

237-01-1408

15

REAL PROPERTY RECORDS

8353871 FIRST AMENDMENT TO FIRST AMENDED
AND RESTATED DECLARATION OF COVENANTS,
CONDITIONS, ASSESSMENTS, CHARGES,
SERVITUDES, LIENS, RESERVATIONS AND EASEMENTS

This FIRST AMENDMENT TO FIRST AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS, ASSESSMENTS, CHARGES, SERVITUDES, LIENS, RESERVATIONS, AND EASEMENTS (the "First Amendment") is made effective as of the 1st day of January, 1983, by Lake Conroe Land Development Associates, a Texas general partnership (herein called "Declarant").

W I T N E S S E T H:

WHEREAS, effective as of October 25, 1982 Declarant executed a certain Declaration of Covenants, Conditions, Assessments, Charges, Servitudes, Liens, Reservations, and Easements (the "Declaration") recorded in Clerk's File #8257208, Real Estate Records of Montgomery County, Texas; and

WHEREAS, effective as of January 1, 1983, Declarant executed a certain First Amended and Restated Declaration of Covenants, Conditions, Assessments, Charges, Servitudes, Liens, Reservations, and Easements (the "First Amended and Restated Declaration") recorded in Clerk's File #8305387, Real Estate Records of Montgomery County, Texas; and

WHEREAS, Declarant, together with the requisite number of Owners (as defined in the First Amended and Restated Declaration), and the requisite number of first mortgagees holding liens against the Reserved Areas have approved certain modifications to the First Amended and Restated Declaration; and

WHEREAS, the terms used herein, unless otherwise noted, shall have the same meaning as defined in the First Amended and Restated Declaration.

NOW, THEREFORE, for and in consideration of the premises and other good and valuable consideration, the First Amended and Restated Declaration is hereby amended as follows:

1. Article I, Section E of the First Amended and Restated Declaration is hereby amended to read as follows:

"E. 'Association' shall mean and refer to the non-profit corporation created under the laws of the State of Texas (at Declarant's sole cost and expense) and under a name selected by Declarant which will, within ninety (90) days following the Development Period (as hereinafter defined), or sooner if Declarant elects, have the power, duty and responsibility of maintaining and administering the Common Properties (hereinafter defined) and enforcing the Covenants and collecting and disbursing the assessments and charges hereinafter prescribed, such entity succeeding to the Declarant's prerogatives with respect to such matters."

2. Article I, Section AA of the First Amended and Restated Declaration is hereby amended to read as follows:

"AA. 'Undivided Interval Fee Interest' shall mean an interest, however evidenced or documented, in any Lot which creates in the holder of such interest a right of usage and occupancy (with other persons holding similar interests within the particular Lot) of such Lot for

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237-01-1409

definitive, though limited, periods of time of less than one year, according to a fixed or variable time schedule. An Undivided Interval Fee Interest shall not in and of itself constitute a Lot, but shall be limited to an interest in a Lot. An Undivided Interval Fee Interest does not include a lease to the occupant or tenant of a Lot if such lease does not create a right of usage and occupancy with persons holding a similar interest within the particular Lot for definitive, though limited periods of time of less than one year, according to a fixed or variable time schedule."

3. A new Section 3.05 is hereby added to the end of Article III of the First Amended and Restated Declaration, which reads as follows:

"3.05 Use of Assessments. The assessments shall be levied only for the purposes set forth in Article VI and shall not be levied for any other purposes. No Owner shall be obligated to pay any assessments which will be used for the benefit, construction or operation of any properties, amenities or recreational areas which are not part of the Common Properties located on the Property."

4. Section 8.03 of the First Amended and Restated Declaration is hereby amended to read as follows:

"8.03 Conveyance of Common Properties. Declarant shall, within ninety (90) days following the end of the Development Period, or sooner if Declarant elects, convey in fee, by special warranty deed, the surface estate in the Common Properties (to the extent same have not been previously dedicated) to the Association. The Common Properties so conveyed shall be conveyed free and clear of any debt, charges or liens encumbering same."

