

THIRD AMENDMENT
TO
RIVER OAKS GARDENS
DECLARATION OF CONDOMINIUM

THE STATE OF TEXAS

§

X447694
03/09/04 300367534

\$400.00

COUNTY OF HARRIS

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WHEREAS, Duddlesten Properties, Inc., a Texas Corporation, ("Declarant"), was the sole record owner of that certain property known as River Oaks Gardens, a condominium in Harris County, Texas according to the map or plat thereof recorded under Volume 76, Page 91 of the Condominium Records of Harris County, Texas; and

WHEREAS, the Declarant by that certain instrument entitled "River Oaks Gardens Declaration of Condominium" duly recorded in Volume 76, Page 91 *et seq.* of the Condominium Records of Harris County, Texas, (the "Declaration"), established River Oaks Gardens as a condominium regime and subjected the properties within River Oaks Condominium to various covenants, conditions and restrictions set forth in the Declaration; and

WHEREAS, the Declaration was previously amended by those certain instruments entitled "First Amendment to River Oaks Gardens Declaration of Condominium" and "Second Amendment to River Oaks Gardens Declaration of Condominium" respectively recorded in Volume 81, Page 25 *et seq.* and Volume 82, Page 40 *et seq.* of the Condominium Records of Harris County, Texas (the Declaration as amended hereinafter still referred to as the "Declaration"); and

WHEREAS, Article IX, Section 9.1, of the Declaration, provides that the Declaration may be amended only by an instrument in writing signed and acknowledged by Members having not less than seventy-five percent (75%) of the votes in River Oaks Council of Co-Owners ("the Council ") who are entitled to vote on such amendment; and

WHEREAS, Section 81.111 of the Texas Condominium Act provides a condominium declaration must be amended at a meeting of the owners, at which meeting the amendment must be approved by the owners holding at least sixty-seven percent (67%) of the ownership interest in the condominium; and

WHEREAS, the Board of Directors of the Council called a special meeting of all the members of the Council to vote on the amendment to the Declaration contained in this instrument as required by Section 81.111 of the Texas Condominium Act; and

WHEREAS, proper notice of the special meeting to vote on the proposed amendment to the Declaration was forwarded to all members in the Council as required by law as set forth in Exhibit "A" attached hereto and incorporated herein by reference; and

WHEREAS, at the special meeting of the members of the Council, those members holding at least seventy five percent (75%) of the votes in Council, did approve the following amendment to the Declaration as evidenced by the signatures of the President and Secretary of the Council set forth below and, ii) the ballots and proxies from the special meeting attached hereto as Exhibit "B" and incorporated herein by reference.

NOW, THEREFORE, for and in consideration of the premises, the Declaration is amended as follows:

Article IV, Section 4.7 entitled "Initial Common Expense Deposit" is hereby amended to add the following sentence at the end thereof:

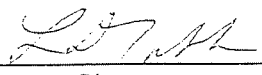
From and after the date this "Third Amendment to River Oaks Gardens Declaration of Condominium" is filed of record in the Condominium Records of Harris County, Texas: (i) new Owners in River Oaks Gardens shall not be required to deposit with the Council the Common Expense Deposit and shall, therefore, not be entitled any such refund, and (ii) all Common Expense Deposits held by the Council as reflected in the accounting records of the Council shall be returned to the Owners designated in the Council's accounting records as the Owners entitled to such refund, less any amounts owed the Council by the Owners.

Except as amended herein, and as previously amended, all provisions of the Declaration remain in full force and effect.

Executed on the date set forth below, to be effective upon recording in the Condominium Records of Harris County, Texas.

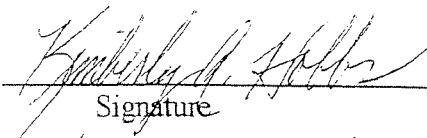
RIVER OAKS COUNCIL OF CO-OWNERS

Attest:



Signature
L.D. TUBBE

Printed name

By: 

Signature
KIMBERLY A. HOBBS

Printed name

Its: Secretary

Its: President

Date: 12-3-03

Date: 12-3-03

