

From: [Starr West](#)
To: nicole.fisher@tdhca.state.tx.us
Cc: [Pepper Karstendiek](#); [Andrew Garen](#)
Subject: Fw: TX Dept of Housing and Community Affairs - Need to register as an interested party by 5pm Wed Jan 28
Date: Friday, January 23, 2015 1:14:08 PM
Attachments: [Cottages.declaration.AMENDED & FILED.74.units.pdf](#)

Ms. Fisher,

I want to make sure that the Cottages of Lake Creek Condominiums are registered with TDHCA as a Quantifiable Community Participation. Here is the pertinent information:

- **Neighborhood Organization name, City and Zip Code :**
Cottages at Lake Creek Condominiums
13604 Caldwell Drive
Austin, Texas 78750
- **Contact information for 2 members who live within the Neighborhood Organization boundaries.**
Should include name, address, phone number and email.

Claude Karstendiek
13604 Caldwell Drive, Unit 48
Austin, TX 78750
512-358-1817
pkarstendiek@att.net

Starr West
13604 Caldwell Drive, Unit 35
Austin, TX 78750
512-250-9955
starrwest@yahoo.com
- **Proof that Neighborhood Organization is in existence prior to January 8, 2015 (bylaws, meeting minutes, newsletter, etc.)**
A copy of the Cottages of Lake Creek Declaration of Condominium Regime is attached.
- **A map that clearly defines the Neighborhood Organization's boundaries**
The attached Cottages of Lake Creek Declaration of Condominium Regime includes a map defining the boundaries.

If you need additional information, please do not hesitate to contact me.

Starr West
Vice President
Cottages at Lake Creek Homeowners Association

----- Forwarded Message -----

From: "Zimmerman, Don" <Don.Zimmerman@austintexas.gov>
To: "Zimmerman, Don" <Don.Zimmerman@austintexas.gov>
Sent: Wednesday, January 21, 2015 3:22 PM
Subject: TX Dept of Housing and Community Affairs - Need to register as an interested party by 5pm Wed Jan 28

Hi,

This is a friendly reminder from Austin City Council Member Don Zimmerman's office that interested parties need to register with the Texas Department of Housing and Community Affairs (TDHCA) by 5:00 PM Wednesday, January 28, 2015.

More information can be found at:
<http://www.tdhca.state.tx.us/multifamily/docs/15-NeighborhoodOrgRegistration.pdf>
<http://www.tdhca.state.tx.us/multifamily/docs/15-QCP-Packet.doc>

This will allow your organization to provide feedback on proposed Subsidized Housing Projects in your area.

A current list of projects can be found at <http://www.tdhca.state.tx.us/multifamily/housing-tax-credits-9pct/index.htm> under the 2015 9% HTC Pre-Applications.

Final submittal for application is not until February 27, 2015, so more may be added.

Application Number	Proposed Development Name	Proposed Development Address	City	ZIP Code	County
15232	Cardinal Point	11011 1/2 Four Points Drive	Austin	78726	Travis
15308	Azul 620	11411 North RR 620	Austin	78726	Travis
15152	Merritt Cornerstone	Howard and McNeil Dr	Austin	78727	Travis
15157	Merritt Estates	N Hwy 620 and Shady Ln	Austin	78717	Williamson
15235	North End Apartments	13201 and 13205 Burnet Road	Austin	78727	Travis
15256	Monarch at Lakeline Station	North Lake Creek Pkwy & Lakeline Mall Drive	Austin	78717	Williamson
15300	Arbor Mill	11409 North RR 620	Austin	78726	Travis

To provide input for Quantifiable Community Participation ("QCP"), you will need to submit the following information:

- Neighborhood Organization name, City and Zip Code
- Contact information for 2 members who live within the Neighborhood Organization boundaries. Should include name, address, phone number

and email.

- Proof that Neighborhood Organization is in existence prior to January 8, 2015 (bylaws, meeting minutes, newsletter, etc.)
- A map that clearly defines the Neighborhood Organization's boundaries

The DEADLINE for this information to be received by the TDHCA is 5:00 PM on January 28, 2015 and should be addressed to:

Attention: Director of Multifamily Finance
Texas Department of Housing and Community Affairs
PO Box 13941 (MC 332-10)
Austin, TX 78711-3941

For overnight delivery or courier delivery DO NOT use the PO Box address. Use the following physical address:

221 East 11th Street
Austin, TX 78701-2410

The required information may also be faxed to (512) 475-1895 or toll free at (800) 733-5120 OR emailed to nicole.fisher@tdhca.state.tx.us

Let us know if you have any questions.

Thanks.

Joe Petronis
512-778-2175 (office)
512-815-4366 (cell)

Chief of Staff
Office of Councilman Don Zimmerman
District 6, Northwest Austin

WILLIAMSON COUNTY CLERK
 P.O. BOX 18
 GEORGETOWN, TEXAS 78627
 (512) 943-1515

ISSUED TO:
 ARMBURST & BROWN / CHRIS ST. ANN

RECEIPT # 321389
 DATE 06/30/2006 04:19:34 PM

DOCUMENT #	PAGES	FEE
2006054487	89	368.00
RESTRICTIONS		

Total Amount Due \$368.00
 Total Payments: \$368.00

THANK YOU
 NANCY E. RISTER
 COUNTY CLERK
 Deputy: CARRILLO

Cover PAGE
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DOCUMENT
Site Maps (EXA)
EX A-1, B, C, D
APPENDIX A

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*No RECORDS OF RECORDING:
 CHECKLIST OF RECORDING
 BYLAWS
 RULES.*

*ALSO RECORDED -
 1ST AMENDMENT ADDING UNIS 74
 2ND AMENDMENT WHICH SHORTENS DEVELOPMENT
 PERIOD TO MEET VA REQUIREMENTS.*



① AFTER RECORDING RETURN TO:

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

**FIRST AMENDMENT TO
DECLARATION OF CONDOMINIUM REGIME FOR
THE COTTAGES AT LAKE CREEK CONDOMINIUMS
(A Residential Condominium in Williamson County, Texas)**

ADDING UNIT 74

Cross Reference to Declaration of Condominium Regime for The Cottages at Lake Creek Condominiums recorded as Document No. 2006054487 in the Official Public Records of Williamson County, Texas

**FIRST AMENDMENT TO DECLARATION OF CONDOMINIUM REGIME
FOR THE COTTAGES AT LAKE CREEK CONDOMINIUMS**

This First Amendment to Declaration of Condominium Regime for The Cottages at Lake Creek Condominiums (the "Amendment") is made COTTAGES AT LAKE CREEK, LTD., a Texas limited partnership ("Declarant"), and is as follows:

RECITALS:

A. The Cottages at Lake Creek Condominiums, a condominium regime (the "Regime"), located in Williamson County, Texas, was established pursuant to that certain Declaration of Condominium Regime for The Cottages at Lake Creek Condominiums recorded as Document No. 2006054487 in the Official Public Records of Williamson County, Texas (the "Declaration").

B. Pursuant to *Provision A.3.5* of Exhibit "A" to the Declaration, Declarant may amend the Declaration unilaterally and without the consent of other Owners or any mortgagee to create Units, General Common Elements and Limited Common Elements within the Property.

C. In accordance with *Provision A.3.7* 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 Williamson County, Texas. The Declaration was recorded in the Official Public Records of Williamson County, Texas, on June 30, 2006.

D. Declarant desires to amend the Declaration 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 seventy-four (74), and the total number of Units which Declarant has reserved the right to create by amendment is equal to twelve (12).

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 4.1* of the Declaration and *Provisions A.3.5 and A.3.7* of Appendix "A" to the Declaration, Declarant hereby creates one (1) Unit, which is designated as Unit No. 74 (the "New Unit"). The New Unit is hereby classified as a Unit which MUST BE BUILT.

2. Replacement of Exhibit "A". Exhibit "A" to the Declaration is hereby deleted in their 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 "B"**. The Percentage Interests allocated to all Units within the Regime, after the addition of the New Unit, is set forth on Attachment 2, attached hereto. Attachment 2, attached hereto, will supercede and replace Exhibit "B" 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 3 day of May, 2007.

