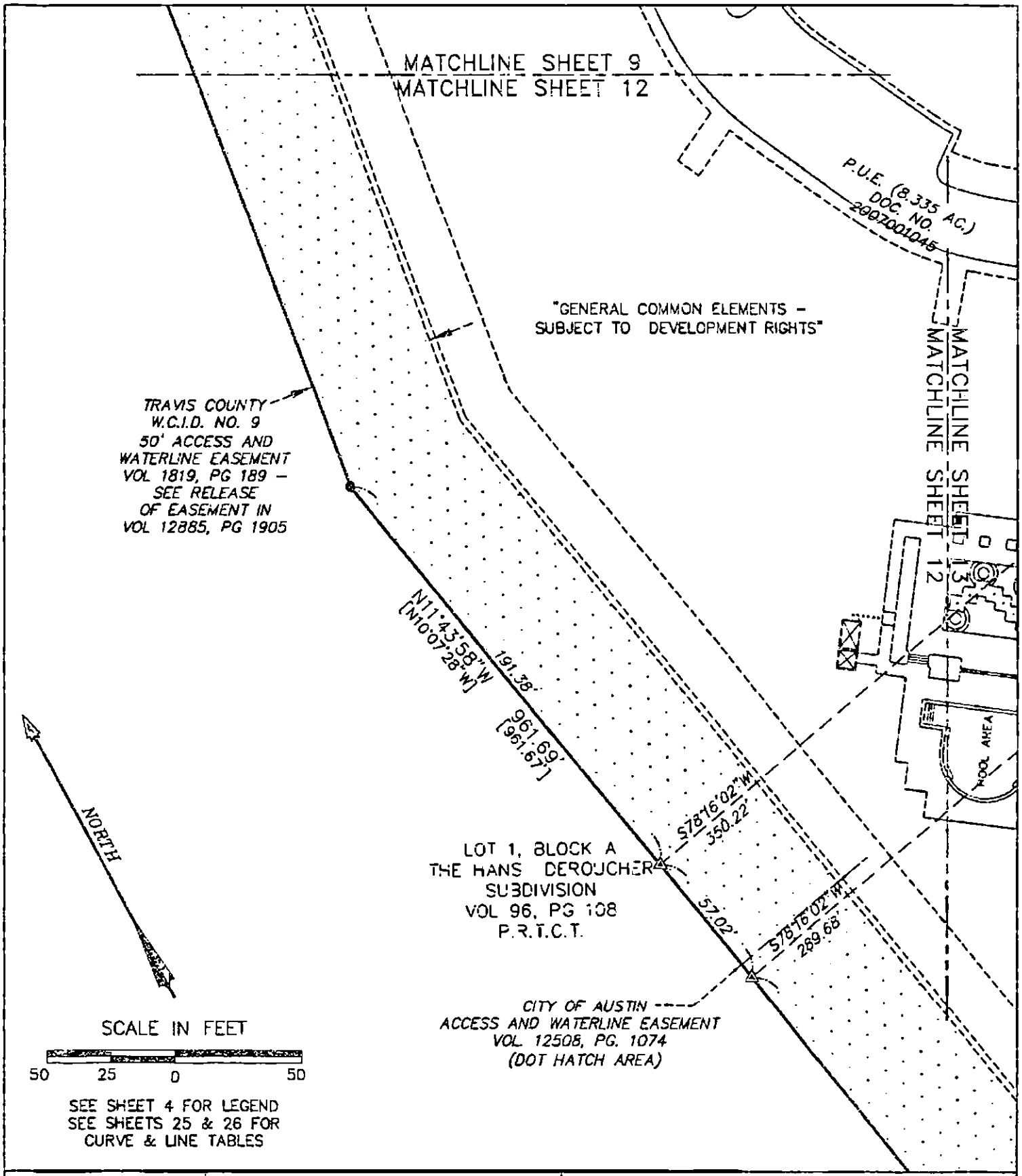

SEE SHEET 4 FOR LEGEND
SEE SHEETS 25 & 26 FOR
CURVE & LINE TABLES

AVIARA CONDOMINIUMS

EXHIBIT
OF 32.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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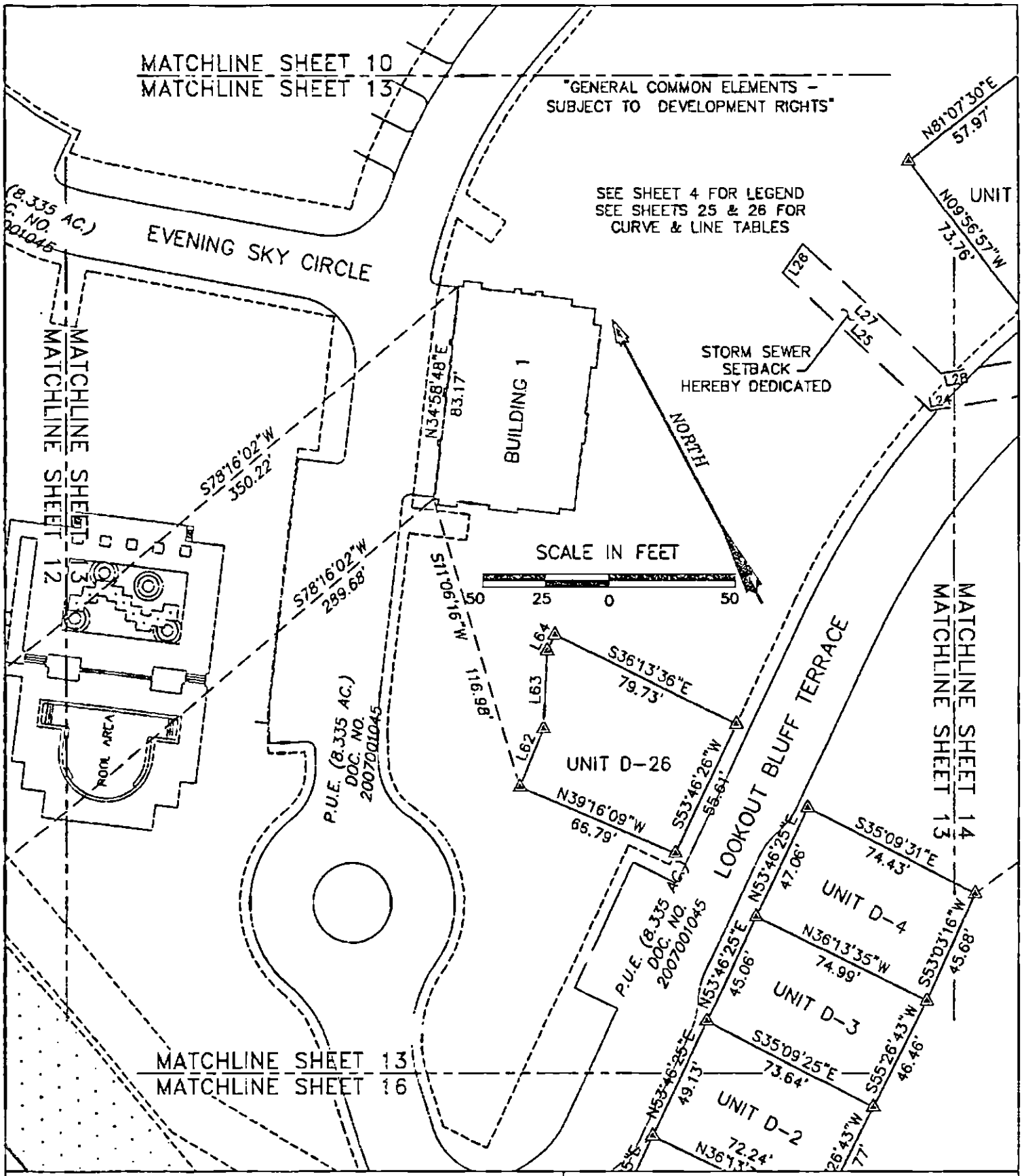

AVIARA CONDOMINIUMS

EXHIBIT

OF 36.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.S. MOORS SURVEY NO. 529; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173745 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.096 ACRE TRACT AND A (CALLED) 1.397 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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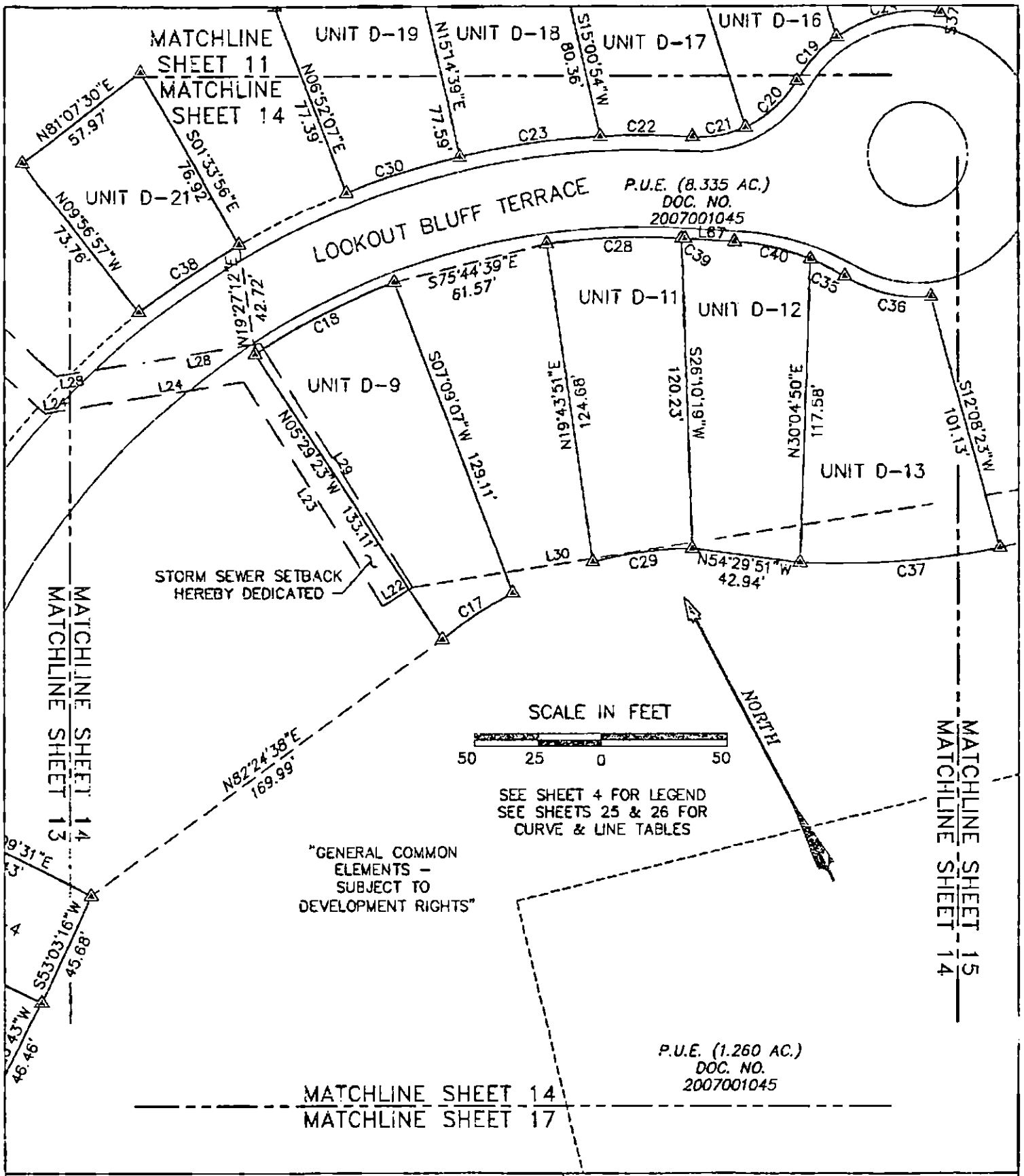

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.N. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006175743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.093 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006175744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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Job No.	Snapshot:	14 of 26
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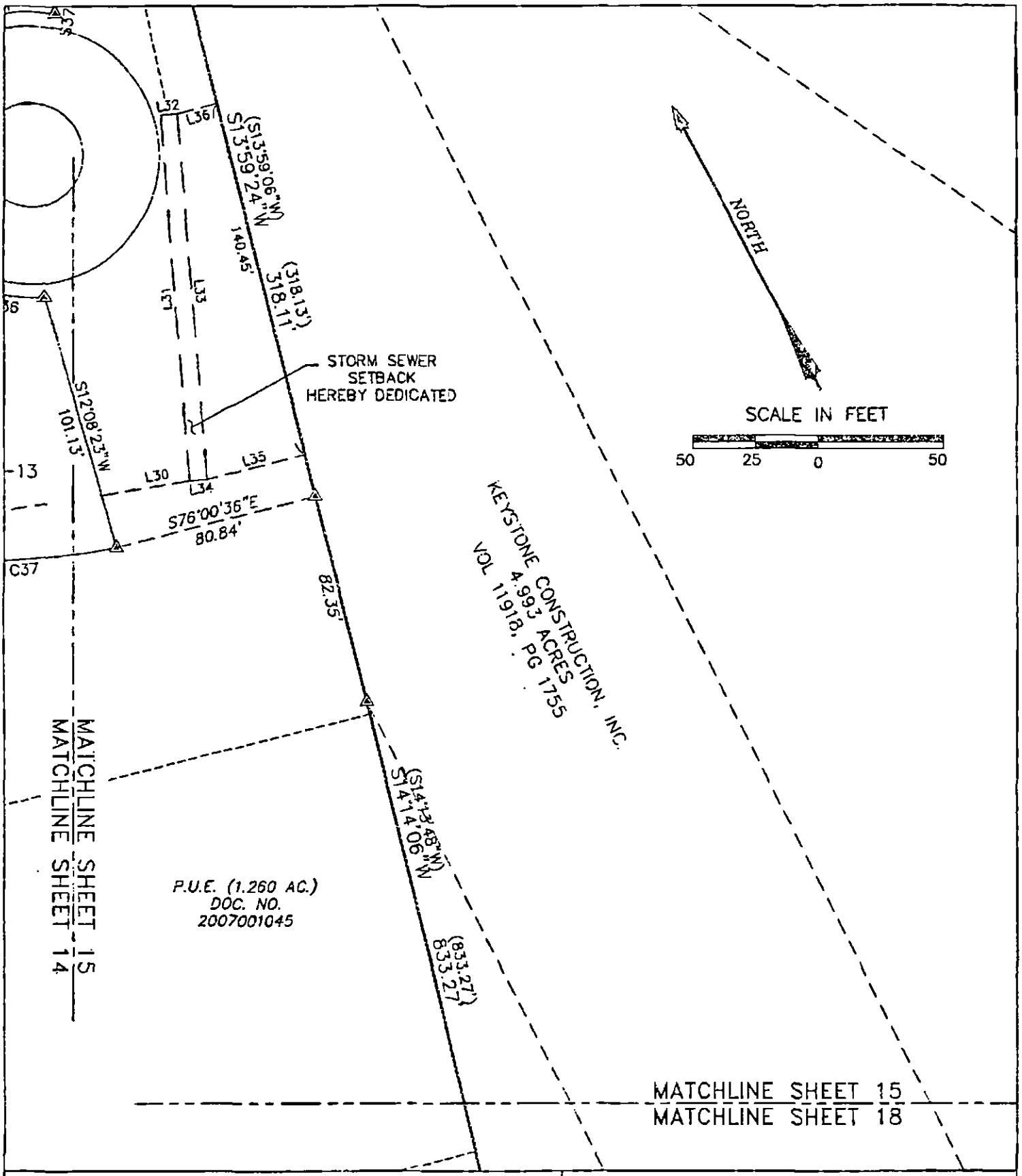

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.461 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.F. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.064 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006175743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006175744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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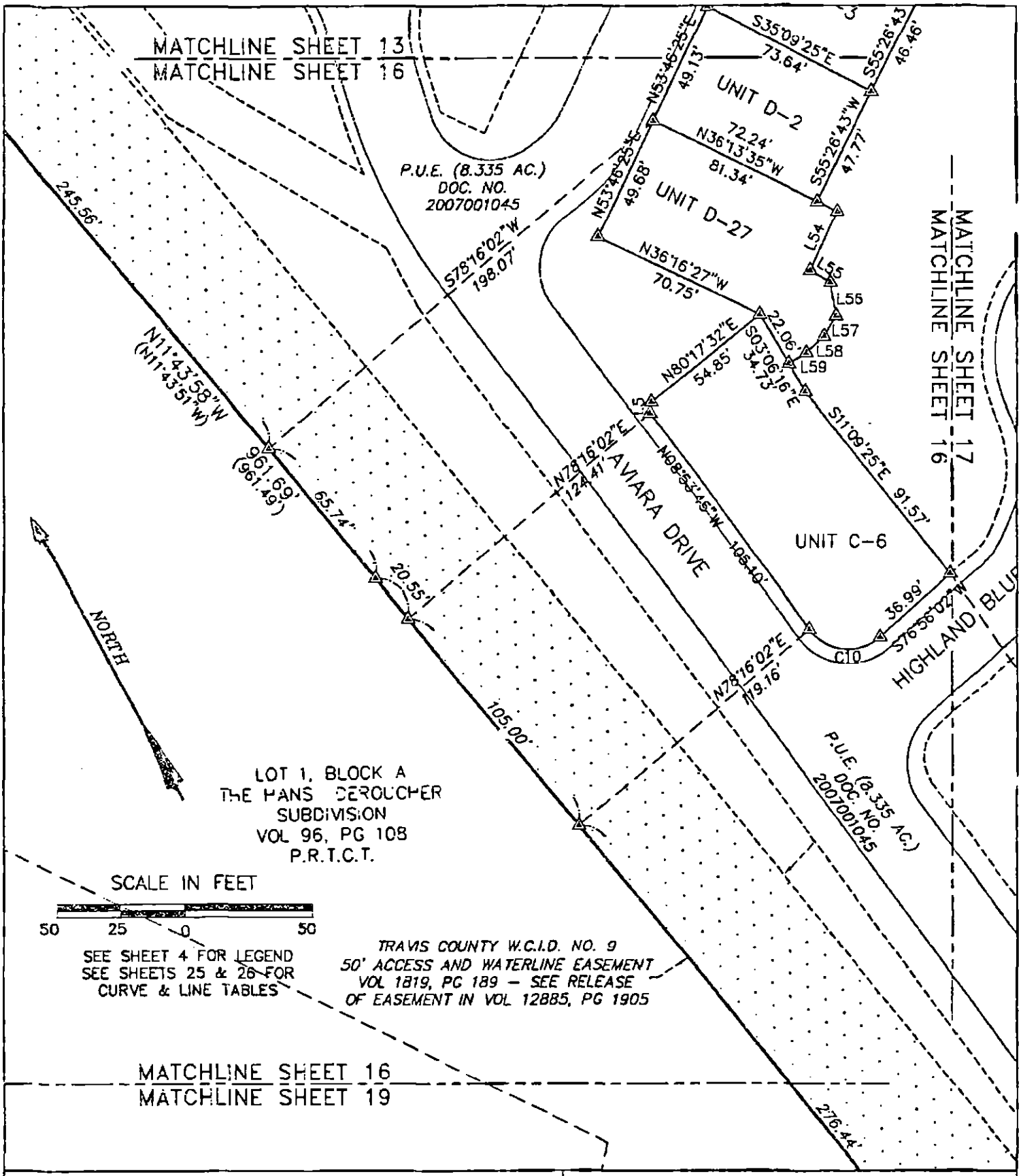

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 61, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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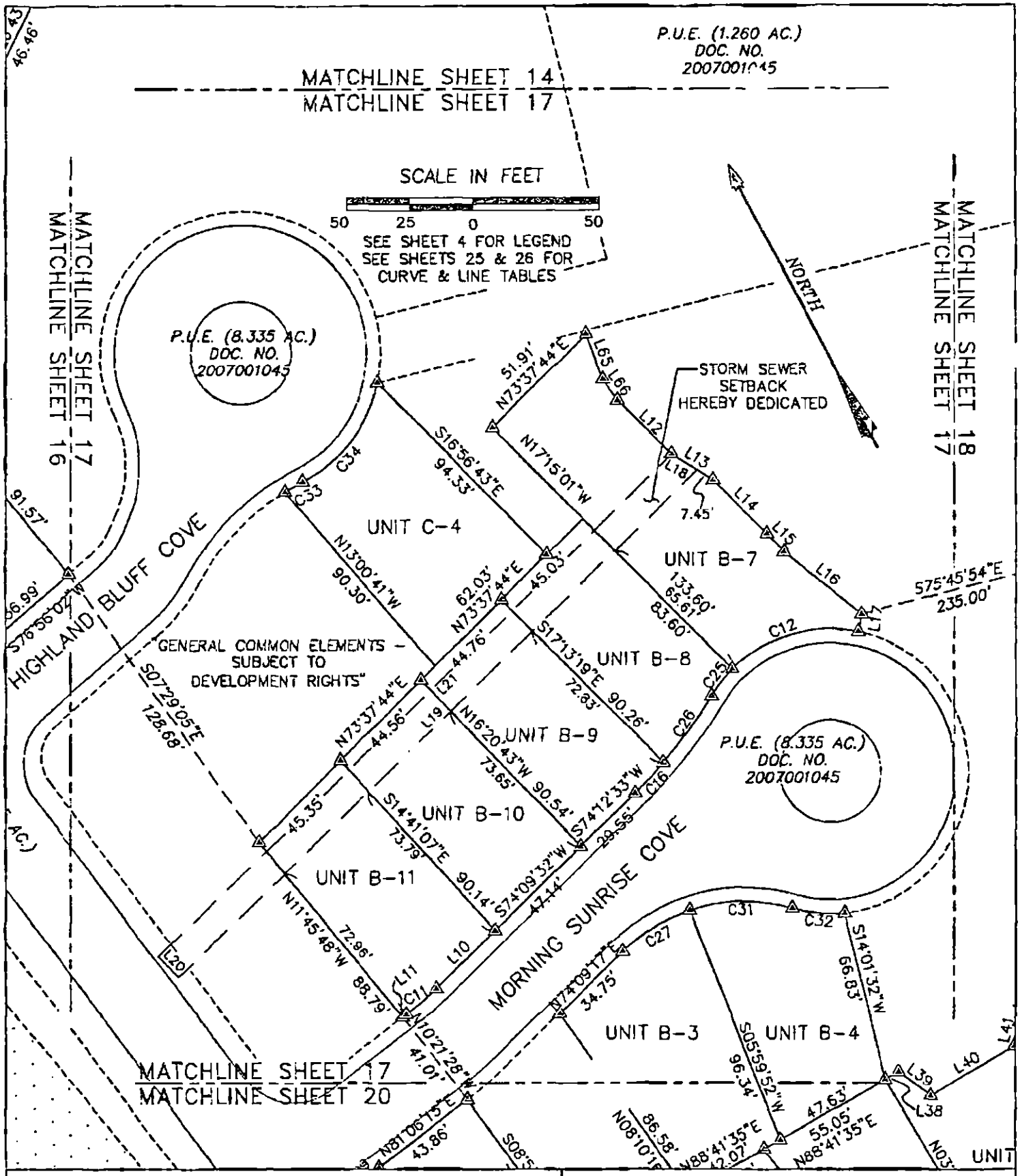

AVIARA CONDOMINIUMS

EXHIBIT

OF 56.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 81, THE THOMAS ANDERSON SURVEY NO. 89 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF TEREE TRACTS: A (CALLED) 5.064 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2003173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 53.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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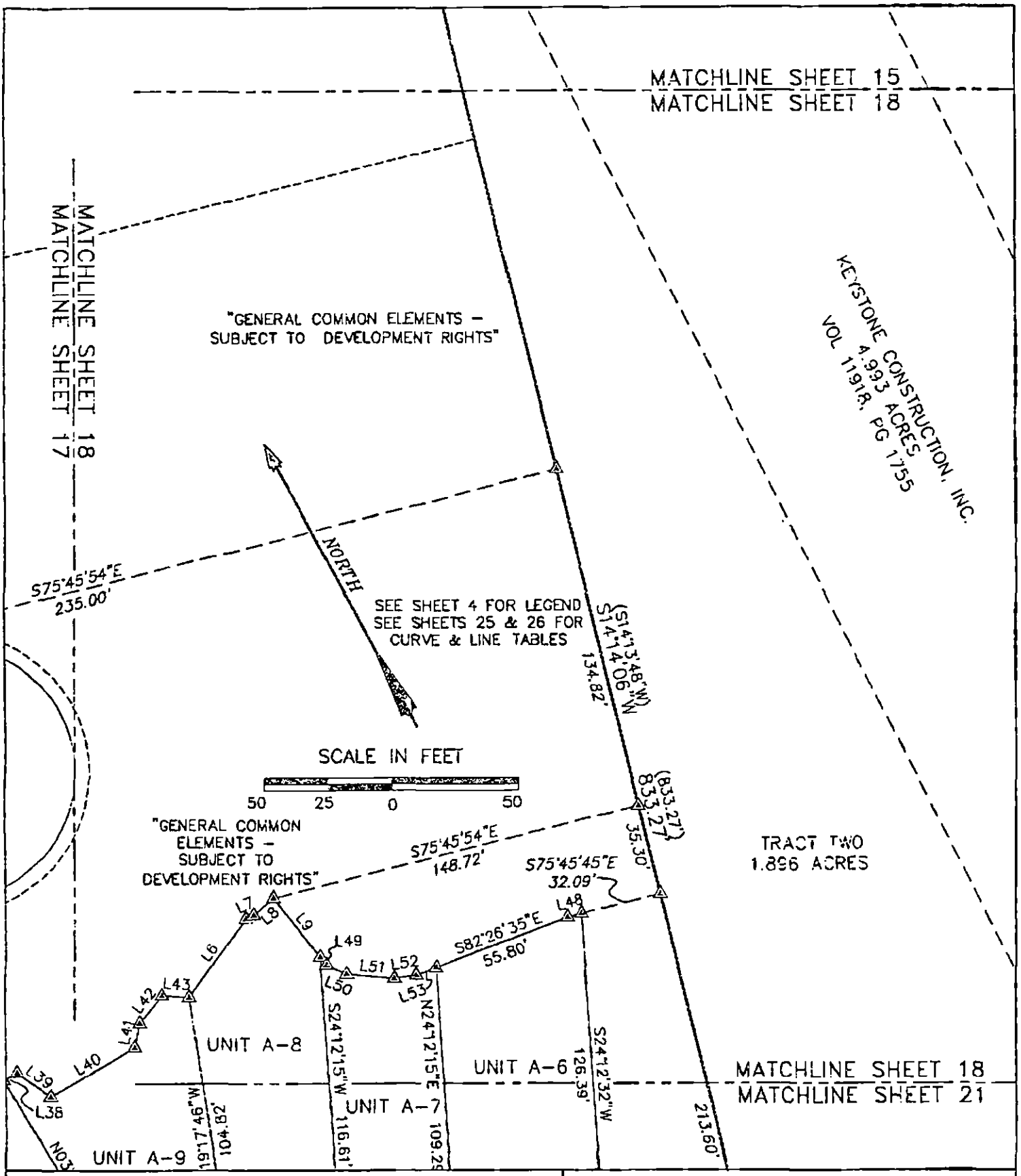

AVIARA CONDOMINIUMS

EXHIBIT

OF 59.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.H. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 53.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173[illegible] OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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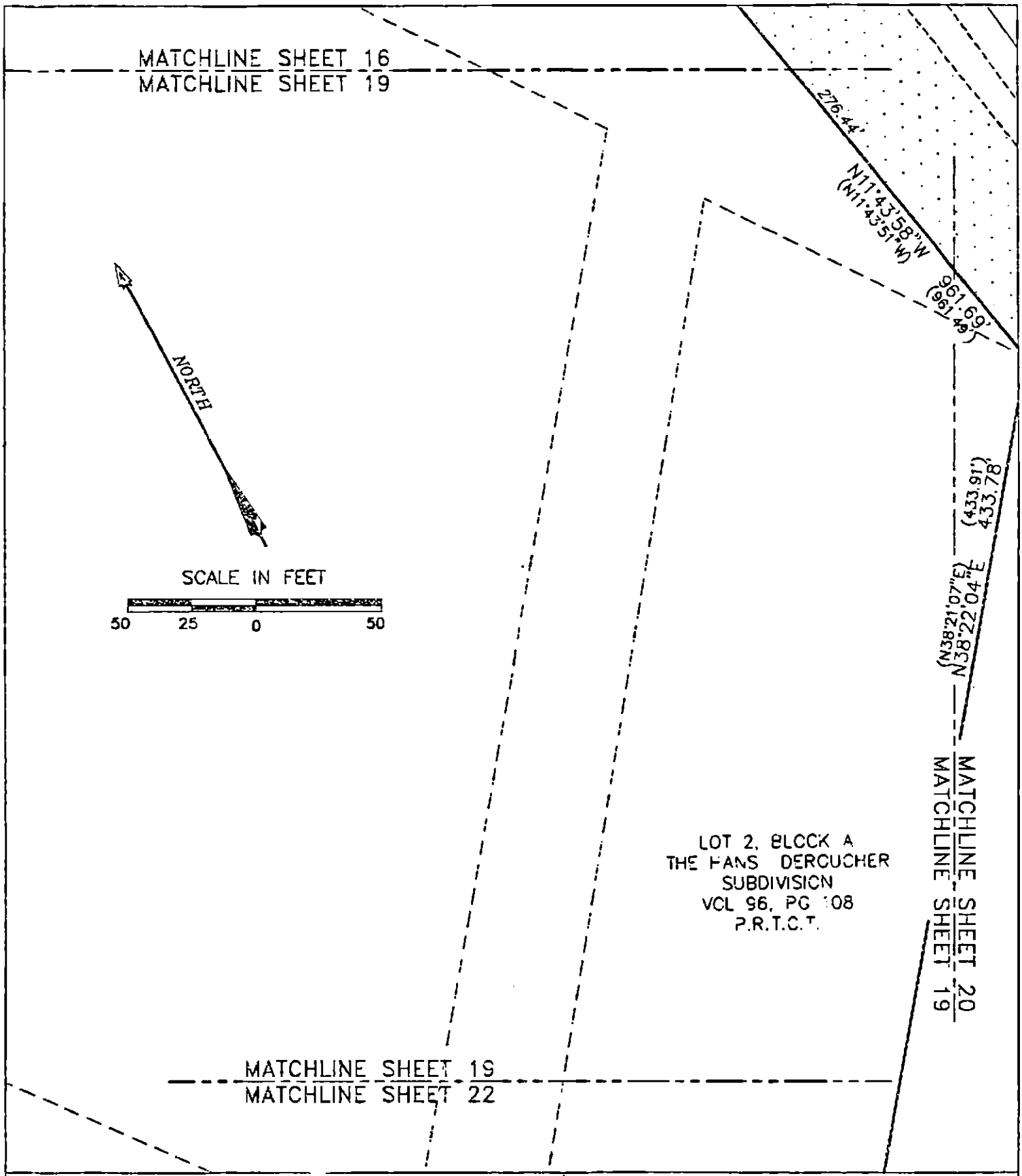

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006175745 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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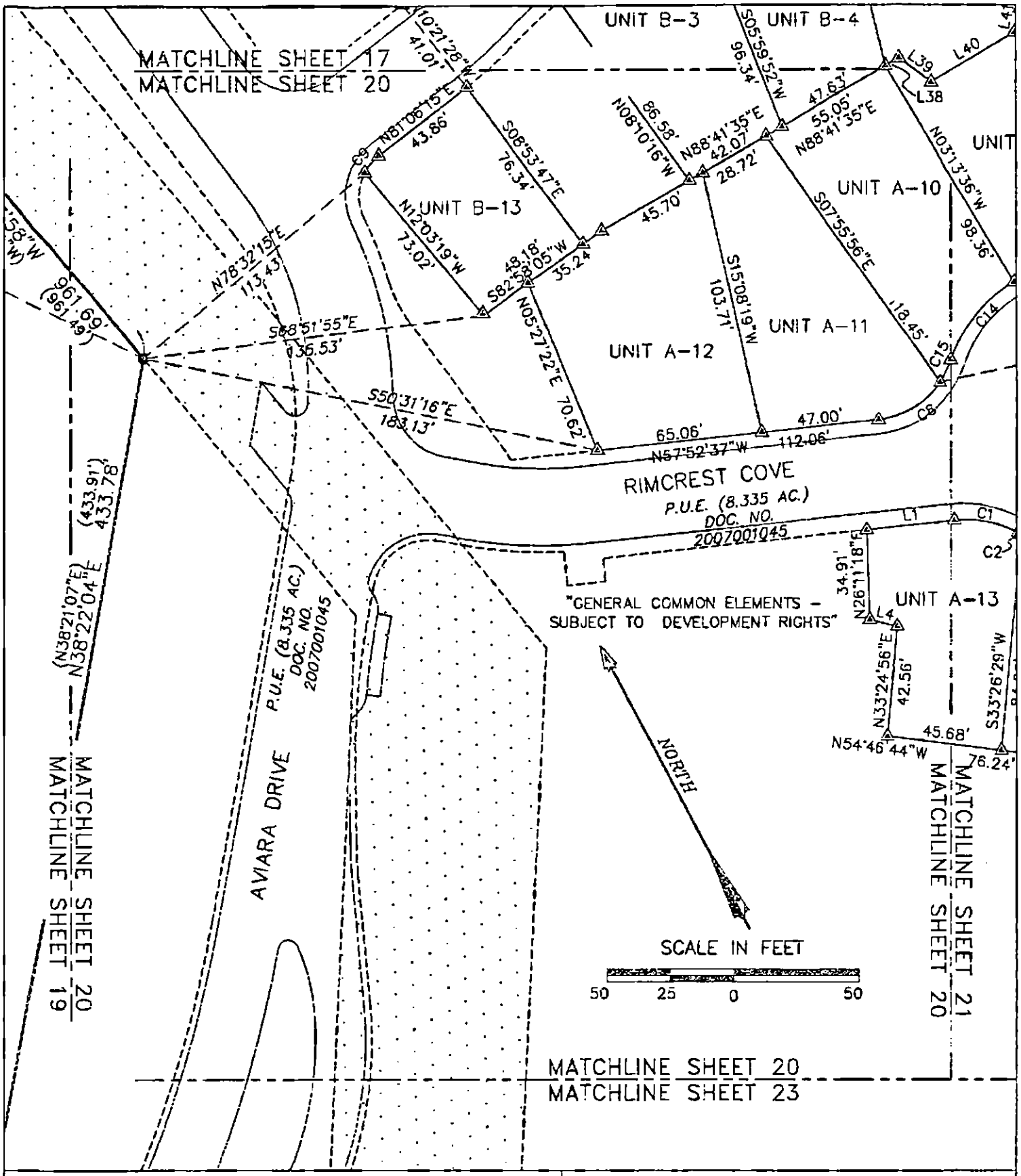

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 525; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 6.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173745 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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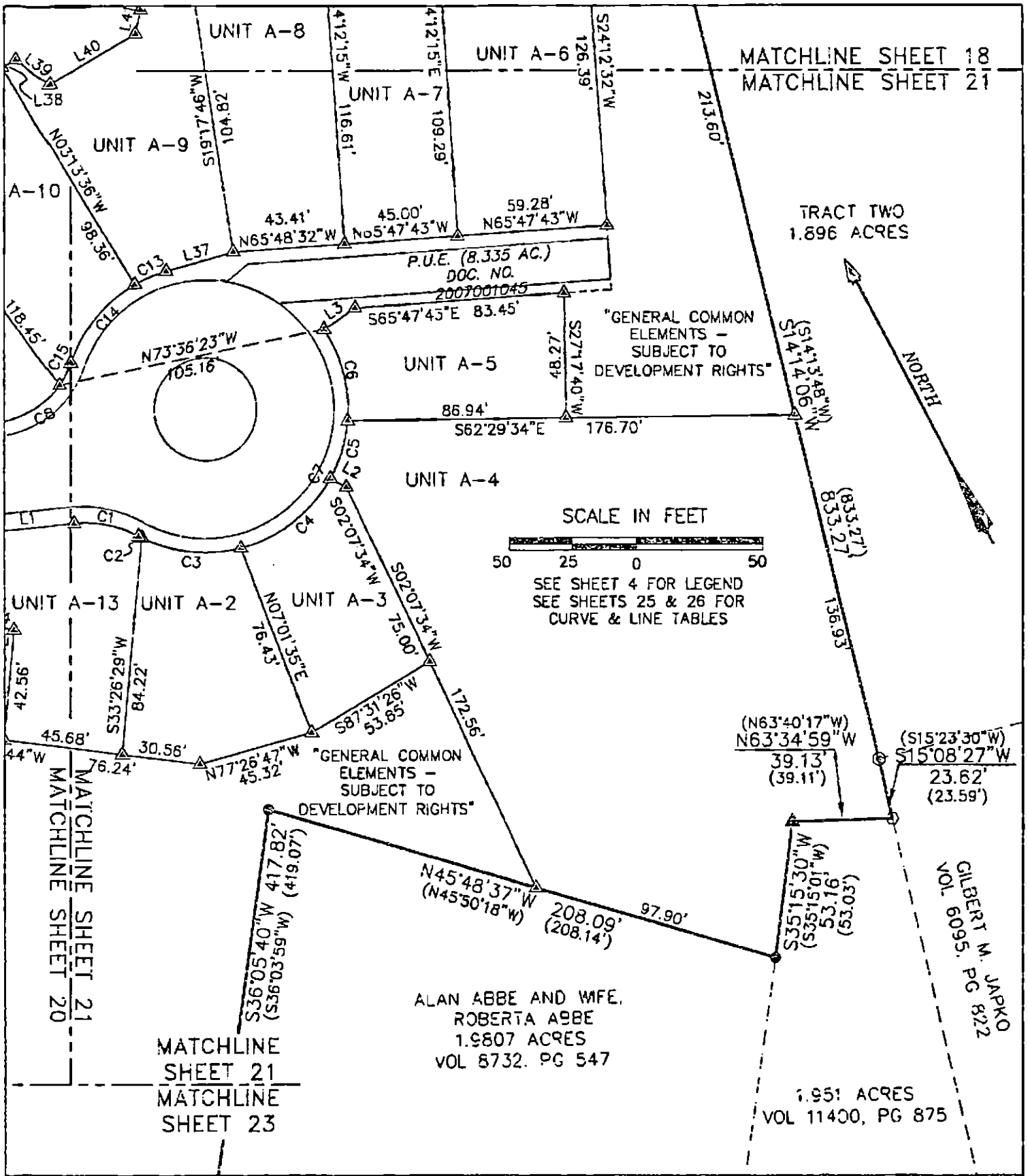

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 51, THE THOMAS ANDERSON SURVEY NO. 20 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.[illegible]7 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMIT PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006[illegible]3744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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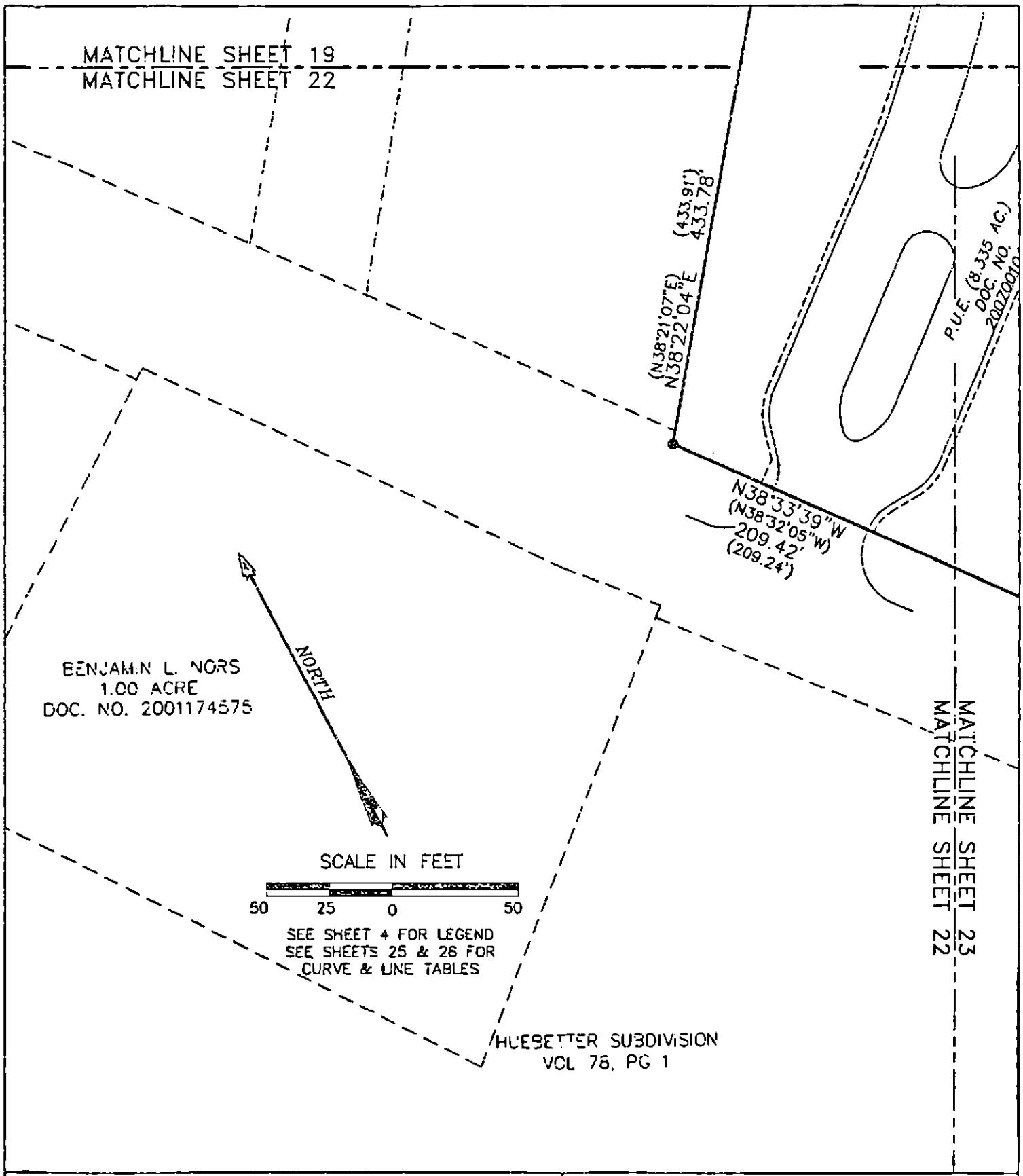

AVIARA CONDOMINIUMS

EXHIBIT

OF 36.491 ACRES OF LAND OUT OF THE A.I. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.N. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.088 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

BASELINE LAND SURVEYORS, INC.
PROFESSIONAL LAND SURVEYING SERVICES
8333 CROSS PARK DRIVE
AUSTIN, TEXAS 78754
OFFICE: 512.374.9722 FAX: 512.873.9743
ron-baseline@austin.rr.com

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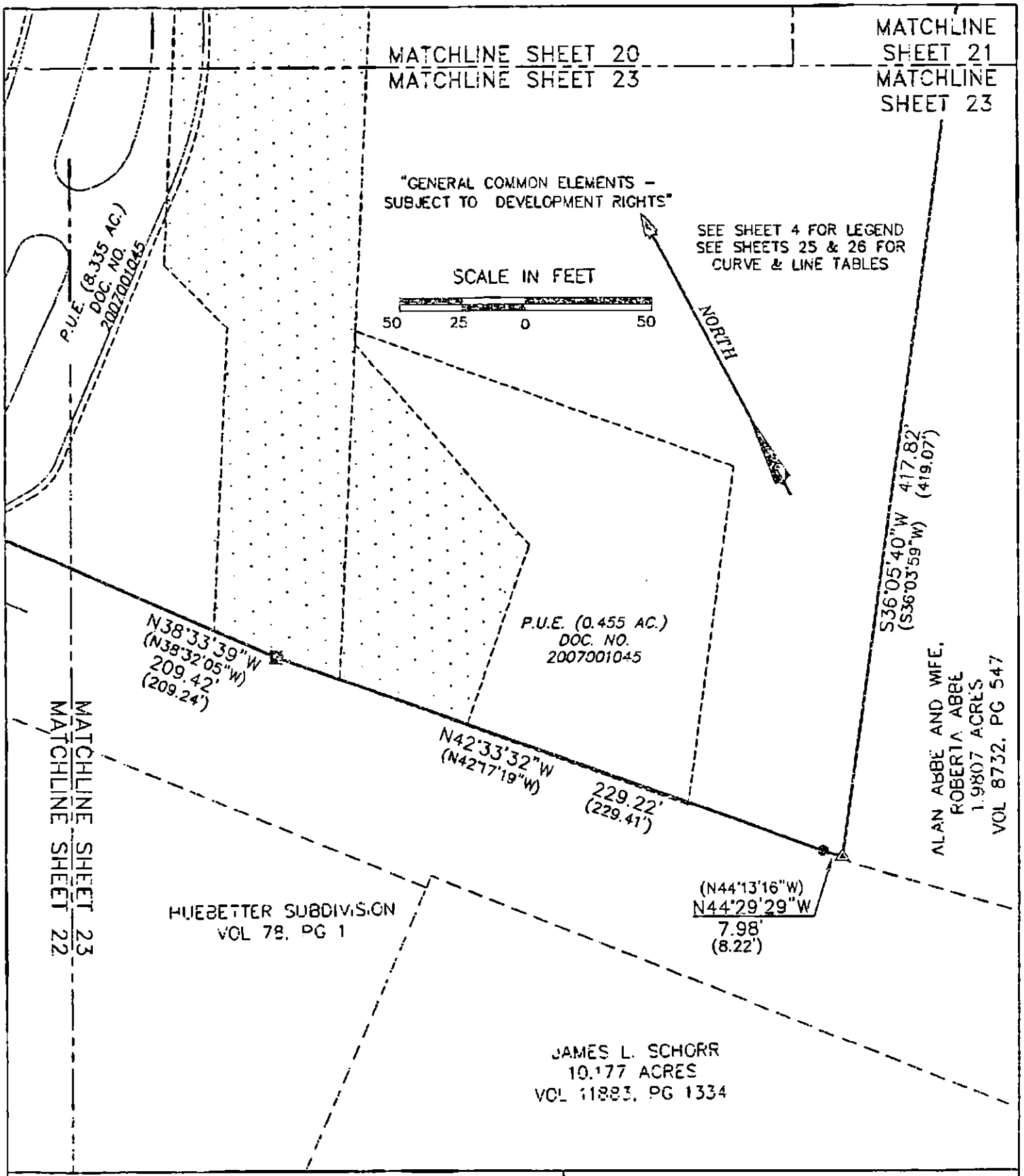

AVIARA CONDOMINIUMS

EXHIBIT

OF 56.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 21, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS ' TRAVIS COUNTY, TEXAS; A (CALLED) 33.096 ACRE TRACT AND A (CALLED) ... 7 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PART SHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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Job No.	Snapshot:	23 of 26
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Date: 01/04/11	Checked By: JSL	Drawn By: HPE\RLW

EXHIBIT

AVIARA CONDOMINIUMS

[PLAT]

§ Certification of Surveyor §

The attached plat, attached hereto as Exhibit contain the information required by Section 82.052 and Section 82.059 of the Texas Uniform Condominium Act, as applicable.

Ron L. Wallace

Ronnie Wallace
R.P.L.S. No. 5222

Date: 4 January 2011

STATE OF TEXAS
REGISTERED
RONNIE WALLACE
5222
PROFESSIONAL
LAND SURVEYOR

AVIARA CONDOMINIUMS

EXHIBIT
OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF TERSE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173745 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.095 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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Job No.	Snapshot:	
Scale (Hor.): 1"=50'	Scale (Vert.):	
Date: 01/04/11	Checked By: JSL	Drawn By: HPE\RLW

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C1	43.50'	25.85'	34°03'14"	N50°51'00"W	25.48'
C2	55.50'	1.36'	1°24'13"	S34°31'30"E	1.36'
C3	55.50'	39.74'	41°01'24"	S55°44'18"E	38.89'
C4	55.50'	45.25'	46°42'38"	N80°23'41"E	44.00'
C5	55.50'	23.52'	24°16'50"	N44°53'57"E	23.34'
C6	55.50'	37.22'	38°25'09"	N13°32'57"E	36.52'
C7	55.50'	147.08'	151°50'14"	N70°15'30"E	107.66'
C8	34.50	29.54'	49°03'46"	N87°35'30"E	28.65'
C9	19.50'	8.60'	25°15'47"	S68°28'21"W	8.53'
C10	19.50	32.05'	94°10'13"	S55°58'52"E	28.56'
C11	128.50'	15.59'	6°56'58"	N77°37'46"E	15.58'
C12	55.50'	54.03'	55°46'56"	N78°25'05"W	51.92'
C13	55.50'	13.29'	13°43'20"	N84°39'53"W	13.26'
C14	55.50'	40.10'	41°23'40"	S67°46'37"W	39.23'
C15	34.50'	9.67'	16°03'39"	N55°06'36"E	9.64'
C16	194.50'	16.61'	4°53'34"	N71°36'45"E	16.60'
C17	160.00'	33.10'	11°51'14"	S85°23'29"W	33.04'
C18	281.00'	61.89'	12°37'13"	N88°22'50"W	61.77'
C19	55.50'	23.40'	24°09'12"	S71°04'10"W	23.22'
C20	44.50'	27.40'	35°16'52"	N76°38'00"E	26.97'
C21	44.50'	21.40'	27°32'51"	S71°57'09"E	21.19'
C22	320.50'	36.55'	6°32'02"	N61°26'44"W	36.53'
C23	320.50'	56.16'	10°02'22"	N69°43'56"W	56.09'
C24	55.50'	42.94'	44°19'30"	N74°41'29"W	41.87'
C25	55.50'	13.43'	13°52'10"	S66°45'22"W	13.40'
C26	194.50'	32.10'	9°27'22"	N64°33'01"E	32.06'
C27	69.50'	31.31'	25°48'34"	S87°03'34"W	31.04'
C28	281.00'	53.69'	10°56'52"	N64°01'05"W	53.61'
9	160.00'	39.91'	14°17'34"	N69°21'21"W	39.81'
C30	320.50'	46.88'	8°22'48"	N78°59'29"W	46.83'
C31	69.50'	41.29'	34°02'29"	N63°00'55"W	40.69'
C32	55.50'	21.02'	21°42'01"	S56°50'41"E	20.89'
C33	94.50'	8.03'	4°52'04"	S89°32'13"W	8.03'
C34	55.50'	50.19'	51°48'35"	N66°03'57"E	48.49'
C35	94.50'	15.08'	9°08'25"	N35°02'28"W	15.06'
C36	55.50'	35.52'	36°40'03"	S48°48'17"E	34.92'
C37	350.00'	79.68'	13°02'37"	S65°54'47"E	79.51'
C38	320.50'	46.91'	8°23'10"	S84°14'33"W	46.87'
C39	281.00'	1.34'	0°16'21"	S58°24'28"E	1.34'
C40	94.50'	30.77'	18°39'32"	S48°56'28"E	30.64'

AVIARA CONDOMINIUMS

EXHIBIT

OF 59.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 60 AND THE T.W. MOORE SURVEY NO. 528; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 53.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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PROFESSIONAL LAND SURVEYING SERVICES

8333 CROSS PARK DRIVE

AUSTIN, TEXAS 78754

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ron-baseline@austin.rr.com

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Job No.	Snapshot:	
Scale (Hor.): 1"=50'	Scale (Vert.):	
Date: 01/04/11	Checked By: JSL	Drawn By: HPE\RLW

LINE TABLE		
LINE	BEARING	LENGTH
L1	S67°52'37"E	35.37'
L2	N32°57'38"W	7.06'
L3	N84°20'23"E	14.65'
L4	N47°51'55"W	11.34'
L5	N31°01'52"E	4.45'
L6	N63°54'29"E	38.06'
L7	S86°57'47"E	3.29'
L8	N78°01'20"E	10.29'
L9	S10°13'03"E	29.53'
L10	S74°09'17"W	32.66'
L11	S81°06'15"W	1.64'
L12	S18°00'07"E	29.66'
L13	S30°23'57"E	19.47'
L14	S17°47'50"E	29.77'
L15	S15°29'37"E	9.67'
L16	S23°37'34"E	39.17'
L17	S39°28'12"W	6.91'
L18	S30°23'57"E	11.73'
L19	S74°19'32"W	284.75'
L20	N15°40'28"W	11.34'
L21	N74°19'32"E	281.77'
L22	S85°45'47"W	13.66'
L23	N04°14'13"W	103.33'
L24	N70°42'51"W	78.43'
L25	N19°29'12"W	79.32'
L26	N63°34'35"E	13.75'
L27	S19°29'12"E	74.44'
L28	S70°42'51"E	80.83'
L29	S04°14'13"E	112.29'
L30	S70°42'26"E	264.71'
L31	N23°29'14"E	142.40'
L32	S66°30'46"E	6.83'
L33	S23°29'14"W	142.40'
L34	N66°30'46"W	6.83'
L35	S76°00'36"E	39.58'
L36	S76°00'36"E	16.09'
L37	N77°48'13"W	27.14'
L38	N88°41'35"E	6.13'
L39	S25°44'32"E	15.92'
L40	N88°11'04"E	36.53'
L41	N40°42'32"E	9.55'
L42	N67°35'04"E	13.92'
L43	S57°59'22"E	10.92'
L44	S76°25'51"E	16.48'
L45	S70°54'33"E	39.17'
L46	N86°12'33"E	12.02'
L47	S84°49'29"E	4.40'
L48	S76°40'56"E	5.93'
L49	S10°13'03"E	4.06'
L50	S38°01'06"E	8.58'

LINE TABLE		
LINE	BEARING	LENGTH
L51	S56°04'51"E	18.69'
L52	S70°55'02"E	8.71'
L53	S82°26'35"E	8.37'
L54	S53°46'22"W	25.12'
L55	S31°37'01"E	9.49'
L56	S18°24'32"W	13.40'
L57	S60°30'23"W	9.18'
L58	S76°42'45"W	9.64'
L59	S87°05'06"W	8.22'
L60	S84°49'29"E	2.67'
L61	S84°21'45"E	20.21'
L62	N50°43'51"E	24.50'
L63	N30°48'59"E	30.25'
L64	N54°18'02"E	6.85'
L65	S07°17'18"W	18.99'
L66	S06°13'30"E	9.98'
L67	S58°16'14"E	19.54'

AVIARA CONDOMINIUMS

EXHIBIT

OF 89.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 528; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 6.064 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2008173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 85.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2008173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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Date: 01/04/11	Checked By: JSL	Drawn By: HPE\RLW	

UNIT PLAN TYPES – ATTACHED UNITS

Unit No.	Plan Type*
A-1	A
B-1	B
C-1	C
D-1	D

* SEE CONDOMINIUM PLANS FOR PLAN TYPE.

ALL UNITS SHOWN ON THE PLAT AND PLANS OTHER THAN UNITS A-1, B-1, C-1, D-1 ARE STAND-ALONE UNITS.

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

Jan 13, 2011 12:54 PM 2011006771

PEREZTA: $144.00

Dana DeBeauvoir, County Clerk

Travis County TEXAS

Document No. 2011017814

ORIGINAL
FILED FOR RECORD

AFTER RECORDING RETURN TO:
Robert D. Burton, Esq.
Armbrust & Brown, PLLC
100 Congress Ave., Suite 1300
Austin, Texas 78701

AVIARA

THIRTEENTH AMENDMENT TO RESTATED AND AMENDED DECLARATION OF CONDOMINIUM REGIME FOR AVIARA CONDOMINIUMS

(A Residential Condominium in Travis County, Texas)

Cross Reference to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2009071585, Official Public Records of Travis County, Texas as amended.

THIRTEENTH AMENDMENT TO
RESTATED AND AMENDED DECLARATION OF CONDOMINIUM REGIME
FOR AVIARA CONDOMINIUMS

This Thirteenth Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums (the "**Amendment**") is made **CR-B AVIARA, L.P.**, a Texas limited partnership ("**Declarant**"), and is as follows:

RECITALS:

A. Aviara Condominiums, a condominium regime (the "**Regime**"), located in Travis County, Texas, was established pursuant to that certain Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2009071585, Official Public Records of Travis County, Texas as amended (collectively, the "**Declaration**").

B. Meritage Homes Of Texas, LLC, is the Owner of Units C-4, D-11, D-12, D-13 and D-26 and consents to this Amendment as evidenced below.

C. Pursuant to *Provision A.3.10* of Appendix "A" to the Declaration, Declarant may amend the Declaration unilaterally and without the consent of other Owners or any mortgagee to add real property to the Property and create Units, General Common Elements and Limited Common Elements within the Property and to subdivide, combine or reconfigure Units, or convert Units into Common Elements, in the exercise of statutory development rights.

D. In accordance with *Provision A.3.8* of Appendix "A" to the Declaration, Declarant has reserved the right, during the Development Period, to create Units, General Common Elements, and Limited Common Elements within the Property.

E. The "Development Period" as such term is defined in the Declaration, is a fifteen (15) year period commencing on the date the Declaration was recorded in the Official Public Records of Travis County, Texas. The Declaration was recorded in the Official Public Records of Travis County, Texas, on May 4, 2009.

F. Pursuant to Section 82.060 of the Texas Uniform Condominium Act, to exercise a statutory development right, Declarant must prepare, execute and record an amendment to the Declaration and record new plats and plans for that real property. The amendment to the declaration must reallocate the allocated interests among all Units.

G. This amendment is promulgated for the purposes of: (i) creating two (2) additional Units within the Regime; and (ii) to reconfigure the boundaries of Units C-4, D-11, D-12 , D-13, D-26 in the Regime. The total number of Units within the Regime after giving effect to this Amendment is equal to forty-three (43), and the total number of additional Units which Declarant has reserved the right to create by amendment is equal to one hundred seven (107).

NOW THEREFORE, the Declaration is hereby amended as follows:

1. Creation of Units. In accordance with the rights reserved by the Declarant pursuant to *Section 5.1* of the Declaration and *Provisions A.3.8* and *A.3.10* of Appendix "A" to the Declaration, Declarant hereby creates two (2) Units, which are designated as Unit Nos. D-22 and D-25 (the "**New Units**"). The New Units are hereby classified as Units which MUST BE BUILT.

2. Reconfiguration of Units. In accordance with the rights reserved by the Declarant pursuant to *Provision A.3.10* of Appendix "A" to the Declaration, Declarant hereby reconfigures the boundaries of Units Nos. C-4, D-11, D-12, D-13, and D-26 in the Regime as set forth on the New Plats and Plans (as defined below).

3. Replacement of Exhibit "B". Exhibit "B" to the Declaration is hereby deleted in its entirety and the Plats and Plans attached hereto as Attachment 1 (the "**New Plats and Plans**") are substituted in their place. The New Plats and Plans: (i) assign an identifying number to all Units; (ii) describe the portion of the limited common elements created or assigned to all Units; and (iii) include the information required by Section 82.059 of the Texas Uniform Condominium Act.

4. Replacement of Exhibit "C". The Percentage Interests allocated to all Units within the Regime, after the addition of the New Units, is set forth on Attachment 2, attached hereto. Attachment 2, attached hereto, will supersede and replace Exhibit "C" attached to the Declaration.

5. 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.

[SIGNATURE PAGE FOLLOWS]

EXECUTED to be effective as of the 3rd day of February, 2011.

DECLARANT:

CR-B AVIARA, L.P., a Texas limited partnership

By: CR-B INVESTORS I GP, L.L.C., a Texas limited liability company, its General Partner

By: _____
Printed Name: David N. Arnow
Title: Vice President

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this 31st day of January, 2011 by David Arnow, Vice President of CR-B Investors I GP, L.L.C., a Texas limited liability company, General Partner of CR-B Aviara, L.P., a Texas limited partnership, on behalf of said entities.

(SEAL)

Donna M Scotka
Notary Public Signature

DONNA M. SCOTKA
Notary Public, State of Texas
My Commission Expires
July 15, 2014

ACKNOWLEDGED AND AGREED:

MERITAGE HOMES OF TEXAS, LLC,
an Arizona limited liability company

By: _____
Printed Name: Dale Thornton
Title: VP Land

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this 3 day of February, 2011 by Dale Thornton, VP OF LAND of Meritage Homes Of Texas, LLC, an Arizona limited liability company, on behalf of said limited liability company.

(SEAL)

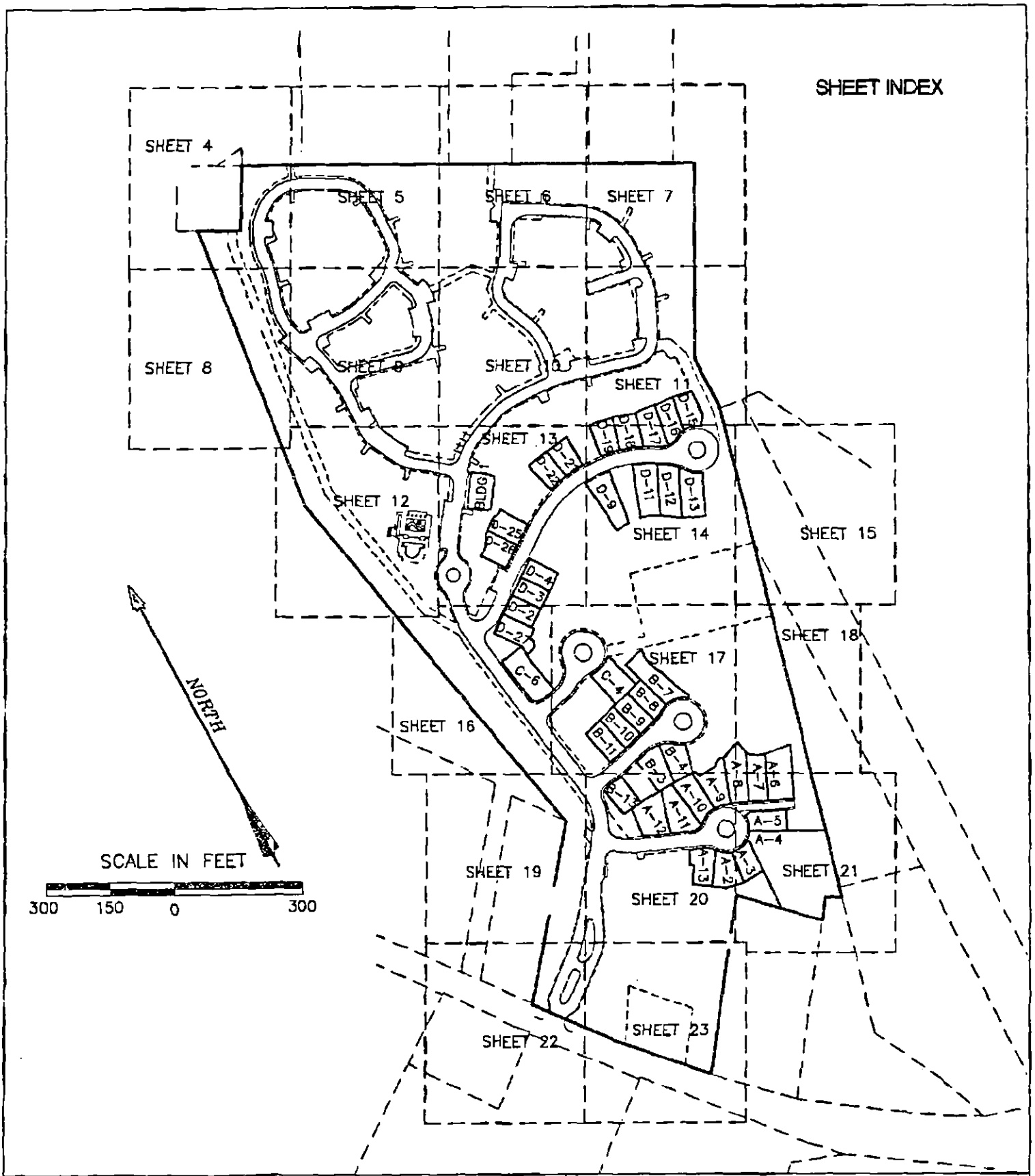
Pamela R. Taylor
Notary Public Signature

PAMELA R. TAYLOR
Notary Public, State of Texas
My Commission Expires
February 06, 2011

ATTACHMENT 1

EXHIBIT "B" TO THE DECLARATION OF CONDOMINIUM REGIME

SEE SHEET 24 OF 26 FOR ORIGINAL CERTIFICATION



AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 626; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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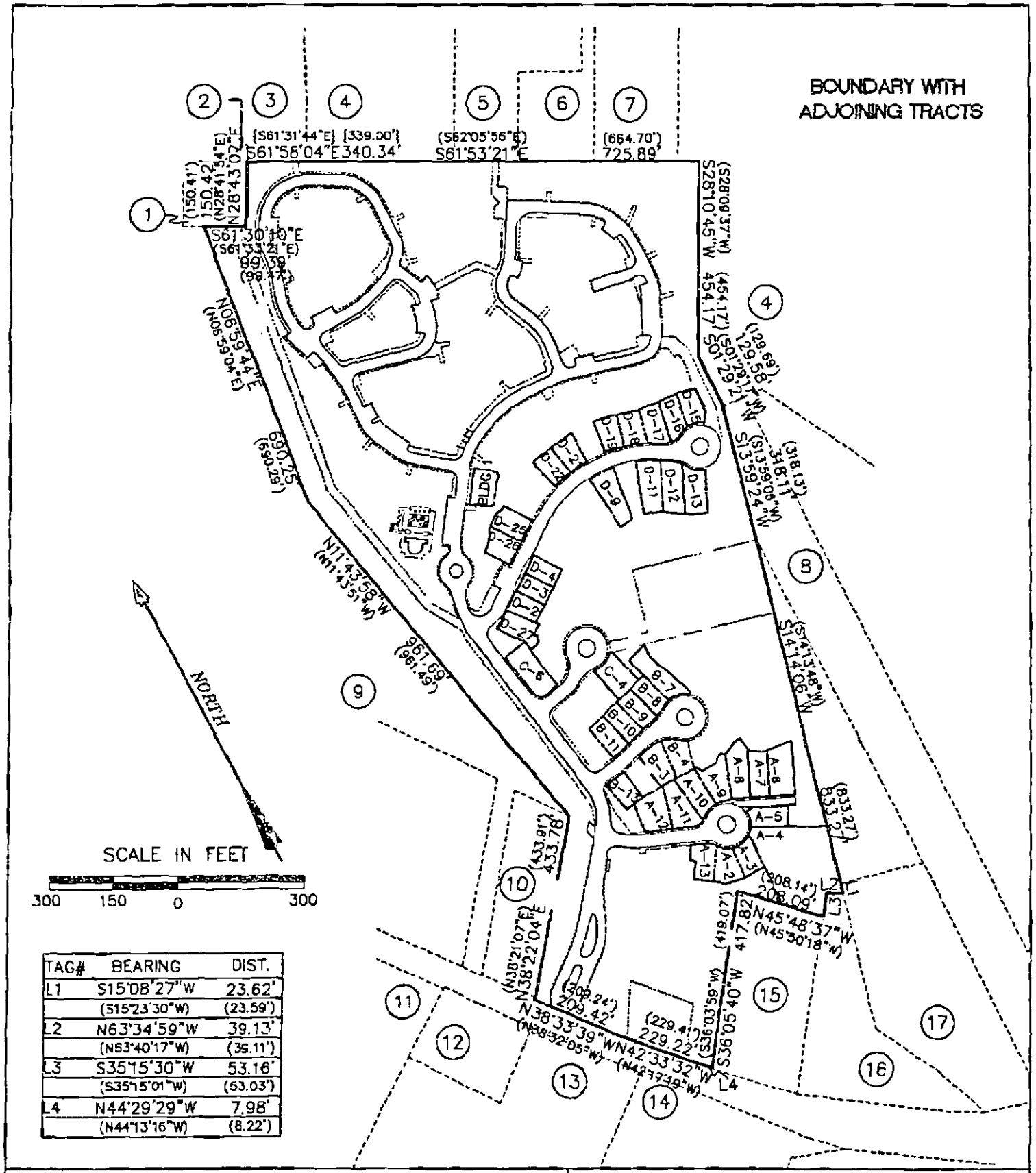
Date: 01/24/11	Checked By: JSL	Drawn By: HPE\RLW	



TAG#	BEARING	DIST.
L1	S15°08'27"W	23.62'
	(S15°23'30"W)	(23.59')
L2	N63°34'59"W	39.13'
	(N63°40'17"W)	(39.11')
L3	S35°15'30"W	53.16'
	(S35°15'01"W)	(53.03')
L4	N44°29'29"W	7.98'
	(N44°13'16"W)	(8.22')

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.064 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.367 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

BASELINE LAND SURVEYORS, INC.
PROFESSIONAL LAND SURVEYING SERVICES
8333 CROSS PARK DRIVE
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OFFICE: 512.374.9722 FAX: 512.873.9743
ron-baseline@austin.rr.com

File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg		SHEET
Job No.	Snapshot:	2 of 26
Scale (Hor.): N/A	Scale (Vert.):	
Date: 01/24/11	Checked By: JSL	Drawn By: HPE\RLW

ADJOINING OWNERS

1. TRAVIS COUNTY W.C.I.D. NO. 9, VOL. 1819, PG. 189 (0.52 ACRES)
2. CITY OF AUSTIN, VOL. 10958, PG. 277 (0.029 ACRES)
3. REMAINDER OF 888.051 ACRES, VOL. 10958, PG. 280
4. LOT 115, BLOCK B, LANTANA SOUTHWEST, PHASE 1, DOC. NO. 200300137
5. CITY OF AUSTIN, TRACT 2, VOL. 12910, PG. 670 (1.757 ACRES)
6. CITY OF AUSTIN, VOL. 10031 PG. 300 (1.0397 ACRES)
7. CITY OF AUSTIN, TRACT 1, VOL. 12910, PG. 670 (1.655 ACRES)
8. KEYSTONE CONSTRUCTION, INC., VOL. 11918, PG. 1755 (4.993 ACRES)
9. LOT 1, BLOCK "A", THE HANS DEROUCHER SUBDIVISION, VOL. 96, PG. 108
10. LOT 2, BLOCK "A", THE HANS DEROUCHER SUBDIVISION, VOL. 96, PG. 108
11. AARON GARDNER SUBDIVISION, VOL. 49, PG. 95
12. BENJAMIN L. NORS, DOC. NO. 2001174575 (1.00 ACRE)
13. HUEBETTER SUBDIVISION, VOL. 78, PG. 1
14. JAMES L. SCHORR, VOL. 11883, PG. 1334 (10.177 ACRES)
15. ALAN ABBE, et ux, VOL. 8732, PG. 5 (1.9807 ACRES)
16. 1.951 ACRES, VOL. 11400, PG. 875
17. GILBERT M. JAPKO, TRACT ONE, VOL. 6095, PG. 82 (3.129 ACRES)

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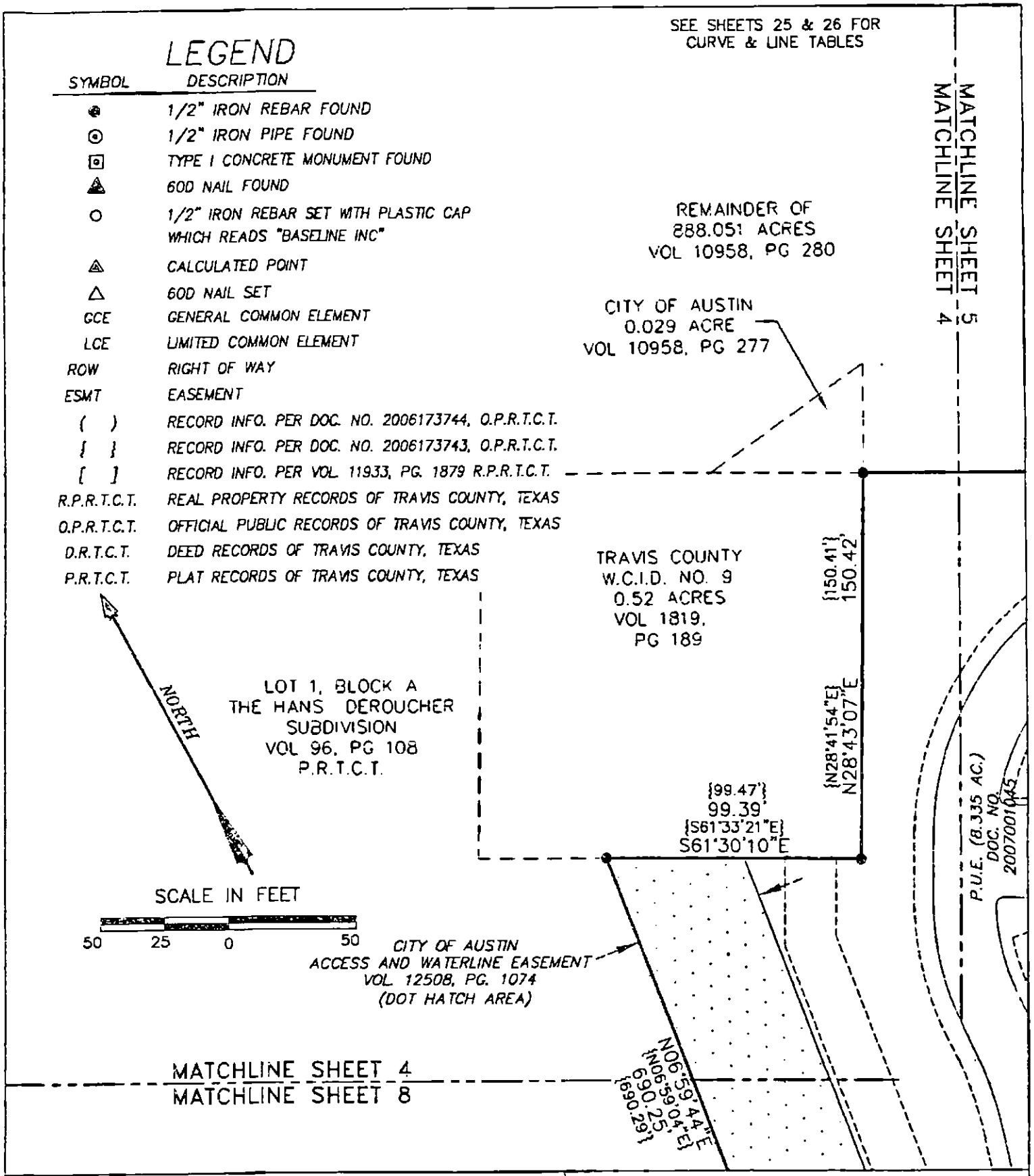
SEE SHEETS 25 & 26 FOR
CURVE & LINE TABLES

LEGEND

SYMBOL	DESCRIPTION
●	1/2" IRON REBAR FOUND
⊙	1/2" IRON PIPE FOUND
⊡	TYPE I CONCRETE MONUMENT FOUND
▲	60D NAIL FOUND
○	1/2" IRON REBAR SET WITH PLASTIC CAP WHICH READS "BASELINE INC"
◬	CALCULATED POINT
△	60D NAIL SET
GCE	GENERAL COMMON ELEMENT
LCE	LIMITED COMMON ELEMENT
ROW	RIGHT OF WAY
ESMT	EASEMENT
( )	RECORD INFO. PER DOC. NO. 2006173744, O.P.R.T.C.T.
{ }	RECORD INFO. PER DOC. NO. 2006173743, O.P.R.T.C.T.
[ ]	RECORD INFO. PER VOL. 11933, PG. 1879 R.P.R.T.C.T.
R.P.R.T.C.T.	REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS
O.P.R.T.C.T.	OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS
D.R.T.C.T.	DEED RECORDS OF TRAVIS COUNTY, TEXAS
P.R.T.C.T.	PLAT RECORDS OF TRAVIS COUNTY, TEXAS



AVIARA CONDOMINIUMS

EXHIBIT
OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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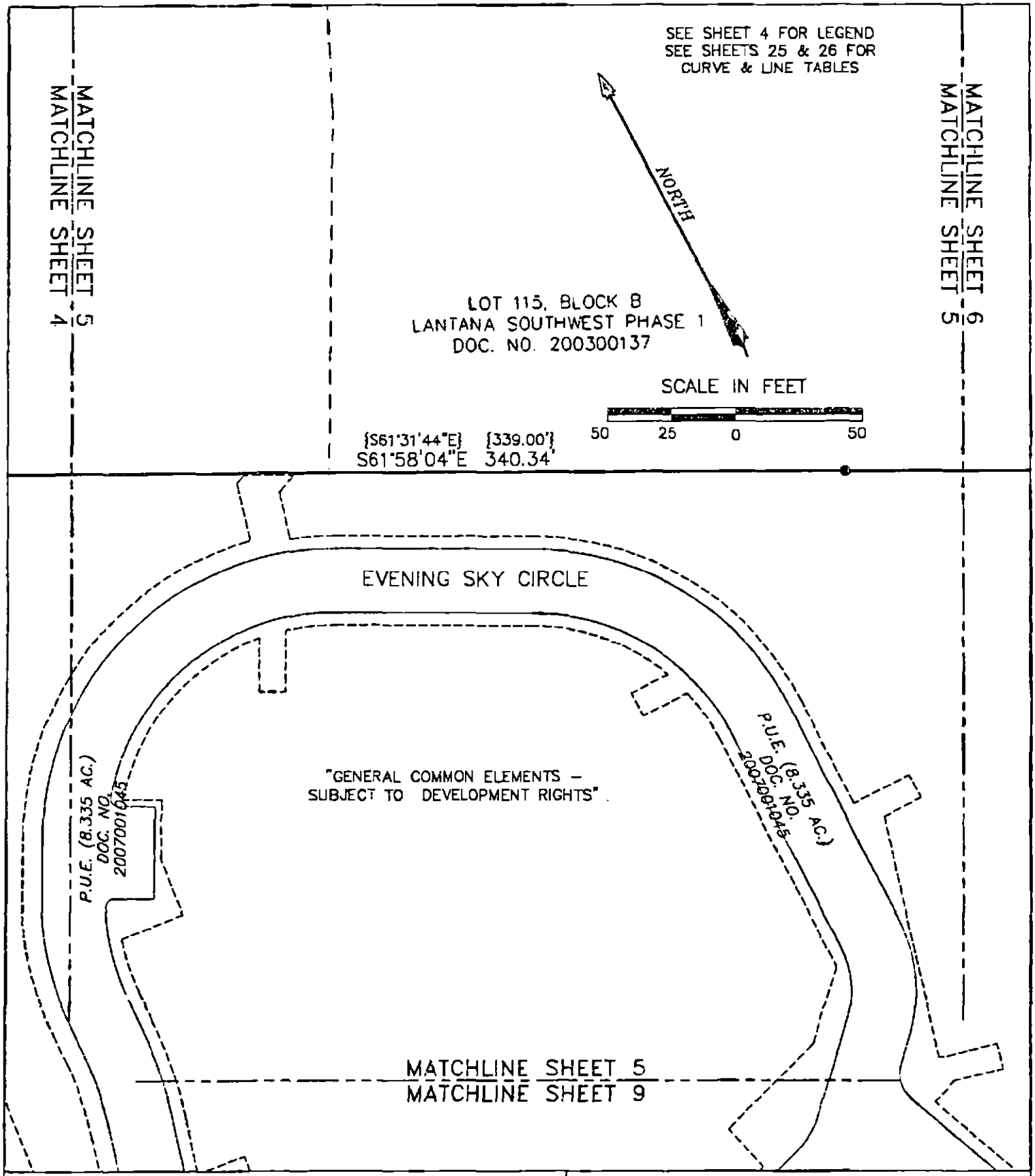
Date: 01/24/11	Checked By: JSL	Drawn By: HPE\RLW



AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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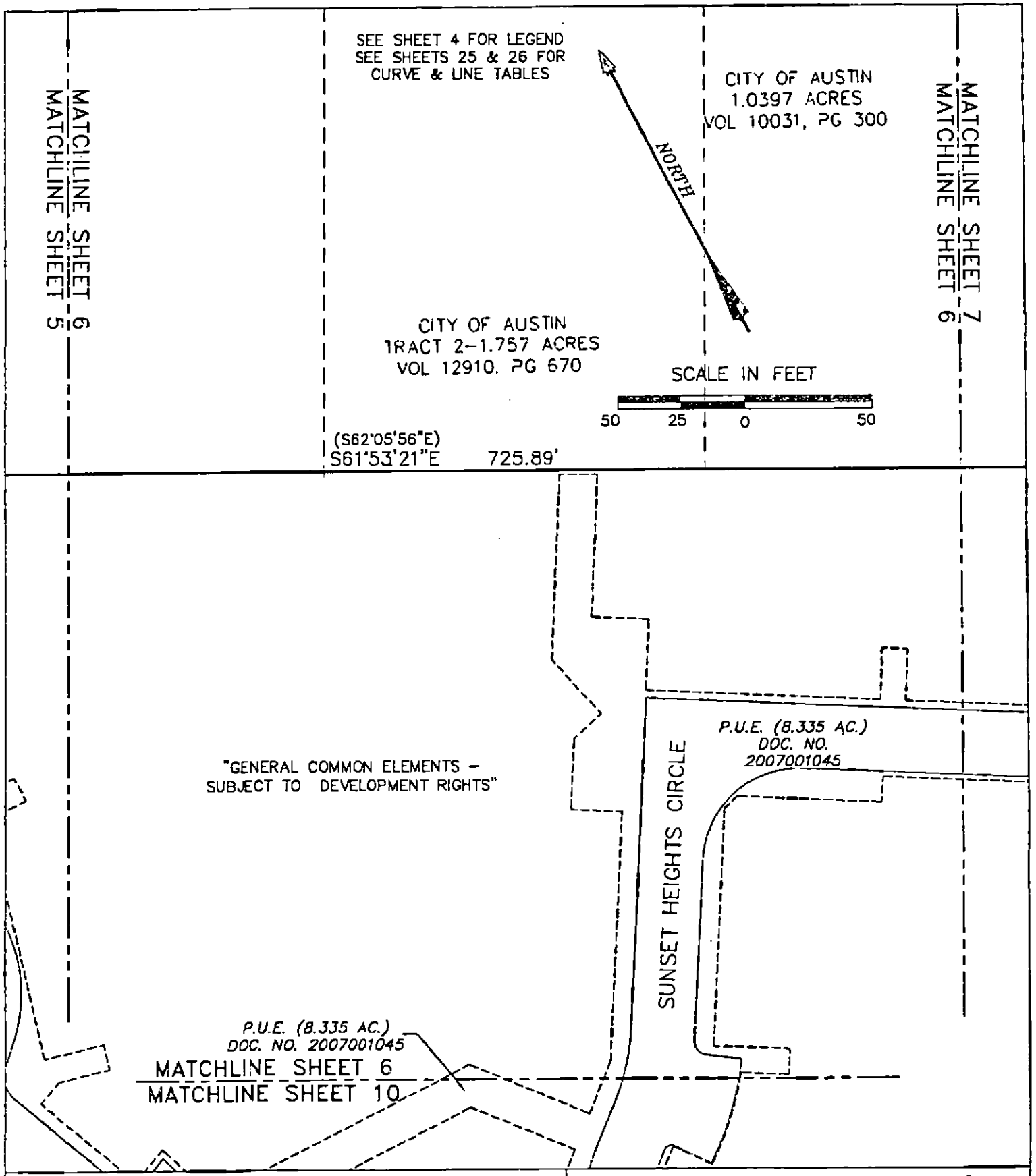
Scale (Hor.): 1"=50'	Scale (Vert.):	5 of 26
Date: 01/24/11	Checked By: JSL	Drawn By: HPE\RLW



AVIARA CONDOMINIUMS

EXHIBIT

OF 56.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 528; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2008178743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2008178744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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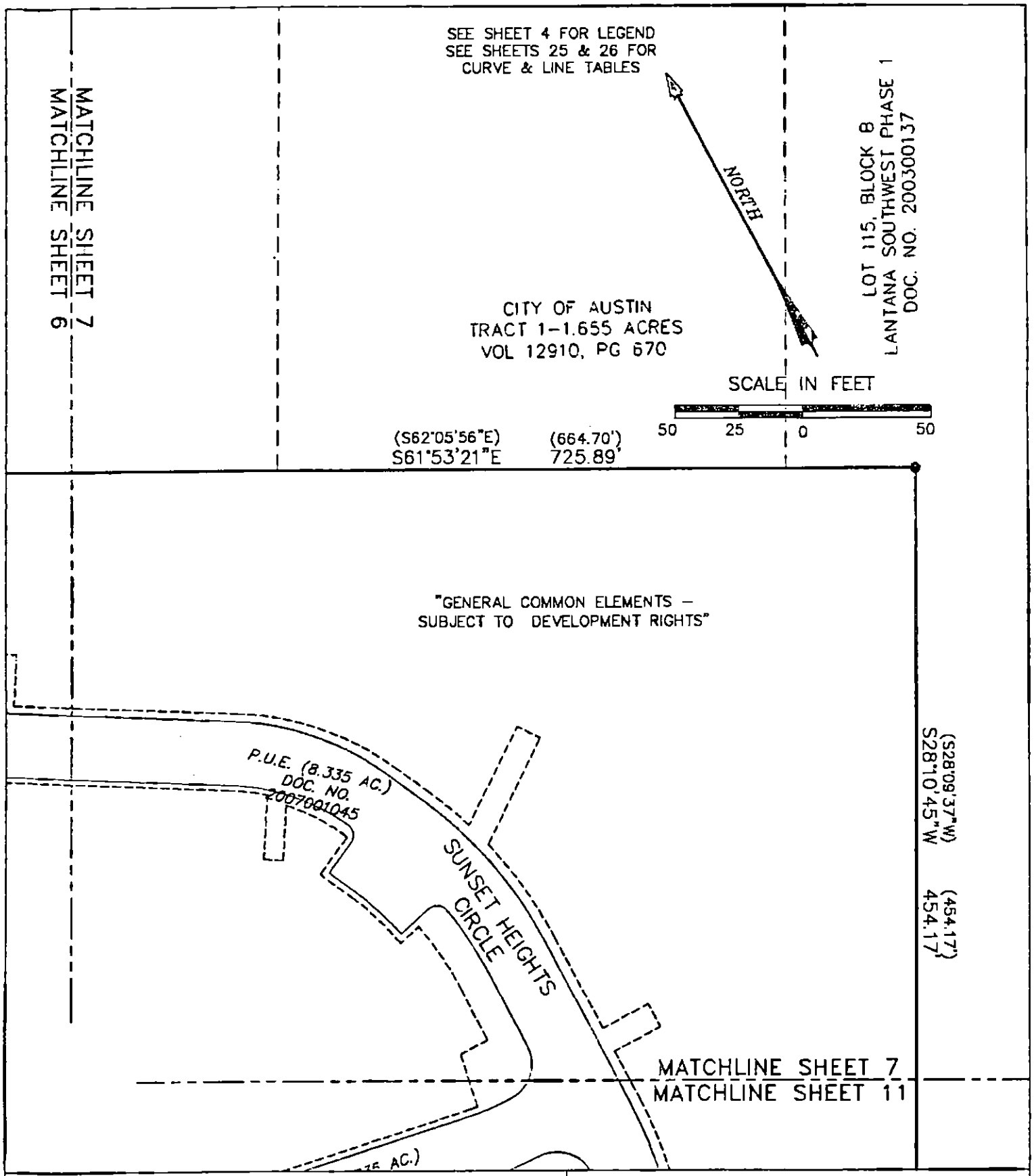

AVIARA CONDOMINIUMS

EXHIBIT

OF 32.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 23.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET 7 of 26
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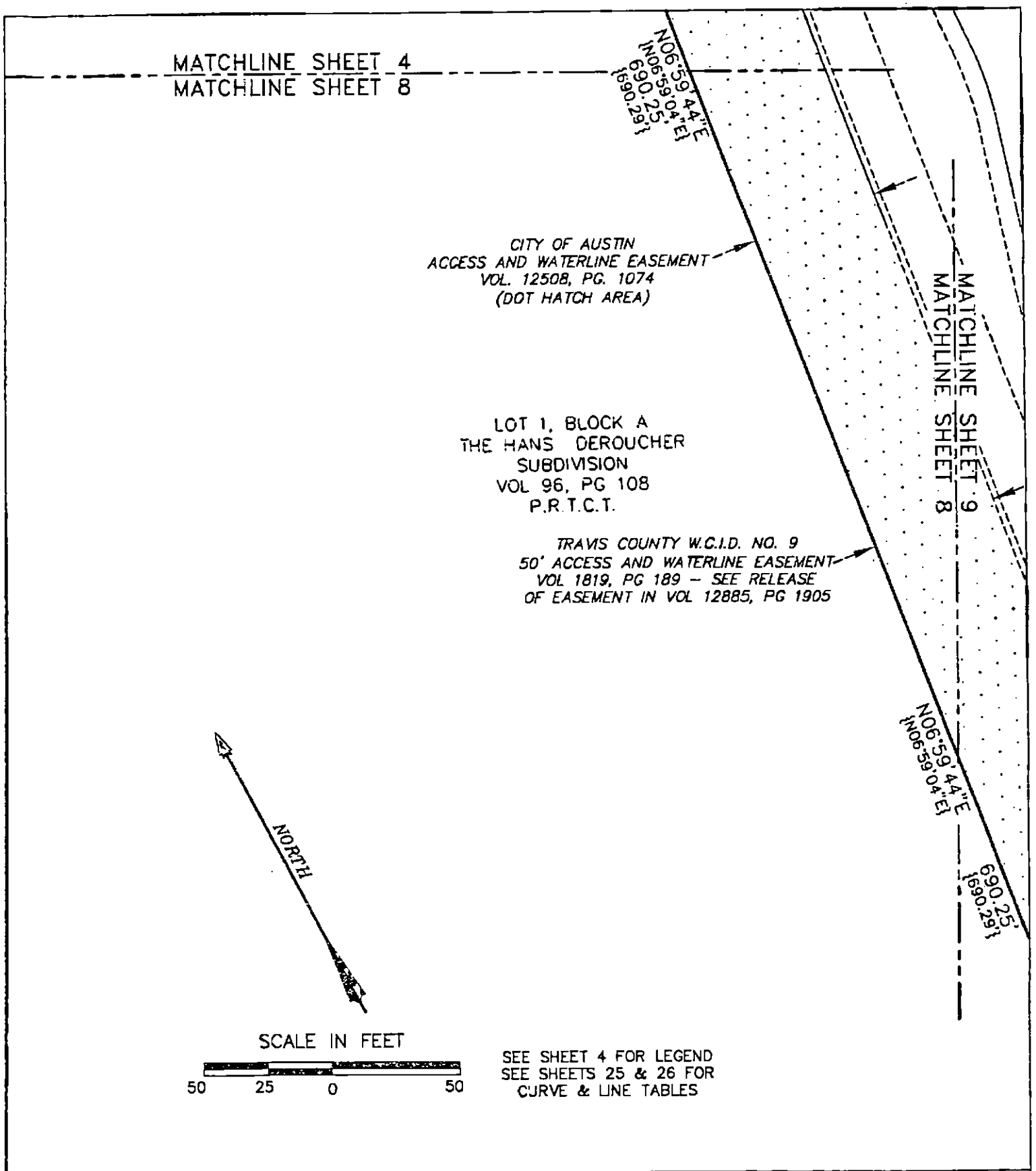

SEE SHEET 4 FOR LEGEND
SEE SHEETS 25 & 26 FOR
CURVE & LINE TABLES

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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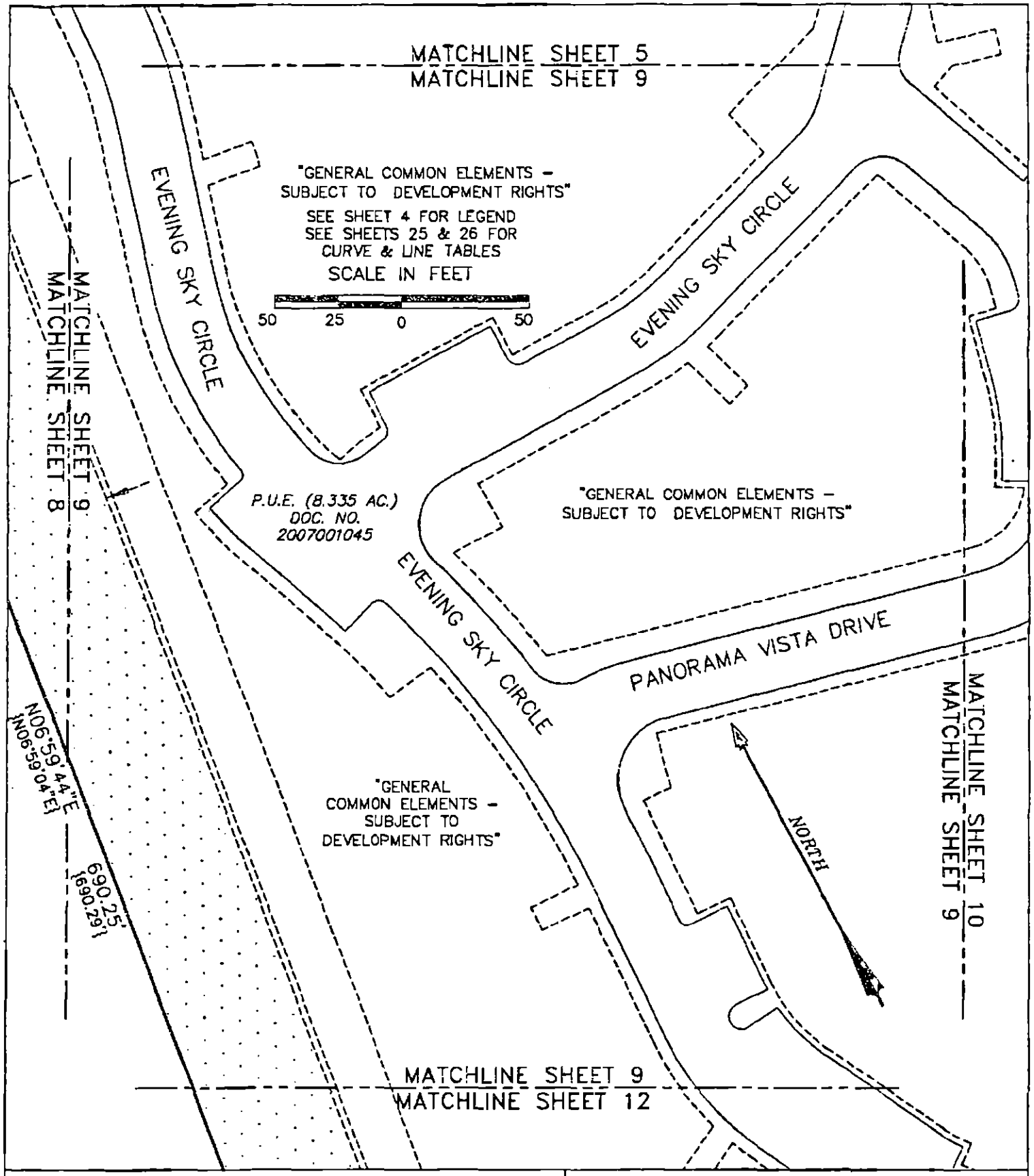

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 6.054 ACRE TRACT OF LAND CONVEYED TO PCC-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173765 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCC-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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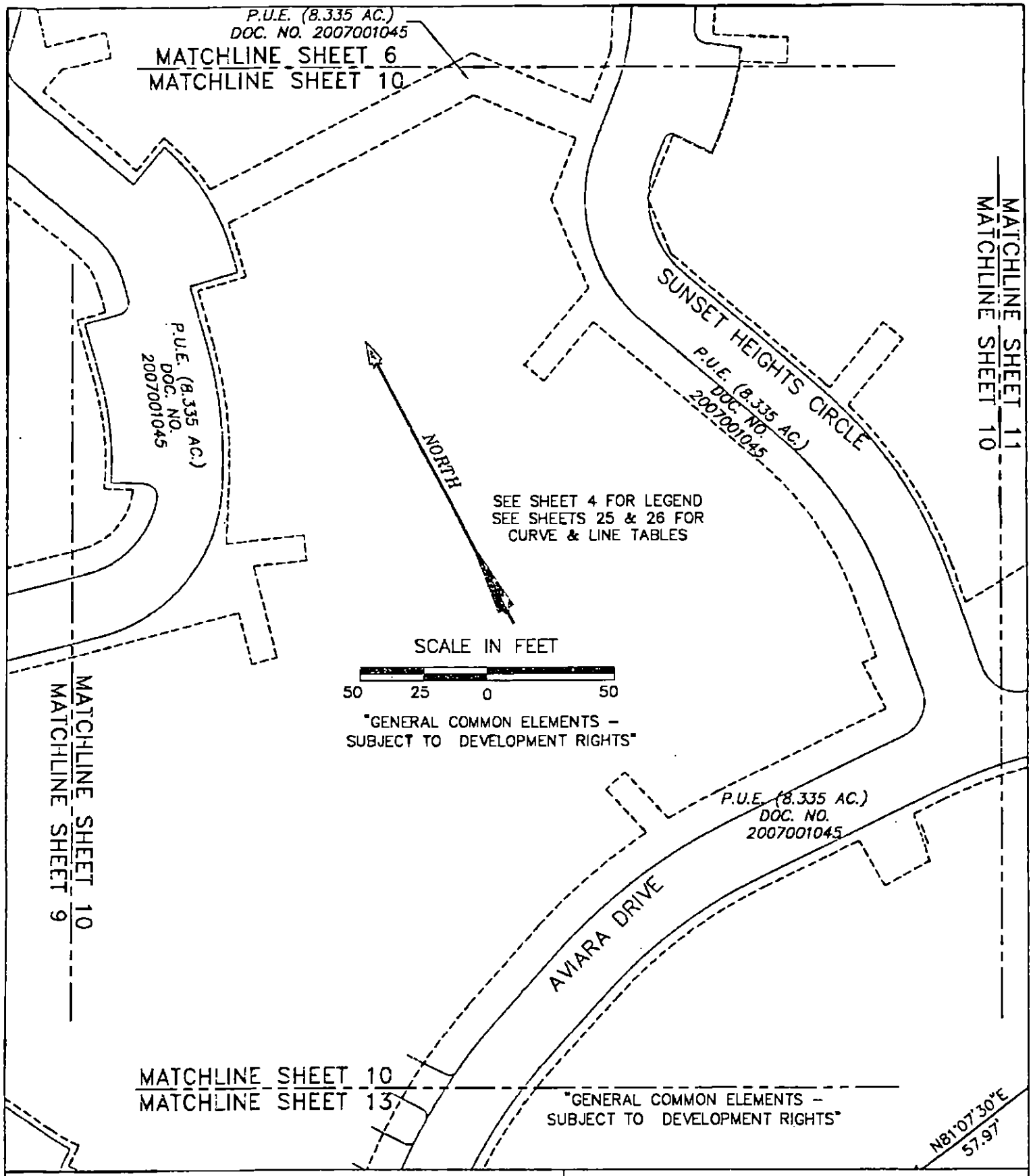

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 628; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173745 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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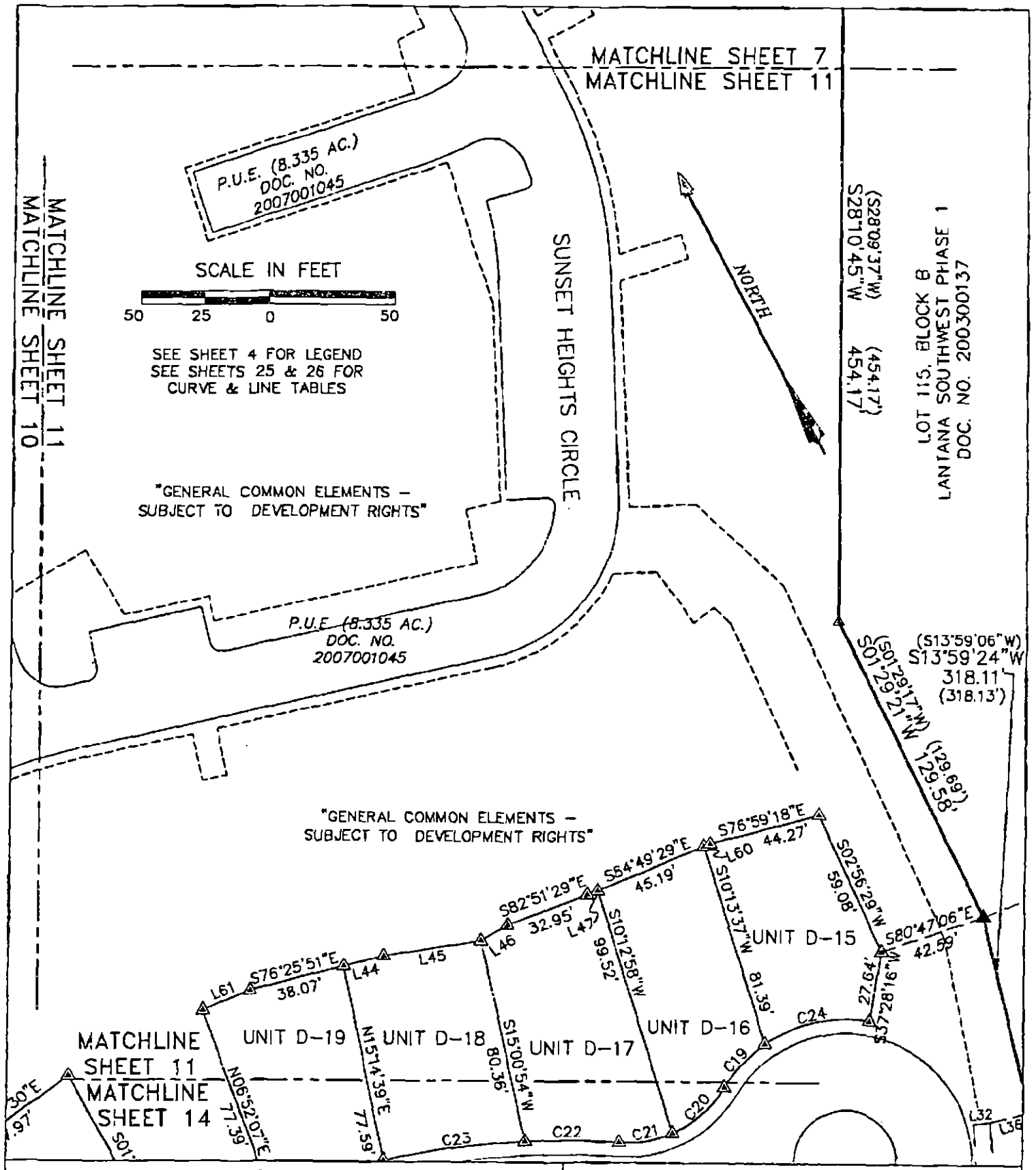

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.49± ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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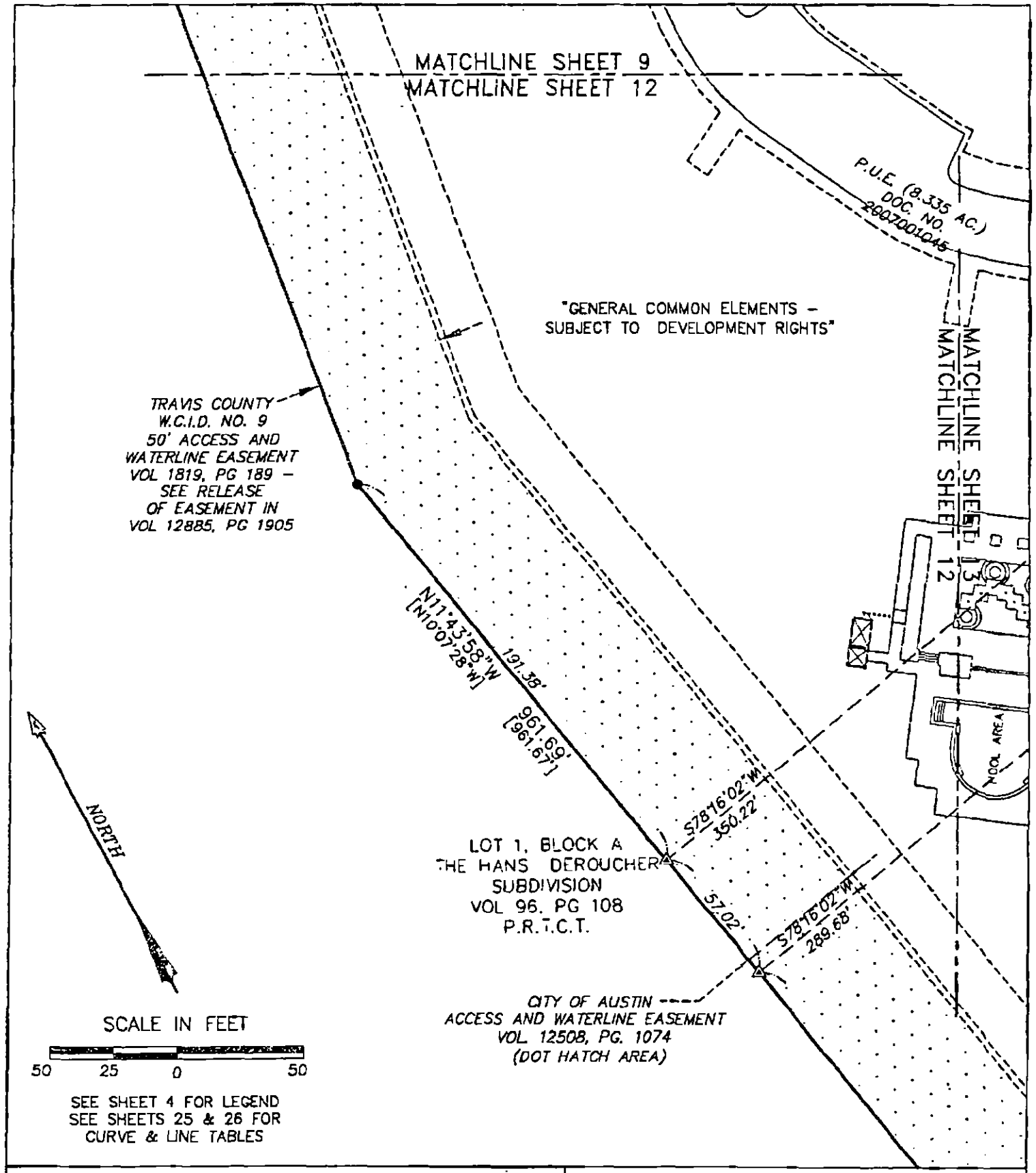

SEE SHEET 4 FOR LEGEND
SEE SHEETS 25 & 26 FOR
CURVE & LINE TABLES

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.064 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.096 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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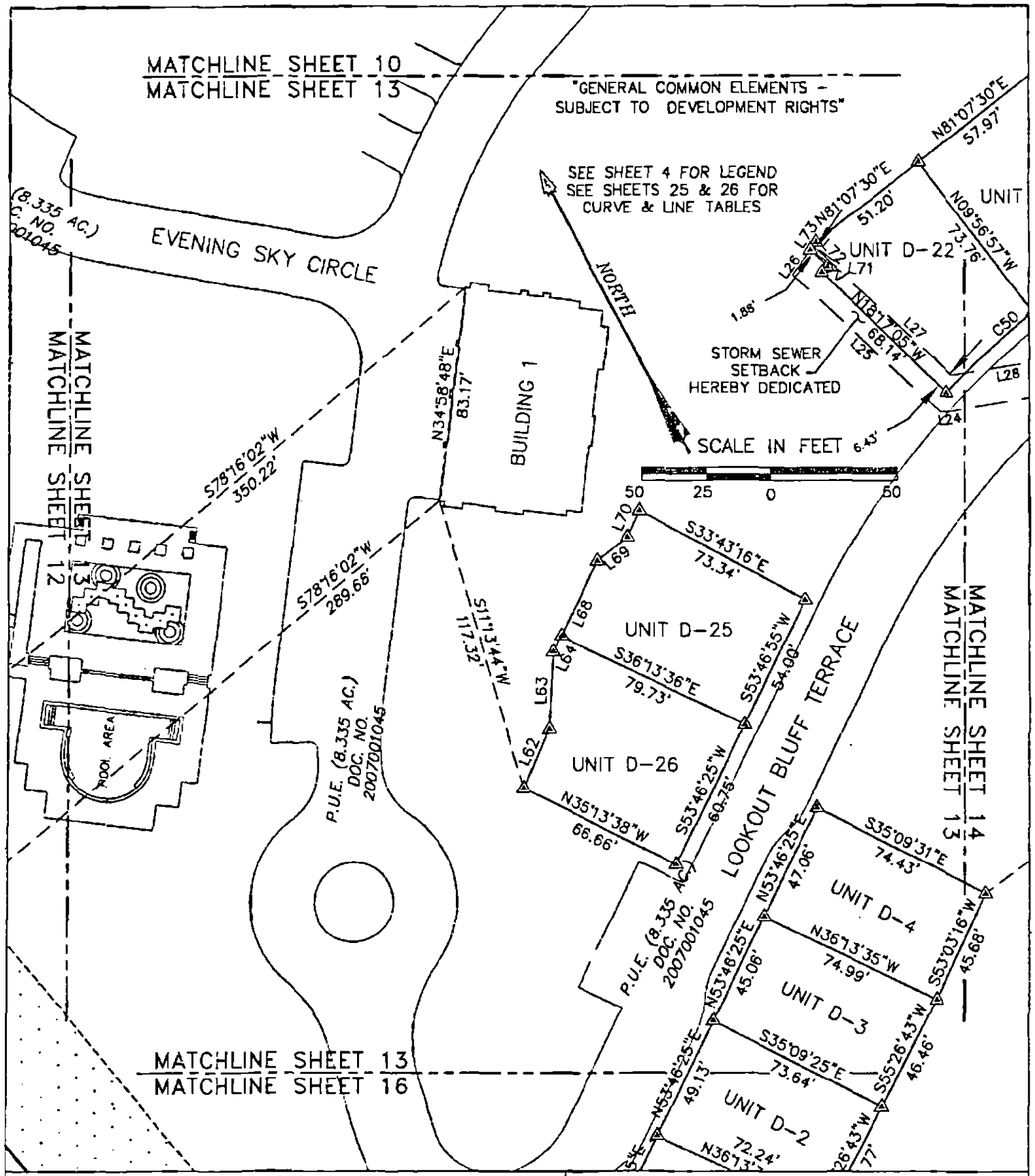

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF TERRE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET 13 of 26
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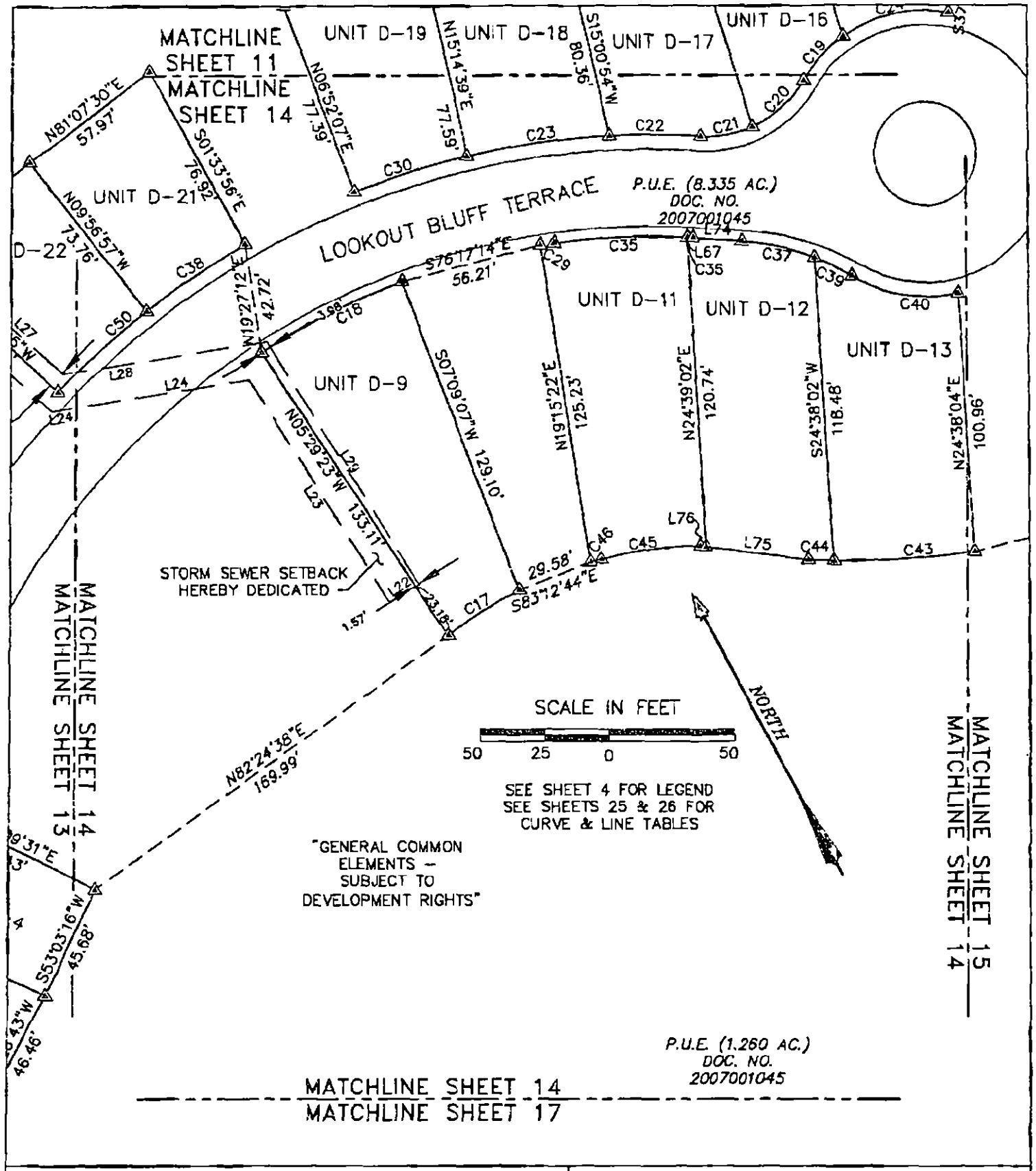

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 81, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 6.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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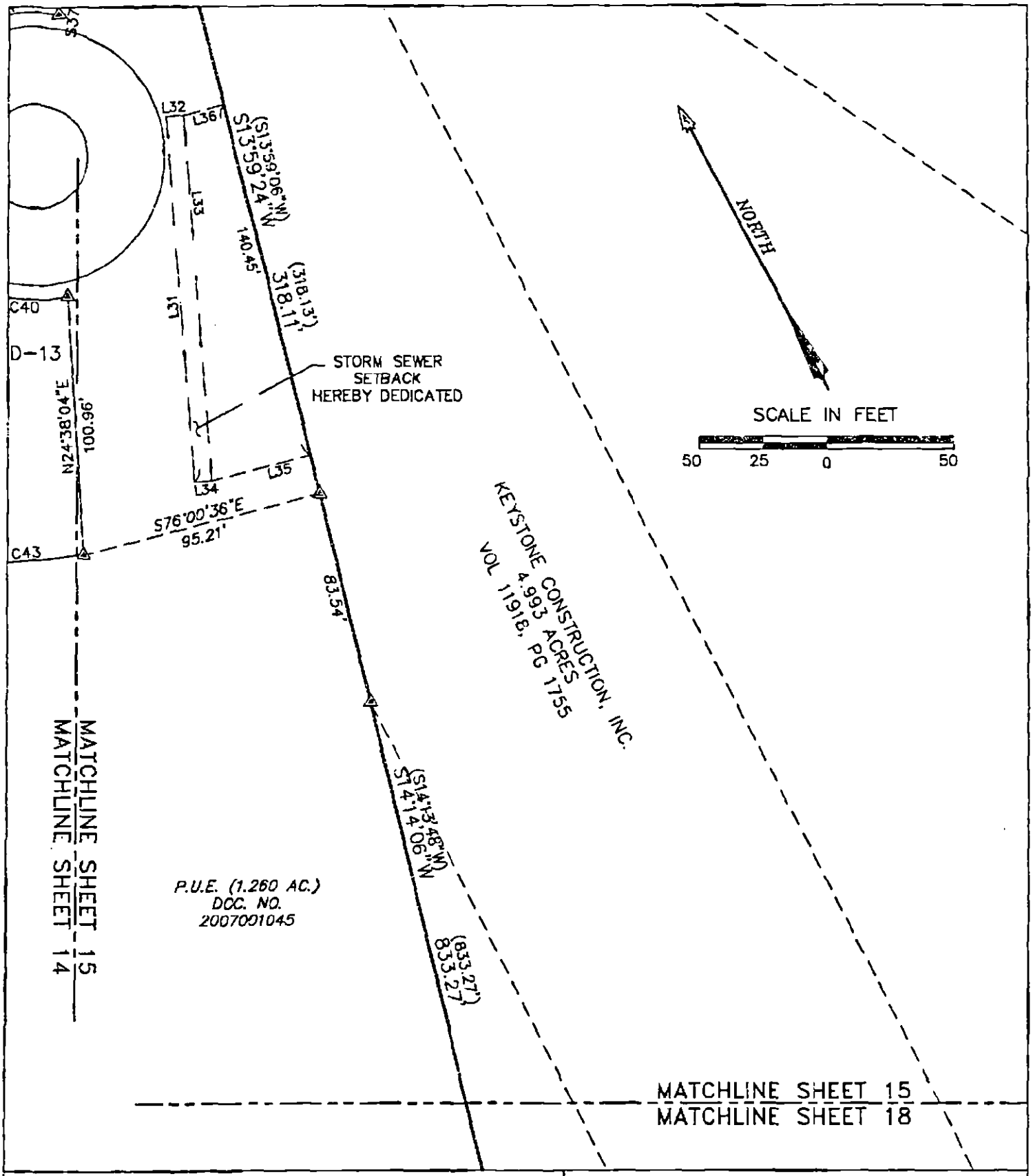

AVIARA CONDOMINIUMS

EXHIBIT

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET 15 of 26
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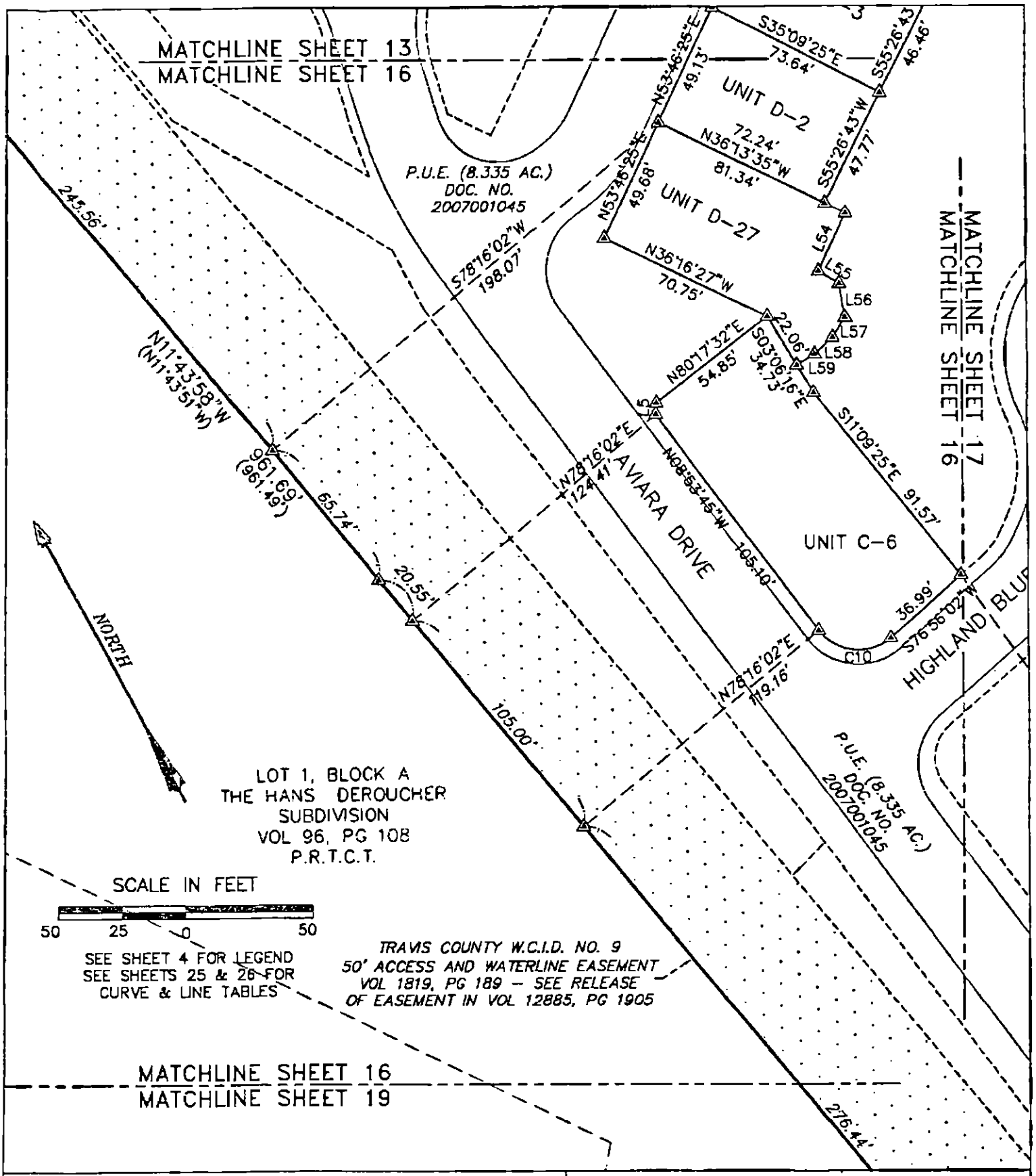

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

BASELINE LAND SURVEYORS, INC.
PROFESSIONAL LAND SURVEYING SERVICES
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OFFICE: 512.374.9722 FAX: 512.873.9743
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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET 16 of 26
Job No.	Snapshot:		
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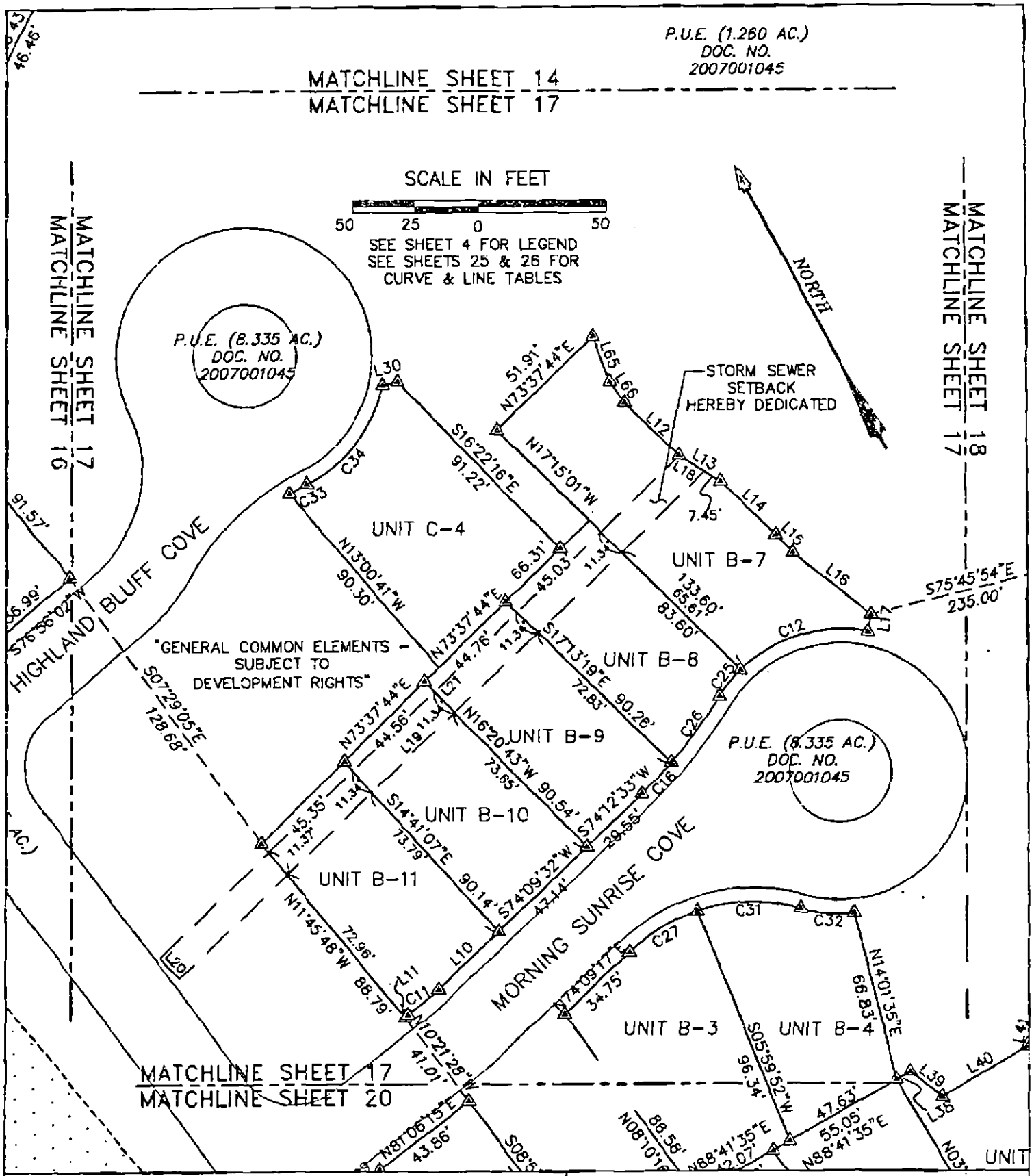
Date: 01/24/11	Checked By: JSL	Drawn By: HPE\RLW	



AVIARA CONDOMINIUMS

EXHIBIT

OF 59.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 8.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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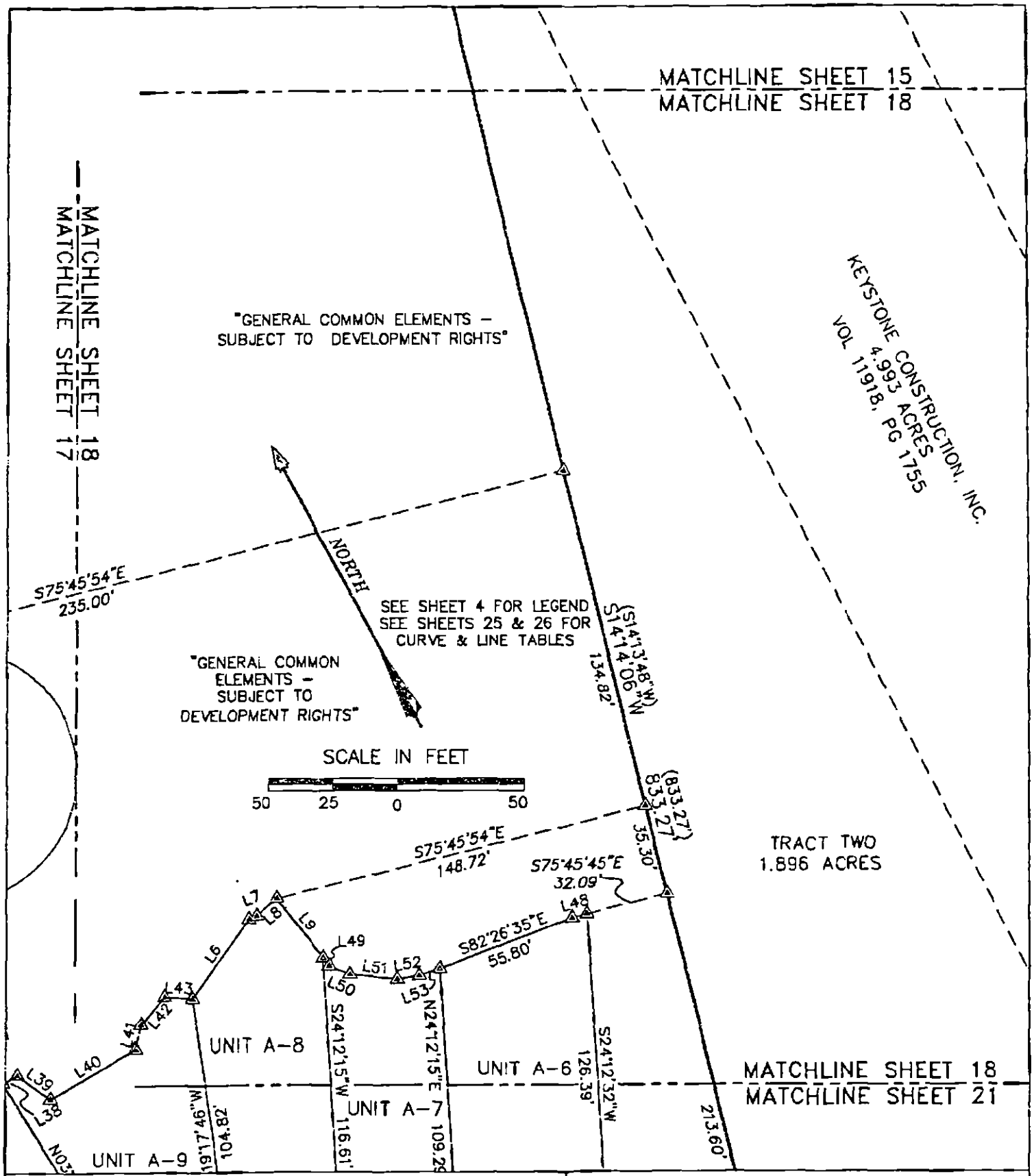

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 626; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.096 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg		SHEET
Job No.	Snapshot	18 of 26
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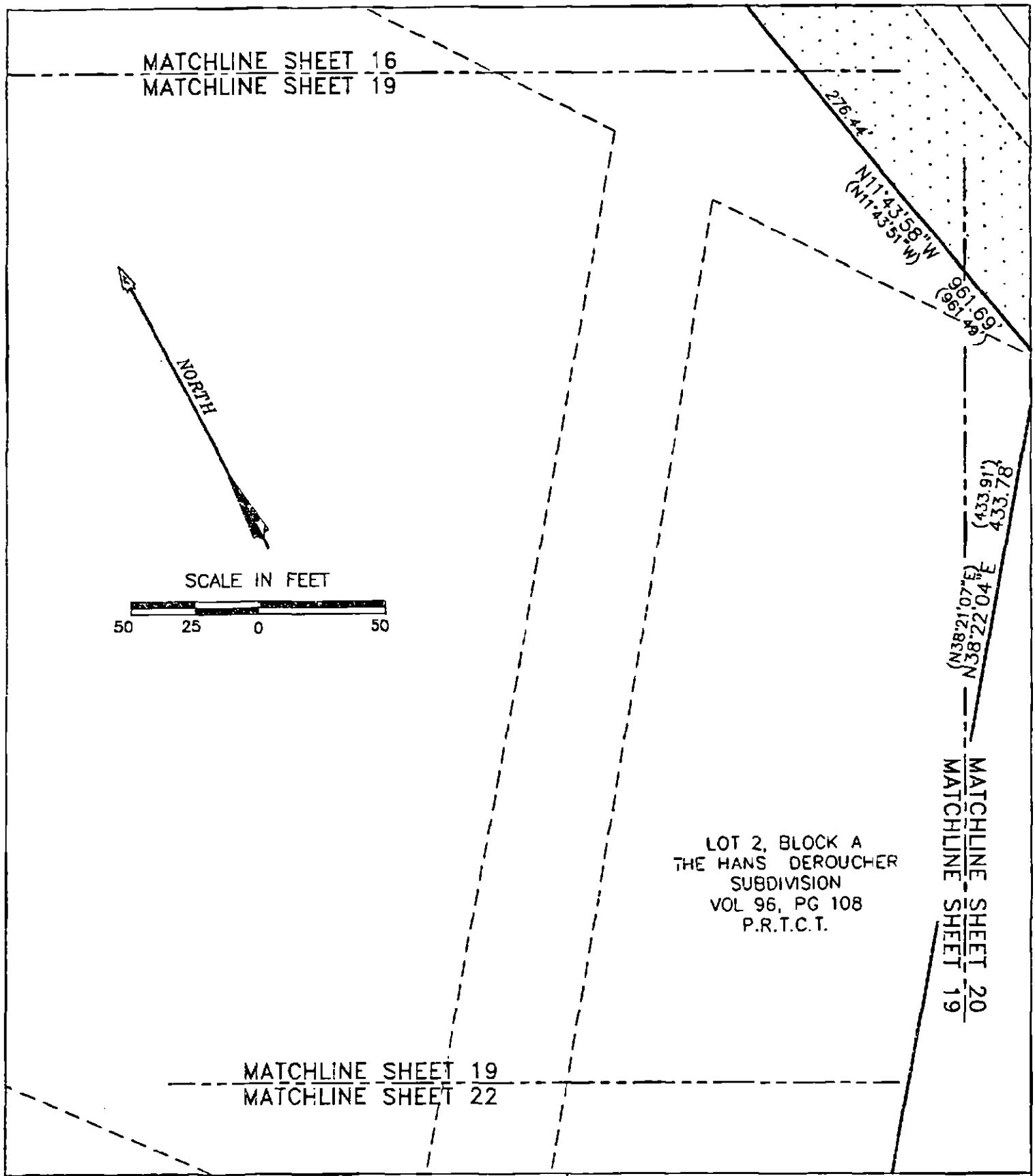
Date: 01/24/11	Checked By: JSL	Drawn By: HPE\RLW



AVIARA CONDOMINIUMS

EXHIBIT

OF 59.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 6.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 53.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET 19 of 26
Job No.	Snapshot:		
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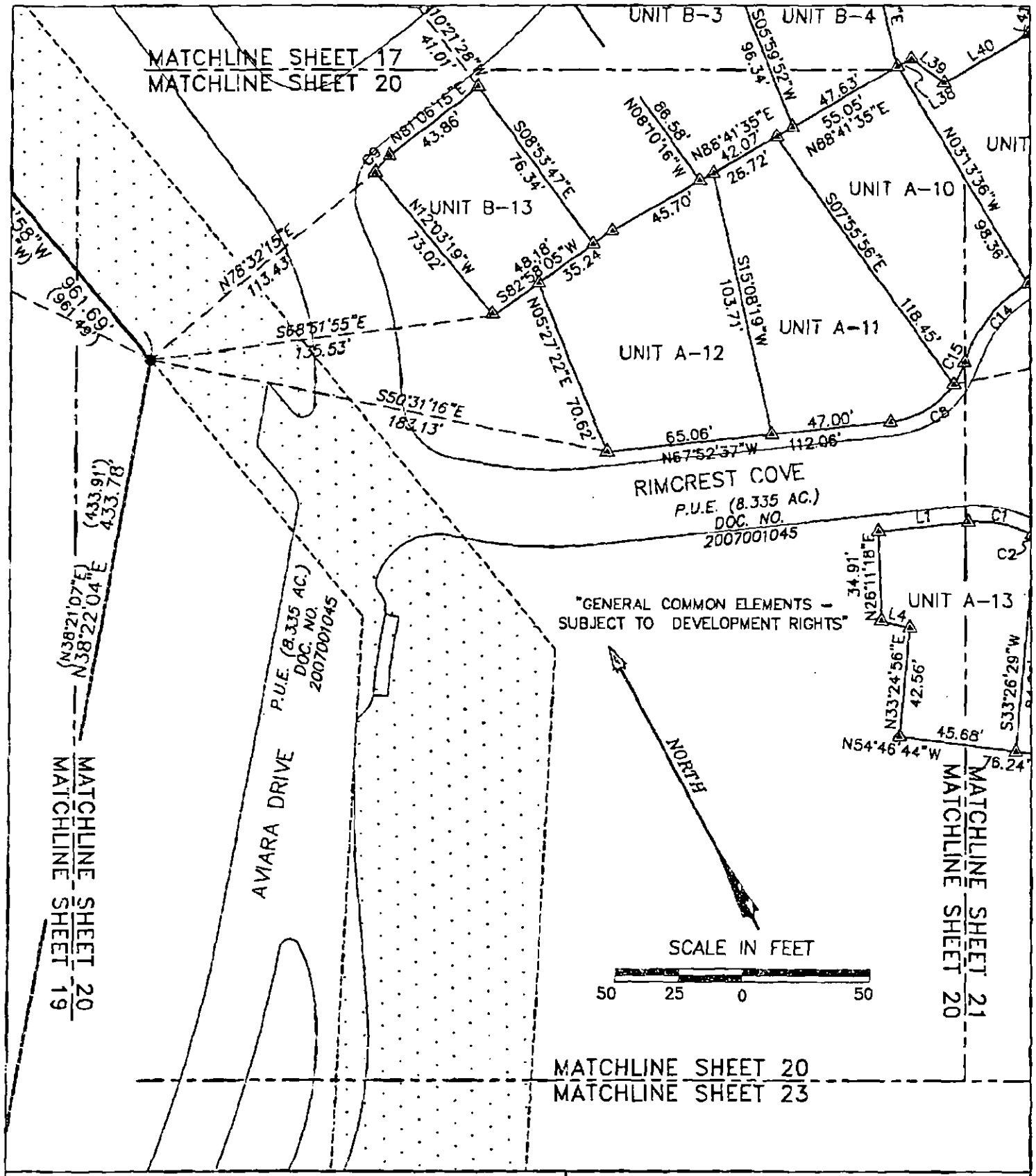

AVIARA CONDOMINIUMS

EXHIBIT
OF 32.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 528; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 6.064 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.093 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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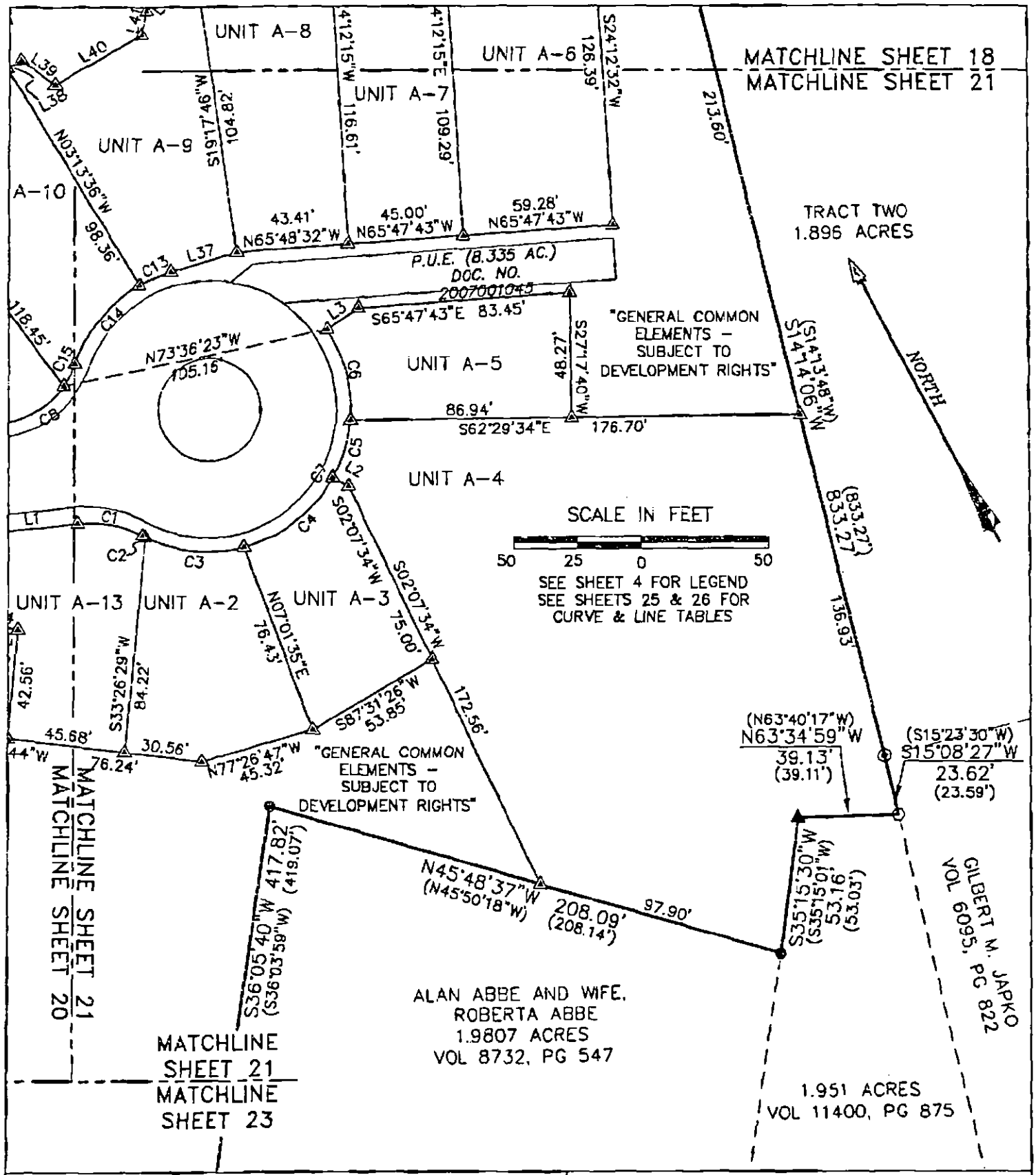
File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg		SHEET 20 of 26
Job No.	Snapshot:	
Scale (Hor.): 1"=50'	Scale (Vert.):	
Date: 01/24/11	Checked By: JSL / Drawn By: HPE\RLW	



AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 528; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 6.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET 21 of 26
Job No.	Snapshot:		
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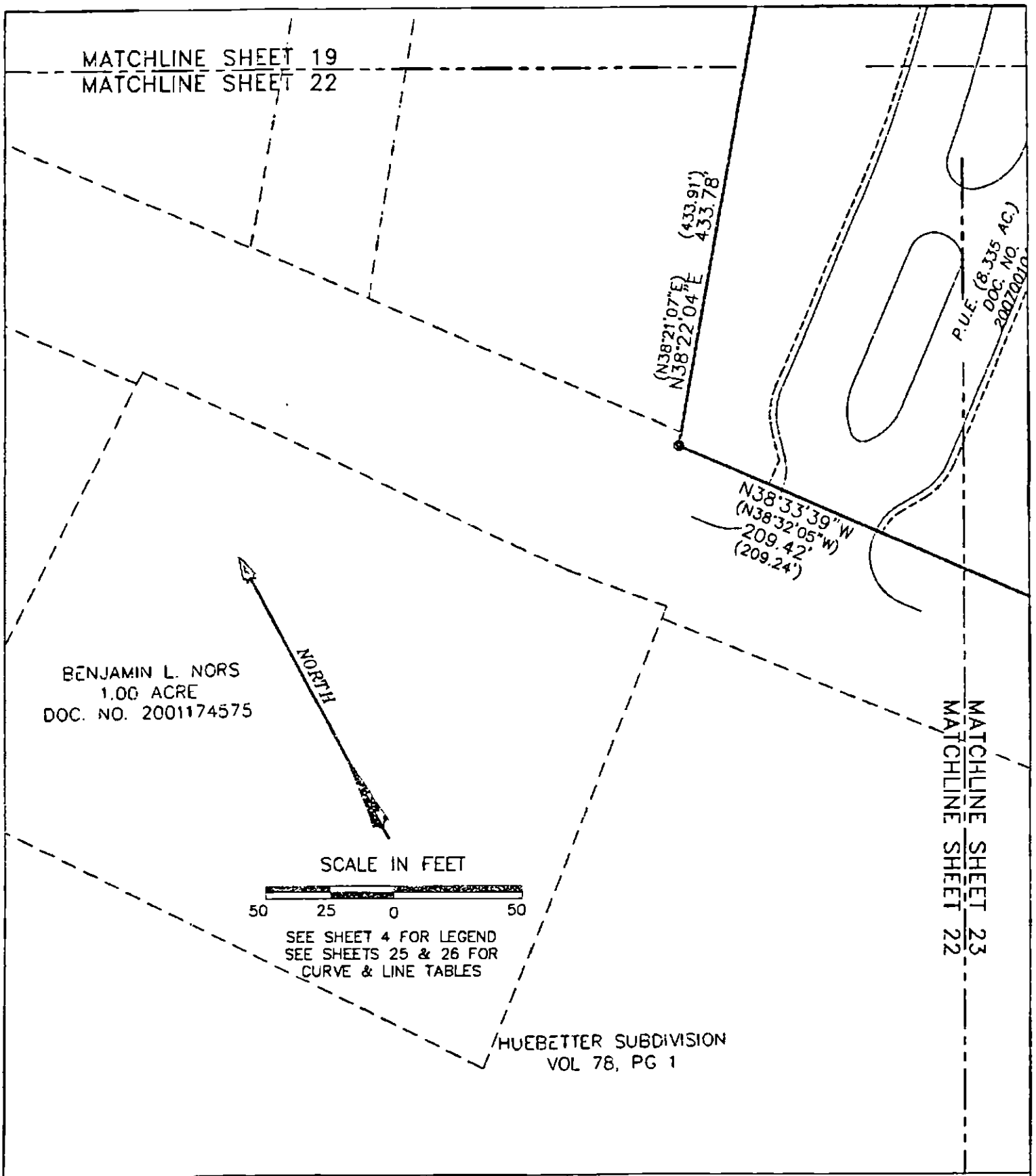

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 96 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET 22 of 26
Job No.		Snapshot:	
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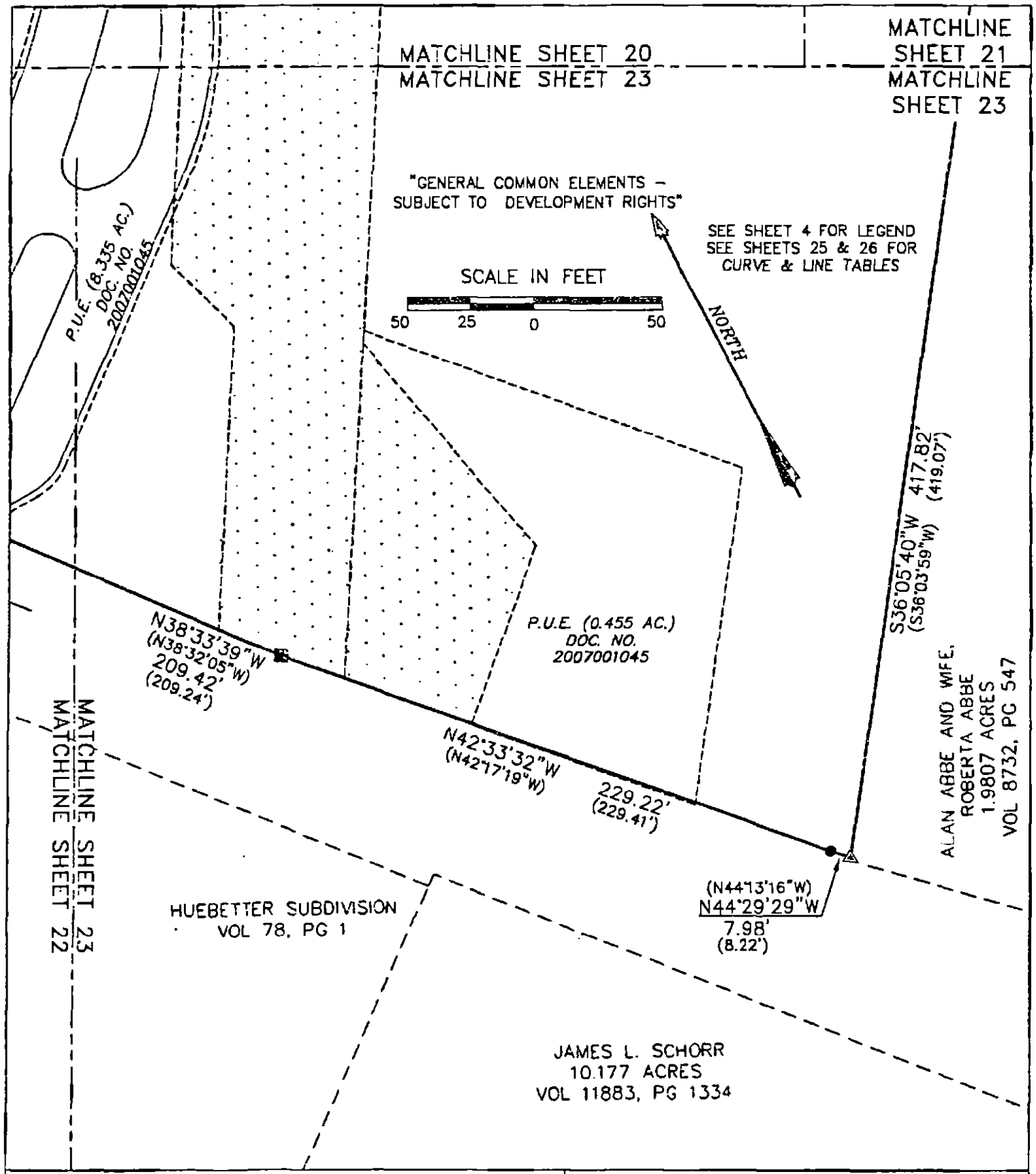
Date: 01/24/11	Checked By: JSL	Drawn By: HPE\RLW	



AVIARA CONDOMINIUMS

EXHIBIT

OF 32.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 81, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG–AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG–AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET 23 of 26
Job No.	Snapshot:		
Scale (Hor.): 1"=50'	Scale (Vert.):		
Date: 01/24/11	Checked By: JSL	Drawn By: HPE\RLW	

EXHIBIT

AVIARA CONDOMINIUMS

[PLAT]

§ Certification of Surveyor §

The attached plat, attached hereto as Exhibit contain the information required by Section 82.052 and Section 82.059 of the Texas Uniform Condominium Act, as applicable.

Ronnie Wallace
R.P.L.S. No. 5222

Date: 24 January 2011

STATE OF TEXAS
REGISTERED
RONNIE WALLACE
5222
PROFESSIONAL
LAND SURVEYOR

AVIARA CONDOMINIUMS	BASELINE LAND SURVEYORS, INC.
EXHIBIT OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.954 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.086 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS	PROFESSIONAL LAND SURVEYING SERVICES 8333 CROSS PARK DRIVE AUSTIN, TEXAS 78754 OFFICE: 512.374.9722 FAX: 512.873.9743 ron-baseline@austin.rr.com

File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET
Job No.	Snapshot:		24 of 26
Scale (Hor.): 1"=50'	Scale (Vert.):		
Date: 01/24/11	Checked By: JSL	Drawn By: HPE\RLW	

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C1	43.50'	25.85'	34°03'14"	N50°51'00"W	25.48'
C2	55.50'	1.36'	1°24'13"	S34°31'30"E	1.36'
C3	55.50'	39.74'	41°01'24"	S55°44'18"E	38.89'
C4	55.50'	45.25'	46°42'38"	N80°23'41"E	44.00'
C5	55.50'	23.52'	24°16'50"	N44°53'57"E	23.34'
C6	55.50'	37.22'	38°25'09"	N13°32'57"E	36.52'
C7	55.50'	147.08'	151°50'14"	N70°15'30"E	107.66'
C8	34.50'	29.54'	49°03'46"	N87°35'30"E	28.65'
C9	19.50'	8.60'	25°15'47"	S68°28'21"W	8.53'
C10	19.50'	32.05'	94°10'13"	S55°58'52"E	28.56'
C11	128.50'	15.59'	6°56'58"	N77°37'46"E	15.58'
C12	55.50'	54.03'	55°46'56"	N78°25'05"W	51.92'
C13	55.50'	13.29'	13°43'20"	N84°39'53"W	13.26'
C14	55.50'	40.10'	41°23'40"	S67°46'37"W	39.23'
C15	34.50'	9.67'	16°03'39"	N55°06'36"E	9.64'
C16	194.50'	16.61'	4°53'34"	N71°36'45"E	16.60'
C17	160.00'	33.10'	11°51'14"	S85°23'29"W	33.04'
C18	281.00'	61.89'	12°37'13"	N88°22'50"W	61.77'
C19	55.50'	23.40'	24°09'12"	S71°04'10"W	23.22'
C20	44.50'	27.40'	35°15'52"	N76°38'00"E	26.97'
C21	44.50'	21.40'	27°32'51"	S71°57'09"E	21.19'
C22	320.50'	36.55'	6°32'02"	N61°26'44"W	36.53'
C23	320.50'	56.16'	10°02'22"	N69°43'56"W	56.09'
C24	55.50'	42.94'	44°19'30"	N74°41'29"W	41.87'
C25	55.50'	13.43'	13°52'10"	S66°45'22"W	13.40'
C26	194.50'	32.10'	9°27'22"	N64°33'01"E	32.06'
C27	69.50'	31.31'	25°48'34"	S87°03'34"W	31.04'
C28	284.37'	56.30'	11°20'39"	N76°17'14"W	56.21'
C29	284.37'	5.39'	1°05'11"	N70°04'19"W	5.39'
C30	320.50'	46.88'	8°22'48"	N78°59'29"W	46.83'
C31	69.50'	41.29'	34°02'29"	N63°00'55"W	40.69'
C32	55.50'	21.02'	21°42'01"	S56°50'41"E	20.89'
C33	94.50'	8.03'	4°52'04"	S89°32'13"W	8.03'
C34	55.50'	50.19'	51°48'35"	N66°03'57"E	48.49'
C35	281.00'	52.77'	10°45'33"	N64°06'44"W	52.69'
C36	281.00'	0.93'	0°11'23"	N58°38'20"W	0.93'
C37	94.50'	29.53'	17°54'23"	N49°19'02"W	29.41'
C38	320.50'	46.91'	8°23'10"	S84°14'33"W	46.87'
C39	94.50'	16.32'	9°53'42"	N35°25'03"W	16.30'
C40	55.50'	43.09'	44°29'20"	S52°42'50"E	42.02'
C41	55.50'	44.21'	45°38'24"	N82°13'24"E	43.05'
C42	350.00'	73.09'	11°57'56"	S76°03'05"E	72.96'
C43	350.00'	55.18'	9°02'00"	S65°33'07"E	55.12'
C44	350.00'	10.08'	1°39'00"	S60°12'59"E	10.08'
C45	160.00'	39.91'	14°17'35"	N69°21'21"W	39.81'
C46	160.39'	4.39'	1°34'06"	N77°13'21"W	4.39'
C47	160.39'	29.62'	10°34'57"	N83°12'44"W	29.58'
C48	55.50'	41.86'	43°12'43"	S89°18'02"E	40.87'
C49	55.50'	50.91'	52°33'09"	N42°49'02"E	49.14'
C50	320.50'	46.62'	8°20'01"	S75°52'58"W	46.57'

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORS SURVEY NO. 528; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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AUSTIN, TEXAS 78754

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg		
Job No.	Snapshot:	
Scale (Hor.): 1"=50'	Scale (Vert.):	
Date: 01/24/11	Checked By: JSL	Drawn By: HPE\RLW

LINE TABLE		
LINE	BEARING	LENGTH
L1	S67°52'37"E	35.37'
L2	N32°57'38"W	7.06'
L3	N84°20'23"E	14.65'
L4	N47°51'55"W	11.34'
L5	N31°01'52"E	4.45'
L6	N63°54'29"E	38.06'
L7	S86°57'47"E	3.29'
L8	N78°01'20"E	10.29'
L9	S10°13'03"E	29.53'
L10	S74°09'17"W	32.66'
L11	S81°06'15"W	1.64'
L12	S18°00'07"E	6.87'
L13	S30°23'57"E	19.47'
L14	S17°47'50"E	29.77'
L15	S15°29'37"E	9.67'
L16	S23°37'34"E	39.17'
L17	S39°28'12"W	6.91'
L18	S30°23'57"E	11.73'
L19	S74°19'32"W	284.75'
L20	N15°40'28"W	11.34'
L21	N74°19'32"E	281.77'
L22	S85°45'47"W	13.66'
L23	N04°14'13"W	103.33'
L24	N70°42'51"W	78.43'
L25	N19°29'12"W	79.32'
L26	N63°34'35"E	13.76'
L27	S19°29'12"E	74.44'
L28	S70°42'51"E	80.83'
L29	S04°14'13"E	112.29'
L30	S75°40'42"E	6.08'
L31	N23°29'14"E	142.40'
L32	S66°30'46"E	6.83'
L33	S23°29'14"W	142.40'
L34	N66°30'46"W	6.83'
L35	S76°00'36"E	39.58'
L36	S76°00'36"E	16.09'
L37	N77°48'13"W	27.14'
L38	N88°41'39"E	5.13'
L39	N25°44'20"W	15.92'
L40	S88°11'16"W	38.53'
L41	S40°42'44"W	9.55'
L42	N67°35'16"E	13.92'
L43	S57°59'10"E	10.92'
L44	S76°25'51"E	16.48'
L45	S70°54'33"E	39.17'
L46	N86°12'33"E	12.02'
L47	S84°49'29"E	4.40'
L48	S76°40'56"E	5.93'
L49	S10°13'03"E	4.06'
L50	S38°01'06"E	8.58'

LINE TABLE		
LINE	BEARING	LENGTH
L51	S56°04'51"E	18.69'
L52	S70°55'02"E	8.71'
L53	S82°26'35"E	8.37'
L54	S53°46'22"W	25.12'
L55	S31°37'01"E	9.49'
L56	S18°24'32"W	13.40'
L57	S60°30'23"W	9.18'
L58	S76°42'45"W	9.64'
L59	S87°05'06"W	8.22'
L60	S84°49'29"E	2.67'
L61	S84°21'45"E	20.21'
L62	N50°40'11"E	24.96'
L63	N30°53'27"E	30.22'
L64	N53°56'24"E	6.82'
L65	S07°17'18"W	18.99'
L66	S06°13'30"E	9.98'
L67	S58°24'33"E	1.34'
L68	N54°18'02"E	32.72'
L69	N79°34'04"E	14.67'
L70	N52°43'24"E	11.28'
L71	N71°42'55"E	3.00'
L72	N18°17'05"W	9.31'
L73	N63°34'36"E	3.67'
L74	S58°16'14"E	19.54'
L75	N54°30'06"W	40.63'
L76	N54°30'06"W	2.31'
L77	S81°16'47"E	10.47'
L78	S04°57'06"W	21.25'
L79	S66°16'15"E	10.53'
L80	S54°10'00"E	3.38'
L81	S67°35'16"W	6.96'
L82	S67°35'16"W	6.96'

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 6.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006172743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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UNIT PLAN TYPES – ATTACHED UNITS

Unit No.	Plan Type*
A-1	A
B-1	B
C-1	C
D-1	D

* SEE CONDOMINIUM PLANS FOR PLAN TYPE.

ALL UNITS SHOWN ON THE PLAT AND PLANS OTHER THAN UNITS A-1, B-1, C-1, D-1 ARE STAND-ALONE UNITS.

ATTACHMENT 2

EXHIBIT "C" TO THE DECLARATION OF CONDOMINIUM REGIME

COMMON INTEREST ALLOCATION & BUILDING LCE ALLOCATION

COMMON INTEREST ALLOCATION

The Common Interest Allocation and percentage of liability for common expenses for each Unit is 1/43.

THE COMMON INTEREST ALLOCATION ASSIGNED TO A PARTICULAR UNIT WILL DECREASE IF ADDITIONAL UNITS ARE CREATED AND ADDED TO THE REGIME BY THE DECLARANT.

BUILDING LCE ALLOCATION

The Building LCE Allocation for each Attached Unit is 1/4.

THE BUILDING LCE ALLOCATION ASSIGNED TO A PARTICULAR UNIT WILL DECREASE IF ADDITIONAL UNITS ARE CREATED AND ADDED TO THE REGIME BY THE DECLARANT.

