



AFTER RECORDING RETURN TO:

ROBERT D. BURTON, ESQ.
WINSTEAD PC
401 CONGRESS AVE., SUITE 2100
AUSTIN, TEXAS 78701
EMAIL: RBURTON@WINSTEAD.COM

**THIRDA MENDMENT TO DECLARATION
OF CONDOMINIUM REGIME
FOR 1880 AT PLUM CREEK CONDOMINIUMS
(A Residential Condominium Project located in Hays County, Texas)**

[Converting Unit Nos. 32, 33, 50, 51, 62, 63, 64, 65, 108, 109, 122, 123, 124 and 125 into General
Common Element]

DECLARANT: PLUM CREEK (2021), LLC, a Texas limited liability company

Cross reference to that certain Declaration of Condominium Regime for 1880 at Plum Creek Condominiums, recorded under Document No. 22013774, Official Public Records of Hays County, Texas, as may be amended.

**THIRD AMENDMENT TO DECLARATION OF CONDOMINIUM REGIME FOR
1880 AT PLUM CREEK CONDOMINIUMS**

This Third Amendment to Declaration of Condominium Regime for 1880 at Plum Creek Condominiums (this "**Amendment**") is made by **PLUM CREEK (2021), LLC**, a Texas limited liability company ("**Declarant**"), and is as follows:

RECITALS

A. 1880 at Plum Creek Condominiums, a residential condominium community (the "**Regime**"), located in Hays County, Texas, was established pursuant to that certain: (i) Declaration of Condominium Regime for 1880 at Plum Creek Condominiums, recorded under Document No. 22013774, Official Public Records of Hays County, Texas, as amended by that certain First Amendment to Declaration of Condominium Regime for 1880 at Plum Creek Condominiums, recorded under Document No. 22030413, Official Public Records of Hays County, Texas; and as amended further by that certain Second Amendment to Declaration of Condominium Regime for 1880 at Plum Creek Condominiums, recorded under Document No. 23019529, Official Public Records of Hays County, Texas (collectively, the "**Declaration**").

B. Pursuant to *Section A.3.8(v)* of Appendix "A" to the Declaration, during the Development Period, Declarant may amend the Declaration unilaterally and without the consent of other Owners or any Mortgagee to subdivide, combine, or reconfigure Units or convert Units into Common Elements, in the exercise of statutory Development Rights.

C. The "**Development Period**", as such term is defined in the Declaration, is a seven (7) year period commencing on the date the Declaration was recorded in the Official Public Records of Hays County, Texas. The Development Period is still in effect.

D. This Amendment is promulgated for the purpose of converting Unit Nos. 32, 33, 50, 51, 62, 63, 64, 65, 108, 109, 122, 123, 124 and 125 into General Common Elements (collectively, the "**Removed Units**"). The total number of Units within the Regime after giving effect to this Amendment is equal to twenty-two (22), and the total number of additional Units which Declarant has reserved the right to create by amendment is equal to one hundred seven (107). Declarant is the Owner of the Removed Units.

NOW THEREFORE, the Declaration is hereby amended as follows:

1. Conversion of Units to General Common Elements. In accordance with the rights reserved by the Declarant pursuant to *Section A.3.8(v)* of Appendix "A" to the Declaration and as permitted by the Act, Declarant hereby converts Unit Nos. 32, 33, 50, 51, 62, 63, 64, 65, 108, 109, 122, 123, 124 and 125 into General Common Elements subject to Development Rights.

THIRD AMENDMENT TO
DECLARATION OF CONDOMINIUM REGIME FOR
1880 AT PLUM CREEK CONDOMINIUMS

2. **Replacement of Plat and Plans.** Attachment 1 to the Declaration is hereby deleted in its entirety and the Plat and Plans attached hereto as Exhibit "A" (the "New Plat and Plans") are substituted in their place. The New Plat and Plans: (i) assign an identifying number to all Units; (ii) describe the portion of the Limited Common Elements created or assigned to all Units, if any; and (iii) include the information required by Section 82.059 of the Texas Uniform Condominium Act.

3. **Replacement of Attachment 3 - Common Interest Allocation.** The Common Interest Allocation assigned to a Unit, after the subtraction of the Removed Units, is set forth on Exhibit "B", attached hereto. Exhibit "B", attached hereto, will supersede and replace Attachment 3 attached to the Declaration.

4. **Miscellaneous.** Any capitalized terms used and not otherwise defined herein shall have the meanings ascribed to such terms 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 FOLLOWS]

THIRD AMENDMENT TO
DECLARATION OF CONDOMINIUM REGIME FOR
1880 AT PLUM CREEK CONDOMINIUMS

EXECUTED to be effective on the date this Amendment is recorded in the Official Public Records of Hays County, Texas.

DECLARANT:

PLUM CREEK (2021), LLC,
a Texas limited liability company

By: Crystal L. Giglio
Printed Name: Crystal L. Giglio
Title: Operations & Purchasing Coordinator

THE STATE OF TEXAS

§

COUNTY OF Travis

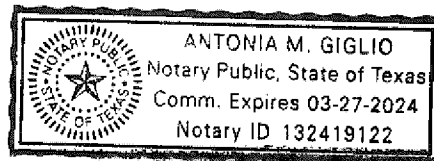
§

§

This instrument was acknowledged before me on this 26th day of June, 2023, by Crystal Giglio, Operations + Purchasing Coordinator of PLUM CREEK (2021), LLC, a Texas limited liability company, on behalf of such entity.

Anti M. Giglio
Notary Public, State of Texas

[SEAL]



THIRD AMENDMENT TO
DECLARATION OF CONDOMINIUM REGIME FOR
1880 AT PLUM CREEK CONDOMINIUMS

EXHIBIT "A"

ATTACHMENT 1

CONDOMINIUM PLATS AND PLANS

The plats and plans, attached hereto as Attachment "1" contain the information required by the Texas Uniform Condominium Act.