DECLARANT:

COTTAGES AT LAKE CREEK, LTD., a Texas limited partnership

By: Mendota Capital Corporation, a Texas corporation, its General Partner

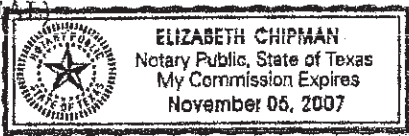
By: [Signature]
Printed Name: Scott Mordedge
Title: Vice - President

THE STATE OF TEXAS §

COUNTY OF Tarrant §

This instrument was acknowledged before me this 3 day of May, 2007, by Scott Mordedge, Vice President, of Mendota Capital Corporation, a Texas corporation, General Partner of Cottages at Lake Creek, Ltd., a Texas limited partnership, on behalf of said corporation and partnership.

(SEAL)



[Signature]
Notary Public Signature

ATTACHMENT 1

EXHIBIT "A" TO THE DECLARATION OF CONDOMINIUM REGIME FOR
THE COTTAGES AT LAKE CREEK CONDOMINIUMS

EXHIBIT "A"

COTTAGES AT LAKE CREEK CONDOMINIUMS

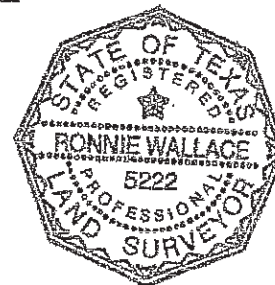
[Certification of Surveyor]

The attached plats and plans, attached hereto as Exhibit "A" contain the information required by Section 82.059 of the Texas Uniform Condominium Act, as applicable.

Ronnie Wallace

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

Date: *2 May 2007*



COTTAGES AT LAKE CREEK CONDOMINIUMS
BEING 10.29 ACRES IN THE WILLIAM FRAMPTON SURVEY,
ABSTRACT NO. 230 IN WILLIAMSON COUNTY, TEXAS, AND BEING
ALL OF LOT 1, WOODLANDS AT LAKE CREEK A SUBDIVISION OF
RECORD IN CABINET BB, SLIDE 96-98 OF THE PLAT RECORDS
OF WILLIAMSON COUNTY, TEXAS AND DOCUMENT NUMBER
2005099879 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON
COUNTY, TEXAS AND ALL OF LOT 1, BLOCK A, ACRES WEST
SUBDIVISION, A SUBDIVISION OF RECORD IN CABINET B, SLIDE
45 OF THE PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS.

BASELINE LAND SURVEYORS, INC.

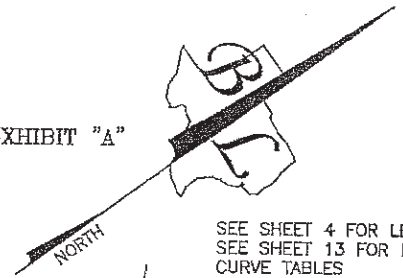
PROFESSIONAL LAND SURVEYING SERVICES
8333 CROSS PARK DRIVE
AUSTIN, TEXAS 78754
OFFICE: 512.374.9722 FAX: 512.673.9743
ron-baseline@austin.tx.com

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Date: 04/28/07	Checked By: JSL
	Drawn By: RLW

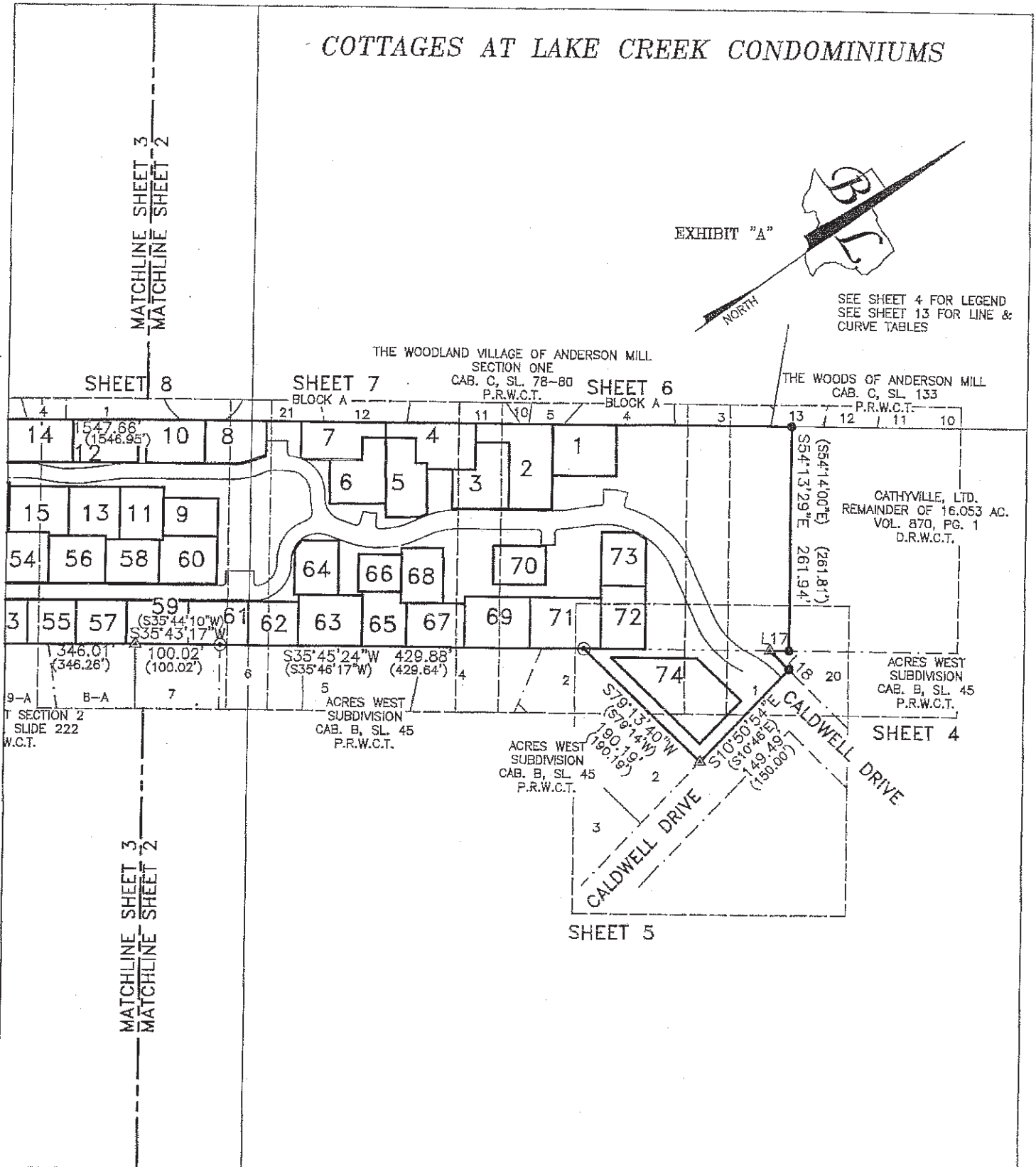
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1 of 14

COTTAGES AT LAKE CREEK CONDOMINIUMS

EXHIBIT "A"



SEE SHEET 4 FOR LEGEND
SEE SHEET 13 FOR LINE & CURVE TABLES

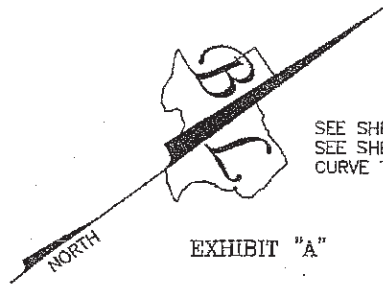


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AUSTIN, TEXAS 78754
OFFICE: 512.374.9722 FAX: 512.873.9743
ron-baseline@austin.tx.com

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Checked By: JSL	Drawn By: RLW	

COTTAGES AT LAKE CREEK CONDOMINIUMS



SEE SHEET 4 FOR LEGEND
SEE SHEET 13 FOR LINE &
CURVE TABLES

EXHIBIT "A"

