

CONDOMINIUM ANNEXATION DECLARATION

FOR

BRIARWICK CONDOMINIUMS, PHASE TWO

THE STATE OF TEXAS S
 S KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF HARRIS S

WHEREAS, by a Condominium Declaration dated the 27th day of July, 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 of Harris County, Texas, the same being Volume 139, Page 90, of the Condominium Records of Harris County, Texas, as BRIARWICK CONDOMINIUMS, PHASE ONE, a condominium regime was created; and,

WHEREAS, an Amendment to the Declaration of Condominium Regime for BRIARWICK CONDOMINIUMS, which was dated the 20th day of September, 1983, and filed for record with the County Clerk of Harris County, Texas, on the 7th day of October, 1983, under Clerk's File No. J-177042 of the Official Public Real Property Records of Harris County, Texas, the same being Volume 141, Page 7, of the Condominium Records of Harris County, Texas, the Declaration of BRIARWICK CONDOMINIUMS was amended; and,

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

WHEREAS, Paragraph 2.5 of Article II of said Declaration, as amended, provides that

The Developer anticipates that the Condominium Regime created hereunder will be expanded to include additional Units and Common Elements to be constructed on the real property additionally described in Exhibit "E" as Phase Two, adjacent to the Subject Property which Units shall 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 "D" hereto, which is appurtenant to the Units covered hereby will be revised as additional Units and Common Elements are built or scheduled to be 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 correspondingly each Owner will own a percentage interest in the additional Common Elements at such time as the hereinafter amendment 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 amend or supplement this Declaration at any time prior to August 1, 1988. Prior to any such annexation, all improvements scheduled to be built in Phase Two shall have been substantially completed. Such amendment may be made by Developer without the joinder of any Owner or mortgagee of Owner and the filing of such Amendment or supplement shall be binding upon each Owner and mortgagee. In no event, however, may any such Amendment serve to dilute or reduce the respective percentage ownership interests of each Owner as set forth on Exhibit "D" 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 Amendment or supplement herein permitted to be filed is not filed prior to August 1, 1988, the Developer shall not thereafter be entitled to amend this Declaration for the limited purpose set forth in this Article 2.5.

WHEREAS, Declarant is the owner of the land described in the attached Exhibit "A", and upon which land Declarant has constructed five (5) buildings and other improvements appurtenant thereto, which five (5) buildings contain eighty-four (84) separately designed residential dwelling units, and which land, buildings and units are all of comparable size, value, design, appearance and structure to the units in BRIARWICK CONDOMINIUMS, PHASE ONE; and,

WHEREAS, Declarant desires to annex the land described in the attached Exhibit "A" and the five (5) buildings and other improvements appurtenant thereto, to BRIARWICK CONDOMINIUMS as PHASE TWO of said Condominium, as authorized in and in accordance with the provisions of Paragraph 2.5 of Article II of the Condominium Declaration for BRIARWICK CONDOMINIUMS.

NOW, THEREFORE, Declarant does hereby publish and declare that the property described in the attached Exhibit "A", and all improvements thereon, shall be annexed to and become a part of BRIARWICK CONDOMINIUMS, as fully and completely as if said property had been described in the original Condominium Declaration for BRIARWICK CONDOMINIUMS as recorded on August 26, 1983, under Clerk's File No. J-109905 of the Official Real Property Records of Harris County, Texas, and as later amended thereunto, but subject to the following provisions: all terms, covenants, conditions, easements, restrictions, uses, limitations and obligations contained in said Condominium Declaration shall be deemed to run with the land described in the attached Exhibit "A", and which shall be a burden and a benefit to the Declarant, its successors and assigns, and any person acquiring or owning an interest in the real property and improvements, their Grantees, successors, executors, administrators, devisees and assigns, as amended by the following provisions:

ARTICLE I

INCORPORATION BY REFERENCE

The Condominium Declaration for BRIARWICK CONDOMINIUMS, dated July 27, 1983, as recorded on August 26, 1983, under Clerk's File No. J-109905 of the Official Real Property Records of Harris County, Texas, is incorporated, in its entirety, herein by reference.

