

**NOTICE OF CONFIDENTIALITY RIGHTS: "IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER."**

**FIRST AMENDMENT TO  
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS  
for  
NORTH FOREST SUBDIVISION**

THE STATE OF TEXAS           §  
  §                   KNOW ALL PERSONS BY THESE PRESENTS:  
COUNTY OF BRAZOS           §

WHEREAS, MUCO VERDE, LLC, A TEXAS LIMITED LIABILITY COMPANY, (the "DECLARANT"), together with the OWNERS (the "OWNERS") executing this amendment, representing at least SIXTY SIX & TWO-THIRDS PERCENT (66-2/3%) of the OWNERS of Lots in NORTH FOREST SUBDIVISION, a Brazos County SUBDIVISION according to the replat of a replat of NORTH FOREST SUBDIVISION thereof recorded in Volume 8727, Page 167, as amended by Replat of BLOCK ONE (1), LOT ONE E-R (1E-R) recorded in Volume 10420, Page 238, all of the OFFICIAL Records of BRAZOS County, Texas (the "SUBDIVISION"); and

WHEREAS, DECLARANT by that certain instrument entitled "DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR NORTH FOREST SUBDIVISION" recorded in Volume 9562, Page 32 of the OFFICIAL Records of BRAZOS County, Texas, (the "DECLARATION"), imposed on the SUBDIVISION all those certain covenants, conditions, restrictions, and easements therein set forth; and

WHEREAS, the DECLARANT and OWNERS have determined that it is in the best interest of NORTH FOREST SUBDIVISION to amend the DECLARATION pursuant to the requirement of Article VII, Paragraph 7.5 which provides that the DECLARATION may be amended by the written consent of OWNERS of a majority of the lots in NORTH FOREST SUBDIVISION, and said instrument must be filed of record in the OFFICIAL Records of BRAZOS County, Texas; and

WHEREAS, the DECLARANT and OWNERS own the lots as described in the signature blocks herein and representing more than SIXTY SIX & TWO-THIRDS PERCENT (66-2/3%) of the lots in NORTH FOREST SUBDIVISION.

NOW, THEREFORE, the undersigned being the DECLARANT and OWNERS of the above-described Lots hereby amend the DECLARATION as follows:

1. Article II shall be replaced in its entirety with the following:

**"Maintenance of Areas of Common Responsibility by the DECLARANT and the ASSOCIATION.** Initially, the DECLARANT will be solely obligated to maintain and improve the Areas of Common Responsibility in a prudent manner to enhance the safety, security and appearance of the Development. As lots are sold the new owners will be responsible for their portion of the expenses as provided herein. Notwithstanding anything herein to the contrary, the DECLARANT shall transfer title to the certain Areas of Common Responsibility not owned by lot owners reflected on Exhibit "A" attached hereto by February 1, 2012."

2. The second sentence of Section 4.3(b) is hereby deleted in its entirety and replaced with the following:

"Any increase over and above ten percent (10%) of the previous year's regular annual Assessment shall be done only by the prior written approval of seventy-five percent (75%) of the outstanding votes (determined pursuant to Section 3.2 hereof) held by the Members at a meeting at which a quorum is present."

3. The first sentence of Section 4.4 is hereby deleted in its entirety and replaced with the following:

"In addition to the regular annual Assessment authorized above, the Association may levy, in any assessment year, a Special Assessment applicable to that year only, for the purpose of defraying, in whole or in part, the costs incurred by the Association pursuant to the provisions of this Declaration, provided that any such Assessment shall have the prior written approval of seventy-five percent (75%) of the outstanding votes (determined pursuant to Section 3.2 hereof) held by the Members at a meeting at which a quorum is present."

4. Section 4.9 is hereby deleted in its entirety and replaced with the following:

"**Subordination of Lien to Mortgages.** The lien securing the Assessments provided for herein shall be expressly subordinate to the lien of any first mortgage lien or first deed of trust lien of record securing either purchase money or sums borrowed for the improvement of the Lot in question. No seller transfer shall relieve such Lot from liability for any assessment thereafter becoming due in accordance with the terms herein provided."

5. The following sentence is added to the end of Section 4.10:

"If the ASSOCIATION desires to transact business with any entity or person affiliated with the DECLARANT or another Member of the ASSOCIATION, the terms of those transactions must be no less favorable than those the ASSOCIATION could obtain from unrelated third parties."