MATCHLINE SHEET 3
MATCHLINE SHEET 2

THE WOODLAND VILLAGE OF ANDERSON MILL

SECTION ONE

CAB. C, SL. 78-60

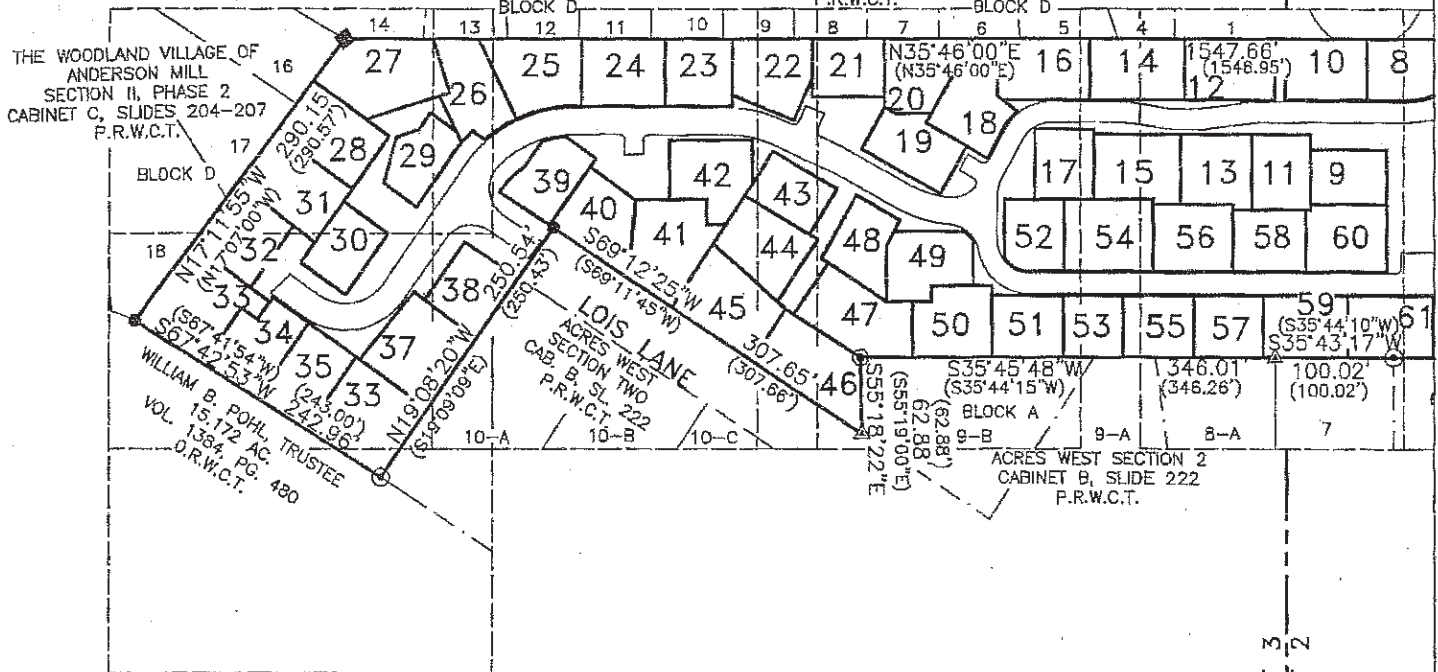
P.R.W.C.T.

SHEET 11

SHEET 10

SHEET 9

SHEET 8



SHEET 12

MATCHLINE SHEET 3
MATCHLINE SHEET 2

COTTAGES AT LAKE CREEK CONDOMINIUMS
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8333 CROSS PARK DRIVE

AUSTIN, TEXAS 78754

OFFICE: 512.374.9722 FAX: 512.873.9743

ron-baseline@austin.tx.com

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Job No.

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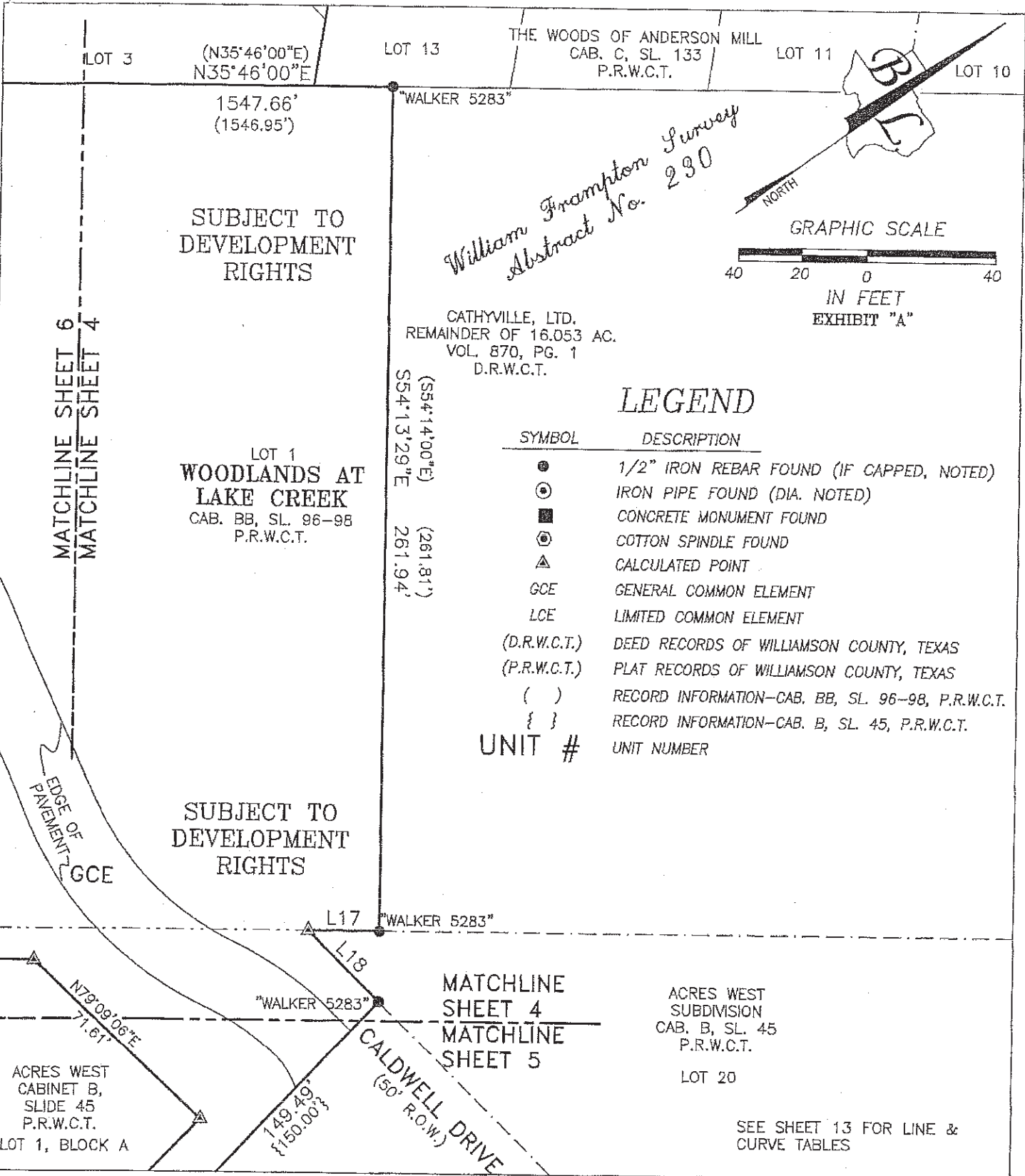
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Drawn By: RLW

