

8743589

005-56-0901.

FIRST AMENDMENT TO DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS FOR

CENTERFIELD IN BAY COLONY

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

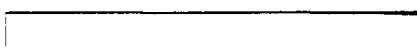
WHEREAS, MIDLANDS ASSOCIATES, a Texas joint venture composed of TRENDMAKER, INC., a Texas corporation, and COMMONWEALTH REALTY DEVELOPMENT, INC., a Texas corporation (hereinafter referred to as "Declarant"), by instrument filed for record under Galveston County Clerk's File No. 8713195, reference to which is here made for all purposes, did impose that certain DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS (hereinafter referred to as the "Declaration") on that certain residential subdivision in the County of Galveston, State of Texas, known as CENTERFIELD IN BAY COLONY, SECTION ONE (1), which subdivision is more particularly described in the map or plat thereof recorded in Plat Record 18, Map No. 131-132, of the Map Records of Galveston County, Texas; and

WHEREAS, Section 3 of Article IX of the Declaration provides that the Declaration may be amended in whole or in part by an instrument executed by the President of the Centerfield in Bay Colony Homeowners Association, Inc., a Texas non-profit corporation (hereinafter referred to as the "Association"), when approved by Members entitled to cast not less than ninety percent (90%) of the aggregate of the votes of both Classes of Membership in the Association as defined in said Declaration; and

WHEREAS, Declarant is the owner of all of the property in CENTERFIELD IN BAY COLONY, SECTION ONE (1), which ownership represents one hundred percent (100%) of the aggregate of the votes of both Classes of Membership of the Association; and

WHEREAS, Declarant desires that the hereinafter described Amendment be carried out and effected in accordance with the provisions of Section 3 of Article IX of said Declaration and does hereby confirm that the prior approval of the Federal Housing Administration and the Veterans Administration to such Amendment has been obtained.

NOW, THEREFORE, Declarant, herein joined by the Association, does hereby amend the Declaration filed for record under Galveston County Clerk's File No. 8713195 as follows:



005-56-0902

The second (2nd) sentence of Section 1 of Article VIII of the Declaration, entitled "Restrictions of Use," is hereby amended to read as follows:

Unless the Architectural Control Committee otherwise agrees in writing, the exterior finish or construction of the first (1st) floor of any Living Unit shall be at least fifty-one percent (51%) brick, stone or other masonry; in computing such percentage, roof areas shall be excluded, but attached garages, porches and other structures constituting part of the Living Unit proper shall be included.

2. Subparagraph (b) of Section 19 of Article VIII of the Declaration, entitled "Restrictions of Use", is hereby amended in its entirety to read as follows:

(b) Before the residence constructed on the Lot is completed, the Owner shall construct in the adjacent street right(s)-of-way a concrete sidewalk in accordance with applicable governmental requirements including, but not limited to, the requirements of the City of League City, Texas. The sidewalk shall extend along the entire common boundary between the Lot and the adjacent street right(s)-of-way. In the case of a corner Lot, the front and side sidewalks shall each extend to the street curb.

HENCEFORTH, the said Declaration shall be construed as though the affected provisions of the Declaration had been written as herein provided; and, except as specifically modified and amended herein, shall remain unchanged and in full force and effect.

CENTERFIELD IN BAY COLONY HOMEOWNERS ASSOCIATION, INC., a Texas non-profit corporation, and the FEDERAL HOUSING ADMINISTRATION and VETERANS ADMINISTRATION, join in the execution of this instrument for the purpose of evidencing their consent and agreement to the amendments herein contained.

IN WITNESS WHEREOF, the parties hereto have executed this instrument this 26th day of October, A.D., 1987.

MIDLANDS ASSOCIATES, a Texas joint venture

ATTEST:

Jeanette King
Secretary

BY: TRENDMAKER, INC., a Texas corporation

By: William E. Dalton, Jr.
WILLIAM E. DALTON, JR. Executive Vice President

ATTEST:

Chris Wasserman
CRIS WASSERMAN, Secretary

BY: COMMONWEALTH REALTY DEVELOPMENT, INC., a Texas corporation

By: Charles M. Lusk III
CHARLES M. LUSK III, SR. Vice President

005-56-0903

CENTERFIELD IN BAY COLONY HOMEOWNERS ASSOCIATION, INC., a Texas non-profit corporation

ATTEST:

Leonard K. Vowell
LEONARD K. VOWELL Secretary

By: Lawrence J. Boudloche
LAWRENCE J. BOUDLOCHE President

FEDERAL HOUSING ADMINISTRATION

By: James M. Wilson
Name: James M. Wilson
Title: Manager

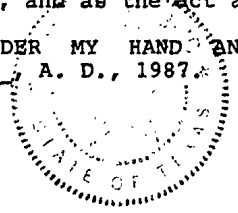
VETERANS ADMINISTRATION

By: William D. Newton
Name: William D. Newton
Title: Chief, Construction and Valuation

THE STATE OF TEXAS X
COUNTY OF HARRIS X

BEFORE ME, the undersigned authority, on this day personally appeared WILLIAM E. DALTON, JR., Executive Vice-President of TRENDMAKER, 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 capacity therein stated, and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 23rd day of October, A. D., 1987.