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS
Dana DeBeauvoir
Feb 03, 2011 01:26 PM 2011017814
HOLMC: $148.00
Dana DeBeauvoir, County Clerk
Travis County TEXAS

AFTER RECORDING RETURN TO:
Robert D. Burton, Esq.
Armbrust & Brown, PLLC
100 Congress Ave., Suite 1300
Austin, Texas 78701

ORIGINAL FILED FOR RECORD

AVIARA

FOURTEENTH AMENDMENT TO RESTATED AND AMENDED DECLARATION OF CONDOMINIUM REGIME FOR AVIARA CONDOMINIUMS

(A Residential Condominium in Travis County, Texas)

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS
Dana DeBeauvoir
Feb 22, 2011 11:45 AM 2011025875
HAYWOODK: $152.00
Dana DeBeauvoir, County Clerk
Travis County TEXAS

Cross Reference to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, *recorded as Document No. 2009071585*, Official Public Records of Travis County, Texas as amended.

FOURTEENTH AMENDMENT TO
RESTATED AND AMENDED DECLARATION OF CONDOMINIUM REGIME
FOR AVIARA CONDOMINIUMS

This Fourteenth Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums (the "**Amendment**") is made **CR-B AVIARA, L.P.**, a Texas limited partnership ("**Declarant**"), and is as follows:

RECITALS:

A. Aviara Condominiums, a condominium regime (the "**Regime**"), located in Travis County, Texas, was established pursuant to that certain Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2009071585, Official Public Records of Travis County, Texas as amended (collectively, the "**Declaration**").

B. Pursuant to *Provision A.3.10* of Appendix "A" to the Declaration, Declarant may amend the Declaration unilaterally and without the consent of other Owners or any mortgagee to add real property to the Property and create Units, General Common Elements and Limited Common Elements within the Property and to subdivide, combine or reconfigure Units, or convert Units into Common Elements, in the exercise of statutory development rights.

C. In accordance with *Provision A.3.8* of Appendix "A" to the Declaration, Declarant has reserved the right, during the Development Period, to create Units, General Common Elements, and Limited Common Elements within the Property.

D. The "Development Period" as such term is defined in the Declaration, is a fifteen (15) year period commencing on the date the Declaration was recorded in the Official Public Records of Travis County, Texas. The Declaration was recorded in the Official Public Records of Travis County, Texas, on May 4, 2009.

E. This amendment is promulgated for the purposes of creating five (5) additional Units within the Regime. The total number of Units within the Regime after giving effect to this Amendment is equal to forty-eight (48), and the total number of additional Units which Declarant has reserved the right to create by amendment is equal to one hundred two (102).

NOW THEREFORE, the Declaration is hereby amended as follows:

1. **Creation of Units.** In accordance with the rights reserved by the Declarant pursuant to *Section 5.1* of the Declaration and *Provisions A.3.8* and *A.3.10* of Appendix "A" to the Declaration, Declarant hereby creates five (5) Units, which are designated as Unit Nos. B-6, D-6, D-7, D-10 and D-23 (the "**New Units**"). The New Units are hereby classified as Units which MUST BE BUILT.

2. **Replacement of Exhibit "B".** Exhibit "B" to the Declaration is hereby deleted in its entirety and the Plats and Plans attached hereto as Attachment 1 (the "**New Plats and Plans**") are substituted in their place. The New Plats and Plans: (i) assign an identifying number to all Units; (ii) describe the portion of the limited common elements created or assigned to all Units; and (iii) include the information required by Section 82.059 of the Texas Uniform Condominium Act.

3. **Replacement of Exhibit "C".** The Percentage Interests allocated to all Units within the Regime, after the addition of the New Units, is set forth on Attachment 2, attached hereto. Attachment 2, attached hereto, will supersede and replace Exhibit "C" attached to the Declaration.

4. **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.

[SIGNATURE PAGE FOLLOWS]

EXECUTED to be effective as of the 14th day of February, 2011.

DECLARANT:

CR-B AVIARA, L.P., a Texas limited partnership

By: CR-B INVESTORS I GP, L.L.C., a Texas limited liability company, its General Partner

By: _____

Printed Name: David Arnow

Title: Vice President

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this 14th day of February, 2011 by David Arnow, Vice President of CR-B Investors I GP, L.L.C., a Texas limited liability company, General Partner of CR-B Aviara, L.P., a Texas limited partnership, on behalf of said entities.

Donna M Scotka

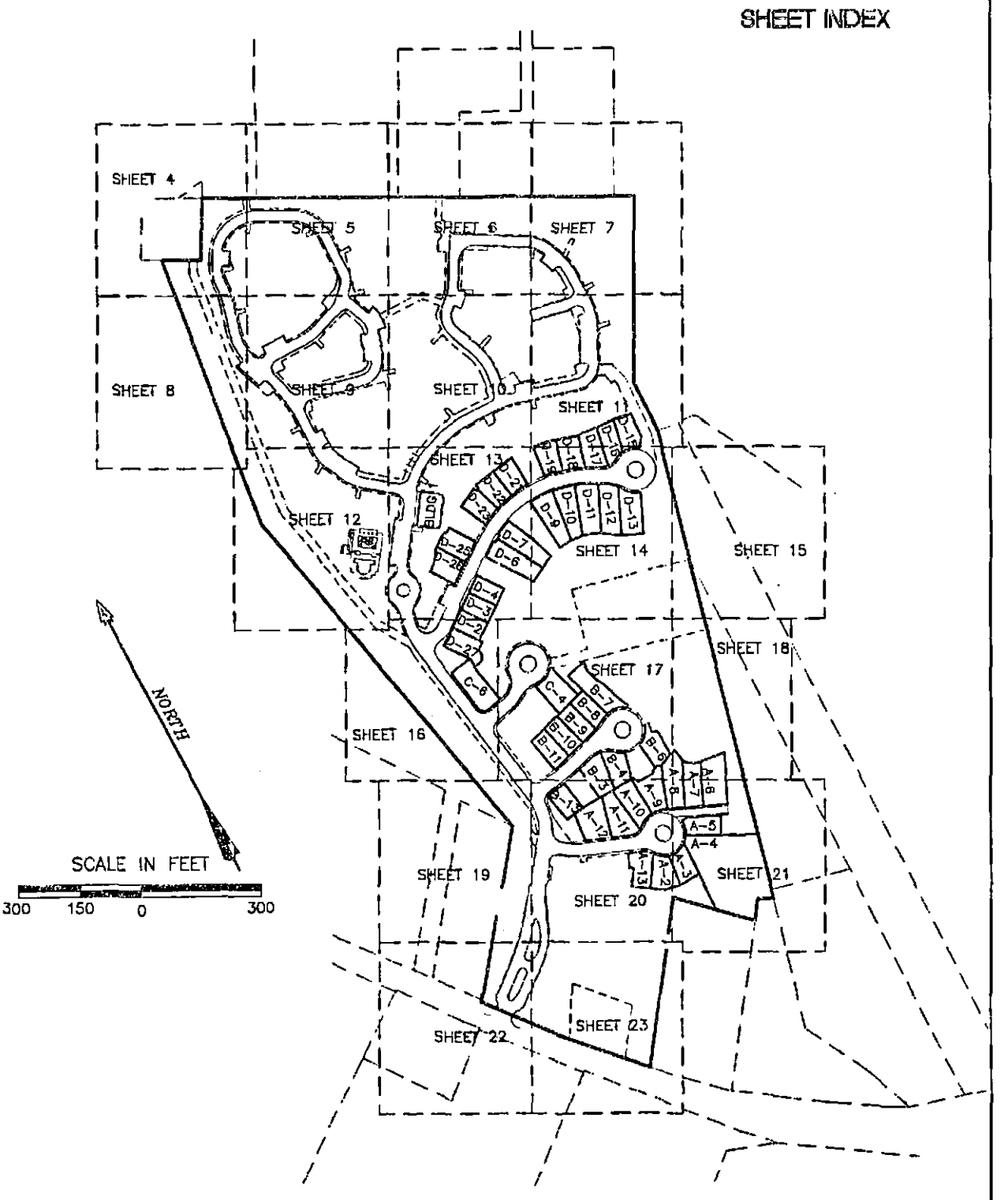
(SEAL) Notary Public Signature

DONNA M. SCOTKA
Notary Public, State of Texas
My Commission Expires
July 15, 2014

ATTACHMENT 1

EXHIBIT "B" TO THE DECLARATION OF CONDOMINIUM REGIME

SEE SHEET 24 OF 27 FOR ORIGINAL CERTIFICATION



AVIARA CONDOMINIUMS

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Job No.		Snapshot:	1 of 27
Scale (Hor.): N/A		Scale (Vert.):	
Date: 02/11/11	Checked By: JSL	Drawn By: HPE\RLW	

GENERAL NOTES

1.) ALL IMPROVEMENTS AND LAND REFLECTED ON THE PLAT ARE DESIGNATED AS GENERAL COMMON ELEMENTS, SAVE AND EXCEPT PORTIONS OF THE REGIME DESIGNATED AS LIMITED COMMON ELEMENTS OR "L.C.E." OR UNITS: (I) IN THE DECLARATION OF CONDOMINIUM REGIME FOR AVIARA CONDOMINIUMS; OR (ii) ON THE PLATS AND PLANS OF THE REGIME.

2.) OWNERSHIP AND USE OF CONDOMINIUM UNITS IS SUBJECT TO THE RIGHTS AND RESTRICTIONS CONTAINED IN THE DECLARATION OF CONDOMINIUM REGIME FOR AVIARA CONDOMINIUMS.

3.) EACH UNIT, BUILDING, LIMITED COMMON ELEMENT AND GENERAL COMMON ELEMENT IS SUBJECT TO SPECIAL RIGHTS RESERVED BY THE DECLARANT AS PROVIDED IN APPENDIX "A" OF THE DECLARATION OF CONDOMINIUM REGIME FOR AVIARA CONDOMINIUMS. PURSUANT TO SUCH PROVISIONS, AMONG OTHER THINGS, DECLARANT HAS RESERVED THE RIGHT TO: (i) COMPLETE OR MAKE IMPROVEMENTS INDICATED ON THE PLAT AND PLANS, AS PROVIDED IN APPENDIX "A" OF THE DECLARATION; (II) EXERCISE ANY DEVELOPMENT RIGHT PERMITTED BY THE TEXAS UNIFORM CONDOMINIUM ACT AND THE DECLARATION, INCLUDING THE ADDITION OF REAL PROPERTY TO THE REGIME DESCRIBED ON THIS PLAT AS "ADDITIONAL PROPERTY WHICH MAY BE ADDED TO THE REGIME," WHICH PROPERTY MAY BE ADDED AS UNITS, GENERAL COMMON ELEMENTS AND/OR LIMITED COMMON ELEMENTS, AS PROVIDED IN SECTION 2.2 OF THE DECLARATION AND APPENDIX "A" OF THE DECLARATION; (iii) MAKE THE PROPERTY PART OF A LARGER CONDOMINIUM OR PLANNED COMMUNITY, AS PROVIDED IN APPENDIX "A" OF THE DECLARATION; (iv) USE UNITS OWNED OR LEASED BY DECLARANT AS MODELS, STORAGE AREAS, AND OFFICES FOR THE MARKETING, MANAGEMENT, MAINTENANCE, CUSTOMER SERVICE, CONSTRUCTION, AND LEASING OF THE PROPERTY, AS PROVIDED IN APPENDIX "A" OF THE DECLARATION, AND (v) APPOINT OR REMOVE ANY DECLARANT-APPOINTED OFFICER OR DIRECTOR OF THE ASSOCIATION DURING THE DECLARANT CONTROL PERIOD (AS DESCRIBED IN THE DECLARATION) CONSISTENT WITH THE TEXAS UNIFORM CONDOMINIUM ACT, AS PROVIDED IN APPENDIX "A" OF THE DECLARATION. AS PROVIDED IN APPENDIX "A" OF THE DECLARATION, FOR PURPOSES OF PROMOTING, IDENTIFYING, AND MARKETING THE PROPERTY, DECLARANT RESERVES AN EASEMENT AND RIGHT TO PLACE OR INSTALL SIGNS, BANNERS, FLAGS, DISPLAY LIGHTING, POTTED PLANTS, EXTERIOR DECORATIVE ITEMS, SEASONAL DECORATIONS, TEMPORARY WINDOW TREATMENTS, AND SEASONAL LANDSCAPING ON THE PROPERTY, INCLUDING ITEMS AND LOCATIONS THAT ARE PROHIBITED TO OTHER OWNERS AND RESIDENTS. DECLARANT RESERVES AN EASEMENT AND RIGHT TO MAINTAIN, RELOCATE, REPLACE, OR REMOVE THE SAME FROM TIME TO TIME WITHIN THE PROPERTY. AS PROVIDED IN APPENDIX "A" OF THE DECLARATION, DECLARANT HAS AN EASEMENT AND RIGHT OF INGRESS AND EGRESS IN AND THROUGH THE COMMON ELEMENTS (AS DEFINED IN THE DECLARATION) AND UNITS OWNED OR LEASED BY DECLARANT FOR PURPOSES OF CONSTRUCTING, MAINTAINING, MANAGING, AND MARKETING THE PROPERTY, AND FOR DISCHARGING DECLARANT'S OBLIGATIONS UNDER THE TEXAS UNIFORM CONDOMINIUM ACT AND THE DECLARATION.

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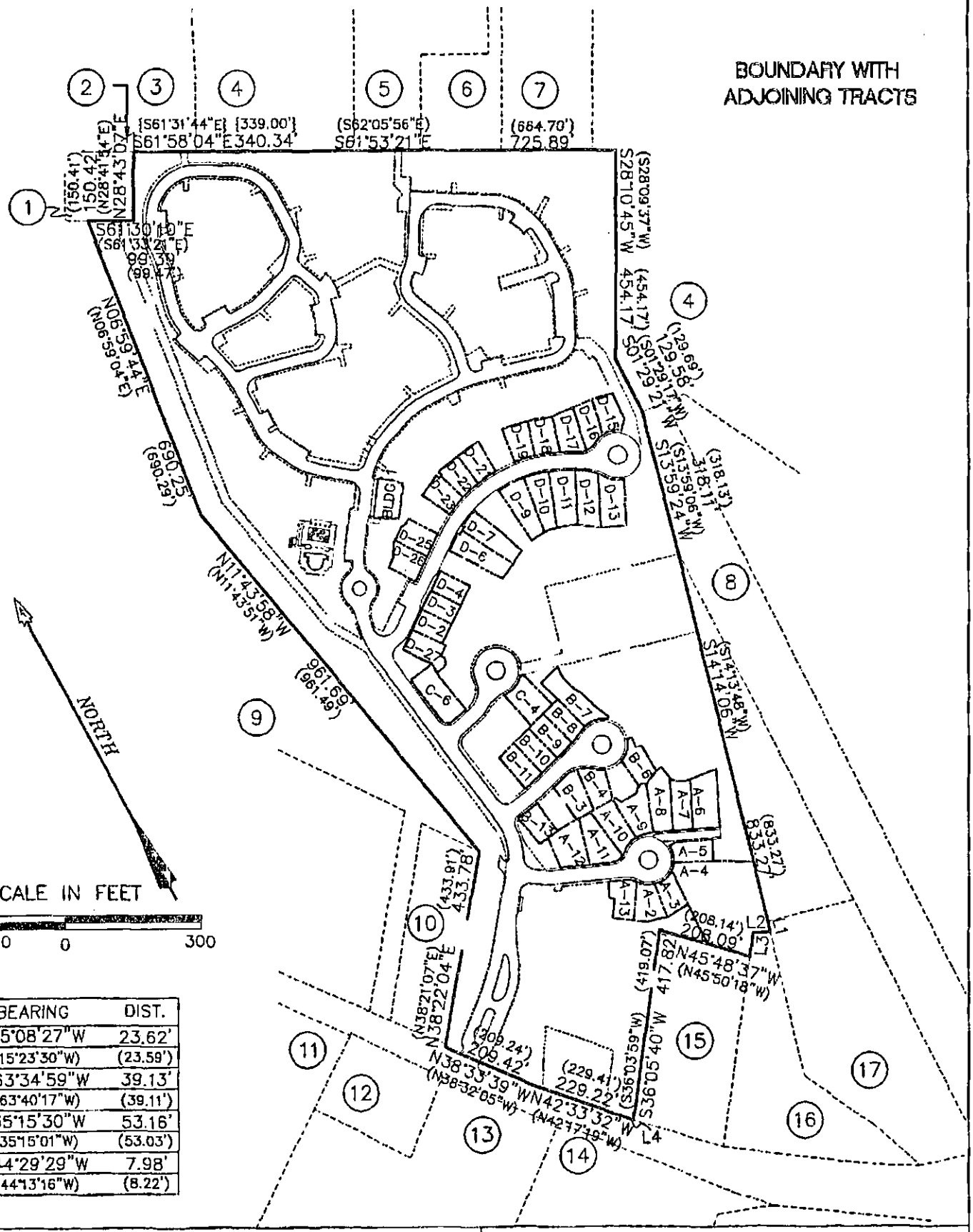

TAG#	BEARING	DIST.
L1	S15°08'27"W	23.62'
	(S15°23'30"W)	(23.59')
L2	N63°34'59"W	39.13'
	(N63°40'17"W)	(39.11')
L3	S35°15'30"W	53.16'
	(S35°15'01"W)	(53.03')
L4	N44°29'29"W	7.98'
	(N44°13'16"W)	(8.22')

AVIARA CONDOMINIUMS

EXHIBIT

OF 30.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.064 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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Job No.	Snapshot:	
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Date: 02/11/11	Checked By: JSL	Drawn By: HPE\RLW

ADJOINING OWNERS

1. TRAVIS COUNTY W.C.I.D. NO. 9, VOL. 1819, PG. 189 (0.52 ACRES)
2. CITY OF AUSTIN, VOL. 10958, PG. 277 (0.029 ACRES)
3. REMAINDER OF 888.051 ACRES, VOL. 10958, PG. 280
4. LOT 115, BLOCK B, LANTANA SOUTHWEST, PHASE 1, DOC. NO. 200300137
5. CITY OF AUSTIN, TRACT 2, VOL. 12910, PG. 670 (1.757 ACRES)
6. CITY OF AUSTIN, VOL. 10031 PG. 300 (1.0397 ACRES)
7. CITY OF AUSTIN, TRACT 1, VOL. 12910, PG. 670 (1.655 ACRES)
8. KEYSTONE CONSTRUCTION, INC., VOL. 11918, PG. 1755 (4.993 ACRES)
9. LOT 1, BLOCK "A", THE HANS DEROUCHER SUBDIVISION, VOL. 96, PG. 108
10. LOT 2, BLOCK "A", THE HANS DEROUCHER SUBDIVISION, VOL. 96, PG. 108
11. AARON GARDNER SUBDIVISION, VOL. 49, PG. 95
12. BENJAMIN L. NORS, DOC. NO. 2001174575 (1.00 ACRE)
13. HUEBETTER SUBDIVISION, VOL. 78, PG. 1
14. JAMES L. SCHORR, VOL. 11883, PG. 1334 (10.177 ACRES)
15. ALAN ABBE, et ux, VOL. 8732, PG. 5 (1.9807 ACRES)
16. 1.951 ACRES, VOL. 11400, PG. 875
17. GILBERT M. JAPKO, TRACT ONE, VOL. 6095, PG. 82 (3.129 ACRES)

AVIARA CONDOMINIUMS

EXHIBIT
OF 30.401 ACRES OF LAND OUT OF THE A.J. DOND SURVEY NO. 01, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 626; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.064 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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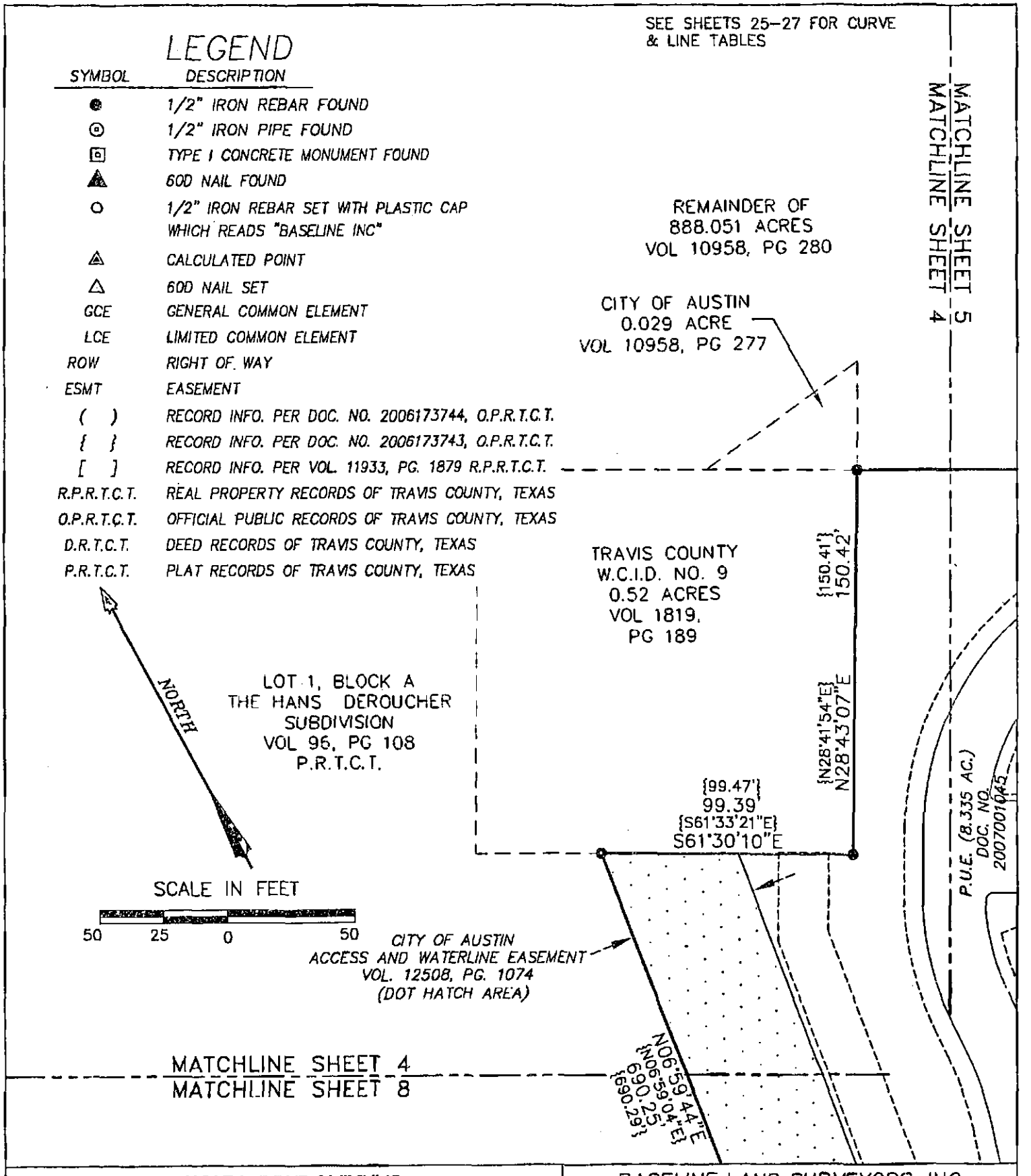
Date: 02/11/11	Checked By: JSI.	Drawn By: HPE\RLW	

SEE SHEETS 25–27 FOR CURVE & LINE TABLES

LEGEND

SYMBOL	DESCRIPTION
●	1/2" IRON REBAR FOUND
⊙	1/2" IRON PIPE FOUND
⊡	TYPE I CONCRETE MONUMENT FOUND
▲	60D NAIL FOUND
○	1/2" IRON REBAR SET WITH PLASTIC CAP WHICH READS "BASELINE INC"
◬	CALCULATED POINT
△	60D NAIL SET
GCE	GENERAL COMMON ELEMENT
LCE	LIMITED COMMON ELEMENT
ROW	RIGHT OF WAY
ESMT	EASEMENT
( )	RECORD INFO. PER DOC. NO. 2006173744, O.P.R.T.C.T.
{ }	RECORD INFO. PER DOC. NO. 2006173743, O.P.R.T.C.T.
[ ]	RECORD INFO. PER VOL. 11933, PG. 1879 R.P.R.T.C.T.
R.P.R.T.C.T.	REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS
O.P.R.T.C.T.	OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS
D.R.T.C.T.	DEED RECORDS OF TRAVIS COUNTY, TEXAS
P.R.T.C.T.	PLAT RECORDS OF TRAVIS COUNTY, TEXAS



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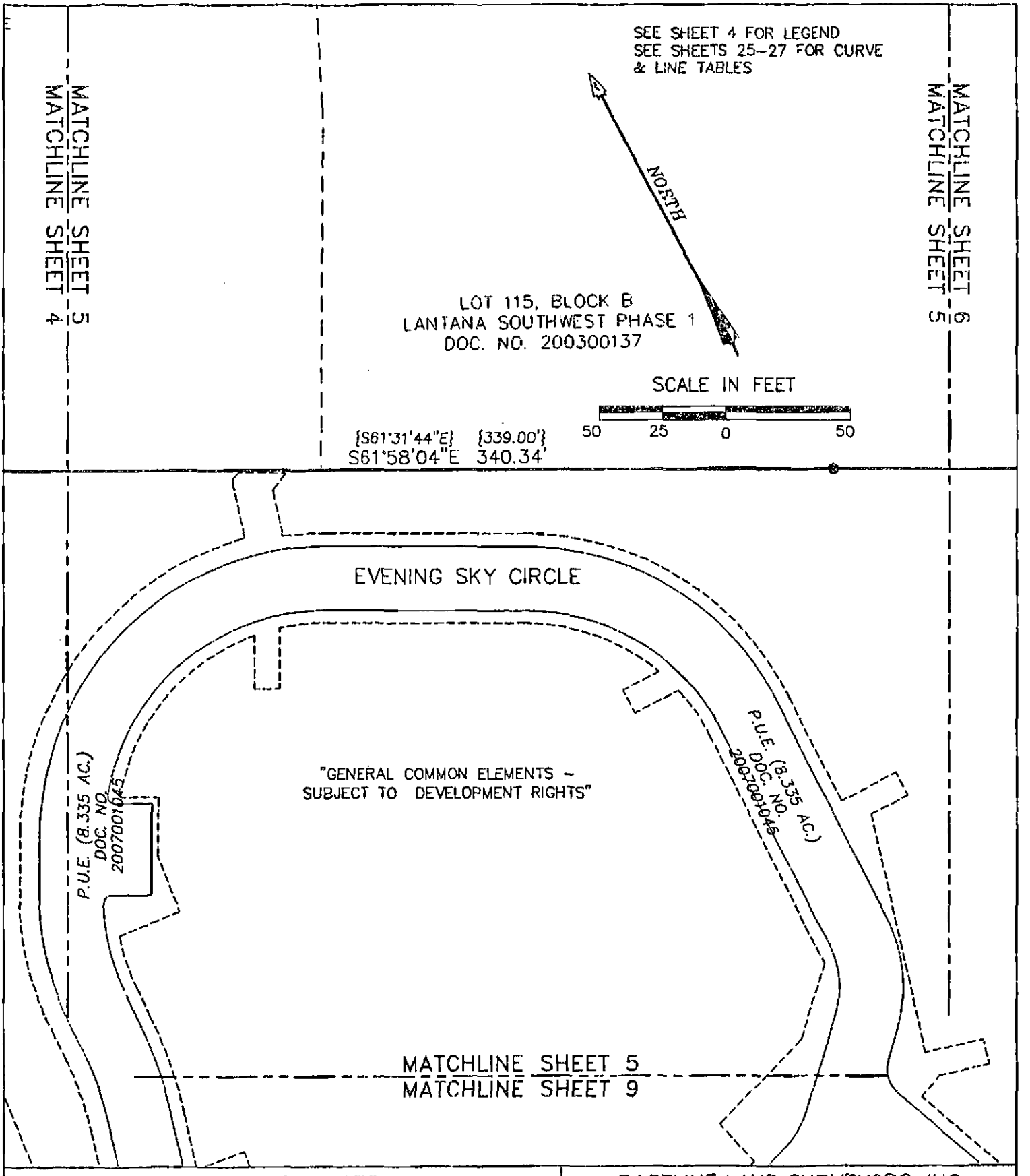

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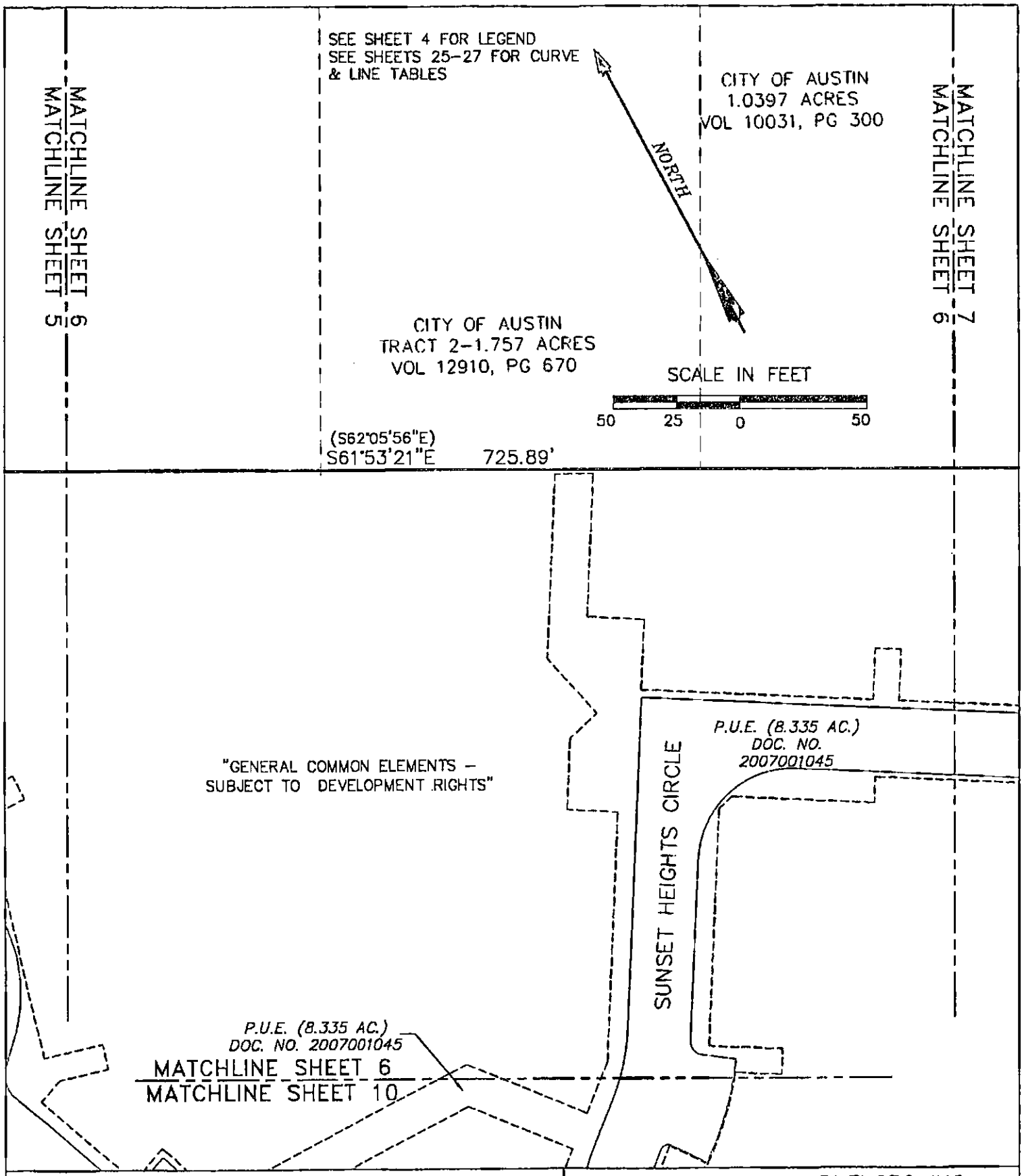

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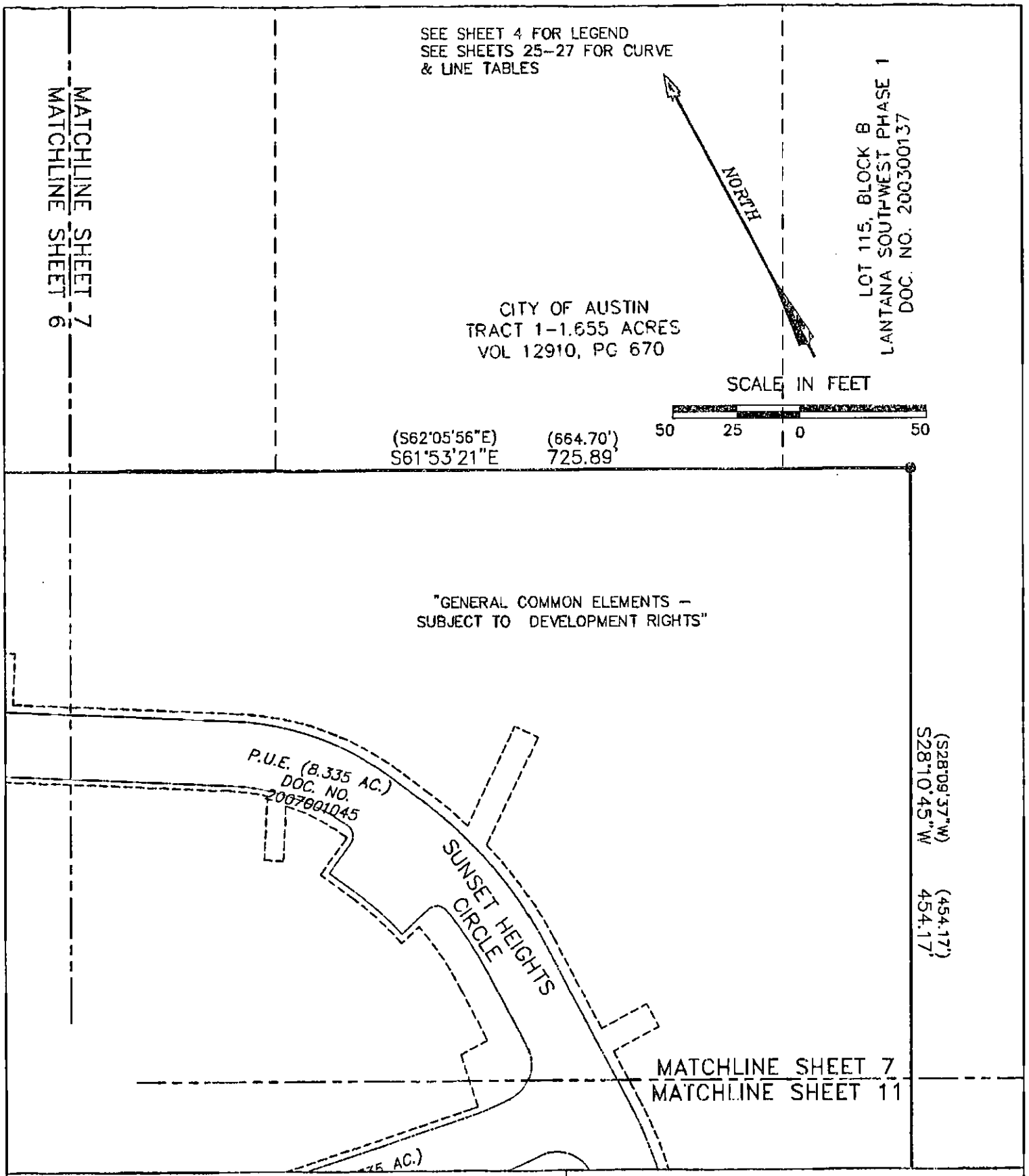

AVIARA CONDOMINIUMS

EXHIBIT

OF 89.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.064 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 83.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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ron-baseline@austin.rr.com

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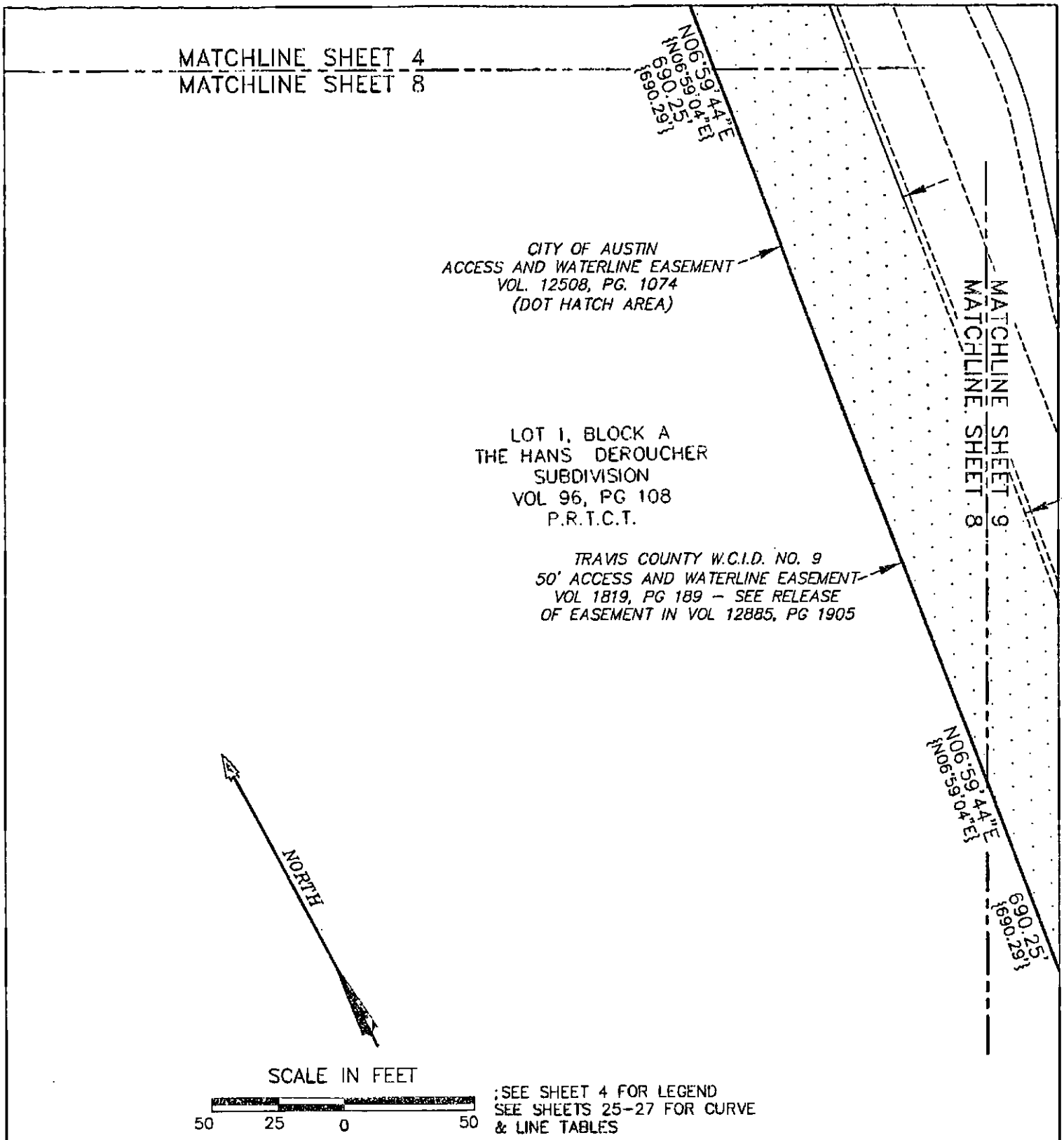

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 6.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.090 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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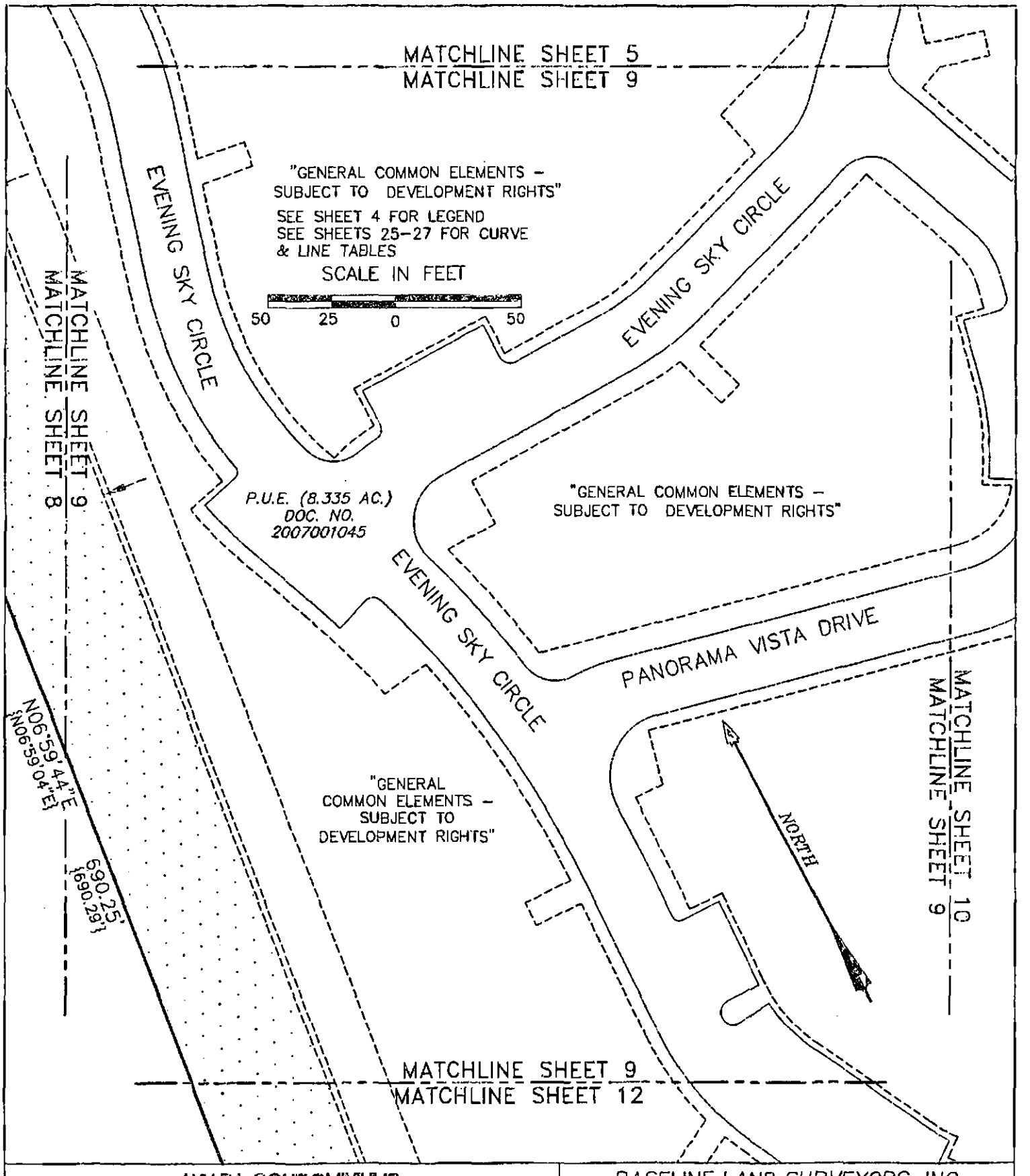

AVIARA CONDOMINIUMS

EXHIBIT
OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 6.054 ACRE TRACT OF LAND CONVEYED TO PCG–AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2000173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.090 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG–AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2000173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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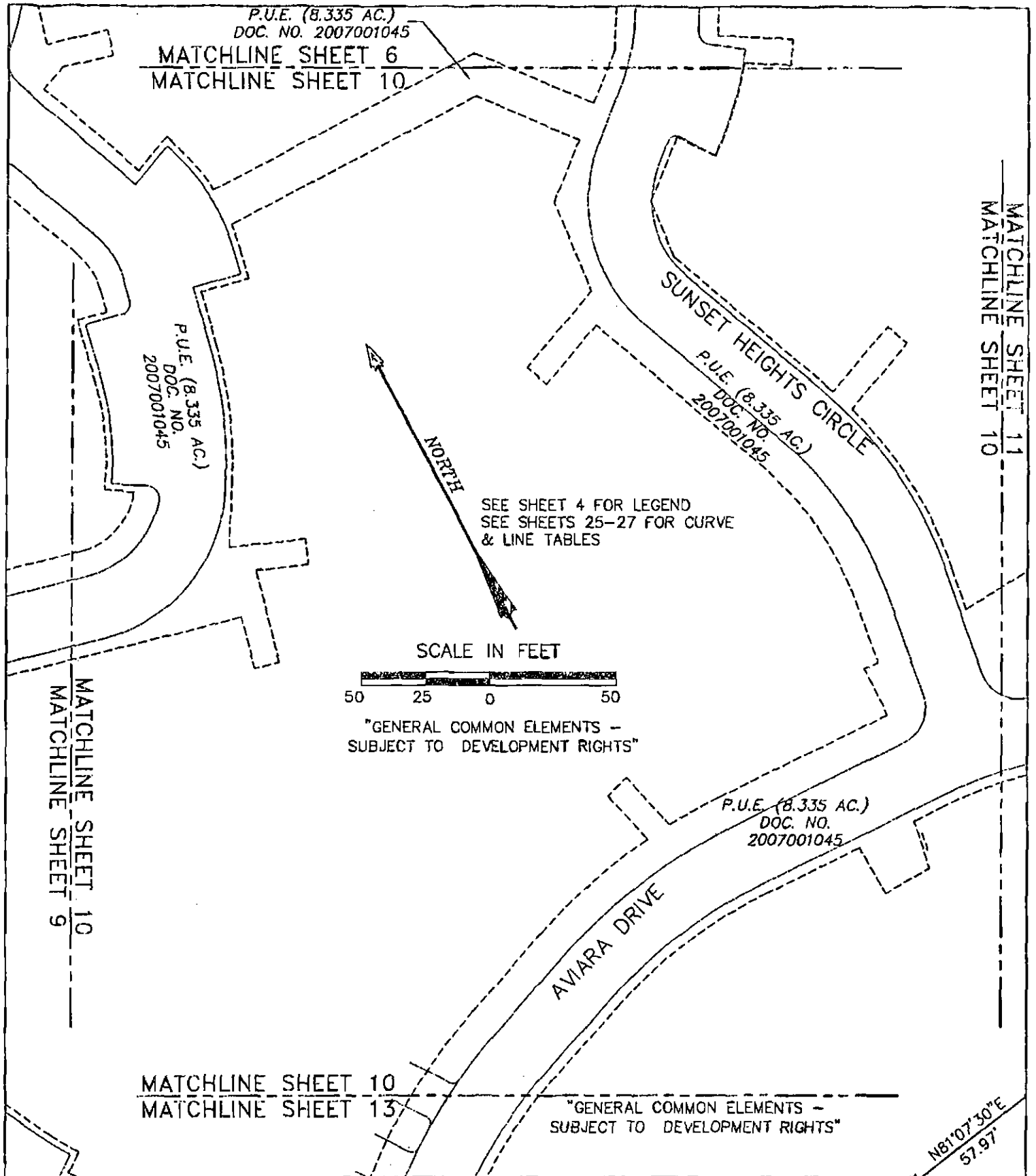

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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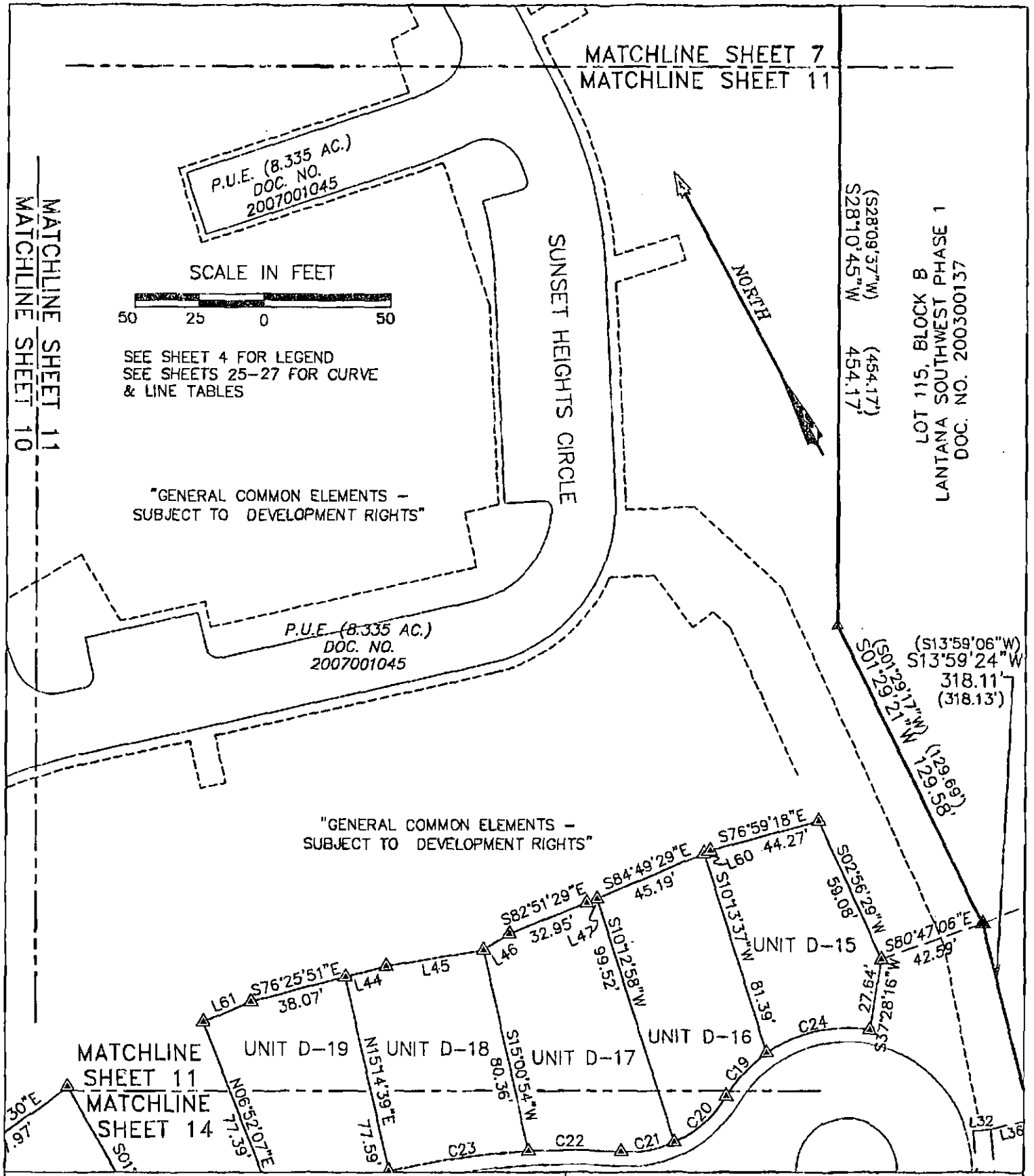

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 01, THE THOMAS ANDERSON SURVEY NO. 00 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 6.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173749 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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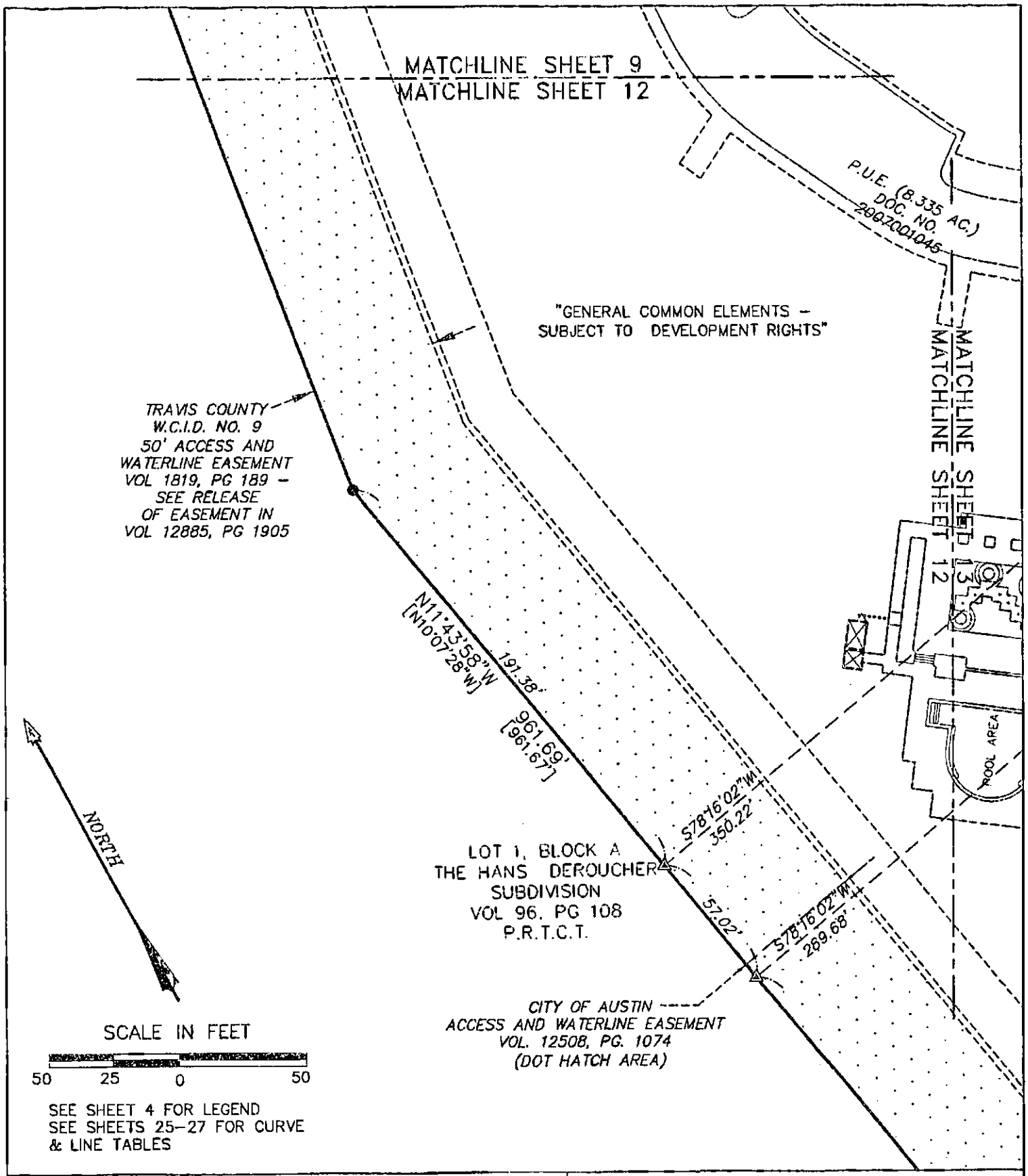

SEE SHEET 4 FOR LEGEND
SEE SHEETS 25–27 FOR CURVE & LINE TABLES

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.401 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 01, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG–AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.090 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG–AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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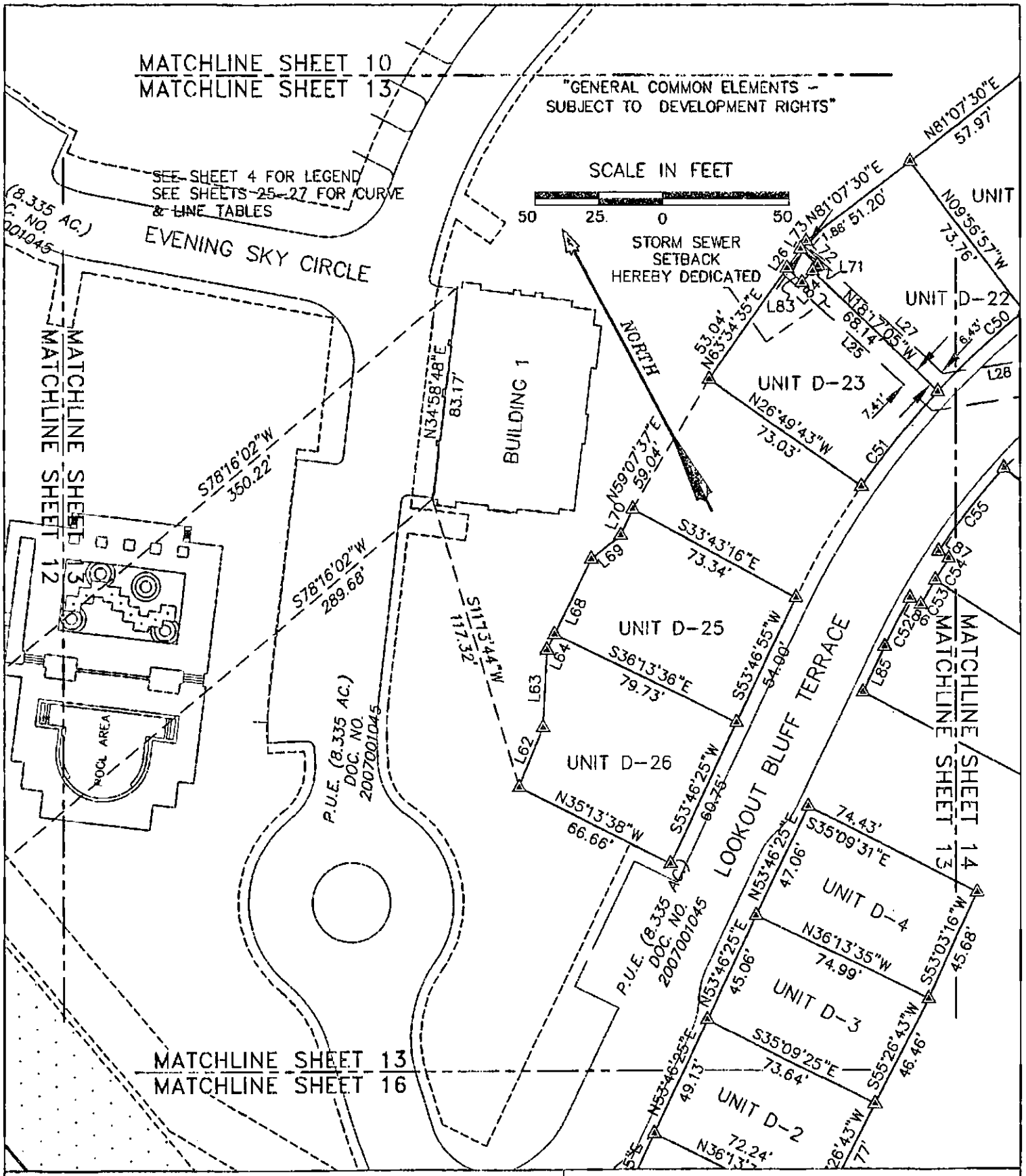

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.401 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 01, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 520; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.000 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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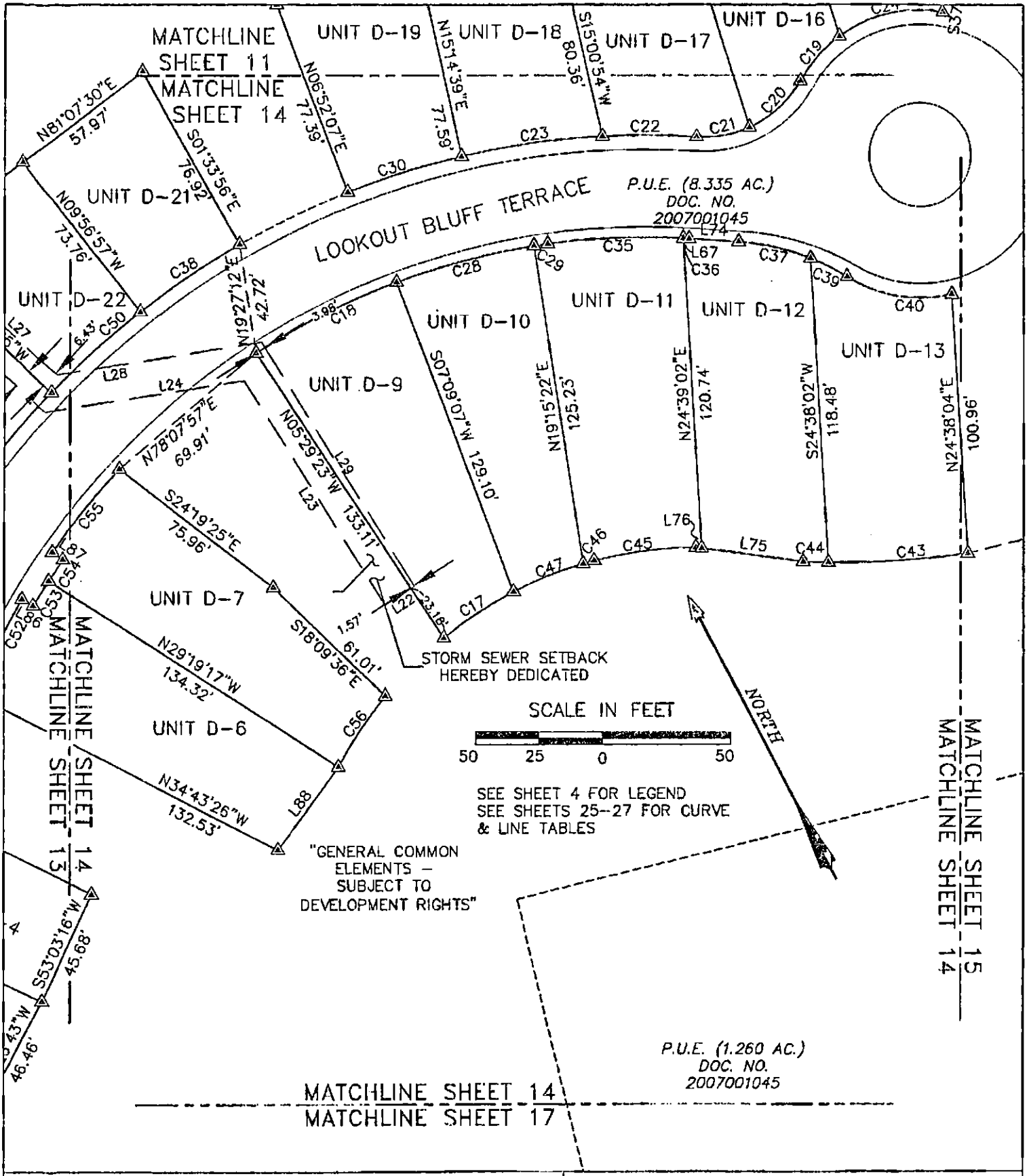

AVIARA CONDOMINIUMS

EXHIBIT
OF 39.401 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.N. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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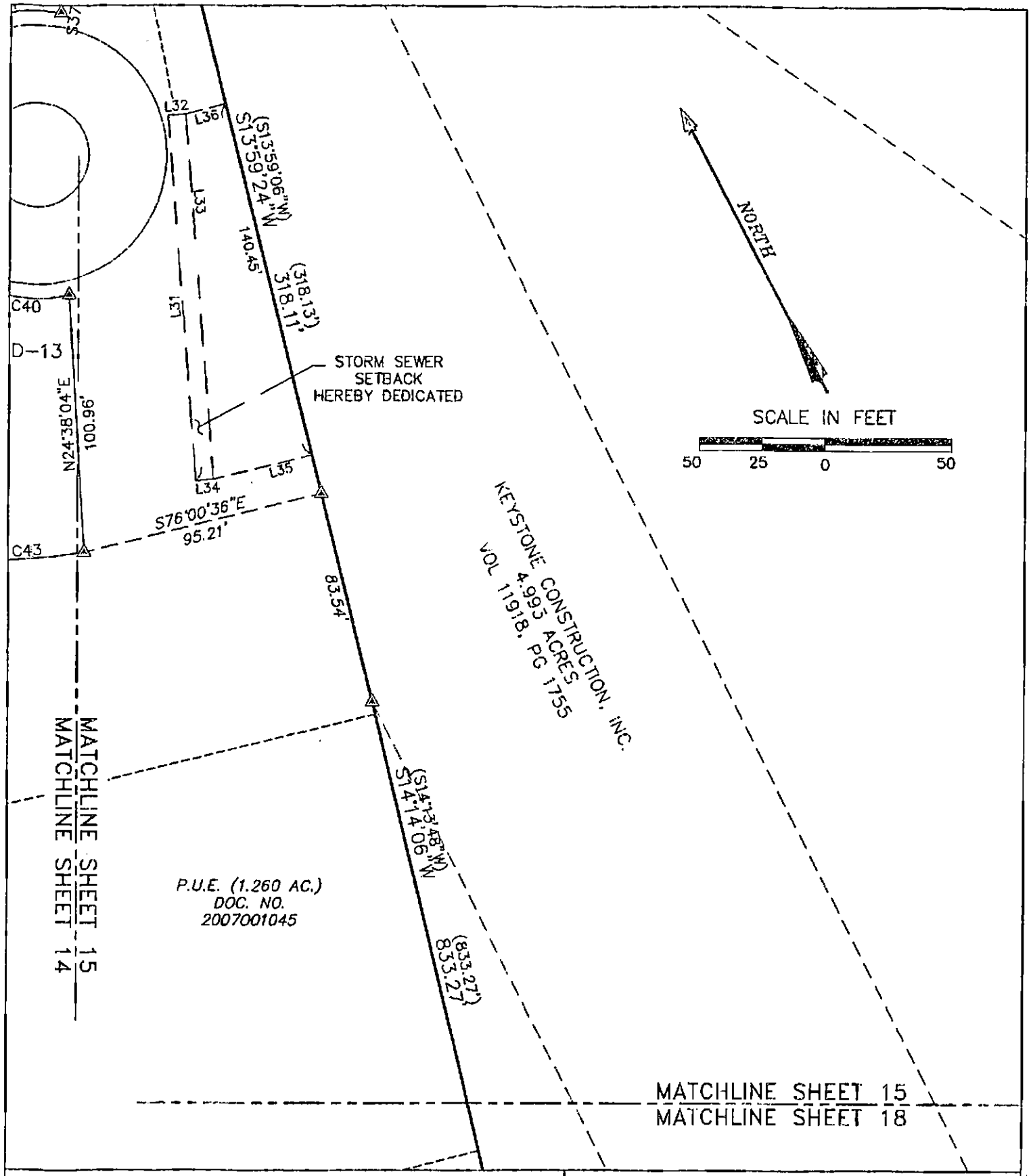

AVIARA CONDOMINIUMS

EXHIBIT
OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 01, THE THOMAS ANDERSON SURVEY NO. 00 AND THE T.W. MOORE SURVEY NO. 620; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2008173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2008173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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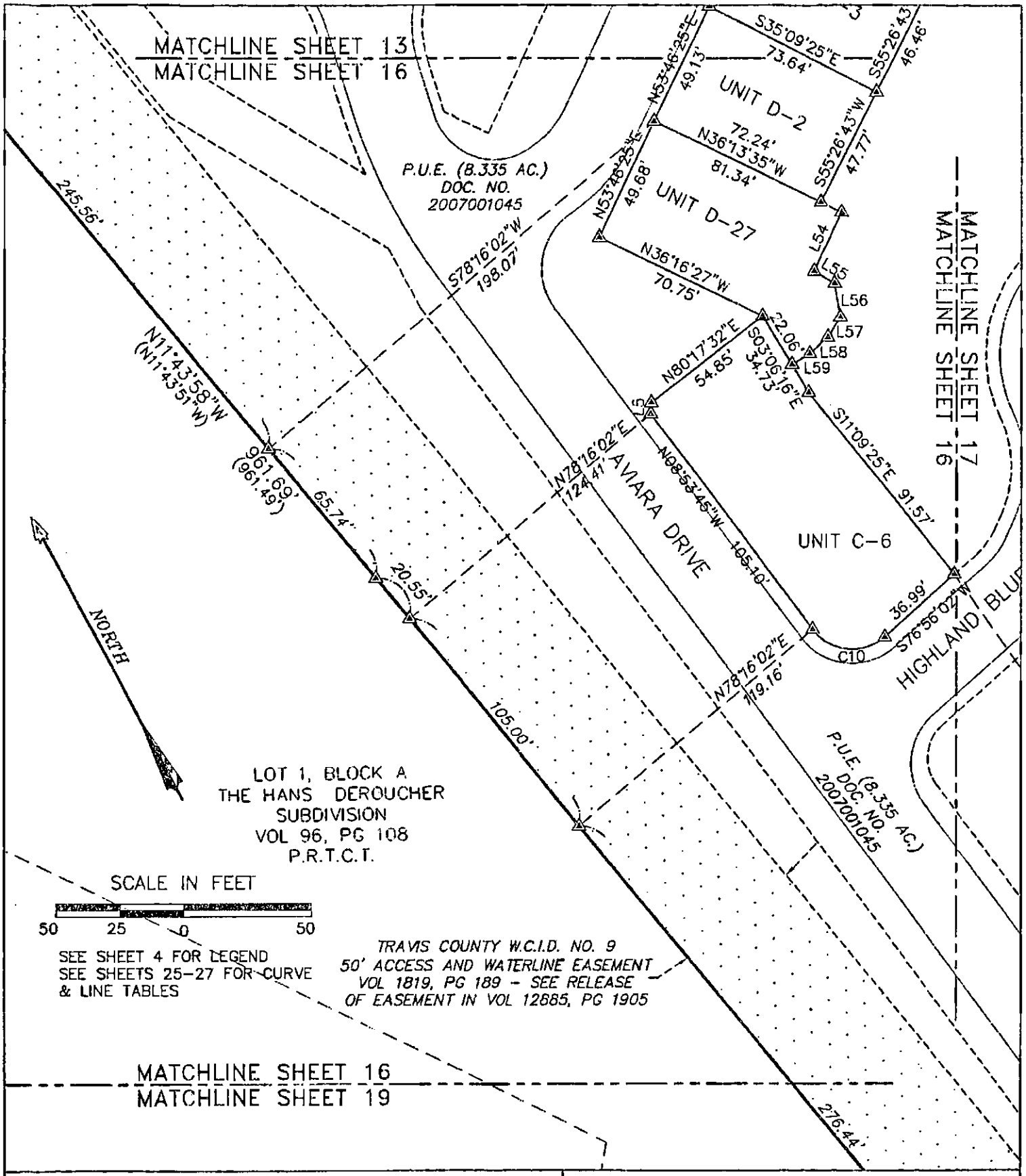

AVIARA CONDOMINIUMS

EXHIBIT
OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.088 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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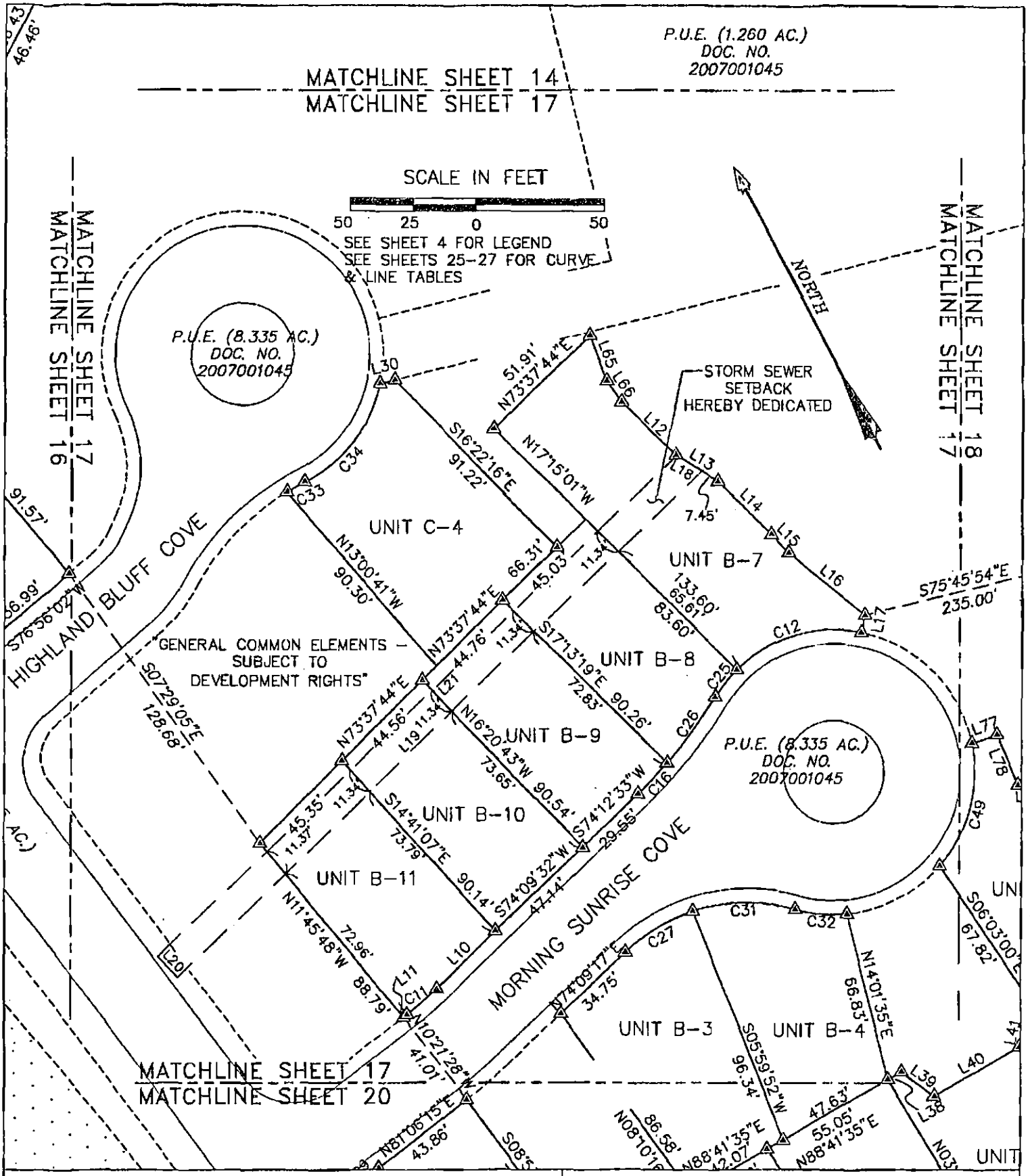

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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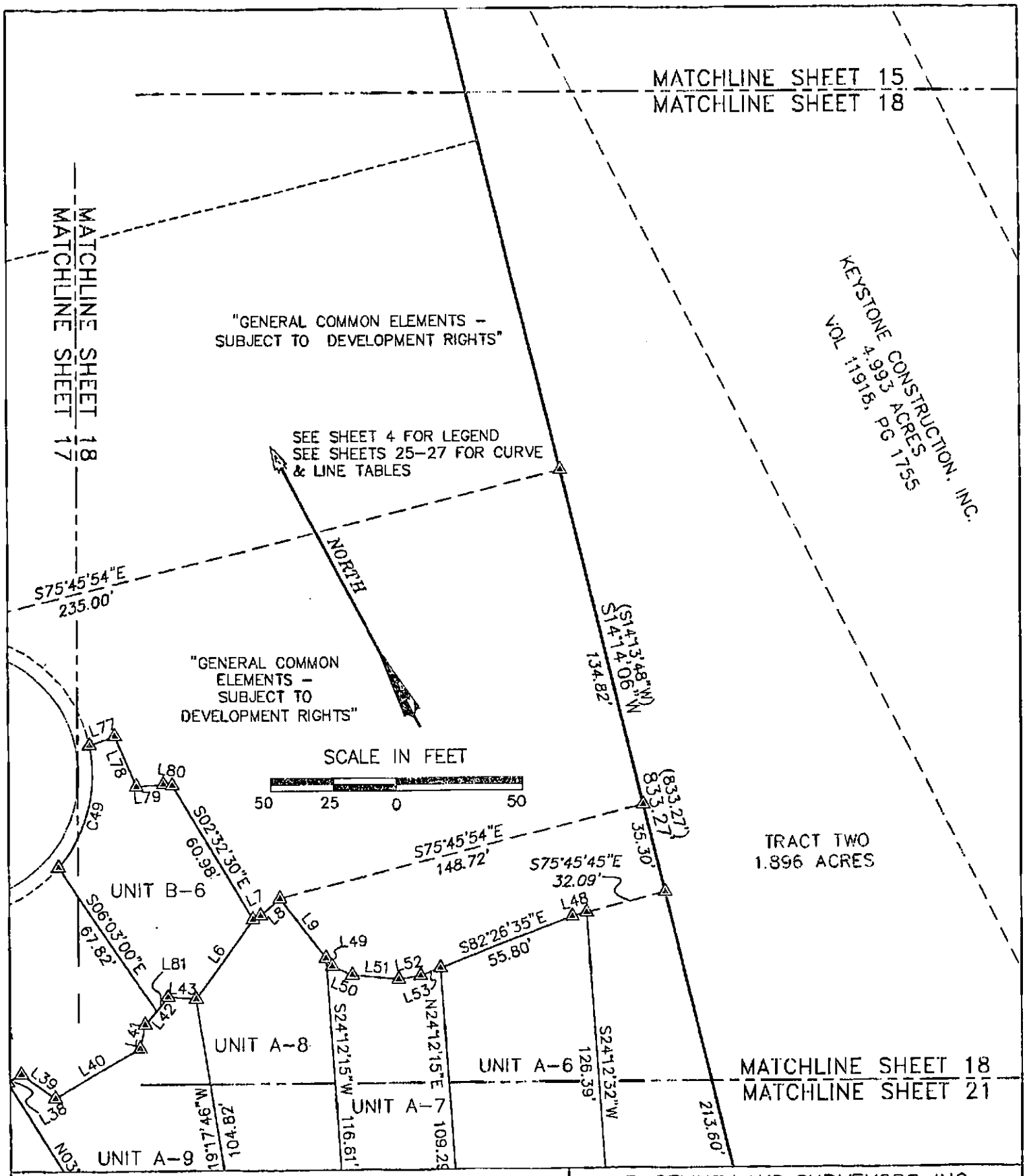

AVIARA CONDOMINIUMS

EXHIBIT

OF 30.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.090 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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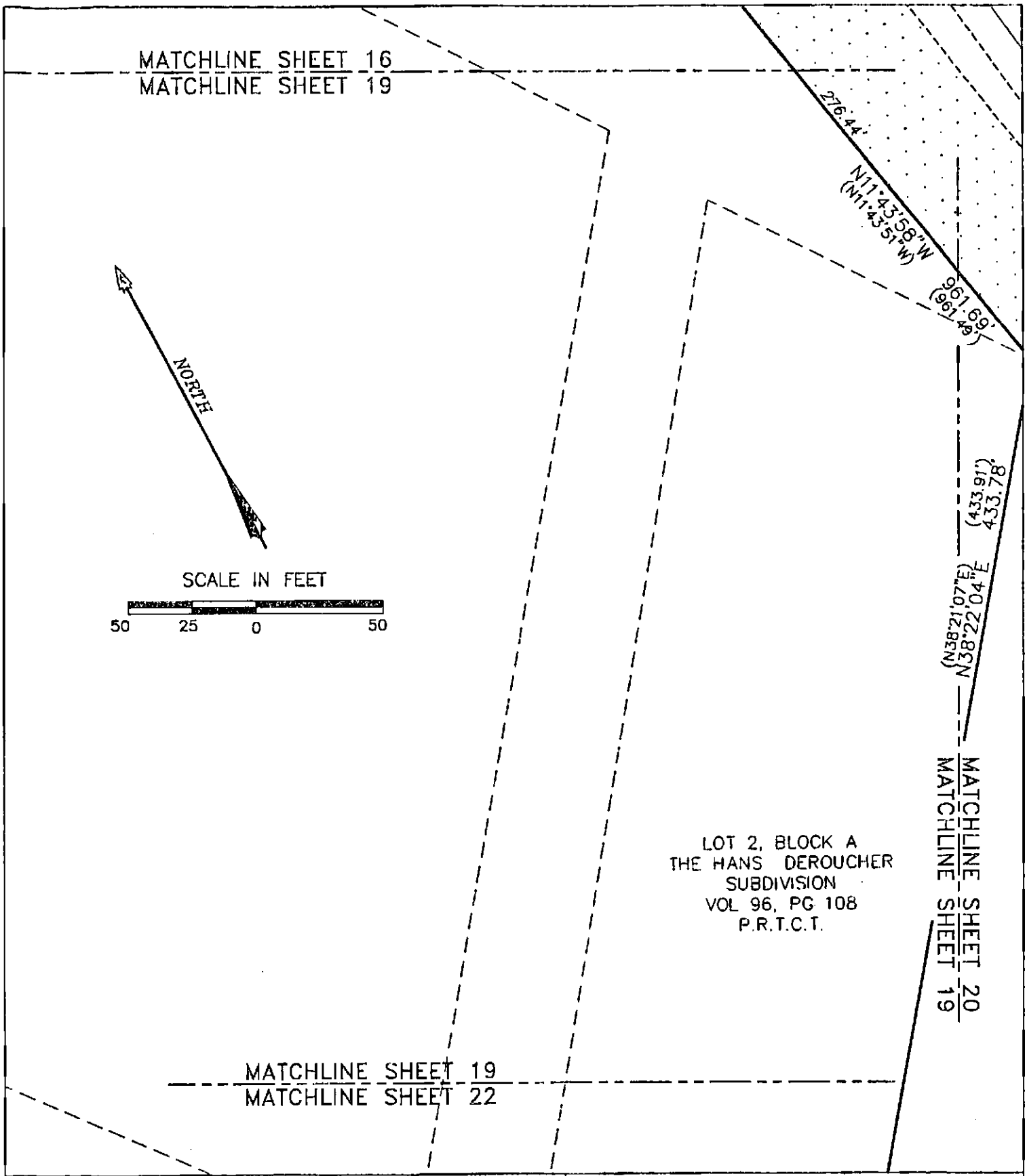

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 6.064 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.090 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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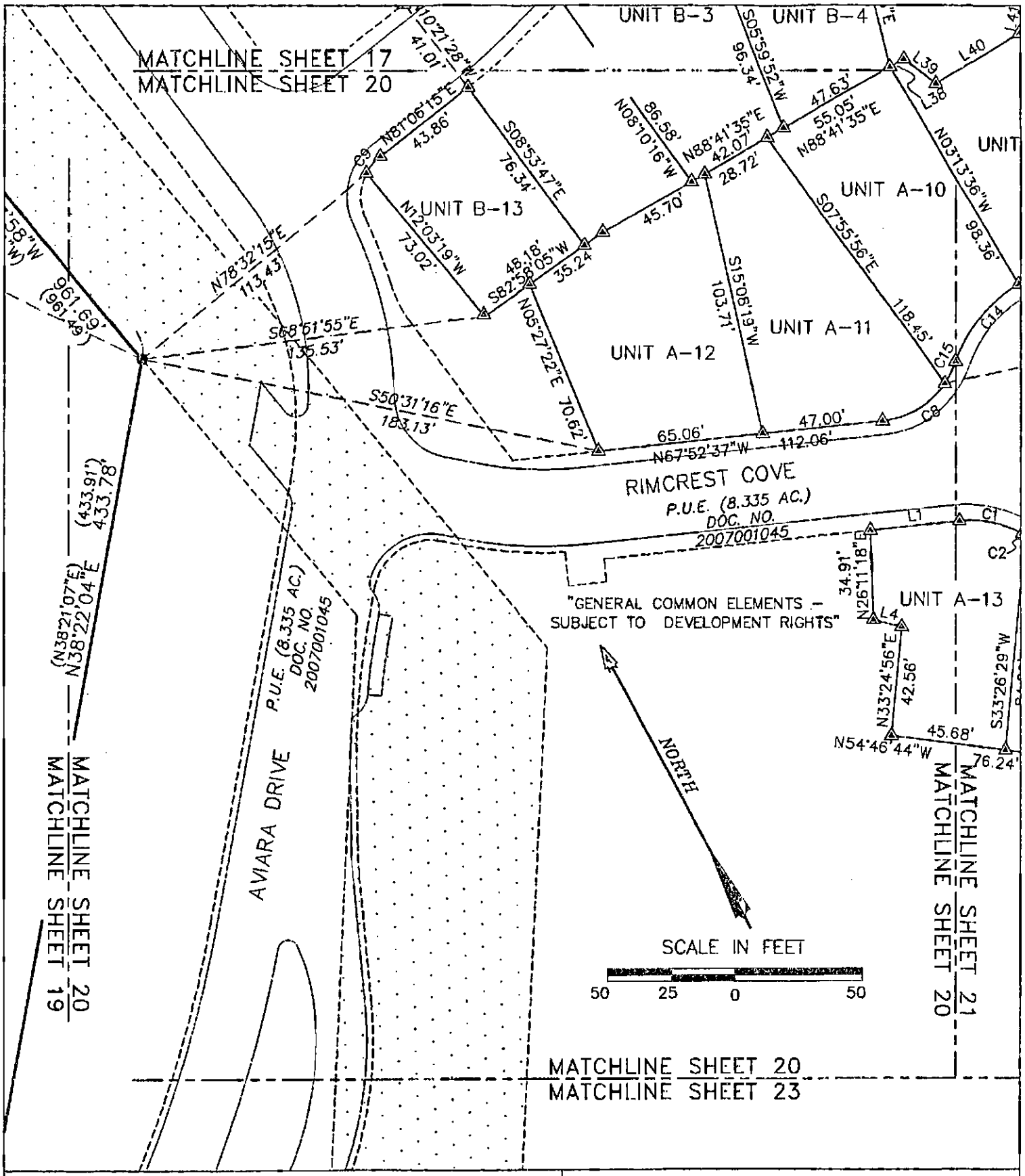

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 520; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.096 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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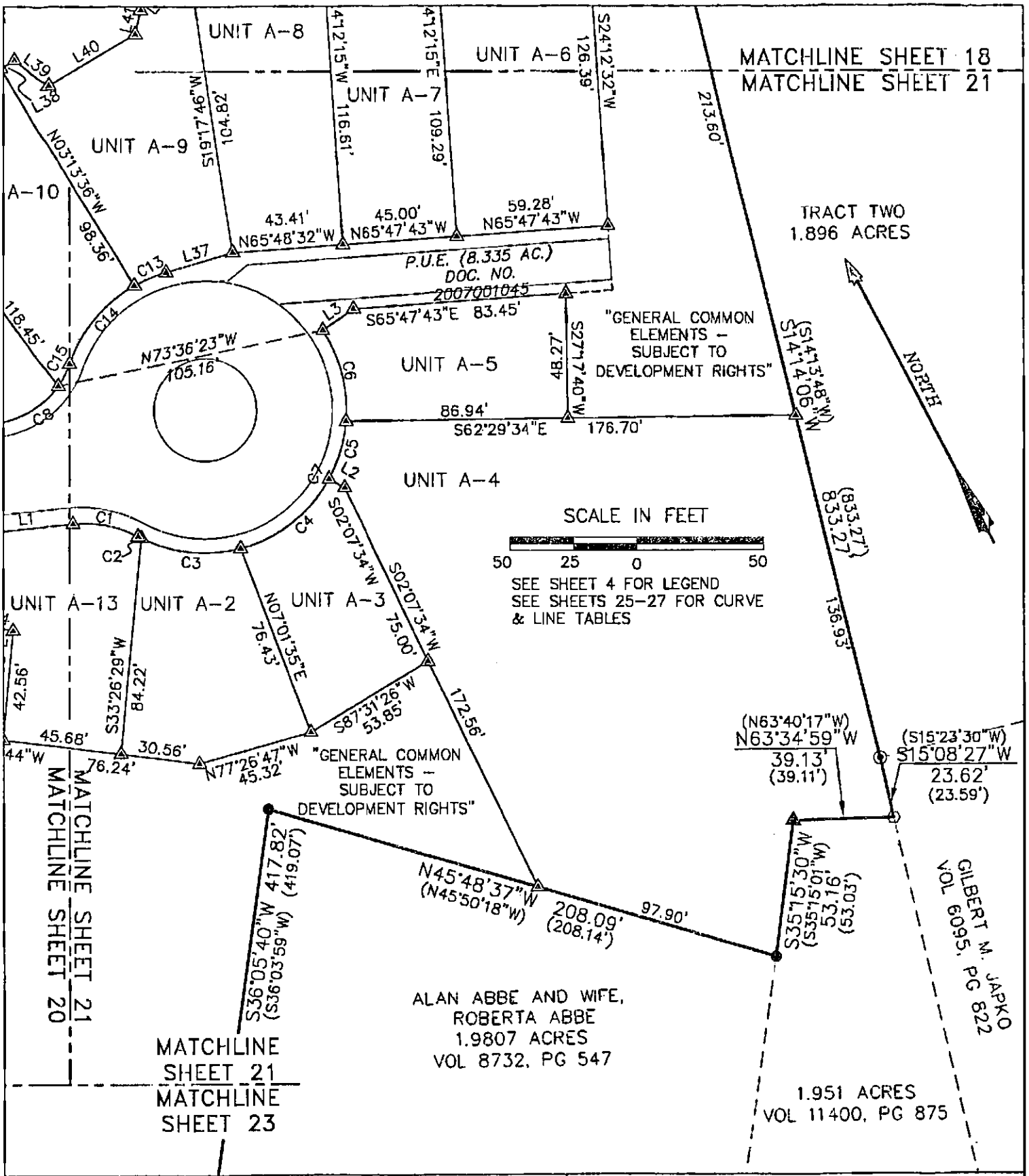

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 01, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.907 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

BASELINE LAND SURVEYORS, INC.
PROFESSIONAL LAND SURVEYING SERVICES
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ron--baseline@austin.rr.com

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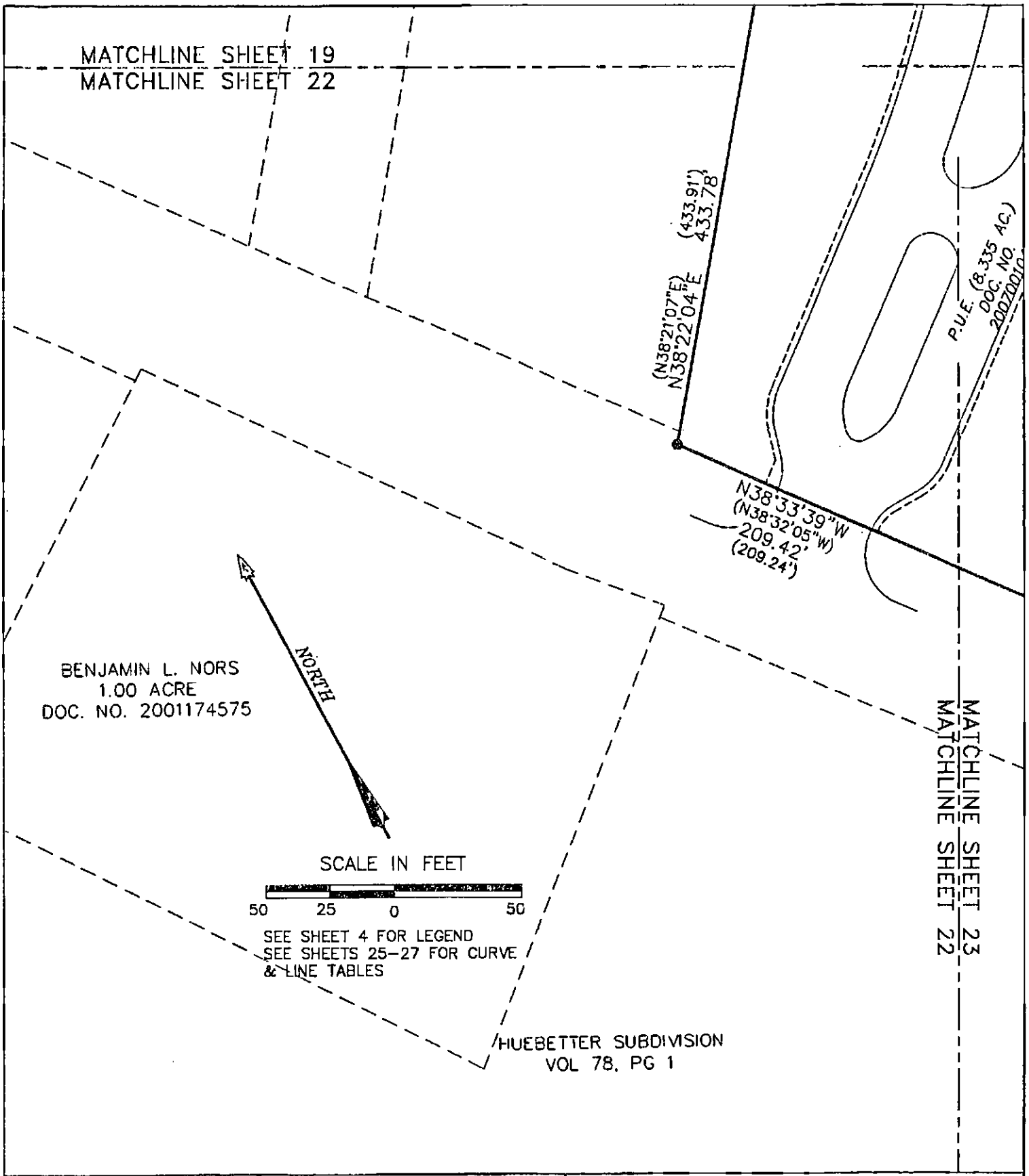

AVIARA CONDOMINIUMS

EXHIBIT
OF 30.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 626; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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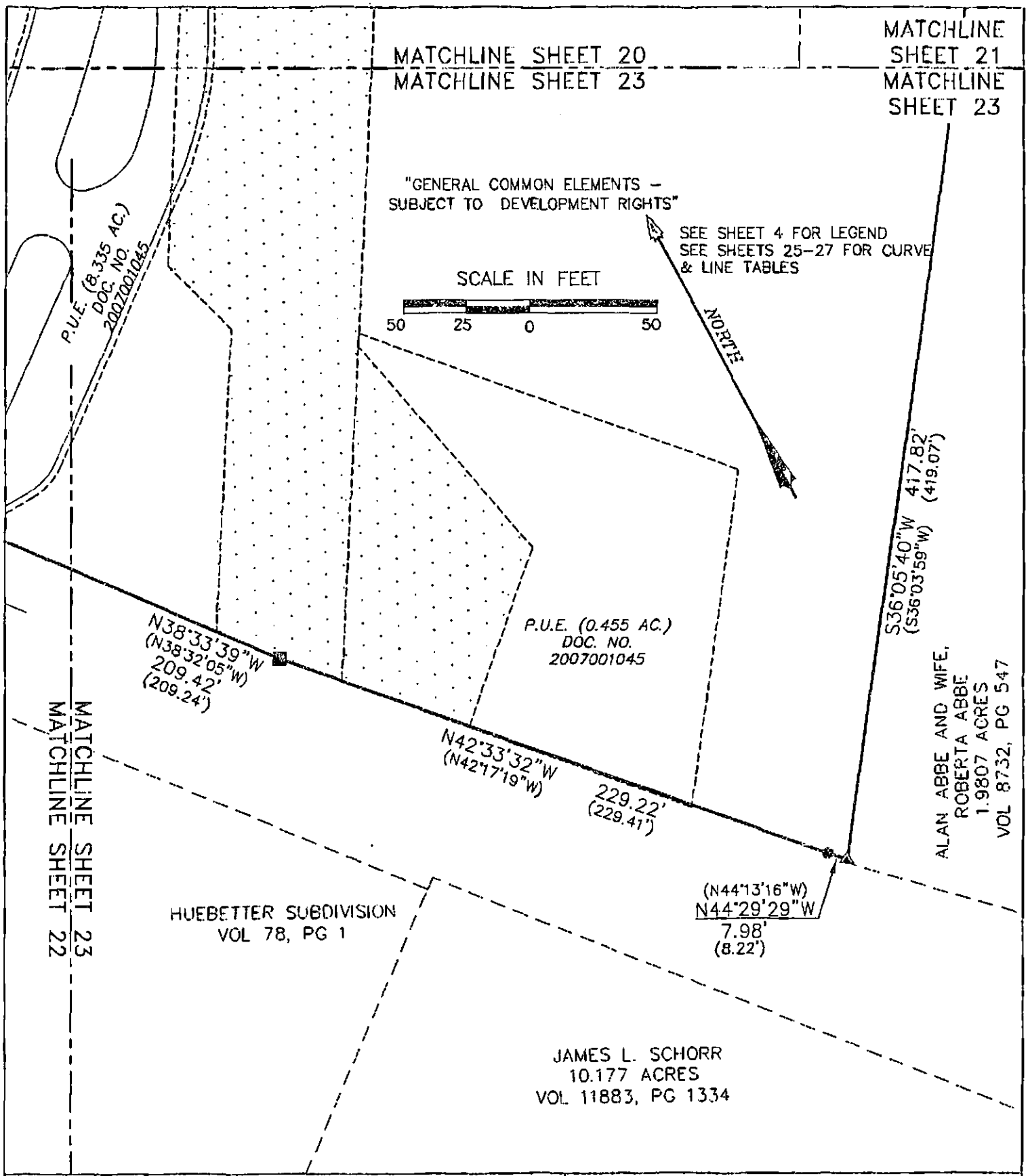

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 6.054 ACRE TRACT OF LAND CONVEYED TO PCG–AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.090 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG–AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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Date: 02/11/11	Checked By: JSL / Drawn By: HPE\RLW	

EXHIBIT

AVIARA CONDOMINIUMS

[PLAT]

§ Certification of Surveyor §

The attached plat, attached hereto as Exhibit contain the information required by Section 82.052 and Section 82.059 of the Texas Uniform Condominium Act, as applicable.

Ronnie Wallace
R.P.L.S. No. 5222

Date: 11 February 2011

STATE OF TEXAS
REGISTERED
RONNIE WALLACE
5222
PROFESSIONAL
LAND SURVEYOR

AVIARA CONDOMINIUMS	BASELINE LAND SURVEYORS, INC.	
EXHIBIT OF 39.481 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 00 AND THE T.N. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.064 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS	PROFESSIONAL LAND SURVEYING SERVICES 8333 CROSS PARK DRIVE AUSTIN, TEXAS 78754 OFFICE: 512.374.9722 FAX: 512.873.9743 ron-baseline@austin.rr.com	
	File: S:\Pro\Aviara\Dwg\AVIARA CONDO BASE.dwg	SHEET
	Job No. / Snapshot:	24 of 27
	Scale (Hor.): 1"=50' / Scale (Vert.):	
	Date: 02/11/11 / Checked By: JSL / Drawn By: HPE\RLW	

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C1	43.50'	25.85'	34°03'14"	N50°51'00"W	25.48'
C2	55.50'	1.36'	1°24'13"	S34°31'30"E	1.36'
C3	55.50'	39.74'	41°01'24"	S55°44'18"E	38.89'
C4	55.50'	45.25'	46°42'38"	N80°23'41"E	44.00'
C5	55.50'	23.52'	24°16'50"	N44°53'57"E	23.34'
C6	55.50'	37.22'	38°25'09"	N13°32'57"E	36.52'
C7	55.50'	147.08'	151°50'14"	N70°15'30"E	107.66'
C8	34.50'	29.54'	49°03'46"	N87°35'30"E	28.65'
C9	19.50'	8.60'	25°15'47"	S68°28'21"W	8.53'
C10	19.50'	32.05'	94°10'13"	S55°58'52"E	28.56'
C11	128.50'	15.59'	6°56'58"	N77°37'46"E	15.56'
C12	55.50'	54.03'	55°46'56"	N78°25'05"W	51.92'
C13	55.50'	13.29'	13°43'20"	N84°39'53"W	13.26'
C14	55.50'	40.10'	41°23'40"	S67°46'37"W	39.23'
C15	34.50'	9.67'	16°03'39"	N55°06'36"E	9.64'
C16	194.50'	16.61'	4°53'34"	N71°36'45"E	16.60'
C17	160.00'	33.10'	11°51'14"	S85°23'29"W	33.04'
C18	281.00'	61.89'	12°37'13"	N88°22'50"W	61.77'
C19	55.50'	23.40'	24°09'12"	S71°04'10"W	23.22'
C20	44.50'	27.40'	35°16'52"	N76°38'00"E	26.97'
C21	44.50'	21.40'	27°32'51"	S71°57'09"E	21.19'
C22	320.50'	36.55'	6°32'02"	N61°26'44"W	36.53'
C23	320.50'	56.16'	10°02'22"	N69°43'56"W	56.09'
C24	55.50'	42.94'	44°19'30"	N74°41'29"W	41.87'
C25	55.50'	13.43'	13°52'10"	S66°45'22"W	13.40'
C26	194.50'	32.10'	9°27'22"	N64°33'01"E	32.06'
C27	69.50'	31.31'	25°48'34"	S87°03'34"W	31.04'
C28	284.37'	56.30'	11°20'39"	N76°17'14"W	56.21'
C29	284.37'	5.39'	1°05'11"	N70°04'19"W	5.39'
C30	320.50'	46.88'	8°22'48"	N78°59'29"W	46.83'
C31	69.50'	41.29'	34°02'29"	N63°00'55"W	40.69'
C32	55.50'	21.02'	21°42'01"	S56°50'41"E	20.89'
C33	94.50'	8.03'	4°52'04"	S89°32'13"W	8.03'
C34	55.50'	50.19'	51°48'35"	N66°03'57"E	48.49'
C35	281.00'	52.77'	10°45'33"	N64°06'44"W	52.69'
C36	281.00'	0.93'	0°11'23"	N58°38'20"W	0.93'
C37	94.50'	29.53'	17°54'23"	N49°19'02"W	29.41'
C38	320.50'	46.91'	8°23'10"	S84°14'33"W	46.87'
C39	94.50'	16.32'	9°53'42"	N35°25'03"W	16.30'
C40	55.50'	43.09'	44°29'20"	S52°42'50"E	42.02'
C41	55.50'	44.21'	45°38'24"	N82°13'24"E	43.05'
C42	350.00'	73.09'	11°57'56"	S76°03'05"E	72.96'
C43	350.00'	55.18'	9°02'00"	S65°33'07"E	55.12'
C44	350.00'	10.08'	1°39'00"	S60°12'59"E	10.08'
C45	160.00'	39.91'	14°17'35"	N69°21'21"W	39.81'
C46	160.39'	4.39'	1°34'06"	N77°13'21"W	4.39'
C47	160.39'	29.62'	10°34'57"	N83°12'44"W	29.58'
C48	55.50'	41.86'	43°12'43"	S89°18'02"E	40.87'
C49	55.50'	50.91'	52°33'09"	N42°49'02"E	49.14'
C50	320.50'	46.62'	8°20'01"	S75°52'58"W	46.57'

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 01, THE THOMAS ANDERSON SURVEY NO. 00 AND THE T.W. MOORE SURVEY NO. 528; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 6.064 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.080 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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PROFESSIONAL LAND SURVEYING SERVICES

8333 CROSS PARK DRIVE

AUSTIN, TEXAS 78754

OFFICE: 512.374.9722 FAX: 512.873.9743

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Job No.	Snapshot:	
Scale (Hor.): 1"=50'	Scale (Vert.):	
Date: 02/11/11	Checked By: JSL	Drawn By: HPE\RLW

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C51	320.50'	47.84'	8°33'05"	S67°26'25"W	47.79'
C52	281.00'	21.40'	4°21'47"	S55°57'19"W	21.39'
C53	276.00'	11.21'	2°19'35"	S59°18'00"W	11.21'
C54	276.00'	9.99'	2°04'26"	S61°30'01"W	9.99'
C55	281.00'	41.60'	8°28'55"	S66°46'42"W	41.56'
C56	160.00'	33.12'	11°51'34"	S62°00'22"W	33.06'

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.401 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 00 AND THE T.W. MOORE SURVEY NO. 520; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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Job No.	Snapshot:	
Scale (Hor.): 1"=50'	Scale (Vert.):	
Date: 02/11/11	Checked By: JSI.	Drawn By: HPE\RLW

LINE TABLE		
LINE	BEARING	LENGTH
L1	S67°52'37"E	35.37'
L2	N32°57'38"W	7.06'
L3	N84°20'23"E	14.65'
L4	N47°51'55"W	11.34'
L5	N31°01'52"E	4.45'
L6	N63°54'29"E	38.06'
L7	S86°57'47"E	3.29'
L8	N78°01'20"E	10.29'
L9	S10°13'03"E	29.53'
L10	S74°09'17"W	32.66'
L11	S81°06'15"W	1.64'
L12	S18°00'07"E	6.87'
L13	S30°23'57"E	19.47'
L14	S17°47'50"E	29.77'
L15	S15°29'37"E	9.67'
L16	S23°37'34"E	39.17'
L17	S39°28'12"W	6.91'
L18	S30°23'57"E	11.73'
L19	S74°19'32"W	284.75'
L20	N15°40'28"W	11.34'
L21	N74°19'32"E	281.77'
L22	S85°45'47"W	13.66'
L23	N04°14'13"W	103.33'
L24	N70°42'51"W	78.43'
L25	N19°29'12"W	79.32'
L26	N63°34'35"E	13.76'
L27	S19°29'12"E	74.44'
L28	S70°42'51"E	80.83'
L29	S04°14'13"E	112.29'
L30	S75°40'42"E	6.08'
L31	N23°29'14"E	142.40'
L32	S66°30'46"E	6.83'
L33	S23°29'14"W	142.40'
L34	N66°30'46"W	6.83'
L35	S76°00'36"E	39.58'
L36	S76°00'36"E	16.09'
L37	N77°48'13"W	27.14'
L38	N88°41'39"E	6.13'
L39	N25°44'20"W	15.92'
L40	S88°11'16"W	38.53'
L41	S40°42'44"W	9.55'
L42	N67°35'16"E	13.92'
L43	S57°59'10"E	10.92'
L44	S76°25'51"E	16.48'
L45	S70°54'33"E	39.17'
L46	N86°12'33"E	12.02'
L47	S84°49'29"E	4.40'
L48	S76°40'56"E	5.93'
L49	S10°13'03"E	4.06'
L50	S38°01'06"E	8.58'

LINE TABLE		
LINE	BEARING	LENGTH
L51	S56°04'51"E	18.69'
L52	S70°55'02"E	8.71'
L53	S82°26'35"E	8.37'
L54	S53°46'22"W	25.12'
L55	S31°37'01"E	9.49'
L56	S18°24'32"W	13.40'
L57	S60°30'23"W	9.18'
L58	S76°42'45"W	9.64'
L59	S87°05'06"W	8.22'
L60	S84°49'29"E	2.67'
L61	S84°21'45"E	20.21'
L62	N50°40'11"E	24.96'
L63	N30°53'27"E	30.22'
L64	N53°56'24"E	6.82'
L65	S07°17'18"W	18.99'
L66	S06°13'30"E	9.98'
L67	S58°24'33"E	1.34'
L68	N54°18'02"E	32.72'
L69	N79°34'04"E	14.67'
L70	N52°43'24"E	11.28'
L71	N71°42'55"E	3.00'
L72	N18°17'05"W	9.31'
L73	N63°34'36"E	3.67'
L74	S58°16'14"E	19.54'
L75	N54°30'06"W	40.63'
L76	N54°30'06"W	2.31'
L77	S81°16'47"E	10.47'
L78	S04°57'06"W	21.25'
L79	S66°16'15"E	10.53'
L80	S54°10'00"E	3.38'
L81	S67°35'16"W	6.96'
L82	S67°35'16"W	6.96'
L83	S18°17'05"E	8.02'
L84	N71°42'59"E	6.00'
L85	N53°46'26"E	19.82'
L86	S31°51'47"E	5.00'
L87	N27°27'46"W	5.00'
L88	S64°54'52"W	40.05'

AVIARA CONDOMINIUMS

EXHIBIT
OF 30.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.090 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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UNIT PLAN TYPES – ATTACHED UNITS

Unit No.	Plan Type*
A-1	A
B-1	B
C-1	C
D-1	D

*** SEE CONDOMINIUM PLANS FOR PLAN TYPE.**

ALL UNITS SHOWN ON THE PLAT AND PLANS OTHER THAN UNITS A-1, B-1, C-1, D-1 ARE STAND-ALONE UNITS.

ATTACHMENT 2

EXHIBIT "C" TO THE DECLARATION OF CONDOMINIUM REGIME

COMMON INTEREST ALLOCATION & BUILDING LCE ALLOCATION

COMMON INTEREST ALLOCATION

The Common Interest Allocation and percentage of liability for common expenses for each Unit is 1/48.

THE COMMON INTEREST ALLOCATION ASSIGNED TO A PARTICULAR UNIT WILL DECREASE IF ADDITIONAL UNITS ARE CREATED AND ADDED TO THE REGIME BY THE DECLARANT.

BUILDING LCE ALLOCATION

The Building LCE Allocation for each Attached Unit is 1/4.

THE BUILDING LCE ALLOCATION ASSIGNED TO A PARTICULAR UNIT WILL DECREASE IF ADDITIONAL UNITS ARE CREATED AND ADDED TO THE REGIME BY THE DECLARANT.

ORIGINAL
FILED FOR RECORD

AFTER RECORDING RETURN TO:
Robert D. Burton, Esq.
Winstead, PC
401 Congress Ave., Suite 2100
Austin, Texas 78701

AVIARA

FIFTEENTH AMENDMENT TO RESTATED AND AMENDED DECLARATION OF CONDOMINIUM REGIME FOR AVIARA CONDOMINIUMS

(A Residential Condominium in Travis County, Texas)

Cross Reference to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2009071585, Official Public Records of Travis County, Texas as amended.

FIFTEENTH AMENDMENT TO
RESTATED AND AMENDED DECLARATION OF CONDOMINIUM REGIME
FOR AVIARA CONDOMINIUMS

This Fifteenth Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums (the "**Amendment**") is made **CR-B AVIARA, L.P.**, a Texas limited partnership ("**Declarant**"), and is as follows:

RECITALS:

A. Aviara Condominiums, a condominium regime (the "**Regime**"), located in Travis County, Texas, was established pursuant to that certain Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2009071585, Official Public Records of Travis County, Texas as amended (collectively, the "**Declaration**").

B. Pursuant to *Provision A.3.10* of Appendix "A" to the Declaration, Declarant may amend the Declaration unilaterally and without the consent of other Owners or any mortgagee to add real property to the Property and create Units, General Common Elements and Limited Common Elements within the Property and to subdivide, combine or reconfigure Units, or convert Units into Common Elements, in the exercise of statutory development rights.

C. In accordance with *Provision A.3.8* of Appendix "A" to the Declaration, Declarant has reserved the right, during the Development Period, to create Units, General Common Elements, and Limited Common Elements within the Property.

D. The "Development Period" as such term is defined in the Declaration, is a fifteen (15) year period commencing on the date the Declaration was recorded in the Official Public Records of Travis County, Texas. The Declaration was recorded in the Official Public Records of Travis County, Texas, on May 4, 2009.

E. This amendment is promulgated for the purposes of creating two (2) additional Units within the Regime. The total number of Units within the Regime after giving effect to this Amendment is equal to fifty (50), and the total number of additional Units which Declarant has reserved the right to create by amendment is equal to one hundred (100).

NOW THEREFORE, the Declaration is hereby amended as follows:

1. Creation of Units. In accordance with the rights reserved by the Declarant pursuant to *Section 5.1* of the Declaration and *Provisions A.3.8* and *A.3.10* of Appendix "A" to the Declaration, Declarant hereby creates two (2) Units, which are designated as Unit Nos. D-5 and D-14 (the "New Units"). The New Units are hereby classified as Units which MUST BE BUILT.

2. Replacement of Exhibit "B". Exhibit "B" to the Declaration is hereby deleted in its entirety and the Plats and Plans attached hereto as Attachment 1 (the "New Plats and Plans") are substituted in their place. The New Plats and Plans: (i) assign an identifying number to all Units; (ii) describe the portion of the limited common elements created or assigned to all Units; and (iii) include the information required by Section 82.059 of the Texas Uniform Condominium Act.

3. Replacement of Exhibit "C". The Percentage Interests allocated to all Units within the Regime, after the addition of the New Units, is set forth on Attachment 2, attached hereto. Attachment 2, attached hereto, will supersede and replace Exhibit "C" attached to the Declaration.

4. 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.

[SIGNATURE PAGE FOLLOWS]

EXECUTED to be effective as of the 2nd day of March, 2011.

DECLARANT:

CR-B AVIARA, L.P., a Texas limited partnership

By: CR-B INVESTORS I GP, L.L.C., a Texas limited liability company, its General Partner

By: _____
Printed Name: David Arnow
Title: Vice President

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this 2nd day of March 2011 by David Arnow Vice President of CR-B Investors I GP, L.L.C., a Texas limited liability company, General Partner of CR-B Aviara, L.P., a Texas limited partnership, on behalf of said entities.

(SEAL)

Notary Public Signature

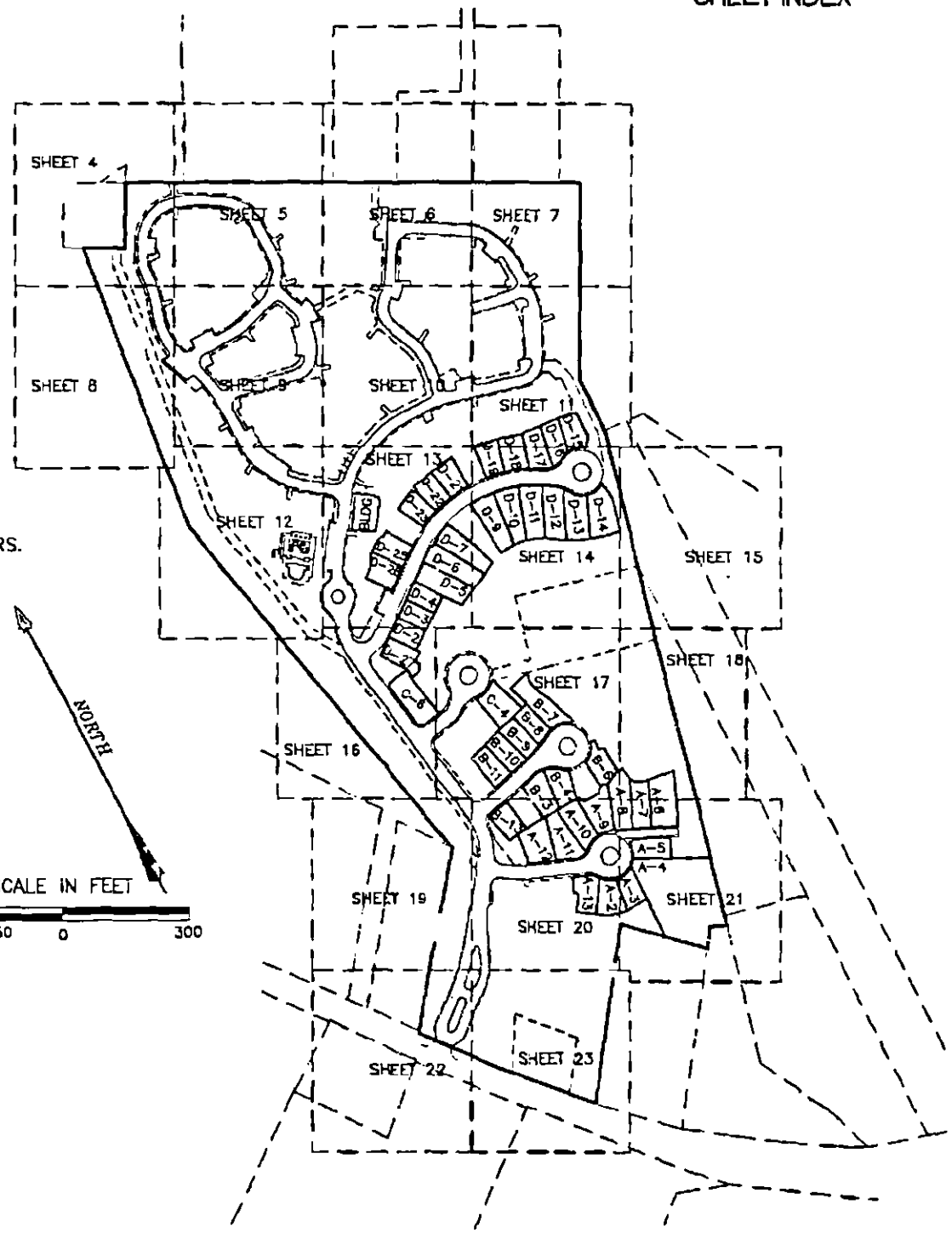
JAMIE ORR SCHROEDER
MY COMMISSION EXPIRES
June 8, 2011

ATTACHMENT 1

EXHIBIT "B" TO THE DECLARATION OF CONDOMINIUM REGIME

SEE SHEET 24 OF 27 FOR ORIGINAL CERTIFICATION

SHEET INDEX



NOTE:
SEE SHEET 3 FOR LIST OF ADJOINING PROPERTY OWNERS.

AVIARA CONDOMINIUMS

EXHIBIT

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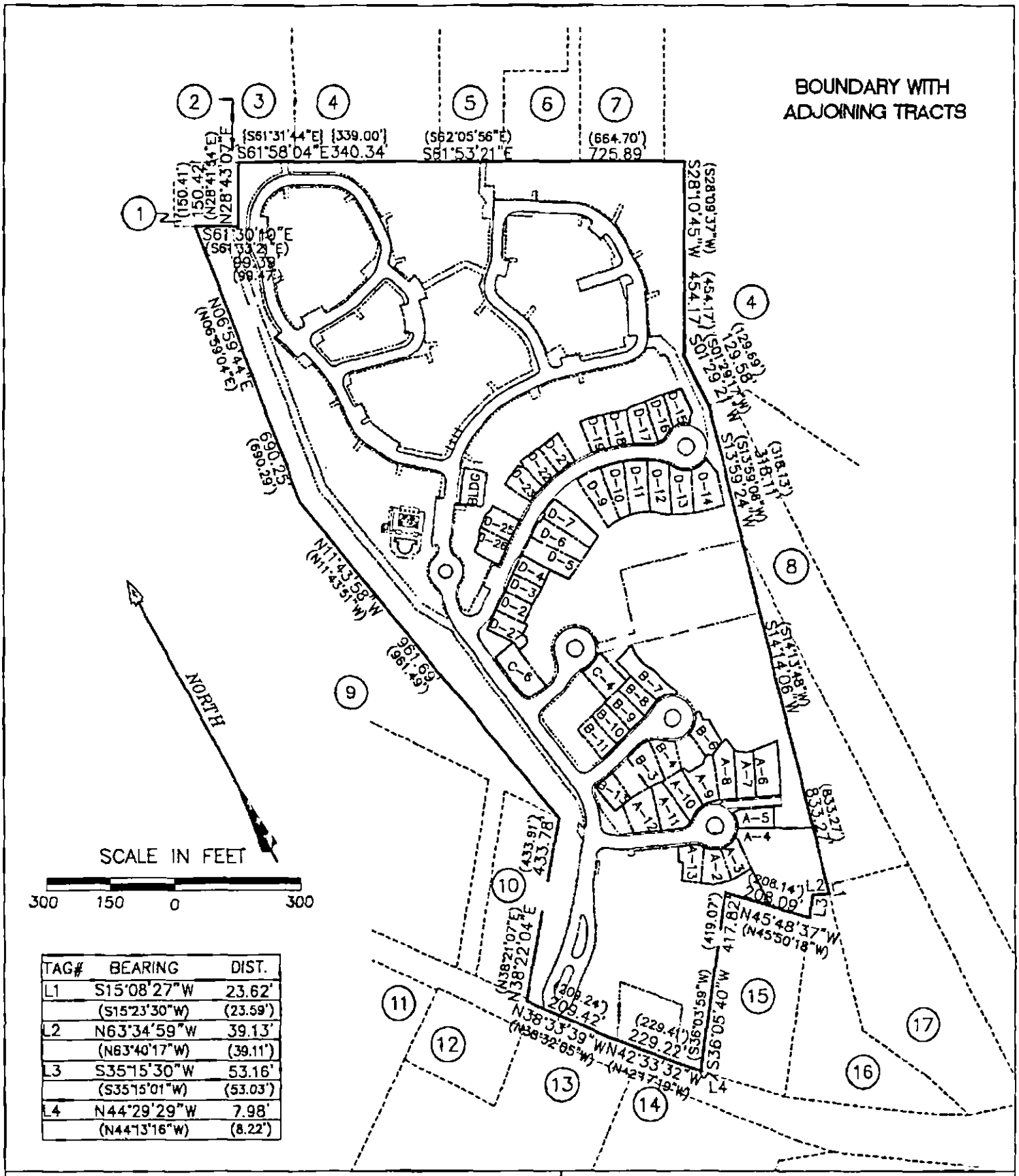
GENERAL NOTES

1.) ALL IMPROVEMENTS AND LAND REFLECTED ON THE PLAT ARE DESIGNATED AS GENERAL COMMON ELEMENTS, SAVE AND EXCEPT PORTIONS OF THE REGIME DESIGNATED AS LIMITED COMMON ELEMENTS OR "L.C.E." OR UNITS: (I) IN THE DECLARATION OF CONDOMINIUM REGIME FOR AVIARA CONDOMINIUMS; OR (ii) ON THE PLATS AND PLANS OF THE REGIME.

2.) OWNERSHIP AND USE OF CONDOMINIUM UNITS IS SUBJECT TO THE RIGHTS AND RESTRICTIONS CONTAINED IN THE DECLARATION OF CONDOMINIUM REGIME FOR AVIARA CONDOMINIUMS.

3.) EACH UNIT, BUILDING, LIMITED COMMON ELEMENT AND GENERAL COMMON ELEMENT IS SUBJECT TO SPECIAL RIGHTS RESERVED BY THE DECLARANT AS PROVIDED IN APPENDIX "A" OF THE DECLARATION OF CONDOMINIUM REGIME FOR AVIARA CONDOMINIUMS. PURSUANT TO SUCH PROVISIONS, AMONG OTHER THINGS, DECLARANT HAS RESERVED THE RIGHT TO: (i) COMPLETE OR MAKE IMPROVEMENTS INDICATED ON THE PLAT AND PLANS, AS PROVIDED IN APPENDIX "A" OF THE DECLARATION; (II) EXERCISE ANY DEVELOPMENT RIGHT PERMITTED BY THE TEXAS UNIFORM CONDOMINIUM ACT AND THE DECLARATION, INCLUDING THE ADDITION OF REAL PROPERTY TO THE REGIME DESCRIBED ON THIS PLAT AS "ADDITIONAL PROPERTY WHICH MAY BE ADDED TO THE REGIME," WHICH PROPERTY MAY BE ADDED AS UNITS, GENERAL COMMON ELEMENTS AND/OR LIMITED COMMON ELEMENTS, AS PROVIDED IN SECTION 2.2 OF THE DECLARATION AND APPENDIX "A" OF THE DECLARATION; (iii) MAKE THE PROPERTY PART OF A LARGER CONDOMINIUM OR PLANNED COMMUNITY, AS PROVIDED IN APPENDIX "A" OF THE DECLARATION; (iv) USE UNITS OWNED OR LEASED BY DECLARANT AS MODELS, STORAGE AREAS, AND OFFICES FOR THE MARKETING, MANAGEMENT, MAINTENANCE, CUSTOMER SERVICE, CONSTRUCTION, AND LEASING OF THE PROPERTY, AS PROVIDED IN APPENDIX "A" OF THE DECLARATION, AND (v) APPOINT OR REMOVE ANY DECLARANT-APPOINTED OFFICER OR DIRECTOR OF THE ASSOCIATION DURING THE DECLARANT CONTROL PERIOD (AS DESCRIBED IN THE DECLARATION) CONSISTENT WITH THE TEXAS UNIFORM CONDOMINIUM ACT, AS PROVIDED IN APPENDIX "A" OF THE DECLARATION. AS PROVIDED IN APPENDIX "A" OF THE DECLARATION, FOR PURPOSES OF PROMOTING, IDENTIFYING, AND MARKETING THE PROPERTY, DECLARANT RESERVES AN EASEMENT AND RIGHT TO PLACE OR INSTALL SIGNS, BANNERS, FLAGS, DISPLAY LIGHTING, POTTED PLANTS, EXTERIOR DECORATIVE ITEMS, SEASONAL DECORATIONS, TEMPORARY WINDOW TREATMENTS, AND SEASONAL LANDSCAPING ON THE PROPERTY, INCLUDING ITEMS AND LOCATIONS THAT ARE PROHIBITED TO OTHER OWNERS AND RESIDENTS. DECLARANT RESERVES AN EASEMENT AND RIGHT TO MAINTAIN, RELOCATE, REPLACE, OR REMOVE THE SAME FROM TIME TO TIME WITHIN THE PROPERTY. AS PROVIDED IN APPENDIX "A" OF THE DECLARATION, DECLARANT HAS AN EASEMENT AND RIGHT OF INGRESS AND EGRESS IN AND THROUGH THE COMMON ELEMENTS (AS DEFINED IN THE DECLARATION) AND UNITS OWNED OR LEASED BY DECLARANT FOR PURPOSES OF CONSTRUCTING, MAINTAINING, MANAGING, AND MARKETING THE PROPERTY, AND FOR DISCHARGING DECLARANT'S OBLIGATIONS UNDER THE TEXAS UNIFORM CONDOMINIUM ACT AND THE DECLARATION.



TAG#	BEARING	DIST.
L1	S15°08'27"W	23.62'
	(S15°23'30"W)	(23.59')
L2	N63°34'59"W	39.13'
	(N63°40'17"W)	(39.11')
L3	S35°15'30"W	53.16'
	(S35°15'01"W)	(53.03')
L4	N44°29'29"W	7.98'
	(N44°13'16"W)	(8.22')

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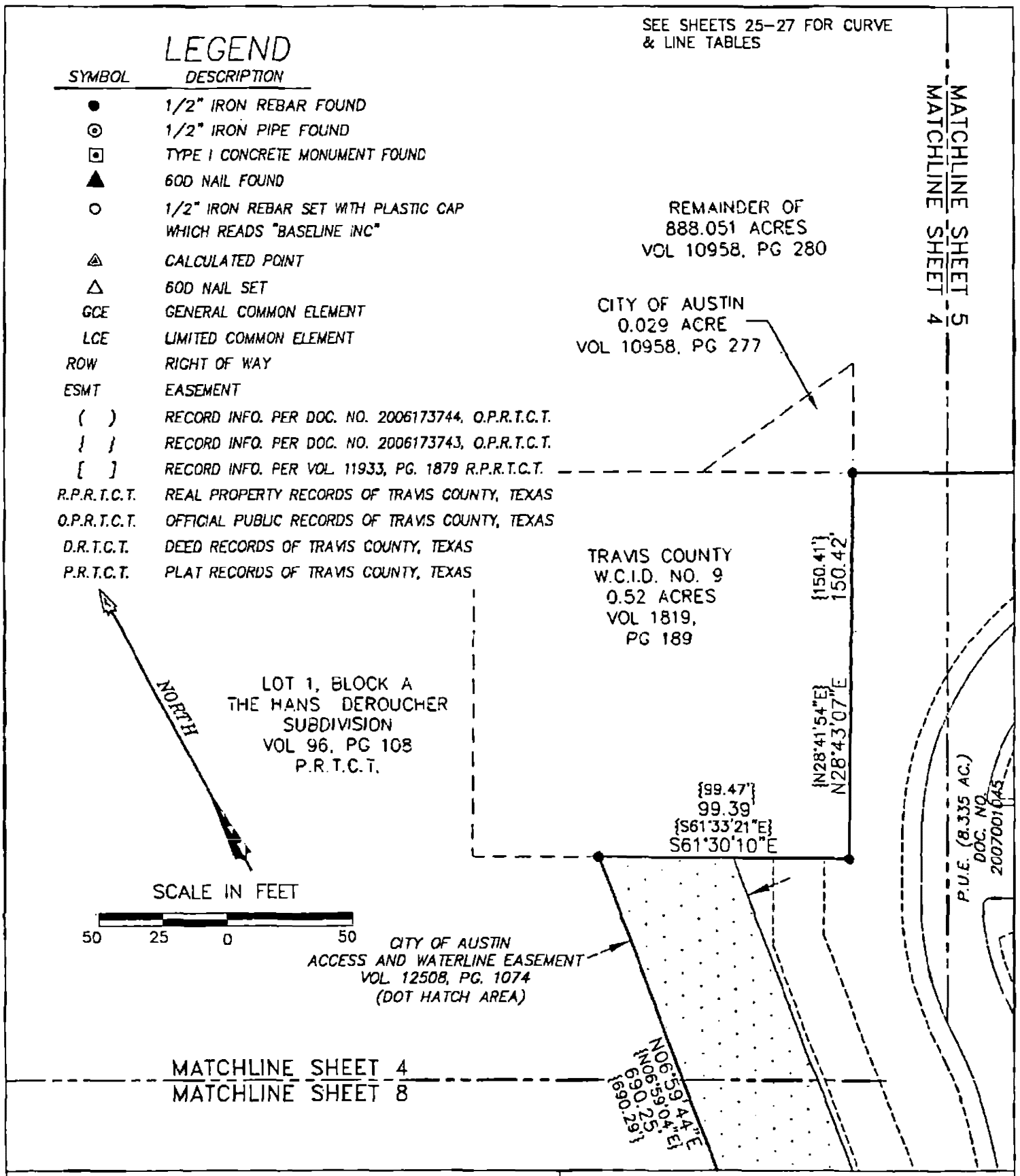
ADJOINING OWNERS

1. TRAVIS COUNTY W.C.I.D. NO. 9, VOL. 1819, PG. 189 (0.52 ACRES)
2. CITY OF AUSTIN, VOL. 10958, PG. 277 (0.029 ACRES)
3. REMAINDER OF 888.051 ACRES, VOL. 10958, PG. 280
4. LOT 115, BLOCK B, LANTANA SOUTHWEST, PHASE 1, DOC. NO. 200300137
5. CITY OF AUSTIN, TRACT 2, VOL. 12910, PG. 670 (1.757 ACRES)
6. CITY OF AUSTIN, VOL. 10031 PG. 300 (1.0397 ACRES)
7. CITY OF AUSTIN, TRACT 1, VOL. 12910, PG. 670 (1.655 ACRES)
8. KEYSTONE CONSTRUCTION, INC., VOL. 11918, PG. 1755 (4.993 ACRES)
9. LOT 1, BLOCK "A", THE HANS DEROUCHER SUBDIVISION, VOL. 96, PG. 108
10. LOT 2, BLOCK "A", THE HANS DEROUCHER SUBDIVISION, VOL. 96, PG. 108
11. AARON GARDNER SUBDIVISION, VOL. 49, PG. 95
12. BENJAMIN L. NORS, DOC. NO. 2001174575 (1.00 ACRE)
13. HUEBETTER SUBDIVISION, VOL. 78, PG. 1
14. JAMES L. SCHORR, VOL. 11883, PG. 1334 (10.177 ACRES)
15. ALAN ABBE, et ux, VOL. 8732, PG. 5 (1.9807 ACRES)
16. 1.951 ACRES, VOL. 11400, PG. 875
17. GILBERT M. JAPKO, TRACT ONE, VOL. 6095, PG. 82 (3.129 ACRES)

SEE SHEETS 25–27 FOR CURVE & LINE TABLES

LEGEND

SYMBOL	DESCRIPTION
●	1/2" IRON REBAR FOUND
⊙	1/2" IRON PIPE FOUND
⊡	TYPE I CONCRETE MONUMENT FOUND
▲	60D NAIL FOUND
○	1/2" IRON REBAR SET WITH PLASTIC CAP WHICH READS "BASELINE INC"
◬	CALCULATED POINT
△	60D NAIL SET
GCE	GENERAL COMMON ELEMENT
LCE	LIMITED COMMON ELEMENT
ROW	RIGHT OF WAY
ESMT	EASEMENT
( )	RECORD INFO. PER DOC. NO. 2006173744, O.P.R.T.C.T.
{ }	RECORD INFO. PER DOC. NO. 2006173743, O.P.R.T.C.T.
[ ]	RECORD INFO. PER VOL. 11933, PG. 1879 R.P.R.T.C.T.
R.P.R.T.C.T.	REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS
O.P.R.T.C.T.	OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS
D.R.T.C.T.	DEED RECORDS OF TRAVIS COUNTY, TEXAS
P.R.T.C.T.	PLAT RECORDS OF TRAVIS COUNTY, TEXAS



AVIARA CONDOMINIUMS

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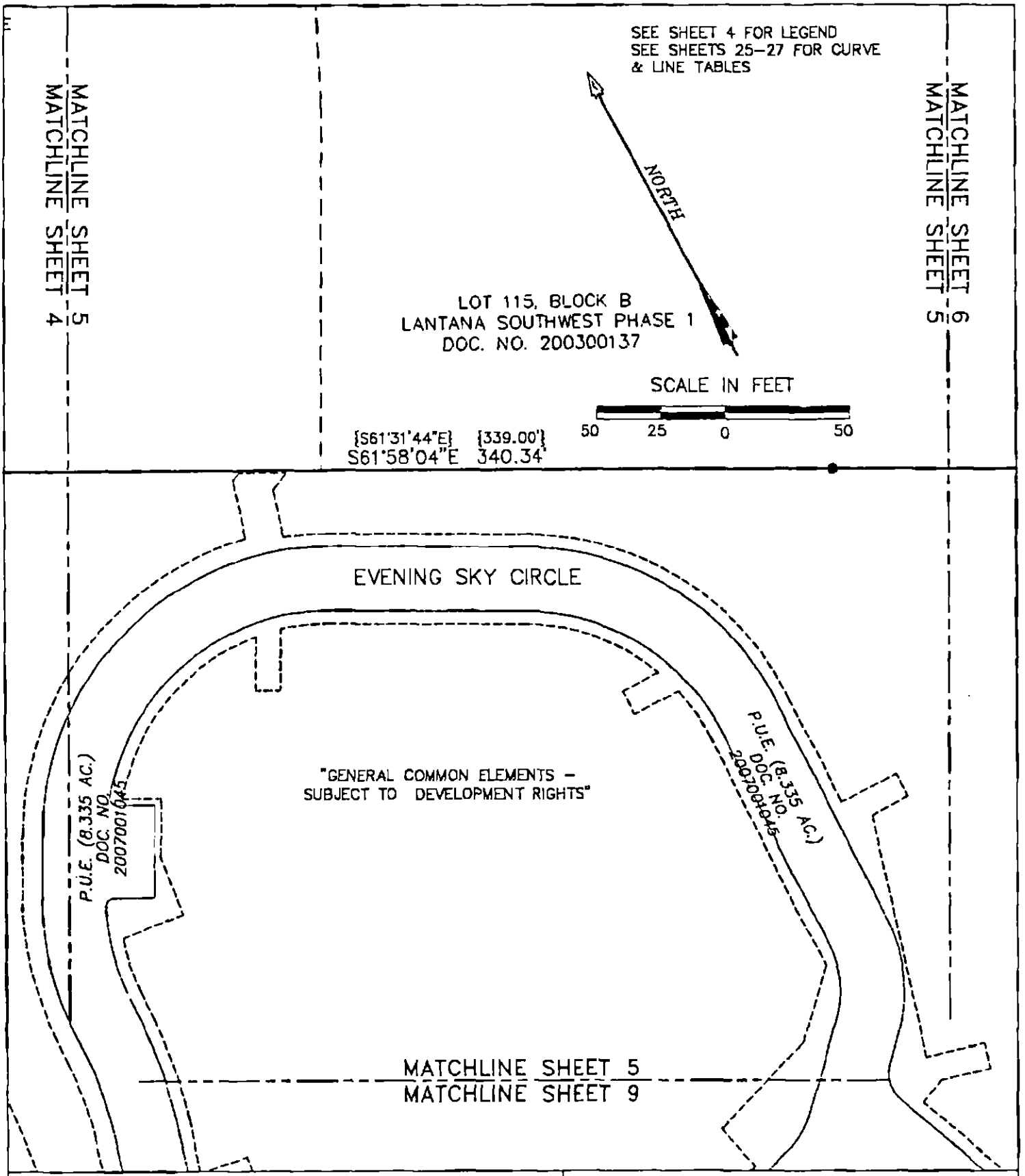

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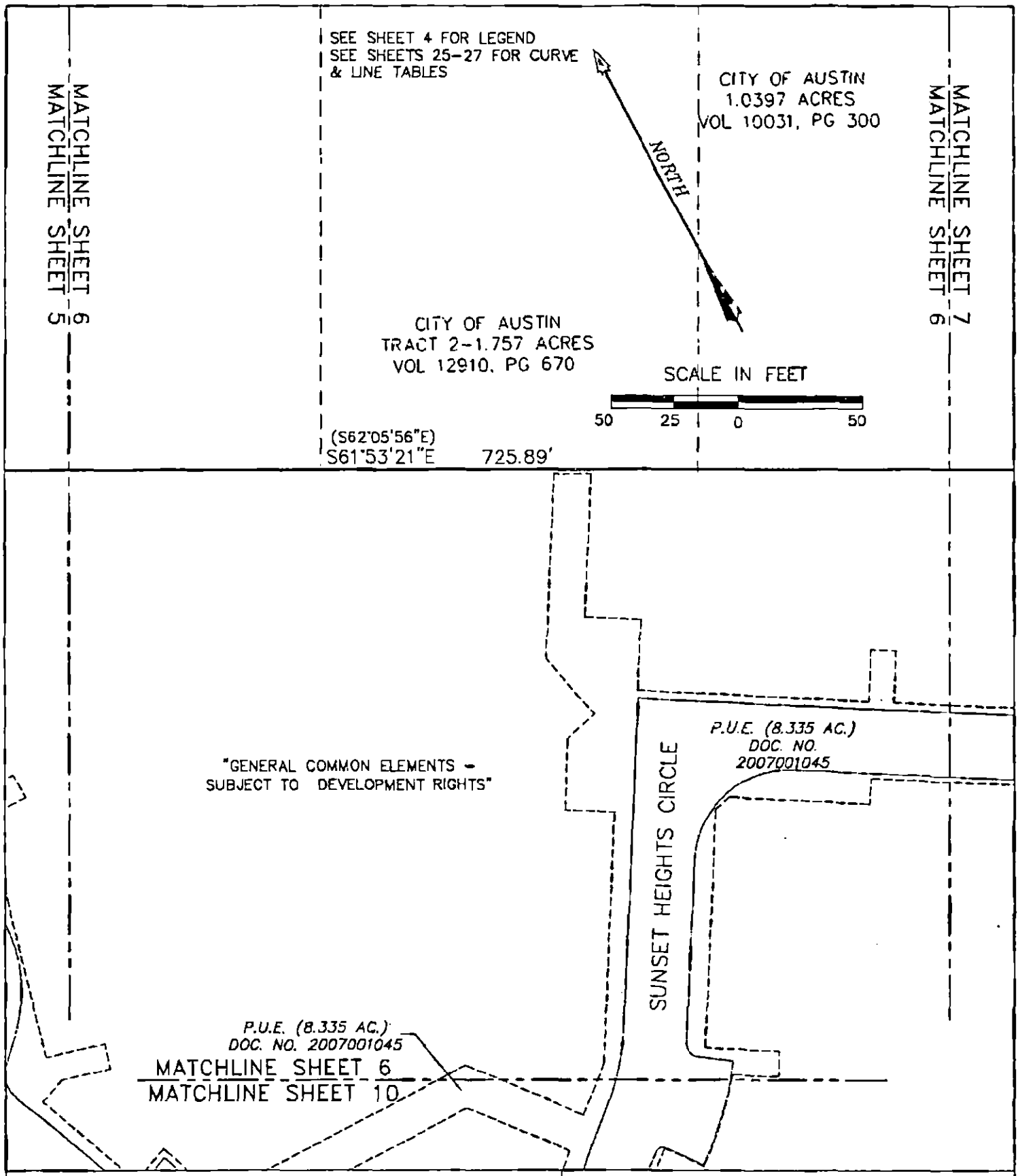

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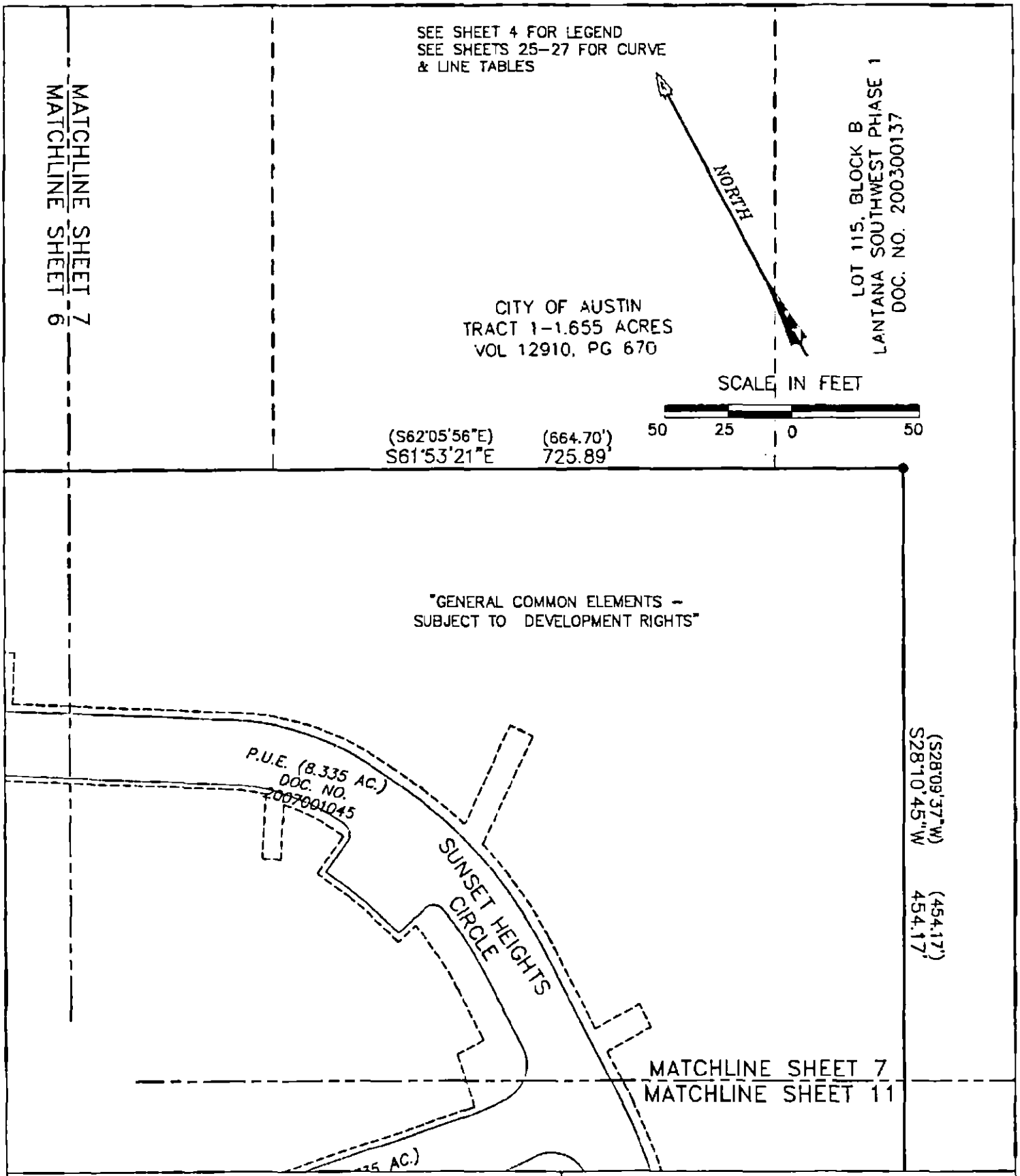

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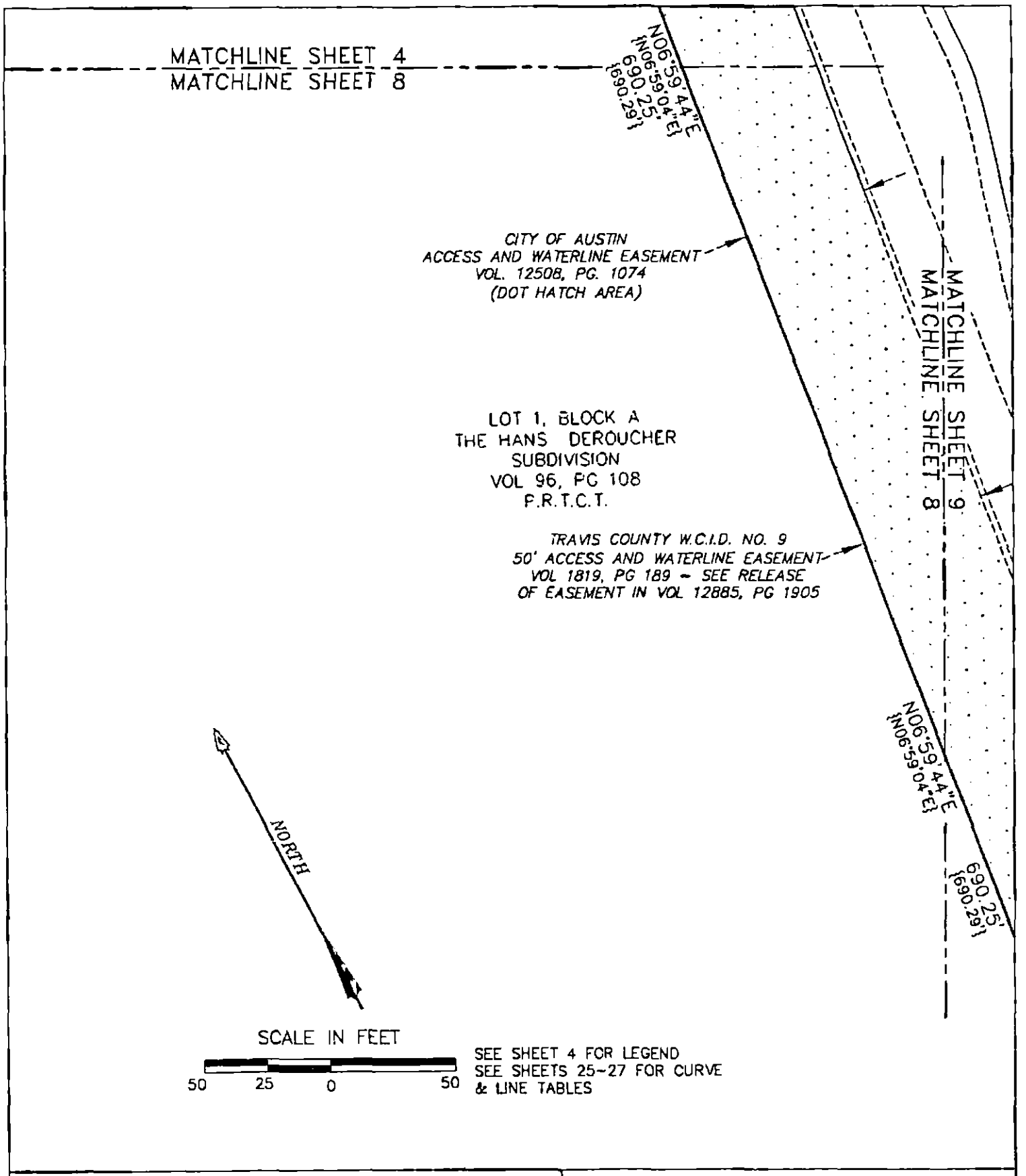

SEE SHEET 4 FOR LEGEND
SEE SHEETS 25-27 FOR CURVE & LINE TABLES

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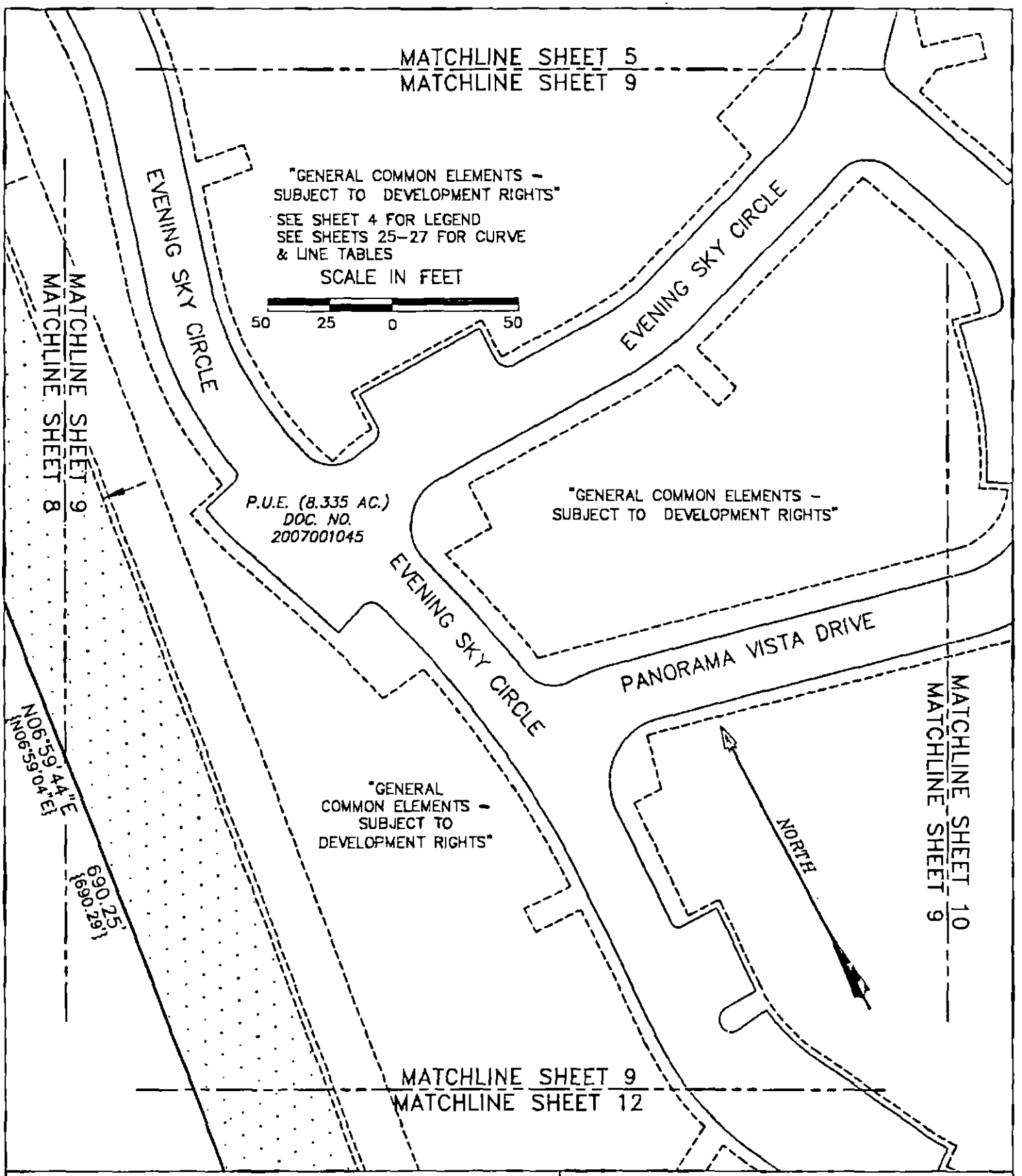

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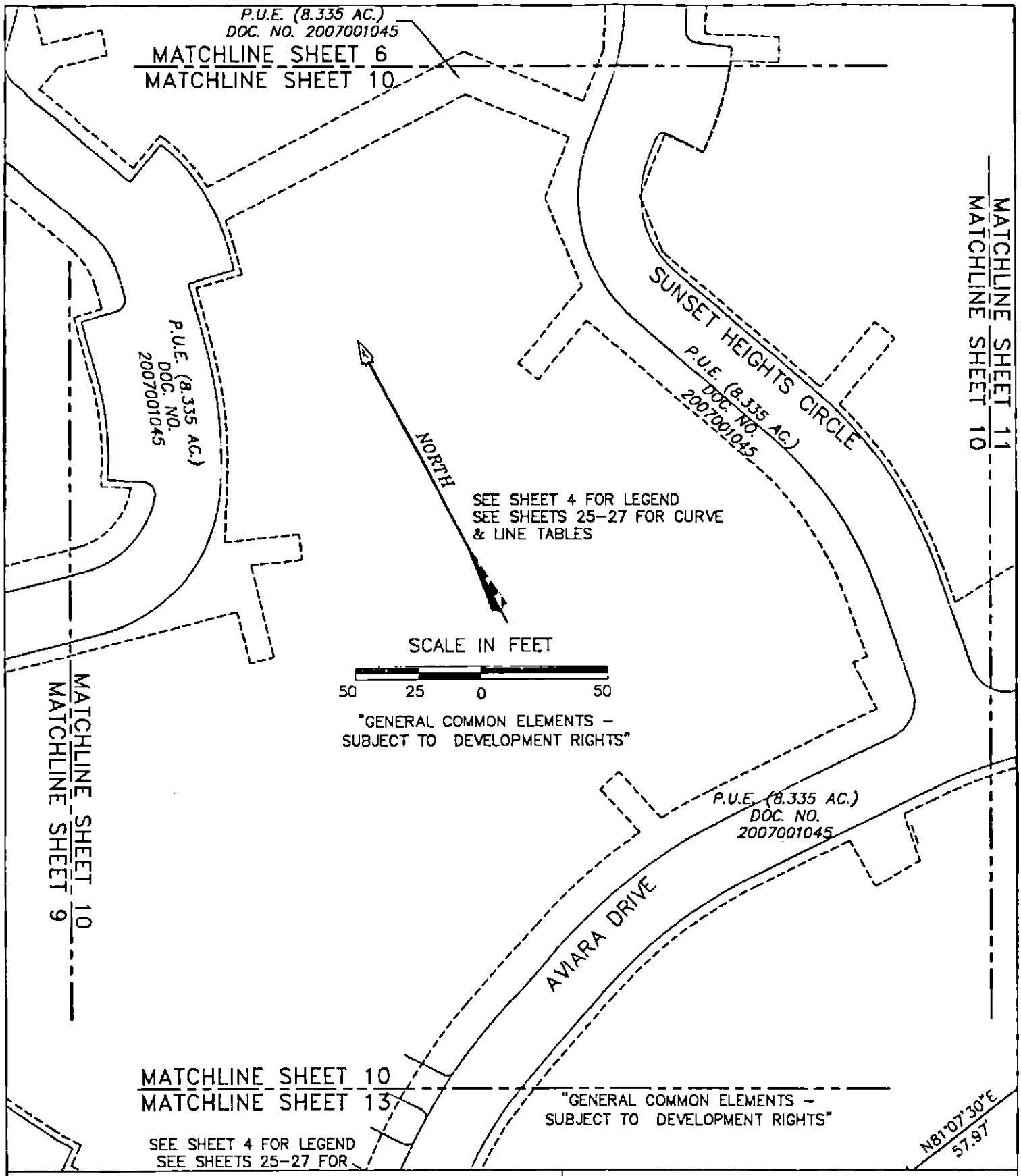

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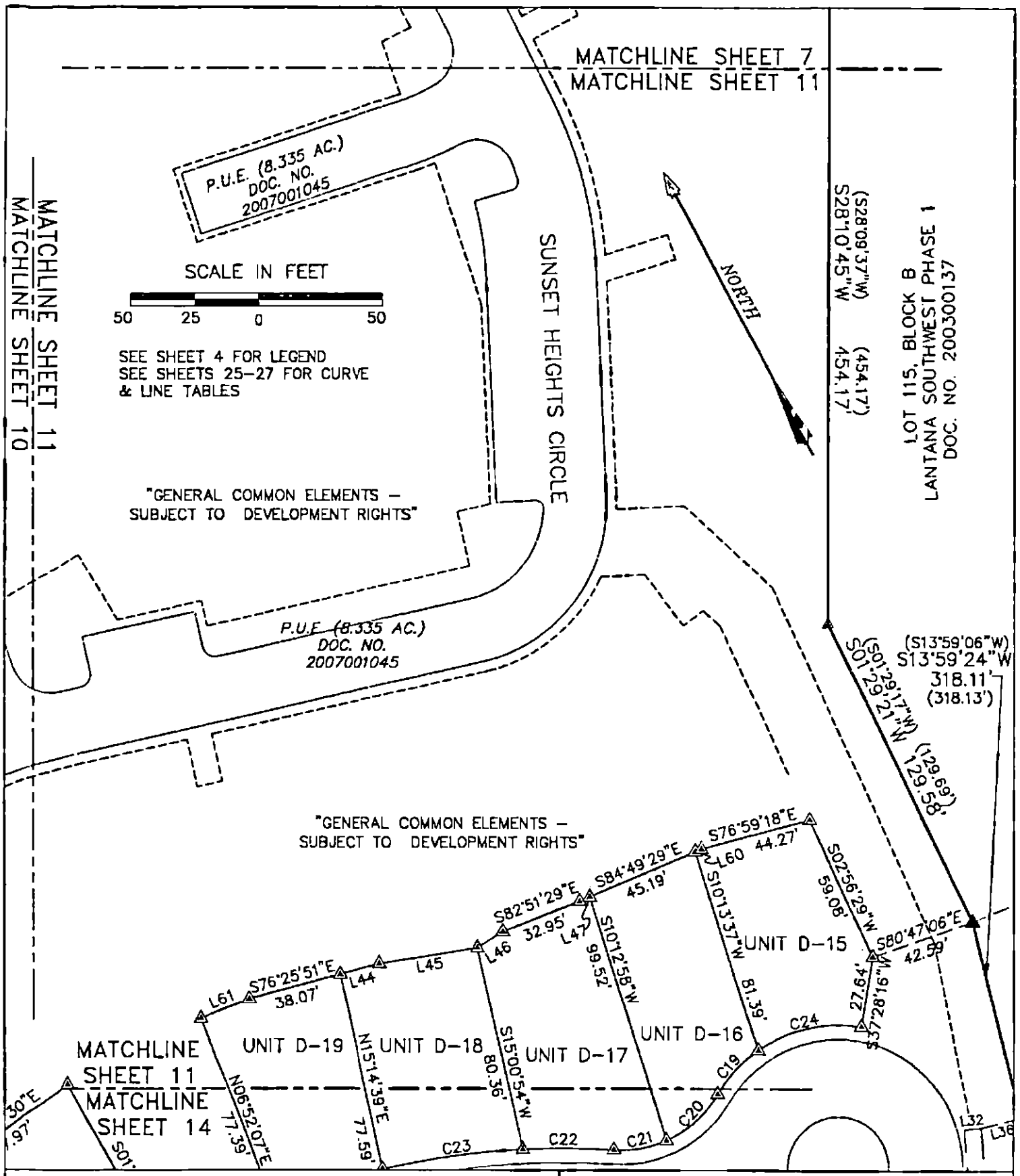