SHEET

3 of 14



LEGEND

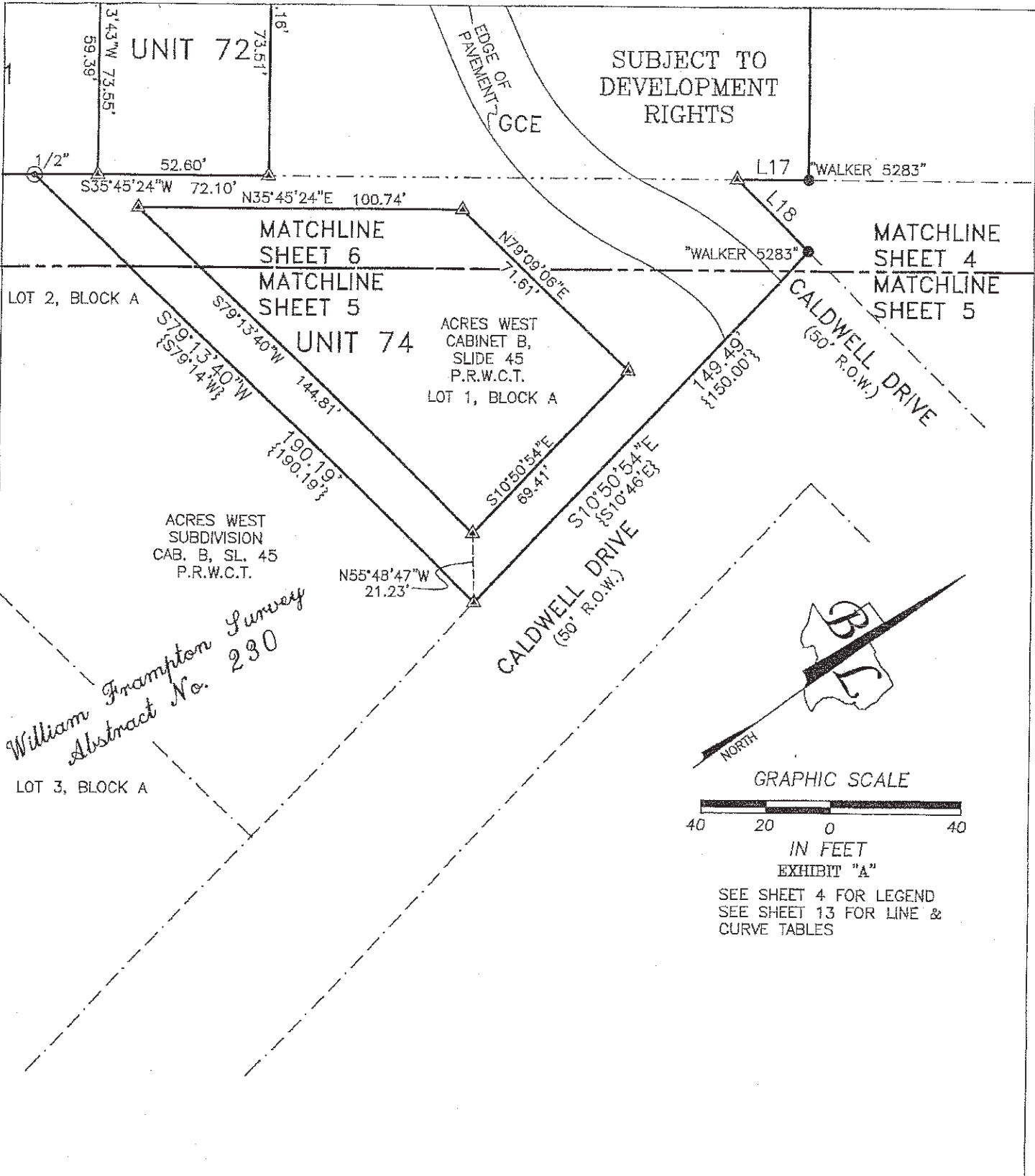
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⊙	IRON PIPE FOUND (DIA. NOTED)
■	CONCRETE MONUMENT FOUND
⊗	COTTON SPINDLE FOUND
▲	CALCULATED POINT
GCE	GENERAL COMMON ELEMENT
LCE	LIMITED COMMON ELEMENT
(D.R.W.C.T.)	DEED RECORDS OF WILLIAMSON COUNTY, TEXAS
(P.R.W.C.T.)	PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS
()	RECORD INFORMATION-CAB. BB, SL. 96-98, P.R.W.C.T.
{ }	RECORD INFORMATION-CAB. B, SL. 45, P.R.W.C.T.
UNIT #	UNIT NUMBER

COTTAGES AT LAKE CREEK CONDOMINIUMS
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 mn-baseline@austin.rr.com

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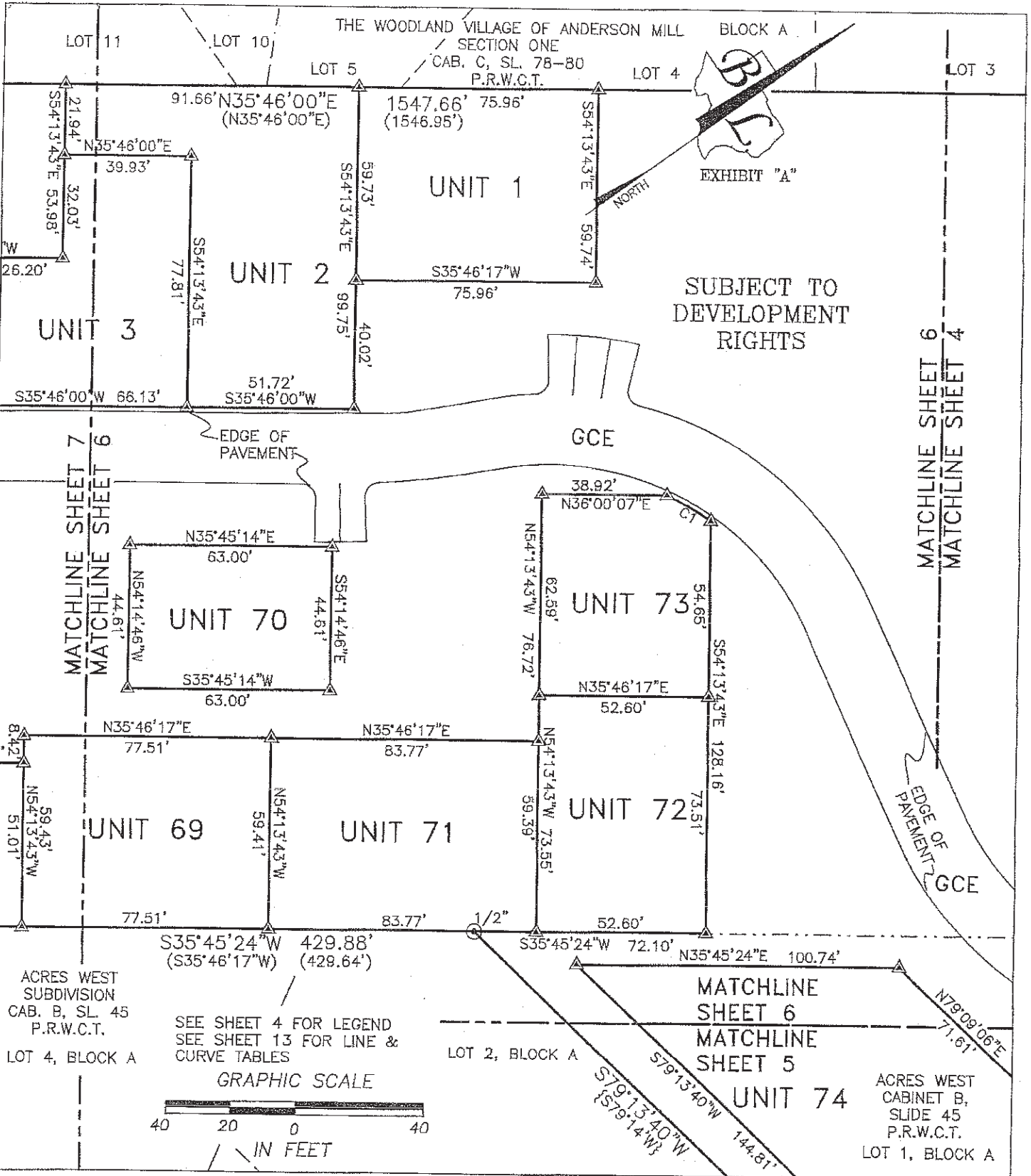
SEE SHEET 13 FOR LINE & CURVE TABLES