ARTICLE II

INCORPORATION OF AMENDMENT

The Amendment to the Declaration for BRIARWICK CONDOMINIUMS, PHASE ONE, as recorded on October 7, 1983, under Clerk's File No. J-177042, of the Official Public Records of Real Property, for Harris County, Texas, is incorporated, in its entirety, herein by reference.

ARTICLE III

MAP OF PHASE TWO

Attached hereto as Exhibit "A" is a map of BRIARWICK CONDOMINIUMS, PHASE TWO, showing thereon the location and boundaries of each unit in each building and other elements.

ARTICLE IV

CONDOMINIUM UNIT DESIGNATIONS AND DESCRIPTIONS

4.1 RECORDATION OF MAP. Upon the recordation of this Condominium Annexation Declaration, the property described in Exhibit "A", and referred to herein shall be and become a part of BRIARWICK CONDOMINIUMS as shown in the exhibits attached hereto.

4.2 DESIGNATION OF APARTMENT UNITS. Upon the recordation of this Condominium Annexation Declaration, BRIARWICK CONDOMINIUMS, PHASE ONE and TWO will consist of Common Elements and separate units as follows:

(a) Two hundred four (204) separately designated Units in Thirteen (13) buildings, each building being identified by building symbol or designation on the attached Exhibit "A" as follows:

BUILDING "A" - containing twenty (20) units, numbered 101 through 120, inclusive;

BUILDING "B" - containing eight (8) Units, numbered 201 through 208, inclusive;

BUILDING "C" - containing twelve (12) Units, numbered 301 through 312, inclusive;

BUILDING "D" - containing twenty (20) Units, numbered 401 through 420, inclusive;

BUILDING "E" - containing twelve (12) Units, numbered 501 through 512, inclusive;

BUILDING "F" - containing sixteen (16) Units, numbered 601 through 616, inclusive;

BUILDING "G" - containing sixteen (16) Units, numbered 701 through 716, inclusive;

BUILDING "H" - containing sixteen (16) Units, numbered 801 through 816, inclusive;

BUILDING "J" - containing twelve (12) Units, numbered 901 through 912, inclusive, the size and dimensions of each being detailed on the floor plan thereof, attached hereto, marked Exhibit "C-1";

BUILDING "K" - containing twenty (20) Units, numbered 1001 through 1020, inclusive, the size and dimensions of each being detailed on the floor plan thereof, attached hereto, marked Exhibit "C-2";

BUILDING "L" - containing twenty (20) Units, numbered 1101 through 1120, inclusive, the size and dimensions of each being detailed on the floor plan thereof, attached hereto, marked Exhibit "C-3";

BUILDING "T" - containing twelve (12) Units, numbered 1801 through 1812, inclusive, the size and dimensions of each being detailed on the floor plan thereof, attached hereto, marked Exhibit "C-4";

BUILDING "U" - containing twenty (20) Units, numbered 1901 through 1920, inclusive, the size and dimensions of each being detailed on the floor plan thereof, attached hereto, marked Exhibit "C-5";

(b) The remaining portion of the premises, referred to as the Common Elements, shall be owned in common by the Owners.

ARTICLE V

UNDIVIDED INTEREST IN THE COMMON ELEMENTS

Upon the recordation of this Condominium Annexation Declaration, the owner of each Unit in BRIARWICK CONDOMINIUMS, PHASE ONE and TWO shall own an undivided interest in the Common Elements of BRIARWICK CONDOMINIUMS,

PHASE ONE and TWO as shown in the attached Exhibit "B", which is hereby substituted for and in place of the Exhibit "D" attached to the original Declaration, recorded under Clerk's File No. J-109905 of the Official Public Real Property Records of Harris County, Texas, which interest was determined on a pro-rata basis, and each owner shall become a member of BRIARWICK CONDOMINIUMS.

ARTICLE VI

APPLICABILITY OF BRIARWICK, PHASE ONE AND TWO

CONDOMINIUM DECLARATION

All provisions of BRIARWICK CONDOMINIUMS, dated July 27, 1983, as recorded on August 26, 1983, under Clerk's File No. J-109905, as later amended, shall be applicable to BRIARWICK CONDOMINIUMS, PHASE ONE and TWO.

