

**SECOND AMENDMENT**  
*to*  
**MASTER DECLARATION OF COVENANTS AND RESTRICTIONS**  
*for*  
**COMMONWEALTH SQUARE**

90  
Amend  
K

THE STATE OF TEXAS  
  
COUNTY OF HARRIS

§  
§  
§

KNOW ALL PERSONS BY THESE PRESENTS:

WHEREAS, PERRY HOMES, a Joint Venture (the "Declarant") was the sole record owner of that certain real property known as:

Van Buren Avenue Townhomes, an addition in the City of Houston, Harris County, Texas according to the map or plat thereof recorded under Film Code No. 475070 of the Map Records of Harris County, Texas and all amendments to or replats of said maps or plats, if any (referred to as the "Property").

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WHEREAS, by that certain instrument entitled "Master Declaration of Covenants and Restrictions for Commonwealth Square" filed of record in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File No. V002497 (the "Declaration"), Declarant imposed on the Property all those certain covenants, conditions, restrictions, easements, charges, and liens therein set forth;

WHEREAS, the Declaration was amended by that certain instrument entitled "First Amendment to Master Declaration of Covenants and Restrictions for Commonwealth Square" filed of record in the Official Public Records of Real Property of Harris County, Texas under County Clerk's File No. V528943 (the Declaration as amended hereinafter still referred to as "Declaration");

WHEREAS, by that certain instrument entitled "First Supplemental Declaration of Covenants and Restrictions for Commonwealth Square (Annexing Marconi Avenue Townhomes)" filed of record in the Official Public Records of Real Property of Harris County, Texas under County Clerk's File No. V019682, Declarant did restrict Marconi Avenue Townhomes, an addition in the City of Houston, Harris County, Texas according to the map or plat thereof recorded under Film Code No. 476056 of the Map Records of Harris County, Texas and all amendments to or replats of said maps or plats, if any to the Declaration and annex it into the Property (the term "Property" hereinafter including Marconi Avenue Townhomes);

WHEREAS, by that certain instrument entitled "Second Supplemental Declaration of Covenants and Restrictions for Commonwealth Square (Annexing La Rue Street Townhomes and Joe Annie Street Townhomes)" filed of record in the Official Public Records of Real Property of Harris County, Texas under County Clerk's File No. V937042, Declarant did restrict La Rue Street Townhomes and Joe Annie Street Townhomes, additions in the City of Houston, Harris County, Texas according to the map or plat thereof recorded under Film Code Nos. 517077 and 517073 of the Map Records of Harris County, Texas and all amendments to or replats of said maps or plats, if any to the Declaration and annex it into the Property (the term "Property" hereinafter including La Rue Street Townhomes and Joe Annie Street Townhomes);

RECORDED

WHEREAS, Article XI, Section 11.3 of the Declaration provides that the terms of the Declaration can be amended with the assent of a Two-Thirds Member Vote; and

WHEREAS, Article I of the Declaration defines "Two-Thirds Member Vote" as:

"Two-Thirds Member Vote" shall mean the approval of two-thirds (2/3rds) of all Members (regardless of class) entitled to vote who either (i) are voting in person or by proxy at a meeting duly called for this purpose and at which the necessary quorum exists, or (ii) execute a written consent in lieu of a meeting for such purpose.

NOW, THEREFORE, with the assent of a Two-Thirds Member Vote (evidenced by the Consents attached hereto as Exhibit "A" and incorporated herein for all purposes) the Declaration is hereby amended as follows:

1. Article IV, Section 4.4 of the Declaration is hereby amended to read as follows:

**4.4 Special Assessments.** In addition to the annual assessments authorized by Section 4.3 above, the Association may levy special assessments; provided that any such special assessments must be approved by a Two-Thirds Member Vote.

2. Article V, Section 5.1(a) of the Declaration is hereby amended to add a new Section (viii) as follows:

(viii) Paint the exterior of Townhomes as provided in Article VII, Section 7.20.

3. Article VII, Section 7.20 of the Declaration is hereby amended to read as follows:

**7.20 Paint.** The Association shall periodically paint the exterior surfaces of all Townhomes that were originally constructed with painted materials, including by way of example, painted wood and similar type surfaces, but excluding brick, stucco or other similar type exteriors. The periodic painting cycle shall be determined by the Board.

4. Article X, Section 10.1(d) of the Declaration is hereby amended to read as follows:

(d) Exterior maintenance (except painting as provided in Section 7.20) and repair of exterior damages to improvements; and

The amendment of the Declaration set forth above shall be deemed to be a part of and shall be interpreted in accordance with the Declaration. All provisions of the Declaration not amended hereby are hereby ratified and confirmed in each and every particular, and shall continue in full force and effect pursuant to the terms of the Declaration.

IN WITNESS WHEREOF, the President of Commonwealth Square Homeowners Association, Inc. hereby executes this Amendment evidencing that the assent of a Two-Thirds Member Vote was obtained approving this amendment to the Declaration (as evidenced by the Members' signatures on the Consents attached to this Amendment as

Exhibit "A") to be effective upon its filing of record in the Official Public Records of Real Property of Harris County, Texas.

DATED this 2<sup>nd</sup> day of November, 2012.

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ATTEST:

COMMONWEALTH SQUARE  
HOMEOWNERS ASSOCIATION, INC.

By: George Schaefer

By: Robert W. Walker

Printed: George Schaefer

Printed: ROBERT W. WALKER

Its: Secretary

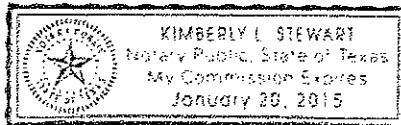
Its: President

STATE OF TEXAS §  
  §  
COUNTY OF HARRIS §

Before me, a notary public, on this day personally appeared Robert W. Walker, President of Commonwealth Square Homeowners Association, Inc., known to me to be the person whose name is subscribed to the foregoing instrument and, being by me first duly sworn and declared that he/she executed same in the capacity and consideration therein expressed. Given under my hand and seal of office this 2<sup>nd</sup> day of November 2012.

Kimberly L Stewart  
NOTARY PUBLIC STATE OF TEXAS

Return to:  
Butler | Hailey  
8901 Gaylord Drive, Suite 100  
Houston, Texas 77024



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RP 08-04-12