Printed Name: Paul Utterback

RPLS or License No. 5738

SEE NEXT PAGE FOR ORIGINAL CERTIFICATION


THIRD AMENDMENT TO
DECLARATION OF CONDOMINIUM REGIME FOR
1880 AT PLUM CREEK CONDOMINIUMS

1880 AT PLUM CREEK CONDOMINIUMS

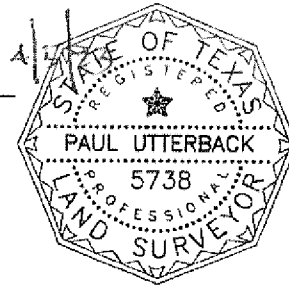
CONDOMINIUM PLAT

A CONDOMINIUM REGIME IN HAYS COUNTY, TEXAS, SITUATED ON LOTS 2 AND 3, PLUM CREEK PHASE II, UPTOWN NORTH SUBDIVISION, A SUBDIVISION IN HAYS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT AS RECORDED IN DOC. NO. 19044530, OFFICIAL PUBLIC RECORDS, HAYS COUNTY, TEXAS.

The plats and plans attached hereto contain the information required by Sections 82.052 and 82.059 of the Texas Uniform Condominium Act, as applicable.



Paul Utterback
Registered Professional
Land Surveyor No. 5738



SHEET 1 OF 14

 **ATS** Engineers
Inspectors
& Surveyors

www.ats-engineers.com

TBPLS FIRM REG. #10126000

4910 West Hwy 290
AUSTIN, TEXAS 78735

(512) 328-6995
FAX: (512) 328-6996

ATS Job # 21112933s

Client: Homes by AVI

Date of Field Work: 9/23/21, 9/24/21,
9/27/21 & 9/28/21

Field: MAifaro

Tech: MBolton & CCarter

Date Drawn: 11/29/2021 revised 12/10/2021, add PH.2 04/27/2022
04/03/2023 covert units to GCE, 4/5/2023 add GCE*

Path: Projects\ProminenceHomes\PlumCreek2\Production-Condo\CONDO_1880atPlumCreekPh2_220427.dwg

1880 AT PLUM CREEK CONDOMINIUMS CONDOMINIUM PLAT

A CONDOMINIUM REGIME IN HAYS COUNTY, TEXAS, SITUATED ON LOTS 2 AND 3, PLUM CREEK PHASE II, UPTOWN NORTH SUBDIVISION, A SUBDIVISION IN HAYS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT AS RECORDED IN DOC. NO. 19044530, OFFICIAL PUBLIC RECORDS, HAYS COUNTY, TEXAS.

GENERAL NOTES:

- 1) ALL IMPROVEMENTS AND LAND REFLECTED ON THE PLAT ARE DESIGNATED AS GENERAL COMMON ELEMENTS, SAVE AND EXCEPT PORTIONS OF THE REGIME DESIGNATED AS LIMITED COMMON ELEMENTS OR UNITS: (i) IN DECLARATION OF CONDOMINIUM REGIME FOR 1880 AT PLUM CREEK CONDOMINIUMS (THE "DECLARATION") OR (ii) ON THE PLATS AND PLANS OF THE REGIME.
- 2) OWNERSHIP AND USE OF CONDOMINIUM UNITS IS SUBJECT TO THE RIGHTS AND RESTRICTIONS CONTAINED IN THE DECLARATION.
- 3) EACH UNIT, BUILDING, LIMITED COMMON ELEMENT AND GENERAL COMMON ELEMENT IS SUBJECT TO SPECIAL RIGHTS RESERVED BY THE DECLARANT AS PROVIDED IN APPENDIX "A" OF THE DECLARATION. PURSUANT TO SUCH PROVISIONS, AMONG OTHER THINGS, DECLARANT HAS RESERVED THE RIGHT TO (i) COMPLETE OR MAKE IMPROVEMENTS INDICATED ON THE PLAT AND PLANS, AS PROVIDED IN APPENDIX "A" OF THE DECLARATION; (ii) EXERCISE ANY DEVELOPMENT RIGHT PERMITTED BY THE TEXAS UNIFORM CONDOMINIUM ACT AND THE DECLARATION, INCLUDING THE ADDITION OF REAL PROPERTY TO THE REGIME, WHICH PROPERTY MAY BE ADDED AS UNITS, GENERAL COMMON ELEMENTS AND/OR LIMITED COMMON ELEMENTS; (iii) MAKE THE PROPERTY PART OF A LARGER CONDOMINIUM OR PLANNED COMMUNITY; (iv) APPOINT OR REMOVE ANY DECLARANT-APPOINTED OFFICER OR DIRECTOR OF THE ASSOCIATION DURING THE DECLARANT CONTROL PERIOD (AS DEFINED IN THE DECLARATION); (v) USE UNITS OWNED OR LEASED BY DECLARANT AS MODELS, STORAGE AREAS, AND OFFICES FOR THE MARKETING, MANAGEMENT, MAINTENANCE, CUSTOMER SERVICE, CONSTRUCTION, AND LEASING OF THE PROPERTY, AND USE EASEMENTS THROUGH THE COMMON ELEMENTS FOR THE PURPOSE OF MAKING IMPROVEMENTS WITHIN THE REGIME, FOR PURPOSES OF PROMOTING, IDENTIFYING, AND MARKETING THE PROPERTY, DECLARANT RESERVES AN EASEMENT AND RIGHT TO PLACE OR INSTALL SIGNS, BANNERS, FLAGS, DISPLAY LIGHTING, POTTED PLANTS, EXTERIOR DECORATIVE ITEMS, SEASONAL DECORATIONS, TEMPORARY WINDOW TREATMENTS, AND SEASONAL LANDSCAPING ON THE PROPERTY, INCLUDING ITEMS AND LOCATIONS THAT ARE PROHIBITED TO OTHER OWNERS AND RESIDENTS. DECLARANT HAS ALSO RESERVED AN EASEMENT AND RIGHT TO MAINTAIN, RELOCATE, REPLACE, OR REMOVE THE SAME FROM TIME TO TIME WITHIN THE PROPERTY. DECLARANT HAS RESERVED AN EASEMENT AND RIGHT OF INGRESS AND EGRESS IN AND THROUGH THE COMMON ELEMENTS (AS DEFINED IN THE DECLARATION) AND UNITS OWNED OR LEASED BY DECLARANT FOR PURPOSES OF CONSTRUCTING, MAINTAINING, MANAGING, AND MARKETING THE PROPERTY, AND TO SUBDIVIDE UNITS INTO COMMON ELEMENTS; AND TO WITHDRAW PROPERTY FROM THE CONDOMINIUM; AND FOR DISCHARGING DECLARANT'S OBLIGATIONS UNDER THE TEXAS UNIFORM CONDOMINIUM ACT AND THE DECLARATION.
- 4) AS OF 9/20/21, PREPARED FROM RECORDS AND PLANS ONLY AND THE UPPER AND LOWER BOUNDARIES ARE AS DESCRIBED IN THE DECLARATION.

