

FILED  
 AMENDMENT TO  
 DECLARATION OF CONDOMINIUM REGIME  
 FOR BRIARWICK CONDOMINIUMS  
 PHASE ONE

10/07/83 00082897 J177042 \$ 20.00

WHEREAS, by a Declaration of Condominium Regime dated July 27, 1983, and filed for record with the County Clerk of Harris County, Texas, on the 26th day of August, 1983, under Clerk's File No. J-109905 of the Official Public Records of Real Property Records of Harris County, Texas, which is also Volume 139, Page 90, of the Condominium Records of Harris County, Texas, BRIARWICK CONDOMINIUMS, a Condominium Regime was created; and

WHEREAS, the Declarant in said Declaration was BENTLEY HOMES, INC., a Texas corporation; and

WHEREAS, the Declarant is the sole and only owner of each and every unit at BRIARWICK CONDOMINIUMS, and the Declarant hereby states that as of the execution hereof, no unit has been sold; and

WHEREAS, Paragraph 12.3 of Article XII provides in part as follows:

" Except as permitted herein, none of the provisions of this Declaration shall be amended unless the Owners representing an aggregate ownership interest of seventy-five percent (75%) of the Condominium Units, or more, and all of the holders of any recorded mortgage or deed of trust covering or affecting any or all condominium units unananimously consent and agree to such revocation or amendment by instrument(s) duly recorded; provided, however, that the foregoing shall not prevent the making of physical changes in the interior of a Unit or Units coming into the possession of a mortgagee by virtue of foreclosure of any first mortgage; and physical changes to and alterations of the Unit or Units owned by virtue of foreclosure of any first mortgage may be made without the consent of the other Owners or mortgagees and this Declaration may be amended without other Owners' or mortgagees' consent, by the Owner acquiring same by such foreclosure, to correspond with such physical changes; provided further, that the percentage of the undivided interest of each Unit Owner in General Common Elements as expressed in this Declaration shall have a permanent character and shall not be altered (except as permitted in Article 2.5 hereof) without the consent of all of the Unit Owners expressed in an amended Declaration duly recorded, and those entities set forth in Article 10.7 hereof.

Developer reserves, and shall have the continuing right until August 1, 1988, without the joinder of Owner or any person or entity (whether or not condominium units have been conveyed) to amend this Declaration or the By-Laws for the purposes set forth in Article 2.5 and for the purpose of clarifying or resolving any ambiguities or conflicts herein, or correcting any inadvertent misstatements, errors or omissions herein, and to meet any requirement specified by the Veterans' Administration, Federal Housing Administration, Federal National Mortgage Association and any other similarly secured or guaranteed mortgage agency or authority with an interest in any loan related to the Condominium Project, provided that no such Amendment shall change the stated number of units nor the percentage interest in the Common Elements attributable thereto, nor materially adversely affect the interest of any Owner."

NOW THEREFORE, the Declarant, as the sole and only owner of the units at BRIARWICK CONDOMINIUMS, to correct misstatements and errors, does hereby amend said Condominium Declaration as follows:

1. Paragraph 2.5 Expansion of the Project contained errors in that it provided for only two instead of three Phases. The original Paragraph 2.5 is hereby deleted and the following substituted in its place.

" The Developer anticipates that the Condominium Regime created hereunder will be expanded to include future phases, additional Units and Common Elements to be constructed on the real property additionally described in Exhibit "B", which property is adjacent to the Subject Property. These future Units may be designed, modified or revised as Developer may deem advisable in its sole discretion, provided however, in no event shall more than two hundred thirty (230) additional Units, for a total of three hundred fifty (350) Units be constructed. All additional units must be of the same basic style, floor plan, size and quality as those in the Briarwick Condominiums. In this connection, it is hereby stipulated that the undivided interests set forth on Exhibit "B" hereto, which is appurtenant to the Units covered hereby will be revised as additional Units and Common Elements are built based upon the ratio that the number of square feet contained in each Unit bears to the number of square feet contained in all of the Units, including the additional Units, and each Owner will correspondingly own a percentage interest in the additional Common Elements at such time as the hereinafter annexation or supplement is filed. In order to annex and include the additional Units within the Condominium Regime created hereby, and solely for such purpose, Developer reserves the right to annex other properties and supplement this Declaration at any time prior to August 1, 1988. Prior to any such annexation, all improvements scheduled to be built in any such future phase,

