

11/19/83
Bldgs 8,9,10

(4)

205-01-1399

8325396

AMENDMENT TO
CONDOMINIUM DECLARATION FOR
THE 18TH AT WALDEN,
A CONDOMINIUM PROJECT

REAL PROPERTY RECORDS

THE STATE OF TEXAS §
COUNTY OF MONTGOMERY §

WHEREAS, Von Hagge & Devlin-Limited Partnership No. 1, a Texas limited partnership, by and through Robert Von Hagge, Bruce Devlin and Charles H. Swann, its general partners, hereinafter referred to as "Developer", executed a Condominium Declaration on February 7, 1979, providing for the submission of certain land, together with the buildings and improvements erected thereon, all as described in said Condominium Declaration, and to the provisions of the Texas Condominium Act, Article 1301A, V.A.T.S., and thereby established the condominium project known as The 18th At Walden, A Condominium Project; and,

WHEREAS, the Condominium Declaration for The 18th At Walden, A Condominium Project, along with the exhibits attached thereto and made a part thereof, was filed of record in Volume 1, Page 581, et seq., of the Condominium Records of Montgomery County, Texas; and,

WHEREAS, the Condominium Declaration for The 18th At Walden, A Condominium Project, was amended to add Phase II to the condominium project by instrument filed of record under Clerk's File Number 8003593 and Image #004-01-1967 in the Real Property Records of Montgomery County, Texas; and,

WHEREAS, the Condominium Declaration for The 18th at Walden, A Condominium Project, was amended to add Phase III to the Condominium Project by instrument filed of record in Clerk's File #8138313 and Image #096-01-1689, Real Property Records of Montgomery County, Texas; and,

WHEREAS, Developer, as provided in Paragraph (10) of

205-01-1400

the Declaration, reserved its sole and exclusive right to construct The 18th At Walden, A Condominium Project, in phases and to delineate the land encompassing the condominium and the undivided interest of each owner of an apartment space in the general common elements of the property described in said Declaration as each phase is completed; and,

WHEREAS, Developer has completed the construction of Phase IV of The 18th At Walden, A Condominium Project, consisting of Buildings H, I and J, and survey plats marked Exhibits "Third Amended A", "L", "M", "N", "O" and "P" have been completed and are ready to file for record in the Condominium Records of Montgomery County, Texas, in accordance with the provisions of the Condominium Declaration; and,

WHEREAS, it is the desire of the Developer to file the survey plats marked Exhibits "Third Amended A", "L", "M", "N", "O" and "P" for record in the Condominium Records of Montgomery County, Texas, along with other amendments to the Condominium Declaration reflecting the completion of Phase IV of The 18th At Walden, A Condominium Project, and the addition of Phase IV to the condominium project known as The 18th At Walden, all as if originally made a part of and attached to and also in accordance with the provisions of the Condominium Declaration for The 18th At Walden, A Condominium Project; and,

WHEREAS, each Purchaser, Owner or Mortgagee of an undivided apartment unit in The 18th At Walden, A Condominium Project, does irrevocably constitute and appoint Developer as their true and lawful attorney and agent with full power and authority in their name, place and stead to prepare, execute, swear to, acknowledge, deliver, file and record in the Condominium Records of Montgomery County, Texas, this Amendment

205-01-1401

to the Condominium Declaration for The 18th at Walden, A
Condominium Project.

NOW, THEREFORE, for and in consideration of Ten Dollars
(\$10.00) and other good and valuable consideration, the receipt
and sufficiency of which is hereby acknowledged, Von Hagge &
Devlin Limited Partnership No. 1, the Developer of The 18th At
Walden, A Condominium Project, does hereby amend the Condominium
Declaration as follows:

1. The contiguous and adjoining lots referred to in
the Condominium Declaration for The 18th At Walden, A Condominium
Project, as the "project tract of land"; and the described land
submitted to the provisions of the Texas Condominium Act in
Article I, paragraph 1 of the By-Laws of The 18th at Walden, A
Condominium Project, Exhibit "D" to said Declaration; and the
parcel of land owned by Von Hagge & Devlin Limited Partnership
No. 1 and described in Restrictions, The 18th At Walden, A Con-
dominium Project, Exhibit "E" to said Declaration, are hereby
amended to add and incorporate therein as a part of the descrip-
tion thereof the following additional tract or parcel of land,
as follows:

BEGINNING at a 3/8" Iron Rod for the most northerly
corner of the herein described parcel, and being the
most northerly corner of Reserve "A", Walden, Section
9, recorded in Cab. B, Sheet 8, of the map records of
Montgomery County;

THENCE in a southeasterly direction with the
southwesterly line of Walden Road being a curve to the
left having a Radius of 1,750.00 feet through a Central
Angle of 10° 03' 15.5", a distance of 307.05 feet to a
1/2" Iron Rod for the most easterly corner of the
herein described parcel;

THENCE S. 41° 12' 24.5" W., a distance of 60.56 feet to
a 1/2" Iron Rod for the southeast corner of the herein
described parcel;

THENCE S. 76° 51' 34" W., a distance of 176.98 feet to
a 1/2" Iron Rod for the southwest corner of the herein
described parcel;

THENCE N. 13° 08' 26" W., a distance of 56.00 feet to a
3/8" Iron Rod for an Angle Point;

205-01-1402

THENCE N. 28° 08' 16"W., a distance of 154.79 feet to a 3/8" Iron Rod for the most westerly corner of the herein described parcel;

THENCE N. 39° 27' 16" E., a distance of 144.49 feet to the place of BEGINNING, and containing 1.065 acres of land.