6. The last two (2) sentences of Section 6.7 are hereby deleted in their entirety and replaced with the following:

"The maximum number of square feet of any building on Lot 1E-R1 shall be 5,500 square feet of floor area. The maximum number of square feet of any building on Lot 1E-R2 shall be 5,892 square feet of floor area. The maximum number of square feet of any building on Lot 1E-R3 shall be 5,750 square feet of floor area."

7. The following sentence is added to the end of Section 7.5:

"Notwithstanding the foregoing, no amendment to this Declaration that: (i) restricts an OWNER'S access to or use of the OWNER'S property; (ii) results in an increase in the expenses that are allocated to an OWNER, or (iii) otherwise materially adversely impacts an OWNER may be made without such OWNER'S prior written consent."

IN WITNESS WHEREOF, the undersigned, being the DECLARANT and OWNERS of at least SIXTY SIX & TWO-THIRDS PERCENT (66-2/3%) of the Lots in the SUBDIVISION subject to the terms of the DECLARATION have executed this instrument to be effective upon filing of record in the Official Records of Brazos County, Texas.

*PAID*  
*February*  
DATED: ~~JANUARY~~ 1st, 2012

DECLARANT/OWNER:

BLOCK ONE (1), LOTS 1B, 1C, 1E-R, 1E-R2, 1E-R3,  
NORTH FOREST SUBDIVISION

MUCO VERDE, LLC, A TEXAS LIMITED LIABILITY  
COMPANY

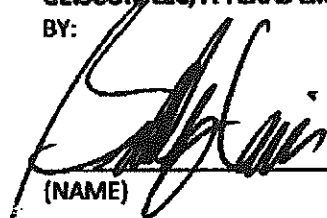
BY:

  
\_\_\_\_\_  
THOMAS A. SALZER, MANAGING MEMBER

OWNER:

BLOCK ONE (1), LOT 1A, NORTH FOREST  
SUBDIVISION

GEISCOR, LLC, A TEXAS LIMITED LIABILITY COMPANY  
BY:

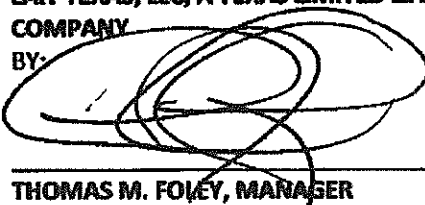
  
\_\_\_\_\_  
(NAME) *Manager*  
(TITLE)

OWNER:

BLOCK ONE (1), LOT 1D, NORTH FOREST  
SUBDIVISION

LAIT TEXAS, LLC, A TEXAS LIMITED LIABILITY  
COMPANY

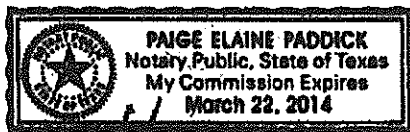
BY:

  
\_\_\_\_\_  
THOMAS M. FOLEY, MANAGER

THE STATE OF TEXAS §

COUNTY OF BRAZOS §

*February*  
This instrument was acknowledged before me, the undersigned authority, on this the 1<sup>st</sup> day of ~~JANUARY~~, 2012, by THOMAS A. SALZER, MANAGING MEMBER of MUCO VERDE, LLC, A TEXAS LIMITED LIABILITY COMPANY, on behalf of said Limited Liability Company, in the capacity therein stated.

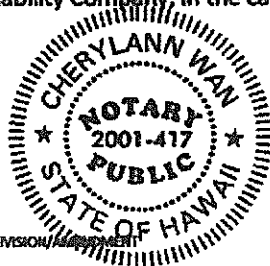



  
\_\_\_\_\_  
NOTARY PUBLIC, STATE OF TEXAS

THE STATE OF Hawaii §

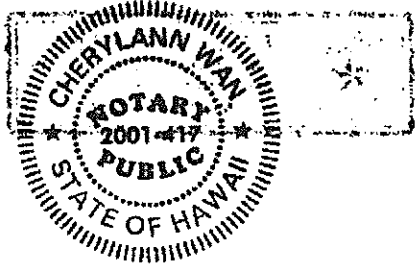
COUNTY OF Honolulu §

This instrument was acknowledged before me, the undersigned authority, on this the 29<sup>th</sup> day of JANUARY, 2012, by THOMAS M. FOLEY, MANAGER of LAIT TEXAS, LLC, A TEXAS LIMITED LIABILITY COMPANY, on behalf of said Limited Liability Company, in the capacity therein stated.



