

**AFTER RECORDING RETURN TO:**

Robert D. Burton
Winstead, PC
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Austin, Texas 78701
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FOURTH AMENDMENT TO
DECLARATION OF RESTRICTIVE COVENANTS
MUELLER COMMUNITY FEE

Travis County, Texas

Master Declarant: **CATELLUS AUSTIN, LLC**, a Delaware limited liability company

Cross reference to that certain Mueller Master Community Covenant, recorded as Document No. 2004238007, in the Official Public Records of Travis County, Texas, as amended, and that certain Declaration of Restrictive Covenants – Mueller Community Fee, recorded as Document No. 2006050355, in the Official Public Records of Travis County, Texas, as amended by that certain First Amendment to Declaration of Restrictive Covenants – Mueller Community Fee, recorded as Document No. 2006117412, in the Official Public Records of Travis County, Texas, as amended by that certain Second Amendment to Declaration of Restrictive Covenants – Mueller Community Fee, recorded as Document No. 2006193525, in the Official Public Records of Travis County, Texas, and as amended by that certain Third Amendment to Declaration of Restrictive Covenants – Mueller Community Fee, recorded as Document No. 2010139965, in the Official Public Records of Travis County, Texas.

**FOURTH AMENDMENT TO DECLARATION OF RESTRICTIVE COVENANTS
[MUELLER – COMMUNITY FEE]**

This Fourth Amendment to Declaration of Restrictive Covenants [Mueller – Community Fee] (the “**Amendment**”) is made by CATELLUS AUSTIN, LLC, a Delaware limited liability company (the “**Master Declarant**”), and is as follows:

RECITALS

A. The Master Declarant previously executed and recorded that certain Declaration of Restrictive Covenants – Mueller Community Fee, recorded as Document No. 2006050355, in the Official Public Records of Travis County, Texas, as amended by that certain First Amendment to Declaration of Restrictive Covenants – Mueller Community Fee, recorded as Document No. 2006117412, in the Official Public Records of Travis County, Texas, as amended by that certain Second Amendment to Declaration of Restrictive Covenants – Mueller Community Fee, recorded as Document No. 2006193525, in the Official Public Records of Travis County, Texas, and as amended by that certain Third Amendment to Declaration of Restrictive Covenants – Mueller Community Fee, recorded as Document No. 2010139965, in the Official Public Records of Travis County, Texas (collectively, the “**Community Fee Covenant**”).

B. Pursuant to *Section 3(b)* of the Community Fee Covenant, the Community Fee Covenant may currently be amended by: (i) majority vote of the Board of Directors of the Mueller Master Community, Inc., a Texas non-profit corporation (the “**Board**”); and (ii) written consent of the Master Declarant.

C. The Master Declarant and the Board now desire to amend the Community Fee Covenant, as provided hereinbelow, and have executed this Amendment for purposes of evidencing their consent hereto.

NOW, THEREFORE, the Community Fee Covenant is hereby amended and modified as follows:

1. **Section 1(a)(iii) – Calculation of Community Fee.** Section 1(a)(iii) of the Community Fee Covenant is hereby deleted in its entirety and replaced with the following:

(iii) Calculation of the Community Fee. The Community Fee shall be payable upon the Transfer of any Unit located in the Community as provided for in this Declaration. The Community Fee shall be calculated by multiplying the Transfer Price by .0025.

The Community Fee is imposed not as a penalty and not as a tax, but as an assessment and as a means to provide additional funding to fulfill the goals set forth in this Declaration for the betterment of the Community.

2. **Effect of Amendment.** Any capitalized terms used and not otherwise defined herein shall have the meanings set forth in the Community Fee Covenant. Unless expressly amended by this Amendment, all other terms and provisions of the Community Fee Covenant remain in full force and effect as written.

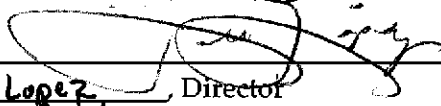
EXECUTED to be effective the 22 day of Dec, 2011.

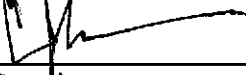
SIGNATURES APPEAR ON FOLLOWING PAGE

The following signatures represent a majority of the seven (7) member Board of Directors of the Mueller Master Community, Inc.:


Fei Dai, Director

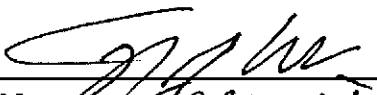

Deanne Desjardin, Director


Leo Lopez, Director


Carl Paulson, Director

CONSENT PROVIDED PURSUANT TO
SECTION 3(b) OF THE COMMUNITY FEE
COVENANT:

CATELLUS AUSTIN, LLC, a Delaware
limited liability company

By: 
Printed Name: GREGORY T. WEAVER
Title: E.V.P.

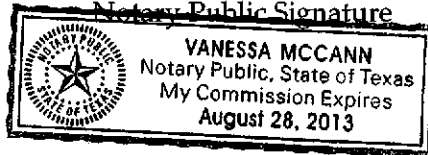
ACKNOWLEDGEMENTS APPEAR ON FOLLOWING PAGE

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this 22 day of Dec, 2011 by Lei Dai, Director of Mueller Master Community, Inc., a Texas non-profit corporation, on behalf of said corporation.

(seal)

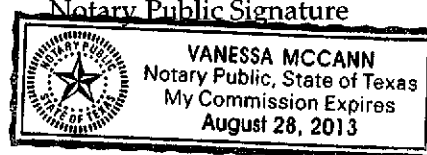
THE STATE OF TEXAS §
COUNTY OF TRAVIS §



This instrument was acknowledged before me on this 22 day of Dec, 2011 by Deanne Desjardins, Director of Mueller Master Community, Inc., a Texas non-profit corporation, on behalf of said corporation.

(seal)

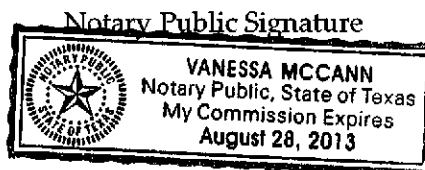
THE STATE OF TEXAS §
COUNTY OF TRAVIS §



This instrument was acknowledged before me on this 22 day of Dec, 2011 by Leo Lopez, Director of Mueller Master Community, Inc., a Texas non-profit corporation, on behalf of said corporation.

(seal)

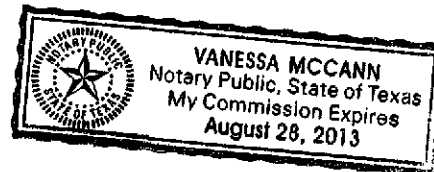
THE STATE OF TEXAS §
COUNTY OF TRAVIS §



This instrument was acknowledged before me on this 22 day of Dec, 2011 by Carl Paulson, Director of Mueller Master Community, Inc., a Texas non-profit corporation, on behalf of said corporation.

(seal)

Notary Public Signature

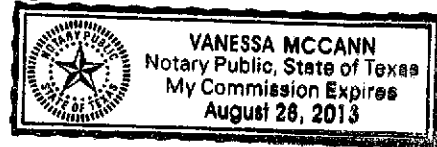


THE STATE OF TEXAS §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this 22 day of Dec, 2011
by Gregory J. Weaver, EVP of Catellus Austin, LLC, a Delaware limited liability
company, on behalf of said limited liability company.

(seal)

Vanessa McCann
Notary Public Signature





FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

DANA DEBEAUVOIR, COUNTY CLERK
TRAVIS COUNTY, TEXAS

January 24 2012 03:13 PM

FEE: \$ 40.00 2012011106