5. Section 11.01(n) of the First Amended and Restated Declaration is hereby amended to read as follows:

"(n) Signs. No exterior signs or advertisements of any kind may be placed, allowed, or maintained on any Lot without prior approval and authorization of the Architectural Committee, except that mailboxes, residential nameplates, 'for sale' and 'for rent' signs, and, with respect to the Reserved Areas only, proper signs necessary and convenient to assist in sales, may be placed and maintained in conformity with such common specifications, including without limitation, reasonable restrictions as to size, as may be adopted by the Declarant or the Board of Directors if applicable."

Except as expressly modified hereby, the First Amended and Restated Declaration shall remain in full force and effect as originally written.

The Declarant does hereby certify that the requisite percentage of Owners and first mortgagees holding liens against the Reserved Areas have voted to approve this First Amendment.

237-01-1410

IN WITNESS WHEREOF, Lake Conroe Land Development Associates, a Texas general partnership, has hereunto caused its name to be signed by the signature of its duly authorized official as of the day and year first above written.

LAKE CONROE LAND DEVELOPMENT ASSOCIATES,
a Texas general partnership

By: MPB EQUITIES, INC., a Texas
corporation and General Partner

By: L. H. Homan, Jr., VP
L. H. Homan, Jr., Vice President

By: Aron B. Katz
ARON B. KATZ, General Partner

237-01-1411

THE STATE OF TEXAS §
COUNTY OF DALLAS §

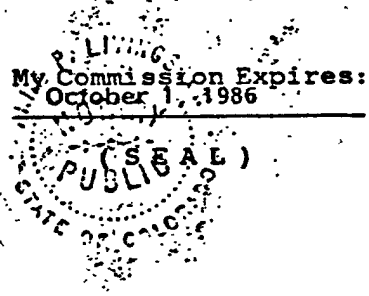
for Oct 1 This instrument was acknowledged before me this 31st day of ~~September~~ 1983, by L. H. HOMAN, JR., Vice President of MPB EQUITIES, INC., a Texas corporation and General Partner of LAKE CONROE LAND DEVELOPMENT ASSOCIATES, a Texas general partnership, on behalf of such general partnership.



Sandra J. Nolan
Notary Public, State of Texas

THE STATE OF COLORADO §
COUNTY OF BOULDER §

This instrument was acknowledged before me this 27th day of October, 1983, by ARON B. KATZ, General Partner of LAKE CONROE LAND DEVELOPMENT ASSOCIATES, a Texas general partnership, on behalf of such general partnership.



Anne P. Livingston
Notary Public, State of Colorado

RETURN TO:
COMMONWEALTH LAND TITLE
1441 WOODSTEAD CT., SECOND FLOOR
THE WOODLANDS, TEXAS 77380

By 29110

237-01-1412

MINUTES OF SPECIAL MEETING

On October 25, 1982, Lake Conroe Land Development Associates, a Texas general partnership (the "Declarant") executed a Declaration of Covenants, Conditions, Assessments, Charges, Servitudes, Liens, Reservations, and Easements (the "Declaration") recorded in Clerk's File #8257208, Real Estate Records, of Montgomery County, Texas.

On January 1, 1983, the Declarant executed a First Amended and Restated Declaration of Covenants, Conditions, Assessments, Charges, Servitudes, Liens, Reservations, and Easements (the "First Amended Declaration") recorded in Clerk's File #8305387, Real Estate Records of Montgomery County, Texas.

On October 10, 1983, a special meeting of the Owners (as defined in the Declaration) and first mortgagees holding liens against the Reserved Areas was held at 15001 Walden Rd., for the purpose of voting for the approval or disapproval of certain proposed amendments to the First Amended Declaration, such amendments being evidenced by the First Amendment to First Amended and Restated Declaration attached hereto as Exhibit "A" (the "Amendment").