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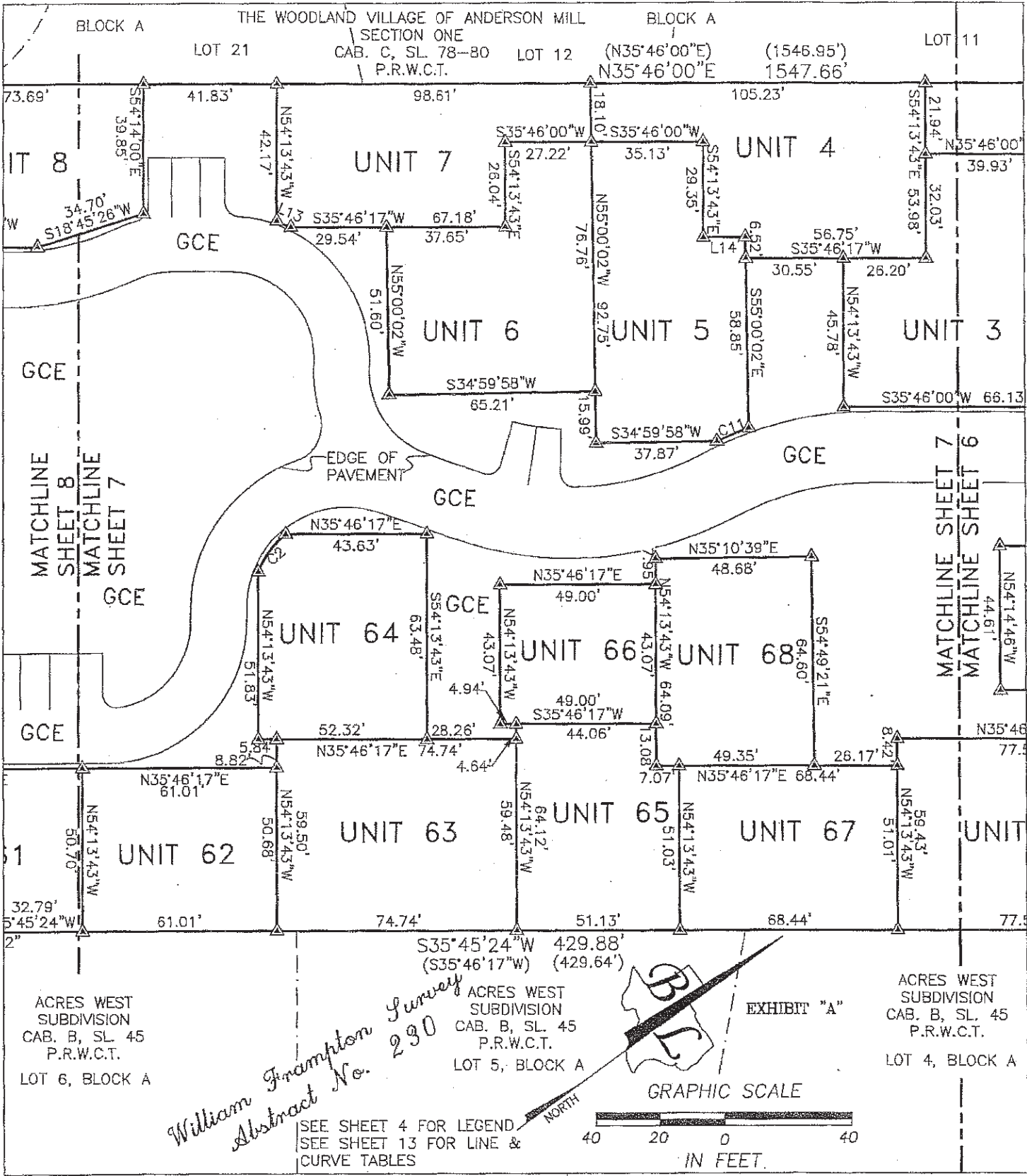
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Date: 04/28/07	Checked By: JSL Drawn By: RLW	



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 ron-baseline@austin.tx.us

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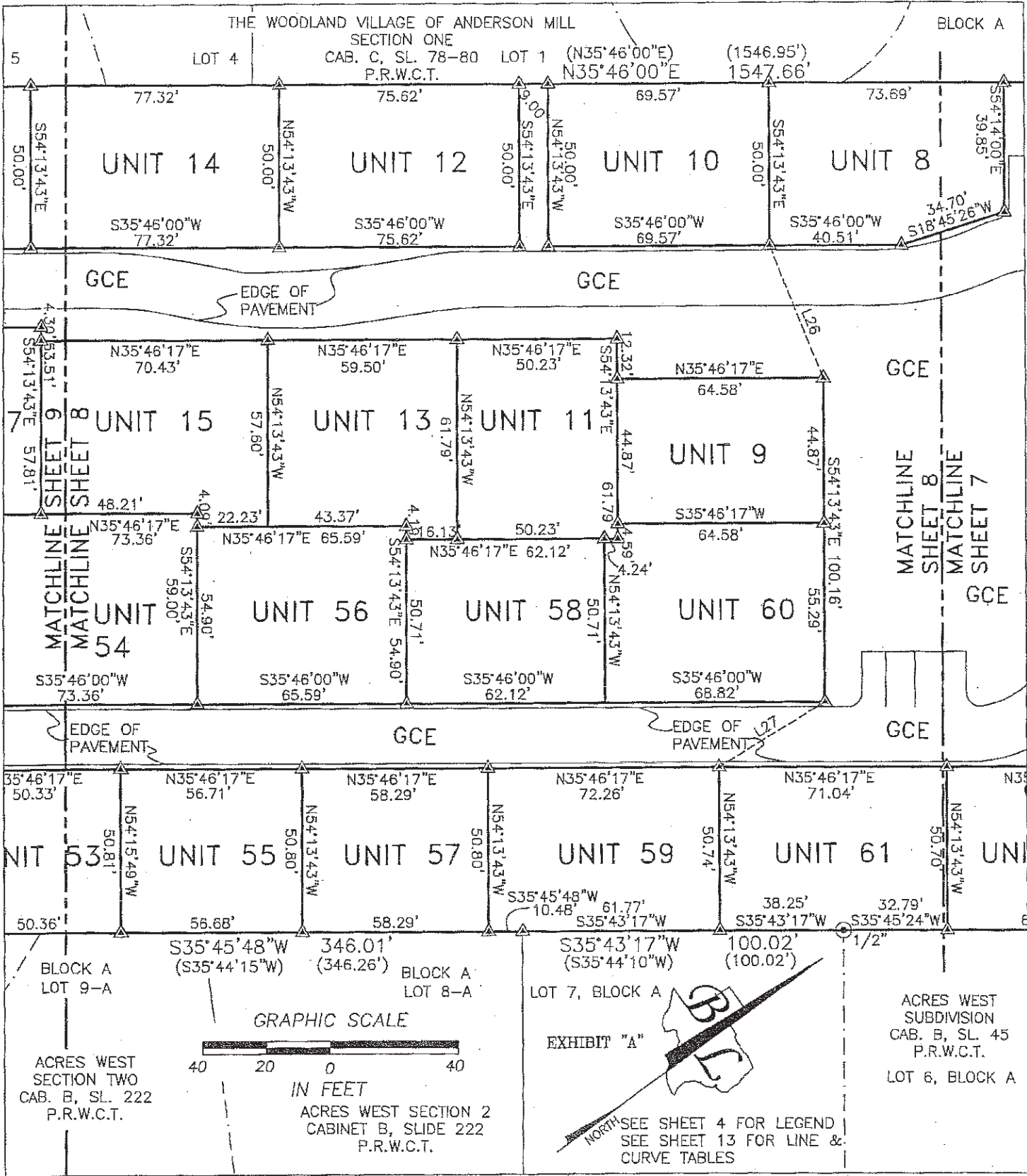
*William Frampton Survey
Abstract No. 230*