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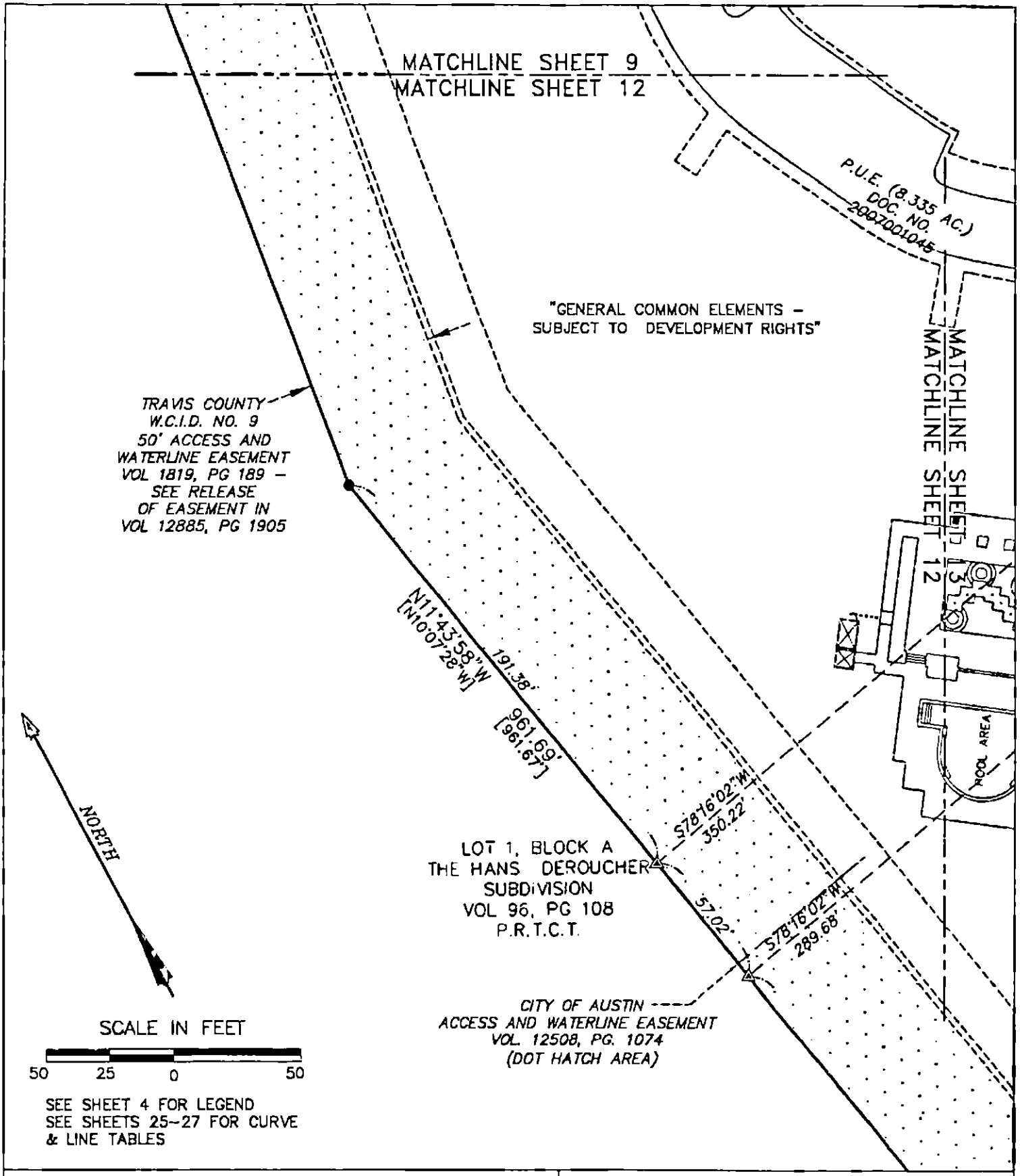

SEE SHEET 4 FOR LEGEND
SEE SHEETS 25–27 FOR CURVE & LINE TABLES

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG–AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG–AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

BASELINE LAND SURVEYORS, INC.
PROFESSIONAL LAND SURVEYING SERVICES
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AUSTIN, TEXAS 78754
OFFICE: 512.374.9722 FAX: 512.873.9743
ron–baseline@austin.rr.com

File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET 12 of 27
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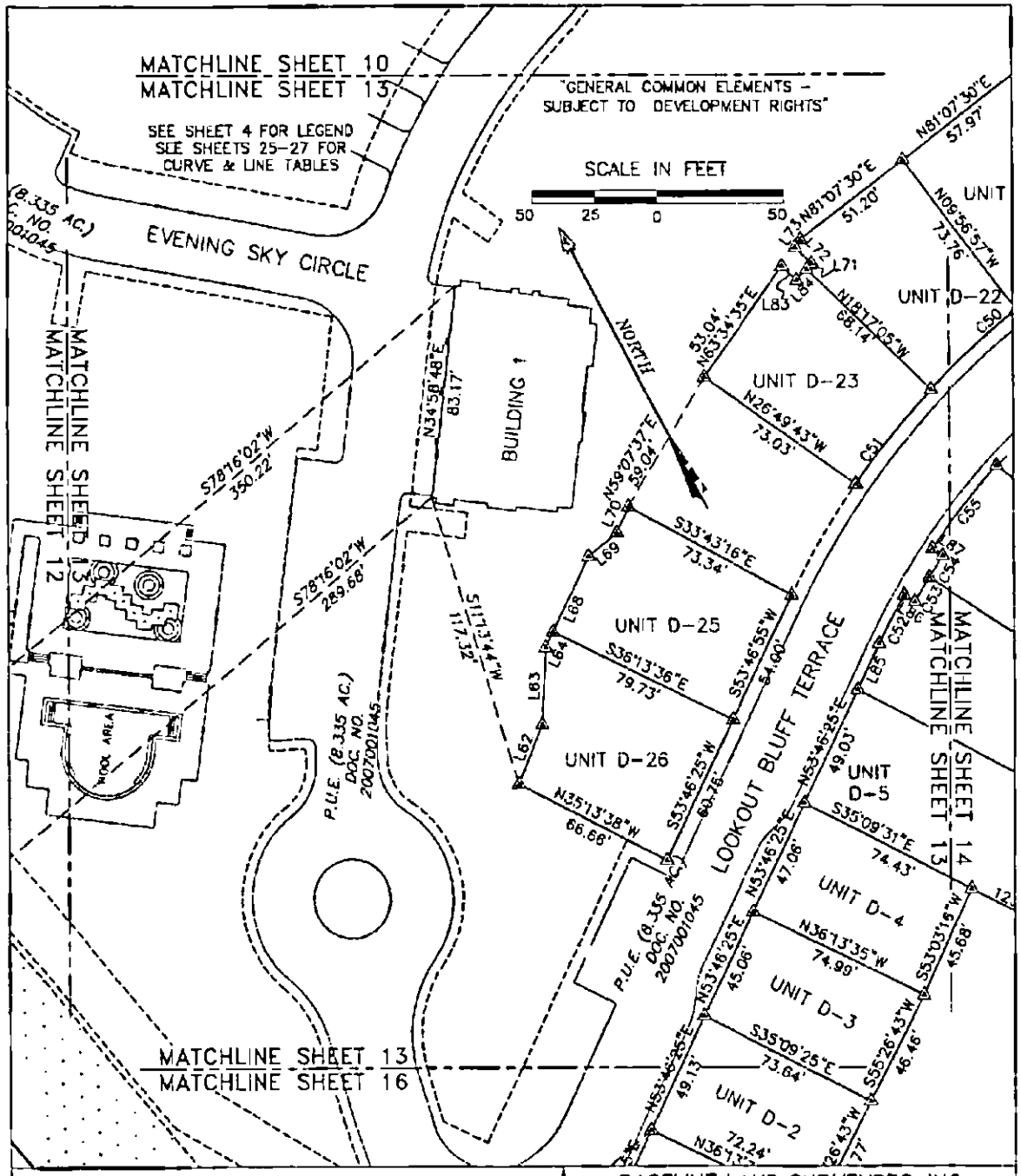

AVIARA CONDOMINIUMS

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET
Job No.	Snapshot:		13 of 27
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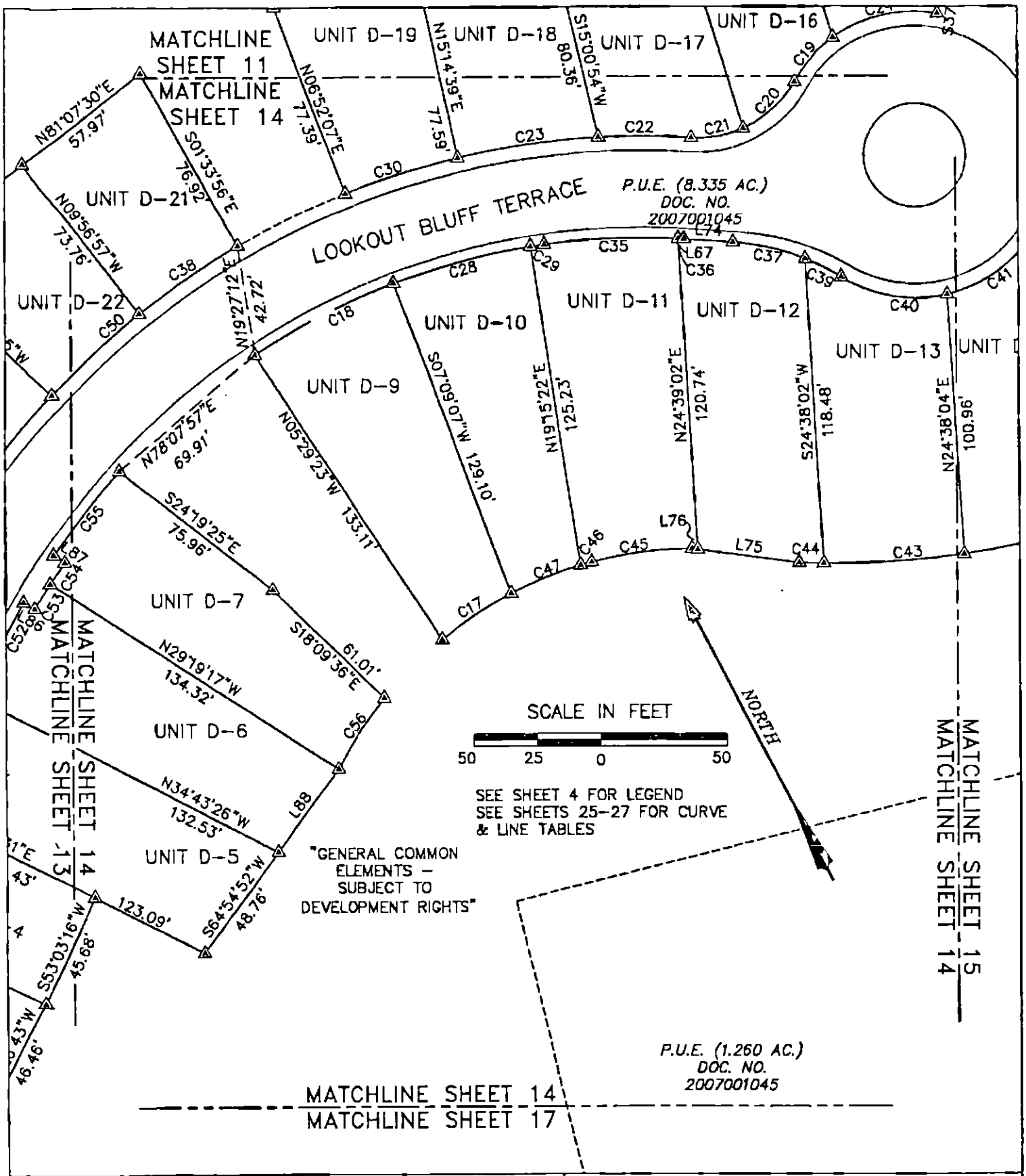

AVIARA CONDOMINIUMS

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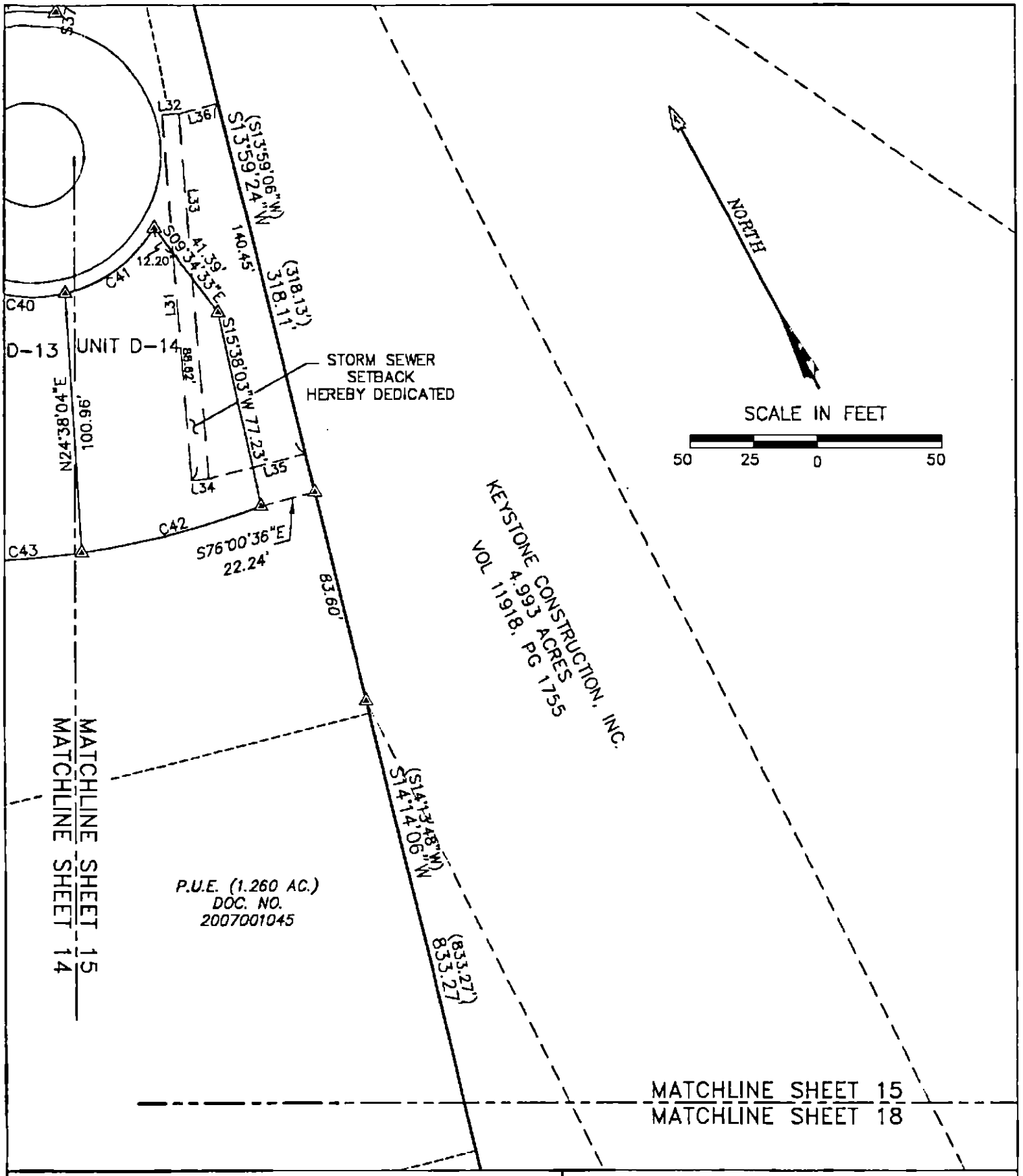

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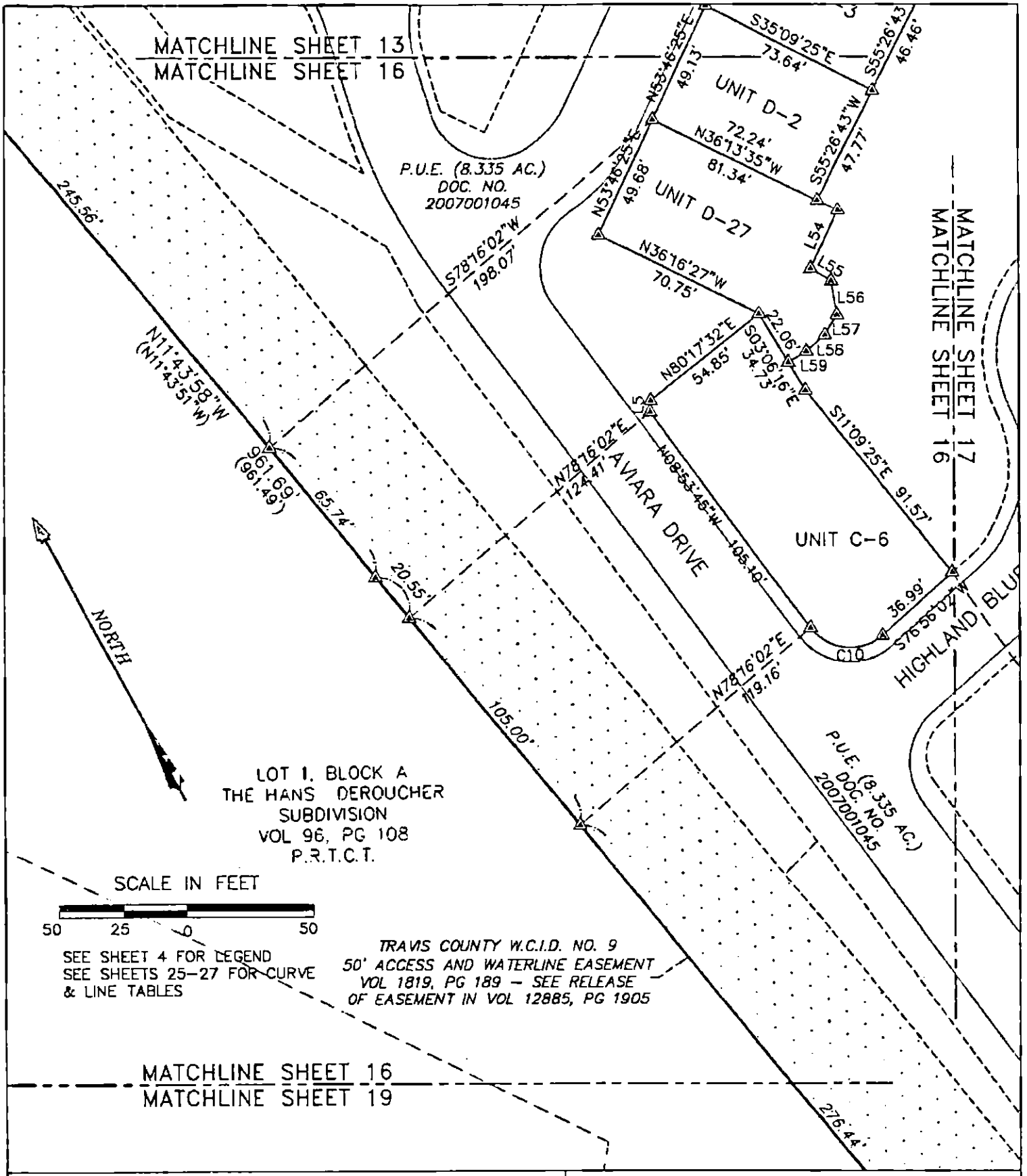

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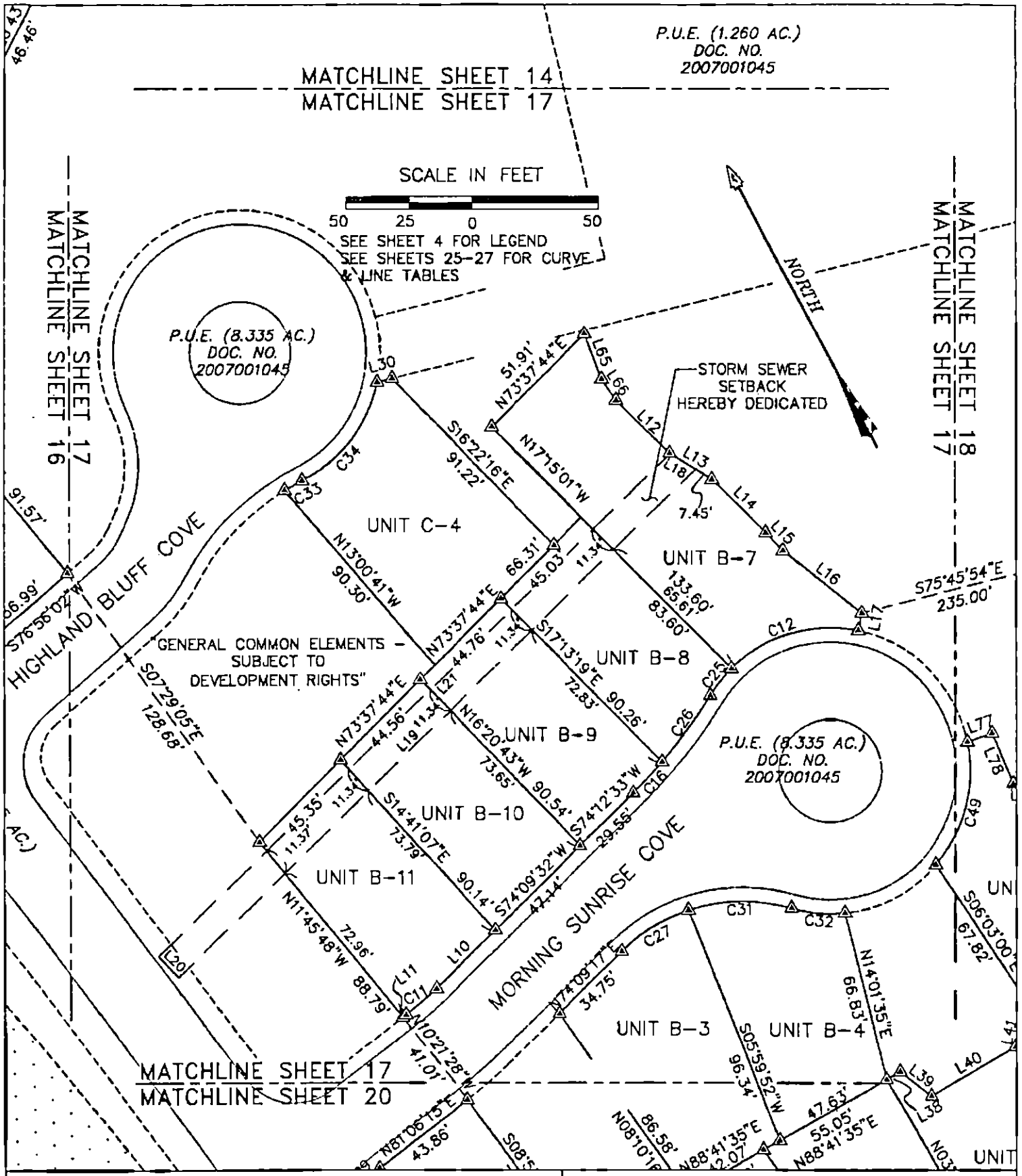

AVIARA CONDOMINIUMS

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET 17 of 27
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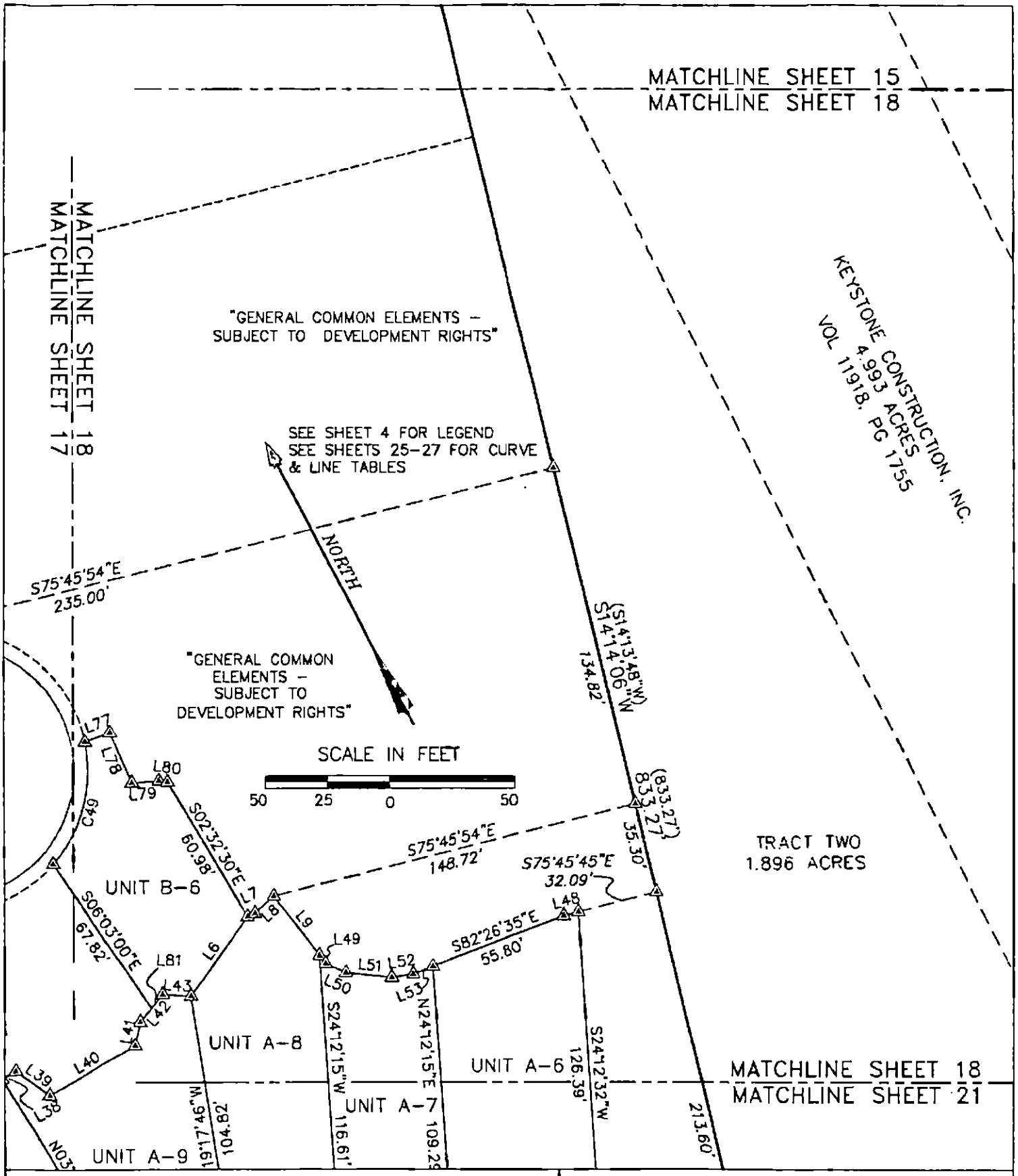

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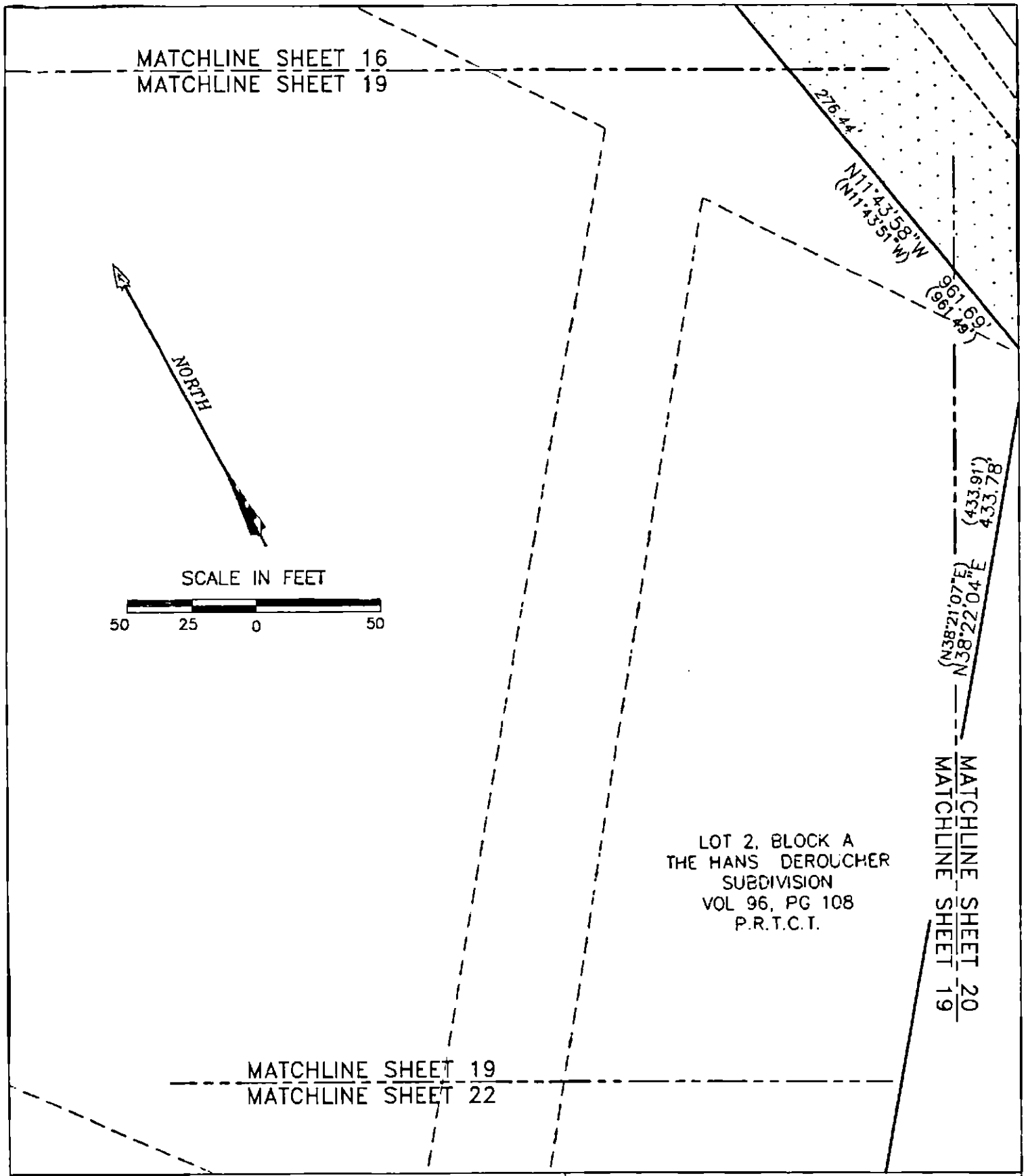

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Job No.	Snapshot:		19 of 27
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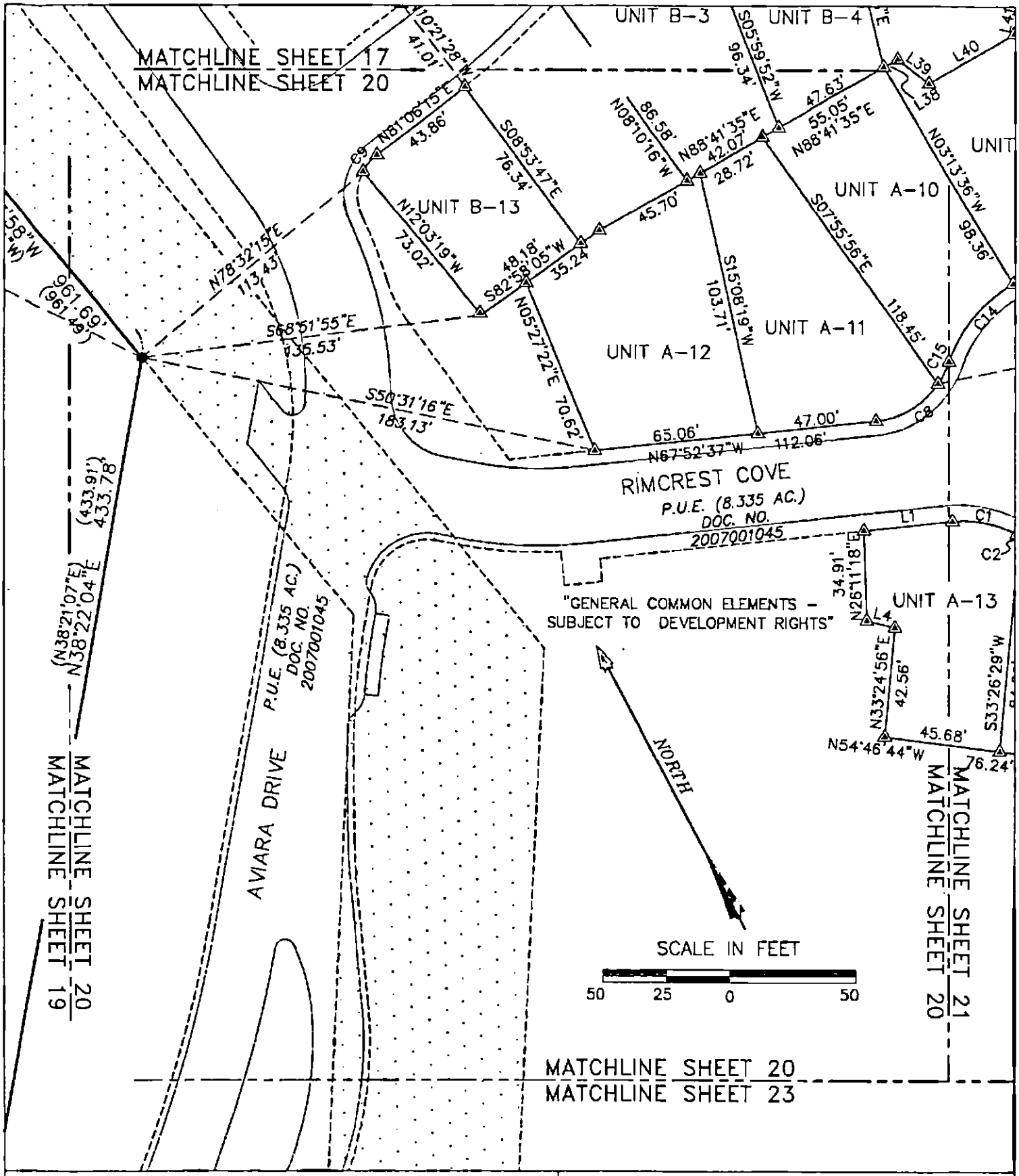

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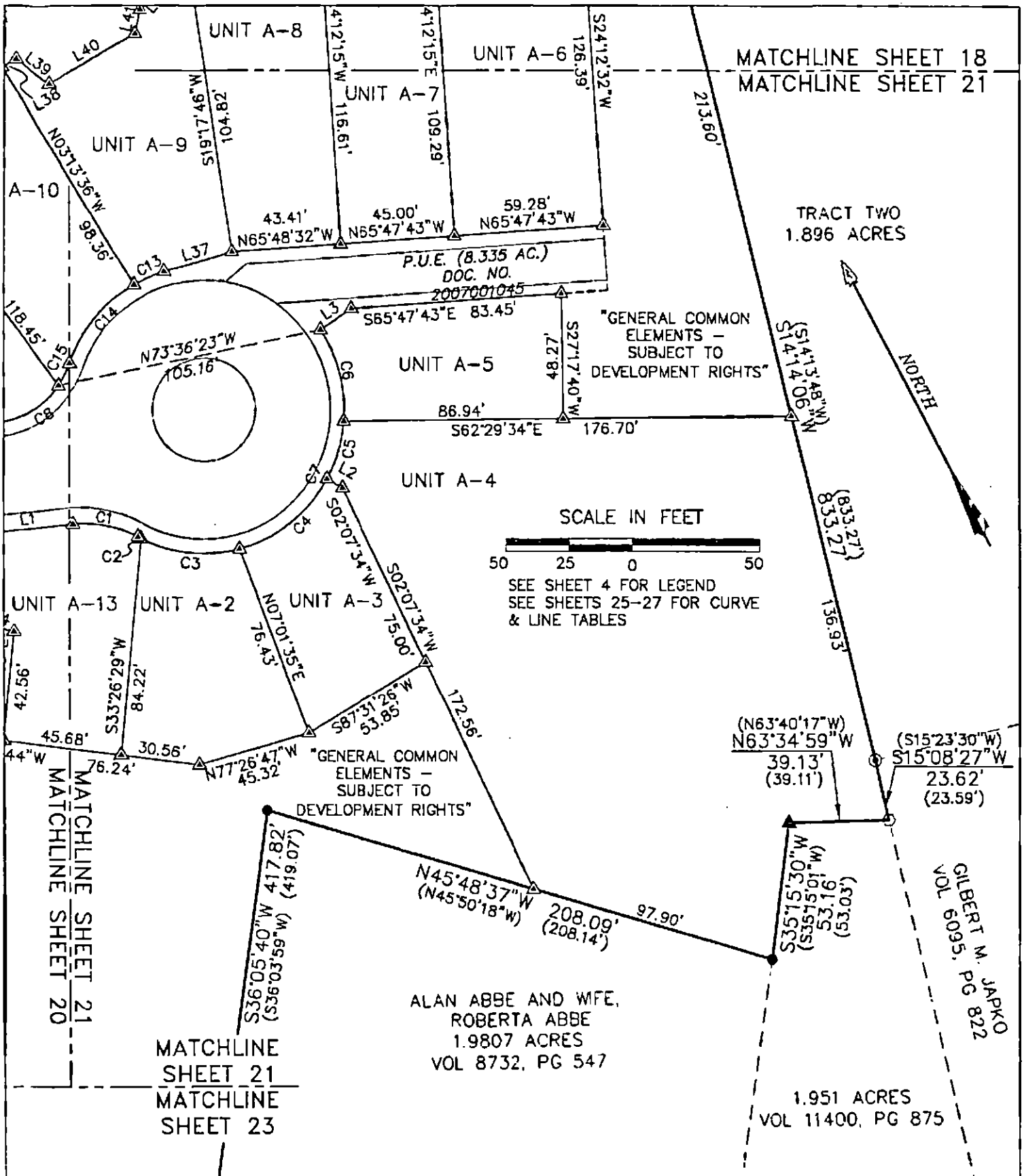

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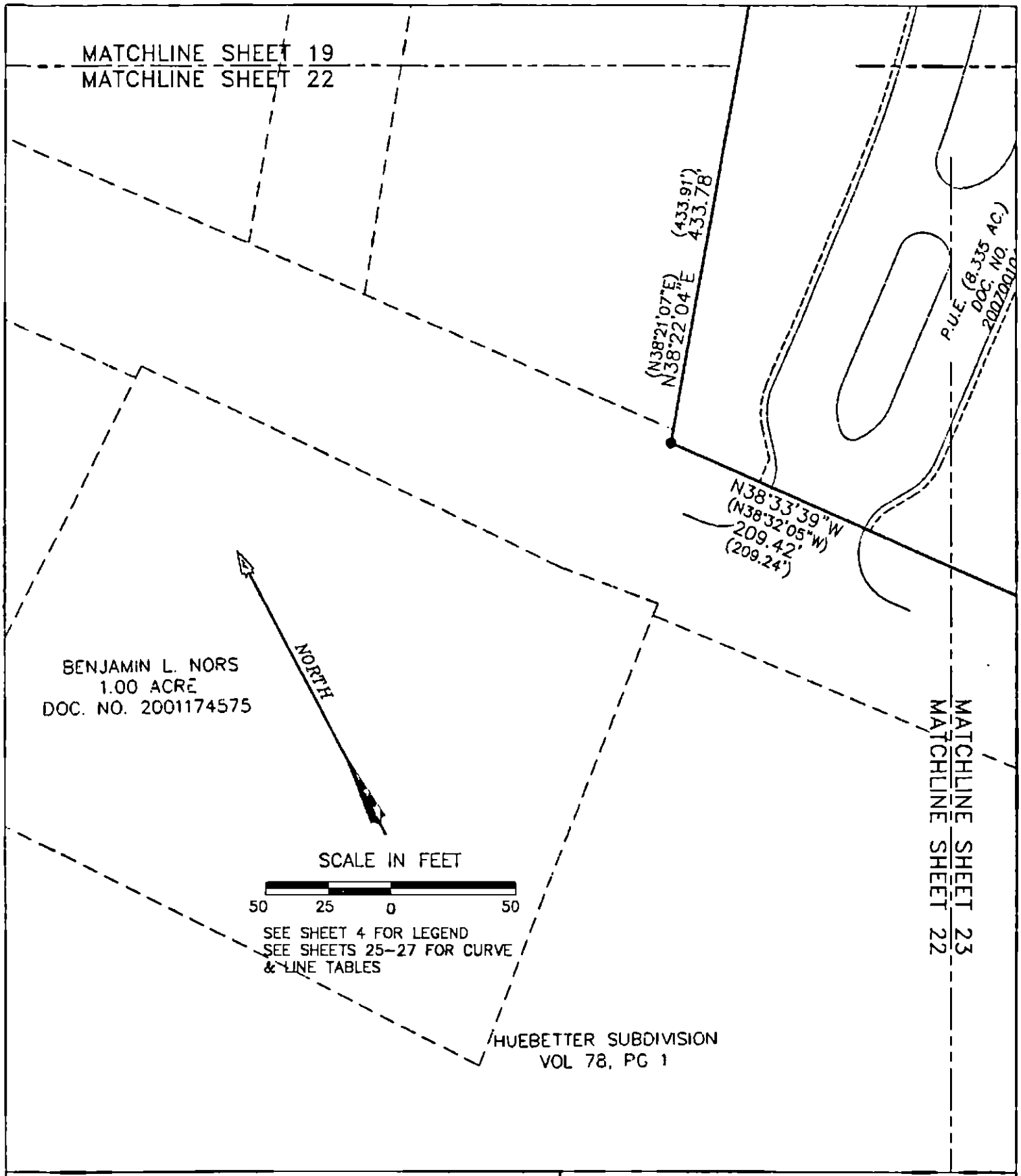

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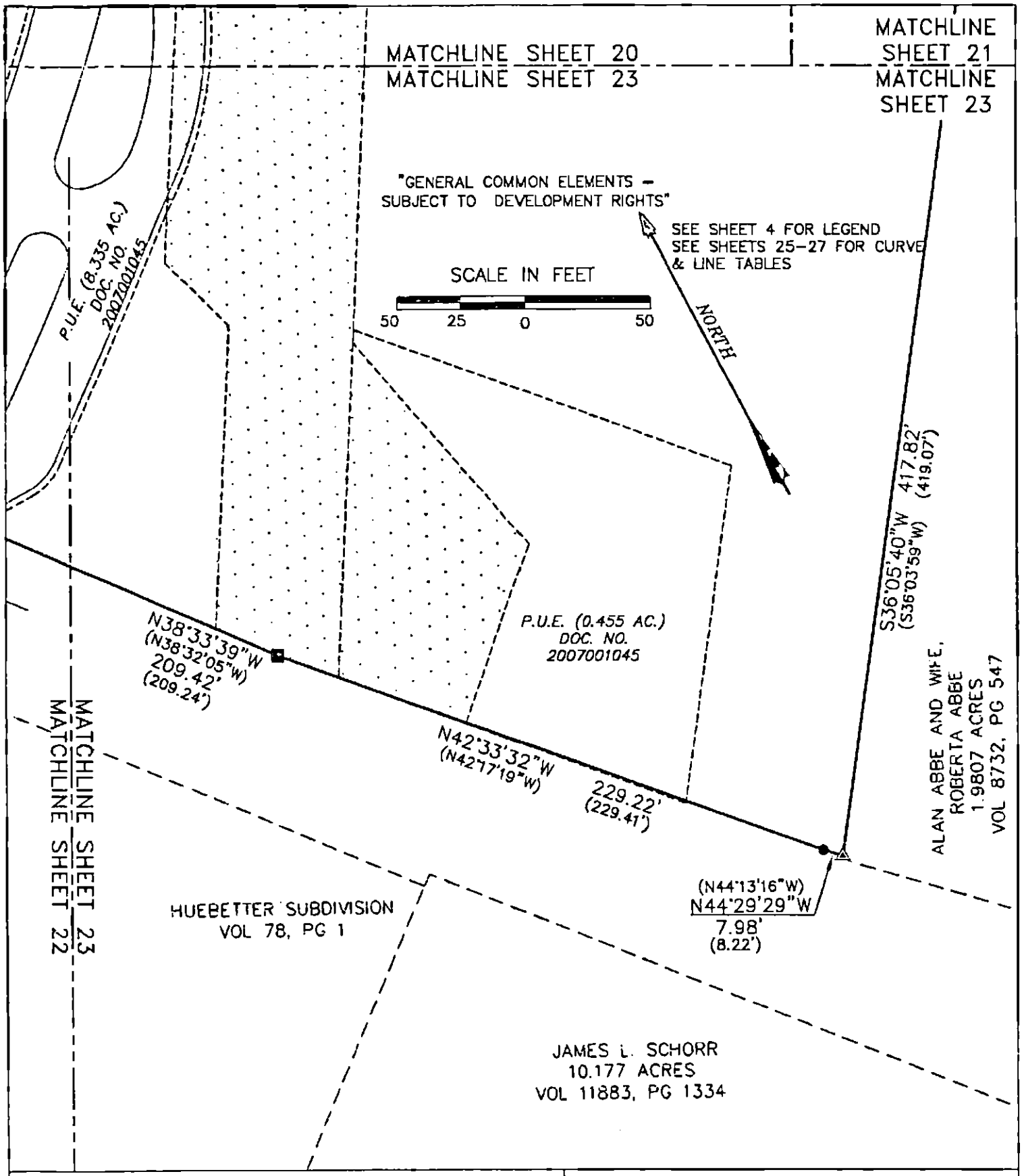

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET 23 of 27
Job No.	Snapshot:		
Scale (Hor.): 1"=50'	Scale (Vert.):		
Date: 03/01/11	Checked By: JSL	Drawn By: HPE\RLW	

EXHIBIT

AVIARA CONDOMINIUMS

[PLAT]

§ Certification of Surveyor §

The attached plat, attached hereto as Exhibit contain the information required by Section 82.052 and Section 82.059 of the Texas Uniform Condominium Act, as applicable.

Ronnie Wallace
R.P.L.S. No. 5222

Date: 1 March 2011

STATE OF TEXAS
REGISTERED
RONNIE WALLACE
5222
PROFESSIONAL
LAND SURVEYOR

AVIARA CONDOMINIUMS	BASELINE LAND SURVEYORS, INC.
EXHIBIT OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 626; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS	PROFESSIONAL LAND SURVEYING SERVICES 8333 CROSS PARK DRIVE AUSTIN, TEXAS 78754 OFFICE: 512.374.9722 FAX: 512.873.9743 ron-baseline@austin.rr.com

File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET 24 of 27
Job No.	Snapshot:		
Scale (Hor.): 1"=50'	Scale (Vert.):		
Date: 03/01/11	Checked By: JSL	Drawn By: HPE\RLW	

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C1	43.50'	25.85'	34°03'14"	N50°51'00"W	25.48'
C2	55.50'	1.36'	1°24'13"	S34°31'30"E	1.36'
C3	55.50'	39.74'	41°01'24"	S55°44'18"E	38.89'
C4	55.50'	45.25'	46°42'38"	N80°23'41"E	44.00'
C5	55.50'	23.52'	24°16'50"	N44°53'57"E	23.34'
C6	55.50'	37.22'	38°25'09"	N13°32'57"E	36.52'
C7	55.50'	147.08'	151°50'14"	N70°15'30"E	107.66'
C8	34.50'	29.54'	49°03'46"	N87°35'30"E	28.65'
C9	19.50'	8.60'	25°15'47"	S68°28'21"W	8.53'
C10	19.50'	32.05'	94°10'13"	S55°58'52"E	28.56'
C11	128.50'	15.59'	6°56'58"	N77°37'46"E	15.58'
C12	55.50'	54.03'	55°46'56"	N78°25'05"W	51.92'
C13	55.50'	13.29'	13°43'20"	N84°39'53"W	13.26'
C14	55.50'	40.10'	41°23'40"	S67°46'37"W	39.23'
C15	34.50'	9.67'	16°03'39"	N55°06'36"E	9.64'
C16	194.50'	16.61'	4°53'34"	N71°36'45"E	16.60'
C17	160.00'	33.10'	11°51'14"	S85°23'29"W	33.04'
C18	281.00'	61.89'	12°37'13"	N88°22'50"W	61.77'
C19	55.50'	23.40'	24°09'12"	S71°04'10"W	23.22'
C20	44.50'	27.40'	35°16'52"	N76°38'00"E	26.97'
C21	44.50'	21.40'	27°32'51"	S71°57'09"E	21.19'
C22	320.50'	36.55'	6°32'02"	N61°26'44"W	36.53'
C23	320.50'	56.16'	10°02'22"	N69°43'56"W	56.09'
C24	55.50'	42.94'	44°19'30"	N74°41'29"W	41.87'
C25	55.50'	13.43'	13°52'10"	S66°45'22"W	13.40'
C26	194.50'	32.10'	9°27'22"	N64°33'01"E	32.06'
C27	69.50'	31.31'	25°48'34"	S87°03'34"W	31.04'
C28	284.37'	56.30'	11°20'39"	N76°17'14"W	56.21'
C29	284.37'	5.39'	1°05'11"	N70°04'19"W	5.39'
C30	320.50'	46.88'	8°22'48"	N78°59'29"W	46.83'
C31	69.50'	41.29'	34°02'29"	N63°00'55"W	40.69'
C32	55.50'	21.02'	21°42'01"	S56°50'41"E	20.89'
C33	94.50'	8.03'	4°52'04"	S89°32'13"W	8.03'
C34	55.50'	50.19'	51°48'35"	N66°03'57"E	48.49'
C35	281.00'	52.77'	10°45'33"	N64°06'44"W	52.69'
C36	281.00'	0.93'	0°11'23"	N58°38'20"W	0.93'
C37	94.50'	29.53'	17°54'23"	N49°19'02"W	29.41'
C38	320.50'	46.91'	8°23'10"	S84°14'33"W	46.87'
C39	94.50'	16.32'	9°53'42"	N35°25'03"W	16.30'
C40	55.50'	43.09'	44°29'20"	S52°42'50"E	42.02'
C41	55.50'	44.21'	45°38'24"	N82°13'24"E	43.05'
C42	350.00'	73.09'	11°57'56"	S76°03'05"E	72.96'
C43	350.00'	55.18'	9°02'00"	S65°33'07"E	55.12'
C44	350.00'	10.08'	1°39'00"	S60°12'59"E	10.08'
C45	160.00'	39.91'	14°17'35"	N69°21'21"W	39.81'
C46	160.39'	4.39'	1°34'06"	N77°13'21"W	4.39'
C47	160.39'	29.62'	10°34'57"	N83°12'44"W	29.58'
C48	55.50'	41.86'	43°12'43"	S89°18'02"E	40.87'
C49	55.50'	50.91'	52°33'09"	N42°49'02"E	49.14'
C50	320.50'	46.62'	8°20'01"	S75°52'58"W	46.57'

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 6.064 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

BASELINE LAND SURVEYORS, INC.

PROFESSIONAL LAND SURVEYING SERVICES

8333 CROSS PARK DRIVE

AUSTIN, TEXAS 78754

OFFICE: 512.374.9722 FAX: 512.873.9743

ron-baseline@austin.rr.com

File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET
Job No.	Snapshot:		25 of 27
Scale (Hor.): 1"=50'	Scale (Vert.):		
Date: 03/01/11	Checked By: JSL	Drawn By: HPE\RLW	

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C51	320.50'	47.84'	8°33'05"	S67°26'25"W	47.79'
C52	281.00'	21.40'	4°21'47"	S55°57'19"W	21.39'
C53	276.00'	11.21'	2°19'35"	S59°18'00"W	11.21'
C54	276.00'	9.99'	2°04'26"	S61°30'01"W	9.99'
C55	281.00'	41.60'	8°28'55"	S66°46'42"W	41.56'
C56	160.00'	33.12'	11°51'34"	S62°00'22"W	33.06'

AVIARA CONDOMINIUMS

EXHIBIT

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg		
Job No.	Snapshot:	
Scale (Hor.): 1"=50'	Scale (Vert.):	
Date: 03/01/11	Checked By: JSL	Drawn By: HPE\RLW

LINE TABLE		
LINE	BEARING	LENGTH
L1	S67°52'37"E	35.37'
L2	N32°57'38"W	7.06'
L3	N84°20'23"E	14.65'
L4	N47°51'55"W	11.34'
L5	N31°01'52"E	4.45'
L6	N63°54'29"E	38.06'
L7	S86°57'47"E	3.29'
L8	N78°01'20"E	10.29'
L9	S10°13'03"E	29.53'
L10	S74°09'17"W	32.66'
L11	S81°06'15"W	1.64'
L12	S18°00'07"E	6.87'
L13	S30°23'57"E	19.47'
L14	S17°47'50"E	29.77'
L15	S15°29'37"E	9.67'
L16	S23°37'34"E	39.17'
L17	S39°28'12"W	6.91'
L18	S30°23'57"E	11.73'
L19	S74°19'32"W	284.75'
L20	N15°40'28"W	11.34'
L21	N74°19'32"E	281.77'
L22	S85°45'47"W	13.66'
L23	N04°14'13"W	103.33'
L24	N70°42'51"W	78.43'
L25	N19°29'12"W	79.32'
L26	N63°34'35"E	13.76'
L27	S19°29'12"E	74.44'
L28	S70°42'51"E	80.83'
L29	S04°14'13"E	112.29'
L30	S75°40'42"E	6.08'
L31	N23°29'14"E	142.40'
L32	S66°30'46"E	6.83'
L33	S23°29'14"W	142.40'
L34	N66°30'46"W	6.83'
L35	S76°00'36"E	39.58'
L36	S76°00'36"E	16.09'
L37	N77°48'13"W	27.14'
L38	N88°41'39"E	6.13'
L39	N25°44'20"W	15.92'
L40	S88°11'16"W	38.53'
L41	S40°42'44"W	9.55'
L42	N67°35'16"E	13.92'
L43	S57°59'10"E	10.92'
L44	S76°25'51"E	16.48'
L45	S70°54'33"E	39.17'
L46	N86°12'33"E	12.02'
L47	S84°49'29"E	4.40'
L48	S76°40'56"E	5.93'
L49	S10°13'03"E	4.06'
L50	S38°01'06"E	8.58'

LINE TABLE		
LINE	BEARING	LENGTH
L51	S56°04'51"E	18.69'
L52	S70°55'02"E	8.71'
L53	S82°26'35"E	8.37'
L54	S53°46'22"W	25.12'
L55	S31°37'01"E	9.49'
L56	S18°24'32"W	13.40'
L57	S60°30'23"W	9.18'
L58	S76°42'45"W	9.64'
L59	S87°05'06"W	8.22'
L60	S84°49'29"E	2.67'
L61	S84°21'45"E	20.21'
L62	N50°40'11"E	24.96'
L63	N30°53'27"E	30.22'
L64	N53°56'24"E	6.82'
L65	S07°17'18"W	18.99'
L66	S06°13'30"E	9.98'
L67	S58°24'33"E	1.34'
L68	N54°18'02"E	32.72'
L69	N79°34'04"E	14.67'
L70	N52°43'24"E	11.28'
L71	N71°42'55"E	3.00'
L72	N18°17'05"W	9.31'
L73	N63°34'36"E	3.67'
L74	S58°16'14"E	19.54'
L75	N54°30'06"W	40.63'
L76	N54°30'06"W	2.31'
L77	S81°16'47"E	10.47'
L78	S04°57'06"W	21.25'
L79	S66°16'15"E	10.53'
L80	S54°10'00"E	3.38'
L81	S67°35'16"W	6.96'
L82	S67°35'16"W	6.96'
L83	S18°17'05"E	8.02'
L84	N71°42'59"E	6.00'
L85	N53°46'26"E	19.82'
L86	S31°51'47"E	5.00'
L87	N27°27'46"W	5.00'
L88	S64°54'52"W	40.05'

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 6.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET 27 of 27
Job No.	Snapshot:		
Scale (Hor.): 1"=50'	Scale (Vert.):		
Date: 03/01/11	Checked By: JSL	Drawn By: HPE\RLW	

UNIT PLAN TYPES – ATTACHED UNITS

Unit No.	Plan Type*
A-1	A
B-1	B
C-1	C
D-1	D

* SEE CONDOMINIUM PLANS FOR PLAN TYPE.

ALL UNITS SHOWN ON THE PLAT AND PLANS OTHER THAN UNITS A-1, B-1, C-1, D-1 ARE STAND-ALONE UNITS.

ATTACHMENT 2

EXHIBIT "C" TO THE DECLARATION OF CONDOMINIUM REGIME

COMMON INTEREST ALLOCATION & BUILDING LCE ALLOCATION

COMMON INTEREST ALLOCATION

The Common Interest Allocation and percentage of liability for common expenses for each Unit is 1/50.

THE COMMON INTEREST ALLOCATION ASSIGNED TO A PARTICULAR UNIT WILL DECREASE IF ADDITIONAL UNITS ARE CREATED AND ADDED TO THE REGIME BY THE DECLARANT.

BUILDING LCE ALLOCATION

The Building LCE Allocation for each Attached Unit is 1/4.

THE BUILDING LCE ALLOCATION ASSIGNED TO A PARTICULAR UNIT WILL DECREASE IF ADDITIONAL UNITS ARE CREATED AND ADDED TO THE REGIME BY THE DECLARANT.

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS
Dana DeBeauvoir
Mar 04, 2011 02:54 PM 2011032633
HOLMC: $152.00
Dana DeBeauvoir, County Clerk
Travis County TEXAS

AFTER RECORDING RETURN TO:
Robert D. Burton, Esq.
Winstead, PC
401 Congress Ave., Suite 2100
Austin, Texas 78701

SIXTEENTH AMENDMENT TO RESTATED AND AMENDED DECLARATION OF CONDOMINIUM REGIME FOR AVIARA CONDOMINIUMS

(A Residential Condominium in Travis County, Texas)

Cross Reference to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2009071585, Official Public Records of Travis County, Texas as amended.

SIXTEENTH AMENDMENT TO
RESTATED AND AMENDED DECLARATION OF CONDOMINIUM REGIME
FOR AVIARA CONDOMINIUMS

This Sixteenth Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums (the "Amendment") is made **CR-B AVIARA, L.P.**, a Texas limited partnership ("Declarant"), and is as follows:

RECITALS:

A. Aviara Condominiums, a condominium regime (the "Regime"), located in Travis County, Texas, was established pursuant to that certain Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2009071585, Official Public Records of Travis County, Texas as amended (collectively, the "Declaration").

B. Pursuant to *Provision A.3.10* of Appendix "A" to the Declaration, Declarant may amend the Declaration unilaterally and without the consent of other Owners or any mortgagee to add real property to the Property and create Units, General Common Elements and Limited Common Elements within the Property and to subdivide, combine or reconfigure Units, or convert Units into Common Elements, in the exercise of statutory development rights.

C. In accordance with *Provision A.3.8* of Appendix "A" to the Declaration, Declarant has reserved the right, during the Development Period, to create Units, General Common Elements, and Limited Common Elements within the Property.

D. The "Development Period" as such term is defined in the Declaration, is a fifteen (15) year period commencing on the date the Declaration was recorded in the Official Public Records of Travis County, Texas. The Declaration was recorded in the Official Public Records of Travis County, Texas, on May 4, 2009.

E. Pursuant to Section 82.060 of the Texas Uniform Condominium Act, to exercise a statutory development right, Declarant must prepare, execute and record an amendment to the Declaration and record new plats and plans for that real property. The amendment to the declaration must reallocate the allocated interests among all Units.

F. This amendment is promulgated for the purposes of: (i) creating six (6) additional Units within the Regime; and (ii) to reconfigure the boundaries of Unit A-3 in the Regime. Declarant is the Owner of Unit A-3. The total number of Units within the Regime after giving effect to this Amendment is equal to fifty-six (56), and the total number of additional Units which Declarant has reserved the right to create by amendment is equal to ninety-four (94).

NOW THEREFORE, the Declaration is hereby amended as follows:

1. Creation of Units. In accordance with the rights reserved by the Declarant pursuant to *Section 5.1* of the Declaration and *Provisions A.3.8* and *A.3.10* of Appendix "A" to the Declaration, Declarant hereby creates six (6) Units, which are designated as Unit Nos. B-2, B-5, C-3, D-8, D-20 and D-24 (the "New Units"). The New Units are hereby classified as Units which MUST BE BUILT.

2. Reconfiguration of Unit. In accordance with the rights reserved by the Declarant pursuant to *Provision A.3.10* of Appendix "A" to the Declaration, Declarant hereby reconfigures the boundaries of Unit No. A-3 in the Regime as set forth on the New Plats and Plans (as defined below).

3. Replacement of Exhibit "B". Exhibit "B" to the Declaration is hereby deleted in its entirety and the Plats and Plans attached hereto as Attachment 1 (the "New Plats and Plans") are substituted in their place. The New Plats and Plans: (i) assign an identifying number to all Units; (ii) describe the portion of the limited common elements created or assigned to all Units; and (iii) include the information required by Section 82.059 of the Texas Uniform Condominium Act.

4. Replacement of Exhibit "C". The Percentage Interests allocated to all Units within the Regime, after the addition of the New Units, is set forth on Attachment 2, attached hereto. Attachment 2, attached hereto, will supersede and replace Exhibit "C" attached to the Declaration.

5. 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.

[SIGNATURE PAGE FOLLOWS]

EXECUTED to be effective as of the 23rd day of March, 2011.

DECLARANT:

CR-B AVIARA, L.P., a Texas limited partnership

By: CR-B INVESTORS I GP, L.L.C., a Texas limited liability company, its General Partner

By: _____
Printed Name: John McKinney
Title: Vice President

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this 23rd day of March, 2011 by John McKinney, Vice President of CR-B Investors I GP, L.L.C., a Texas limited liability company, General Partner of CR-B Aviara, L.P., a Texas limited partnership, on behalf of said entities.

(SEAL)

JAMIE CRR SCHROEDER
MY COMMISSION EXPIRES
June 8, 2011

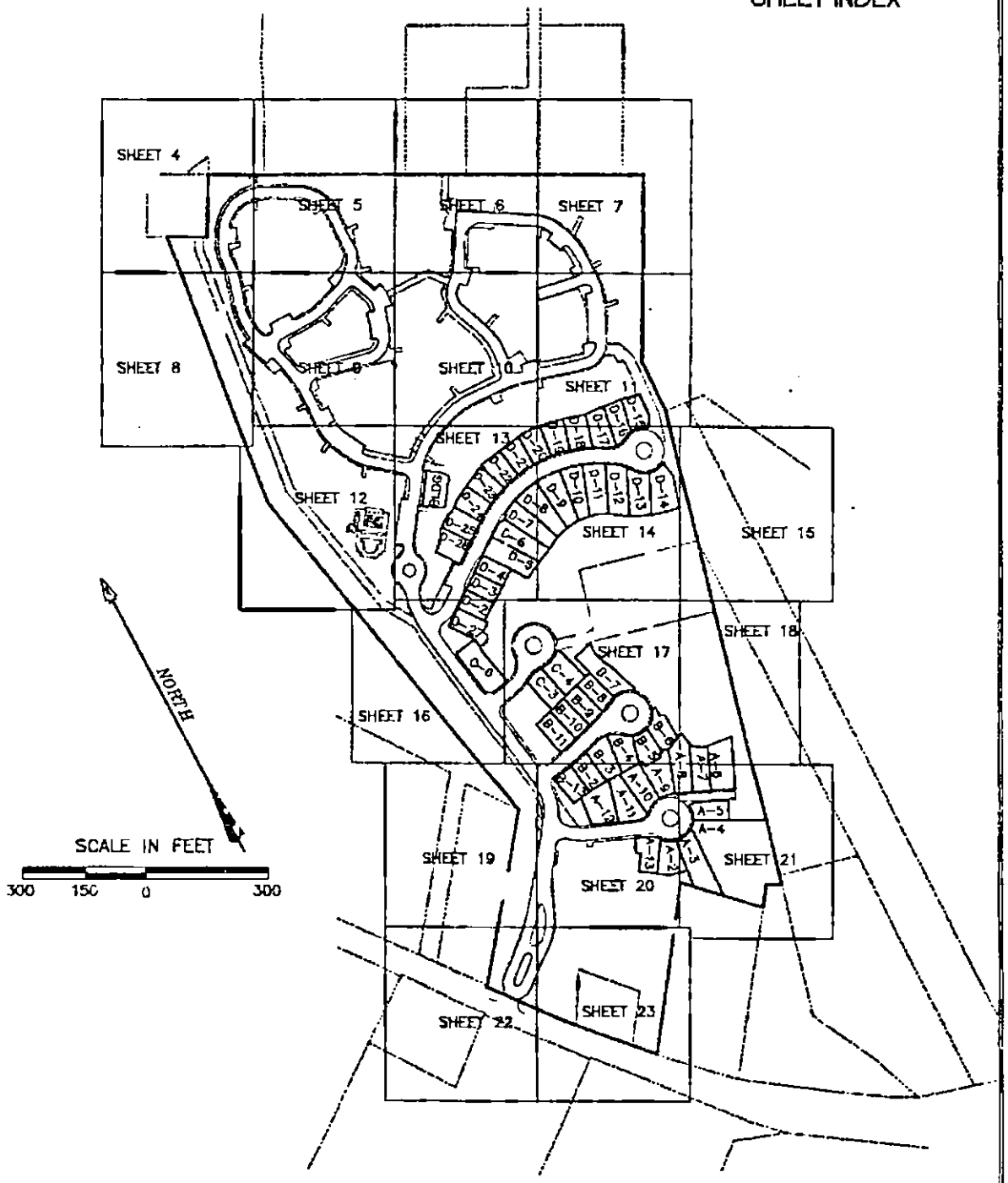
_____
Notary Public Signature

ATTACHMENT 1

EXHIBIT "B" TO THE DECLARATION OF CONDOMINIUM REGIME

SEE SHEET 24 OF 27 FOR ORIGINAL CERTIFICATION

SHEET INDEX



AVIARA CONDOMINIUMS

EXHIBIT

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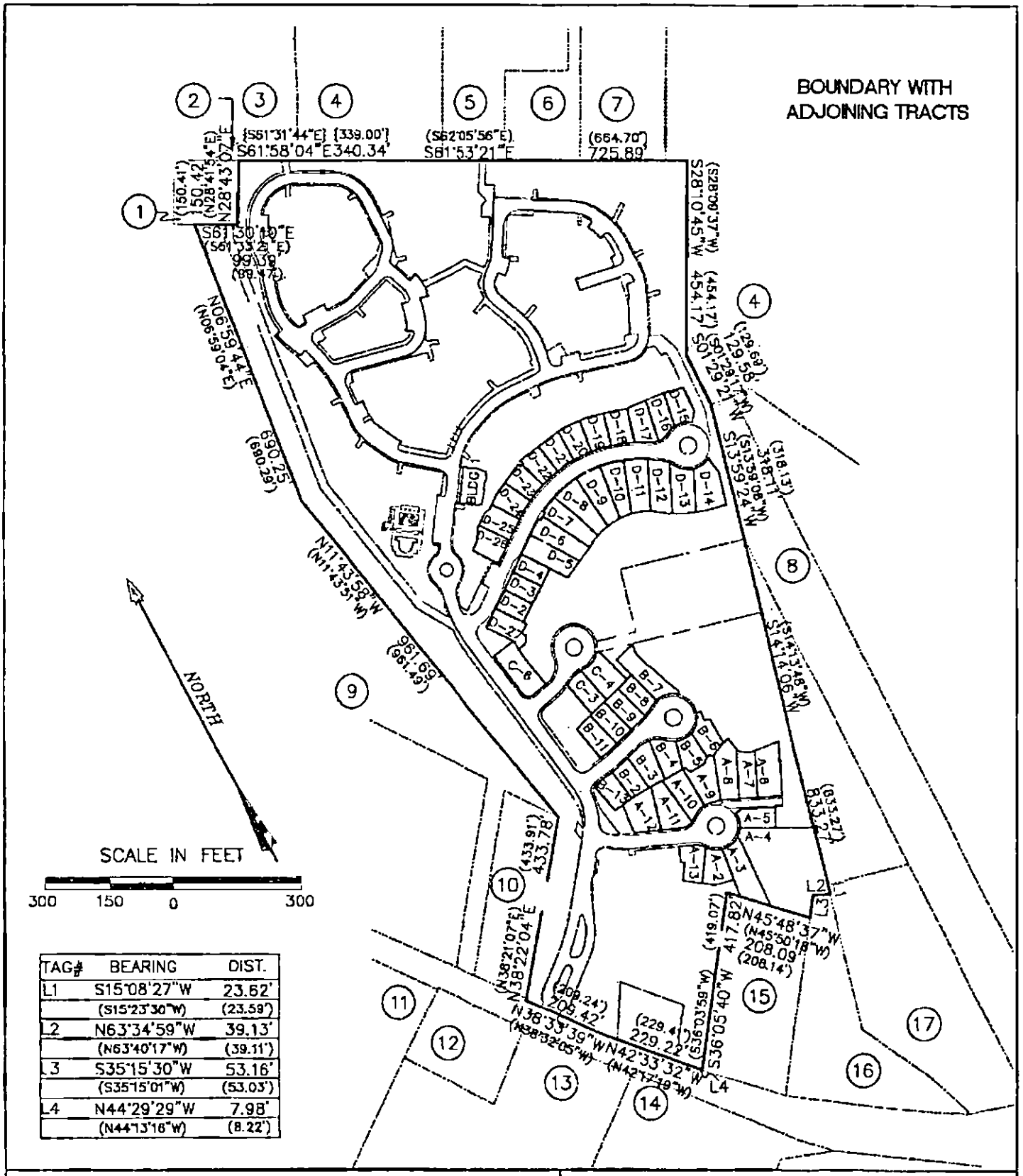
File: S:\Pro\Aviara\Dwg\AVIARA CONDO BASE.dwg		SHEET
Job No.	Snapshot:	1 of 27
Scale (Hor.): N/A	Scale (Vert.):	
Date: 03/22/11	Checked By: JSL	Drawn By: HPE\RLW



TAG#	BEARING	DIST.
L1	S15°08'27"W	23.62'
	(S15°23'30"W)	(23.59')
L2	N63°34'59"W	39.13'
	(N63°40'17"W)	(39.11')
L3	S35°15'30"W	53.16'
	(S35°15'01"W)	(53.03')
L4	N44°29'29"W	7.98'
	(N44°13'16"W)	(8.22')

AVIARA CONDOMINIUMS

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg		SHEET 2 of 27
Job No.	Snapshot:	
Scale (Hor.): N/A	Scale (Vert.):	
Date: 03/22/11	Checked By: JSL	Drawn By: HPE\R.W

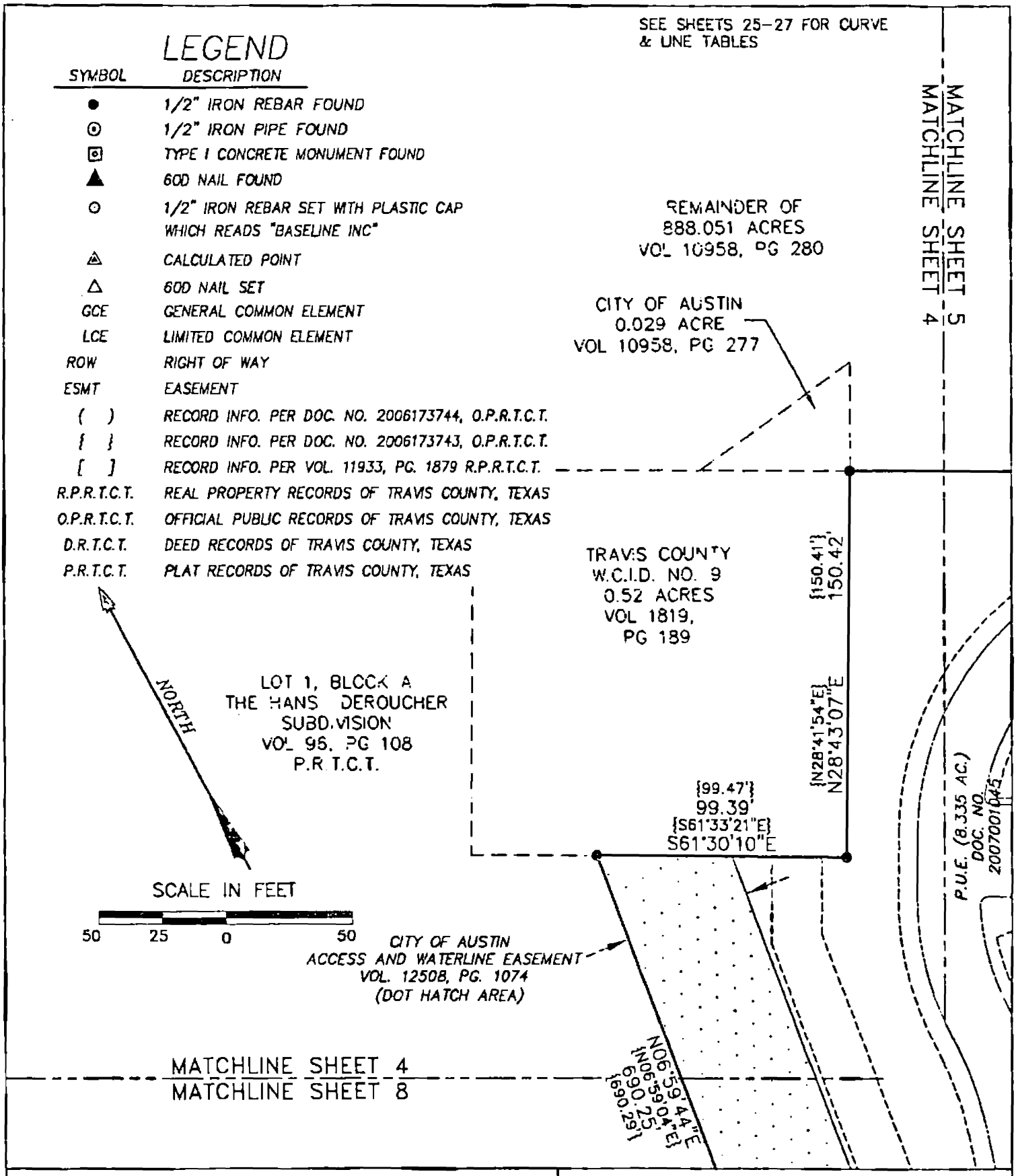
ADJOINING OWNERS

1. TRAVIS COUNTY W.C.I.D. NO. 9, VOL. 1819, PG. 189 (0.52 ACRES)
2. CITY OF AUSTIN, VOL. 10958, PG. 277 (0.029 ACRES)
3. REMAINDER OF 888.051 ACRES, VOL. 10958, PG. 280
4. LOT 115, BLOCK B, LANTANA SOUTHWEST, PHASE 1, DOC. NO. 200300137
5. CITY OF AUSTIN, TRACT 2, VOL. 12910, PG. 670 (1.757 ACRES)
6. CITY OF AUSTIN, VOL. 10031 PG. 300 (1.0397 ACRES)
7. CITY OF AUSTIN, TRACT 1, VOL. 12910, PG. 670 (1.655 ACRES)
8. KEYSTONE CONSTRUCTION, INC., VOL. 11918, PG. 1755 (4.993 ACRES)
9. LOT 1, BLOCK "A", THE HANS DEROUCHER SUBDIVISION, VOL. 96, PG. 108
10. LOT 2, BLOCK "A", THE HANS DEROUCHER SUBDIVISION, VOL. 96, PG. 108
11. AARON GARDNER SUBDIVISION, VOL. 49, PG. 95
12. BENJAMIN L. NORS, DOC. NO. 2001174575 (1.00 ACRE)
13. HUEBETTER SUBDIVISION, VOL. 78, PG. 1
14. JAMES L. SCHORR, VOL. 11883, PG. 1334 (10.177 ACRES)
15. ALAN ABBE, et ux, VOL. 8732, PG. 5 (1.9807 ACRES)
16. 1.951 ACRES, VOL. 11400, PG. 875
17. GILBERT M. JAPKO, TRACT ONE, VOL. 6095, PG. 82 (3.129 ACRES)

SEE SHEETS 25-27 FOR CURVE & LINE TABLES

LEGEND

SYMBOL	DESCRIPTION
●	1/2" IRON REBAR FOUND
⊙	1/2" IRON PIPE FOUND
⊡	TYPE I CONCRETE MONUMENT FOUND
▲	60D NAIL FOUND
⊙	1/2" IRON REBAR SET WITH PLASTIC CAP WHICH READS "BASELINE INC"
◬	CALCULATED POINT
△	60D NAIL SET
GCE	GENERAL COMMON ELEMENT
LCE	LIMITED COMMON ELEMENT
ROW	RIGHT OF WAY
ESMT	EASEMENT
( )	RECORD INFO. PER DOC. NO. 2006173744, O.P.R.T.C.T.
{ }	RECORD INFO. PER DOC. NO. 2006173743, O.P.R.T.C.T.
[ ]	RECORD INFO. PER VOL. 11933, PG. 1879 R.P.R.T.C.T.
R.P.R.T.C.T.	REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS
O.P.R.T.C.T.	OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS
D.R.T.C.T.	DEED RECORDS OF TRAVIS COUNTY, TEXAS
P.R.T.C.T.	PLAT RECORDS OF TRAVIS COUNTY, TEXAS



AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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ron-baseline@austin.rr.com

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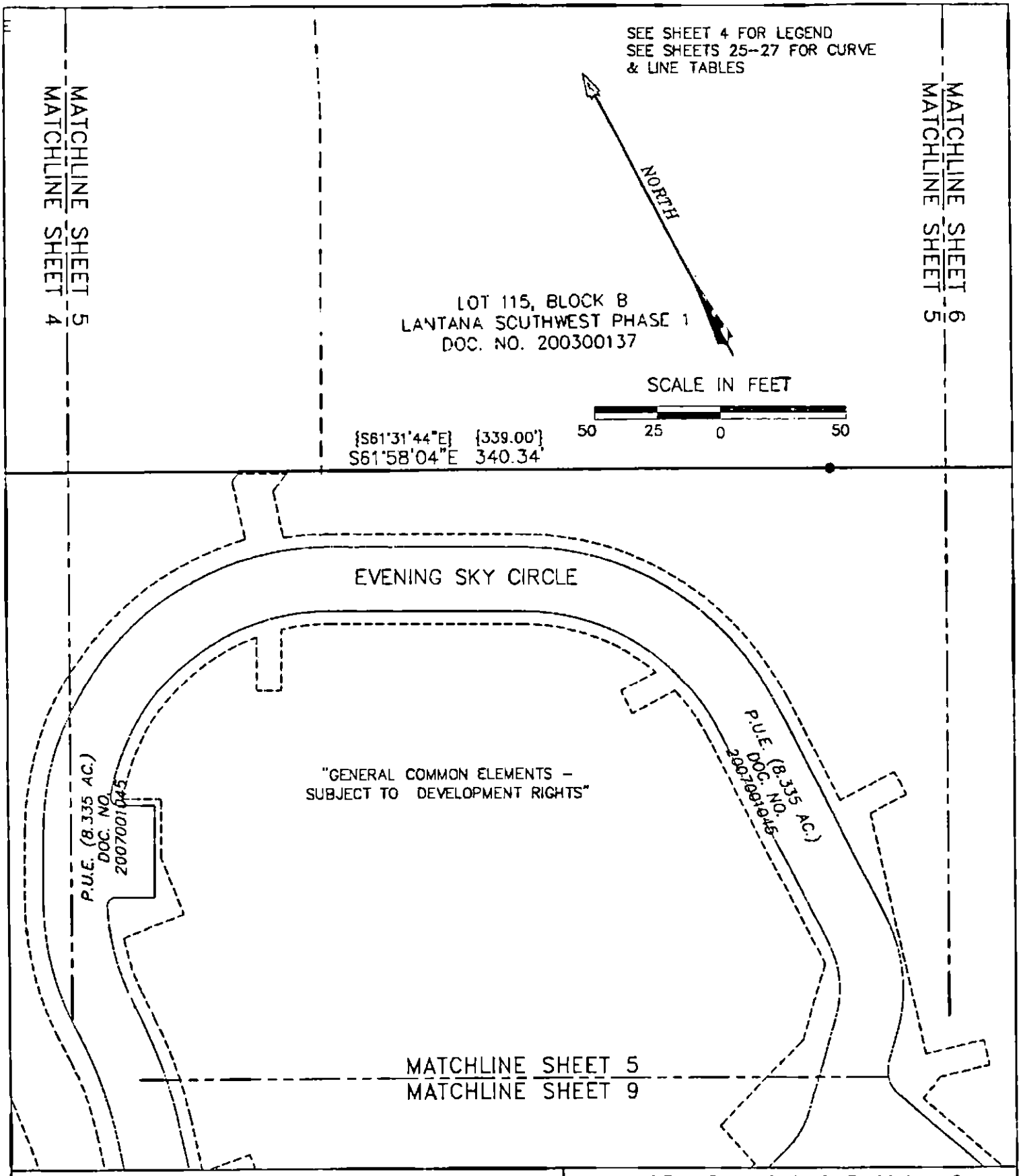
Date: 03/22/11	Checked By: JSL	Drawn By: HPE\RLW



AVIARA CONDOMINIUMS

EXHIBIT

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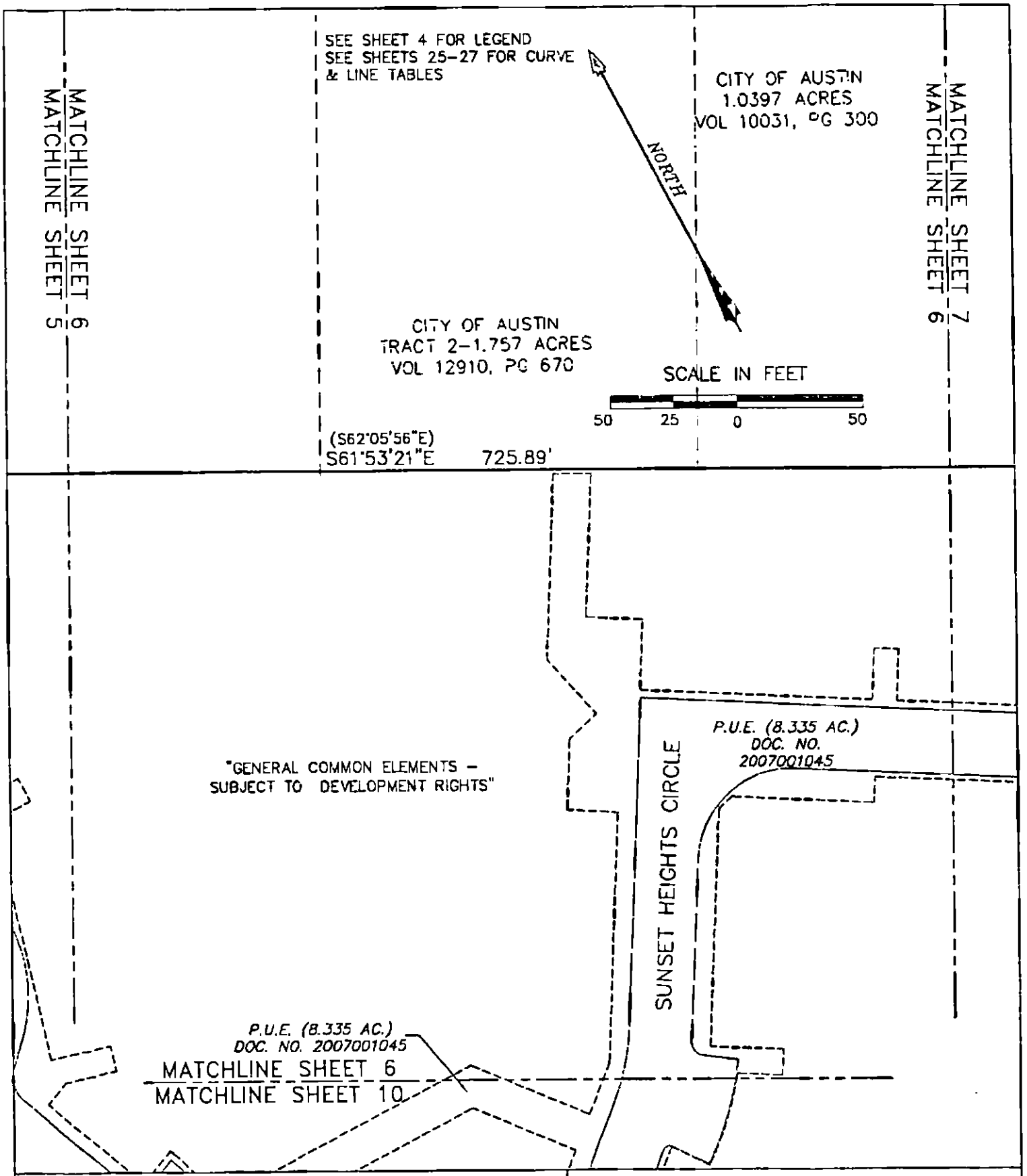

AVIARA CONDOMINIUMS

EXHIBIT

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Job No.	Snapshot:	
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Date: 03/22/11	Checked By: JSL	Drawn By: HPE\RLW

SEE SHEET 4 FOR LEGEND
SEE SHEETS 25–27 FOR CURVE
& LINE TABLES

MATCHLINE SHEET 7
MATCHLINE SHEET 6

NORTH

LOT 115, BLOCK B
LANTANA SOUTHWEST PHASE 1
DOC. NO. 200300137

CITY OF AUSTIN
TRACT 1–1.655 ACRES
VOL 12910, PG 670

SCALE IN FEET
50 25 0 50

(S62°05'56"E)
S61°53'21"E

(664.70')
725.89'

"GENERAL COMMON ELEMENTS –
SUBJECT TO DEVELOPMENT RIGHTS"

P.U.E. (8.335 AC.)
DOC. NO.
2007901045

SUNSET HEIGHTS
CIRCLE

(S28°09'37"W)
S28°10'45"W

(454.17')
454.17'

MATCHLINE SHEET 7
MATCHLINE SHEET 11

AVIARA CONDOMINIUMS

EXHIBIT
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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET 7 of 27
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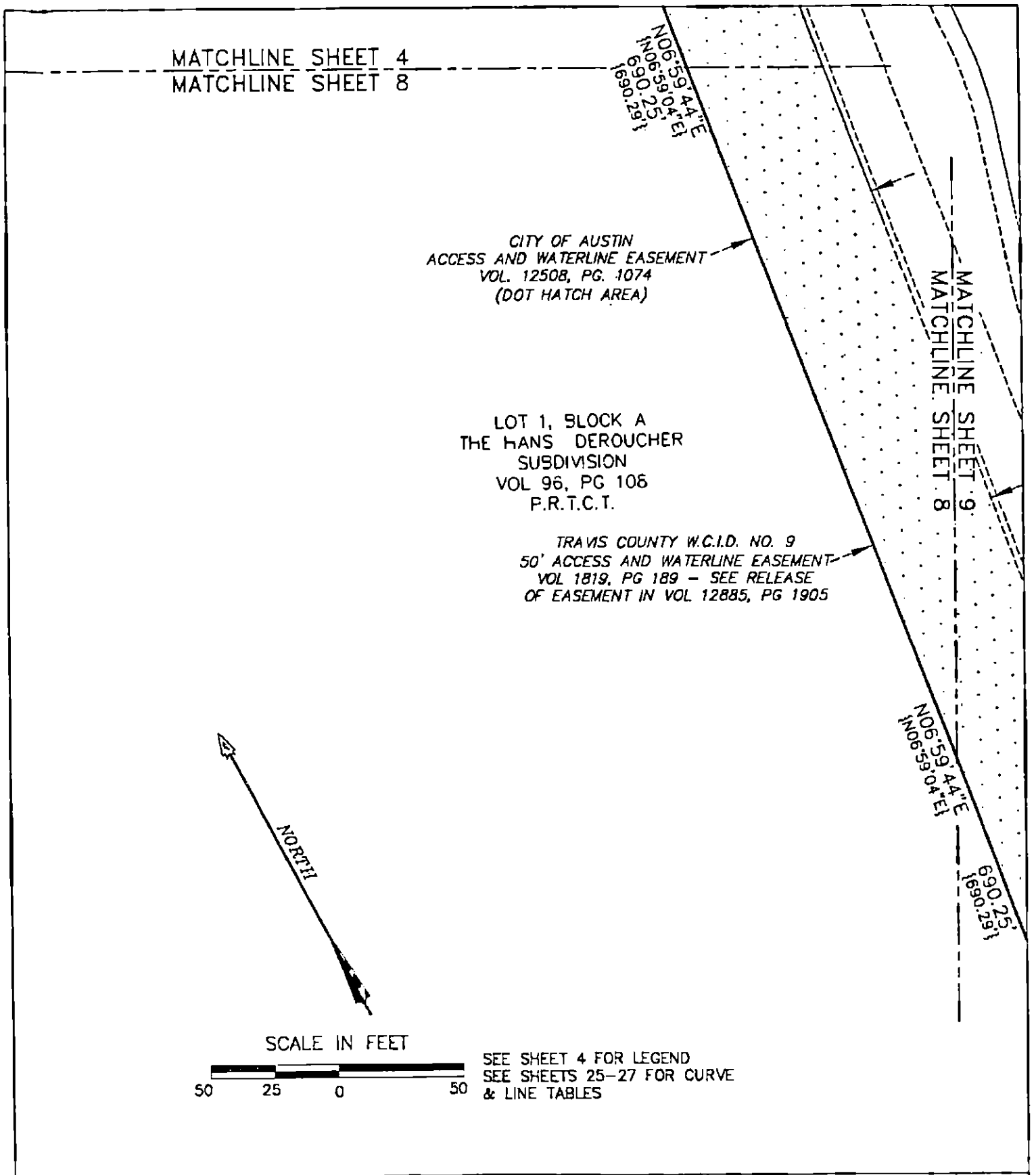

AVIARA CONDOMINIUMS

EXHIBIT

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Job No.	Snapshot:	8 of 27
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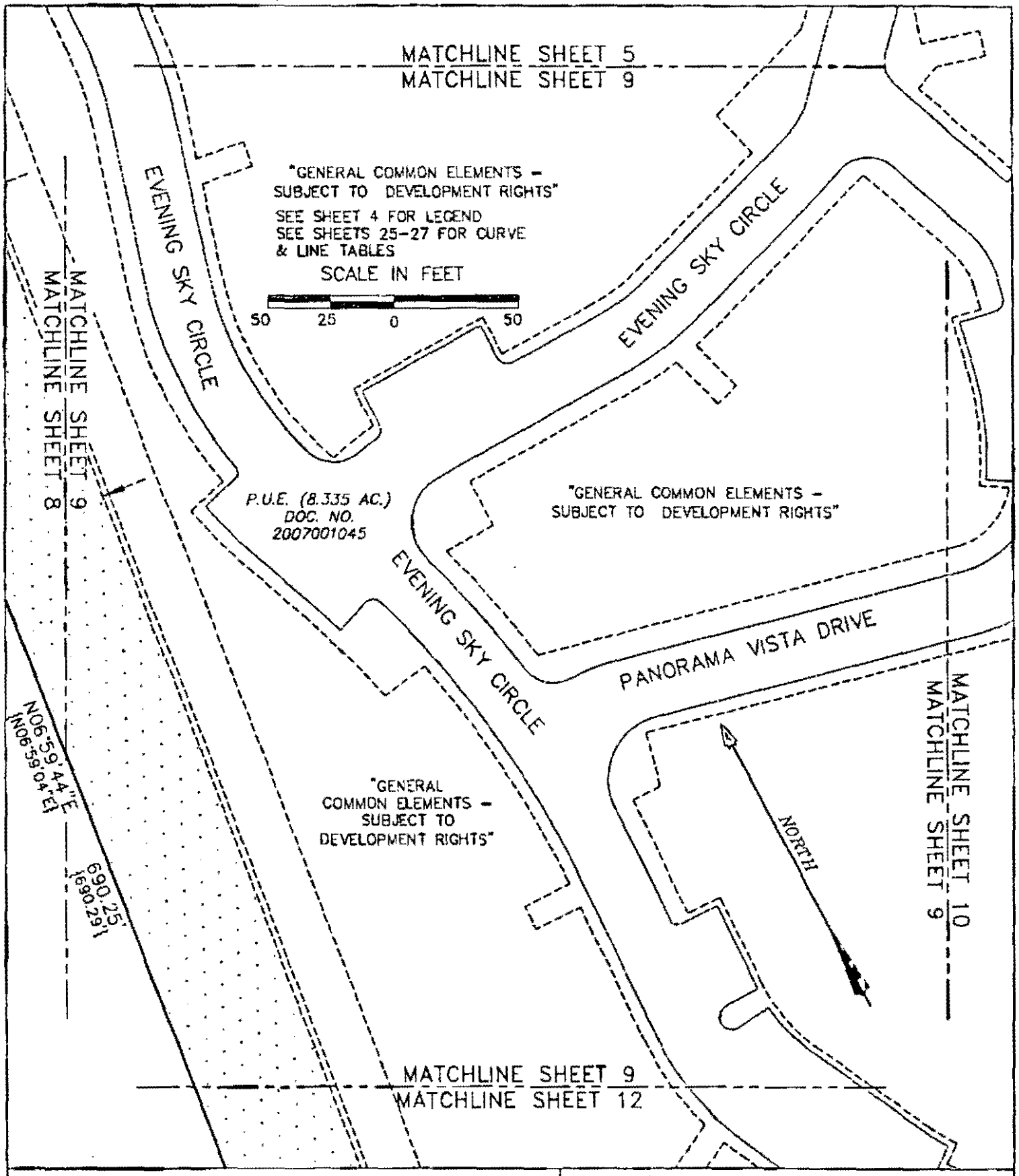

AVIARA CONDOMINIUMS

EXHIBIT

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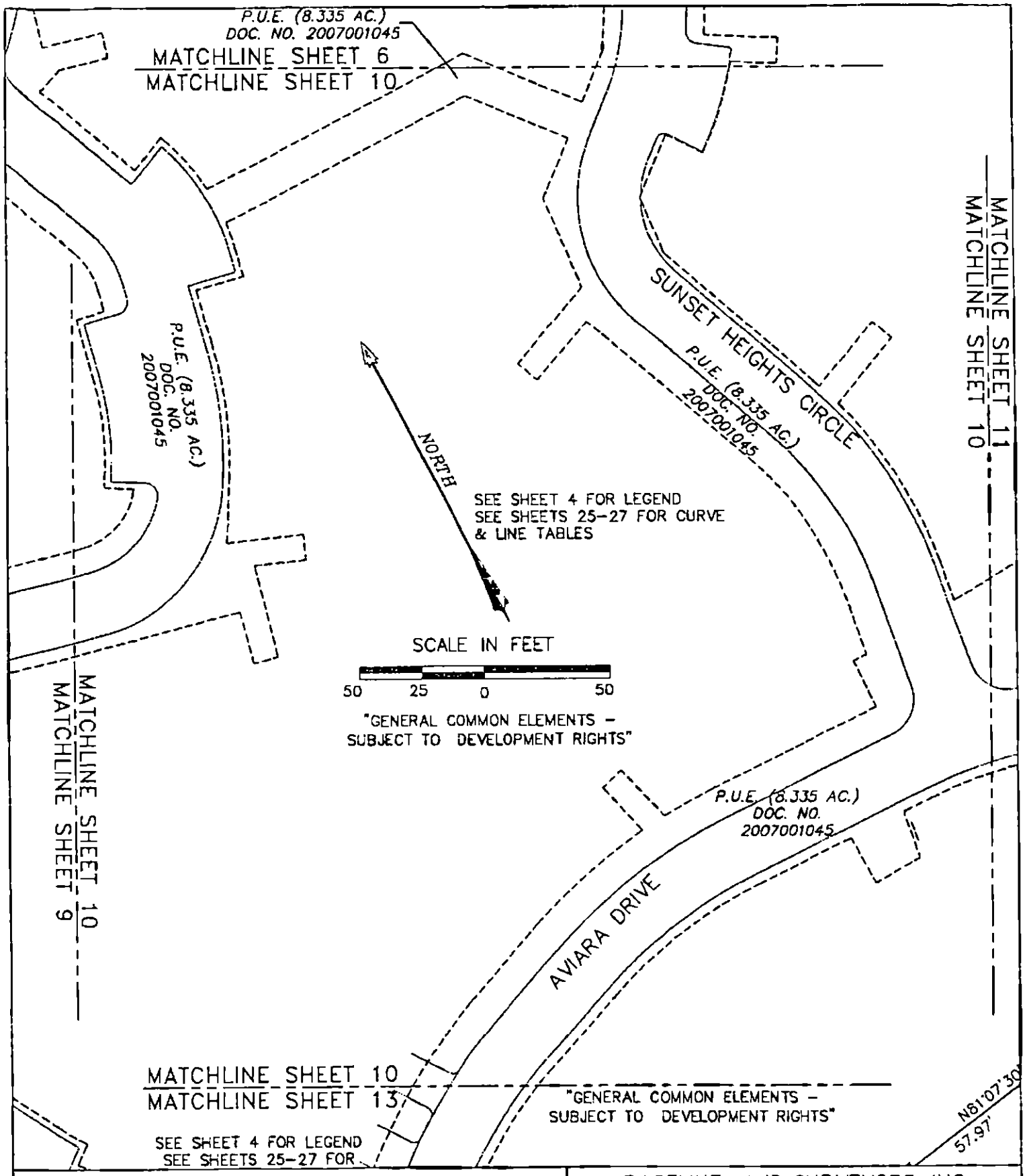

AVIARA CONDOMINIUMS

EXHIBIT

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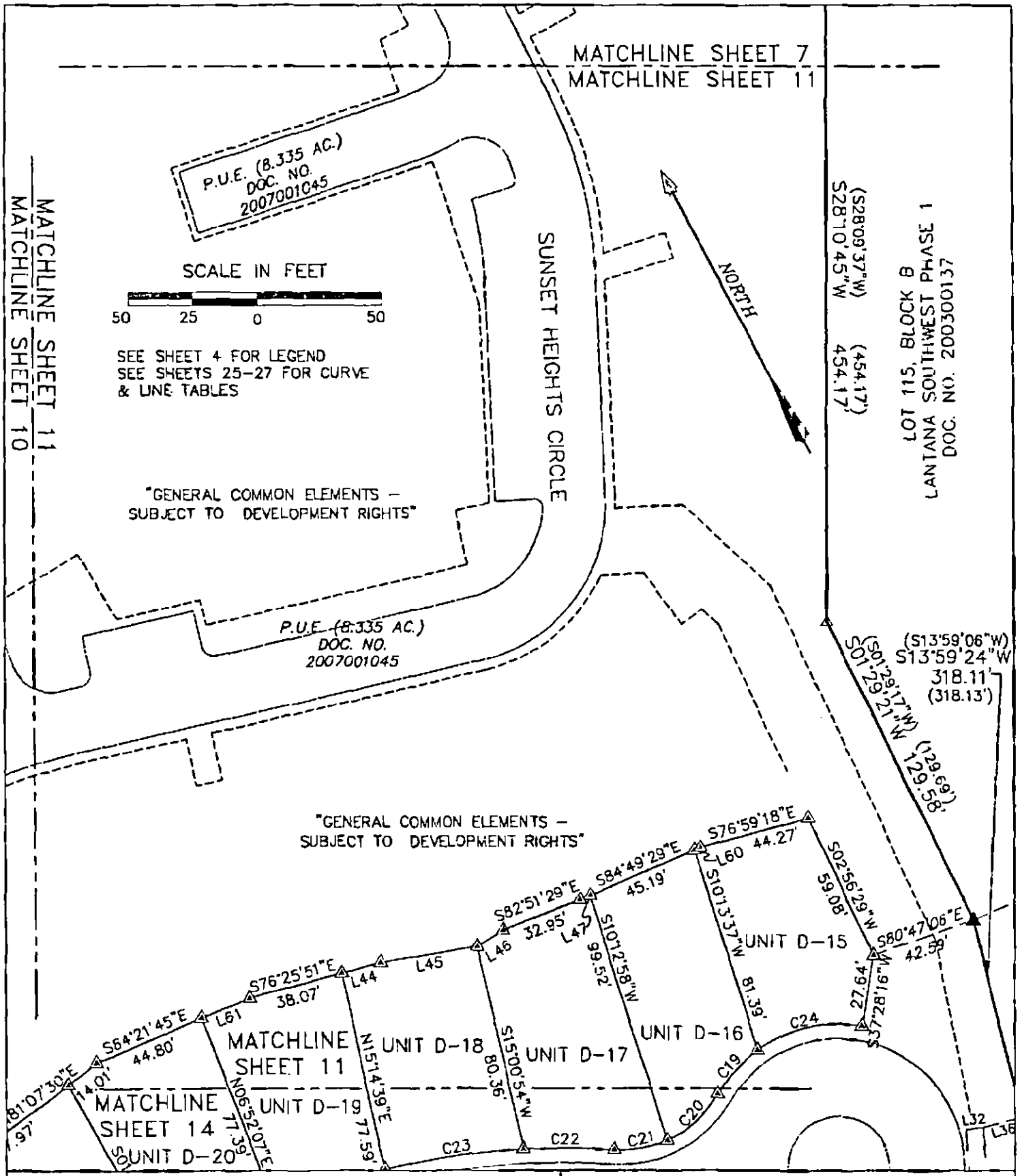

AVIARA CONDOMINIUMS

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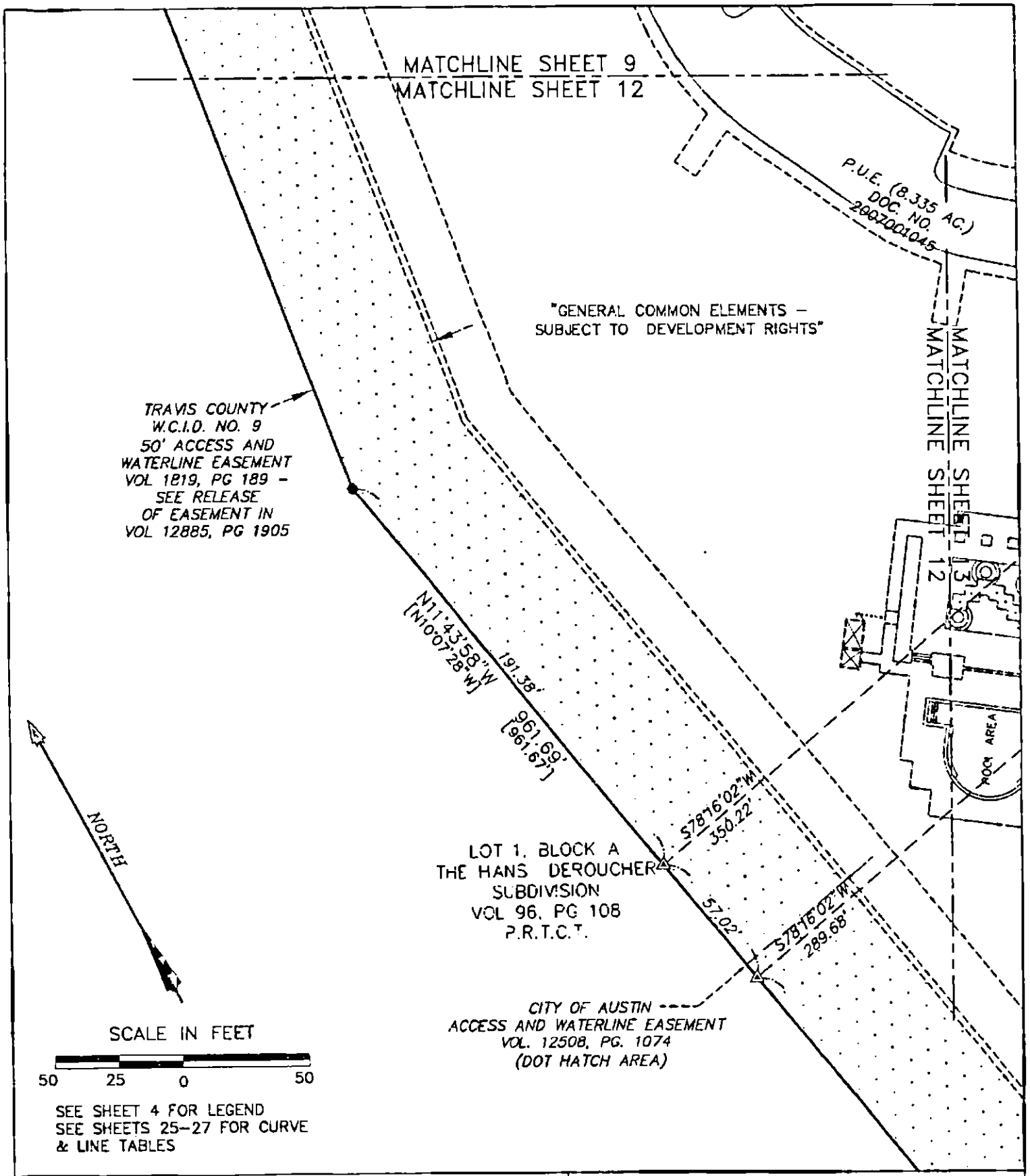

SEE SHEET 4 FOR LEGEND
SEE SHEETS 25–27 FOR CURVE & LINE TABLES

AVIARA CONDOMINIUMS

EXHIBIT
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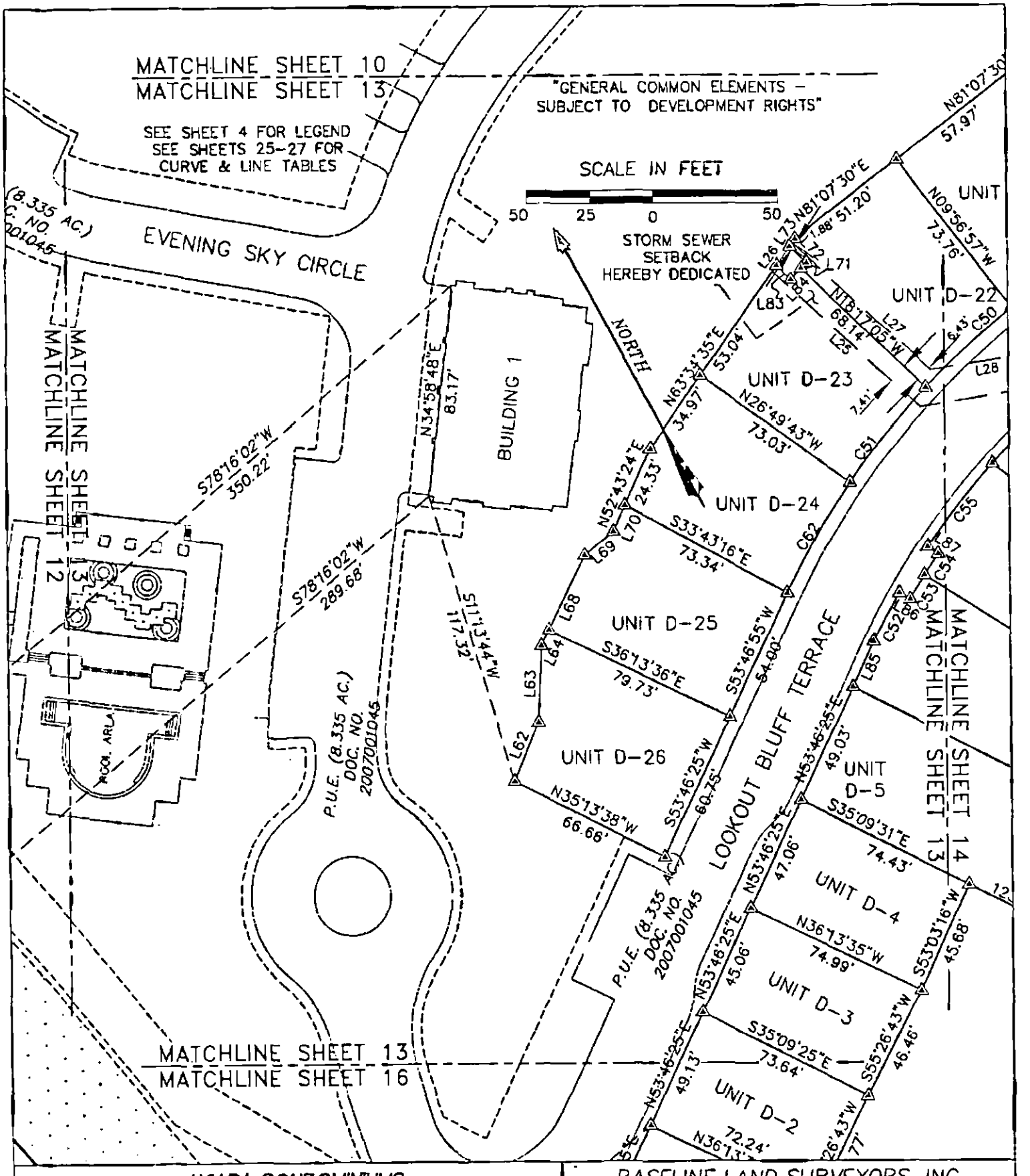

AVIARA CONDOMINIUMS

EXHIBIT

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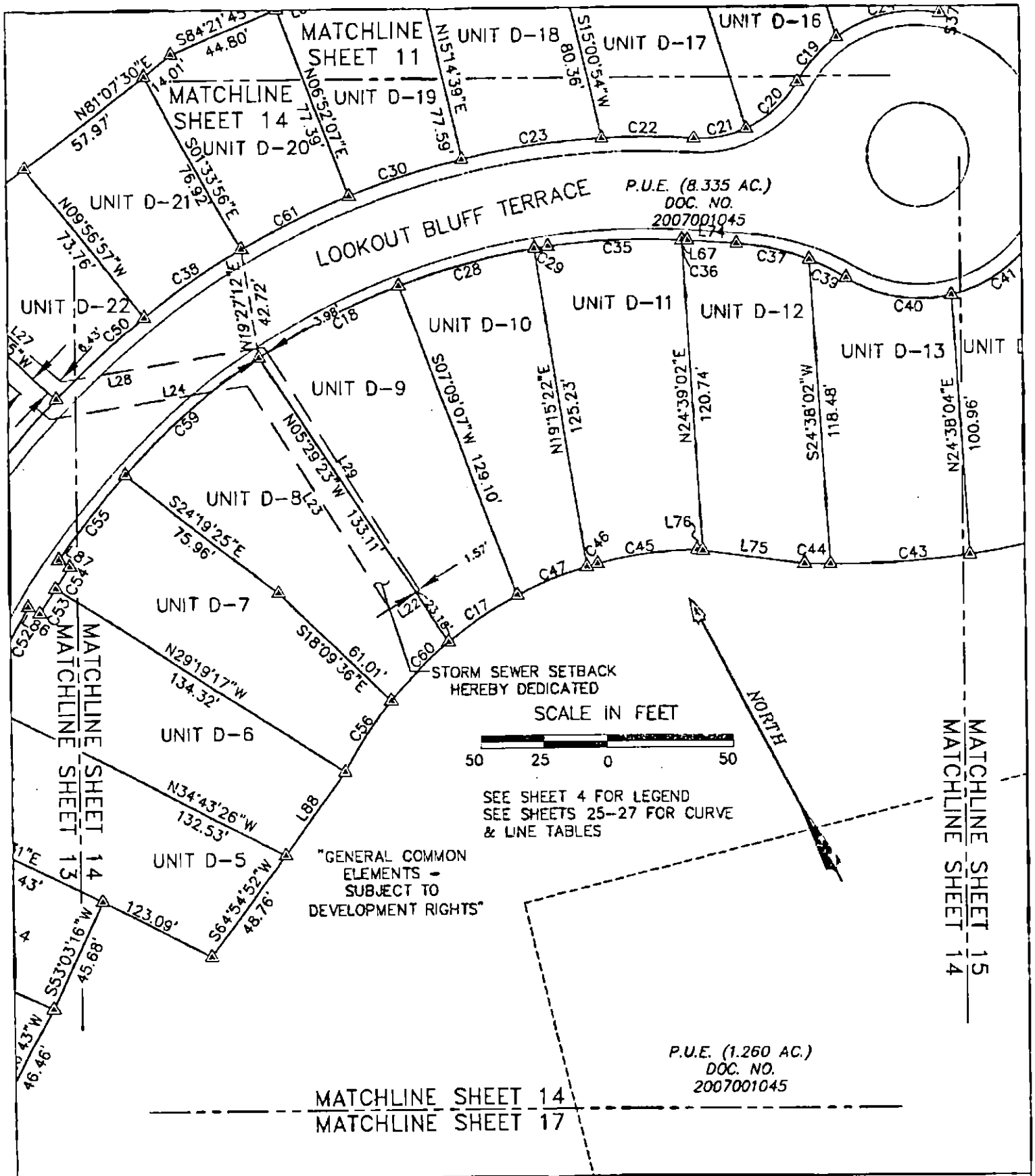

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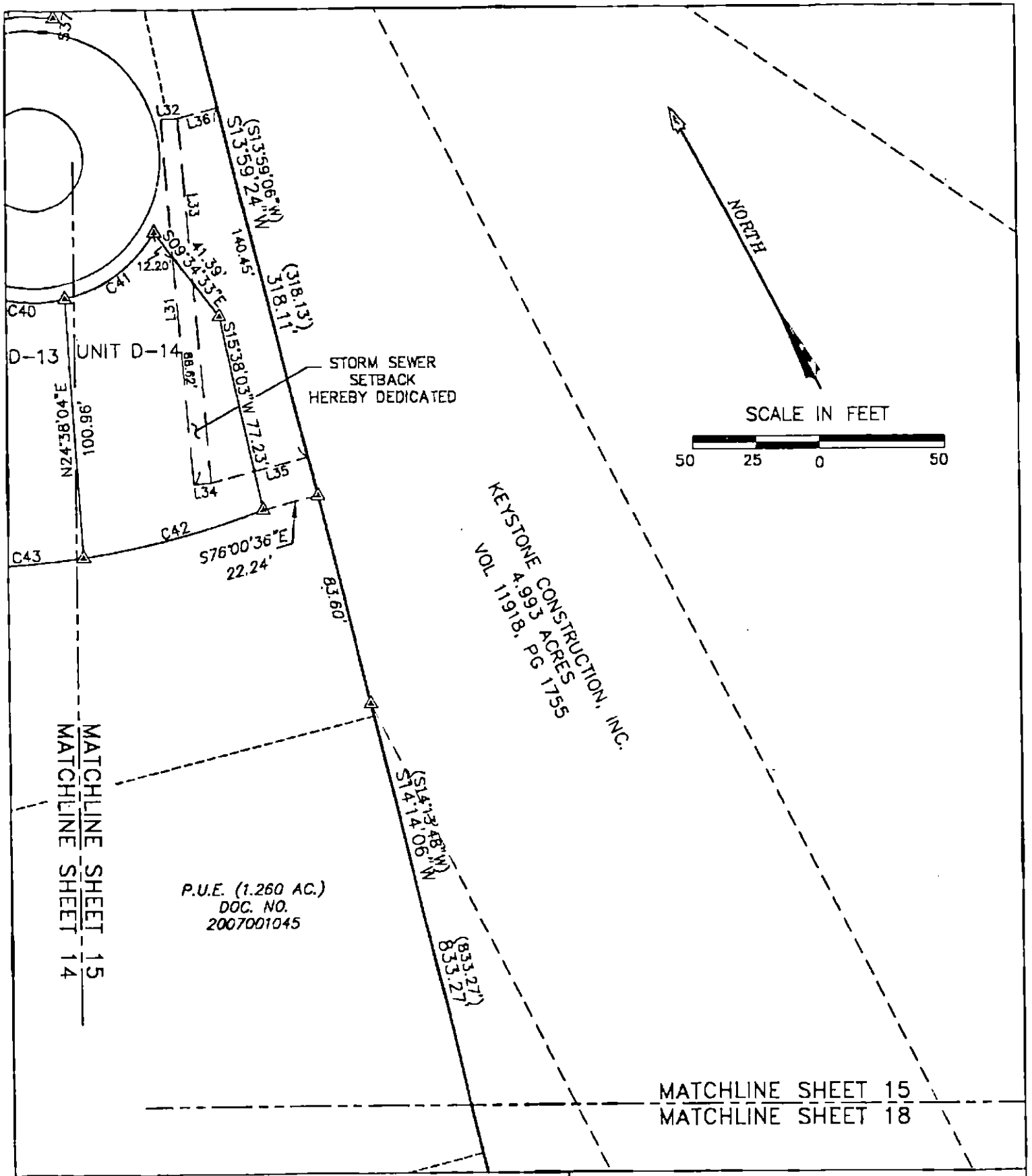

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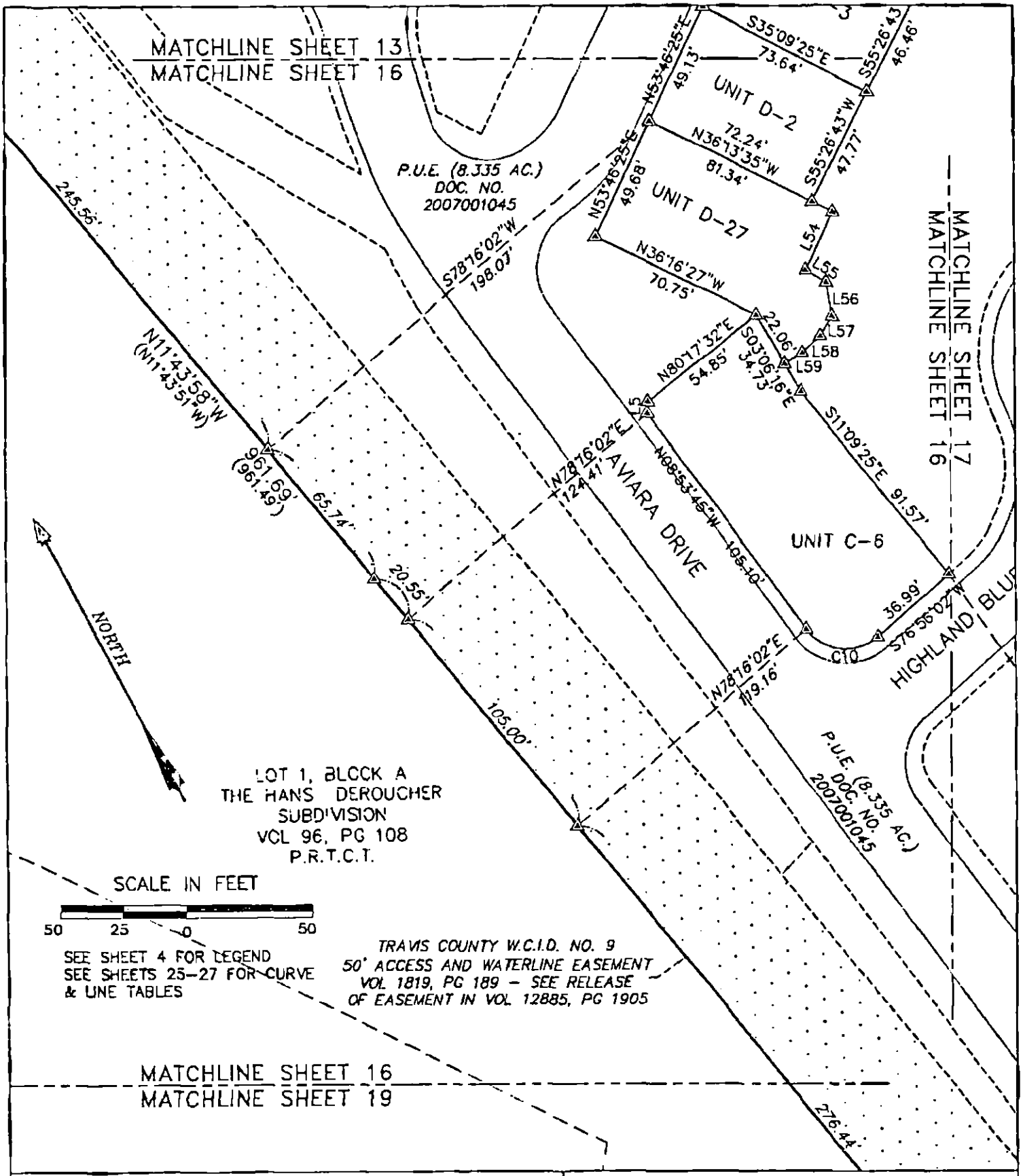

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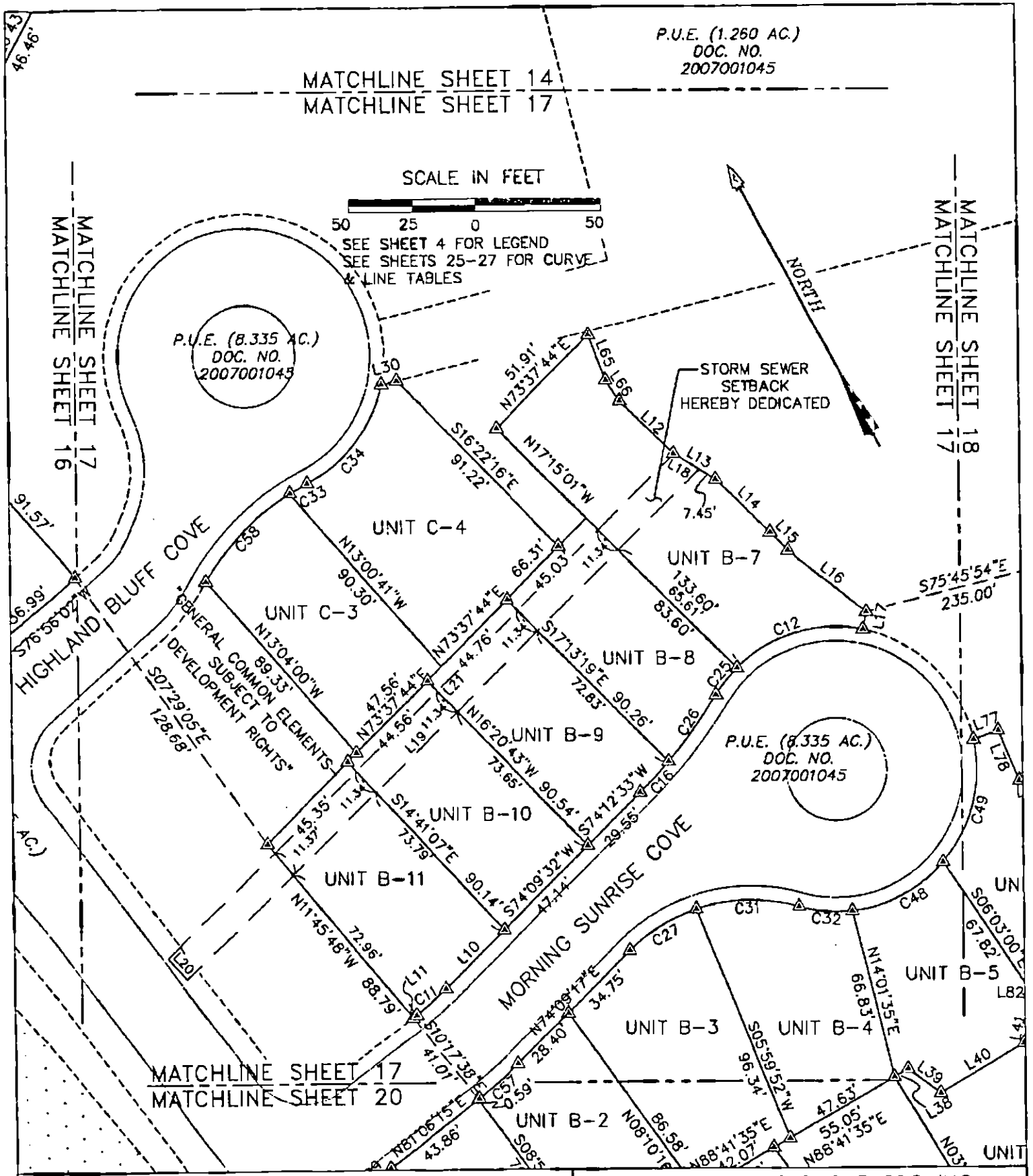

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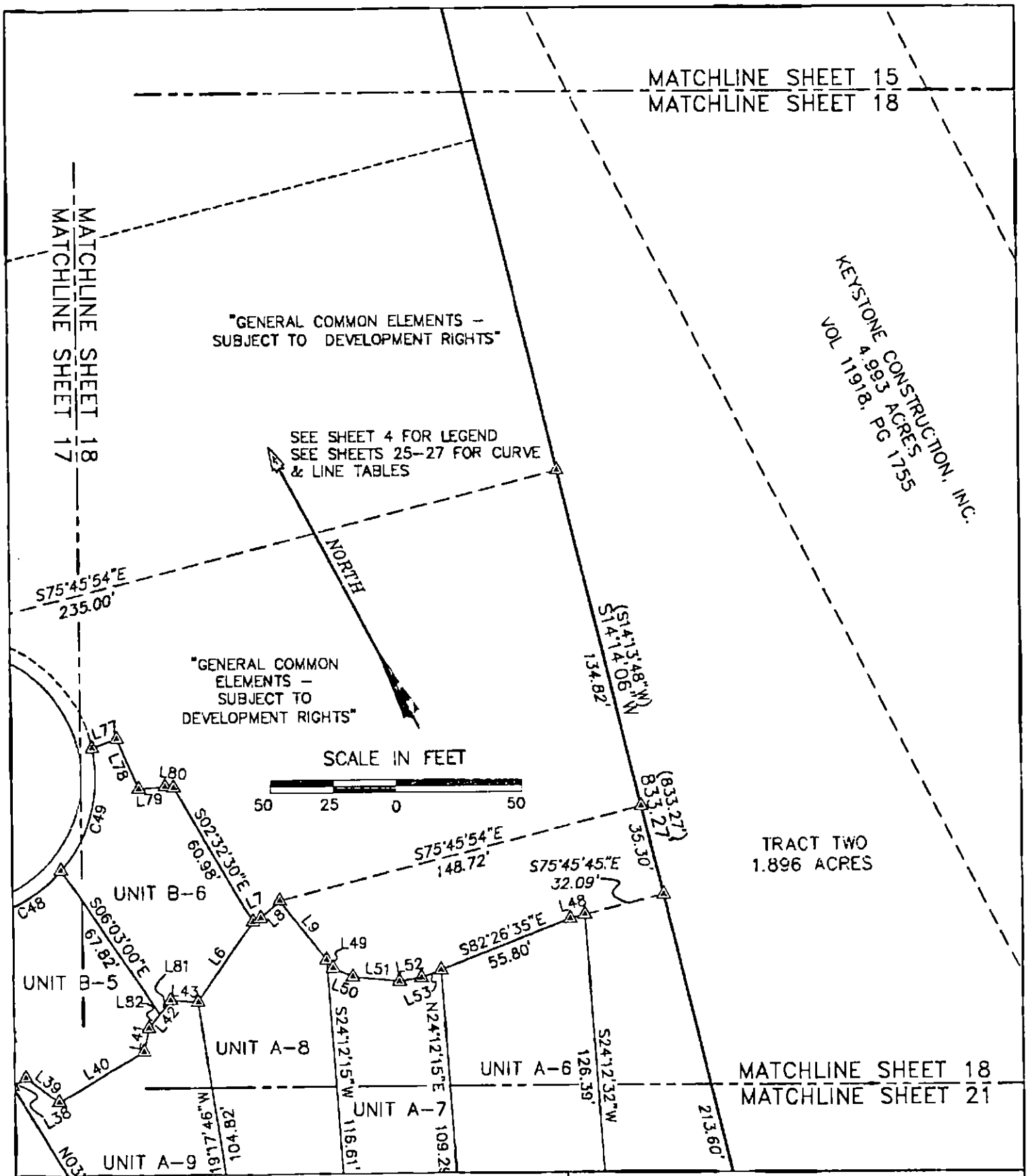

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.064 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

BASELINE LAND SURVEYORS, INC.
PROFESSIONAL LAND SURVEYING SERVICES
8333 CROSS PARK DRIVE
AUSTIN, TEXAS 78754
OFFICE: 512.374.9722 FAX: 512.873.9743
ron-baseline@austin.rr.com

File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET 18 of 27
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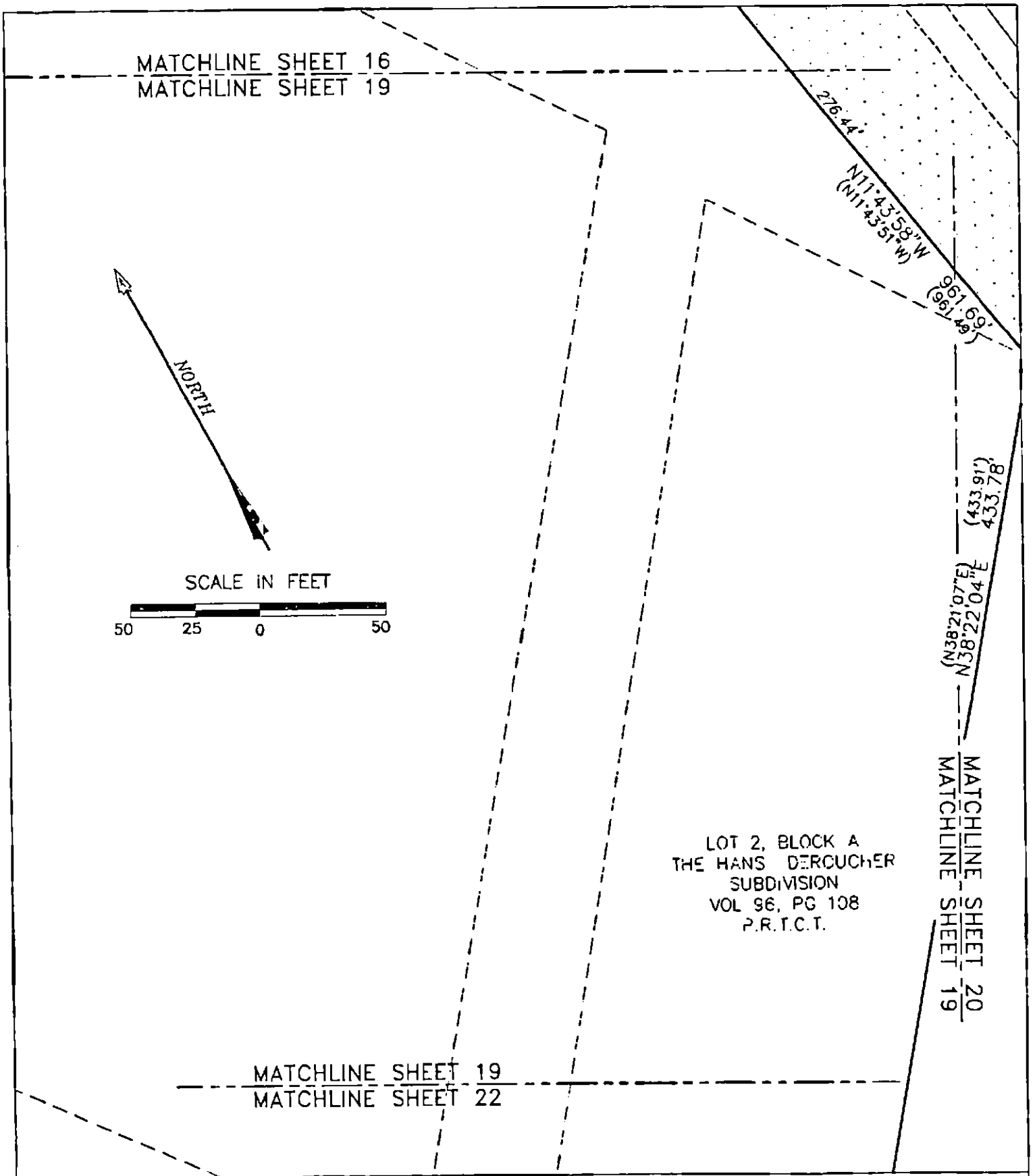

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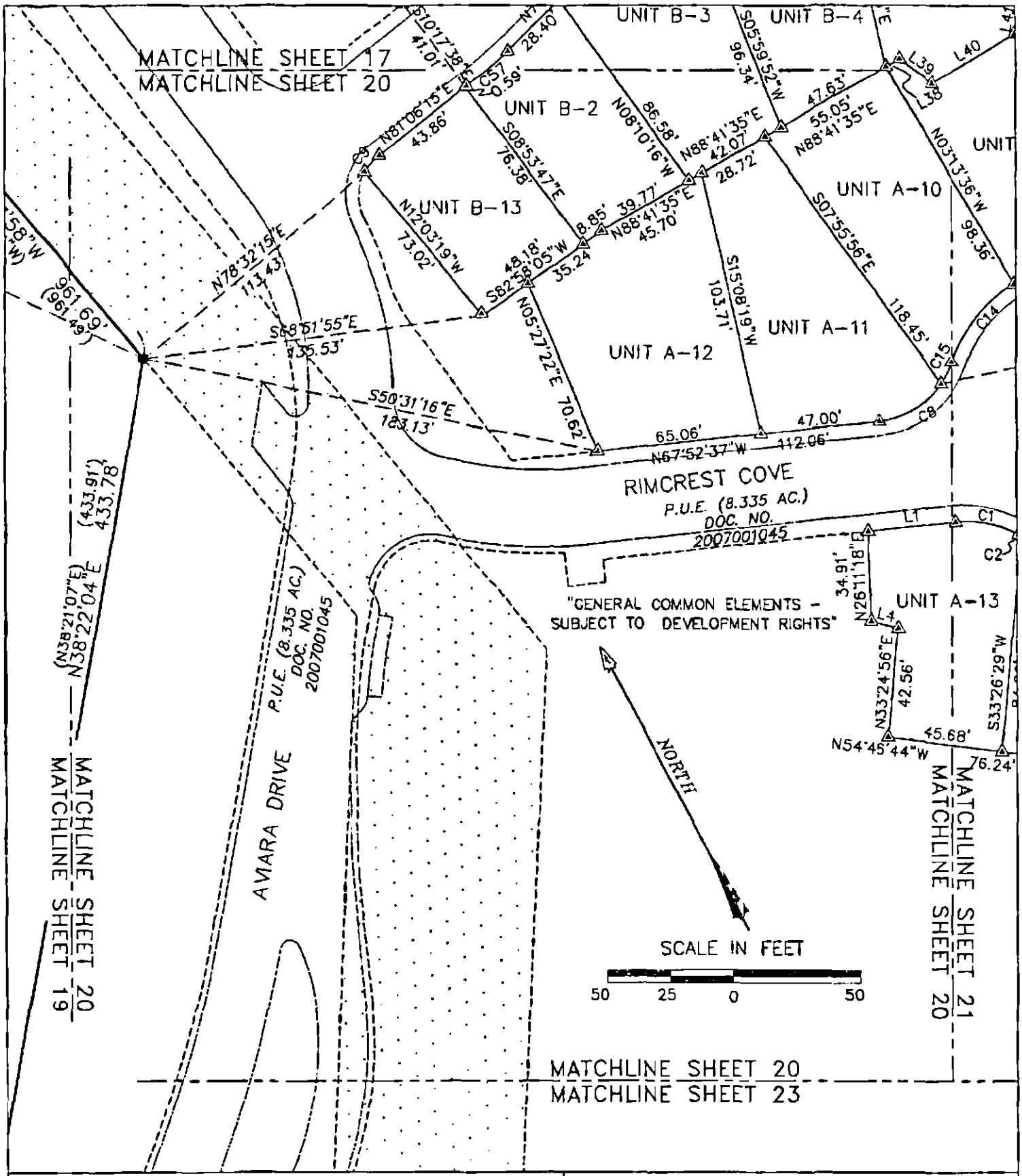

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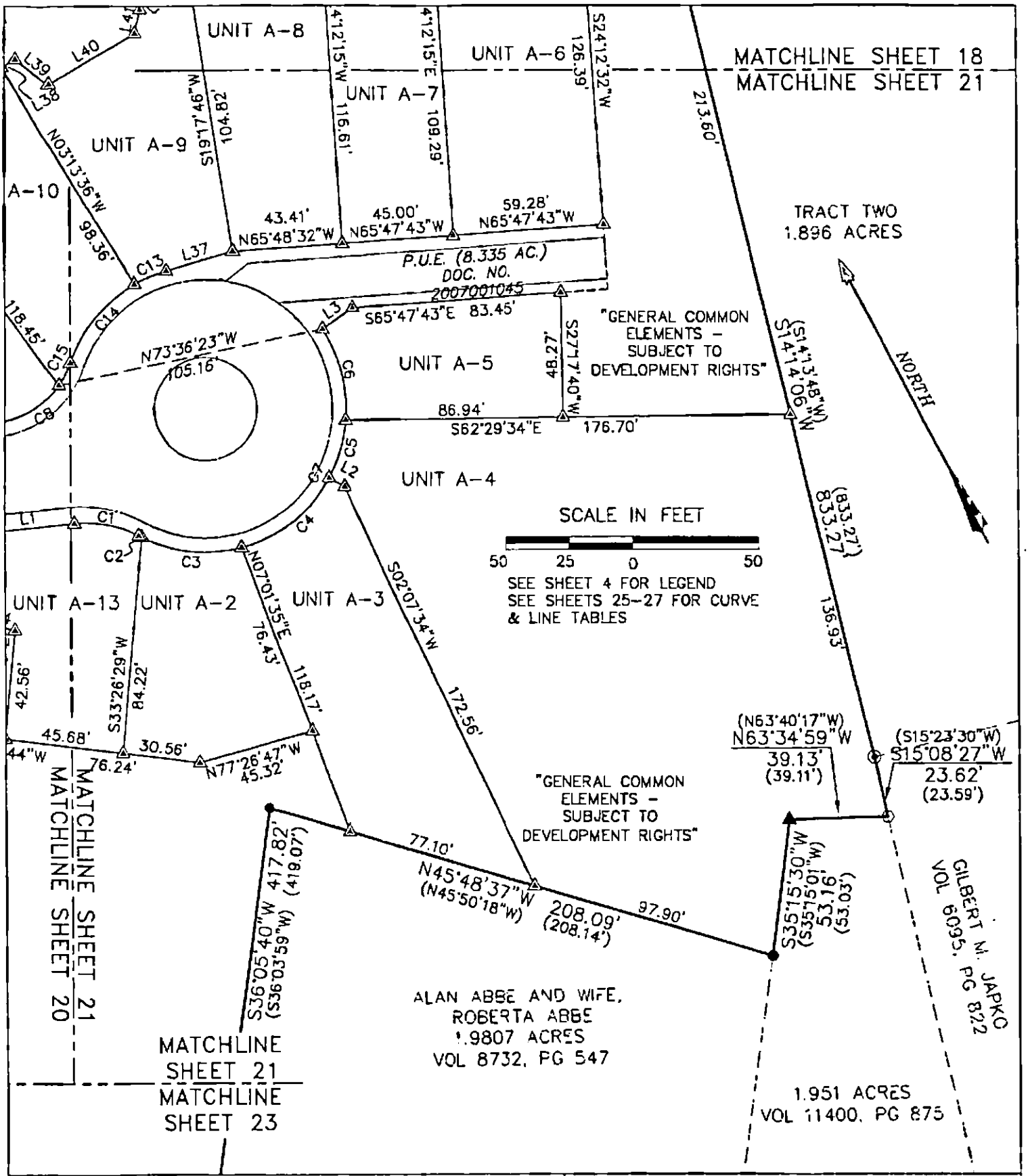

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET 21 of 27
Job No.	Snapshot:		
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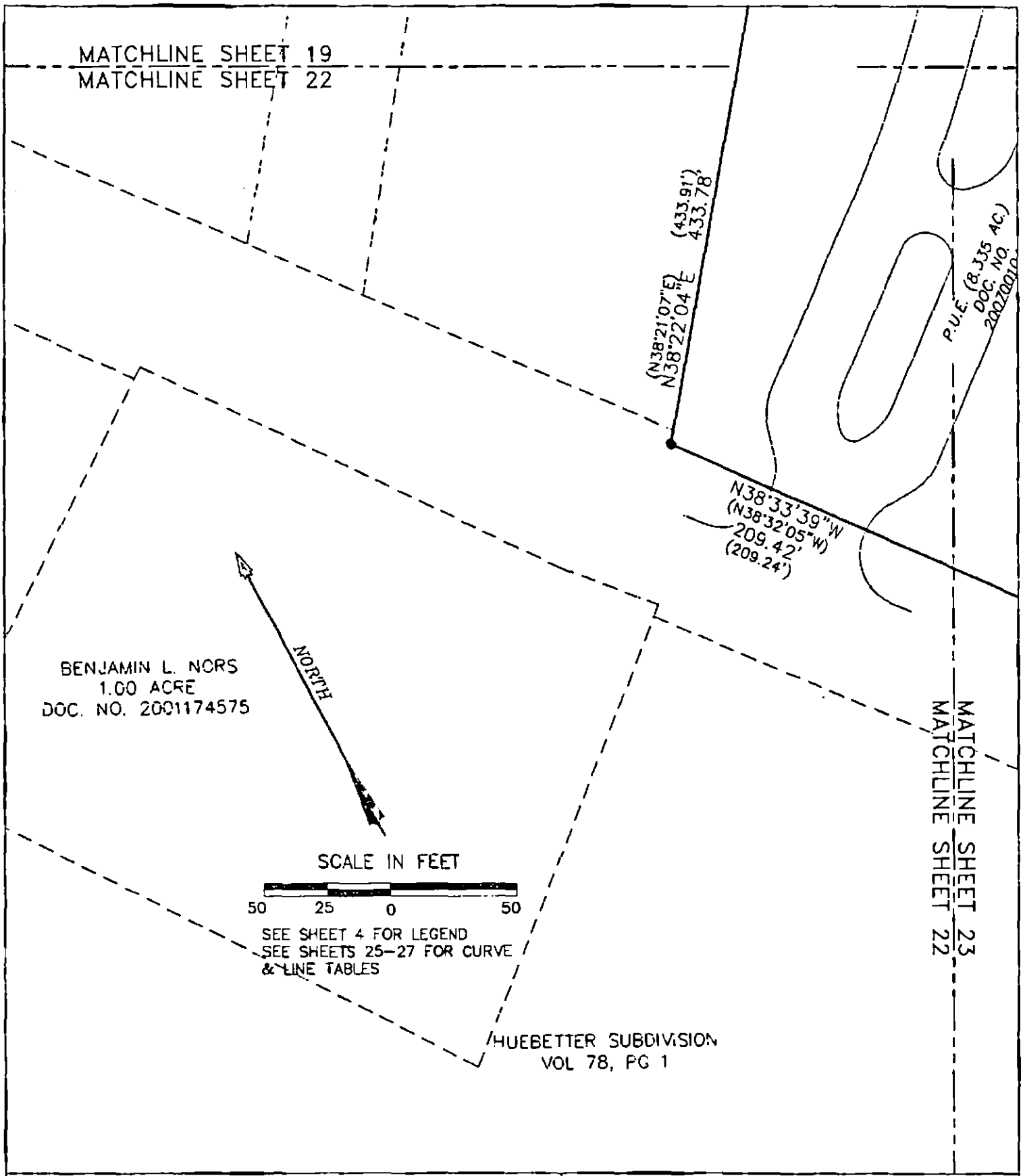

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET 22 of 27
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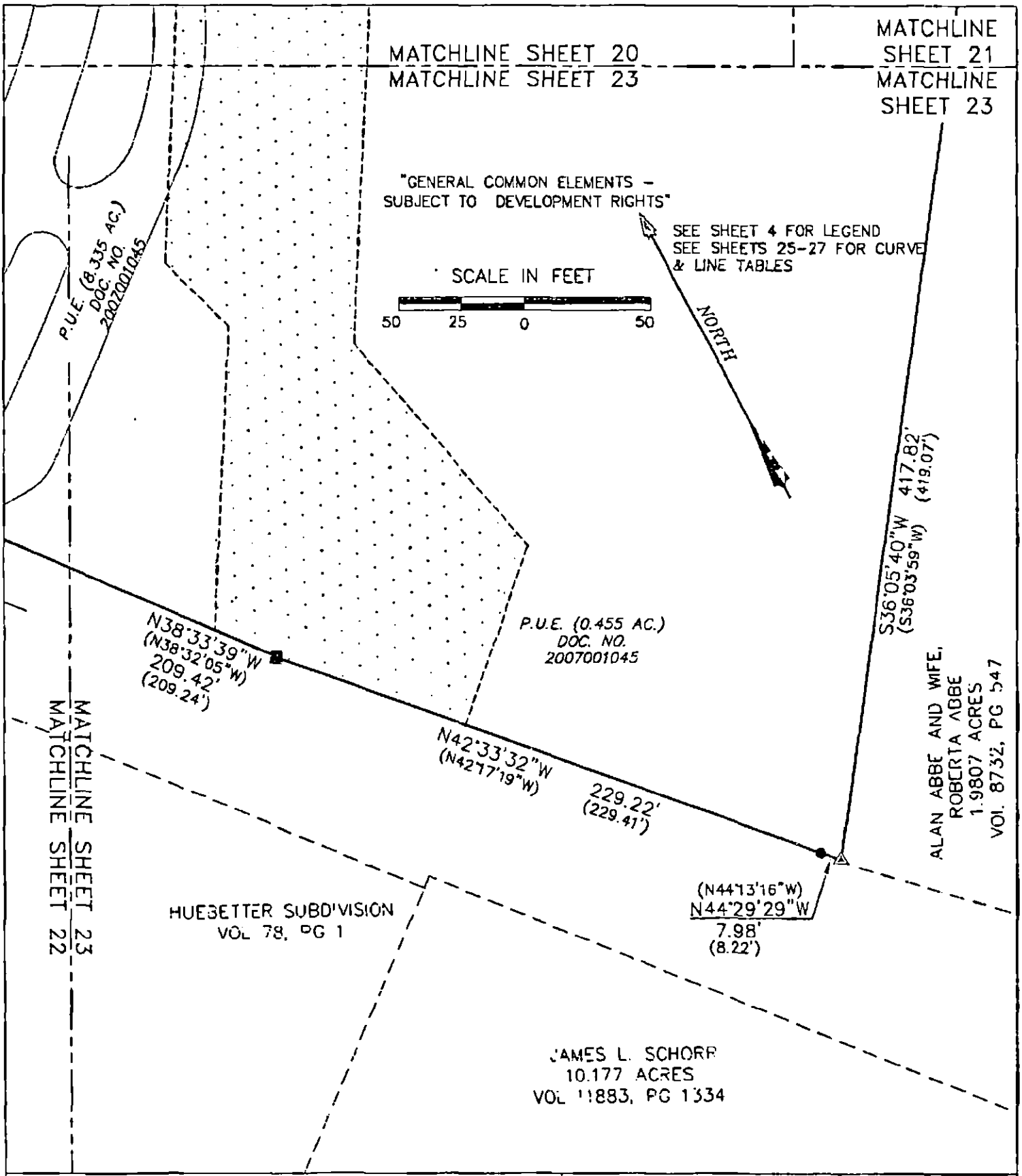

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET 23 of 27
Job No.	Snapshot:		
Scale (Hor.): 1"=50'	Scale (Vert.):		
Date: 03/22/11	Checked By: JSL	Drawn By: HPE\RLW	

EXHIBIT

AVIARA CONDOMINIUMS

[PLAT]

§ Certification of Surveyor §

The attached plat, attached hereto as Exhibit contain the information required by Section 82.052 and Section 82.059 of the Texas Uniform Condominium Act, as applicable.

Ronnie Wallace
R.P.L.S. No. 5222

Date: 22 March 2011

STATE OF TEXAS
REGISTERED
RONNIE WALLACE
5222
PROFESSIONAL
LAND SURVEYOR

AVIARA CONDOMINIUMS	BASELINE LAND SURVEYORS, INC.
EXHIBIT OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 6.064 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS	PROFESSIONAL LAND SURVEYING SERVICES 8333 CROSS PARK DRIVE AUSTIN, TEXAS 78754 OFFICE: 512.374.9722 FAX: 512.873.9743 ron-baseline@austin.rr.com

File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET 24 of 27
Job No.	Snapshot:		
Scale (Hor.): 1"=50'	Scale (Vert.):		
Date: 03/22/11	Checked By: JSL	Drawn By: HPE\RLW	

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C1	43.50'	25.85'	34°03'14"	N50°51'00"W	25.48'
C2	55.50'	1.36'	1°24'13"	S34°31'30"E	1.36'
C3	55.50'	39.74'	41°01'24"	S55°44'18"E	38.89'
C4	55.50'	45.25'	46°42'38"	N80°23'41"E	44.00'
C5	55.50'	23.52'	24°16'50"	N44°53'57"E	23.34'
C6	55.50'	37.22'	38°25'09"	N13°32'57"E	36.52'
C7	55.50'	147.08'	151°50'14"	N70°15'30"E	107.66'
C8	34.50'	29.54'	49°03'46"	N87°35'30"E	28.65'
C9	19.50'	8.60'	25°15'47"	S66°28'21"W	8.53'
C10	19.50'	32.05'	94°10'13"	S55°58'52"E	28.56'
C11	128.50'	15.59'	6°56'58"	N77°37'46"E	15.58'
C12	55.50'	54.03'	55°46'56"	N78°25'05"W	51.92'
C13	55.50'	13.29'	13°43'20"	N84°39'53"W	13.26'
C14	55.50'	40.10'	41°23'40"	S67°46'37"W	39.23'
C15	34.50'	9.67'	16°03'39"	N55°06'36"E	9.64'
C16	194.50'	16.61'	4°53'34"	N71°36'45"E	16.60'
C17	160.00'	33.10'	11°51'14"	S85°23'29"W	33.04'
C18	281.00'	61.89'	12°37'13"	N88°22'50"W	61.77'
C19	55.50'	23.40'	24°09'12"	S71°04'10"W	23.22'
C20	44.50'	27.40'	35°16'52"	N76°38'00"E	26.97'
C21	44.50'	21.40'	27°32'51"	S71°57'09"E	21.19'
C22	320.50'	36.55'	6°32'02"	N61°26'44"W	36.53'
C23	320.50'	56.16'	10°02'22"	N69°43'56"W	56.09'
C24	55.50'	42.94'	44°19'30"	N74°41'29"W	41.87'
C25	55.50'	13.43'	13°52'10"	S66°45'22"W	13.40'
C26	194.50'	32.10'	9°27'22"	N64°33'01"E	32.06'
C27	69.50'	31.31'	25°48'34"	S87°03'34"W	31.04'
C28	284.37'	56.30'	11°20'38"	N76°17'14"W	56.21'
C29	284.37'	5.39'	1°05'11"	N70°04'19"W	5.39'
C30	320.50'	46.88'	8°22'48"	N78°59'29"W	46.83'
C31	69.50'	41.29'	34°02'29"	N63°00'55"W	40.69'
C32	55.50'	21.02'	21°42'01"	S56°50'41"E	20.89'
C33	94.50'	8.03'	4°52'04"	S89°32'13"W	8.03'
C34	55.50'	50.19'	51°48'35"	N66°03'57"E	48.49'
C35	281.00'	52.77'	10°45'33"	N64°06'44"W	52.69'
C36	281.00'	0.93'	0°11'23"	N58°38'20"W	0.93'
C37	94.50'	29.53'	17°54'23"	N49°19'02"W	29.41'
C38	320.50'	46.91'	8°23'10"	S84°14'33"W	46.87'
C39	94.50'	16.32'	9°53'42"	N35°25'03"W	16.30'
C40	55.50'	43.09'	44°29'20"	S52°42'50"E	42.02'
C41	55.50'	44.21'	45°38'24"	N82°13'24"E	43.05'
C42	350.00'	73.09'	11°57'56"	S76°03'05"E	72.96'
C43	350.00'	55.18'	9°02'00"	S65°33'07"E	55.12'
C44	350.00'	10.08'	1°39'00"	S60°12'59"E	10.08'
C45	160.00'	39.91'	14°17'35"	N69°21'21"W	39.81'
C46	160.39'	4.39'	1°34'06"	N77°13'21"W	4.39'
C47	160.39'	29.62'	10°34'57"	N83°12'44"W	29.58'
C48	55.50'	41.86'	43°12'43"	S89°18'02"E	40.87'
C49	55.50'	50.91'	52°33'09"	N42°49'02"E	49.14'
C50	320.50'	46.62'	8°20'01"	S75°52'58"W	46.57'

AVIARA CONDOMINIUMS

EXHIBIT

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET 25 of 27
Job No.		Snapshot:	
Scale (Hor.): 1"=50'		Scale (Vert.):	
Date: 03/22/11	Checked By: JSL	Drawn By: HPE\RLW	

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C51	320.50'	47.84'	8°33'05"	S67°26'25"W	47.79'
C52	281.00'	21.40'	4°21'47"	S55°57'19"W	21.39'
C53	276.00'	11.21'	2°19'35"	S59°18'00"W	11.21'
C54	276.00'	9.99'	2°04'26"	S61°30'01"W	9.99'
C55	281.00'	41.60'	8°28'55"	S66°46'42"W	41.56'
C56	160.00'	33.12'	11°51'34"	S62°00'22"W	33.06'
C57	170.50'	20.63'	6°55'58"	N77°43'11"E	20.62'
C58	94.50'	48.23'	29°14'36"	S72°28'52"W	47.71'
C59	281.00'	70.09'	14°17'32"	S78°07'57"W	69.91'
C60	160.00'	32.21'	11°32'02"	S73°37'54"W	32.15'
C61	320.50'	47.16'	8°25'54"	N87°20'54"W	47.12'
C62	320.50'	50.30'	8°59'33"	S58°40'06"W	50.25'

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Date: 03/22/11	Checked By: JSL	Drawn By: HPE\RLW

LINE TABLE		
LINE	BEARING	LENGTH
L1	S67°52'37"E	35.37'
L2	N32°57'38"W	7.06'
L3	N84°20'23"E	14.65'
L4	N47°51'55"W	11.34'
L5	N31°01'52"E	4.45'
L6	N63°54'29"E	38.06'
L7	S86°57'47"E	3.29'
L8	N78°01'20"E	10.29'
L9	S10°13'03"E	29.53'
L10	S74°09'17"W	32.66'
L11	S81°06'15"W	1.64'
L12	S18°00'07"E	6.87'
L13	S30°23'57"E	19.47'
L14	S17°47'50"E	29.77'
L15	S15°29'37"E	9.67'
L16	S23°37'34"E	39.17'
L17	S39°28'12"W	6.91'
L18	S30°23'57"E	11.73'
L19	S74°19'32"W	284.75'
L20	N15°40'28"W	11.34'
L21	N74°19'32"E	281.77'
L22	S85°45'47"W	13.66'
L23	N04°14'13"W	103.33'
L24	N70°42'51"W	78.43'
L25	N19°29'12"W	79.32'
L26	N63°34'35"E	13.76'
L27	S19°29'12"E	74.44'
L28	S70°42'51"E	80.83'
L29	S04°14'13"E	112.29'
L30	S75°40'42"E	6.08'
L31	N23°29'14"E	142.40'
L32	S66°30'46"E	6.83'
L33	S23°29'14"W	142.40'
L34	N66°30'46"W	6.83'
L35	S76°00'36"E	39.58'
L36	S76°00'36"E	16.09'
L37	N77°48'13"W	27.14'
L38	N88°41'39"E	6.13'
L39	N25°44'20"W	15.92'
L40	S88°11'16"W	38.53'
L41	S40°42'44"W	9.55'
L42	N67°35'16"E	13.92'
L43	S57°59'10"E	10.92'
L44	S76°25'51"E	16.48'
L45	S70°54'33"E	39.17'
L46	N86°12'33"E	12.02'
L47	S84°49'29"E	4.40'
L48	S76°40'56"E	5.93'
L49	S10°13'03"E	4.06'
L50	S38°01'06"E	8.58'

LINE TABLE		
LINE	BEARING	LENGTH
L51	S56°04'51"E	18.69'
L52	S70°55'02"E	8.71'
L53	S82°26'35"E	8.37'
L54	S53°46'22"W	25.12'
L55	S31°37'01"E	9.49'
L56	S18°24'32"W	13.40'
L57	S60°30'23"W	9.18'
L58	S76°42'45"W	9.64'
L59	S87°05'06"W	8.22'
L60	S84°49'29"E	2.67'
L61	S84°21'45"E	20.21'
L62	N50°40'11"E	24.96'
L63	N30°53'27"E	30.22'
L64	N53°56'24"E	6.82'
L65	S07°17'18"W	18.99'
L66	S06°13'30"E	9.98'
L67	S58°24'33"E	1.34'
L68	N54°18'02"E	32.72'
L69	N79°34'04"E	14.67'
L70	N52°43'24"E	11.28'
L71	N71°42'55"E	3.00'
L72	N18°17'05"W	9.31'
L73	N63°34'36"E	3.67'
L74	S58°16'14"E	19.54'
L75	N54°30'06"W	40.63'
L76	N54°30'06"W	2.31'
L77	S81°16'47"E	10.47'
L78	S04°57'06"W	21.25'
L79	S66°16'15"E	10.53'
L80	S54°10'00"E	3.38'
L81	S67°35'16"W	6.96'
L82	S67°35'16"W	6.96'
L83	S18°17'05"E	8.02'
L84	N71°42'59"E	6.00'
L85	N53°46'26"E	19.82'
L86	S31°51'47"E	5.00'
L87	N27°27'46"W	5.00'
L88	S64°54'52"W	40.05'

AVIARA CONDOMINIUMS

EXHIBIT

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PROFESSIONAL LAND SURVEYING SERVICES

8333 CROSS PARK DRIVE

AUSTIN, TEXAS 78754

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ron-baseline@austin.rr.com

File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET 27 of 27
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UNIT PLAN TYPES – ATTACHED UNITS

Unit No.	Plan Type*
A-1	A
B-1	B
C-1	C
D-1	D

* SEE CONDOMINIUM PLANS FOR PLAN TYPE.

ALL UNITS SHOWN ON THE PLAT AND PLANS OTHER THAN UNITS A-1, B-1, C-1, D-1 ARE STAND-ALONE UNITS.

ATTACHMENT 2

EXHIBIT "C" TO THE DECLARATION OF CONDOMINIUM REGIME

COMMON INTEREST ALLOCATION & BUILDING LCE ALLOCATION

COMMON INTEREST ALLOCATION

The Common Interest Allocation and percentage of liability for common expenses for each Unit is 1/56.

THE COMMON INTEREST ALLOCATION ASSIGNED TO A PARTICULAR UNIT WILL DECREASE IF ADDITIONAL UNITS ARE CREATED AND ADDED TO THE REGIME BY THE DECLARANT.

BUILDING LCE ALLOCATION

The Building LCE Allocation for each Attached Unit is 1/4.

THE BUILDING LCE ALLOCATION ASSIGNED TO A PARTICULAR UNIT WILL DECREASE IF ADDITIONAL UNITS ARE CREATED AND ADDED TO THE REGIME BY THE DECLARANT.

ORIGINAL
FILED FOR RECORD

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS
Dana DeBeauvoir
Mar 25, 2011 12:06 PM 2011042921
BERNSTA: $148.00
Dana DeBeauvoir, County Clerk
Travis County TEXAS

Document No. 2011057839

AFTER RECORDING RETURN TO:
Robert D. Burton, Esq.
Winstead, PC
401 Congress Ave., Suite 2100
Austin, Texas 78701

AVIARA

SEVENTEENTH AMENDMENT TO RESTATED AND AMENDED DECLARATION OF CONDOMINIUM REGIME FOR AVIARA CONDOMINIUMS

(A Residential Condominium in Travis County, Texas)

Cross Reference to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2009071585, Official Public Records of Travis County, Texas as amended.

SEVENTEENTH AMENDMENT TO
RESTATED AND AMENDED DECLARATION OF CONDOMINIUM REGIME
FOR AVIARA CONDOMINIUMS

This Seventeenth Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums (the "Amendment") is made CR-B AVIARA, L.P., a Texas limited partnership ("Declarant"), and is as follows:

RECITALS:

A. Aviara Condominiums, a condominium regime (the "Regime"), located in Travis County, Texas, was established pursuant to that certain Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2009071585, Official Public Records of Travis County, Texas as amended (collectively, the "Declaration").

B. Pursuant to *Provision A.3.10(v)* of Appendix "A" to the Declaration, Declarant, during the Development Period, may amend the Declaration unilaterally and without the consent of other Owners or any mortgagee to subdivide, combine or reconfigure Units, or convert Units into Common Elements, in the exercise of statutory development rights.

C. Pursuant to Section 82.060 of the Texas Uniform Condominium Act, to exercise a statutory development right, Declarant must prepare, execute and record an amendment to the Declaration and record new plats and plans for that real property. The amendment to the declaration must reallocate the allocated interests among all Units.

D. The "Development Period" as such term is defined in the Declaration, is a fifteen (15) year period commencing on the date the Declaration was recorded in the Official Public Records of Travis County, Texas. The Declaration was recorded in the Official Public Records of Travis County, Texas, on May 4, 2009.

E. This amendment is promulgated for the purposes of reconfiguring the boundaries of Unit A-13 in the Regime. Declarant is the Owner of Unit A-13.

NOW THEREFORE, the Declaration is hereby amended as follows:

1. Reconfiguration of Unit. In accordance with the rights reserved by the Declarant pursuant to *Provision A.3.10(v)* of Appendix "A" to the Declaration, Declarant hereby reconfigures the boundaries of Unit No. A-13 in the Regime as set forth on the New Plats and Plans (as defined below).

2. Replacement of Exhibit "B". Exhibit "B" to the Declaration is hereby deleted in its entirety and the Plats and Plans attached hereto as Attachment 1 (the "New Plats and Plans") are substituted in their place. The New Plats and Plans: (i) assign an identifying

number to all Units; (ii) describe the portion of the limited common elements created or assigned to all Units; and (iii) include the information required by Section 82.059 of the Texas Uniform Condominium Act.

