

AFTER RECORDING RETURN TO:

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**THIRD AMENDMENT TO
COMMUNITY DESIGN BOOK FOR
CIMARRON HILLS**

This Third Amendment to Community Design Book for Cimarron Hills (this "**Amendment**") is made this 13th day of November, 2014 by **CIMARRON HILLS DEVELOPMENT, L. L. C.**, an Arizona limited liability company authorized to do business in Texas (the "**Declarant**"), and is as follows:

RECITALS

WHEREAS, Cimarron Hills, a master planned community located in Williamson County, Texas (the "**Community**"), was established pursuant to that certain Declaration of Covenants, Conditions and Restrictions for Cimarron Hills recorded as Document No. 2001007792 and corrected and re-recorded as Document No. 2001010234, Official Public Records of Williamson County, Texas (collectively the "**Original Declaration**"); and

WHEREAS, Declarant acquired its rights as Declarant under the Declaration pursuant to the Assignment of Declarant Rights recorded under Document No. 2012087326 in the Official Public Records of Williamson County, Texas; and

WHEREAS, pursuant to Article XVII, Section 2 of the Original Declaration, Declarant amended the Original Declaration by that certain First Amendment to Declaration of Covenants, Conditions and Restrictions for Cimarron Hills recorded as Document No. 2012087525, Official Public Records of Williamson County, Texas (the "**First Amendment**"), as corrected by that certain Correction First Amendment to Declaration of Covenants, Conditions and Restrictions for Cimarron Hills recorded as Document No. 2012103027, Official Public Records of Williamson County, Texas (the "**Correction Amendment**"), and by that certain Second Amendment to Declaration of Covenants, Conditions and Restrictions for Cimarron Hills recorded as Document No. 2013019699, Official Public Records of Williamson County, Texas (the "**Second Amendment**") (the Original Declaration, the First Amendment, as corrected by the Correction Amendment, and the Second Amendment are collectively referred to as the "**Declaration**"); and

WHEREAS, pursuant to Article VI, Section 2 of the Original Declaration, as amended by Section 3 of the First Amendment, Declarant has the sole and full authority to amend the Community Design Book prior to the Turnover Date; and

WHEREAS, the Turnover Date has not occurred; and

WHEREAS, Declarant has redeveloped the section of the Community known as the Golf Villas at *Cimarron Hills* Phase 3, Section 3 (collectively the "**Golf Villas**") being all of the Lots described in plat recorded as Document No. 2012102542 of the Official Public Records of Williamson County, Texas; and

WHEREAS, Declarant has redeveloped the section of the Community known as the Country Club Section at *Cimarron Hills* (collectively the "**Country Club Lots**"), being all of the Lots described in the REVISED CIMARRON HILLS, Country Club Section, Phases One through Four (inclusive), a Subdivision in Williamson County, Texas, as described in plat recorded as Document No. 2014080493 of the Official Public Records of Williamson County, Texas (with respect to Country Club Phase One), and in plats to be recorded in the Official Public Records of Williamson County, Texas (with respect to Country Club Phases Two, Three and Four); and

WHEREAS, Declarant desires to amend the Community Design Book as set forth herein to provide design guidelines with respect to the contemplated construction of homesites within the Golf Villas and the Country Club Lots.

NOW THEREFORE, THE COMMUNITY DESIGN BOOK IS HEREBY AMENDED AS FOLLOWS:

1. Golf Villas Addendum. Exhibit "B", which is attached hereto and incorporated herein, represents a new addendum to the Community Design Book that contains provisions which are applicable only to the Golf Villas. Exhibit "B" is intended to supplement, modify and amend the Community Design Book with respect to the Golf Villas only.

2. Country Club Lots Addendum. Exhibit "C", which is attached hereto and incorporated herein, represents a new addendum to the Community Design Book that contains provisions which are applicable only to the Country Club Lots. Exhibit "C" is intended to supplement, modify and amend the Community Design Book with respect to the Country Club Lots only.

