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9465755

**FIRST AMENDMENT OF
DECLARATION OF COVENANTS AND RESTRICTIONS**

COLONY CROSSING, VILLAGE OF TALBOTS MILL, SECTION TWO *lll*

**THE STATE OF TEXAS
COUNTIES OF HARRIS and
FORT BEND**

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THIS FIRST AMENDMENT OF THE DECLARATION OF COVENANTS AND RESTRICTIONS is made on the date hereinafter set forth by **KIMBALL HILL TEXAS DEVELOPMENT, L.C.**, hereinafter called "Declarant";

WITNESSETH:

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WHEREAS, Declarant is the owner of that certain real property known as Colony Crossing, Village of Talbots Mill, Section Two, a subdivision lying both in Harris County, Texas and Fort Bend County, Texas, according to the map or plat thereof recorded in Volume 332, Page 28, of the Map Records of Harris County, Texas and on Slide Nos. 787B and 788A in the Plat Records of Fort Bend County, Texas and being a Partial Replat of Fondren Grove, Section One-B, a subdivision lying in both Harris County, Texas and Fort Bend County, Texas; and

WHEREAS, Declarant is the assignee of the rights of Fondren Grove Venture, a Texas joint venture composed of Noel Graubart and Martin Perlman, as Declarant with respect to Fondren Grove Section One-A, pursuant to the Declaration of Covenants and Restrictions of Fondren Grove Section One-A, recorded under Harris County Clerk's File No. K622103; and

FILED FOR RECORD
8:00 AM

SEP 8 1994

Shirley A. Kaufman
County Clerk, Harris County, Texas

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WHEREAS, Declarant, et al., executed a Declaration of Covenants and Restrictions of Colony Crossing, Village of Talbots Mill, Section Two, on April 22, 1994, such Declaration having been recorded under Harris County Clerk's File No. 8215464 of the Harris County Real Property Records, and in Volume 2651, Page 944 of the Real Property Records of Fort Bend County, Texas (the "Original Declaration"), and Declarant now wishes to amend certain provisions in the Original Declaration:

NOW, THEREFORE, Declarant hereby amends the following provisions in the Original Declaration:

1. The following subparagraph (g) is added at the end of Section 1 of Article V:
"g. Notwithstanding any contrary provision in this Declaration, in no event shall any of the Community Properties be mortgaged or conveyed without the consent of at least 2/3 of the Class A Members."
2. The first sentence in Section 9 of Article X is deleted and the following two sentences are substituted in its place:

"This Declaration may be amended only by an instrument executed by the Owners of at least 2/3 of the Lots in the Subdivision, and such amendment shall become effective as of the date an instrument, signed and acknowledged by the Owners of not less than 2/3 of the Lots in the Subdivision is filed for record in Harris or Fort Bend Counties, Texas, so amending the Declaration. In addition, as further provided in Article XI, as long as there is Class B membership, the amendment of this Declaration shall require the prior approval of the FHA and the VA."

Federal Housing Administration executes this First Amendment to evidence its consent to the above amendments to the Declaration.

500-92-2630

Declarant, as the owner of more than 51% of the Lots in Colony Crossing, Village of Talbots Mill, Section Two, is authorized to amend the Original Declaration as provided in this First Amendment.

IN WITNESS WHEREOF, this Declaration is executed this 30 day of

August, 1994.

DECLARANT:

KIMBALL HILL TEXAS DEVELOPMENT, L.C.,
a Texas limited liability company

By: [Signature]
Title: Vice President
Name: Kirk Breitenwischer

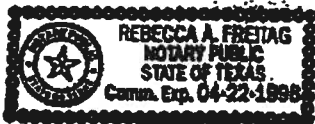
FHA:

FEDERAL HOUSING ADMINISTRATION
By: [Signature]
Name: Betty L. Hadnot
Title: Acting Director
Housing Development

THE STATE OF TEXAS
COUNTY OF HARRIS

This instrument was acknowledged before me on this the 30 day of August, 1994 by Kirk Breitenwischer, in his/her capacity as Vice President of Kimball Hill Texas Development, L.C., a Texas limited liability company, on behalf of said company.

[Signature]
Notary Public in and for
The State of TEXAS



THE STATE OF TEXAS

COUNTY OF Harris

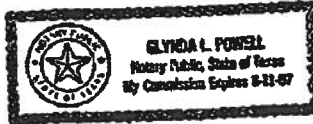
500-92-2631

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This instrument was acknowledged before me on this the 1st day of September, 1994 by Henry L. Hadnot in his/her capacity as duly authorized agent of the Federal Housing Administration.

Glynda L. Powell
Notary Public in and for
The State of Texas

121powa1amend.003



AFTER RECORDING, RETURN TO:

HORAN & DEVLIN, P.C.
1300 Post Oak Boulevard, Suite 2200
Houston, Texas 77056
Attn: Mr. Jim F. Avant

ANY PERSON WHOSE NAME APPEARS ON THIS INSTRUMENT OR ANY OF THE INSTRUMENTS REAL PROPERTY INTEREST OF WHICH IS FILED OR UNRECORDED UNDER FEDERAL LAW
THE STATE OF TEXAS
COUNTY OF HARRIS
I hereby certify that this instrument was FILED in File Number
Sequence of the date and of the time stamped herein by me, and was
duly RECORDED, in the Official Public Records of Real Property of
Harris County, Texas on

SEP 8 1994



Bonnie B. Hoffman
COUNTY CLERK
HARRIS COUNTY, TEXAS

FILED AND RECORDED
10-1-94 11:20 CT \$15.00

Dianne Wilson

Dianne Wilson - County Clerk
Fort Bend County, Texas

UNOFFICIAL DOCUMENT