



AFTER RECORDING RETURN TO:

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**FIFTH AMENDMENT TO
DECLARATION OF CONDOMINIUM REGIME
FOR WATERSMARK AT BARTON CREEK
CONDOMINIUM**

Cross Reference to Declaration of Condominium Regime for Watersmark at Barton Creek Condominium, recorded in Volume 13372, Page 967, in the Official Public Records of Travis County, Texas, as amended.

**FIFTH AMENDMENT TO
DECLARATION OF CONDOMINIUM REGIME
FOR WATERSMARK AT BARTON CREEK CONDOMINIUM**

This Fifth Amendment to Declaration of Condominium Regime for Watersmark at Barton Creek Condominium (the "**Amendment**") is made by Watersmark at Barton Creek Condominium Association, (the "**Association**"), and is as follows:

RECITALS:

A. Watersmark at Barton Creek Condominium, a condominium regime (the "**Regime**"), located in Travis County, Texas, was established by SVW Barton Creek Limited Partnership, a Texas limited partnership ("**Declarant**") pursuant to that certain Declaration of Condominium Regime for Watersmark at Barton Creek Condominium, recorded in Volume 13372, Page 967, in the Official Public Records of Travis County, Texas, as amended (the "**Declaration**").

B. Pursuant to No. 14 of the Basic Provisions of the Declaration, the Declarant reserved certain Special Rights as set out therein, including, without limitation, the right to amend the Declaration and the right to reallocate Common and Limited Common Elements as provided by the Declaration.

C. The reserved rights of Declarant to reallocate Common and Limited Common Elements and to recognize and validate changes in the Units passed to the Association at the end of the Declarant Control Period, and thereafter such rights are exercisable by and through the Board of Directors of the Association.

D. The Watersmark Design Review Committee has duly authorized modification to the Building Site and appurtenant Limited Common Elements for Unit 17 of the Watersmark at Barton Creek Condominium (the "**Unit 17 Modifications**") and, as a result, amendment of the Declaration to reflect the authorized changes is required.

E. The Board of Directors of the Association has duly authorized the execution of this amendment of the Declaration to reflect the Unit 17 Modifications and an associated Plat amendment has been duly prepared.

F. The Board desires to amend the Declaration as provided herein to provide for the recording of the Plat amendment to specify the Unit 17 Modifications as reflected on said survey Plat, a copy of which is attached hereto and incorporated herein for all purposes.

NOW THEREFORE, the Declaration is hereby amended as follows:

1. **Reconfiguration of Certain Units.** Exhibits "A" and "B" of the Declaration of Condominium Regime for Watersmark at Barton Creek Condominium are hereby amended with respect to Unit No. 17 of the Condominium Regime to expand the Home Site outside of the boundaries of Unit No. 17 as depicted on Exhibits "A" and "B" of the Declaration to include the portion of the Common Elements described on the Plat attached hereto as Limited Common Elements. This area is reallocated from being General Common Elements to being Limited Common Elements as permitted by *Section 2.5* of the Declaration for the use and benefit of Unit No. 17 as permitted in the Declaration. This amendment constitutes the notice of substantial completion of the improvements on the Limited Common Elements referenced in *Section 1.25* of the Declaration.

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

[SIGNATURE PAGE TO FOLLOW]

EXECUTED to be effective as of the 16th day of April, 2020.

ASSOCIATION:

**WATERSMARK AT BARTON CREEK
CONDOMINIUM ASSOCIATION**, a Texas non-profit corporation

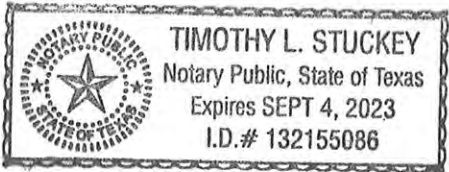
By: Cynthia Hayes
Printed Name: Cynthia Hayes
Title: President