3. Common Interest/Common Expense Allocation. The Common Interest Allocation and percentage of liability of common expenses shall remain as stated in the Declaration and shall be unaffected by this Amendment.

4. 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.

[SIGNATURE PAGE FOLLOWS]

EXECUTED to be effective as of the 21 day of April, 2011.

DECLARANT:

CR-B AVIARA, L.P., a Texas limited partnership

By: CR-B INVESTORS I GP, L.L.C., a Texas limited liability company, its General Partner

By: _____
Printed Name: John McKinnerney
Title: Vice President

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this 21 day of April, 2011 by John McKinnerney, Vice President of CR-B Investors I GP, L.L.C., a Texas limited liability company, General Partner of CR-B Aviara, L.P., a Texas limited partnership, on behalf of said entities.

(SEAL)

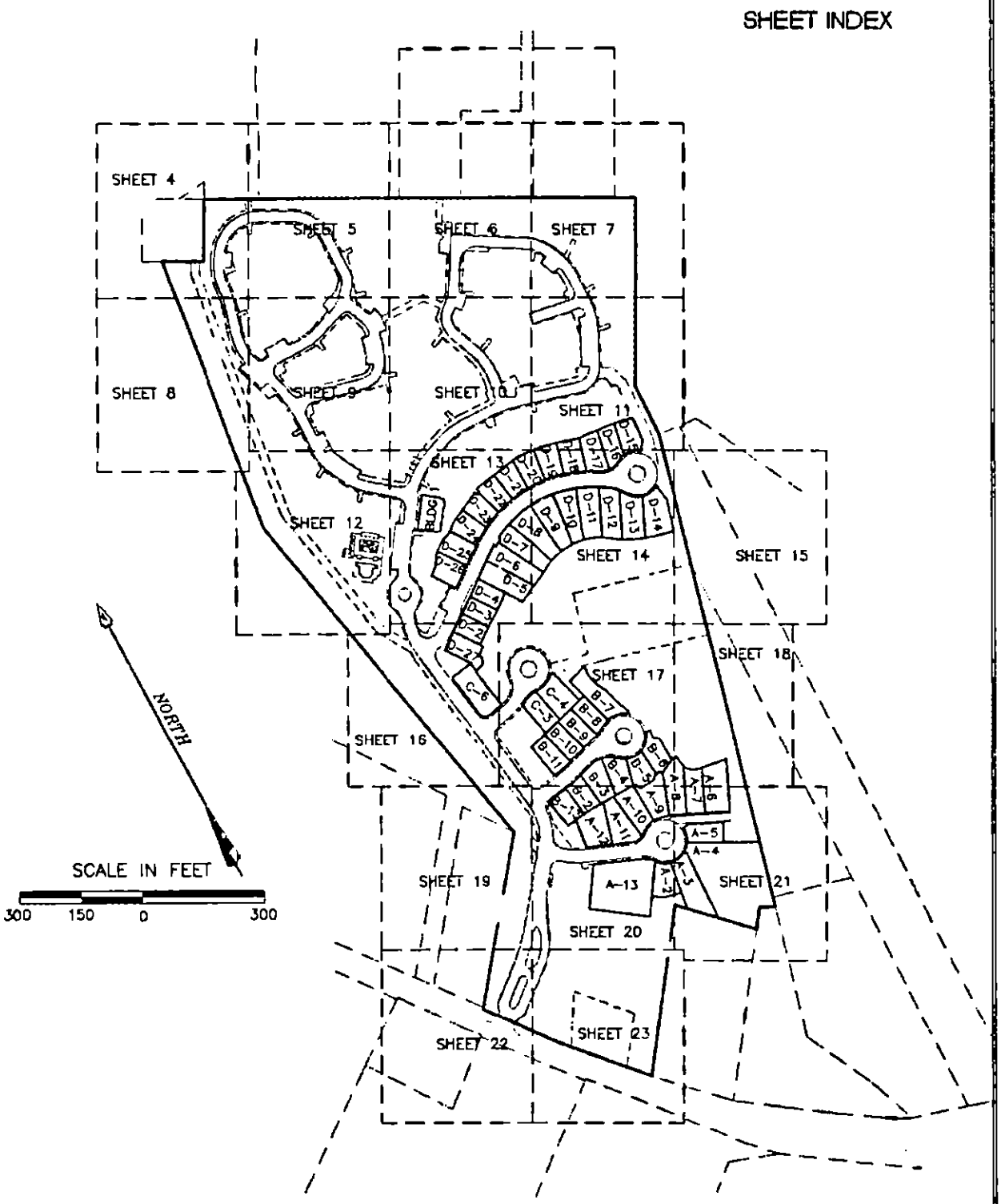
REBEKAH M. CANTU
NOTARY PUBLIC
STATE OF TEXAS
EXPIRES
11-10-2012

Rebekah M. Cantu
Notary Public Signature

ATTACHMENT 1

EXHIBIT "B" TO THE DECLARATION OF CONDOMINIUM REGIME

SEE SHEET 24 OF 27 FOR ORIGINAL CERTIFICATION



AVIARA CONDOMINIUMS

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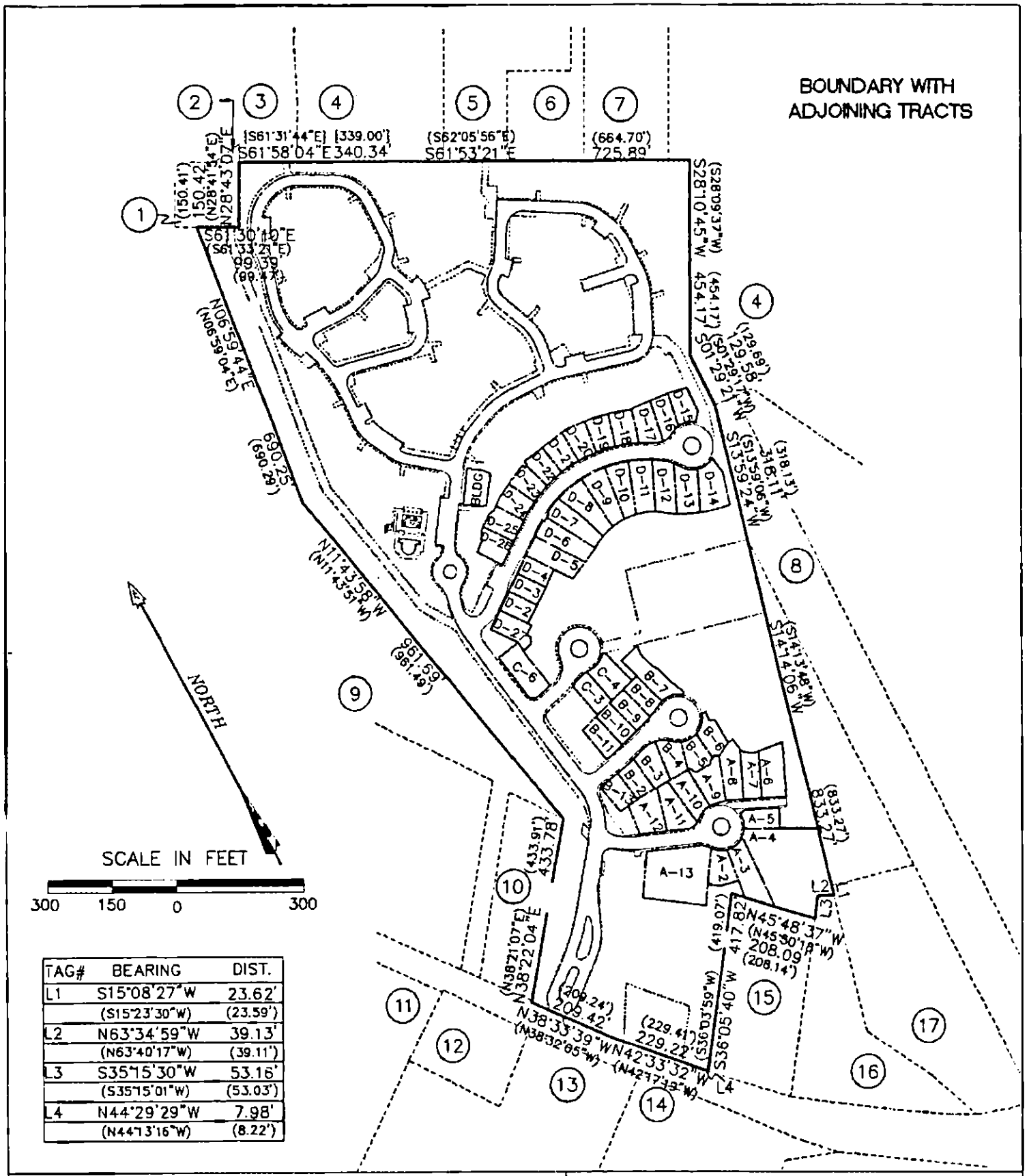

TAG#	BEARING	DIST.
L1	S15°08'27"W	23.62'
	(S15°23'30"W)	(23.59')
L2	N63°34'59"W	39.13'
	(N63°40'17"W)	(39.11')
L3	S35°15'30"W	53.16'
	(S35°15'01"W)	(53.03')
L4	N44°29'29"W	7.98'
	(N44°13'16"W)	(8.22')

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Date: 04/20/11	Checked By: JSL	Drawn By: HPE\RLW

ADJOINING OWNERS

1. TRAVIS COUNTY W.C.I.D. NO. 9, VOL. 1819, PG. 189 (0.52 ACRES)
2. CITY OF AUSTIN, VOL. 10958, PG. 277 (0.029 ACRES)
3. REMAINDER OF 888.051 ACRES, VOL. 10958, PG. 280
4. LOT 115, BLOCK B, LANTANA SOUTHWEST, PHASE 1, DOC. NO. 200300137
5. CITY OF AUSTIN, TRACT 2, VOL. 12910, PG. 670 (1.757 ACRES)
6. CITY OF AUSTIN, VOL. 10031 PG. 300 (1.0397 ACRES)
7. CITY OF AUSTIN, TRACT 1, VOL. 12910, PG. 670 (1.655 ACRES)
8. KEYSTONE CONSTRUCTION, INC., VOL. 11918, PG. 1755 (4.993 ACRES)
9. LOT 1, BLOCK "A", THE HANS DEROUCHER SUBDIVISION, VOL. 96, PG. 108
10. LOT 2, BLOCK "A", THE HANS DEROUCHER SUBDIVISION, VOL. 96, PG. 108
11. AARON GARDNER SUBDIVISION, VOL. 49, PG. 95
12. BENJAMIN L. NORS, DOC. NO. 2001174575 (1.00 ACRE)
13. HUEBETTER SUBDIVISION, VOL. 78, PG. 1
14. JAMES L. SCHORR, VOL. 11883, PG. 1334 (10.177 ACRES)
15. ALAN ABBE, et ux, VOL. 8732, PG. 5 (1.9807 ACRES)
16. 1.951 ACRES, VOL. 11400, PG. 875
17. GILBERT M. JAPKO, TRACT ONE, VOL. 6095, PG. 82 (3.129 ACRES)

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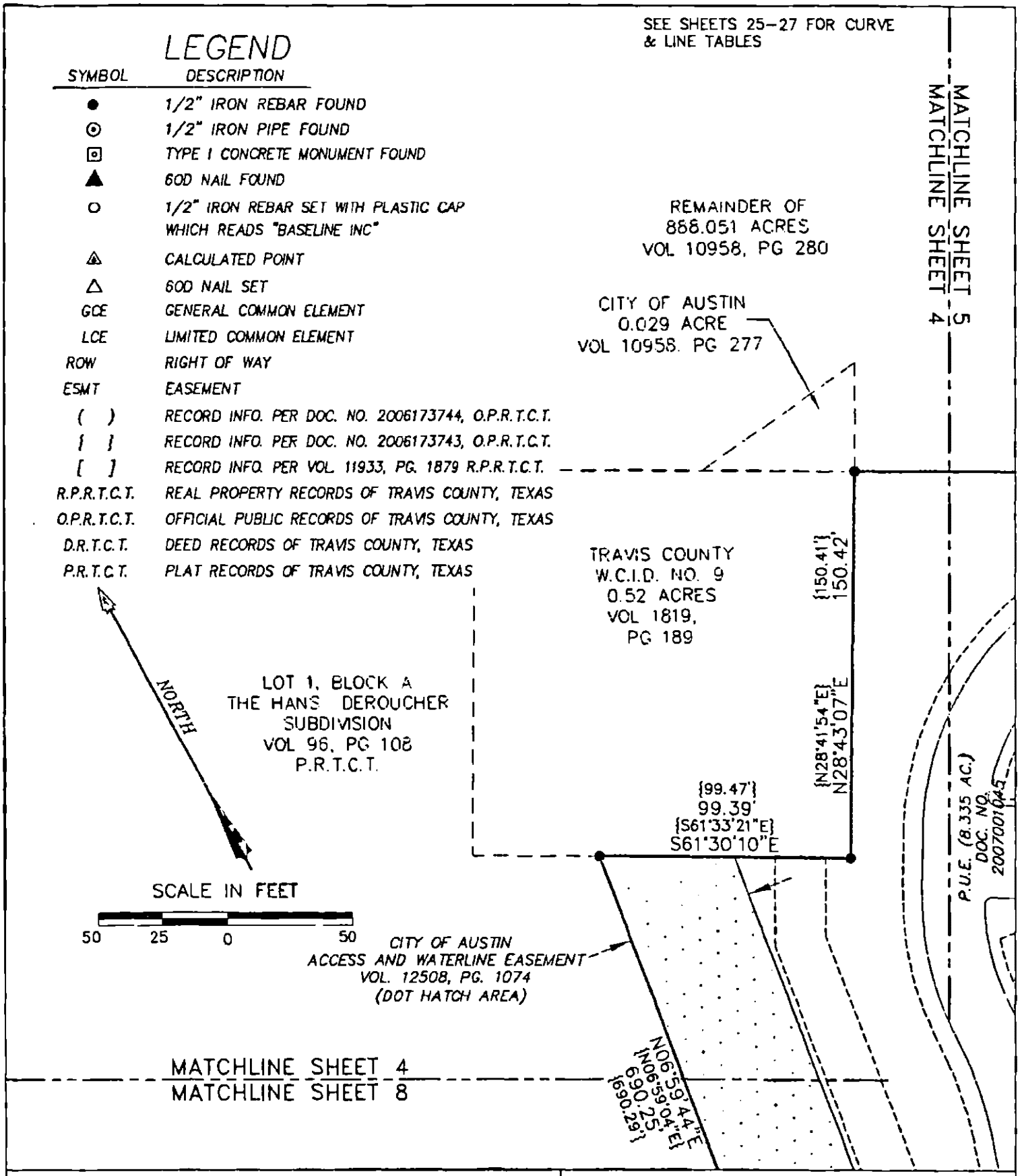
SEE SHEETS 25–27 FOR CURVE & LINE TABLES

LEGEND

SYMBOL	DESCRIPTION
●	1/2" IRON REBAR FOUND
⊙	1/2" IRON PIPE FOUND
⊡	TYPE I CONCRETE MONUMENT FOUND
▲	60D NAIL FOUND
○	1/2" IRON REBAR SET WITH PLASTIC CAP WHICH READS "BASELINE INC"
◬	CALCULATED POINT
△	60D NAIL SET
GCE	GENERAL COMMON ELEMENT
LCE	LIMITED COMMON ELEMENT
ROW	RIGHT OF WAY
ESMT	EASEMENT
( )	RECORD INFO. PER DOC. NO. 2006173744, O.P.R.T.C.T.
{ }	RECORD INFO. PER DOC. NO. 2006173743, O.P.R.T.C.T.
[ ]	RECORD INFO. PER VOL. 11933, PG. 1879 R.P.R.T.C.T.
R.P.R.T.C.T.	REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS
O.P.R.T.C.T.	OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS
D.R.T.C.T.	DEED RECORDS OF TRAVIS COUNTY, TEXAS
P.R.T.C.T.	PLAT RECORDS OF TRAVIS COUNTY, TEXAS



AVIARA CONDOMINIUMS

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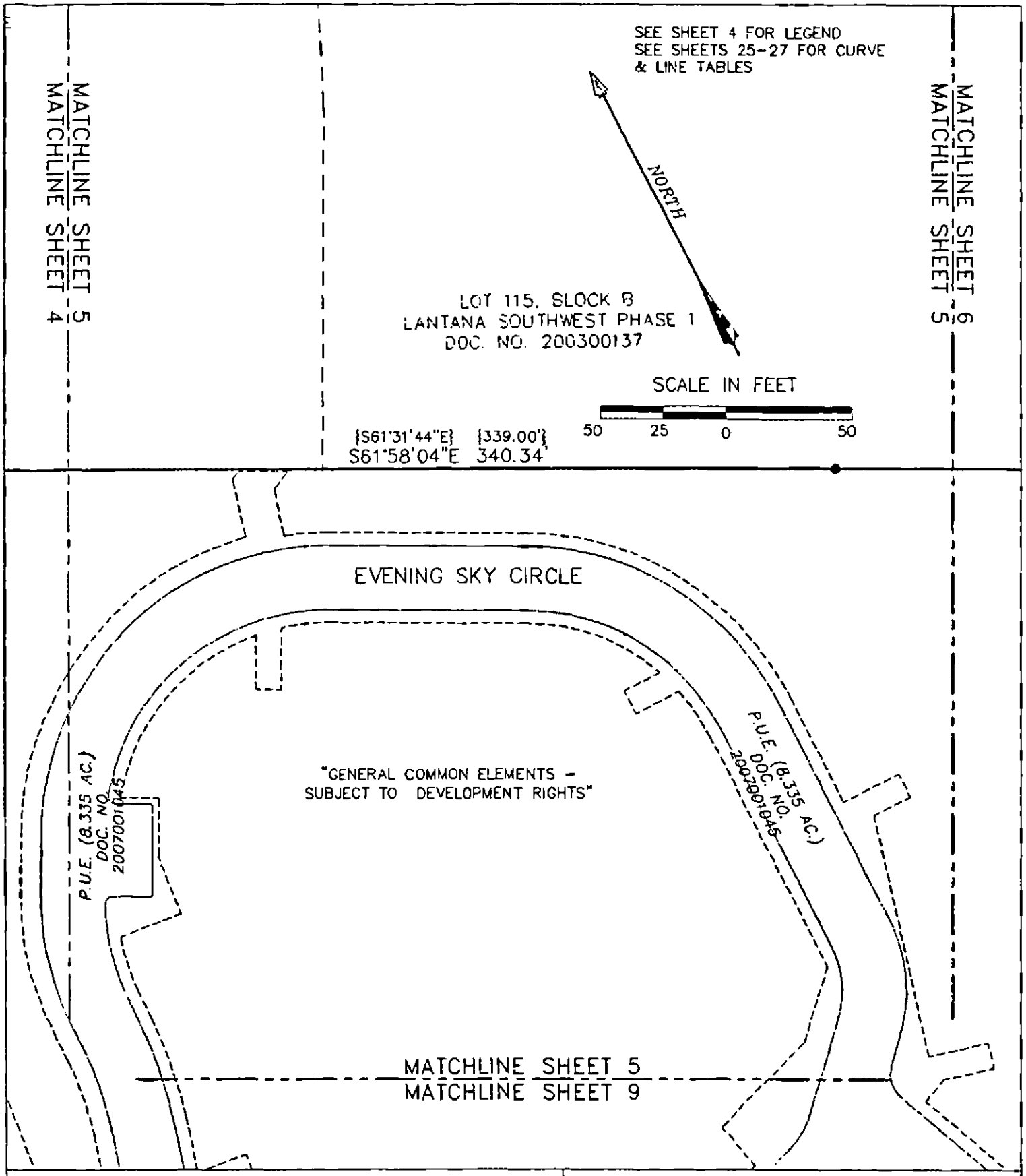

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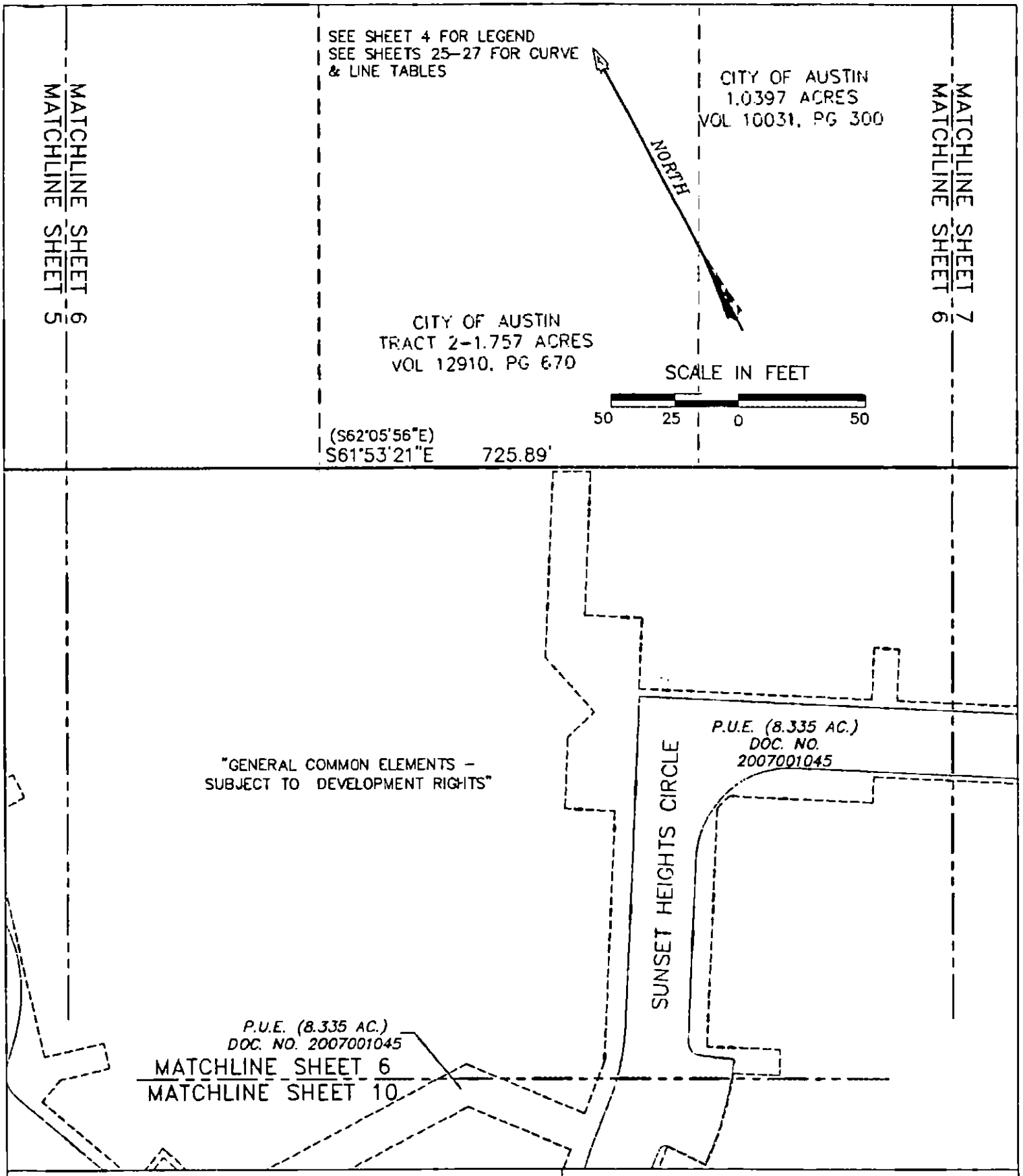

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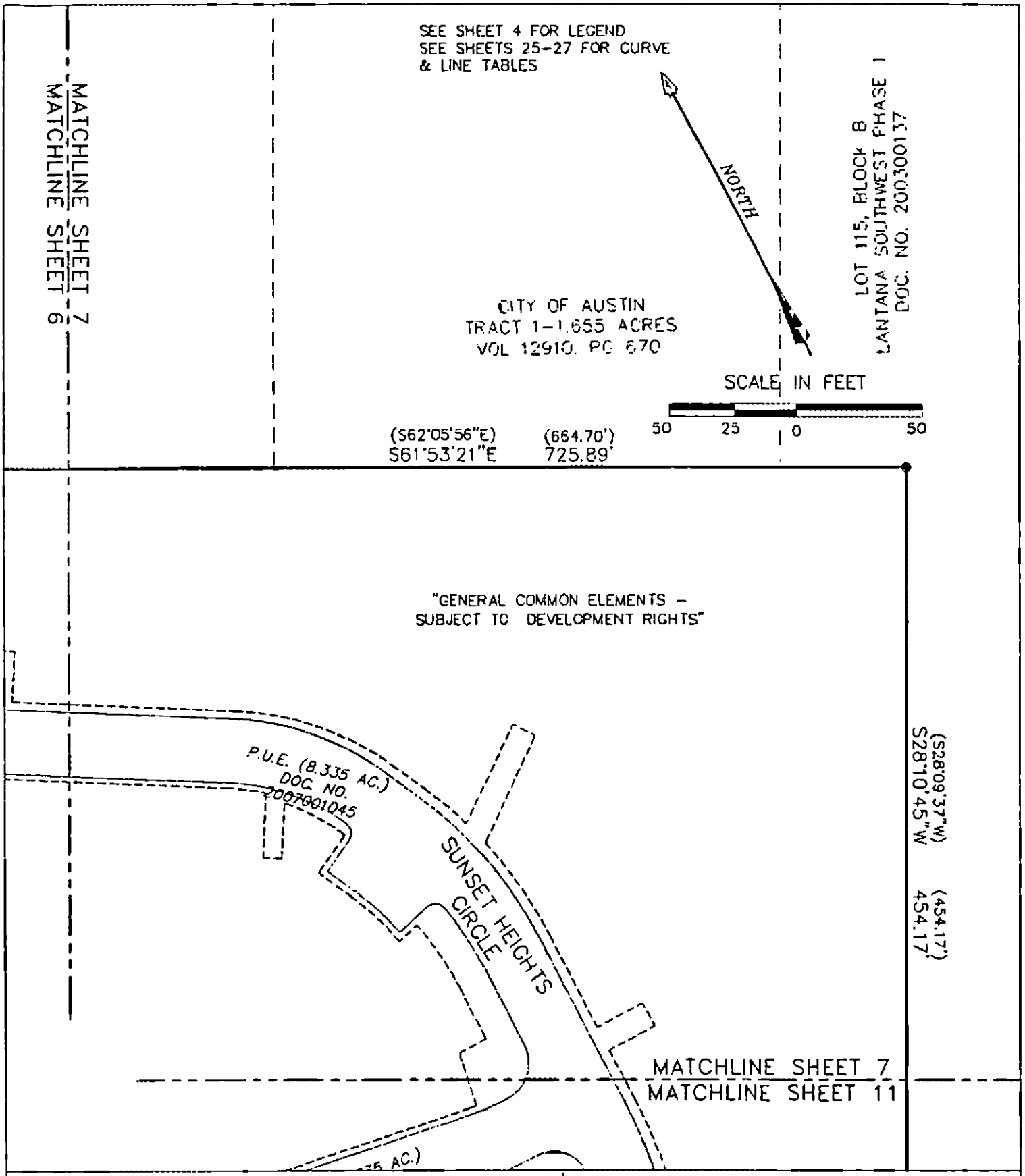

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MATCHLINE SHEET 4
MATCHLINE SHEET 8

N06°59'44"E
{N06°59'04"E}
690.25'
{690.29'}

CITY OF AUSTIN
ACCESS AND WATERLINE EASEMENT
VOL. 12508, PG. 1074
(DOT HATCH AREA)

MATCHLINE SHEET 9
MATCHLINE SHEET 8

LOT 1, BLOCK A
THE HANS DEROUCHER
SUBDIVISION
VOL 96, PG 108
P.R.T.C.T.

TRAVIS COUNTY W.C.I.D. NO. 9
50' ACCESS AND WATERLINE EASEMENT
VOL 1819, PG 189 – SEE RELEASE
OF EASEMENT IN VOL 12885, PG 1905

N06°59'44"E
{N06°59'04"E}
690.25'
{690.29'}

NORTH

SCALE IN FEET
50 25 0 50

SEE SHEET 4 FOR LEGEND
SEE SHEETS 25–27 FOR CURVE
& LINE TABLES

AVIARA CONDOMINIUMS

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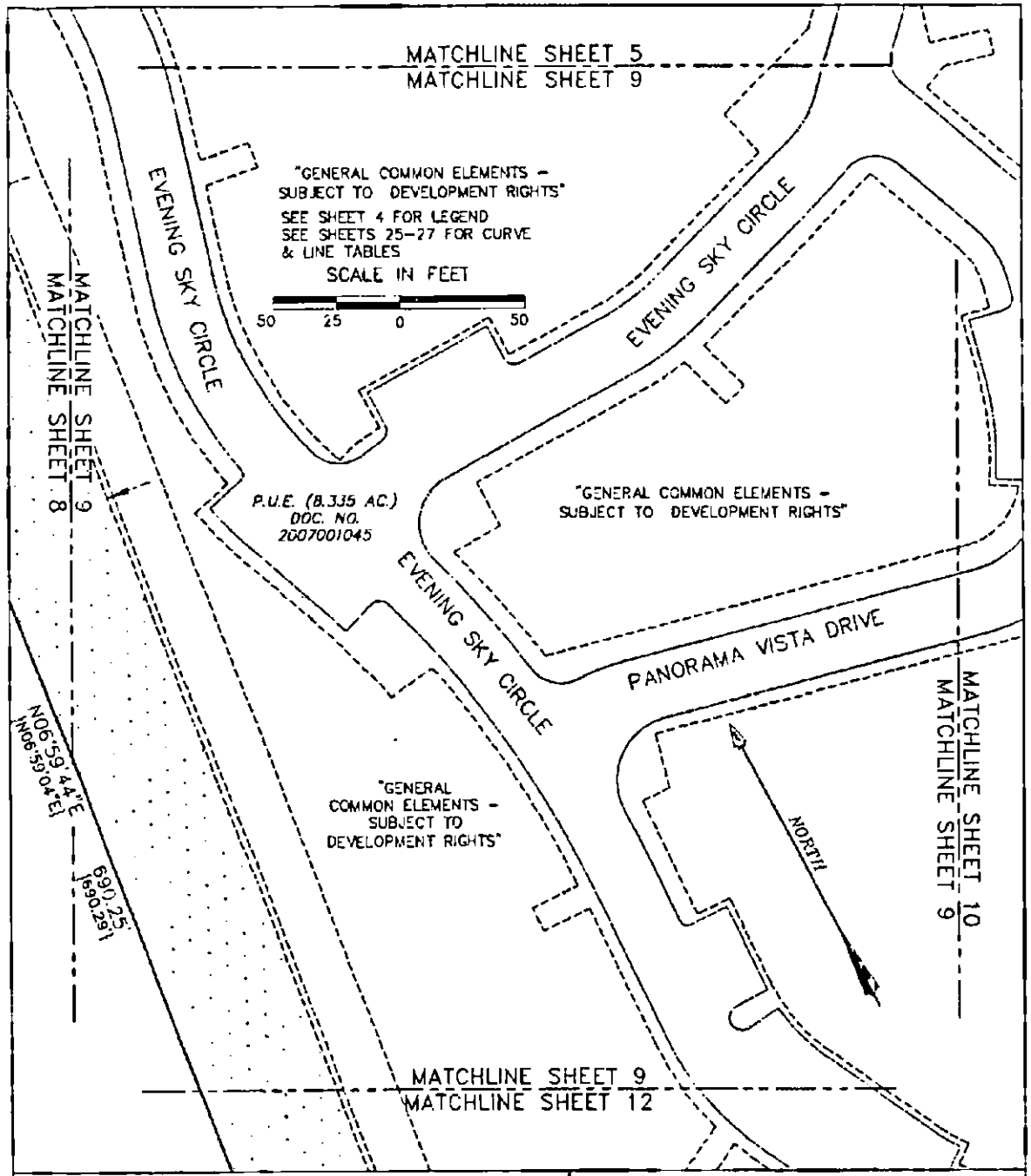

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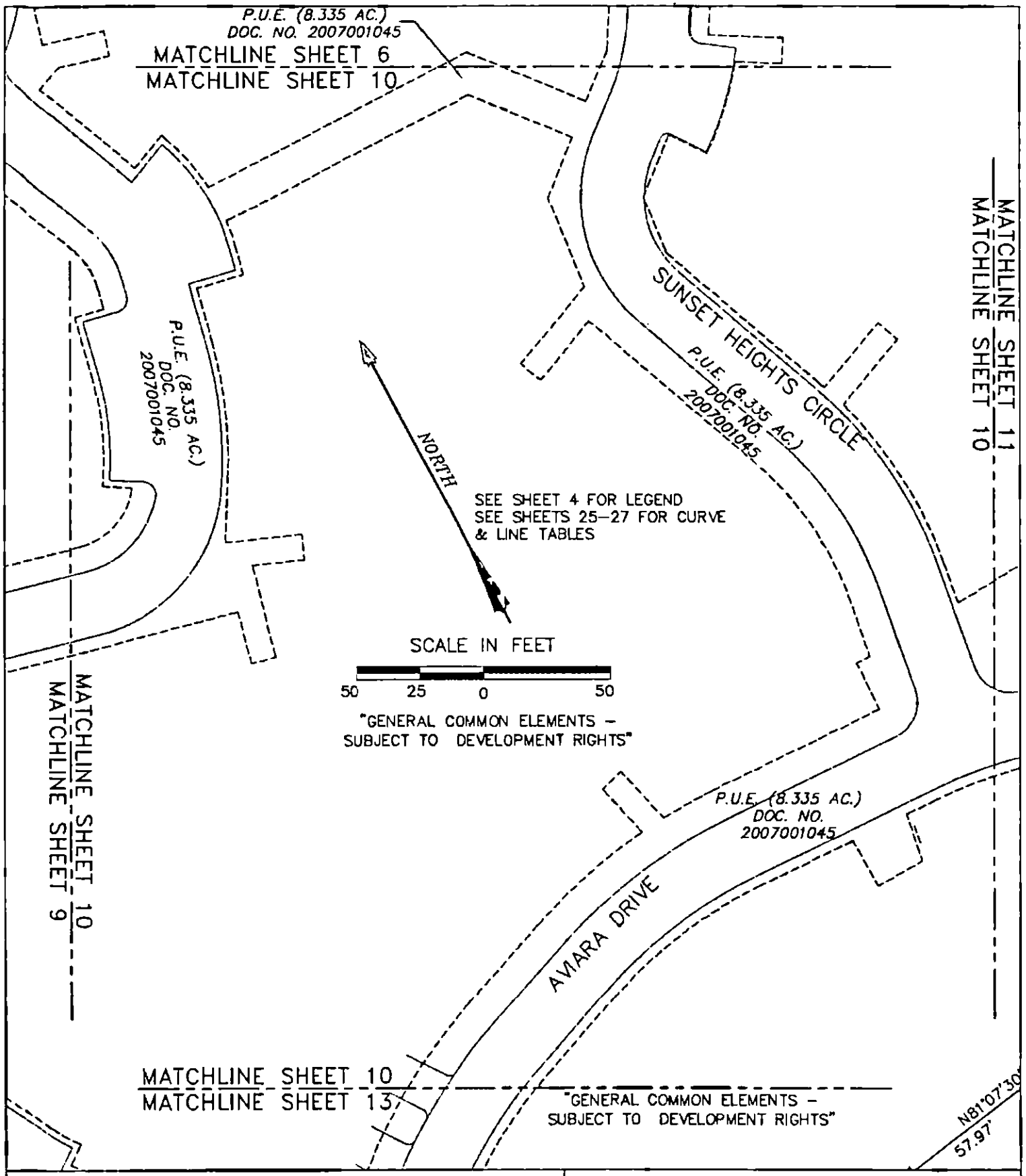

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

BASELINE LAND SURVEYORS, INC.
PROFESSIONAL LAND SURVEYING SERVICES
8333 CROSS PARK DRIVE
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OFFICE: 512.374.9722 FAX: 512.873.9743
ron-baseline@austin.rr.com

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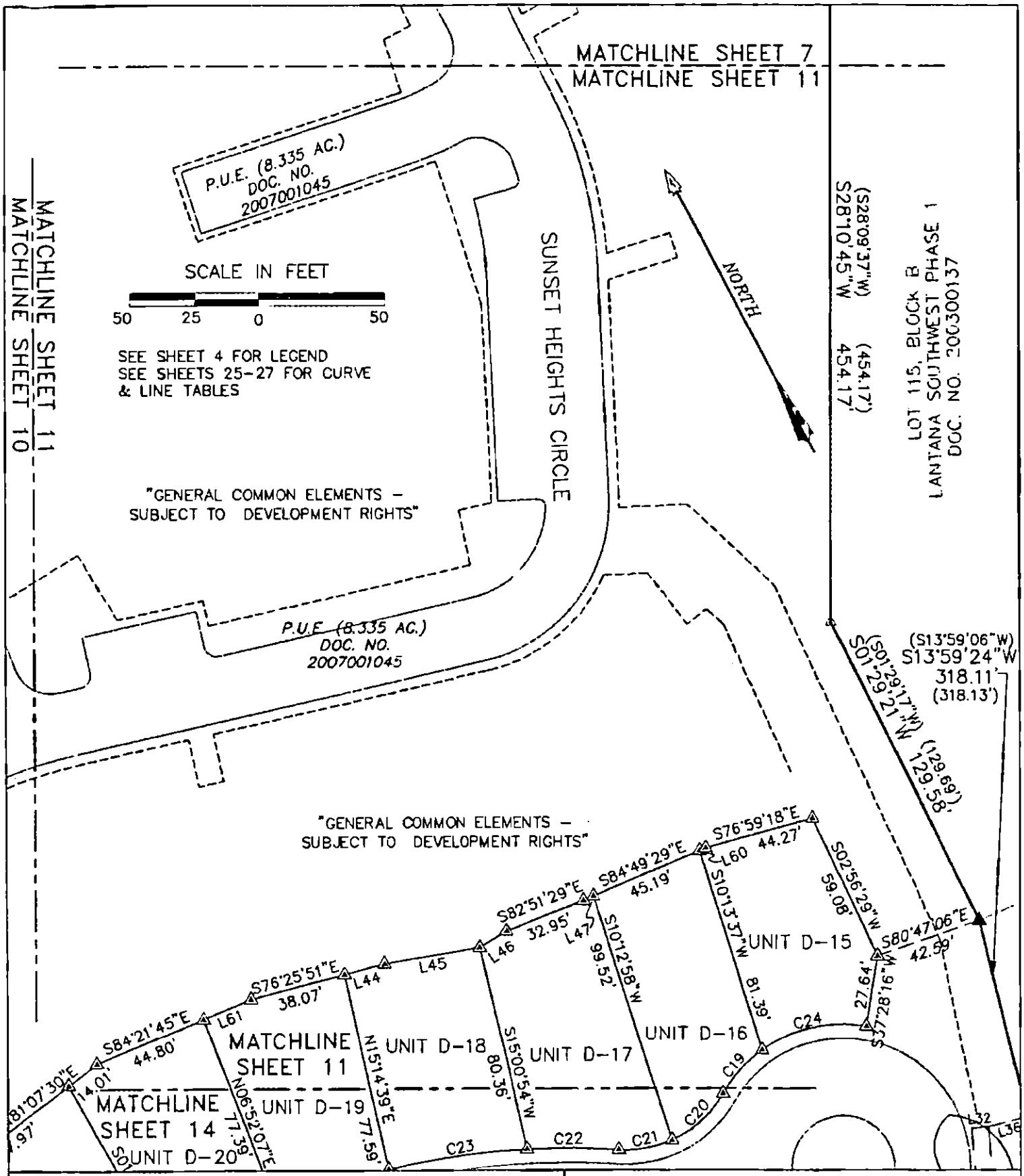

AVIARA CONDOMINIUMS

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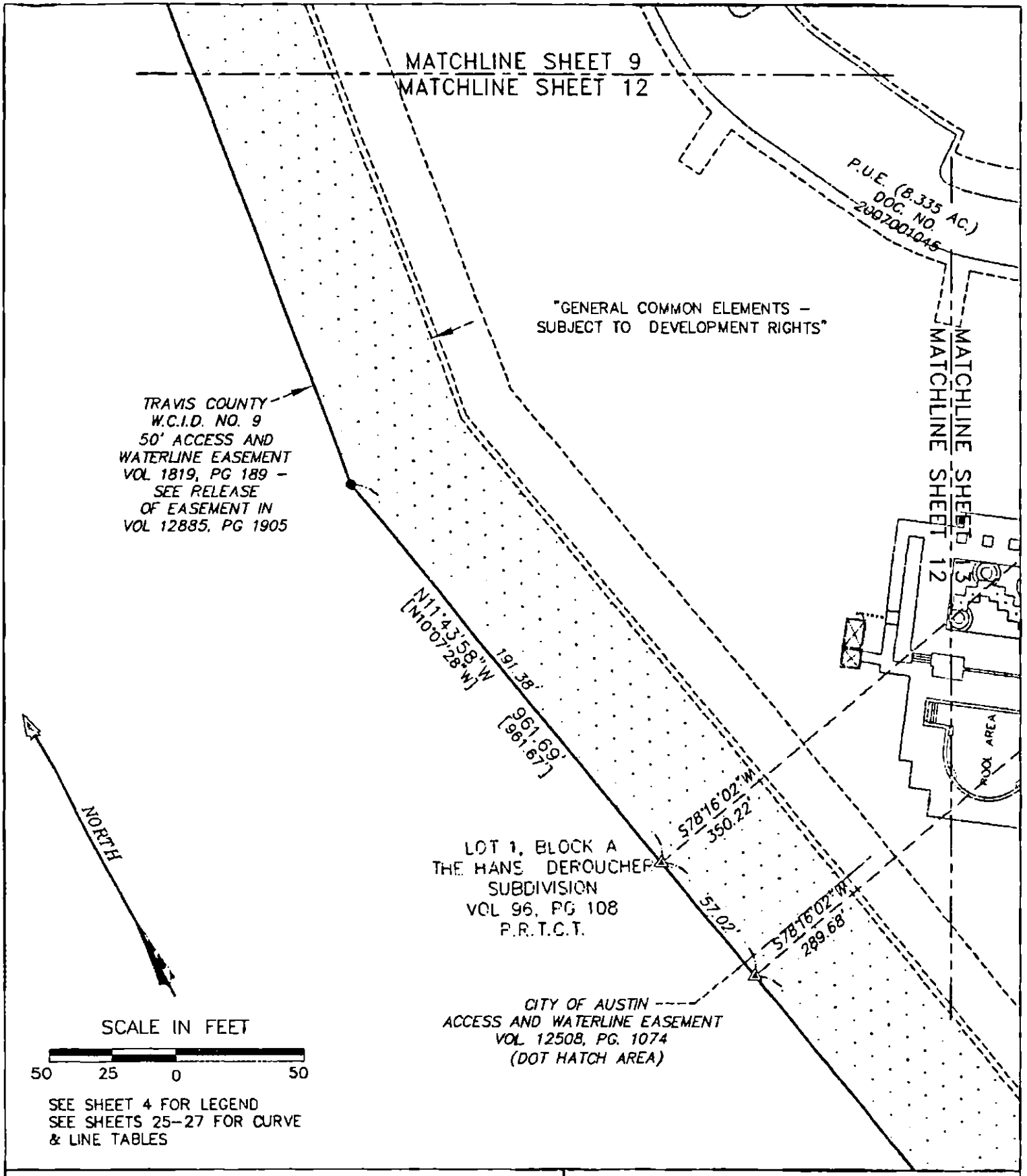

SEE SHEET 4 FOR LEGEND
SEE SHEETS 25–27 FOR CURVE & LINE TABLES

AVIARA CONDOMINIUMS

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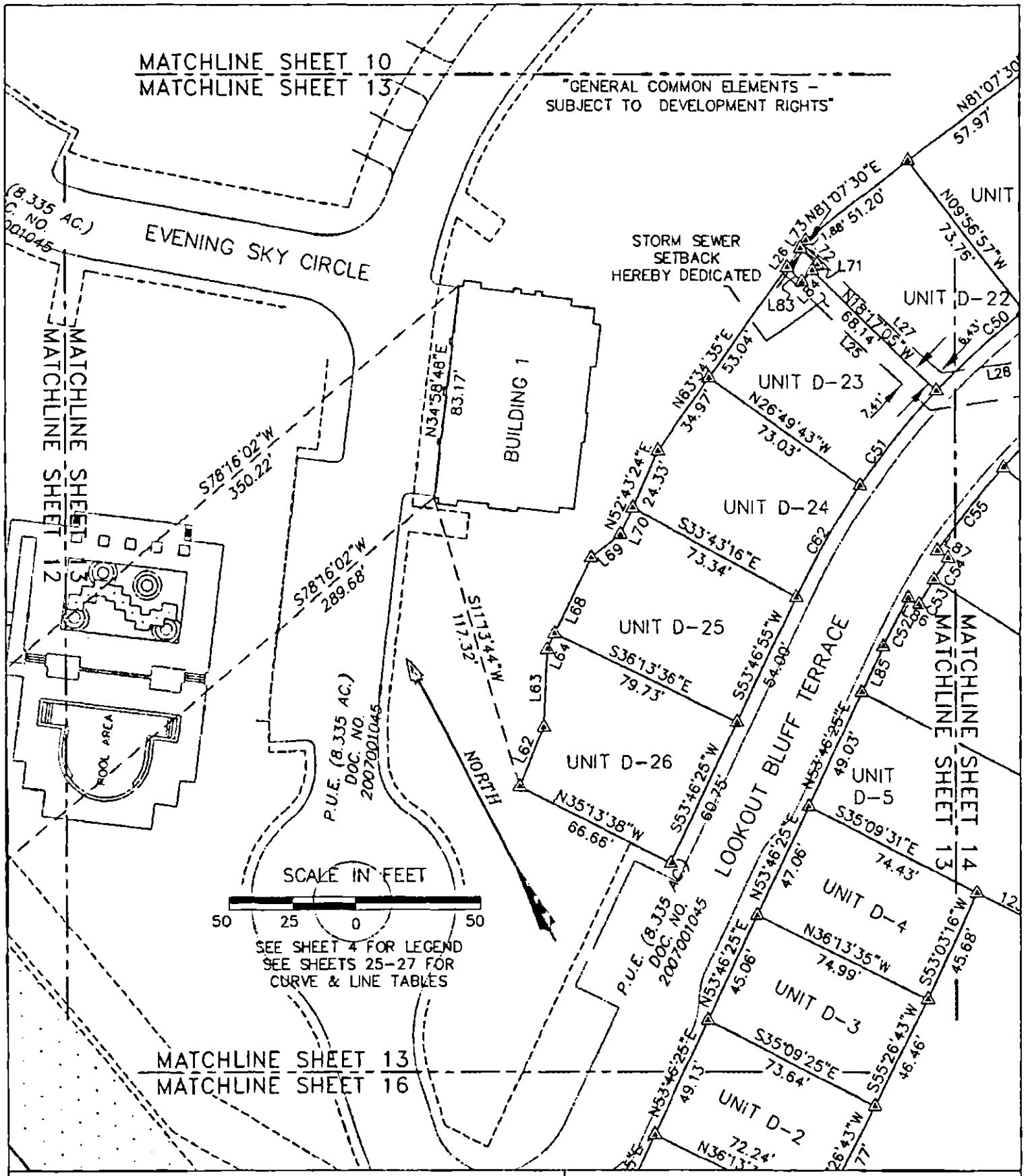

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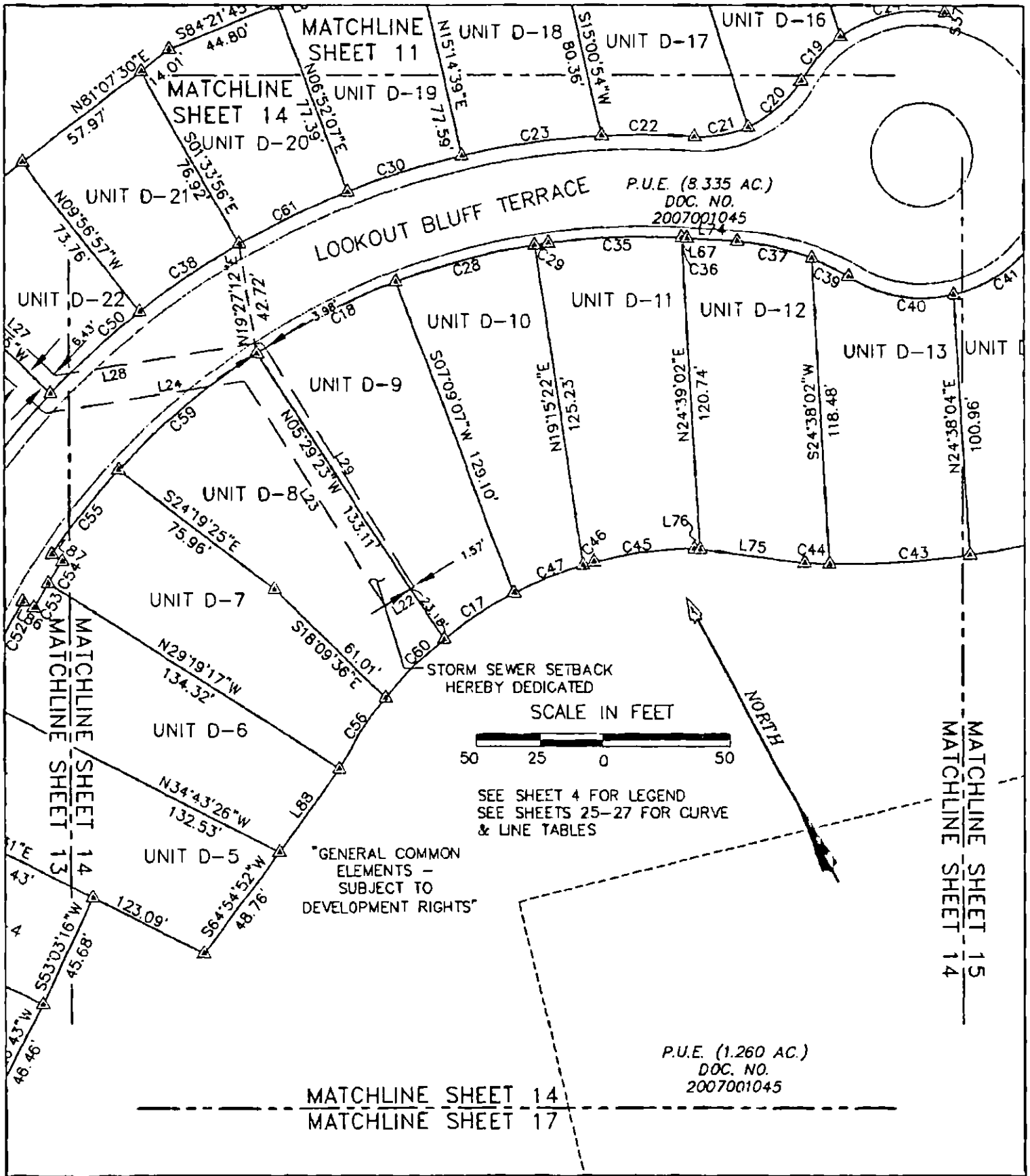

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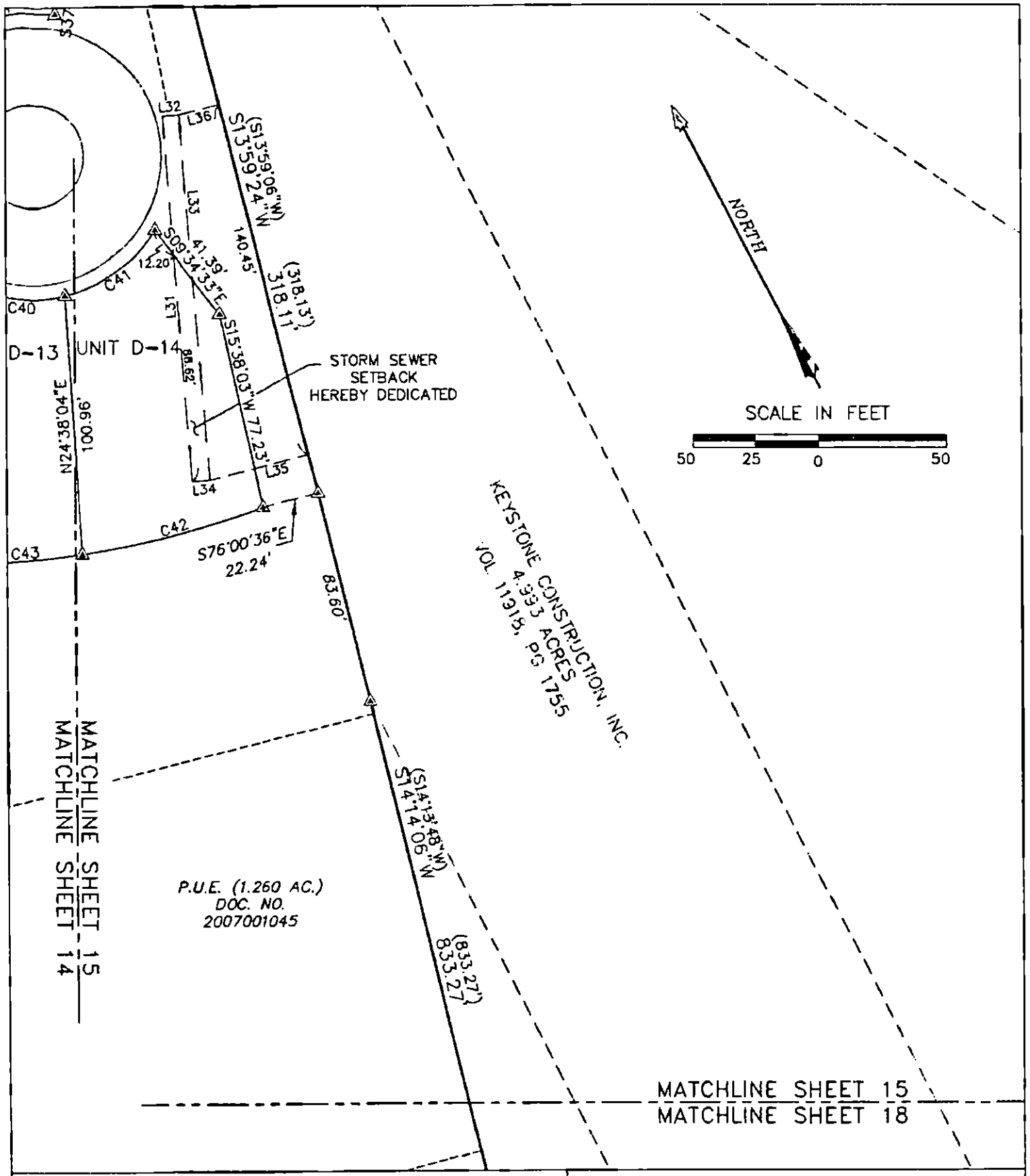

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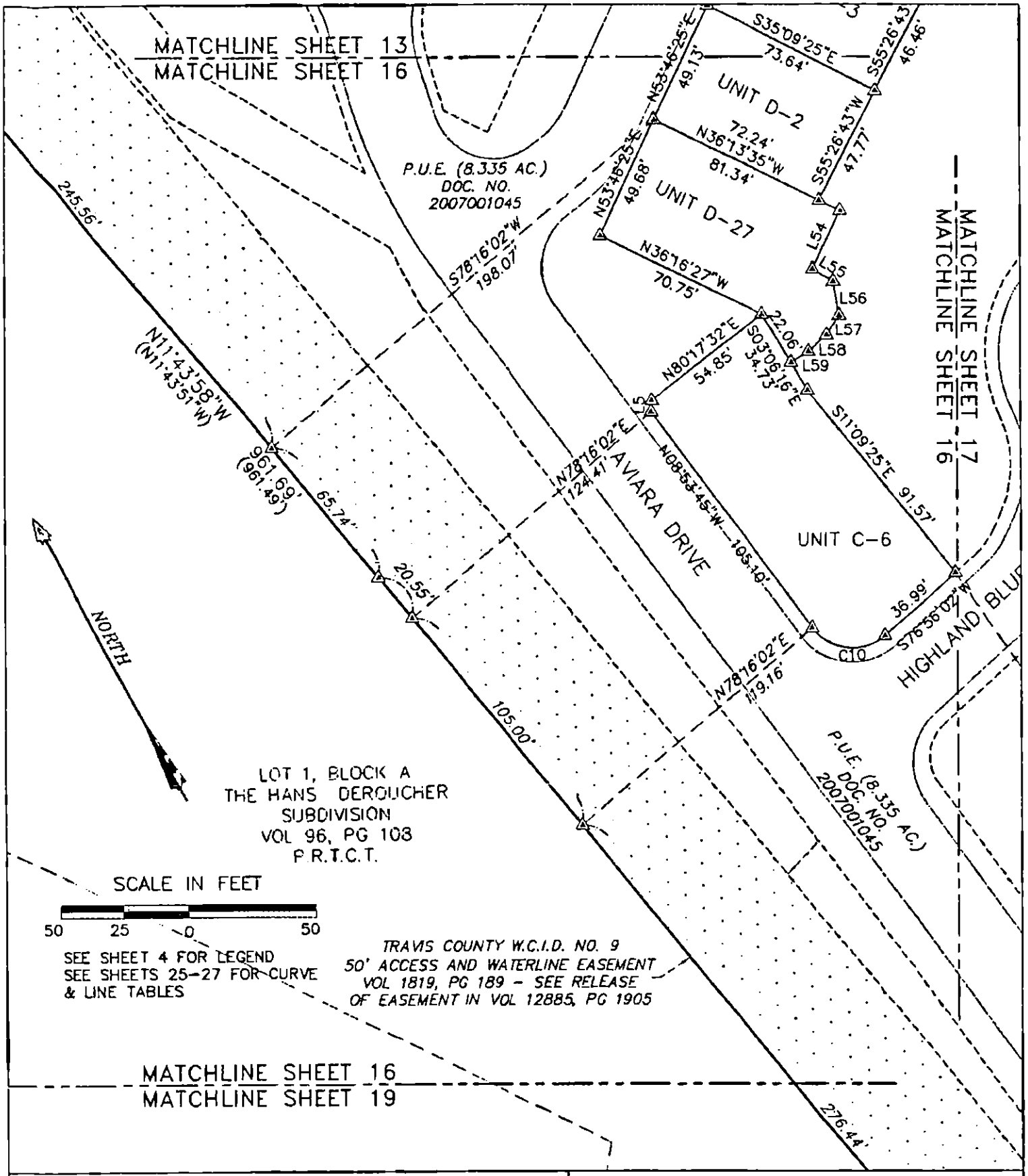

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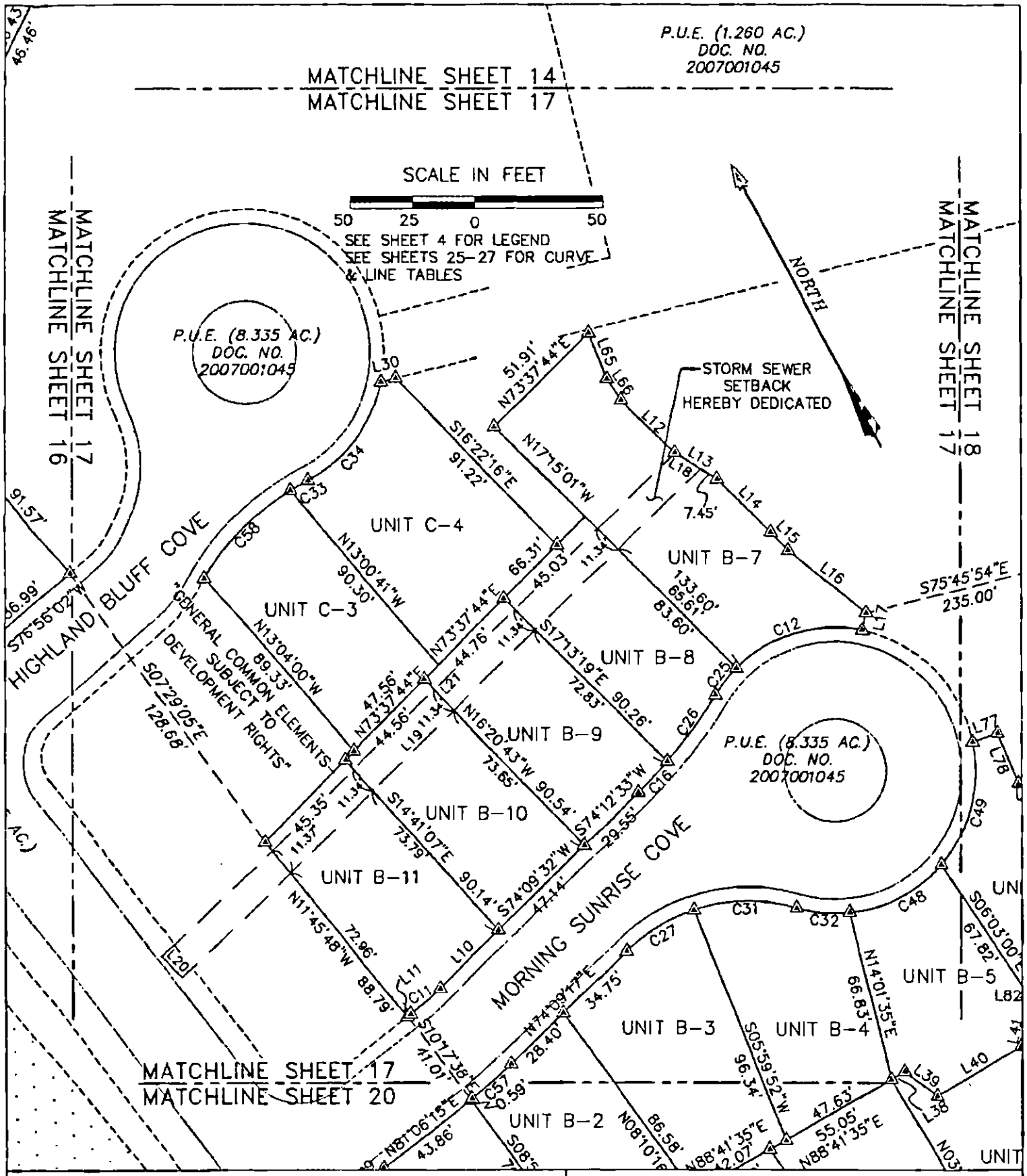

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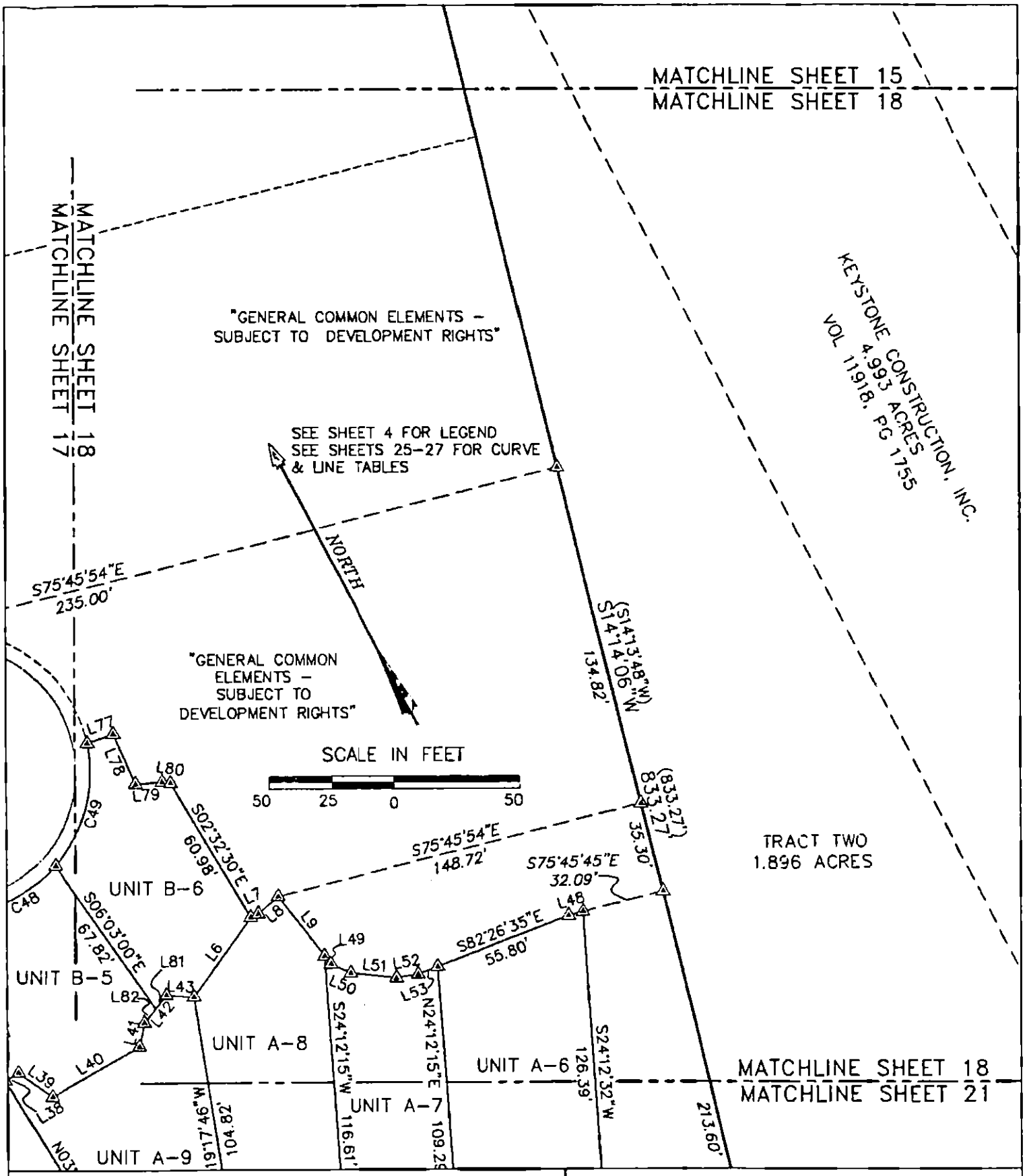

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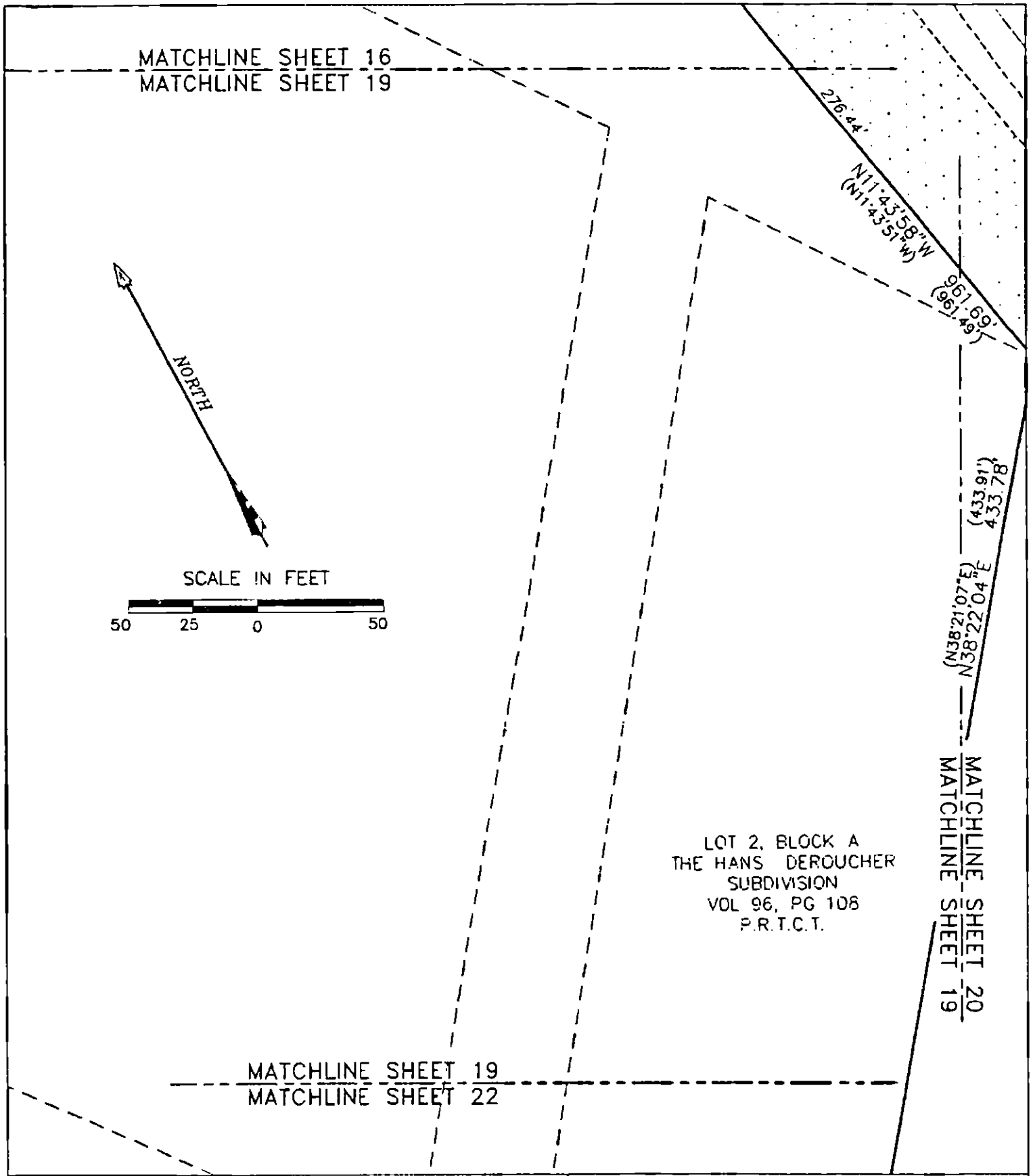

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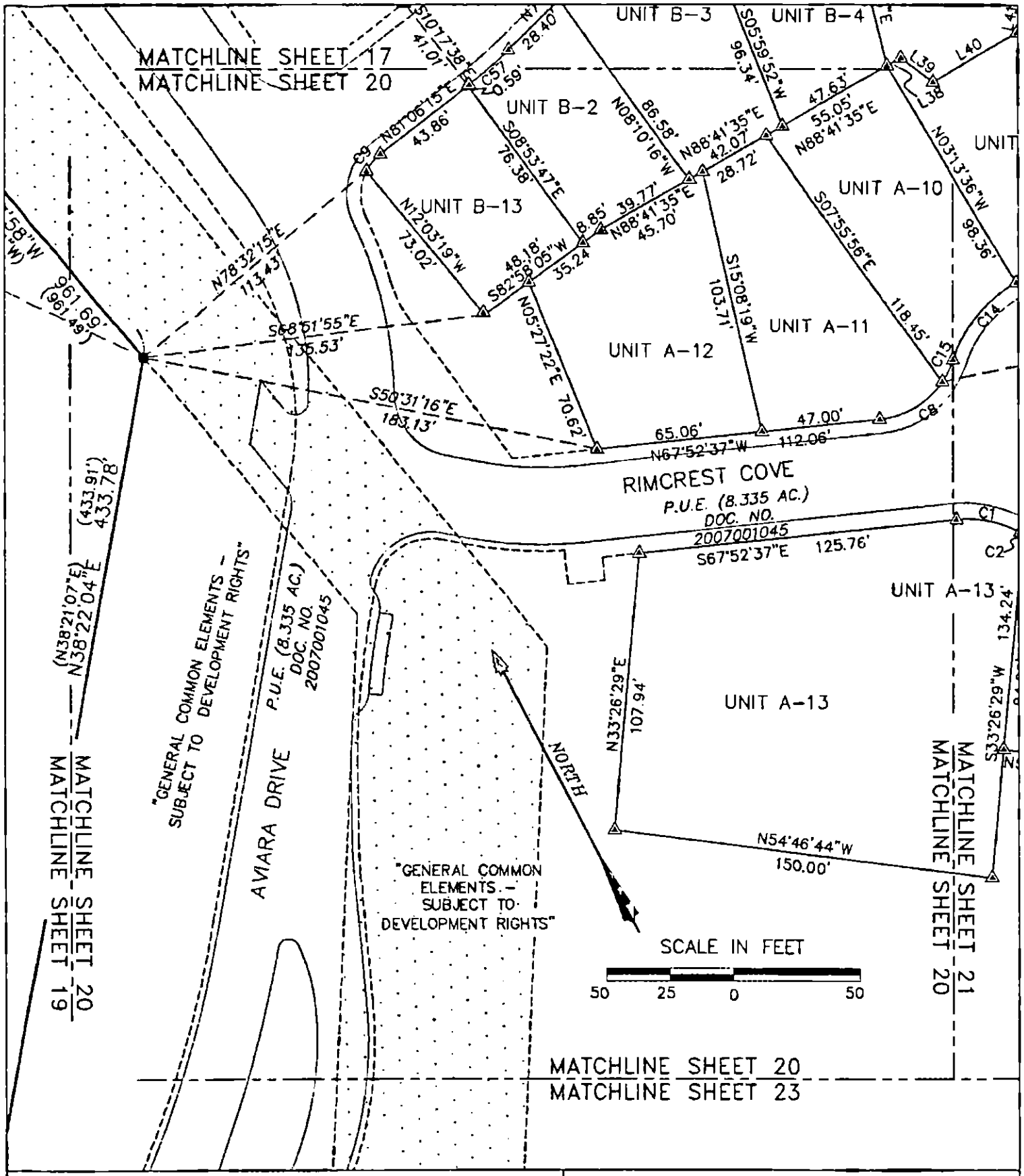

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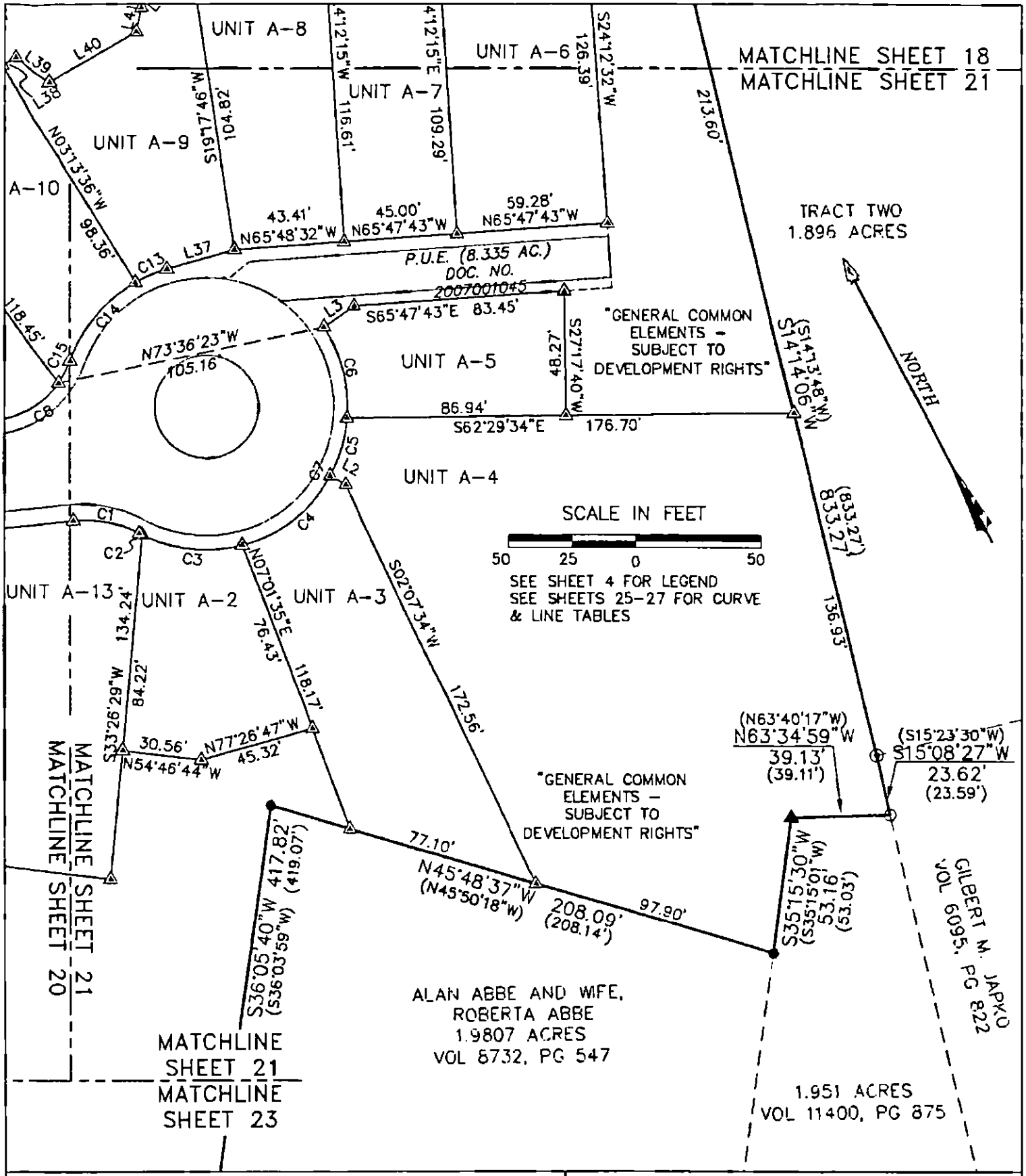

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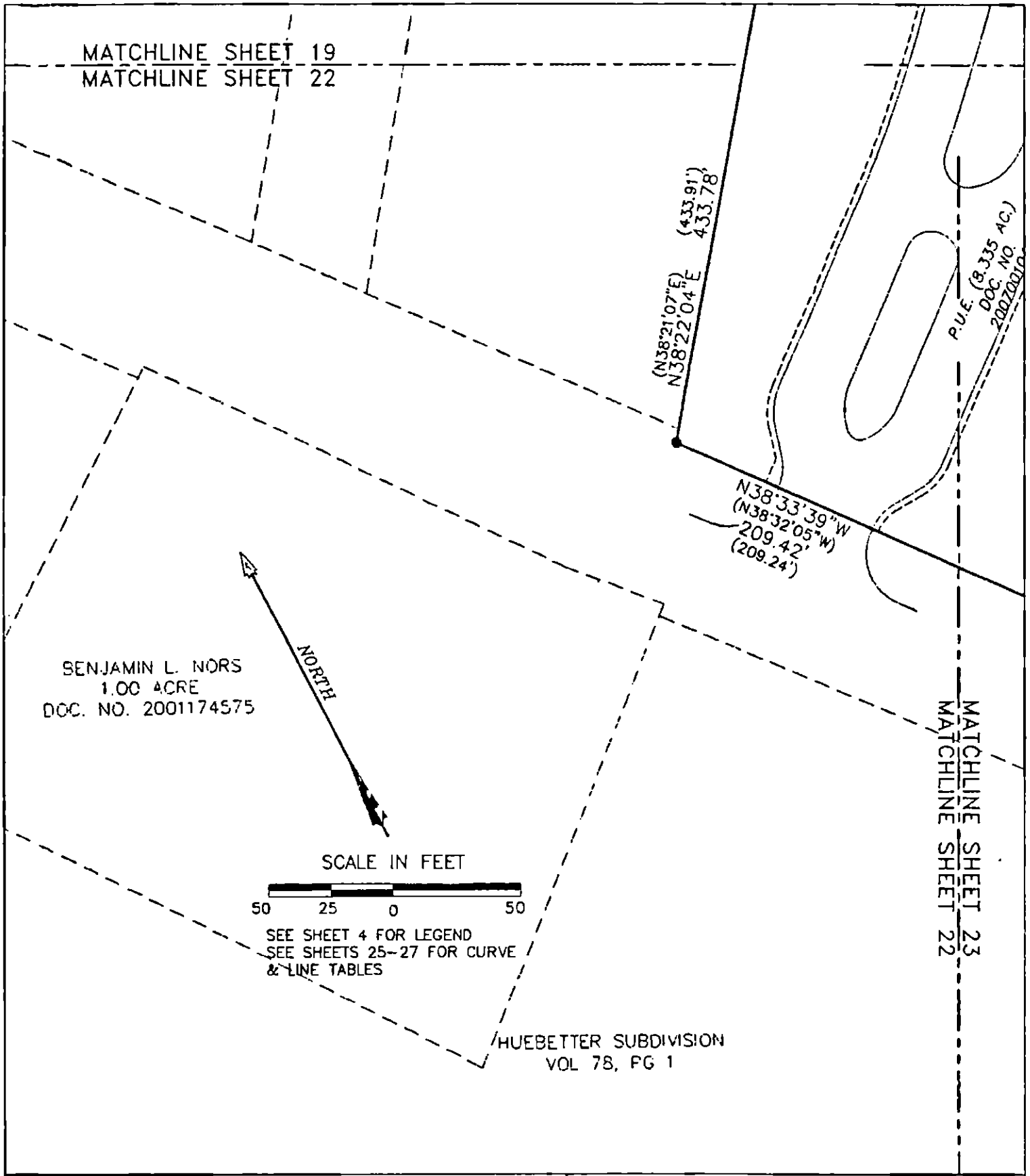

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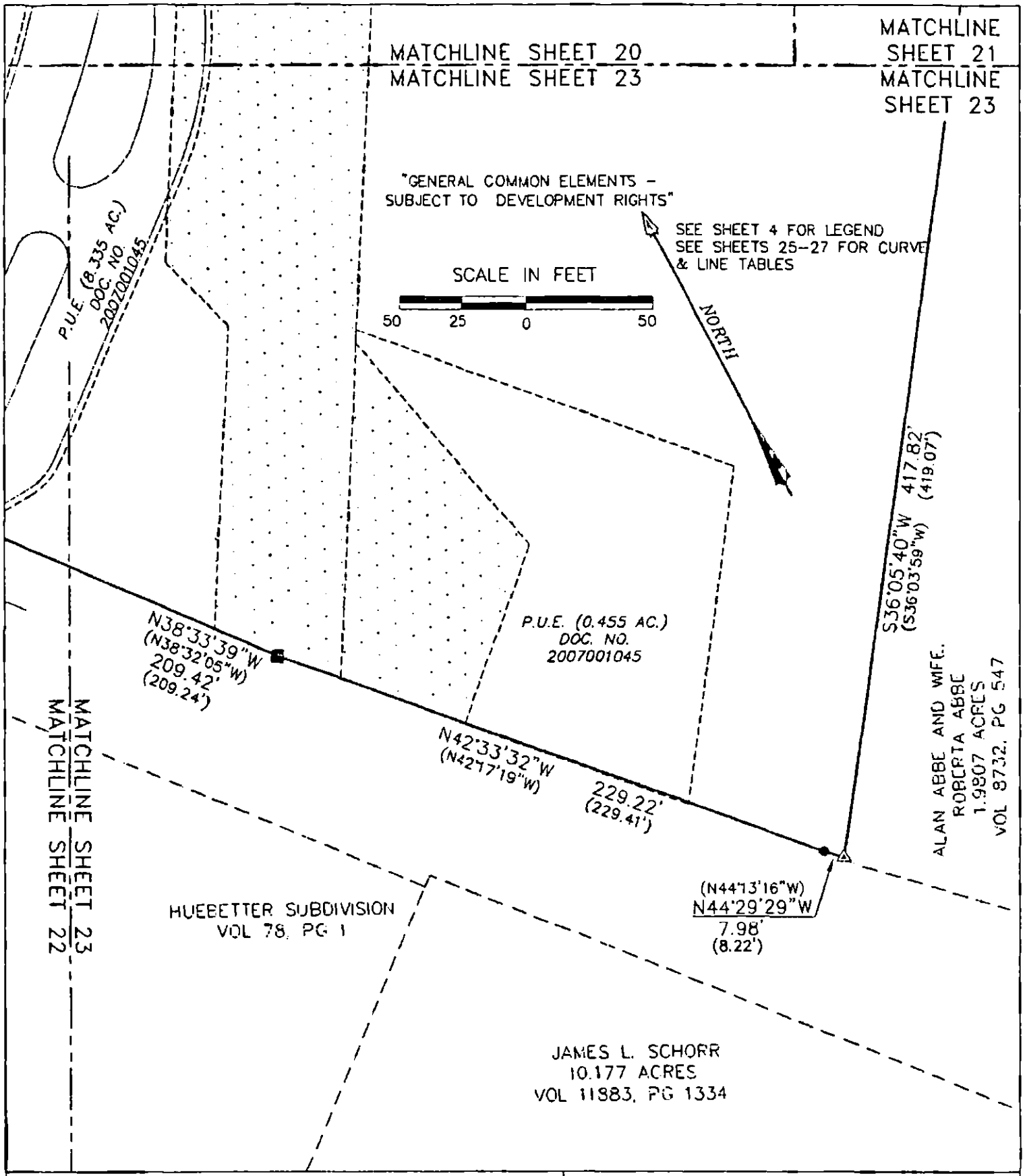

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EXHIBIT

AVIARA CONDOMINIUMS

[PLAT]

§ Certification of Surveyor §

The attached plat, attached hereto as Exhibit contain the information required by Section 82.052 and Section 82.059 of the Texas Uniform Condominium Act, as applicable.

Ron L. Wallace

Ronnie Wallace
R.P.L.S. No. 5222

Date: 20 April 2011

STATE OF TEXAS
REGISTERED
RONNIE WALLACE
5222
PROFESSIONAL
LAND SURVEYOR

AVIARA CONDOMINIUMS	BASELINE LAND SURVEYORS, INC.
EXHIBIT OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 528; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.088 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG--AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS	PROFESSIONAL LAND SURVEYING SERVICES 8333 CROSS PARK DRIVE AUSTIN, TEXAS 78754 OFFICE: 512.374.9722 FAX: 512.873.9743 ron-baseline@austin.rr.com

File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET
Job No.	Snapshot:		24 of 27
Scale (Hor.): 1"=50'	Scale (Vert.):		
Date: 04/20/11	Checked By: JSL	Drawn By: HPE\RLW	

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C1	43.50'	25.85'	34°03'14"	N50°51'00"W	25.48'
C2	55.50'	1.36'	1°24'13"	S34°31'30"E	1.36'
C3	55.50'	39.74'	41°01'24"	S55°44'18"E	38.89'
C4	55.50'	45.25'	46°42'38"	N80°23'41"E	44.00'
C5	55.50'	23.52'	24°16'50"	N44°53'57"E	23.34'
C6	55.50'	37.22'	38°25'09"	N13°32'57"E	36.52'
C7	55.50'	147.08'	151°50'14"	N70°15'30"E	107.66'
C8	34.50'	29.54'	49°03'46"	N87°35'30"E	28.65'
C9	19.50'	8.60'	25°15'47"	S68°28'21"W	8.53'
C10	19.50'	32.05'	94°10'13"	S55°58'52"E	28.56'
C11	128.50'	15.59'	6°56'58"	N77°37'46"E	15.58'
C12	55.50'	54.03'	55°46'56"	N78°25'05"W	51.92'
C13	55.50'	13.29'	13°43'20"	N84°39'53"W	13.26'
C14	55.50'	40.10'	41°23'40"	S67°46'37"W	39.23'
C15	34.50'	9.67'	16°03'39"	N55°06'36"E	9.64'
C16	194.50'	16.61'	4°53'34"	N71°36'45"E	16.60'
C17	160.00'	33.10'	11°51'14"	S85°23'29"W	33.04'
C18	281.00'	61.89'	12°37'13"	N88°22'50"W	61.77'
C19	55.50'	23.40'	24°09'12"	S71°04'10"W	23.22'
C20	44.50'	27.40'	35°16'52"	N76°38'00"E	26.97'
C21	44.50'	21.40'	27°32'51"	S71°57'09"E	21.19'
C22	320.50'	36.55'	6°32'02"	N61°26'44"W	36.53'
C23	320.50'	56.16'	10°02'22"	N69°43'56"W	56.09'
C24	55.50'	42.94'	44°19'30"	N74°41'29"W	41.87'
C25	55.50'	13.43'	13°52'10"	S66°45'22"W	13.40'
C26	194.50'	32.10'	9°27'22"	N64°33'01"E	32.06'
C27	69.50'	31.31'	25°48'34"	S87°03'34"W	31.04'
C28	284.37'	56.30'	11°20'39"	N76°17'14"W	56.21'
C29	284.37'	5.39'	1°05'11"	N70°04'19"W	5.39'
C30	320.50'	46.88'	8°22'48"	N78°59'29"W	46.83'
C31	69.50'	41.29'	34°02'29"	N63°00'55"W	40.69'
C32	55.50'	21.02'	21°42'01"	S56°50'41"E	20.89'
C33	94.50'	8.03'	4°52'04"	S89°32'13"W	8.03'
C34	55.50'	50.19'	51°48'35"	N66°03'57"E	48.49'
C35	281.00'	52.77'	10°45'33"	N64°06'44"W	52.69'
C36	281.00'	0.93'	0°11'23"	N58°38'20"W	0.93'
C37	94.50'	29.53'	17°54'23"	N49°19'02"W	29.41'
C38	320.50'	46.91'	8°23'10"	S84°14'33"W	46.87'
C39	94.50'	16.32'	9°53'42"	N35°25'03"W	16.30'
C40	55.50'	43.09'	44°29'20"	S52°42'50"E	42.02'
C41	55.50'	44.21'	45°38'24"	N82°13'24"E	43.05'
C42	350.00'	73.09'	11°57'56"	S76°03'05"E	72.96'
C43	350.00'	55.18'	9°02'00"	S65°33'07"E	55.12'
C44	350.00'	10.08'	1°39'00"	S60°12'59"E	10.08'
C45	160.00'	39.91'	14°17'35"	N69°21'21"W	39.81'
C46	160.39'	4.39'	1°34'06"	N77°13'21"W	4.39'
C47	160.39'	29.62'	10°34'57"	N83°12'44"W	29.58'
C48	55.50'	41.86'	43°12'43"	S89°18'02"E	40.87'
C49	55.50'	50.91'	52°33'09"	N42°49'02"E	49.14'
C50	320.50'	46.62'	8°20'01"	S75°52'58"W	46.57'

AVIARA CONDOMINIUMS

EXHIBIT
OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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PROFESSIONAL LAND SURVEYING SERVICES
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AUSTIN, TEXAS 78754
OFFICE: 512.374.9722 FAX: 512.873.9743
ron-baseline@austin.rr.com

File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg		SHEET 25 of 27
Job No.	Snapshot:	
Scale (Hor.): 1"=50'	Scale (Vert.):	
Date: 04/20/11	Checked By: JSL	Drawn By: HPE\RLW

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C51	320.50'	47.84'	8°33'05"	S67°26'25"W	47.79'
C52	281.00'	21.40'	4°21'47"	S55°57'19"W	21.39'
C53	276.00'	11.21'	2°19'35"	S59°18'00"W	11.21'
C54	276.00'	9.99'	2°04'26"	S61°30'01"W	9.99'
C55	281.00'	41.60'	8°28'55"	S66°46'42"W	41.56'
C56	160.00'	33.12'	11°51'34"	S62°00'22"W	33.06'
C57	170.50'	20.63'	6°55'58"	N77°43'11"E	20.62'
C58	94.50'	48.23'	29°14'36"	S72°28'52"W	47.71'
C59	281.00'	70.09'	14°17'32"	S78°07'57"W	69.91'
C60	160.00'	32.21'	11°32'02"	S73°37'54"W	32.15'
C61	320.50'	47.16'	8°25'54"	N87°20'54"W	47.12'
C62	320.50'	50.30'	8°59'33"	S58°40'06"W	50.25'

AVIARA CONDOMINIUMS

EXHIBIT

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File: S:\Pro\Aviara\Dwg\AVIARA CONDO BASE.dwg		
Job No.	Snapshot:	
Scale (Hor.): 1"=50'	Scale (Vert.):	
Date: 04/20/11	Checked By: JSL	Drawn By: HPE\RLW

LINE TABLE		
LINE	BEARING	LENGTH
L1	S67°52'37"E	35.37'
L2	N32°57'38"W	7.06'
L3	N84°20'23"E	14.65'
L4	N47°51'55"W	11.34'
L5	N31°01'52"E	4.45'
L6	N63°54'29"E	38.06'
L7	S86°57'47"E	3.29'
L8	N78°01'20"E	10.29'
L9	S10°13'03"E	29.53'
L10	S74°09'17"W	32.66'
L11	S81°06'15"W	1.64'
L12	S18°00'07"E	6.87'
L13	S30°23'57"E	19.47'
L14	S17°47'50"E	29.77'
L15	S15°29'37"E	9.67'
L16	S23°37'34"E	39.17'
L17	S39°28'12"W	6.91'
L18	S30°23'57"E	11.73'
L19	S74°19'32"W	284.75'
L20	N15°40'28"W	11.34'
L21	N74°19'32"E	281.77'
L22	S85°45'47"W	13.66'
L23	N04°14'13"W	103.33'
L24	N70°42'51"W	78.43'
L25	N19°29'12"W	79.32'
L26	N63°34'35"E	13.76'
L27	S19°29'12"E	74.44'
L28	S70°42'51"E	80.83'
L29	S04°14'13"E	112.29'
L30	S75°40'42"E	6.08'
L31	N23°29'14"E	142.40'
L32	S66°30'46"E	6.83'
L33	S23°29'14"W	142.40'
L34	N66°30'46"W	6.83'
L35	S76°00'36"E	39.58'
L36	S76°00'36"E	16.09'
L37	N77°48'13"W	27.14'
L38	N88°41'39"E	6.13'
L39	N25°44'20"W	15.92'
L40	S88°11'16"W	38.53'
L41	S40°42'44"W	9.55'
L42	N67°35'16"E	13.92'
L43	S57°59'10"E	10.92'
L44	S76°25'51"E	16.48'
L45	S70°54'33"E	39.17'
L46	N86°12'33"E	12.02'
L47	S84°49'29"E	4.40'
L48	S76°40'56"E	5.93'
L49	S10°13'03"E	4.06'
L50	S38°01'06"E	8.58'

LINE TABLE		
LINE	BEARING	LENGTH
L51	S56°04'51"E	18.69'
L52	S70°55'02"E	8.71'
L53	S82°26'35"E	8.37'
L54	S53°46'22"W	25.12'
L55	S31°37'01"E	9.49'
L56	S18°24'32"W	13.40'
L57	S60°30'23"W	9.18'
L58	S76°42'45"W	9.64'
L59	S87°05'06"W	8.22'
L60	S84°49'29"E	2.67'
L61	S84°21'45"E	20.21'
L62	N50°40'11"E	24.96'
L63	N30°53'27"E	30.22'
L64	N53°56'24"E	6.82'
L65	S07°17'18"W	18.99'
L66	S06°13'30"E	9.98'
L67	S58°24'33"E	1.34'
L68	N54°18'02"E	32.72'
L69	N79°34'04"E	14.67'
L70	N52°43'24"E	11.28'
L71	N71°42'55"E	3.00'
L72	N18°17'05"W	9.31'
L73	N63°34'36"E	3.67'
L74	S58°16'14"E	19.54'
L75	N54°30'06"W	40.63'
L76	N54°30'06"W	2.31'
L77	S81°16'47"E	10.47'
L78	S04°57'06"W	21.25'
L79	S66°16'15"E	10.53'
L80	S54°10'00"E	3.38'
L81	S67°35'16"W	6.96'
L82	S67°35'16"W	6.96'
L83	S18°17'05"E	8.02'
L84	N71°42'59"E	6.00'
L85	N53°46'26"E	19.82'
L86	S31°51'47"E	5.00'
L87	N27°27'46"W	5.00'
L88	S64°54'52"W	40.05'

AVIARA CONDOMINIUMS

EXHIBIT

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET 27 of 27
Job No.	Snapshot:		
Scale (Hor.): 1"=50'	Scale (Vert.):		
Date: 04/20/11	Checked By: JSL	Drawn By: HPE\RLW	

UNIT PLAN TYPES – ATTACHED UNITS

Unit No.	Plan Type*
A-1	A
B-1	B
C-1	C
D-1	D

* SEE CONDOMINIUM PLANS FOR PLAN TYPE.

ALL UNITS SHOWN ON THE PLAT AND PLANS OTHER THAN UNITS A-1, B-1, C-1, D-1 ARE STAND-ALONE UNITS.

ORIGINAL
FILED FOR RECORD

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

Apr 25, 2011 10:35 AM 2011057839
BERNSTR: $148.00
Dana DeBeauvoir, County Clerk
Travis County TEXAS

AFTER RECORDING RETURN TO:
Robert D. Burton, Esq.
Winstead, PC
401 Congress Ave., Suite 2100
Austin, Texas 78701

EIGHTEENTH AMENDMENT TO RESTATED AND AMENDED DECLARATION OF CONDOMINIUM REGIME FOR AVIARA CONDOMINIUMS

(A Residential Condominium in Travis County, Texas)

Cross Reference to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2009071585, Official Public Records of Travis County, Texas as amended.

EIGHTEENTH AMENDMENT TO
RESTATED AND AMENDED DECLARATION OF CONDOMINIUM REGIME
FOR AVIARA CONDOMINIUMS

This Eighteenth Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums (the "**Amendment**") is made **CR-B AVIARA, L.P.**, a Texas limited partnership ("**Declarant**"), and is as follows:

RECITALS:

A. Aviara Condominiums, a condominium regime (the "**Regime**"), located in Travis County, Texas, was established pursuant to that certain Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2009071585, Official Public Records of Travis County, Texas as amended (collectively, the "**Declaration**").

B. Pursuant to *Provision A.3.10* of Appendix "A" to the Declaration, Declarant may amend the Declaration unilaterally and without the consent of other Owners or any mortgagee to add real property to the Property and create Units, General Common Elements and Limited Common Elements within the Property.

C. In accordance with *Provision A.3.8* of Appendix "A" to the Declaration, Declarant has reserved the right, during the Development Period, to create Units, General Common Elements, and Limited Common Elements within the Property.

D. The "Development Period" as such term is defined in the Declaration, is a fifteen (15) year period commencing on the date the Declaration was recorded in the Official Public Records of Travis County, Texas. The Declaration was recorded in the Official Public Records of Travis County, Texas, on May 4, 2009.

E. This amendment is promulgated for the purposes of creating seven (7) additional Units within the Regime. The total number of Units within the Regime after giving effect to this Amendment is equal to sixty-three (63), and the total number of additional Units which Declarant has reserved the right to create by amendment is equal to eighty-seven (87).

NOW THEREFORE, the Declaration is hereby amended as follows:

1. Creation of Units. In accordance with the rights reserved by the Declarant pursuant to *Section 5.1* of the Declaration and *Provisions A.3.8* and *A.3.10* of Appendix "A" to the Declaration, Declarant hereby creates seven (7) Units, which are designated as Unit Nos. B-12, E-3, E-4, E-9, E-15, F-19 and F-20 (the "**New Units**"). The New Units are hereby classified as Units which MUST BE BUILT.

2. **Replacement of Exhibit "B".** Exhibit "B" to the Declaration is hereby deleted in its entirety and the Plats and Plans attached hereto as Attachment 1 (the "**New Plats and Plans**") are substituted in their place. The New Plats and Plans: (i) assign an identifying number to all Units; (ii) describe the portion of the limited common elements created or assigned to all Units; and (iii) include the information required by Section 82.059 of the Texas Uniform Condominium Act.

3. **Replacement of Exhibit "C".** The Percentage Interests allocated to all Units within the Regime, after the addition of the New Units, is set forth on Attachment 2, attached hereto. Attachment 2, attached hereto, will supersede and replace Exhibit "C" attached to the Declaration.

4. **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.

[SIGNATURE PAGE FOLLOWS]

EXECUTED to be effective as of the _____ day of _____, 2011.

DECLARANT:

CR-B AVIARA, L.P., a Texas limited partnership

By: CR-B INVESTORS I GP, L.L.C., a Texas limited liability company, its General Partner

By:_____
Printed Name:_____
Title:_____

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

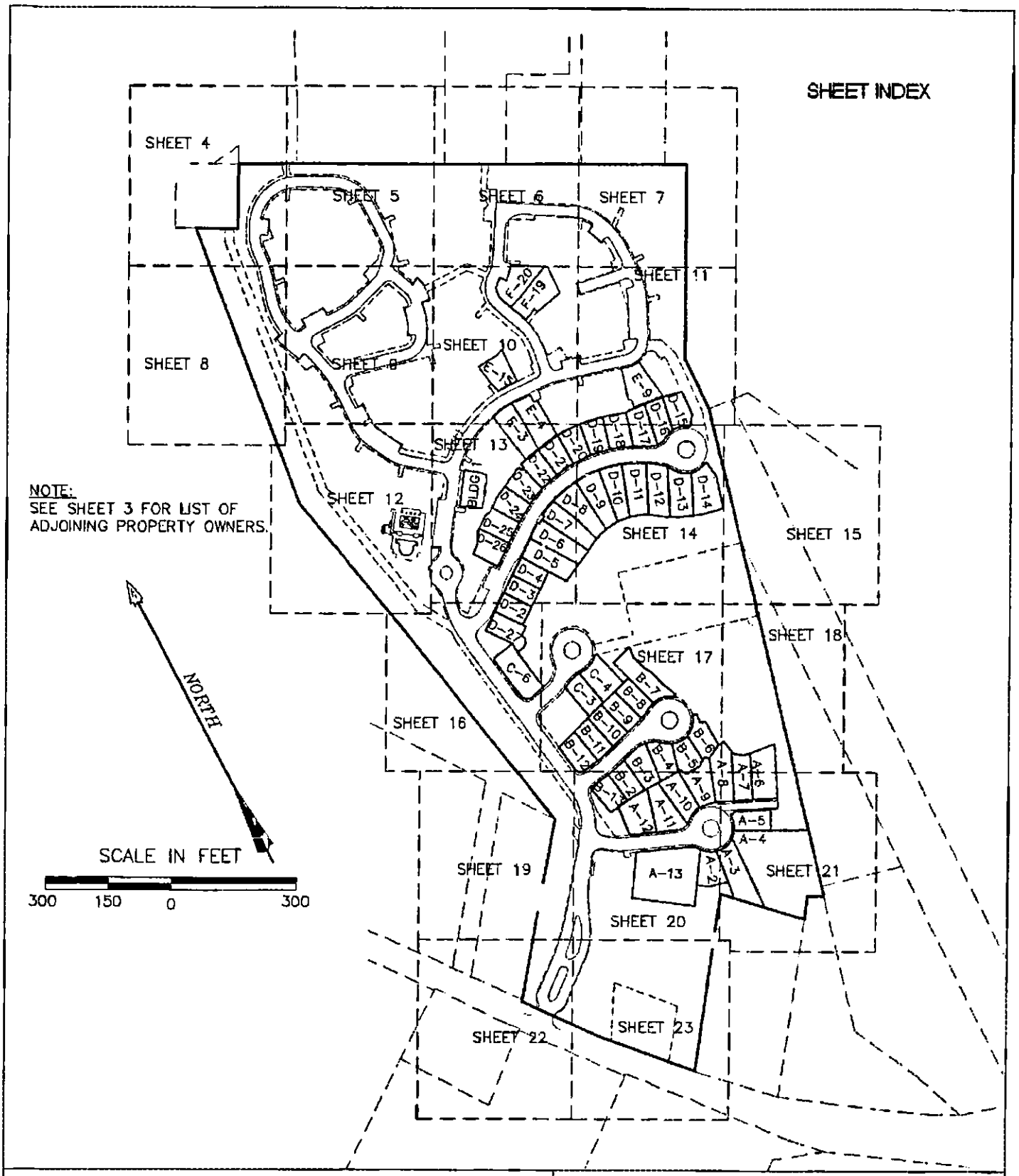
This instrument was acknowledged before me on this ___ day of _____, 2011 by _____, _____ of CR-B Investors I GP, L.L.C., a Texas limited liability company, General Partner of CR-B Aviara, L.P., a Texas limited partnership, on behalf of said entities.

_____
(SEAL) Notary Public Signature

ATTACHMENT 1

EXHIBIT "B" TO THE DECLARATION OF CONDOMINIUM REGIME

SEE SHEET 24 OF 28 FOR ORIGINAL CERTIFICATION



AVIARA CONDOMINIUMS

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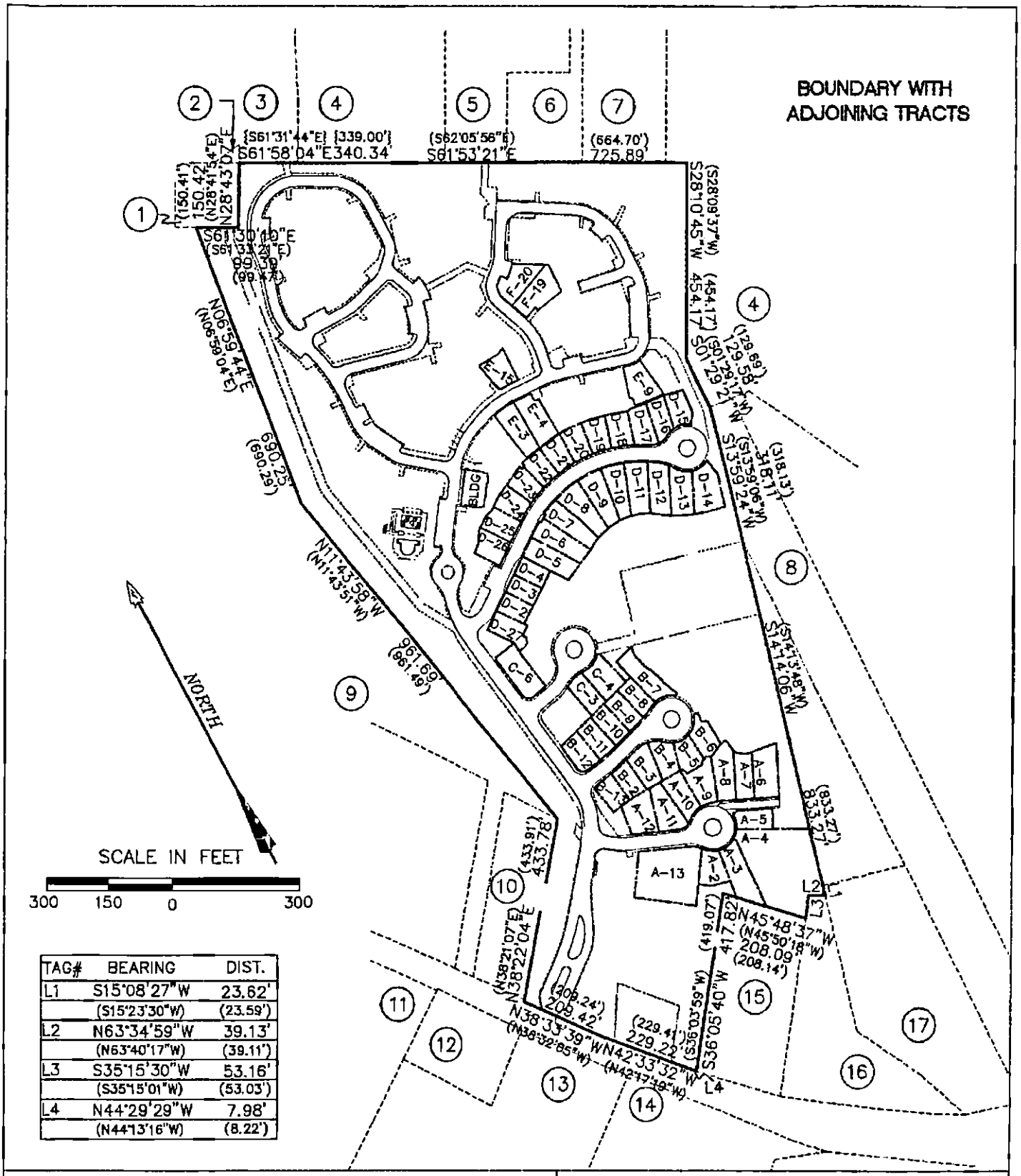
File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET 1 of 28
Job No.		Snapshot:	
Scale (Hor.): N/A		Scale (Vert.):	
Date: 05/06/11	Checked By: JSL	Drawn By: HPE\RLW	



TAG#	BEARING	DIST.
L1	S15°08'27"W	23.62'
	(S15°23'30"W)	(23.59')
L2	N63°34'59"W	39.13'
	(N63°40'17"W)	(39.11')
L3	S35°15'30"W	53.16'
	(S35°15'01"W)	(53.03')
L4	N44°29'29"W	7.98'
	(N44°13'16"W)	(8.22')

AVIARA CONDOMINIUMS

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Job No.	Snapshot:	2 of 28
Scale (Hor.): N/A	Scale (Vert.):	
Date: 05/06/11	Checked By: JSL / Drawn By: HPE\RLW	

ADJOINING OWNERS

1. TRAVIS COUNTY W.C.I.D. NO. 9, VOL. 1819, PG. 189 (0.52 ACRES)
2. CITY OF AUSTIN, VOL. 10958, PG. 277 (0.029 ACRES)
3. REMAINDER OF 888.051 ACRES, VOL. 10958, PG. 280
4. LOT 115, BLOCK B, LANTANA SOUTHWEST, PHASE 1, DOC. NO. 200300137
5. CITY OF AUSTIN, TRACT 2, VOL. 12910, PG. 670 (1.757 ACRES)
6. CITY OF AUSTIN, VOL. 10031 PG. 300 (1.0397 ACRES)
7. CITY OF AUSTIN, TRACT 1, VOL. 12910, PG. 670 (1.655 ACRES)
8. KEYSTONE CONSTRUCTION, INC., VOL. 11918, PG. 1755 (4.993 ACRES)
9. LOT 1, BLOCK "A", THE HANS DEROUCHER SUBDIVISION, VOL. 96, PG. 108
10. LOT 2, BLOCK "A", THE HANS DEROUCHER SUBDIVISION, VOL. 96, PG. 108
11. AARON GARDNER SUBDIVISION, VOL. 49, PG. 95
12. BENJAMIN L. NORS, DOC. NO. 2001174575 (1.00 ACRE)
13. HUEBETTER SUBDIVISION, VOL. 78, PG. 1
14. JAMES L. SCHORR, VOL. 11883, PG. 1334 (10.177 ACRES)
15. ALAN ABBE, et ux, VOL. 8732, PG. 5 (1.9807 ACRES)
16. 1.951 ACRES, VOL. 11400, PG. 875
17. GILBERT M. JAPKO, TRACT ONE, VOL. 6095, PG. 82 (3.129 ACRES)

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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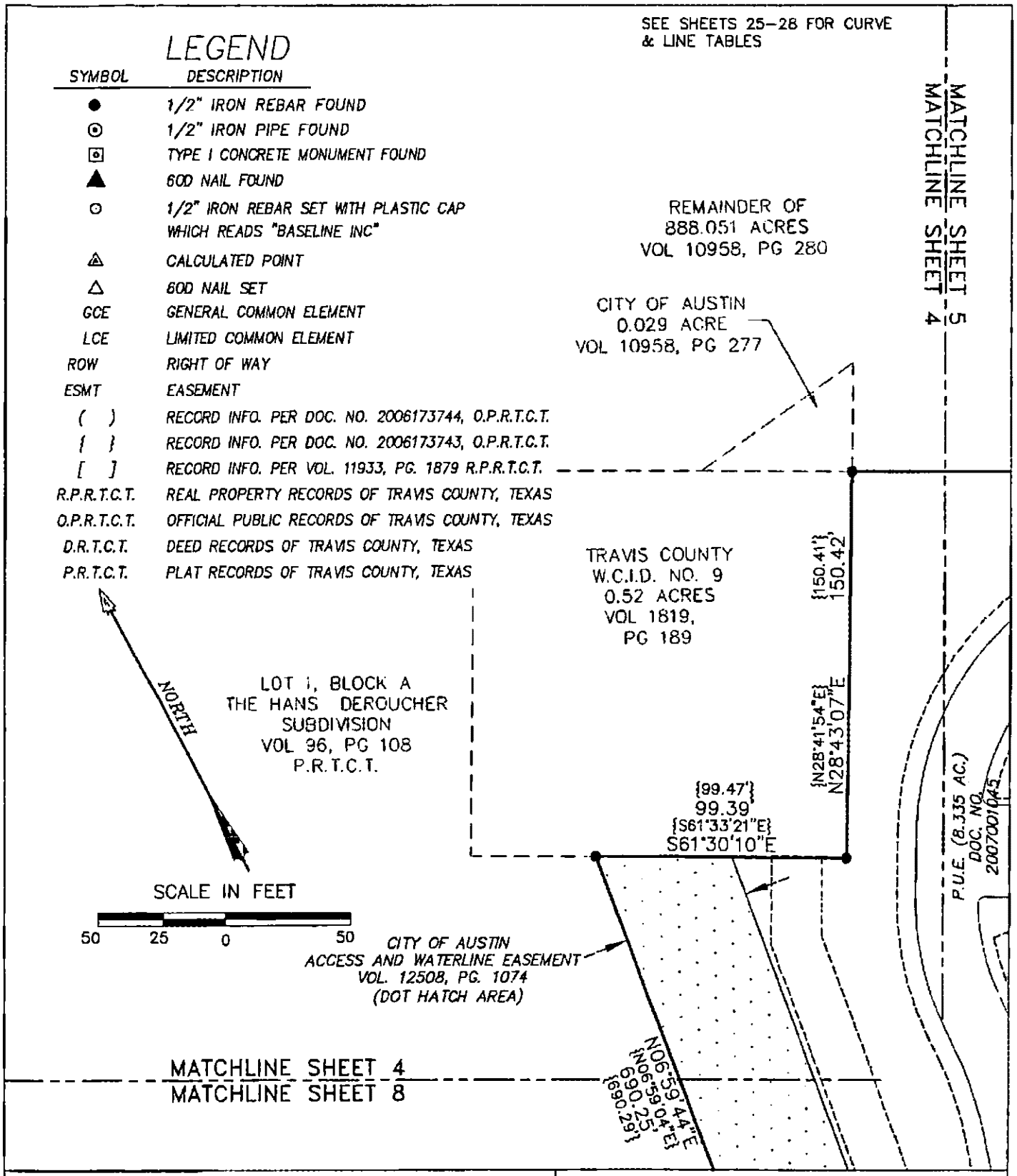
ron-baseline@austin.rr.com

File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg		SHEET
Job No.	Snapshot:	3 of 28
Scale (Hor.): N/A	Scale (Vert.):	
Date: 05/06/11	Checked By: JSL / Drawn By: HPE\RLW	

SEE SHEETS 25-28 FOR CURVE & LINE TABLES

LEGEND

SYMBOL	DESCRIPTION
●	1/2" IRON REBAR FOUND
⊙	1/2" IRON PIPE FOUND
⊡	TYPE I CONCRETE MONUMENT FOUND
▲	60D NAIL FOUND
⊙	1/2" IRON REBAR SET WITH PLASTIC CAP WHICH READS "BASELINE INC"
◬	CALCULATED POINT
△	60D NAIL SET
GCE	GENERAL COMMON ELEMENT
LCE	LIMITED COMMON ELEMENT
ROW	RIGHT OF WAY
ESMT	EASEMENT
( )	RECORD INFO. PER DOC. NO. 2006173744, O.P.R.T.C.T.
{ }	RECORD INFO. PER DOC. NO. 2006173743, O.P.R.T.C.T.
[ ]	RECORD INFO. PER VOL. 11933, PG. 1879 R.P.R.T.C.T.
R.P.R.T.C.T.	REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS
O.P.R.T.C.T.	OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS
D.R.T.C.T.	DEED RECORDS OF TRAVIS COUNTY, TEXAS
P.R.T.C.T.	PLAT RECORDS OF TRAVIS COUNTY, TEXAS



AVIARA CONDOMINIUMS

EXHIBIT

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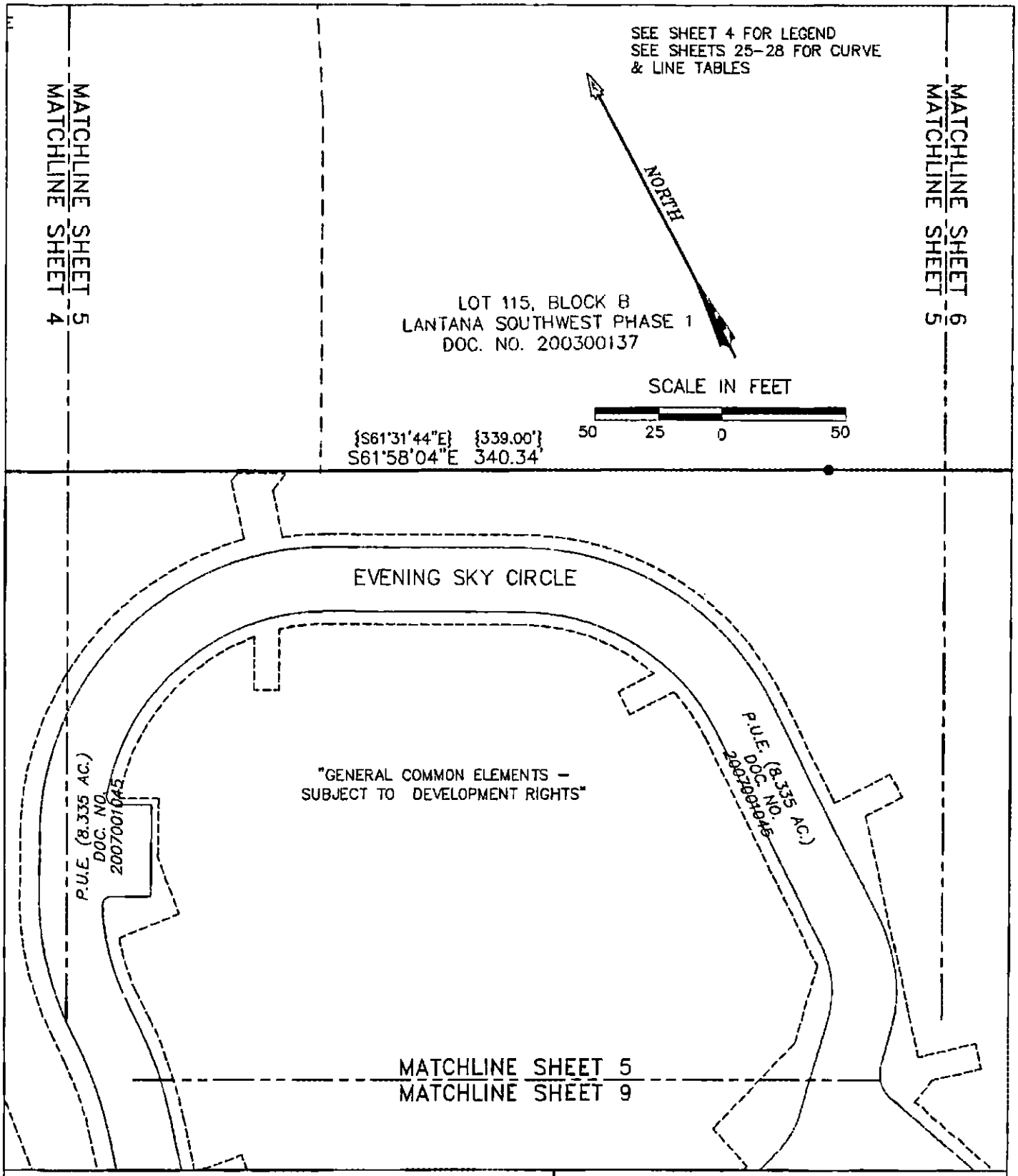

AVIARA CONDOMINIUMS

EXHIBIT

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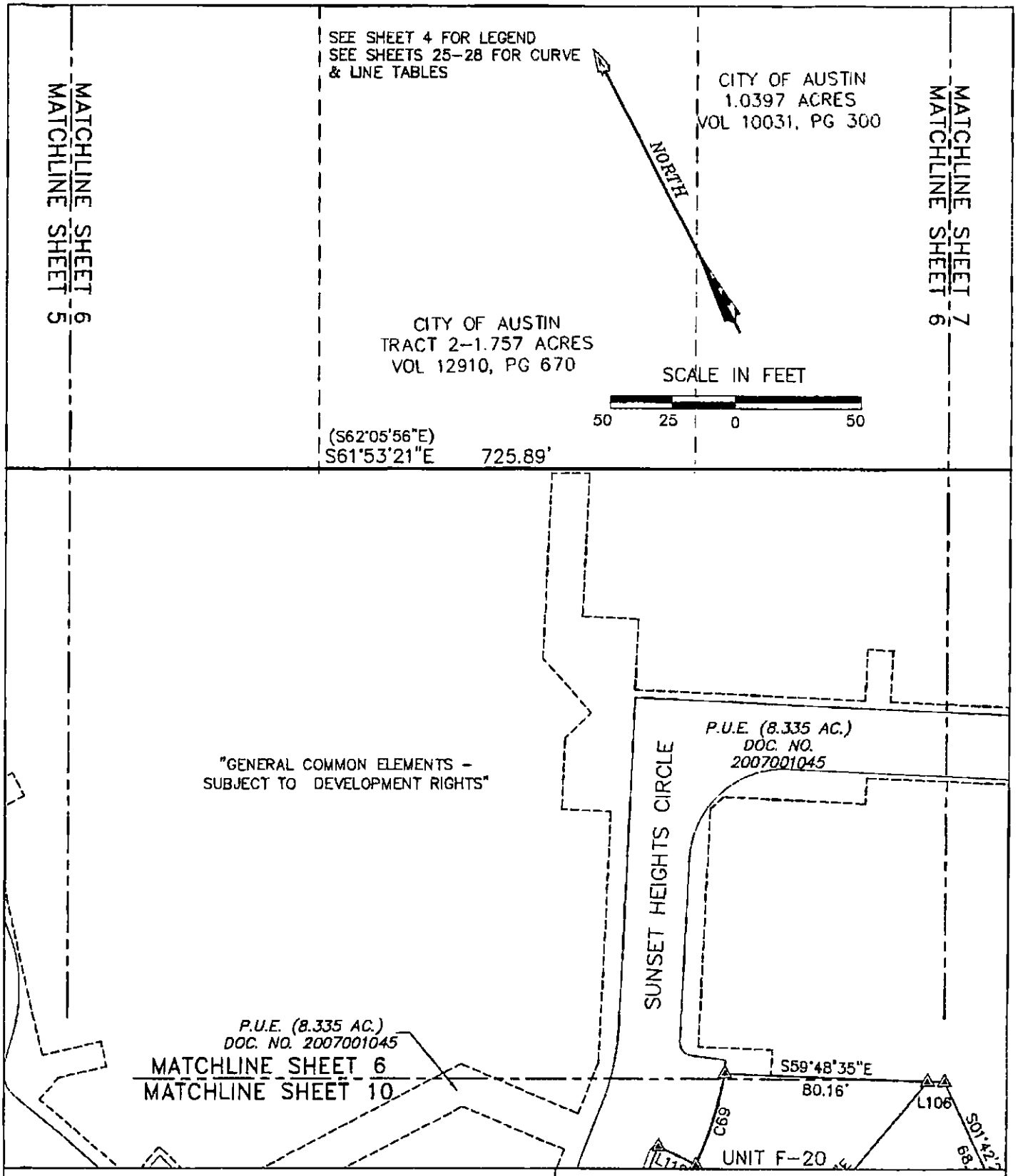

AVIARA CONDOMINIUMS

EXHIBIT

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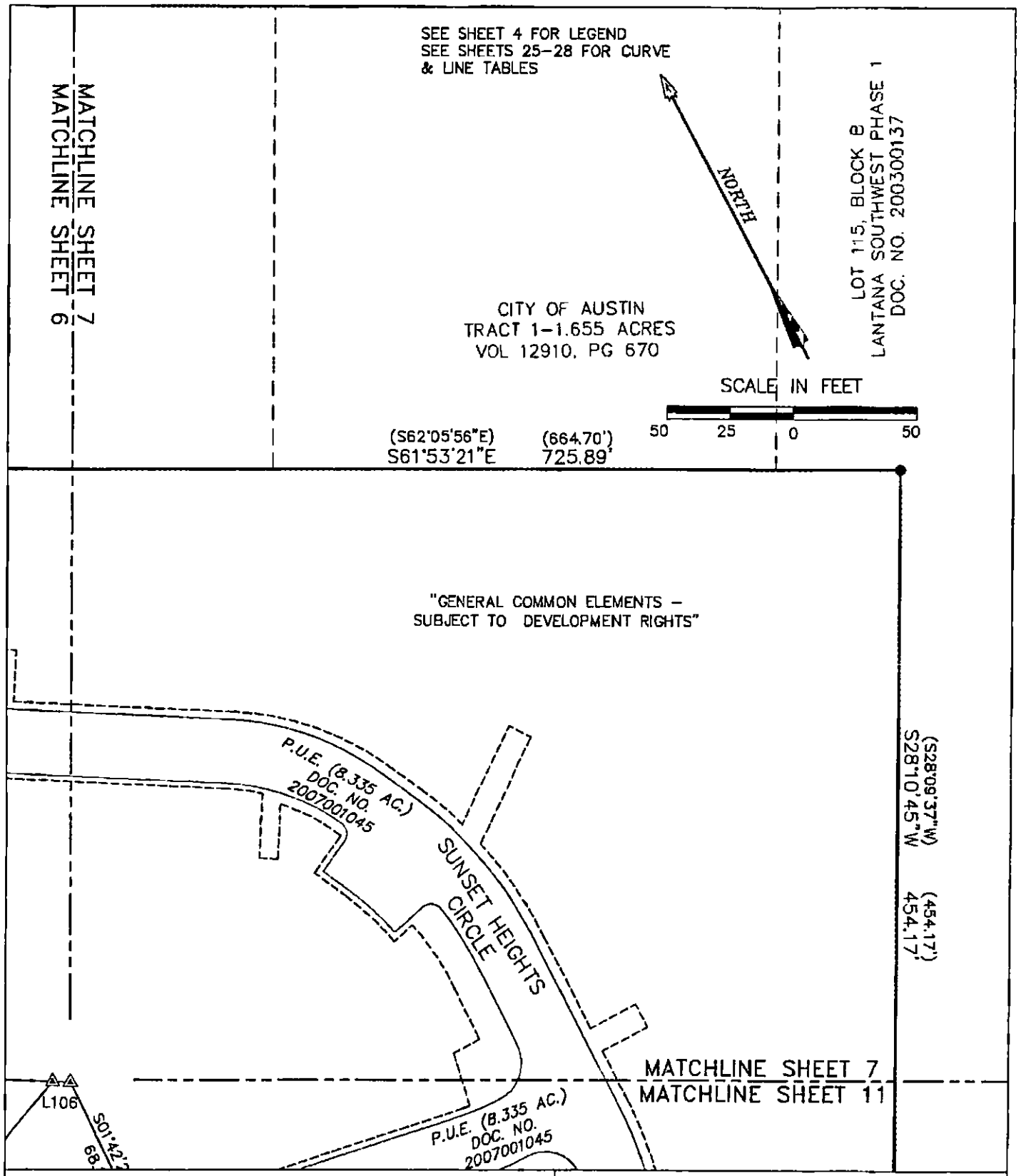

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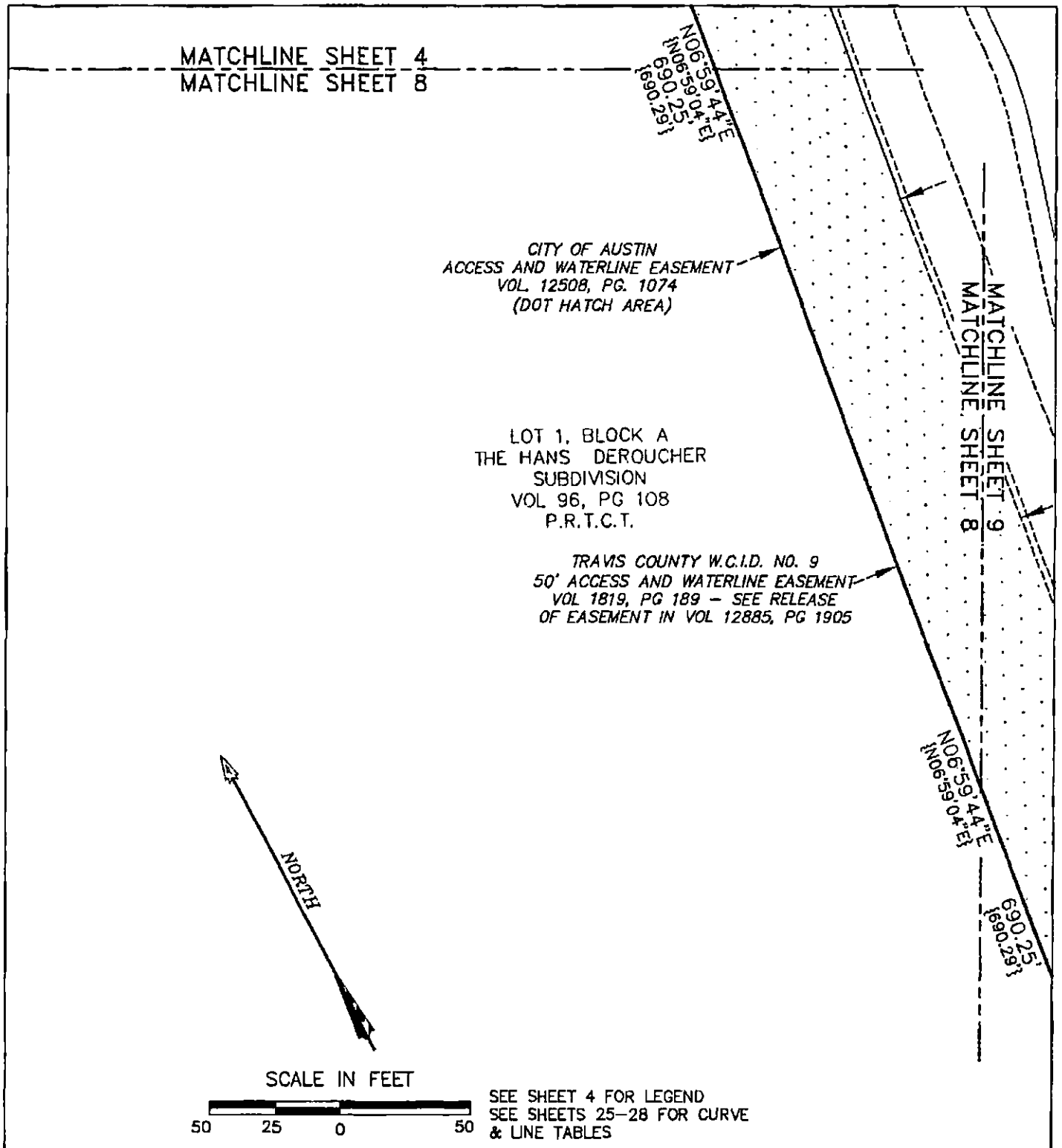

AVIARA CONDOMINIUMS

EXHIBIT
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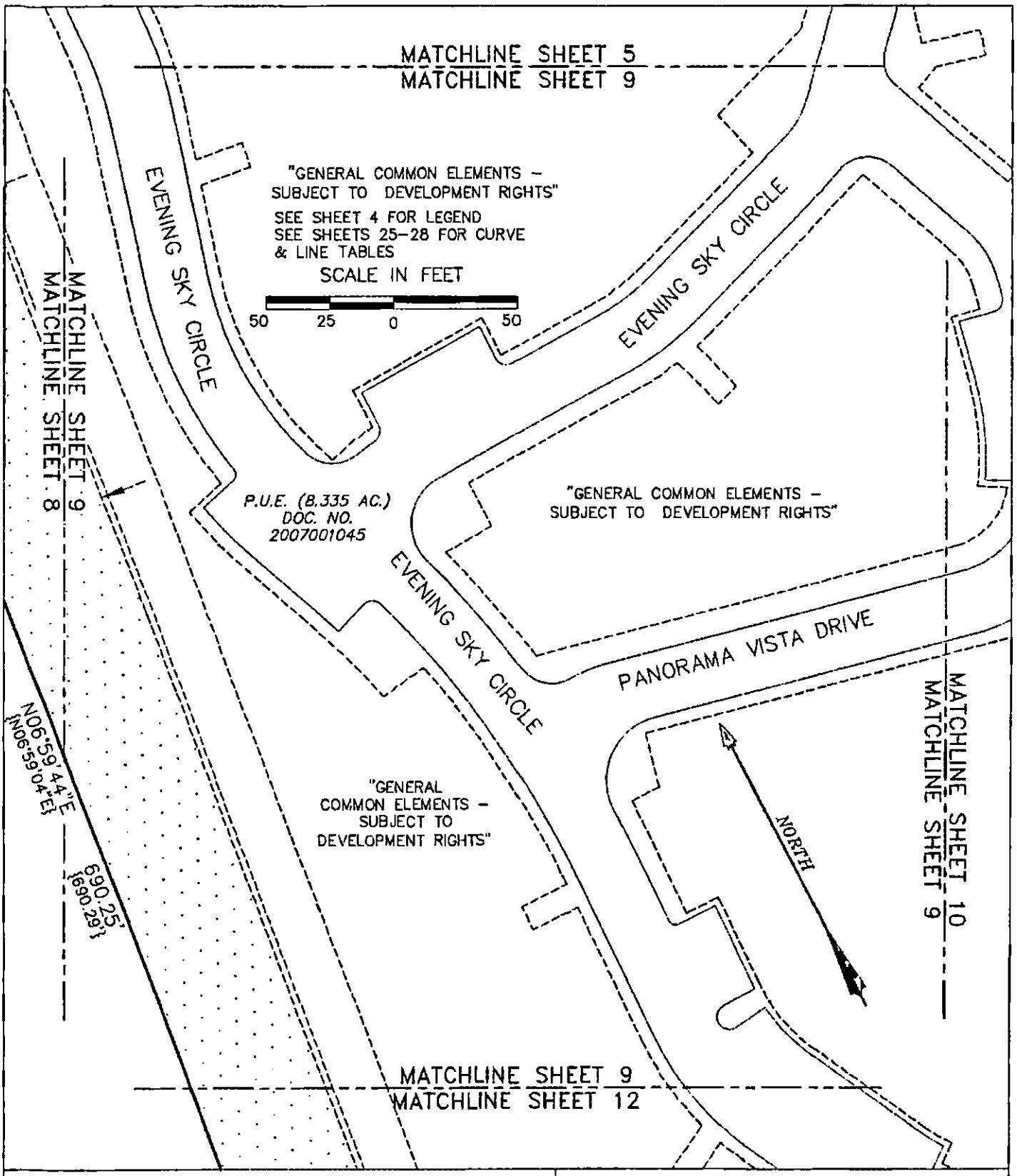

AVIARA CONDOMINIUMS

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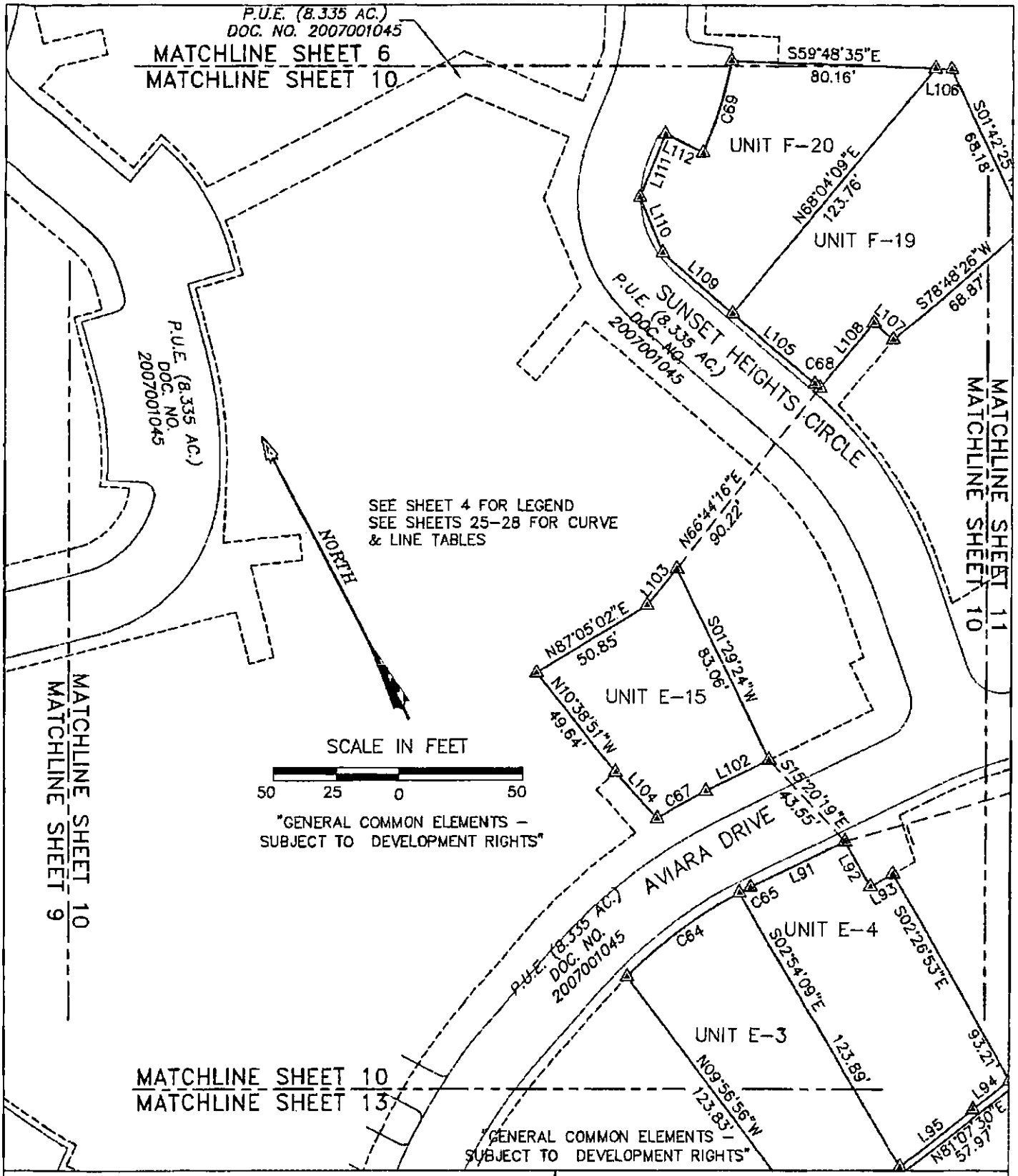

AVIARA CONDOMINIUMS

EXHIBIT
OF 30.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.064 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.096 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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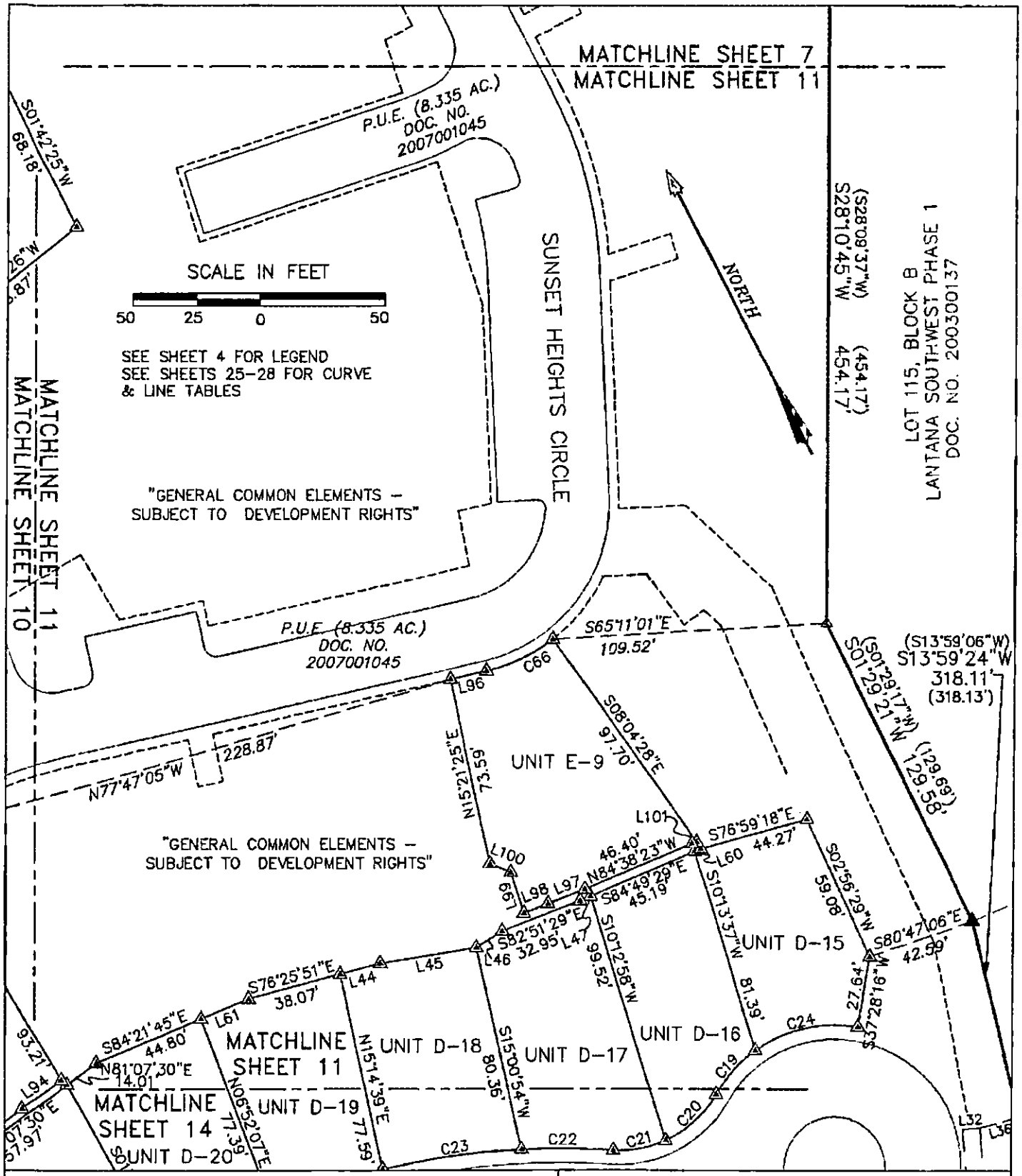

AVIARA CONDOMINIUMS

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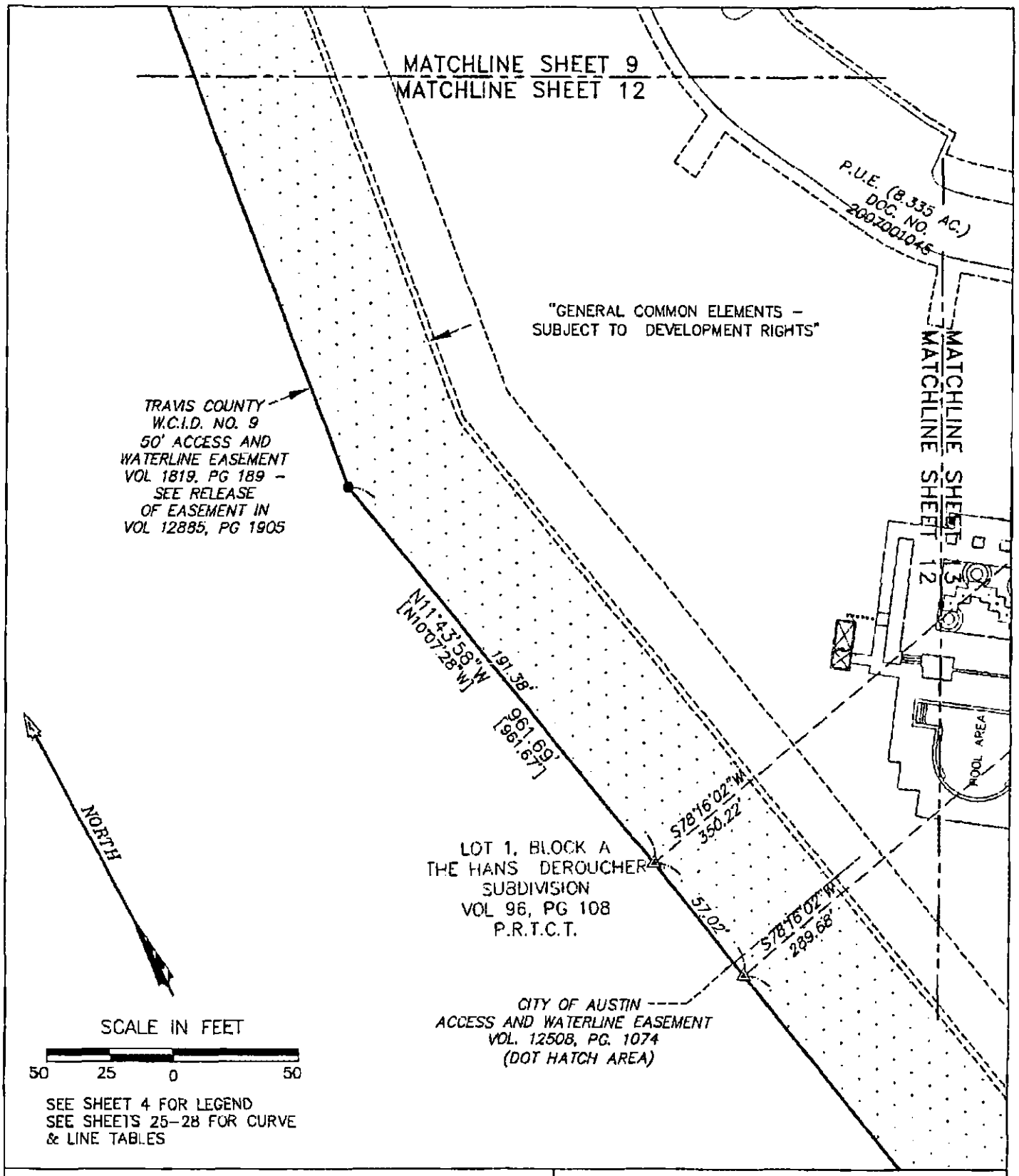

SEE SHEET 4 FOR LEGEND
SEE SHEETS 25–28 FOR CURVE & LINE TABLES

AVIARA CONDOMINIUMS

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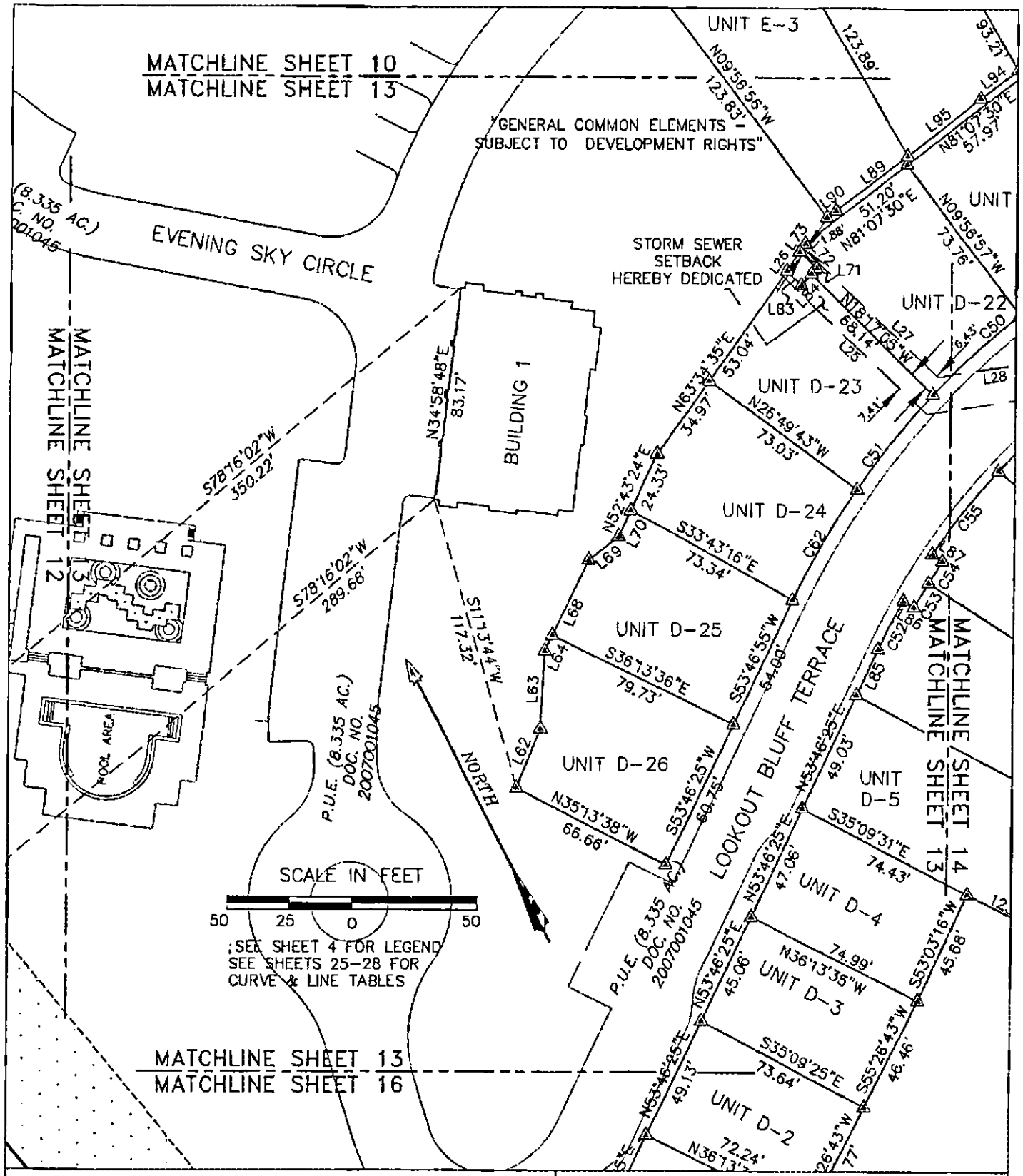

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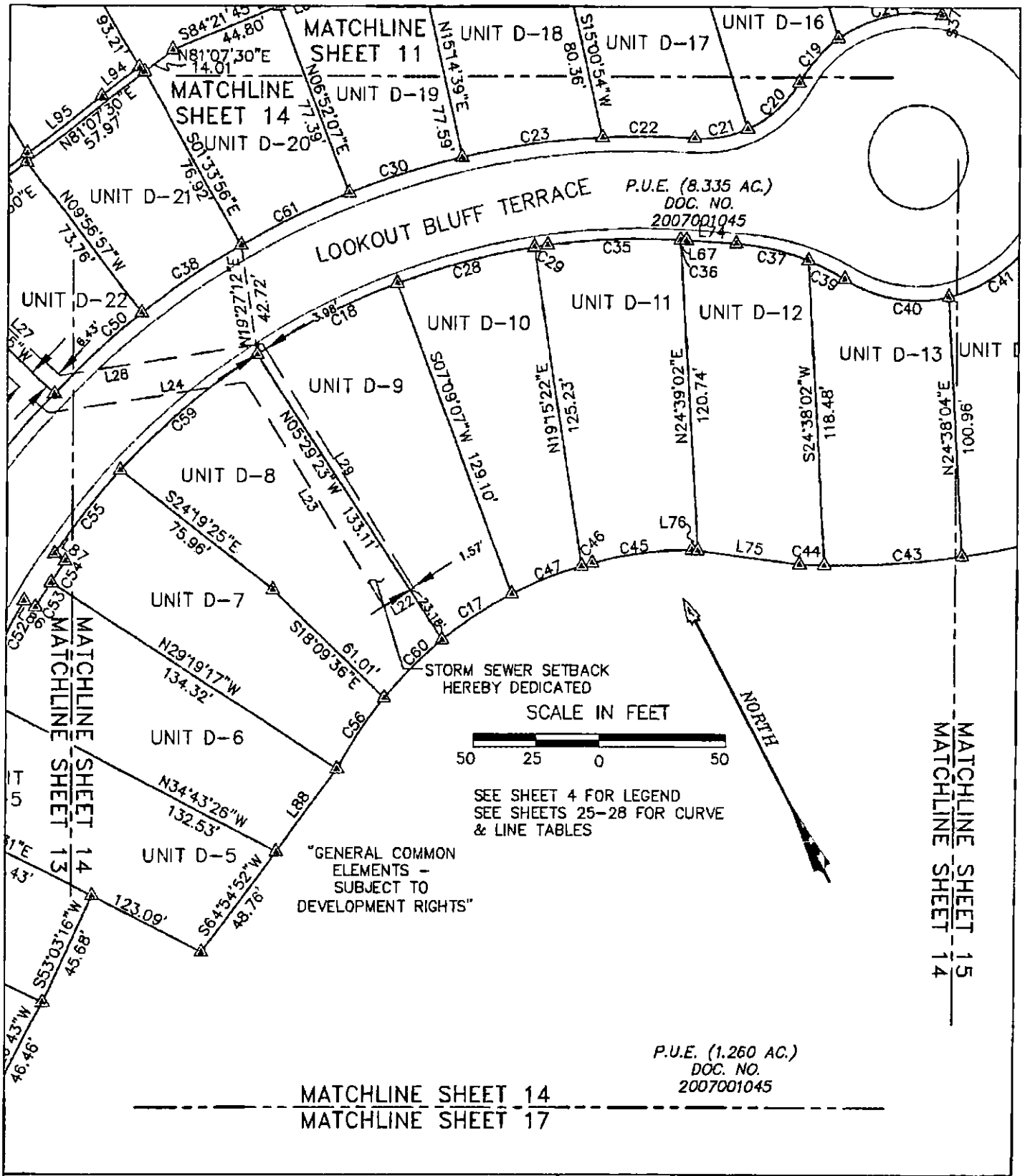

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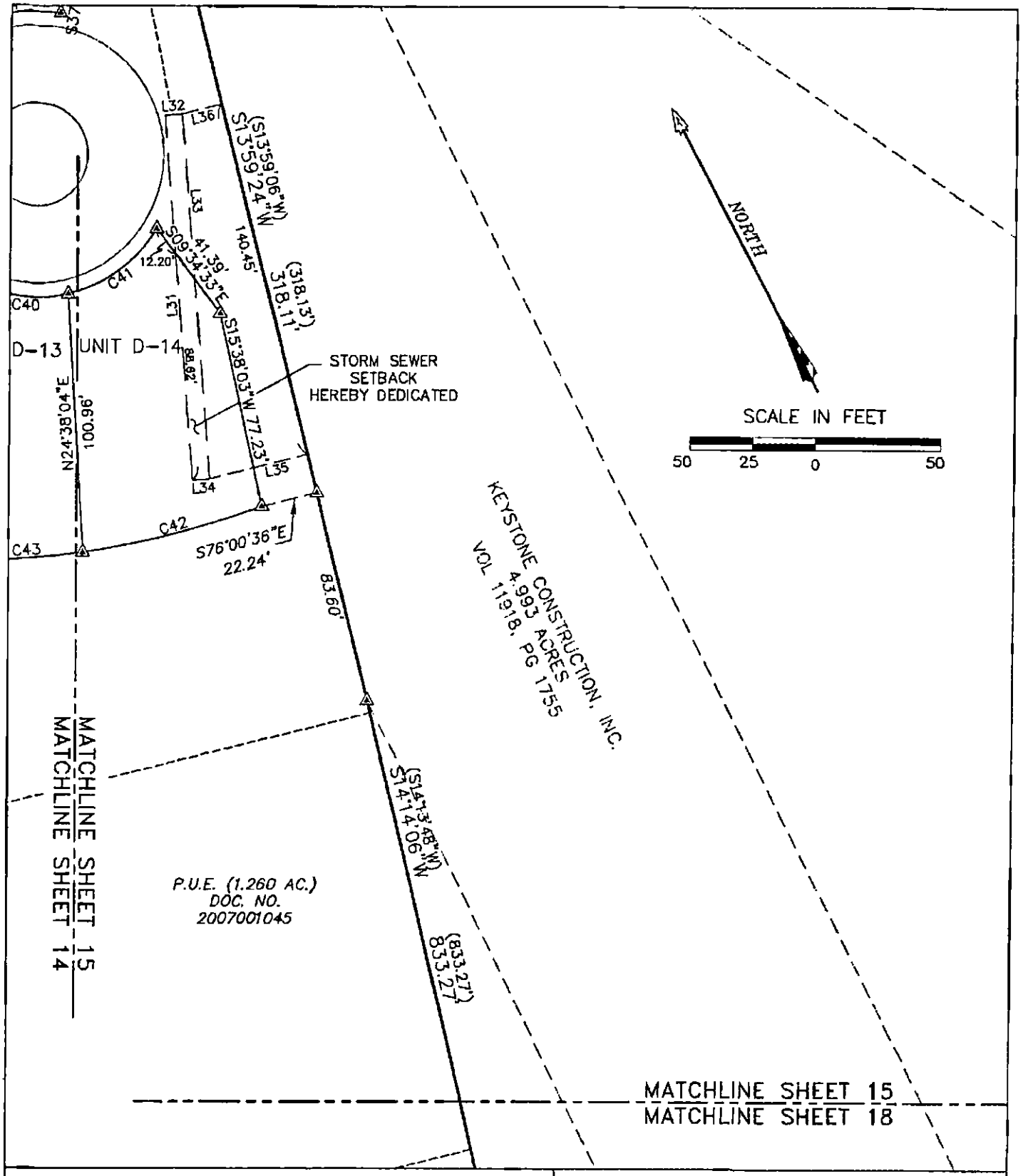

AVIARA CONDOMINIUMS

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET 15 of 28
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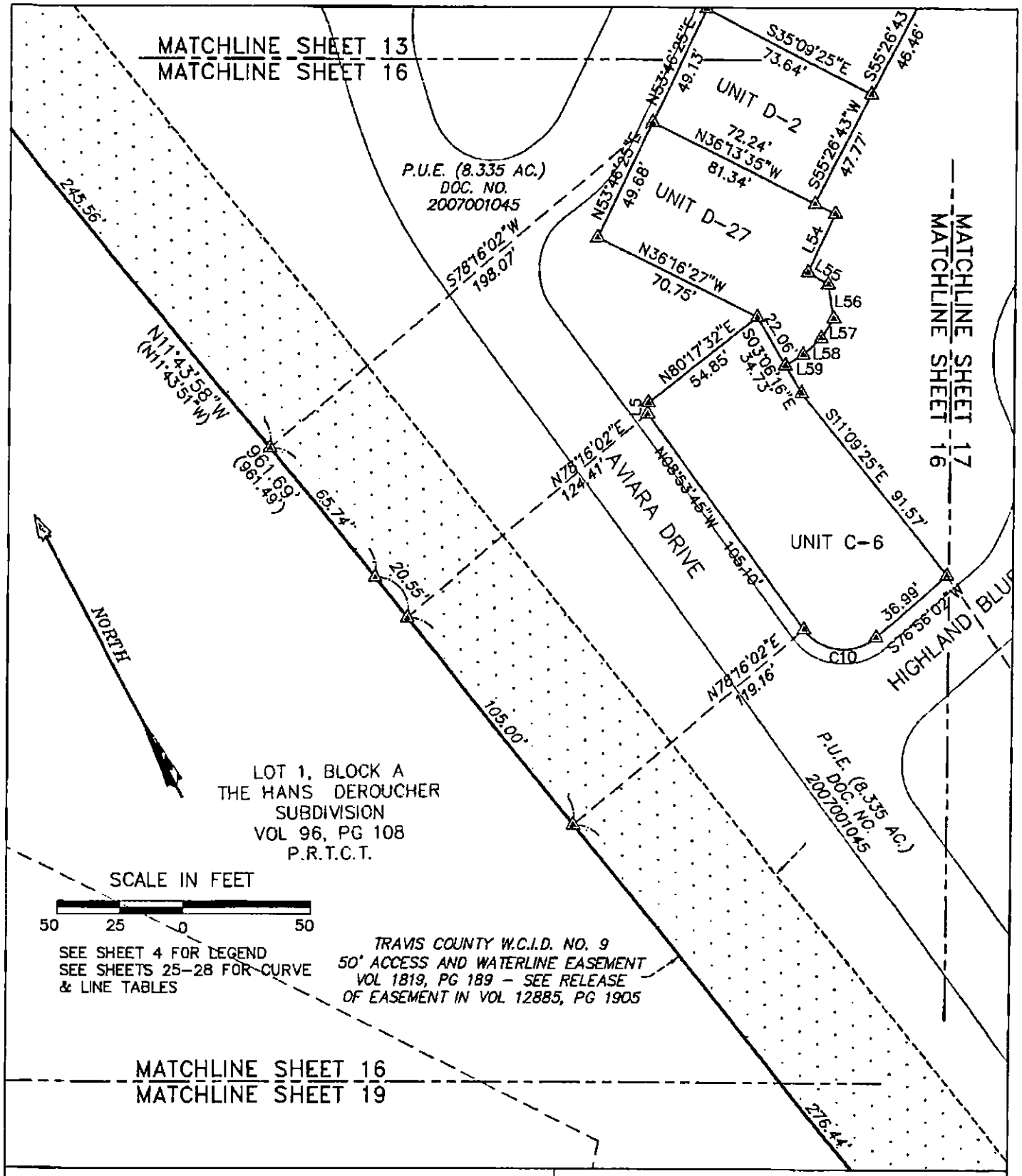