SHEET 2 OF 14
CONDOMINIUM PLAT NOTES


ATS Engineers
Inspectors
& Surveyors
www.ats-engineers.com
 TBPLS FIRM REG. #10128000
 4910 West Hwy 290
 AUSTIN, TEXAS 78735
 (512) 328-6995
 FAX: (512) 328-8896

1880 AT PLUM CREEK CONDOMINIUMS

CONDOMINIUM PLAT

LEGEND	
	1/2" (IRF) IRON ROD FOUND
	1 1/2" (I.D.) IRON PIPE FOUND
	MAG NAIL FOUND
	BRASS DISC MONUMENT FOUND
	CALCULATED POINT
P.U.E.	PUBLIC UTILITY EASEMENT
R.O.W.	RIGHT OF WAY
()	RECORD INFORMATION
O.P.R.H.C.T.	OFFICIAL PUBLIC RECORDS HAYS COUNTY TEXAS
R.P.R.H.C.T.	REAL PROPERTY RECORDS HAYS COUNTY TEXAS
P.R.H.C.T.	PLAT RECORDS HAYS COUNTY TEXAS
	CONCRETE/PAVING
	WIRE FENCE
	METAL FENCE
	WOOD FENCE
	ELECTRIC TRANSFORMER
	ELECTRIC METER
	SIGN (TYPE ID AS NOTED)
	WASTEWATER CLEANOUT
	WATER METER
	WATER VALVE
	LIGHT STANDARD
	FIRE HYDRANT OR FIRE HYDRANT SPIGOT
	GAS METER
	GAS STUBOUT / UNDERGROUND MARKER
	GAS VALVE
	MANHOLE (TYPE & SIZE ON DRAWING)
GCE	GENERAL COMMON ELEMENT
GCE*	GENERAL COMMON ELEMENT SUBJECT TO DEVELOPMENT RIGHTS
LCE	LIMITED COMMON ELEMENT
PVT	PRIVATE
MRB	MUST BE BUILT

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N73°38'15"E	10.20'
L2	S79°02'41"W	10.00'
L3	N79°02'41"E	10.00'
L4	N06°31'14"W	10.00'
L5	N06°31'14"W	10.00'
L6	N10°06'12"W	10.56'
L7	S73°28'22"W	10.00'
L10	S79°02'41"W	10.00'
L16	N21°20'04"W	10.00'

CURVE DATA TABLE				
CURVE	RADIUS	CHORD BEARING	CHORD LENGTH	ARC LENGTH
C1	2744.79'	S06°20'28"E	380.65'	380.96'
(C1)	(2744.79')	(S06°20'33"E)	(380.65')	(380.96')
C2	2744.79'	S10°56'36"E	60.00'	60.00'
(C2)	(2744.79')	(S10°56'42"E)	(60.00')	(60.00')
C3	2744.79'	S12°58'41"E	131.73'	131.74'
(C3)	(2744.79')	(S12°58'46"E)	(131.73')	(131.74')
C4	2964.79'	S19°31'53"E	150.18'	150.20'
(C4)	(2964.79')	(S19°33'47"E)	(150.30')	(150.32')
C5	3464.79'	N16°22'50"W	623.44'	624.29'
(C5)	(3464.79')	(S16°23'08"E)	(623.44')	(624.29')
C6	1535.00'	N80°41'27"E	96.56'	96.57'
(C6)	(1535.00')	(N80°39'45"E)	(96.54')	(96.55')
C7	1475.00'	S80°44'28"W	96.94'	96.95'
(C7)	(1475.00')	(N80°43'53"E)	(96.91')	(96.93')
C8	3464.79'	N10°43'19"W	60.10'	60.10'
(C8)	(3464.79')	(N10°43'36"W)	(60.13')	(60.13')
C9	3464.79'	N06°27'51"W	454.51'	454.83'
(C9)	(3464.79')	(N06°28'08"W)	(454.52')	(454.84')

