

CONDOMINIUM ANNEXATION DECLARATION

FOR

BRAEBURN TERRACE CONDOMINIUMS, PHASE TWO

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

WHEREAS, by a Condominium Declaration dated the 6th day of December, 1982, and filed for record with the County Clerk of Harris County, Texas, on the 13th day of December, 1982, under Clerk's File No. H-732028, and Volume 129, Page 155, of the Condominium Records of Harris County, Texas, as BRAEBURN TERRACE CONDOMINIUMS, PHASE ONE, a condominium regime was created; and,

WHEREAS, the Declarant in said Declaration was A.S.C. VERSAILLES, INC., which changed its name to VERSAILLES, INC. on December 15, 1982; and,

WHEREAS, Paragraph 2.5 of Article II of said Declaration, provides that

"The Developer anticipates that the Condominium Regime created hereunder will be expanded to include additional Units and Common Elements to be constructed on the real property additionally described in Exhibit "E" as Phase "Two," adjacent to the Subject Property which Units shall be designed, modified or revised as Developer may deem advisable in its sole discretion, provided however, in no event shall more than one hundred forty-two (142) additional Units (for a total of two hundred (200) Units) be constructed. All additional units must be of the same basic style, floor plan, size and quality as those in the Braeburn Terrace Condominiums. In this connection, it is hereby stipulated that the undivided interests set forth on Exhibit "D" hereto, which is appurtenant to the Units covered hereby will be revised as additional Units and Common Elements are built or scheduled to be built, based upon the ratio that the number of square feet contained in each Unit bears to the number of square feet contained in all of the Units, including the additional Units, and correspondingly each Owner will own a percentage interest in the additional Common Elements at such time as the hereinafter amendment or supplement is filed. In order to annex and include the additional Units within the Condominium Regime created hereby, and solely for such purpose, Developer reserves the right to amend or supplement this Declaration at any time prior to November 1, 1987. Such amendment may be made by Developer without the joinder of any Owner or mortgagee of Owner and the filing of such Amendment or supplement shall be binding upon each Owner and mortga-

gee. In no event, however, may any such Amendment serve to dilute or reduce the respective percentage ownership interests of each Owner as set forth on Exhibit "D" hereto except to the extent provided above and to the extent that each Owners' voting rights in the Association will be diluted since more votes will be required to equal the specified number to pass or reject the matter being considered. Further, if the Amendment or supplement herein permitted to be filed is not filed prior to November 1, 1987, the Developer shall not thereafter be entitled to amend this Declaration for the limited purpose set forth in this Article 2.5."

WHEREAS, Declarant is the owner of the land described in the attached Exhibit "A", and upon which land Declarant has constructed five (5) buildings and other improvements appurtenant thereto, which five (5) buildings contain eighty-four (84) separately designed residential dwelling units, and which land, buildings and units are all of comparable size, value, design, appearance and structure to the units in BRAEBURN TERRACE CONDOMINIUMS, PHASE ONE; and,

WHEREAS, Declarant desires to annex the land described in the attached Exhibit "A" and the five (5) buildings and other improvements appurtenant thereto, to BRAEBURN TERRACE CONDOMINIUMS as PHASE TWO of said Condominium, as authorized in and in accordance with the provisions of Paragraph 2.5 of Article II of the Condominium Declaration for BRAEBURN TERRACE CONDOMINIUMS, PHASE ONE.

NOW, THEREFORE, Declarant does hereby publish and declare that the property described in the attached Exhibit "A", and all improvements thereon, shall be annexed to and become a part of BRAEBURN TERRACE CONDOMINIUMS, as fully and completely as if said property had been described in the original Condominium Declaration for BRAEBURN TERRACE CONDOMINIUMS as recorded on December 13, 1982, under Clerk's File No. H-732028 of the Condominium Records of Harris County, Texas, but subject to the following provisions: all terms, covenants, conditions, easements, restrictions, uses, limitations and obligations contained in said Condominium Declaration shall be deemed to run with the land described

in the attached Exhibit "A", and which shall be a burden and a benefit to the Declarant, its successors and assigns, and any person acquiring or owning an interest in the real property and improvements, their Grantees, successors, executors, administrators, devisees and assigns, as amended by the following provisions:

ARTICLE I
INCORPORATION BY REFERENCE

The Condominium Declaration for BRAEBURN TERRACE CONDOMINIUMS dated December 6, 1982, as recorded on December 13, 1982, under Clerk's File No. H-732028, of the Condominium Records of Harris County, Texas, is incorporated, in its entirety, herein by reference.

