

FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR CREEKMONT

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

This First Amendment To Declaration of Covenants, Conditions and Restrictions For Creekmont is made effective the 15th day of April, 2009, by Perry Homes, LLC, a Texas limited liability company, successor by merger to Perry Homes, a Joint Venture, as Declarant ("Declarant").

WHEREAS, Declarant executed and filed that certain Declaration of Covenants, Conditions and Restrictions for Creekmont, recorded on April 10, 2006, under Fort Bend County Clerk's File No. 2006041050, in the Real Property Records of Fort Bend County, Texas; and executed and filed that certain First Supplemental Declaration of Covenants, Conditions and Restrictions for Creekmont, recorded on March 5, 2007, under Fort Bend County Clerk's File No. 2007026283, in the Real Property Records of Fort Bend County, Texas (collectively, the "Declaration"); and,

WHEREAS, a meeting of the Members was called in accordance with the Bylaws and the Declaration, for the purpose approving this amendment; and,

WHEREAS, Declarant is entitled to cast more than Seventy-five percent (75%) of the aggregate votes all Members of the Association, and Declarant voted in favor of this amendment.

NOW THEREFORE, the Declaration is amended as follows:

- 1. Article I, paragraph 1.07, is deleted in its entirety and is replaced with the following:

1.07. "**Common Facilities**" shall mean and refer to all existing and subsequently provided improvements constructed upon or within the Common Properties, except those as may be expressly excluded herein. Also, in some instances, Common Facilities may consist of improvements dedicated or under contract to the Association for the use and benefit of the Owners of the Residential Lots in the Properties, whether exclusively or also for the benefit of owners of property outside the Property, constructed on portions of one or more Lots or on acreage which has not been brought within the provision of this Declaration. By way of illustration, Common Facilities may include, but not necessarily be limited to, the following: structures for recreation; structures for storage or protection of equipment; fountains; statuary; sidewalks; common driveways; landscaping; guardhouses; esplanades; improvements designed for common use and enjoyment; brick fences; and

any wood fence with brick columns located in, on, or adjacent to, a restricted reserve owned and maintained by the Association. References herein to "the Common Facilities" or any "Common Facility" shall mean and refer to Common Facilities as defined or created respectively in this Declaration and all Supplemental Declarations.

2. The second sentence of the Class B sub-paragraph of Article II, paragraph 2.05, is deleted in its entirety and is replaced with the following:

"Class B Membership shall cease and be converted to Class A Membership (as to Residential Lots owned by Declarant) on the happening of the earlier to occur of the following two events (A or B):"

3. Except as provided in this instrument, the Declaration is not otherwise amended and remains in full force and effect.

Executed to be effective on the date set forth above.

DECLARANT:

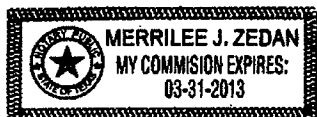
Perry Homes, LLC, a Texas limited liability company, successor by merger to Perry Homes, a Joint Venture

By: Gerald W. Noteboom
Gerald W. Noteboom
Senior Executive Vice President

ACKNOWLEDGMENT

THE STATE OF TEXAS §
§
COUNTY OF HARRIS §

This instrument was acknowledged before me on this the 15th day of April, 2009, by Gerald W. Noteboom, Senior Executive Vice President of Perry Homes, LLC, a Texas limited liability company, successor by merger to Perry Homes, a Joint Venture.



Seal Showing Name and
Commission Expiration

Merrilee J. Zedan
Notary Public in and for the
State of Texas

AFTER RECORDING RETURN TO:

**S. Bradley Todes
P.O. Box 34306
Houston, Texas 77234**

L:\Creekmont(Missouri City)\Declaration\Creekmont.1stAmend.doc