

FIRST AMENDMENT TO CONDOMINIUM DECLARATION  
FOR KINGHURST TOWNHOME CONDOMINIUMS

STATE OF TEXAS           §  
                                  §                   KNOW ALL MEN BY THESE PRESENTS;  
COUNTY OF HARRIS       §

THAT, WHEREAS that certain Condominium Declaration for Kinghurst Townhome Condominiums dated October 6, 1983 (the "Declaration") was filed in the Official Public Records of Real Property for Harris County, Texas under Clerk's File No. J730682 on October 9, 1984; and

WHEREAS, the Declaration provides in Article 8.1 that material provisions of the Declaration, including those provisions related to the use of the common elements and leasing of Units, may be amended upon a vote evidencing the consent of the Owners of Units to which at least sixty-seven percent (67%) of the votes in the Association are allocated and the approval of First Mortgagees holding mortgages on Units which have at least fifty-one percent (51%) of the votes of Units subject to mortgages;

WHEREAS, the required approval of such Owners was properly obtained at that certain special meeting of the Kinghurst Townhome Owners, Inc., which is the Association as such term is used in the Declaration, on June 8, 1988 at which Owners of Units holding ninety-seven percent (97%) of the votes in the Association approved the amendments to the Declaration contained herein, as more particularly described in the Minutes of the Owner's Association attached hereto as EXHIBIT A; and

WHEREAS, the required approval of First Mortgagees was properly obtained, with sixty-six and two-thirds percent (66-2/3%) of the First Mortgagees holding mortgages on Units approving the amendments to the Declaration contained herein, as evidenced by the Minutes attached hereto as EXHIBIT A.

NOW, THEREFORE, it is hereby agreed that the Declaration shall be amended as follows:

1. Paragraph 2.9(e)(13) relating to the leasing of Units is hereby deleted in its entirety and the following shall be inserted in its place as if originally contained in the Declaration:

KINGHURST TOWNHOME  
FIRST AMENDMENT  
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CONDOMINIUM RECORDS

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(13) No Unit Owner shall be permitted to lease less than its entire Unit. In the event that a Unit Owner leases its Unit, the Unit Owner shall furnish to the Association an executed copy of the lease for the Association's records. The lease shall be consistent with the Declaration, By-Laws and rules and regulations promulgated by the Board of Directors and shall provide that the Association shall have the power to terminate such lease and/or bring summary proceedings to evict the tenant in its own name or in the name of the Unit Owner as landlord, in the event of a default by the tenant in the performance of such lease. Each Unit Owner, by its ownership of any Unit, grants power of attorney to the Association to bring or pursue any action or proceeding in the name of the Unit Owner as landlord against any tenant who is in default under their lease. The lease shall provide that the tenant, by execution of such lease, agrees to be bound by, and subject to, the Declaration, By-Laws and such rules and regulations as shall be enacted by the Board of Directors and that failure to abide by the same shall be deemed a default thereunder. The Unit Owner making such lease shall not be relieved thereby from the performance any of the covenants of this Declaration or the payment of any obligations accruing under the Declaration.

2. Paragraph 8.5 relating to notice is hereby revised to provide that all notices, demands or other notices intended to be served upon the Board of Directors of the Association or the Association shall be sent by ordinary or certified mail, postage prepaid, to Randy Wile Secretary/Treasurer and Director, Kinghurst Townhome Owners, Inc., c/o United Savings Association of Texas, 5718 Westheimer, Suite 600, Houston, Texas 77057.

Except as otherwise expressly provided herein, no other modifications or amendments to the Declaration are made or intended hereby and such Declaration is hereby ratified, confirmed and approved and the same is in full force and effect as of the date hereof. Capitalized terms used in this First Amendment and not otherwise defined herein shall have the meanings ascribed to such terms in the Declaration.

EXECUTED this 28<sup>th</sup> day of June, 1988.

FILED

JUL 12 2 53 PM '88

*Rita R. R. R.*

  
Tom R. Neyland, Jr., Director

  
Jeffrey Seidman, Director

John Wangden, Director

Randy Wile, Director

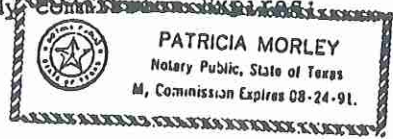
STATE OF TEXAS §  
COUNTY OF HARRIS §

This instrument was acknowledged before me on the 28<sup>th</sup> day of June, 1988 by Tom R. Neyland, Jr., Director of Kinghurst Townhome Owners, Inc., a Texas non-profit corporation, on behalf of said non-profit corporation.