ARTICLE II
MAP OF PHASE TWO

Attached hereto as Exhibit "B" is a map of BRAEBURN TERRACE CONDOMINIUMS, PHASE TWO, showing thereon the location and boundaries of each unit in each building and other elements. With the recording of this Annexation Declaration, the Declarant hereby assigns all parking spaces in BRAEBURN TERRACE CONDOMINIUMS, PHASE ONE and TWO, as indicated on Exhibit "B," as expressly permitted in Article I, Section 1.11, A(5) of the Declaration of Condominium Regime for BRAEBURN TERRACE CONDOMINIUMS.

ARTICLE III
CONDOMINIUM UNIT DESIGNATIONS AND DESCRIPTIONS

3.1 RECORDATION OF MAP. Upon the recordation of this Condominium Annexation Declaration, the property described and referred to herein shall be and become a part of BRAEBURN TERRACE CONDOMINIUMS as shown in the exhibits attached hereto.

3.2 DESIGNATION OF APARTMENT UNITS. Upon the recordation of this Condominium Annexation Declaration, BRAEBURN

TERRACE CONDOMINIUMS, PHASE ONE and TWO will consist of Common Elements and separate units as follows:

(a) One hundred forty-two (142) separately designated Units in nine (9) buildings as shown as follows:

BUILDING "A" - containing twelve (12) Units, numbered 101 through 112, inclusive;

BUILDING "B" - containing sixteen (16) Units, numbered 201 through 216, inclusive;

BUILDING "C" - containing sixteen (16) Units, numbered 301 through 316, inclusive;

BUILDING "I" - containing fourteen (14) Units, numbered 901 through 914, inclusive;

BUILDING "D" - containing sixteen (16) Units, numbered 401 through 416, inclusive, the size and dimensions of each being detailed on the floor plan thereof, attached hereto, marked Exhibit "C-1";

BUILDING "E" - containing eighteen (18) Units, numbered 501 through 518, inclusive, the size and dimensions of each being detailed on the floor plan thereof, attached hereto, marked Exhibit "C-2";

BUILDING "F" - containing eighteen (18) Units, numbered 601 through 618, inclusive, the size and dimensions of each being detailed on the floor plan thereof, attached hereto, marked Exhibit "C-3";

BUILDING "G" - containing eighteen (18) Units, numbered 701 through 718, inclusive, the size and dimensions of each being detailed on the floor plan thereof, attached hereto, marked Exhibit "C-4";

BUILDING "H" - containing fourteen (14) Units, numbered 801 through 814, inclusive, the size and dimensions of each being detailed on the floor plan thereof, attached hereto, marked Exhibit "C-5";

(b) The remaining portion of the premises, referred to

as the Common Elements, shall be owned in common by the Owners.

ARTICLE IV

UNDIVIDED INTEREST IN THE COMMON ELEMENTS

Upon the recordation of this Condominium Annexation Declaration, the owner of each Unit in BRAEBURN TERRACE CONDOMINIUMS, PHASE ONE and TWO, shall own an undivided interest in the Common Elements of BRAEBURN TERRACE CONDOMINIUMS, PHASE ONE and TWO, as shown in the attached Exhibit "D", which interest was determined on a pro-rata basis, and each owner shall become a member of BRAEBURN TERRACE CONDOMINIUMS.

ARTICLE V

APPLICABILITY OF BRAEBURN TERRACE, PHASE ONE and TWO CONDOMINIUM DECLARATION

All provisions of BRAEBURN TERRACE CONDOMINIUMS, dated December 6, 1982, as recorded on December 13, 1982, under Clerk's File No. H-732028, shall be applicable to BRAEBURN TERRACE CONDOMINIUMS, PHASE ONE and TWO.