3. Interpretation of Amendment. Unless defined otherwise herein, all capitalized terms shall have the same meaning ascribed to such terms in the Declaration and Community Design Book. The provisions of this Amendment are hereby incorporated into and made a part of the Community Design Book with respect to all Lots and Units within the Community. The terms and conditions of the Community Design Book, as amended by Exhibit "B" with respect to the Golf Villas only, and as amended by Exhibit "C" with respect to the Country Club Lots only, shall continue in full force and effect with respect to all Lots and Units within the Community.

[SIGNATURE PAGE FOLLOWS]

EXHIBIT "B"

**ADDENDUM TO COMMUNITY DESIGN BOOK
APPLICABLE TO GOLF VILLAS**

1. It is contemplated that the Golf Villas shall be sold to Builders in volume closings and that the Builders shall build multiple speculative homes on the Golf Villas. The time period during which this is occurring shall be referred to herein as the "Buildout Stage". Declarant shall serve as the DRC for the Golf Villas during the Buildout Stage or until Declarant determines, in its sole discretion to delegate such authority to the appointed committee of individuals that otherwise serves as DRC. During the Buildout Stage, the Design Review Procedures set forth in Chapter 7 and the Construction Procedures in Chapter 8 of the Community Design Book may be waived by Declarant and Declarant may determine, in its sole discretion, by letter agreement with each Builder or other documentation the materials, information, processes fees and deposits that are required in connection with the approval of the construction of homes by Builders on the Golf Villas.

2. The rear and side setback line requirements set forth in Section 3.5 of the Community Design Book are hereby deleted in its entirety and replaced with the following quoted provision:

"Rear - 10', Rear if rear of lot is adjacent to Golf Course - 20' or by Variance if Applicable

Side - 5.5' or by Variance if Applicable"

3. The first subparagraph of Section 3.7 of the Community Design Book is hereby deleted in its entirety and replaced with the following quoted provision:

"*Cimarron Hills* DRC prefers each homesite be accessed by a single driveway. Access drives must be located to preserve and protect important natural features, such as large or significant plant materials, trees, drainage ways, and rock outcroppings. The driveway must be designed to allow for two uncovered parking spaces, these spaces may be achieved by parking cars in tandem."

4. The first subparagraph of Section 3.8 of the Community Design Book is hereby deleted in its entirety and replaced with the following quoted provision:

"Driveway access and garage location lend significant shape to the design and placement of the home. One of the greatest contributors to negative feelings about residential subdivisions is the often-present row of garages oriented to the street with oversized driveways leading to them. Every effort must be made to keep this view from being prevalent at *Cimarron Hills*. Garage doors may face streets within the Golf Villas at *Cimarron Hills* Phase 3 Section 3 of *Cimarron Hills* if the garage structure is set back from the property line of the house by at least a 20' front setback. Furthermore, all front facing garage doors shall provide adequate shadow, depth, and architectural diversity. Because of the geological compositions that exist within much of *Cimarron Hills*,

driveways should be located where the least amount of cut or fill is required.”

5. The subsection of Section 3.12 of the Community Design Book entitled “Runoff from Impervious Surfaces” is hereby deleted in its entirety. Instead, all construction on Lots shall occur in accordance with Texas Commission on Environmental Quality standards and any other applicable laws or regulation related thereto. All other provisions of Section 3.12 of the Community Design Book shall remain in full force and effect.

6. The second paragraph of Section 3.14 of the Community Design Book is hereby deleted in its entirety. All other provisions of Section 3.14 of the Community Design Book shall remain in full force and effect.

7. The second subparagraph of Section 5.4 of the Community Design Book is hereby deleted in its entirety and replaced with the following quoted provision:

“One of the first goals of all Owners and their Architects should be to create the highest quality home in the minimum space possible consistent with the satisfaction of the Owner’s need for space. The minimum square footage of living area for homes located in the Golf Villas at Cimarron Hills: Phase 3, Section 3 is one thousand six hundred (1600) square feet. Declarant has the right to reduce the minimum square footage in the designated non-custom lots areas. For the purposes of this section, living area is defined as habitable space that is heated and/or cooled, other than garages and below grade basements with no walls exposed to the exterior greater than 6 feet in height.”