AVIARA CONDOMINIUMS

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OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 528; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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PROFESSIONAL LAND SURVEYING SERVICES
8333 CROSS PARK DRIVE
AUSTIN, TEXAS 78754
OFFICE: 512.374.9722 FAX: 512.873.9743
ron-baseline@austin.rr.com

File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET 16 of 28
Job No.	Snapshot:		
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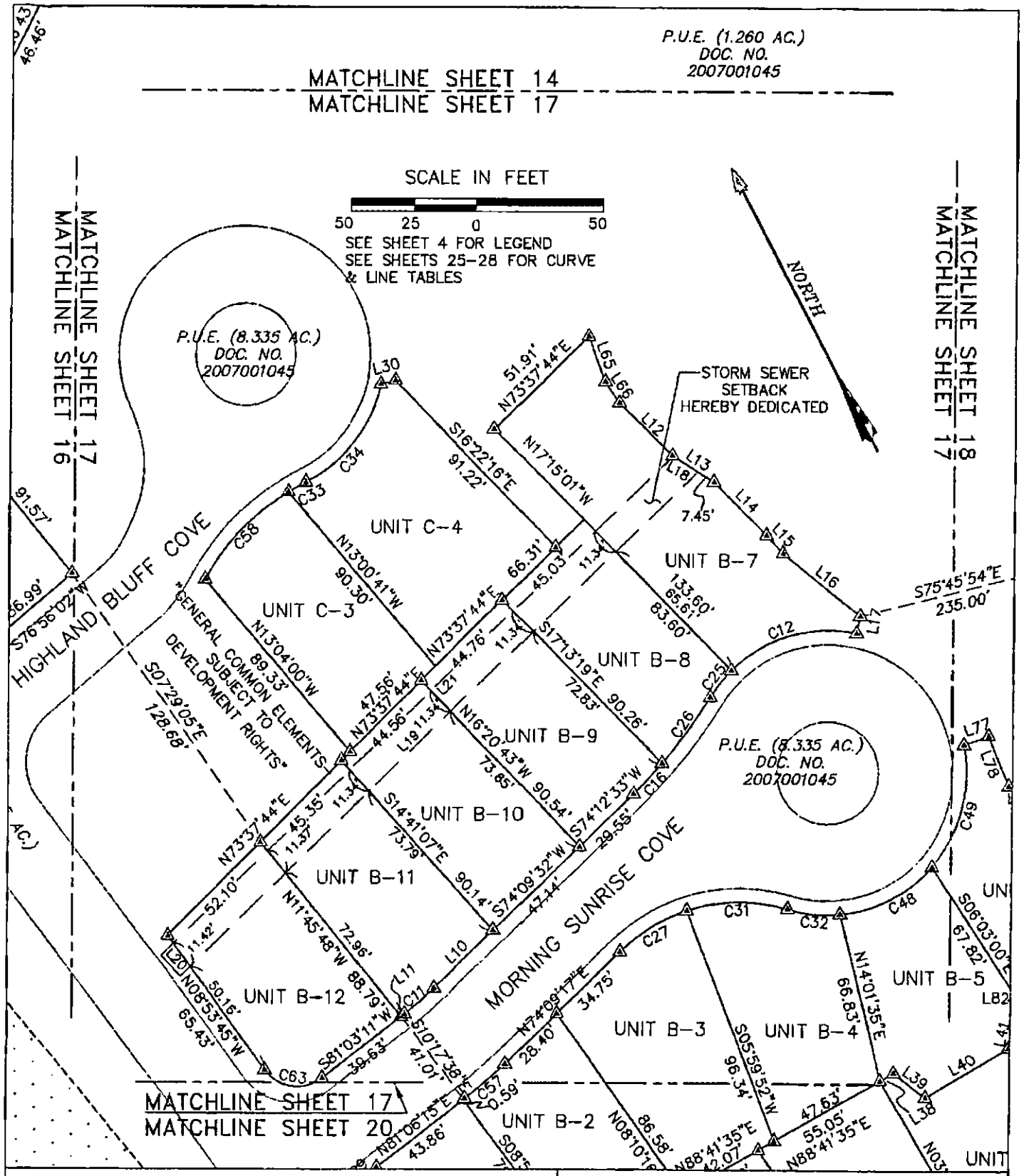
Date: 05/06/11	Checked By: JSL	Drawn By: HPE\RLW	



AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.907 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg		SHEET
Job No.	Snapshot:	17 of 28
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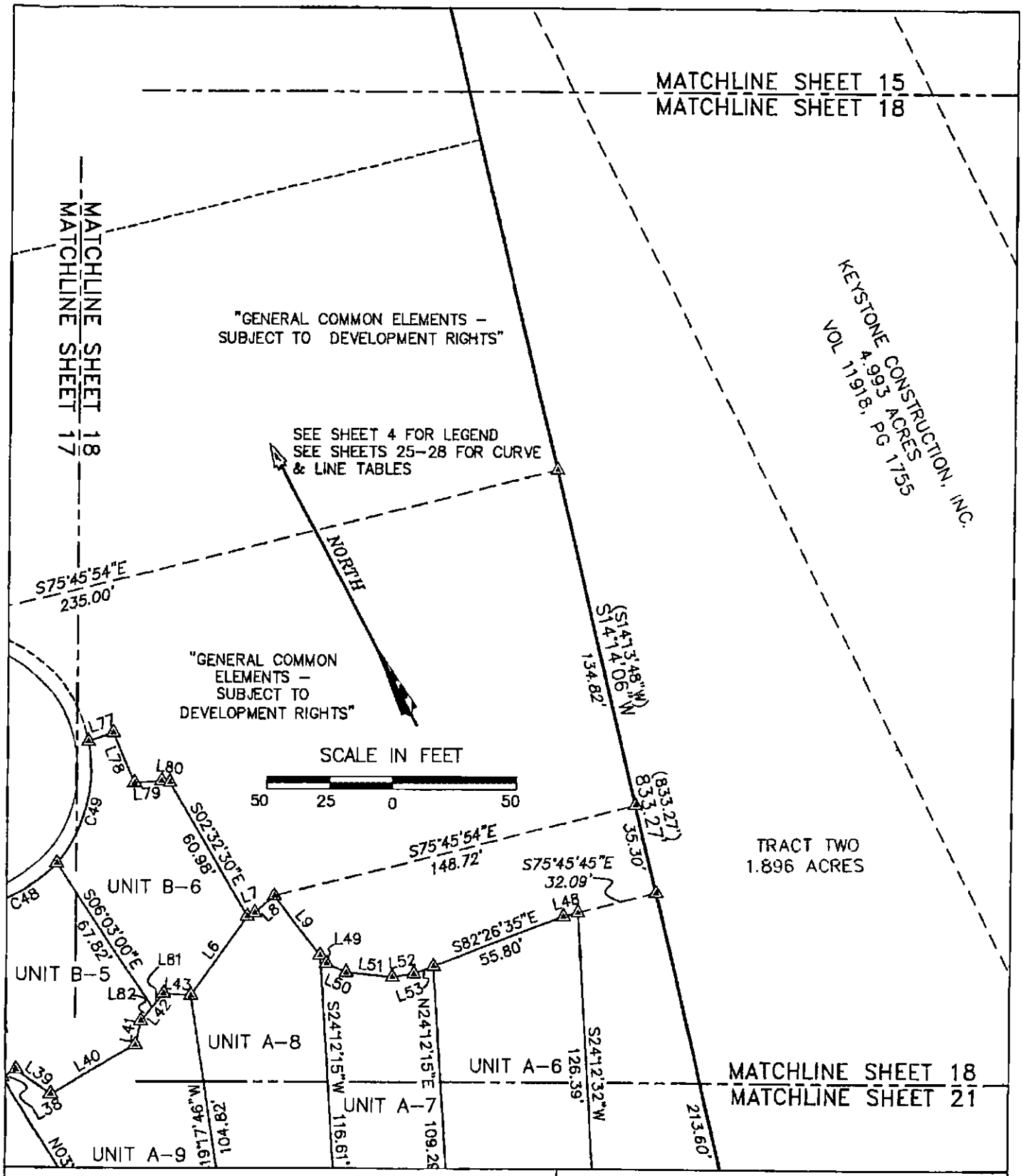
Date: 05/06/11 Checked By: JSL	Drawn By: HPE\RLW	



AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 626; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.064 ACRE TRACT OF LAND CONVEYED TO PCG–AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG–AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET 18 of 28
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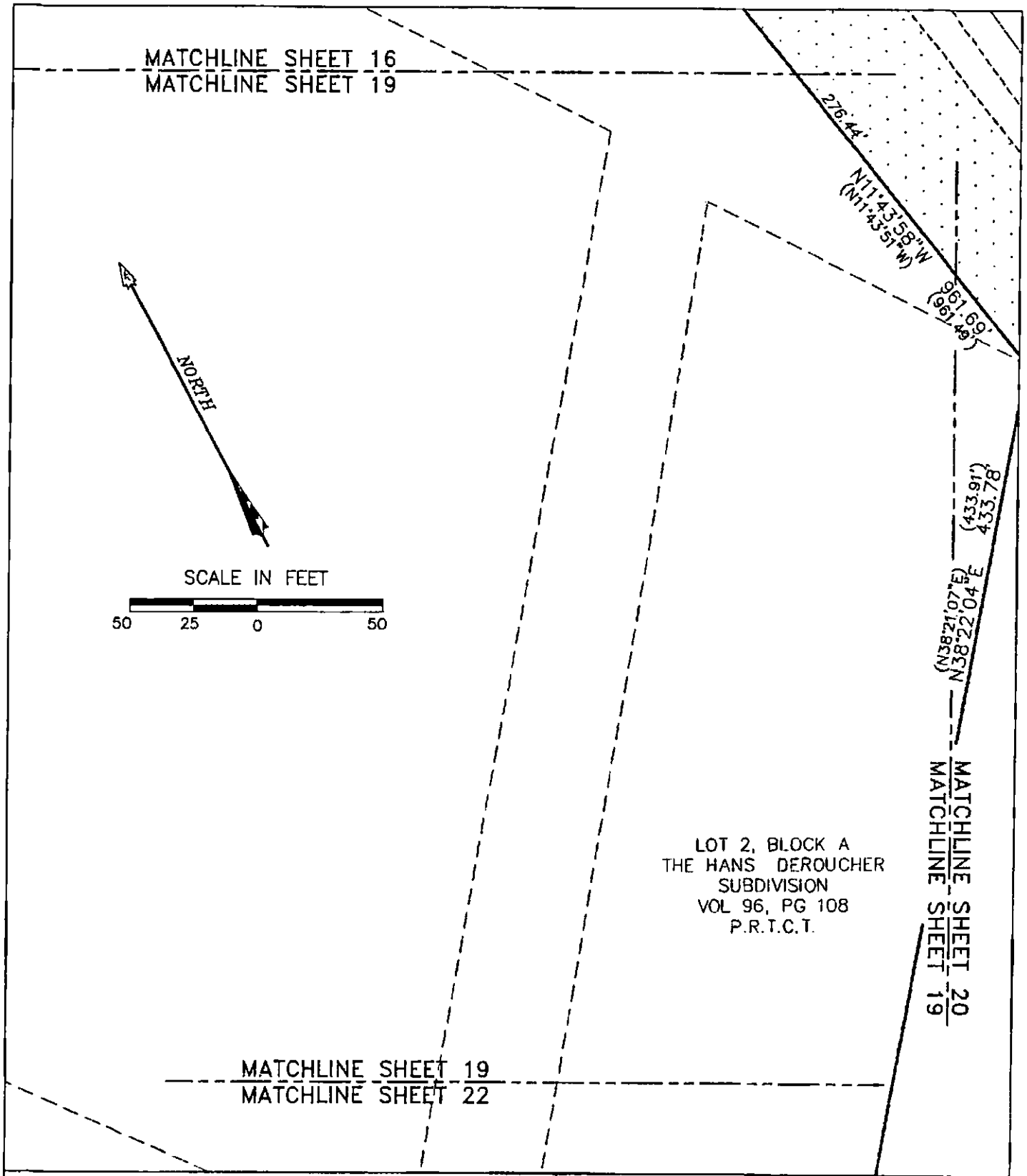

AVIARA CONDOMINIUMS

EXHIBIT
OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.096 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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Job No.	Snapshot:	
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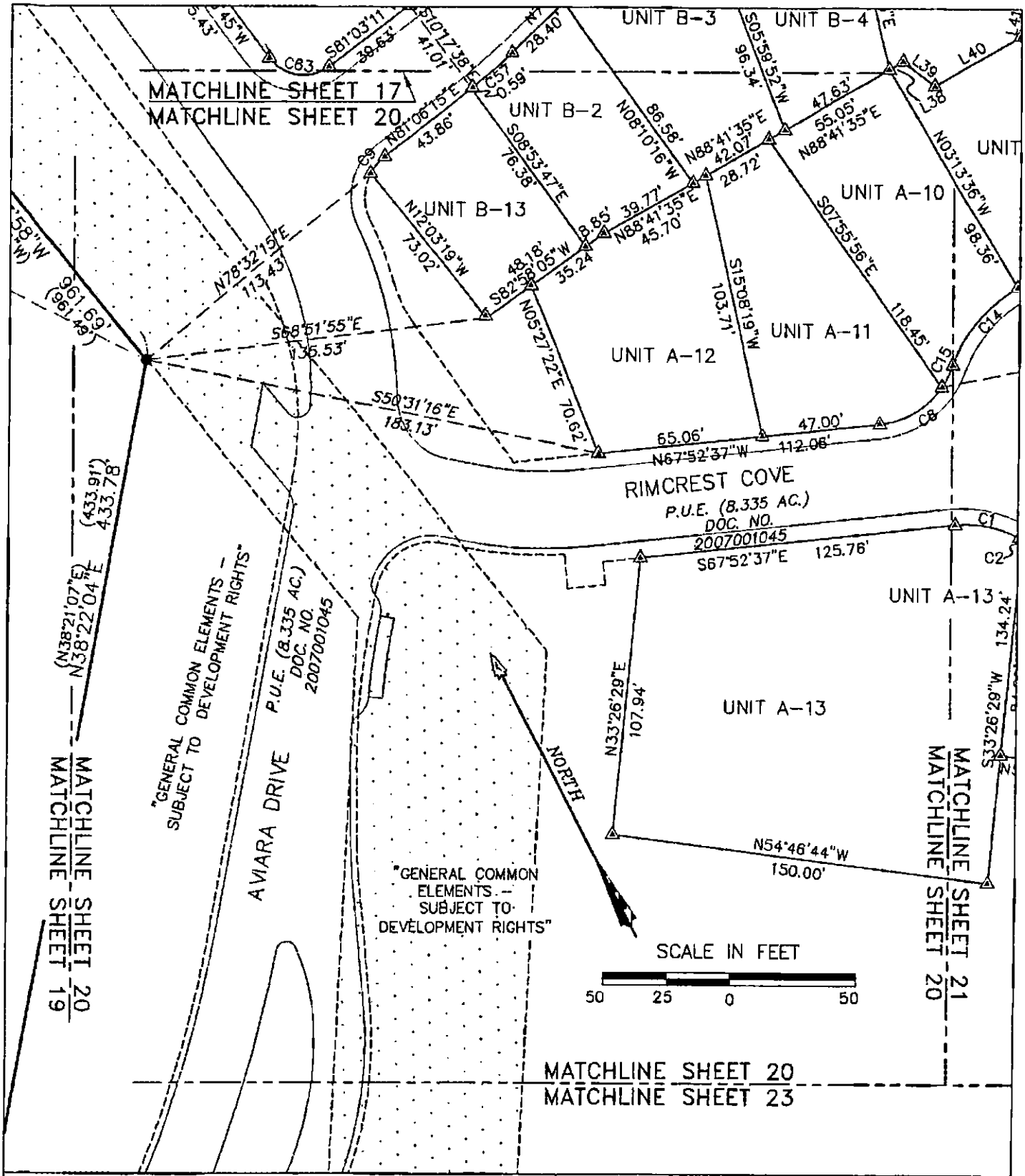

AVIARA CONDOMINIUMS

EXHIBIT

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg		SHEET 20 of 28
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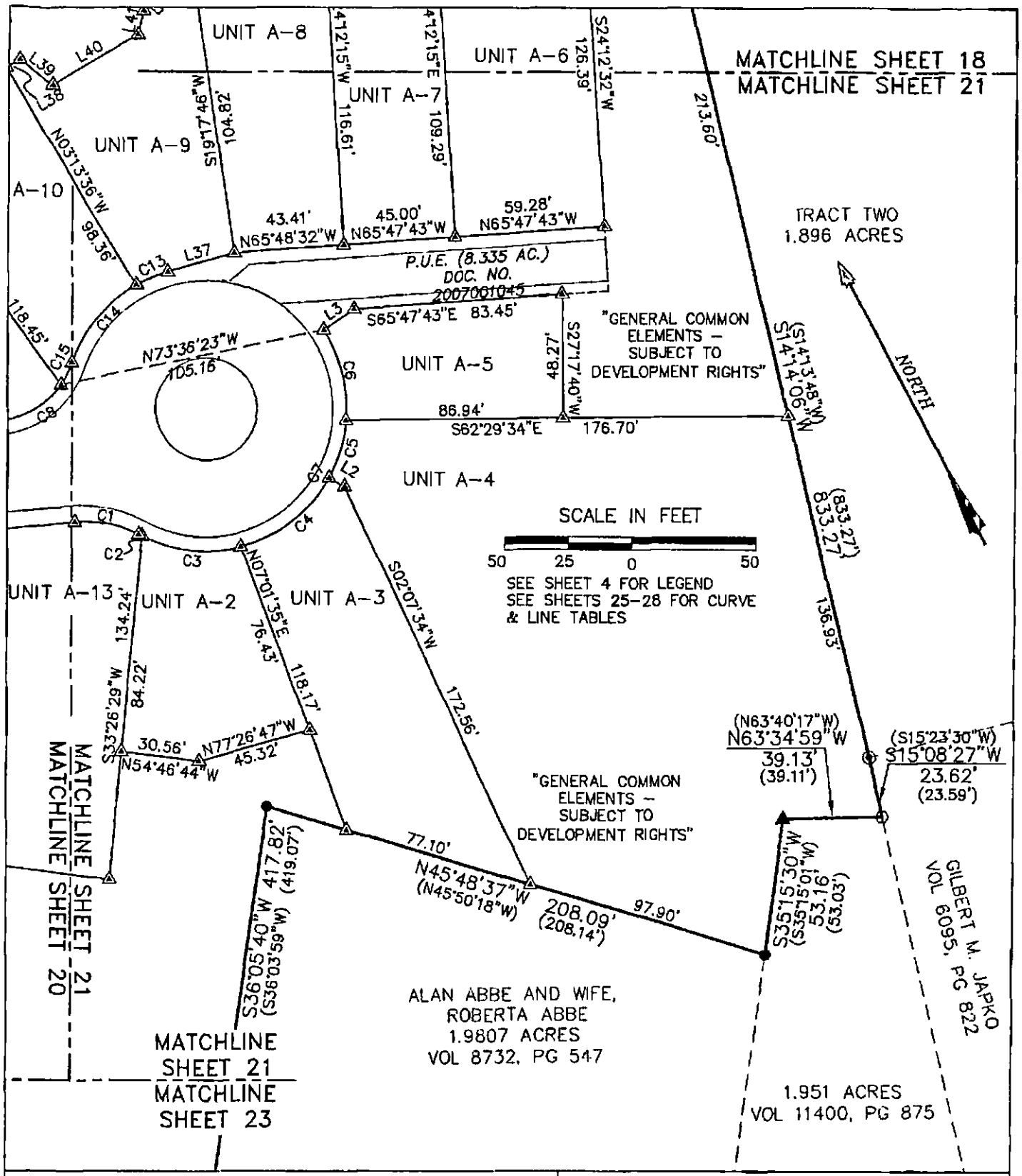
Date: 05/08/11	Checked By: JSL / Drawn By: HPE\RLW	



AVIARA CONDOMINIUMS

EXHIBIT

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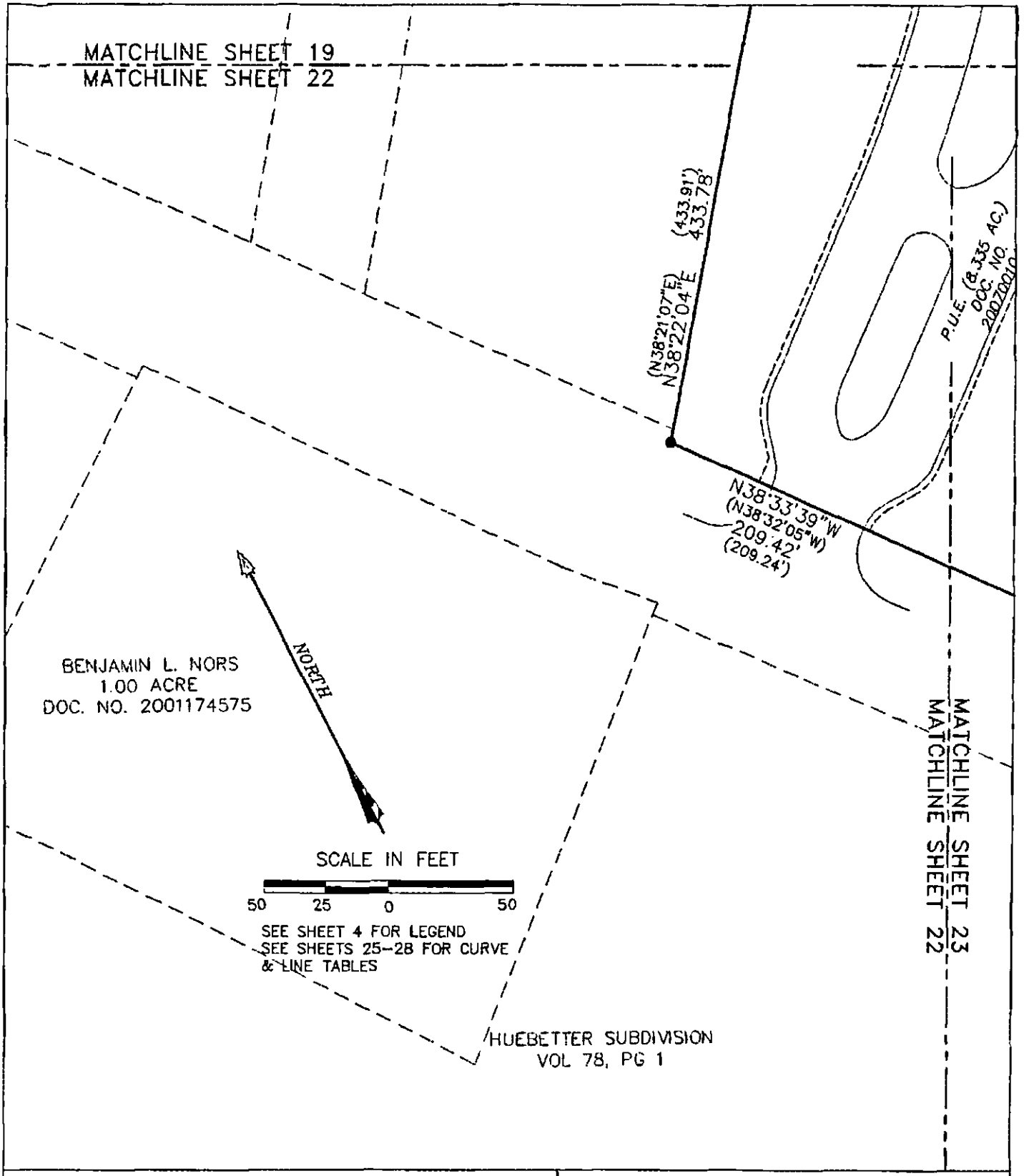
File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg		SHEET
Job No.	Snapshot:	21 of 28
Scale (Hor.): 1"=50'	Scale (Vert.):	
Date: 05/06/11	Checked By: JSL	Drawn By: HPE\RLW



AVIARA CONDOMINIUMS

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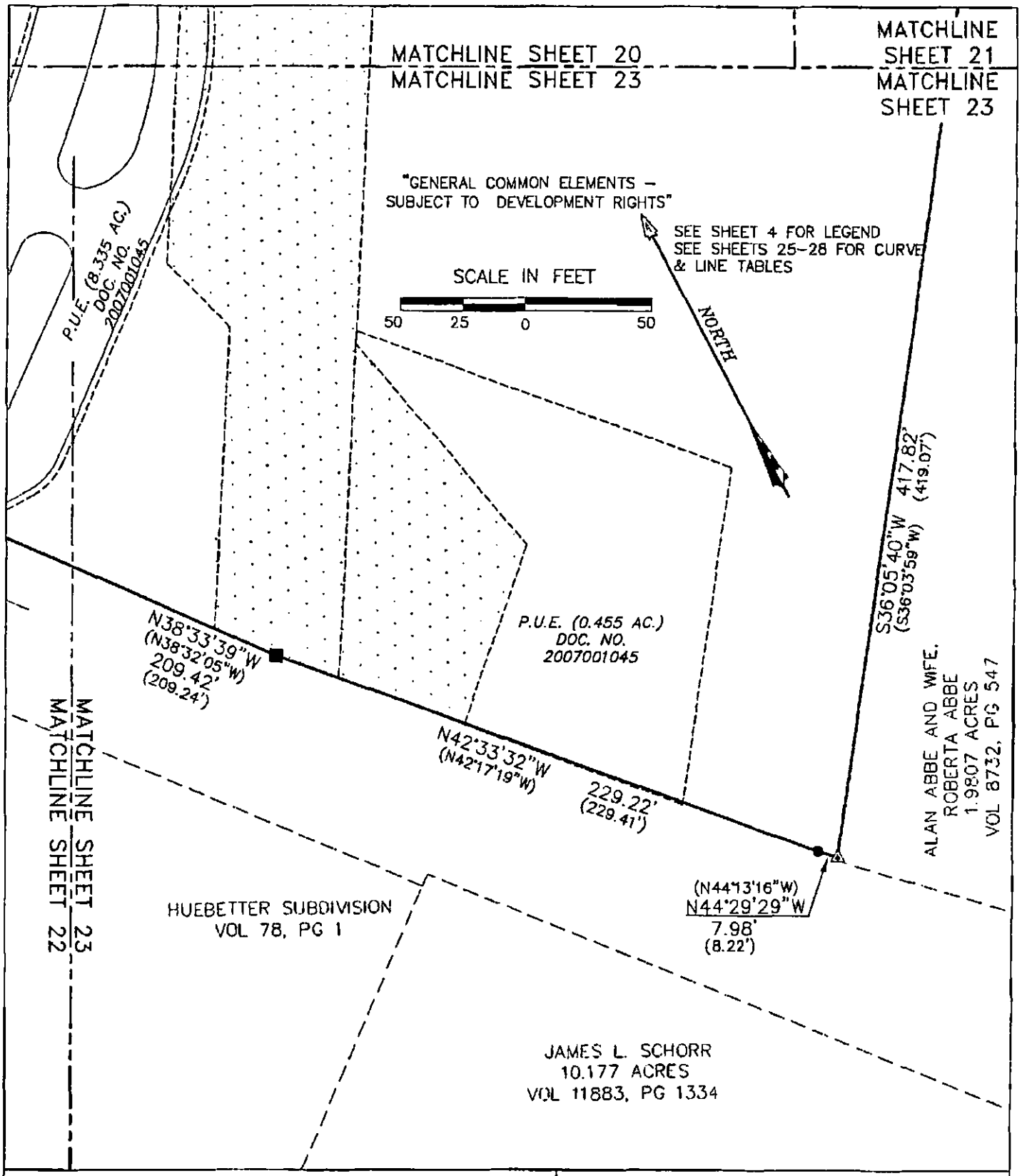
File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET 22 of 28
Job No.	Snapshot:		
Scale (Hor.): 1"=50'	Scale (Vert.):		
Date: 06/06/11	Checked By: JSL	Drawn By: HPE\RLW	



AVIARA CONDOMINIUMS

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET 23 of 28
Job No.	Snapshot:		
Scale (Hor.): 1"=50'	Scale (Vert.):		
Date: 05/06/11	Checked By: JSL	Drawn By: HPE\RLW	

EXHIBIT

AVIARA CONDOMINIUMS

[PLAT]

§ Certification of Surveyor §

The attached plat, attached hereto as Exhibit contain the information required by Section 82.052 and Section 82.059 of the Texas Uniform Condominium Act, as applicable.

Ronnie Wallace
R.P.L.S. No. 5222

Date: 6 May 2011

STATE OF TEXAS
REGISTERED
RONNIE WALLACE
5222
PROFESSIONAL
LAND SURVEYOR

AVIARA CONDOMINIUMS	BASELINE LAND SURVEYORS, INC.
EXHIBIT OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 686; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS	PROFESSIONAL LAND SURVEYING SERVICES 8333 CROSS PARK DRIVE AUSTIN, TEXAS 78754 OFFICE: 512.374.9722 FAX: 512.873.9743 ron-baseline@austin.rr.com

File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET
Job No.	Snapshot:		24 of 28
Scale (Hor.): 1"=50'	Scale (Vert.):		
Date: 05/06/11	Checked By: JSL	Drawn By: HPE\RLW	

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C1	43.50'	25.85'	34°03'14"	N50°51'00"W	25.48'
C2	55.50'	1.36'	1°24'13"	S34°31'30"E	1.36'
C3	55.50'	39.74'	41°01'24"	S55°44'18"E	38.89'
C4	55.50'	45.25'	46°42'38"	N80°23'41"E	44.00'
C5	55.50'	23.52'	24°16'50"	N44°53'57"E	23.34'
C6	55.50'	37.22'	38°25'09"	N13°32'57"E	36.52'
C7	55.50'	147.08'	151°50'14"	N70°15'30"E	107.66'
C8	34.50'	29.54'	49°03'46"	N87°35'30"E	28.65'
C9	19.50'	8.60'	25°15'47"	S68°28'21"W	8.53'
C10	19.50'	32.05'	94°10'13"	S55°58'52"E	28.56'
C11	128.50'	15.59'	6°56'58"	N77°37'46"E	15.58'
C12	55.50'	54.03'	55°46'56"	N78°25'05"W	51.92'
C13	55.50'	13.29'	13°43'20"	N84°39'53"W	13.26'
C14	55.50'	40.10'	41°23'40"	S67°46'37"W	39.23'
C15	34.50'	9.67'	16°03'39"	N55°06'36"E	9.64'
C16	194.50'	16.61'	4°53'34"	N71°36'45"E	16.60'
C17	160.00'	33.10'	11°51'14"	S85°23'29"W	33.04'
C18	281.00'	61.89'	12°37'13"	N88°22'50"W	61.77'
C19	55.50'	23.40'	24°09'12"	S71°04'10"W	23.22'
C20	44.50'	27.40'	35°16'52"	N76°38'00"E	26.97'
C21	44.50'	21.40'	27°32'51"	S71°57'09"E	21.19'
C22	320.50'	36.55'	6°32'02"	N61°26'44"W	36.53'
C23	320.50'	56.16'	10°02'22"	N69°43'56"W	56.09'
C24	55.50'	42.94'	44°19'30"	N74°41'29"W	41.87'
C25	55.50'	13.43'	13°52'10"	S66°45'22"W	13.40'
C26	194.50'	32.10'	9°27'22"	N64°33'01"E	32.06'
C27	69.50'	31.31'	25°48'34"	S87°03'34"W	31.04'
C28	284.37'	56.30'	11°20'39"	N76°17'14"W	56.21'
C29	284.37'	5.39'	1°05'11"	N70°04'19"W	5.39'
C30	320.50'	46.88'	8°22'48"	N78°59'29"W	46.83'
C31	69.50'	41.29'	34°02'29"	N63°00'55"W	40.69'
C32	55.50'	21.02'	21°42'01"	S56°50'41"E	20.89'
C33	94.50'	8.03'	4°52'04"	S89°32'13"W	8.03'
C34	55.50'	50.19'	51°48'35"	N66°03'57"E	48.49'
C35	281.00'	52.77'	10°45'33"	N64°06'44"W	52.69'
C36	281.00'	0.93'	0°11'23"	N58°38'20"W	0.93'
C37	94.50'	29.53'	17°54'23"	N49°19'02"W	29.41'
C38	320.50'	46.91'	8°23'10"	S84°14'33"W	46.87'
C39	94.50'	16.32'	9°53'42"	N35°25'03"W	16.30'
C40	55.50'	43.09'	44°29'20"	S52°42'50"E	42.02'
C41	55.50'	44.21'	45°38'24"	N82°13'24"E	43.05'
C42	350.00'	73.09'	11°57'56"	S76°03'05"E	72.96'
C43	350.00'	55.18'	9°02'00"	S65°33'07"E	55.12'
C44	350.00'	10.08'	1°39'00"	S60°12'59"E	10.08'
C45	160.00'	39.91'	14°17'35"	N69°21'21"W	39.81'
C46	160.39'	4.39'	1°34'06"	N77°13'21"W	4.39'
C47	160.39'	29.62'	10°34'57"	N83°12'44"W	29.58'
C48	55.50'	41.86'	43°12'43"	S89°18'02"E	40.87'
C49	55.50'	50.91'	52°33'09"	N42°49'02"E	49.14'
C50	320.50'	46.62'	8°20'01"	S75°52'58"W	46.57'

AVIARA CONDOMINIUMS

EXHIBIT

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AUSTIN, TEXAS 78754

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg		SHEET
Job No.	Snapshot:	25 of 28
Scale (Hor.): 1"=50'	Scale (Vert.):	
Date: 05/06/11	Checked By: JSL / Drawn By: HPE\RLW	

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C51	320.50'	47.84'	8°33'05"	S87°26'25"W	47.79'
C52	281.00'	21.40'	4°21'47"	S55°57'19"W	21.39'
C53	276.00'	11.21'	2°19'35"	S59°18'00"W	11.21'
C54	276.00'	9.99'	2°04'26"	S61°30'01"W	9.99'
C55	281.00'	41.60'	8°28'55"	S66°46'42"W	41.56'
C56	160.00'	33.12'	11°51'34"	S62°00'22"W	33.06'
C57	170.50'	20.63'	6°55'58"	N77°43'11"E	20.62'
C58	94.50'	48.23'	29°14'36"	S72°28'52"W	47.71'
C59	281.00'	70.09'	14°17'32"	S78°07'57"W	69.91'
C60	160.00'	32.21'	11°32'02"	S73°37'54"W	32.15'
C61	320.50'	47.16'	8°25'54"	N87°20'54"W	47.12'
C62	320.50'	50.30'	8°59'33"	S58°40'06"W	50.25'
C63	16.50'	25.92'	90°00'00"	S53°53'45"E	23.33'
C64	183.50'	55.58'	17°21'14"	S82°03'30"W	55.37'
C65	183.50'	5.03'	1°34'16"	N88°28'45"W	5.03'
C66	66.50'	29.12'	25°05'32"	S86°58'24"E	28.89'
C67	225.00'	22.17'	5°38'40"	S89°29'02"W	22.16'
C68	165.00'	2.50'	0°52'11"	N21°28'11"W	2.50'
C69	132.00'	37.38'	16°13'34"	N45°41'08"E	37.26'

AVIARA CONDOMINIUMS

EXHIBIT

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg		
Job No.	Snapshot:	
Scale (Hor.): 1"=50'	Scale (Vert.):	
Date: 05/06/11	Checked By: JSL	Drawn By: HPE\RLW

LINE TABLE		
LINE	BEARING	LENGTH
L1	S67°52'37"E	35.37'
L2	N32°57'38"W	7.06'
L3	N84°20'23"E	14.65'
L4	N47°51'55"W	11.34'
L5	N31°01'52"E	4.45'
L6	N63°54'29"E	38.06'
L7	S86°57'47"E	3.29'
L8	N78°01'20"E	10.29'
L9	S10°13'03"E	29.53'
L10	S74°09'17"W	32.66'
L11	S81°06'15"W	1.64'
L12	S18°00'07"E	6.87'
L13	S30°23'57"E	19.47'
L14	S17°47'50"E	29.77'
L15	S15°29'37"E	9.67'
L16	S23°37'34"E	39.17'
L17	S39°28'12"W	6.91'
L18	S30°23'57"E	11.73'
L19	S74°19'32"W	284.75'
L20	N15°40'28"W	11.34'
L21	N74°19'32"E	281.77'
L22	S85°45'47"W	13.66'
L23	N04°14'13"W	103.33'
L24	N70°42'51"W	78.43'
L25	N19°29'12"W	79.32'
L26	N63°34'35"E	13.76'
L27	S19°29'12"E	74.44'
L28	S70°42'51"E	80.83'
L29	S04°14'13"E	112.29'
L30	S75°40'42"E	6.08'
L31	N23°29'14"E	142.40'
L32	S66°30'46"E	6.83'
L33	S23°29'14"W	142.40'
L34	N66°30'46"W	6.83'
L35	S76°00'36"E	39.58'
L36	S76°00'36"E	16.09'
L37	N77°46'13"W	27.14'
L38	N88°41'39"E	6.13'
L39	N25°44'20"W	15.92'
L40	S88°11'16"W	38.53'
L41	S40°42'44"W	9.55'
L42	N67°35'16"E	13.92'
L43	S57°59'10"E	10.92'
L44	S76°25'51"E	16.48'
L45	S70°54'33"E	39.17'
L46	N86°12'33"E	12.02'
L47	S84°49'29"E	4.40'
L48	S76°40'56"E	5.93'
L49	S10°13'03"E	4.06'
L50	S38°01'06"E	8.58'

LINE TABLE		
LINE	BEARING	LENGTH
L51	S56°04'51"E	18.69'
L52	S70°55'02"E	6.71'
L53	S82°26'35"E	8.37'
L54	S53°46'22"W	25.12'
L55	S31°37'01"E	9.49'
L56	S18°24'32"W	13.40'
L57	S60°30'23"W	9.18'
L58	S76°42'45"W	9.64'
L59	S87°05'06"W	8.22'
L60	S84°49'29"E	2.67'
L61	S84°21'45"E	20.21'
L62	N50°40'11"E	24.96'
L63	N30°53'27"E	30.22'
L64	N53°56'24"E	6.82'
L65	S07°17'18"W	18.99'
L66	S06°13'30"E	9.98'
L67	S58°24'33"E	1.34'
L68	N54°18'02"E	32.72'
L69	N79°34'04"E	14.67'
L70	N52°43'24"E	11.28'
L71	N71°42'55"E	3.00'
L72	N18°17'05"W	9.31'
L73	N63°34'36"E	3.67'
L74	S58°16'14"E	19.54'
L75	N54°30'06"W	40.63'
L76	N54°30'06"W	2.31'
L77	S81°18'47"E	10.47'
L78	S04°57'06"W	21.25'
L79	S66°16'15"E	10.53'
L80	S54°10'00"E	3.38'
L81	S67°35'16"W	6.96'
L82	S67°35'16"W	6.96'
L83	S18°17'05"E	8.02'
L84	N71°42'59"E	6.00'
L85	N53°46'26"E	19.82'
L86	S31°51'47"E	5.00'
L87	N27°27'46"W	5.00'
L88	S64°54'52"W	40.05'
L89	S81°35'33"W	35.58'
L90	S81°27'40"W	4.57'
L91	S87°41'38"E	41.25'
L92	S01°25'07"E	20.29'
L93	N88°34'53"E	10.05'
L94	S81°05'38"W	18.46'
L95	S80°43'17"W	36.75'
L96	S74°25'37"E	14.98'
L97	N82°58'58"W	15.50'
L98	N83°20'13"W	10.31'
L99	N10°19'54"E	16.87'
L100	N40°19'06"W	8.96'

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 620; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 6.064 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.096 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

BASELINE LAND SURVEYORS, INC.

PROFESSIONAL LAND SURVEYING SERVICES

8333 CROSS PARK DRIVE

AUSTIN, TEXAS 78754

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ron-baseline@austin.rr.com

File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg		
Job No.	Snapshot:	
Scale (Hor.): 1"=50'	Scale (Vert.):	
Date: 05/06/11	Checked By: JSL	Drawn By: HPE\RLW

LINE TABLE		
LINE	BEARING	LENGTH
L101	N76°14'53"W	1.96'
L102	N87°41'38"W	28.05'
L103	N68°05'43"E	18.51'
L104	N15°06'21"W	24.68'
L105	N21°54'17"W	42.49'
L106	S59°48'35"E	6.81'
L107	N21°54'17"W	10.00'
L108	S68°05'43"W	32.98'
L109	N21°54'17"W	36.54'
L110	N05°21'04"E	23.35'
L111	N50°21'04"E	26.43'
L112	S36°25'07"E	16.79'

AVIARA CONDOMINIUMS

EXHIBIT
OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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Job No.	Snapshot:	
Scale (Hor.): 1"=50'	Scale (Vert.):	
Date: 05/08/11	Checked By: JSL	Drawn By: HPE\RLW

UNIT PLAN TYPES – ATTACHED UNITS

Unit No.	Plan Type*
A-1	A
B-1	B
C-1	C
D-1	D

*** SEE CONDOMINIUM PLANS FOR PLAN TYPE.**

ALL UNITS SHOWN ON THE PLAT AND PLANS OTHER THAN UNITS A-1, B-1, C-1, D-1 ARE STAND-ALONE UNITS.

ATTACHMENT 2

EXHIBIT "C" TO THE DECLARATION OF CONDOMINIUM REGIME

COMMON INTEREST ALLOCATION & BUILDING LCE ALLOCATION

COMMON INTEREST ALLOCATION

The Common Interest Allocation and percentage of liability for common expenses for each Unit is 1/63.

THE COMMON INTEREST ALLOCATION ASSIGNED TO A PARTICULAR UNIT WILL DECREASE IF ADDITIONAL UNITS ARE CREATED AND ADDED TO THE REGIME BY THE DECLARANT.

BUILDING LCE ALLOCATION

The Building LCE Allocation for each Attached Unit is 1/4.

THE BUILDING LCE ALLOCATION ASSIGNED TO A PARTICULAR UNIT WILL DECREASE IF ADDITIONAL UNITS ARE CREATED AND ADDED TO THE REGIME BY THE DECLARANT.

ELECTRONICALLY RECORDED 2011085290
TRV 36 PGS

AFTER RECORDING RETURN TO:
Robert D. Burton, Esq.
Winstead, PC
401 Congress Ave., Suite 2100
Austin, Texas 78701

AVIARA

NINETEENTH AMENDMENT TO RESTATED AND AMENDED DECLARATION OF CONDOMINIUM REGIME FOR AVIARA CONDOMINIUMS

(A Residential Condominium in Travis County, Texas)

Cross Reference to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2009071585, Official Public Records of Travis County, Texas as amended.

AUSTIN 1633857v1
52966-7 06/13/2011

NINETEENTH AMENDMENT TO
RESTATED AND AMENDED DECLARATION OF CONDOMINIUM REGIME
FOR AVIARA CONDOMINIUMS

This Nineteenth Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums (the "**Amendment**") is made **CR-B AVIARA, L.P.**, a Texas limited partnership ("**Declarant**"), and is as follows:

RECITALS:

A. Aviara Condominiums, a condominium regime (the "**Regime**"), located in Travis County, Texas, was established pursuant to that certain Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2009071585, Official Public Records of Travis County, Texas as amended (collectively, the "**Declaration**").

B. Pursuant to *Provision A.3.10* of Appendix "A" to the Declaration, Declarant may amend the Declaration unilaterally and without the consent of other Owners or any mortgagee to add real property to the Property and create Units, General Common Elements and Limited Common Elements within the Property.

C. In accordance with *Provision A.3.8* of Appendix "A" to the Declaration, Declarant has reserved the right, during the Development Period, to create Units, General Common Elements, and Limited Common Elements within the Property.

D. The "Development Period" as such term is defined in the Declaration, is a fifteen (15) year period commencing on the date the Declaration was recorded in the Official Public Records of Travis County, Texas. The Declaration was recorded in the Official Public Records of Travis County, Texas, on May 4, 2009.

E. This amendment is promulgated for the purposes of creating ten (10) additional Units within the Regime. The total number of Units within the Regime after giving effect to this Amendment is equal to seventy-three (73), and the total number of additional Units which Declarant has reserved the right to create by amendment is equal to seventy-seven (77).

NOW THEREFORE, the Declaration is hereby amended as follows:

1. Creation of Units. In accordance with the rights reserved by the Declarant pursuant to *Section 5.1* of the Declaration and *Provisions A.3.8* and *A.3.10* of Appendix "A" to the Declaration, Declarant hereby creates ten (10) Units, which are designated as Unit Nos. E-7, E-8, E-10, E-11, E-12, E-16, F-7, F-8, F-17 and F-18 (the "New Units"). The New Units are hereby classified as Units which MUST BE BUILT.

2. Replacement of Exhibit "B". Exhibit "B" to the Declaration is hereby deleted in its entirety and the Plats and Plans attached hereto as Attachment 1 (the "**New Plats and Plans**") are substituted in their place. The New Plats and Plans: (i) assign an identifying number to all Units; (ii) describe the portion of the limited common elements created or assigned to all Units; and (iii) include the information required by Section 82.059 of the Texas Uniform Condominium Act.

3. Replacement of Exhibit "C". The Percentage Interests allocated to all Units within the Regime, after the addition of the New Units, is set forth on Attachment 2, attached hereto. Attachment 2, attached hereto, will supersede and replace Exhibit "C" attached to the Declaration.

4. 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.

[SIGNATURE PAGE FOLLOWS]

EXECUTED to be effective as of the 8 day of June, 2011.

DECLARANT:

CR-B AVIARA, L.P., a Texas limited partnership

By: CR-B INVESTORS I GP, L.L.C., a Texas limited liability company, its General Partner

By: _____

Printed Name: David N. Arnow

Title: Vice President

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this 8 day of June, 2011 by David Arnow, VICE PRESIDENT of CR-B Investors I GP, L.L.C., a Texas limited liability company, General Partner of CR-B Aviara, L.P., a Texas limited partnership, on behalf of said entities.

Rebekah M. Cantu
Notary Public Signature

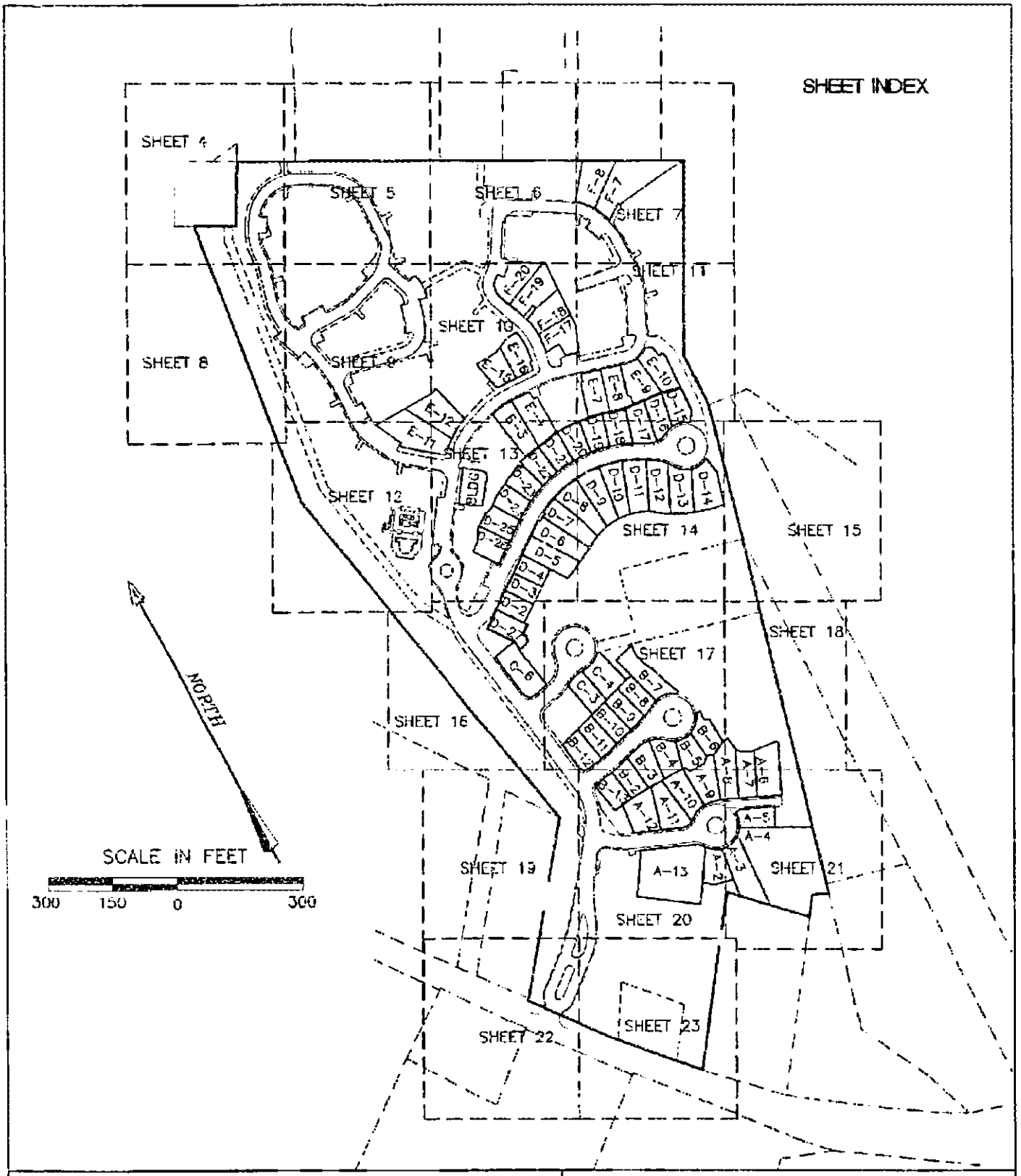
(SEAL)

REBEKAH M. CANTU
NOTARY PUBLIC
STATE OF TEXAS
EXPIRES
11-10-2012

ATTACHMENT 1

EXHIBIT "B" TO THE DECLARATION OF CONDOMINIUM REGIME

SEE SHEET 24 OF 28 FOR ORIGINAL CERTIFICATION



AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 83, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 626; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.095 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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PROFESSIONAL LAND SURVEYING SERVICES

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tom-baseline@austin.rr.com

File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET 1 of 26
Job No.	Snapshot:		
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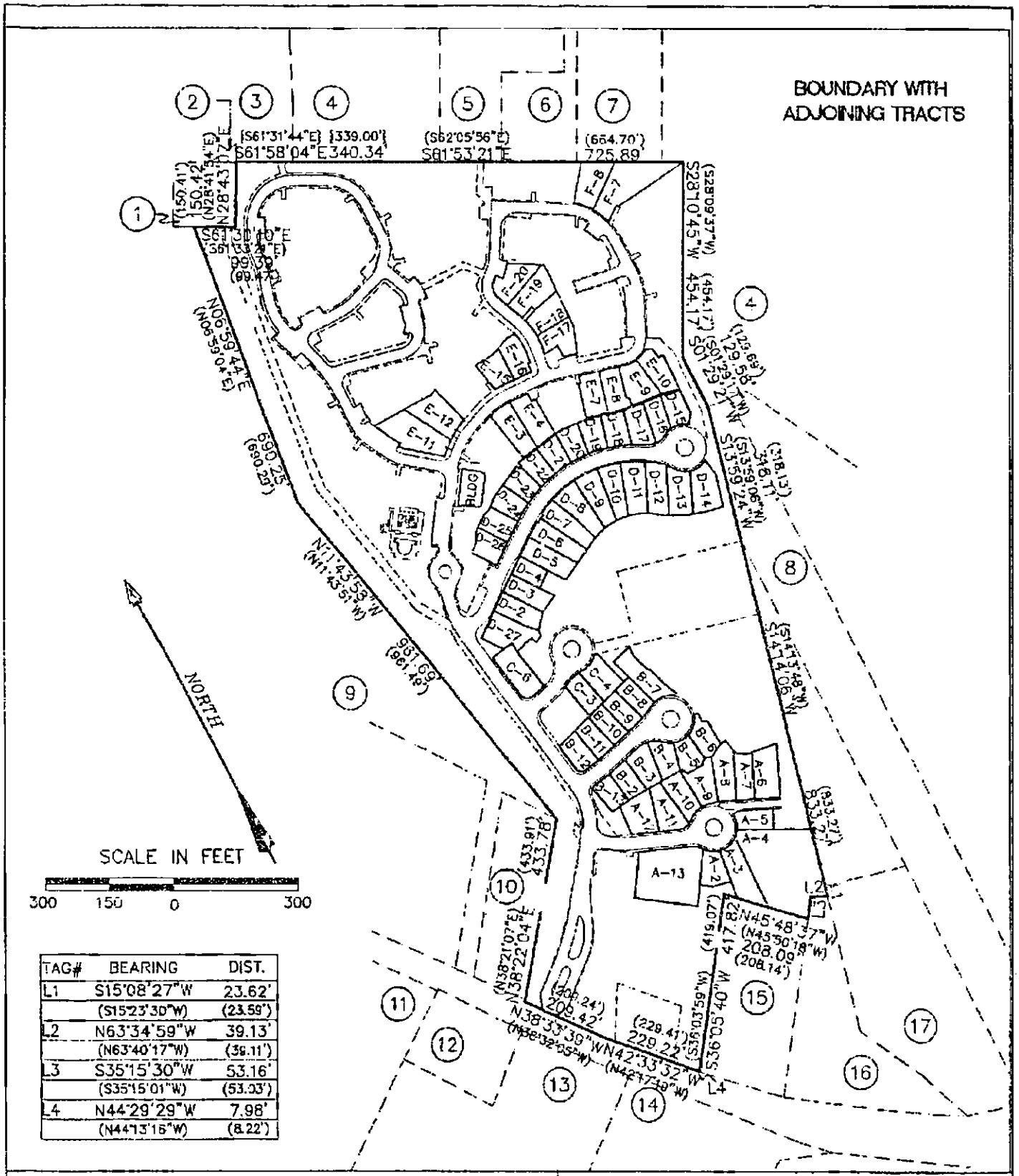

TAG#	BEARING	DIST.
L1	S15°08'27"W	23.62'
	(S15°23'30"W)	(23.59')
L2	N63°34'59"W	39.13'
	(N63°40'17"W)	(39.11')
L3	S35°15'30"W	53.16'
	(S35°15'01"W)	(53.03')
L4	N44°29'29"W	7.98'
	(N44°13'16"W)	(8.22')

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET 2 of 28
Job No.	Snapshot:		
Scale (Hor.): N/A	Scale (Vert.):		
Date: 08/07/11	Checked By: JSL	Drawn By: HPE\RLW	

ADJOINING OWNERS

1. TRAVIS COUNTY W.C.I.D. NO. 9, VOL. 1819, PG. 189 (0.52 ACRES)
2. CITY OF AUSTIN, VOL. 10958, PG. 277 (0.029 ACRES)
3. REMAINDER OF 888.051 ACRES, VOL. 10958, PG. 280
4. LOT 115, BLOCK B, LANTANA SOUTHWEST, PHASE 1, DOC. NO. 200300137
5. CITY OF AUSTIN, TRACT 2, VOL. 12910, PG. 670 (1.757 ACRES)
6. CITY OF AUSTIN, VOL. 10031 PG. 300 (1.0397 ACRES)
7. CITY OF AUSTIN, TRACT 1, VOL. 12910, PG. 670 (1.655 ACRES)
8. KEYSTONE CONSTRUCTION, INC., VOL. 11918, PG. 1755 (4.993 ACRES)
9. LOT 1, BLOCK "A", THE HANS DEROUCHER SUBDIVISION, VOL. 96, PG. 108
10. LOT 2, BLOCK "A", THE HANS DEROUCHER SUBDIVISION, VOL. 96, PG. 108
11. AARON GARDNER SUBDIVISION, VOL. 49, PG. 95
12. BENJAMIN L. NORS, DOC. NO. 2001174575 (1.00 ACRE)
13. HUEBETTER SUBDIVISION, VOL. 78, PG. 1
14. JAMES L. SCHORR, VOL. 11883, PG. 1334 (10.177 ACRES)
15. ALAN ABBE, et ux, VOL. 8732, PG. 5 (1.9807 ACRES)
16. 1.951 ACRES, VOL. 11400, PG. 875
17. GILBERT M. JAPKO, TRACT ONE, VOL. 6095, PG. 82 (3.129 ACRES)

AVIARA CONDOMINIUMS

EXHIBIT
OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.099 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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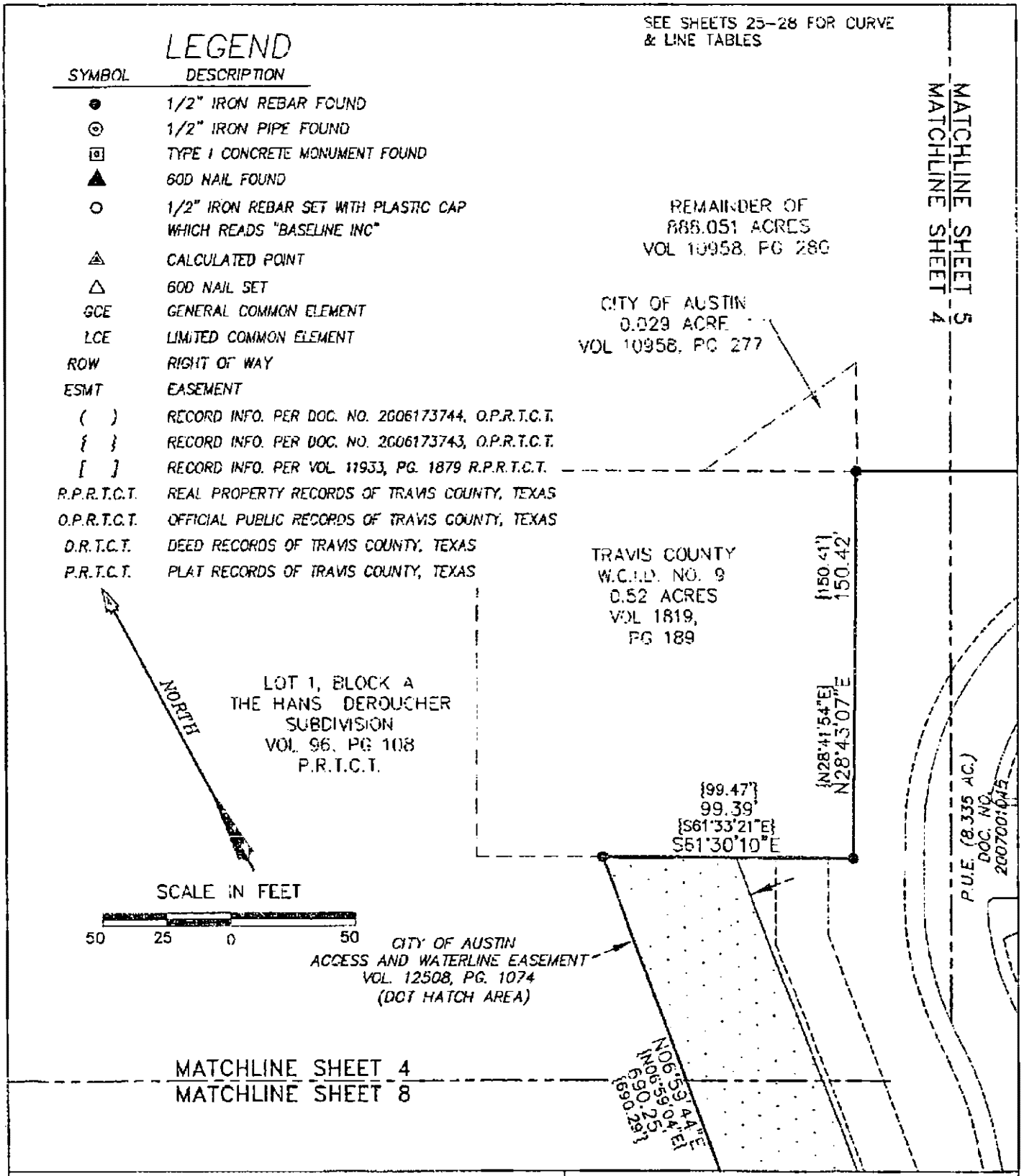
File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg		SHEET
Job No.	Snapshot:	3 of 28
Scale (Hor.): N/A	Scale (Vert.):	
Date: 06/07/11	Checked By: JSL	Drawn By: HPE\RLW

SEE SHEETS 25-28 FOR CURVE & LINE TABLES

LEGEND

SYMBOL	DESCRIPTION
●	1/2" IRON REBAR FOUND
⊙	1/2" IRON PIPE FOUND
⊡	TYPE I CONCRETE MONUMENT FOUND
▲	60D NAIL FOUND
○	1/2" IRON REBAR SET WITH PLASTIC CAP WHICH READS "BASELINE INC"
◬	CALCULATED POINT
△	60D NAIL SET
GCE	GENERAL COMMON ELEMENT
LCE	LIMITED COMMON ELEMENT
ROW	RIGHT OF WAY
ESMT	EASEMENT
( )	RECORD INFO. PER DOC. NO. 2006173744, O.P.R.T.C.T.
{ }	RECORD INFO. PER DOC. NO. 2006173743, O.P.R.T.C.T.
[ ]	RECORD INFO. PER VOL. 11933, PG. 1879 R.P.R.T.C.T.
R.P.R.T.C.T.	REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS
O.P.R.T.C.T.	OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS
D.R.T.C.T.	DEED RECORDS OF TRAVIS COUNTY, TEXAS
P.R.T.C.T.	PLAT RECORDS OF TRAVIS COUNTY, TEXAS



AVIARA CONDOMINIUMS

EXHIBIT

OF 39.401 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg		
Job No.	Snapshot:	
Scale (Hor.): 1"=50'	Scale (Vert.):	
Date: 08/07/11	Checked By: JSL	Drawn By: HPE\RLW

SEE SHEET 4 FOR LEGEND
SEE SHEETS 25–28 FOR CURVE & LINE TABLES

MATCHLINE SHEET 5
MATCHLINE SHEET 4

MATCHLINE SHEET 6
MATCHLINE SHEET 5

NORTH

LOT 115, BLOCK B
LANTANA SOUTHWEST PHASE 1
DOC. NO. 200300137

SCALE IN FEET
50 25 0 50

{S61°31'44"E} {339.00'}
S61°58'04"E 340.34'

EVENING SKY CIRCLE

"GENERAL COMMON ELEMENTS – SUBJECT TO DEVELOPMENT RIGHTS"

P.U.E. (8.335 AC.) DOC. NO. 2007001045

P.U.E. (8.335 AC.) DOC. NO. 2007001045

MATCHLINE SHEET 5
MATCHLINE SHEET 9

AVIARA CONDOMINIUMS

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OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.064 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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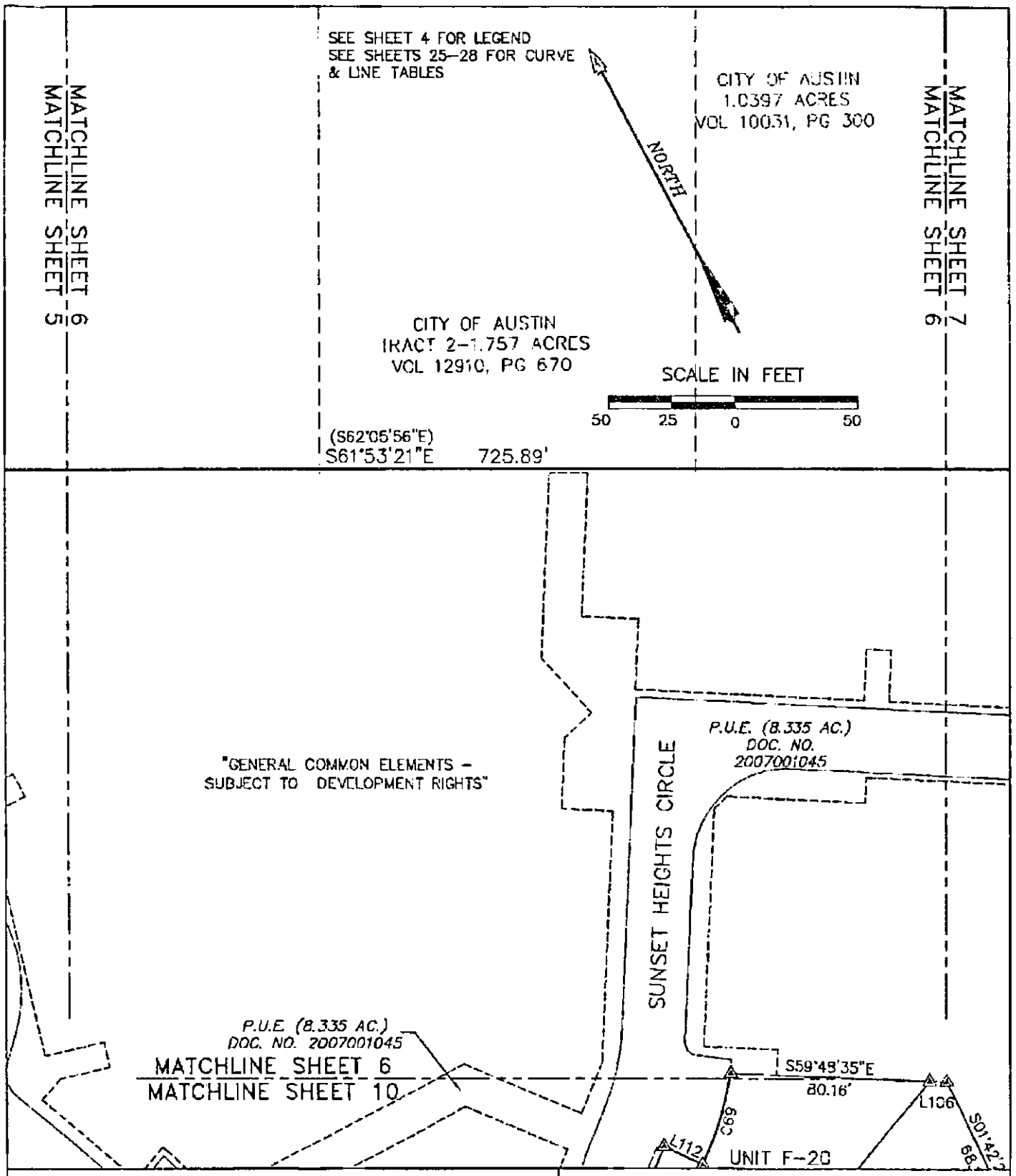

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 80 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG–AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.096 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG–AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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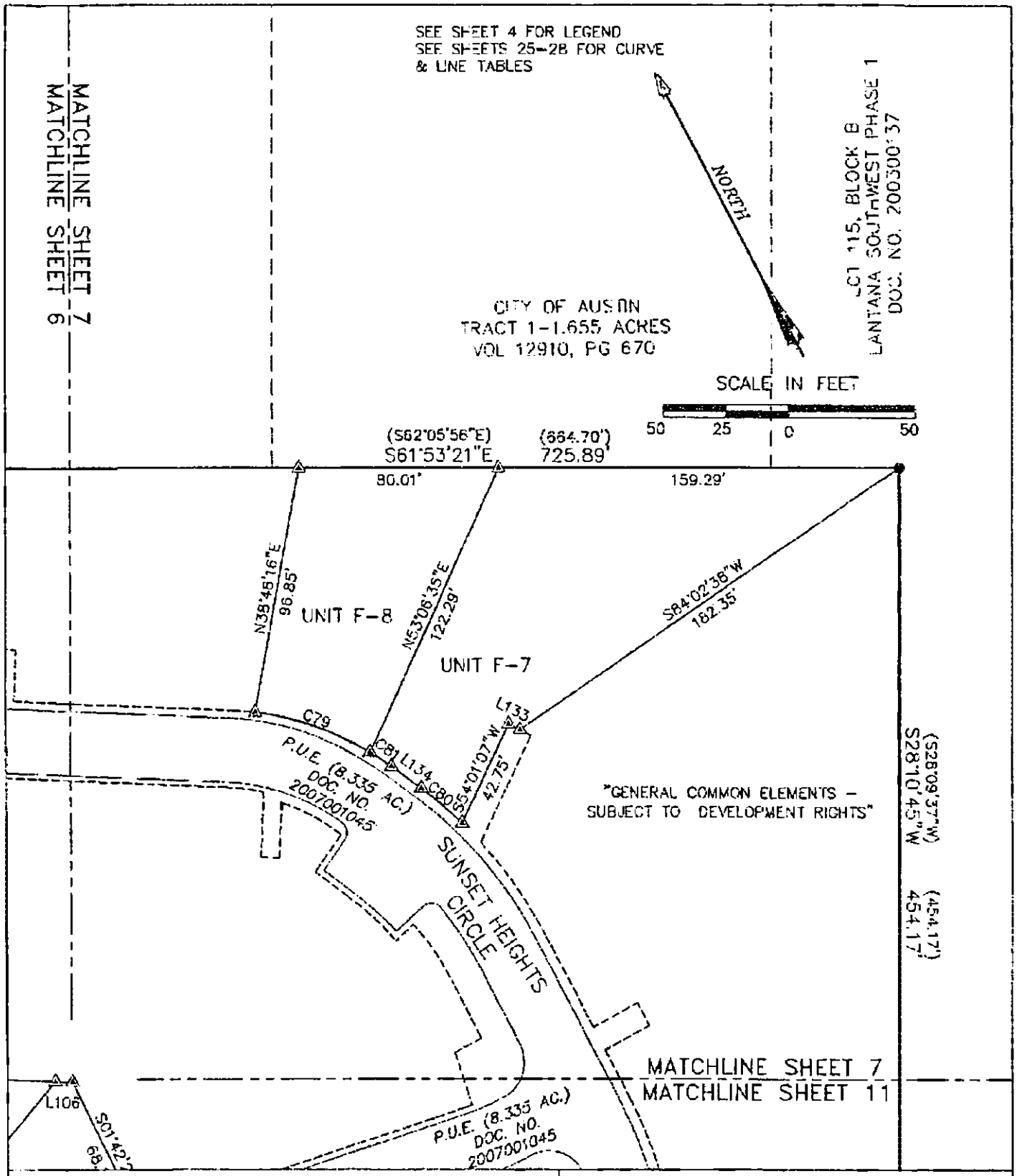

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.096 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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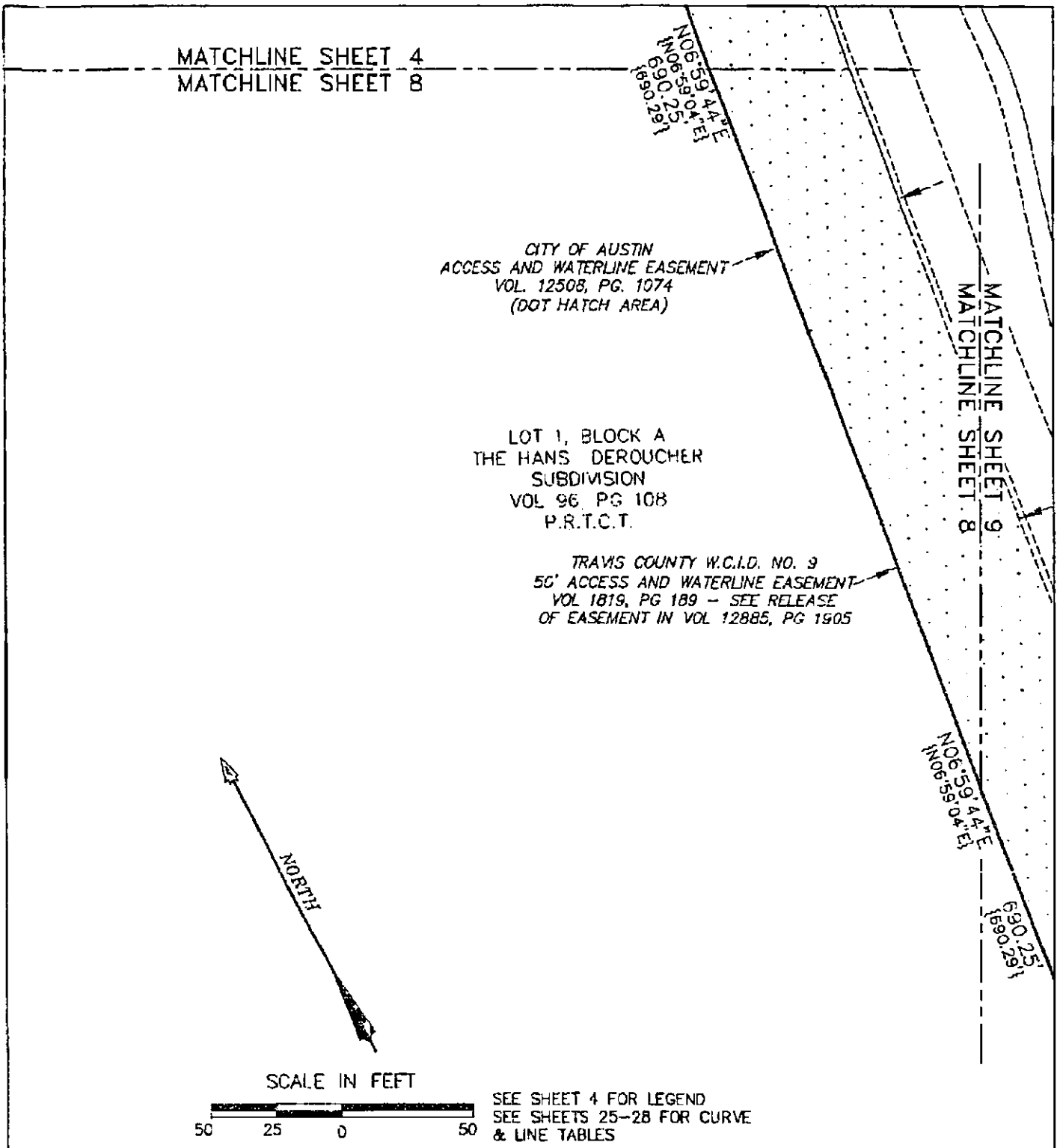

AVIARA CONDOMINIUMS

EXHIBIT
OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCC–AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.028 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCC–AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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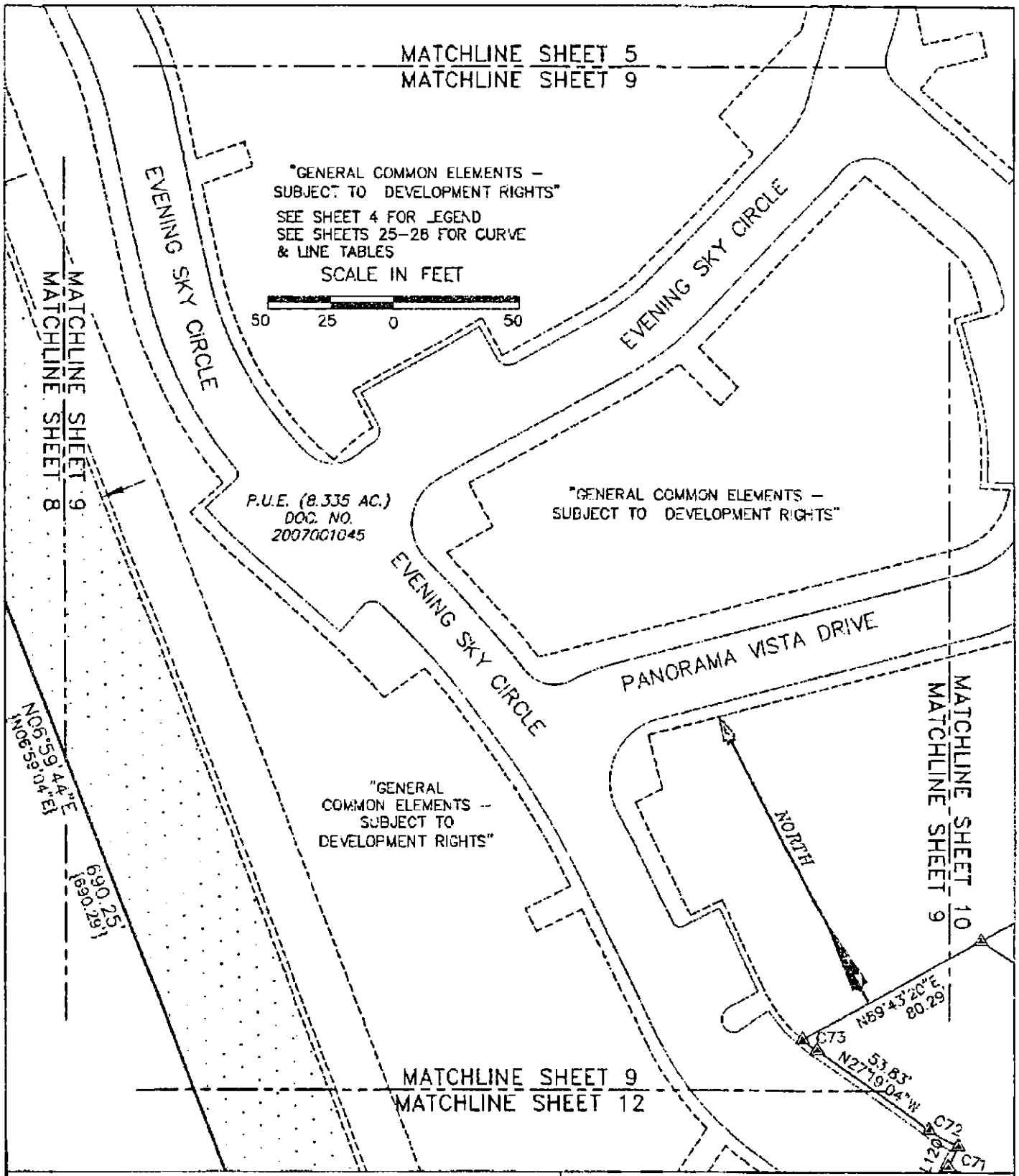

AVIARA CONDOMINIUMS

EXHIBIT

OF 30.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 586; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.064 ACRE TRACT OF LAND CONVEYED TO PCG–AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG–AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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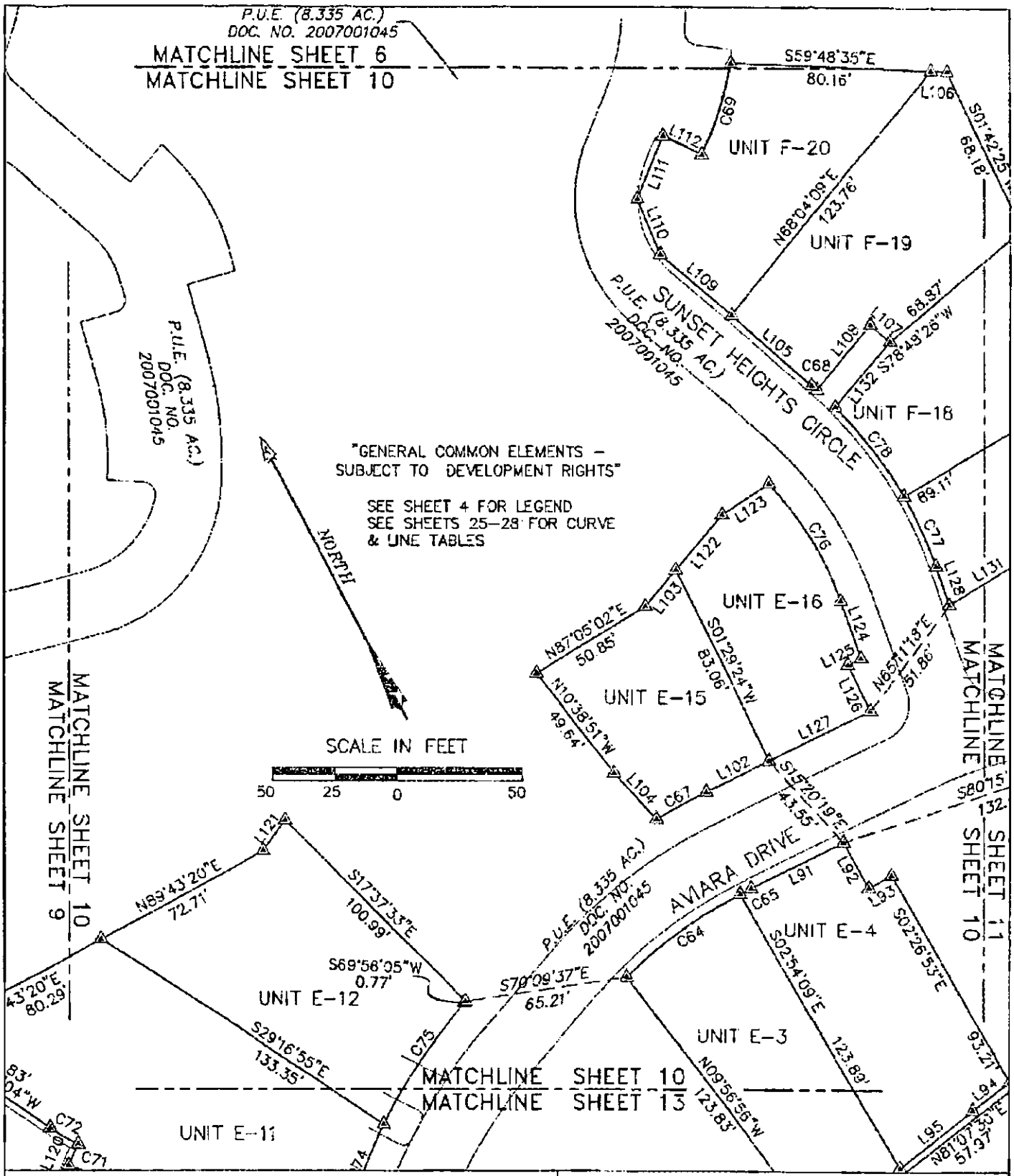

AVIARA CONDOMINIUMS

EXHIBIT
OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG–AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG–AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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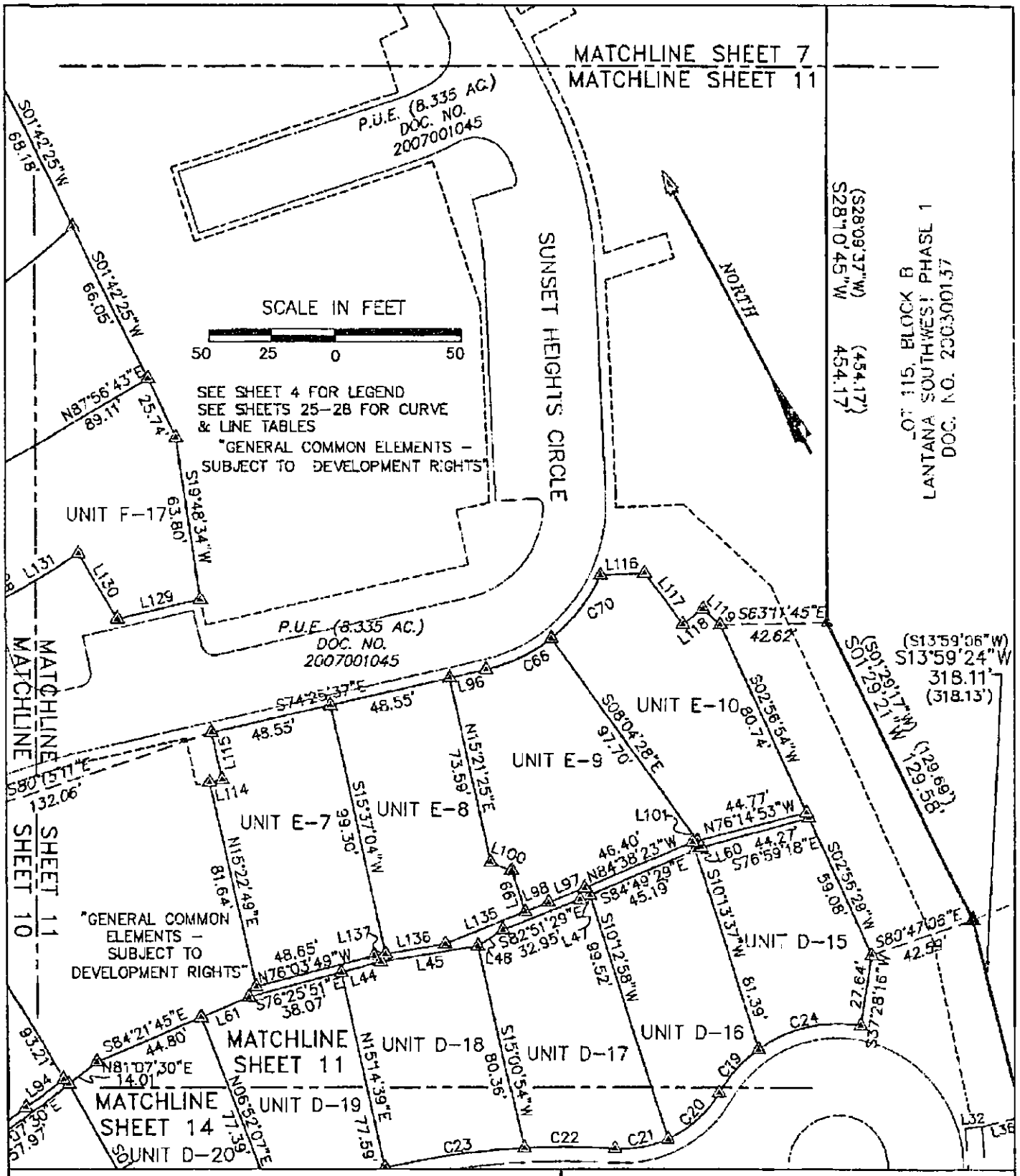

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.096 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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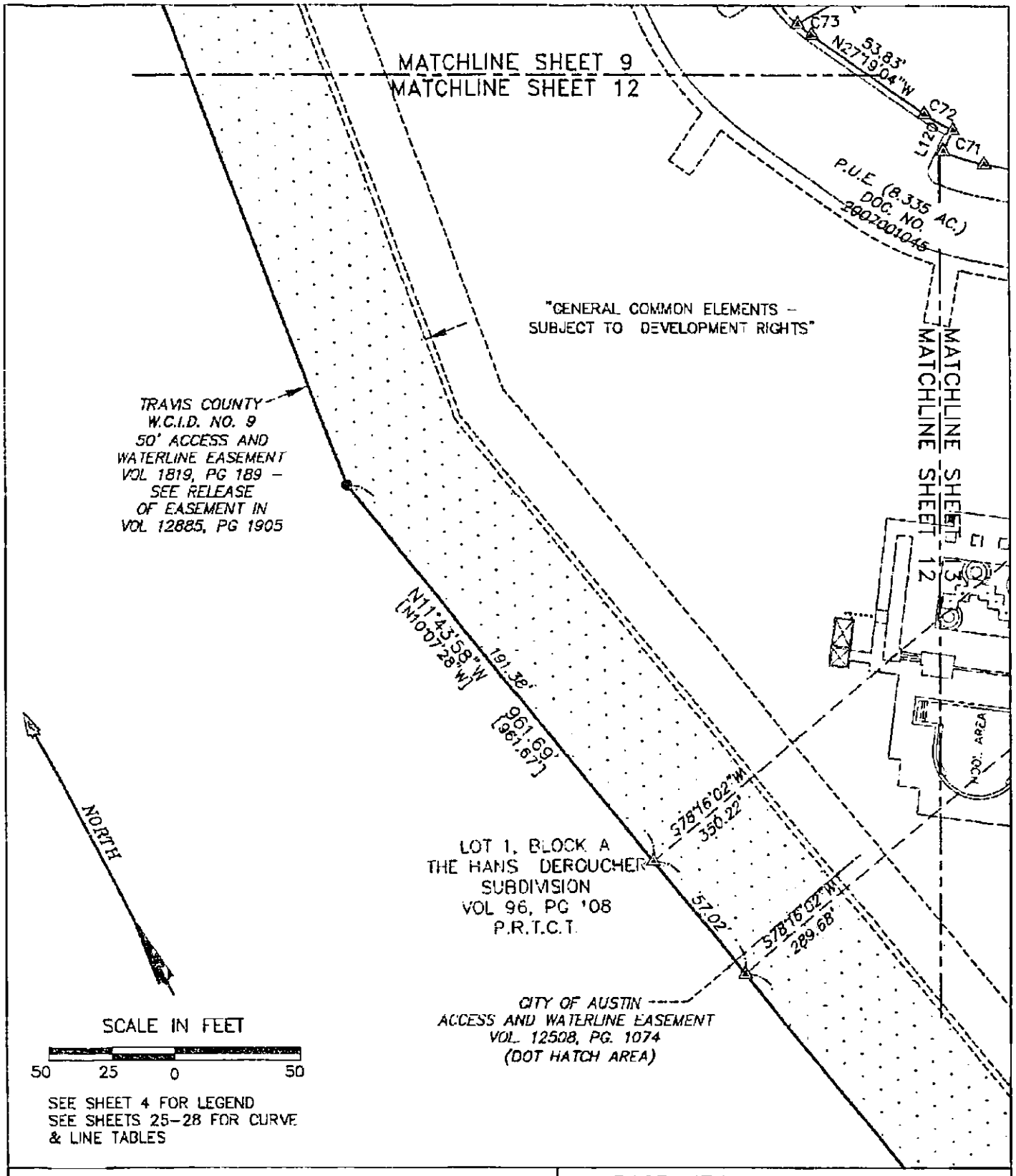

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 528; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG–AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.095 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG–AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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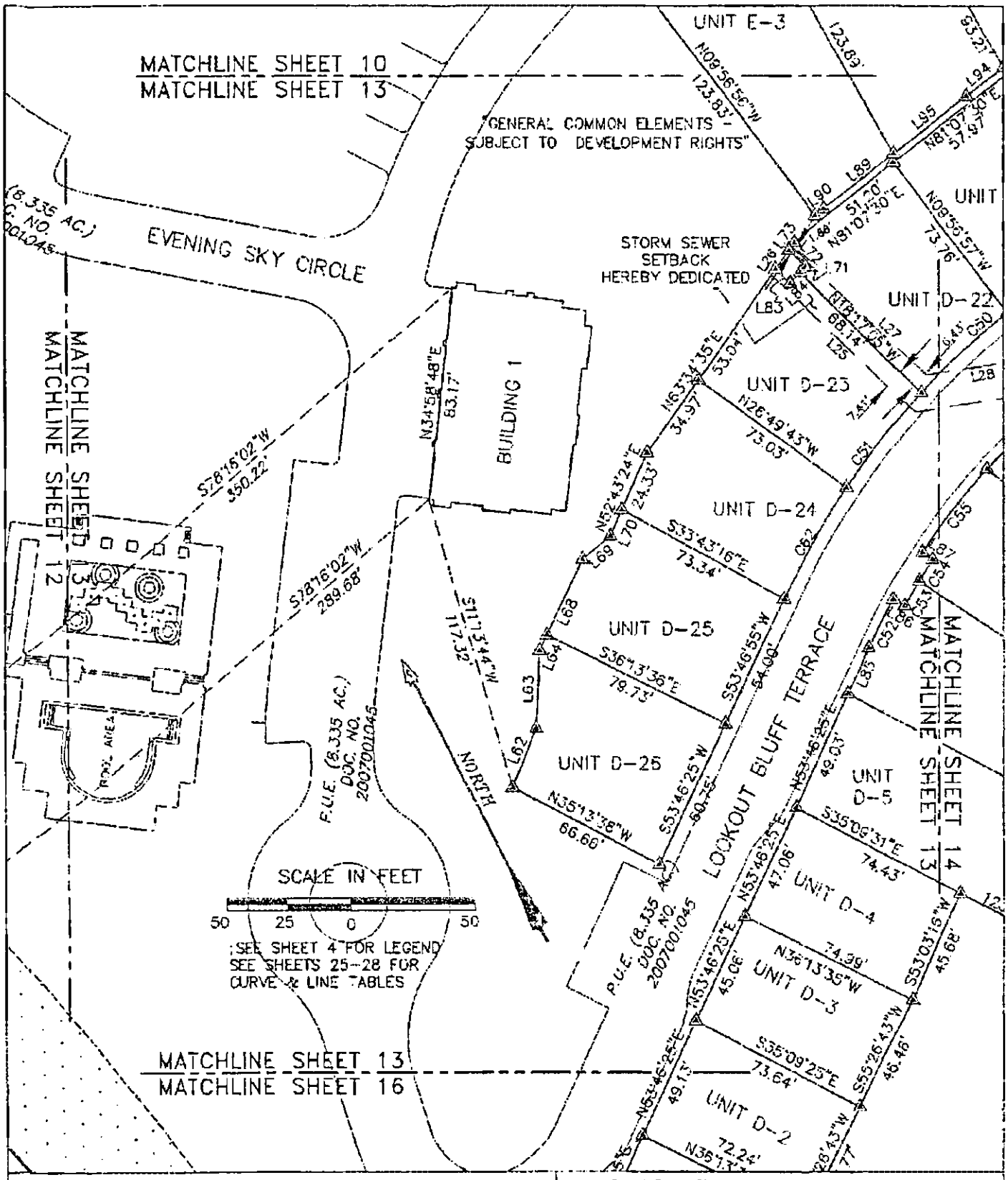

AVIARA CONDOMINIUMS

EXHIBIT

OF 99.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 93.096 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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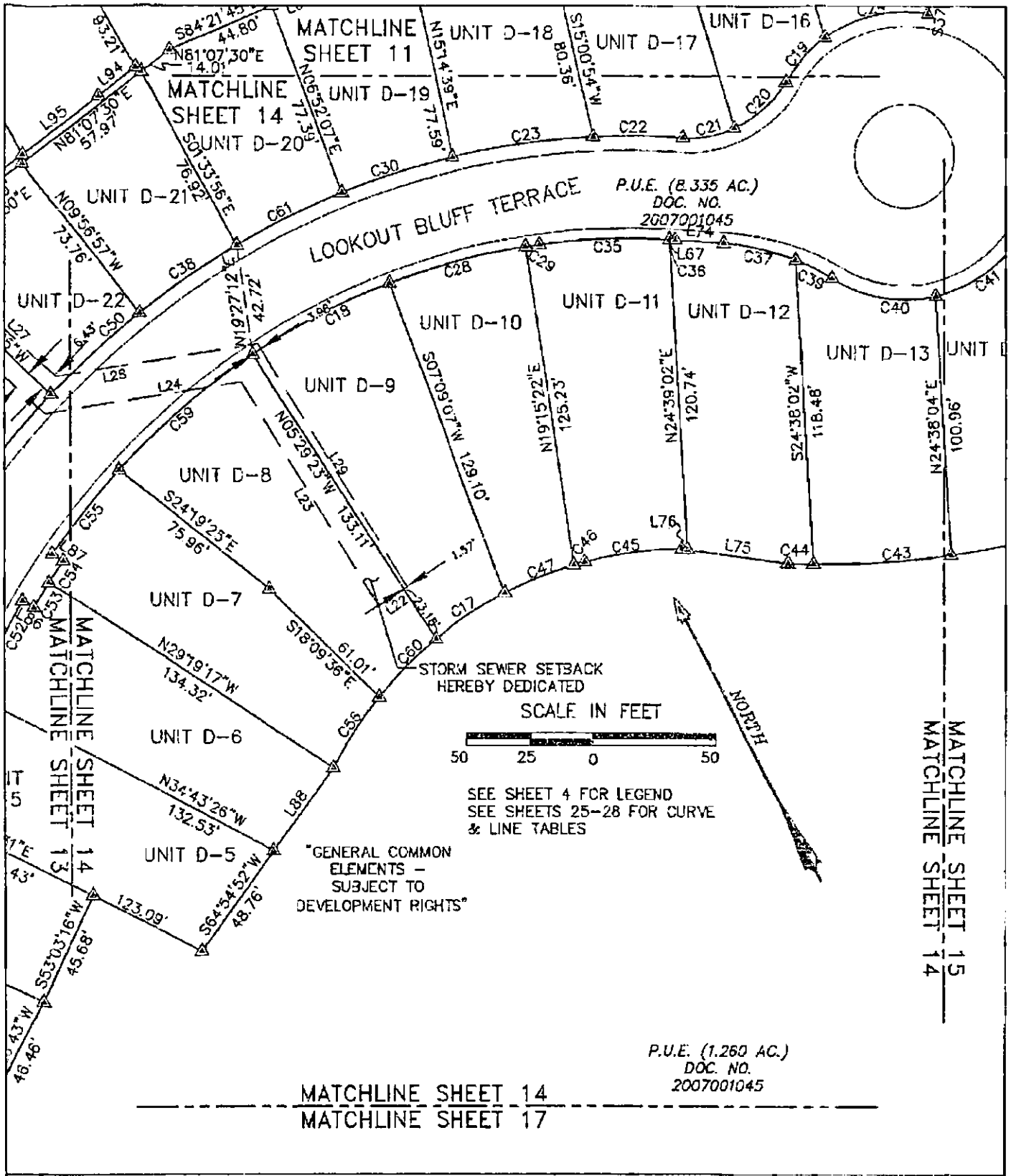

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.064 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.096 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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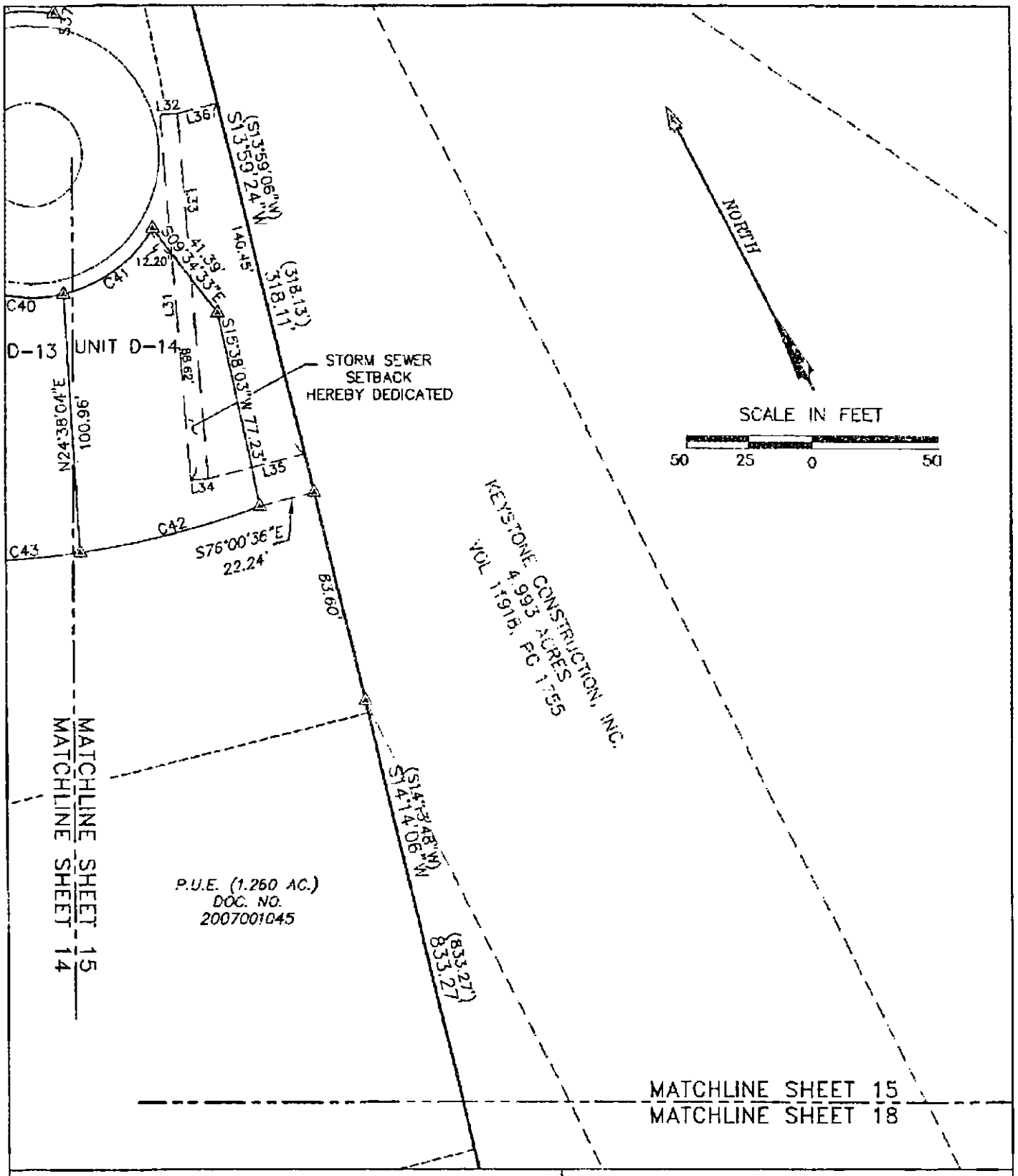

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 6.054 ACRE TRACT OF LAND CONVEYED TO PCC-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCC-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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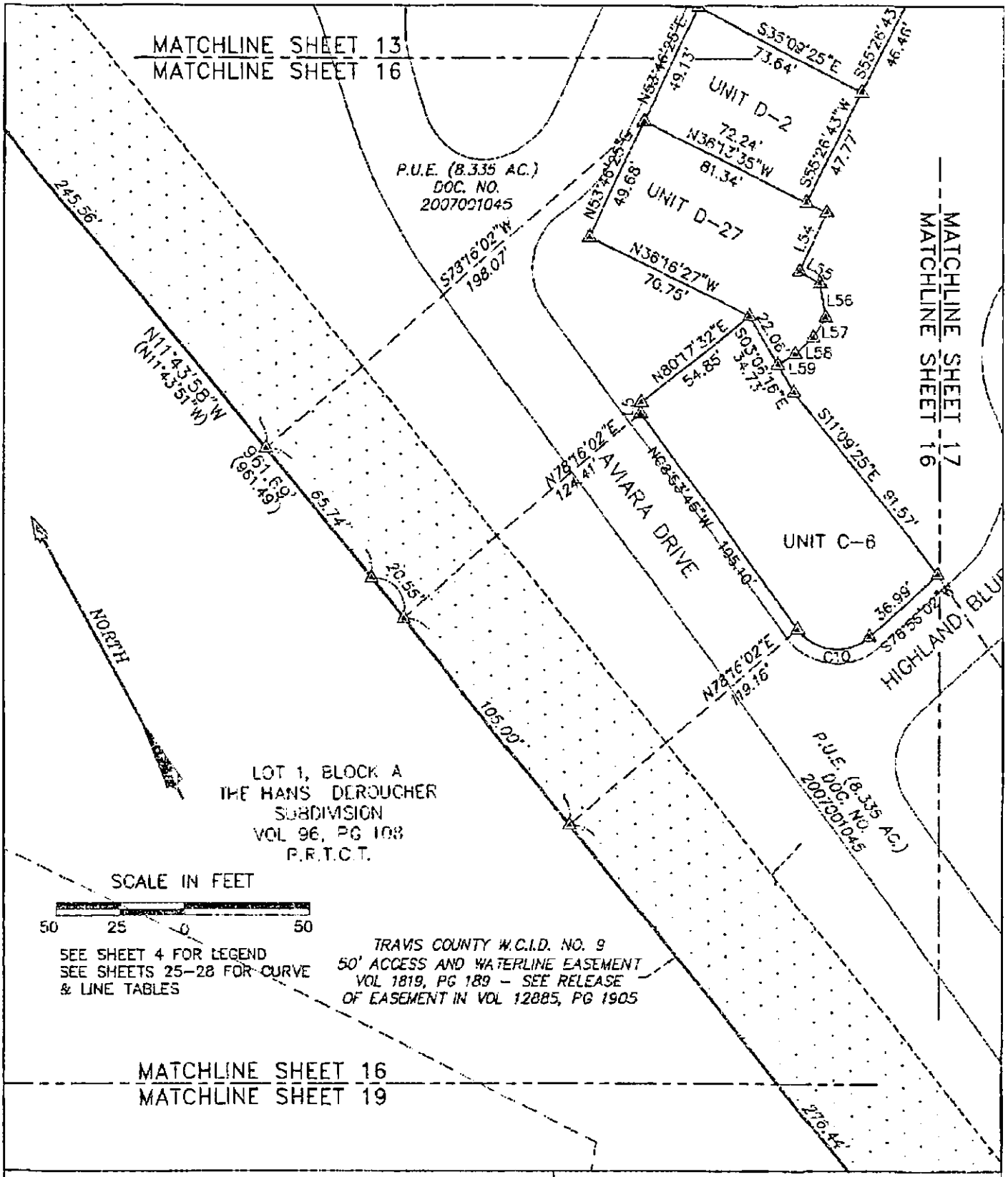

AVIARA CONDOMINIUMS

EXHIBIT

OF 30.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.907 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

BASELINE LAND SURVEYORS, INC.

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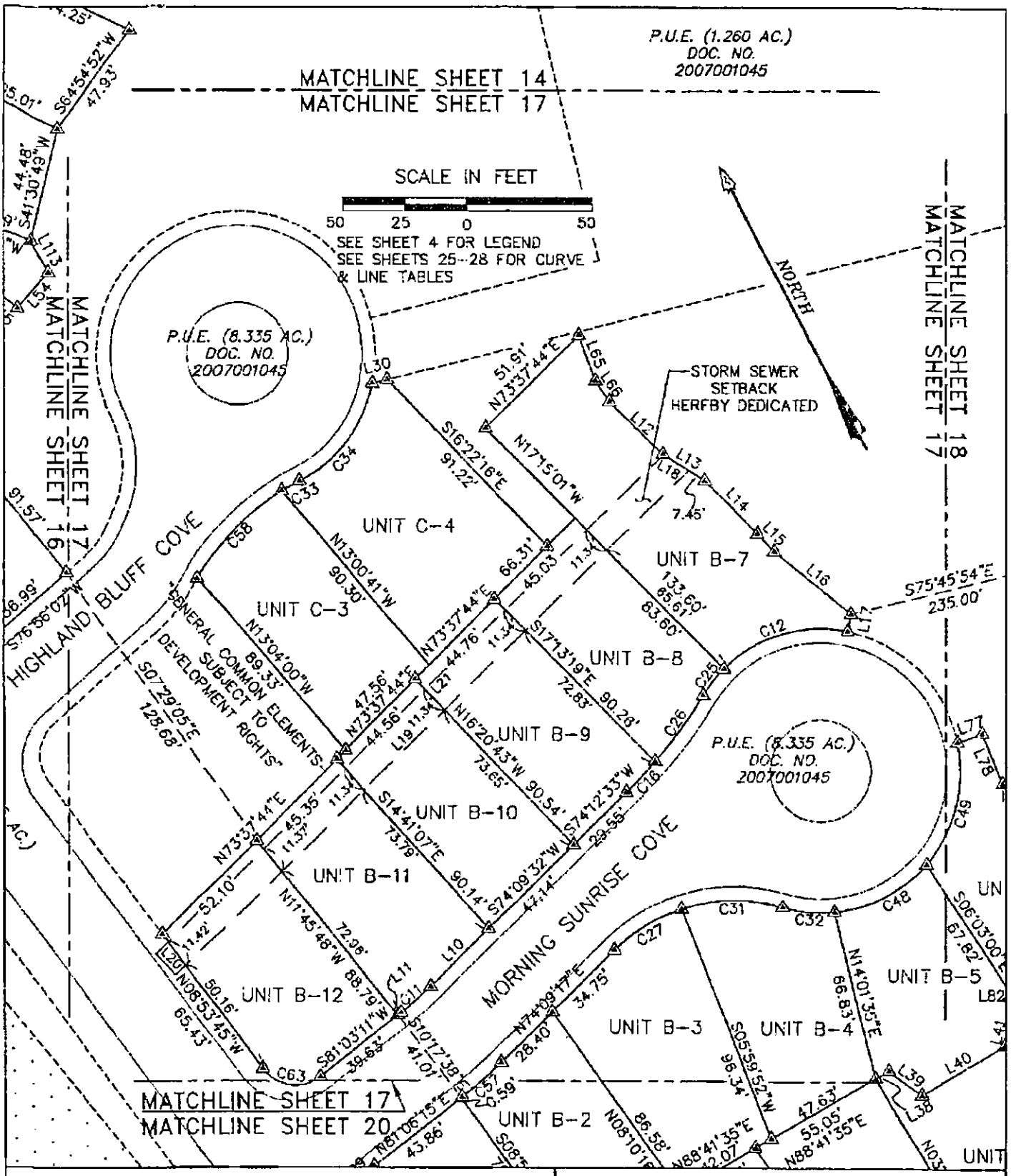

AVIARA CONDOMINIUMS

EXHIBIT

OF 30.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SUEVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 6.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.095 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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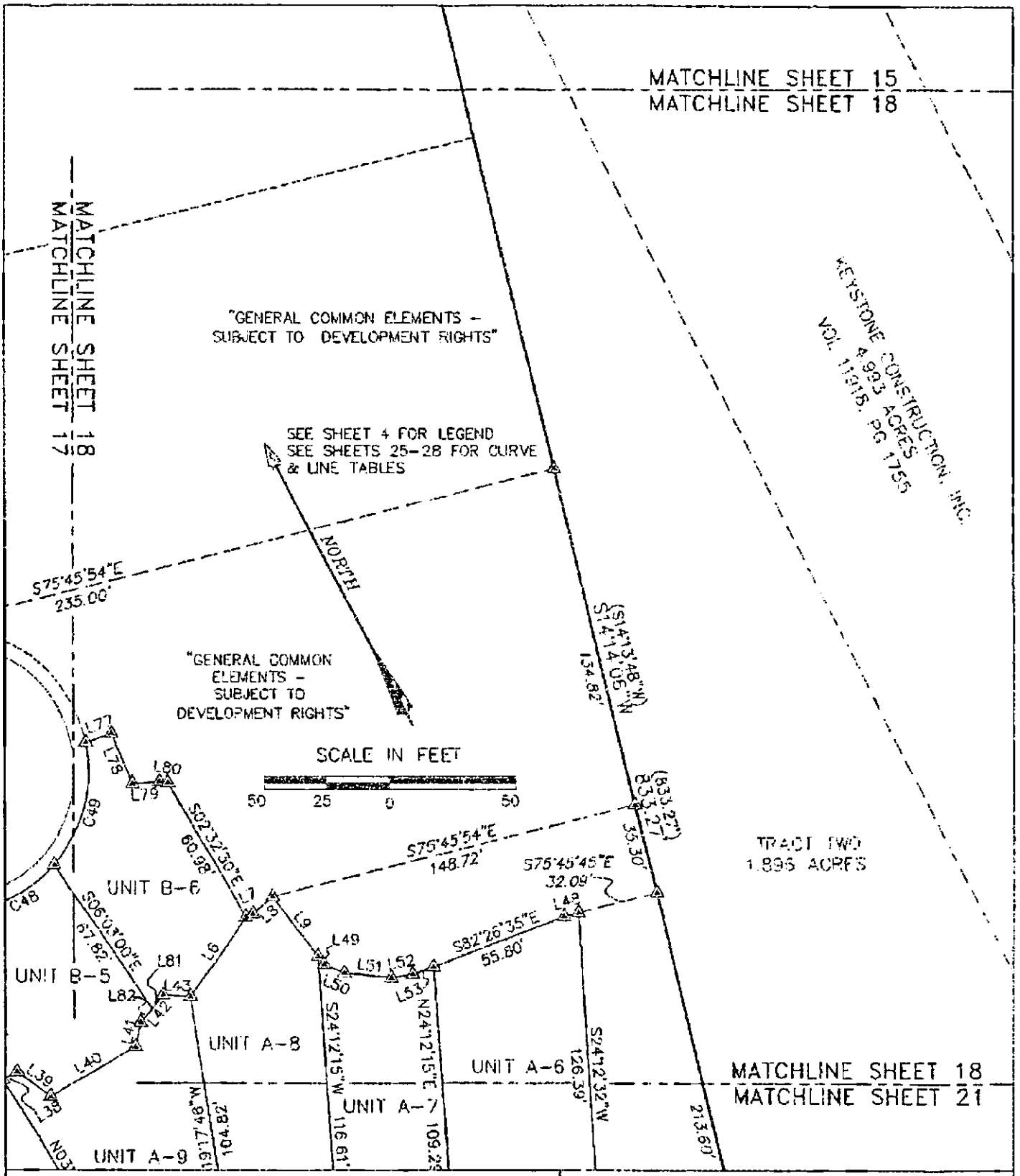

AVIARA CONDOMINIUMS

EXHIBIT

OF 59.481 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS; A (CALLED) 6.064 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006178743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 53.080 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006178744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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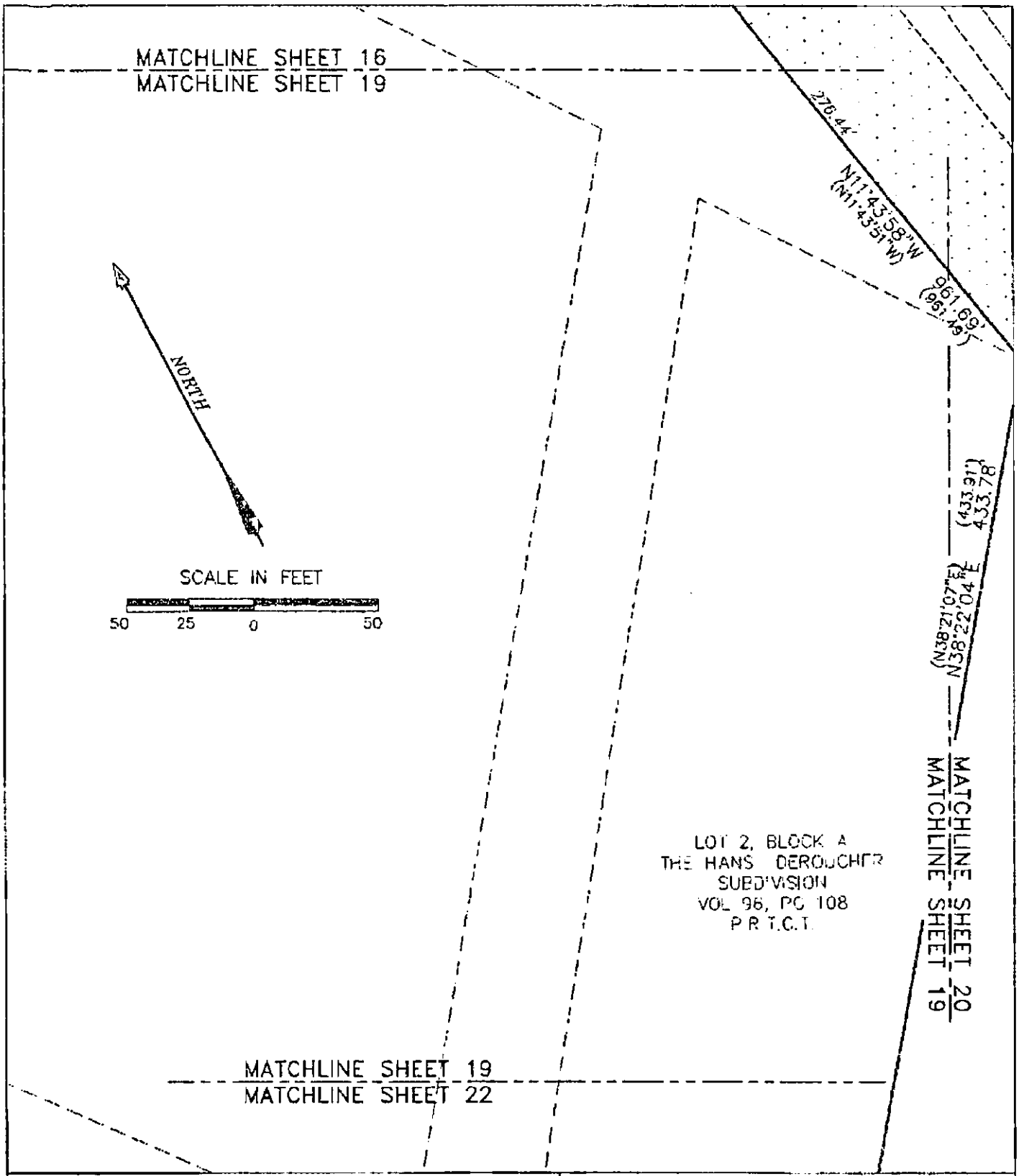

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 6.064 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.096 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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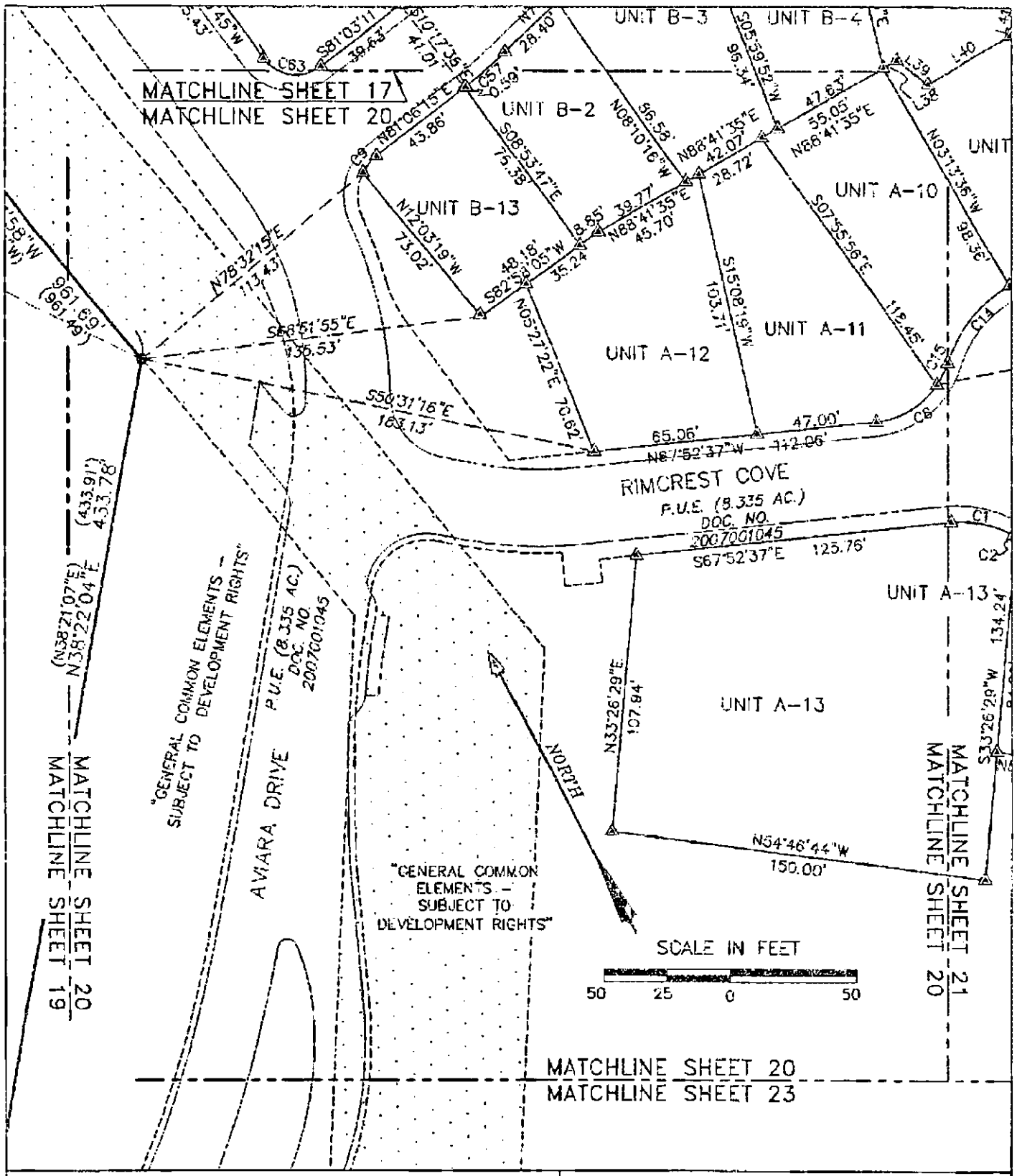

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.086 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

BASELINE LAND SURVEYORS, INC.
PROFESSIONAL LAND SURVEYING SERVICES
8333 CROSS PARK DRIVE
AUSTIN, TEXAS 78754
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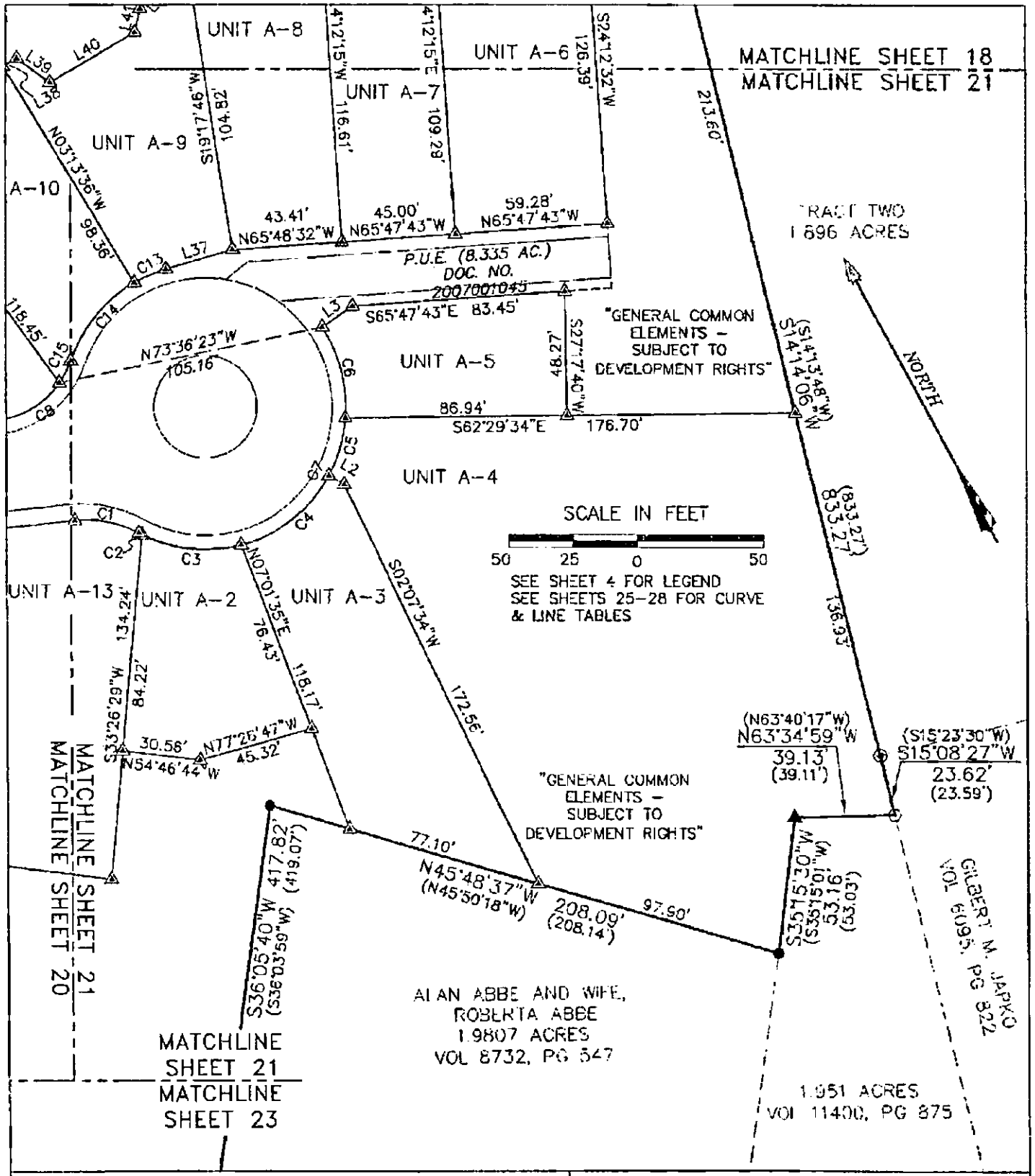
con-baseline@austin.rr.com

File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg		SHEET 20 of 28
Job No.	Snapshot:	
Scale (Hor.): 1"=50'	Scale (Vert.):	
Date: 06/07/11 Checked By: JSL	Drawn By: HPE\RLW	



AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BIND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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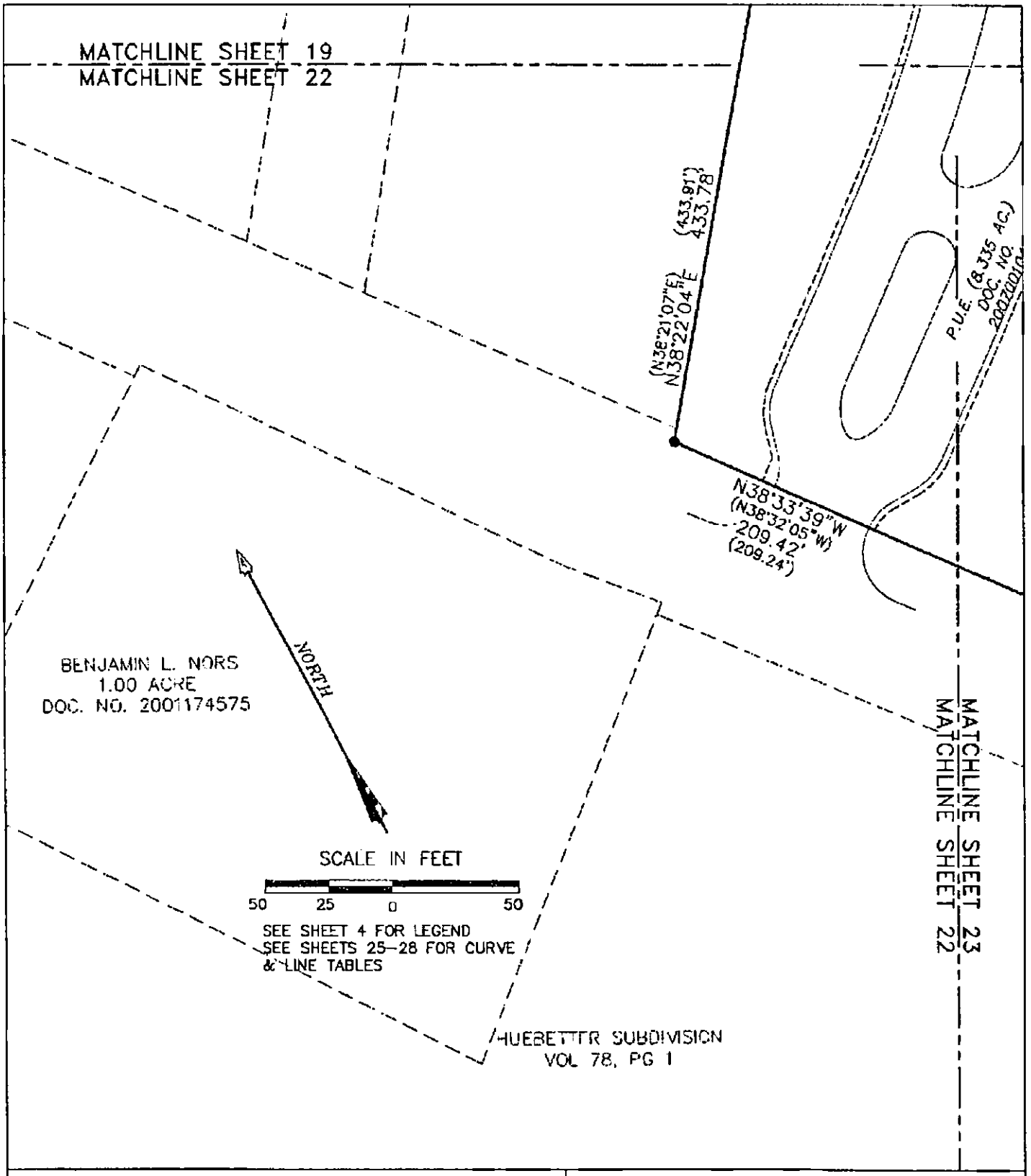
File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg		SHEET 21 of 28
Job No.	Snapshot:	
Scale (Hor.): 1"=50'	Scale (Vert.):	
Date: 08/07/11	Checked By: JSL	Drawn By: HPE\RLM



AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.064 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.089 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET 22 of 28
Job No.		Snapshot:	
Scale (Hor.): 1"=50'		Scale (Vert.):	
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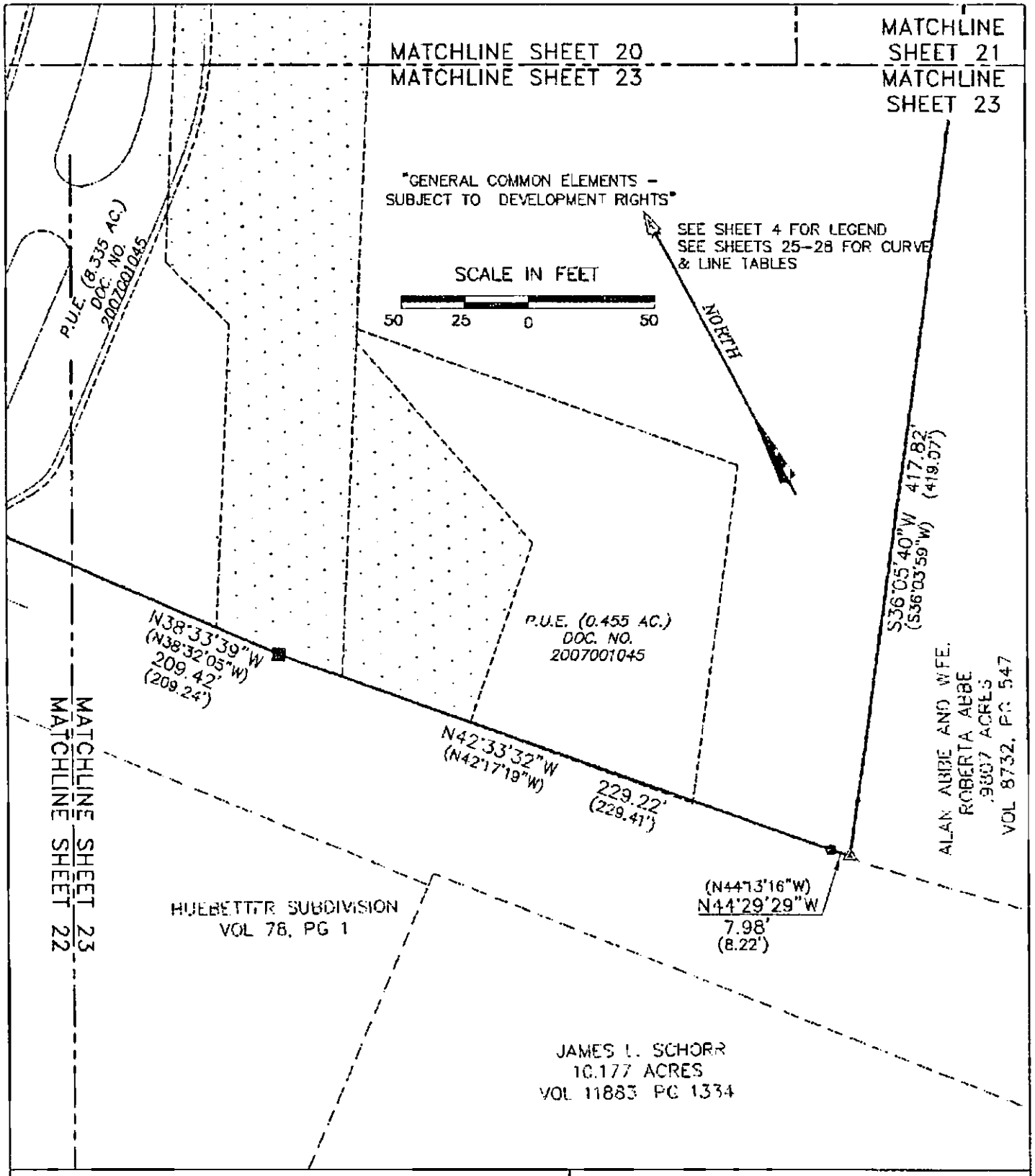

AVIARA CONDOMINIUMS

EXHIBIT

OF 30.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET 23 of 28
Job No.	Snapshot		
Scale (Hor.): 1"=50'	Scale (Vert.):		
Date: 08/07/11	Checked By: JSL	Drawn By: HPE\RLW	

EXHIBIT

AVIARA CONDOMINIUMS

[PLAT]

§ Certification of Surveyor §

The attached plat, attached hereto as Exhibit contain the information required by Section 82.052 and Section 82.059 of the Texas Uniform Condominium Act, as applicable

Ronnie Wallace
R.P.L.S. No. 5222

Date: 7 June 2011

STATE OF TEXAS
REGISTERED
RONNIE WALLACE
5222
PROFESSIONAL
LAND SURVEYOR

AVIARA CONDOMINIUMS	BASELINE LAND SURVEYORS, INC.
EXHIBIT OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 528; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 6.064 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS	PROFESSIONAL LAND SURVEYING SERVICES 8333 CROSS PARK DRIVE AUSTIN, TEXAS 78754 OFFICE: 512.374.9722 FAX: 512.873.9743 ron-baseline@austin.rr.com

File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET
Job No.	Snapshot:		24 of 28
Scale (Hor.): 1"=50'	Scale (Vert.):		
Date: 06/07/11	Checked By: JSL	Drawn By: HPE\RLW	

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C1	43.50'	25.85'	34°03'14"	N50°51'00"W	25.48'
C2	55.50'	1.36'	1°24'13"	S34°31'30"E	1.36'
C3	55.50'	39.74'	41°01'24"	S55°44'18"E	38.89'
C4	55.50'	45.25'	46°42'38"	N80°23'41"E	44.00'
C5	55.50'	23.52'	24°16'50"	N44°53'57"E	23.34'
C6	55.50'	37.22'	38°25'09"	N13°32'57"E	36.52'
C7	55.50'	147.08'	151°50'14"	N70°15'30"E	107.66'
C8	34.50'	29.54'	49°03'46"	N87°35'30"E	28.65'
C9	19.50'	8.60'	25°15'47"	S68°28'21"W	8.53'
C10	19.50'	32.05'	94°10'13"	S55°58'52"E	28.56'
C11	128.50'	15.59'	6°56'58"	N77°37'46"E	15.58'
C12	55.50'	54.03'	55°46'56"	N78°25'05"W	51.92'
C13	55.50'	13.29'	13°43'20"	N84°39'53"W	13.26'
C14	55.50'	40.10'	41°23'40"	S67°46'37"W	39.23'
C15	34.50'	9.67'	16°03'39"	N55°06'36"E	9.64'
C16	194.50'	16.61'	4°53'34"	N71°36'45"E	16.60'
C17	160.00'	33.10'	11°51'14"	S85°23'29"W	33.04'
C18	281.00'	61.89'	12°37'13"	N88°22'50"W	61.77'
C19	55.50'	23.40'	24°09'12"	S71°04'10"W	23.22'
C20	44.50'	27.40'	35°16'52"	N76°38'00"E	26.97'
C21	44.50'	21.40'	27°32'51"	S71°57'09"E	21.19'
C22	320.50'	36.55'	6°32'02"	N61°26'44"W	36.53'
C23	320.50'	56.16'	10°02'22"	N69°43'56"W	56.09'
C24	55.50'	42.94'	44°19'30"	N74°41'29"W	41.87'
C25	55.50'	13.43'	13°52'10"	S66°45'22"W	13.40'
C26	194.50'	32.10'	9°27'22"	N64°33'01"E	32.06'
C27	69.50'	31.31'	25°48'34"	S87°03'34"W	31.04'
C28	284.37'	56.30'	11°20'39"	N76°17'14"W	56.21'
C29	284.37'	5.39'	1°05'11"	N70°04'19"W	5.39'
C30	320.50'	46.88'	8°22'48"	N78°59'29"W	46.83'
C31	69.50'	41.29'	34°02'29"	N63°00'55"W	40.69'
C32	55.50'	21.02'	21°42'01"	S56°50'41"E	20.89'
C33	94.50'	8.03'	4°52'04"	S89°32'13"W	8.03'
C34	55.50'	50.19'	51°48'35"	N66°03'57"E	48.49'
C35	281.00'	52.77'	10°45'33"	N64°06'44"W	52.69'
C36	281.00'	0.93'	0°11'23"	N58°38'20"W	0.93'
C37	94.50'	29.53'	17°54'23"	N49°19'02"W	29.41'
C38	320.50'	46.91'	8°23'10"	S84°14'33"W	46.87'
C39	94.50'	16.32'	9°53'42"	N35°25'03"W	16.30'
C40	55.50'	43.09'	44°29'20"	S52°42'50"E	42.02'
C41	55.50'	44.21'	45°38'24"	N82°13'24"E	43.05'
C42	350.00'	73.09'	11°57'56"	S76°03'05"E	72.96'
C43	350.00'	55.18'	9°02'00"	S65°33'07"E	55.12'
C44	350.00'	10.08'	1°39'00"	S60°12'59"E	10.08'
C45	160.00'	39.91'	14°17'35"	N69°21'21"W	39.81'
C46	160.39'	4.39'	1°34'06"	N77°13'21"W	4.39'
C47	160.39'	29.62'	10°34'57"	N83°12'44"W	29.58'
C48	55.50'	41.86'	43°12'43"	S89°18'02"E	40.87'
C49	55.50'	50.91'	52°33'09"	N42°49'02"E	49.14'
C50	320.50'	46.62'	8°20'01"	S75°52'58"W	46.57'

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.401 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 6.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg		SHEET
Job No.	Snapshot:	25 of 28
Scale (Hor.): 1"=50'	Scale (Vert.):	
Date: 06/07/11	Checked By: JSL / Drawn By: HPE\RLW	

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C51	320.50'	47.84'	8°33'05"	S87°26'25"W	47.79'
C52	281.00'	21.40'	4°21'47"	S55°57'19"W	21.39'
C53	276.00'	11.21'	2°19'35"	S59°18'00"W	11.21'
C54	276.00'	9.99'	2°04'26"	S61°30'01"W	9.99'
C55	281.00'	41.60'	8°28'55"	S66°46'42"W	41.56'
C56	160.00'	33.12'	11°51'34"	S62°00'22"W	33.06'
C57	170.50'	20.63'	6°55'58"	N77°43'11"E	20.62'
C58	94.50'	48.23'	29°14'36"	S72°28'52"W	47.71'
C59	281.00'	70.09'	14°17'32"	S78°07'57"W	69.91'
C60	160.00'	32.21'	11°32'02"	S73°37'54"W	32.15'
C61	320.50'	47.16'	8°25'54"	N87°20'54"W	47.12'
C62	320.50'	50.30'	8°59'33"	S58°40'06"W	50.25'
C63	16.50'	25.92'	90°00'00"	S53°53'45"E	23.33'
C64	183.50'	55.58'	17°21'14"	S82°03'30"W	55.37'
C65	183.50'	5.03'	1°34'16"	N88°28'45"W	5.03'
C66	66.50'	29.12'	25°05'32"	S86°58'24"E	28.89'
C67	225.00'	22.17'	5°38'40"	S89°29'02"W	22.16'
C68	165.00'	2.50'	0°52'11"	N21°28'11"W	2.50'
C69	132.00'	37.38'	16°13'34"	N45°41'08"E	37.26'
C70	66.50'	31.77'	27°22'11"	N66°47'45"E	31.47'
C71	75.00'	17.21'	13°08'44"	S44°53'28"E	17.17'
C72	66.00'	12.97'	11°15'41"	S32°56'54"E	12.95'
C73	66.00'	7.20'	6°15'05"	S24°11'31"E	7.20'
C74	225.00'	40.96'	10°25'53"	S50°07'52"W	40.91'
C75	225.00'	57.29'	14°35'16"	S62°38'27"W	57.13'
C76	125.00'	54.33'	24°54'14"	N04°13'07"W	53.91'
C77	165.00'	30.11'	10°27'23"	N03°00'19"E	30.07'
C78	165.00'	44.16'	15°20'08"	N09°53'28"W	44.03'
C79	116.50'	49.25'	24°13'09"	N43°12'14"W	48.88'
C80	166.50'	21.38'	7°21'32"	N22°28'31"W	21.37'
C81	116.50'	10.04'	4°56'22"	N28°37'28"W	10.04'

AVIARA CONDOMINIUMS

EXHIBIT

OF 30.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.095 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg		
Job No.	Snapshot:	
Scale (Hor.): 1"=50'	Scale (Vert.):	
Date: 06/07/11	Checked By: JSL	Drawn By: HPE\RLW

LINE TABLE		
LINE	BEARING	LENGTH
L1	S67°52'37"E	35.37'
L2	N32°57'38"W	7.06'
L3	N84°20'23"E	14.65'
L4	N47°51'55"W	11.34'
L5	N31°01'52"E	4.45'
L6	N63°54'29"E	38.06'
L7	S86°57'47"E	3.29'
L8	N78°01'20"E	10.29'
L9	S10°13'03"E	29.53'
L10	S74°09'17"W	32.66'
L11	S81°06'15"W	1.64'
L12	S18°00'07"E	6.87'
L13	S30°23'57"E	19.47'
L14	S17°47'50"E	29.77'
L15	S15°29'37"E	9.67'
L16	S23°37'34"E	39.17'
L17	S39°28'12"W	6.91'
L18	S30°23'57"E	11.73'
L19	S74°19'32"W	284.75'
L20	N15°40'28"W	11.34'
L21	N74°19'32"E	281.77'
L22	S85°45'47"W	13.66'
L23	N04°14'13"W	103.33'
L24	N70°42'51"W	78.43'
L25	N19°29'12"W	79.32'
L26	N63°34'35"E	13.76'
L27	S19°29'12"E	74.44'
L28	S70°42'51"E	80.83'
L29	S04°14'13"E	112.29'
L30	S75°40'42"E	6.08'
L31	N23°29'14"E	142.40'
L32	S66°30'46"E	6.83'
L33	S23°29'14"W	142.40'
L34	N66°30'46"W	6.83'
L35	S76°00'36"E	39.56'
L36	S76°00'36"E	16.09'
L37	N77°48'13"W	27.14'
L38	N88°41'39"E	6.13'
L39	N25°44'20"W	15.92'
L40	S88°11'16"W	38.53'
L41	S40°42'44"W	9.55'
L42	N67°35'16"E	13.92'
L43	S57°59'10"E	10.92'
L44	S76°25'51"E	16.48'
L45	S70°54'33"E	39.17'
L46	N86°12'33"E	12.02'
L47	S84°49'29"E	4.40'
L48	S76°40'56"E	5.93'
L49	S10°13'03"E	4.06'
L50	S38°01'06"E	8.58'

LINE TABLE		
LINE	BEARING	LENGTH
L51	S56°04'51"E	18.69'
L52	S70°55'02"E	8.71'
L53	S82°26'35"E	8.37'
L54	S69°13'33"W	18.32'
L55	N23°26'52"W	14.68'
L56	S78°08'44"W	19.40'
L57	S60°30'23"W	9.18'
L58	S76°42'45"W	9.64'
L59	S67°05'06"W	8.22'
L60	S84°49'29"E	2.67'
L61	S84°21'45"E	20.21'
L62	N50°40'11"E	24.96'
L63	N30°53'27"E	30.22'
L64	N53°56'24"E	6.82'
L65	S07°17'18"W	18.99'
L66	S06°13'30"E	9.98'
L67	S58°24'33"E	1.34'
L68	N54°18'02"E	32.72'
L69	N79°34'04"E	14.67'
L70	N52°43'24"E	11.28'
L71	N71°42'55"E	3.00'
L72	N18°17'05"W	9.31'
L73	N63°34'36"E	3.67'
L74	S58°16'14"E	19.54'
L75	N54°30'06"W	40.63'
L76	N54°30'06"W	2.31'
L77	S81°16'47"E	10.47'
L78	S04°57'06"W	21.25'
L79	S06°16'15"E	10.53'
L80	S54°10'00"E	3.38'
L81	S67°35'16"W	6.96'
L82	S67°35'16"W	6.96'
L83	S18°17'05"E	8.02'
L84	N71°42'59"E	6.00'
L85	N53°46'26"E	19.82'
L86	S31°51'47"E	5.00'
L87	N27°27'46"W	5.00'
L88	S64°54'52"W	40.05'
L89	S81°35'33"W	35.58'
L90	S81°27'40"W	4.57'
L91	S87°41'38"E	41.25'
L92	S01°25'07"E	20.29'
L93	N88°34'53"E	10.05'
L94	S81°05'38"W	18.46'
L95	S80°43'17"W	36.75'
L96	S74°25'37"E	14.98'
L97	N82°58'58"W	15.50'
L98	N83°20'13"W	10.31'
L99	N10°19'54"E	16.87'
L100	N40°19'08"W	8.96'

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.481 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.096 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

BASELINE LAND SURVEYORS, INC.

PROFESSIONAL LAND SURVEYING SERVICES

8333 CROSS PARK DRIVE

AUSTIN, TEXAS 78754

OFFICE: 512.374.9722 FAX: 512.873.9743

ron-baseline@austin.rr.com

File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg		
Job No.	Snapshot:	
Scale (Hor.): 1"=50'	Scale (Vert.):	
Date: 06/07/11	Checked By: JSL	Drawn By: HPE\RLW

LINE TABLE		
LINE	BEARING	LENGTH
L101	N76°14'53"W	1.96'
L102	N87°41'38"W	28.05'
L103	N68°05'43"E	18.51'
L104	N15°06'21"W	24.68'
L105	N21°54'17"W	42.49'
L106	S59°48'35"E	6.81'
L107	N21°54'17"W	10.00'
L108	S68°05'43"W	32.98'
L109	N21°54'17"W	36.54'
L110	N05°21'04"E	23.35'
L111	N50°21'04"E	26.43'
L112	S36°25'07"E	16.79'
L113	S00°28'38"W	14.09'
L114	S74°25'37"E	5.00'
L115	N15°34'23"E	18.78'
L116	S64°33'06"E	17.39'
L117	S09°08'56"E	25.00'
L118	N80°51'04"E	9.86'
L119	S19°33'06"E	9.08'
L120	N53°35'31"E	9.01'
L121	N65°31'44"E	14.73'
L122	N68°05'43"E	28.14'
L123	N85°30'41"E	22.59'
L124	S08°14'01"W	23.83'
L125	N87°41'38"W	5.85'
L126	S01°29'24"W	20.00'
L127	N87°41'38"W	45.00'
L128	N08°14'01"E	16.02'
L129	N74°25'37"W	33.70'
L130	N03°02'42"W	29.61'
L131	S86°57'18"W	36.55'
L132	N68°05'43"E	33.44'
L133	N35°58'53"W	5.00'
L134	N26°09'17"W	14.58'
L135	N83°20'13"W	34.25'
L136	N71°01'47"W	24.06'
L137	N71°01'47"W	4.57'

AVIARA CONDOMINIUMS

EXHIBIT

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UNIT PLAN TYPES – ATTACHED UNITS

Unit No.	Plan Type*
A-1	A
B-1	B
C-1	C
D-1	D

* SEE CONDOMINIUM PLANS FOR PLAN TYPE.

ALL UNITS SHOWN ON THE PLAT AND PLANS OTHER THAN UNITS A-1, B-1, C-1, D-1 ARE STAND-ALONE UNITS.

ATTACHMENT 2

EXHIBIT "C" TO THE DECLARATION OF CONDOMINIUM REGIME

COMMON INTEREST ALLOCATION & BUILDING LCE ALLOCATION

COMMON INTEREST ALLOCATION

The Common Interest Allocation and percentage of liability for common expenses for each Unit is 1/73.

THE COMMON INTEREST ALLOCATION ASSIGNED TO A PARTICULAR UNIT WILL DECREASE IF ADDITIONAL UNITS ARE CREATED AND ADDED TO THE REGIME BY THE DECLARANT.

BUILDING LCE ALLOCATION

The Building LCE Allocation for each Attached Unit is 1/4.

THE BUILDING LCE ALLOCATION ASSIGNED TO A PARTICULAR UNIT WILL DECREASE IF ADDITIONAL UNITS ARE CREATED AND ADDED TO THE REGIME BY THE DECLARANT.

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

DANA DEBEAUVOIR, COUNTY CLERK
TRAVIS COUNTY, TEXAS
June 14 2011 11:06 AM
FEE $ 156.00 2011085290

AFTER RECORDING RETURN TO:
Robert D. Burton, Esq.
Winstead, PC
401 Congress Ave., Suite 2100
Austin, Texas 78701

AVIARA

TWENTIETH AMENDMENT TO RESTATED AND AMENDED DECLARATION OF CONDOMINIUM REGIME FOR AVIARA CONDOMINIUMS

(A Residential Condominium in Travis County, Texas)

Cross Reference to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2009071585, Official Public Records of Travis County, Texas as amended.

TWENTIETH AMENDMENT TO
RESTATED AND AMENDED DECLARATION OF CONDOMINIUM REGIME
FOR AVIARA CONDOMINIUMS

This Twentieth Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums (the "**Amendment**") is made **CR-B AVIARA, L.P.**, a Texas limited partnership ("**Declarant**"), and is as follows:

RECITALS:

A. Aviara Condominiums, a condominium regime (the "**Regime**"), located in Travis County, Texas, was established pursuant to that certain Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2009071585, Official Public Records of Travis County, Texas as amended (collectively, the "**Declaration**").

B. Robert J. Olivo is the owner of Unit D-2 and consents to this Amendment as evidenced below. Shawn Ironmonger is the owner of Unit D-3 and consents to this Amendment as evidenced below. Frederick J. Simpson and Margaret A. Simpson are the owners of Unit D-4 and consent to this Amendment as evidenced below. James Triampol and Vetsouvane S. Triampol are the owners of Unit D-27 and consent to this Amendment as evidenced below.

C. Pursuant to *Provision A.3.10(v)* of Appendix "A" to the Declaration, Declarant, during the Development Period, may amend the Declaration unilaterally and without the consent of other Owners or any mortgagee to subdivide, combine or reconfigure Units, or convert Units into Common Elements, in the exercise of statutory development rights.

D. Pursuant to Section 82.060 of the Texas Uniform Condominium Act, to exercise a statutory development right, Declarant must prepare, execute and record an amendment to the Declaration and record new plats and plans for that real property. The amendment to the declaration must reallocate the allocated interests among all Units.

E. The "Development Period" as such term is defined in the Declaration, is a fifteen (15) year period commencing on the date the Declaration was recorded in the Official Public Records of Travis County, Texas. The Declaration was recorded in the Official Public Records of Travis County, Texas, on May 4, 2009; as such, the Development Period has not expired.

F. Declarant now desires to amend the Declaration to reconfigure the boundaries of Unit D-2, D-3, D-4 and D-27 in the Regime, as set forth more fully hereinbelow.

NOW THEREFORE, the Declaration is hereby amended as follows:

1. **Reconfiguration of Units.** In accordance with the rights reserved by the Declarant pursuant to *Provision A.3.10(v)* of Appendix "A" to the Declaration, Declarant hereby reconfigures the boundaries of Unit Nos. D-2, D-3, D-4 and D-27 in the Regime as set forth on the New Plats and Plans (as defined below).

2. **Replacement of Exhibit "B".** Exhibit "B" to the Declaration is hereby deleted in its entirety and the Plats and Plans attached hereto as Attachment 1 (the "**New Plats and Plans**") are substituted in their place. The New Plats and Plans: (i) assign an identifying number to all Units; (ii) describe the portion of the limited common elements created or assigned to all Units; and (iii) include the information required by Section 82.059 of the Texas Uniform Condominium Act.

3. **Common Interest/Common Expense Allocation.** The Common Interest Allocation and percentage of liability of common expenses shall remain as stated in the Declaration and shall be unaffected by this Amendment.

4. **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.

[SIGNATURE PAGE FOLLOWS]

EXECUTED to be effective as of the _____ day of _____, 2011.

DECLARANT:

CR-B AVIARA, L.P., a Texas limited partnership

By: CR-B INVESTORS I GP, L.L.C., a Texas limited liability company, its General Partner

By:_____
Printed Name:_____
Title:_____

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this ___ day of _____, 2011 by _____, _____ of CR-B Investors I GP, L.L.C., a Texas limited liability company, General Partner of CR-B Aviara, L.P., a Texas limited partnership, on behalf of said entities.

(SEAL)

_____
Notary Public Signature

ACKNOWLEDGED AND AGREED:

ROBERT J. OLIVO

By:_____
Printed Name:_____

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this ___ day of _____, 2011 by Robert J. Olivo.

(SEAL)

_____
Notary Public Signature

ACKNOWLEDGED AND AGREED:

SHAWN IRONMONGER

By:_____
Printed Name:_____

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this ___ day of _____, 2011 by Shawn Ironmonger.

(SEAL)

_____
Notary Public Signature

ACKNOWLEDGED AND AGREED:

FREDERICK J. SIMPSON

By:_____
Printed Name:_____

MARGARET A. SIMPSON

By:_____
Printed Name:_____

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this ___ day of _____, 2011 by Frederick J. Simpson.

(SEAL) _____
Notary Public Signature

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this ___ day of _____, 2011 by Margaret A. Simpson.

(SEAL) _____
Notary Public Signature

ACKNOWLEDGED AND AGREED:

JAMES TRIAMPOL

By:_____
Printed Name:_____

VETSOUVANE S. TRIAMPOL

By:_____
Printed Name:_____

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this ___ day of _____, 2011 by James Triampol.

(SEAL) _____
Notary Public Signature

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

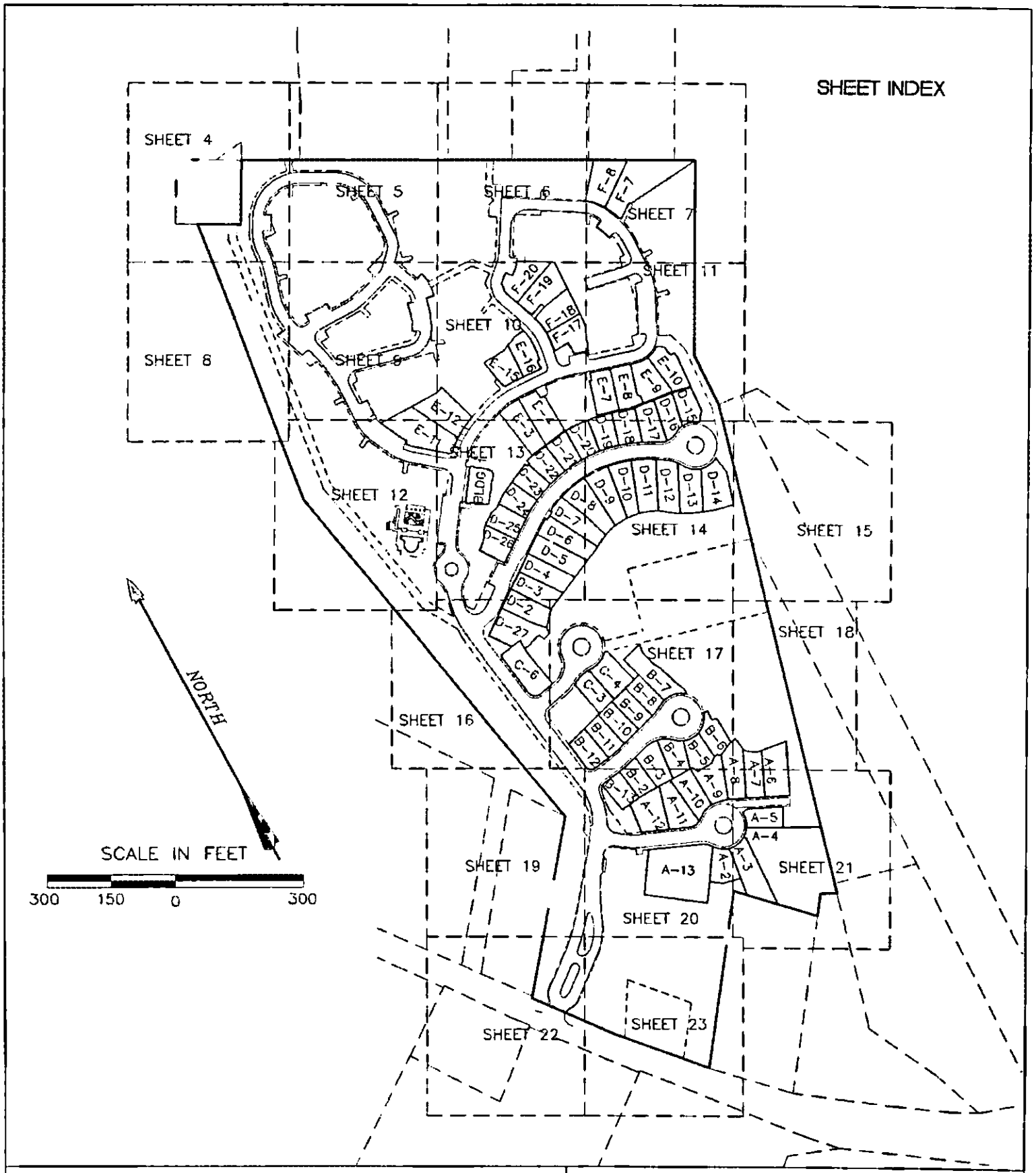
This instrument was acknowledged before me on this ___ day of _____, 2011 by Vetsouvane S. Triampol.