IN WITNESS WHEREOF, Declarant has duly executed this Annexation Declaration as of the 10th day of Feb, 1983.

VERSAILLES, INC.

By: Bill Palmer
President

ATTEST:

By: Lawrence
Secretary

THE STATE OF TEXAS S

COUNTY OF HARRIS S

BEFORE ME, the undersigned authority, on this day personally appeared Bill Palmer, President of VERSAILLES, INC., a Texas corporation, known to me to be the persons whose names are 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 on this 10th day of February, 1983.

C. Sue Pearson
Notary Public, State of Texas

Printed Name of Notary

My Commission expires: _____

C. SUE PEARSON
Notary Public, State of Texas
Commission Expires 12-23-85



CLARK SURVEYING COMPANY, INC.

1315 SHERWOOD FOREST DR. — HOUSTON, TEXAS 77043 — 713/481-1400

November 24, 1982

FIELD NOTES
Phase Two

Description of a 2.3050 acre (100,406 square foot) tract of land, situated in the J.R. Black Survey, Abstract No. 134, in Harris County, Texas, being out of Commercial Reserve "B" of Braeburn Valley Subdivision, Section Seven (7), according to the map or plat thereof recorded in Volume 115, Page 63 of the Harris County Map Records and being out of and part of a called 4.31574 acre tract of land as described in Special Warranty Deed from W.T. Loesch to West Bell Corporation, N.V., dated July 11, 1980 and recorded in Harris County Clerk's File No. G-600405, said 2.3050 acre tract of land being more particularly described by metes and bounds as follows (with bearings referenced to said plat of Braeburn Valley Subdivision, Section 7):

COMMENCING at a 5/8-inch iron rod found on the East right-of-way line of South Gessner Road for the common Southwest corner of said 4.31574 acre tract and Northwest corner of Braeburn Valley Townhouses, according to the map or plat thereof recorded in Volume 175, Page 146 of the Harris County Map Records, said corner being located North, a distance of 395.00 feet from a 5/8-inch iron rod found for the common Southwest corner of said Commercial Reserve "B" and the most Northerly 10-foot cut-back corner of the North right-of-way line of Twin Hills Drive (60-foot width) at its intersection with the East right-of-way line of said South Gessner Road;

THENCE, EAST, along the Common line between said 4.31574 acre tract and said Braeburn Valley Townhouses, a distance of 146.41 feet to the POINT OF BEGINNING of the herein described tract;

THENCE, NORTH, a distance of 63.00 feet to a point for corner;

THENCE, WEST, a distance of 120.01 feet to a point for corner;

THENCE, NORTH, a distance of 70.82 feet to a point for corner;

THENCE, N 88° 34' 58" E, a distance of 228.42 feet to a point for corner;

EXHIBIT "A"
Page 1 of two pages
see page 2

Miller Engineers/82-05-1499

Page 2 of 2 - 2.3050 acres

THENCE, NORTH, a distance of 186.23 feet to a point for corner;

THENCE, N 63° 53' 00" W, a distance of 176.87 feet to a point for corner;

THENCE, NORTH, a distance of 39.12 feet to a point for corner;

THENCE, EAST, a distance of 20.13 feet to a point for corner;

THENCE, NORTH, a distance of 19.00 feet to a point for corner;

THENCE, EAST, a distance of 53.44 feet to a point for corner;

THENCE, SOUTH, a distance of 19.00 feet to a point for corner;

THENCE, EAST, a distance of 85.00 feet to a point for corner;

THENCE, NORTH, a distance of 63.00 feet to a point for corner in the North line of the aforementioned 4.31574 acre tract;