8. The second paragraph of Section 5.9 of the Community Design Book is hereby deleted in its entirety and replaced with the following quoted provision:

“All building facades must include a significant degree of texture/depth such as that provided by stone and rock, stucco, rough-sawn wood and brick. All exterior finish materials including stucco on all building walls, foundations, site walls and screen walls must be continued down to a maximum of twelve (12) inches of exposed foundation. Drop masonry ledges are required. Underpinning is an acceptable wall surface to meet the twelve (12) inch exposed foundation requirement. Care should be taken to select the proper color of underpinning to compliment the stone selections per residence. Where code restricts the continuance of any major wall material below grade then the wall(s) must be detailed to include the introduction of stone, rock or brick down below finished grade.”

9. The fourth paragraph of Section 5.14 of the Community Design Book is hereby deleted in its entirety and replaced with the following quoted provision:

“Garage doors must relate to the remainder of the home’s design elements and materials. Garage door materials are approved for the Golf Villas at Cimarron Hills; Phase 3 Section 3 of Cimarron Hills by the DRC. Doors should be the same color of wood accents through the use of stain and generally should not call attention to them. Double garage doors 16’ to 18’ in width are permitted as well as single garage doors 9’ in width. Refer to Section 3.8 for more

information. Garages for homes will be allowed to orient directly to the street. No more than 2 garage stalls will be allowed directly adjacent to each other. The third door must occur in a secondary building plane, offset by a minimum of 2 feet from the primary wall. No more than 3 doors will be permitted in an elevation. A maximum of four (4) stalls will be allowed.”

10. The second paragraph of Section 6.7 of the Community Design Book is hereby deleted in its entirety and replaced with the following quoted provision:

“Traditional vertical illuminated flag poles of a scale comparable to an adjoining structure will be allowed in the Golf Villas at *Cimarron Hills*, Phase 3 Section 3. Any flag pole installed shall, upon the sale or change in use of said structure, be removed and comply with the existing rules related to flagpoles and exterior sculpture listed above.”

11. Section 6.9 of the Community Design Book is hereby deleted in its entirety and replaced with the following quoted provision:

“Basketball Goals and play structures will not be allowed in the Golf Villas at *Cimarron Hills* Phase 3 Section 3 due to the limited width of the lots.”

12. Section 9.3 of the Community Design Book is hereby deleted in its entirety and replaced with the following quoted provision:

“The Construction Activity Zone is the area in which all activities related to building a home must occur. No construction activity may take place outside of this area at any time. It is established during the Design phase of the project and then reviewed at the Pre-Construction meeting. Five (5) foot chain link fence, or other construction fencing as approved by Developer, which must be installed and maintained along sides of property abutting golf course property or homesites owned by others. Failure by the owner to maintain vegetation protection fencing will likely result in fines and possible corrective action. For more information on the Construction Activity Zone and Fines, please refer to Chapter 3.10 *SITE PLANNING, Construction Activity Zone*.

During construction, homesites along the driving range must have a 6’ height chain link temporary construction fencing, or other construction fencing as approved by Developer, at the rear of the property that abuts to the driving range during construction. This fence shall be for the complete length of lots along driving range tract.”

13. The third paragraph of Section 9.9 of the Community Design Book is hereby deleted in its entirety and replaced with the following quoted provision:

“All concrete washouts, from both trucks and mixers, must occur within the building envelope of the homesite, or other location previously approved by Developer, in a location where it will ultimately be concealed by a structure or covered by paving. Washout in road rights-of-way, setbacks, natural areas or on adjacent properties is strictly prohibited.”