2. That attached hereto as Third Amended Exhibit "A" and made a part hereof is a survey plat consisting of five pages describing the project tract of land together with all improvements thereon including the location of the two-and-one-half-story multiple-unit apartment buildings located thereon, denoted as Buildings A, B, C, D, E, F, G, H, I, and J. Third Amended Exhibit "A" shall supersede Exhibit "A" originally attached to the Condominium Declaration, as amended, for The 18th At Walden Condominium and shall become a part of said Condominium Declaration as if originally attached thereto and made a part thereof at the time said Condominium Declaration was filed for record.

3. That hereafter all references in the Condominium Declaration for The 18th At Walden, A Condominium Project, to said project containing a total of one hundred sixty-four (164) apartment units shall be amended to reflect that the condominium project consists of two hundred and four (204) apartment units.

4. Paragraph (4) of the Condominium Declaration is hereby amended to read as follows:

(4) Exhibits "Third Amended A", "B", "C", "F", "G", "H", "I", "J", "K", "L", "M", "N", "O", and "P" are survey plats which depict said land as above described and the location of the two-and-one-half-story multiple-unit apartment buildings located thereon, denoted as Buildings A, B, C, D, E, F, G, H, I, and J.

5. Paragraph (5) of the Condominium Declaration is hereby amended by adding to said Paragraph (5) the following:

205-01-1403

Building H - containing twenty (20) apartments numbered 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, and 820, the size, dimensions, location and boundaries of each being detailed on the survey plat of Building "H", hereto attached marked Exhibits "L", "M" and "P".

Building I - containing eight (8) apartments numbered 901, 902, 903, 904, 905, 906, 907, and 908, the size, dimensions, location and boundaries of each being detailed on the survey plat of Building "I", hereto attached marked Exhibits "N" and "P".

Building J - containing twelve (12) apartments numbered 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011 and 1012, the size, dimensions, location and boundaries of each being detailed on the survey plat of Building J, hereto attached marked Exhibits "O" and "P".

6. Paragraph (6) of the Condominium Declaration is hereby amended as follows:

(6) The two hundred four (204) apartment spaces above described and which shall be individually conveyed and owned, each have a direct exit to a thoroughfare or a given common space leading to a thoroughfare, are of the ten (10) following types:

Type 1	(A)	Approximately 618 square feet
Type 2	(AL)	Approximately 867 square feet
Type 3	(B)	Approximately 618 square feet
Type 4	(BL)	Approximately 867 square feet
Type 5	(C)	Approximately 618 square feet
Type 6	(CL)	Approximately 896 square feet
Type 7	(D)	Approximately 571 square feet

205-01-1404

Type 8 (DL) Approximately 775 square feet
Type 9 (E) Approximately 618 square feet
Type 10 (EL) Approximately 851 square feet

7. Paragraph (7) of the Condominium Declaration is hereby amended as follows:

(7) The undivided title and interest of each owner of an apartment space in the general common elements of the property defined in Paragraph 8, below, and their proportionate share in the common expenses of said general common elements, as well as the proportionate representation for voting purposes in the meeting of the Council of Co-Owners of this condominium project, is as follows, to-wit:

Type 1 - .412	Type 6 - .597
Type 2 - .578	Type 7 - .380
Type 3 - .412	Type 8 - .516
Type 4 - .578	Type 9 - .412
Type 5 - .412	Type 10 - .567

The above percentages fixing the undivided interest of each apartment owner in the general common elements and his share of the common expenses and voting representation, except as provided in Paragraph 10 below, cannot be changed except by the written consent of each and every owner and mortgagee of an apartment unit in this condominium project, duly executed, acknowledged and filed for record as a partial amendment to this Declaration, and Developer, its successors, assigns and grantees and their successors, heirs, executors, administrators, devisees and grantees hereby covenant and agree that the elements constituting an apartment unit, that is the

205-01-1405

individual apartment and the undivided interest in the general common elements allocated to it, shall be held and owned together and such elements shall not be separated or separately sold, conveyed or otherwise disposed of or encumbered.

8. Paragraph (9) of said Condominium Declaration is hereby amended as follows:

(9) The following portion of the general common elements are hereby set aside and allocated for the restricted use of the respective apartment spaces as is below designated, and said elements shall be known, only so far as the use thereof is concerned as "limited common elements" but such restriction as to use shall not affect the ownership of same, and the same shall be owned as part of the general common elements, to-wit: (a) patios for apartments 101, 103, 105, 107, 109, 111, 113, 115, 117 and 119, Building A; 201, 203, 205, 207, 209, 211, 213, 215, 217, 219, 221 and 223, Building B; 301, 303, 305, 307, 309, 311, 313, 315, 317, 319, 321 and 323, Building C; 401, 403, 405, 407, 409, 411, 413, 415, 417, 419, 421 and 423, Building D; 501, 503, 505, 507, 509, 511, 513, 515, 517, 519, 521 and 523, Building E; 601, 603, 605, 607, 609, 611, 613, 615, 617, 619, 621, 623, 625 and 627, Building F; 701, 703, 705, 707, 709, 711, 713, 715, 717 and 719, Building G; 801, 803, 805, 807, 809, 811, 813, 815, 817 and 819, Building H; 901, 903, 905 and 907, Building I; and 1001, 1003, 1005, 1007, 1009 and 1011, Building J; as more fully described in Exhibits "Third Amended A", "B", "C", "E", "G", "H", "I", "J", "K", "L", "M",

205-01-1406

"N", "O", and "P", attached hereto and made a part hereof, to which reference is hereby made for all purposes; (b) balconies for apartments 102, 104, 106, 108, 110, 112, 114, 116, 118 and 120, Building A; 202, 204, 206, 208, 210, 212, 214, 216, 218, 220, 222 and 224, Building B; 302, 304, 306, 308, 310, 312, 314, 316, 318, 320, 322 and 324, Building C; 402, 404, 406, 408, 410, 412, 414, 416, 418, 420, 422 and 424, Building D; 502, 504, 506, 508, 510, 512, 514, 516, 518, 520, 522 and 524, Building E; 602, 604, 606, 608; 610, 612, 614, 616, 618, 620, 622, 624, 626 and 628, Building F; 702, 704, 706, 708, 710, 712, 714, 716, 718 and 720, Building G; 802, 804, 806, 808, 810, 812, 814, 816, 818 and 820, Building H; 902, 904, 906, and 908, Building I; and 1002, 1004, 1006, 1008, 1010, and 1012, Building J; as more fully described in Exhibits "Third Amended A", "B", "C", "F", "G", "H", "I", "J", "K", "L", "M", "N", "O", and "P", attached hereto and made a part hereof, to which reference is hereby made for all purposes; and the use of said areas is hereby restricted to the owners of said apartments.