SEE SHEET 4 FOR LEGEND
SEE SHEET 13 FOR LINE &
CURVE TABLES

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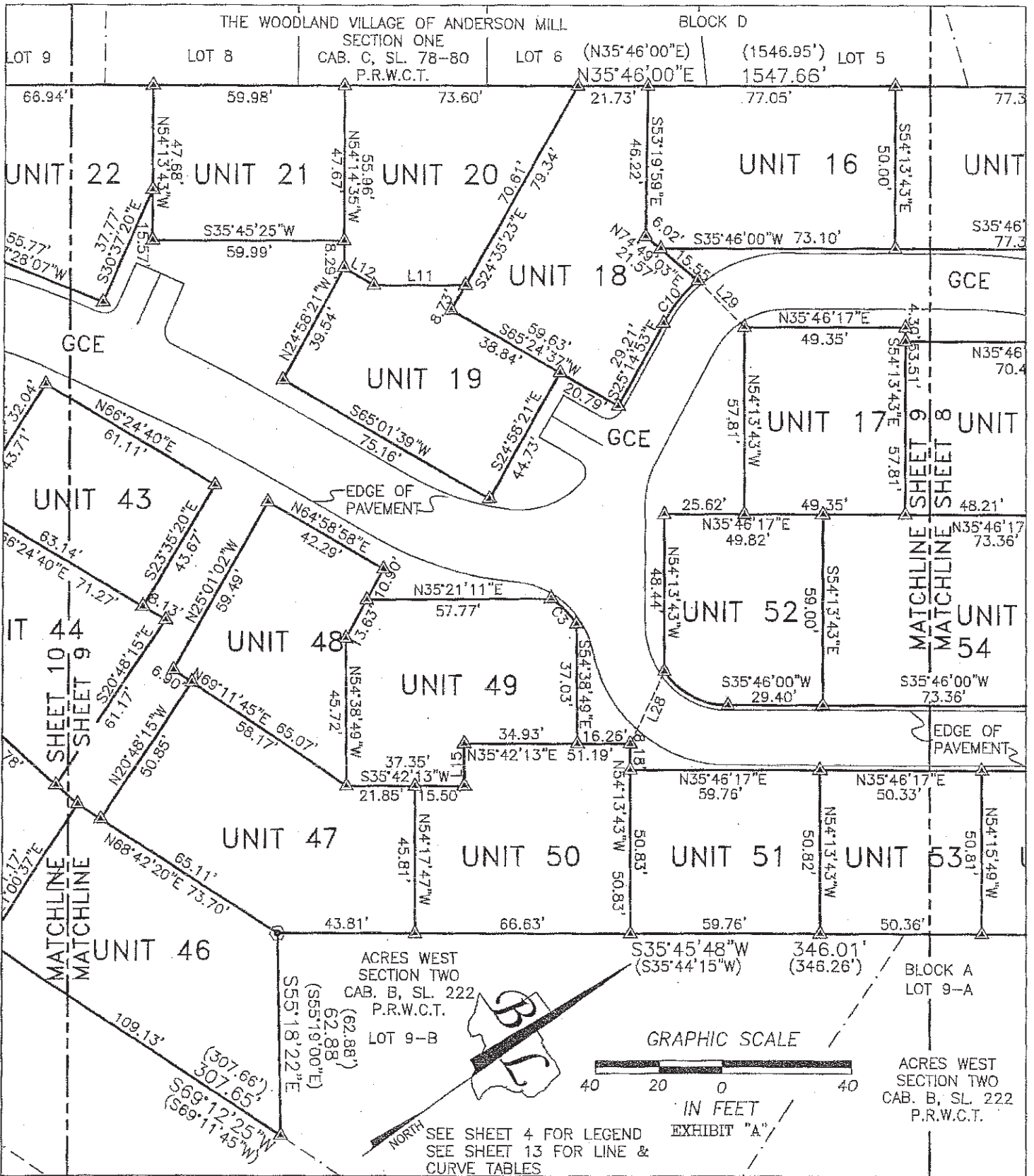
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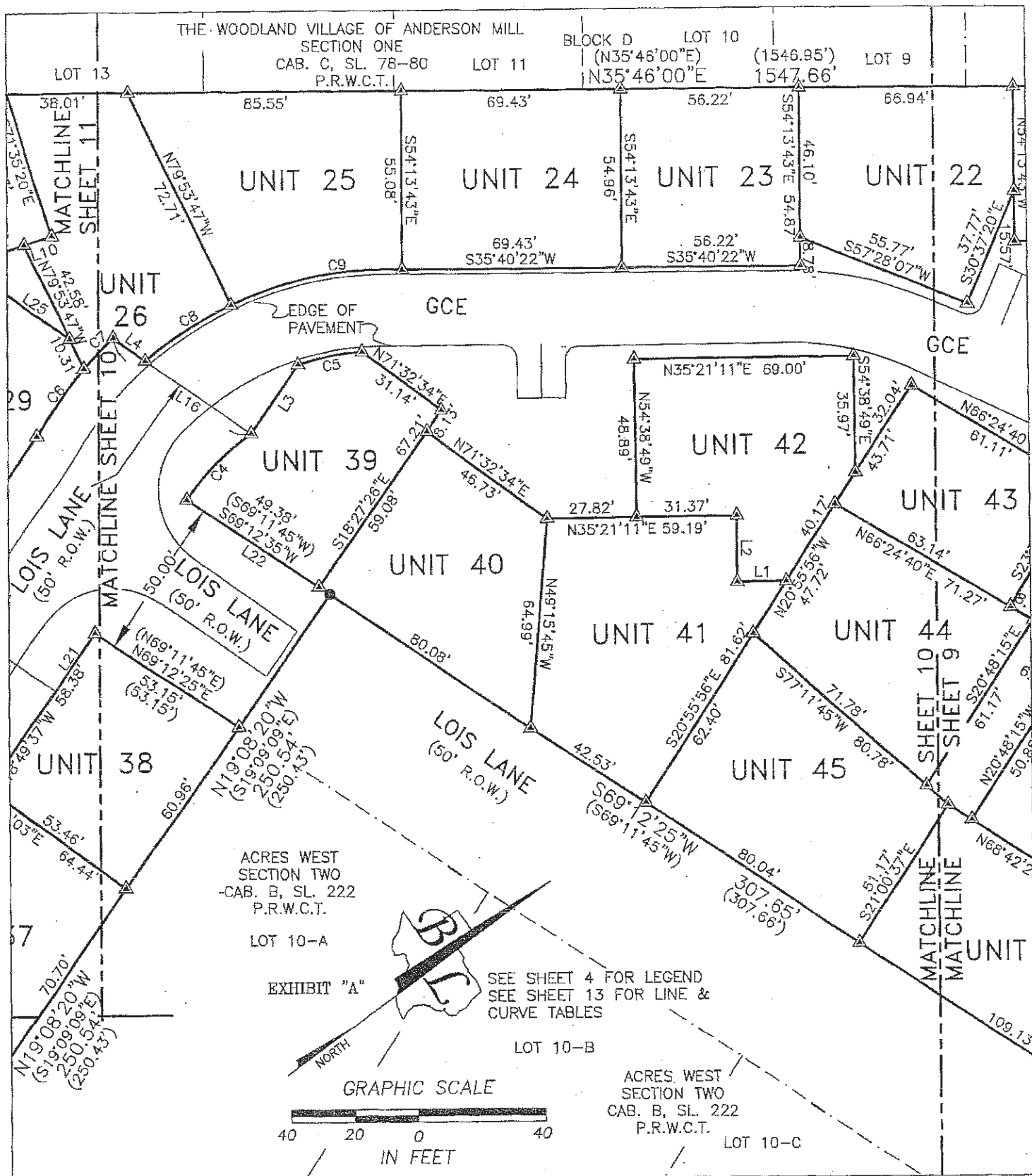
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	Drawn By: RLW



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ron-baseline@austin,tx.com

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Job No.	10 of 14
Scale (Hor.): 1"=40'	Scale (Vert.):
Date: 06/29/06	Checked By: JSL Drawn By: RLW

SEE SHEET 4 FOR LEGEND
SEE SHEET 13 FOR LINE &
CURVE TABLES



EXHIBIT "A"

GRAPHIC SCALE

40 20 0 40
IN FEET

THE WOODLAND VILLAGE OF
ANDERSON MILL
SECTION II, PHASE 2
CABINET C, SLIDES 204-207
P.R.W.C.T.

THE WOODLAND VILLAGE OF
ANDERSON MILL
SECTION ONE
CAB. C, SL. 78-80
P.R.W.C.T.

BLOCK D
LOT 14 (N35°46'00"E) (1546.95')

N35°46'00"E 1547.66'

LOT 13

UNIT 27

LOT 16
(290.57')
290.15'

MATCHLINE
SHEET 11

UNIT 28

UNIT 29

UNIT
26

UNIT 31

UNIT 32

UNIT 30

UNIT 33

UNIT 34

UNIT 35

UNIT 37

UNIT 38

UNIT 36

BLOCK D
LOT 18

(290.57')
(N17°07'00"W)
N17°11'55"W
79.81'

LOT 1, BLOCK A
BETHANY SUBDIVISION 1
CAB. M, SL. 317
D.R.W.C.T.

MATCHLINE SHEET 11
MATCHLINE SHEET 12

WILLIAM B. POHL, TRUSTEE
15.172 AC.
VOL. 1384, PG. 480
O.R.W.C.T.

GCE
EDGE OF PAVEMENT

LOIS LANE
(60' R.O.W.)