EXHIBIT "C"

**ADDENDUM TO COMMUNITY DESIGN BOOK
APPLICABLE TO COUNTRY CLUB LOTS**

1. It is contemplated that the Country Club Lots shall be sold to Builders in volume closings and that the Builders shall build multiple speculative homes on the Country Club Lots. The time period during which this is occurring shall be referred to herein as the "Buildout Stage". Declarant shall serve as the DRC for the Country Club Lots during the Buildout Stage or until Declarant determines, in its sole discretion to delegate such authority to the appointed committee of individuals that otherwise serves as DRC. During the Buildout Stage, the Design Review Procedures set forth in Chapter 7 and the Construction Procedures in Chapter 8 of the Community Design Book may be waived by Declarant and Declarant may determine, in its sole discretion, by letter agreement with each Builder or other documentation the materials, information, processes fees and deposits that are required in connection with the approval of the construction of homes by Builders on the Country Club Lots.

2. Section 3.2 of the Community Design Book is hereby modified to provide that the items required for the Site Analysis of any Country Club Lot shall be provided at the time of the Preliminary Plan submittal.

3. The setback line requirements set forth in Section 3.5 of the Community Design Book are hereby deleted in their entirety and replaced with the following quoted provision:

“Front (applicable to all homesite boundaries that abut rights-of-way) – 25’ or by Variance if Applicable

Side (applicable to all homesite boundaries that abut rights-of-way) – 15’

Side – 5.5’

Rear – 25’ or by Variance if Applicable

Golf Course Frontage (includes rear and sides adjacent to Golf Course) – 25’”

3. The first subsection of Section 3.7 of the Community Design Book is hereby modified to include the following quoted provision as the second sentence:

“Circular driveways will not be accepted in the Country Club Lots.”

4. The third subsection of Section 3.7 of the Community Design Book is hereby deleted in its entirety and replaced with the following quoted provision:

“The paved surface of a driveway must be at least 16 feet wide and must not exceed 20 feet in width where it crosses the street right-of-way. The Driveway shall intersect the street at a right angle. Driveway paving should have flared aprons where it intersects the roadway pavement.

Flared sections at the road may not exceed an 8-foot wide radius. Driveways and parking surfaces may not encroach into any side or rear setback without specific approval of the *Cimarron Hills* DRC. Some limited encroachment may be considered where unique terrain, vegetation constraints, a limited building envelope or the homesite width may warrant. Cimarron Hills recommends a minimum of 28' depth from garage doors for vehicular regress of side-entry garages."

5. Section 3.8 of the Community Design Book is hereby modified as follows:

The diagram shown on Page 14 of the Community Design Book illustrates "Potential Directions Side-Entry Garage Door(s) May Face in the Country Club Lots."

The diagram shown on Page 15 of the Community Design Book illustrates "Potential Directions Front-Facing Garage Door(s) May Face in the Country Club Lots."

6. The sixth subsection of Section 3.9 of the Community Design Book is hereby modified to include the following quoted provision as the first sentence:

"All meter boxes attached to a residential structure should be painted to match a complementary color of the exterior palate."

7. The second sentence of the third subsection of Section 3.10 of the Community Design Book is hereby deleted in its entirety and replaced with the following quoted provision:

"Vehicle access route must be clearly marked and bull rock must be used in the first 10 feet from the curb to prevent soil/dirt erosion from lot onto street areas."

8. The third subsection of Section 3.10 of the Community Design Book is hereby modified to include the following quoted provision as the fourth sentence:

"For multiple homes being constructed adjacently to one another, by the same builder, in the Country Club Lots, the deletion of the 5' chain link fence between properties shall be granted if the homes adhere to a similar cycle-time of construction."

9. Section 4.1 of the Community Design Book is hereby modified to include the following quoted provision as the second sentence:

"On new home starts, a final landscape plan will be required with the Site Plan for any new homes to be constructed after the initial master plan review has been concluded."