SHEET 3 OF 14

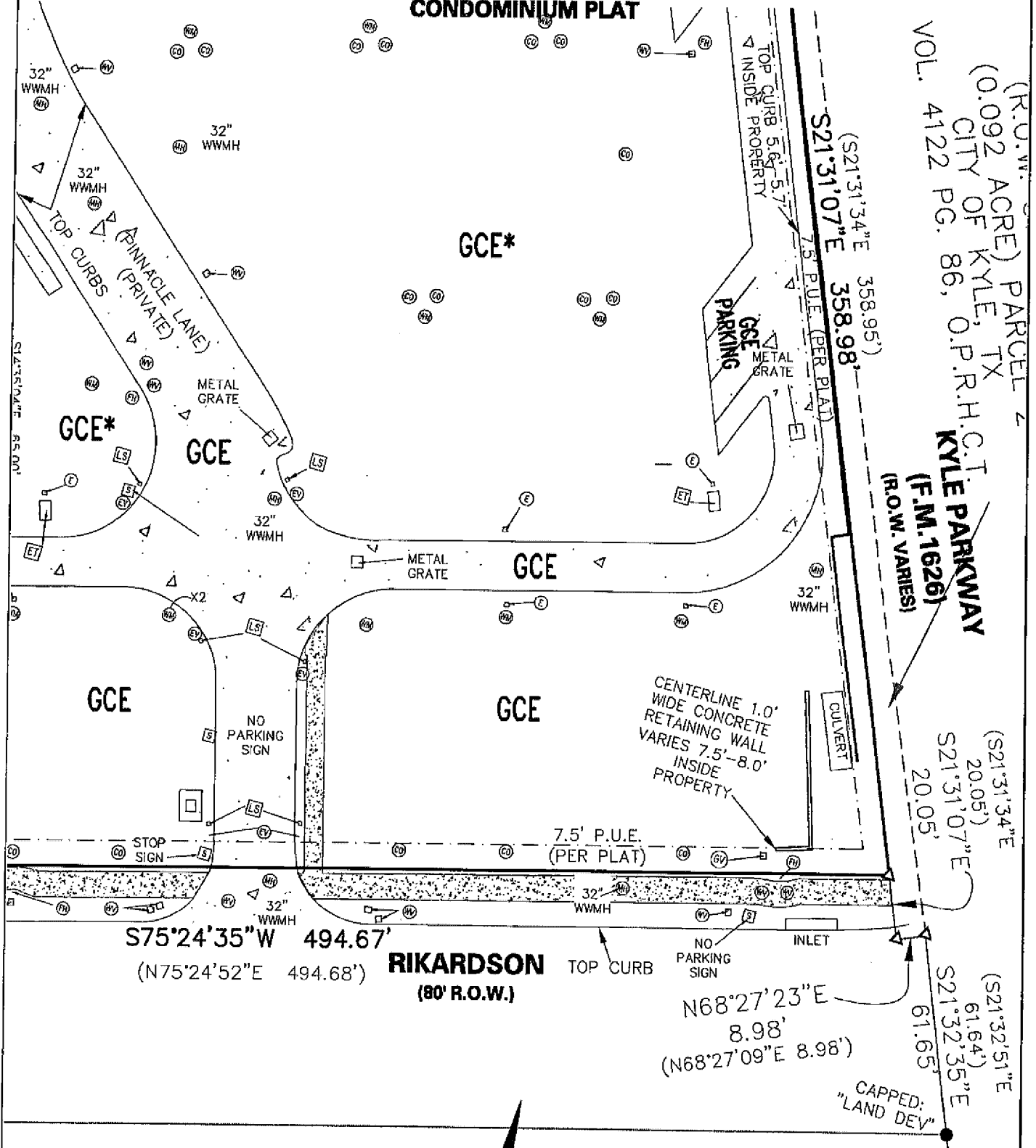
LEGEND/LINE AND
CURVE TABLES

 **ATS** Engineers
Inspectors
& Surveyors

www.ats-engineers.com
T8PLS FIRM REG. #10126000
4910 West Hwy 290
AUSTIN, TEXAS 78735

(512) 328-6995
FAX: (512) 328-6996

1880 AT PLUM CREEK CONDOMINIUMS CONDOMINIUM PLAT



SHEET 6 OF 14

UNIT DETAILS

SEE SHEET 3 FOR LEGEND,
LINE & CURVE TABLES

SCALE: 1"=40'



ATS

**Engineers
Inspectors
& Surveyors**

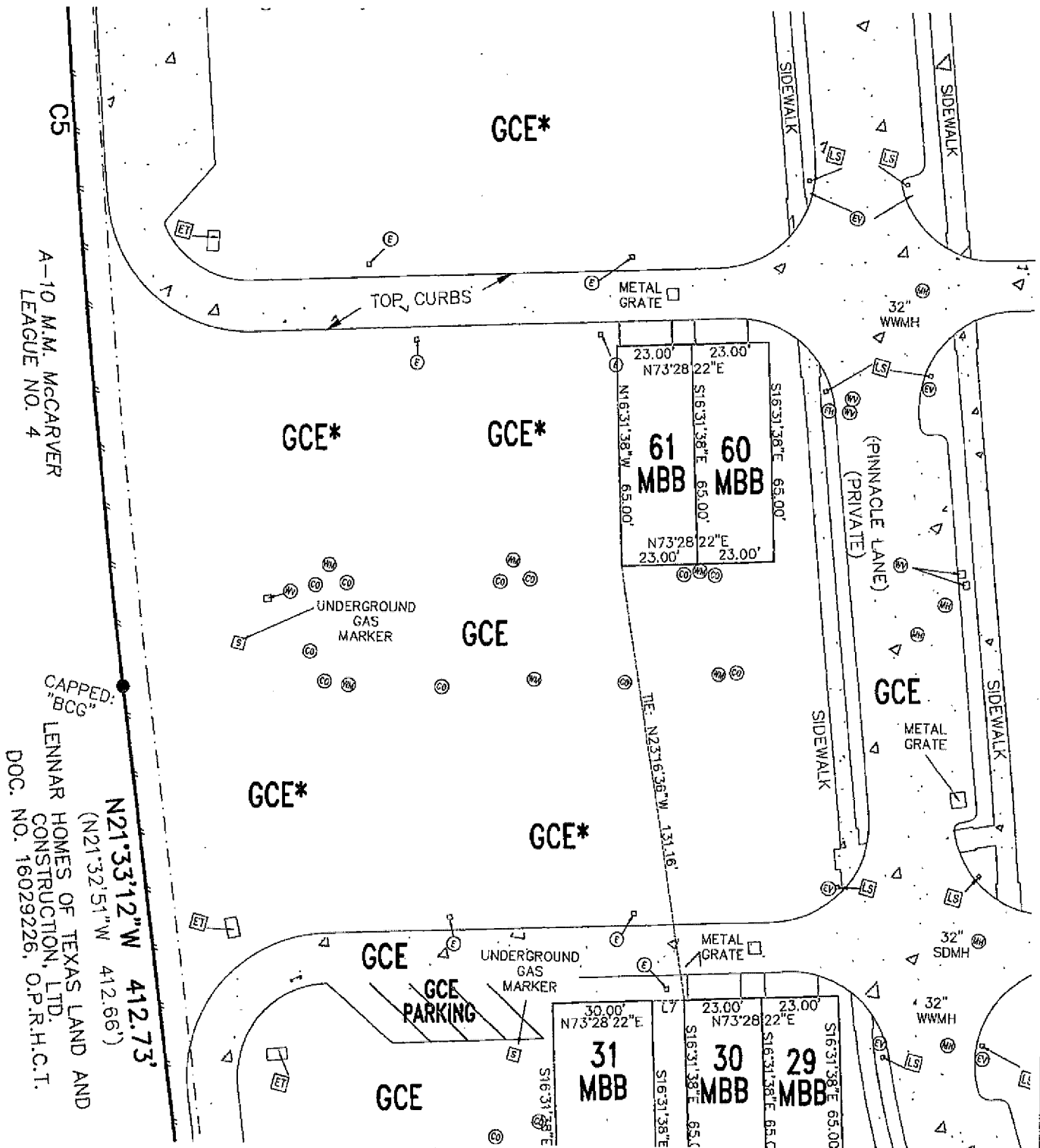
www.ats-engineers.com

TBPLS FIRM REG. #10126000

4910 West Hwy 290
AUSTIN, TEXAS 78735

(612) 328-6995
FAX: (612) 328-6996

1880 AT PLUM CREEK CONDOMINIUMS CONDOMINIUM PLAT



SHEET 7 OF 14

UNIT DETAILS

SEE SHEET 3 FOR LEGEND,
LINE & CURVE TABLES

SCALE: 1"=40'