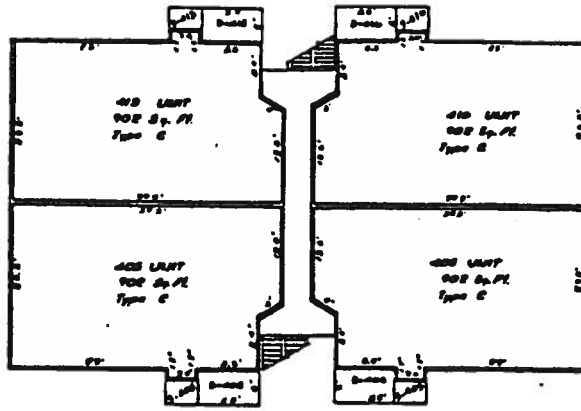
THENCE, EAST, along the North line of said 4.31574 acre tract, a distance of 125.50 feet to a 5/8-inch iron rod found in the common East line of said Commercial Reserve "B" and the West line of Lot 17, in Block 14 of said Braeburn Valley Subdivision, Section 7, for the Northeast corner of said 4.31574 acre tract;

THENCE, SOUTH, along the common East line of said Commercial Reserve "B" and the West lines of Lots 17, 34, 35, 52 and 53, in said Block 14, a distance of 505.68 feet to a 5/8-inch iron rod found for the common Southeast corner of said 4.31574 acre tract and Northeast corner of said Braeburn Valley Townhouses;

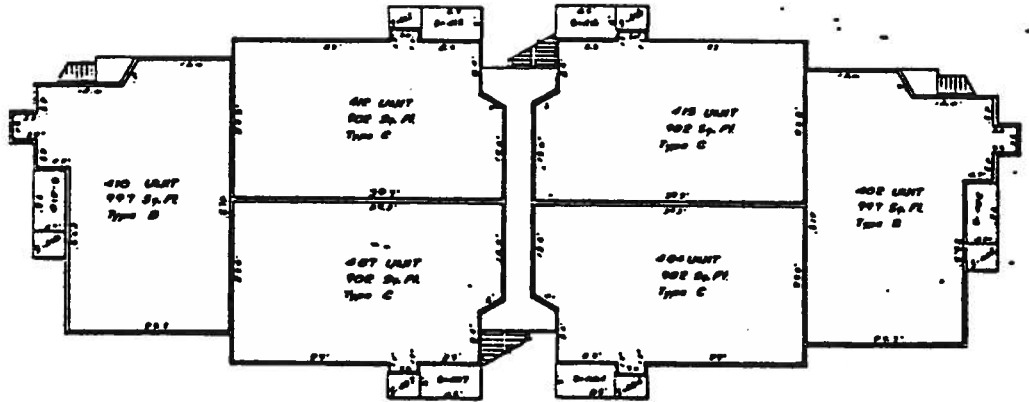
THENCE, WEST, along the common line between said 4.31574 acre tract and said Braeburn Valley Townhouses, a distance of 233.59 feet to the POINT OF BEGINNING and containing 2.3050 acres of land.