Jeri A. Hubbard
Notary Public - State of Texas

My Commission Expires: 8-20-89

THE STATE OF TEXAS X
COUNTY OF HARRIS X

BEFORE ME, the undersigned authority, on this day personally appeared CHARLES M. LUSK III, Vice-President of COMMONWEALTH REALTY DEVELOPMENT, INC., a Texas corporation, known to me to be the person and officer 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 27th day of October, A. D., 1987.

Brenda Henson
Notary Public - State of Texas

My Commission Expires: 2-18-90



005-56-0904

THE STATE OF TEXAS X
COUNTY OF HARRIS X

BEFORE ME, the undersigned authority, on this day personally appeared LAWRENCE J. BOUDLOCHE, President of CENTERFIELD IN BAY COLONY HOMEOWNERS ASSOCIATION, INC., a Texas non-profit corporation, known to me to be the person and officer 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 October, A. D., 1987.



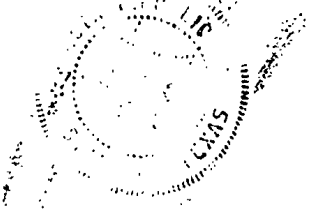
Terri A. Hubbard
Notary Public - State of Texas

My Commission Expires: 8-20-89

THE STATE OF TEXAS X
COUNTY OF HARRIS X

BEFORE ME, the undersigned authority, on this day personally appeared James M. Wilson, Manager, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said FEDERAL HOUSING ADMINISTRATION, a corporation, and that he executed the same as the act of such corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 2nd day of November, A. D., 1987.



Glynda L. Powell
Notary Public - State of Texas

Glynda L. Powell
My Commission Expires: 8-11-89

THE STATE OF TEXAS X
COUNTY OF HARRIS X

BEFORE ME, the undersigned authority, on this day personally appeared William D. Newton, Chief, Construction & Valuation, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said VETERANS HOUSING ADMINISTRATION, a corporation, and that he executed the same as the act of such corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 6th day of November, A. D., 1987.

Dorothy Lee Barnes
Notary Public - State of Texas

My Commission Expires: 10/22/89



DOROTHY LEE BARNES
Notary Public, State of Texas
My Commission Expires October 22, 1989
Bonded by Lovell Agency, Lawyers Realty Corp.

JOINDER OF MORTGAGEE

005-56-0905

The undersigned, COMMONWEALTH SAVINGS ASSOCIATION, a Texas savings and loan association, being the owner and holder of an existing mortgage and liens upon and against the real property described in the foregoing FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR CENTERFIELD IN BAY COLONY (the "First Amendment"), does hereby consent to and join in the foregoing First Amendment to said Declaration.

This consent and joinder shall not be construed or operate as a release of said mortgage or liens owned or held by the undersigned, or any part thereof, but the undersigned agrees that its said mortgage and liens shall hereafter be upon and against said real property, subject to the foregoing Declaration, as amended by the First Amendment (except that no provision hereof shall be construed to subordinate the mortgage and liens of the undersigned to any liens reserved or referred to in said Declaration).

EXECUTED this 27th day of October, A.D., 1987.

ATTEST:

Paul Hasznjak
PAUL HASZNIJAK, ASST Secretary

COMMONWEALTH SAVINGS ASSOCIATION, a Texas savings and loan association

BY: *Charles M. Lusk, III*
CHARLES M. LUSK, III, SR, Vice President

THE STATE OF TEXAS §
§
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared CHARLES M. LUSK III SR Vice President, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that the same was the act of the said COMMONWEALTH SAVINGS ASSOCIATION, a Texas savings and loan association, and that he executed the same as the act of such association for the purposes and consideration therein expressed, and in the capacity therein stated.

EXECUTED UNDER MY HAND AND SEAL OF OFFICE this the 27th day of October, 1987.

Brenda Henson
Notary Public - State of Texas

My Commission Expires: 2-12-90

Return To:
Michael C. Ainbinder
Walsh, Squires & Tompkins
900 Marathon Oil Tower
5555 San Felipe
Houston, Texas 77056



(MCA121A)

005-56-0906

FILED FOR RECORD
Nov 9 3 48 PM '87
Jessie B. Kirkendall
COUNTY CLERK
GALVESTON COUNTY TX.

STATE OF TEXAS COUNTY OF GALVESTON
I hereby certify that this instrument was filed
on the date and time stamped hereon by me and
was duly recorded in the Official Public Records
of Real Property of Galveston County Texas, on

NOV 9 1987



Jessie B. Kirkendall
COUNTY CLERK
GALVESTON CO., TEXAS