9. That from and after the date of filing these amendments and the exhibits attached hereto, the same are and shall become a part of the Condominium Declaration for The 18th At Walden, A Condominium Project, as amended, filed in Volume 1, Page 584, et seq., Condominium Records of Montgomery County, Texas, as if originally attached thereto and made a part thereof at the time said Condominium Declaration was filed for record.

205-01-1407

10. That each of the forty (40) apartment units in Buildings H, I, and J is and shall become a part of The 18th At Walden, A Condominium Project, and each Purchaser, Owner or Mortgagee of an individual apartment unit in Buildings H, I, and J shall be and is subject to all the terms, provisions, conditions, restrictions, covenants, dedications, stipulations and limitations contained in and imposed by the Condominium Declaration and exhibits thereto for the said The 18th At Walden, A Condominium Project.

11. Each of the words used in this Amendment shall have the meaning given to each term in the Declaration and By-Laws of the condominium apartment project.

12. Except as modified by this Amendment, the Developer ratifies and confirms all of the terms and provisions of the Declaration and By-Laws of The 18th At Walden, A Condominium Project, filed in Volume 1, Page 584, et seq., Condominium Records of Montgomery County, Texas, and all amendments thereto.

13. That Capital National Bank, a national banking association, the holder of a lien or liens on a portion of The 18th At Walden, A Condominium Project, a parcel of property in Montgomery County, Texas, joins in the execution hereof to evidence its consent hereto and hereby subordinates its lien or liens to the provisions hereof.

VON HAGGE & DEVLIN LIMITED
PARTNERSHIP NO. 1

By Charles H. Swann
Charles H. Swann, General Partner

CAPITAL NATIONAL BANK
"Lienholder"

By Todd M. Fuller
President
TODD M. FULLER
REAL ESTATE OFFICER

205-01-1408

THE 18TH AT WALDEN CONDOMINIUM
COUNCIL OF CO-OWNERS

By Von Hagge & Devlin Limited
Partnership No. 1, Attorney and
Agent in Fact for The 18th At
Walden Condominium Council of
Co-Owners

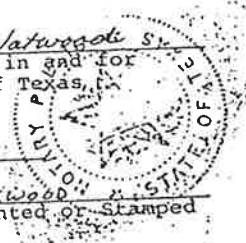
By Charles H. Swann
Charles H. Swann, General Partner

THE STATE OF TEXAS S
COUNTY OF MONTGOMERY S

BEFORE ME, the undersigned authority, on this day personally appeared Charles H. Swann, General Partner of VON HAGGE & DEVLIN LIMITED PARTNERSHIP NO. 1, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said VON HAGGE & DEVLIN LIMITED PARTNERSHIP NO. 1, in its capacity as Developer and as Attorney and Agent in Fact for The 18th At Walden Condominium Council of Co-Owners, and that he executed the same as a General Partner and as the act of such partnership for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the
20th day of May, 1983.

Patricia B. Watwood
Notary Public in and for
the State of Texas,
My Commission
Expires: 8/27/84
Patricia B. Watwood
Name of Notary Printed or Stamped



THE STATE OF TEXAS S
COUNTY OF HARRIS S

BEFORE ME, the undersigned authority, on this day personally appeared Todd M. Fuller
Real Estate Officer of CAPITAL NATIONAL BANK, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said CAPITAL NATIONAL BANK, a national banking association, in its capacity as Lienholder, and that he executed the same as the act of such bank for the purposes and consideration therein expressed, and in the capacity therein stated.

205-01-1409

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the
19th day of May, 1983.



Pamela G. Carr
Notary Public in and for
the State of Texas

My Commission Expires: 11-16-85
Pamela G. Carr
Name of Notary Printed or Stamped

Project Name	THE IRM AT WALDEN
Client	THE IRM AT WALDEN
Architect	AAP ASSOCIATED ARCHITECTS & PLANNERS
Engineer	...
Surveyor	...
Date	...