EXHIBIT "A"
Page 2 of two pages

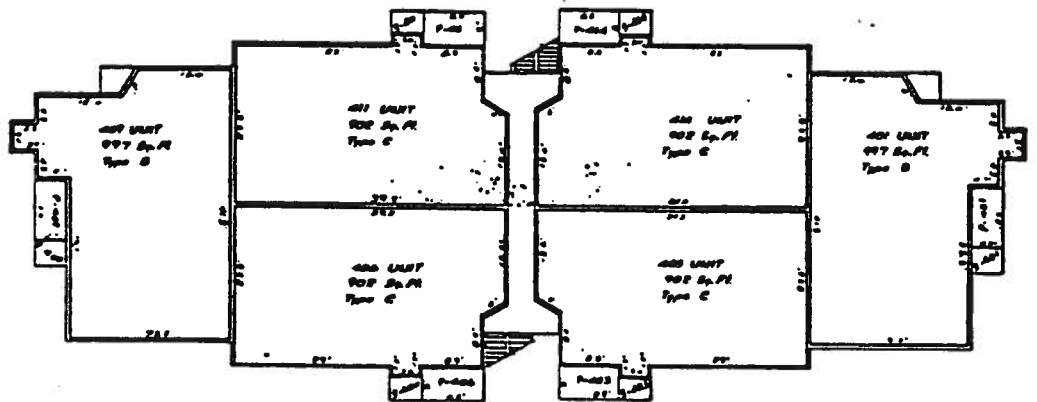
Miller Engineers
82-05-1499
D28/T02



THIRD FLOOR

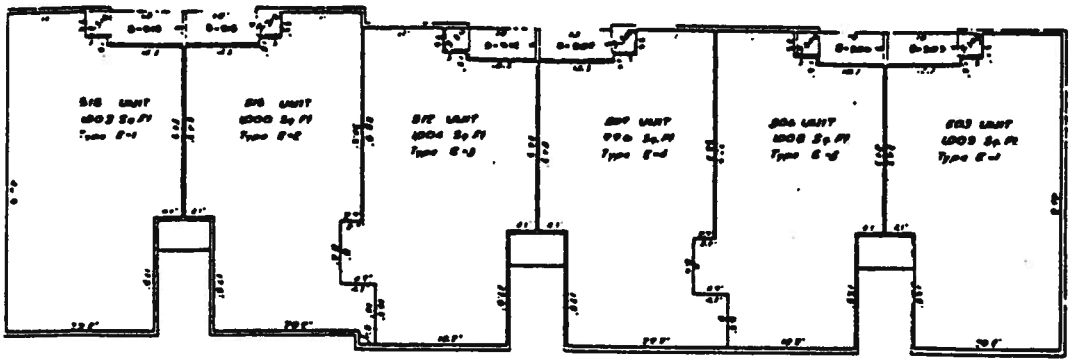


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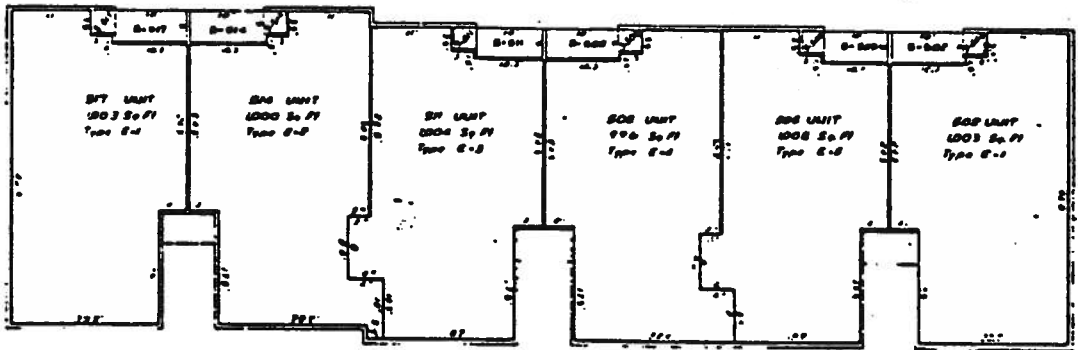


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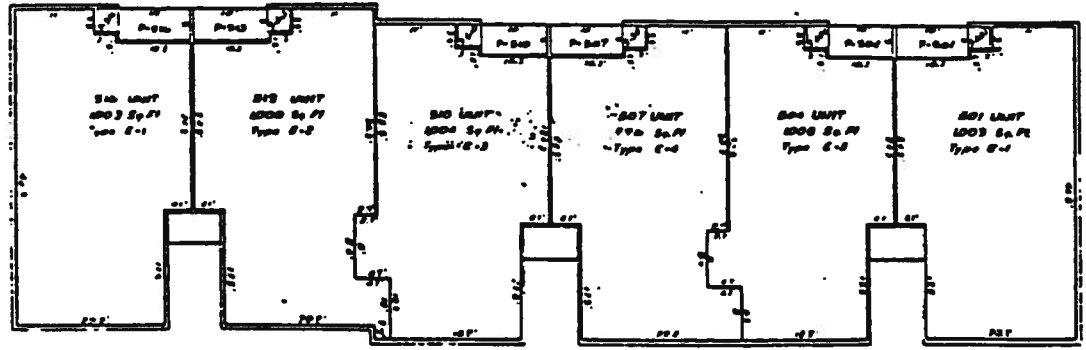
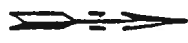