MATCHLINE SHEET 10

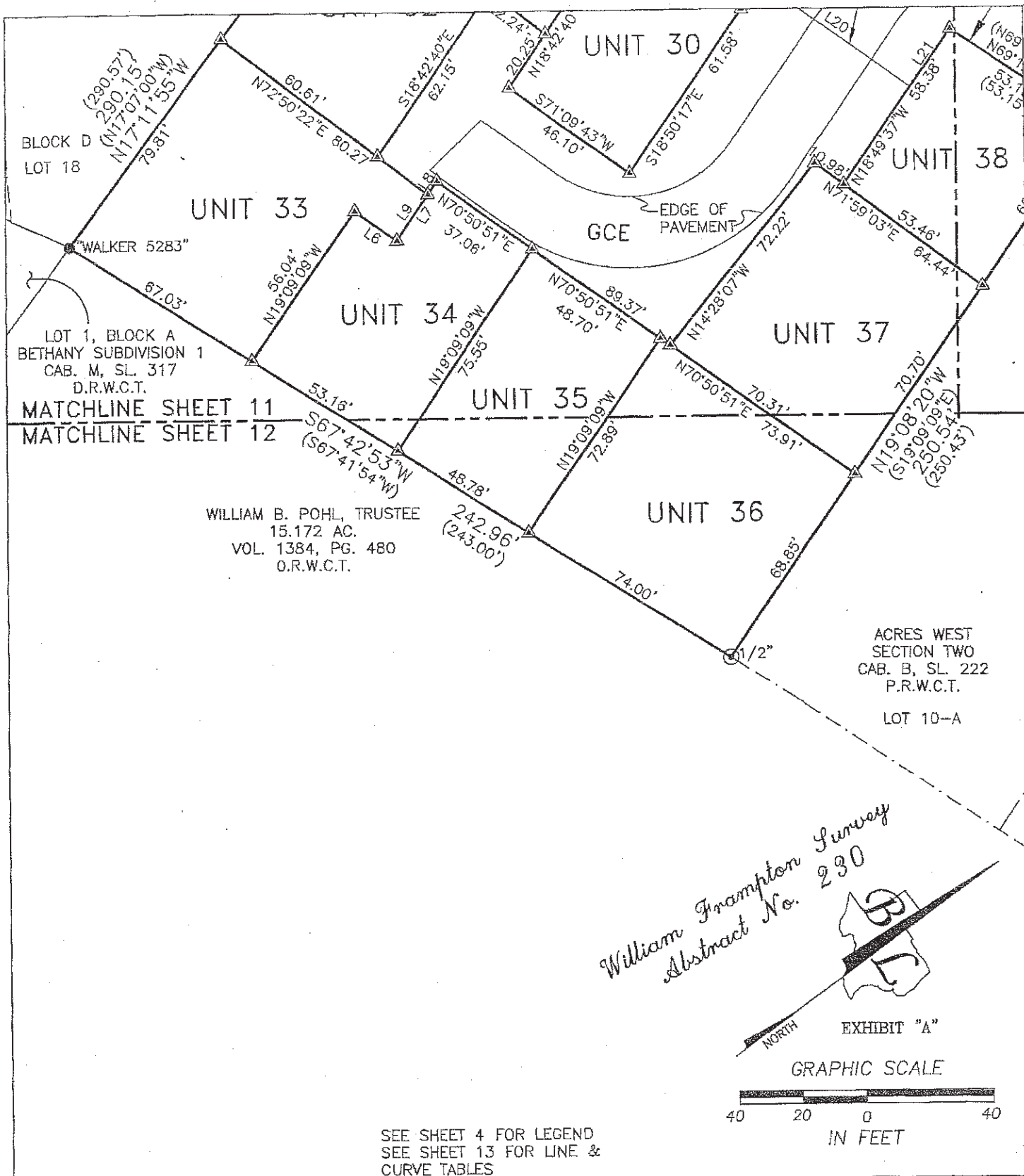
COTTAGES AT LAKE CREEK CONDOMINIUMS
BEING 10.29 ACRES IN THE WILLIAM FRAMPTON SURVEY,
ABSTRACT NO. 230 IN WILLIAMSON COUNTY, TEXAS, AND BEING
ALL OF LOT 1, WOODLANDS AT LAKE CREEK A SUBDIVISION OF
RECORD IN CABINET BB, SLIDE 96-98 OF THE PLAT RECORDS
OF WILLIAMSON COUNTY, TEXAS AND DOCUMENT NUMBER
2005099679 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON
COUNTY, TEXAS AND ALL OF LOT 1, BLOCK A, ACRES WEST
SUBDIVISION, A SUBDIVISION OF RECORD IN CABINET B, SLIDE
45 OF THE PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS.

BASELINE LAND SURVEYORS, INC.

PROFESSIONAL LAND SURVEYING SERVICES
8333 CROSS PARK DRIVE
AUSTIN, TEXAS 78754
OFFICE: 512.374.9722 FAX: 512.673.9743
ron-baseline@austin.rr.com

File: \Projects\Cottages At Lake Creek\Dwg\Cottages At Lake Creek Master	
Job No.	Snapshot:
Scale (Hor.): 1"=40'	Scale (Vert.):
Date: 06/29/06	Checked by: JSL
	Drawn By: RLW

SHEET
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COTTAGES AT LAKE CREEK CONDOMINIUMS
BEING 10.29 ACRES IN THE WILLIAM FRAMPTON SURVEY,
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Job No.	Snapshot:
Scale (Hor.): 1"=40'	Scale (Vert.):
Date: 05/29/06	Checked By: JSL Drawn By: RLW

SHEET
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LINE TABLE			CURVE TABLE					
LINE	BEARING	LENGTH	CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD DISTANCE
L1	S35°21'11"W	15.49'	C1	15.76'	87.50'	10°19'00"	S65°24'48"W	15.73'
L2	N54°13'43"W	20.50'	C2	14.68'	30.00'	28°02'38"	S17°30'26"E	14.54'
L3	N19°05'54"W	25.99'	C3	11.19'	25.00'	25°39'21"	S80°20'34"W	11.10'
L4	S70°51'31"W	12.39'	C4	28.84'	74.94'	22°02'53"	S09°29'30"E	28.66'
L5	S18°49'37"E	39.68'	(C4)	(28.84')	(74.94')	(22°03'00")	(S09°30'10"E)	(28.66')
L6	N70°50'51"E	16.02'	C5	20.52'	87.50'	13°26'20"	S24°46'45"W	20.48'
L7	N19°09'09"W	22.42'	C6	25.51'	124.94'	11°42'03"	S18°49'56"E	25.47'
L8	N19°09'09"W	5.15'	(C6)		(124.94')			
L9	N19°09'09"W	17.27'	C7	13.23'	124.94'	6°04'02"	S09°56'54"E	13.22'
L10	N18°24'40"E	8.77'	(C7)		(124.94')			
L11	S35°49'38"W	29.07'	C8	31.46'	113.50'	15°53'01"	S02°50'01"W	31.36'
L12	S65°01'39"W	11.01'	C9	55.62'	113.50'	28°04'39"	S24°48'51"W	55.06'
L13	S59°36'45"W	4.86'	C10	17.23'	45.15'	21°51'50"	S14°10'13"E	17.12'
L14	N35°46'17"E	13.02'	C11	10.63'	112.50'	5°24'54"	S13°25'29"W	10.63'
L15	N54°17'47"W	13.13'						
L16	S70°51'31"W	51.99'						
(L16)	(S70°5'51"W)	(51.99')						
L17	S35°49'40"W	22.41'						
(L17)	(S35°47'24"W)							
L18	N80°09'28"E	31.38'						
{L18}	{N79°14'E}	{31.57'}						
L19	S18°49'37"E	61.48'						
(L19)	(S18°50'17"E)	(61.48')						
L20	N70°51'31"E	50.00'						
(L20)	(N70°50'51"E)	(50.00')						
L21	N18°49'37"W	21.73'						
(L21)	(N18°50'17"W)	(21.73')						
L22	S69°12'34"W	53.50'						
(L22)	(S69°11'45"W)	(53.50')						
L23	N17°13'05"E	19.79'						
L24	N18°50'17"W	17.22'						
L25	N71°09'43"E	26.34'						
L26	N76°10'42"W	44.03'						
L27	N04°33'08"E	38.69'						
L28	N28°40'08"W	24.84'						
L29	N79°46'17"E	20.71'						

EXHIBIT "A"

