

DOC. NO.

93035726

FILM CODE

00004950526

VARIANCE

THE STATE OF TEXAS §  
COUNTY OF TRAVIS §

KNOW ALL MEN BY THESE PRESENTS:

11.00 INDX

2 5 04/05/93

5.00 RECH

2 5 04/05/93

8:47 AM 6650

WHEREAS, by instrument titled Supplemental Restrictions, Covenants and Conditions, dated September 6, 1988, recorded in Volume 10773, Page 0050, of the Real Property Records of Travis County, Texas (the "Supplemental Declaration"), Jester Land Management Company, a Texas corporation, subjected certain real property described in said Supplemental Declaration to certain covenants, conditions and restrictions, as more fully set forth therein; and

930357.26-DOC#  
30.98-CHEK#

WHEREAS, the Supplemental Declaration was modified and amended by instrument entitled Second Supplemental Restrictions, Covenants and Conditions, dated February 12, 1991, recorded in Volume 11374, Page 0504, of the Real Property Records of Travis County, Texas (the "Second Supplemental Declaration"); and

WHEREAS, the Second Supplemental Declaration was modified and amended and corrected by an instrument entitled Correction Second Supplemental Restrictions, Covenants and Conditions (the "Correction Second Supplemental Declaration"), recorded in Volume 11723, Page 1581, of the Real Property Records of Travis County, Texas; and

WHEREAS, the Supplemental Declaration, the Second Supplemental Declaration and the Correction Second Supplemental Declaration are all collectively referred to herein as the "Restrictions";

WHEREAS, by instrument entitled Assignment of Rights as Developer, dated March 3, 1992, recorded in Volume 11723, Page 1610, of the Real Property Records of Travis County, Texas, Jester Land Management Company, as the original developer and Declarant under the Restrictions, assigned to Texas Commerce Bank-Austin, National Association, all of its rights as Developer under the Restrictions; and

WHEREAS, Jester Limited Partnership has now acquired and is the current owner of the real property described in Exhibit "A" which is attached hereto and made a part hereof for all purposes (the "Property"); and

WHEREAS, the Property is included within the property described in Exhibit "B" of the aforesaid Restrictions and under the terms of the Restrictions, the Developer under the Restrictions has the right to, at its election, annex the Property into the jurisdiction of the Association (as defined in the Restrictions) and make the Property subject to the Restrictions; and

WHEREAS, Texas Commerce Bank-Austin, National Association, and Jester Limited Partnership (hereinafter jointly referred to as

REAL PROPERTY RECORDS  
TRAVIS COUNTY, TEXAS

11907 1157

16  
d

"Developer") are in the process of annexing the Property into the Association and subjecting the Property to the Restrictions; and

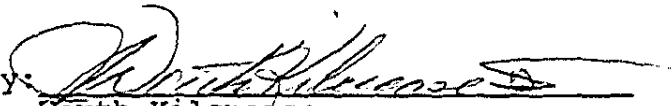
WHEREAS, pursuant to Article IV, Section 5 of the Restrictions, the Architectural Control Committee, in the case of special size or shape of site or condition of terrain or special use, operation or treatment not provided for within the general conditions of the protective covenants or for any other reason may, in its discretion, permit such variances and exceptions as it deems necessary or desirable; and

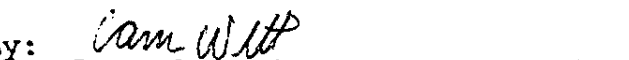
WHEREAS, the Architectural Control Committee has reviewed the plat of the Property and determined that the variance as granted herein should be permitted.

NOW, THEREFORE, the Architectural Control Committee hereby declares that the following variance to Article V, Section 7 of the Restrictions is hereby granted for each of the Lots as described in Exhibit "B" which is attached hereto and made a part hereof for all purpose: The required total combined setback from both sides of the Lots in the Property shall be ten (10) feet rather than fifteen (15) feet as required by the Restrictions.

Except for the variance granted herein, the Property shall otherwise be required to comply with the Restrictions, unless further variances are granted by the Architectural Control Committee.

JESTER ARCHITECTURAL CONTROL  
COMMITTEE

By:   
Worth Kilcrease

By:   
Cam Witt

By:   
David A. Hill

jlpvariance

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 2 day of March, 1993, by Worth Kilcrease, of the Jester Architectural Control Committee, on behalf of said committee.

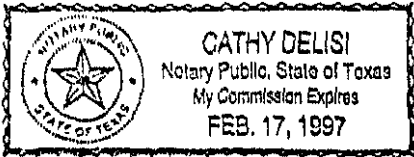
Cathy Delisi

Notary Public, State of Texas

CATHY DELISI

(Name -- Typed or Printed)

My Commission Expires: 2/17/97



THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 9th day of March, 1993, by Cam Witt, of the Jester Architectural Control Committee, on behalf of said committee.

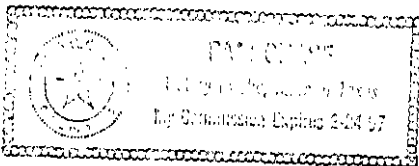
Pam Chase

Notary Public, State of Texas

Pam Chase

(Name -- Typed or Printed)

My Commission Expires: 2-24-97



THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 25<sup>th</sup> day of March, 1993, by David A. Hill, of the Jester Architectural Control Committee, on behalf of said committee.

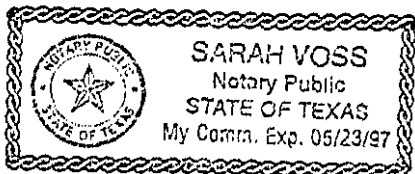
Sarah Voss

Notary Public, State of Texas

Sarah Voss

(Name -- Typed or Printed)

My Commission Expires: 5-23-97



H:\PS\DAVISR\153790.1  
14294.77700

EXHIBIT "A"

All that certain property known as Jester Point 2, Section 6-B and more particularly described in Plat which is recorded in Volume 91, Pages 55-58 of the Plat records of Travis County, Texas.

REAL PROPERTY RECORDS  
TRAVIS COUNTY, TEXAS

11907 1160

EXHIBIT "B"

All that certain property known as Jester Point 2, Section 6-B and more particularly described in Plat which is recorded in Volume 91, Pages 55-58 of the Plat records of Travis County, Texas, save and except: Lots 1, 2, 14, 15, 31, 32 Block E; Lot 20 Block K; Lots 1, 17 Block L; and Lot 73 Block B.

FILED

93 APR -5 PM 4: 21

DANA DE BEAUVOIR  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

STATE OF TEXAS COUNTY OF TRAVIS  
I hereby certify that this instrument was FILED on  
the date and at the time stamped hereon by me, and  
was duly RECORDED, in the Volume and Page of the  
named RECORDS of Travis County, Texas, on

APR 5 1993



*Dana De Beauvoir*  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

REAL PROPERTY RECORDS  
TRAVIS COUNTY, TEXAS

11907 1161

*Return to:*

STEWART TITLE COMPANY  
WESTPARK 2, SUITE 225  
8140 MOPAC EXPRESSWAY  
AUSTIN, TEXAS 78759

*Jenni G*