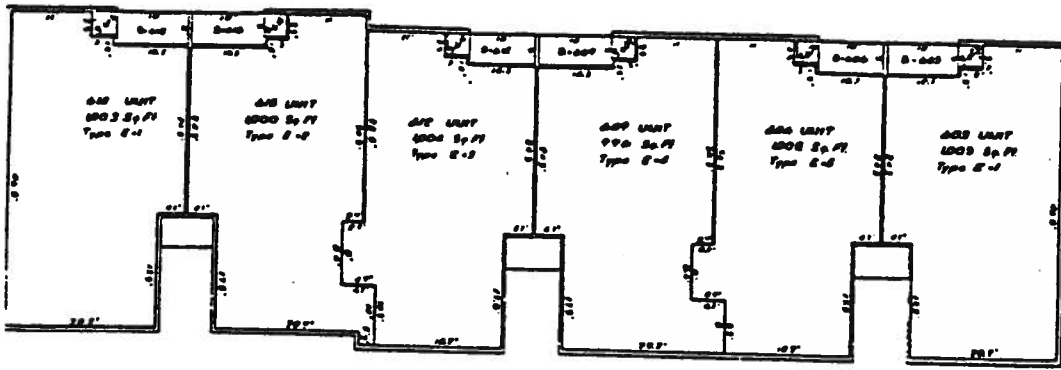
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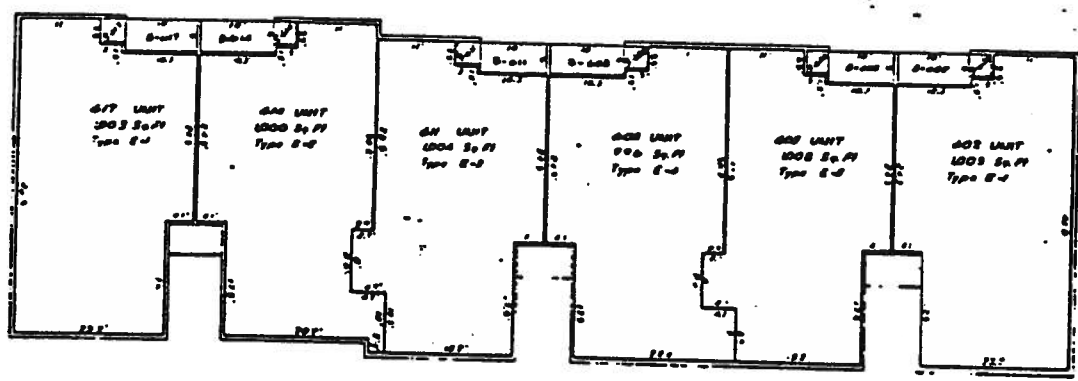
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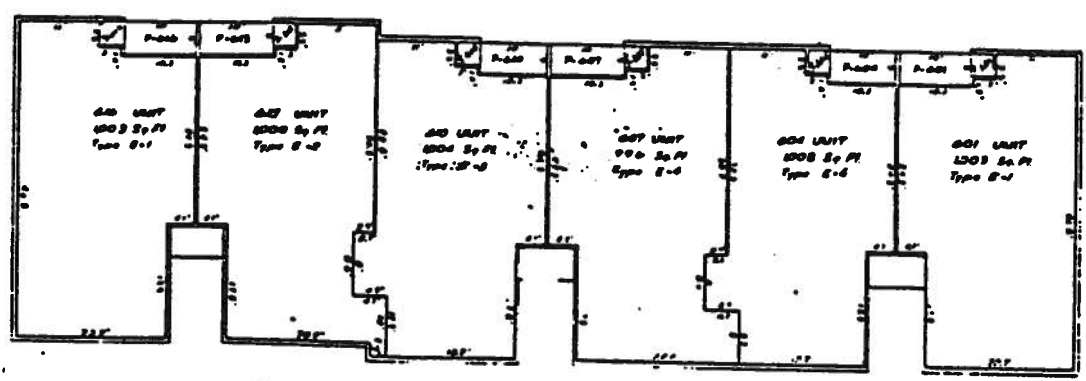
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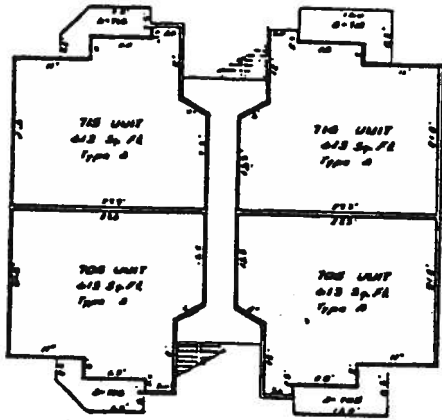