IN WITNESS WHEREOF, Declarant has duly executed this Annexation Declaration as of the ____ day of _____, 1983.

BENTLEY HOMES, INC.

By: _____ President

ATTEST:

By: _____
Secretary

THE STATE OF TEXAS S

COUNTY OF HARRIS S.

BEFORE ME, the undersigned authority, on this day personally appeared _____, President of BENTLEY HOMES, INC., a Texas corporation, known to me to be the persons whose names are 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 on this ____ day of _____, 1983.

Notary Public, State of Texas

Printed Name of Notary

My Commission expires: _____

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 foregoing Annexation Declaration, and in the Declaration of Condominium Regime, referred to in the Annexation Declaration, ("Declaration") and defined as the "Property" in said Declaration, as such mortgagee and lienholder, does hereby consent to and join in said Annexation 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 ____ day of _____, 1983.

COMMONWEALTH MORTGAGE CORPORATION

BY: _____ President

ATTEST:

Secretary

THE STATE OF TEXAS

COUNTY OF _____

BEFORE ME, the undersigned authority, on this day personally appeared _____, _____ 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 ____ day of _____, 1983.

NOTARY PUBLIC, STATE OF TEXAS

Printed Name of Notary

My Commission Expires: _____

Return To:

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

October 21, 1983

FIELD NOTES
Briarwick Apartments - Phase 2

Description of 2.5430 acres (110,774 square feet) out of Holly Hall Apartments as recorded in Volume 316, Page 37 of the Harris County Map Records, located in the P.W. Rose Survey, Abstract 645, in the City of Houston, Harris County, Texas and being more fully described by metes and bounds in two tracts as follows (with bearings referenced to said plat of Holly Hall Apartments):

TRACT "A"
1.5006 acres (65,365 sq.ft.)

COMMENCING at a 5/8-inch iron rod found in the North right-of-way line of El Mundo (60 feet wide) for the Southwest corner of said Holly Hall Apartments;

THENCE, N 87° 27' 51" E, along the North right-of-way line of said El Mundo and a Southerly line of said Holly Hall Apartments, a distance of 364.93 feet to a 5/8-inch iron rod found for the point of curvature of a curve to the left;

THENCE, NORTHEASTERLY, continuing along the aforesaid lines and the arc of said curve to the left, having a radius of 185.00 feet, a central angle of 59° 12' 54", a chord bearing N 57° 51' 24" E, 182.80 feet, an arc length of 191.20 feet to a 5/8-inch iron rod found for the point of tangency;

THENCE, N 28° 14' 57" E, along the Northwestern right-of-way line of said El Mundo and a Southeasterly line of said Holly Hall Apartments, a distance of 28.98 feet to the POINT OF BEGINNING of the herein described tract;

THENCE, N 64° 45' 03" W, a distance of 247.48 feet to a point for corner;

THENCE, N 46° 46' 14" W, a distance of 74.50 feet to a point for corner marking the point of curvature of a curve to the left;

THENCE, NORTHWESTERLY, along the arc of said curve to the left, having a radius of 20.00 feet, a central angle of 45° 45' 16", a chord bearing N 69° 39' 19" W, 15.55 feet, an arc length of 15.97 feet to the point of tangency;

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83-01-1680

Page 2 of 3, 2.5430 acres

THENCE, S 87° 27' 52" W, a distance of 5.45 feet to a point for corner;

THENCE, N 55° 18' 44" E, a distance of 63.29 feet to a point for corner;

THENCE, N 54° 29' 57" E, a distance of 180.05 feet to a point for corner;

THENCE, S 20° 34' 49" E, a distance of 64.44 feet to a point for corner;

THENCE, N 69° 25' 11" E, a distance of 44.31 feet to a point for corner;

THENCE, S 19° 36' 45" E, a distance of 3.81 feet to a point for corner;

THENCE, N 70° 23' 16" E, a distance of 19.00 feet to a point for corner;