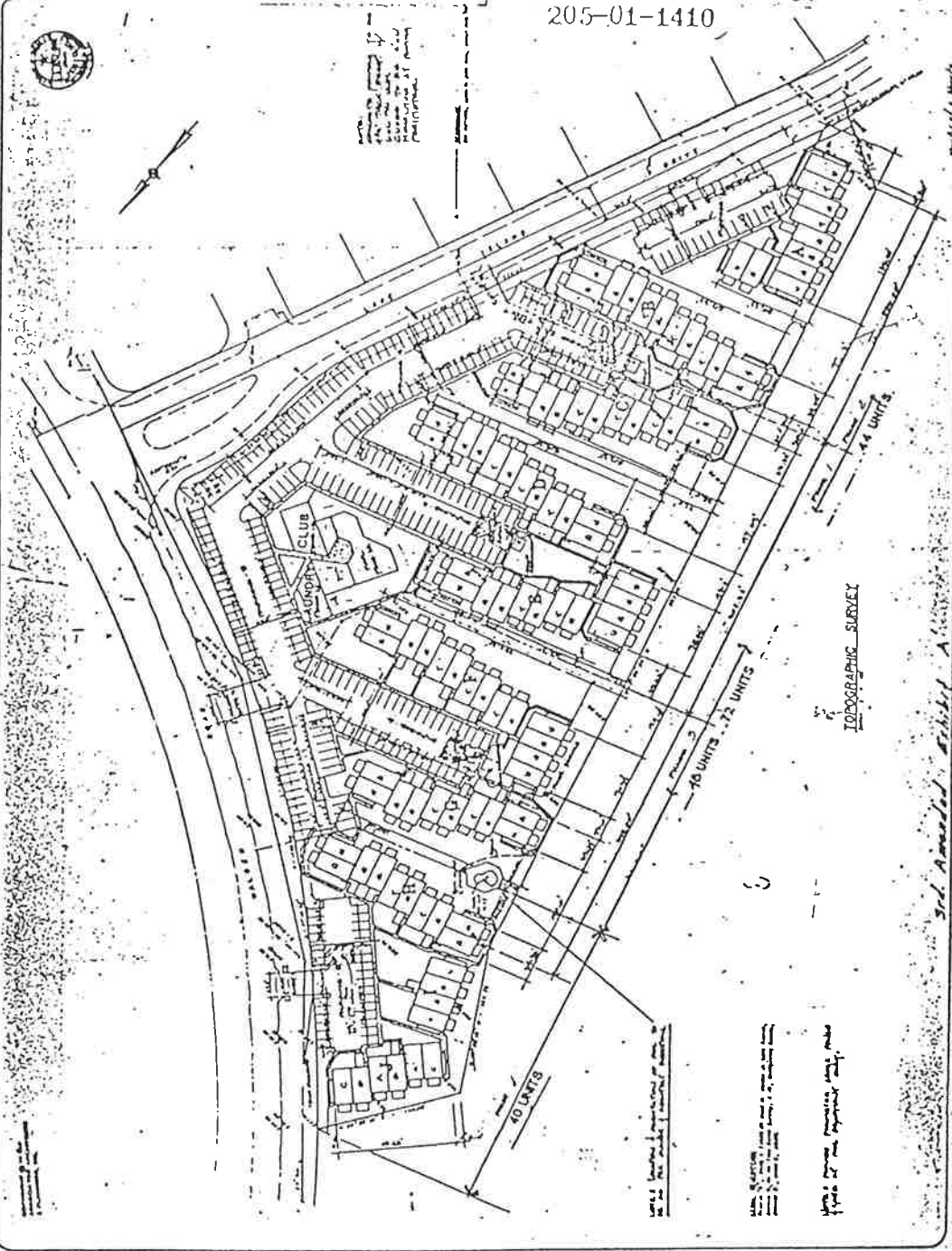
THE IRM AT WALDEN
 A CONDOMINIUM PROJECT
 OF
 THE IRM AT WALDEN
 DEVELOPMENT, INC.



AAP
 ASSOCIATED ARCHITECTS & PLANNERS

Y-3

205-01-1410



TOPOGRAPHIC SURVEY

3rd Amended Exhibit A

...

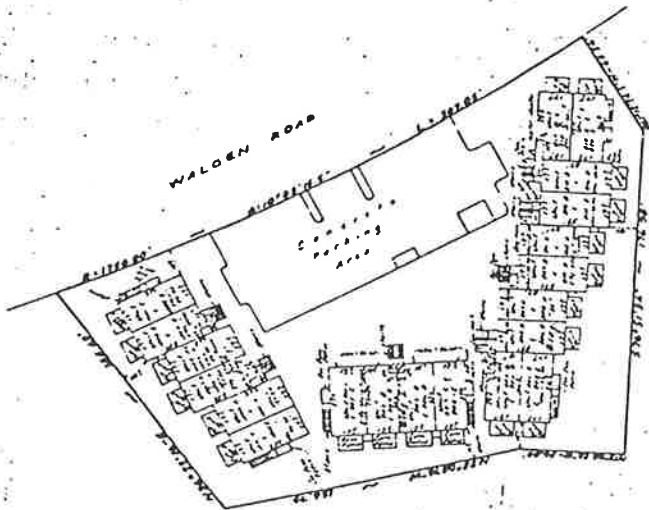
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...