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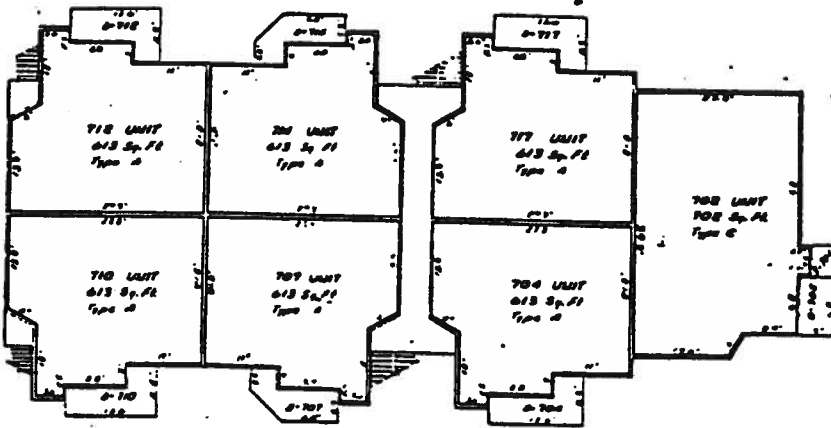


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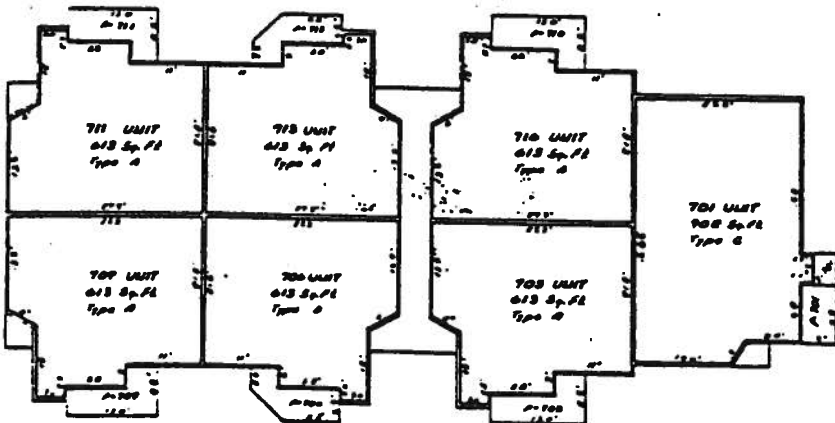
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EXACTLY TO SCALE