  
\_\_\_\_\_  
NOTARY PUBLIC, STATE OF Hawaii  
**CHERYLANN WAN**  
my Commission Expires on  
September 9, 2013

Doc. Date: undated # Pages: 5  
Name: Cherylann Wan 1st First Circuit  
Doc. Description: First Amendment TO  
Declaration of Covenants, Conditions And  
Restrictions for Mahealani Subdivision  
Cherylann Wan 1/27/2012  
Notary Signature and LS Date



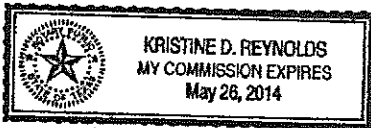
NOTARY CERTIFICATION

MAHELANI SUBDIVISION

THE STATE OF TEXAS §

COUNTY OF BRAZOS §

*Revised* This instrument was acknowledged before me, the undersigned authority, on this the 1<sup>ST</sup> day of JANUARY, 2012, by BRAD CORRIE, Manager of GEISCOR, LLC, A TEXAS LIMITED LIABILITY COMPANY, on behalf of said Limited Liability Company, in the capacity therein stated.



*Kristine D. Reynolds*  
NOTARY PUBLIC, STATE OF TEXAS

PREPARED IN / RETURN TO THE LAW OFFICE OF:  
J. FRED BAYLESS, P. C.  
1721 BIRMINGHAM DRIVE, SUITE 206  
COLLEGE STATION, TEXAS 77845

Filed for Record in:  
BRAZOS COUNTY

On: Feb 06, 2012 at 03:56P

As a  
NO LABEL RECORDING

Document Number: 01111574

Amount 36.00

Receipt Number - 430440

By,  
Victoria Elliott

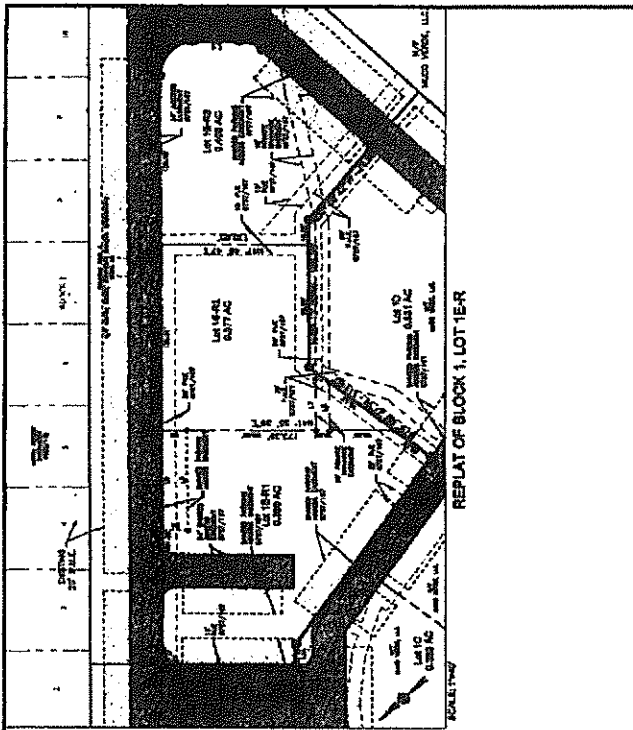
STATE OF TEXAS COUNTY OF BRAZOS  
I hereby certify that this instrument was  
filed on the date and time stamped hereon by me  
and was duly recorded in the volume and page  
of the Official Public records of:

BRAZOS COUNTY

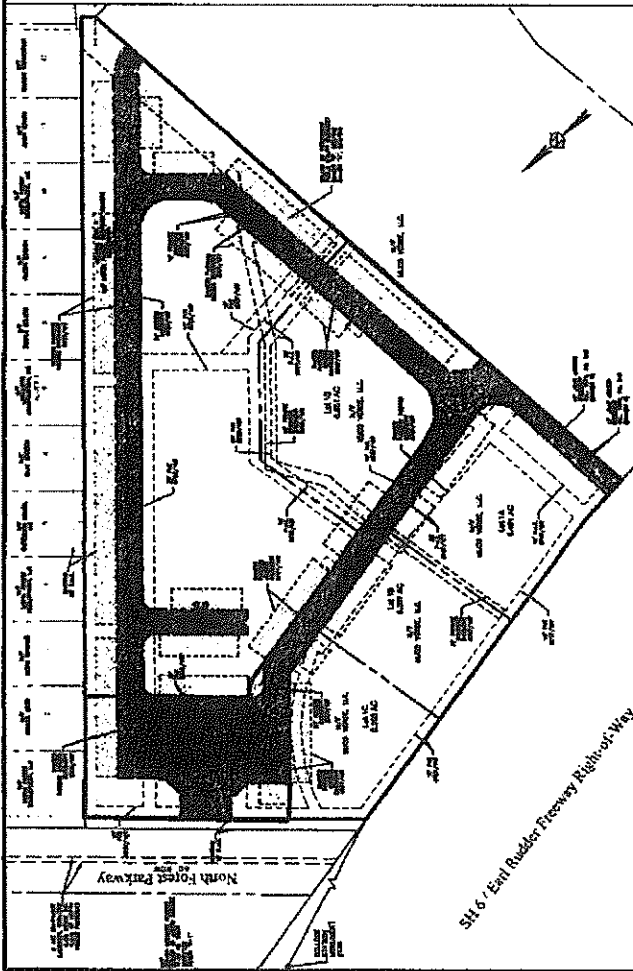
as stamped hereon by me.