Set forth on Exhibit "B" attached hereto, which includes the names of all Owners and first mortgagees holding liens against the Reserved Areas present at the meeting, are the results of the voting with respect to the approval of the Amendment.

The undersigned does hereby certify that the Amendment was approved by the requisite vote as specified in Section 12.02 of the First Amended Declaration.

LAKE CONROE LAND DEVELOPMENT ASSOCIATES

By: MPB EQUITIES, INC., General Partner

By: L. H. Homan, Jr. VP
L. H. Homan, Jr., Vice President

By: Aron B. Katz
ARON B. KATZ, General Partner

RECORDERS MEMORANDUM
ALL BLACKOUTS, ADDITIONS AND
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CONSENT TO AMENDMENT

237-01-1413

WHEREAS, effective as of October 25, 1982, Lake Conroe Land Development Associates, a Texas general partnership (the "Declarant") executed a certain Declaration of Covenants, Conditions, Assessments, Charges, Servitudes, Liens, Reservations, and Easements (the "Declaration") recorded in Clerk's File #8257208, Real Estate Records of Montgomery County, Texas;

WHEREAS, effective as of January 1, 1983, Declarant executed a certain First Amended and Restated Declaration of Covenants, Conditions, Assessments, Charges, Servitudes, Liens, Reservations, and Easements (the "First Amended Declaration") recorded in Clerk's File #8305387, Real Estate Records, Montgomery County, Texas; and

WHEREAS, Section 12.02 of the First Amended Declaration provides that:

"This Declaration may be amended or changed in whole or in part at any time by the affirmative vote of fifty-one percent (51%) of the total votes entitled to be cast (each Owner having one vote per Lot owned), and fifty-one percent (51%) of the first mortgagees holding liens against the Reserved Areas."

WHEREAS, the undersigned do hereby desire to amend the First Amended Declaration in certain respects.

NOW, THEREFORE, for and in consideration of the premises and other good and valuable consideration, the undersigned, constituting at least fifty-one percent (51%) of the total votes of the Owners present at a special meeting duly called pursuant to the provisions of the First Amended Declaration, and fifty-one percent (51%) of the first mortgagees holding liens against the Reserved Areas, do hereby consent to the First Amendment to First Amended and Restated Declaration which is attached hereto as Exhibit "A".

<u>OWNERS</u>	<u>LOT</u>	<u>BLOCK</u>
<u>Arline B. Rouse</u>	<u>7</u>	<u>10</u>
<u>Shirley B. ...</u>	<u>7</u>	<u>8</u>
<u>A. Y. Nichols</u>	<u>6</u>	<u>8</u>
<u>Richard V. ...</u>	<u>8</u>	<u>8</u>
<u>...</u>	<u>1-2-3</u>	<u>10</u>
<u>...</u>	<u>1-2</u>	<u>9</u>
<u>Paul D. ...</u>	<u>1-2-3</u>	<u>10</u>
	<u>1-2</u>	<u>9</u>

RECORDED MEMORANDUM
 ALL BLACKOUTS, ADDITIONS AND
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 THIS INSTRUMENT WAS FILED AND RE-
 CORDED.

237-01-1414

[Blank lines for recording details]

STATE OF TEXAS
COUNTY OF MONTGOMERY
I hereby certify that this instrument was filed
in File No. 237-01-1414 on the date and at the
time stamped herein by me, and was duly RECORDED,
in the official Public Records of Real Property of
Montgomery County, Texas

FILED FOR RECORD

1983 NOV -2 PM 2:10

NOV 2 1983



Roy Harris
COUNTY CLERK
MONTGOMERY COUNTY, TEXAS

Roy Harris
COUNTY CLERK
MONTGOMERY COUNTY, TEXAS

DECLARANT:

LAKE CONROE LAND DEVELOPMENT ASSOCIATES,
a Texas general partnership

By: MPB EQUITIES, INC., a Texas
corporation and general partner

By: *L. H. Homan, Jr.*
L. H. Homan, Jr., Vice President

By: *Aron B. Katz*
ARON B. KATZ, General Partner

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