



*Dana DeBeauvoir*

Dana DeBeauvoir, County Clerk  
Travis County, Texas

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\*Electronically Recorded\*

STATE OF TEXAS  
COUNTY OF TRAVIS

AMENDMENT OF RULES AND REGULATIONS  
OF

THE BARTON CREEK ABC WEST COMMUNITY, INC.

(Regarding Leasing)

**Document reference.** Reference is hereby made to that certain Development Area Declaration for Barton Creek ABC West Phase I filed of record in Vol 13281 Page 35 of the Official Public Records of Travis County, Texas, and to the Development Area Declaration for Barton Creek North AKA Barton Creek ABC West Phase II filed of record in Document no. 2004070709 of the Official Public Records of Travis County, Texas. These documents together, along with all subsequent amendments, are referred to as the "**Declaration**".  
(Note: The original Phase II HOA was merged into The Barton Creek ABC West Community, Inc. association ("Association"), which now is the homeowner's association for all property subject to the Declaration.)

WHEREAS the Declaration provides that owners of lots subject to the Declaration are automatically made members of the Association;

WHEREAS the Association, acting through its board of directors (the "**Board**"), is authorized to adopt and amend rules and regulations governing the property subject to the Declaration and the operations of the Association pursuant to the Declaration and bylaws of the Association;

WHEREAS the Board has voted to adopt additional rules regarding leasing;

THEREFORE the Leasing Rules attached as Exhibit "A" have been, and by these presents are, ADOPTED and APPROVED.

Subject solely to the amendments contained in Exhibit "A", the rules remain in full force and effect.

THE BARTON CREEK ABC WEST COMMUNITY, INC.

Acting by and through its Board of Directors

Signature:

*Marnie E. Cervenka*

Printed Name:

MARNIE E. CERVENKA

Title:

President

Exhibit "A": Leasing Rules

**Acknowledgement**

STATE OF TEXAS §

COUNTY OF Travis §

This instrument was executed before me on the 29<sup>th</sup> day of April, 2020, by Marnie E. Cervenka in the capacity stated above.

Benjamin Mullin  
Notary Public, State of Texas



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**IMPORTANT NOTE TO OWNERS AND TENANTS:**

The purpose of these leasing rules is to help ensure the right to peaceable enjoyment of the community by all residents; tenants, owners, or other occupants. It is important that all owners who desire to lease their property read and follow these rules to avoid inadvertent violation.

The rules follow. Among the more important provisions are:

- \*All leases must be in writing (see also Declaration Section 2.01)
- \*Tenants must comply with all governing documents of the HOA
- \*Owners are responsible for any violations by tenants, occupants, or their guests
- \*The minimum lease term is 6 months (see also Declaration Section 2.01)
- \* No Unit Owner may advertise the lease of any Unit for a term of less than the minimum lease term.
- \* Fines may assess for any violations

## EXHIBIT "A"

LEASING

1. Definition of Leasing. A Lot is deemed "leased," and its occupants deemed "tenants," for purposes of this Section and other leasing-related provisions in the governing documents, ~~except~~ when: (i) the Lot is occupied by the Unit owner, (ii) the Lot is occupied by a person immediately related to the owner by blood, marriage or adoption<sup>1</sup>, (iii) the Lot is vacant, or (iv) title to the Lot is held by a corporation, trust, partnership, or other legal entity, with the primary purpose of providing occupancy to the current occupant. This definition applies irrespective of whether there is a written agreement between the Lot owner and the occupant(s) or whether any financial consideration has been provided for the right of occupancy.

2. General Lease Conditions. The leasing of Lots is subject to the following general conditions:

- (1) No Lot may be rented for transient or hotel purposes or for an **initial lease term of less six months**;
- (2) no Lot may be subdivided for rent purposes, and not less than an entire home may be leased;
- (3) all leases must be in writing and must be made subject to the governing documents;
- (4) an owner is responsible for providing his tenants with copies of the governing documents and notifying them of changes thereto; owners are responsible for all governing documents violations by their tenants, occupants, or their guests;
- (5) each tenant is subject to and must comply with all provisions of the governing documents, federal and State laws, and local ordinances; and
- (6) **No Unit Owner may advertise the lease of any Unit for a term of less than the minimum lease term.** All advertisements for the lease of a Unit must clearly state that the minimum lease term required by this rule (or any longer term the Owner wishes to apply). **Daily or weekly rates (or any rate less than monthly) may not be advertised.** Fines will automatically be assessed for any violation of this rule, regardless of whether the advertised Unit is actually leased for a period of less than the minimum lease term.

If a tenant fails to fulfill the minimum lease term (moves out early, prior to six months having elapsed since lease initiation), the property may not be re-occupied by the owner or another tenant without prior approval of the board and unless any replacement lease is in compliance with this rule. This is to prevent a situation for example where a home is leased "for six months" but in reality is leased for the weekend, or a week, and the tenant "leaves early" and the owner moves back in.

3. Violations. Any violation of this rule will automatically result in a fine levy of the greater of (i) \$2,500 per day of violation, or (ii) the advertised daily rental rate (prorated as appropriate) plus \$100, per day of violation.

<sup>1</sup> A situation where an owner lives with an unrelated individual for purpose of companionship, regardless of whether the companion contributes to living expenses, will not be considered a lease under these rules.

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Austin, Texas 78701

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