205-01-1411



PHASE IV

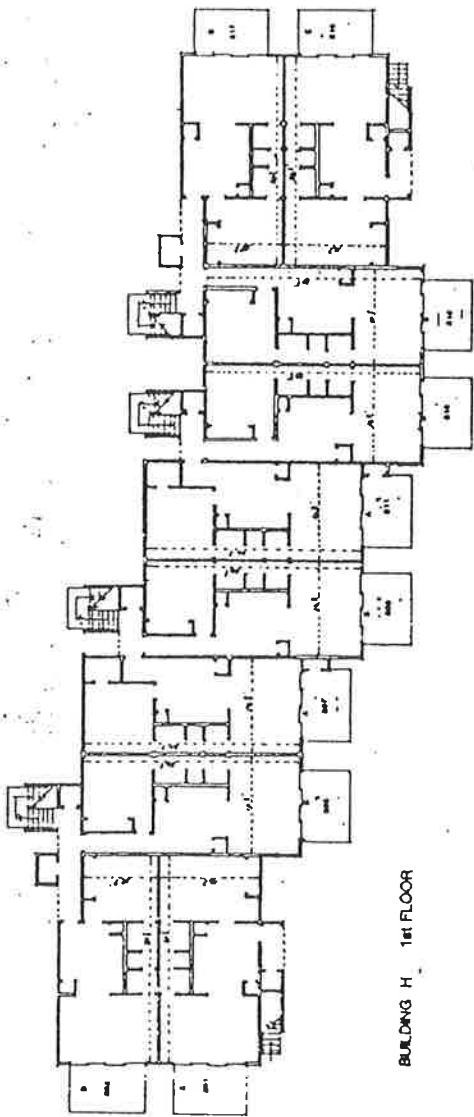


PLAT SHOWING
1.065 ACRES OF LAND
IN THE THOMAS CORNER SUR, A-10
MONTGOMERY COUNTY, TEXAS
Scale: 1" = 120' April 7, 1983

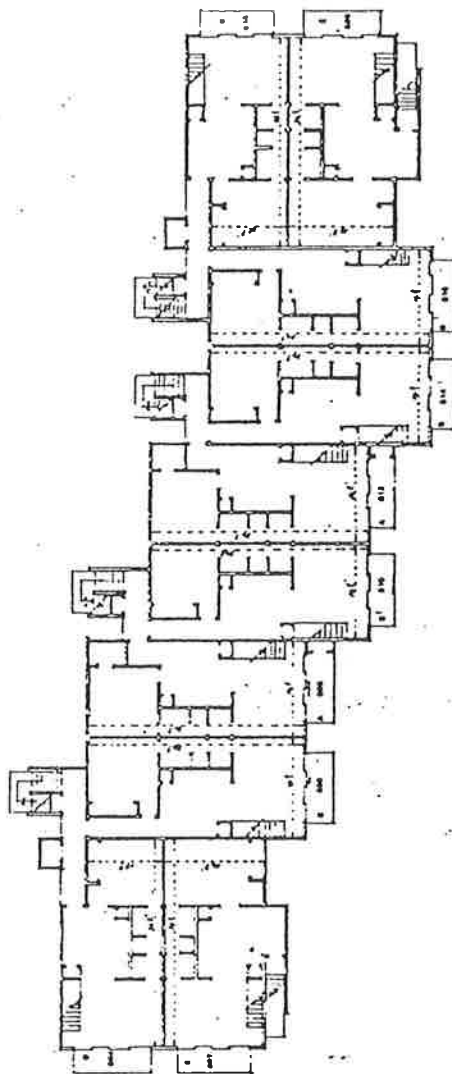
I hereby certify that this plat was prepared by me or under my direct supervision and that I am a duly licensed professional engineer in the State of Texas. I am a member of the State Board of Engineering Examiners.



