

4/22/06  
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AFTER RECORDING RETURN TO:

Robert D. Burton  
Armbrust & Brown, L.L.P.  
100 Congress Ave., Suite 1300  
Austin, Texas 78701

# BEAR LAKE PUD

## VARIANCE

*Travis County and Hays County, Texas*

**Applicant:** Meritage Homes

**Reviewing Authority:** Architectural Control Committee established pursuant to Article 6 of the Master Declaration of Covenants, Conditions, Restrictions and Easements [Bear Lake PUD] recorded in Document No. 2002151142, Official Public Records of Travis County, Texas and Volume 2047, Page 780, Official Public Record of Hays County, Texas, as amended

BEAR LAKE PUD  
ARCHITECTURAL CONTROL COMMITTEE

VARIANCE

**Applicant:** Meritage Homes

**Request for Variance:**

The Property (as defined in the Master Declaration) is subject to that certain Master Declaration of Covenants, Conditions, Restrictions and Easements [Bear Lake PUD] recorded in Document No. 2002151142, Official Public Records of Travis County, Texas and Volume 2047, Page 780, Official Public Record of Hays County, Texas, as amended (the "Master Declaration"). Meritage Homes is the owner of certain 55 Foot Meridian Lots (as defined in the Master Declaration) within the Property and has requested a variance from the square footage requirements in the Master Declaration with respect to such lots.

**Variance**

1. In accordance with *Section 6.02(f)* of that the Master Declaration, the **Architectural Control Committee** (as defined in the Master Declaration) has determined that a variance from the square footage requirements set forth in *Section 2.01(e)* of the Master Declaration, effective solely as to plans for "1572 The Boerne, Elevations A-C and G-H", shall be granted as follows:

Notwithstanding the requirement in *Section 2.01(e)* of the Master Declaration that the maximum floor area of any two-story residence constructed on any "55 Foot Meridian Lot" (as defined in the Master Declaration) shall be 3,200 square feet, each residence constructed on a "55 Foot Meridian Lot" in accordance with plan "1572 The Boerne, Elevations A-C and G-H" and for which the "Media Room Option", "Media Room + Bath 3" and/or the "Study Option" are selected shall have a maximum floor area of 3552 square feet (as measured to frame) and 3593 square feet (as measured to brick).

2. In accordance with *Section 6.02(f)* of the Master Declaration, the Architectural Control Committee has determined that a variance from the square footage requirements set forth in *Section 2.01(e)* of the Master Declaration, effective solely as to "1530 The San Juan, Elevations A-C and G-H", shall be granted as follows:

Notwithstanding the requirement in *Section 2.01(e)* of the Master Declaration that the maximum floor area of any two-story residence constructed on any "55 Foot Meridian Lot" (as defined in the Master Declaration) shall be 3,200 square feet, each residence constructed on a "55 Foot Meridian Lot" in accordance with plan (i) "1530 The San Juan,

Elevations A-B and G-H" shall have a maximum floor area of 3116 square feet (as measured to frame) and 3228 square feet (as measured to brick); and (ii) "1530 The San Juan, Elevation C" shall have a maximum floor area of 3212 square feet (as measured to frame) and 3277 square feet (as measured to brick).

**General**

The variance granted by the undersigned hereby is without representation or warranty and is expressly subject to any and all limitations and disclaimers of liability contained in the Master Declaration and the Architectural Guidelines (as defined in the Master Declaration). The variance herein granted shall not operate to waive or amend any of the terms and provisions of the Master Declaration or the Architectural Guidelines for any purpose except as for the plans "1572 The Boerne, Elevations A-C and G-H" and "1530 The San Juan, Elevations A-C and G-H" and shall not be considered to establish a precedent for any future waiver, modification, or amendment of the terms and provisions of the Master Declaration or the Architectural Guidelines.

Executed to be effective this 07<sup>th</sup> day of September, 2006.

**BEAR LAKE PUD ARCHITECTURAL  
CONTROL COMMITTEE**

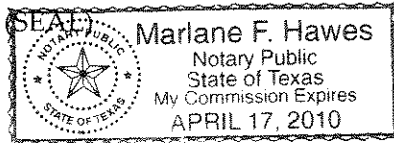
By:   
John E. Baker, Member

By:   
Belinda Wells, Member

By:   
Tim Dalton, Member

THE STATE OF TEXAS §  
COUNTY OF TRAVIS §

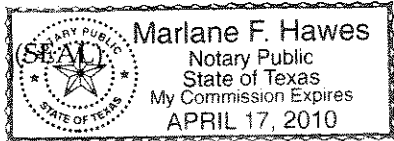
This instrument was acknowledged before me this 6<sup>th</sup> day of September 2006,  
by John E. Baker, Member of the Bear Lake PUD Architectural Control Committee.



Marlane F. Hawes  
Notary Public Signature

THE STATE OF TEXAS §  
COUNTY OF TRAVIS §

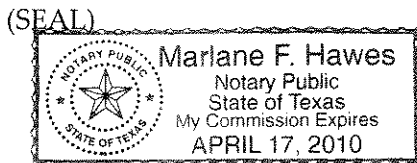
This instrument was acknowledged before me this 6<sup>th</sup> day of September 2006,  
by Belinda Wells, Member of the Bear Lake PUD Architectural Control Committee.



Marlane F. Hawes  
Notary Public Signature

THE STATE OF TEXAS §  
COUNTY OF TRAVIS §

This instrument was acknowledged before me this 6<sup>th</sup> day of September 2006,  
by Tim Dalton, Member of the Bear Lake PUD Architectural Control Committee.



Marlane F. Hawes  
Notary Public Signature

Filed for Record in:  
Hays County  
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