10. The second sentence of the first subsection of Section 5.2 of the Community Design Book is hereby deleted in its entirety and replaced with the following quoted provision:

"Architectural styles such as French Country, Spanish Colonial, Hacienda, Mediterranean, Tuscan, Southwest, or Texas Hill Country are strongly encouraged, as is the use of natural materials."

11. The second subsection of Section 5.2 of the Community Design Book is hereby modified to include the following quoted provision:

“Though 4-sided architecture is the goal of the Cimarron Hills Golf Club, 2-sided architecture should be of primary concern for plan design in the Country Club Lots due to the reduced lot widths. Both front and rear elevations, as well as side elevations on corner Lots, should maintain the design integrity, material usage and visual interest as the front.”

12. The fourth subsection of Section 5.2 of the Community Design Book is hereby deleted in its entirety and replaced with the following quoted provision:

“Structures that consist of only a bold mass or block forms are discouraged, as are those that are avant-garde or otherwise intentionally conspicuous.”

13. The second sentence of the second subsection of Section 5.4 of the Community Design Book is hereby deleted in its entirety and replaced with the following quoted provision:

“The minimum square footage for living area is two thousand five hundred (2,500) and maximum living area for all custom lot home sites will be four thousand five hundred (4,500) square feet.”

14. The third subsection of Section 5.11 of the Community Design Book is hereby modified to include the following quoted provision:

“The Country Club Lots will require homes to have Wood-clad windows on the front elevations, and on the rear elevations if the Lot is a Golf Course Lot. Windows located on the side and rear of non-Golf Course Lots may utilize an alternate non-wood window similar to the Andersen 100 product.”

15. The third sentence of the fourth subsection of Section 5.11 of the Community Design Book is hereby deleted in its entirety and replaced with the following quoted provision:

“Skylights, where approved, must have a low profile above the roof plane no more than 4” and glazing must be flat rather than bowed.”

16. The second and third sentences of the first subsection of Section 5.14 of the Community Design Book are hereby deleted in their entirety and replaced with the following quoted provision:

“Driveways should be a maximum of sixteen to twenty (16-20) feet wide at the street right-of-way and shall intersect the street at a right angle. Driveway depth for side-entry as measured from garage doors shall be a minimum of twenty-eight (28) feet.”

17. The sixth subsection of Section 5.14 of the Community Design Book is hereby modified to include the following quoted provision as the fourth sentence:

"At the Country Club Lots, insulated metal garage doors with "Gel" Stain shall be a suitable alternative to the Wood Garage Door requirement in Cimarron Hills Golf Club."

18. Article 7.0 of the Community Design Book is hereby modified to include the following quoted provision as Subsection 7.12:

"7.12. Repetition of Elevation. No elevation may be duplicated within the Country Club Lots after there have been three (3) sales of such elevation to third party purchasers."

19. The first subsection of Section 7.8 of the Community Design Book is hereby deleted in its entirety and replaced with the following quoted provision:

"In the event of any disapproval by the *Cimarron Hills* DRC of either a Preliminary or Final Submittal, a re-submittal of plans and other materials must follow the same procedure as an original submittal, and is subject to the same time frames as the original submittal."

20. The first sentence of the second subsection of Section 7.8 of the Community Design Book is hereby deleted in its entirety and replaced with the following quoted provision:

"All changed items on a re-submittal must be clearly itemized in writing and highlighted and noted on the drawings so that they correspond to the itemized list."


21. Subsection 8.2 of the Community Design Book is hereby modified to include the following quoted provision as an additional requirement to be included in the Pre-Construction Package required for Final Design Approval:

"A port-a-toilet on site: 3-home sites to 1toilet on semi-contiguous homes being built in the Country Club Lots."

Unofficial Supplement

Exhibit C

2014091214
Electronically Recorded
OFFICIAL PUBLIC RECORDS



Nancy E. Rister, County Clerk
11/13/2014 1:34 PM

Pages: 10 Fee: \$57.00
Williamson County Texas