ATS Engineers
Inspectors
& Surveyors

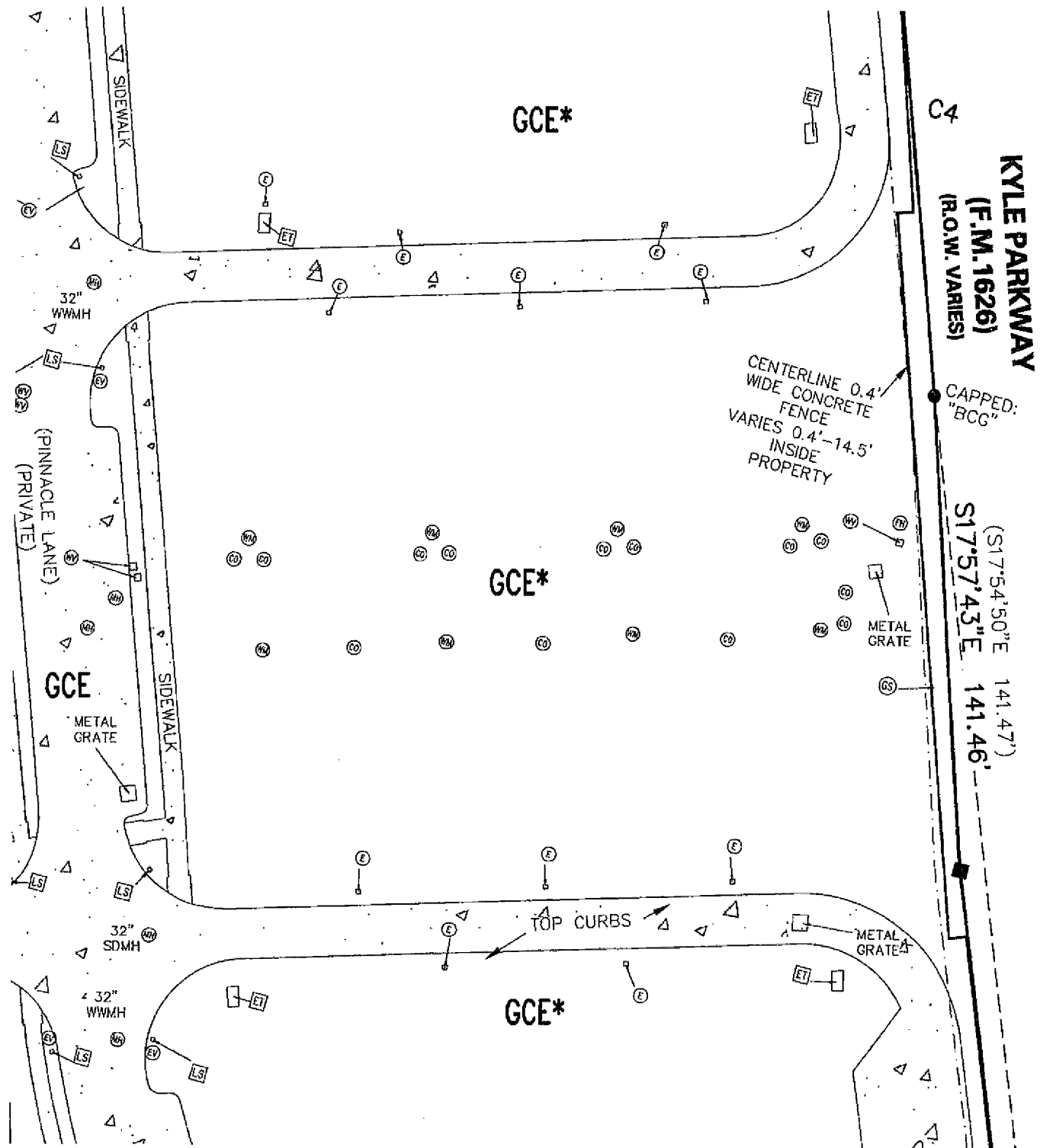
www.ats-engineers.com

TBPLS FIRM REG. #10128000

4910 West Hwy 290
AUSTIN, TEXAS 78735

(512) 328-6995
FAX: (512) 328-6998

1880 AT PLUM CREEK CONDOMINIUMS CONDOMINIUM PLAT



SHEET 8 OF 14

UNIT DETAILS

SEE SHEET 3 FOR LEGEND,
LINE & CURVE TABLES

SCALE: 1"=40'



