

STEWART TITLE-HOUSTON  
COMMERCIAL



AMENDMENT 2006075562

5 PGS

06200728/JHE/41

**FIRST AMENDMENT TO THE DECLARATION OF  
COVENANTS, CONDITIONS AND RESTRICTIONS FOR  
BAY COLONY PARKSIDE**

THE STATE OF TEXAS §

COUNTY OF GALVESTON §

This First Amendment to Declaration of Covenants, Conditions and Restrictions ("Amendment") is made this 31<sup>st</sup> day of March, 2005

**WITNESSETH**

WHEREAS, Declarant desires to amend the original Declaration of Covenants, Conditions and Restrictions for Bay Colony Parkside (the "Declaration") as recorded in the Official Public Records of Real Property of Galveston County, Texas under Galveston County Clerk's File No 2002053277 by annexing additions to existing property as set out in Article XI Section 3 therein, and,

WHEREAS, such annexation is allowed to be made by the Board without the consent of the Owners, and,

WHEREAS, a preliminary plat for 386 lots has been prepared for a new subdivision located on contiguous property currently owned by Joseph B and Sara J Rothchild, FLP #4 (the "FLP"), and,

WHEREAS, after the annexation Declarant desires to assign its rights as Declarant to the FLP,

NOW, THEREFORE, the undersigned parties hereby amend the Declaration as hereinafter set forth

- 1 Pursuant to Article XI Section 3, the Board of the Bay Colony Parkside Community Association, Inc , a Texas non-profit corporation, hereby annexes into the Association approximately 100 acres of land divided into approximately 386 lots, which number of lots may be revised upon final approval by the required governmental authority
- 2 The Board of Directors of the Association hereby reaffirms the voting rights set out in Article IX, Section 2, that the Declarant continues its status as the Class B Member, having 10 votes per lot for each of the 386 lots
- 3 HSM/Bay Colony, Ltd , a Texas limited partnership ("HSM") agrees to assign its rights as Declarant to FLP

- 4 FLP hereby agrees to assume the obligations of Declarant as of the date of this Agreement HSM agrees to indemnify and hold FLP harmless from any claim, cause of action, loss, damage, or liability, including, but not limited to, reasonable attorney's fees and expenses incurred by FLP by reason of any act performed by HSM prior to the effective date hereof
- 5 This Agreement is to become effective only if the Bond Election for Galveston Municipal Utility District No 14, which is to be held on May 7, 2005, results in the approval of both Proposition 1 and Proposition 2

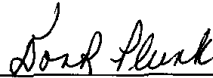
Executed this day and year first above written

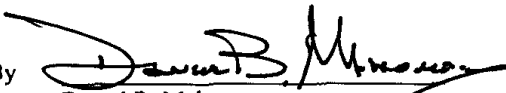
**Joseph B. and Sarah J. Rothchild FLP #4, a Texas limited partnership**

By Rothchild GP #2, L.L.C., General Partner

By  Joseph B. Rothchild, Manager

**Board of Directors of Bay Colony Parkside Community Association, Inc.**


By  Don R. Plunk

By  Daniel B. Mahoney

By  Robert W. DuBois

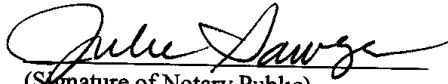
**Declarant:**

**HSM/Bay Colony, Ltd., a Texas limited partnership**

By  Pres. of the Gen Ptnr.

ACKNOWLEDGEMENT

This First Amendment to the Declaration of Covenants, Conditions and Restrictions for Bay Colony Parkside was acknowledged before me this 31<sup>st</sup> day of March 2005 by Joseph B Rothchild, Manager of Joseph B. and Sarah J Rothchild FLP #4

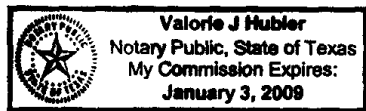
  
(Signature of Notary Public)

Julie Sawyer  
(Printed Name of Notary)



ACKNOWLEDGEMENT

This First Amendment to the Declaration of Covenants, Conditions and Restrictions for Bay Colony Parkside was acknowledged before me this 31<sup>st</sup> day of March, 2005 by Don R Plunk, Daniel B Mahoney and Robert W DuBois

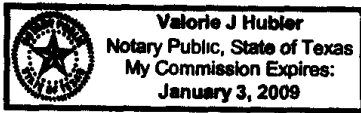


*Valorie J Hubler*  
(Signature of Notary Public)

Valorie J Hubler  
(Printed Name of Notary)

ACKNOWLEDGEMENT

This First Amendment to the Declaration of Covenants, Conditions and Restrictions for Bay Colony Parkside was acknowledged before me this 31<sup>st</sup> day of March, 2005 by Don R. Plunk, President of the General Partner of HSM/Bay Colony, Ltd, a Texas Limited Partnership



*Valorie J. Hubler*  
(Signature of Notary Public)

Valorie J. Hubler  
(Printed Name of Notary)

FILED AND RECORDED



OFFICIAL PUBLIC RECORDS

*Mary Ann Daigle*

2006075562

November 06, 2006 04 03 58 PM

FEE \$32 00

Mary Ann Daigle, County Clerk  
Galveston County, TEXAS