205-01-1412



BUILDING H 1st FLOOR

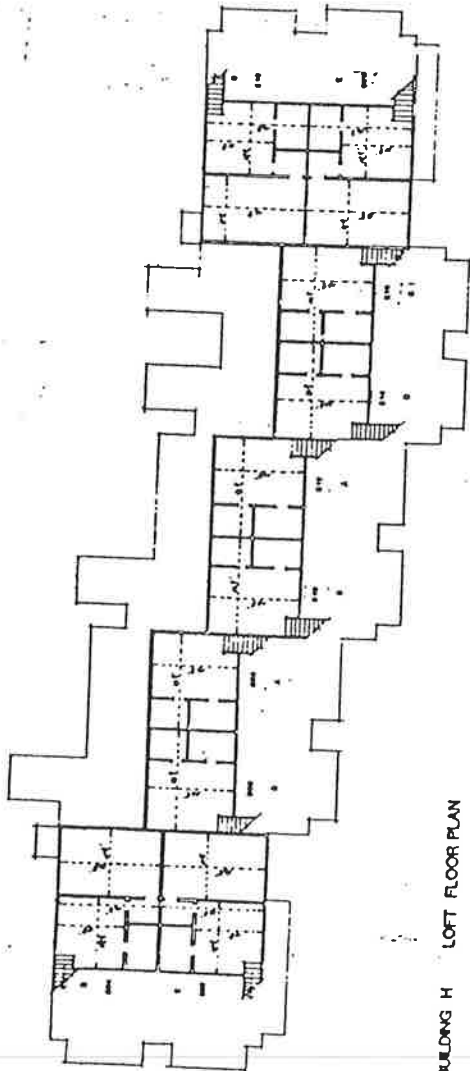


BUILDING H 2nd FLOOR

SEE SHEET 205-01-1413

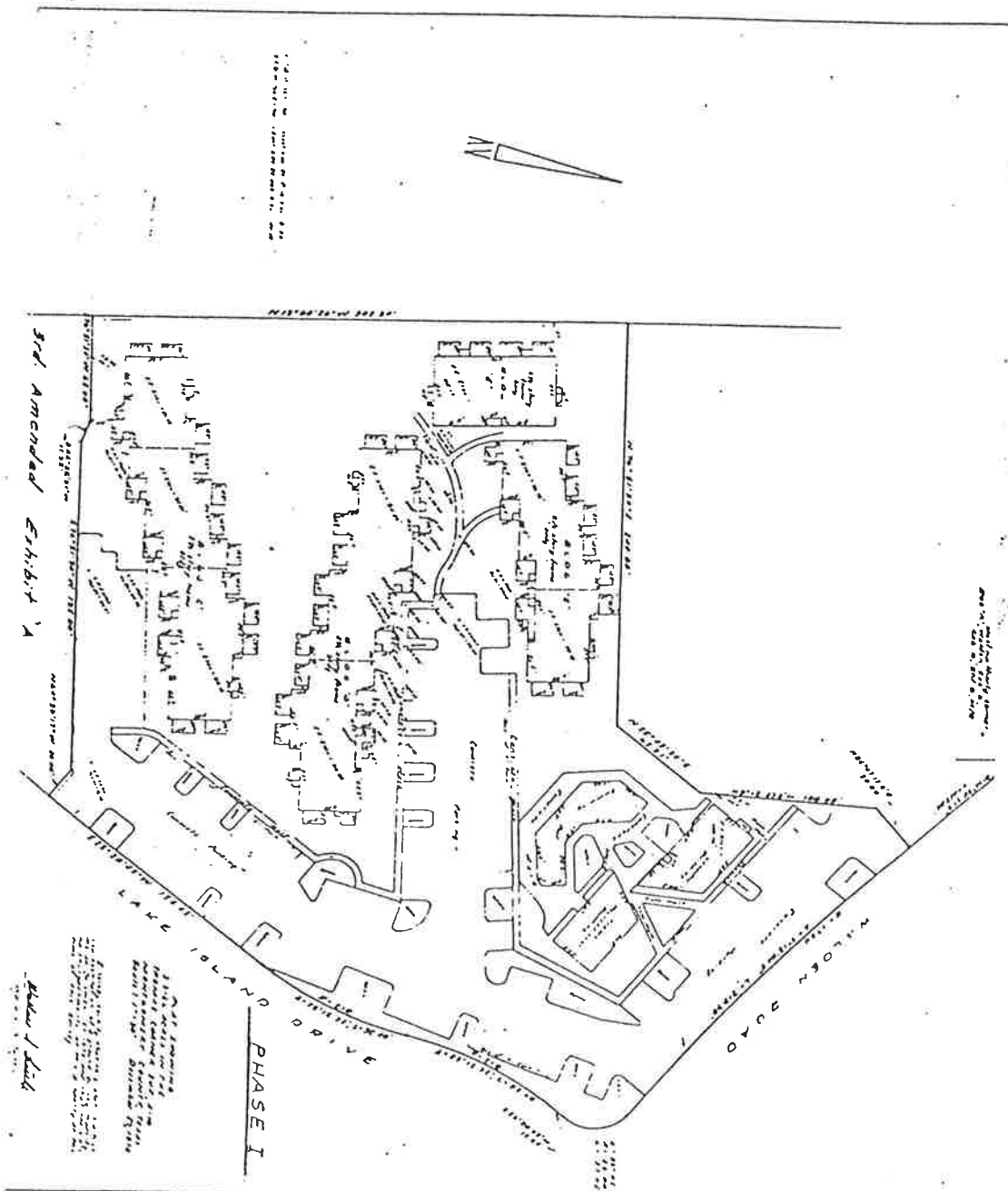
205-01-1413





BUILDING H LOFT FLOOR PLAN

EXHIBIT M



Srd. Amended Exhibit A

PHASE I
LAKELAND ROAD
MILLEN ROAD

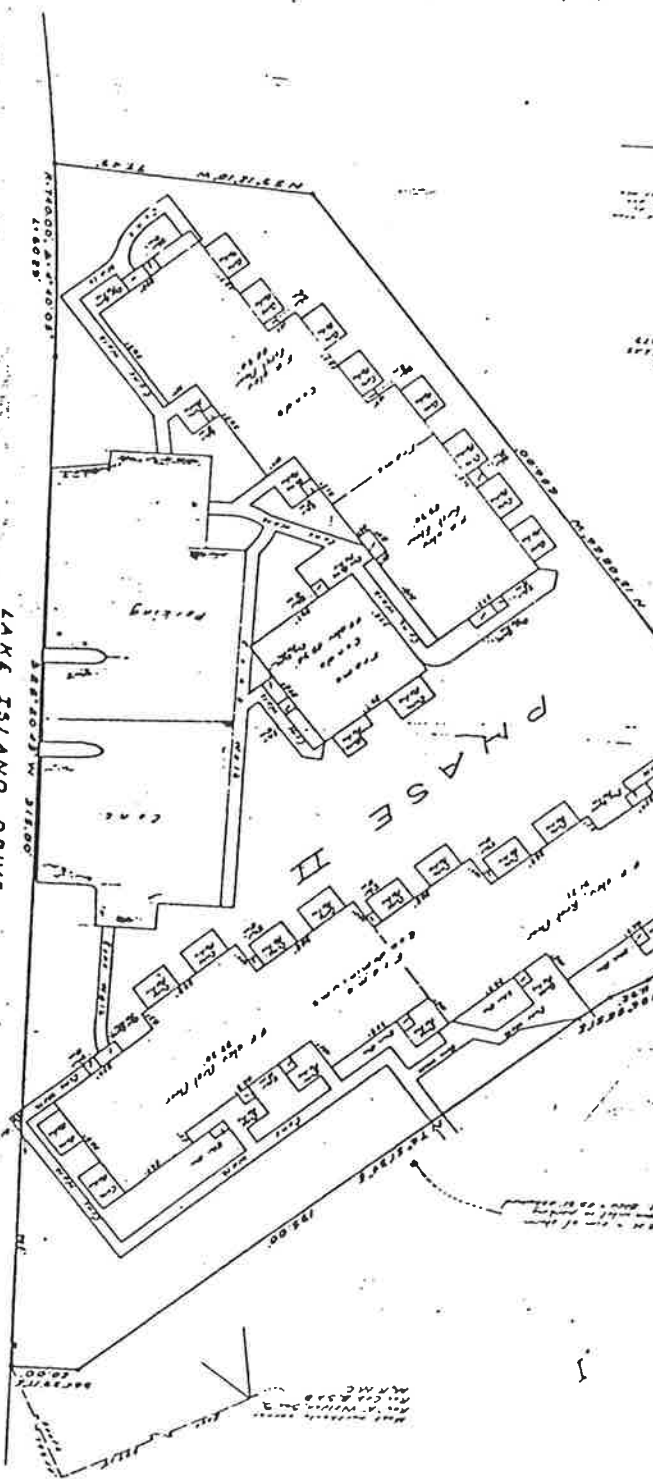
PLANNED UNIT DEVELOPMENT
PHASE I
1988

PLANNED UNIT DEVELOPMENT
PHASE II
1988

EXHIBIT A-1



LAKE ISLAND DRIVE

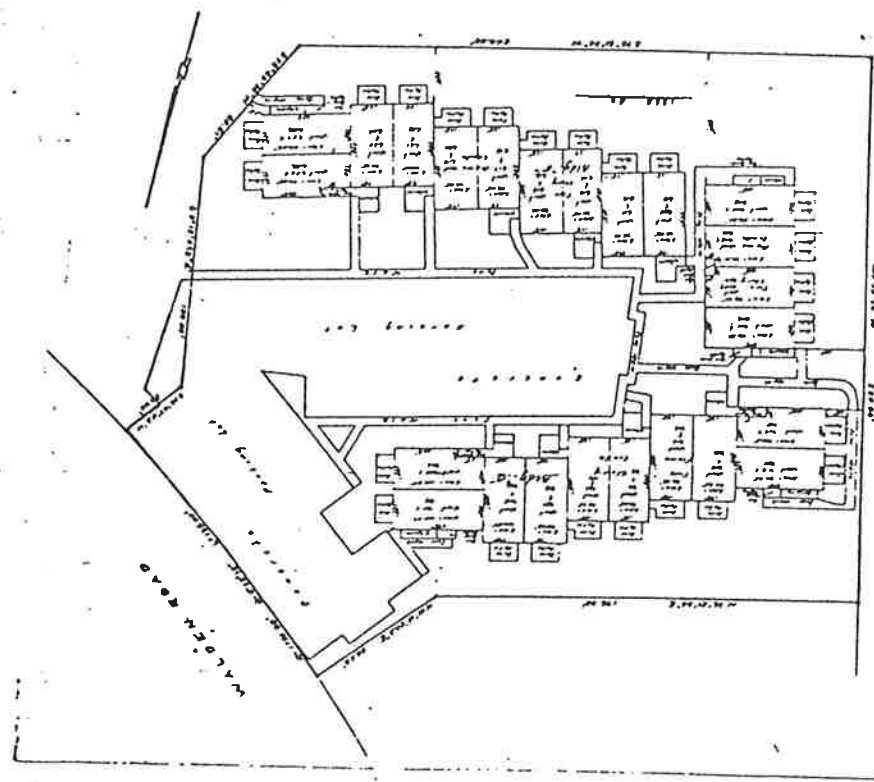


3rd Amended Exhibit A

MAP OF SURVEY
SECTION 10
TOWNSHIP 36 NORTH
RANGE 10 WEST
MONTANA

[Handwritten signature]
J. H. [unclear]
[unclear]
[unclear]

PHASE III



205-01-1418

BUILDING "H"

205-01-1419

Unit	Floor Elevation	Ceiling Height
801-E	96.58'	8.0'
802-E	105.58'	8.0' & 8.9'-15.0'
Loft	114.58'	5.0'-12.4'
Storage	114.58'	1.2'- 7.7'
803-D	96.58'	8.0'
804-D	105.58'	8.0' & 8.9'-15.0'
Loft	114.58'	5.0'-12.4'
Storage	114.58'	1.2'- 7.7'
805-B	96.58'	8.0'
806-B	105.58'	8.0' & 8.9'-15.0'