ATS Engineers
Inspectors
& Surveyors

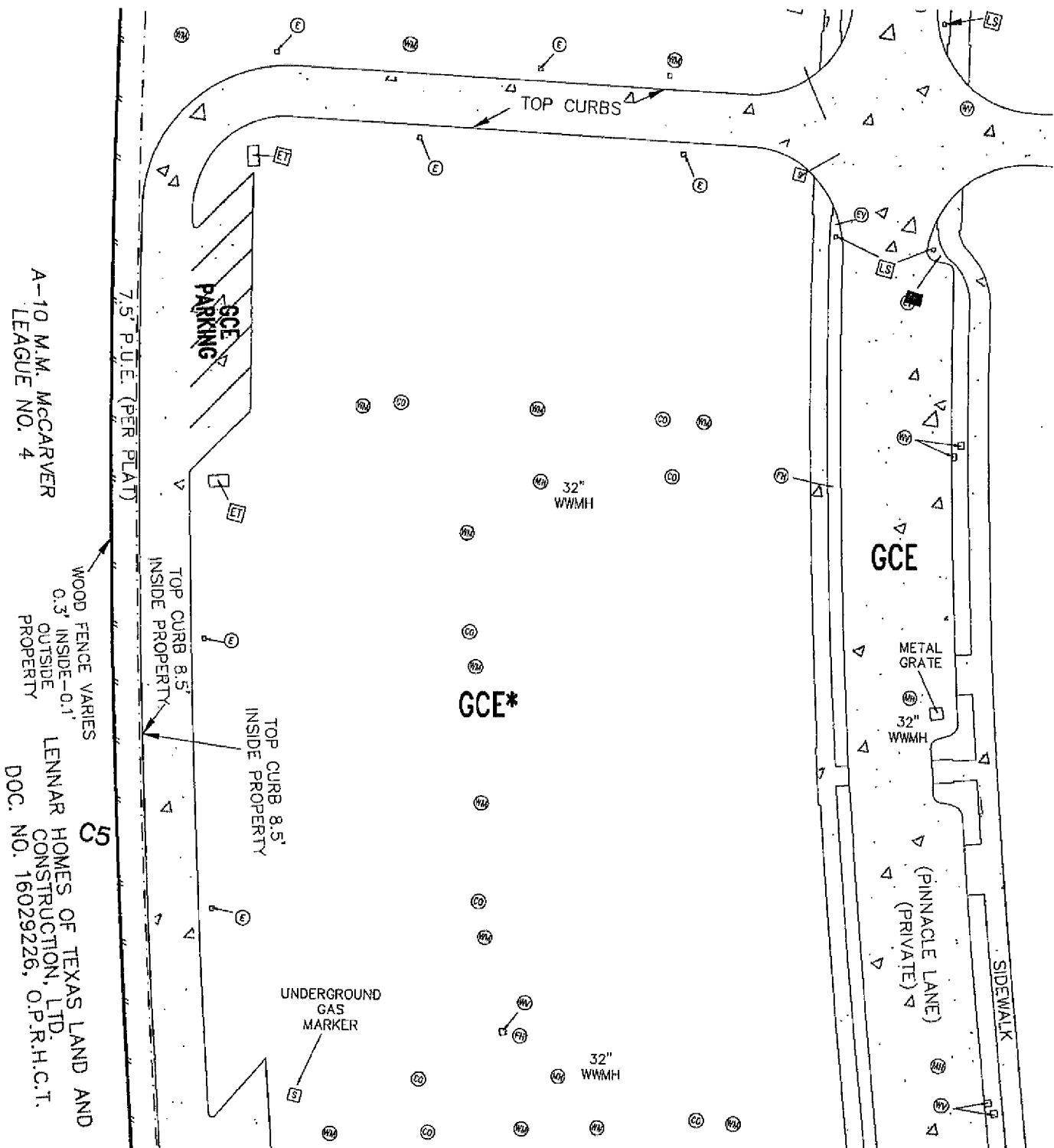
www.ats-engineers.com

TBPLS FIRM REG. #10128000

4910 West Hwy 290
AUSTIN, TEXAS 78735

(512) 328-6995
FAX: (512) 328-6996

1880 AT PLUM CREEK CONDOMINIUMS CONDOMINIUM PLAT



SHEET 9 OF 14

UNIT DETAILS

SEE SHEET 3 FOR LEGEND,
LINE & CURVE TABLES

SCALE: 1"=40'



ATS Engineers
Inspectors
& Surveyors

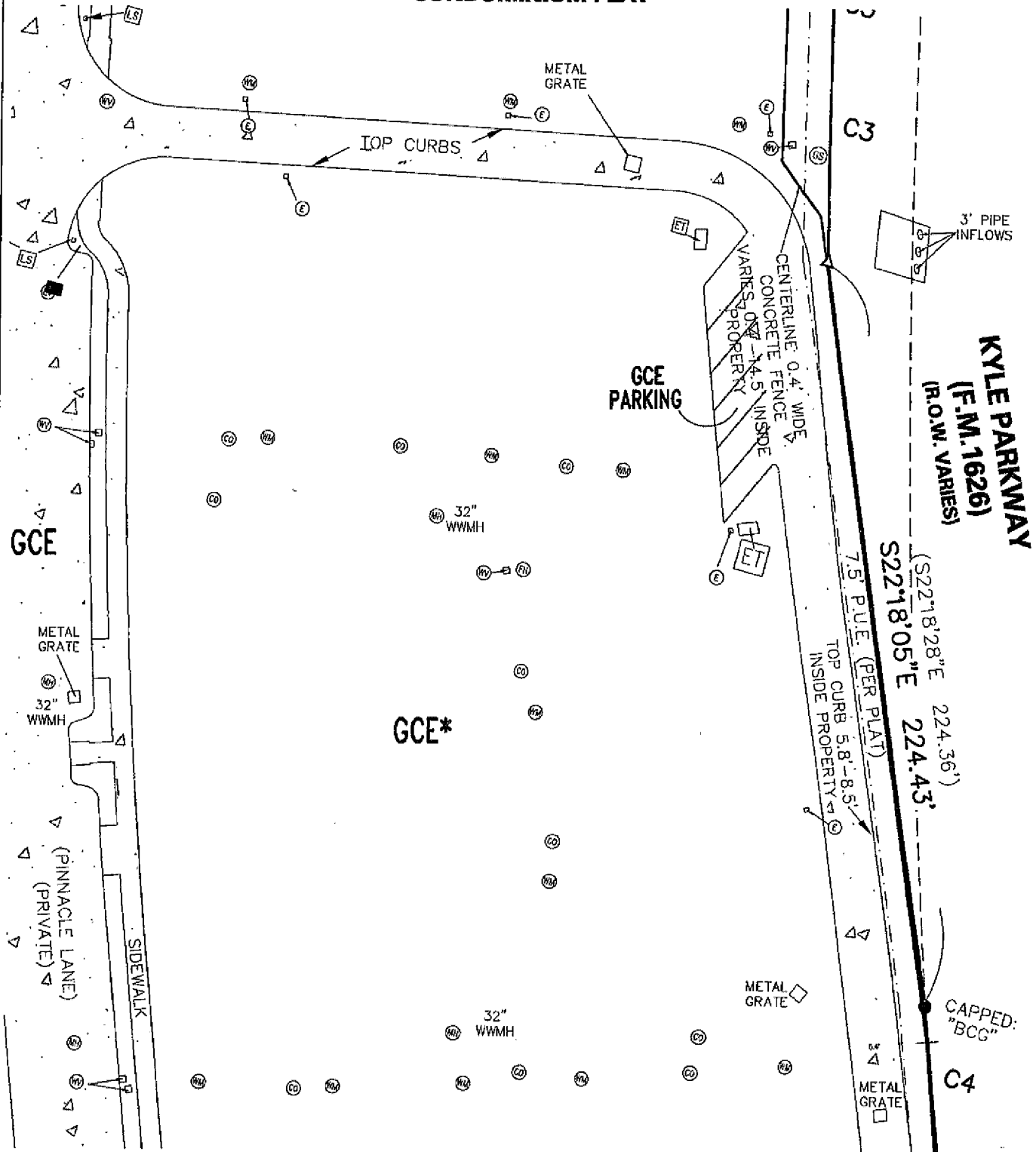
www.ats-engineers.com

TBPLS FIRM REG. #10128000

4910 West Hwy 290
AUSTIN, TEXAS 78736

(512) 328-6995
FAX: (512) 328-6996

1880 AT PLUM CREEK CONDOMINIUMS CONDOMINIUM PLAT



SHEET 10 OF 14

UNIT DETAILS

SEE SHEET 3 FOR LEGEND,
LINE & CURVE TABLES

SCALE: 1"=40'