(SEAL) _____
Notary Public Signature

ATTACHMENT 1

EXHIBIT "B" TO THE DECLARATION OF CONDOMINIUM REGIME

SEE SHEET 24 OF 28 FOR ORIGINAL CERTIFICATION



AVIARA CONDOMINIUMS

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET 1 of 28
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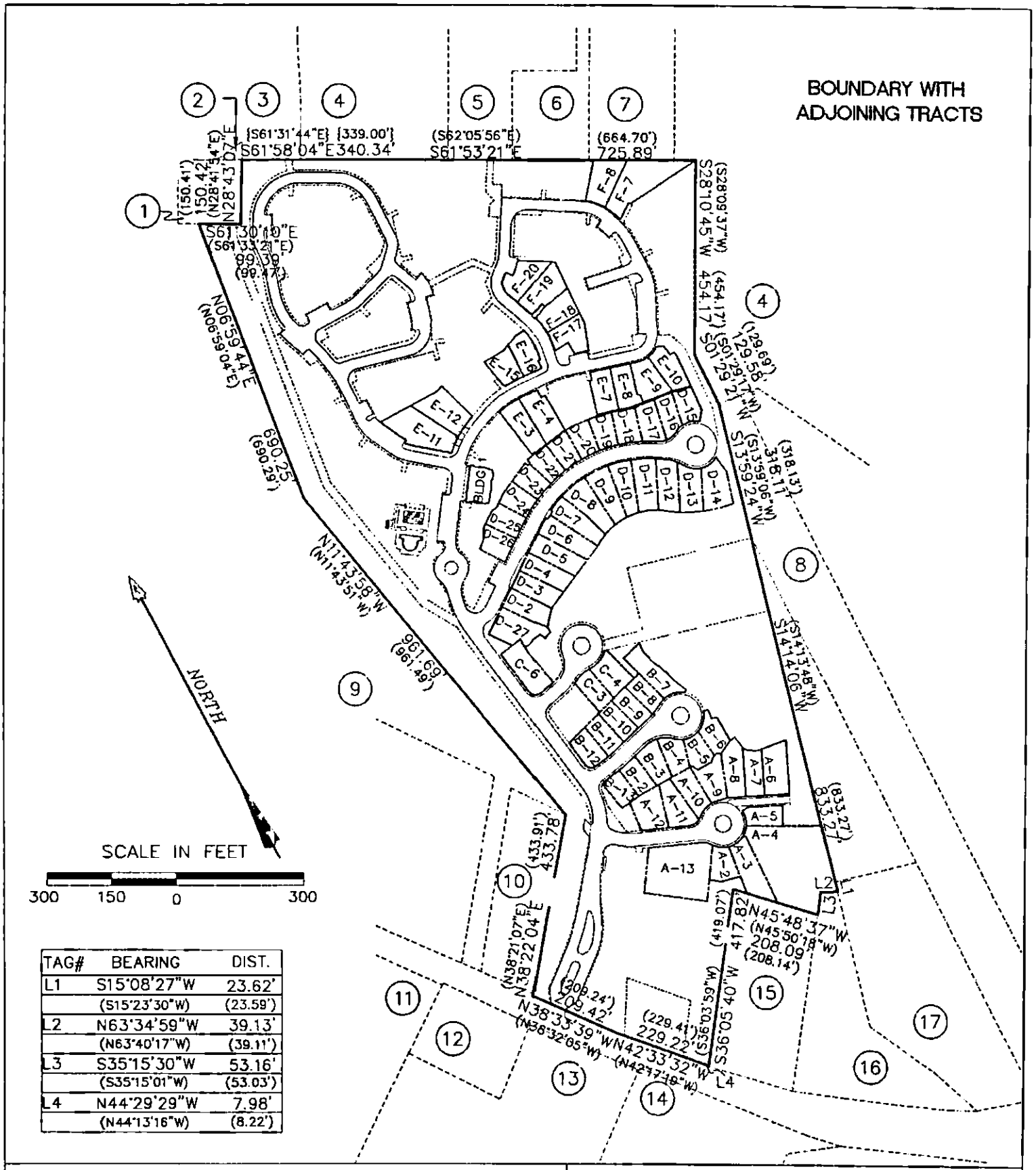

TAG#	BEARING	DIST.
L1	S15°08'27"W	23.62'
	(S15°23'30"W)	(23.59')
L2	N63°34'59"W	39.13'
	(N63°40'17"W)	(39.11')
L3	S35°15'30"W	53.16'
	(S35°15'01"W)	(53.03')
L4	N44°29'29"W	7.98'
	(N44°13'16"W)	(8.22')

AVIARA CONDOMINIUMS

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Scale (Hor.): N/A	Scale (Vert.):	
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ADJOINING OWNERS

1. TRAVIS COUNTY W.C.I.D. NO. 9, VOL. 1819, PG. 189 (0.52 ACRES)
2. CITY OF AUSTIN, VOL. 10958, PG. 277 (0.029 ACRES)
3. REMAINDER OF 888.051 ACRES, VOL. 10958, PG. 280
4. LOT 115, BLOCK B, LANTANA SOUTHWEST, PHASE 1, DOC. NO. 200300137
5. CITY OF AUSTIN, TRACT 2, VOL. 12910, PG. 670 (1.757 ACRES)
6. CITY OF AUSTIN, VOL. 10031 PG. 300 (1.0397 ACRES)
7. CITY OF AUSTIN, TRACT 1, VOL. 12910, PG. 670 (1.655 ACRES)
8. KEYSTONE CONSTRUCTION, INC., VOL. 11918, PG. 1755 (4.993 ACRES)
9. LOT 1, BLOCK "A", THE HANS DEROUCHER SUBDIVISION, VOL. 96, PG. 108
10. LOT 2, BLOCK "A", THE HANS DEROUCHER SUBDIVISION, VOL. 96, PG. 108
11. AARON GARDNER SUBDIVISION, VOL. 49, PG. 95
12. BENJAMIN L. NORS, DOC. NO. 2001174575 (1.00 ACRE)
13. HUEBETTER SUBDIVISION, VOL. 78, PG. 1
14. JAMES L. SCHORR, VOL. 11883, PG. 1334 (10.177 ACRES)
15. ALAN ABBE, et ux, VOL. 8732, PG. 5 (1.9807 ACRES)
16. 1.951 ACRES, VOL. 11400, PG. 875
17. GILBERT M. JAPKO, TRACT ONE, VOL. 6095, PG. 82 (3.129 ACRES)

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Job No.	Snapshot:	3 of 28
Scale (Hor.): N/A	Scale (Vert.):	
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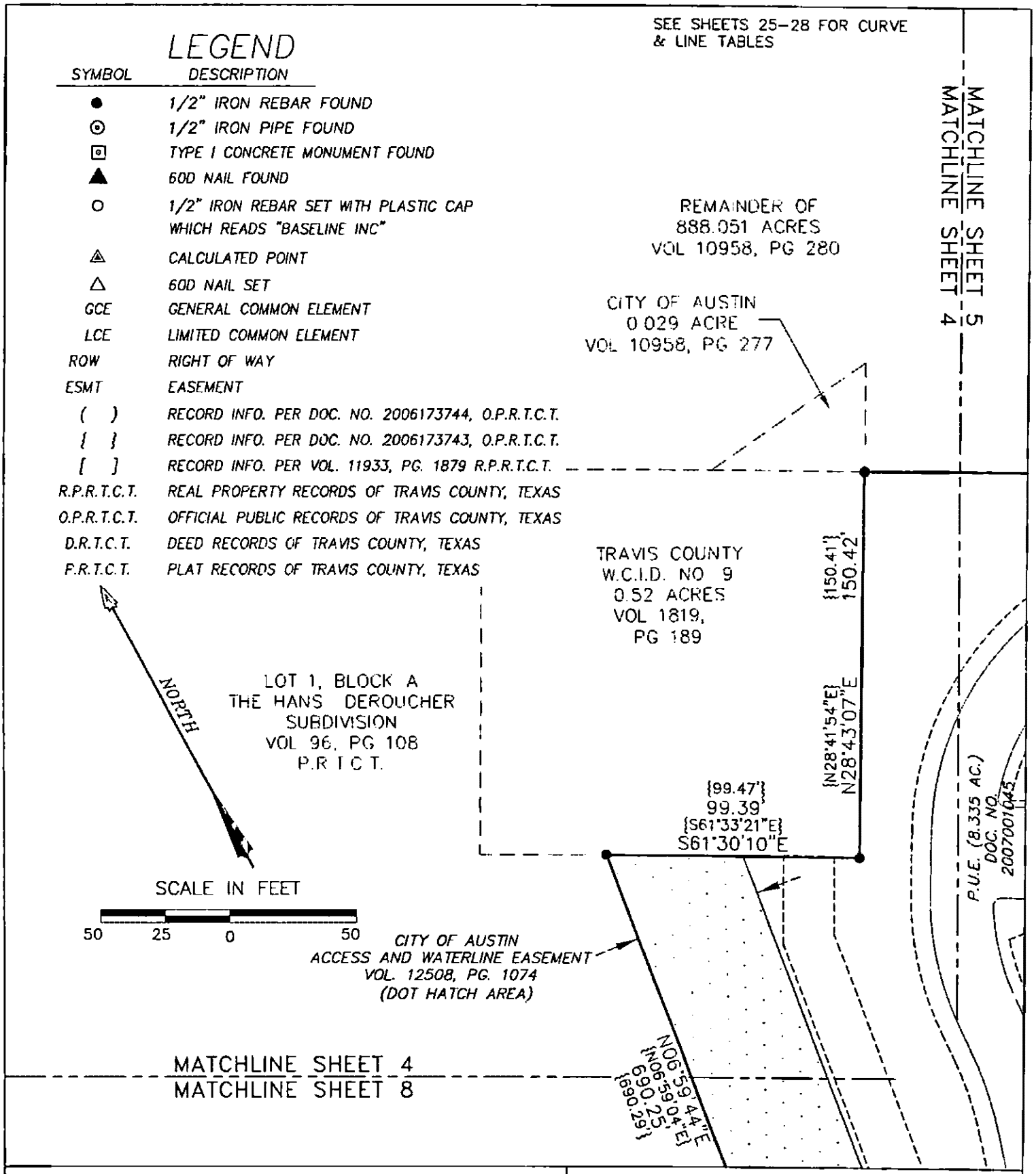
SEE SHEETS 25–28 FOR CURVE & LINE TABLES

LEGEND

SYMBOL	DESCRIPTION
●	1/2" IRON REBAR FOUND
⊙	1/2" IRON PIPE FOUND
⊡	TYPE I CONCRETE MONUMENT FOUND
▲	60D NAIL FOUND
○	1/2" IRON REBAR SET WITH PLASTIC CAP WHICH READS "BASELINE INC"
◬	CALCULATED POINT
△	60D NAIL SET
GCE	GENERAL COMMON ELEMENT
LCE	LIMITED COMMON ELEMENT
ROW	RIGHT OF WAY
ESMT	EASEMENT
( )	RECORD INFO. PER DOC. NO. 2006173744, O.P.R.T.C.T.
{ }	RECORD INFO. PER DOC. NO. 2006173743, O.P.R.T.C.T.
[ ]	RECORD INFO. PER VOL. 11933, PG. 1879 R.P.R.T.C.T.
R.P.R.T.C.T.	REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS
O.P.R.T.C.T.	OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS
D.R.T.C.T.	DEED RECORDS OF TRAVIS COUNTY, TEXAS
P.R.T.C.T.	PLAT RECORDS OF TRAVIS COUNTY, TEXAS



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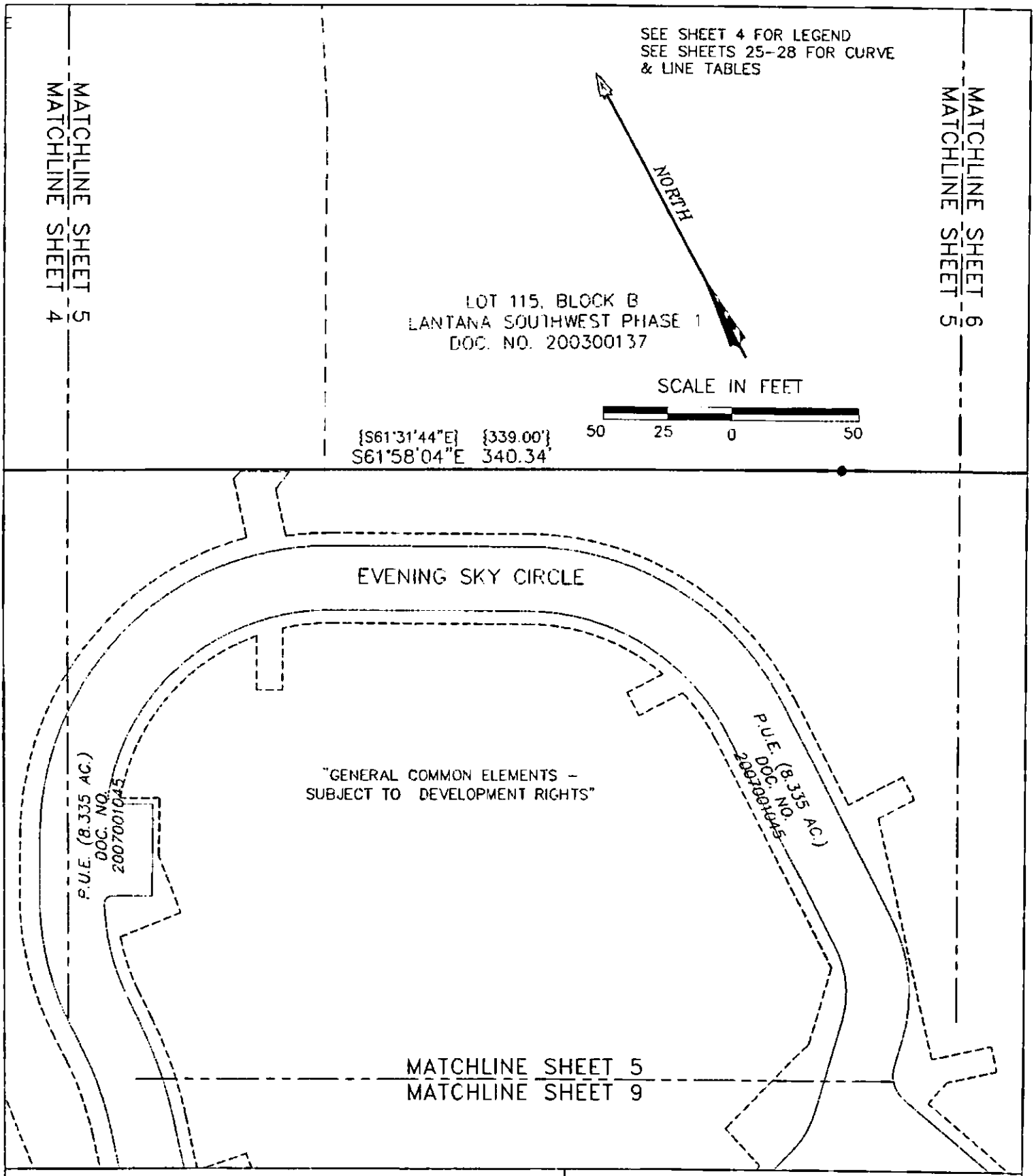

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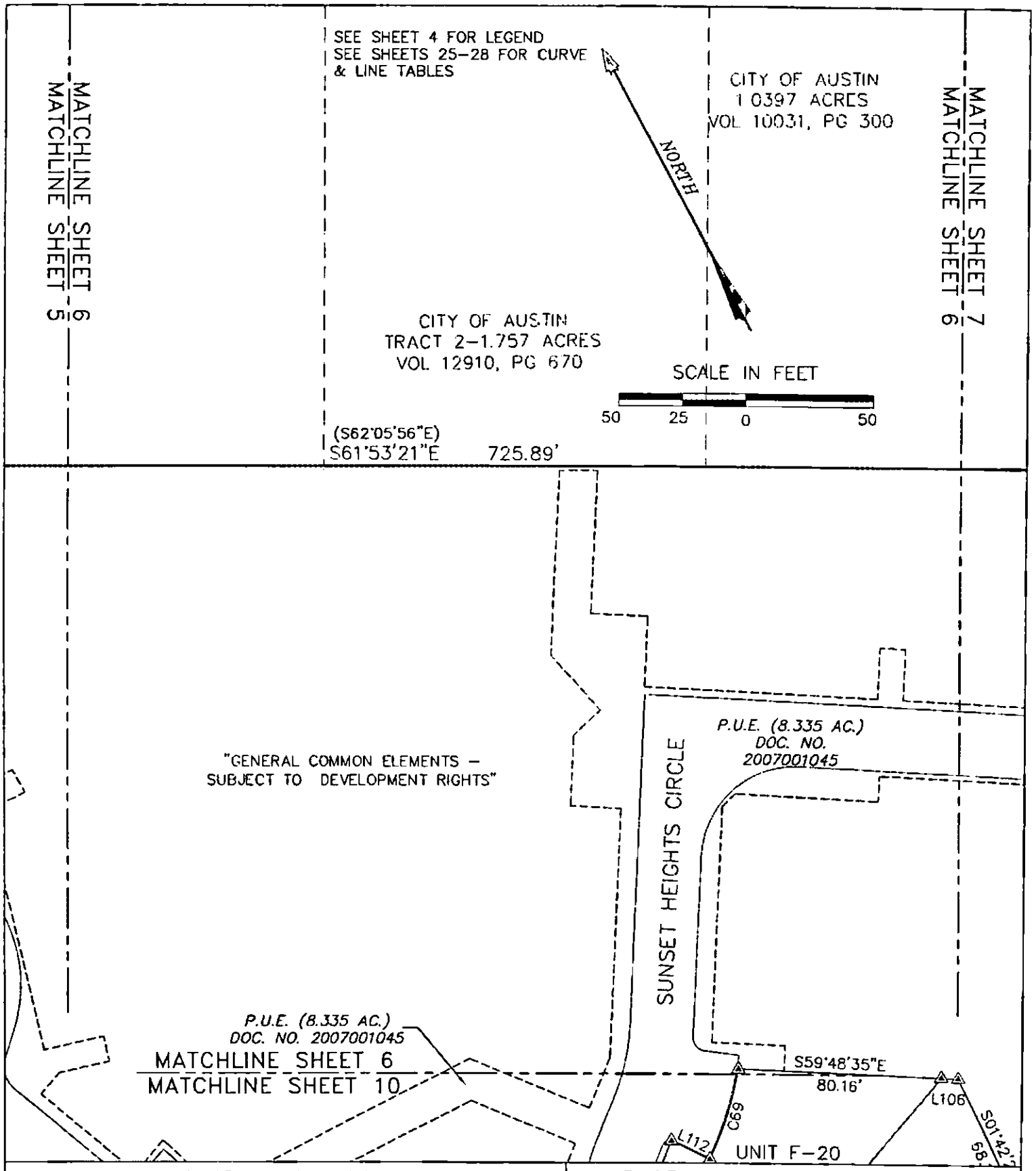

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Job No.	Snapshot:		
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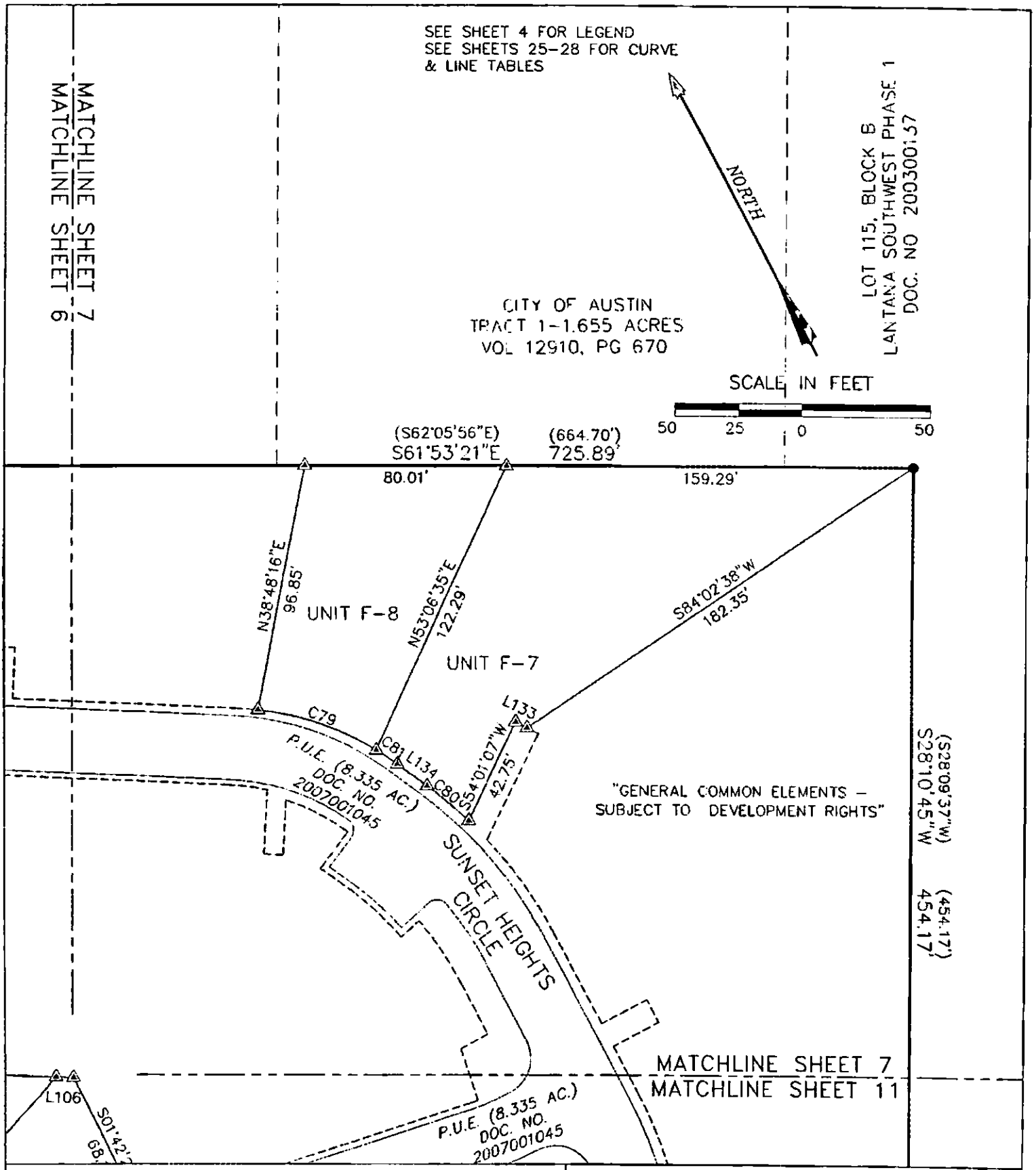

AVIARA CONDOMINIUMS

EXHIBIT

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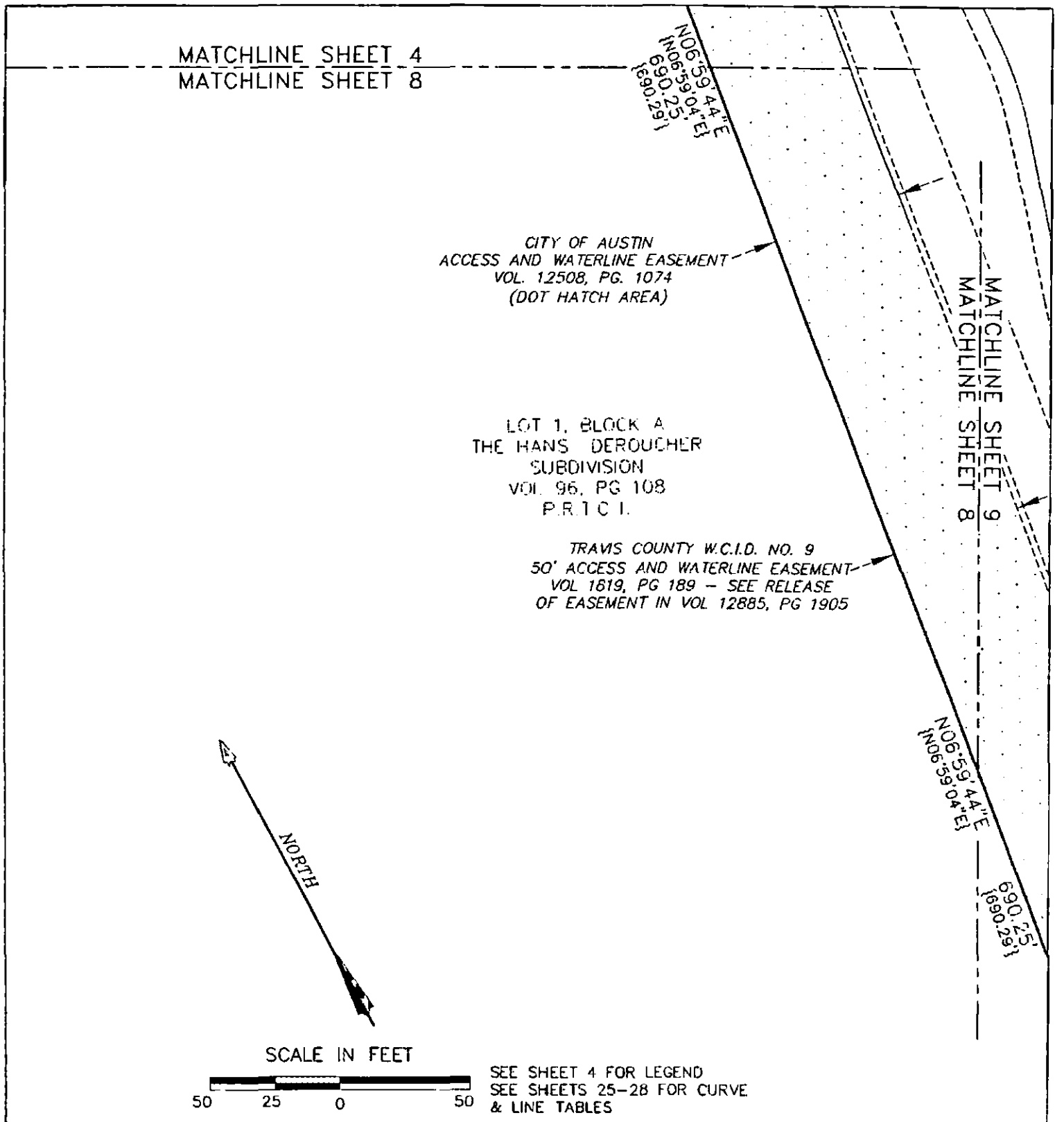

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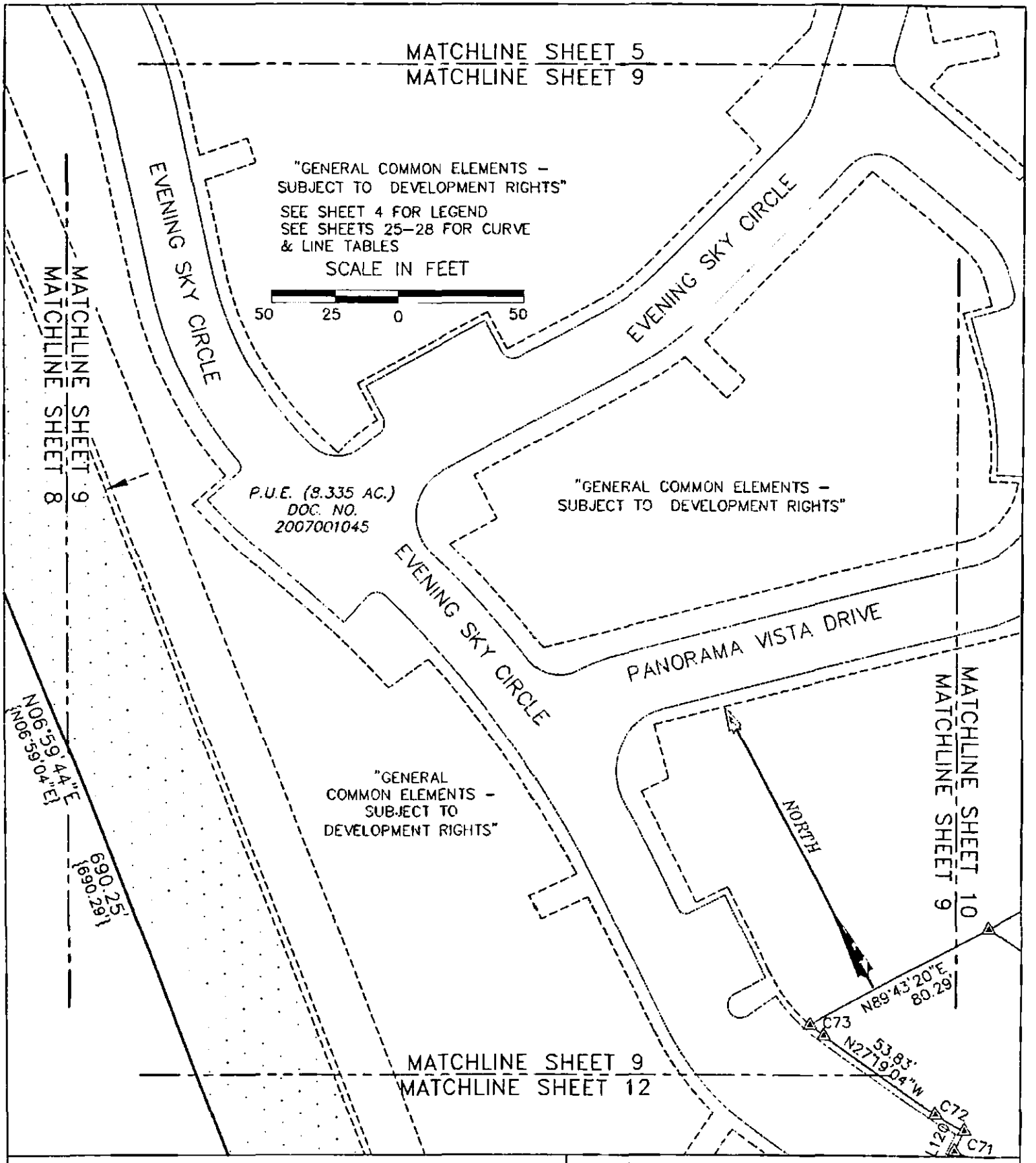

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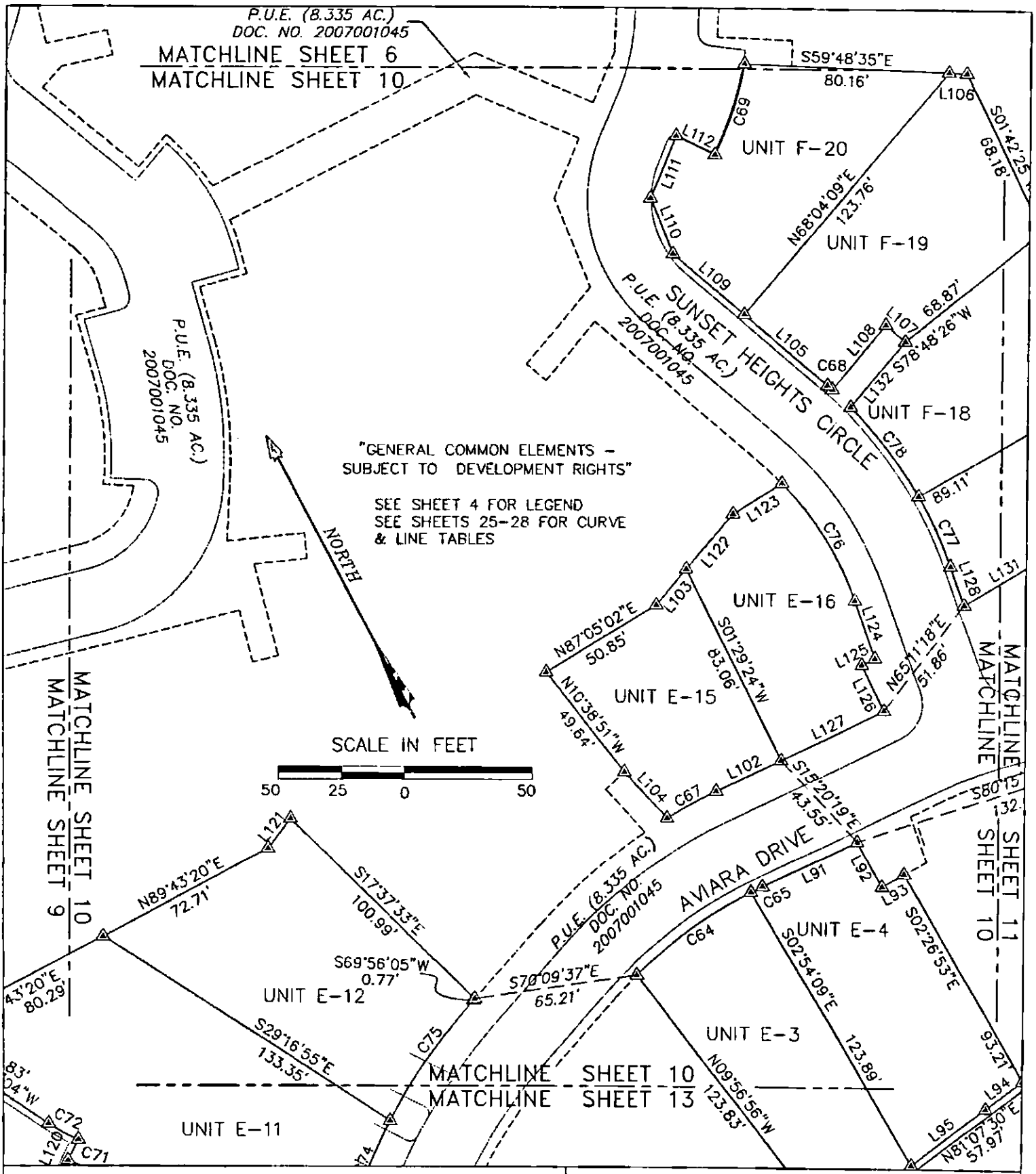

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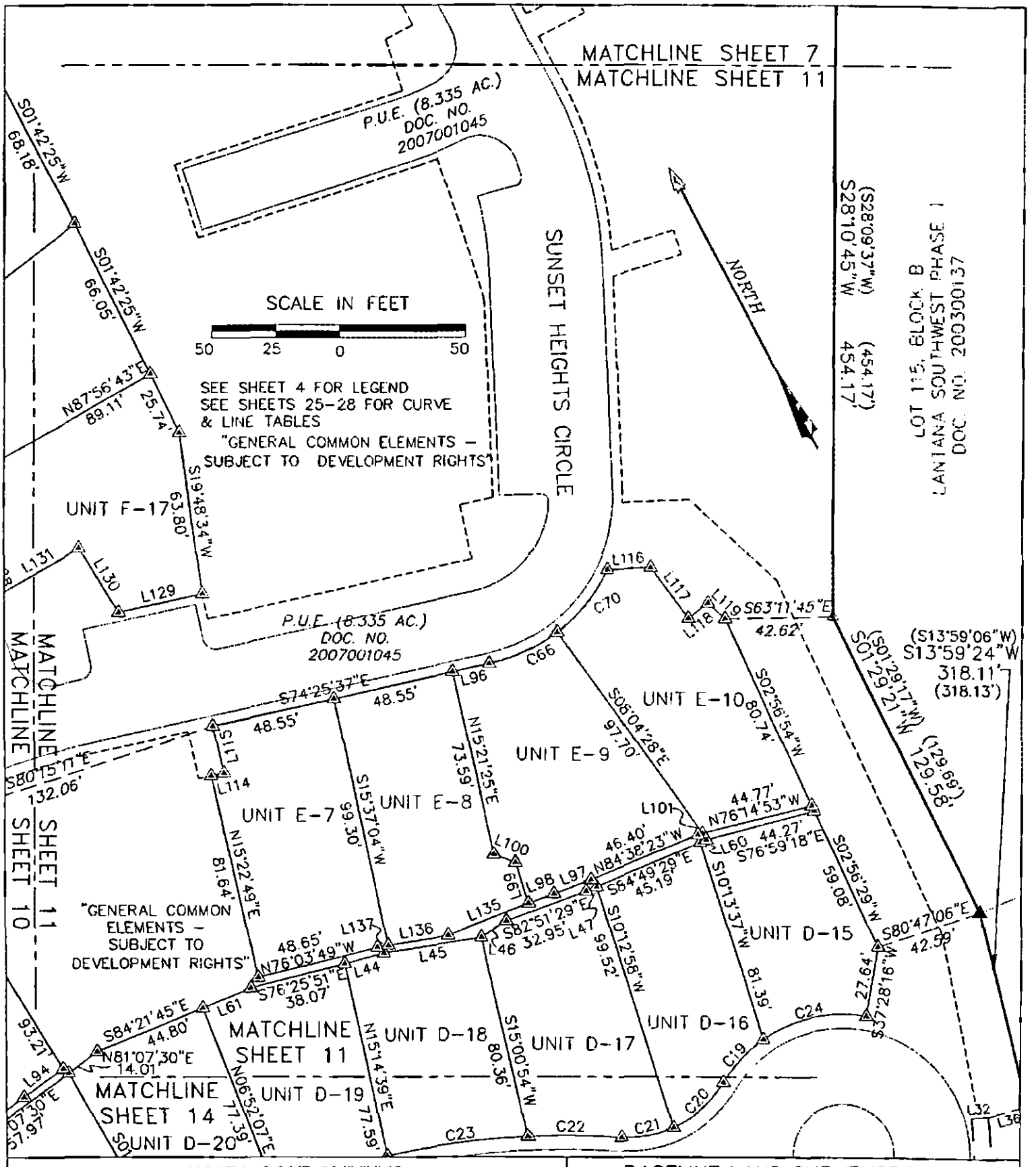

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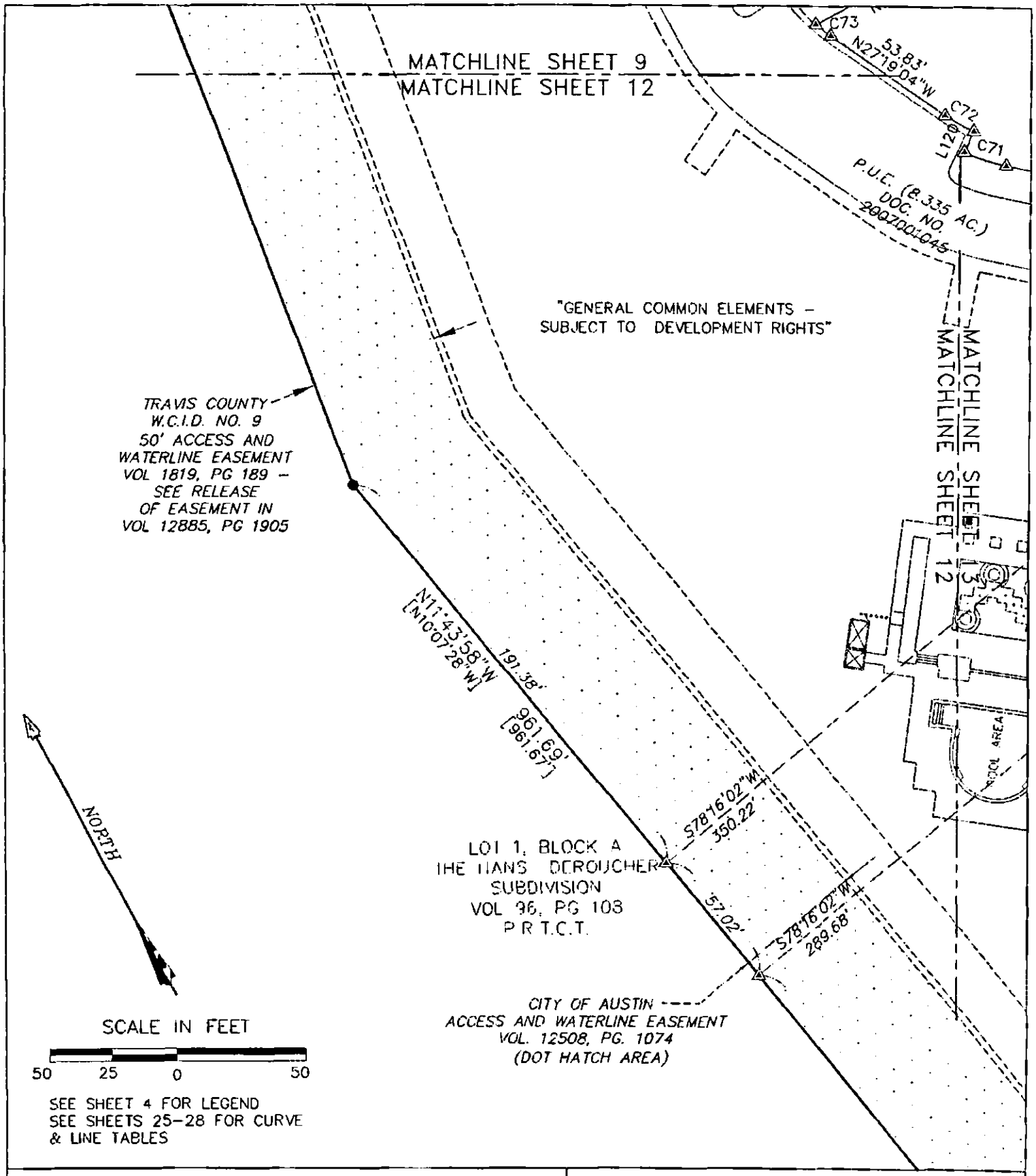

SEE SHEET 4 FOR LEGEND
SEE SHEETS 25–28 FOR CURVE & LINE TABLES

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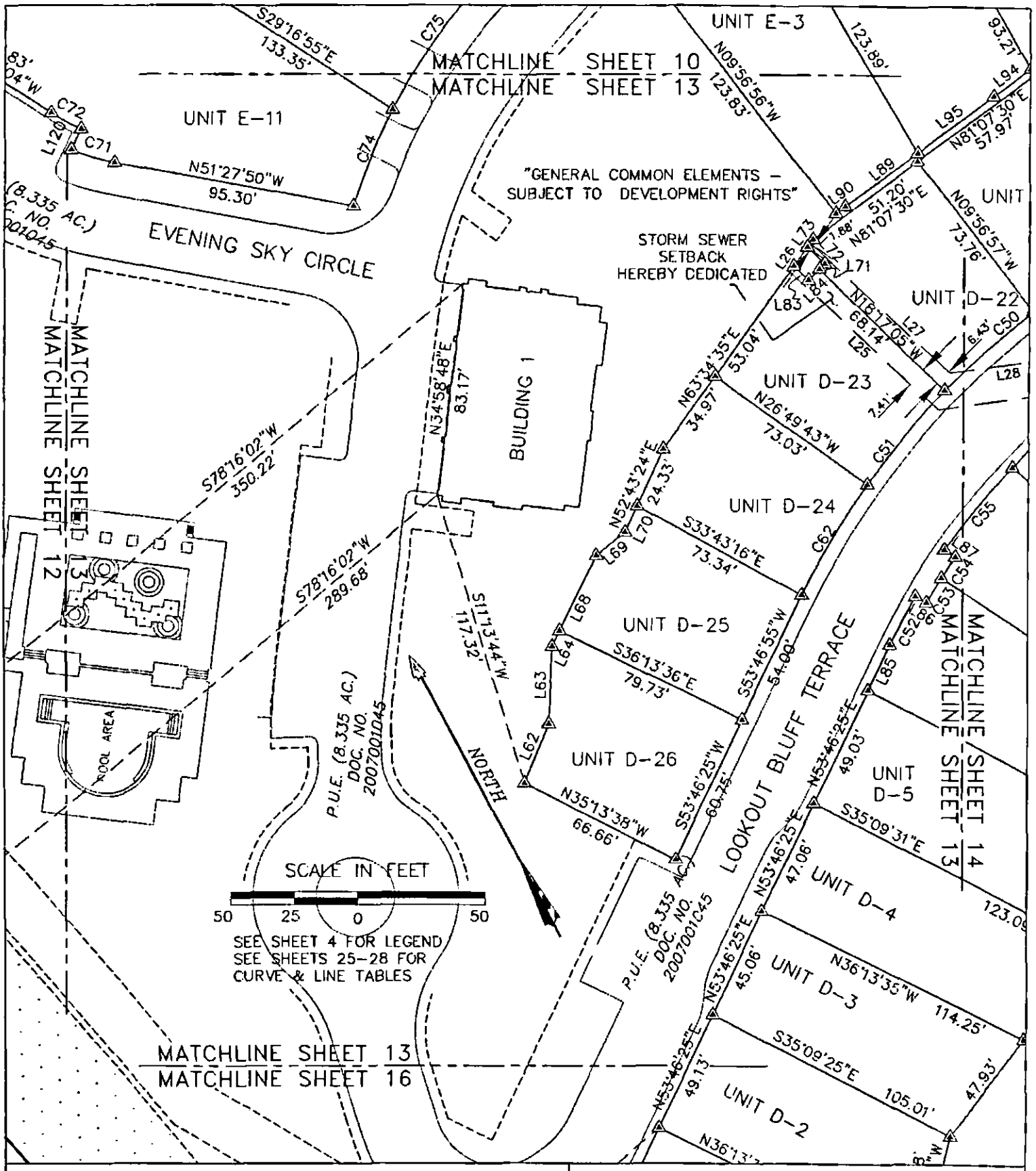

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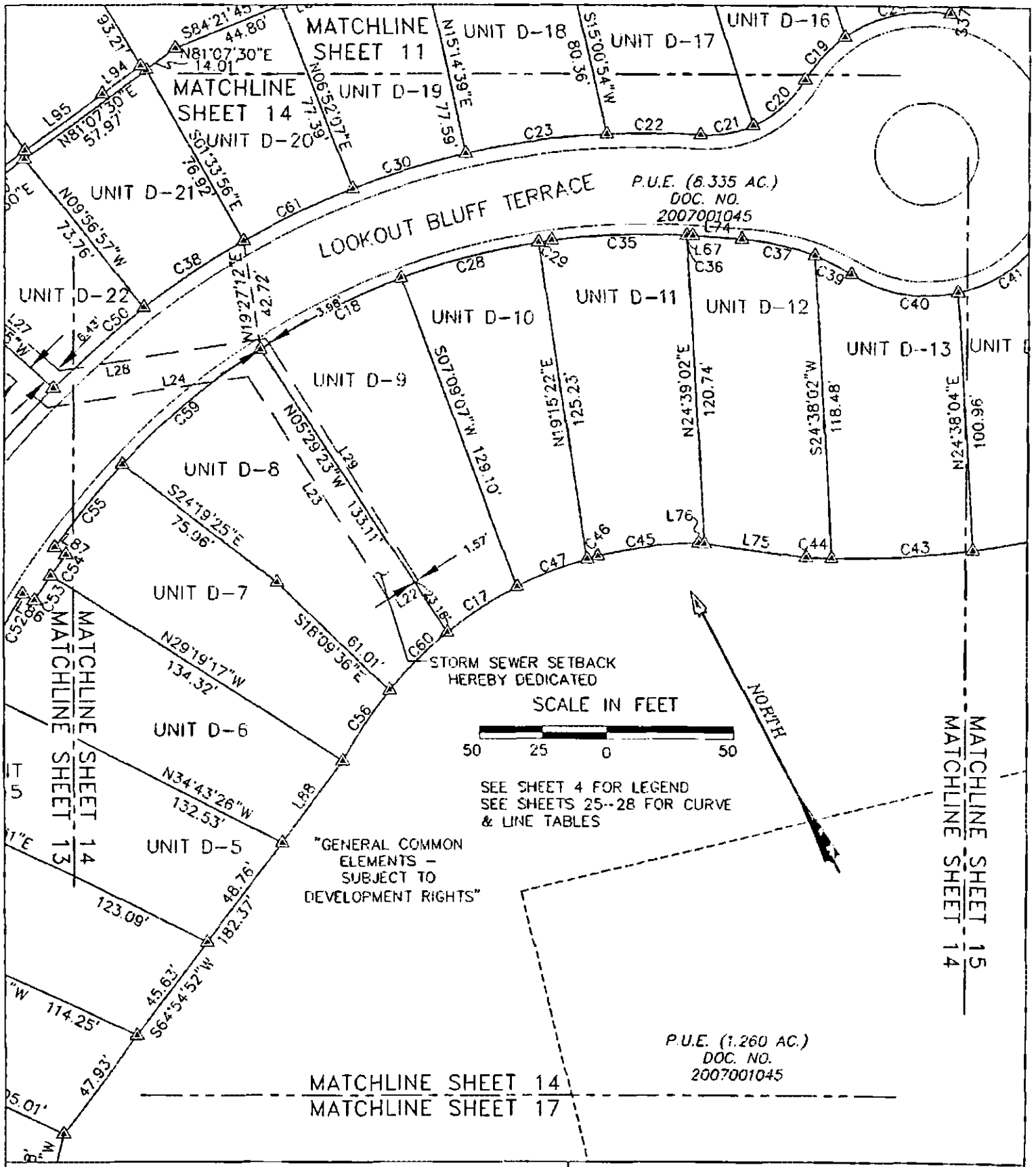

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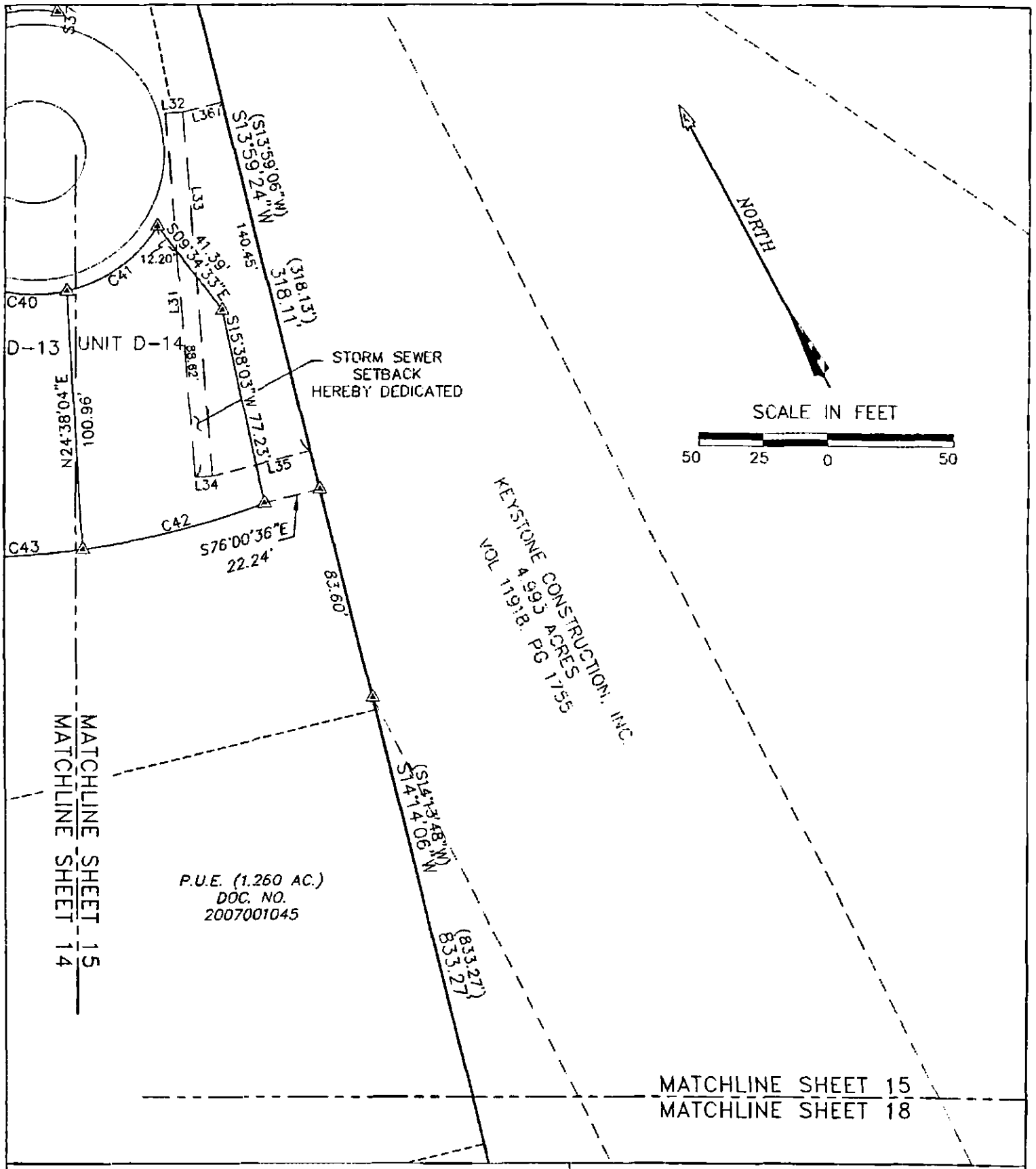

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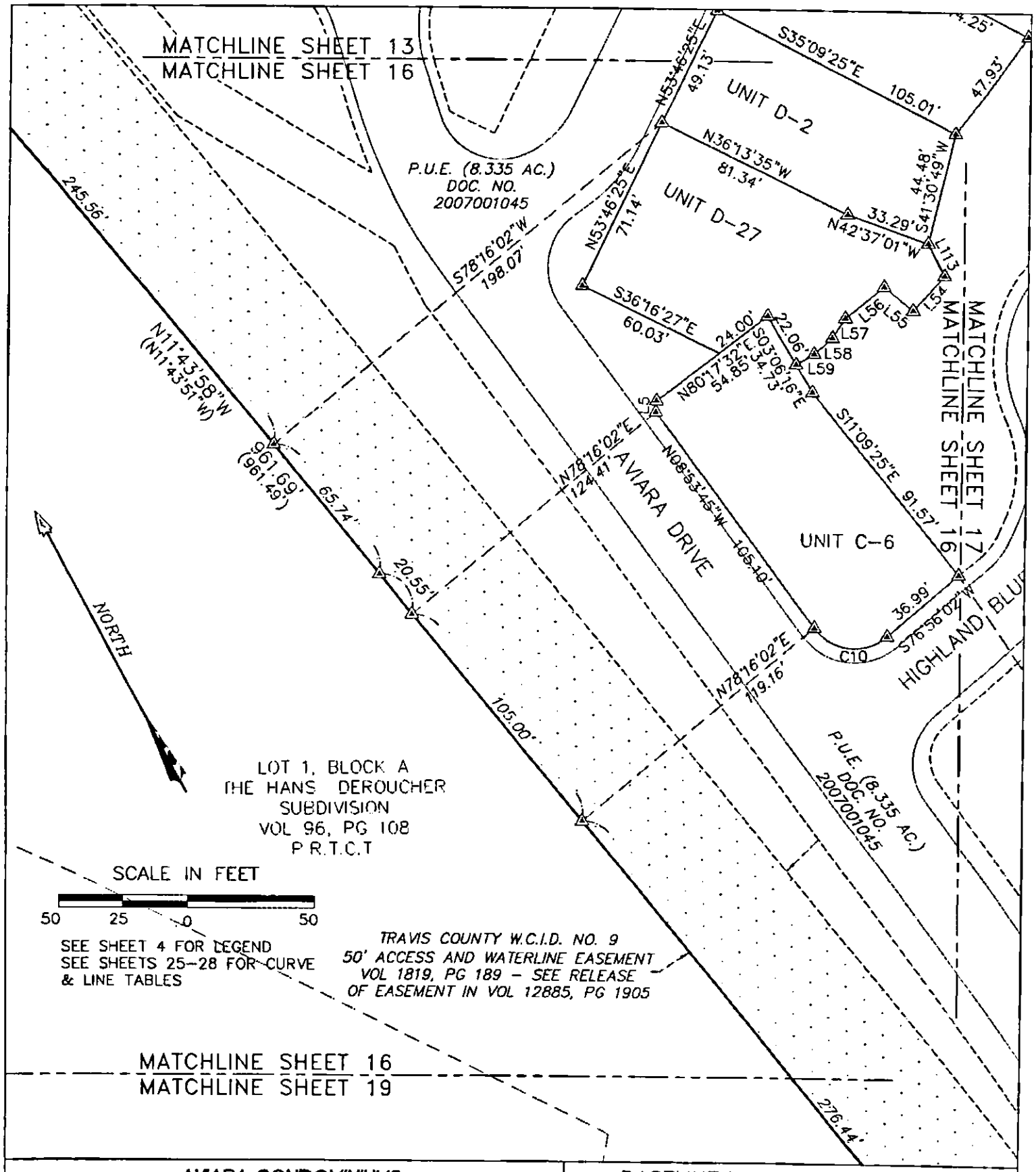

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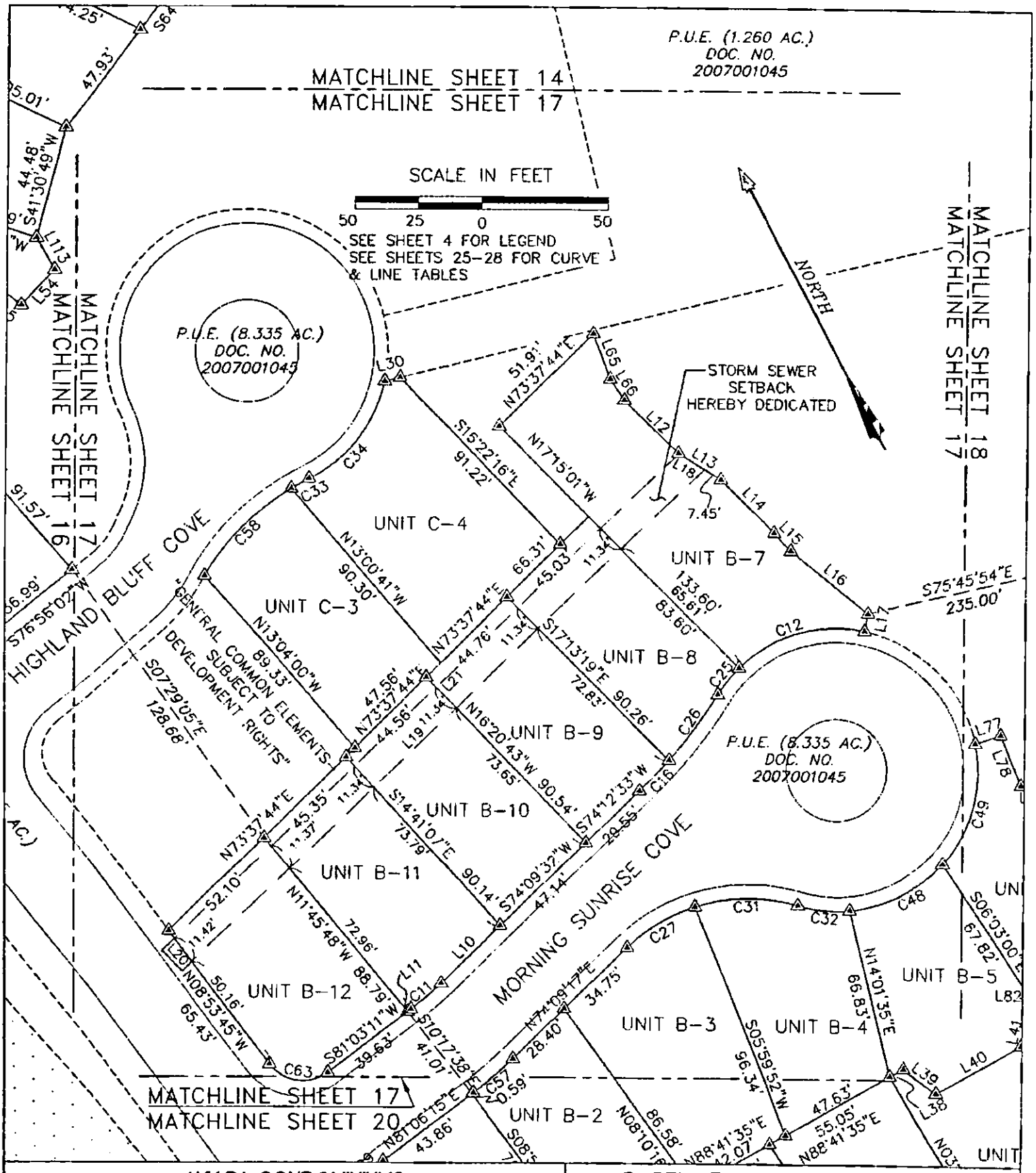

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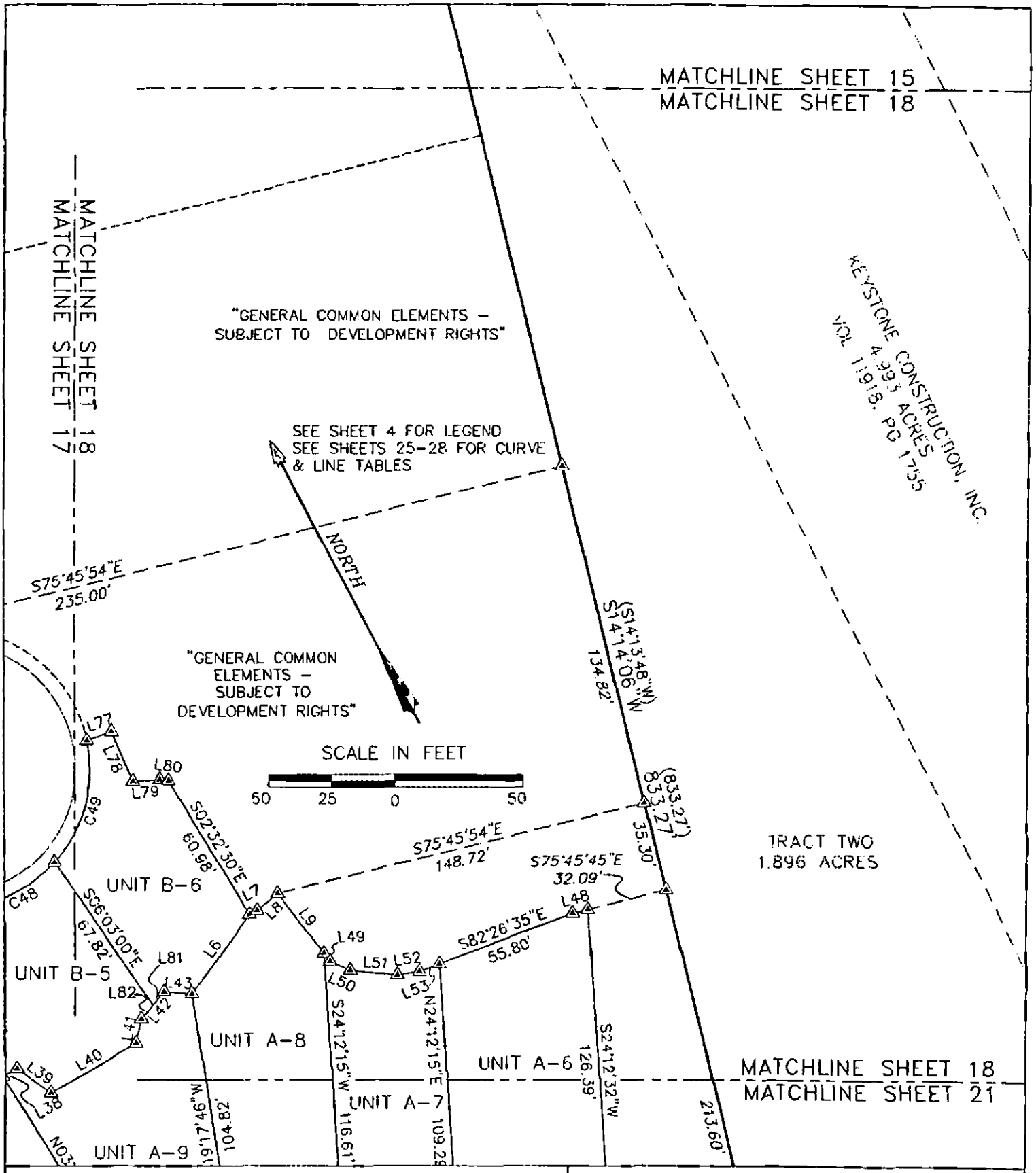

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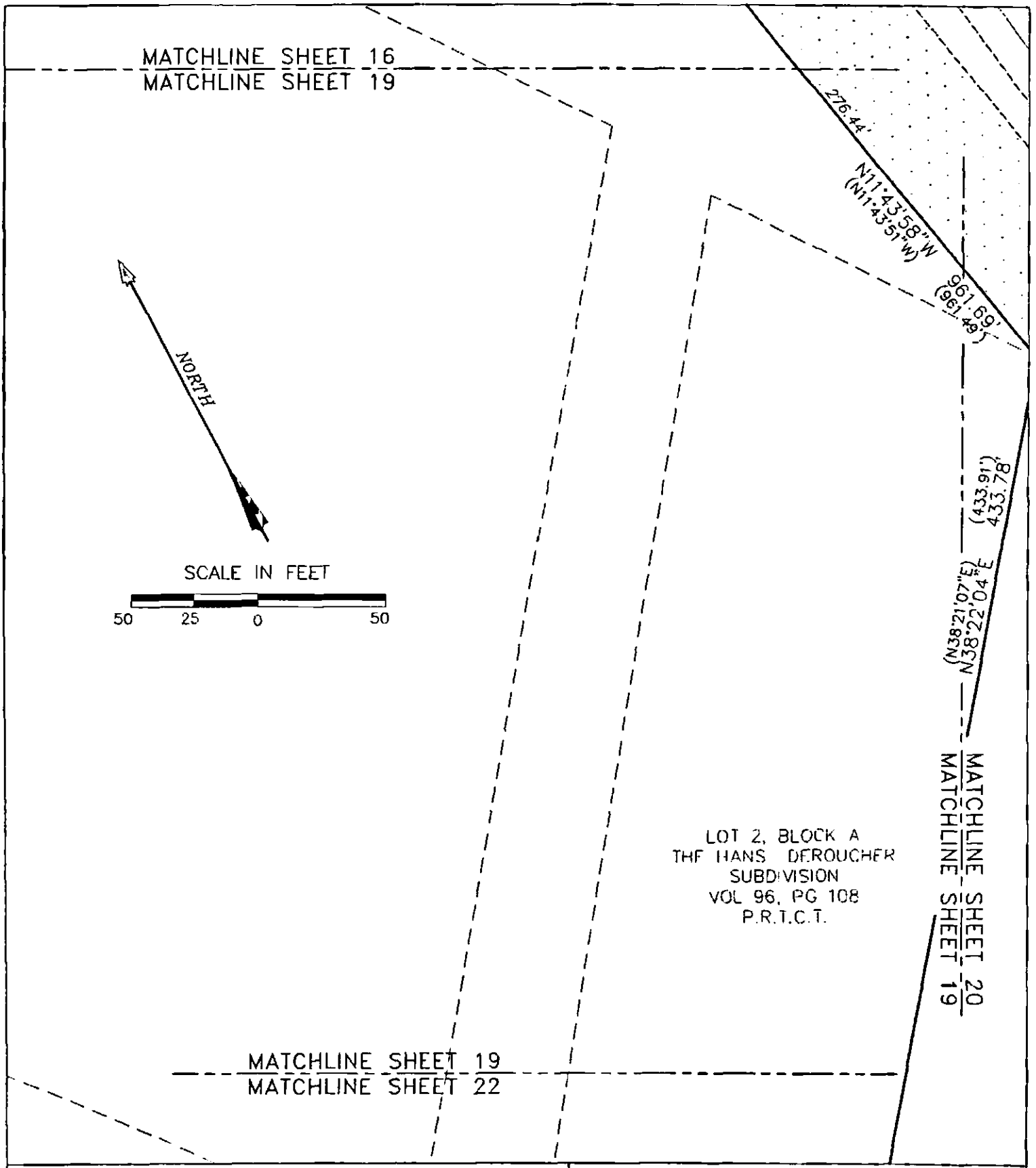

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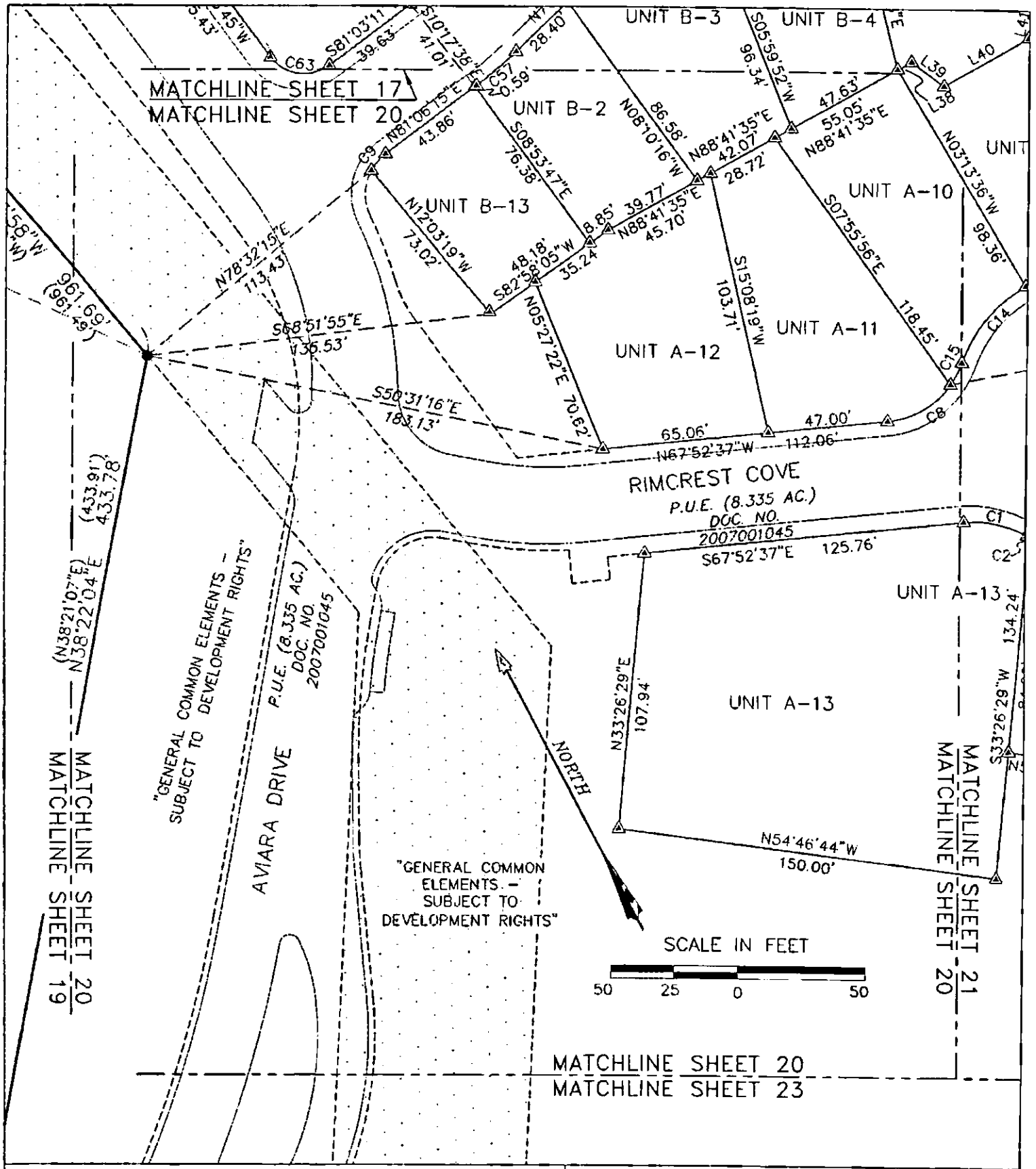

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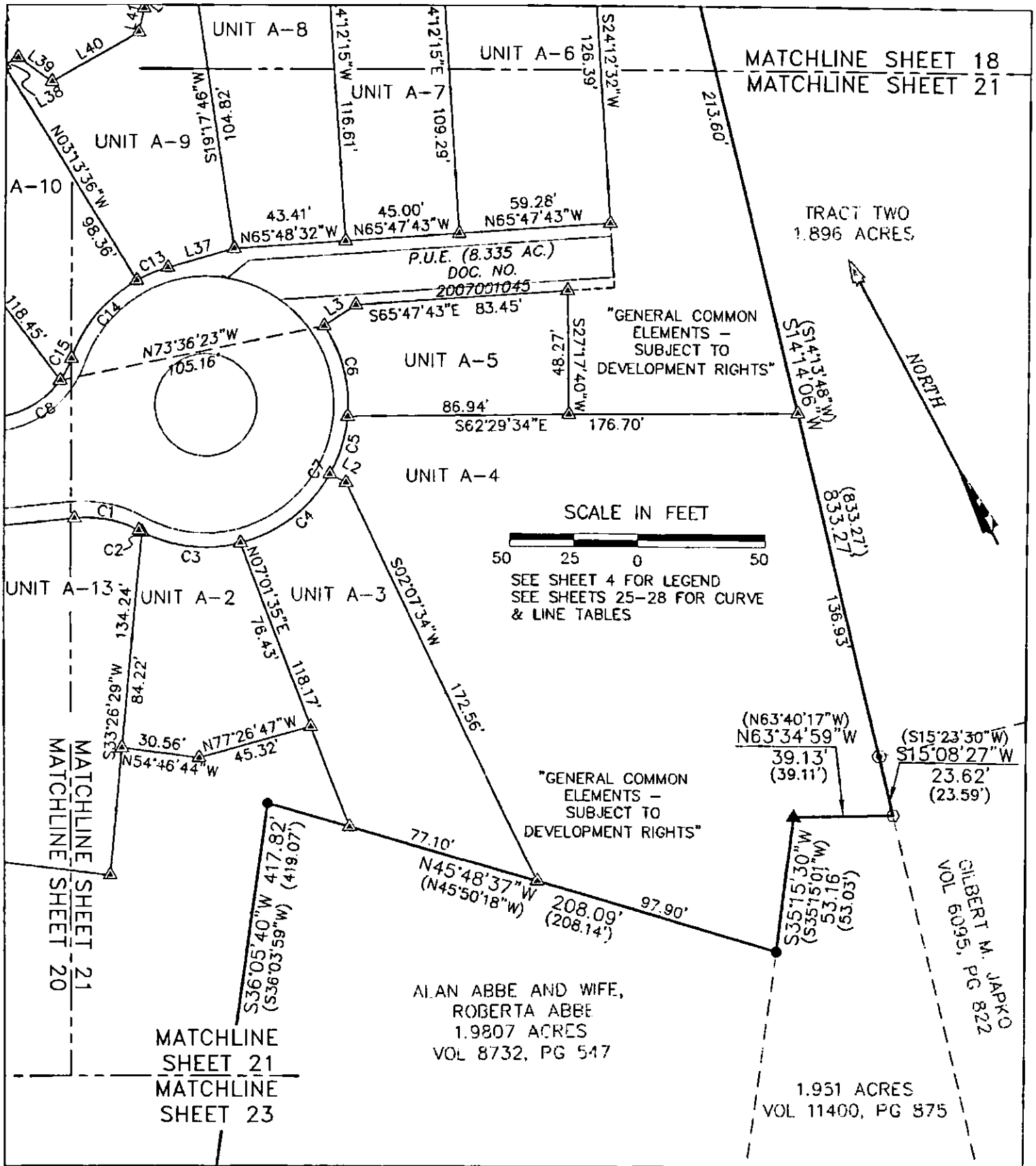

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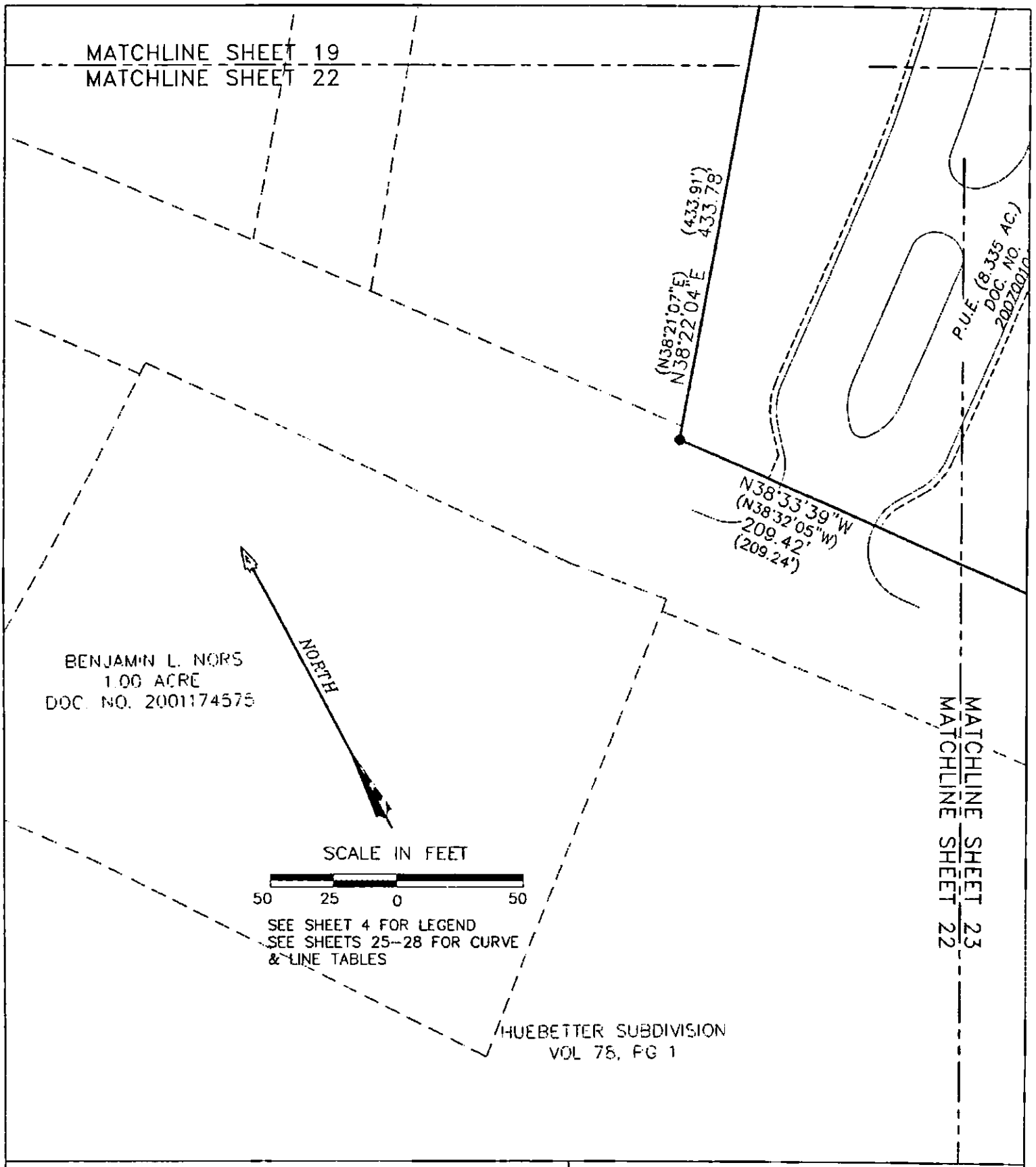
Scale (Hor.): 1"=50'		Scale (Vert.):	
Date: 06/13/11	Checked By: JSL	Drawn By: HPE\RLW	



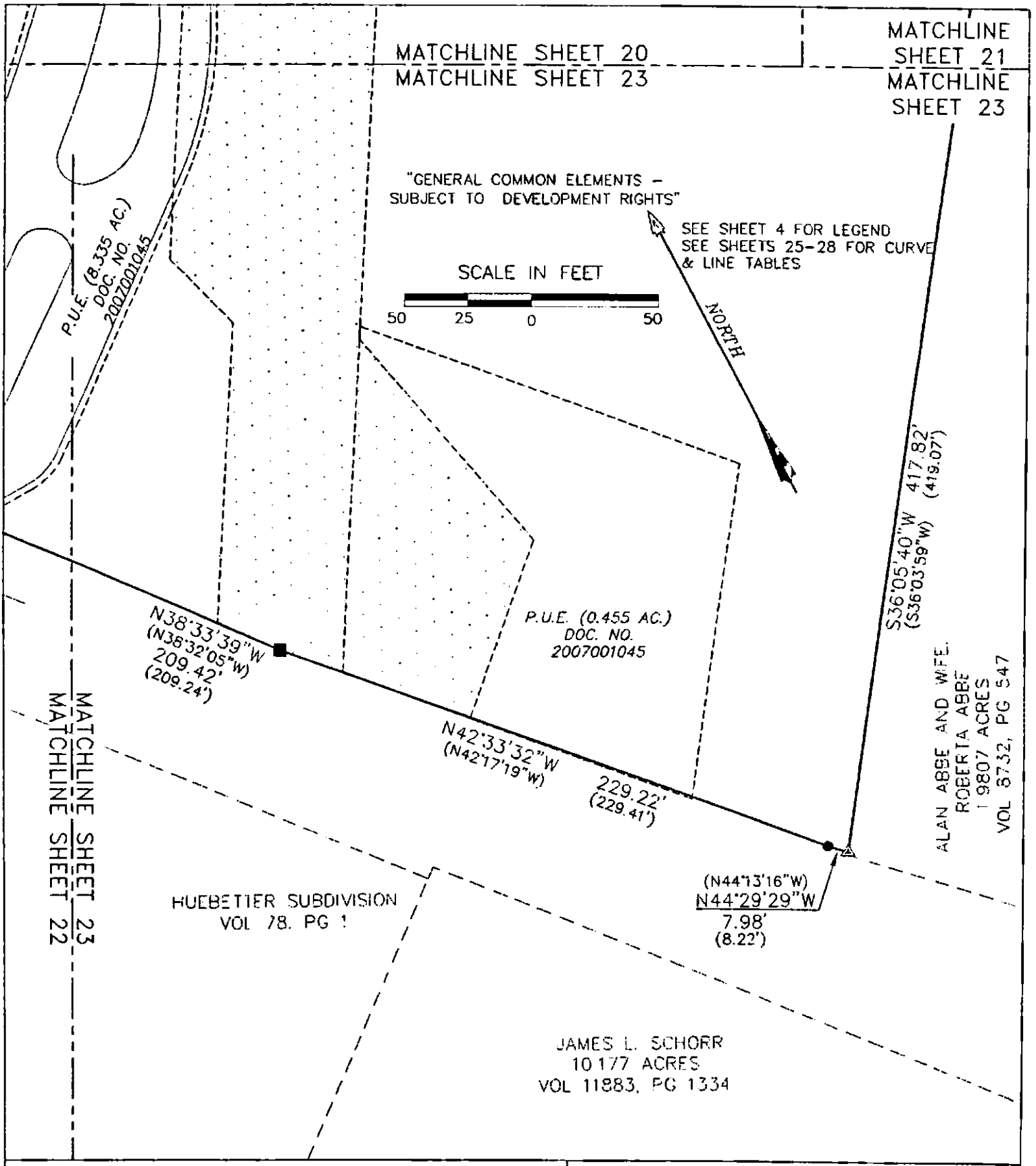
AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006175743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

BASELINE LAND SURVEYORS, INC.
PROFESSIONAL LAND SURVEYING SERVICES
8333 CROSS PARK DRIVE
AUSTIN, TEXAS 78754
OFFICE: 512.374.9722 FAX: 512.873.9743
ron-baseline@austin.rr.com

File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET 22 of 28
Job No.	Snapshot:		
Scale (Hor.): 1"=50'	Scale (Vert.):		
Date: 06/13/11	Checked By: JSL	Drawn By: HPE\RLW	



AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET 23 of 28
Job No.	Snapshot:		
Scale (Hor.): 1"=50'	Scale (Vert.):		
Date: 06/13/11	Checked By: JSL	Drawn By: HPE\RLW	

EXHIBIT

AVIARA CONDOMINIUMS

[PLAT]

§ Certification of Surveyor §

The attached plat, attached hereto as Exhibit contain the information required by Section 82.052 and Section 82.059 of the Texas Uniform Condominium Act, as applicable.

Ronnie Wallace

Ronnie Wallace
R.P.L.S. No. 5222

Date: 13 June 2011

STATE OF TEXAS
REGISTERED
RONNIE WALLACE
5222
PROFESSIONAL
LAND SURVEYOR

AVIARA CONDOMINIUMS	BASELINE LAND SURVEYORS, INC.
EXHIBIT OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS	PROFESSIONAL LAND SURVEYING SERVICES 8333 CROSS PARK DRIVE AUSTIN, TEXAS 78754 OFFICE: 512.374.9722 FAX: 512.873.9743 ron-baseline@austin.rr.com

File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET
Job No.	Snapshot:		24 of 28
Scale (Hor.): 1"=50'	Scale (Vert.):		
Date: 06/13/11	Checked By: JSL	Drawn By: HPE\RLW	

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C1	43.50'	25.85'	34°03'14"	N50°51'00"W	25.48'
C2	55.50'	1.36'	1°24'13"	S34°31'30"E	1.36'
C3	55.50'	39.74'	41°01'24"	S55°44'18"E	38.89'
C4	55.50'	45.25'	46°42'38"	N80°23'41"E	44.00'
C5	55.50'	23.52'	24°16'50"	N44°53'57"E	23.34'
C6	55.50'	37.22'	38°25'09"	N13°32'57"E	36.52'
C7	55.50'	147.08'	151°50'14"	N70°15'30"E	107.66'
C8	34.50'	29.54'	49°03'46"	N87°35'30"E	28.65'
C9	19.50'	8.60'	25°15'47"	S68°28'21"W	8.53'
C10	19.50'	32.05'	94°10'13"	S55°58'52"E	28.56'
C11	128.50'	15.59'	6°56'58"	N77°37'46"E	15.58'
C12	55.50'	54.03'	55°46'56"	N78°25'05"W	51.92'
C13	55.50'	13.29'	13°43'20"	N84°39'53"W	13.26'
C14	55.50'	40.10'	41°23'40"	S67°46'37"W	39.23'
C15	34.50'	9.67'	16°03'39"	N55°06'36"E	9.64'
C16	194.50'	16.61'	4°53'34"	N71°36'45"E	16.60'
C17	160.00'	33.10'	11°51'14"	S85°23'29"W	33.04'
C18	281.00'	61.89'	12°37'13"	N88°22'50"W	61.77'
C19	55.50'	23.40'	24°09'12"	S71°04'10"W	23.22'
C20	44.50'	27.40'	35°16'52"	N76°38'00"E	26.97'
C21	44.50'	21.40'	27°32'51"	S71°57'09"E	21.19'
C22	320.50'	36.55'	6°32'02"	N61°26'44"W	36.53'
C23	320.50'	56.16'	10°02'22"	N69°43'56"W	56.09'
C24	55.50'	42.94'	44°19'30"	N74°41'29"W	41.87'
C25	55.50'	13.43'	13°52'10"	S66°45'22"W	13.40'
C26	194.50'	32.10'	9°27'22"	N64°33'01"E	32.06'
C27	69.50'	31.31'	25°48'34"	S87°03'34"W	31.04'
C28	284.37'	56.30'	11°20'39"	N76°17'14"W	56.21'
C29	284.37'	5.39'	1°05'11"	N70°04'19"W	5.39'
C30	320.50'	46.88'	8°22'48"	N78°59'29"W	46.83'
C31	69.50'	41.29'	34°02'29"	N63°00'55"W	40.69'
C32	55.50'	21.02'	21°42'01"	S56°50'41"E	20.89'
C33	94.50'	8.03'	4°52'04"	S89°32'13"W	8.03'
C34	55.50'	50.19'	51°48'35"	N66°03'57"E	48.49'
C35	281.00'	52.77'	10°45'33"	N64°06'44"W	52.69'
C36	281.00'	0.93'	0°11'23"	N58°38'20"W	0.93'
C37	94.50'	29.53'	17°54'23"	N49°19'02"W	29.41'
C38	320.50'	46.91'	8°23'10"	S84°14'33"W	46.87'
C39	94.50'	16.32'	9°53'42"	N35°25'03"W	16.30'
C40	55.50'	43.09'	44°29'20"	S52°42'50"E	42.02'
C41	55.50'	44.21'	45°38'24"	N82°13'24"E	43.05'
C42	350.00'	73.09'	11°57'56"	S76°03'05"E	72.96'
C43	350.00'	55.18'	9°02'00"	S65°33'07"E	55.12'
C44	350.00'	10.08'	1°39'00"	S60°12'59"E	10.08'
C45	160.00'	39.91'	14°17'35"	N69°21'21"W	39.81'
C46	160.39'	4.39'	1°34'06"	N77°13'21"W	4.39'
C47	160.39'	29.62'	10°34'57"	N83°12'44"W	29.58'
C48	55.50'	41.86'	43°12'43"	S89°18'02"E	40.87'
C49	55.50'	50.91'	52°33'09"	N42°49'02"E	49.14'
C50	320.50'	46.62'	8°20'01"	S75°52'58"W	46.57'

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 6.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET 25 of 28
Job No.	Snapshot:		
Scale (Hor.): 1"=50'	Scale (Vert.):		
Date: 06/13/11	Checked By: JSL	Drawn By: HPE\RLW	

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C51	320.50'	47.84'	8°33'05"	S67°26'25"W	47.79'
C52	281.00'	21.40'	4°21'47"	S55°57'19"W	21.39'
C53	276.00'	11.21'	2°19'35"	S59°18'00"W	11.21'
C54	276.00'	9.99'	2°04'26"	S61°30'01"W	9.99'
C55	281.00'	41.60'	8°28'55"	S66°46'42"W	41.56'
C56	160.00'	33.12'	11°51'34"	S62°00'22"W	33.06'
C57	170.50'	20.63'	6°55'58"	N77°43'11"E	20.62'
C58	94.50'	48.23'	29°14'36"	S72°28'52"W	47.71'
C59	281.00'	70.09'	14°17'32"	S78°07'57"W	69.91'
C60	160.00'	32.21'	11°32'02"	S73°37'54"W	32.15'
C61	320.50'	47.16'	8°25'54"	N87°20'54"W	47.12'
C62	320.50'	50.30'	8°59'33"	S58°40'06"W	50.25'
C63	16.50'	25.92'	90°00'00"	S53°53'45"E	23.33'
C64	183.50'	55.58'	17°21'14"	S82°03'30"W	55.37'
C65	183.50'	5.03'	1°34'16"	N88°28'45"W	5.03'
C66	66.50'	29.12'	25°05'32"	S86°58'24"E	28.89'
C67	225.00'	22.17'	5°38'40"	S89°29'02"W	22.16'
C68	165.00'	2.50'	0°52'11"	N21°28'11"W	2.50'
C69	132.00'	37.38'	16°13'34"	N45°41'08"E	37.26'
C70	66.50'	31.77'	27°22'11"	N66°47'45"E	31.47'
C71	75.00'	17.21'	13°08'44"	S44°53'28"E	17.17'
C72	66.00'	12.97'	11°15'41"	S32°56'54"E	12.95'
C73	66.00'	7.20'	6°15'05"	S24°11'31"E	7.20'
C74	225.00'	40.96'	10°25'53"	S50°07'52"W	40.91'
C75	225.00'	57.29'	14°35'16"	S62°38'27"W	57.13'
C76	125.00'	54.33'	24°54'14"	N04°13'07"W	53.91'
C77	165.00'	30.11'	10°27'23"	N03°00'19"E	30.07'
C78	165.00'	44.16'	15°20'08"	N09°53'26"W	44.03'
C79	116.50'	49.25'	24°13'09"	N43°12'14"W	48.88'
C80	166.50'	21.38'	7°21'32"	N22°28'31"W	21.37'
C81	116.50'	10.04'	4°56'22"	N28°37'28"W	10.04'

AVIARA CONDOMINIUMS

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg		
Job No.	Snapshot:	
Scale (Hor.): 1"=50'	Scale (Vert.):	
Date: 06/13/11	Checked By: JSL	Drawn By: HPE\RLW

LINE TABLE		
LINE	BEARING	LENGTH
L1	S67°52'37"E	35.37'
L2	N32°57'38"W	7.06'
L3	N84°20'23"E	14.65'
L4	N47°51'55"W	11.34'
L5	N31°01'52"E	4.45'
L6	N63°54'29"E	38.06'
L7	S86°57'47"E	3.29'
L8	N78°01'20"E	10.29'
L9	S10°13'03"E	29.53'
L10	S74°09'17"W	32.66'
L11	S81°06'15"W	1.64'
L12	S18°00'07"E	6.87'
L13	S30°23'57"E	19.47'
L14	S17°47'50"E	29.77'
L15	S15°29'37"E	9.67'
L16	S23°37'34"E	39.17'
L17	S39°28'12"W	6.91'
L18	S30°23'57"E	11.73'
L19	S74°19'32"W	284.75'
L20	N15°40'28"W	11.34'
L21	N74°19'32"E	281.77'
L22	S85°45'47"W	13.66'
L23	N04°14'13"W	103.33'
L24	N70°42'51"W	78.43'
L25	N19°29'12"W	79.32'
L26	N63°34'35"E	13.76'
L27	S19°29'12"E	74.44'
L28	S70°42'51"E	80.83'
L29	S04°14'13"E	112.29'
L30	S75°40'42"E	6.08'
L31	N23°29'14"E	142.40'
L32	S66°30'46"E	6.83'
L33	S23°29'14"W	142.40'
L34	N66°30'46"W	6.83'
L35	S76°00'36"E	39.58'
L36	S76°00'36"E	16.09'
L37	N77°48'13"W	27.14'
L38	N88°41'39"E	6.13'
L39	N25°44'20"W	15.92'
L40	S88°11'16"W	38.53'
L41	S40°42'44"W	9.55'
L42	N67°35'16"E	13.92'
L43	S57°59'10"E	10.92'
L44	S76°25'51"E	16.48'
L45	S70°54'33"E	39.17'
L46	N86°12'33"E	12.02'
L47	S84°49'29"E	4.40'
L48	S76°40'56"E	5.93'
L49	S10°13'03"E	4.06'
L50	S38°01'06"E	8.58'

LINE TABLE		
LINE	BEARING	LENGTH
L51	S56°04'51"E	18.69'
L52	S70°55'02"E	8.71'
L53	S82°26'35"E	8.37'
L54	S69°13'33"W	18.32'
L55	N23°26'52"W	14.68'
L56	S78°08'44"W	19.40'
L57	S60°30'23"W	9.18'
L58	S76°42'45"W	9.64'
L59	S87°05'06"W	8.22'
L60	S84°49'29"E	2.67'
L61	S84°21'45"E	20.21'
L62	N50°40'11"E	24.96'
L63	N30°53'27"E	30.22'
L64	N53°56'24"E	6.82'
L65	S07°17'18"W	18.99'
L66	S06°13'30"E	9.98'
L67	S58°24'33"E	1.34'
L68	N54°18'02"E	32.72'
L69	N79°34'04"E	14.67'
L70	N52°43'24"E	11.28'
L71	N71°42'55"E	3.00'
L72	N18°17'05"W	9.31'
L73	N63°34'36"E	3.67'
L74	S58°16'14"E	19.54'
L75	N54°30'06"W	40.63'
L76	N54°30'06"W	2.31'
L77	S81°16'47"E	10.47'
L78	S04°57'06"W	21.25'
L79	S66°16'15"E	10.53'
L80	S54°10'00"E	3.38'
L81	S67°35'16"W	6.96'
L82	S67°35'16"W	6.96'
L83	S18°17'05"E	8.02'
L84	N71°42'59"E	6.00'
L85	N53°46'26"E	19.82'
L86	S31°51'47"E	5.00'
L87	N27°27'46"W	5.00'
L88	S64°54'52"W	40.05'
L89	S81°35'33"W	35.58'
L90	S81°27'40"W	4.57'
L91	S87°41'38"E	41.25'
L92	S01°25'07"E	20.29'
L93	N88°34'53"E	10.05'
L94	S81°05'38"W	18.46'
L95	S80°43'17"W	36.75'
L96	S74°25'37"E	14.98'
L97	N82°58'58"W	15.50'
L98	N83°20'13"W	10.31'
L99	N10°19'54"E	16.87'
L100	N40°19'08"W	8.96'

AVIARA CONDOMINIUMS

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET 27 of 28
Job No.	Snapshot:		
Scale (Hor.): 1"=50'	Scale (Vert.):		
Date: 06/13/11	Checked By: JSL	Drawn By: HPE\RLW	

LINE TABLE		
LINE	BEARING	LENGTH
L101	N76°14'53"W	1.96'
L102	N87°41'38"W	28.05'
L103	N68°05'43"E	18.51'
L104	N15°06'21"W	24.68'
L105	N21°54'17"W	42.49'
L106	S59°48'35"E	6.81'
L107	N21°54'17"W	10.00'
L108	S68°05'43"W	32.98'
L109	N21°54'17"W	36.54'
L110	N05°21'04"E	23.35'
L111	N50°21'04"E	26.43'
L112	S36°25'07"E	16.79'
L113	S00°28'38"W	14.09'
L114	S74°25'37"E	5.00'
L115	N15°34'23"E	18.78'
L116	S64°33'06"E	17.39'
L117	S09°08'56"E	25.00'
L118	N80°51'04"E	9.86'
L119	S19°33'06"E	9.08'
L120	N53°35'31"E	9.01'
L121	N65°31'44"E	14.73'
L122	N68°05'43"E	28.14'
L123	N85°30'41"E	22.59'
L124	S08°14'01"W	23.83'
L125	N87°41'38"W	5.85'
L126	S01°29'24"W	20.00'
L127	N87°41'38"W	45.00'
L128	N08°14'01"E	16.02'
L129	N74°25'37"W	33.70'
L130	N03°02'42"W	29.61'
L131	S86°57'18"W	36.55'
L132	N68°05'43"E	33.44'
L133	N35°58'53"W	5.00'
L134	N26°09'17"W	14.58'
L135	N83°20'13"W	34.25'
L136	N71°01'47"W	24.06'
L137	N71°01'47"W	4.57'

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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PROFESSIONAL LAND SURVEYING SERVICES

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AUSTIN, TEXAS 78754

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UNIT PLAN TYPES – ATTACHED UNITS

Unit No.	Plan Type*
A-1	A
B-1	B
C-1	C
D-1	D

* SEE CONDOMINIUM PLANS FOR PLAN TYPE.

ALL UNITS SHOWN ON THE PLAT AND PLANS OTHER THAN UNITS A-1, B-1, C-1, D-1 ARE STAND-ALONE UNITS.

ELECTRONICALLY RECORDED 2011113499
TRV 37 PGS

AFTER RECORDING RETURN TO:
Robert D. Burton, Esq.
Winstead, PC
401 Congress Ave., Suite 2100
Austin, Texas 78701

AVIARA

TWENTY-FIRST AMENDMENT TO RESTATED AND AMENDED DECLARATION OF CONDOMINIUM REGIME FOR AVIARA CONDOMINIUMS

(A Residential Condominium in Travis County, Texas)

Cross Reference to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2009071585, Official Public Records of Travis County, Texas as amended.

TWENTY-FIRST AMENDMENT TO
RESTATED AND AMENDED DECLARATION OF CONDOMINIUM REGIME
FOR AVIARA CONDOMINIUMS

This Twenty-First Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums (the "**Amendment**") is made **CR-B AVIARA, L.P.**, a Texas limited partnership ("**Declarant**"), and is as follows:

RECITALS:

A. Aviara Condominiums, a condominium regime (the "**Regime**"), located in Travis County, Texas, was established pursuant to that certain Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2009071585, Official Public Records of Travis County, Texas as amended (collectively, the "**Declaration**").

B. Pursuant to *Provision A.3.10* of Appendix "A" to the Declaration, during the Development Period the Declarant may amend the Declaration unilaterally and without the consent of other Owners or any mortgagee to add real property to the Property and create Units, General Common Elements and Limited Common Elements within the Property and to subdivide, combine or reconfigure Units, or convert Units into Common Elements, in the exercise of statutory development rights.

C. In accordance with *Provision A.3.8* of Appendix "A" to the Declaration, Declarant has reserved the right, during the Development Period, to create Units, General Common Elements, and Limited Common Elements within the Property.

D. The "Development Period" as such term is defined in the Declaration, is a fifteen (15) year period commencing on the date the Declaration was recorded in the Official Public Records of Travis County, Texas. The Declaration was recorded in the Official Public Records of Travis County, Texas, on May 4, 2009.

E. Pursuant to Section 82.060 of the Texas Uniform Condominium Act, to exercise a statutory development right, Declarant must prepare, execute and record an amendment to the Declaration and record new plats and plans for that real property. The amendment to the declaration must reallocate the allocated interests among all Units.

F. This amendment is promulgated for the purposes of: (i) creating four (4) additional Units within the Regime; and (ii) to reconfigure the boundaries of Unit No. F-7 and Unit No. F-8 in the Regime. Meritage Homes of Texas, LLC, an Arizona limited liability company, is the Owner of Unit F-7 and Unit F-8 and consents to this Amendment as evidenced below. The total number of Units within the Regime after giving effect to this Amendment is equal to seventy-seven (77), and the total number of additional Units which Declarant has reserved the right to create by amendment is equal to seventy-three (73).

NOW THEREFORE, the Declaration is hereby amended as follows:

1. Creation of Units. In accordance with the rights reserved by the Declarant pursuant to *Section 5.1* of the Declaration and *Provisions A.3.8* and *A.3.10* of Appendix "A" to the Declaration, Declarant hereby creates four (4) Units, which are designated as Unit Nos. E-13, E-14, F-6 and F-23 (the "**New Units**"). The New Units are hereby classified as Units which MUST BE BUILT.

2. Reconfiguration of Units. In accordance with the rights reserved by the Declarant pursuant to *Provision A.3.10* of Appendix "A" to the Declaration, Declarant hereby reconfigures the boundaries of Unit No. F-7 and Unit No. F-8 in the Regime as set forth on the New Plats and Plans (as defined below).

3. Replacement of Exhibit "B". Exhibit "B" to the Declaration is hereby deleted in its entirety and the Plats and Plans attached hereto as Attachment 1 (the "**New Plats and Plans**") are substituted in their place. The New Plats and Plans: (i) assign an identifying number to all Units; (ii) describe the portion of the limited common elements created or assigned to all Units; and (iii) include the information required by Section 82.059 of the Texas Uniform Condominium Act.

4. Replacement of Exhibit "C". The Percentage Interests allocated to all Units within the Regime, after the addition of the New Units, is set forth on Attachment 2, attached hereto. Attachment 2, attached hereto, will supersede and replace Exhibit "C" attached to the Declaration.

5. 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.

[SIGNATURE PAGE FOLLOWS]

EXECUTED to be effective as of the 29 day of July, 2011.

DECLARANT:

CR-B AVIARA, L.P., a Texas limited partnership

By: CR-B INVESTORS I GP, L.L.C., a Texas limited liability company, its General Partner

By: _____
Printed Name: David Arnow
Title: Vice President

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this 29 day of July, 2011 by David Arnow, Vice President of CR-B Investors I GP, L.L.C., a Texas limited liability company, General Partner of CR-B Aviara, L.P., a Texas limited partnership, on behalf of said entities.

(SEAL)

REBEKAH M. CANTU
NOTARY PUBLIC
STATE OF TEXAS
EXPIRES
11-10-2012

_____
Notary Public Signature

ACKNOWLEDGED AND AGREED:

MERITAGE HOMES OF TEXAS, LLC,
an Arizona limited liability company

By: _____
Printed Name: Dale Thornton
Title: VP Land

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this 3 day of August, 2011, by Dale Thornton, VP of Land of MERITAGE HOMES OF TEXAS, LLC, an Arizona limited liability company, on behalf of said limited liability company.

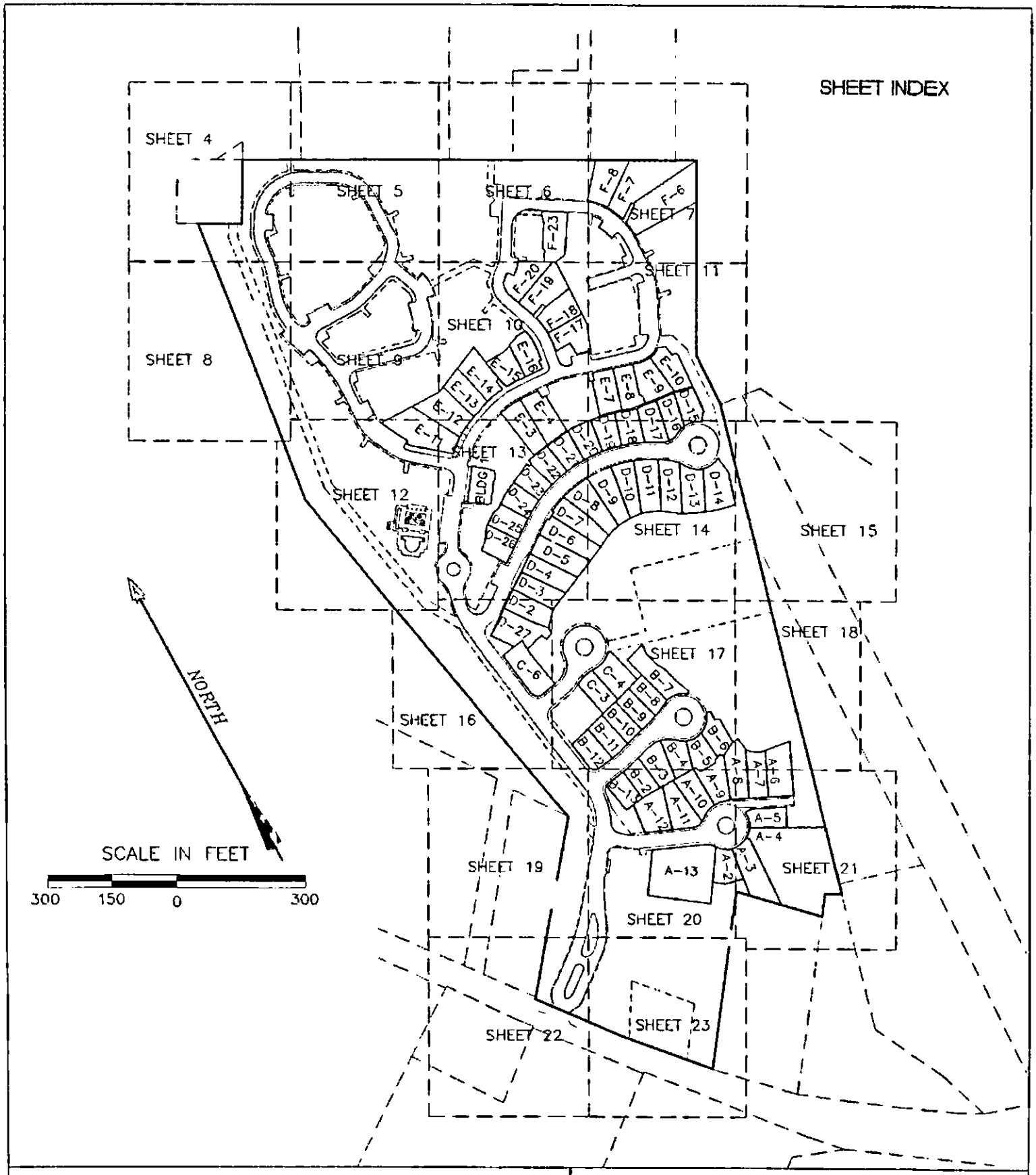
(SEAL) LAURIE SMITH

_____
Notary Public Signature

ATTACHMENT 1

EXHIBIT "B" TO THE DECLARATION OF CONDOMINIUM REGIME

SEE SHEET 24 OF 28 FOR ORIGINAL CERTIFICATION



AVIARA CONDOMINIUMS

EXHIBIT

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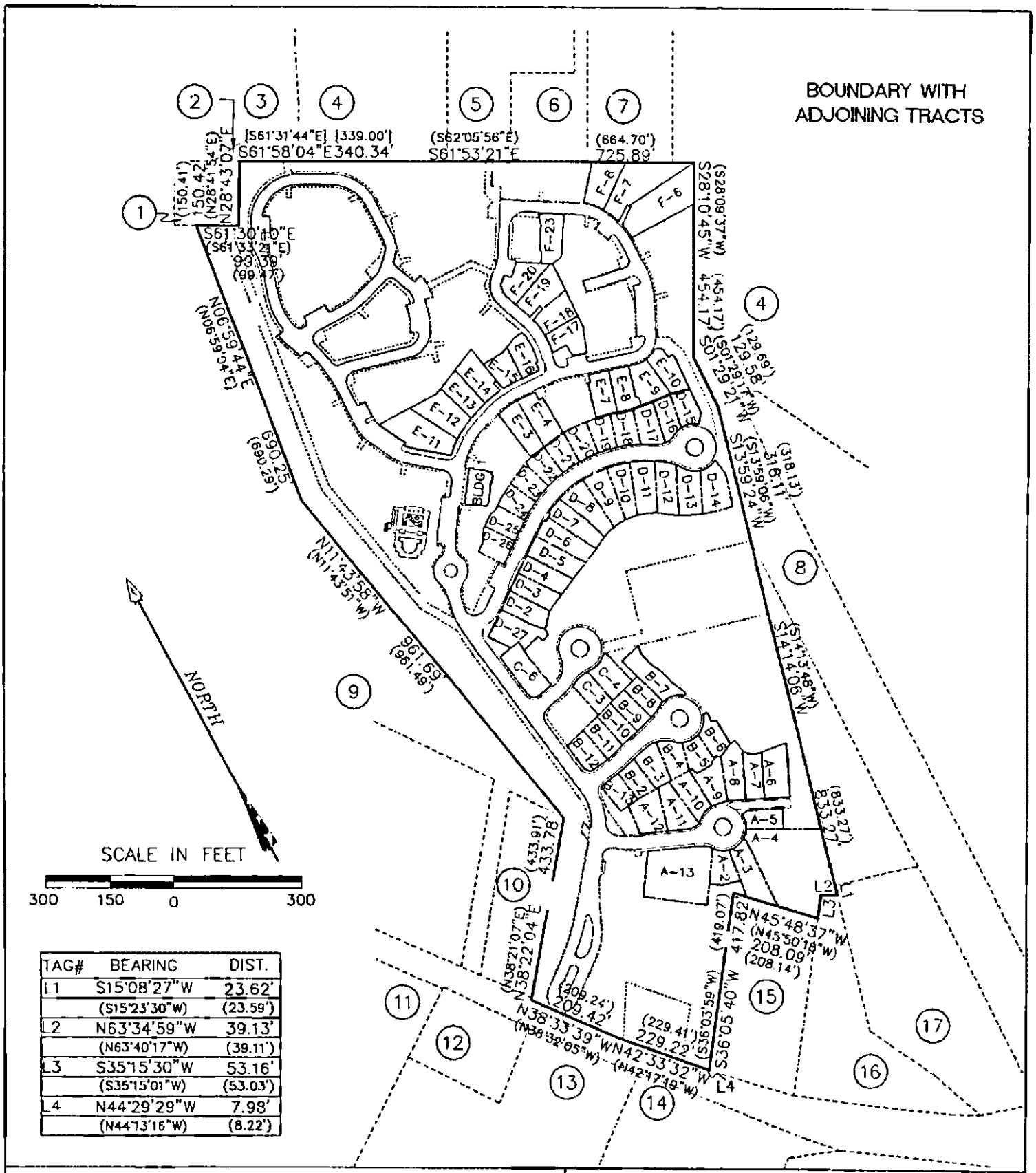

TAG#	BEARING	DIST.
L1	S15°08'27"W	23.62'
	(S15°23'30"W)	(23.59')
L2	N63°34'59"W	39.13'
	(N63°40'17"W)	(39.11')
L3	S35°15'30"W	53.16'
	(S35°15'01"W)	(53.03')
L4	N44°29'29"W	7.98'
	(N44°13'16"W)	(8.22')

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ADJOINING OWNERS

1. TRAVIS COUNTY W.C.I.D. NO. 9, VOL. 1819, PG. 189 (0.52 ACRES)
2. CITY OF AUSTIN, VOL. 10958, PG. 277 (0.029 ACRES)
3. REMAINDER OF 888.051 ACRES, VOL. 10958, PG. 280
4. LOT 115, BLOCK B, LANTANA SOUTHWEST, PHASE 1, DOC. NO. 200300137
5. CITY OF AUSTIN, TRACT 2, VOL. 12910, PG. 670 (1.757 ACRES)
6. CITY OF AUSTIN, VOL. 10031 PG. 300 (1.0397 ACRES)
7. CITY OF AUSTIN, TRACT 1, VOL. 12910, PG. 670 (1.655 ACRES)
8. KEYSTONE CONSTRUCTION, INC., VOL. 11918, PG. 1755 (4.993 ACRES)
9. LOT 1, BLOCK "A", THE HANS DEROUCHER SUBDIVISION, VOL. 96, PG. 108
10. LOT 2, BLOCK "A", THE HANS DEROUCHER SUBDIVISION, VOL. 96, PG. 108
11. AARON GARDNER SUBDIVISION, VOL. 49, PG. 95
12. BENJAMIN L. NORS, DOC. NO. 2001174575 (1.00 ACRE)
13. HUEBETTER SUBDIVISION, VOL. 78, PG. 1
14. JAMES L. SCHORR, VOL. 11883, PG. 1334 (10.177 ACRES)
15. ALAN ABBE, et ux, VOL. 8732, PG. 5 (1.9807 ACRES)
16. 1.951 ACRES, VOL. 11400, PG. 875
17. GILBERT M. JAPKO, TRACT ONE, VOL. 6095, PG. 82 (3.129 ACRES)

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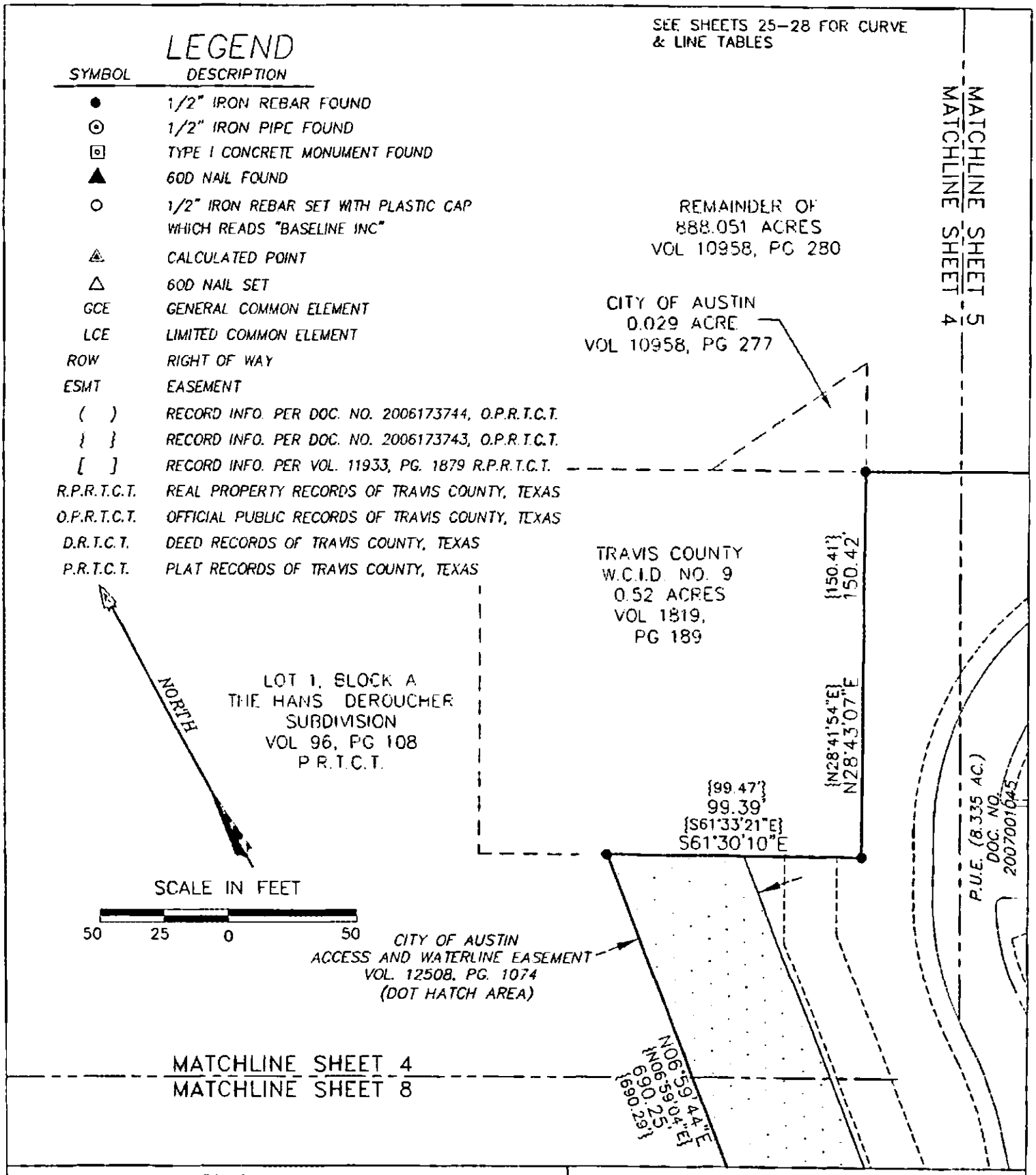
SEE SHEETS 25–28 FOR CURVE & LINE TABLES

LEGEND

SYMBOL	DESCRIPTION
●	1/2" IRON REBAR FOUND
⊙	1/2" IRON PIPE FOUND
⊡	TYPE I CONCRETE MONUMENT FOUND
▲	60D NAIL FOUND
○	1/2" IRON REBAR SET WITH PLASTIC CAP WHICH READS "BASELINE INC"
◬	CALCULATED POINT
△	60D NAIL SET
GCE	GENERAL COMMON ELEMENT
LCE	LIMITED COMMON ELEMENT
ROW	RIGHT OF WAY
ESMT	EASEMENT
( )	RECORD INFO. PER DOC. NO. 2006173744, O.P.R.T.C.T.
{ }	RECORD INFO. PER DOC. NO. 2006173743, O.P.R.T.C.T.
[ ]	RECORD INFO. PER VOL. 11933, PG. 1879 R.P.R.T.C.T.
R.P.R.T.C.T.	REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS
O.P.R.T.C.T.	OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS
D.R.T.C.T.	DEED RECORDS OF TRAVIS COUNTY, TEXAS
P.R.T.C.T.	PLAT RECORDS OF TRAVIS COUNTY, TEXAS



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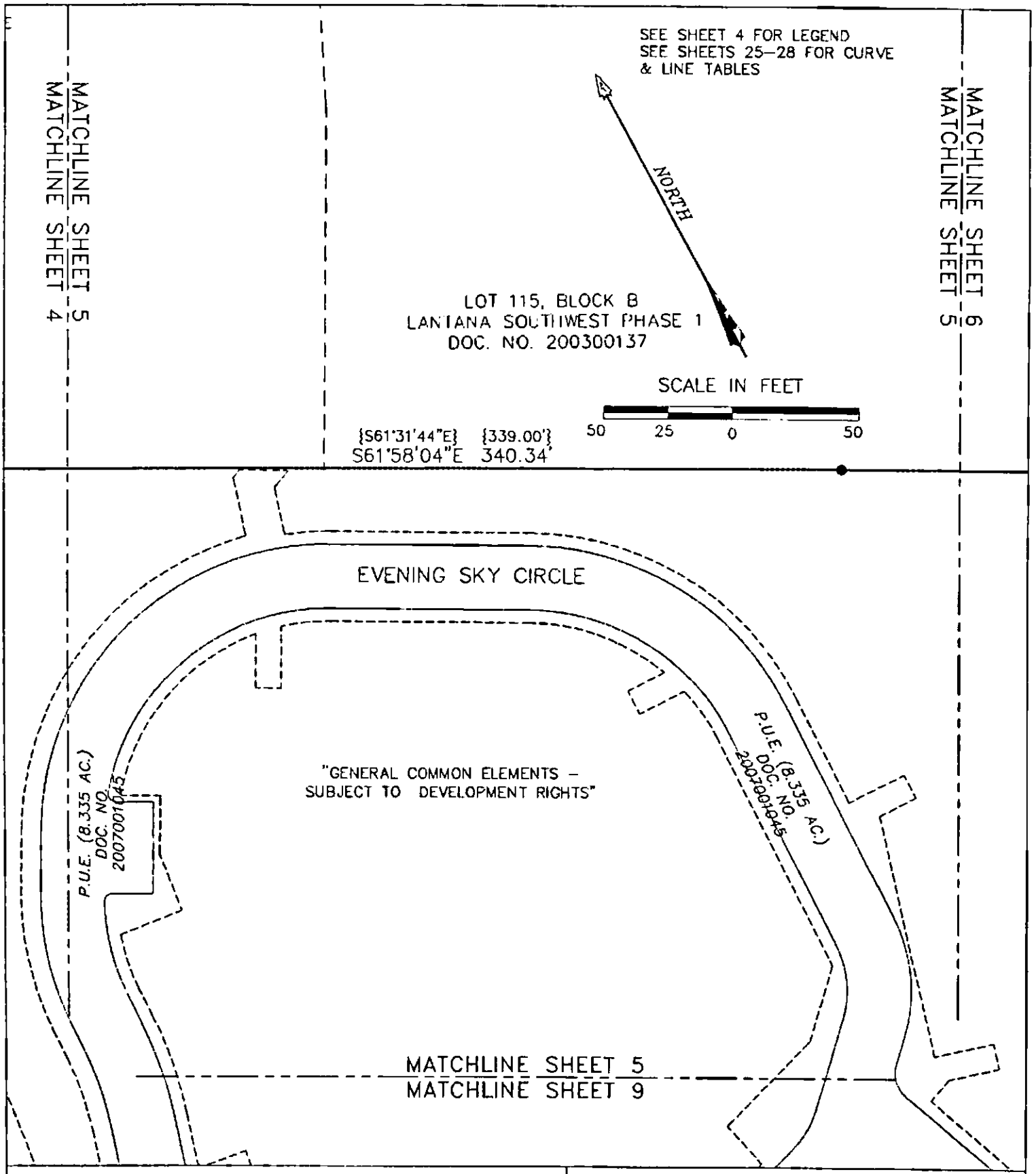

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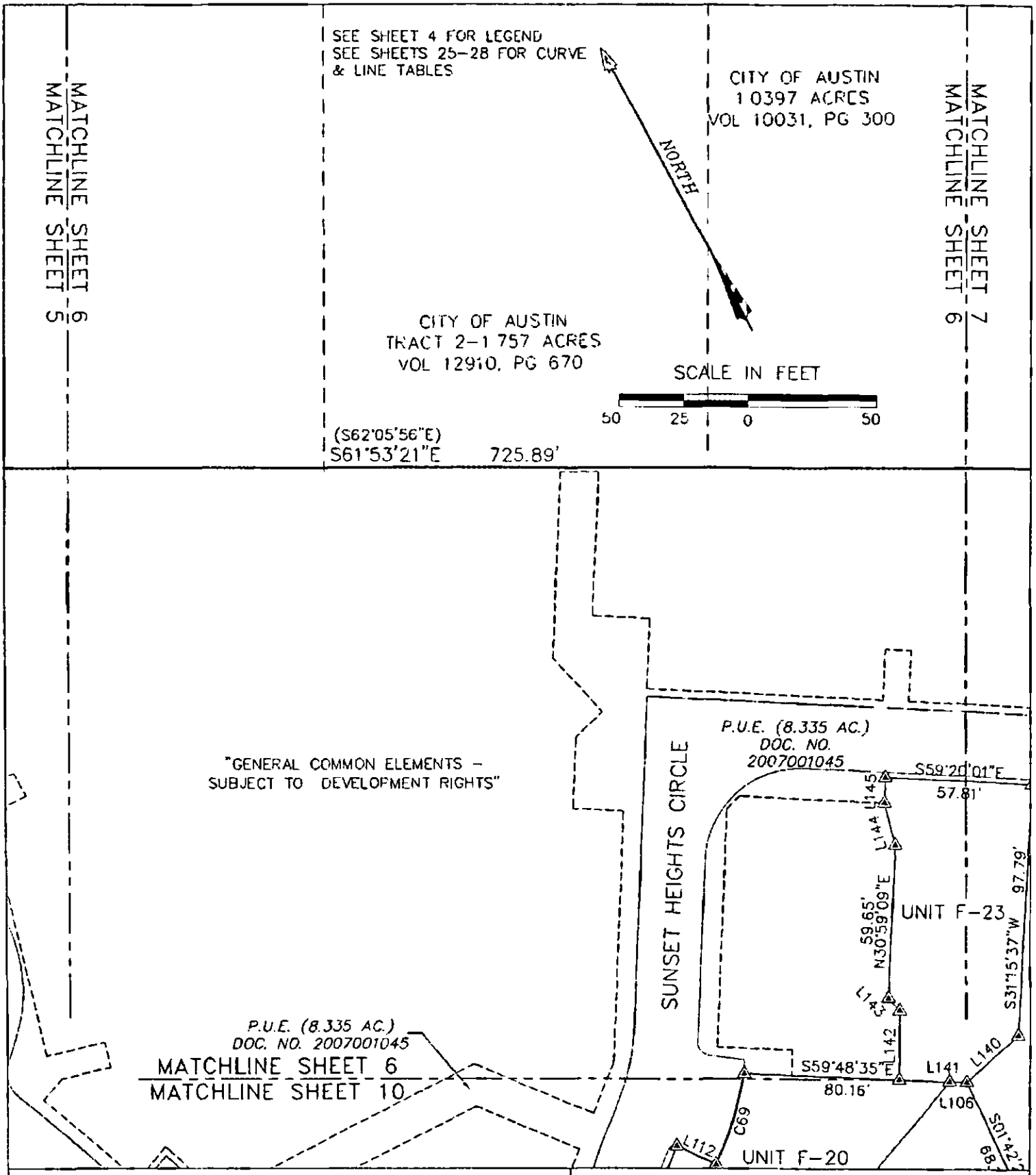

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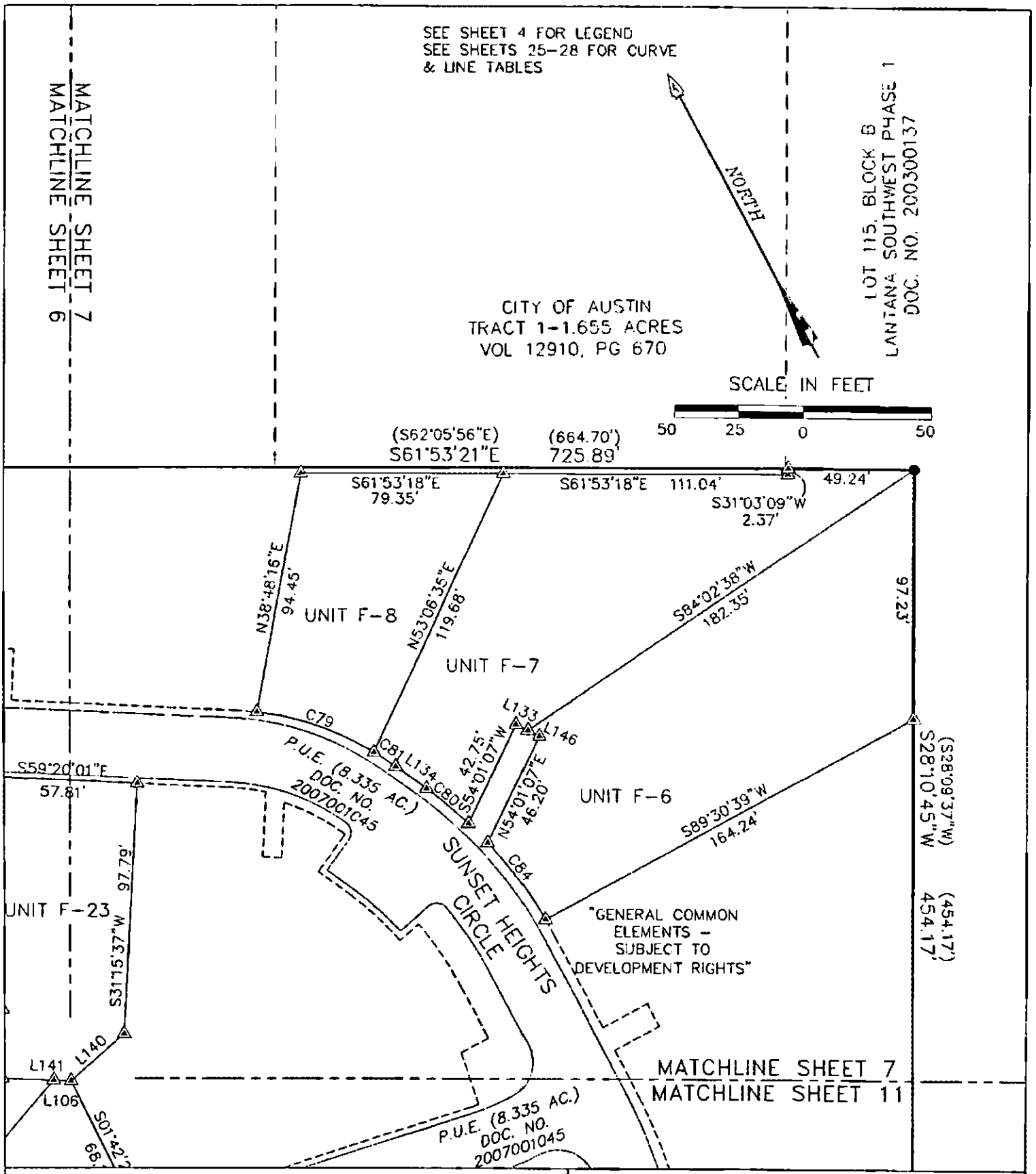

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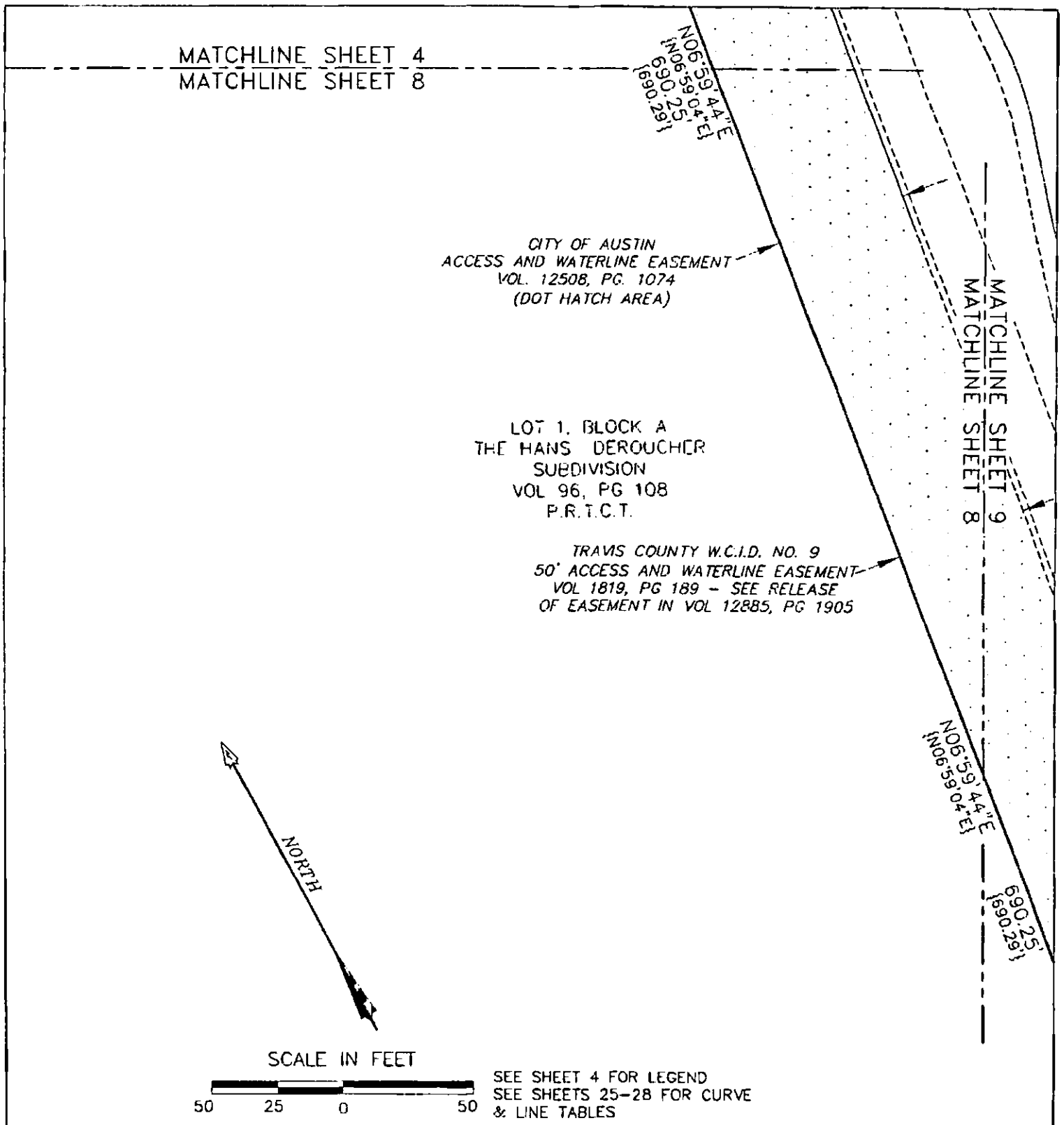

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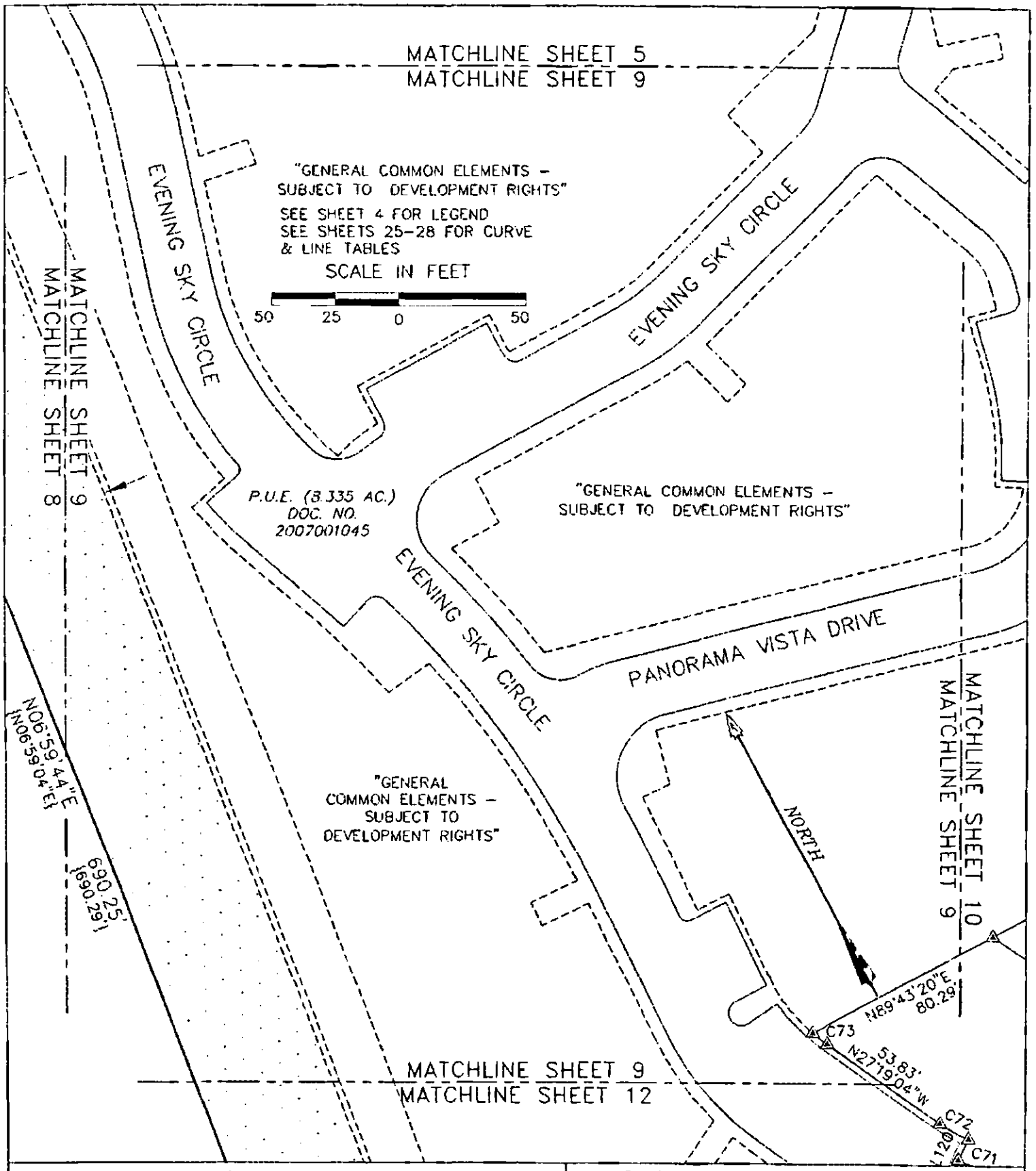

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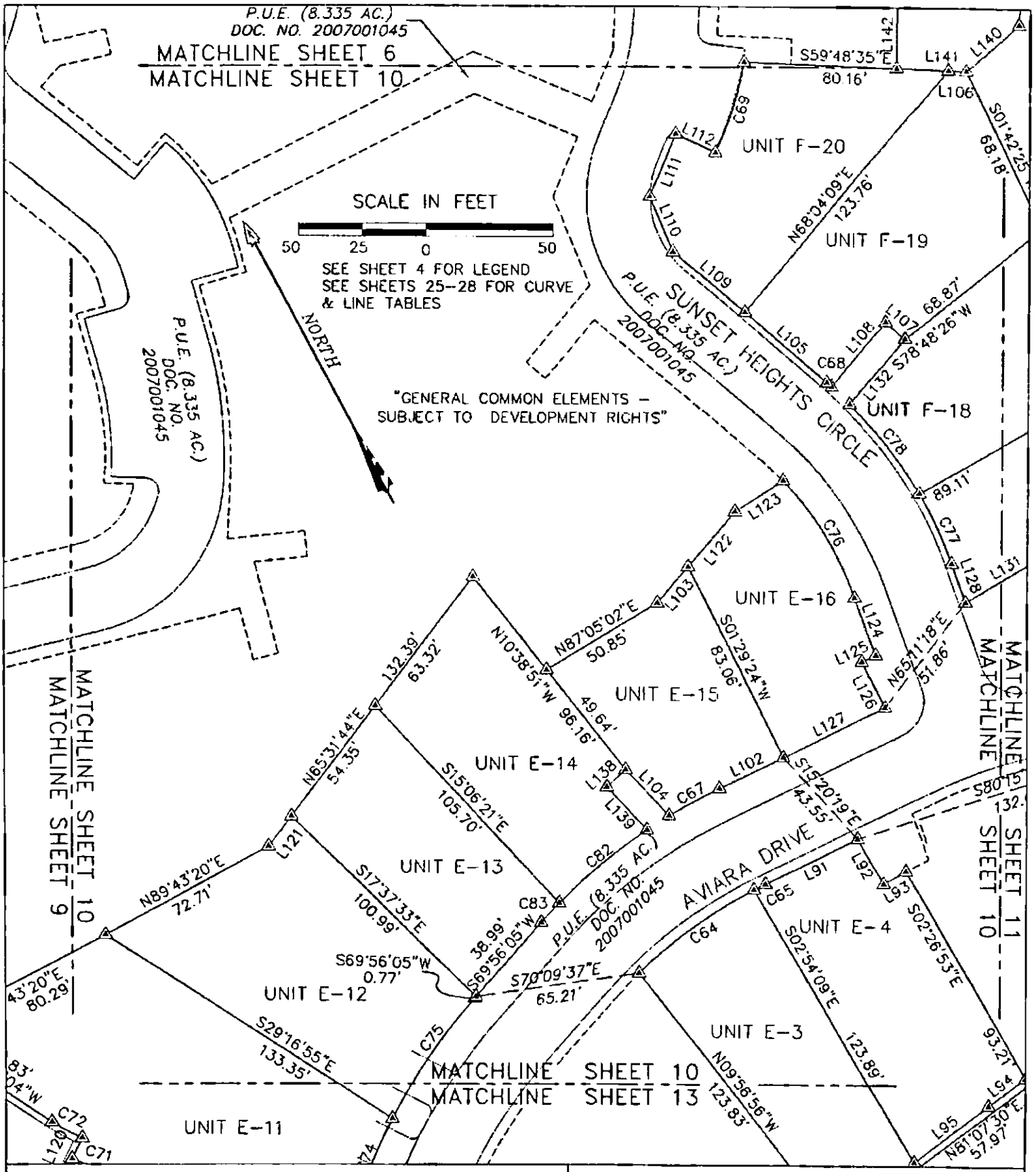

AVIARA CONDOMINIUMS

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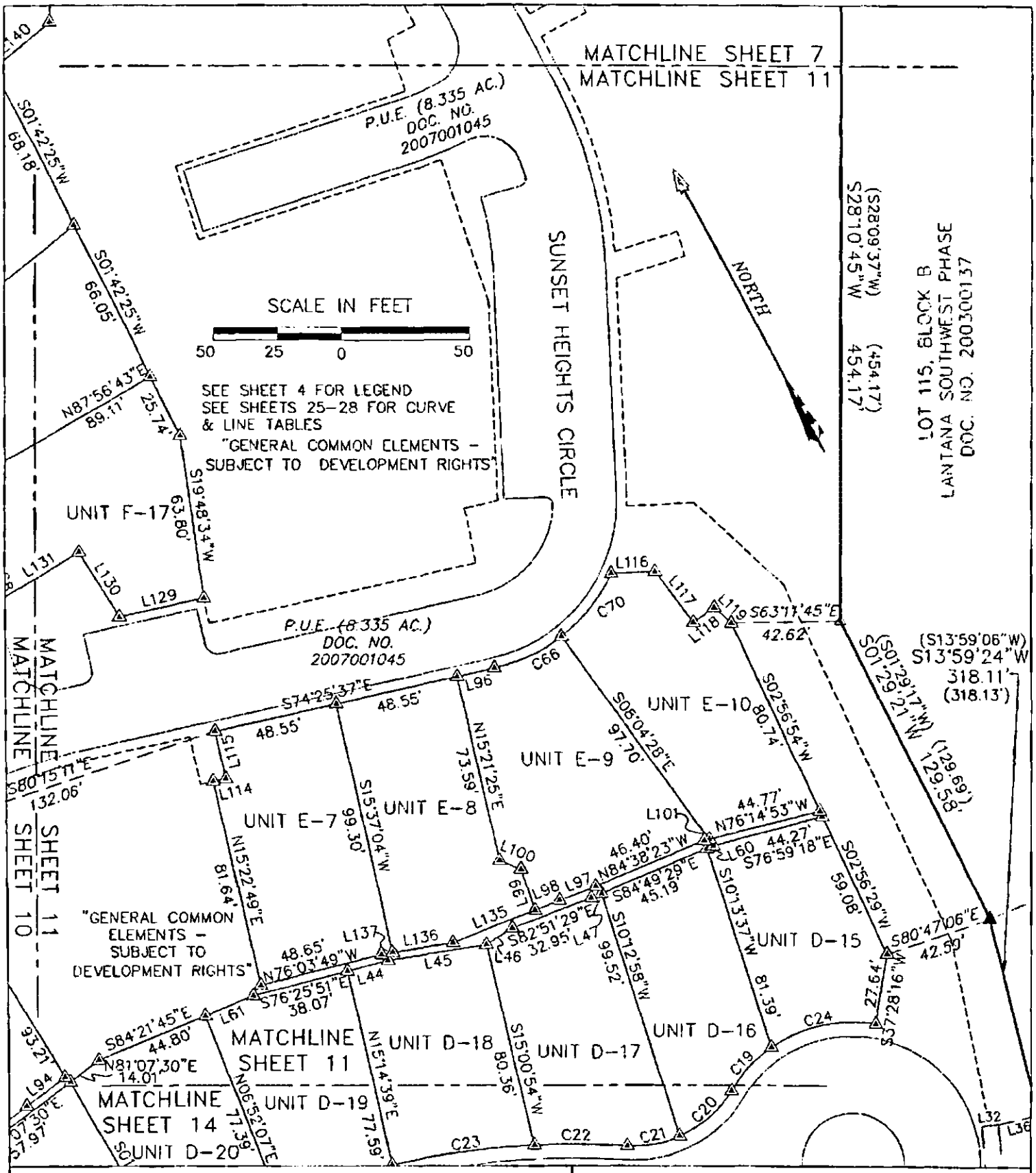

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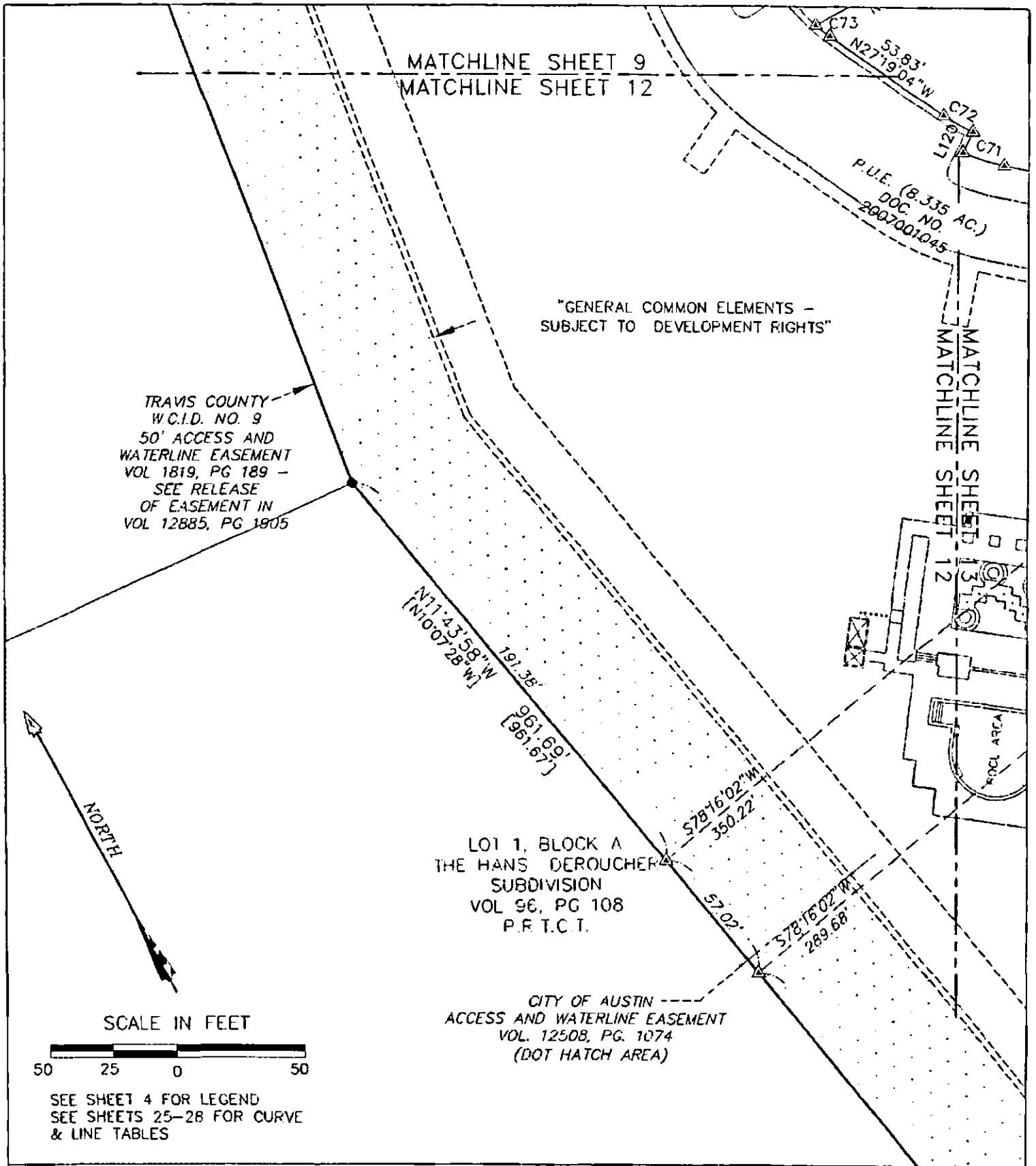

SEE SHEET 4 FOR LEGEND
SEE SHEETS 25–28 FOR CURVE & LINE TABLES

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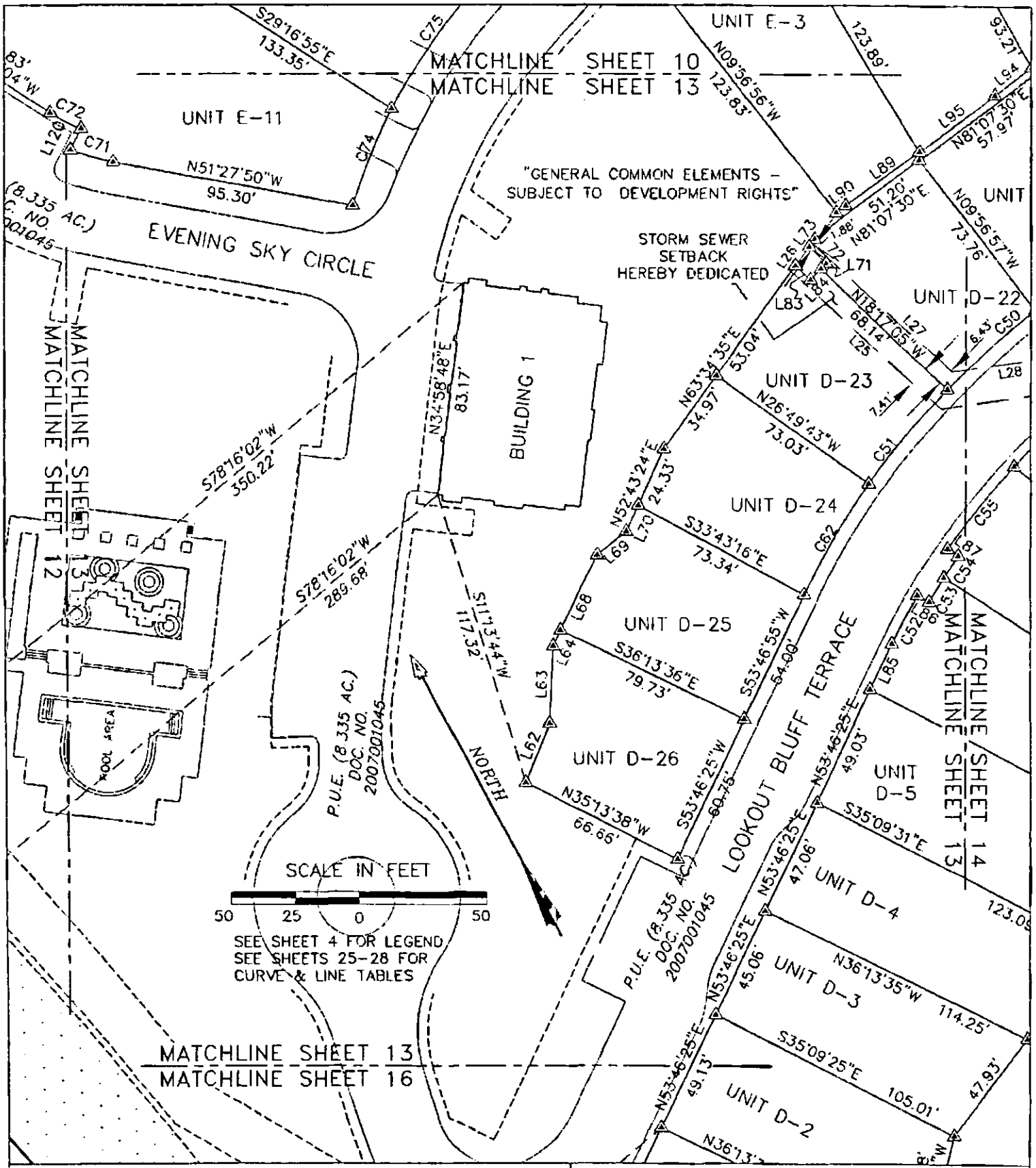

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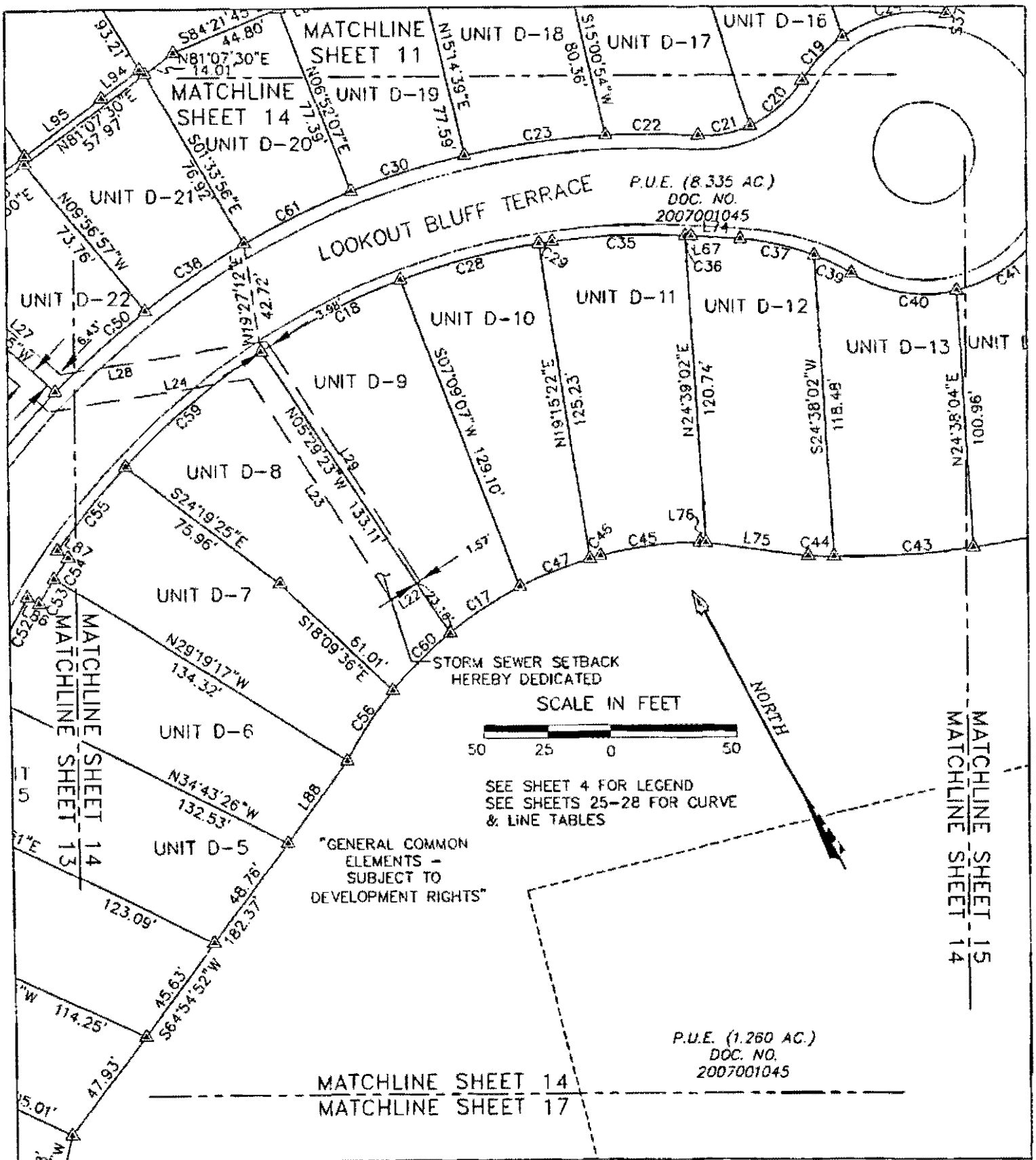

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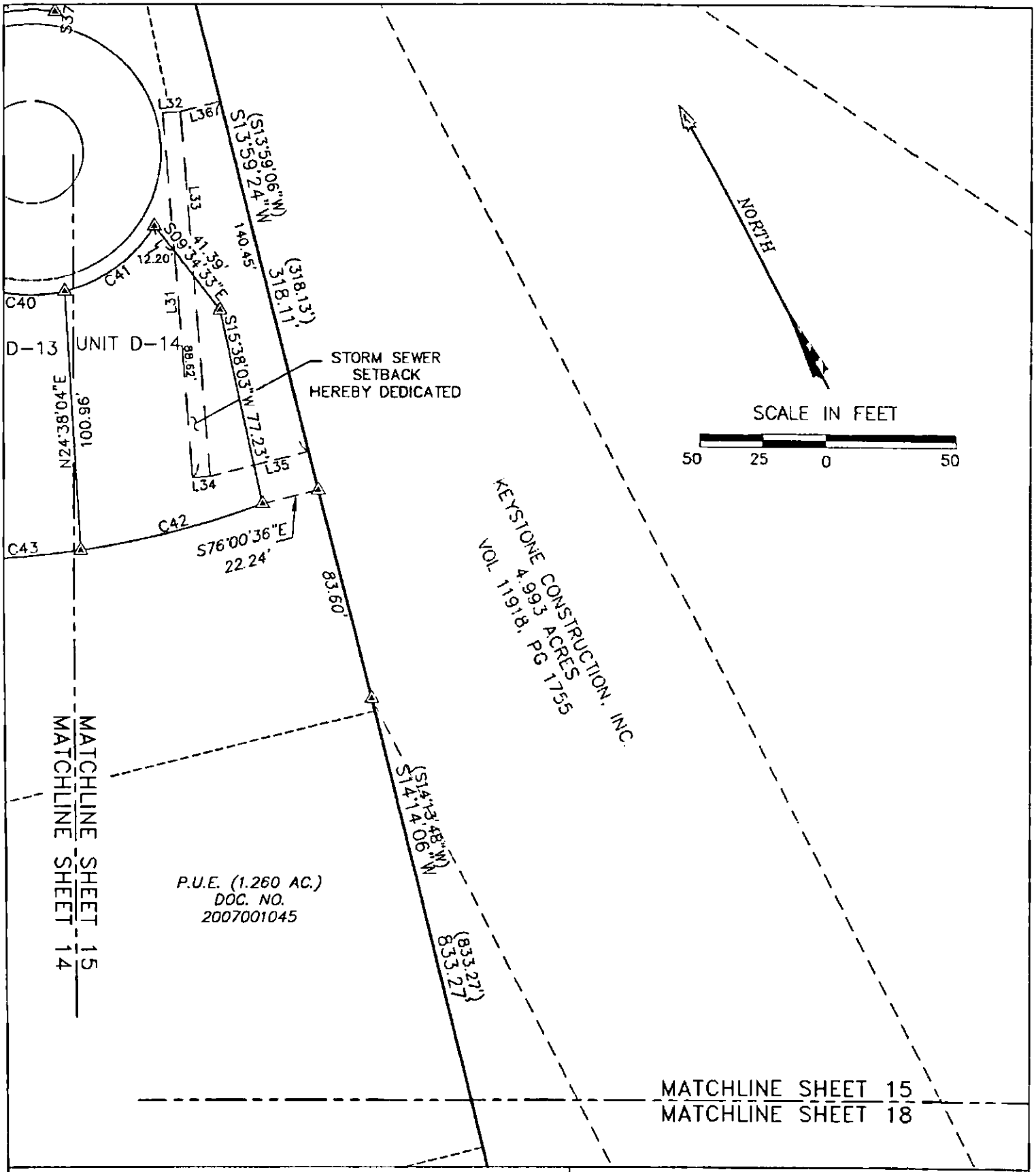

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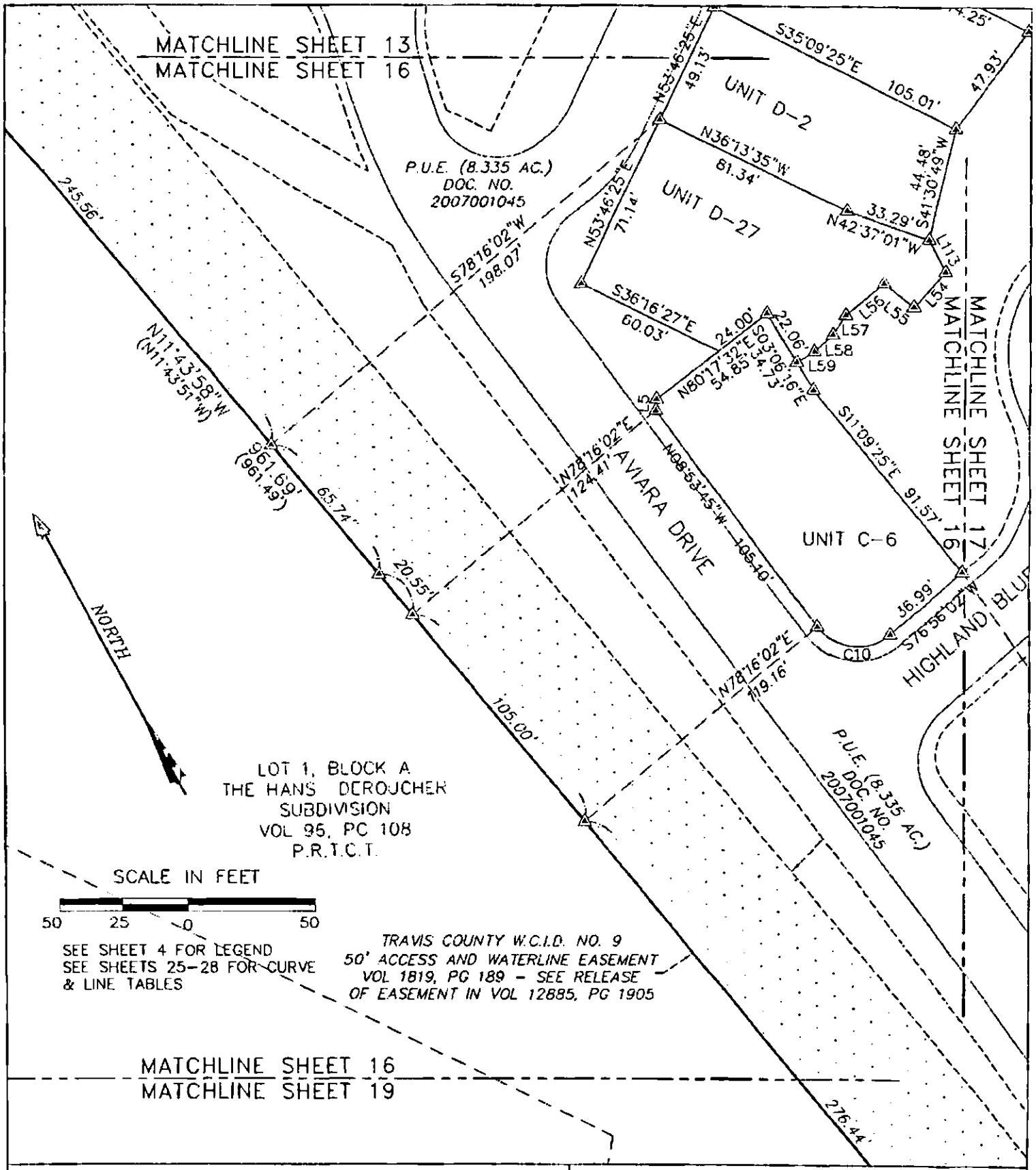