THENCE, N 73° 32' 10" E, a distance of 84.69 feet to a point for corner in the West right-of-way line of said El Mundo;

THENCE, S 16° 27' 50" E, along the West right-of-way line of said El Mundo and an Easterly line of said Holly Hall Apartments, a distance of 35.88 feet to a 5/8-inch iron rod found for the point of curvature of a curve to the right;

THENCE, SOUTHERLY, along the right-of-way line of said El Mundo and a Southeasterly line of said Holly Hall Apartments and the arc of said curve to the right, having a radius of 180.00 feet, a central angle of 44° 42' 47", a chord bearing S 05° 53' 34" W, 136.93 feet, an arc length of 140.47 feet to a 5/8-inch iron rod found for the point of tangency;

THENCE, S 28° 14' 57" W, continuing along the aforesaid lines, a distance of 129.13 feet to the POINT OF BEGINNING and containing 1.5006 acres of land.

TRACT "B"

1.0424 acres (45,409 sq. ft.)

COMMENCING at a 5/8-inch iron rod found in the South right-of-way line of Holly Hall (120 feet wide) for the Northwest corner of said Holly Hall Apartments;

THENCE, S 02° 32' 09" E, along a West line of said Holly Hall Apartments, a distance of 175.00 feet to the POINT OF BEGINNING of the herein described tract;

Miller Engineers

EXHIBIT "A"

Page 3 of 3, 2.5430 acres

THENCE, N 87° 27' 51" E, a distance of 142.00 feet to a point for corner marking the point of curvature of a curve to the left;

THENCE, SOUTHEASTERLY, along the arc of said curve to the left, having a radius of 833.00 feet, a central angle of 15° 57' 52", a chord bearing S 10° 35' 13" E, 231.35 feet, an arc length of 232.10 feet to the point of tangency;

THENCE, S 45° 15' 25" E, a distance of 76.13 feet to a point for corner;

THENCE, S 87° 27' 51" W, a distance of 197.05 feet to a point for corner;

THENCE, N 02° 32' 09" W, a distance of 27.00 feet to a point for corner;

THENCE, S 87° 27' 51" W, a distance of 29.00 feet to a point for corner;

THENCE, N 02° 32' 09" W, passing at a distance of 8.00 feet a 5/8-inch iron rod found for corner in a West line of said Holly Hall Apartments, in all a total distance of 258.00 feet to the POINT OF BEGINNING and containing 1.0424 acres of land.

Miller Engineers
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EXHIBIT "A"

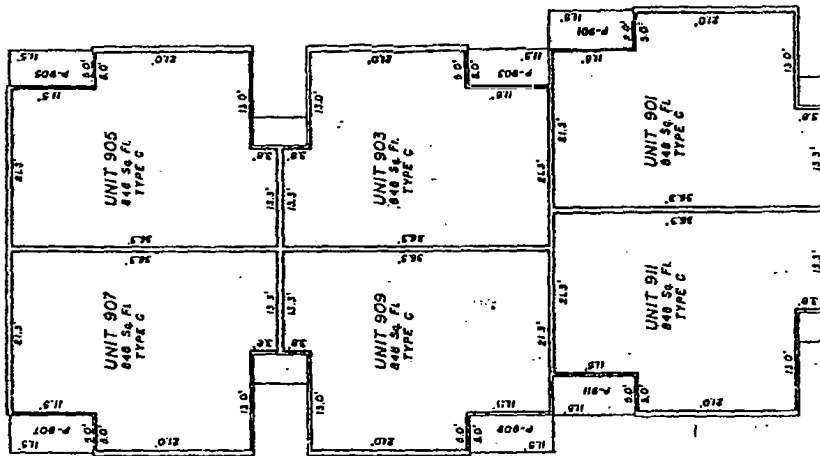
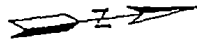
EXHIBIT "B"