Patricia Morley  
Notary Public in and for  
the State of Texas

Printed Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_



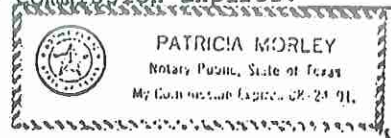
STATE OF TEXAS §  
COUNTY OF HARRIS §

This instrument was acknowledged before me on the 28<sup>th</sup> day of June, 1988 by Jeffrey Seidman, Director of Kinghurst Townhome Owners, Inc., a Texas non-profit corporation, on behalf of said non-profit corporation.



Patricia Morley  
Notary Public in and for  
the State of Texas

Printed Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_



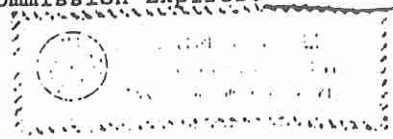
STATE OF TEXAS §  
COUNTY OF HARRIS §

This instrument was acknowledged before me on the 28<sup>th</sup> day of June, 1988 by Mary Ellen Ambrose, Director of Kinghurst Townhome Owners, Inc., a Texas non-profit corporation, on behalf of said non-profit corporation.



Patricia Morley  
Notary Public in and for  
the State of Texas

Printed Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_



STATE OF TEXAS §  
COUNTY OF HARRIS §

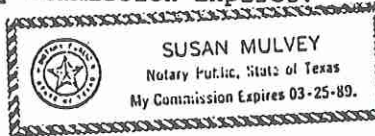
This instrument was acknowledged before me on the 28<sup>th</sup> day of June, 1988 by John Wangden, Director of Kinghurst Townhome Owners, Inc., a Texas non-profit corporation, on behalf of said non-profit corporation.

(SEAL)

Susan Mulvey  
Notary Public in and for  
the State of Texas

Printed Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

STATE OF TEXAS §  
COUNTY OF HARRIS §



This instrument was acknowledged before me on the 28<sup>th</sup> day of June, 1988 by Randy Wile, Director of Kinghurst Townhome Owners, Inc., a Texas non-profit corporation, on behalf of said non-profit corporation.

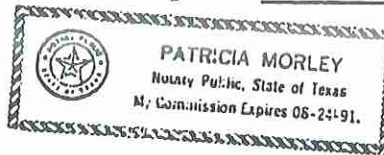


Patricia Morley  
Notary Public in and for  
the State of Texas

Printed Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

After recording return to:

Catherine G. Wile  
1900 RepublicBank Center  
700 Louisiana  
Houston, Texas 77002



DWM115/26

EXHIBIT "A"

MINUTES OF SPECIAL MEETING OF  
KINGHURST TOWNHOME OWNERS, INC.

A meeting of the unit owners ("Owners") of Kinghurst Townhomes, a condominium project in Harris County, Texas, was duly called, convened and held upon notice duly given in accordance with the provisions set forth in the Condominium Declaration for Kinghurst Townhome Condominiums filed in the Official Public Records of Real Property of Harris County, Texas under Clerk's File No. J730682 and the By-Laws of Kinghurst Townhome Owners, Inc., beginning at 7:00 p.m. on June 8, 1988. The following Owners, constituting a quorum, were present and participated throughout the meeting:

1. United Savings Association of Texas - Owner of 96 units, represented by Jeffrey Seidman, Mary Ellen Ambrose, and Tom Neyland.
2. Kenneth Tabasco - Unit 167L
3. Neil Swenson - Unit 179N

Also present at the meeting were the following individuals in the capacities herein stated:

1. John Wangden - United Texas Real Estate
2. Guy Hunt - United Texas Real Estate

Jeffrey Seidman, Director and President of the Association, called the meeting to order and introduced the new officers and directors of the Association who attended the meeting as follows:

1. Jeffrey Seidman - Director and President

2. Tom Neyland - Director and Vice President
3. Mary Ellen Ambrose - Director
4. John Wangden - Director

Jeffrey Seidman appointed the undersigned as Temporary Secretary for the purpose of recording the minutes of the meeting in the absence of Randy Wile, the Secretary of Kinghurst Townhome Owners, Inc.

Jeffrey Seidman announced the purpose of the meeting was to consider a proposed amendment to the Declaration to permit leasing of the units without requiring the consent of the Board of Directors of the Association. A discussion occurred between the Owners regarding the merits of the proposed amendment, the future plans for the complex and recent market analyses.