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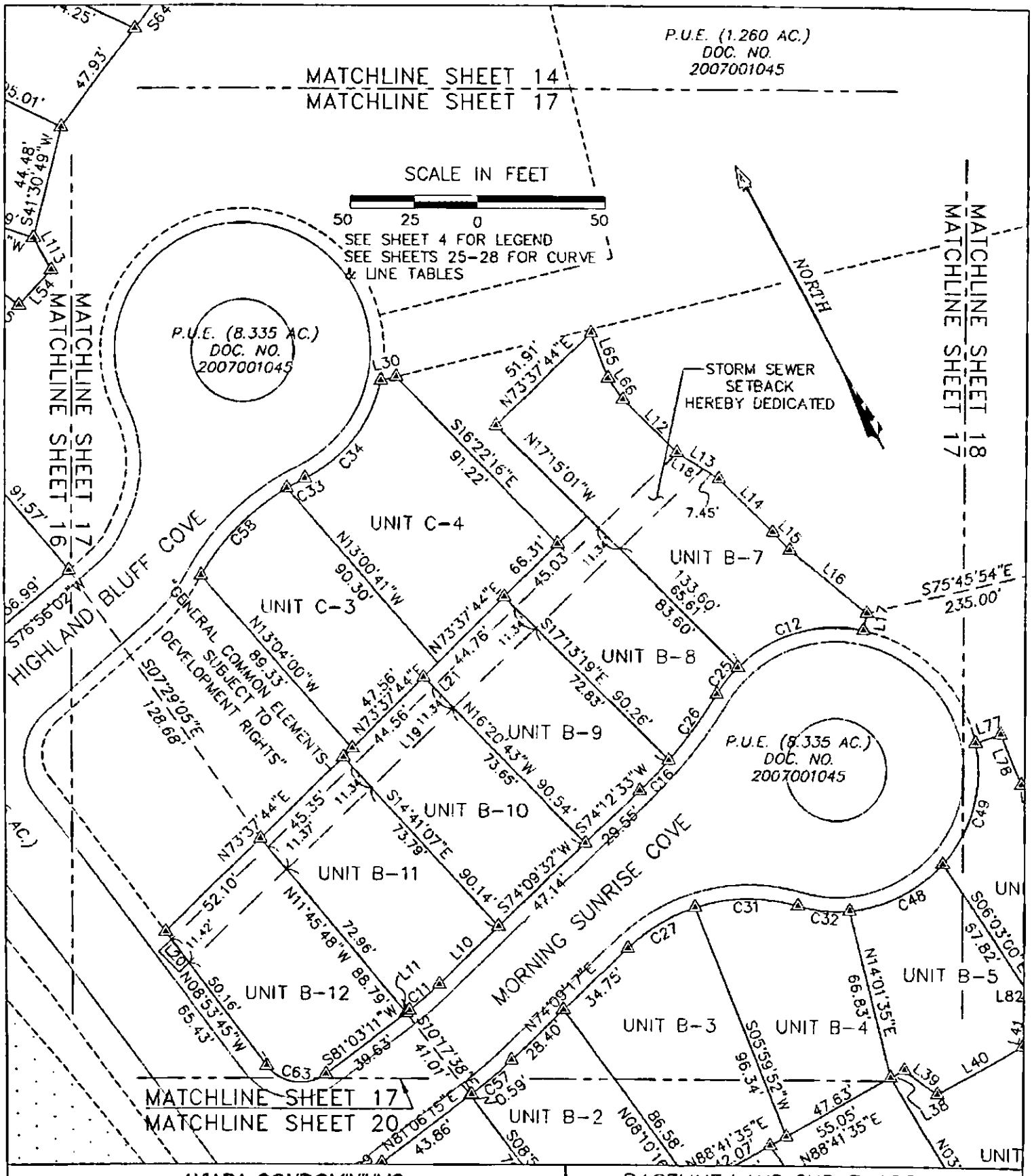

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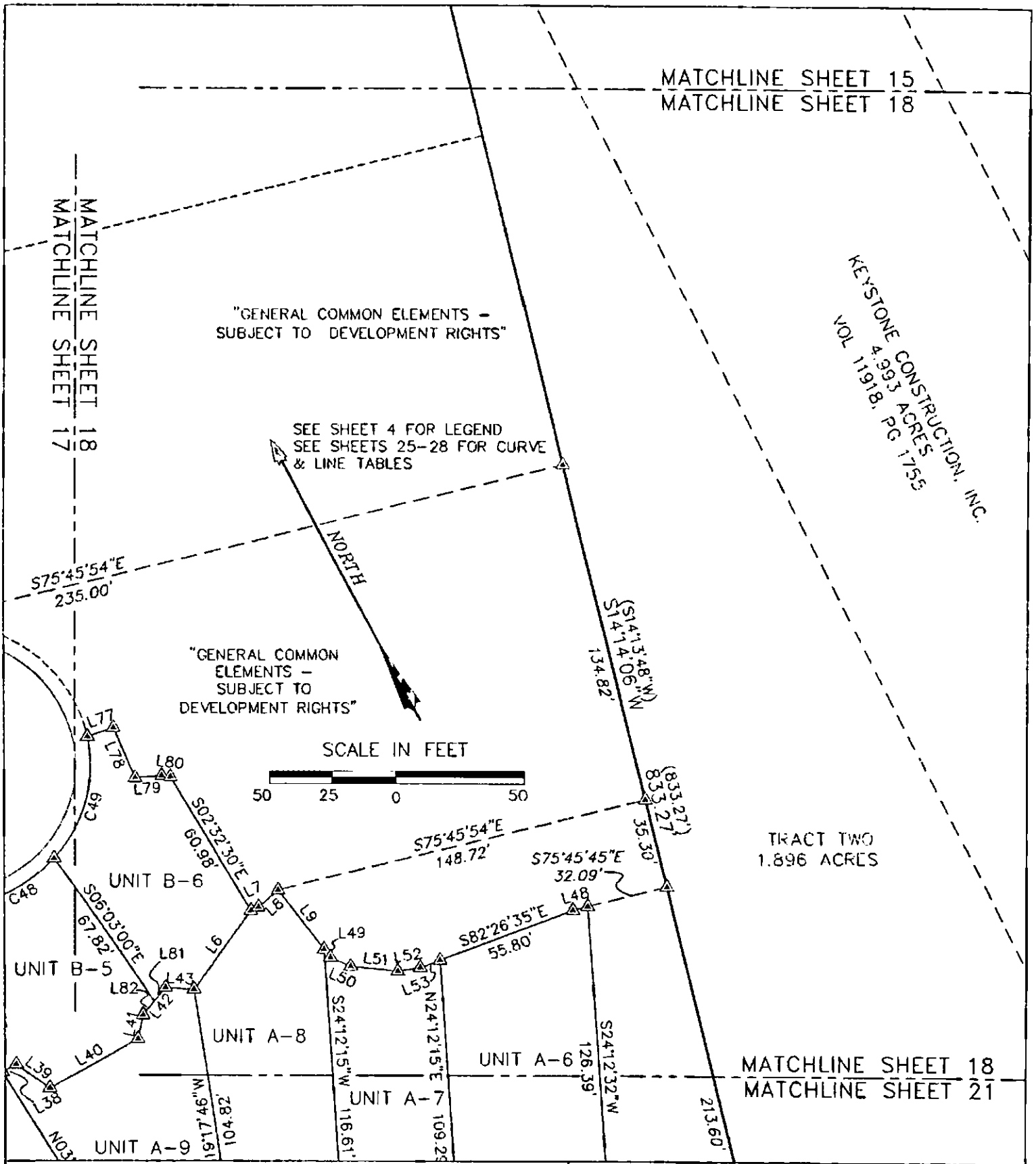

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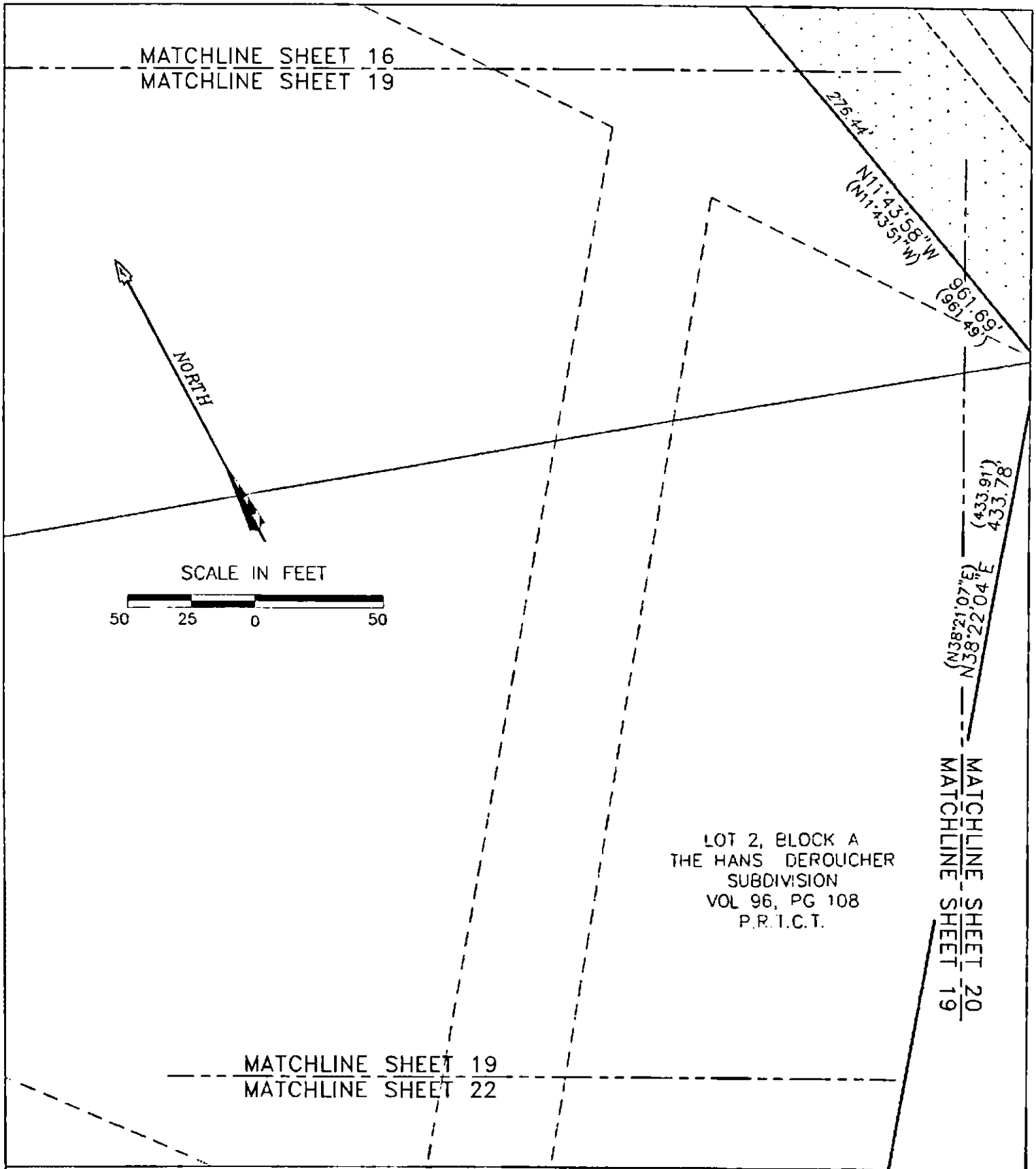

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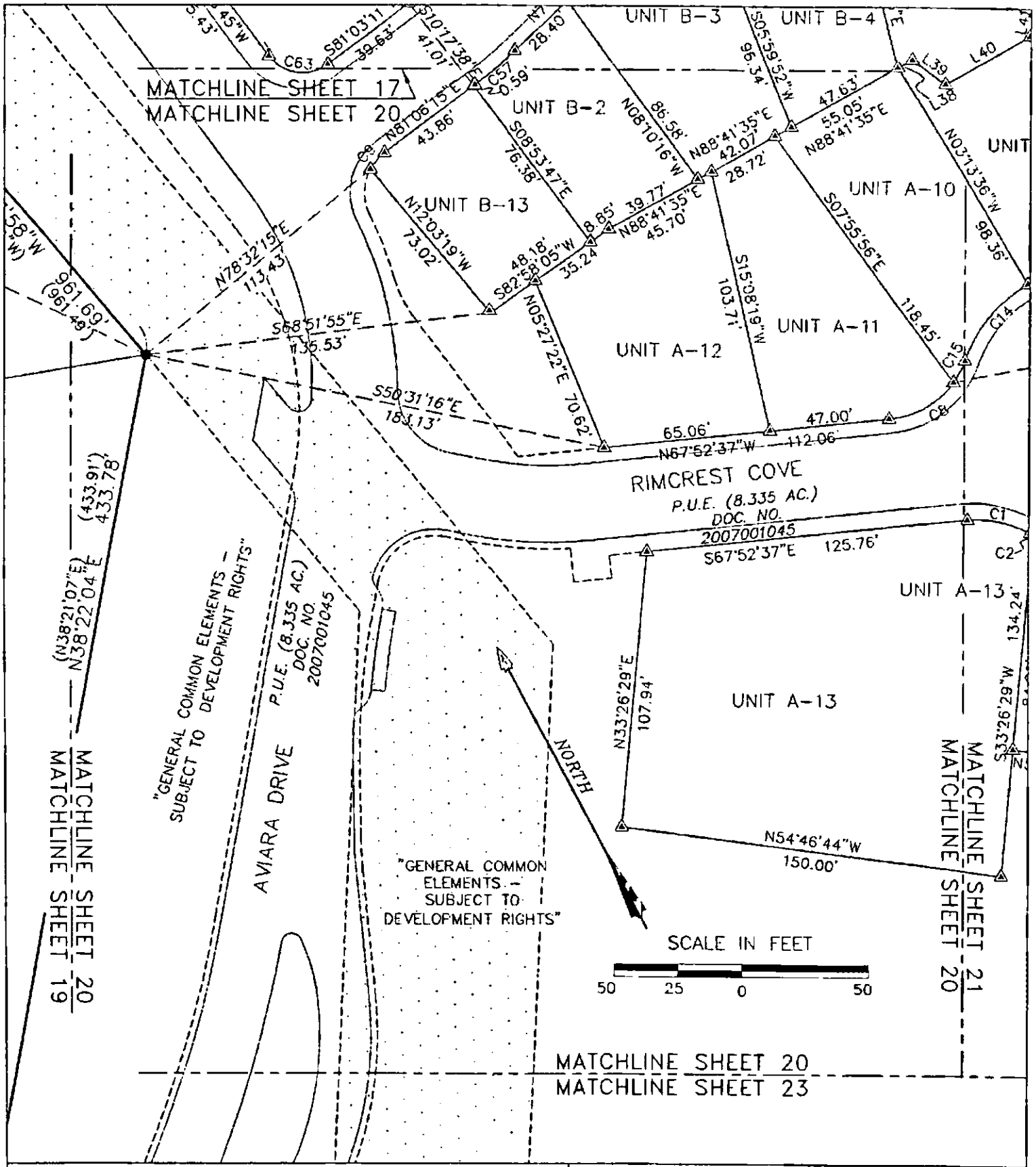

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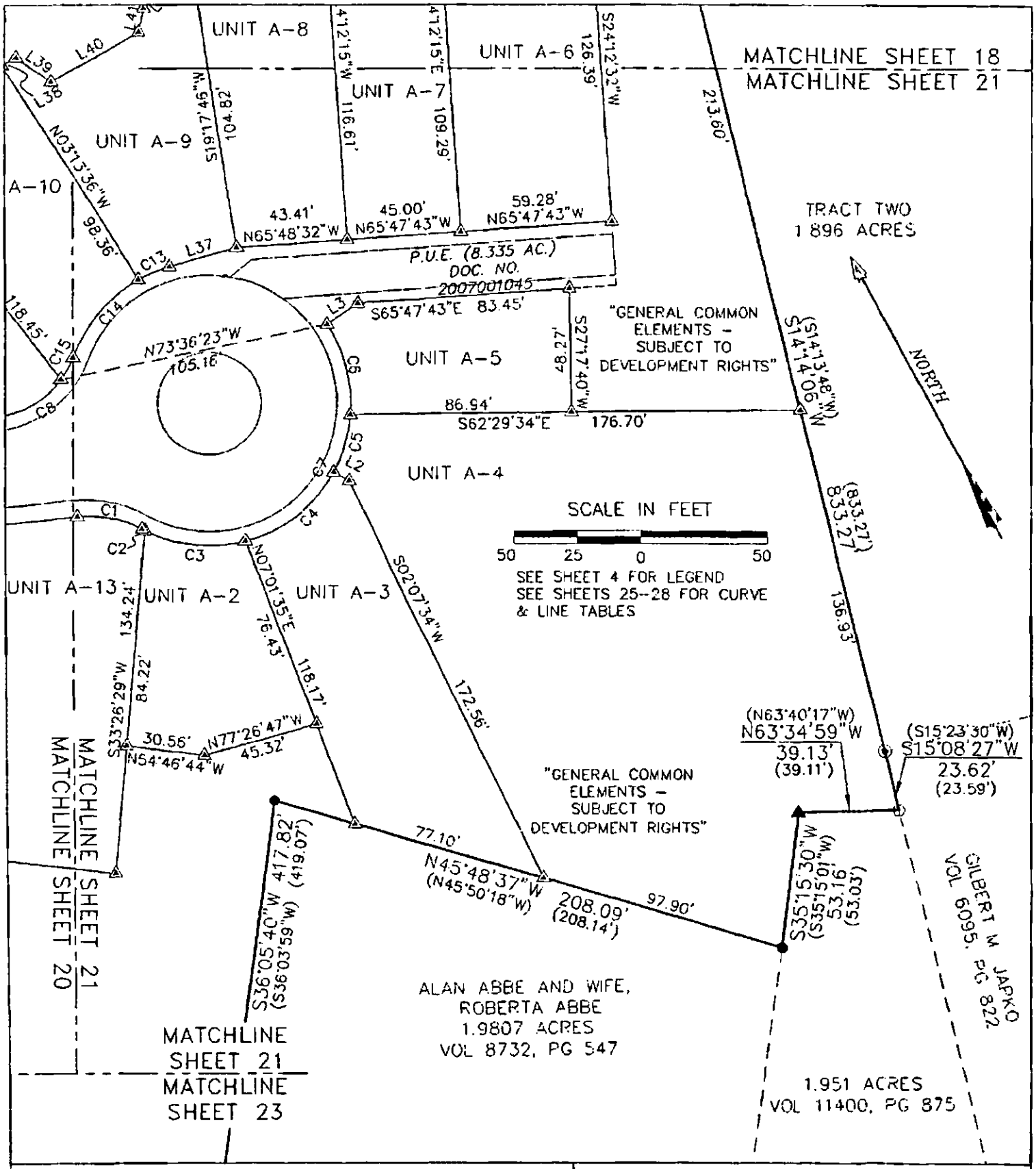

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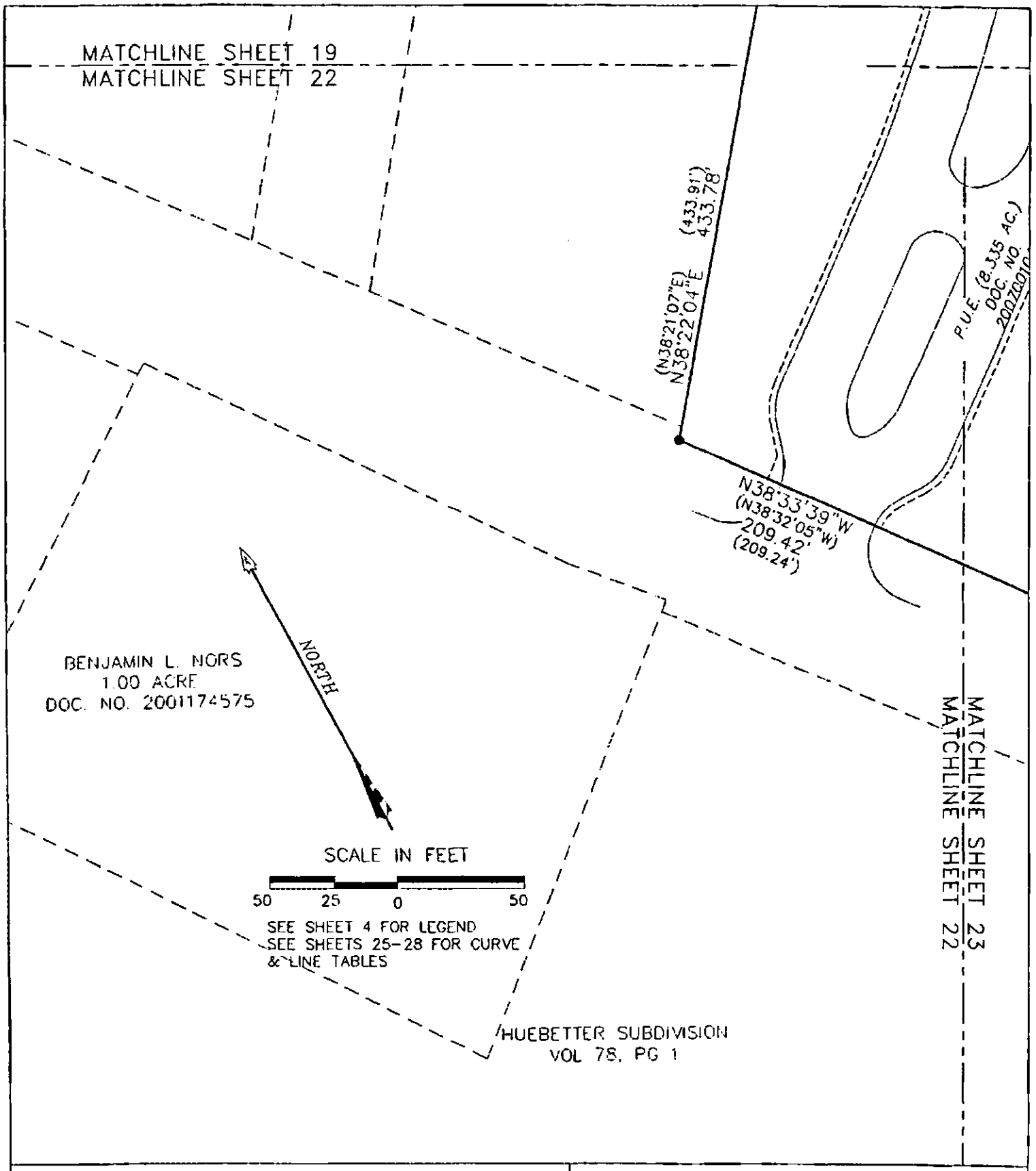

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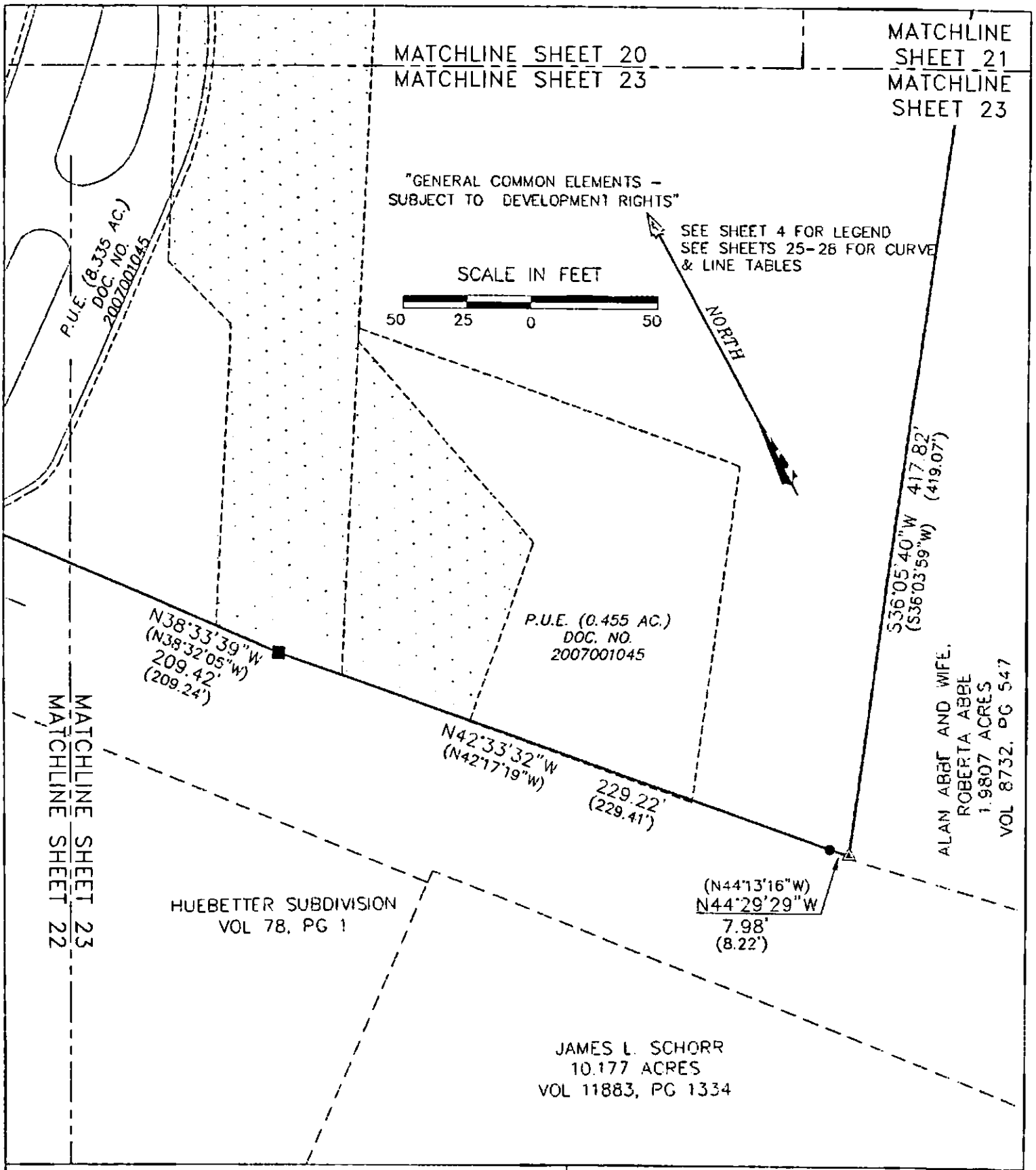

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Job No.	Snapshot:	
Scale (Hor.): 1"=50'	Scale (Vert.):	
Date: 07/26/11	Checked By: JSL	Drawn By: HPE\RLW

EXHIBIT

AVIARA CONDOMINIUMS

[PLAT]

§ Certification of Surveyor §

The attached plat, attached hereto as Exhibit contain the information required by Section 82.052 and Section 82.059 of the Texas Uniform Condominium Act, as applicable.

Ronnie Wallace
R.P.L.S. No. 5222

Date: 26 July 2011

STATE OF TEXAS
REGISTERED
RONNIE WALLACE
5222
PROFESSIONAL
LAND SURVEYOR

AVIARA CONDOMINIUMS	BASELINE LAND SURVEYORS, INC.
EXHIBIT OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS	PROFESSIONAL LAND SURVEYING SERVICES 8333 CROSS PARK DRIVE AUSTIN, TEXAS 78754 OFFICE: 512.374.9722 FAX: 512.873.9743 ron-baseline@austin.rr.com

File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET
Job No.	Snapshot:		24 of 28
Scale (Hor.): 1"=50'	Scale (Vert.):		
Date: 07/26/11	Checked By: JSL	Drawn By: HPE\RLW	

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C1	43.50'	25.85'	34°03'14"	N50°51'00"W	25.48'
C2	55.50'	1.36'	1°24'13"	S34°31'30"E	1.36'
C3	55.50'	39.74'	41°01'24"	S55°44'18"E	38.89'
C4	55.50'	45.25'	46°42'38"	N80°23'41"E	44.00'
C5	55.50'	23.52'	24°16'50"	N44°53'57"E	23.34'
C6	55.50'	37.22'	38°25'09"	N13°32'57"E	36.52'
C7	55.50'	147.08'	151°50'14"	N70°15'30"E	107.66'
C8	34.50'	29.54'	49°03'46"	N87°35'30"E	28.65'
C9	19.50'	8.60'	25°15'47"	S68°28'21"W	8.53'
C10	19.50'	32.05'	94°10'13"	S55°58'52"E	28.56'
C11	128.50'	15.59'	6°56'58"	N77°37'46"E	15.58'
C12	55.50'	54.03'	55°46'56"	N78°25'05"W	51.92'
C13	55.50'	13.29'	13°43'20"	N84°39'53"W	13.26'
C14	55.50'	40.10'	41°23'40"	S67°46'37"W	39.23'
C15	34.50'	9.67'	16°03'39"	N55°06'36"E	9.64'
C16	194.50'	16.61'	4°53'34"	N71°36'45"E	16.60'
C17	160.00'	33.10'	11°51'14"	S85°23'29"W	33.04'
C18	281.00'	61.89'	12°37'13"	N88°22'50"W	61.77'
C19	55.50'	23.40'	24°09'12"	S71°04'10"W	23.22'
C20	44.50'	27.40'	35°16'52"	N76°38'00"E	26.97'
C21	44.50'	21.40'	27°32'51"	S71°57'09"E	21.19'
C22	320.50'	36.55'	6°32'02"	N61°26'44"W	36.53'
C23	320.50'	56.16'	10°02'22"	N69°43'56"W	56.09'
C24	55.50'	42.94'	44°19'30"	N74°41'29"W	41.87'
C25	55.50'	13.43'	13°52'10"	S66°45'22"W	13.40'
C26	194.50'	32.10'	9°27'22"	N64°33'01"E	32.06'
C27	69.50'	31.31'	25°48'34"	S87°03'34"W	31.04'
C28	284.37'	56.30'	11°20'39"	N76°17'14"W	56.21'
C29	284.37'	5.39'	1°05'11"	N70°04'19"W	5.39'
C30	320.50'	46.88'	8°22'48"	N78°59'29"W	46.83'
C31	69.50'	41.29'	34°02'29"	N63°00'55"W	40.69'
C32	55.50'	21.02'	21°42'01"	S56°50'41"E	20.89'
C33	94.50'	8.03'	4°52'04"	S89°32'13"W	8.03'
C34	55.50'	50.19'	51°48'35"	N66°03'57"E	48.49'
C35	281.00'	52.77'	10°45'33"	N64°06'44"W	52.69'
C36	281.00'	0.93'	0°11'23"	N58°38'20"W	0.93'
C37	94.50'	29.53'	17°54'23"	N49°19'02"W	29.41'
C38	320.50'	46.91'	8°23'10"	S84°14'33"W	46.87'
C39	94.50'	16.32'	9°53'42"	N35°25'03"W	16.30'
C40	55.50'	43.09'	44°29'20"	S52°42'50"E	42.02'
C41	55.50'	44.21'	45°38'24"	N82°13'24"E	43.05'
C42	350.00'	73.09'	11°57'56"	S76°03'05"E	72.96'
C43	350.00'	55.18'	9°02'00"	S65°33'07"E	55.12'
C44	350.00'	10.08'	1°39'00"	S60°12'59"E	10.08'
C45	160.00'	39.91'	14°17'35"	N69°21'21"W	39.81'
C46	160.39'	4.39'	1°34'06"	N77°13'21"W	4.39'
C47	160.39'	29.62'	10°34'57"	N83°12'44"W	29.58'
C48	55.50'	41.86'	43°12'43"	S69°18'02"E	40.87'
C49	55.50'	50.91'	52°33'09"	N42°49'02"E	49.14'
C50	320.50'	46.62'	8°20'01"	S75°52'58"W	46.57'

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.096 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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PROFESSIONAL LAND SURVEYING SERVICES

8333 CROSS PARK DRIVE

AUSTIN, TEXAS 78754

OFFICE: 512.374.9722 FAX: 512.873.9743

ron-baseline@austin.rr.com

File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg		
Job No.	Snapshot:	
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Date: 07/26/11	Checked By: JSL	Drawn By: HPE\RLW

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C51	320.50'	47.84'	8°33'05"	S67°26'25"W	47.79'
C52	281.00'	21.40'	4°21'47"	S55°57'19"W	21.39'
C53	276.00'	11.21'	2°19'35"	S59°18'00"W	11.21'
C54	276.00'	9.99'	2°04'26"	S61°30'01"W	9.99'
C55	281.00'	41.60'	8°28'55"	S66°46'42"W	41.56'
C56	160.00'	33.12'	11°51'34"	S62°00'22"W	33.06'
C57	170.50'	20.63'	6°55'58"	N77°43'11"E	20.62'
C58	94.50'	48.23'	29°14'36"	S72°28'52"W	47.71'
C59	281.00'	70.09'	14°17'32"	S78°07'57"W	69.91'
C60	160.00'	32.21'	11°32'02"	S73°37'54"W	32.15'
C61	320.50'	47.16'	8°25'54"	N87°20'54"W	47.12'
C62	320.50'	50.30'	8°59'33"	S58°40'06"W	50.25'
C63	16.50'	25.92'	90°00'00"	S53°53'45"E	23.33'
C64	183.50'	55.58'	17°21'14"	S82°03'30"W	55.37'
C65	183.50'	5.03'	1°34'16"	N88°28'45"W	5.03'
C66	66.50'	29.12'	25°05'32"	S86°58'24"E	28.89'
C67	225.00'	22.17'	5°38'40"	S89°29'02"W	22.16'
C68	165.00'	2.50'	0°52'11"	N21°28'11"W	2.50'
C69	132.00'	37.38'	16°13'34"	N45°41'08"E	37.26'
C70	66.50'	31.77'	27°22'11"	N66°47'45"E	31.47'
C71	75.00'	17.21'	13°08'44"	S44°53'28"E	17.17'
C72	66.00'	12.97'	11°15'41"	S32°56'54"E	12.95'
C73	66.00'	7.20'	6°15'05"	S24°11'31"E	7.20'
C74	225.00'	40.96'	10°25'53"	S50°07'52"W	40.91'
C75	225.00'	57.29'	14°35'16"	S62°38'27"W	57.13'
C76	125.00'	54.33'	24°54'14"	N04°13'07"W	53.91'
C77	165.00'	30.11'	10°27'23"	N03°00'19"E	30.07'
C78	165.00'	44.16'	15°20'08"	N09°53'26"W	44.03'
C79	116.50'	49.25'	24°13'09"	N43°12'14"W	48.88'
C80	166.50'	21.38'	7°21'32"	N22°28'31"W	21.37'
C81	116.50'	10.04'	4°56'22"	N28°37'28"W	10.04'
C82	225.00'	45.16'	11°29'56"	S78°19'21"W	45.08'
C83	225.00'	10.36'	2°38'18"	S71°15'14"W	10.36'
C84	166.50'	37.51'	12°54'31"	N08°42'06"W	37.43'

AVIARA CONDOMINIUMS

EXHIBIT

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AUSTIN, TEXAS 78754

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg		
Job No.	Snapshot:	
Scale (Hor.): 1"=50'	Scale (Vert.):	
Date: 07/26/11	Checked By: JSL	Drawn By: HPE\RLW

LINE TABLE		
LINE	BEARING	LENGTH
L1	S67°52'37"E	35.37'
L2	N32°57'38"W	7.06'
L3	N84°20'23"E	14.65'
L4	N47°51'55"W	11.34'
L5	N31°01'52"E	4.45'
L6	N63°54'29"E	38.06'
L7	S86°57'47"E	3.29'
L8	N78°01'20"E	10.29'
L9	S10°13'03"E	29.53'
L10	S74°09'17"W	32.66'
L11	S81°06'15"W	1.64'
L12	S18°00'07"E	6.87'
L13	S30°23'57"E	19.47'
L14	S17°47'50"E	29.77'
L15	S15°29'37"E	9.67'
L16	S23°37'34"E	39.17'
L17	S39°28'12"W	6.91'
L18	S30°23'57"E	11.73'
L19	S74°19'32"W	264.75'
L20	N15°40'28"W	11.34'
L21	N74°19'32"E	281.77'
L22	S85°45'47"W	13.66'
L23	N04°14'13"W	103.33'
L24	N70°42'51"W	78.43'
L25	N19°29'12"W	79.32'
L26	N63°34'35"E	13.76'
L27	S19°29'12"E	74.44'
L28	S70°42'51"E	80.83'
L29	S04°14'13"E	112.29'
L30	S75°40'42"E	6.08'
L31	N23°29'14"E	142.40'
L32	S66°30'46"E	6.83'
L33	S23°29'14"W	142.40'
L34	N66°30'46"W	6.83'
L35	S76°00'36"E	39.58'
L36	S76°00'36"E	16.09'
L37	N77°48'13"W	27.14'
L38	N88°41'39"E	6.13'
L39	N25°44'20"W	15.92'
L40	S88°11'16"W	38.53'
L41	S40°42'44"W	9.55'
L42	N67°35'16"E	13.92'
L43	S57°59'10"E	10.92'
L44	S76°25'51"E	16.48'
L45	S70°54'33"E	39.17'
L46	N86°12'33"E	12.02'
L47	S84°49'29"E	4.40'
L48	S76°40'56"E	5.93'
L49	S10°13'03"E	4.06'
L50	S38°01'06"E	8.58'

LINE TABLE		
LINE	BEARING	LENGTH
L51	S56°04'51"E	18.69'
L52	S70°55'02"E	8.71'
L53	S82°26'35"E	8.37'
L54	S69°13'33"W	18.32'
L55	N23°26'52"W	14.68'
L56	S78°08'44"W	19.40'
L57	S60°30'23"W	9.18'
L58	S76°42'45"W	9.64'
L59	S87°05'06"W	8.22'
L60	S84°49'29"E	2.67'
L61	S84°21'45"E	20.21'
L62	N50°40'11"E	24.96'
L63	N30°53'27"E	30.22'
L64	N53°56'24"E	6.82'
L65	S07°17'18"W	18.99'
L66	S06°13'30"E	9.98'
L67	S58°24'33"E	1.34'
L68	N54°18'02"E	32.72'
L69	N79°34'04"E	14.67'
L70	N52°43'24"E	11.28'
L71	N71°42'55"E	3.00'
L72	N18°17'05"W	9.31'
L73	N63°34'36"E	3.67'
L74	S58°16'14"E	19.54'
L75	N54°30'06"W	40.63'
L76	N54°30'06"W	2.31'
L77	S81°16'47"E	10.47'
L78	S04°57'06"W	21.25'
L79	S66°16'15"E	10.53'
L80	S54°10'00"E	3.38'
L81	S67°35'16"W	6.96'
L82	S67°35'16"W	6.96'
L83	S18°17'05"E	8.02'
L84	N71°42'59"E	6.00'
L85	N53°46'26"E	19.82'
L86	S31°51'47"E	5.00'
L87	N27°27'46"W	5.00'
L88	S64°54'52"W	40.05'
L89	S81°35'33"W	35.58'
L90	S81°27'40"W	4.57'
L91	S87°41'38"E	41.25'
L92	S01°25'07"E	20.29'
L93	N88°34'53"E	10.05'
L94	S81°05'38"W	18.46'
L95	S80°43'17"W	36.75'
L96	S74°25'37"E	14.98'
L97	N82°58'58"W	15.50'
L98	N83°20'13"W	10.31'
L99	N10°19'54"E	16.87'
L100	N40°19'08"W	8.96'

AVIARA CONDOMINIUMS

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Job No.	Snapshot:	
Scale (Hor.): 1"=50'	Scale (Vert.):	
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LINE TABLE		
LINE	BEARING	LENGTH
L101	N76°14'53"W	1.96'
L102	N87°41'38"W	28.05'
L103	N68°05'43"E	18.51'
L104	N15°06'21"W	24.68'
L105	N21°54'17"W	42.49'
L106	S59°48'35"E	6.81'
L107	N21°54'17"W	10.00'
L108	S68°05'43"W	32.98'
L109	N21°54'17"W	36.54'
L110	N05°21'04"E	23.35'
L111	N50°21'04"E	26.43'
L112	S36°25'07"E	16.79'
L113	S00°28'38"W	14.09'
L114	S74°25'37"E	5.00'
L115	N15°34'23"E	18.78'
L116	S64°33'06"E	17.39'
L117	S09°08'56"E	25.00'
L118	N80°51'04"E	9.86'
L119	S19°33'06"E	9.08'
L120	N53°35'31"E	9.01'
L121	N65°31'44"E	14.73'
L122	N68°05'43"E	28.14'
L123	N85°30'41"E	22.59'
L124	S08°14'01"W	23.83'
L125	N87°41'38"W	5.85'
L126	S01°29'24"W	20.00'
L127	N87°41'38"W	45.00'
L128	N08°14'01"E	16.02'
L129	N74°25'37"W	33.70'
L130	N03°02'42"W	29.61'
L131	S86°57'18"W	36.55'
L132	N68°05'43"E	33.44'
L133	N35°58'53"W	5.00'
L134	N26°09'17"W	14.58'
L135	N83°20'13"W	34.25'
L136	N71°01'47"W	24.06'
L137	N71°01'47"W	4.57'
L138	S74°53'39"W	10.00'
L139	S15°06'21"E	22.84'
L140	S76°51'27"W	27.70'
L141	N59°48'35"W	26.58'
L142	N28°27'07"E	26.86'
L143	N14°32'39"W	6.50'
L144	N13°43'45"E	16.84'
L145	N30°39'59"E	10.00'
L146	N35°58'53"W	5.00'

AVIARA CONDOMINIUMS

EXHIBIT

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Job No.	Snapshot:		
Scale (Hor.): 1"=50'	Scale (Vert.):		
Date: 07/26/11	Checked By: JSL	Drawn By: HPE\RLW	

UNIT PLAN TYPES – ATTACHED UNITS

Unit No.	Plan Type*
A-1	A
B-1	B
C-1	C
D-1	D

* SEE CONDOMINIUM PLANS FOR PLAN TYPE.

ALL UNITS SHOWN ON THE PLAT AND PLANS OTHER THAN UNITS A-1, B-1, C-1, D-1 ARE STAND-ALONE UNITS.

ATTACHMENT 2

EXHIBIT "C" TO THE DECLARATION OF CONDOMINIUM REGIME

COMMON INTEREST ALLOCATION & BUILDING LCE ALLOCATION

COMMON INTEREST ALLOCATION

The Common Interest Allocation and percentage of liability for common expenses for each Unit is 1/77.

THE COMMON INTEREST ALLOCATION ASSIGNED TO A PARTICULAR UNIT WILL DECREASE IF ADDITIONAL UNITS ARE CREATED AND ADDED TO THE REGIME BY THE DECLARANT.

BUILDING LCE ALLOCATION

The Building LCE Allocation for each Attached Unit is 1/4.

THE BUILDING LCE ALLOCATION ASSIGNED TO A PARTICULAR UNIT WILL DECREASE IF ADDITIONAL UNITS ARE CREATED AND ADDED TO THE REGIME BY THE DECLARANT.

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

DANA DEBEAUVOIR, COUNTY CLERK
TRAVIS COUNTY, TEXAS
August 04 2011 03:40 PM
FEE: $ 160.00 2011113499

ELECTRONICALLY RECORDED 2011125524
TRV 36 PGS

AFTER RECORDING RETURN TO:
Robert D. Burton, Esq.
Winstead, PC
401 Congress Ave., Suite 2100
Austin, Texas 78701

Unofficial Document

AVIARA

TWENTY-SECOND AMENDMENT TO RESTATED AND AMENDED DECLARATION OF CONDOMINIUM REGIME FOR AVIARA CONDOMINIUMS

(A Residential Condominium in Travis County, Texas)

Cross Reference to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2009071585, Official Public Records of Travis County, Texas as amended.

Unofficial Document

TWENTY-SECOND AMENDMENT TO
RESTATED AND AMENDED DECLARATION OF CONDOMINIUM REGIME
FOR AVIARA CONDOMINIUMS

This Twenty-Second Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums (the "**Amendment**") is made **CR-B AVIARA, L.P.**, a Texas limited partnership ("**Declarant**"), and is as follows:

RECITALS:

A. Aviara Condominiums, a condominium regime (the "Regime"), located in Travis County, Texas, was established pursuant to that certain Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2009071585, Official Public Records of Travis County, Texas as amended (collectively, the "**Declaration**").

B. Steven Hhyong Park is the Owner of Unit C-4 and consents to this Amendment as evidenced below

C. Pursuant to *Provision A.3.10(v)* of Appendix "A" to the Declaration, Declarant, during the Development Period, may amend the Declaration unilaterally and without the consent of other Owners or any mortgagee to subdivide, combine or reconfigure Units, or convert Units into Common Elements, in the exercise of statutory development rights.

D. Pursuant to Section 82.060 of the Texas Uniform Condominium Act, to exercise a statutory development right, Declarant must prepare, execute and record an amendment to the Declaration and record new plats and plans for that real property. The amendment to the declaration must reallocate the allocated interests among all Units.

E. The "Development Period" as such term is defined in the Declaration, is a fifteen (15) year period commencing on the date the Declaration was recorded in the Official Public Records of Travis County, Texas. The Declaration was recorded in the Official Public Records of Travis County, Texas, on May 4, 2009; as such, the Development Period has not expired.

F. Declarant now desires to amend the Declaration to reconfigure the boundaries of Unit C-4 in the Regime, as set forth more fully hereinbelow.

NOW THEREFORE, the Declaration is hereby amended as follows:

1. Reconfiguration of Unit. In accordance with the rights reserved by the Declarant pursuant to *Provision A.3.10(v)* of Appendix "A" to the Declaration, Declarant hereby reconfigures the boundaries of Unit No. C-4 in the Regime as set forth on the New Plats and Plans (as defined below).

2. Replacement of Exhibit "B". Exhibit "B" to the Declaration is hereby deleted in its entirety and the Plats and Plans attached hereto as Attachment 1 (the "New Plats and Plans") are substituted in their place. The New Plats and Plans: (i) assign an identifying number to all Units; (ii) describe the portion of the limited common elements created or assigned to all Units; and (iii) include the information required by Section 82.059 of the Texas Uniform Condominium Act.

3. Common Interest/Common Expense Allocation. The Common Interest Allocation and percentage of liability of common expenses shall remain as stated in the Declaration and shall be unaffected by this Amendment.

4. 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.

[SIGNATURE PAGE FOLLOWS]

Unofficial Document

EXECUTED to be effective as of the 26 day of August, 2011.

DECLARANT:

CR-B AVIARA, L.P., a Texas limited partnership

By: CR-B INVESTORS I GP, L.L.C., a Texas limited liability company, its General Partner

By: _____
Printed Name: John McInnerney
Title: Vice-President

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this 26 day of August, 2011 by John McInnerney Vice-President of CR-B Investors I GP, L.L.C., a Texas limited liability company, General Partner of CR-B Aviara, L.P., a Texas limited partnership, on behalf of said entities.

(SEAL)

REBEKAH M. CANTU
NOTARY PUBLIC
STATE OF TEXAS
EXPIRES
11-10-2012

Rebekah M. Cantu
Notary Public Signature

Unofficial Document

UNOFFICIAL DOCUMENT

ACKNOWLEDGED AND AGREED:

STEVEN ILHYONG PARK

By: Steven Ilhyong Park

Printed Name: STEVEN ILHYONG PARK

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this 24 day of August, 2011, by Steven Ilhyong Park.

Crystal Warner

(SEAL) Notary Public Signature

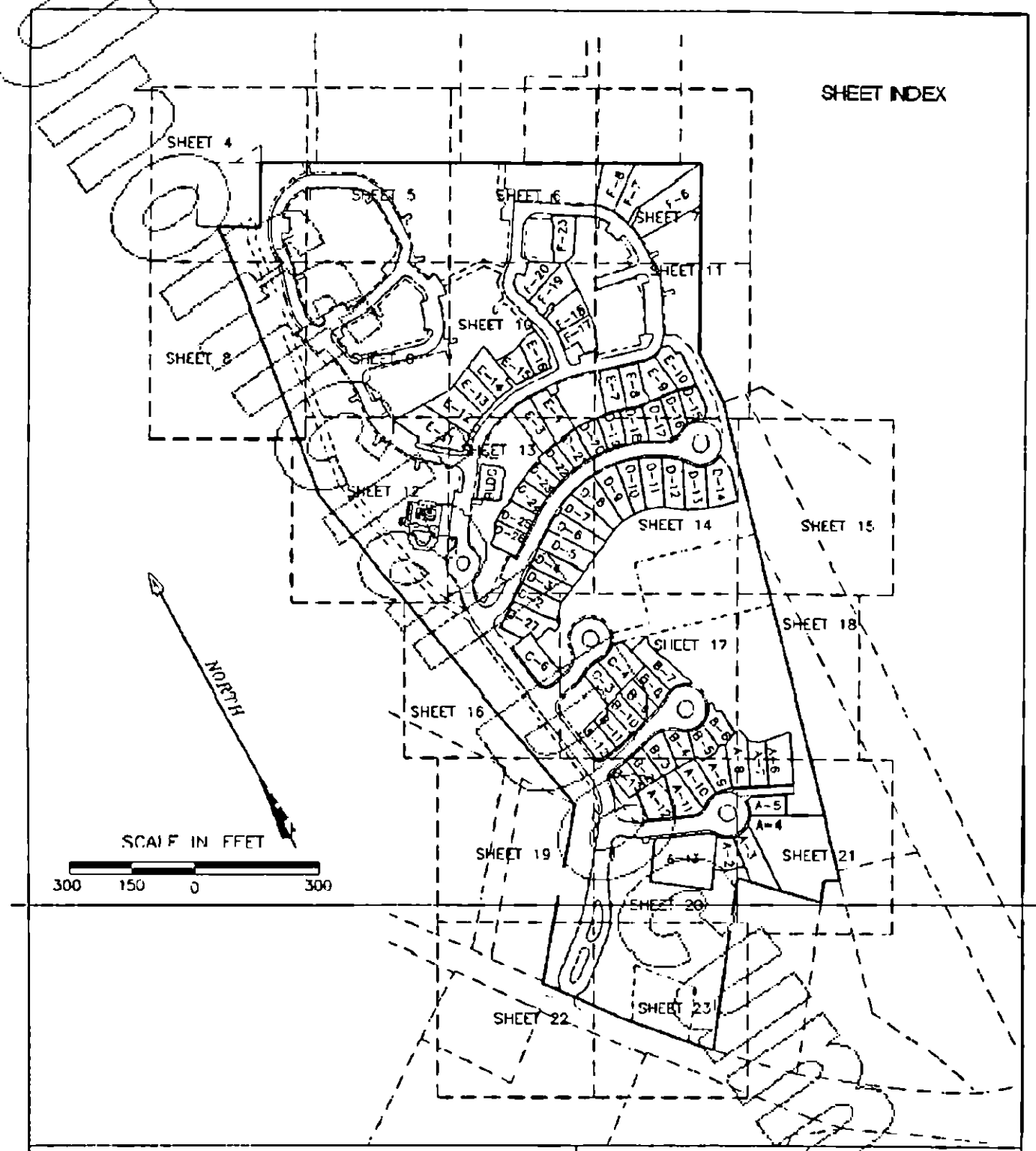
CRYSTAL WARNER
MY COMMISSION EXPIRES
October 12, 2015

Unofficial Document

ATTACHMENT 1

EXHIBIT "B" TO THE DECLARATION OF CONDOMINIUM REGIME

SEE SHEET 24 OF 28 FOR ORIGINAL CERTIFICATION



AVIARA CONDOMINIUMS

EXHIBIT

OF 30.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

BASELINE LAND SURVEYORS, INC.
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OFFICE: 512 374 9727 FAX: 512 873 9749
ron-baseline@austin.rr.com

File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET 1 of 28
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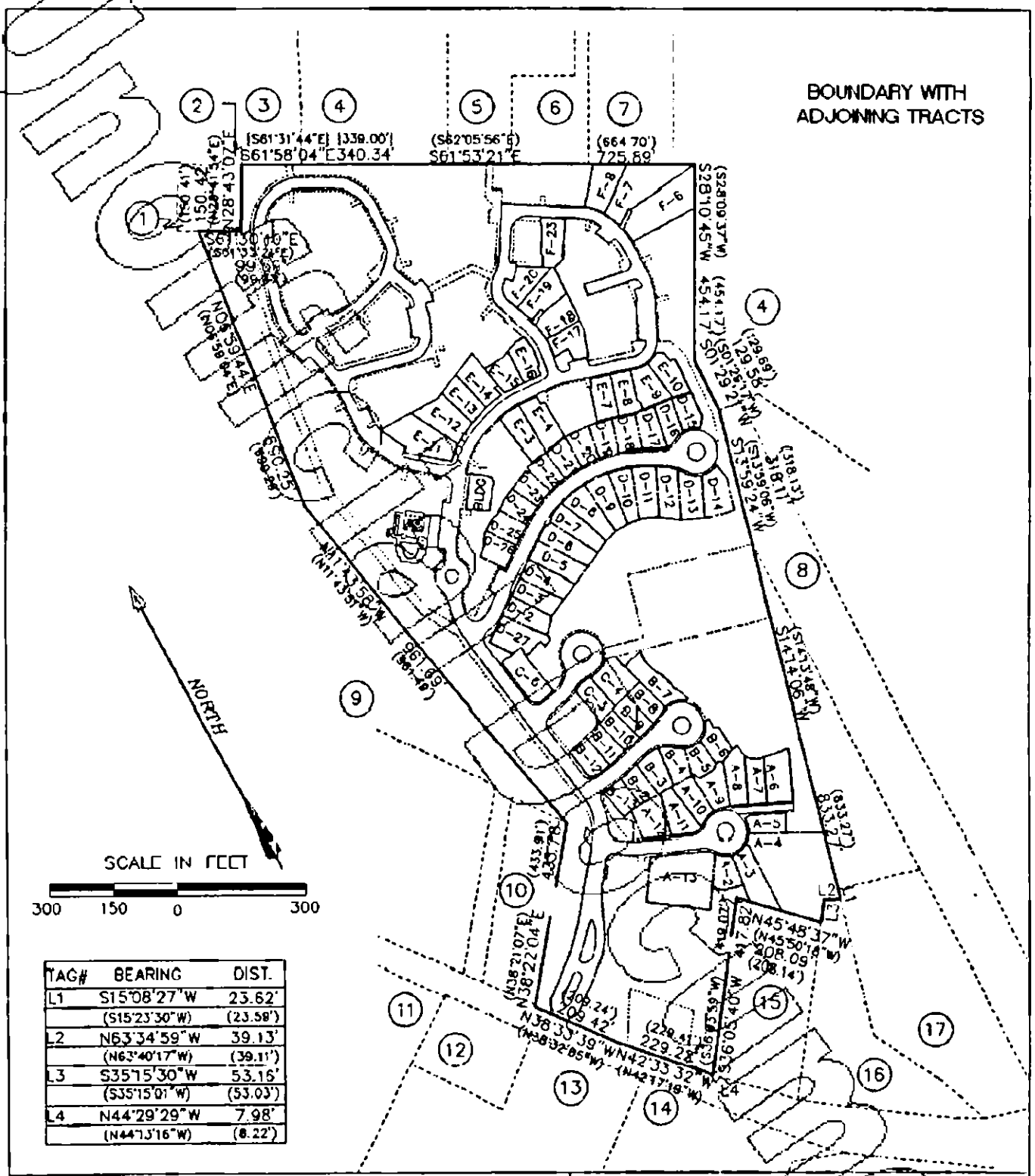
UNOFFICIAL DOCUMENT



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	(S15°23'30"W)	(23.58')
L2	N63°34'59"W	39.13'
	(N63°40'17"W)	(39.11')
L3	S35°15'30"W	53.16'
	(S35°15'01"W)	(53.03')
L4	N44°29'29"W	7.98'
	(N44°13'16"W)	(8.22')

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ron-baseline@austin.rr.com

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Job No.	Snapshot:	
Scale (Hor.): N/A	Scale (Vert.):	
Date: 08/26/11	Checked By: JSL	Drawn By: HPE\RSK

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ADJOINING OWNERS

1. TRAVIS COUNTY W.C.I.D. NO. 9, VOL. 1819, PG. 189 (0.52 ACRES)
2. CITY OF AUSTIN, VOL. 10958, PG. 277 (0.029 ACRES)
3. REMAINDER OF 688.051 ACRES, VOL. 10958, PG. 280
4. LOT 115, BLOCK F, LANTANA SOUTHWEST, PHASE 1, DOC. NO. 200300137
5. CITY OF AUSTIN, TRACT 2, VOL. 12910, PG. 670 (1.757 ACRES)
6. CITY OF AUSTIN, VOL. 10031, PG. 300 (1.0397 ACRES)
7. CITY OF AUSTIN, TRACT 1, VOL. 12910, PG. 670 (1.655 ACRES)
8. KEYSTONE CONSTRUCTION, INC., VOL. 11918, PG. 1755 (4.993 ACRES)
9. LOT 1, BLOCK "A", THE HANS DEROUCHER SUBDIVISION, VOL. 96, PG. 108
10. LOT 2, BLOCK "A", THE HANS DEROUCHER SUBDIVISION, VOL. 96, PG. 108
11. AARON GARDNER SUBDIVISION, VOL. 49, PG. 95
12. BENJAMIN L. NORS, DOC. NO. 2001174575 (1.00 ACRE)
13. HUEBETTER SUBDIVISION, VOL. 78, PG. 1
14. JAMES L. SCHORR, VOL. 11883, PG. 1334 (10.111 ACRES)
15. ALAN ABBE, et ux, VOL. 8732, PG. 5 (1.9807 ACRES)
16. 1.951 ACRES, VOL. 11400, PG. 875
17. GILBERT M. JAPKO, TRACT ONE, VOL. 6095, PG. 82 (3.129 ACRES)

AVIARA CONDOMINIUMS

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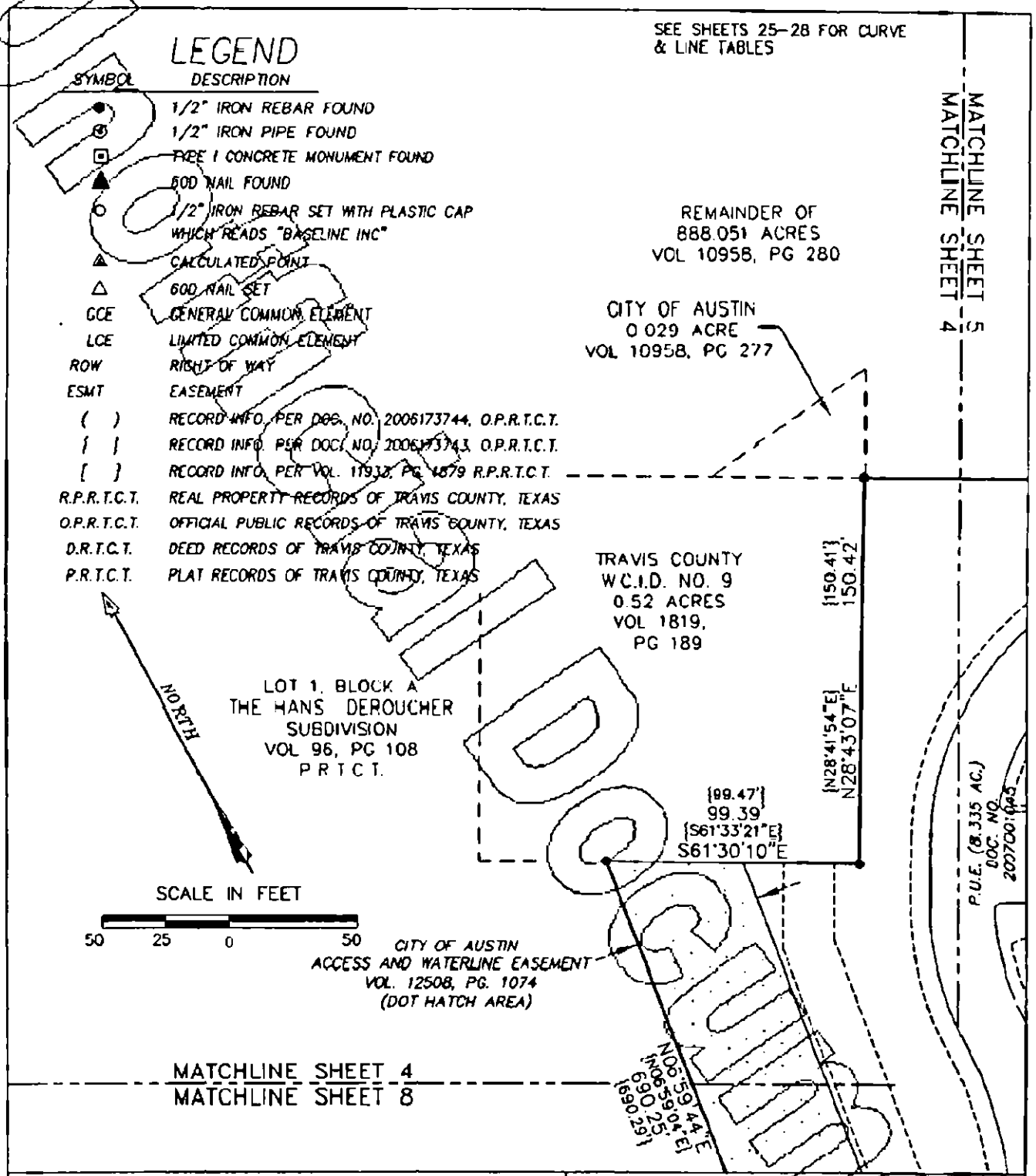

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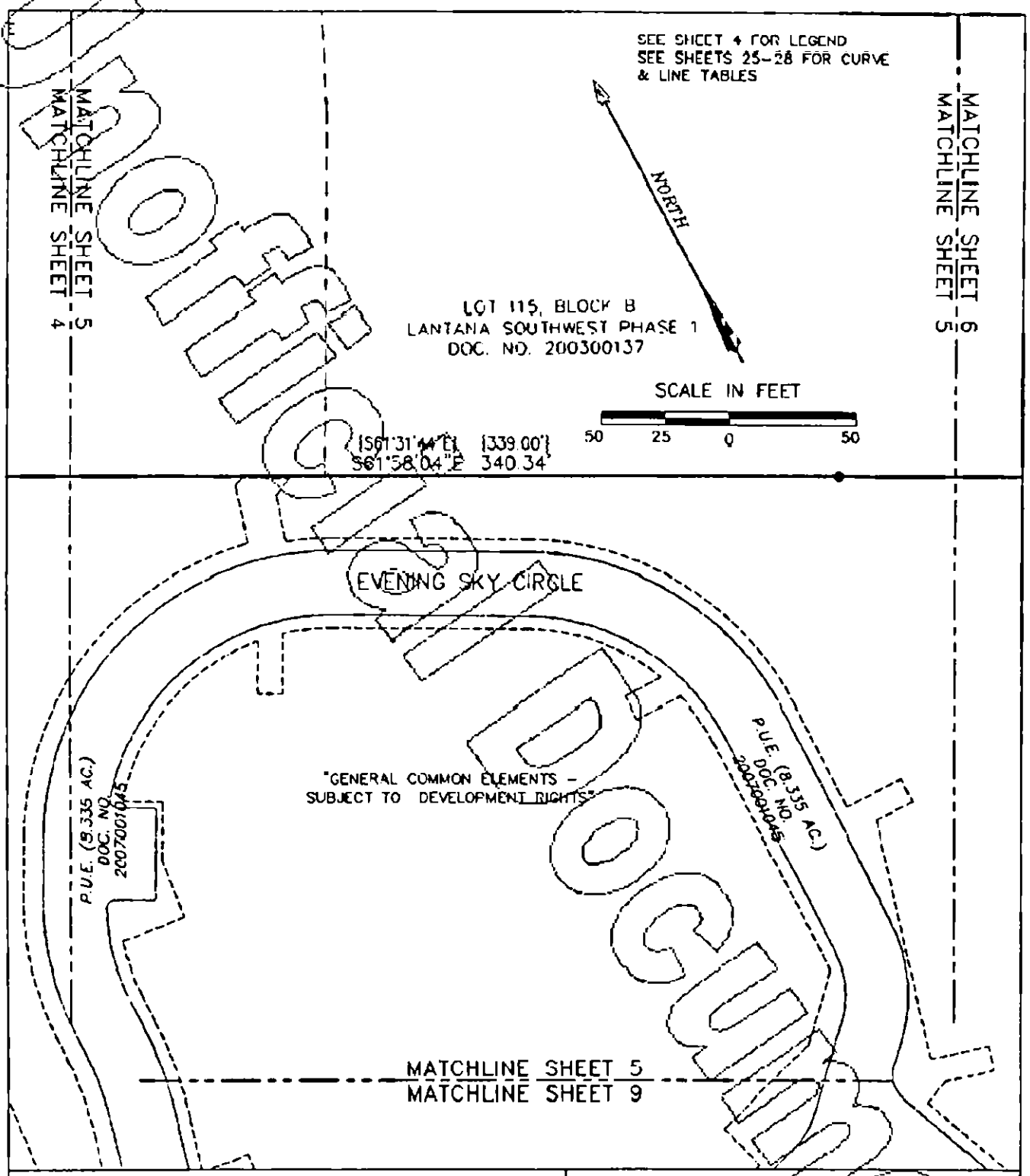

AVIARA CONDOMINIUMS

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Date 08/26/11	Checked By JSL	Drawn By: HPE\RLW	

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SEE SHEET 4 FOR LEGEND
SEE SHEETS 25-28 FOR CURVE & LINE TABLES

NORTH

CITY OF AUSTIN
1.0397 ACRES
VOL 10031, PG 300

MATCHLINE SHEET 7
MATCHLINE SHEET 6

MATCHLINE SHEET 6
MATCHLINE SHEET 5

CITY OF AUSTIN
1RACT 2-1 757 ACRES
VOL 12910, PG 670

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(S62°05'56"E)
S61°53'21"E 725.89'

"GENERAL COMMON ELEMENTS - SUBJECT TO DEVELOPMENT RIGHTS"

SUNSET HEIGHTS CIRCLE

P.U.E. (8.335 AC.)
DOC. NO.
2007001045

S59°20'01"E
57.81'

L145
L144
N30°59'09"E
59.65'
L143
L142
S59°48'35"E
80.16'
L141
L140
S31°15'37"W
97.79'
L106
S01°42'
68.
C89
L112
UNIT F-23
UNIT F-20

P.U.E. (8.335 AC.)
DOC. NO. 2007001045

MATCHLINE SHEET 6
MATCHLINE SHEET 10

AVIARA CONDOMINIUMS

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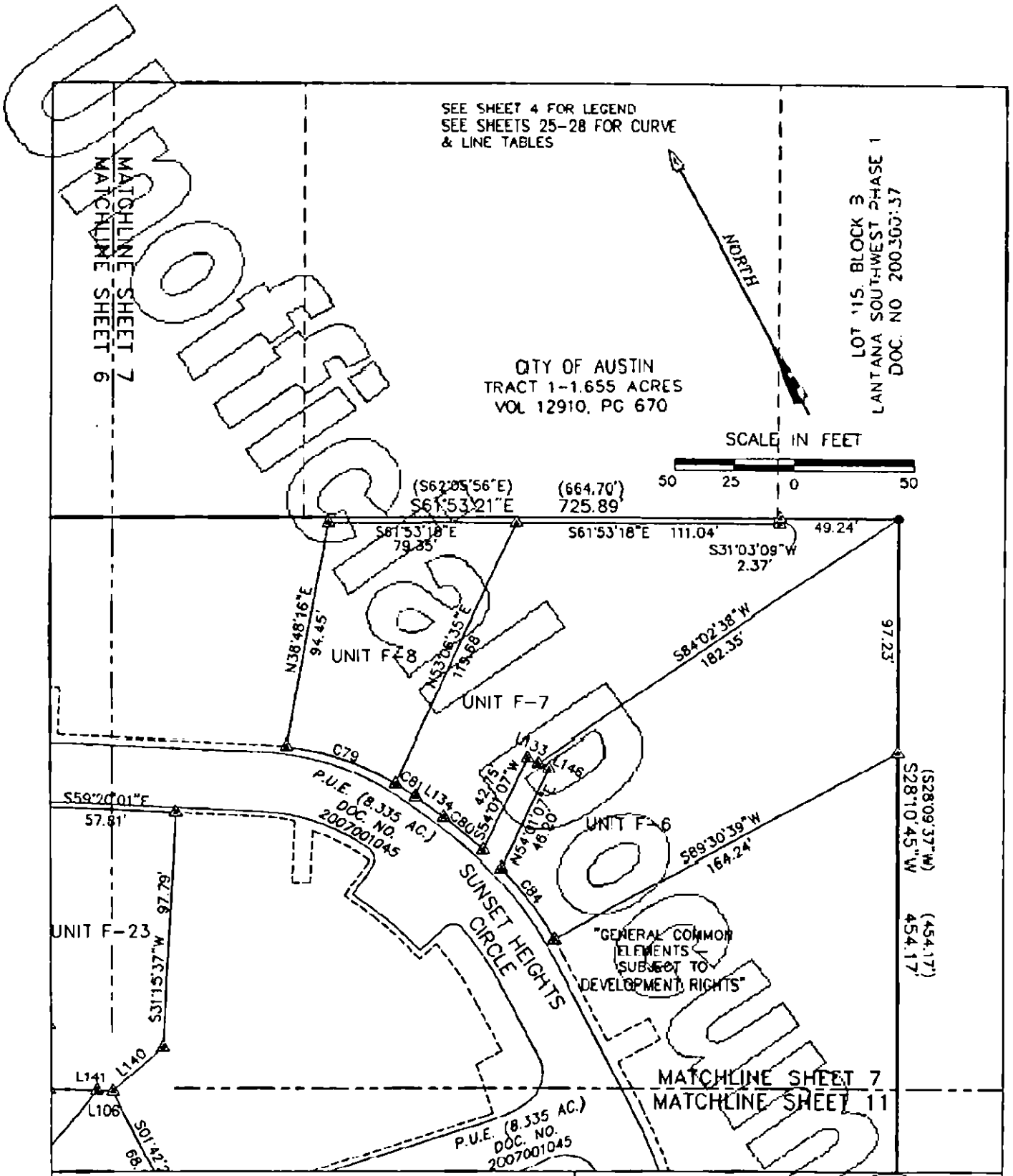

AVIARA CONDOMINIUMS

EXHIBIT

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Date: 08/26/11	Checked By: JSI	Drawn By: HPE/RLW	

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Unofficial Document

MATCHLINE SHEET 4
MATCHLINE SHEET 8

N06°59'44"E
N06°59'04"E
690.25'
690.29'

CITY OF AUSTIN
ACCESS AND WATERLINE EASEMENT
VOL 12506, PG. 1074
(DOT HATCH AREA)

MATCHLINE SHEET 9
MATCHLINE SHEET 8

LOT 1, BLOCK A
THE HANS DEROLICHER
SUBDIVISION
VOL 96, PG 108
P.R.T.C.T.

TRAVIS COUNTY W.C.I.D. NO. 9
50' ACCESS AND WATERLINE EASEMENT
VOL 1819, PG 189 – SEE RELEASE
OF EASEMENT IN VOL 12885, PG 1905

N06°59'44"E
N06°59'04"E
690.25'
690.29'

NORTH

SCALE IN FEET
50 25 0 50

SEE SHEET 4 FOR LEGEND
SEE SHEETS 25–28 FOR CURVE
& LINE TABLES

AVIARA CONDOMINIUMS

EXHIBIT
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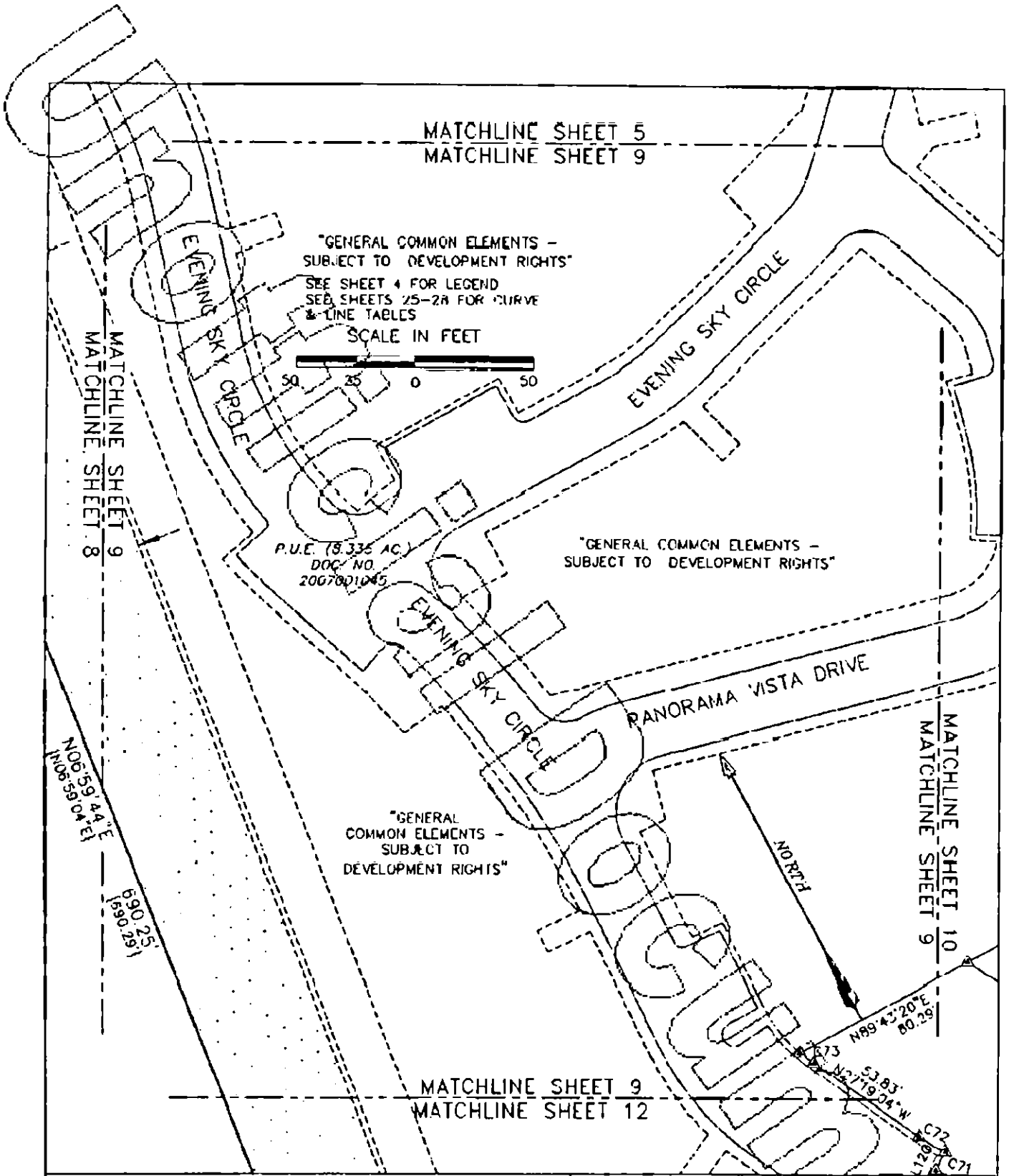

AVIARA CONDOMINIUMS

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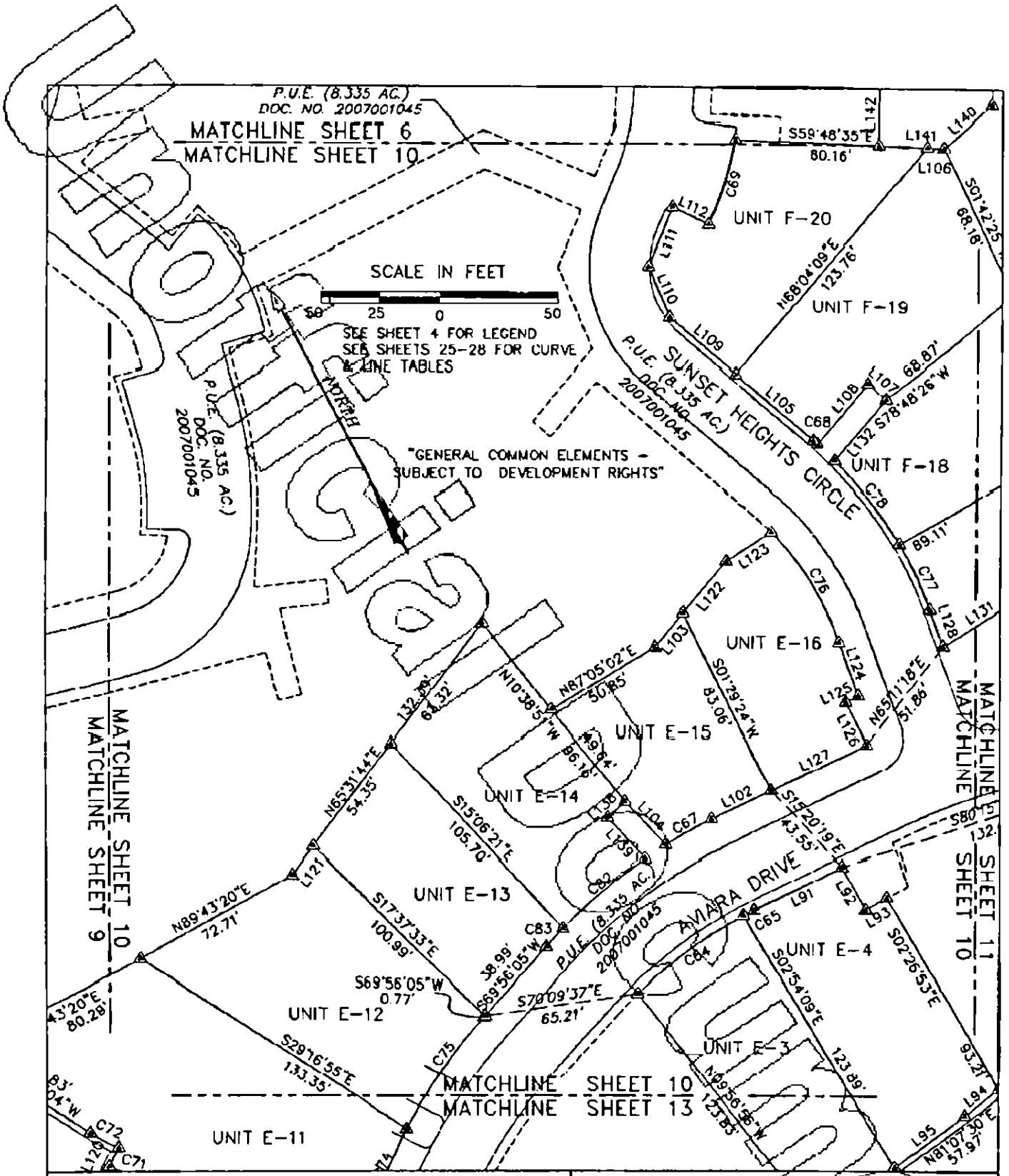

AVIARA CONDOMINIUMS

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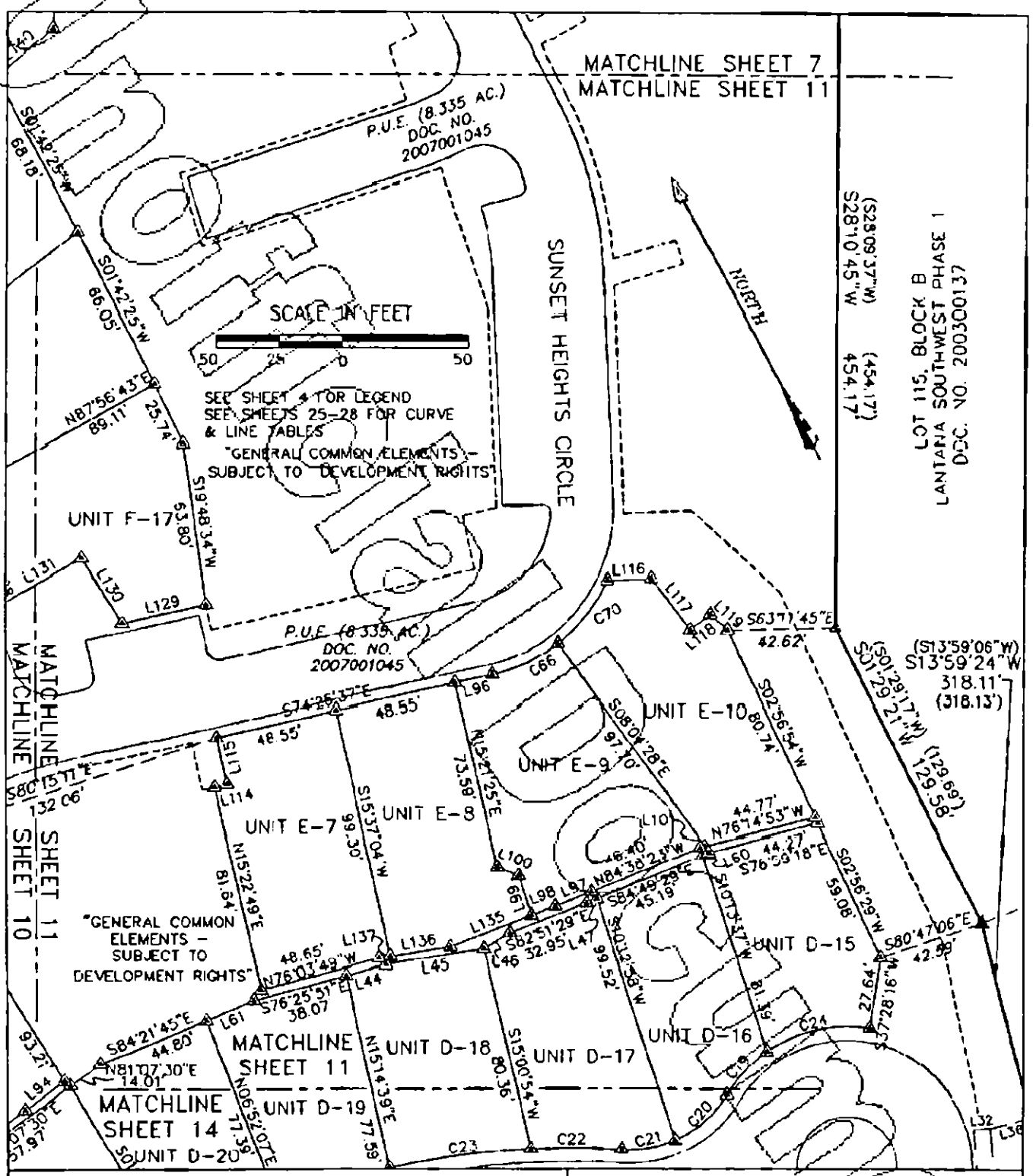

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 586; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.094 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

BASELINE LAND SURVEYORS, INC.
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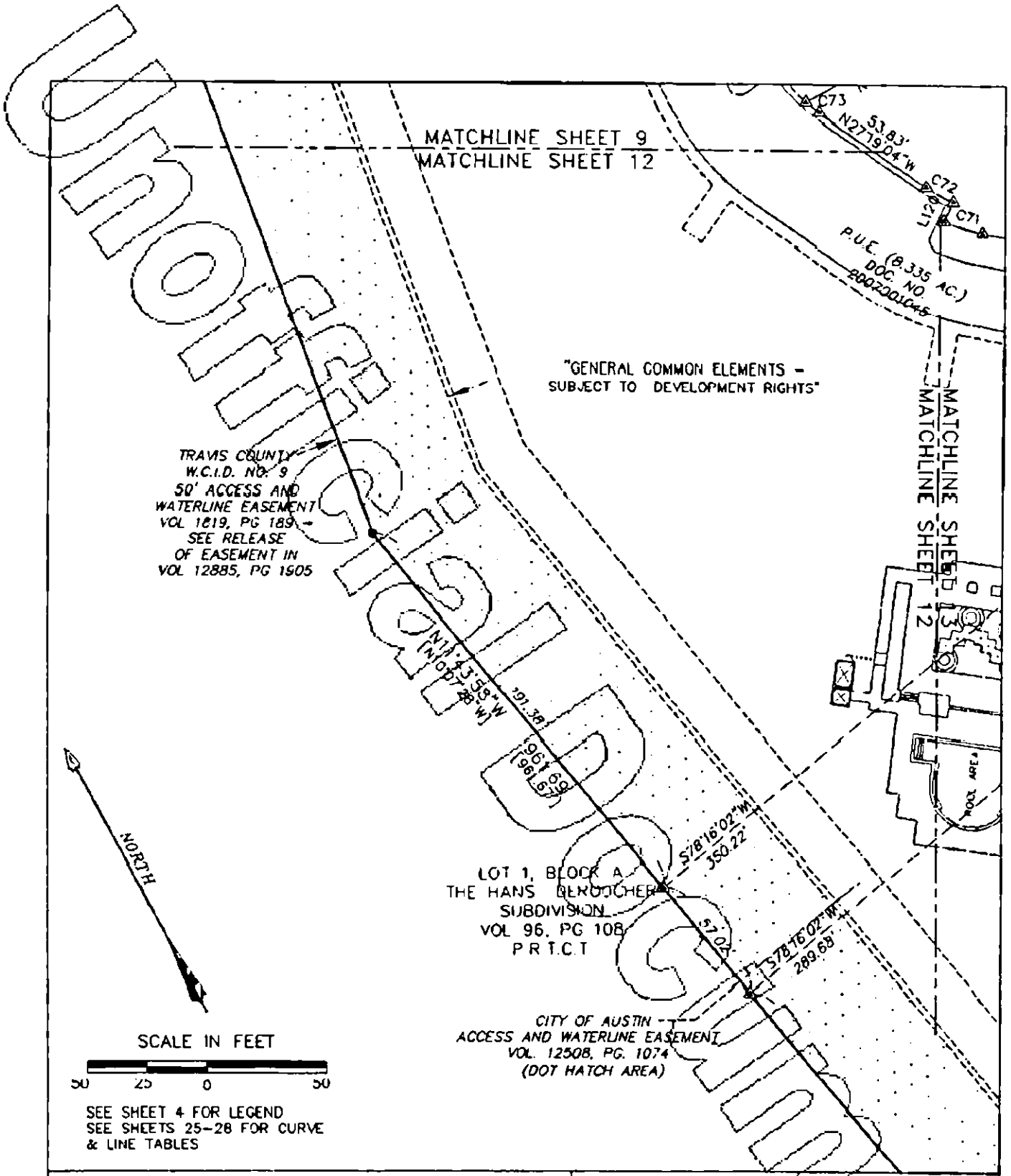
8333 CROSS PARK DRIVE
AUSTIN, TEXAS 78754
OFFICE: 512.374.9722 FAX: 512.873.9795
ron-baseline@austin.rr.com

File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET
Job No	Snapshot:		11 of 28
Scale (Hor.): 1"=50'	Scale (Vert.):		
Date 06/26/11	Checked By: JSL	Drawn By: HPE\RLW	



SEE SHEET 4 FOR LEGEND
SEE SHEETS 25-28 FOR CURVE & LINE TABLES

AVIARA CONDOMINIUMS

EXHIBIT

OF 30.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 6.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 23.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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File: S:\Pro\Aviara\Dwg\AVIARA CONDO BASE.dwg		SHEET 12 of 28
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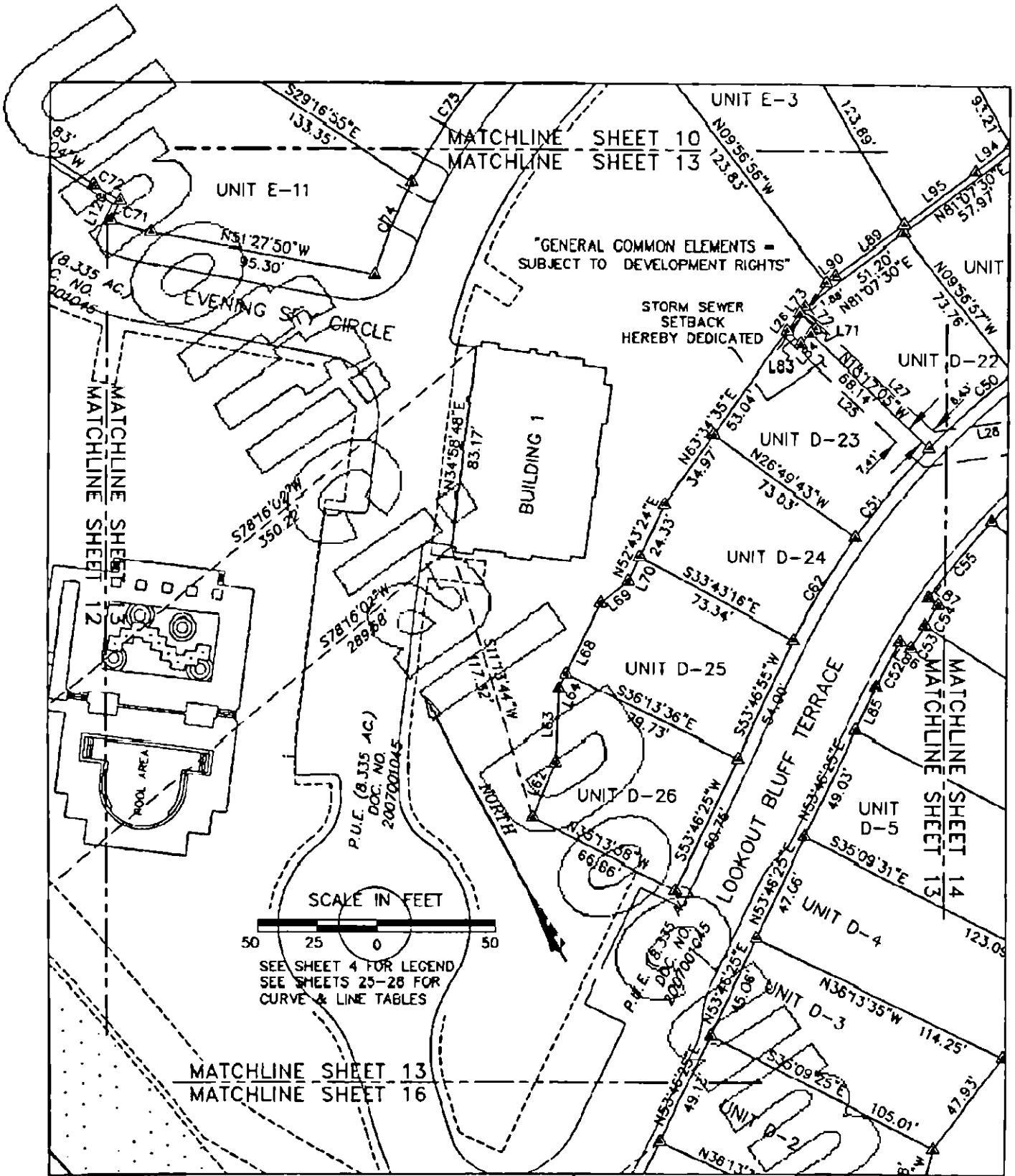

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 66 AND THE T.W. MOORE SURVEY NO. 528; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.064 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET 13 of 28
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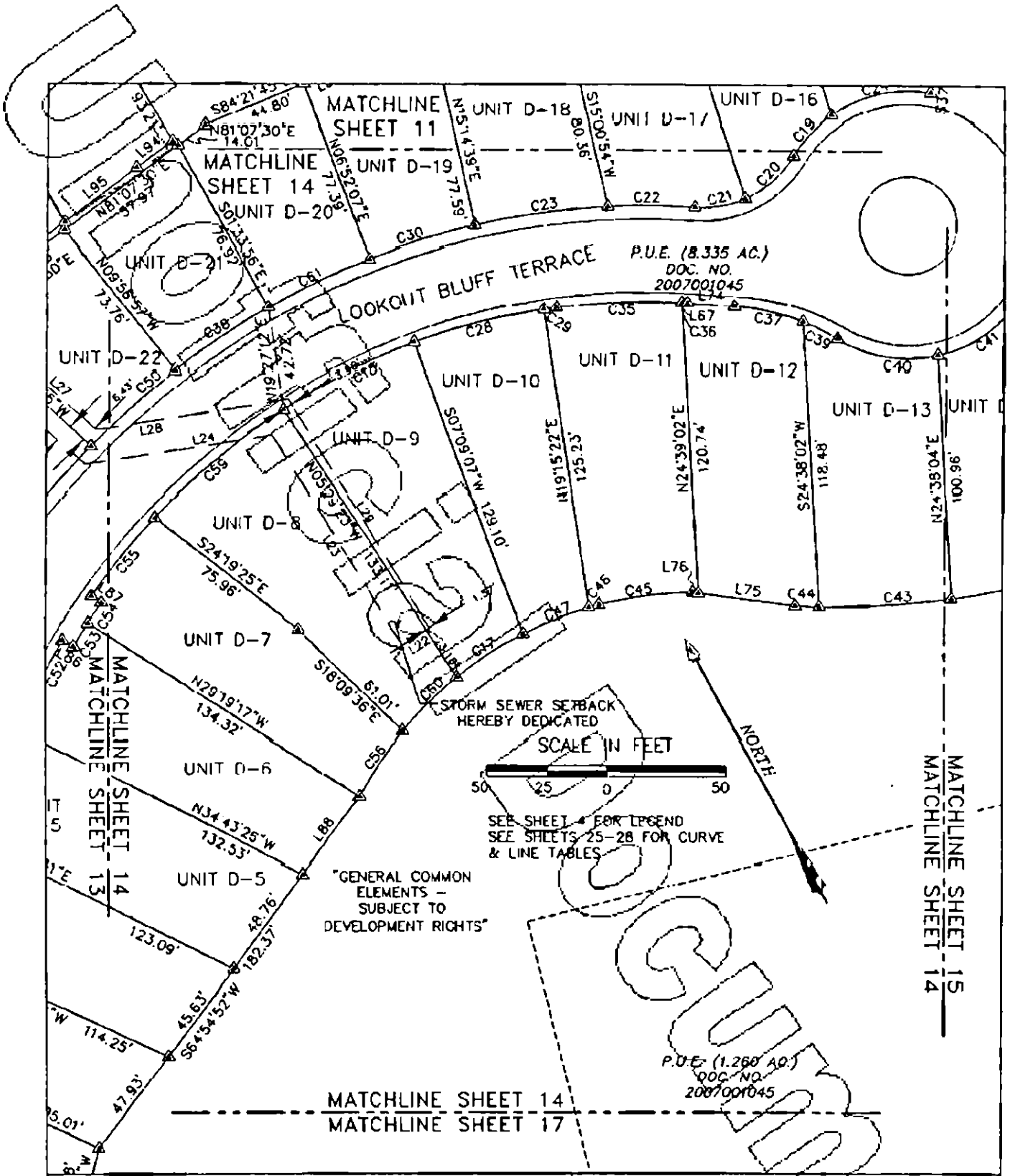

AVIARA CONDOMINIUMS

EXHIBIT
OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 81, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 826; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.064 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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File: S:\Pro\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET 14 of 28
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Date: 08/26/11	Checked By: JSL	Drawn By: HPE\RLW	

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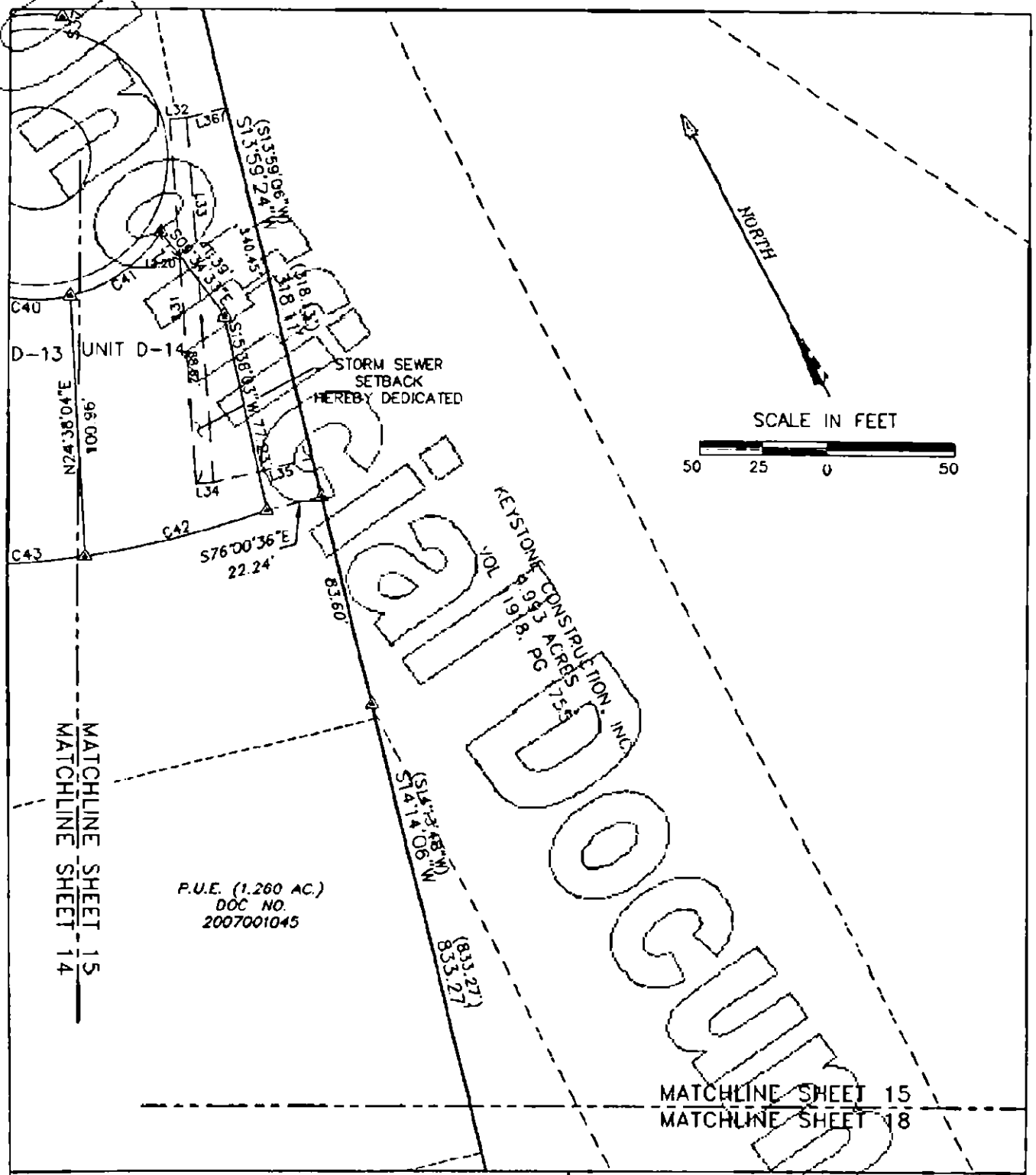

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS; A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET 15 of 28
Job No.	Snapshot:		
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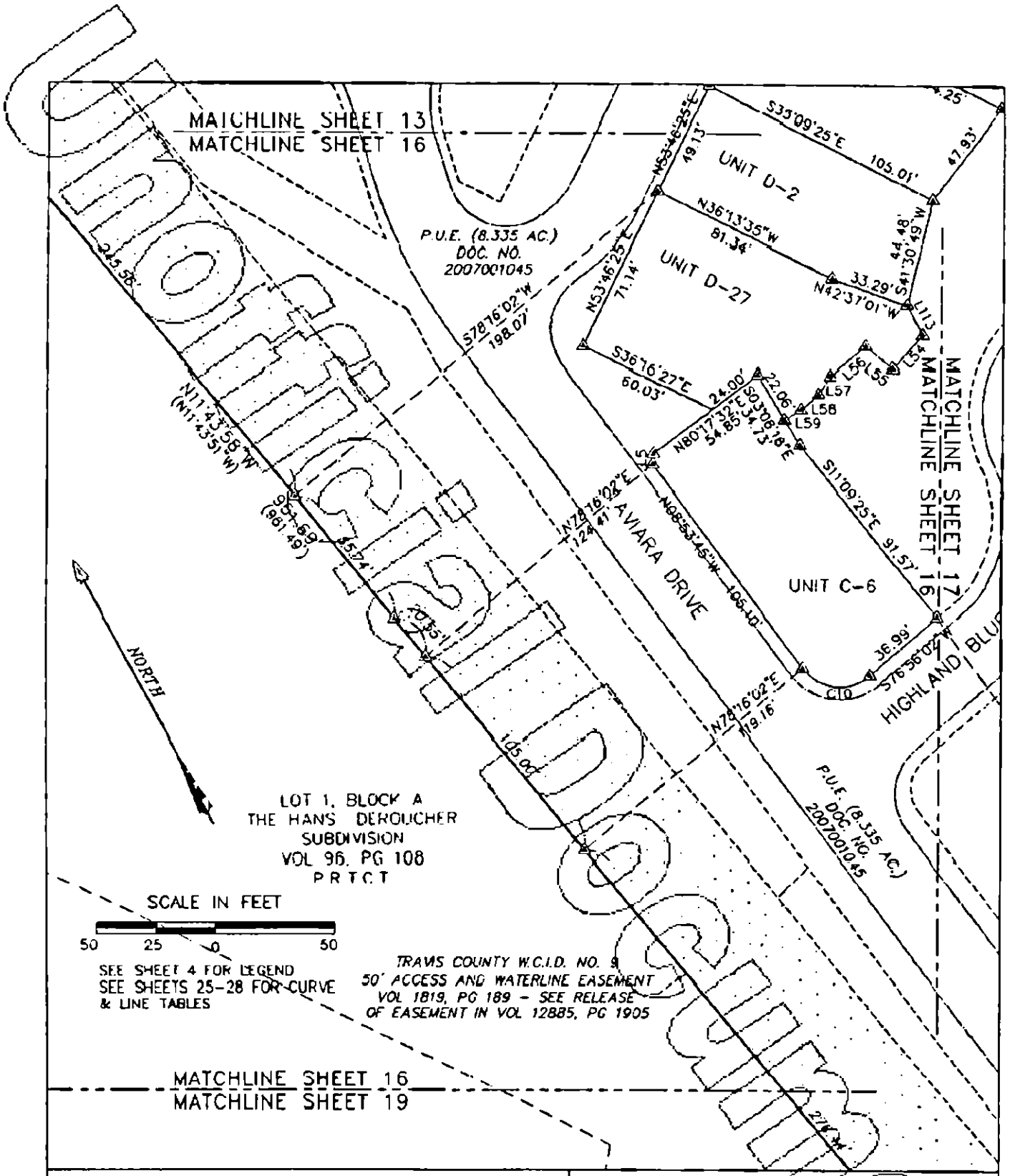
UNOFFICIAL DOCUMENT



AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 6.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.008 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET 16 of 28
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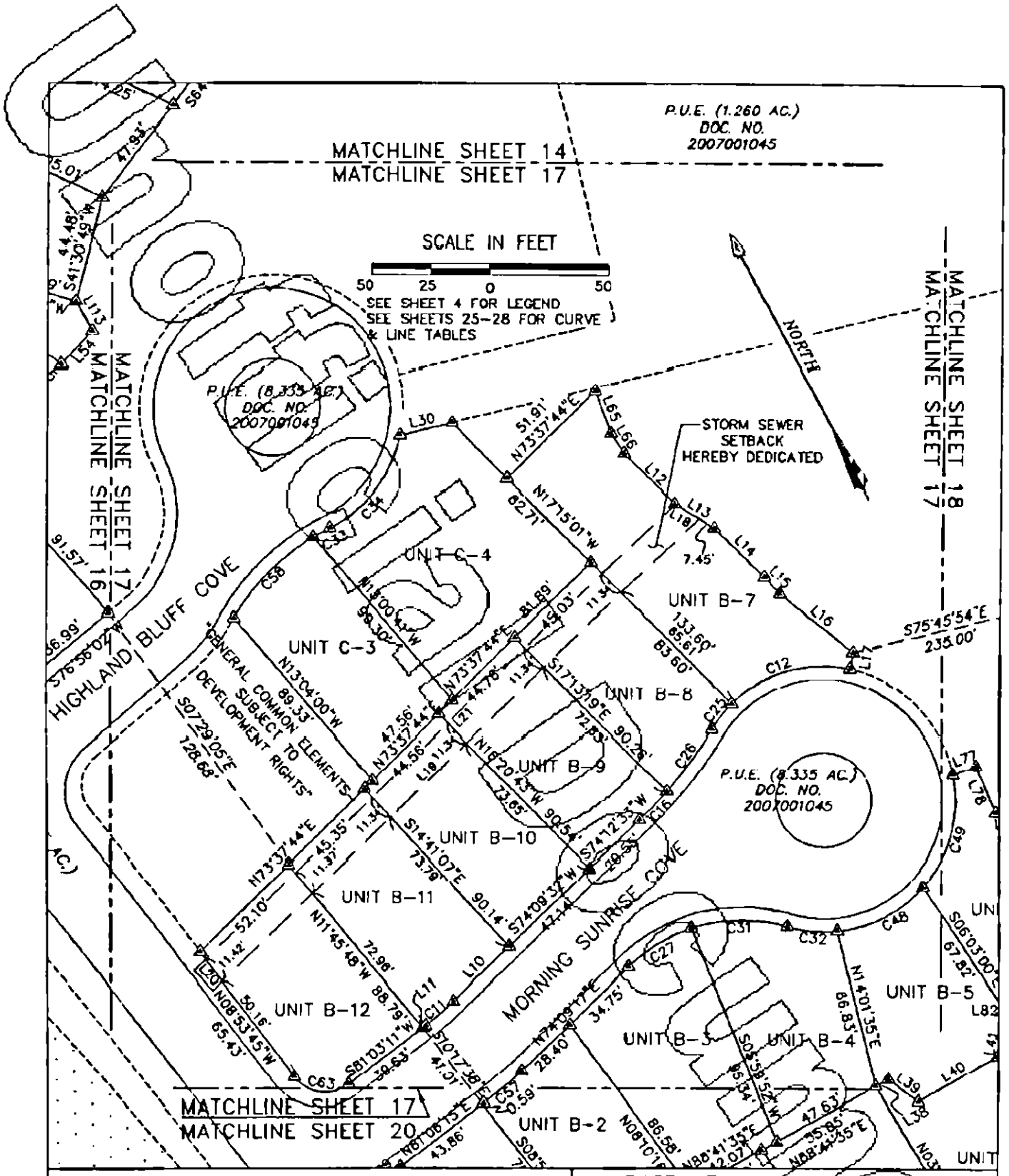

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE F.W. MOORE SURVEY NO. 326; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173745 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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ron-baseline@austin.rr.com

File: S:\Pro\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET
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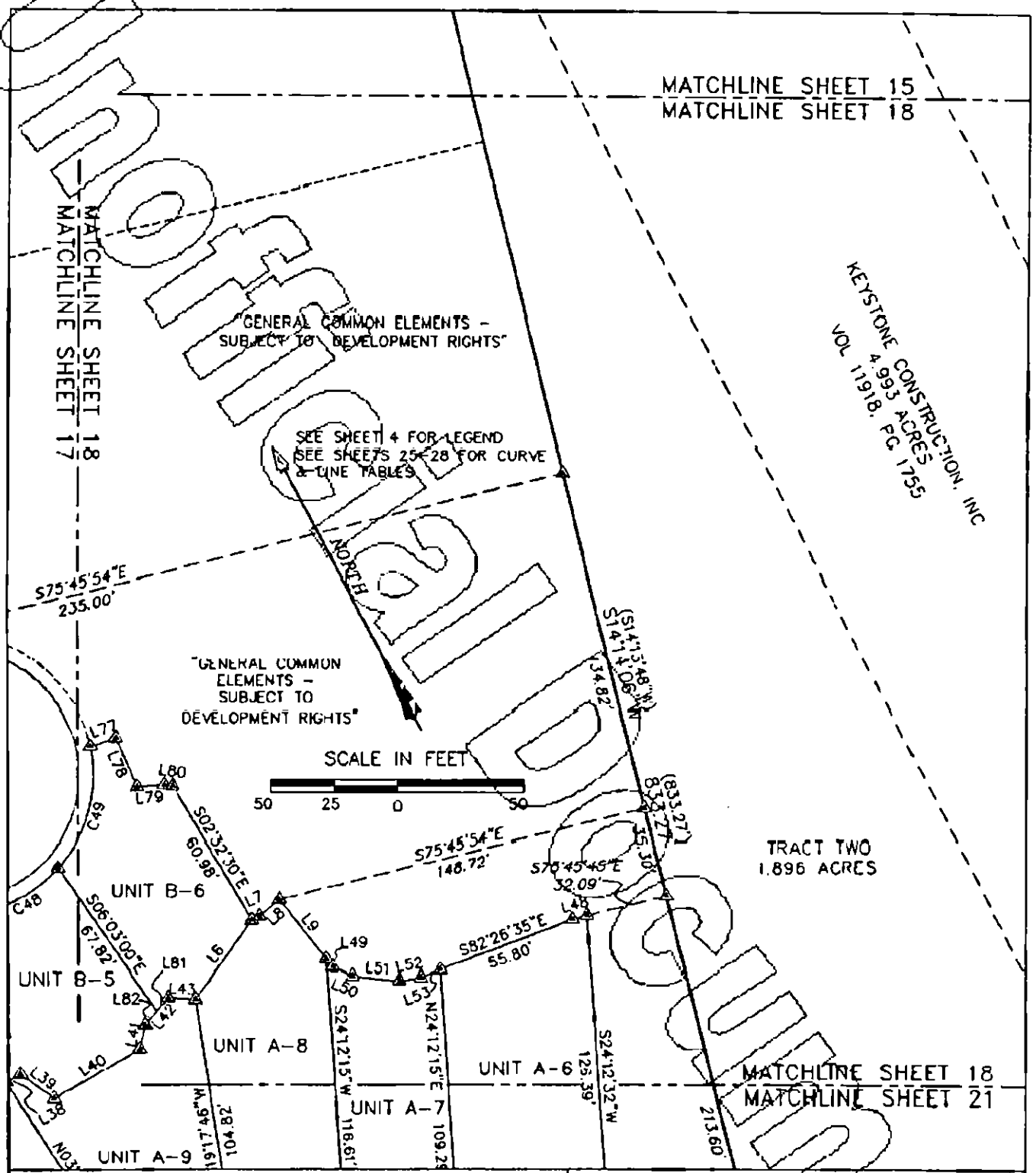

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 6.064 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET 18 of 28
Job No	Snapshot:		
Scale (Hor.): 1"=50'	Scale (Vert.):		
Date: 08/26/11	Checked By: JSL	Drawn By: HPE\RLW	

UNOFFICIAL DOCUMENT

Unofficial Document

MATCHLINE SHEET 16
MATCHLINE SHEET 19

276.44

N11°43'59"W
(N11°43'51"W)

961.69'
(961.49')

NORTH

(433.91')
433.78'

(N38°21'07"E)
N38°22'04"E

SCALE IN FEET

50 25 0 50

LOT 2, BLOCK A
THE HANS DEROUCHER
SUBDIVISION
VOL. 96, PG 108
P.R.T.C.T.

MATCHLINE SHEET 20
MATCHLINE SHEET 19

MATCHLINE SHEET 19
MATCHLINE SHEET 22

AVIARA CONDOMINIUMS

EXHIBIT

OF 30.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 626; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.064 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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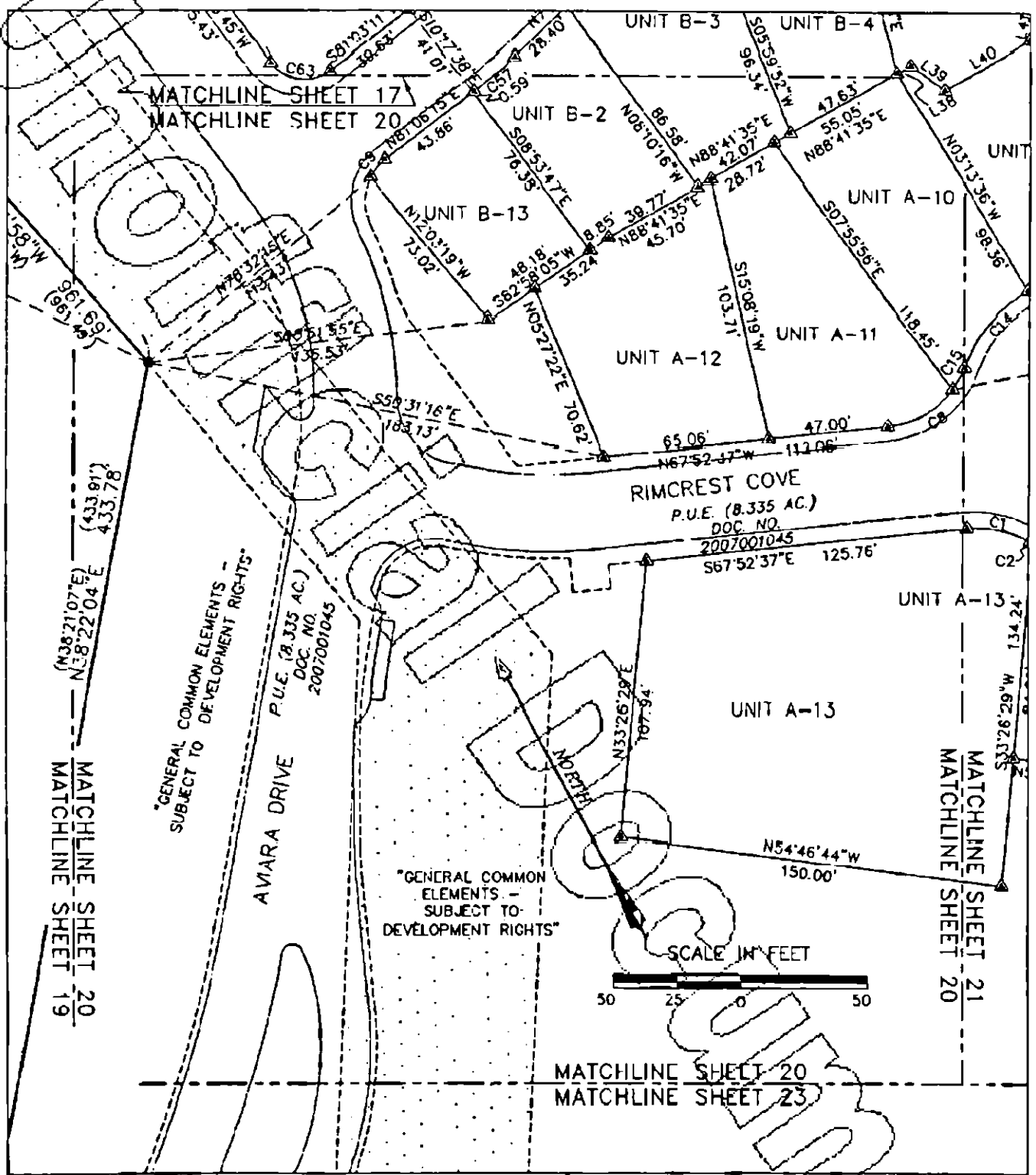

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.691 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 528; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 6.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.096 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET 20 of 28
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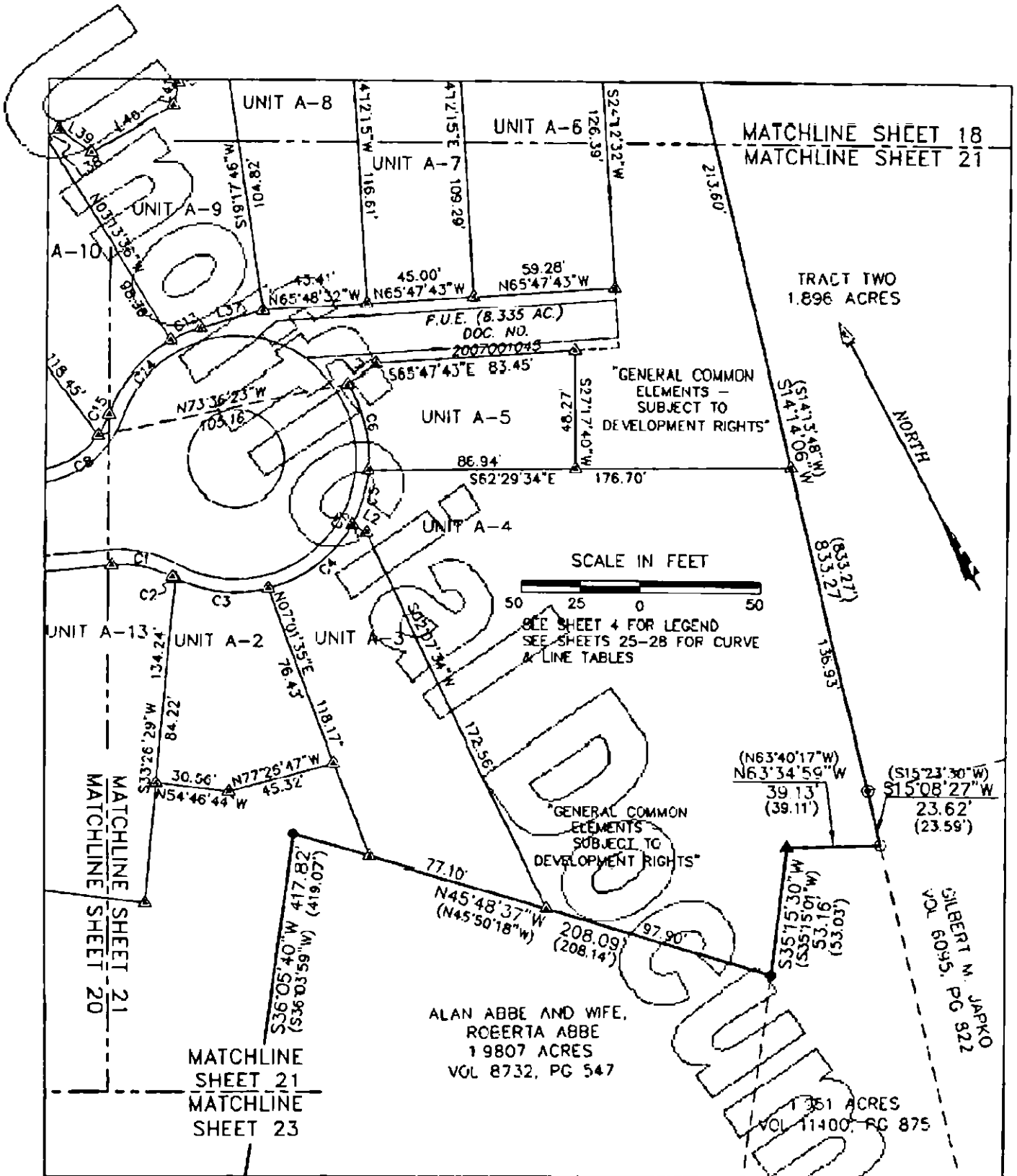

AVIARA CONDOMINIUMS

EXHIBIT

OF 30.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 528; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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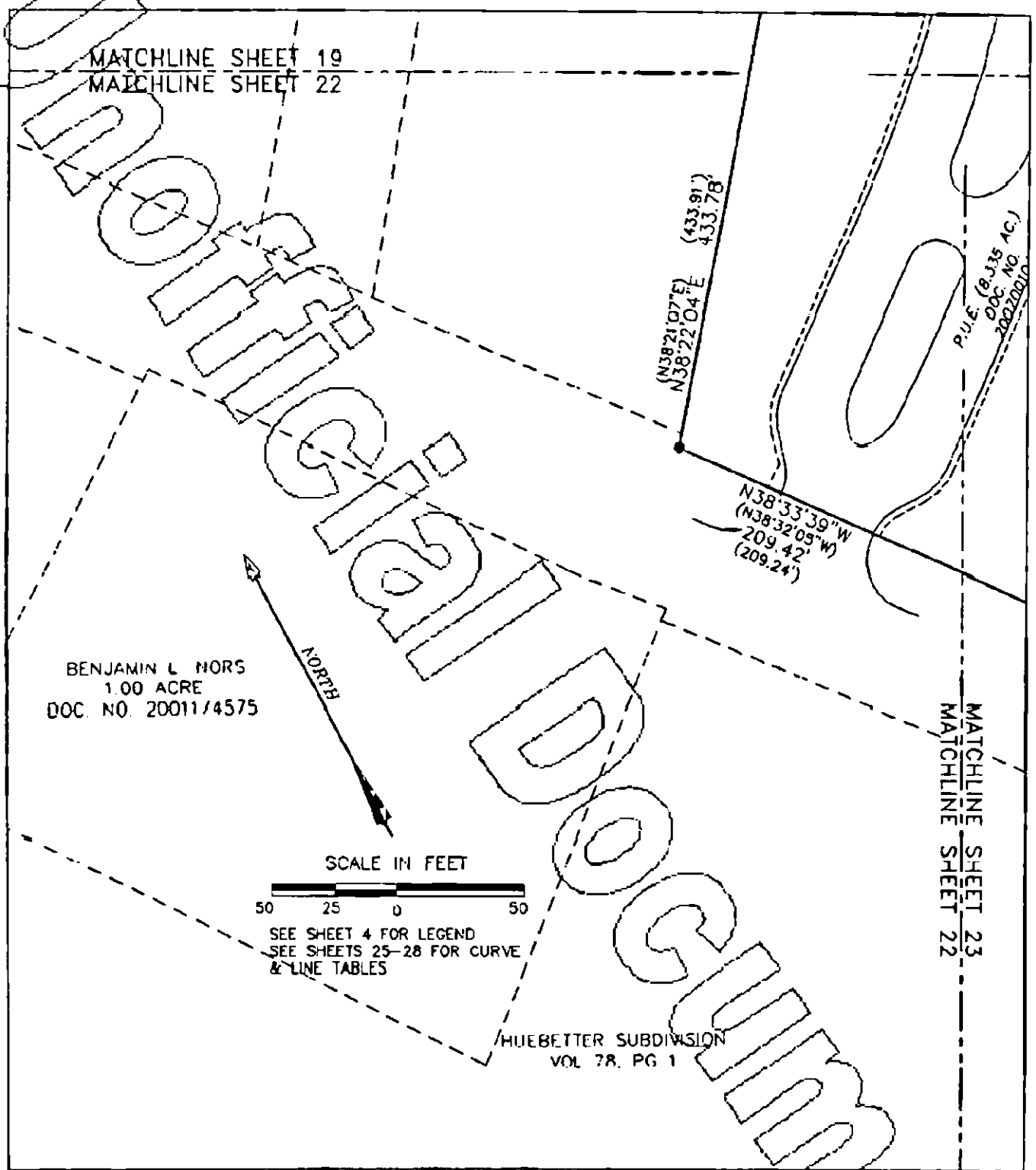
SHEET 21 of 28

UNOFFICIAL DOCUMENT



Unofficial Document

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 528; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006175743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.086 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006175744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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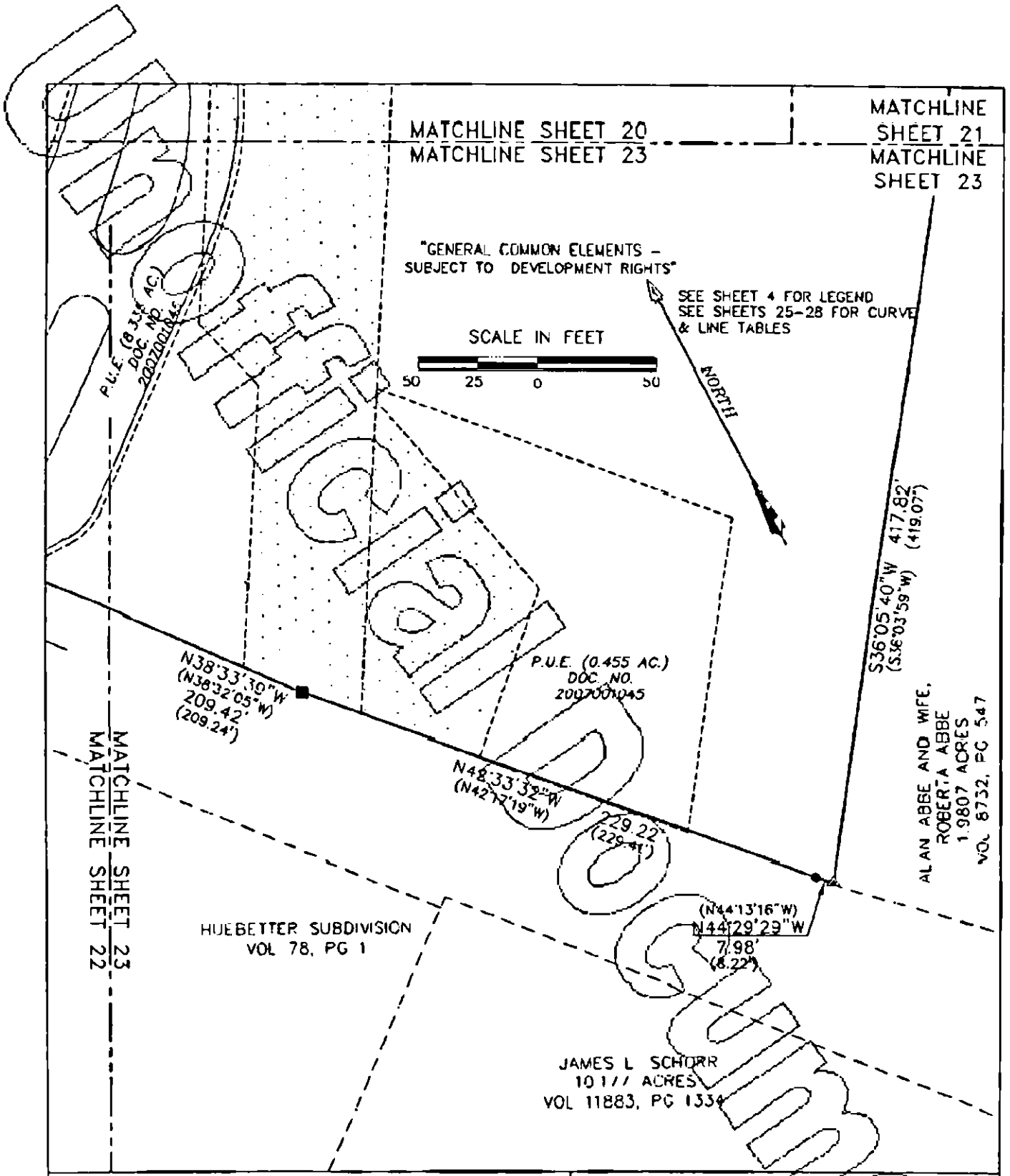

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 61, THE THOMAS ANDERSON SURVEY NO. 30 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG–AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.086 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG–AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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File: S:\Pro\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET 23 of 28
Job No.	Snapshot:		
Scale (Hor.): 1"=50'	Scale (Vert.):		
Date: 08/28/11	Checked By: JSL	Drawn By: HPE\RLW	

Unofficial Document

EXHIBIT

AVIARA CONDOMINIUMS

[PLAT]

§ Certification of Surveyor §

The attached plat, attached hereto as Exhibit contain the information required by Section 82.052 and Section 82.059 of the Texas Uniform Condominium Act, as applicable.

Ronnie Wallace
R.P.L.S. No. 5222

Date: 26 August 2011

STATE OF TEXAS
REGISTERED
RONNIE WALLACE
5222
PROFESSIONAL
LAND SURVEYOR

AVIARA CONDOMINIUMS	BASELINE LAND SURVEYORS, INC.
EXHIBIT OF 39.481 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 586; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 6.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS	PROFESSIONAL LAND SURVEYING SERVICES 8333 CROSS PARK DRIVE AUSTIN, TEXAS 78754 OFFICE: 512.374.9722 FAX: 512.873.3743 ron-baseline@austin.rr.com

File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET
Job No.	Snapshot:		24 of 28
Scale (Hor.): 1"=50'	Scale (Vert.):		
Date: 08/26/11	Checked By: JSL	Drawn By: HPE\RLW	

UNOFFICIAL

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C1	43.50'	25.85'	34°03'14"	N50°51'00"W	25.48'
C2	55.50'	1.36'	1°24'13"	S34°31'30"E	1.36'
C3	55.50'	39.74'	41°01'24"	S55°44'18"E	38.89'
C4	55.50'	45.25'	46°42'38"	N80°23'41"E	44.00'
C5	55.50'	23.52'	24°16'50"	N44°53'57"E	23.34'
C6	55.50'	37.22'	38°25'09"	N13°32'57"E	36.52'
C7	55.50'	147.08'	151°50'14"	N70°15'30"E	107.66'
C8	34.50'	29.54'	49°03'46"	N87°35'30"E	28.65'
C9	19.50'	8.60'	25°15'47"	S68°28'21"W	8.53'
C10	19.50'	32.05'	94°10'13"	S55°56'52"E	28.56'
C11	128.50'	15.59'	6°56'58"	N77°37'46"E	15.58'
C12	55.50'	54.03'	55°46'56"	N78°25'05"W	51.92'
C13	55.50'	13.29'	13°43'20"	N84°39'53"W	13.26'
C14	55.50'	40.10'	41°23'40"	S67°46'37"W	39.23'
C15	34.50'	9.67'	16°03'39"	N55°06'36"E	9.64'
C16	194.50'	16.61'	4°53'34"	N71°36'45"E	16.60'
C17	160.00'	33.10'	11°51'14"	S85°23'29"W	33.04'
C18	281.00'	61.89'	12°37'13"	N88°22'50"W	61.77'
C19	55.50'	23.40'	24°09'12"	S71°04'10"W	23.22'
C20	44.50'	27.40'	35°16'52"	N76°38'00"E	26.97'
C21	44.50'	21.48'	27°32'51"	S71°57'09"E	21.19'
C22	320.50'	36.55'	6°32'02"	N61°26'44"W	36.53'
C23	320.50'	58.16'	10°02'22"	N69°43'56"W	56.09'
C24	55.50'	42.94'	44°19'30"	N74°41'29"W	41.87'
C25	55.50'	13.43'	13°52'10"	S66°45'22"W	13.40'
C26	194.50'	32.10'	9°27'22"	N64°33'01"E	32.06'
C27	69.50'	31.31'	25°48'34"	S87°03'34"W	31.04'
C28	284.37'	56.30'	11°20'39"	N76°17'14"W	56.21'
C29	284.37'	5.39'	1°05'11"	N70°04'19"W	5.39'
C30	320.50'	46.88'	8°22'48"	N78°59'29"W	46.83'
C31	69.50'	41.29'	34°02'29"	N63°00'55"W	40.69'
C32	55.50'	21.02'	21°42'01"	S56°50'41"E	20.89'
C33	94.50'	8.03'	4°52'04"	S69°32'13"W	8.03'
C34	55.50'	50.19'	51°48'35"	N66°03'57"E	48.49'
C35	281.00'	52.77'	10°45'33"	N64°06'44"W	52.69'
C36	281.00'	0.93'	0°11'23"	N58°38'20"W	0.93'
C37	94.50'	29.53'	17°54'23"	N49°29'02"W	29.41'
C38	320.50'	46.91'	8°23'10"	S84°14'33"W	46.87'
C39	94.50'	16.32'	9°53'42"	N35°25'03"W	16.30'
C40	55.50'	43.09'	44°29'20"	S52°42'50"E	42.02'
C41	55.50'	44.21'	45°38'24"	N82°13'21"E	43.05'
C42	350.00'	73.09'	11°57'56"	S76°03'05"E	72.96'
C43	350.00'	55.18'	9°02'00"	S65°33'07"E	55.12'
C44	350.00'	10.08'	1°39'00"	S60°12'59"E	10.08'
C45	160.00'	39.91'	14°17'35"	N69°21'21"W	39.81'
C46	160.39'	4.39'	1°34'06"	N77°13'21"W	4.39'
C47	160.39'	29.62'	10°34'57"	N83°12'44"W	29.58'
C48	55.50'	41.86'	43°12'43"	S89°18'02"E	40.87'
C49	55.50'	50.91'	52°33'09"	N42°49'02"E	49.14'
C50	320.50'	46.62'	8°20'01"	S75°52'58"W	46.57'

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.064 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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File: S:\Pro\Aviara\Dwg\AVIARA CONDO BASE.dwg		SHEET
Job No.	Snapshot	25 of 28
Scale (Hor.): 1"=50'	Scale (Vert.)	
Date: 08/26/11	Checked By: JSL	Drawn By: HPE\RLW

SUBJECT

UNOFFICIAL DOCUMENT

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C51	320.50'	47.84'	8°33'05"	S67°26'25"W	47.79'
C52	281.00'	21.40'	4°21'47"	S55°57'19"W	21.39'
C53	276.00'	11.21'	2°19'35"	S59°18'00"W	11.21'
C54	276.00'	9.99'	2°04'26"	S61°30'01"W	9.99'
C55	281.00'	41.60'	8°28'55"	S66°46'42"W	41.56'
C56	160.00'	33.12'	11°51'34"	S62°00'22"W	33.06'
C57	170.50'	20.63'	6°55'58"	N77°43'11"E	20.62'
C58	97.50'	48.23'	29°14'36"	S72°28'52"W	47.71'
C59	281.00'	70.09'	14°17'32"	S78°07'57"W	69.91'
C60	160.00'	32.21'	11°32'02"	S73°37'54"W	32.15'
C61	320.50'	47.16'	8°25'54"	N87°20'54"W	47.12'
C62	320.50'	50.30'	8°59'33"	S58°40'06"W	50.25'
C63	15.50'	25.92'	90°00'00"	S53°53'45"E	23.33'
C64	183.50'	55.58'	17°21'14"	S82°03'30"W	55.37'
C65	183.50'	5.03'	1°34'16"	N88°28'45"W	5.03'
C66	66.50'	29.12'	25°05'32"	S86°58'24"E	28.89'
C67	225.00'	22.17'	5°38'40"	S89°29'02"W	22.16'
C68	165.00'	2.50'	0°52'11"	N21°28'11"W	2.50'
C69	132.00'	37.38'	16°13'34"	N45°41'08"E	37.26'
C70	66.50'	31.77'	27°22'11"	N66°47'45"E	31.47'
C71	75.00'	17.21'	13°08'44"	S44°53'28"E	17.17'
C72	65.00'	12.97'	11°15'41"	S32°56'54"E	12.95'
C73	66.00'	7.20'	6°15'05"	S24°11'31"E	7.20'
C74	225.00'	40.96'	10°25'53"	S50°07'52"W	40.91'
C75	225.00'	57.29'	14°35'16"	S62°38'27"W	57.13'
C76	125.00'	54.33'	24°54'14"	N04°13'07"W	53.91'
C77	165.00'	30.11'	10°27'23"	N03°00'19"E	30.07'
C78	165.00'	44.16'	15°20'06"	N09°53'26"W	44.03'
C79	116.50'	49.25'	24°13'09"	N43°12'14"W	48.88'
C80	166.50'	21.38'	7°21'32"	N22°28'31"W	21.37'
C81	116.50'	10.04'	4°56'22"	N28°37'28"W	10.04'
C82	225.00'	45.16'	11°29'56"	S78°19'21"W	45.08'
C83	225.00'	10.36'	2°38'18"	S71°15'14"W	10.36'
C84	166.50'	37.51'	12°54'31"	N08°42'06"W	37.43'

AVIARA CONDOMINIUMS

EXHIBIT
OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THESE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET 26 of 28
Job No.	Snapshot:		
Scale (Hor.): 1"=50'	Scale (Vert.):		
Date: 08/26/11	Checked By: JSL	Drawn By: HPE\RLW	

LINE TABLE		
LINE	BEARING	LENGTH
L1	S67°52'37"E	35.37'
L2	N32°57'38"W	7.06'
L3	N84°20'23"E	14.65'
L4	N47°51'55"W	11.34'
L5	N31°01'52"E	4.45'
L6	N63°54'29"E	38.06'
L7	S86°57'47"E	3.29'
L8	N78°01'20"E	10.29'
L9	S10°13'03"E	29.53'
L10	S74°09'17"W	32.66'
L11	S81°06'15"W	1.64'
L12	S18°00'07"E	6.87'
L13	S30°23'57"E	19.47'
L14	S17°47'50"E	29.77'
L15	S15°29'37"E	9.67'
L16	S23°37'34"E	59.17'
L17	S34°28'12"W	6.91'
L18	S30°23'57"E	11.73'
L19	S74°19'32"W	284.75'
L20	N15°40'28"W	11.34'
L21	N74°19'32"E	281.77'
L22	S85°45'47"W	13.68'
L23	N04°14'13"W	103.33'
L24	N70°42'51"W	78.43'
L25	N19°29'12"W	79.32'
L26	N63°34'35"E	13.76'
L27	S19°29'12"E	74.54'
L28	S70°42'51"E	80.83'
L29	S04°14'13"E	112.29'
L30	S75°40'42"E	22.72'
L31	N23°29'14"E	142.40'
L32	S66°30'46"E	6.83'
L33	S23°29'14"W	142.40'
L34	N66°30'46"W	6.83'
L35	S76°00'36"E	39.58'
L36	S76°00'36"E	16.09'
L37	N77°48'13"W	27.14'
L38	N88°41'39"E	6.13'
L39	N25°44'20"W	15.92'
L40	S88°11'16"W	38.53'
L41	S40°42'44"W	9.55'
L42	N67°35'16"E	13.92'
L43	S57°59'10"E	10.92'
L44	S76°25'51"E	16.48'
L45	S70°54'33"E	39.17'
L46	N86°12'33"E	12.02'
L47	S84°49'29"E	4.40'
L48	S76°40'56"E	5.93'
L49	S10°13'03"E	4.06'
L50	S38°01'06"E	8.58'

LINE TABLE		
LINE	BEARING	LENGTH
L51	S56°04'51"E	10.69'
L52	S70°55'02"E	8.71'
L53	S82°26'35"E	8.37'
L54	S69°13'33"W	18.32'
L55	N23°26'52"W	14.68'
L56	S78°08'44"W	19.40'
L57	S60°30'23"W	9.18'
L58	S76°42'45"W	9.64'
L59	S87°05'06"W	8.22'
L60	S84°49'29"E	2.67'
L61	S84°21'45"E	20.21'
L62	N50°40'11"E	24.96'
L63	N30°53'27"E	30.22'
L64	N53°56'24"E	6.82'
L65	S07°17'18"W	18.99'
L66	S06°13'30"E	9.98'
L67	S58°24'33"E	1.34'
L68	N54°18'02"E	32.72'
L69	N79°34'04"E	14.67'
L70	N52°43'24"E	11.28'
L71	N71°42'55"E	3.00'
L72	N18°17'05"W	9.31'
L73	N63°34'36"E	3.67'
L74	S58°16'14"E	19.54'
L75	N54°30'06"W	40.63'
L76	N54°30'06"W	2.31'
L77	S81°16'47"E	10.47'
L78	S04°57'06"W	21.25'
L79	S65°16'15"E	10.53'
L80	S54°10'00"E	3.38'
L81	S67°35'16"W	6.96'
L82	S67°35'16"W	6.96'
L83	S18°17'05"E	8.02'
L84	N71°42'59"E	6.00'
L85	N53°46'26"E	19.82'
L86	S31°51'47"E	5.00'
L87	N27°27'46"W	5.00'
L88	S64°54'52"W	40.05'
L89	S81°35'33"W	35.58'
L90	S81°27'40"W	4.57'
L91	S87°41'38"E	41.25'
L92	S81°25'07"E	20.29'
L93	N88°34'53"E	10.05'
L94	S81°05'38"W	18.46'
L95	S80°43'17"W	36.75'
L96	S74°25'37"E	14.98'
L97	N82°58'58"W	15.50'
L98	N83°20'13"W	10.31'
L99	N10°19'54"E	18.87'
L100	N40°19'08"W	8.96'

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 528; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET 27 of 28
Job No.	Snapshot:		
Scale (Hor.): 1"=50'	Scale (Vert.):		
Date 08/26/11	Checked By: JSL	Drawn By: HPE\RLW	

UNOFFICIAL DOCUMENT

LINE TABLE		
LINE	BEARING	LENGTH
L101	N76°14'53"W	1.96'
L102	N87°41'38"W	28.05'
L103	N68°05'43"E	18.51'
L104	N15°06'21"W	24.68'
L105	N21°54'17"W	42.49'
L106	S59°48'35"E	6.81'
L107	N21°54'17"W	10.00'
L108	S68°05'43"W	32.98'
L109	N21°54'17"W	36.54'
L110	N05°21'04"E	23.35'
L111	N50°21'04"E	26.43'
L112	S36°25'07"E	16.79'
L113	S06°28'38"W	14.09'
L114	S74°26'37"E	5.00'
L115	N15°34'23"E	18.78'
L116	S64°33'08"E	17.39'
L117	S00°08'56"E	25.00'
L118	N80°51'04"E	9.86'
L119	S19°33'06"E	9.08'
L120	N53°35'31"E	8.01'
L121	N65°31'44"E	14.73'
L122	N68°05'43"E	28.14'
L123	N85°30'41"E	22.69'
L124	S08°14'01"W	23.63'
L125	N87°41'38"W	75.85'
L126	S01°29'24"W	20.00'
L127	N87°41'38"W	15.00'
L128	N08°14'01"E	16.03'
L129	N74°25'37"W	33.70'
L130	N03°02'42"W	29.61'
L131	S86°57'18"W	36.55'
L132	N68°05'43"E	33.44'
L133	N35°58'53"W	5.00'
L134	N26°09'17"W	14.58'
L135	N83°20'13"W	34.25'
L136	N71°01'47"W	24.06'
L137	N71°01'47"W	4.57'
L138	S74°53'39"W	10.00'
L139	S15°06'21"E	22.84'
L140	S76°51'27"W	27.70'
L141	N59°48'35"W	26.58'
L142	N28°27'07"E	26.86'
L143	N14°32'39"W	6.50'
L144	N13°43'45"E	16.84'
L145	N30°39'59"E	10.00'
L146	N35°58'53"W	5.00'

UNOFFICIAL DOCUMENT

AVIARA CONDOMINIUMS

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET 28 of 28
Job No.	Snapshot:		
Scale (Hor.): 1"=50'	Scale (Vert.):		
Date: 08/26/11	Checked By: JSL	Drawn By: HPE\RLW	

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UNIT PLAN TYPES – ATTACHED UNITS

Unit No	Plan Type*
A-1	A
B-1	B
C-1	C
D-1	D

*** SEE CONDOMINIUM PLANS FOR PLAN TYPE.**

ALL UNITS SHOWN ON THE PLAT AND PLANS OTHER THAN UNITS A-1, B-1, C-1, D-1 ARE STAND-ALONE UNITS.

Unofficial Document

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

DANA DEBEAUVOIR, COUNTY CLERK
TRAVIS COUNTY, TEXAS
August 29 2011 12:17 PM
FEE: $ 156.00 2011125524

AFTER RECORDING RETURN TO:
Robert D. Burton, Esq.
Winstead, PC
401 Congress Ave., Suite 2100
Austin, Texas 78701

AVIARA

TWENTY-THIRD AMENDMENT TO RESTATED AND AMENDED DECLARATION OF CONDOMINIUM REGIME FOR AVIARA CONDOMINIUMS

(A Residential Condominium in Travis County, Texas)

Cross Reference to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2009071585, Official Public Records of Travis County, Texas as amended.

TWENTY-THIRD AMENDMENT TO
RESTATED AND AMENDED DECLARATION OF CONDOMINIUM REGIME
FOR AVIARA CONDOMINIUMS

This Twenty-Third Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums (the "**Amendment**") is made **CR-B AVIARA, L.P.**, a Texas limited partnership ("**Declarant**"), and is as follows:

RECITALS:

A. Aviara Condominiums, a condominium regime (the "**Regime**"), located in Travis County, Texas, was established pursuant to that certain Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2009071585, Official Public Records of Travis County, Texas as amended (collectively, the "**Declaration**").

B. Pursuant to *Provision A.3.10* of Appendix "A" to the Declaration, during the Development Period Declarant, may amend the Declaration unilaterally and without the consent of other Owners or any mortgagee to add real property to the Property and create Units, General Common Elements and Limited Common Elements within the Property.

C. In accordance with *Provision A.3.8* of Appendix "A" to the Declaration, Declarant has reserved the right, during the Development Period, to create Units, General Common Elements, and Limited Common Elements within the Property.

D. The "Development Period" as such term is defined in the Declaration, is a fifteen (15) year period commencing on the date the Declaration was recorded in the Official Public Records of Travis County, Texas. The Declaration was recorded in the Official Public Records of Travis County, Texas, on May 4, 2009.

E. This amendment is promulgated for the purposes of creating eight (8) additional Units within the Regime. The total number of Units within the Regime after giving effect to this Amendment is equal to eighty-five (85), and the total number of additional Units which Declarant has reserved the right to create by amendment is equal to sixty-five (65).

NOW THEREFORE, the Declaration is hereby amended as follows:

1. Creation of Units. In accordance with the rights reserved by the Declarant pursuant to *Section 5.1* of the Declaration and *Provisions A.3.8* and *A.3.10* of Appendix "A" to the Declaration, Declarant hereby creates eight (8) Units, which are designated as Unit Nos. E-17, E-18, F-1, F-11, F-12, F-24, F-27 and F-28 (the "**New Units**"). The New Units are hereby classified as Units which MUST BE BUILT.

2. Replacement of Exhibit "B". Exhibit "B" to the Declaration is hereby deleted in

its entirety and the Plats and Plans attached hereto as Attachment 1 (the "New Plats and Plans") are substituted in their place. The New Plats and Plans: (i) assign an identifying number to all Units; (ii) describe the portion of the limited common elements created or assigned to all Units; and (iii) include the information required by Section 82.059 of the Texas Uniform Condominium Act.

3. Replacement of Exhibit "C". The Percentage Interests allocated to all Units within the Regime, after the addition of the New Units, is set forth on Attachment 2, attached hereto. Attachment 2, attached hereto, will supersede and replace Exhibit "C" attached to the Declaration.

4. 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.

[SIGNATURE PAGE FOLLOWS]

EXECUTED to be effective as of the 13 day of September, 2011.

DECLARANT:

CR-B AVIARA, L.P., a Texas limited partnership

By: CR-B INVESTORS I GP, L.L.C., a Texas limited liability company, its General Partner

By: _____
Printed Name: David Arnow
Title: Vice President

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this 13 day of September, 2011 by David Arnow, Vice President of CR-B Investors I GP, L.L.C., a Texas limited liability company, General Partner of CR-B Aviara, L.P., a Texas limited partnership, on behalf of said entities.