Loft	114.58'	5.0'-12.4'
807-A	98.90'	8.0'
808-A	107.90'	8.0' & 8.9'-15.0'
Loft	116.90'	5.0'-12.4'
809-B	98.90'	8.0'
810-B	107.90'	8.0' & 8.9'-15.0'
Loft	116.90'	5.0'-12.4'
811-A	98.90'	8.0'
812-A	107.90'	8.0' & 8.9'-15.0'
Loft	116.90'	5.0'-12.4'
813-B	98.90'	8.0'
814-B	107.90'	8.0' & 8.9'-15.0'
Loft	116.90'	5.0'-12.4'
815-B	100.35'	8.0'
816-B	109.35'	8.0' & 8.9'-15.0'
Loft	118.35'	5.0'-12.4'
817-D	100.35'	8.0'
818-D	109.35'	8.0' & 8.9'-15.0'
Loft	118.35'	5.0'-12.4'
Storage	118.35'	1.2'- 7.7'
819-E	100.35'	8.0'
820-E	109.35'	8.0' & 8.9'-15.0'
Loft	118.35'	5.0'-12.4'
Storage	118.35'	1.2'- 7.7'

BUILDING "I"

205-01-1420

Unit	Floor Elevation	Ceiling Height
901-C	96.63'	8.0'
902-C	105.63'	8.0' & 8.9'-15.0'
Loft	114.63'	5.0'-12.4'
903-B	96.63'	8.0'
904-B	105.63'	8.0' & 8.9'-15.0'
Loft	114.63'	5.0'-12.4'
905-B	96.63'	8.0'
906-B	105.63'	8.0' & 8.9'-15.0'
Loft	114.63'	5.0'-12.4'
907-C	96.63'	8.0'
908-C	105.63'	8.0' & 8.9'-15.0'
Loft	114.63'	5.0'-12.4'

