



**FIFTH SUPPLEMENT TO DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS**

McKinney Park East, Annexation of Sheldon 230, Section 2 Phase 3

THIS FIFTH SUPPLEMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTION (this "Fifth Supplement") is made and entered into effective as of 4-10-2006 by KB HOME LONE STAR LP ("Declarant").

RECITALS

WHEREAS, the Declarant filed for record that certain Covenants, Conditions and Restrictions for McKinney Park East on or about October 21, 2002 (the "Declaration") as Document Number 2002199012 in the Real Property Records of Travis County, Texas (such property referenced in the Declaration with all property annexed to such property and subject to the Declaration, hereinafter, the "Original Property"); and

WHEREAS, Section 7.16 of the Declaration provides that the Declarant may annex property adjacent to or adjoining the Original Property or property adjacent to or adjoining property annexed to the Original Property in accordance with the terms and conditions set forth therein; and Travis County, Texas;

WHEREAS the Declarant filed for the record that certain First Supplement to Declaration of Covenants, Conditions and Restrictions for McKinney Park East Sheldon 230 Section 2 Phase 2 and Sheldon 230 Section 2 Phase 1, as more particularly described in that Final Plat recorded as Document Number 200400089 of the Real Property Records of Travis County, Texas;

WHEREAS, the Declarant filed for the record that certain Second Supplement to Declaration of Covenants, Conditions and Restrictions for McKinney Park East Section 2, as more particularly described in that Final Plat recorded as Document Number 200300068 of the Real Property Records of Travis County, Texas;

WHEREAS, the Declarant filed for the record that certain Third Supplement to Declaration of Covenants, Conditions and Restrictions for McKinney Park East Section 3, as more particularly described in that Final Plat recorded as Document Number 2003158517 of the Real Property Records of Travis County, Texas;

WHEREAS, the Declarant filed for the record that certain Fourth Supplement to Declaration of Covenants, Conditions and Restrictions for Sheldon 230, Section 1 Phase 1 as more particularly described in that certain Final Plat recorded as Document Number 200500225, in the Real Property Records of Travis County, Texas and Sheldon 230, Section 1 Phase 2 as more particularly described in that certain Final Plat recorded as Document Number 200600033, in the Real Property Records of Travis County, Texas;

WHEREAS, the Declarant desires to include the following sentence added to the end of Paragraph 1.8 of the Declaration as follows:

The Lots in Sheldon 230, Section 2 Phase 1; Sheldon 230, Section 2 Phase 2; and Sheldon, 230 Section 2 Phase 3 which sub-lots are a part of this Declaration are subject and governed by the City of Austin Land Development Code, Title 25, Section 25-4-232.

WHEREAS, the Declarant owns certain property located adjacent to the Original Property known as Sheldon 230, Section 2 Phase 3 as more particularly described in that certain Final Plat recorded as Document Number 200600102, in the Real Property Records of Travis County, Texas (the "Supplemental Property"); and

WHEREAS, Declarant desires to annex the Supplemental Property with the Original Property so that the terms, conditions, covenants and restrictions set forth in the Declaration shall apply to the Supplemental Property;

WHEREAS, unless otherwise provided in this Fifth Supplement, definitions contained in the Declaration shall have the same meaning in this Fifth Supplement; and

NOW, THEREFORE, in consideration of the foregoing and other good and valuable consideration, the receipt, adequacy and sufficiency of which is hereby acknowledged, Declarant hereby agrees to supplement the Declaration as follows:


1. Declaration in Effect. The foregoing recitations are true and correct.
2. Annexation of Supplemental Property. The Supplemental Property is hereby annexed into the Declaration and all terms, conditions, covenants and restrictions of the Declaration shall be applicable to the Supplemental Property, including, but not limited to the obligation to pay dues, charges and assessments to the Association that are required to maintain common areas, entry features, landscaping, drainage and electrical easements, and screening walls, including within the Property or future Property to be annexed with the Property.
3. No Further Changes. Except as expressly set forth herein, the Declaration shall remain unchanged and shall continue in full force and effect.

IN WITNESS WHEREOF, the Declarant has executed this Fifth Supplement as of the date and year first above written.

DECLARANT

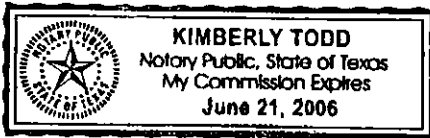
KB HOME LONE STAR LP, a Texas limited partnership

By: KBSA, Inc., its general partner

By: 
Name: JOHN H. ZINSMEYER
Title: VICE PRESIDENT

State of Texas §
 §
County of Travis §

This instrument was acknowledged before me this 10th day of April, 2006, by John Zinsmeyer, Vice President of KBSA, Inc., a Texas corporation, the general partner of KB HOME LONE STAR LP, a Texas limited partnership.



Kimberly Todd
Notary Public, State of Texas

Joining in for purposes of evidencing agreement and acknowledgment as to Lots 6, 7, 8, & 9
Block C Section 2 Phase 1.

KB ONE

By: [Signature]
Name: Barbara D. Hart
Title: Assistant Secretary

After recording return to:
KB HOME LONE STAR LP
Attn: Land Department
11911 Burnet Road
Austin, TX 78758

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

2006 Apr 19 04:02 PM 2006071323

CORTEZY \$24.00

DANA DEBEAUVOIR COUNTY CLERK
TRAVIS COUNTY TEXAS