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**AMENDMENT TO DECLARATION OF  
COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS  
FOR THE VILLAGE AT MASON CREEK TOWNHOMES**

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

WHEREAS, by that certain Declaration of Covenants, Conditions, Restrictions and Easements for The Village at Mason Creek Townhomes dated January 20, 2005, executed by Mason Creek, L.P., a Texas limited partnership (the "Declarant"), and filed under Clerk=s File No. Y214929 and recorded in the Official Records of Real Property of Harris County, Texas (the "Declaration"), the property within Mason Creek Village, a subdivision of land in Harris County, Texas according to the plat thereof recorded under Film Code No. 572294 in the Map Records of Harris County, Texas, was made subject to the covenants, conditions, restrictions, easements, charges and liens set forth in the Declaration; and

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WHEREAS, Section 12.1 of the Declaration provides that it may be amended as specified therein; and

WHEREAS, Declarant owns all of the Property subject to the Declaration and wishes to amend the Declaration as hereinafter specified.

NOW, THEREFORE, for and in consideration of the recitals set forth above, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Declarant hereby amends the Declaration as follows:

1. Section 1.15 of the Declaration is amended and restated to read as follows:

"Section 1.15. Lots or Lots. Any portion of the Property, whether developed or undeveloped, upon which a single family residence has been constructed or it is intended by the Declarant that a single family residence be constructed, excluding reserve tracts, but including lots created by the platting or replatting of a reserve tract. "Lots" shall mean and refer to each Lot and all of them. In the case of a parcel of land within the Property planned for single family residential development which has not been platted, the parcel shall be deemed to contain the number of Lots designated by the Declarant on the development plan for such parcel of land unless or until a different number of Lots is platted.

2. Section 1.24 is amended to provide that the word "Plat" shall mean and refer to the plat of Mason Creek Village filed of record under Film Code No. 572294 of

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the Map Records of Harris County, Texas or to the other recorded plat of the applicable portion of the Property.

3. Section 1.25 is amended to provide that the word "Property" shall mean and refer to the property within the Mason Creek Village subdivision and any additional property that may hereafter be annexed into the jurisdiction of the Association in accordance with the provisions of the Declaration.

4. Section 12.1 of the Declaration is hereby amended and restated to read as follows:

"Section 12.1. Amendment by Owners. The terms of this Declaration may be amended at any time (including termination of the Declaration) by an instrument signed by the Owners of at least sixty-seven percent (67%) of the Lots within the Property; provided, however, as long as the Declarant owns any Lot within the Property any amendment hereto must be approved and signed by the Declarant. No Person shall be charged with notice of or inquiry with respect to any amendment until and unless it has been filed of record in the Real Property Records of Harris County, Texas."

5. The Declaration is amended to add the following Section 13.14:

"Section 13.14. Annexation.

(a) By Declarant. The Declarant, as the owner thereof, or if not the owner with the consent of the owner thereof, shall have the unilateral right, privilege, and option at any time to annex additional property into the jurisdiction of the Association by filing for record a declaration of annexation in respect to the property being annexed which subjects such property to all of the provisions of this Declaration. Any such annexation by the Declarant shall not require approval by the Association or the Members and shall be effective upon the filing for record of such declaration. The rights reserved by Declarant herein to annex additional land shall not and shall not be implied or construed to impose any obligation upon the Declarant to annex additional land it owns or hereafter acquires.

(b) By Other Owners. Upon request by an owner of land other than the Declarant, the Association may annex real property to its jurisdiction. Any such annexation shall require the affirmative vote of eligible Members representing two-thirds (2/3rds) of the Association's votes present at a meeting duly called for such purpose and, as long as the Declarant owns any portion of the Property, the written consent of the Declarant. Annexation shall be

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accomplished by filing of record in the public records of Harris County, Texas, an annexation agreement describing the property being annexed. Such annexation agreement shall be signed by the President and the Secretary of the Association, by the owner of the property being annexed, and, as long as a Declarant owns any portion of the Property, by the Declarant.

(c) Effect of Annexation. The Owners of Lots in property annexed into the jurisdiction of the Association shall be entitled to the use and benefit of all Common Area of the Association and shall be subject to assessments imposed by the Association pursuant to this Declaration on a uniform, per Lot basis with the assessment on all other property within the jurisdiction of the Association."

6. Except as expressly amended hereby, the Declaration is not affected hereby and the same is ratified as being in full force and effect.

IN WITNESS WHEREOF, the undersigned, being the Declarant herein, has executed the foregoing instrument on this 13th day of June, 2005.

MASON CREEK, L.P.,  
a Texas limited partnership

By: Cornerbrook Development Company,  
general partner

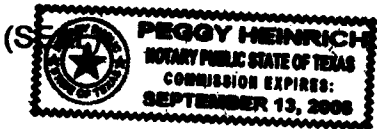
By: George W. Kaleh, Pres  
George W. Kaleh  
Its: Pres.

*JK*

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05 JUN 15 PM 4:12  
*George W. Kaleh*  
COUNTY CLERK  
HARRIS COUNTY, TEXAS

THE STATE OF TEXAS §  
  §  
COUNTY OF HARRIS §

This instrument was acknowledged before me on June 13, 2005 by GEORGE W. KALEH, President of Cornerbrook Development Company, general partner of MASON CREEK, L.P., a Texas limited partnership, on behalf of said limited partnership.



Peggy Heinrich  
Notary Public in and for  
the State of Texas

After Recording, Return To:

**COATS | ROSE**  
A Professional Corporation  
Attorneys at Law  
3 Greenway Plaza  
Suite 2000  
Houston, Texas 77046

*✓*

3639.30671917.1 RROSE

RECORDER'S MEMORANDUM:  
At the time of recordation, this instrument was found to be inadequate for the best photographic reproduction because of illegibility, carbon or photo copy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.

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RP 887-02-1163

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW  
THE STATE OF TEXAS  
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped herein by me, and was duly RECORDED in the Official Public Records of Real Property of Harris County, Texas on

JUN 15 2005



*Bonny B. Kayman*

COUNTY CLERK  
HARRIS COUNTY, TEXAS