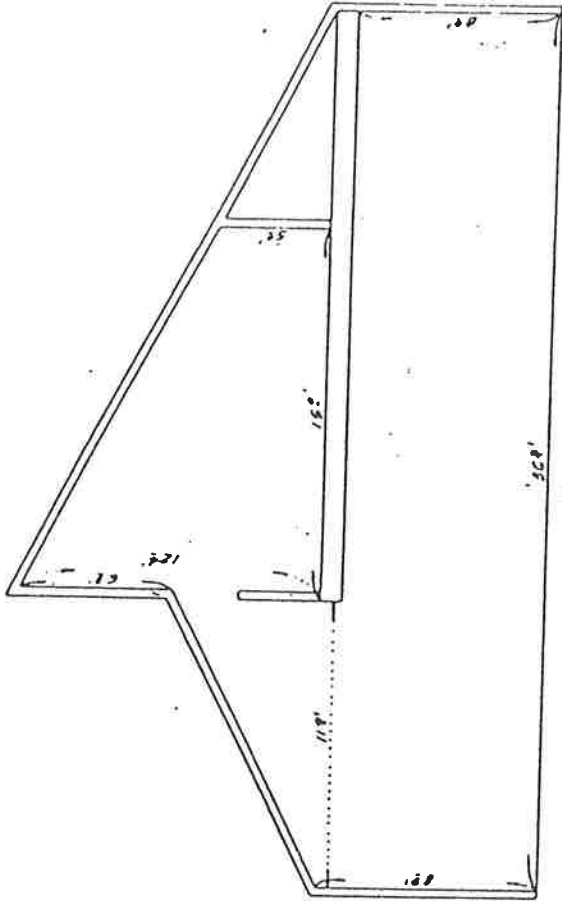
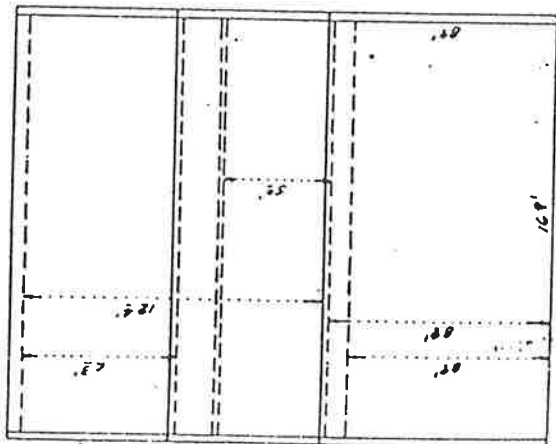
BUILDING "J"

205-01-1121

Unit	Floor Elevation	Ceiling Height
1001-C	99.32'	8.0'
1002-C	108.32'	8.0' & 8.9'-15.0'
Loft	117.32'	5.0'-12.4'
1003-B	99.32'	8.0'
1004-B	108.32'	8.0' & 8.9'-15.0'
Loft	117.32'	5.0'-12.4'
1005-A	99.38'	8.0'
1006-A	108.38'	8.0' & 8.9'-15.0'
Loft	117.38'	5.0'-12.4'
1007-B	97.84'	8.0'
1008-B	106.84'	8.0' & 8.9'-15.0'
Loft	115.84'	5.0'-12.4'
1009-A	97.84'	8.0'
1010-A	106.84'	8.0' & 8.9'-15.0'
Loft	115.84'	5.0'-12.4'
1011-C	96.32'	8.0'
1012-C	105.32'	8.0' & 8.9'-15.0'
Loft	114.32'	5.0'-12.4'

205-01-1422

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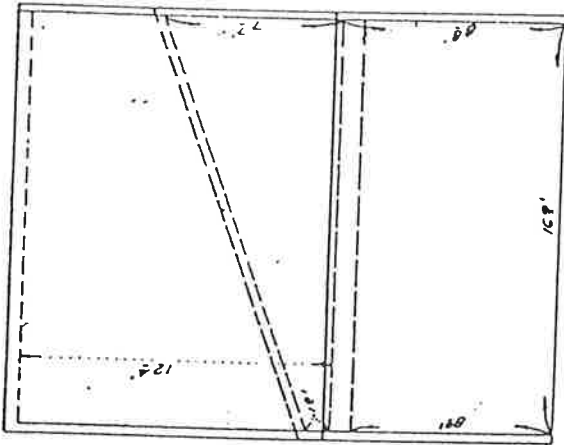


TYPICAL CROSS SECTION
SECOND FLOOR AND LOFT
BLDG. "I" & "J" & PARTS OF "H"
Bldg. "H"-Units 805, 808, 810, 812, 814 & 816
Scale: 3/16" = 1'
April 7, 1963

EXHIBIT "P"

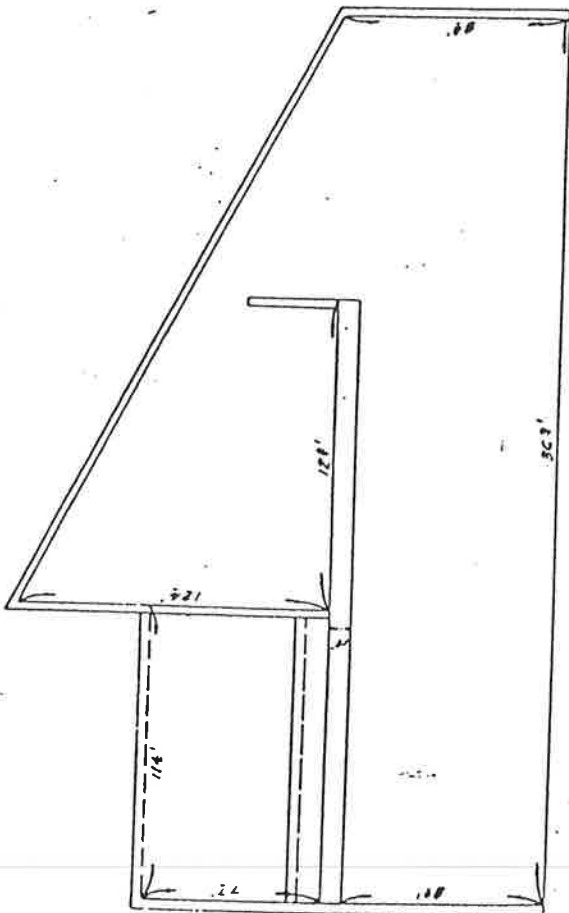
205-01-1423

Page 5 of 5



TYPICAL CROSS SECTION
 SECOND FLOOR AND LOFT
 PART OF BLDG. "H"

Units 802-820 & Reverse Units 802, 818
 April 7, 1983
 Scale: 3/16" = 1'



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

MAY 26 1983



Roy Harris
 COUNTY CLERK
 MONTGOMERY COUNTY, TEXAS

FILED FOR RECORD
 1983 MAY 26 PM 2:16

Roy Harris
 COUNTY CLERK
 MONTGOMERY COUNTY, TEXAS

EXHIBIT "P"