BRIARWICK CONDOMINIUMS, PHASE I & II

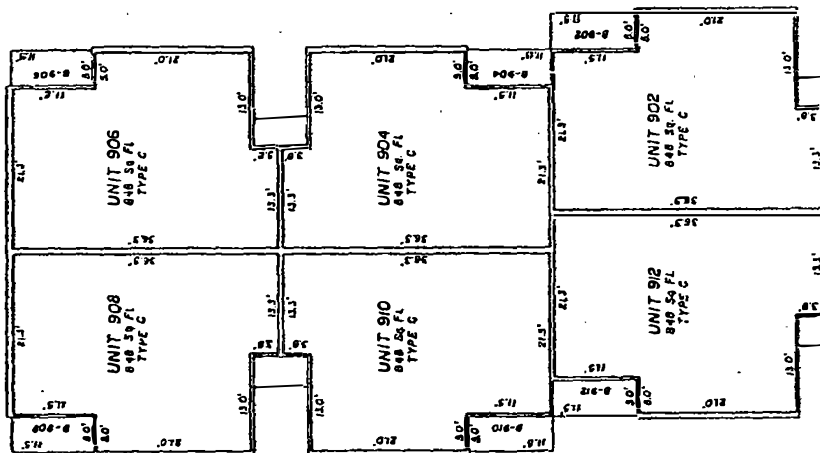
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A	603	.4011	74	29.681
B	761	.5062	52	26.322
C	848	.5641	<u>78</u>	<u>43.997</u>
			204	100.000

7 74
41,62
39,57
66,140
150,33
7 63

BUILDING J



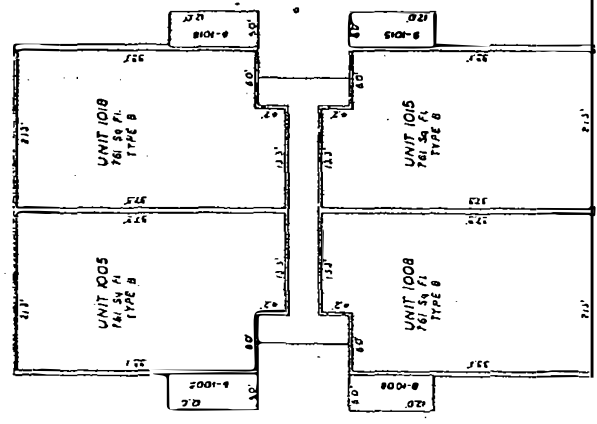
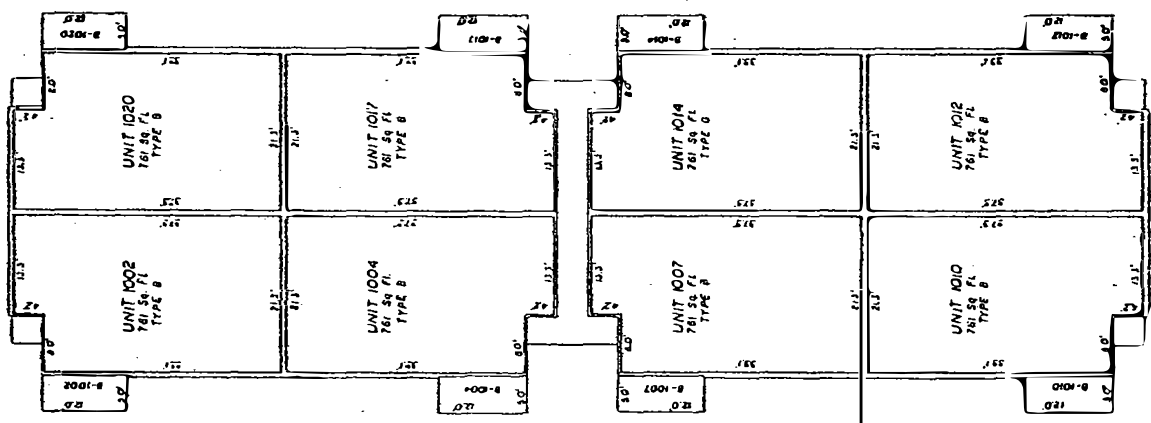
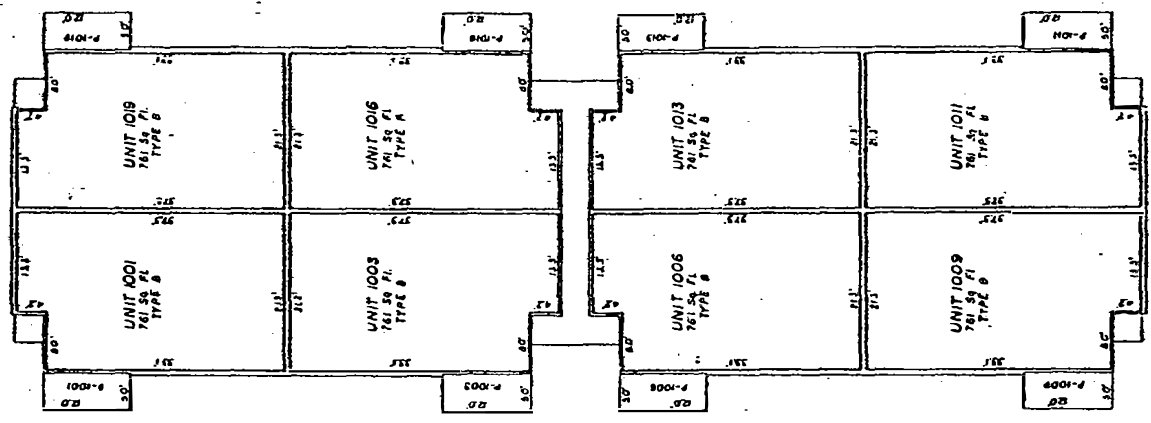
FIRST FLOOR