Feb 06, 2012

HONORABLE KAREN MCQUEEN, COUNTY CLERK  
BRAZOS COUNTY



REPLAT OF BLOCK 1, LOT 1E-R



ORIGINAL REPLAT OF THE REPLAT OF NORTH FOREST SUBDIVISION, BLOCK 1, LOTS 1A-1E & COMMON AREA VOL. 8727, PG. 187



**FINAL PLAT**

**NORTH FOREST SUBDIVISION  
BLOCK 1, LOT 1E-R1, 1E-R2 & 1E-R3  
BEING A REPLAT OF A REPLAT OF  
NORTH FOREST SUBDIVISION  
BLOCK 1, LOT 1E-R**

1.372 ACRES  
LOT 1E-R1 = 0.899 ACRES  
LOT 1E-R2 = 0.377 ACRES  
LOT 1E-R3 = 0.106 ACRES  
NORMAN, RECTOR LEAQUE, A-48  
COLLEGE STATION, BRAZOS COUNTY, TEXAS  
SCALE: 1"=60'

NOVEMBER, 2011  
ENGINEER:  
CITY ENGINEERING LLC  
201 West Loop West, Suite 100  
Houston, Texas 77027  
PH: 713.861.1111  
WWW.CITYENGINEERING.COM

OWNER/DEVELOPER:  
CITY ENGINEERING LLC  
201 West Loop West, Suite 100  
Houston, Texas 77027  
PH: 713.861.1111  
WWW.CITYENGINEERING.COM

CONVEYANCE OF THE COUNTY CORNER  
STATE OF TEXAS  
COUNTY OF BRAZOS  
I, \_\_\_\_\_, County Clerk of the County of Brazos, Texas, do hereby certify that the within and foregoing plat is a true and correct copy of the original plat as the same appears on file in my office, and that the same has been duly recorded in my office, and that the same is a true and correct copy of the original plat as the same appears on file in my office, and that the same is a true and correct copy of the original plat as the same appears on file in my office.

CONVEYANCE OF INTEREST AND EASEMENTS  
STATE OF TEXAS  
COUNTY OF BRAZOS  
I, \_\_\_\_\_, County Clerk of the County of Brazos, Texas, do hereby certify that the within and foregoing plat is a true and correct copy of the original plat as the same appears on file in my office, and that the same has been duly recorded in my office, and that the same is a true and correct copy of the original plat as the same appears on file in my office.

CONVEYANCE OF INTEREST AND EASEMENTS  
STATE OF TEXAS  
COUNTY OF BRAZOS  
I, \_\_\_\_\_, County Clerk of the County of Brazos, Texas, do hereby certify that the within and foregoing plat is a true and correct copy of the original plat as the same appears on file in my office, and that the same has been duly recorded in my office, and that the same is a true and correct copy of the original plat as the same appears on file in my office.

CONVEYANCE OF INTEREST AND EASEMENTS  
STATE OF TEXAS  
COUNTY OF BRAZOS  
I, \_\_\_\_\_, County Clerk of the County of Brazos, Texas, do hereby certify that the within and foregoing plat is a true and correct copy of the original plat as the same appears on file in my office, and that the same has been duly recorded in my office, and that the same is a true and correct copy of the original plat as the same appears on file in my office.

1. The area shown on this plat is a portion of the original plat as shown on file in my office, and that the same is a true and correct copy of the original plat as the same appears on file in my office.

2. The area shown on this plat is a portion of the original plat as shown on file in my office, and that the same is a true and correct copy of the original plat as the same appears on file in my office.

LOT	AREA	ACRES
1E-R1	0.899	0.899
1E-R2	0.377	0.377
1E-R3	0.106	0.106
TOTAL	1.372	1.372

**LEGEND**

--- Right-of-Way  
--- Easement  
--- Utility Easement  
--- Common Area  
--- Other