

**AFTER RECORDING RETURN TO:**

KENNETH N. JONES
ARMBRUST & BROWN, P.L.L.C.
100 CONGRESS AVE, SUITE 1300
AUSTIN, TEXAS 78701

**FIFTH AMENDMENT TO
DEVELOPMENT AREA DECLARATION OF
COVENANTS, CONDITIONS AND
RESTRICTIONS
FOR BARTON CREEK ABC WEST, PHASE 1**

Cross Reference to Master Declaration of Covenants, Conditions and Restrictions, recorded in Volume 11324, Page 707, *et. seq.*, in the Official Public Property Records of Travis County, Texas, as amended, that certain Notice of Applicability of Master Declaration of Covenants, Conditions and Restrictions for Barton Creek ABC West, Phase 1, recorded in Volume 13174, Page 636, *et. seq.*, in the Official Public Records of Travis County, Texas, and that certain Development Area Declaration of Covenants, Conditions and Restrictions for Barton Creek ABC West, Phase 1, recorded in Volume 13281, Page 0035, *et. seq.*, in the Official Public Records of Travis County, Texas, as amended by that certain First Amendment to Development Area Declaration of Covenants, Conditions and Restrictions for Barton Creek ABC West, Phase 1, recorded in Volume 13390, Page 2930, *et. seq.*, in the Official Public Records of Travis County, Texas, that certain Second Amendment to Development Area Declaration of Covenants, Conditions and Restrictions for Barton Creek ABC West, Phase 1, recorded as Document No. 1999125315 in the Official Public Records of Travis County, Texas, that certain Third Amendment to Development Area Declaration of Covenants, Conditions and Restrictions for Barton Creek ABC West, Phase 1, recorded as Document No. 2005184130 in the Official Public Records of Travis County, Texas and that certain Fourth Amendment to Development Area Declaration of Covenants, Conditions and Restrictions for Barton Creek ABC West, Phase 1, recorded as Document No. 2006021079 in the Official Public Records of Travis County, Texas.

(W0734995.4)

**FIFTH AMENDMENT TO DEVELOPMENT AREA DECLARATION
OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR BARTON CREEK ABC WEST, PHASE 1**

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

This Fifth Amendment to the Development Area Declaration of Covenants, Conditions and Restrictions for Barton Creek ABC West, Phase 1 (the "Amendment") is made by **STRATUS PROPERTIES OPERATING CO., L.P.**, a Delaware limited partnership ("Declarant"), and is as follows:

RECITALS:

A. Declarant (as successor in interest to Stratus Properties Operating Co., a Delaware general partnership) is the Declarant pursuant to that certain Development Area Declaration of Covenants, Conditions and Restrictions for Barton Creek ABC West, Phase 1, recorded in Volume 13281, Page 0035, *et. seq.*, in the Official Public Records of Travis County, Texas as amended by that certain First Amendment to Development Area Declaration of Covenants, Conditions and Restrictions for Barton Creek ABC West, Phase 1, recorded in Volume 13390, Page 2930, *et. seq.*, in the Official Public Records of Travis County, Texas, that certain Second Amendment to Development Area Declaration of Covenants, Conditions and Restrictions for Barton Creek ABC West, Phase 1, recorded as Document No. 1999125315 in the Official Public Records of Travis County, Texas, that certain Third Amendment to Development Area Declaration of Covenants, Conditions and Restrictions for Barton Creek ABC West, Phase 1, recorded as Document No. 2005184130 in the Official Public Records of Travis County, Texas and that certain Fourth Amendment to Development Area Declaration of Covenants, Conditions and Restrictions for Barton Creek ABC West, Phase 1, recorded as Document No. 2006021079 in the Official Public Records of Travis County, Texas (as amended, the "Declaration"), which encumbers all lots located in Barton Creek ABC West, Phase 1, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 101, Page 164, *et. seq.*, in the Official Public Records of Travis County, Texas (the "Property").

B. Section 8.03 of the Declaration provides that the Declaration may be amended by the Declarant, acting alone, by recording in the Real Property Records of Travis County, Texas an instrument setting forth the amendment executed and acknowledged by the Declarant.

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

1. Amendment of Section 2.13. A supplemental provision has been added to Section 2.13 of the Declaration such that the entire Section 2.13 shall now read as follows:

"2.13. **Hazardous Activities.** No activities may be conducted on the Property and no Improvements constructed on the Property that are or might be unsafe or hazardous to any person or property. Without limiting the generality of the foregoing, no firearms or fireworks shall be discharged upon the Property, and no open fires shall be lighted or permitted except within safe and well-designed interior fireplaces or in contained barbecue units which are attended while in use for use for cooking purposes only. Notwithstanding the foregoing, and only on and with respect to Lot 197, Block A of the Property ("Lot 197"), and no other portion of the Property, shotguns (with a bore of 20 gauge or smaller) may be occasionally discharged in connection with training dogs but only during time periods when quail or dove hunting are permitted in Travis County and only in full compliance with any and all applicable governmental rules, regulations and ordinances. The activities permitted in the prior sentence shall be immediately and automatically prohibited if title to Lot 197 is ever divided, whether by subdivision, partition, condominium or otherwise."

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

EXECUTED to be effective as of the 5 day of July 2017.

DECLARANT:

STRATUS PROPERTIES OPERATING CO., L.P.,
a Delaware limited partnership

By: STRS L.L.C., a Delaware limited liability company,
General Partner

By: STRATUS PROPERTIES INC., a Delaware
corporation, Sole Member

By: Erin D. Pickens
Erin D. Pickens, Senior Vice President

THE STATE OF TEXAS

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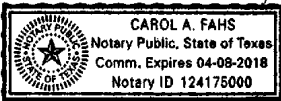
COUNTY OF TRAVIS

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This instrument was acknowledged before me on July 5 2017, by Erin D. Pickens, Senior Vice President of Stratus Properties Inc., a Delaware Corporation, Sole Member of STRS L.L.C., a Delaware limited liability company, general partner of Stratus Properties Operating Co., L.P., a Delaware limited partnership, on behalf of said entities.

Carol A. Fahs
Notary Public Signature

(seal)



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4



FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Dana Debeauvoir
DANA DEBEAUVOIR, COUNTY CLERK
TRAVIS COUNTY, TEXAS

July 13 2017 11:01 AM

FEE: \$ 38.00 2017111818