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THE STATE OF TEXAS  
 COUNTY OF HARRIS

Before me, the undersigned authority, on this day personally appeared Bentley Homes, Inc., President of BENTLEY HOMES, INC., a Texas corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the declaration therein stated and as the act and deed of said corporation.

Given under my hand and seal of office on this 20th day of August, 1983.

Notary Public, State of Texas  
 I, SUE PEARSON  
 Notary Public, State of Texas  
 Printed Name of Notary Public  
 My Commission Expires: 12-22-85

shall have been substantially completed. Such annexation or supplementation may be made by Developer without the joinder of any Owner, or mortgagee of Owner, and the filing of such annexation or supplement shall be binding upon each Owner and mortgagee. In no event, however, may any such annexation or supplement serve to dilute or reduce the respective percentage ownership interests of each Owner as set forth on Exhibit "B" hereto except to the extent provided above and to the extent that each Owners' voting rights in the association will be diluted since more votes will be required to equal the specified number to pass or reject the matter being considered. Further, if the annexation or supplement herein permitted to be filed is not filed prior to August 1, 1988, the Developer shall not thereafter be entitled to supplement this Declaration for the limited purpose set forth in this Article 2.5. An annexation or supplement under this Article 2.5 shall not be an amendment of the Declaration as provided under Article 12.3 herein."

EXCEPT as specifically set forth hereinabove, all provisions of the Declaration for Briarwick Condominiums as previously recorded shall remain valid and unaffected. In the event of any ambiguities between the original Declaration and this Amendment, the terms of this Amendment shall be controlling.

EXECUTED this the 20th day of August, 1983.

BENTLEY HOMES, INC.

By: Bill Palmer President

ATTEST:

Notary Public  
 Secretary

BRIARWICK CONDOMINIUMS  
PHASE ONE

JOINDER OF LIENHOLDER

The undersigned, Commonwealth Mortgage Corporation being the owner and holder of an existing mortgage and lien upon and against the real property described in the Declaration of Condominium Regime ("Declaration") referred to in the Amendment to the Declaration, and defined as the "Property" in said Declaration, as such mortgagee and lienholder, does hereby consent to and join in this Amendment to the Declaration.

The consent and joinder shall not be construed or operate as a release of said mortgage or liens owned and held by the undersigned, or any part thereof, but the undersigned agrees that its said mortgage and Units shall hereafter be upon and against each and all of the Units and all appurtenances thereto, and all of the undivided, equitable shares and interests in the Common Elements, subject to the said Condominium Regime.

SIGNED AND ATTESTED by the undersigned officers of Commonwealth Mortgage Corporation hereto authorized, this the 23rd day of September, 1983.

COMMONWEALTH MORTGAGE CORPORATION

BY: [Signature]  
Senior Vice President

ATTEST:

[Signature]  
Secretary

THE STATE OF TEXAS

COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Daniel B. Kanagy, Senior Vice President of Commonwealth Mortgage Corporation, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 23rd day of September, 1983.

[Signature]  
NOTARY PUBLIC, STATE OF TEXAS

D. Akin  
Printed Name of Notary

My Commission Expires: 11/85

Return to:

Paul E. Tapscott  
Morris, McCann, Tinsley & Snowden  
2200 West Loop South  
Suite 225  
Houston, Texas 77027-3577  
(713) 627-1520

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STATE OF TEXAS  
COUNTY OF HARRIS  
I hereby certify that this instrument was filed in  
the Public Records of the State and of the County of Harris  
on the day and date above indicated, in the County  
Public Records of said Property at Harris County, Texas on

OCT 11 1983



[Signature]  
County Clerk, Harris County, Texas