

2002-070429

106-10-0092

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**AMENDMENT TO DECLARATION OF COVENANTS
MONTGOMERY TRACE SUBDIVISION, SECTIONS I-X**

Montgomery Trace Subdivision in Montgomery County, Texas is subject to restrictive covenants imposed by the following instruments:

- A. The Declaration of Covenants, Conditions and Restrictions of Montgomery Trace Subdivision, Section I, recorded at Film Code 192-00-0844 of the Real Property Records of Montgomery County, Texas (the "SECTION I DECLARATION");
- B. The Declaration of Covenants, Conditions and Restrictions of Montgomery Trace Subdivision, Section II, recorded at Film Code 222-00-0076 of the Real Property Records of Montgomery County, Texas (the "SECTION II DECLARATION");
- C. The Declaration of Covenants, Conditions and Restrictions of Montgomery Trace Subdivision, Section III, recorded at Film Code 258-00-0345 of the Real Property Records of Montgomery County, Texas (the "SECTION III DECLARATION");
- D. The Declaration of Covenants, Conditions and Restrictions of Montgomery Trace Subdivision, Section IV, recorded at Film Code 291-00-0946 of the Real Property Records of Montgomery County, Texas (the "SECTION IV DECLARATION");
- E. The Declaration of Covenants, Conditions and Restrictions of Montgomery Trace Subdivision, Section V, recorded at File No. 9782962 of the Real Property Records of Montgomery County, Texas (the "SECTION V DECLARATION");
- F. The Declaration of Covenants, Conditions and Restrictions of Montgomery Trace Subdivision, Section VI, recorded at Film Code 379-00-2360 of the Real Property Records of Montgomery County, Texas (the "SECTION VI DECLARATION");
- G. The Declaration of Covenants, Conditions and Restrictions of Montgomery Trace Subdivision, Section VII, recorded at Film Code 393-00-1795 of the Real Property Records of Montgomery County, Texas (the "SECTION VII DECLARATION");
- H. The Declaration of Covenants, Conditions and Restrictions of Montgomery Trace Subdivision, Section VIII, recorded at Film Code 535-00-1177 of the Real Property Records of Montgomery County, Texas (the "SECTION VIII DECLARATION");
- I. The Declaration of Covenants, Conditions and Restrictions of Montgomery Trace Subdivision, Section IX, recorded at Film Code 560-00-0714 of the Real Property Records of Montgomery County, Texas (the "SECTION IX DECLARATION");
- J. The Declaration of Covenants, Conditions and Restrictions of Montgomery Trace Subdivision, Section X, recorded at Film Code 576-00-0927 of the Real Property Records of Montgomery County, Texas (the "SECTION X DECLARATION");

By a vote of the Owners owning seventy five percent (75%) or more of the acres of land subdivided into lots within Montgomery Trace Subdivision, Sections I-X (based upon one vote for each acre owned), the Montgomery Trace Covenants are hereby amended as follows:

1. Article VI, Section 2 of the SECTION I DECLARATION, the SECTION II DECLARATION, the SECTION III DECLARATION, the SECTION IV DECLARATION, the SECTION V DECLARATION, the SECTION VI DECLARATION, the SECTION VII DECLARATION, the SECTION VIII DECLARATION, the SECTION IX DECLARATION and the SECTION X DECLARATION is deleted.
2. The second sentence of Article VI, Section 5 of the SECTION I DECLARATION, the SECTION II DECLARATION, the SECTION III DECLARATION, the SECTION IV DECLARATION, the SECTION V DECLARATION, the SECTION VI DECLARATION, the SECTION VII DECLARATION, the SECTION VIII DECLARATION, the SECTION IX DECLARATION and the SECTION X DECLARATION shall be amended to read as follows:

106-10-0093

"Beginning with the first annual meeting of the members following the date of this Ammendment, the Board of Directors shall consist of ten(10) directors selected for staggered two year terms of office at the annual meeting, one director elected by the members in each of Sections I through Section X of Montgomery Trace Subdivision."

- 3. Article XI, Section 3 of the SECTION I DECLARATION, the SECTION II DECLARATION, the SECTION II DECLARATION, the SECTION IV DECLARATION, the SECTION V DECLARATION, the SECTION VI DECLARATION, the SECTION VII DECLARATION, the SECTION VIII DECLARATION, the SECTION IX DECLARATION and the SECTION X DECLARATION is deleted.
- 4. Article XI, Section 5 of the SECTION I DECLARATION, the SECTION II DECLARATION, the SECTION II DECLARATION, the SECTION IV DECLARATION, the SECTION V DECLARATION, the SECTION VI DECLARATION, the SECTION VII DECLARATION, the SECTION VIII DECLARATION, the SECTION IX DECLARATION and the SECTION X DECLARATION is amended to read as follows:

" Section 5: 'The covenants and restrictions of this declaration shall run with and bind the land, and shall inure to the benefit of and be enforceable by the Association or any member thereof for a period of twenty-five (25) years from the date of execution of the original Declaration, and thereafter shall continue in effect for additional periods of ten (10) years unless terminated. The covenants and restrictions of this declaration may be amended at any time, and may be terminated at the end of the original or any extended term, by a vote of the Owners of two-thirds (2/3) of the acres within platted lots in Montgomery Trace Subdivision, Sections I-X, with each Owner being entitled to one vote for each acre owned and a fractional vote for each fractional acre owned. The Board shall execute and record an instrument in the Real Property Records of Montgomery County, Texas to evidence any approved amendment or termination."

Dated this 12th day of July, 2002.

MONTGOMERY TRACE PROPERTY OWNERS ASSOCIATION

Curtis Whaley
Curtis Whaley, Director and President

Jack Totilas
Jack Totilas, Director and Treasurer

Larry Broussard
Larry Broussard, Director and Vice President

Glenn Buckley
Glenn Buckley, Director and Secretary

Lee Trammell
Lee Trammell, Director

THE STATE OF TEXAS
COUNTY OF MONTGOMERY

This instrument was acknowledged before me on the 12th day of July, 2002 by Curtis Whaley, Jack Totilas, Larry Broussard, Glenn Buckley, and Lee Trammell, in the capacities shown above.

Leslie Spessard
Notary Public - State of Texas

After Recording Return to:
Montgomery Trace P.O.A.
3500 West Davis, Ste. 281
Conroe, Texas 77304



106-10-0094

FILED FOR RECORD

2002 JUL 12 PM 2: 10

Mark Timball
COUNTY CLERK
MONTGOMERY COUNTY, TEXAS

STATE OF TEXAS
COUNTY OF MONTGOMERY
I hereby certify this instrument was filed in
File Number Sequence on the date and at the time
stamped herein by me and was duly RECORDED in
the Official Public Records of Real Property at
Montgomery County, Texas

JUL 12 2002



Mark Timball
County Clerk
Montgomery County, Texas