SECOND FLOOR

NOTE: DRAWINGS MAY NOT BE
FULLY TO SCALE

BUILDING K

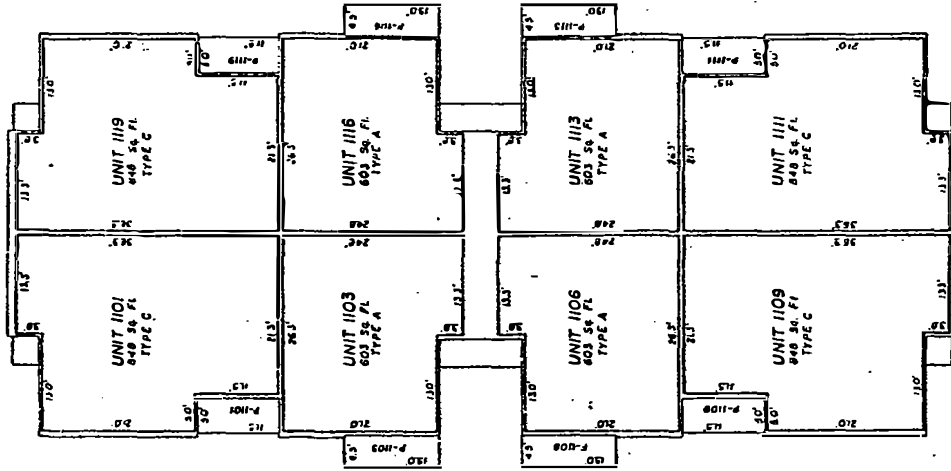


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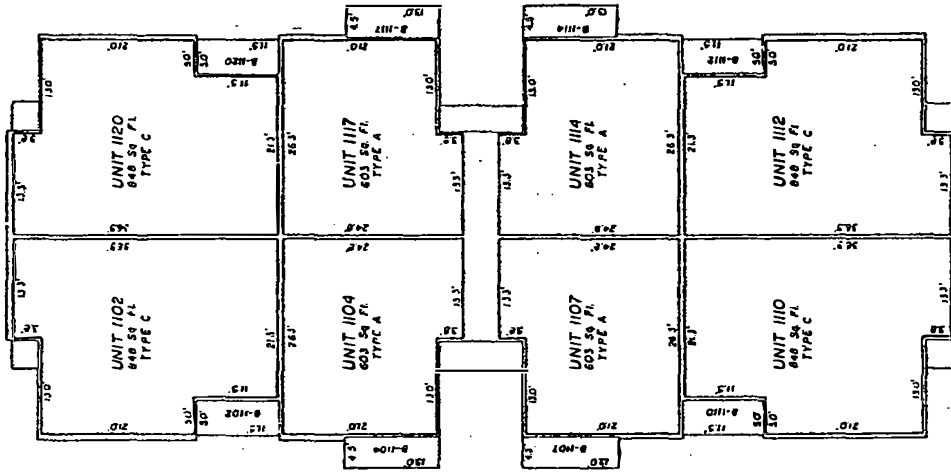
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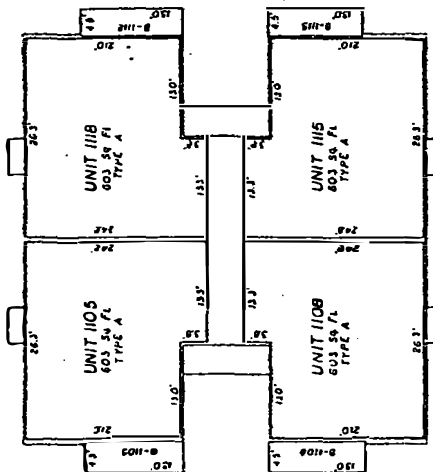