STATE OF TEXAS §
COUNTY OF TRAVIS §

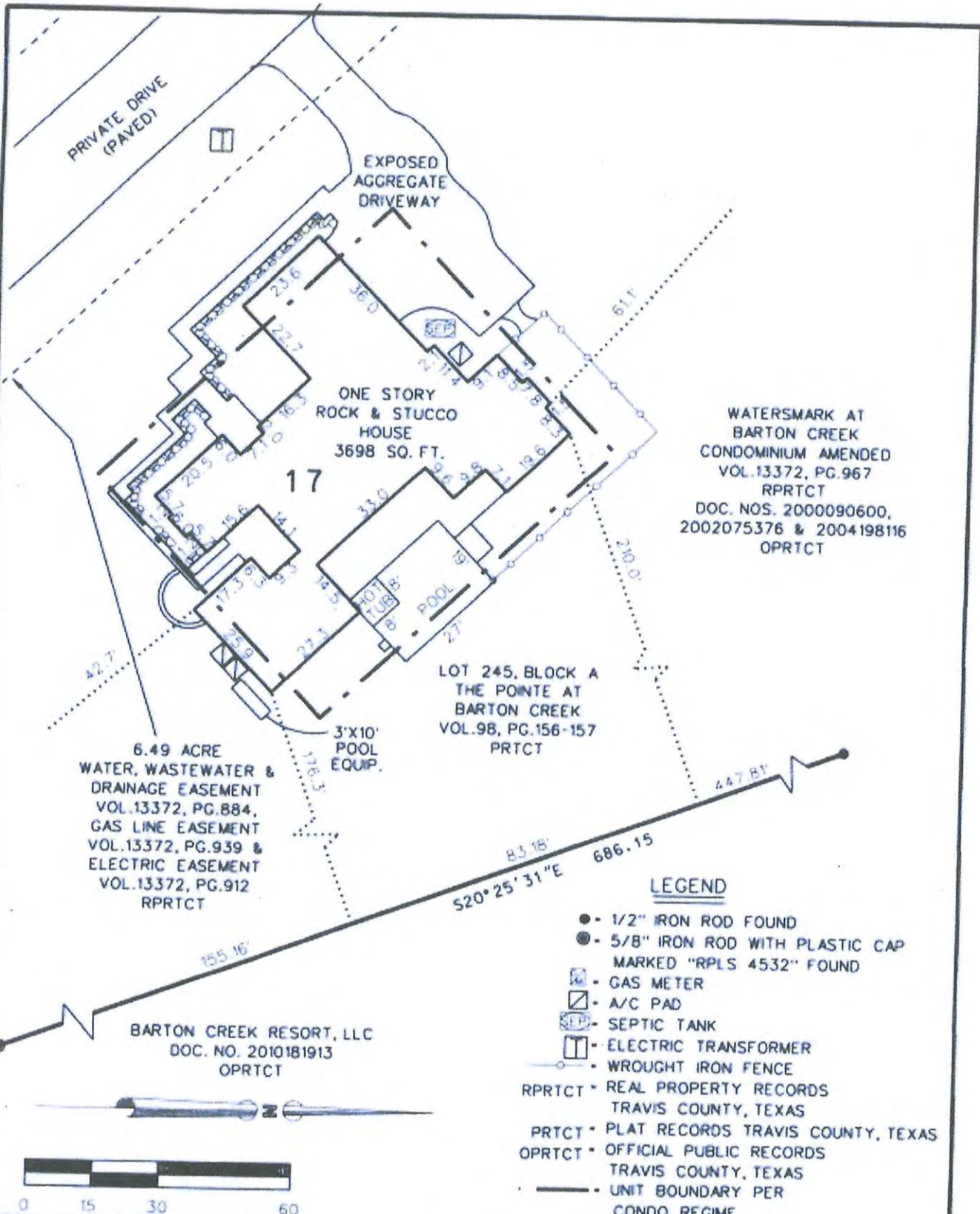
This instrument was acknowledged before me this 16th day of April, 2020 by Cynthia Hayes, President, of Watersmark at Barton Creek Condominium Association, a Texas non-profit corporation, on behalf of said non-profit corporation.

(SEAL)

T. Stuckey
Notary Public Signature



[ATTACHED PLAT TO FOLLOW]



WATERSMARK AT
 BARTON CREEK
 CONDOMINIUM AMENDED
 VOL.13372, PG.967
 RPRCT
 DOC. NOS. 2000090600,
 2002075376 & 2004198116
 OPRCT

6.49 ACRE
 WATER, WASTEWATER &
 DRAINAGE EASEMENT
 VOL.13372, PG.884,
 GAS LINE EASEMENT
 VOL.13372, PG.939 &
 ELECTRIC EASEMENT
 VOL.13372, PG.912
 RPRCT

LOT 245, BLOCK A
 THE POINTE AT
 BARTON CREEK
 VOL.98, PG.156-157
 PRCT

BARTON CREEK RESORT, LLC
 DOC. NO. 2010181913
 OPRCT

LEGEND

- - 1/2" IRON ROD FOUND
- - 5/8" IRON ROD WITH PLASTIC CAP MARKED "RPLS 4532" FOUND
- ⊠ - GAS METER
- ⊠ - A/C PAD
- SEP - SEPTIC TANK
- ⊠ - ELECTRIC TRANSFORMER
- WROUGHT IRON FENCE
- RPRCT - REAL PROPERTY RECORDS TRAVIS COUNTY, TEXAS
- PRCT - PLAT RECORDS TRAVIS COUNTY, TEXAS
- OPRCT - OFFICIAL PUBLIC RECORDS TRAVIS COUNTY, TEXAS
- — — UNIT BOUNDARY PER CONDO REGIME



1794/UNIT 1519/2019/UNIT 1604 RPLS/DCN 12-05-19 P2

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 AUSTIN, TEXAS 78746
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UNIT 17
WATERSMARK AT BARTON CREEK
CONDOMINIUM
 JOB NO. 1794-21 DATE: 12-05-2019 COA GRID NO. C-25