

99300809/BF/41

STEWART TITLE HOUSTON DIVISION

FBC 2000001008 9 PGS

FIRST AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
CANYON GATE AT THE BRAZOS
SECTION TWO (2)

THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

WHEREAS, on July 9, 1999, Land Tejas Development at the Brazos North, L.L.C., a Nevada limited liability company, and Devtex Land, L.P., a Texas limited partnership (collectively "Declarant") filed for record that certain Declaration of Covenants, Conditions and Restrictions for Canyon Gate at the Brazos, Section Two (2) under clerks file number 1999059206 of the Real Property Records of Fort Bend County, Texas ("Declaration"); and

WHEREAS, the Declaration governs the development, use and construction upon, together with the management and administration of a real estate subdivision ("Subdivision") situated in Fort Bend County, Texas; and

WHEREAS, the Declaration contained an inadvertent clerical error in restricting to residential use certain portions of the Subdivision property designated as Commercial Reserves, Restricted Reserves and Unrestricted Reserves (collectively "Reserves"); and

WHEREAS, Declarant together with the owners of all of the property contained in the Subdivision desire to amend the Declaration in order to correct the aforesaid error;

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, the Declaration is hereby modified and amended in the following respects:

- 1. Notwithstanding anything set forth in the Declaration to the contrary, nothing contained in the Declaration shall prohibit the development, construction upon or use of any of the Reserves, as shown on the Plat of the Subdivision filed for record under clerk's file number 1999048850 of the Map Records of Fort Bend County, Texas for business or commercial purposes. Any covenants, conditions or restrictions imposed upon any of the Reserves shall be governed exclusively by instruments filed of record among the Real Property Records of Fort Bend County, Texas pertaining specifically to the Reserves, whether one or more.

2. The first sentence of Article III, Section 1, is hereby deleted in its entirety and the following is hereby substituted in lieu thereof:

"Save and except for the Reserves, as defined herein, no activity, whether for profit or not, shall be carried on upon any Lot which is not related to single family residential purposes."

3. Article III, Section 14, sub-section, a is hereby modified and amended in that the first sentence of said sub-section is hereby deleted in its entirety and the following is substituted in lieu thereof:

"Save and except for the Reserves, and subject to the provisions of this Declaration and the Association By-Laws; no part of the Property may be used for purposes other than single family residential housing and the related common purposes for which the Property was designed."

4. All terms, conditions and provisions set forth in the Declaration shall be construed to be consistent with the provisions set forth in this Amendment.
5. Subject to the provisions set forth in this Amendment, all terms, conditions and provisions contained in the Declaration shall remain in full force and effect.

IN WITNESS WHEREOF the undersigned have hereunto set our hands this 23 of December, 1999.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

LAND TEJAS AT THE BRAZOS NORTH, L.L.C.

BY: *Al Brende*
AL BRENDE, CO-MANAGER

BY: *Courtney Grover*
COURTNEY GROVER CO-MANAGER

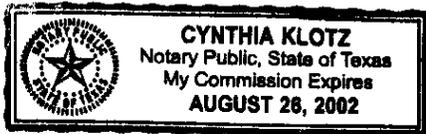
THE STATE OF TEXAS

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§

COUNTY OF FORT BEND

BEFORE ME, the undersigned authority, on this date, personally appeared Al Brende, Co-Manager of LAND TEJAS AT THE BRAZOS NORTH, L.L.C. a Texas limited liability corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the instrument for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 23 day of December, 1999.



Cynthia Klotz
NOTARY PUBLIC in and for the State of TEXAS

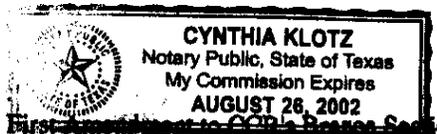
THE STATE OF TEXAS

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COUNTY OF FORT BEND

BEFORE ME, the undersigned authority, on this date, personally appeared Courtney Grover, Co-Manager of LAND TEJAS AT THE BRAZOS NORTH, L.L.C. a Texas limited liability corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the instrument for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 23 day of December, 1999.



Cynthia Klotz
NOTARY PUBLIC in and for the State of TEXAS

LEGACY / MONTEREY HOMES

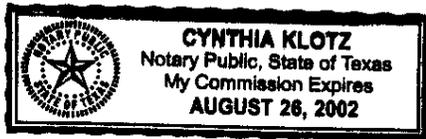
BY: *[Signature]*
MICHAEL J. PIZZITOLA,
DIVISION PRESIDENT

ACKNOWLEDGEMENT

THE STATE OF TEXAS §
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COUNTY OF FORT BEND §

BEFORE ME, the undersigned authority, on this date, personally appeared Michael J. Pizzitola, Division President for Legacy / Monterey Homes, L.P. property owner, of property contained in the Subdivision, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the instrument for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 23 day of December, 1999.



Cynthia Klotz
NOTARY PUBLIC in and for the State of TEXAS

GATEWAY HOMES

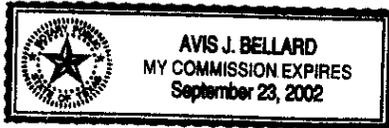
BY: *Tom Walker*
NAME: Tom Walker
TITLE: President

ACKNOWLEDGEMENT

THE STATE OF TEXAS §
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COUNTY OF FORT BEND §

BEFORE ME, the undersigned authority, on this date, personally appeared Tom Walker, President for Gateway Homes property owner, of property contained in the Subdivision, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the instrument for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 23rd day of December, 1999.



Avis J. Bellard
NOTARY PUBLIC in and for the State of TEXAS

PULTE HOMES OF TEXAS

BY: *[Signature]*
KYLE DAVISON
CITY PRESIDENT

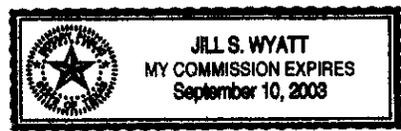
ACKNOWLEDGEMENT

THE STATE OF TEXAS §
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COUNTY OF FORT BEND §

BEFORE ME, the undersigned authority, on this date, personally appeared Kyle Davison, City President of Pulte Homes of Texas property owner, of property contained in the Subdivision, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the instrument for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 23rd day of December, 1999.

[Signature]
NOTARY PUBLIC in and for the State of TEXAS



DEVTEX LAND, L.P.

BY: Martha Davis

ACKNOWLEDGEMENT

THE STATE OF TEXAS

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COUNTY OF FORT BEND

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BEFORE ME, the undersigned authority, on this date, personally appeared Martha Davis, Assistant Secretary for Devtex Land, L.P. property owner, of property contained in the Subdivision, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the instrument for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 23 day of December, 1999.



Cynthia Klotz
NOTARY PUBLIC in and for the State of TEXAS

RETURN TO: BETH FORREST
STEWART TITLE HOUSTON
P. O. BOX 1504
HOUSTON, TEXAS 77251-1504

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

THIS DOCUMENT WAS
FILED BY AND
RETURNED TO:
STEWART TITLE

Dianne Wilson

01-04-2000 04:24 PM 2000001008
TD \$23.00

DIANNE WILSON, COUNTY CLERK
FORT BEND COUNTY, TEXAS