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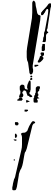


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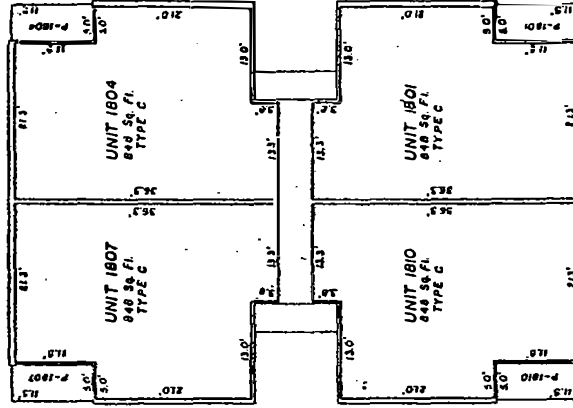
THIRD FLOOR

NOTE: DRAWINGS MAY NOT BE

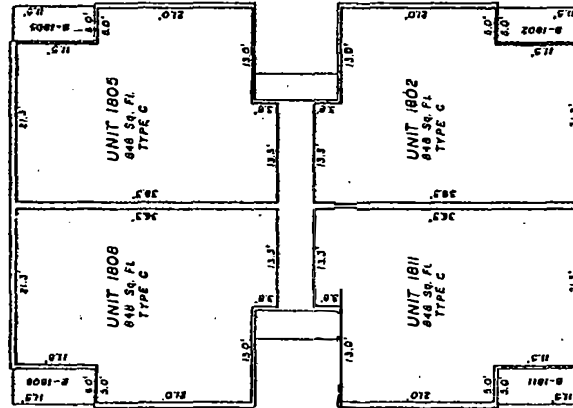


BUILDING T

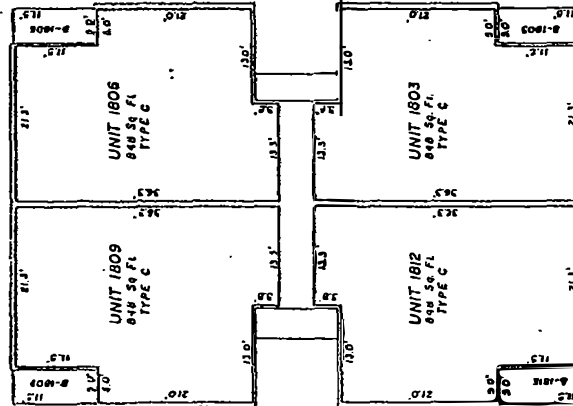
BRIARWICK
PHASE II
EXHIBIT C-4
JULY 1993



