

074-01-3145

REAL PROPERTY RECORDS

AMENDMENT TO DECLARATION OF CONDOMINIUM

8118559

OF

APRIL HARBOUR CONDOMINIA

THE STATE OF TEXAS §
COUNTY OF MONTGOMERY § KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, APRIL HARBOUR JOINT VENTURE, a joint venture composed of HOUSTON TERRA COMPANY, a Texas corporation, ROBERT E. ARMSTRONG, INC., a Texas corporation, and ANTONIO BALLESCA, TRUSTEE, (hereinafter referred to as "Developer"), did submit certain real property located in Montgomery County, Texas, with improvements thereon, to a condominium regime by virtue of the execution and filing of one certain Declaration of Condominium of April Harbour Condominia (hereinafter referred to as "Declaration"), said Declaration duly filed and recorded under Montgomery County Clerk's File No. 8020720 in the Condominium Records of Montgomery County, Texas; and

WHEREAS, Developer desires to amend the Declaration to clarify the procedure by which the Developer shall be entitled to expand the condominium regime by annexing Tract B and/or Tract C or any portions thereof as said Tracts are more fully described in Provision Q of the Condominium Declaration which sets forth the terms for "Contemplated Expansion"; and

WHEREAS, Developer has obtained the approval of the present unit owners of condominium units of April Harbour Condominia, their first lien mortgagees and the April Harbour Home Owners Association, Inc., with regard to this amendment to clarify the procedure by which the Developer is entitled to annex Tract B and/or Tract C, or any portions thereof, as described in the Declaration.

NOW, THEREFORE, the Developer, unit owners, and first lien mortgagees and the April Harbour Homeowners Association, Inc., do hereby adopt the following amendment to the Declaration which amendment shall be taken and deemed as a covenant to run with the land as though said amendment had been originally set forth in said Declaration.

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1. In addition to those terms contained in Provision Q of the Condominium Declaration and notwithstanding any other provision of the Declaration to the contrary, the Developer hereby retains the right to amend this Declaration of Condominium of April Harbour Condominia to expand this condominium project to annex and include both of those two certain adjoining tracts or either of the two certain adjoining tracts described as "Tract B" and "Tract C", or any portions thereof, as those tracts are more fully described in the Declaration. Developer shall have right to annex Tract B and/or Tract C or any portions thereof in separate and distinct phases. By that, the Developer shall be entitled to annex only such portions of Tract B and/or Tract C, as said Developer shall decide, and at such times, and in such order as Developer shall decide; however, nothing herein shall grant Developer the right to expand the entire Tract B to contain more than one hundred (100) units, nor Tract C to contain more than seventy-five (75) units. Upon each phase of annexation of Tract B and/or Tract C or such portion(s) thereof as Developer shall decide, Developer shall file an amendment to the Declaration setting forth a metes and bounds legal description of the real property contained within either Tract B or Tract C which is to be annexed, the number of units to be contained therein, and the revised percentages of ownership of the common elements, assessments and votes per unit for each unit contained within the April Harbour Condominium. Said percentage shall be computed upon that formula as set forth in Provision Q of the Declaration.

The Developer shall exercise its right to amend the Declaration and expand the condominium project as is indicated herein and in Provision Q within seven (7) years from the date of filing of the Declaration by written instrument to such effect executed by Developer and duly recorded in the Condominium Records of Montgomery County, Texas. Although the Developer does have

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the right to amend and expand the condominium project, there shall be no duty upon the Developer to so amend and expand this condominium project.

Except as amended herein, all of the terms and conditions of the Declaration of Condominium of April Harbour Condominia (including Provision Q) as previously set forth in said declaration shall remain in full force and effect.

Having obtained the approval for this Amendment at a duly called and properly noticed special meeting of the members of April Harbour Homeowners Association, Inc., the Developer, April Harbour Homeowners Association, Inc., and United Savings Association have executed this Amendment to the Declaration of Condominium of April Harbour Condominia this 23rd day of April, 1981.

DEVELOPER:

APRIL HARBOUR JOINT VENTURE:

ATTEST:

HOUSTON TERRA COMPANY

Jane Ford ASST. SECY.
Asst. Secretary

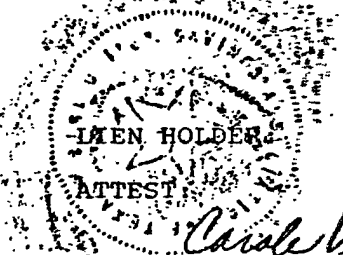
BY: Ben M. Dyer
Ben M. Dyer, Vice President

ATTEST:

ROBERT E. ARMSTRONG, INC.

Jane Ford ASST. SECY.
Asst. Secretary

BY: Robert E. Armstrong
Robert E. Armstrong



ATTEST:
Carol Vick

ANTONIO BALLESCA, TRUSTEE
Antonio Balleca, Trustee
UNITED SAVINGS ASSOCIATION

BY: [Signature]

APRIL HARBOUR HOMEOWNERS ASSOCIATION, INC.