COTTAGES AT LAKE CREEK CONDOMINIUMS
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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 COTTAGES AT LAKE CREEK CONDOMINIUMS (THE "DECLARATION"); OR (ii) ON THE PLATS AND PLANS OF THE REGIME.
- 2.) PORTIONS OF THE GENERAL COMMON ELEMENTS ARE "SUBJECT TO DEVELOPMENT RIGHTS", AS MORE PARTICULARLY DESCRIBED ON APPENDIX "A" TO THE DECLARATION; INCLUDING, BUT NOT LIMITED TO, THE RIGHT TO ADD ADDITIONAL UNITS AND LIMITED COMMON AREA TO THE REGIME.
- 3.) OWNERSHIP AND USE OF CONDOMINIUM UNITS IS SUBJECT TO THE RIGHTS AND RESTRICTIONS CONTAINED IN THE DECLARATION.
- 4.) EACH UNIT, BUILDING, LIMITED COMMON ELEMENT AND GENERAL COMMON ELEMENT IS SUBJECT TO SPECIAL RIGHTS RESERVED BY THE DECLARANT AS PROVIDED IN PROVISION A.4 OF APPENDIX "A" TO THE DECLARATION. 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 PROVISION A.4(i) OF APPENDIX "A" TO 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 PROVISION A.4(ii) OF APPENDIX "A" TO THE DECLARATION; (iii) MAKE THE PROPERTY PART OF A LARGER CONDOMINIUM OR PLANNED COMMUNITY, AS PROVIDED IN PROVISION A.4(iii) OF APPENDIX "A" TO 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 PROVISION A.4(iv) OF APPENDIX "A" TO 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 PROVISION A.4(vii) OF APPENDIX "A" TO THE DECLARATION. AS PROVIDED IN PROVISION A.4(v) OF APPENDIX "A" TO 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 PROVISION A.4(vi) OF APPENDIX "A" TO 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.

EXHIBIT "A"

COTTAGES AT LAKE CREEK CONDOMINIUMS
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ATTACHMENT 2

**EXHIBIT "B" TO THE DECLARATION OF CONDOMINIUM REGIME FOR
THE COTTAGES AT LAKE CREEK CONDOMINIUMS**

ALLOCATED INTERESTS

The Percentage of Common Element Ownership and Share of Common Expenses for each Unit is 1/74. Each Unit is allocated one (1) vote.

THE ALLOCATED INTEREST ASSIGNED TO A PARTICULAR UNIT WILL DECREASE AS ADDITIONAL UNITS ARE CREATED AND ADDED TO THE REGIME BY THE DECLARANT.

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS 2007038487

Nancy E. Rister

05/09/2007 10:19 AM

PHOLTZ \$92.00

NANCY E. RISTER, COUNTY CLERK

WILLIAMSON COUNTY, TEXAS



COND

2007096410

7 PGS



AFTER RECORDING RETURN TO:

① Robert D. Burton, Esq.
Armbrust & Brown, L.L.P.
100 Congress Ave., Suite 1300
Austin, Texas 78701

**SECOND AMENDMENT TO
DECLARATION OF CONDOMINIUM REGIME FOR
THE COTTAGES AT LAKE CREEK CONDOMINIUMS
(A Residential Condominium in Williamson County, Texas)**

Cross Reference to Declaration of Condominium Regime for The Cottages at Lake Creek Condominiums recorded as Document No. 2006054487 in the Official Public Records of Williamson County, Texas as amended by First Amendment to Declaration of Condominium Regime for The Cottages at Lake Creek Condominiums recorded as Document No. 2007038487 in the Official Public Records of Williamson County, Texas.

**SECOND AMENDMENT TO DECLARATION OF CONDOMINIUM REGIME
FOR THE COTTAGES AT LAKE CREEK CONDOMINIUMS**

This Second Amendment to Declaration of Condominium Regime for The Cottages at Lake Creek Condominiums (the "Amendment") is made by COTTAGES AT LAKE CREEK, LTD., a Texas limited partnership ("Declarant"), and is as follows:

RECITALS:

A. The Cottages at Lake Creek Condominiums, a condominium regime (the "Regime") located in Williamson County, Texas, was established pursuant to that certain Declaration of Condominium Regime for The Cottages at Lake Creek Condominiums recorded as Document No. 2006054487 in the Official Public Records of Williamson County, Texas as amended by that certain First Amendment to Declaration of Condominium Regime for The Cottages at Lake Creek Condominiums recorded as Document No. 2007038487 in the Official Public Records of Williamson County, Texas (collectively the "Declaration")

B. Pursuant to *Section 18.04* of the Declaration and *Provision A.3.7* 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 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.

C. 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 Williamson County, Texas. The Declaration was recorded in the Official Public Records of Williamson County, Texas, on June 30, 2006.

D. Declarant desires to amend the Declaration for the purpose of meeting the requirements, standards, and recommended guidelines of the Department of Veterans Affairs to enable an institutional or governmental lender to make or purchase mortgage loans on the Units.

NOW THEREFORE, the Declaration is hereby amended as follows:

1. **Development Period** Section 1.13 of the Declaration is hereby deleted in its entirety and replaced with the following:

1.13 "**Development Period**" means the seven (7) year period beginning on the date this Declaration is recorded in the Official Public Records of Williamson County, Texas, 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 the recording of a notice of termination.

2. **Merger** Section 2.04 of the Declaration is hereby deleted in its entirety and replaced with the following:

2.04 **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 the Owners of at least two-thirds of the Units and the Secretary of Veterans Affairs or its authorized agent. 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.

3. **Amendments of a Material Nature** Section 17.08 of the Declaration is hereby deleted in its entirety and replaced with the following:

17.08 **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. Notice of meetings or votes regarding Document amendments of a material nature must be given to all Owners at least twenty-five (25) days in advance of such meeting or vote. **THIS APPROVAL REQUIREMENT DOES NOT APPLY TO AMENDMENTS EFFECTED BY THE EXERCISE OF A DEVELOPMENT RIGHT PROVIDED IN ATTACHMENT "A" ATTACHED HERETO.** A change to any of the provisions governing the following would be considered material:

- (i) Voting rights.
- (ii) Increases in assessments that raise the previously assessed amount by more than twenty five percent (25%), 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 the Declarant pursuant to any rights reserved by the 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.

4. **Consents Required** Section 18.01 of the Declaration is hereby deleted in its entirety and replaced with the following:

18.01 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. Notwithstanding anything to the contrary contained herein, all amendments made to the Documents during the Development

Period must be approved by the Secretary of Veterans Affairs or its authorized agent prior to Recording.

5. Purpose of Development Period Provision A.1.3 of Appendix "A" to the Declaration is hereby deleted in its entirety and replaced with the following:

A.1.3. Purpose of Development and Declarant Control Periods. This Exhibit 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 Declaration, means the seven (7) year period beginning on the date this Declaration is recorded in the Official Public Records of Williamson County, Texas, unless such period is earlier terminated by Declarant's recordation of a notice of termination in the Official Public Records of Williamson County, Texas. Declarant Control Period is defined in Section B.2 below. 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.

6. Amendment Provision A.3.7 of Appendix "A" to the Declaration is hereby deleted in its entirety and replaced with the following:

A.3.7. Amendment. During the Development Period, Declarant may amend this Declaration and the other Documents, without consent of other Owners or any mortgagee except for the Secretary of Veterans Affairs pursuant to *Section 18.01* of the Declaration, 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 or convert Units into 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.

7. **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 16 day of November, 2007.

DECLARANT:

COTTAGES AT LAKE CREEK, LTD., a Texas limited partnership

By: Mendota Capital Corporation, a Texas corporation, its General Partner

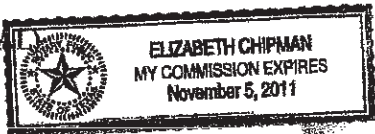
By: [Signature]
Printed Name: Scott Morledge
Title: Vice-President

THE STATE OF TEXAS · §

COUNTY OF Texas §

This instrument was acknowledged before me this 16 day of November 2007, by Scott Morledge Vice-President, of Mendota Capital Corporation, a Texas corporation, General Partner of Cottages at Lake Creek, Ltd., a Texas limited partnership, on behalf of said corporation and partnership.

(SEAL)



[Signature]
Notary Public Signature

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS 2007096410

Nancy E. Rister

11/19/2007 12:43 PM

PHERBRICH \$40.00

NANCY E. RISTER, COUNTY CLERK

WILLIAMSON COUNTY, TEXAS