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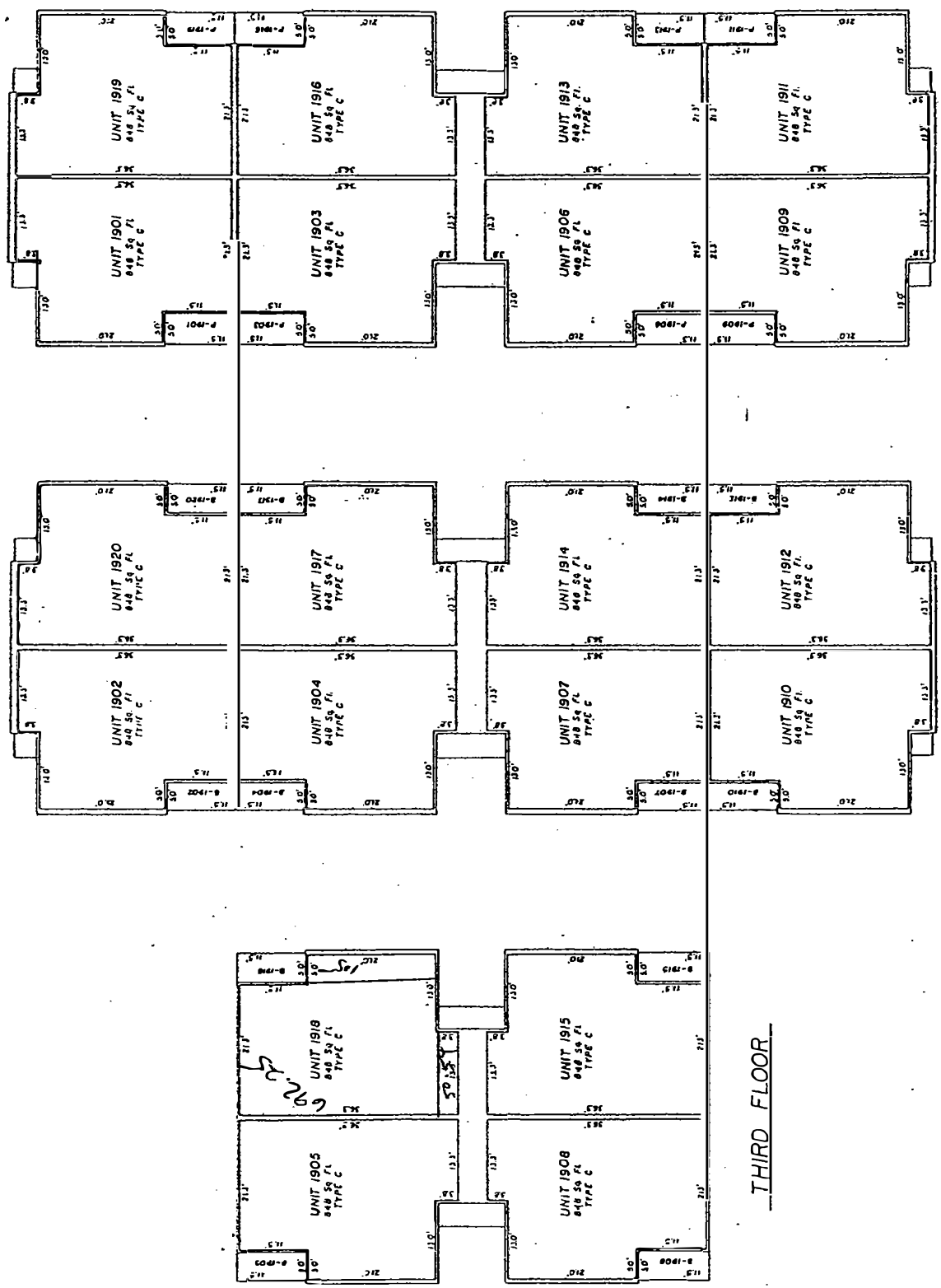
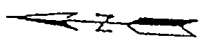
SECOND FLOOR



THIRD FLOOR

Scale 1/8" = 1'-0"

BUILDING U



FIRST FLOOR

SECOND FLOOR

THIRD FLOOR