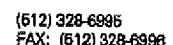
ATS Engineers
Inspectors
& Surveyors

www.ats-engineers.com

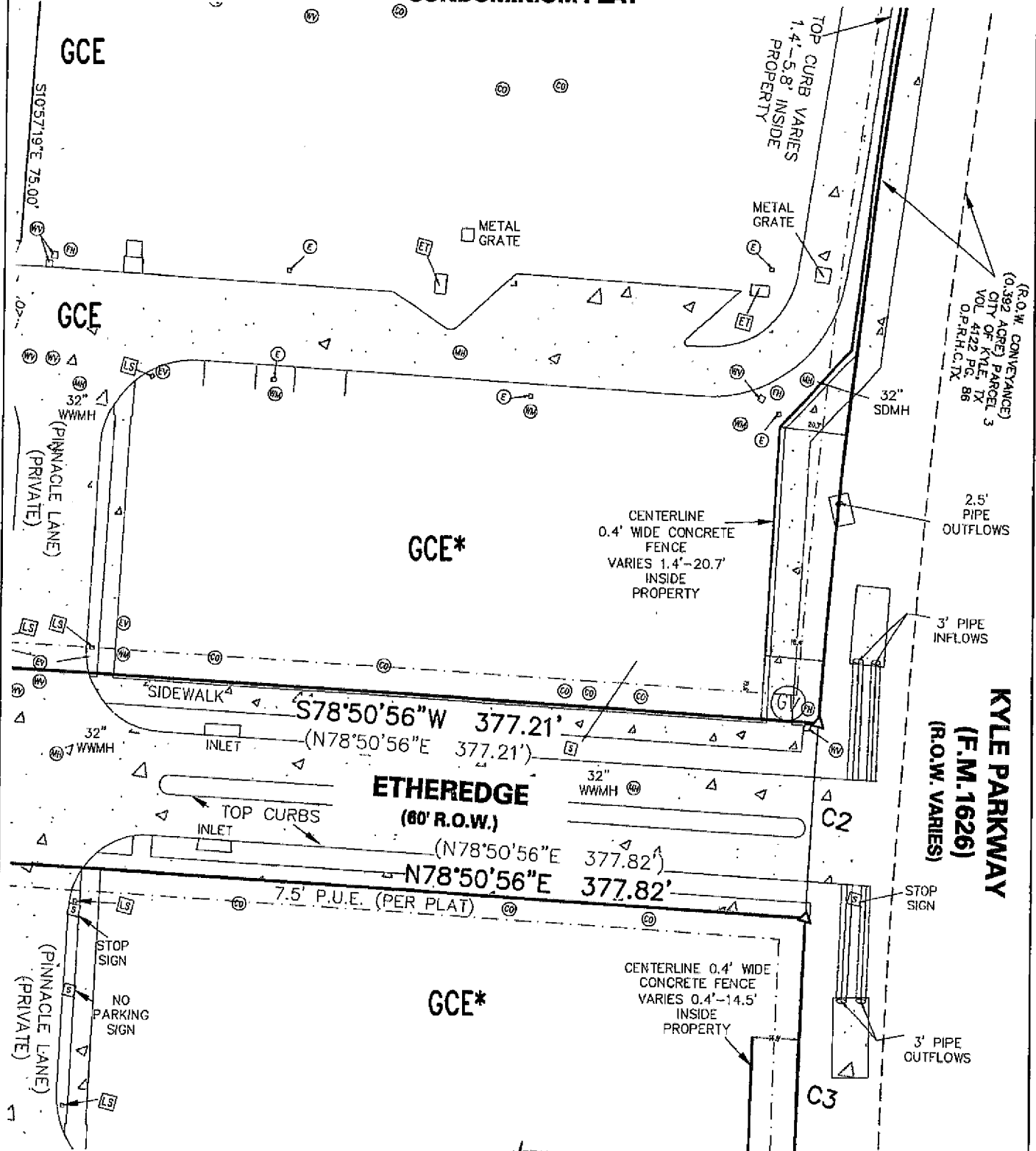
TBPLS FIRM REG. #10128000

4910 West Hwy 290
AUSTIN, TEXAS 78735

(612) 328-6995
FAX: (612) 328-6996



1880 AT PLUM CREEK CONDOMINIUMS CONDOMINIUM PLAT



SHEET 12 OF 14

UNIT DETAILS

SEE SHEET 3 FOR LEGEND,
LINE & CURVE TABLES

SCALE: 1"=40'