Whereupon, a motion was introduced by Mary Ellen Ambrose and seconded by Tom Neyland, the following amendment was adopted by more than a 2/3 majority of the Owners present at the meeting and a majority of the lienholders:

1. Paragraph 2.9(e)(13) relating to the leasing of Units is hereby deleted in its entirety and the following shall be inserted in its place as if originally contained in the Declaration:

(13) No Unit Owner shall be permitted to lease less than its entire Unit. In the event that a Unit Owner leases its Unit, the Unit Owner shall furnish to the Association an executed copy of the lease for the Association's records. The lease shall be consistent with the Declaration, By-Laws and rules and regulations promulgated by the Board of Directors and shall provide that the Association shall have the power to terminate such lease and/or bring summary proceedings to evict.

the tenant in its own name or in the name of the Unit Owner as landlord, in the event of a default by the tenant in the performance of such lease. Each Unit Owner, by its ownership of any Unit, grants power of attorney to the Association to bring or pursue any action or proceeding in the name of the Unit Owner as landlord against any tenant who is in default under their lease. The lease shall provide that the tenant, by execution of such lease, agrees to be bound by, and subject to, the Declaration, By-Laws and such rules and regulations as shall be enacted by the Board of Directors and that failure to abide by the same shall be deemed a default thereunder. The Unit Owner making such lease shall not be relieved thereby from the performance any of the covenants of this Declaration or the payment of any obligations accruing under the Declaration.

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The Owners and lienholders present at the meeting were polled individually and voted on the amendment as follows:

1. Owners

- a. United Savings Association of Texas - approved
- b. Kenneth Tabasco - abstained
- c. Neil Swenson - approved

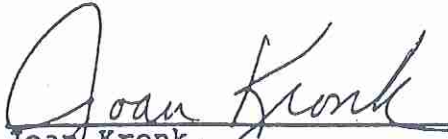
2. Lienholders

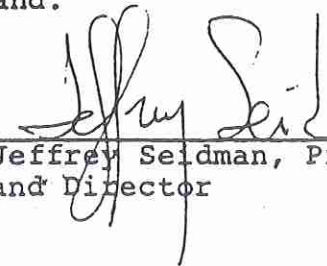
- a. United Savings Association of Texas - approved

The amendment was declared passed.

Other matters discussed at the meeting were future plans to market the units for leasing, what actions should be taken regarding the fire-damaged units, allocation of insurance proceeds if fire-damaged units are demolished instead of rebuilt, how the association funds will be used, security concerns, prospective tenant profiles, rental rates to be charged by unit owners, and the next special meeting date.

After general discussion, Jeffrey Seidman adjourned the meeting at 8:25 p.m. upon a motion to adjourn introduced by Neil Swenson and seconded by Tom Neyland.

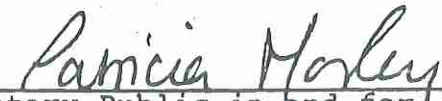
  
Joan Kronk,  
Temporary Secretary

  
Jeffrey Seidman, President  
and Director

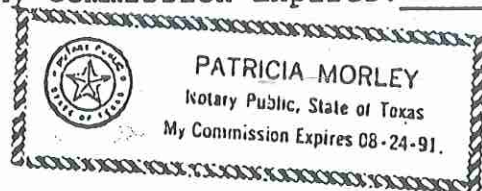
THE STATE OF TEXAS §

COUNTY OF HARRIS §

SUBSCRIBED AND SWORN TO BEFORE ME, by the said Jeffrey Seidman, this 28th day of June, 1988.

  
Notary Public in and for  
The State of Texas  
Printed Name: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_





THE STATE OF TEXAS §  
COUNTY OF HARRIS §

This instrument was acknowledged before me on June 28<sup>th</sup>,  
1988 by Jeffrey Seidman, President and Director of Kinghurst  
Townhome Owners, Inc., a Texas Non-Profit Corporation on behalf of  
the Corporation.



OKDM05/32

Patricia Morley  
Notary Public in and for  
The State of Texas  
Printed Name: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_



PATRICIA MORLEY  
Notary Public, State of Texas  
My Commission Expires 08-24-91.

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.

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THE STATE OF TEXAS  
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me, and was duly RECORDED, in the Official Public Records of Real Property of Harris County, Texas on

July 12 1988



*Quita Roddenberry*  
COUNTY CLERK,  
HARRIS COUNTY, TEXAS