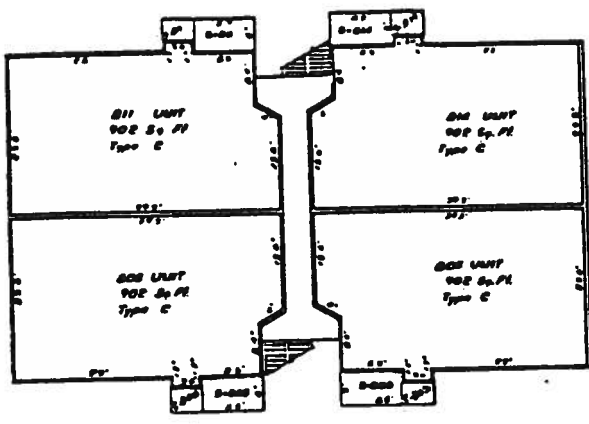
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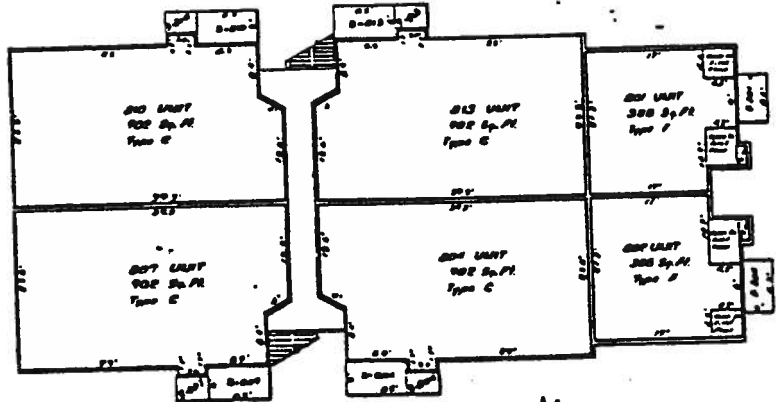
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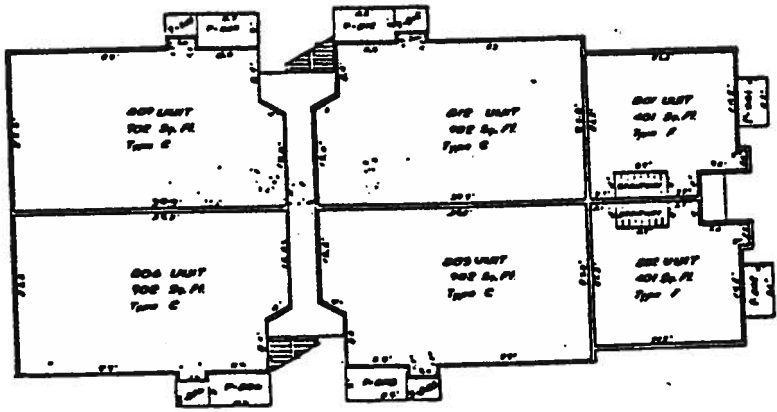
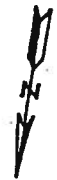
FIRST FLOOR



THIRD FLOOR



SECOND FLOOR



FIRST FLOOR

EXHIBIT "D"

BRAEBURN TERRACE, PHASE I & II

<u>Unit Type</u>	<u>Square Feet</u>	<u>Percentage Ownership</u>	<u>Total Unit Types</u>	<u>Total Percentage</u>
A	613	.498	34	16.940
B	997	.810	22	17.828
C	902	.733	38	27.859
E1	1,003	.815	14	11.413
E2	1,000	.813	6	4.877
E3	1,004	.816	6	4.896
E4	996	.810	6	4.857
E5	1,008	.819	6	4.916
F	789	.641	10	6.413
	<u>123,032</u>		<u>142</u>	<u>100.00</u>

RETURN TO:

PAUL E. TAPSCOTT
 Morris, McCanne, Tinsley & Snowden
 2200 West Loop South, Suite 225
 Houston, Texas 77027

JOINDER OF LIENHOLDER

The undersigned, COMMONWEALTH MORTGAGE COMPANY, being the owner and holder of an existing mortgage and lien upon and against the real property described in the foregoing Annexation Declaration and defined as the "Property" in said Annexation Declaration, as such mortgagee and lienholder, does hereby consent to and join in said Annexation Declaration.

The consent and joinder shall not be construed or operate as a release of said mortgage or liens owned and held by the undersigned, or any part thereof, but the undersigned agrees that its said mortgage and liens shall hereafter be upon and against each and all of the units and all appurtenances thereto, and all of the undivided, equitable shares and interests in the Common Area, subject to the Annexation Declaration hereby agreed to.

SIGNED AND ATTESTED by the undersigned officers of COMMONWEALTH MORTGAGE COMPANY, hereto authorized, this the 8th day of February, 1983.

BY: *Daniel B. Kanaby*

Print Name: Daniel B. Kanaby
Vice President

ATTEST:

Ann Gulley
Ann Gulley
Ann Gulley
Secretary

THE STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Daniel B. Kanaby, Vice President COMMONWEALTH MORTGAGE 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 COMMONWEALTH MORTGAGE COMPANY.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 8th day of February, 1983.

Pat Aktn
NOTARY PUBLIC, STATE OF TEXAS

Pat Aktn
Printed Name of Notary

My Commission Expires: 11-85