ATS Engineers
Inspectors
& Surveyors

www.ats-engineers.com

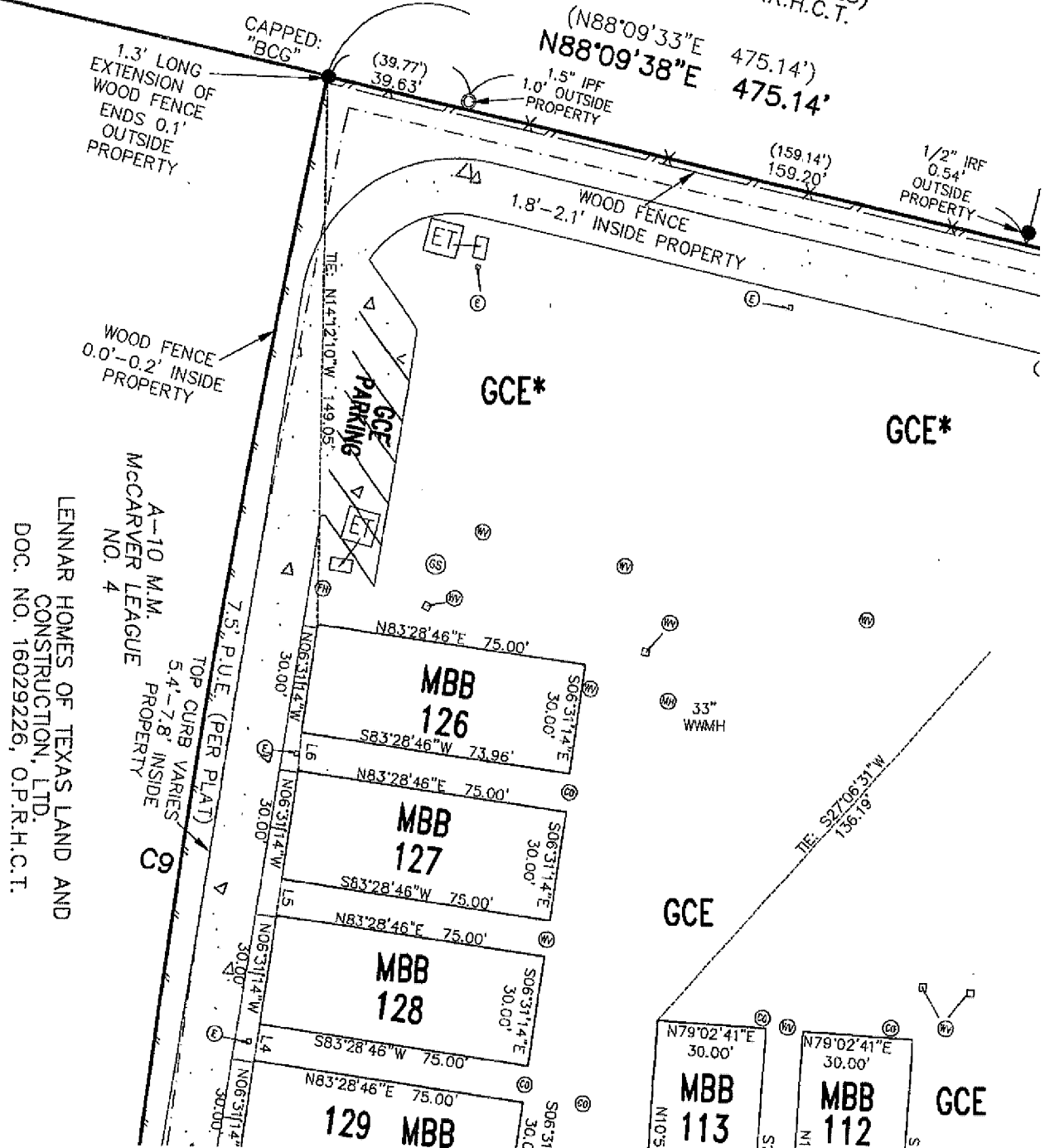
TBPLS FIRM REG. #10126000

4910 West Hwy 290
AUSTIN, TEXAS 78735

(512) 328-6995
FAX: (512) 328-6996

1880 AT PLUM CREEK CONDOMINIUMS CONDOMINIUM PLAT

TEXAS LEHIGH CEMENT
COMPANY
(42.55 ACRES)
R.P.R.H.C.T.



SHEET 13 OF 14

UNIT DETAILS

SEE SHEET 3 FOR LEGEND,
LINE & CURVE TABLES

ATS Engineers
Inspectors
& Surveyors

www.ats-engineers.com

TBPLS FIRM REG. #10126000

4910 West Hwy 290
AUSTIN, TEXAS 78735

(512) 328-8995
FAX: (512) 328-8998

1880 AT PLUM CREEK CONDOMINIUMS CONDOMINIUM PLAT

TEXAS LEHIGH CEMENT COMPANY
VOL. 609, PG. 843, R.P.R.H.C.T.
(12.62 ACRES REMAINDER PER HAYS
CAD)

(N88°09'33"E 475.14')
N88°09'38"E 475.14'

BARB WIRE FENCE VARIES
0.7' INSIDE-0.2' OUTSIDE
PROPERTY

TIE: N87°34'06"E
25.12 TO
DISTURBED IRF

TOP CURBS

7.5' P.U.E. (PER PLAT)

METAL
GRATE

CULVERT
INFLOW

GCE*

33"
WWMH

33"
WWMH

(R.O.W. CONVEYANCE)
(0.392 ACRE) PARCEL 3
CITY OF KYLE, TX
VOL. 4122 PG. 86
O.P.R.H.C.T.

KYLE PARKWAY
(F.M. 1626)
(R.O.W. VARIES)

GCE
PARKING

7.5' P.U.E. (PER PLAT)

TOP CURB VARIES
1.4'-5.8' INSIDE
PROPERTY

SHEET 14 OF 14

UNIT DETAILS

SEE SHEET 3 FOR LEGEND,
LINE & CURVE TABLES

SCALE: 1"=40'



ATS

**Engineers
Inspectors
& Surveyors**

www.ats-engineers.com

TBPLS FIRM REG. #10126000

4910 West Hwy 290
AUSTIN, TEXAS 78735

(512) 328-6995
FAX: (512) 328-6998

EXHIBIT "B"**ATTACHMENT 3****COMMON INTEREST ALLOCATION**

Any obligations or rights, including assessment charges or credits calculated or determined based on the Common Interest Allocation which are not allocable to a particular Unit due to a rounding error, will be equally apportioned among all Units within the Regime.

THE COMMON INTEREST ALLOCATION ASSIGNED TO A PARTICULAR UNIT WILL CHANGE IF THERE IS AN INCREASE OR DECREASE IN THE NUMBER OF UNITS SUBJECT TO THIS DECLARATION.

Unit Number	Common Interest Allocation
Unit 19	4.5454%
Unit 20	4.5454%
Unit 21	4.5454%
Unit 22	4.5454%
Unit 29	4.5454%
Unit 30	4.5454%
Unit 31	4.5454%
Unit 34	4.5454%
Unit 35	4.5454%
Unit 36	4.5454%
Unit 37	4.5454%
Unit 60	4.5454%
Unit 61	4.5454%
Unit 105	4.5454%
Unit 106	4.5454%
Unit 107	4.5454%
Unit 112	4.5454%
Unit 113	4.5454%
Unit 126	4.5454%
Unit 127	4.5454%
Unit 128	4.5454%
Unit 129	4.5454%

THIRD AMENDMENT TO
DECLARATION OF CONDOMINIUM REGIME FOR
1880 AT PLUM CREEK CONDOMINIUMS

**THE STATE OF TEXAS
COUNTY OF HAYS**

I hereby certify that this instrument was FILED on the
date and the time stamped hereon by me and was duly
RECORDED in the Records of Hays County, Texas.

23022639 AMENDMENT
06/26/2023 11:19:59 AM Total Fees: \$102.00

Elaine H. Cárdenas, MBA, PhD, County Clerk
Hays County, Texas