BY: R. E. Reamer, President and Director

BY: Robert E. Armstrong, Vice President and Director

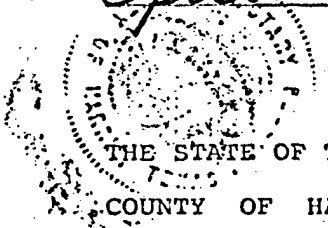
BY: Ben M. Dyer, Secretary and Director

074-01-0148

THE STATE OF TEXAS §
§
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared Ben M. Dyer, the Vice President of HOUSTON TERRA COMPANY, 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 9th day of April, 1981.

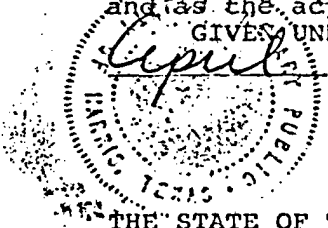


Cristela N. Harrison
Notary Public in and for
Harris County, TEXAS
CRISTELA N. HARRISON
Notary Public - State Of Texas
My Commission Expires Oct. 9, 1984
Bonded By Harco Ins. Services

THE STATE OF TEXAS §
§
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared Robert E. Armstrong, the President of ROBERT E. ARMSTRONG, INC., a 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 9th day of April, 1981.

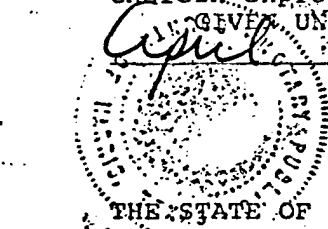


Cristela N. Harrison
Notary Public in and for
Harris County, Texas
CRISTELA N. HARRISON
Notary Public - State Of Texas
My Commission Expires Oct. 9, 1984
Bonded By Harco Ins. Services

THE STATE OF TEXAS §
§
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared ANTONIO BALLESCA, 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 and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 9th day of April, 1981.

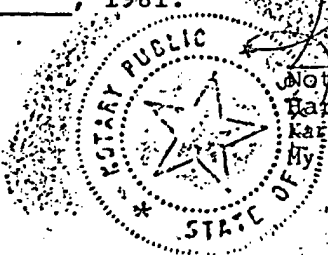


Cristela N. Harrison
Notary Public in and for
Harris County, Texas
CRISTELA N. HARRISON
Notary Public - State Of Texas
My Commission Expires Oct. 9, 1984
Bonded By Harco Ins. Services

THE STATE OF TEXAS §
§
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared David R. Graham, the First Vice President of UNITED SAVINGS ASSOCIATION, 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 April, 1981.



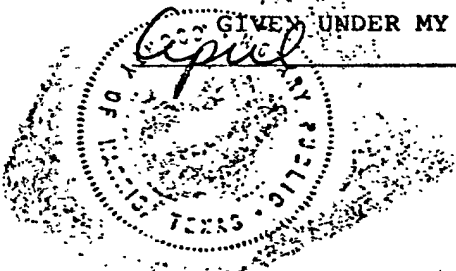
Karen Ann Jones
Notary Public in and for
Harris County, Texas
Karen Ann Jones
My commission expires 9-3-84

074-01-0149

THE STATE OF TEXAS §
COUNTY OF Harris §

BEFORE ME, the undersigned authority, on this day personally appeared R. E. Reamer, a Director of April Harbour Homeowners Association, Inc., 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 Association.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 9th day of April, 1981.

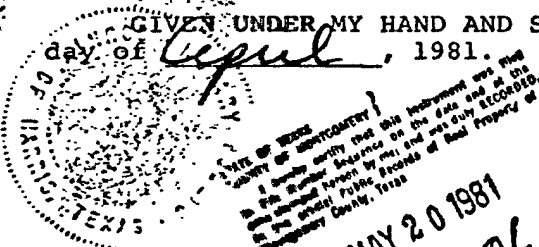


Cristela N. Harrison
Notary Public in and for
HARRIS County, Texas
CRISTELA N. HARRISON
Notary Public - State Of Texas
My Commission Expires Oct. 9, 1984
Bonded By Harco Ins. Services

THE STATE OF TEXAS §
COUNTY OF Harris §

BEFORE ME, the undersigned authority, on this day personally appeared Robert E. Armstrong, a Director of April Harbour Homeowners Association, Inc., 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 Association.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 9th day of April, 1981.

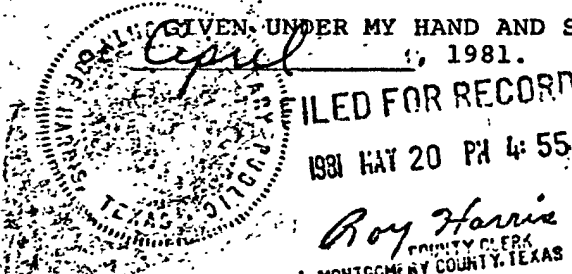


Cristela N. Harrison
Notary Public in and for
HARRIS County, Texas
CRISTELA N. HARRISON
Notary Public - State Of Texas
My Commission Expires Oct. 9, 1984
Bonded By Harco Ins. Services

THE STATE OF TEXAS §
COUNTY OF Harris §

BEFORE ME, the undersigned authority, on this day personally appeared Ben M. Dyer, a Director of April Harbour Homeowners Association, Inc., 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 Association.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 9th day of April, 1981.



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Notary Public in and for
HARRIS County, Texas
CRISTELA N. HARRISON
Notary Public - State Of Texas
My Commission Expires Oct. 9, 1984
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