Rebekah M. Cantu
Notary Public Signature

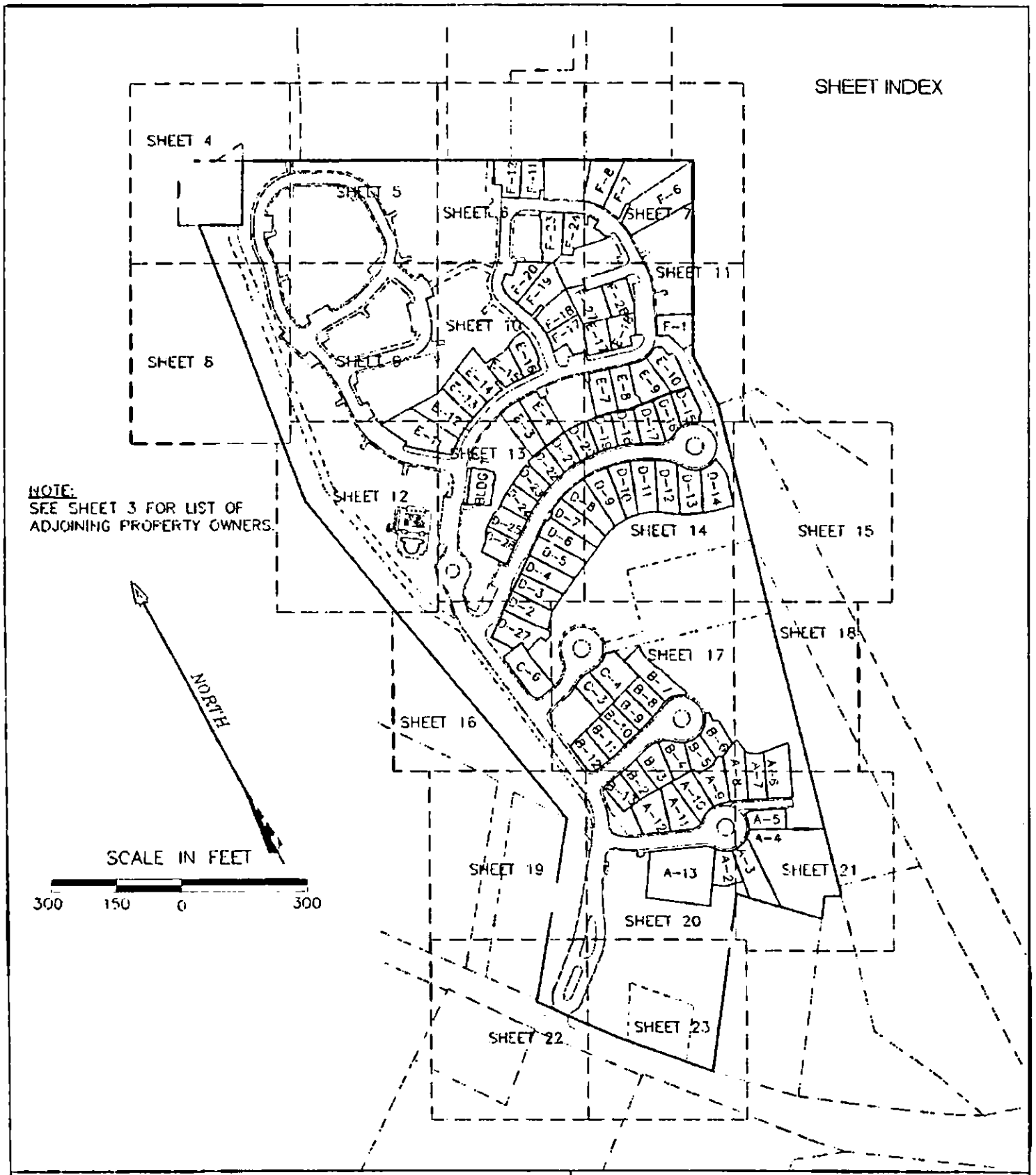
(SEAL)

REBEKAH M. CANTU
NOTARY PUBLIC
STATE OF TEXAS
EXPIRES
11-10-2012

ATTACHMENT 1

EXHIBIT "B" TO THE DECLARATION OF CONDOMINIUM REGIME

SEE SHEET 24 OF 28 FOR ORIGINAL CERTIFICATION



AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173745 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.096 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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ron-baseline@austin.rr.com

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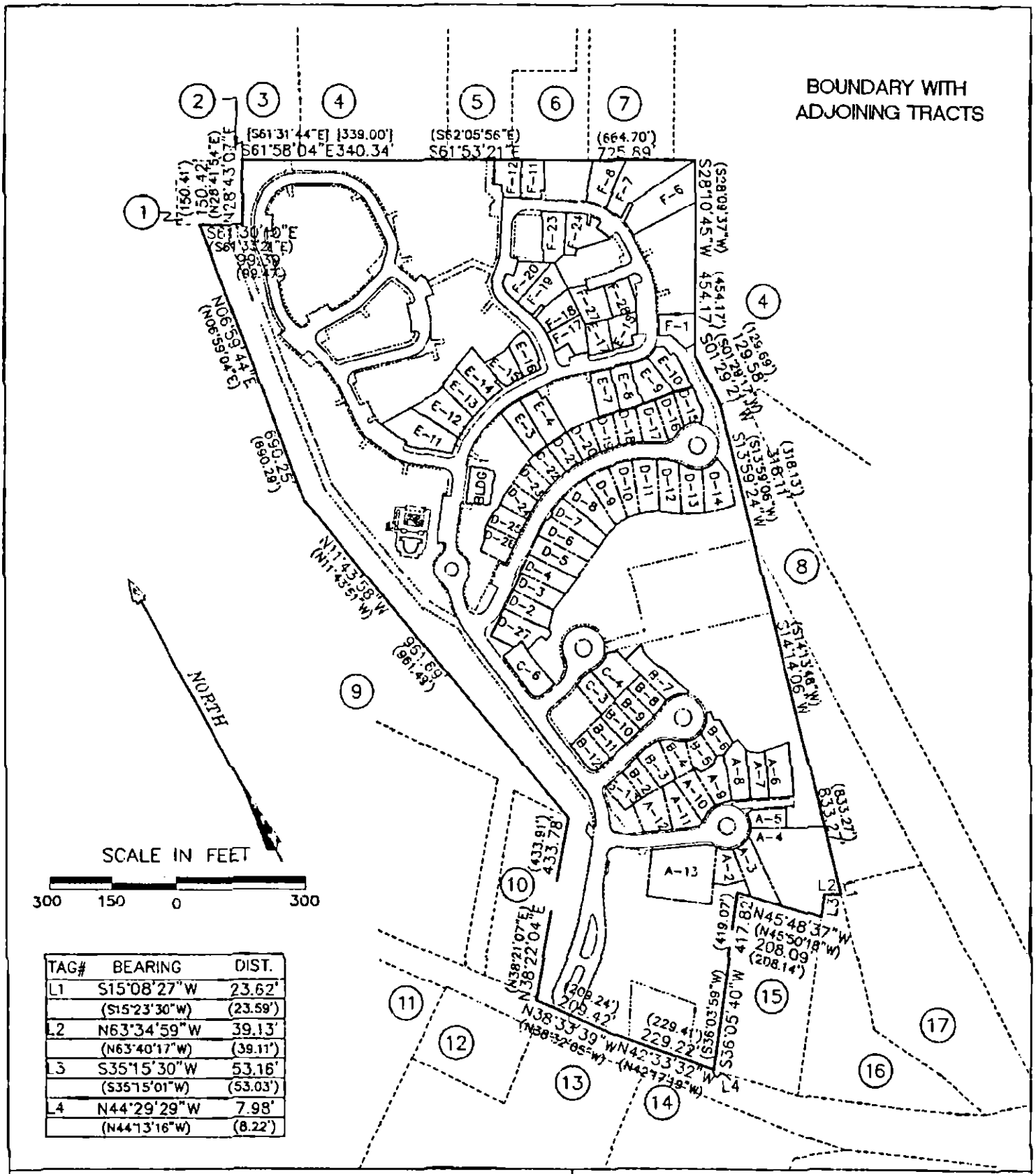

TAG#	BEARING	DIST.
L1	S15°08'27"W	23.62'
	(S15°23'30"W)	(23.59')
L2	N63°34'59"W	39.13'
	(N63°40'17"W)	(39.11')
L3	S35°15'30"W	53.16'
	(S35°15'01"W)	(53.03')
L4	N44°29'29"W	7.98'
	(N44°13'16"W)	(8.22')

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Date: 09/07/11	Checked By: JSL	Drawn By: HPC\RLW

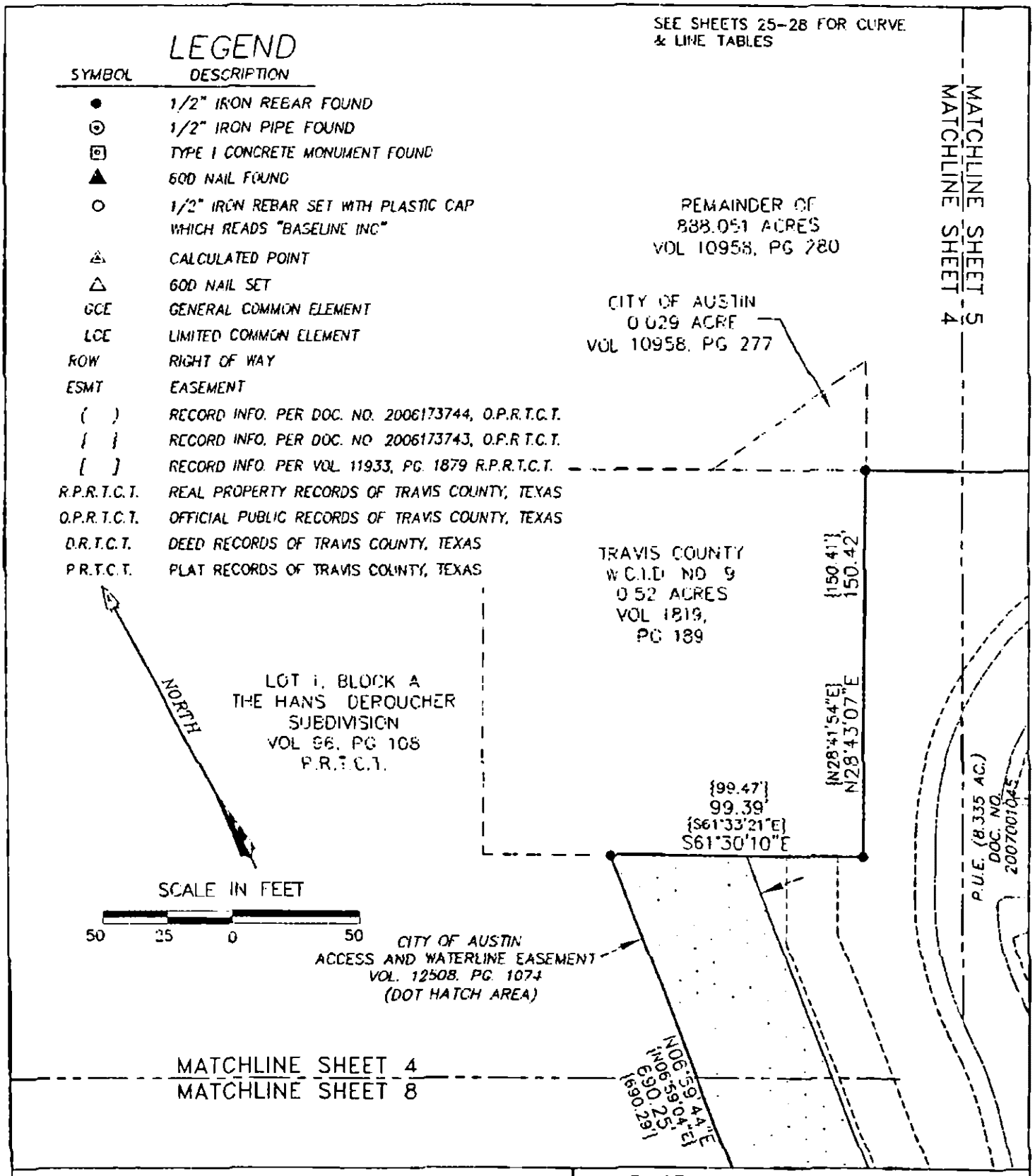
ADJOINING OWNERS

1. TRAVIS COUNTY W.C.I.D. NO. 9, VOL. 1819, PG. 189 (0.52 ACRES)
2. CITY OF AUSTIN, VOL. 10958, PG. 277 (0.029 ACRES)
3. REMAINDER OF 888.051 ACRES, VOL. 10958, PG. 280
4. LOT 115, BLOCK B, LANTANA SOUTHWEST, PHASE 1, DOC. NO. 200300137
5. CITY OF AUSTIN, TRACT 2, VOL. 12910, PG. 670 (1.757 ACRES)
6. CITY OF AUSTIN, VOL. 10031 PG. 300 (1.0397 ACRES)
7. CITY OF AUSTIN, TRACT 1, VOL. 12910, PG. 670 (1.655 ACRES)
8. KEYSTONE CONSTRUCTION, INC., VOL. 11918, PG. 1755 (4.993 ACRES)
9. LOT 1, BLOCK "A", THE HANS DEROUCHER SUBDIVISION, VOL. 96, PG. 108
10. LOT 2, BLOCK "A", THE HANS DEROUCHER SUBDIVISION, VOL. 96, PG. 108
11. AARON GARDNER SUBDIVISION, VOL. 49, PG. 95
12. BENJAMIN L. NORS, DOC. NO. 2001174575 (1.00 ACRE)
13. HUEBETTER SUBDIVISION, VOL. 78, PG. 1
14. JAMES L. SCHORR, VOL. 11883, PG. 1334 (10.177 ACRES)
15. ALAN ABBE, et ux. VOL. 8732, PG. 5 (1.9807 ACRES)
16. 1.951 ACRES, VOL. 11400, PG. 875
17. GILBERT M. JAPKO, TRACT ONE, VOL. 6095, PG. 82 (3.129 ACRES)

SEE SHEETS 25-28 FOR CURVE & LINE TABLES

LEGEND

SYMBOL	DESCRIPTION
●	1/2" IRON REBAR FOUND
⊙	1/2" IRON PIPE FOUND
⊡	TYPE I CONCRETE MONUMENT FOUND
▲	60D NAIL FOUND
○	1/2" IRON REBAR SET WITH PLASTIC CAP WHICH READS "BASELINE INC"
⚠	CALCULATED POINT
△	60D NAIL SET
GCE	GENERAL COMMON ELEMENT
LCE	LIMITED COMMON ELEMENT
ROW	RIGHT OF WAY
ESMT	EASEMENT
( )	RECORD INFO. PER DOC. NO. 2006173744, O.P.R.T.C.T.
{ }	RECORD INFO. PER DOC. NO 2006173743, O.P.R.T.C.T.
[ ]	RECORD INFO. PER VOL. 11933, PG. 1879 R.P.R.T.C.T.
R.P.R.T.C.T.	REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS
O.P.R.T.C.T.	OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS
D.R.T.C.T.	DEED RECORDS OF TRAVIS COUNTY, TEXAS
P.R.T.C.T.	PLAT RECORDS OF TRAVIS COUNTY, TEXAS



AVIARA CONDOMINIUMS

EXHIBIT

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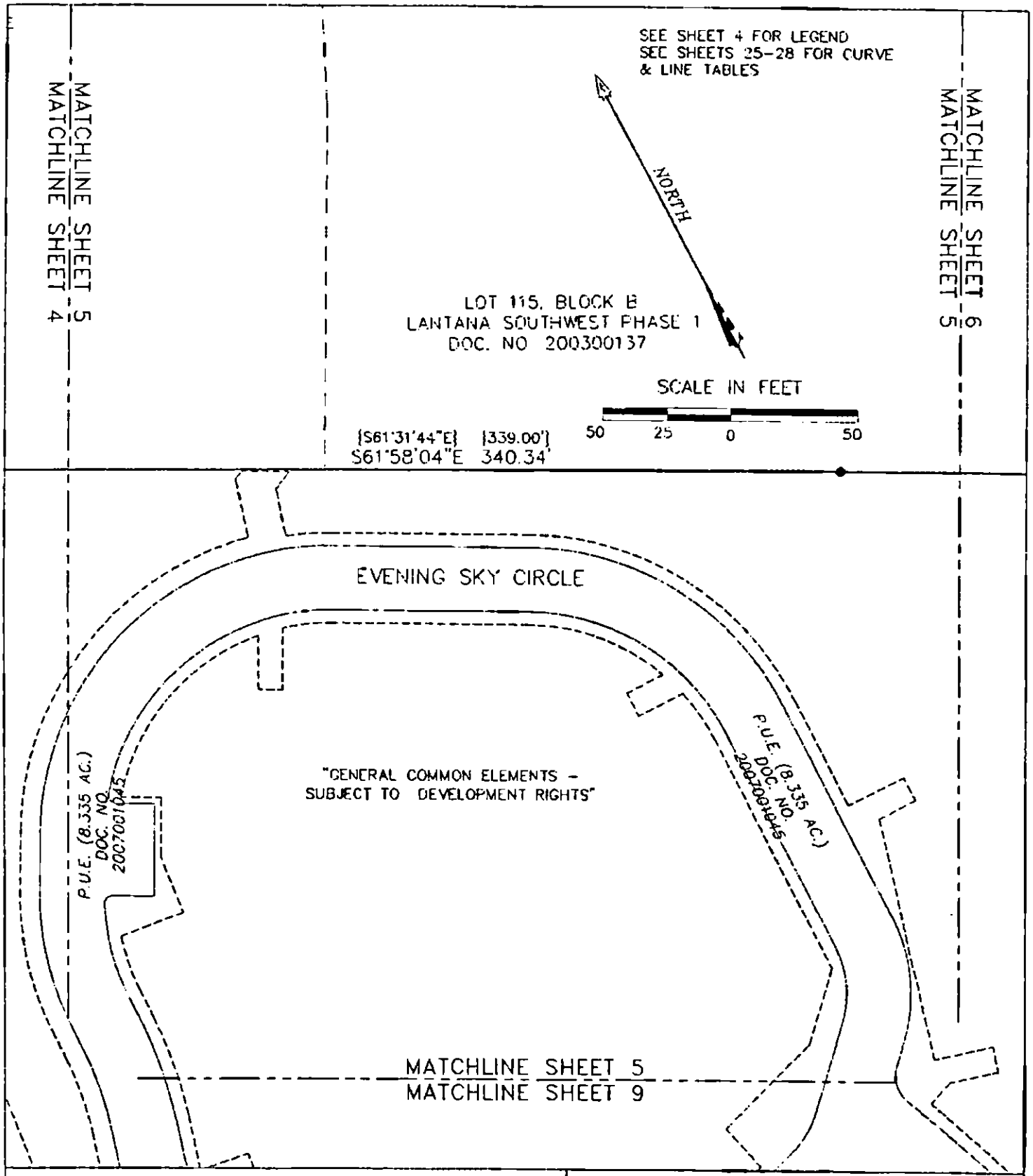

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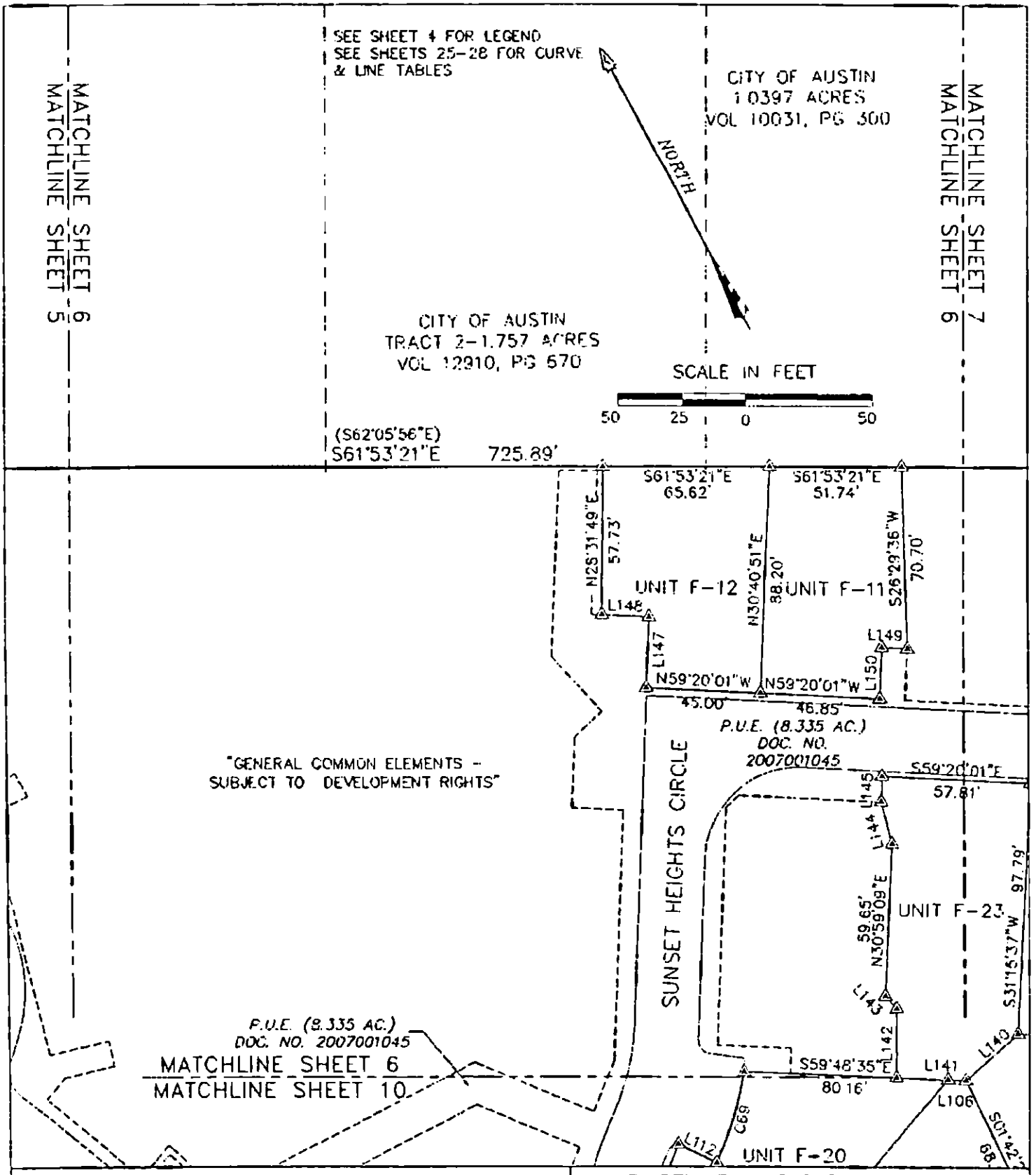

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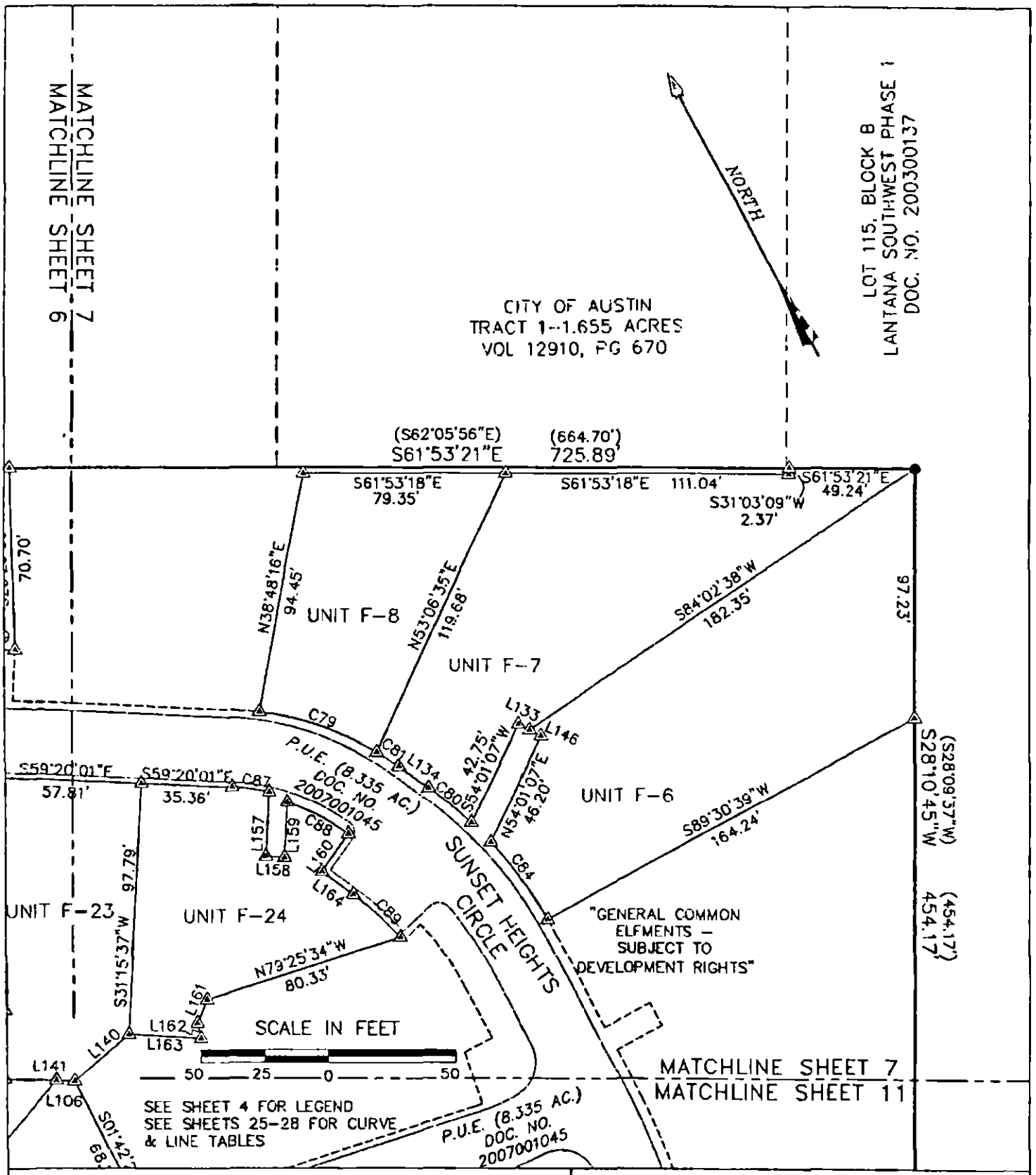

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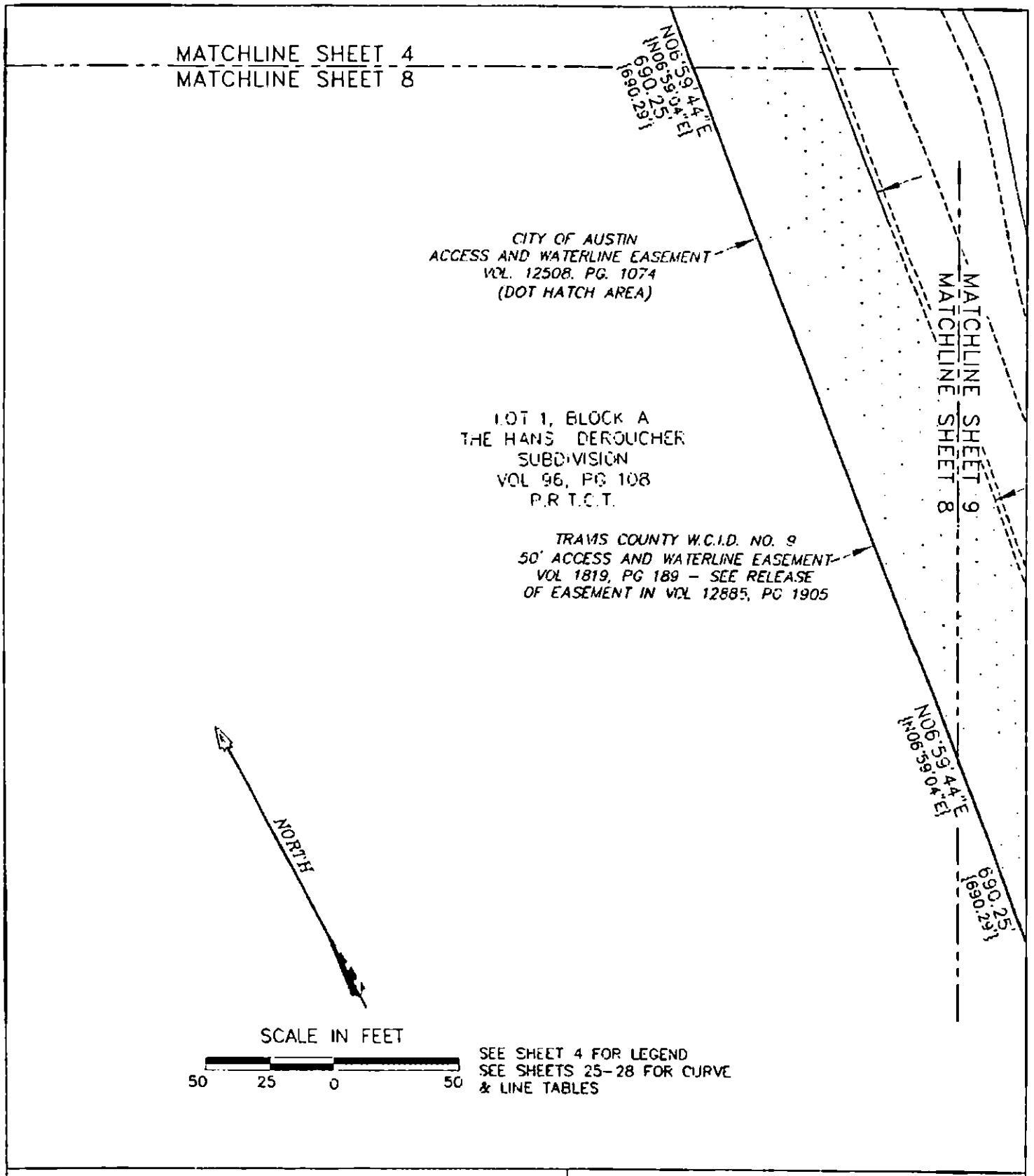

SEE SHEET 4 FOR LEGEND
SEE SHEETS 25-28 FOR CURVE & LINE TABLES

AVIARA CONDOMINIUMS

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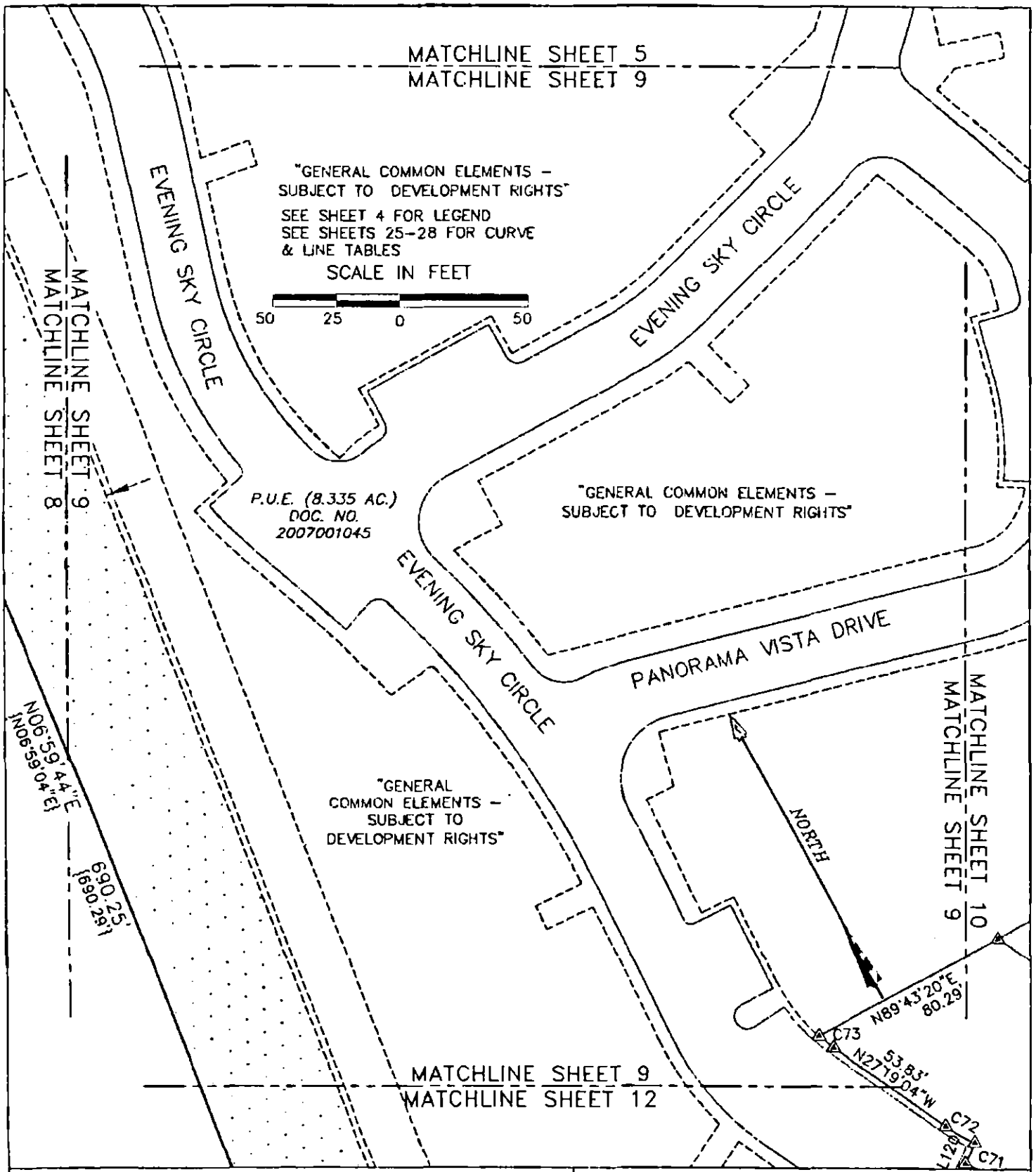

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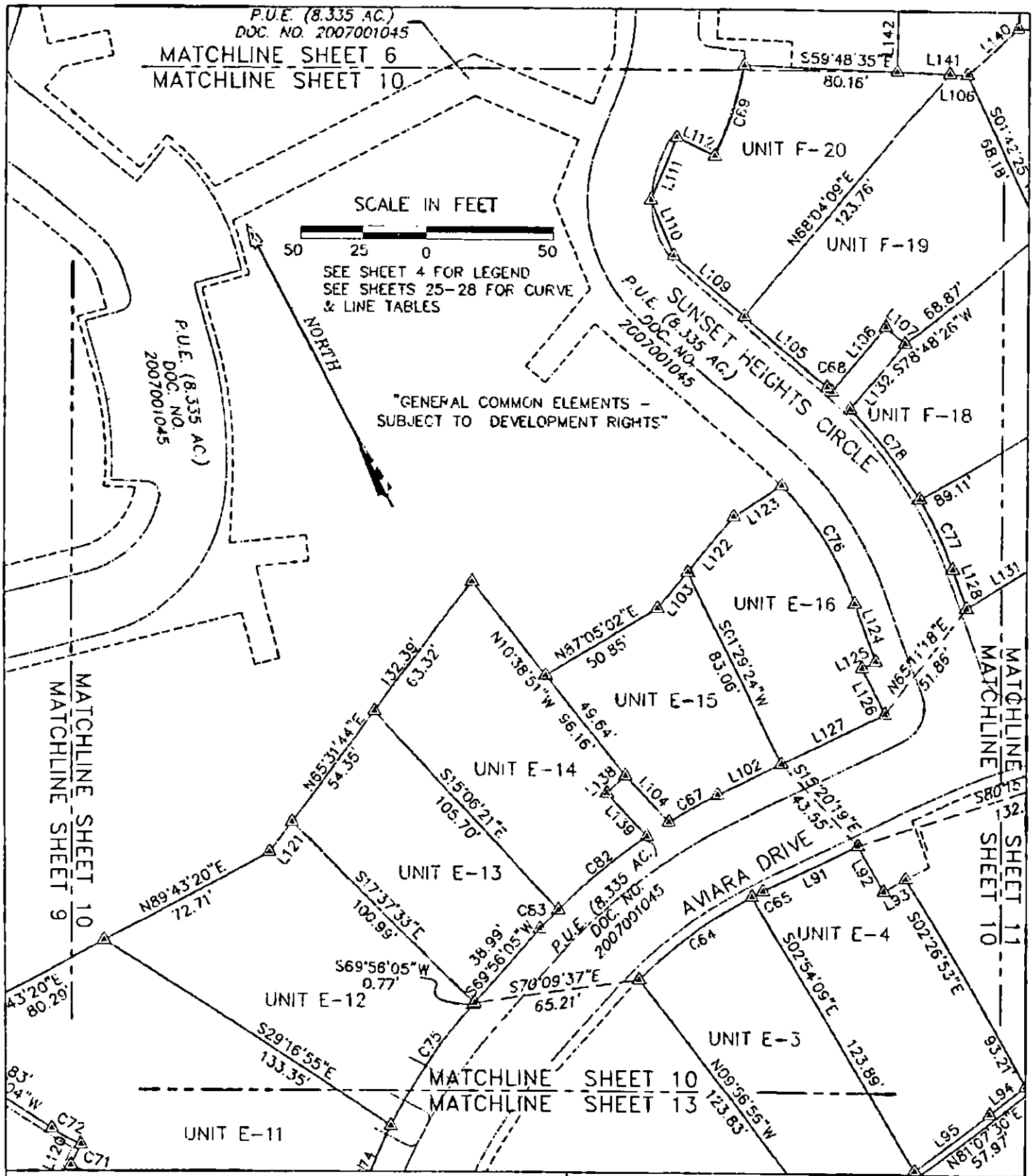

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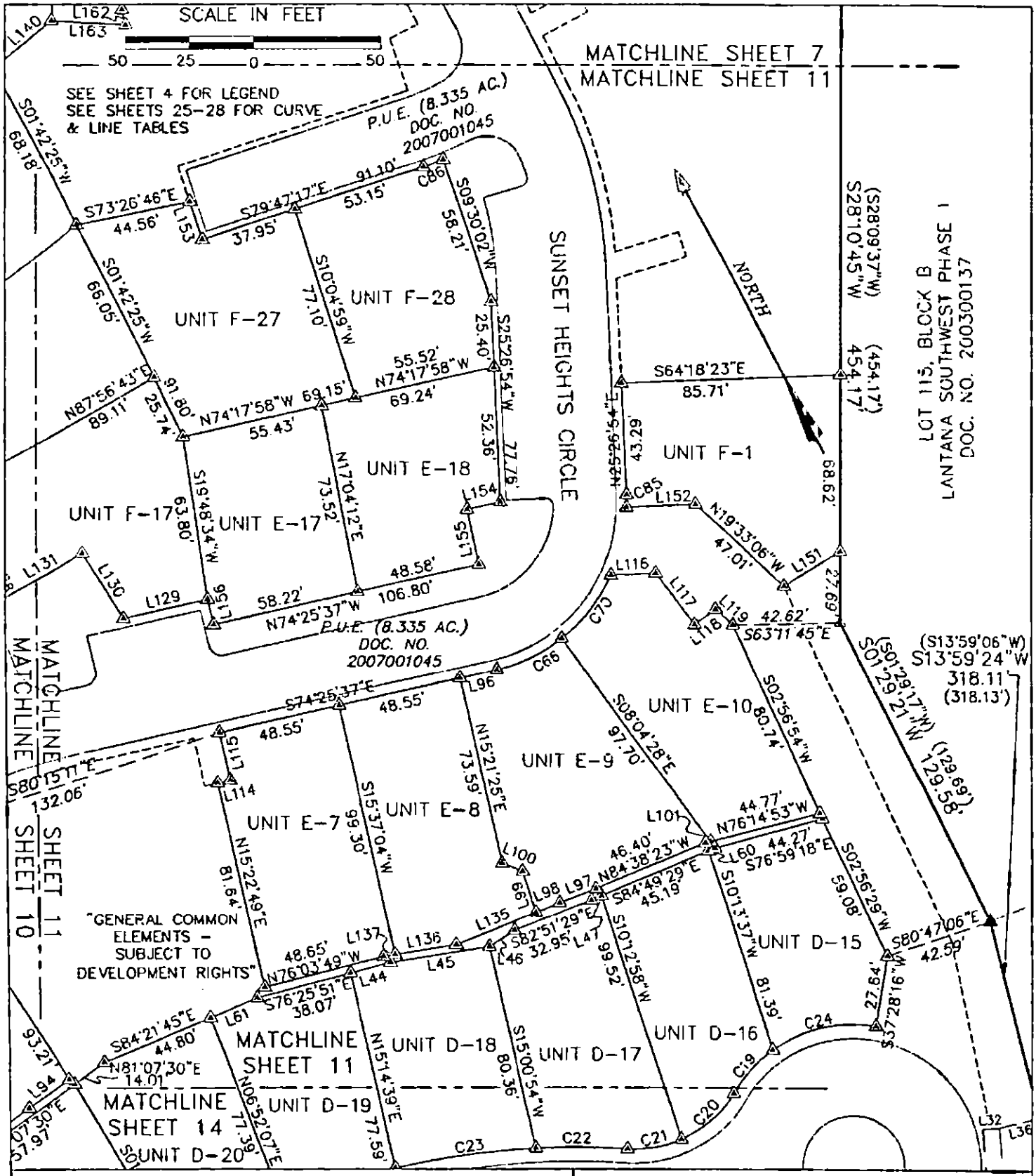

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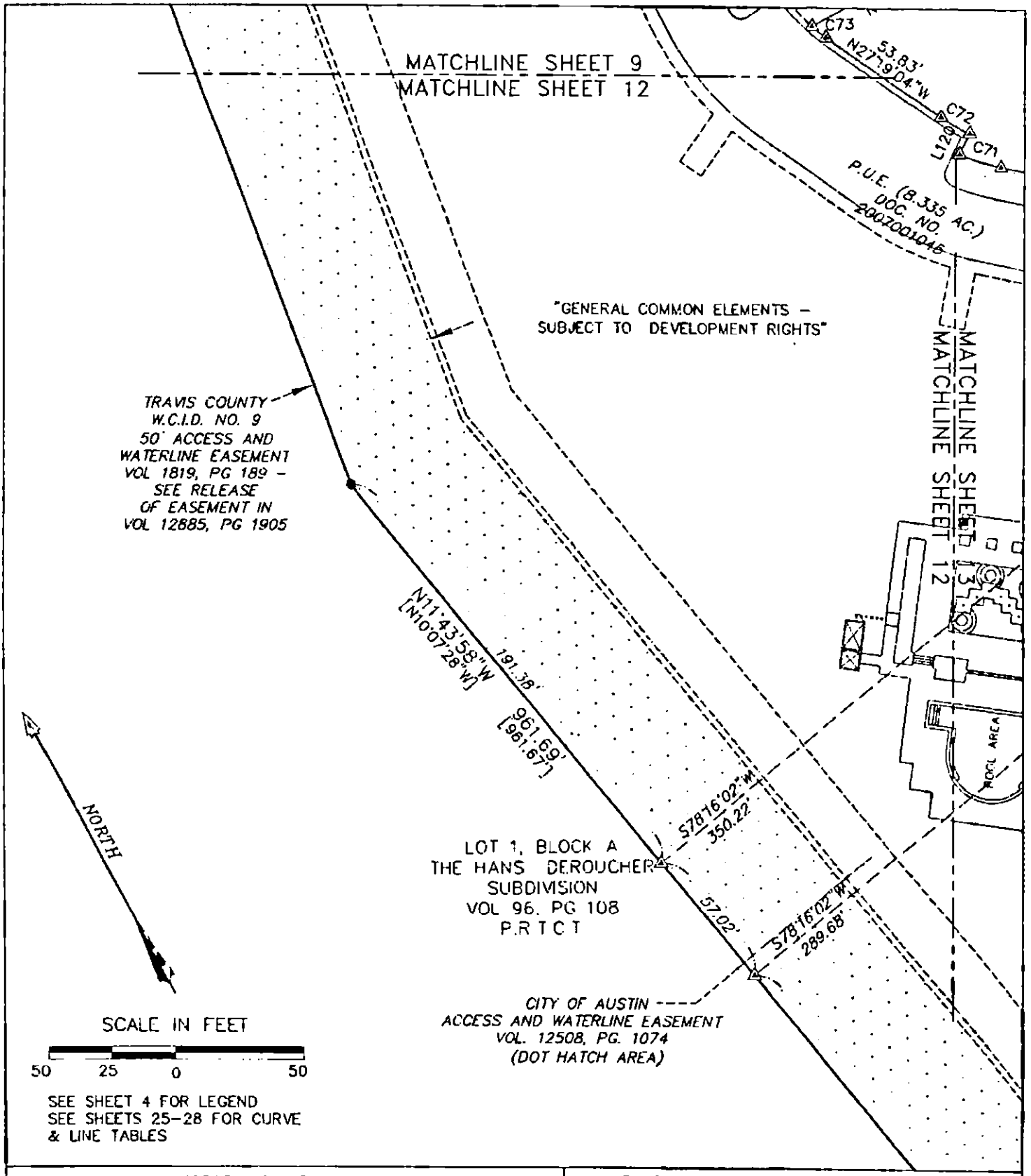

SEE SHEET 4 FOR LEGEND
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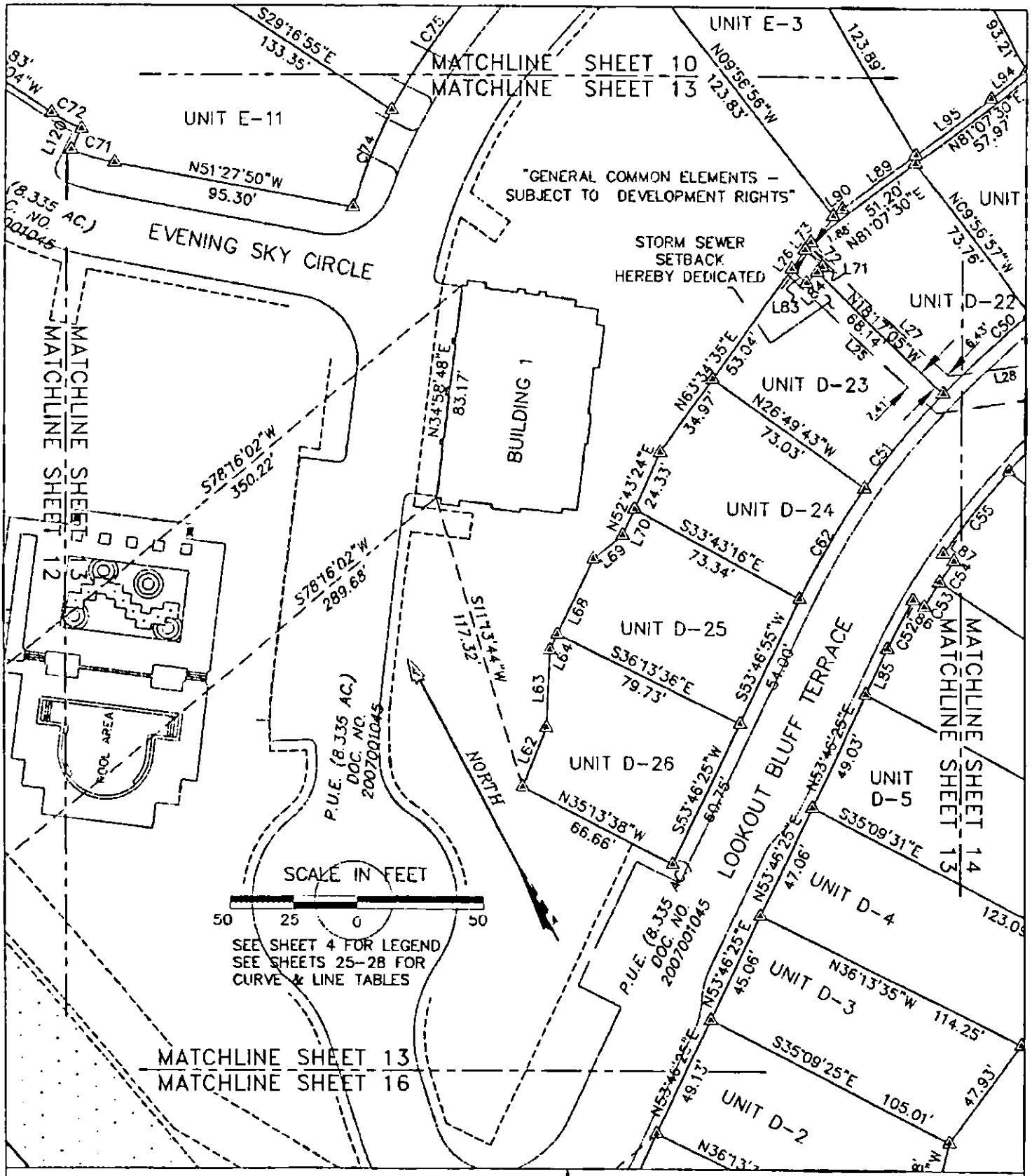

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

BASELINE LAND SURVEYORS, INC.
PROFESSIONAL LAND SURVEYING SERVICES
8333 CROSS PARK DRIVE
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OFFICE: 512.374.9722 FAX: 512.873.9743
ron-baseline@austin.rr.com

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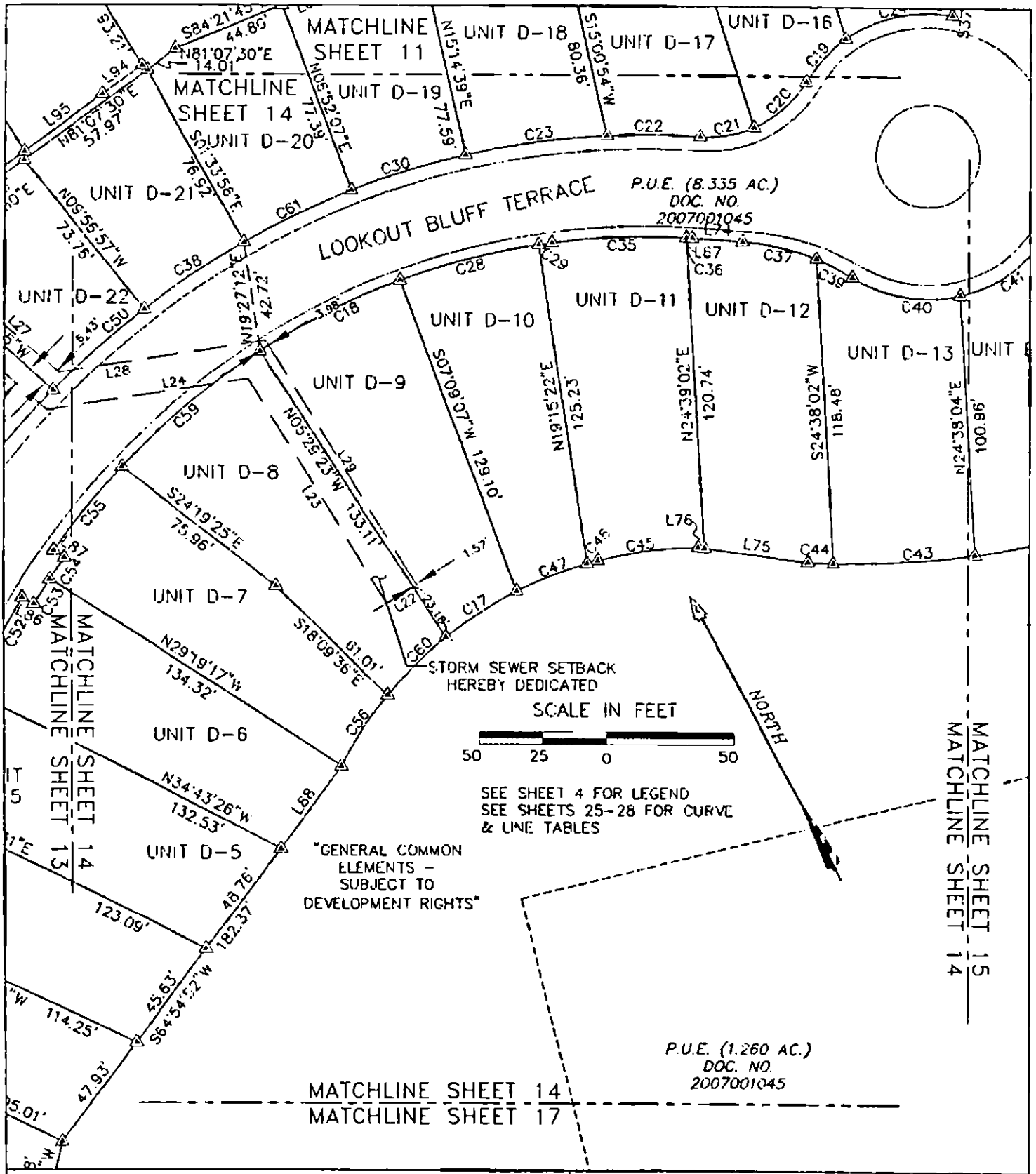

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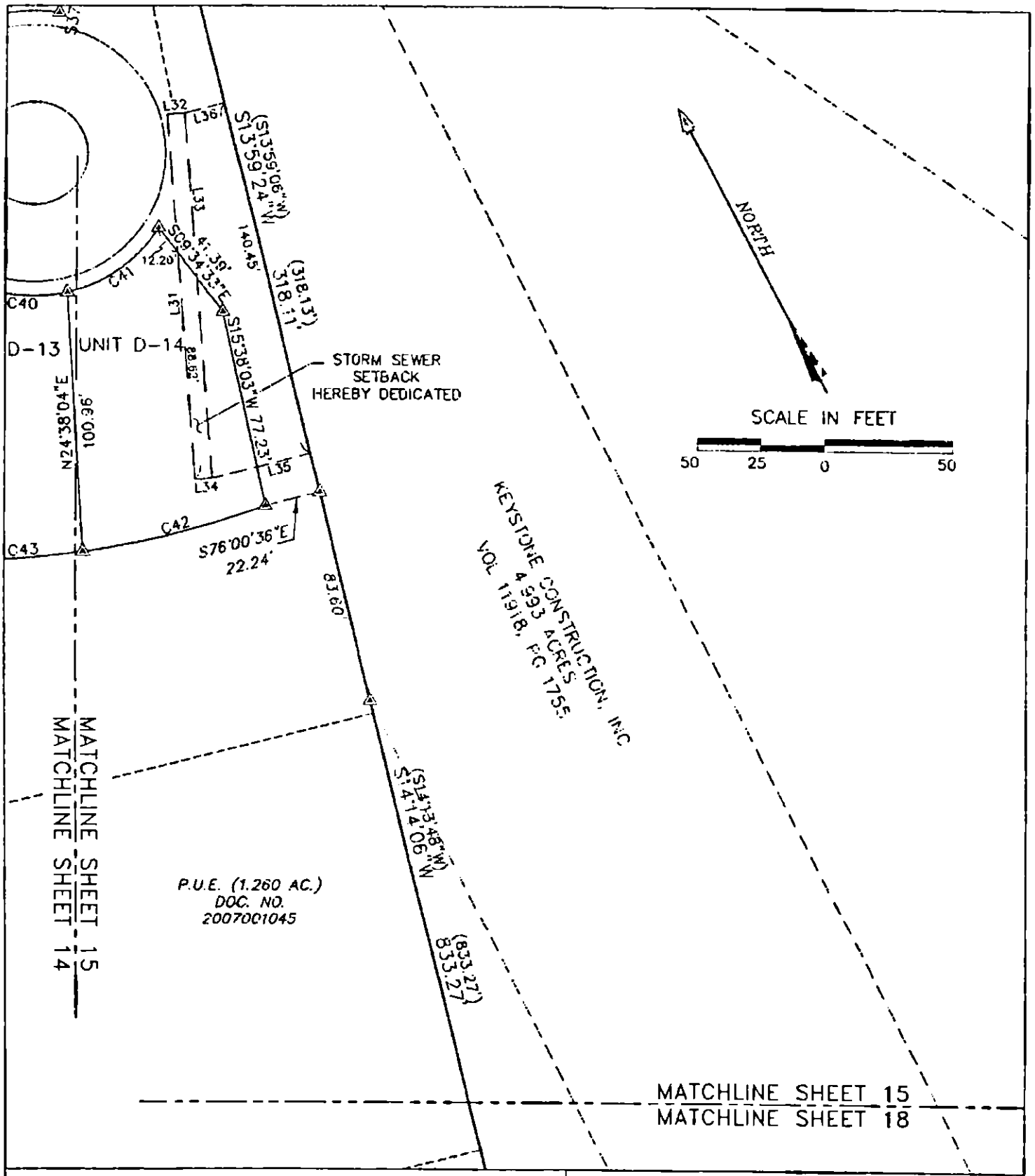

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET 15 of 28
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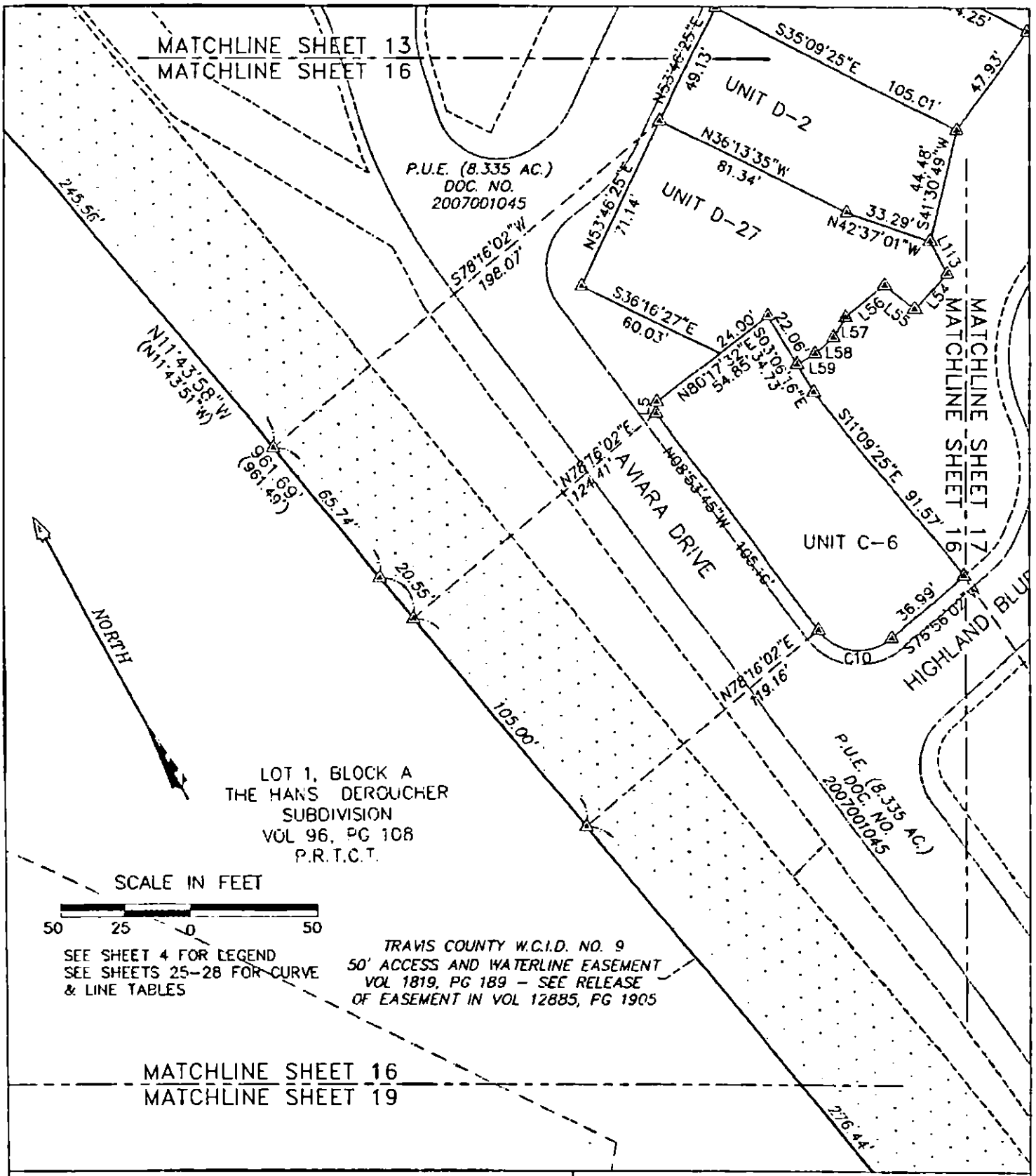

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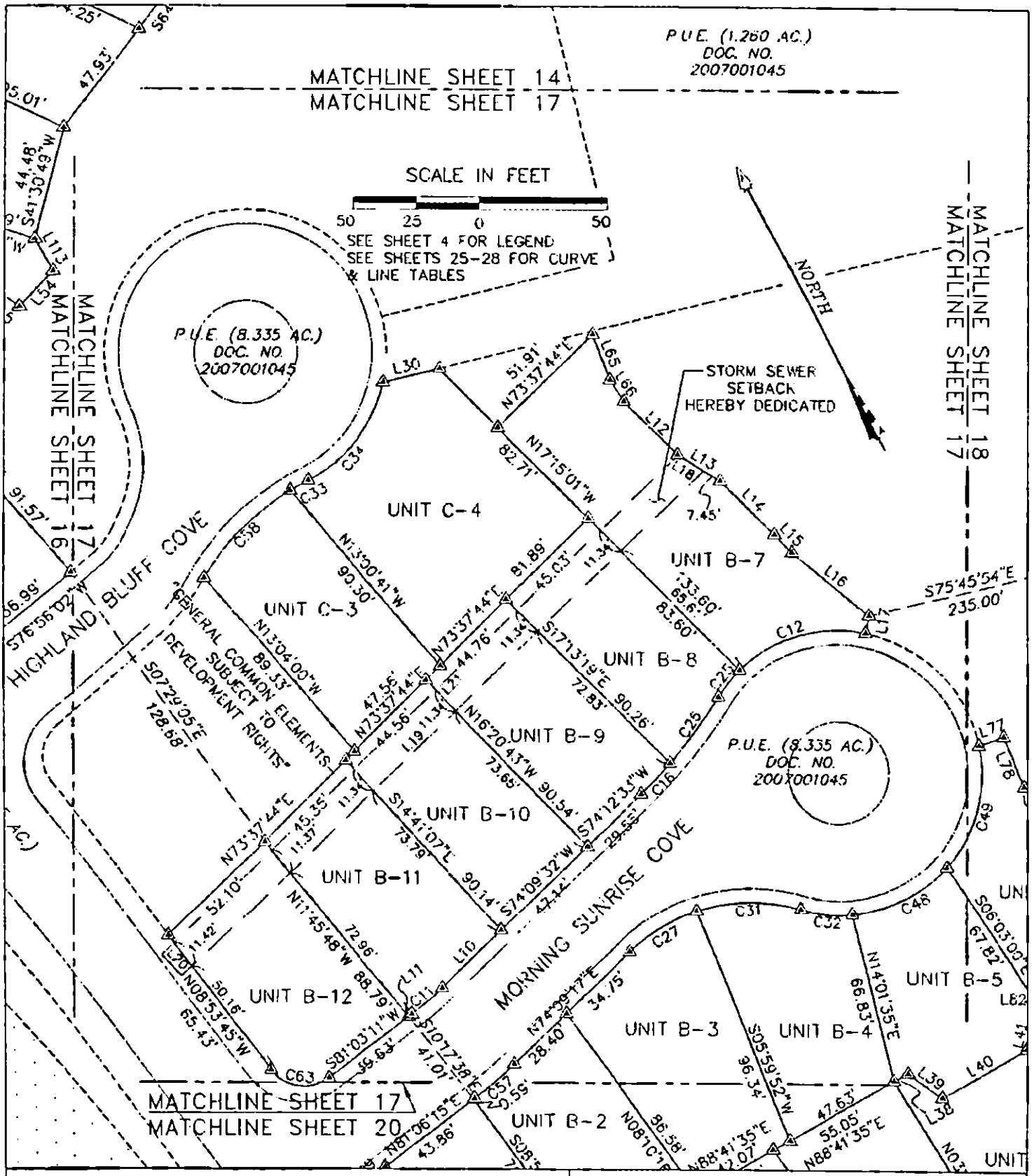

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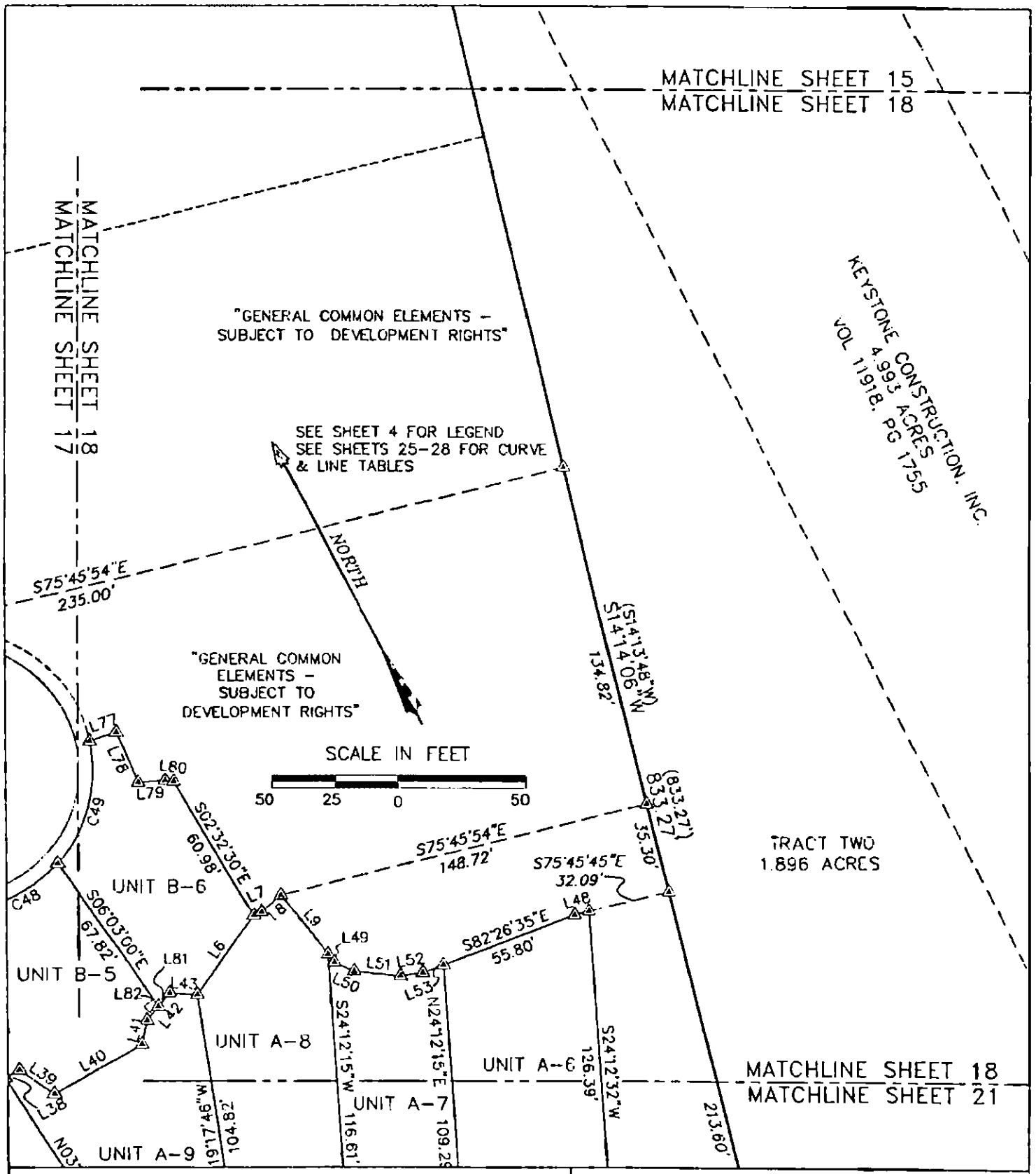

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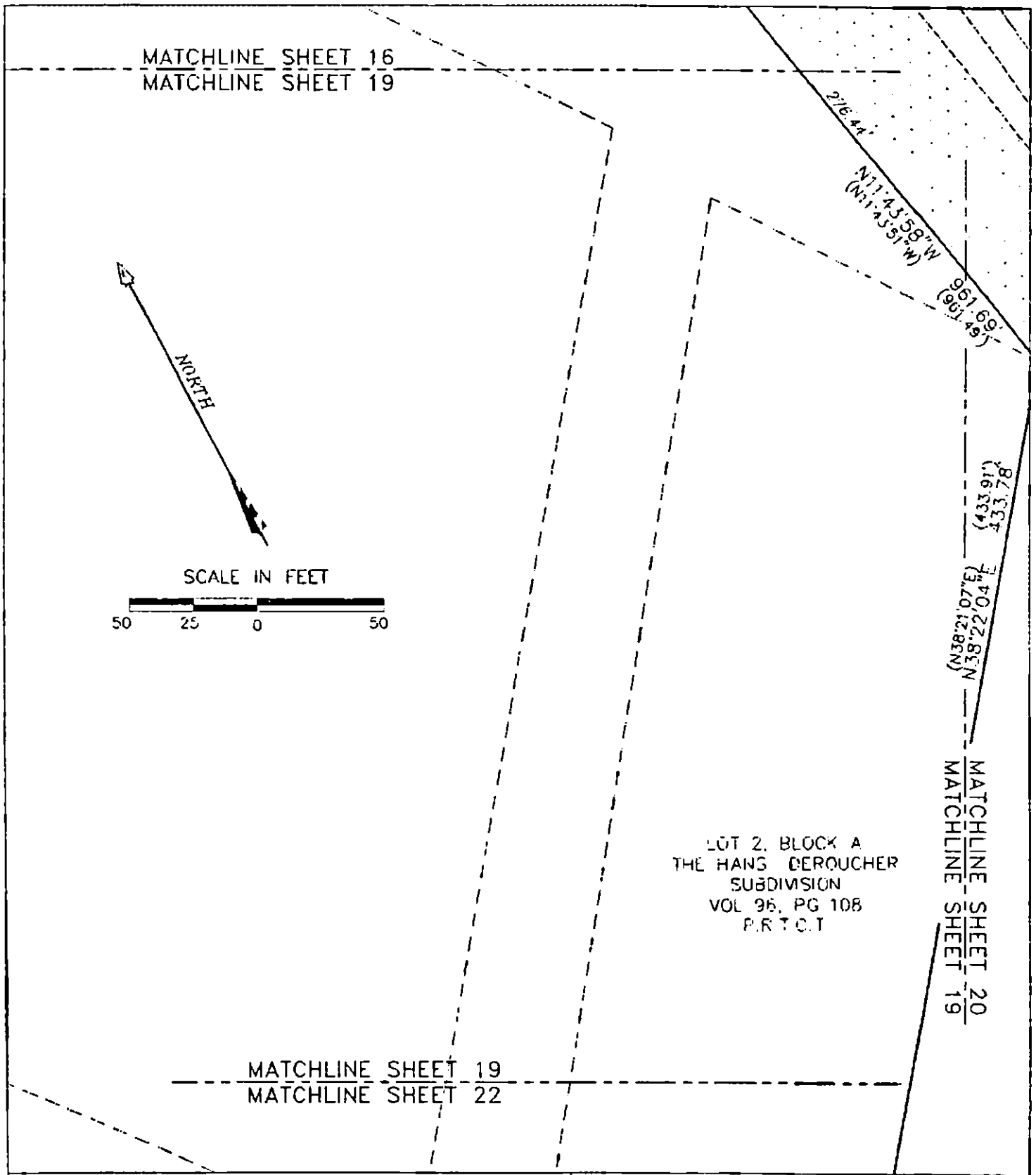

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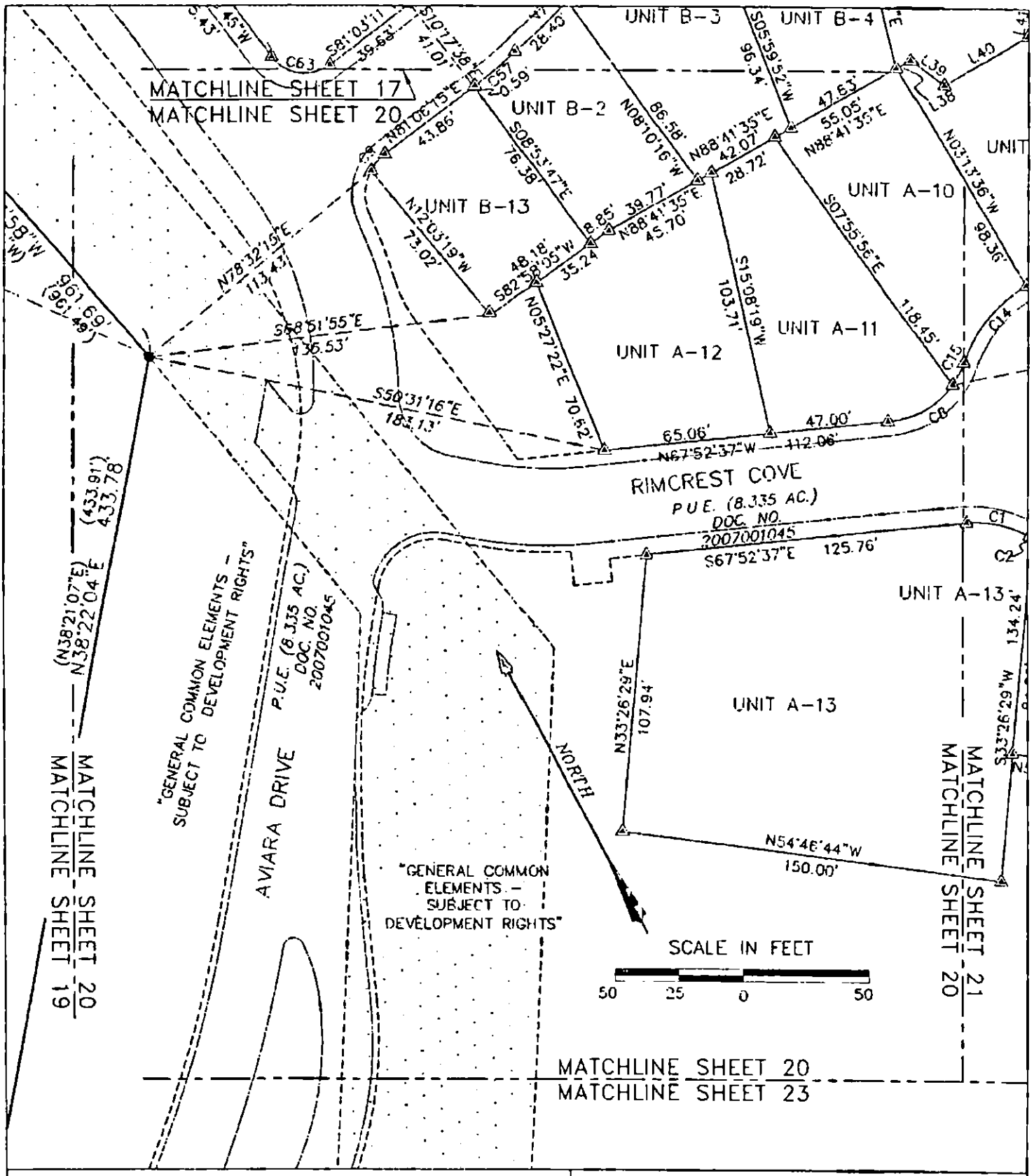

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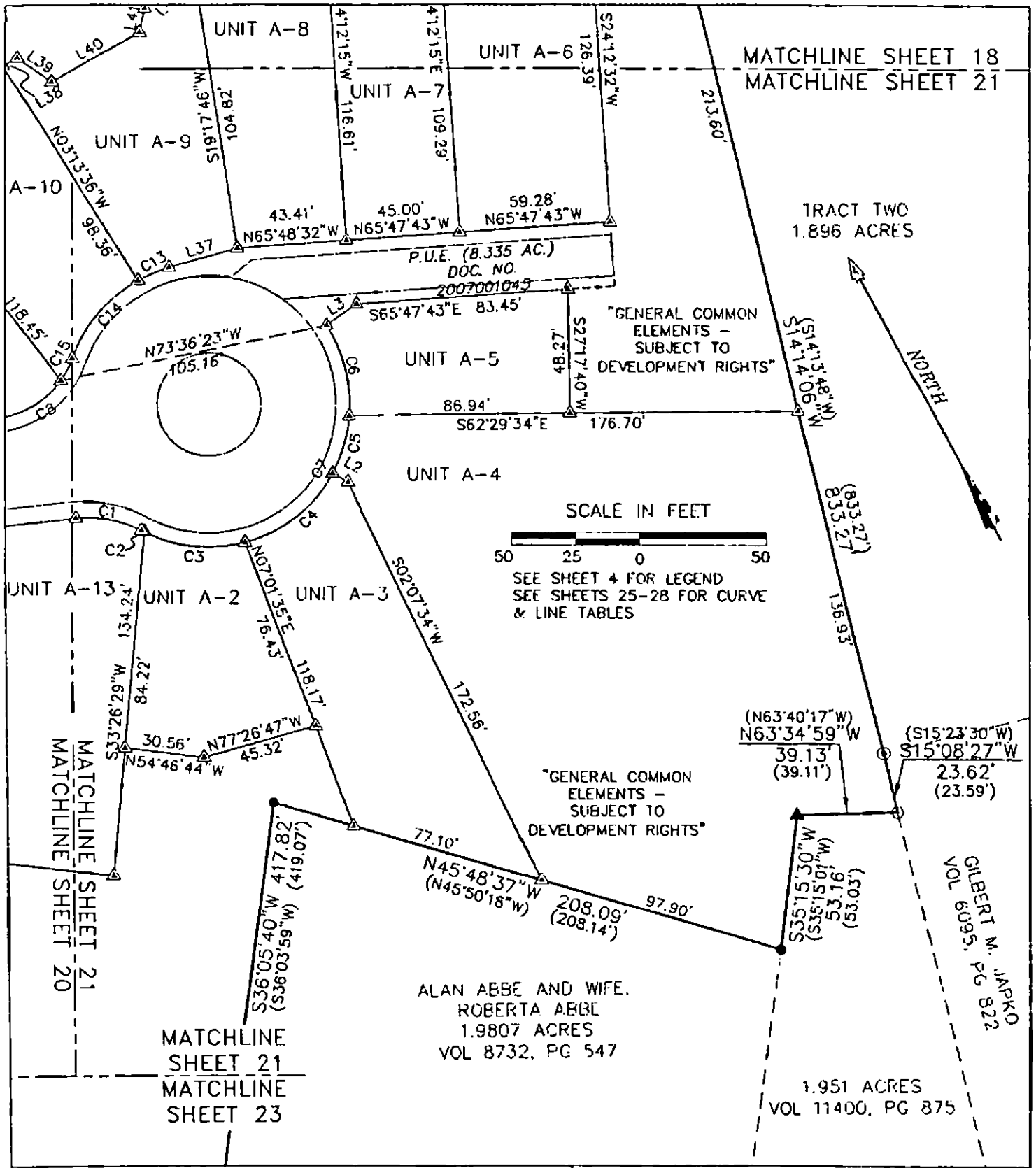

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET 21 of 28
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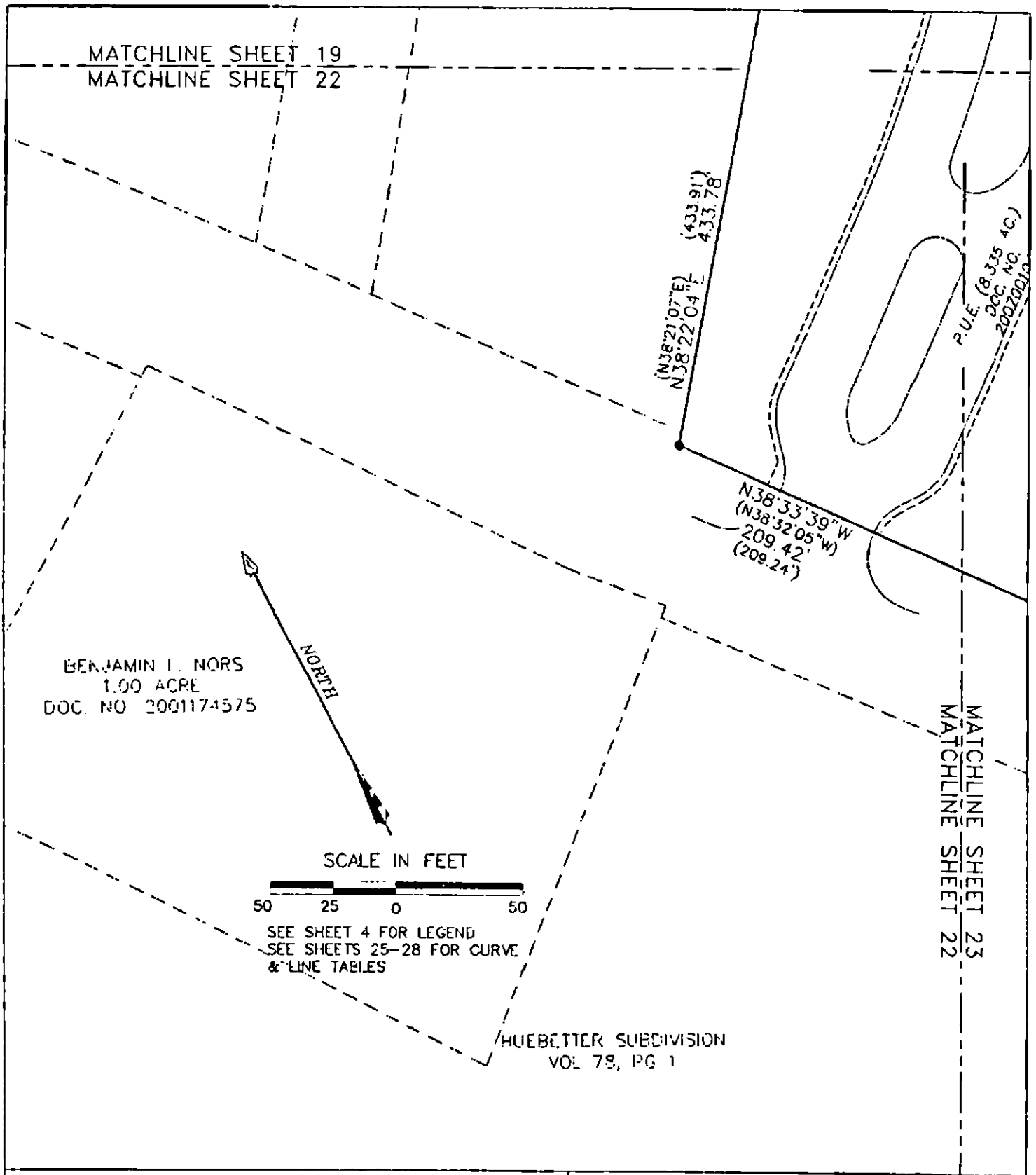

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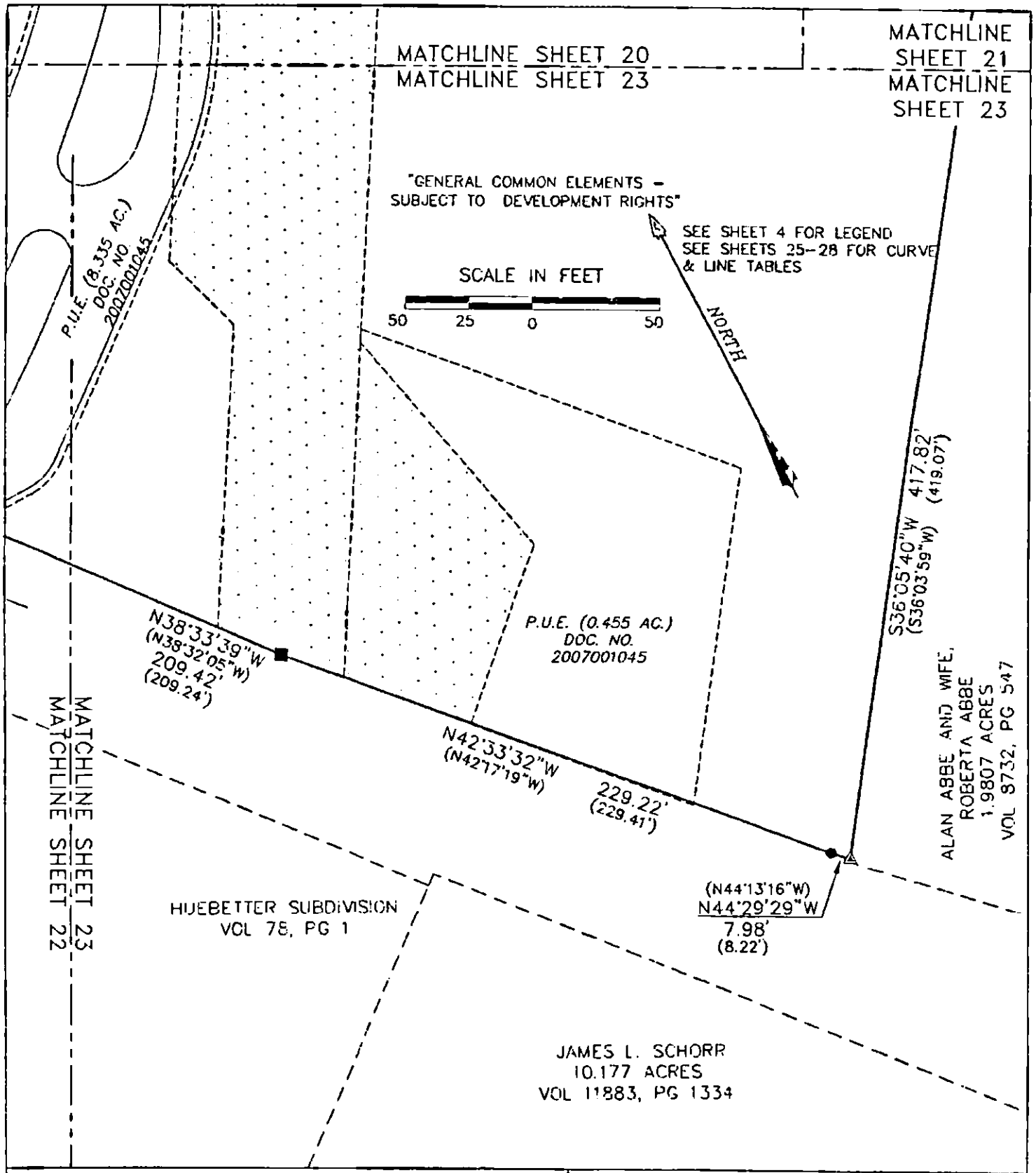

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg		SHEET 23 of 28
Job No.	Snapshot:	
Scale (Hor.): 1"=50'	Scale (Vert.):	
Date: 09/07/11	Checked By: JSL / Drawn By: HPE\RLW	

EXHIBIT

AVIARA CONDOMINIUMS

[PLAT]

§ Certification of Surveyor §

The attached plat, attached hereto as Exhibit contain the information required by Section 82.052 and Section 82.059 of the Texas Uniform Condominium Act, as applicable.

Ronnie Wallace
R.P.L.S. No. 5222

Date: 7 September 2011

STATE OF TEXAS
REGISTERED
RONNIE WALLACE
5222
PROFESSIONAL
LAND SURVEYOR

AVIARA CONDOMINIUMS	BASELINE LAND SURVEYORS, INC.
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File: S:\Pro\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET 24 of 28
Job No	Snapshot:		
Scale (Hor.): 1"=50'	Scale (Vert.):		
Date: 09/07/11	Checked By: JSL	Drawn By: HPE\RLW	

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C1	43.50'	25.85'	34°03'14"	N50°51'00"W	25.48'
C2	55.50'	1.36'	1°24'13"	S34°31'30"E	1.36'
C3	55.50'	39.74'	41°01'24"	S55°44'18"E	38.89'
C4	55.50'	45.25'	46°42'38"	N80°23'41"E	44.00'
C5	55.50'	23.52'	24°16'50"	N44°53'57"E	23.34'
C6	55.50'	37.22'	38°25'09"	N13°32'57"E	36.52'
C7	55.50'	147.08'	151°50'14"	N70°15'30"E	107.66'
C8	34.50'	29.54'	49°03'46"	N87°35'30"E	28.65'
C9	19.50'	8.60'	25°15'47"	S68°28'21"W	8.53'
C10	19.50'	32.05'	94°10'13"	S55°58'52"E	28.56'
C11	128.50'	15.59'	6°56'58"	N77°37'46"E	15.58'
C12	55.50'	54.03'	55°46'56"	N78°25'05"W	51.92'
C13	55.50'	13.29'	13°43'20"	N84°39'53"W	13.26'
C14	55.50'	40.10'	41°23'40"	S67°46'37"W	39.23'
C15	34.50'	9.67'	16°03'39"	N55°06'36"E	9.64'
C16	194.50'	16.61'	4°53'34"	N71°36'45"E	16.60'
C17	160.00'	33.10'	11°51'14"	S85°23'29"W	33.04'
C18	281.00'	61.89'	12°37'13"	N88°22'50"W	61.77'
C19	55.50'	23.40'	24°09'12"	S71°04'10"W	23.22'
C20	44.50'	27.40'	35°16'52"	N76°38'00"E	26.97'
C21	44.50'	21.40'	27°32'51"	S71°57'09"E	21.19'
C22	320.50'	36.55'	6°32'02"	N61°26'44"W	36.53'
C23	320.50'	56.16'	10°02'22"	N69°43'56"W	56.09'
C24	55.50'	42.94'	44°19'30"	N74°41'29"W	41.87'
C25	55.50'	13.43'	13°52'10"	S66°45'22"W	13.40'
C26	194.50'	32.10'	9°27'22"	N64°33'01"E	32.06'
C27	69.50'	31.31'	25°48'34"	S87°03'34"W	31.04'
C28	284.37'	56.30'	11°20'39"	N76°17'14"W	56.21'
C29	284.37'	5.39'	1°05'11"	N70°04'19"W	5.39'
C30	320.50'	46.88'	8°22'48"	N78°59'29"W	46.83'
C31	69.50'	41.29'	34°02'29"	N63°00'55"W	40.69'
C32	55.50'	21.02'	21°42'01"	S56°50'41"E	20.89'
C33	94.50'	8.03'	4°52'04"	S89°32'13"W	8.03'
C34	55.50'	50.19'	51°48'35"	N66°03'57"E	48.49'
C35	281.00'	52.77'	10°45'33"	N64°06'44"W	52.69'
C36	281.00'	0.93'	0°11'23"	N58°38'20"W	0.93'
C37	94.50'	29.53'	17°54'23"	N49°19'02"W	29.41'
C38	320.50'	46.91'	8°23'10"	S84°14'33"W	46.87'
C39	94.50'	16.32'	9°53'42"	N35°25'03"W	16.30'
C40	55.50'	43.09'	44°29'20"	S52°42'50"E	42.02'
C41	55.50'	44.21'	45°38'24"	N82°13'24"E	43.05'
C42	350.00'	73.09'	11°57'56"	S76°03'05"E	72.96'
C43	350.00'	55.18'	9°02'00"	S65°33'07"E	55.12'
C44	350.00'	10.08'	1°39'00"	S60°12'59"E	10.08'
C45	160.00'	39.91'	14°17'35"	N69°21'21"W	39.81'
C46	160.39'	4.39'	1°34'06"	N77°13'21"W	4.39'
C47	160.39'	29.62'	10°34'57"	N83°12'44"W	29.58'
C48	55.50'	41.86'	43°12'43"	S89°18'02"E	40.87'
C49	55.50'	50.91'	52°33'09"	N42°49'02"E	49.14'
C50	320.50'	46.62'	8°20'01"	S75°52'58"W	46.57'

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 528; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

BASELINE LAND SURVEYORS, INC.

PROFESSIONAL LAND SURVEYING SERVICES

8333 CROSS PARK DRIVE

AUSTIN, TEXAS 78754

OFFICE: 512.374.9722 FAX: 512.873.9743

ron-baseline@austin.rr.com

File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg		
Job No.	Snapshot	
Scale (Hor.): 1"=50'	Scale (Vert.):	
Date: 09/07/11	Checked By: JSL	Drawn By: HPE\RLW

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C51	320.50'	47.84'	8°33'05"	S67°26'25"W	47.79'
C52	281.00'	21.40'	4°21'47"	S55°57'19"W	21.39'
C53	276.00'	11.21'	2°19'35"	S59°18'00"W	11.21'
C54	276.00'	9.99'	2°04'26"	S61°30'01"W	9.99'
C55	281.00'	41.60'	8°28'55"	S66°46'42"W	41.56'
C56	160.00'	33.12'	11°51'34"	S62°00'22"W	33.06'
C57	170.50'	20.63'	6°55'58"	N77°43'11"E	20.62'
C58	94.50'	48.23'	29°14'36"	S72°28'52"W	47.71'
C59	281.00'	70.09'	14°17'32"	S78°07'57"W	69.91'
C60	160.00'	32.21'	11°32'02"	S73°37'54"W	32.15'
C61	320.50'	47.16'	8°25'54"	N87°20'54"W	47.12'
C62	320.50'	50.30'	8°59'33"	S58°40'06"W	50.25'
C63	16.50'	25.92'	90°00'00"	S53°53'45"E	23.33'
C64	183.50'	55.58'	17°21'14"	S82°03'30"W	55.37'
C65	183.50'	5.03'	1°34'16"	N88°28'45"W	5.03'
C66	66.50'	29.12'	25°05'32"	S86°58'24"E	28.89'
C67	225.00'	22.17'	5°38'40"	S89°29'02"W	22.16'
C68	165.00'	2.50'	0°52'11"	N21°28'11"W	2.50'
C69	132.00'	37.38'	16°13'34"	N45°41'08"E	37.26'
C70	66.50'	31.77'	27°22'11"	N66°47'45"E	31.47'
C71	75.00'	17.21'	13°08'44"	S44°53'28"E	17.17'
C72	66.00'	12.97'	11°15'41"	S32°56'54"E	12.95'
C73	66.00'	7.20'	6°15'05"	S24°11'31"E	7.20'
C74	225.00'	40.96'	10°25'53"	S50°07'52"W	40.91'
C75	225.00'	57.29'	14°35'16"	S62°38'27"W	57.13'
C76	125.00'	54.33'	24°54'14"	N04°13'07"W	53.91'
C77	165.00'	30.11'	10°27'23"	N03°00'19"E	30.07'
C78	165.00'	44.16'	15°20'08"	N09°53'26"W	44.03'
C79	116.50'	49.25'	24°13'09"	N43°12'14"W	48.88'
C80	166.50'	21.38'	7°21'32"	N22°28'31"W	21.37'
C81	116.50'	10.04'	4°56'22"	N26°37'28"W	10.04'
C82	225.00'	45.16'	11°29'56"	S78°19'21"W	45.08'
C83	225.00'	10.36'	2°38'18"	S71°15'14"W	10.36'
C84	166.50'	37.51'	12°54'31"	N08°42'06"W	37.43'
C85	66.50'	4.86'	4°12'10"	N27°32'59"E	4.88'
C86	115.00'	8.25'	4°06'43"	S81°50'38"E	8.25'
C87	85.50'	14.71'	9°51'21"	N54°24'20"W	14.69'
C88	83.50'	27.09'	18°35'28"	N34°41'09"W	26.98'
C89	115.50'	25.05'	12°25'35"	N19°56'30"W	25.00'

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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PROFESSIONAL LAND SURVEYING SERVICES

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AUSTIN, TEXAS 78754

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ron-baseline@austin.rr.com

File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg		
Job No.	Snapshot:	
Scale (Hor.): 1"=50'	Scale (Vert.):	
Date: 09/07/11	Checked By: JSL	Drawn By: HPE\RLW

LINE TABLE		
LINE	BEARING	LENGTH
L1	S67°52'37"E	35.37'
L2	N32°57'38"W	7.06'
L3	N84°20'23"E	14.65'
L4	N47°51'55"W	11.34'
L5	N31°01'52"E	4.45'
L6	N63°54'29"E	38.06'
L7	S86°57'47"E	3.29'
L8	N78°01'20"E	10.29'
L9	S10°13'03"E	29.53'
L10	S74°09'17"W	32.66'
L11	S81°06'15"W	1.64'
L12	S18°00'07"E	6.87'
L13	S30°23'57"E	19.47'
L14	S17°47'50"E	29.77'
L15	S15°29'37"E	9.67'
L16	S23°37'34"E	39.17'
L17	S39°28'12"W	6.91'
L18	S30°23'57"E	11.73'
L19	S74°19'32"W	284.75'
L20	N15°40'28"W	11.34'
L21	N74°19'32"E	281.77'
L22	S85°45'47"W	13.66'
L23	N04°14'13"W	103.33'
L24	N70°42'51"W	78.43'
L25	N19°29'12"W	79.32'
L26	N63°34'35"E	13.76'
L27	S19°29'12"E	74.44'
L28	S70°42'51"E	80.83'
L29	S04°14'13"E	112.29'
L30	S75°40'42"E	22.72'
L31	N23°29'14"E	142.40'
L32	S66°30'46"E	6.83'
L33	S23°29'14"W	142.40'
L34	N66°30'46"W	6.83'
L35	S76°00'36"E	39.58'
L36	S76°00'36"E	16.09'
L37	N77°48'13"W	27.14'
L38	N88°41'39"E	6.13'
L39	N25°44'20"W	15.92'
L40	S88°11'16"W	38.53'
L41	S40°42'44"W	9.55'
L42	N67°35'16"E	13.92'
L43	S57°59'10"E	10.92'
L44	S76°25'51"E	16.46'
L45	S70°54'33"E	39.17'
L46	N86°12'33"E	12.02'
L47	S84°49'29"E	4.40'
L48	S76°40'56"E	5.93'
L49	S10°13'03"E	4.06'
L50	S38°01'06"E	8.58'

LINE TABLE		
LINE	BEARING	LENGTH
L51	S56°04'51"E	18.69'
L52	S70°55'02"E	8.71'
L53	S82°26'35"E	8.37'
L54	S69°13'33"W	18.32'
L55	N23°26'52"W	14.68'
L56	S78°08'44"W	19.40'
L57	S60°30'23"W	9.18'
L58	S76°42'45"W	9.64'
L59	S87°05'06"W	8.22'
L60	S84°49'29"E	2.67'
L61	S84°21'45"E	20.21'
L62	N50°40'11"E	24.96'
L63	N30°53'27"E	30.22'
L64	N53°56'24"E	6.82'
L65	S07°17'18"W	18.99'
L66	S06°13'30"E	9.98'
L67	S58°24'33"E	1.34'
L68	N54°18'02"E	32.72'
L69	N79°34'04"E	14.67'
L70	N52°43'24"E	11.28'
L71	N71°42'55"E	3.00'
L72	N18°17'05"W	9.31'
L73	N63°34'36"E	3.67'
L74	S58°16'14"E	19.54'
L75	N54°30'06"W	40.63'
L76	N54°30'06"W	2.31'
L77	S81°16'47"E	10.47'
L78	S04°57'06"W	21.25'
L79	S66°16'15"E	10.53'
L80	S54°10'00"E	3.38'
L81	S67°35'16"W	6.96'
L82	S67°35'16"W	6.96'
L83	S18°17'05"E	8.02'
L84	N71°42'59"E	6.00'
L85	N53°46'26"E	19.82'
L86	S31°51'47"E	5.00'
L87	N27°27'46"W	5.00'
L88	S64°54'52"W	40.05'
L89	S81°35'33"W	35.58'
L90	S81°27'40"W	4.57'
L91	S87°41'38"E	41.25'
L92	S01°25'07"E	20.29'
L93	N88°34'53"E	10.05'
L94	S81°05'38"W	18.46'
L95	S80°43'17"W	36.75'
L96	S74°25'37"E	14.98'
L97	N82°58'58"W	15.50'
L98	N83°20'13"W	10.31'
L99	N10°19'54"E	16.87'
L100	N40°19'08"W	8.96'

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.481 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 626; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg		
Job No.	Snapshot:	
Scale (Hor.): 1"=50'	Scale (Vert.):	
Date: 09/07/11	Checked By: JSL	Drawn By: HPE\RLW

LINE TABLE		
LINE	BEARING	LENGTH
L101	N76°14'53"W	1.96'
L102	N87°41'38"W	28.05'
L103	N68°05'43"E	18.51'
L104	N15°06'21"W	24.68'
L105	N21°54'17"W	42.49'
L106	S59°48'35"E	6.81'
L107	N21°54'17"W	10.00'
L108	S68°05'43"W	32.98'
L109	N21°54'17"W	36.54'
L110	N05°21'04"E	23.35'
L111	N50°21'04"E	26.43'
L112	S36°25'07"E	16.79'
L113	S00°28'38"W	14.09'
L114	S74°25'37"E	5.00'
L115	N15°34'23"E	18.78'
L116	S64°33'06"E	17.39'
L117	S09°08'56"E	25.00'
L118	N80°51'04"E	9.86'
L119	S19°33'06"E	9.08'
L120	N53°35'31"E	9.01'
L121	N65°31'44"E	14.73'
L122	N68°05'43"E	28.14'
L123	N85°30'41"E	22.59'
L124	S08°14'01"W	23.83'
L125	N87°41'38"W	5.85'
L126	S01°29'24"W	20.00'
L127	N87°41'38"W	45.00'
L128	N08°14'01"E	16.02'
L129	N74°25'37"W	33.70'
L130	N03°02'42"W	29.61'
L131	S86°57'18"W	36.55'
L132	N68°05'43"E	33.44'
L133	N35°58'53"W	5.00'
L134	N26°09'17"W	14.58'
L135	N83°20'13"W	34.25'
L136	N71°01'47"W	24.06'
L137	N71°01'47"W	4.57'
L138	S74°53'39"W	10.00'
L139	S15°06'21"E	22.84'
L140	S76°51'27"W	27.70'
L141	N59°48'35"W	26.58'
L142	N28°27'07"E	26.86'
L143	N14°32'39"W	6.50'
L144	N13°43'45"E	16.84'
L145	N30°39'59"E	10.00'
L146	N35°58'53"W	5.00'
L147	N30°39'59"E	27.59'
L148	N59°20'01"W	18.38'
L149	N59°20'01"W	10.00'
L150	S30°39'59"W	20.00'

LINE TABLE		
LINE	BEARING	LENGTH
L151	S86°39'48"W	25.94'
L152	N64°33'06"W	26.64'
L153	S10°12'43"W	15.38'
L154	N74°17'18"W	13.55'
L155	S15°42'42"W	21.80'
L156	N15°34'23"E	10.00'
L157	S31°06'17"W	25.16'
L158	S58°53'43"E	7.50'
L159	N31°06'17"E	21.50'
L160	S63°50'43"W	17.93'
L161	S50°50'35"W	9.80'
L162	S14°10'39"W	6.00'
L163	N58°44'23"W	28.15'
L164	S26°09'17"E	15.29'

AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 6.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg		
Job No.	Snapshot:	
Scale (Hor.): 1"=50'	Scale (Vert.):	
Date: 09/07/11	Checked By: JSL	Drawn By: HPE\RLW

UNIT PLAN TYPES – ATTACHED UNITS

Unit No.	Plan Type*
A-1	A
B-1	B
C-1	C
D-1	D

* SEE CONDOMINIUM PLANS FOR PLAN TYPE.

ALL UNITS SHOWN ON THE PLAT AND PLANS OTHER THAN UNITS A-1, B-1, C-1, D-1 ARE STAND-ALONE UNITS.

ATTACHMENT 2

EXHIBIT "C" TO THE DECLARATION OF CONDOMINIUM REGIME

COMMON INTEREST ALLOCATION & BUILDING LCE ALLOCATION

COMMON INTEREST ALLOCATION

The Common Interest Allocation and percentage of liability for common expenses for each Unit is 1/85.

THE COMMON INTEREST ALLOCATION ASSIGNED TO A PARTICULAR UNIT WILL DECREASE IF ADDITIONAL UNITS ARE CREATED AND ADDED TO THE REGIME BY THE DECLARANT.

BUILDING LCE ALLOCATION

The Building LCE Allocation for each Attached Unit is 1/4.

THE BUILDING LCE ALLOCATION ASSIGNED TO A PARTICULAR UNIT WILL DECREASE IF ADDITIONAL UNITS ARE CREATED AND ADDED TO THE REGIME BY THE DECLARANT.

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS
Dana DeBeauvoir
Sep 14, 2011 12:42 PM 2011134072
PEREZTA: $152.00
Dana DeBeauvoir, County Clerk
Travis County TEXAS

ELECTRONICALLY RECORDED 2011160094
TRV 39 PGS

AFTER RECORDING RETURN TO:
Robert D. Burton, Esq.
Winstead, PC
401 Congress Ave., Suite 2100
Austin, Texas 78701

TWENTY-FOURTH AMENDMENT TO RESTATED AND AMENDED DECLARATION OF CONDOMINIUM REGIME FOR AVIARA CONDOMINIUMS

(A Residential Condominium in Travis County, Texas)

Cross Reference to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2009071585, Official Public Records of Travis County, Texas as amended.

TWENTY-FOURTH AMENDMENT TO
RESTATED AND AMENDED DECLARATION OF CONDOMINIUM REGIME
FOR AVIARA CONDOMINIUMS

This Twenty-Fourth Amendment to Restated and Amended Declaration of Condominium Regime for Aviara Condominiums (the "**Amendment**") is made **CR-B AVIARA, L.P.**, a Texas limited partnership ("**Declarant**"), and is as follows:

RECITALS:

A. Aviara Condominiums, a condominium regime (the "**Regime**"), located in Travis County, Texas, was established pursuant to that certain Restated and Amended Declaration of Condominium Regime for Aviara Condominiums, recorded as Document No. 2009071585, Official Public Records of Travis County, Texas as amended (collectively, the "**Declaration**").

B. Pursuant to *Provision A.3.10* of Appendix "A" to the Declaration, during the Development Period, the Declarant may amend the Declaration unilaterally and without the consent of other Owners or any mortgagee to add real property to the Property and create Units, General Common Elements and Limited Common Elements within the Property and to subdivide, combine or reconfigure Units, or convert Units into Common Elements, in the exercise of statutory development rights.

C. In accordance with *Provision A.3.8* of Appendix "A" to the Declaration, Declarant has reserved the right, during the Development Period, to create Units, General Common Elements, and Limited Common Elements within the Property.

D. The "Development Period" as such term is defined in the Declaration, is a fifteen (15) year period commencing on the date the Declaration was recorded in the Official Public Records of Travis County, Texas. The Declaration was recorded in the Official Public Records of Travis County, Texas, on May 4, 2009.

E. Pursuant to Section 82.060 of the Texas Uniform Condominium Act, to exercise a statutory development right, Declarant must prepare, execute and record an amendment to the Declaration and record new plats and plans for that real property. The amendment to the declaration must reallocate the allocated interests among all Units.

F. This amendment is promulgated for the purposes of: (i) creating five (5) additional Units within the Regime; and (ii) to reconfigure the boundaries of Unit No. F-17 in the Regime. Meritage Homes of Texas, LLC, an Arizona limited liability company, is the Owner of Unit No. F-17 and consents to this Amendment as evidenced below. The total number of Units within the Regime after giving effect to this Amendment is equal to ninety (90), and the total number of additional Units which Declarant has reserved the right to create by amendment is equal to sixty (60).

NOW THEREFORE, the Declaration is hereby amended as follows:

1. **Creation of Units.** In accordance with the rights reserved by the Declarant pursuant to *Section 5.1* of the Declaration and *Provisions A.3.8* and *A.3.10* of Appendix "A" to the Declaration, Declarant hereby creates five (5) Units, which are designated as Unit Nos. E-2, F-2, F-9, F-10 and F-16 (the "**New Units**"). The New Units are hereby classified as Units which MUST BE BUILT.

2. **Reconfiguration of Units.** In accordance with the rights reserved by the Declarant pursuant to *Provision A.3.10* of Appendix "A" to the Declaration, Declarant hereby reconfigures the boundaries of Unit No. F-17 in the Regime as set forth on the New Plats and Plans (as defined below).

3. **Replacement of Exhibit "B".** Exhibit "B" to the Declaration is hereby deleted in its entirety and the Plats and Plans attached hereto as Attachment 1 (the "**New Plats and Plans**") are substituted in their place. The New Plats and Plans: (i) assign an identifying number to all Units; (ii) describe the portion of the limited common elements created or assigned to all Units; and (iii) include the information required by Section 82.059 of the Texas Uniform Condominium Act.

4. **Replacement of Exhibit "C".** The Percentage Interests allocated to all Units within the Regime, after the addition of the New Units, is set forth on Attachment 2, attached hereto. Attachment 2, attached hereto, will supersede and replace Exhibit "C" attached to the Declaration.

5. **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.

[SIGNATURE PAGE FOLLOWS]

EXECUTED to be effective as of the 13 day of October, 2011.

DECLARANT:

CR-B AVIARA, L.P., a Texas limited partnership

By: CR-B INVESTORS I GP, L.L.C., a Texas limited liability company, its General Partner

By: _____
Printed Name: David Arnow
Title: Vice President

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this 13 day of October, 2011 by David Arnow, Vice-President of CR-B Investors I GP, L.L.C., a Texas limited liability company, General Partner of CR-B Aviara, L.P., a Texas limited partnership, on behalf of said entities.

(SEAL)

REBEKAH M. CANTU
NOTARY PUBLIC
STATE OF TEXAS
EXPIRES
11-10-2012

Rebekah M. Cantu
Notary Public Signature

ACKNOWLEDGED AND AGREED:

MERITAGE HOMES OF TEXAS, LLC,
an Arizona limited liability company

By: RRoberson
Printed Name: Rick Roberson
Title: VP Finance

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this 28th day of October, 2011, by Rick Roberson, VP of Finance of MERITAGE HOMES OF TEXAS, LLC, an Arizona limited liability company, on behalf of said limited liability company.

(SEAL)

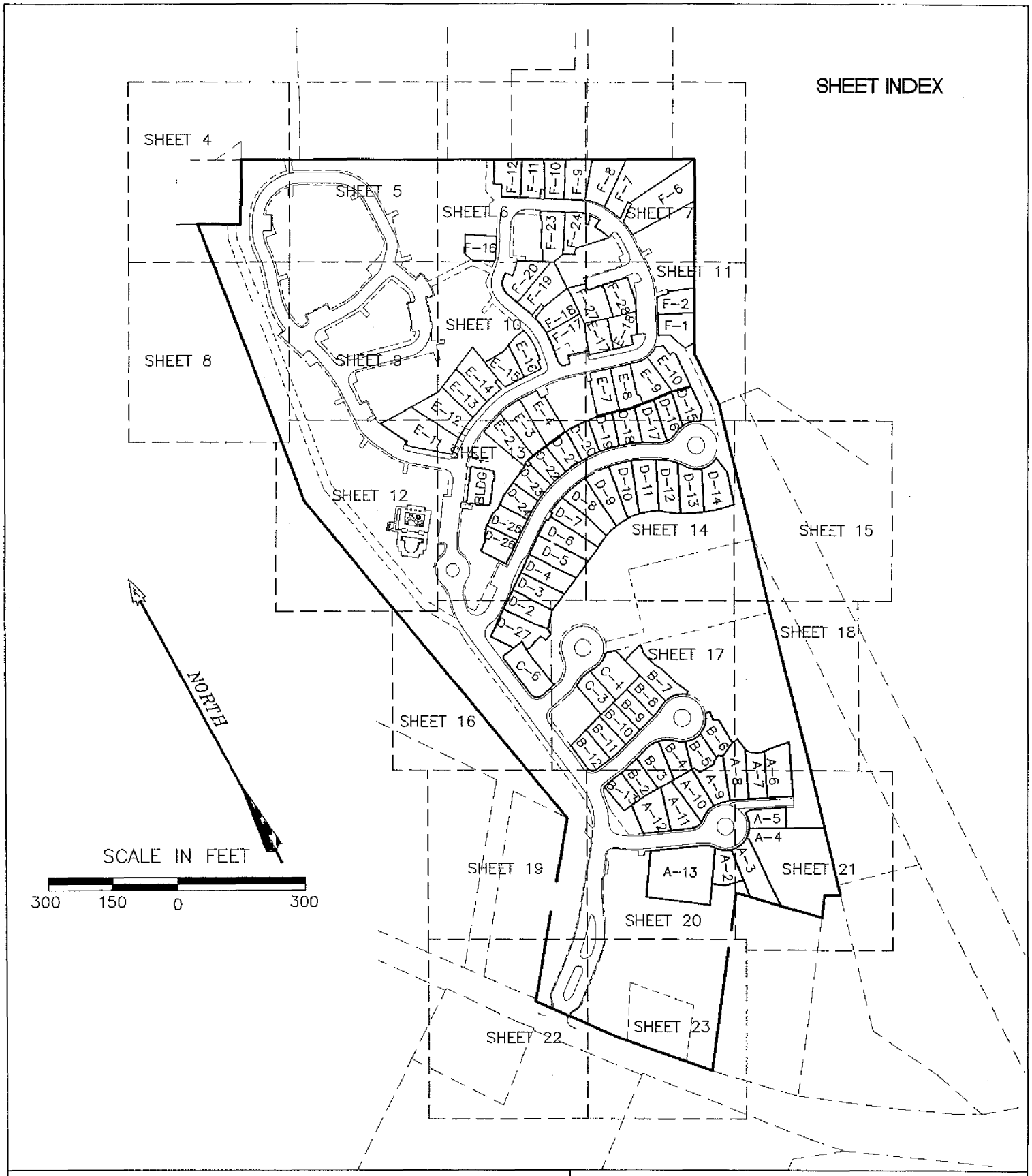
Nga Tu Nguyen
Notary Public,
State of Texas
Comm. Exp. 08-12-15

Nga T. Nguyen
Notary Public Signature

ATTACHMENT 1

EXHIBIT "B" TO THE DECLARATION OF CONDOMINIUM REGIME

SEE SHEET 24 OF 28 FOR ORIGINAL CERTIFICATION



AVIARA CONDOMINIUMS

EXHIBIT

OF 39.491 ACRES OF LAND OUT OF THE A.J. BOND SURVEY NO. 91, THE THOMAS ANDERSON SURVEY NO. 90 AND THE T.W. MOORE SURVEY NO. 526; ALL IN TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND THAT IS COMPRISED OF THREE TRACTS: A (CALLED) 5.054 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173743 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A (CALLED) 33.098 ACRE TRACT AND A (CALLED) 1.307 ACRE TRACT OF LAND CONVEYED TO PCG-AVIARA, L.P., A TEXAS LIMITED PARTNERSHIP BY INSTRUMENT OF RECORD IN DOC. NO. 2006173744 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

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ron-baseline@austin.rr.com

File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg			SHEET 1 of 28
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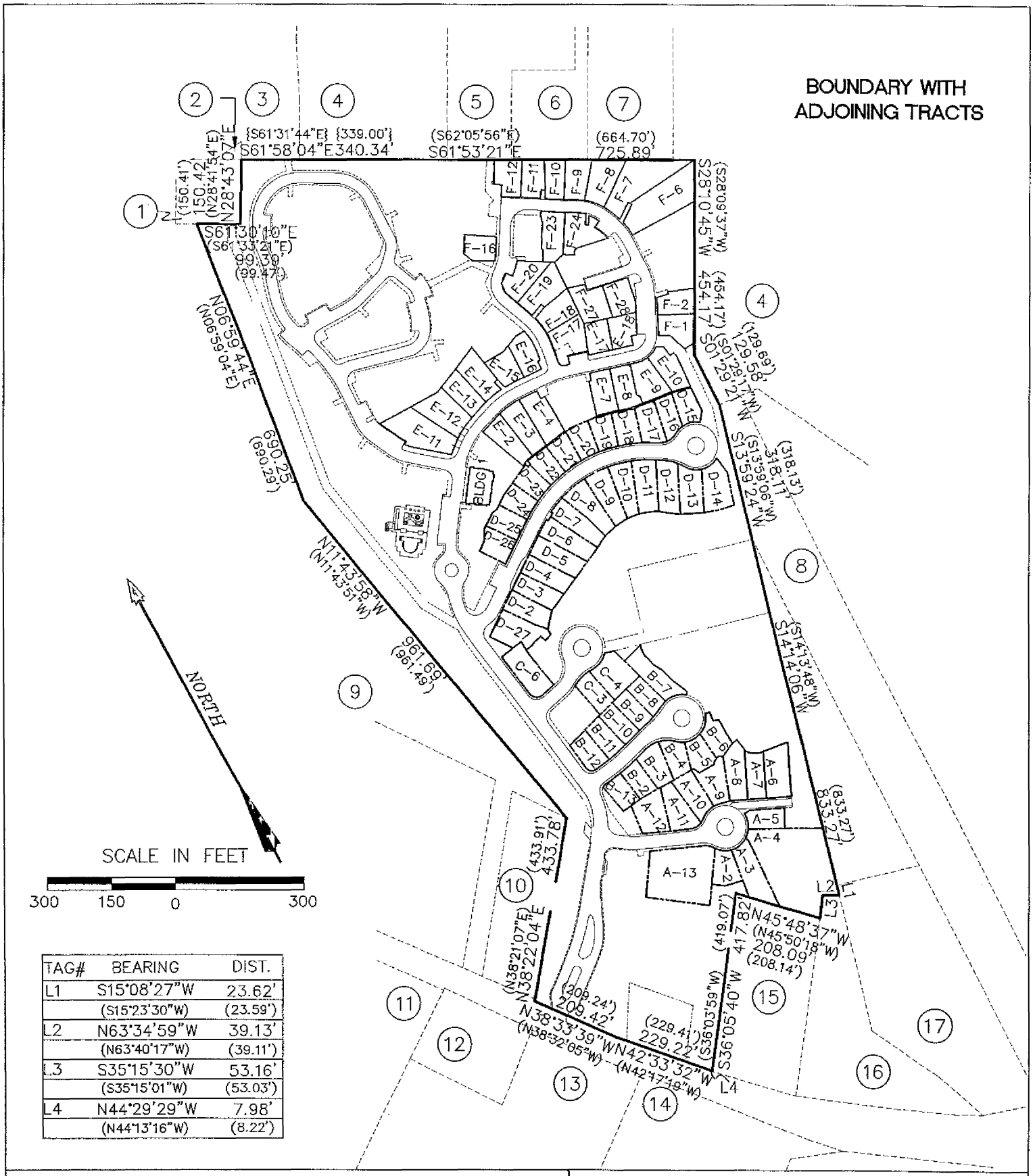

TAG#	BEARING	DIST.
L1	S15°08'27"W	23.62'
	(S15°23'30"W)	(23.59')
L2	N63°34'59"W	39.13'
	(N63°40'17"W)	(39.11')
L3	S35°15'30"W	53.16'
	(S35°15'01"W)	(53.03')
L4	N44°29'29"W	7.98'
	(N44°13'16"W)	(8.22')

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ADJOINING OWNERS

1. TRAVIS COUNTY W.C.I.D. NO. 9, VOL. 1819, PG. 189 (0.52 ACRES)
2. CITY OF AUSTIN, VOL. 10958, PG. 277 (0.029 ACRES)
3. REMAINDER OF 888.051 ACRES, VOL. 10958, PG. 280
4. LOT 115, BLOCK B, LANTANA SOUTHWEST, PHASE 1, DOC. NO. 200300137
5. CITY OF AUSTIN, TRACT 2, VOL. 12910, PG. 670 (1.757 ACRES)
6. CITY OF AUSTIN, VOL. 10031 PG. 300 (1.0397 ACRES)
7. CITY OF AUSTIN, TRACT 1, VOL. 12910, PG. 670 (1.655 ACRES)
8. KEYSTONE CONSTRUCTION, INC., VOL. 11918, PG. 1755 (4.993 ACRES)
9. LOT 1, BLOCK "A", THE HANS DEROUCHER SUBDIVISION, VOL. 96, PG. 108
10. LOT 2, BLOCK "A", THE HANS DEROUCHER SUBDIVISION, VOL. 96, PG. 108
11. AARON GARDNER SUBDIVISION, VOL. 49, PG. 95
12. BENJAMIN L. NORS, DOC. NO. 2001174575 (1.00 ACRE)
13. HUEBETTER SUBDIVISION, VOL. 78, PG. 1
14. JAMES L. SCHORR, VOL. 11883, PG. 1334 (10.177 ACRES)
15. ALAN ABBE, et ux, VOL. 8732, PG. 5 (1.9807 ACRES)
16. 1.951 ACRES, VOL. 11400, PG. 875
17. GILBERT M. JAPKO, TRACT ONE, VOL. 6095, PG. 82 (3.129 ACRES)

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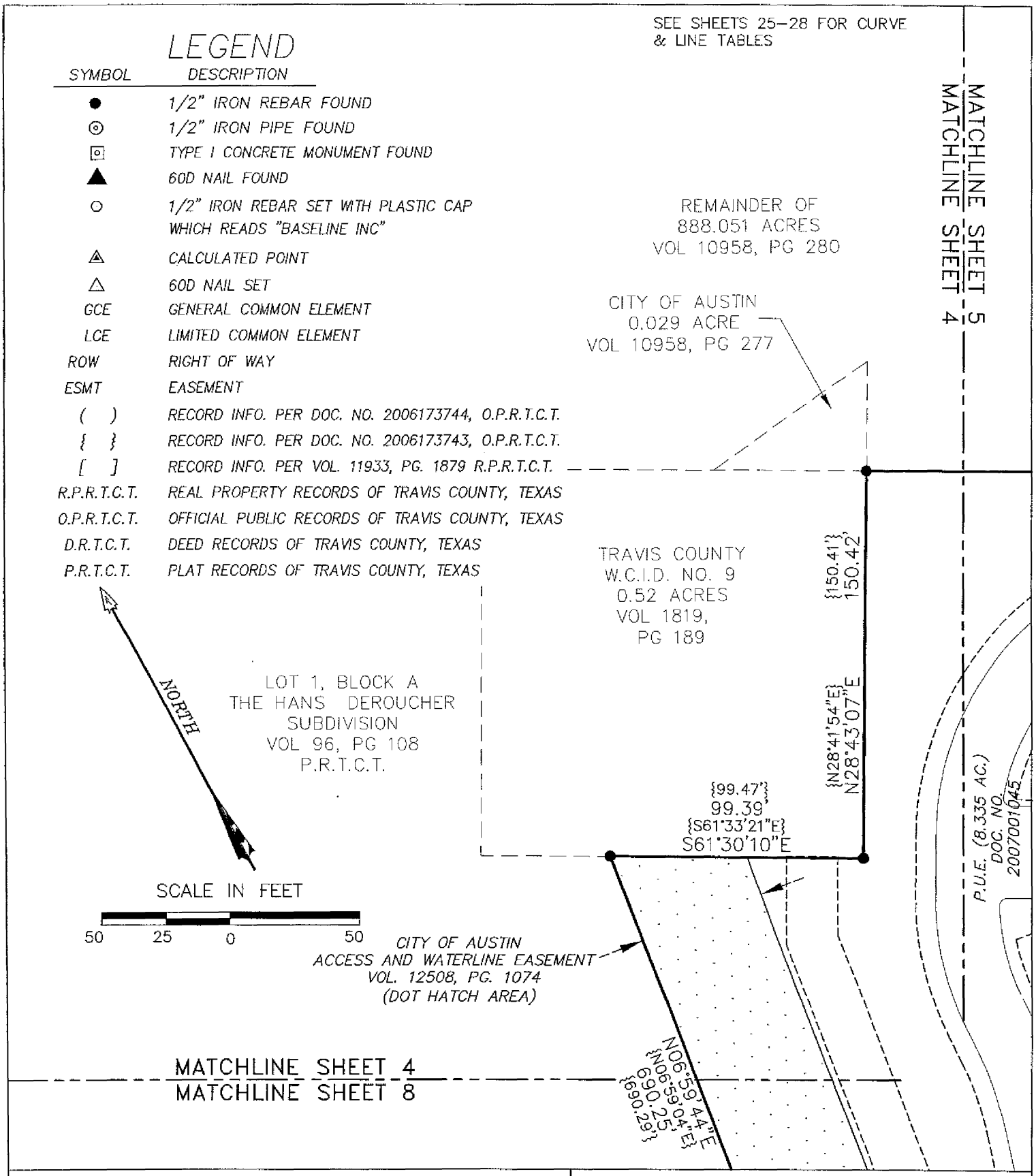
SEE SHEETS 25–28 FOR CURVE & LINE TABLES

LEGEND

SYMBOL	DESCRIPTION
●	1/2" IRON REBAR FOUND
⊙	1/2" IRON PIPE FOUND
⊡	TYPE I CONCRETE MONUMENT FOUND
▲	60D NAIL FOUND
○	1/2" IRON REBAR SET WITH PLASTIC CAP WHICH READS "BASELINE INC"
⊿	CALCULATED POINT
△	60D NAIL SET
GCE	GENERAL COMMON ELEMENT
LCE	LIMITED COMMON ELEMENT
ROW	RIGHT OF WAY
ESMT	EASEMENT
( )	RECORD INFO. PER DOC. NO. 2006173744, O.P.R.T.C.T.
{ }	RECORD INFO. PER DOC. NO. 2006173743, O.P.R.T.C.T.
[ ]	RECORD INFO. PER VOL. 11933, PG. 1879 R.P.R.T.C.T.
R.P.R.T.C.T.	REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS
O.P.R.T.C.T.	OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS
D.R.T.C.T.	DEED RECORDS OF TRAVIS COUNTY, TEXAS
P.R.T.C.T.	PLAT RECORDS OF TRAVIS COUNTY, TEXAS



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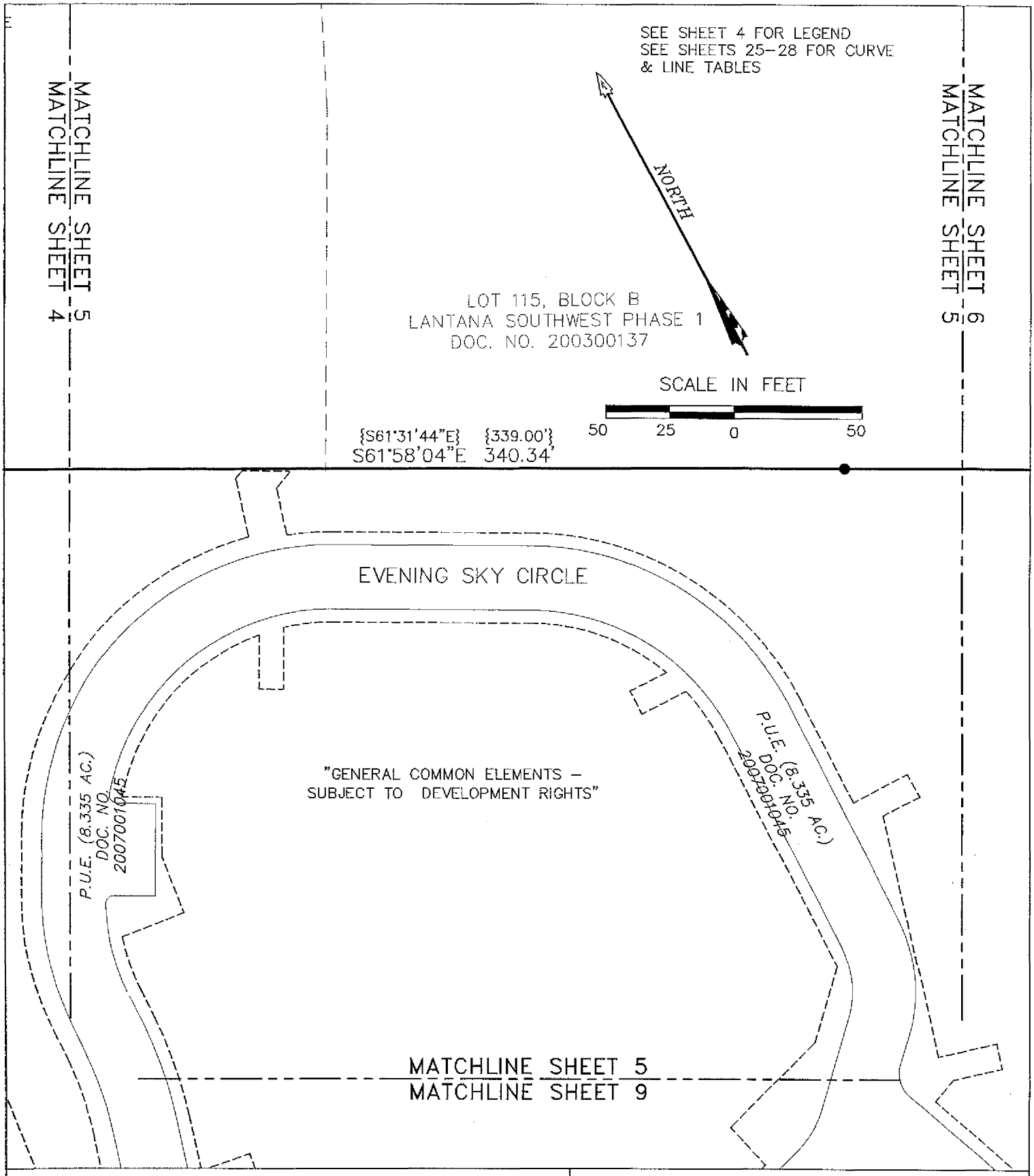

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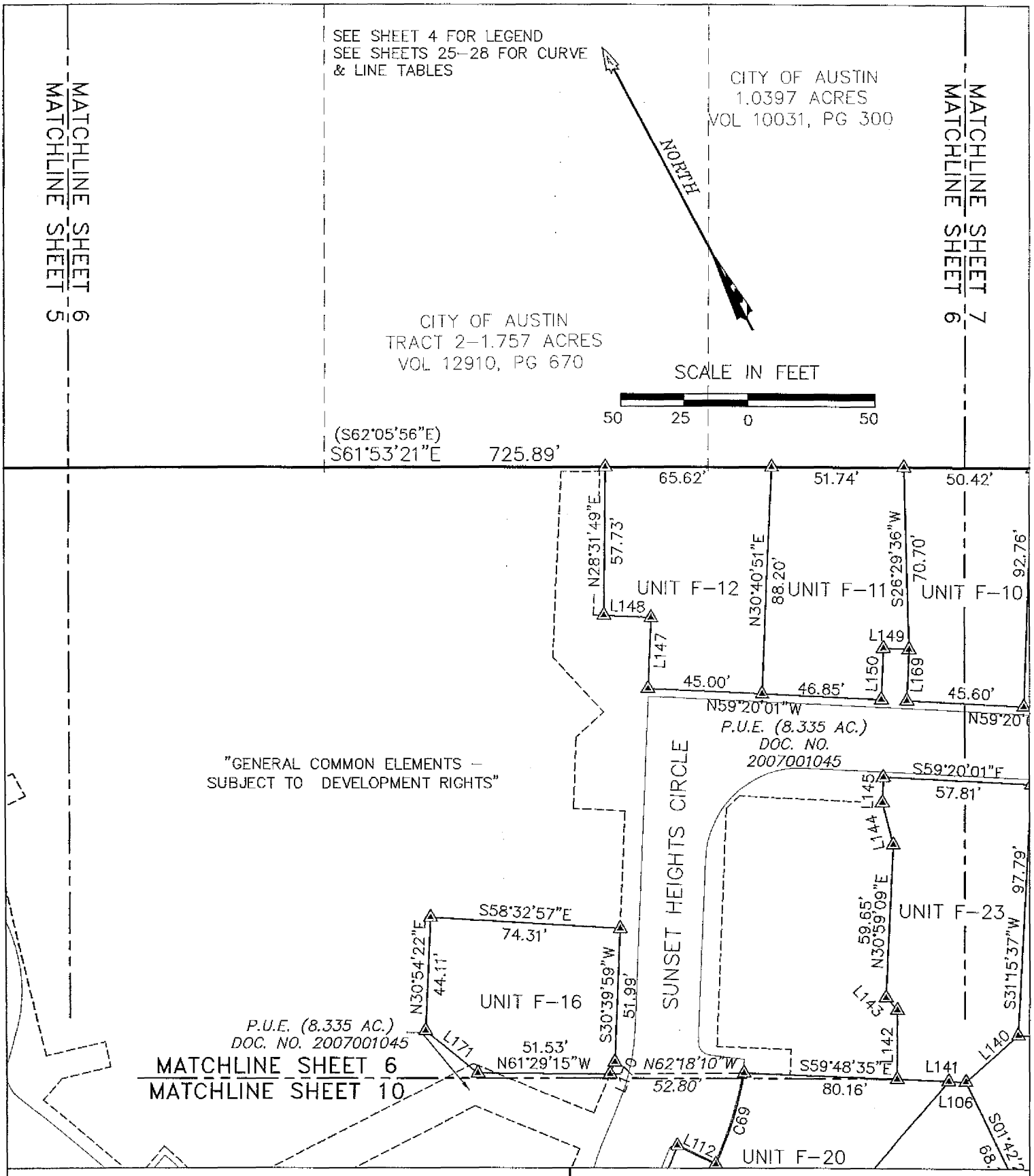

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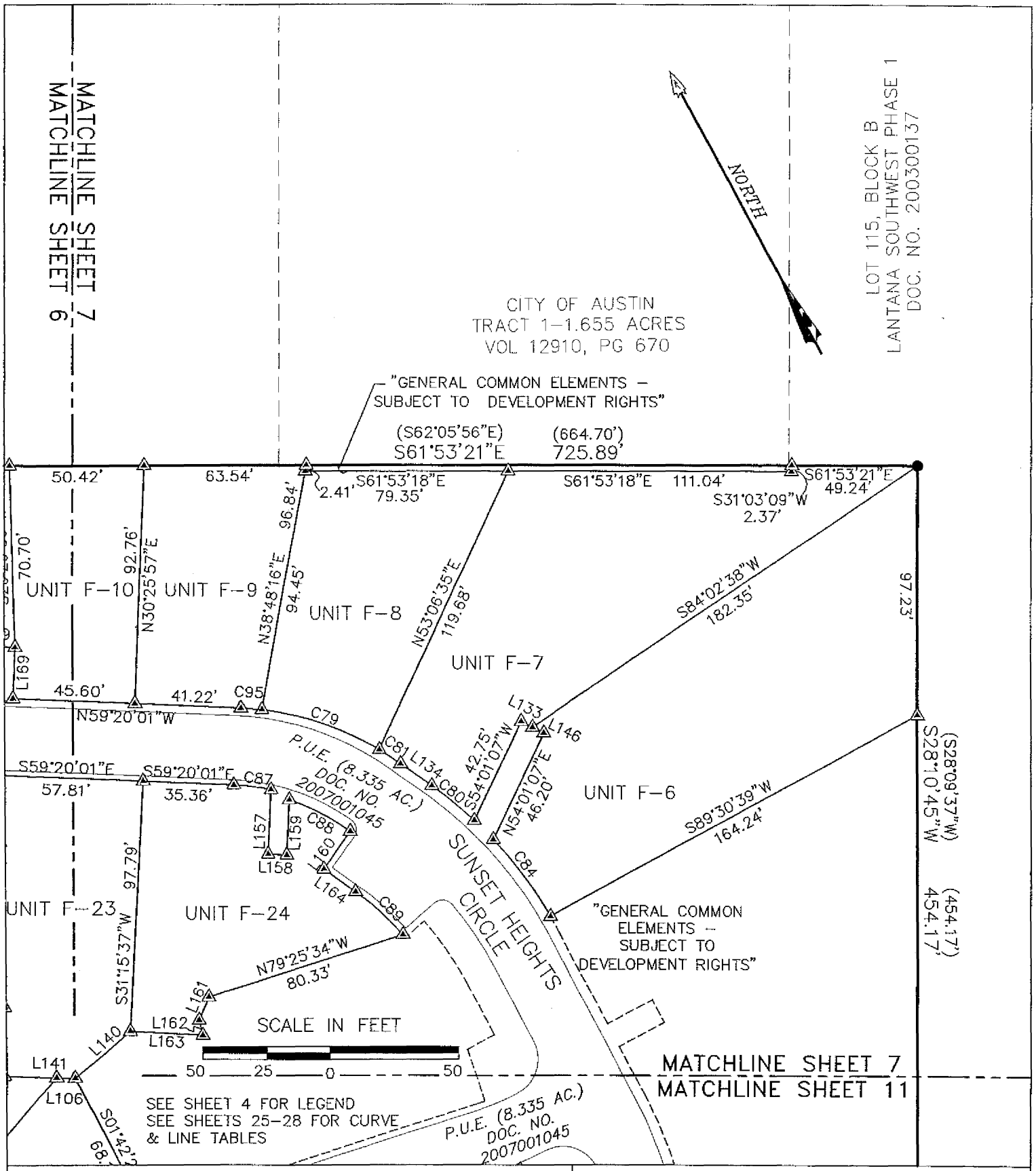

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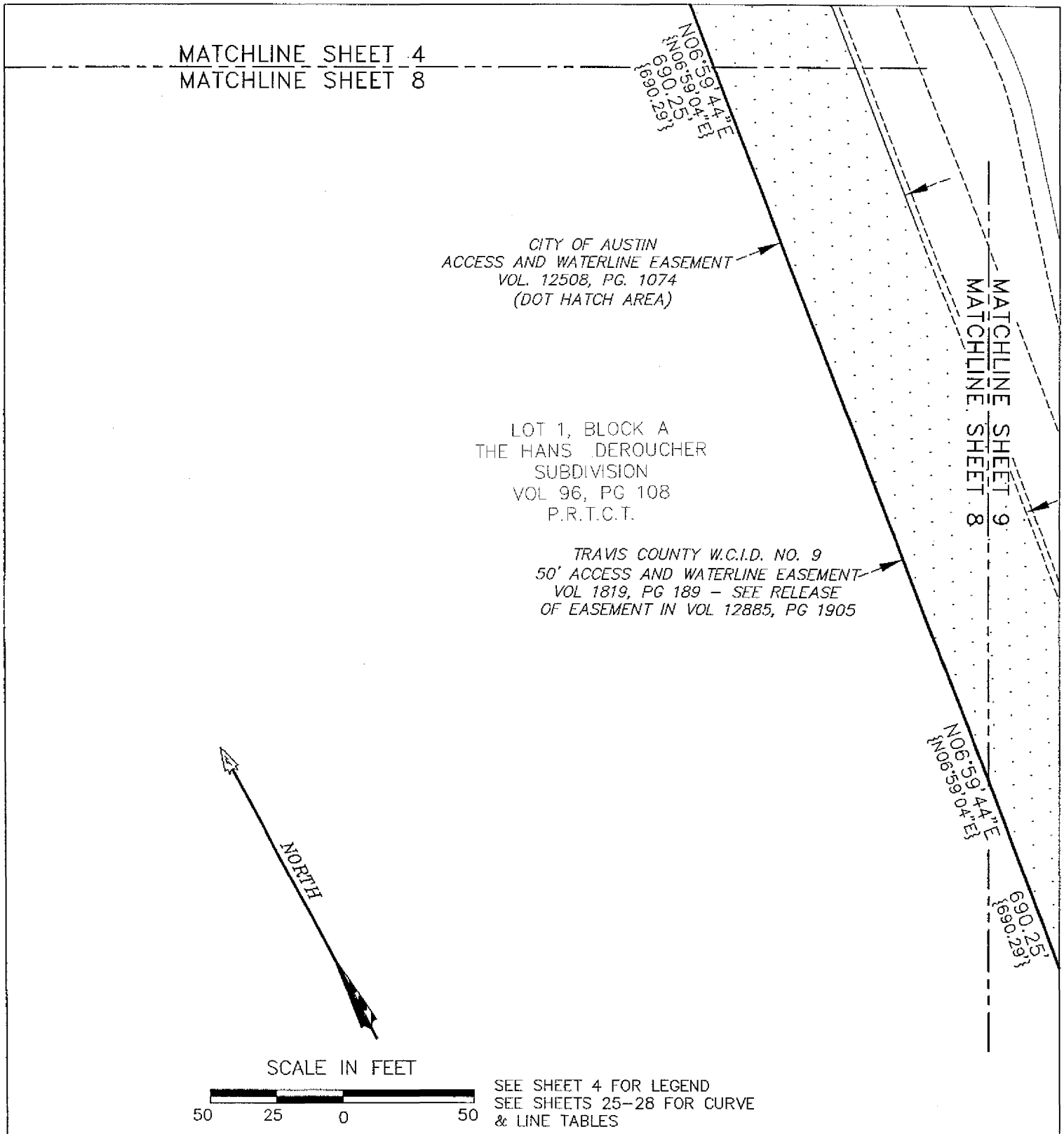

SEE SHEET 4 FOR LEGEND
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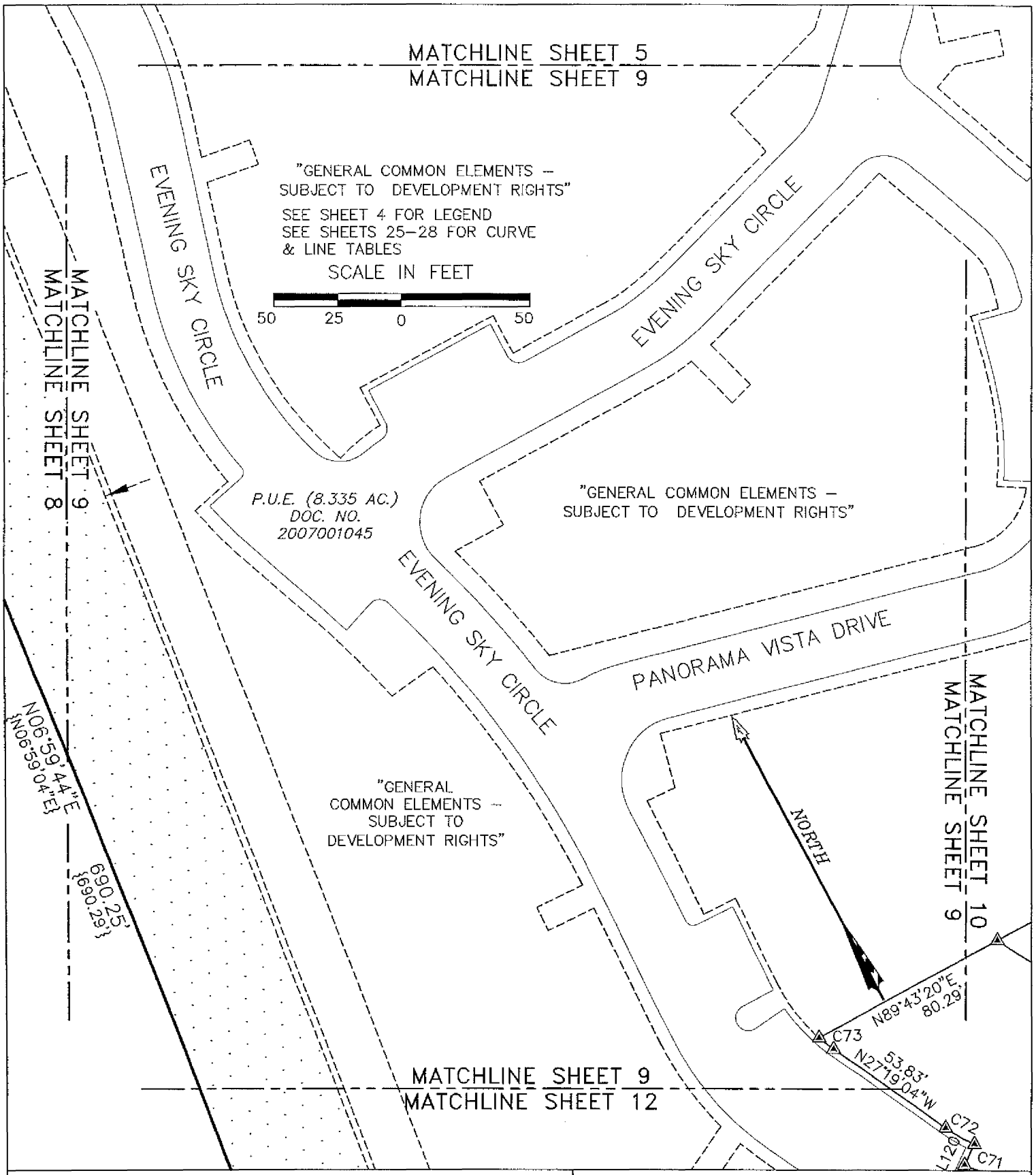

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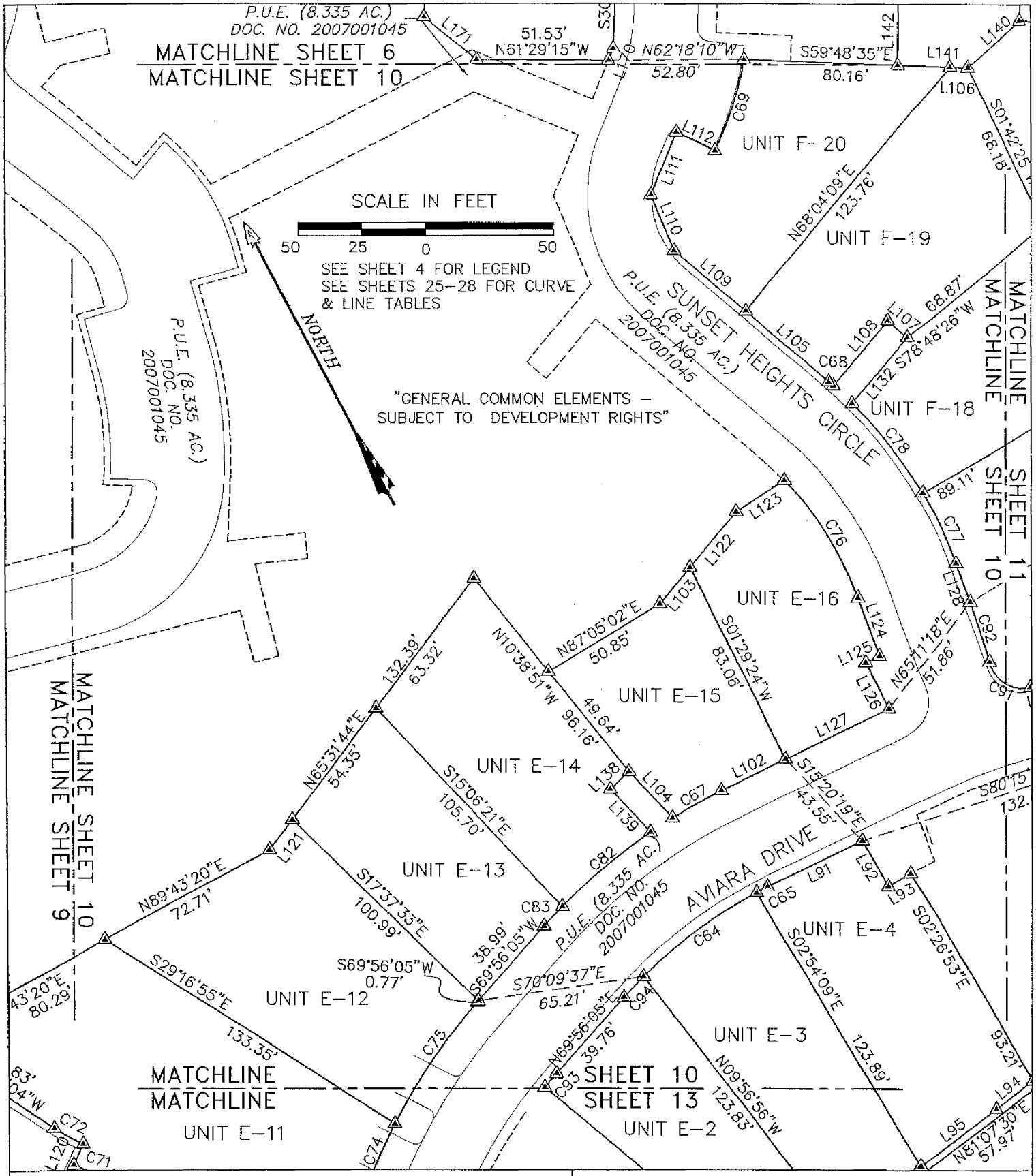

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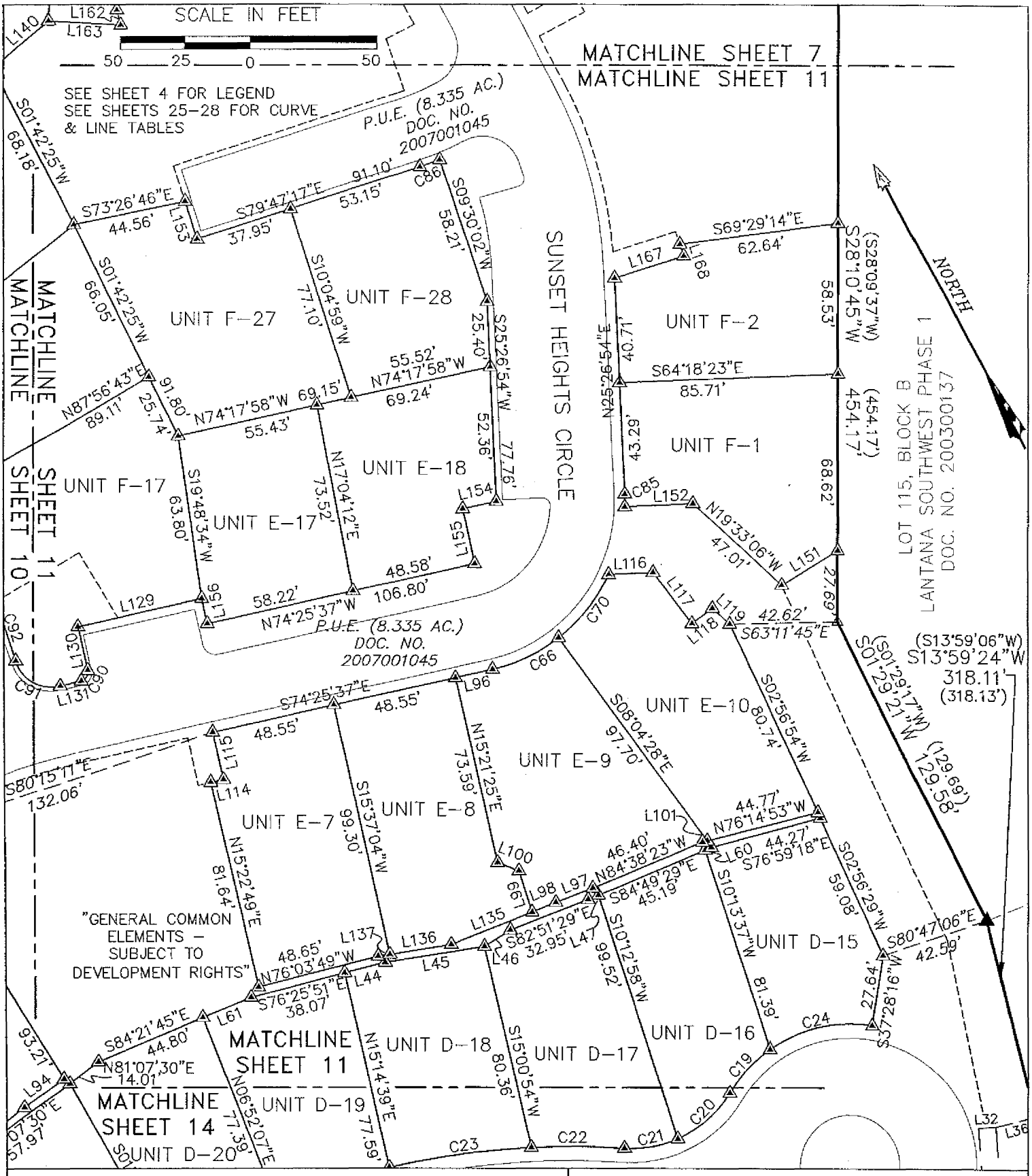

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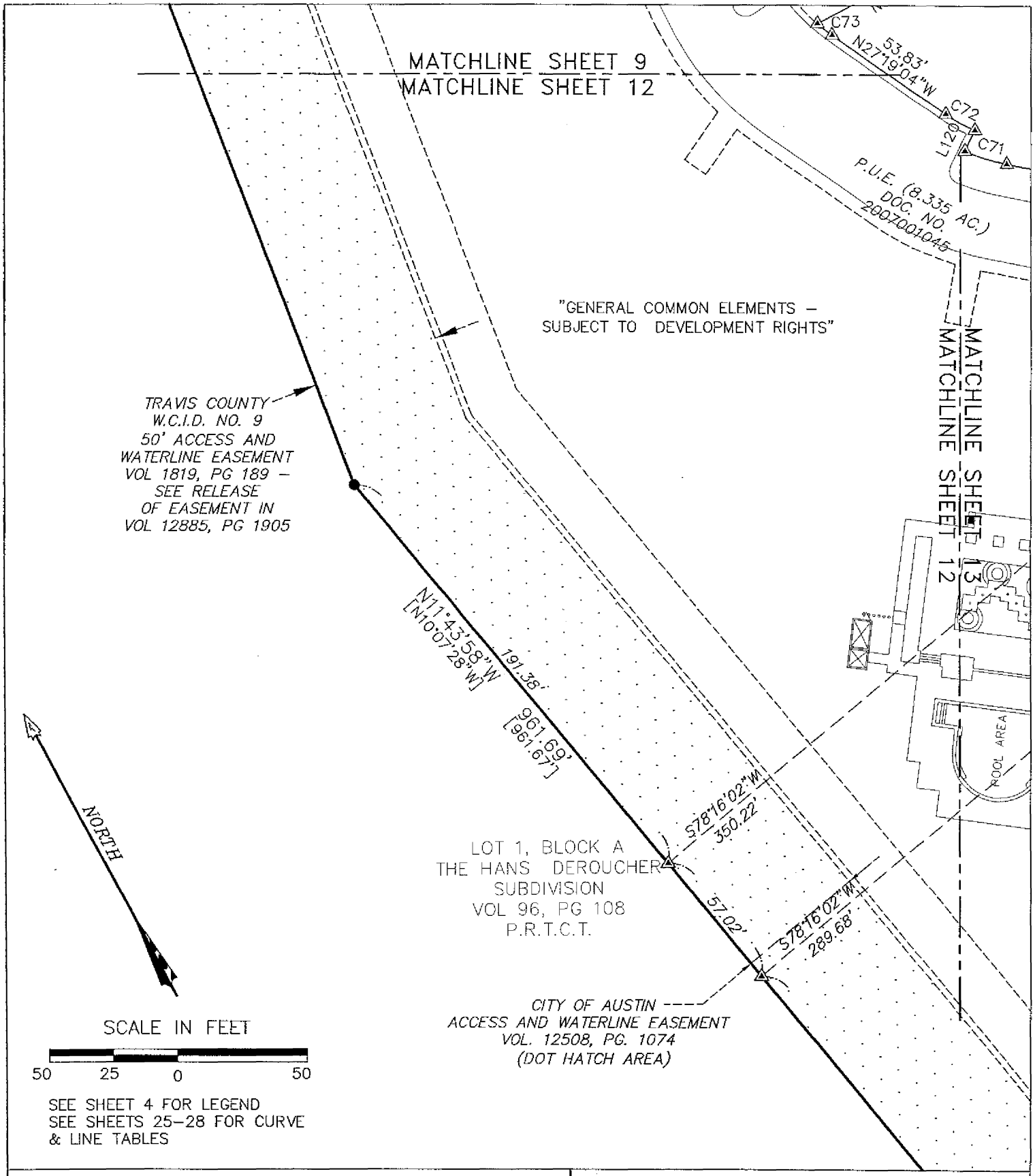

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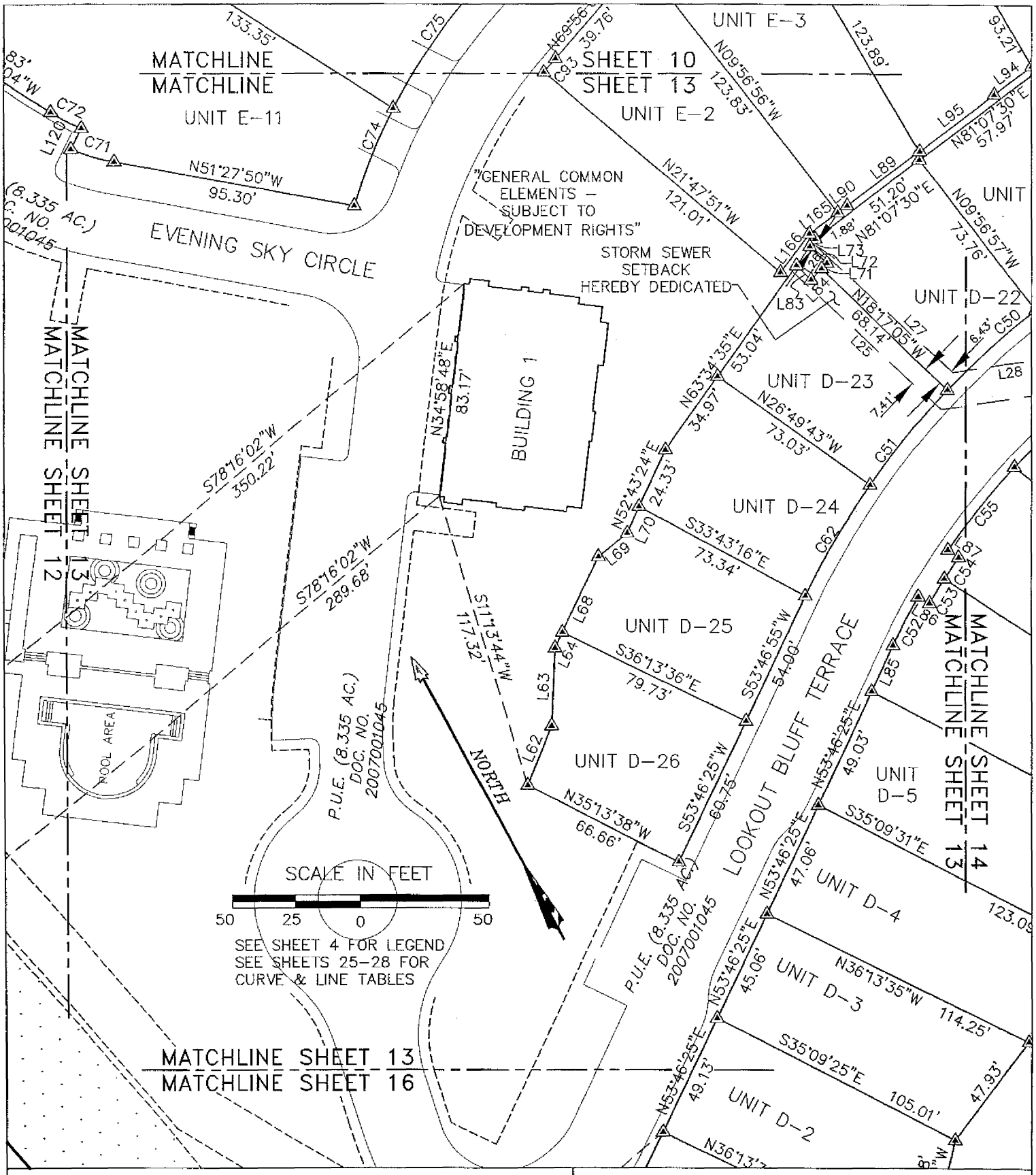

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PROFESSIONAL LAND SURVEYING SERVICES
8333 CROSS PARK DRIVE
AUSTIN, TEXAS 78754
OFFICE: 512.374.9722 FAX: 512.873.9743
ron-baseline@austin.rr.com

File: S:\Proj\Aviara\Dwg\AVIARA CONDO BASE.dwg		SHEET 13 of 28
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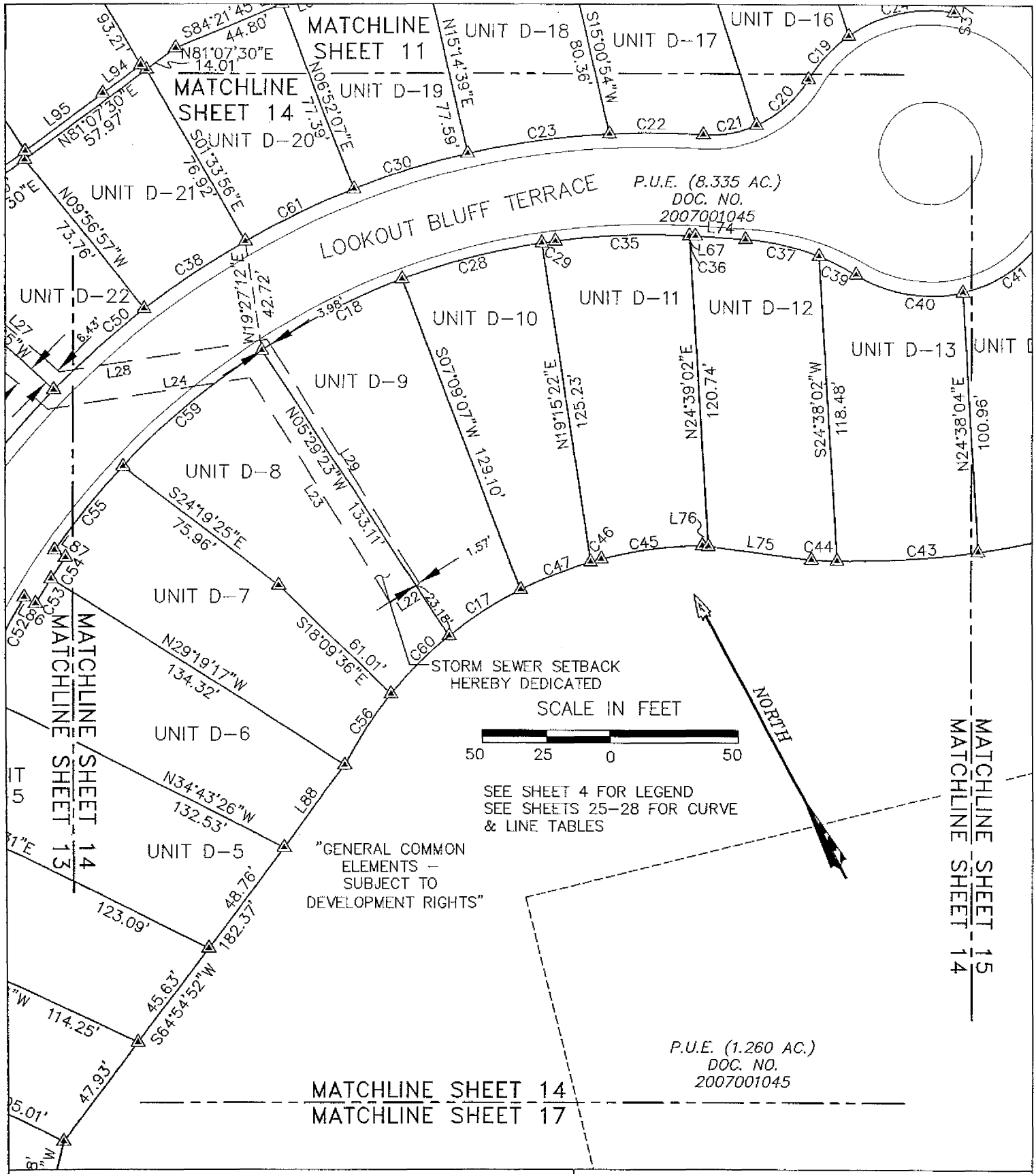
Date: 10/11/11	Checked By: JSL / Drawn By: HPE\RLW	



AVIARA CONDOMINIUMS

EXHIBIT

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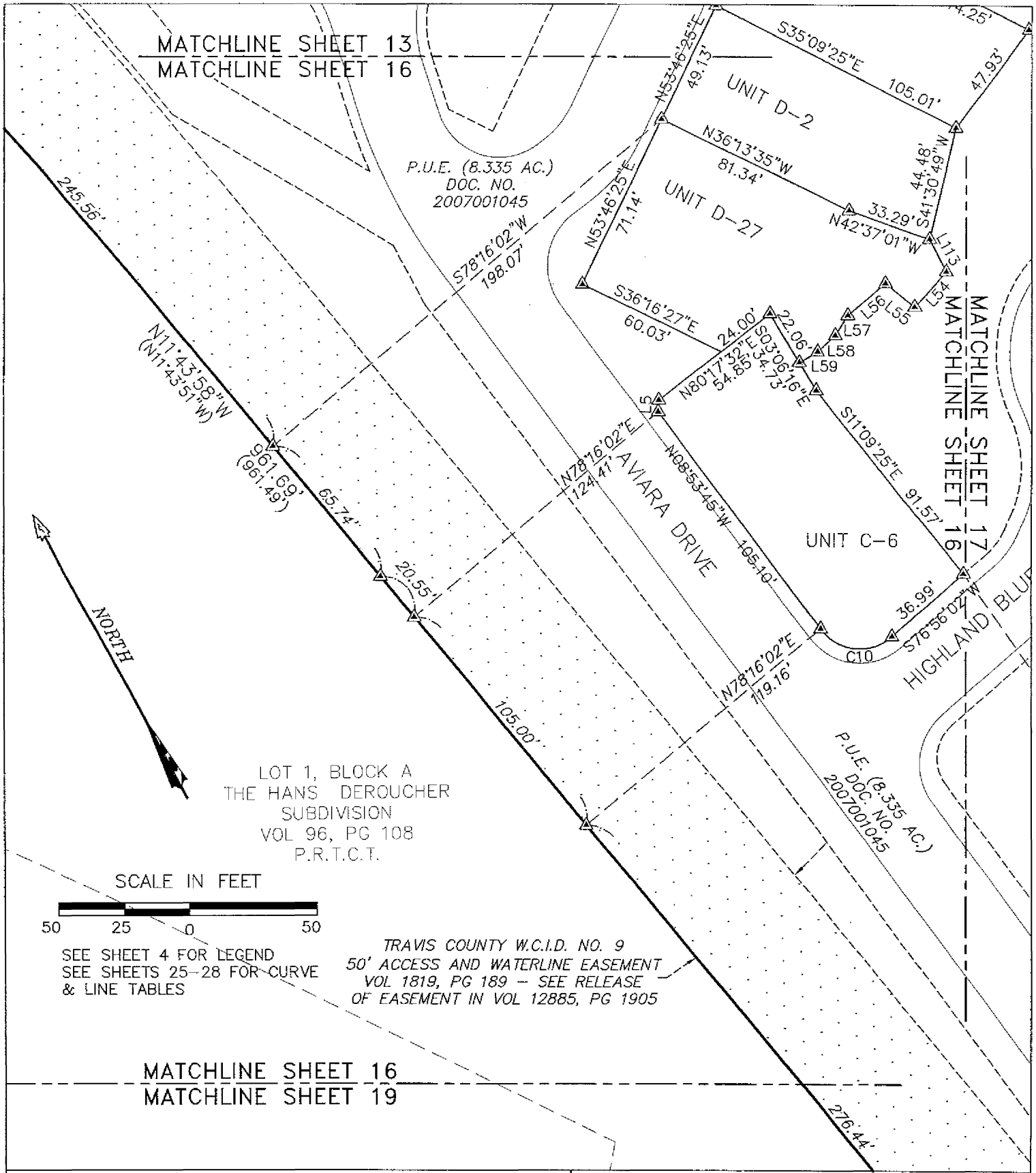

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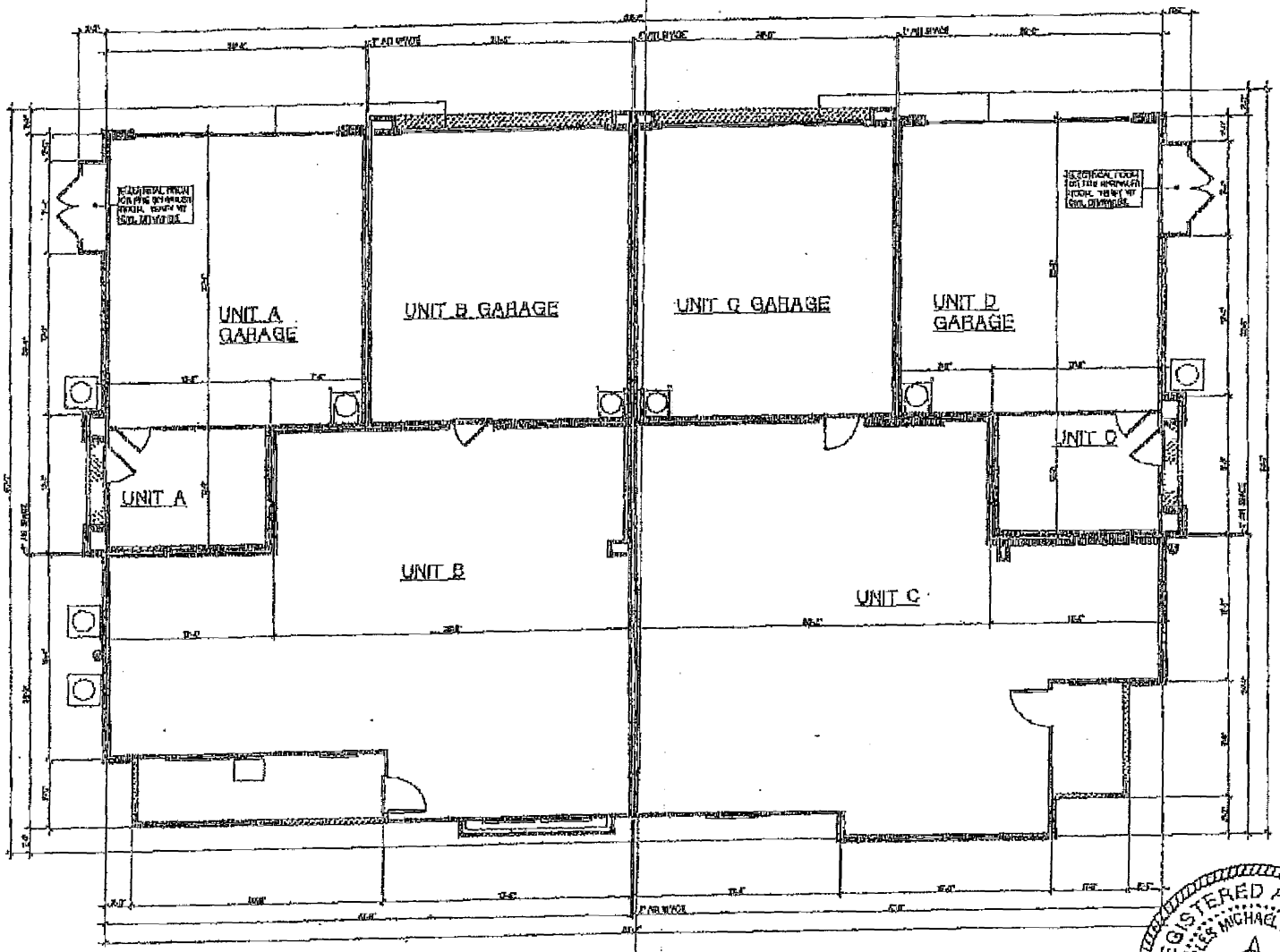

THE HEIGHTS AT AVIARA 2005-1258

COMPOSITE PLAN
FIRST FLOOR
SCALE 3/16" = 1'-0"
07/25/07

KTGY GROUP, INC.
ARCHITECTURE PLANNING
17992 MITCHELL SOUTH
IRVINE, CALIFORNIA 92614
(949) 851-2100 FAX (949) 410-8479
CALL 811 BEFORE DIGGING

REGISTERED ARCHITECT
CHARLES MICHAEL ROSENBERG
19827
STATE OF TEXAS