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COUNTY CLERK
HARRIS COUNTY, TEXAS

FIRST AMENDMENT TO CONDOMINIUM DECLARATION
FOR FORUM PARK TOWNHOMES
(A CONDOMINIUM)

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

WHEREAS, SUGAR BRANCH JOINT VENTURE, a Texas Joint Venture, executed that certain instrument styled "Condominium Declaration for Forum Park Townhomes (A Condominium)", dated December 29, 1978, and filed for record in Volume 95, Page 2 of the Condominium Records of Harris County, Texas, so as to establish and declare, in accordance with the terms therein set forth, a condominium regime upon the land and improvements described therein; and

WHEREAS, it is the desire of SUGAR BRANCH JOINT VENTURE, in accordance with the terms of said Condominium Declaration for Forum Park Townhomes (A Condominium), to amend said Condominium Declaration specifically as hereinafter set forth:

NOW, THEREFORE, SUGAR BRANCH JOINT VENTURE hereby agrees and declares that the Condominium Declaration for Forum Park Townhomes (A Condominium) shall be hereby amended as follows:

1. Section 3 of Article VII of the Condominium Declaration for Forum Park Townhomes (A Condominium) shall hereafter be amended to read as follows:

"Section 3. Taking of Less than Two-Thirds of Units and Limited Common Elements. In the event that any eminent domain proceedings result in the taking of or damage to one or more, but less than two-thirds of the total number of Units or Limited Common Elements, or both, then the damages and awards for such taking and the payment thereof shall be determined in accordance with the following:

"(a) The Board shall determine which of the Units damaged by such taking may be made tenable and which Limited Common Elements may be made usable for the purposes set forth in the Declaration.

"(b) The Board shall determine whether it is reasonably practicable to operate the remaining Units and Limited Common Elements (including those which may be made tenable or usable) in the manner provided in this Declaration.

"(c) If the Board determines that it is not reasonably practicable to operate such remaining Units and Limited Common Elements, then the Project shall be deemed to be reorganized and merged into a single estate owned jointly, in undivided interests, by all Owners, as tenants-in-common in their respective Percentage Interests, and the Condominium regime hereby established shall terminate.

"(d) If the Board determines that it will be reasonably practicable to operate such remaining Units and Limited Common Elements, then the damages and awards made with respect to each Unit and Limited Common Element which has been determined to be capable of being made tenable or usable shall be applied to the repair and construction thereof. If the cost of such work exceeds the amount of the award, the additional funds required shall be assessed against the Owners of those Units which are being repaired or reconstructed so as to be made tenable and against those Owners who have the exclusive right of use of the Limited Common Elements being made usable. With respect to those Units and Limited Common Elements which may not be made tenable or usable, the award made with respect thereto shall be paid to the Owner who owns such Unit or has the exclusive right of use of the Limited Common Elements, or to their Mortgagee, as their interests may appear, and the remaining portion of such Units and Limited Common Elements, if any, shall become a part of the Common Elements and the repair and use thereof shall be determined by the Board. Those Units which may not be made tenable shall no longer be a part of the Project and the Percentage Interest appurtenant to each remaining Unit of the Project shall be adjusted by the Board, in such manner as it may determine, to distribute the ownership of the undivided interests in the Common Elements among the reduced number of Owners. After making such adjustment the Board will cause an instrument reflecting the new Percentage Interest appurtenant to each Unit to be duly recorded."

2. Except as hereinabove expressly provided, the Condominium Declaration for Forum Park Townhomes (A Condominium) shall be and remain in full force and effect as originally written.

EXECUTED this 12th day of May, 1980.

SUGAR BRANCH JOINT VENTURE
Landmark Interests, Inc.
By: Edward R. Barton President
Edward R. Barton
Edward R. Barton

FORUM PARK TOWNHOMES
FIRST AMENDMENT
A CONDOMINIUM PROJECT
CONDOMINIUM RECORDS
HARRIS COUNTY, TEXAS
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THE STATE OF TEXAS §
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared Edward R. Barton, President of LANDMARK INTERESTS, INC., a Texas Corporation, known to me to be the person and officer whose name is subscribed to the foregoing instrument and who acknowledged to me that he executed the same for the purposes and consideration therein expressed, and as the act and deed of said Corporation as a joint venture of Sugar Branch Joint Venture, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 12th day of MAY, 1980.



James D. Dugan
Notary Public in and for
Harris County, Texas
Name: James D. Dugan
My Commission Expires:
7-20-81

THE STATE OF TEXAS §
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared EDWARD R. BARTON, individually, as a joint venture partner in SUGAR BRANCH JOINT VENTURE, known to me to be the person whose name is subscribed to the foregoing instrument and who acknowledged to me that he executed the same for the purposes and consideration therein expressed, and as the act and deed of said joint venture partner of SUGAR BRANCH JOINT VENTURE, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 12th day of May, 1980.



Edward R. Barton
Notary Public in and for
Harris County, Texas
Name: Edward R. Barton
My Commission Expires:
6-1-81

SEAL OF TEXAS
COUNTY OF HARRIS
I HEREBY CERTIFY THAT THE FOREGOING HAS FILED BY
ME IN ACCORDANCE WITH THE ACTS AND AS THE SAME CHANGED
DATE BY ME FOR THE YEAR 1980. BY THE COUNTY
CLERK OF HARRIS COUNTY, TEXAS

MAY 14 1980

John R. Hester
COUNTY CLERK
HARRIS COUNTY, TEXAS