

## FIRST AMENDMENT TO DECLARATIONS COVERING MISSION BEND, SAN MIGUEL, SECTIONS ONE, TWO, FIVE AND SIX

STATE OF TEXAS \$ \$ KNOW ALL MEN BY THESE PRESENTS THAT:

WHEREAS, pursuant to Article X, Section 10.2 of each of those certain Declarations covering Mission Bend, San Miguel, Sections One, Two, Five and Six, recorded, respectively, in Volume 767, Page 273, et seq., Volume 767, Page 292, et seq., Volume 910, Page 579, et seq., and Volume 910, Page 594, et seq., Deed Records of Fort Bend County, Texas (said instruments herein referred to collectively as the "Declarations"), the Declarations each provide that the Declarations "may be amended in whole or in part by an instrument executed by the President of the Association when approved by a majority of the votes of each Class of members at a Meeting of Members" and

WHEREAS, the Members have approved and adopted the amendments hereinafter set forth in accordance with the aforesaid provisions of the Declarations at a meeting of the Members duly called, convened and conducted on March 1%, 1990.

NOW THEREFORE, notice is hereby given of amendment to each of the Declarations as follows:

Article V of each of the Declarations are, each and all, hereby amended by adding thereto the following Sections 5.11 and 5.12, to wit:

SECTION 5.11 Specific Assessments. The Board of Directors shall specifically assess individual Lots for Association expenses as follows:

- (a) Compliance Costs. All expenses incurred by the Association by reason of a breach or violation of or to obtain compliance with any provisions of the Declarations, or the Articles of Incorporation or Bylaws of the Association, or any amendments thereto, shall be assessed against the Owner of the Lot who occasioned the incurrence of such expenses, including reasonable attorney's fees whether incurred prior to, during the pendency of or after successful completion of any actions in a court of competent jurisdiction.
- (b) Payment; Waiver. Specific assessments shall become due and payable immediately upon the occurrence of the event giving rise to liability for payment of same. For good cause shown as determined in the sole discretion of the Board of Directors, the Board may waive, wholly or partially, imposition of any specific assessment; provided, any such waiver shall be conditioned upon adequate assurances of future compliance and payment in full of all remaining monetary obligations to the Association or receipt of written commitment that same will be paid within a specified period of time.

SECTION 5.12 Application of Paymen's. All payments made by or on behalf of an Owner for assessments, annual, special or specific, shall be deemed made upon the date of receipt of the payment by the Association or its designated agent. All payments received, including payments received in consequence of foreclosure proceedings, shall be applied first to payment of all specific assessments due, then to payment of all special assessments due, and finally to payment of all annual assessments due, application within each category to be on a first in, first out basis.

Article I, Section l.l(m) of each of the Declarations are, each and all, hereby amended by deleting said Article I, Section l.l(m) in its entirety and substituting in place thereof the following:

(m) "Meeting of Members" shall mean and refer to a meeting of Members duly called in the manner prescribed in the By-Laws of the Association at which a quorum is present. The presence, in person or by proxy, of Members having not less than ten percent (10%) of the total votes entitled to be cast shall constitute a quorum at all meetings of the members for the transaction of business. If a quorum shall not be present or represented at any meeting of the Members, the Members entitled to vote thereat, present in person or represented by proxy, shall have power to adjourn the meeting from time to time, without notice other than announcement at the meeting, until a quorum shall be present or represented. At such adjourned meeting at which a quorum shall be present or represented, any business may be transacted which might have been transacted at the meeting as originally notified.

EXECUTED this \_\_\_\_\_ day of April, 1990.

SAN MIGUEL CIVIC ASSOCIATION, INC.

By:

GARY BECKFORD, President

STATE OF TEXAS

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COUNTY OF FORT BEND NELLIS

This instrument was acknowledged before me on this 30 day of April, 1990, by GARY BICKFORD, President of SAN MIGUEL CIVIC ASSOCIATION, INC., a Texas non-profit corporation, on behalf of said corporation.

A. L. STORMS

A. COMMUSSION EXPIRES

NOTTARY PUBLIC in and for the August 13, 1993 S T A T E O F T E X A S

Name: A. L. STORMS

My Commission Expires: 8-12-43

Return:
BURTON & ASSOCIATES, P.C.
5301 HOLLISTER, SUITE 490
HOUSTON, TEXAS 77040

FILED

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COUNTY LERK FOUL TO THE THE STATE STATE OF TEXAS

I. hereby certify that this instrument was filled on the date and time stamped hereon by me and was duly recorded in the volume and Dage of the Official Records of Fort Bend County, Texas as stamped by me.

JUL 30 1990

Ganne Hilson County Clerk, Fort Bend Co., The