

FIRST AMENDMENT
TO
CONDOMINIUM DECLARATION
FOR
AMOUR VALLEE CONDOMINIUMS

STATE OF TEXAS §
 § **KNOW ALL MEN BY THESE PRESENTS:**
COUNTY OF DALLAS §

THIS FIRST AMENDMENT TO CONDOMINIUM DECLARATION FOR AMOUR VALLEE CONDOMINIUMS (this "**First Amendment**") is made this ___ day of December, 2018 by **KAMINSKI HOLDINGS, INC.**, a Texas corporation (hereinafter referred to as the "**Declarant**").

WITNESSETH:

WHEREAS, Declarant recorded that certain Condominium Declaration for Amour Vallee Condominiums on November 12, 2018, under Instrument Number 2018-00301146 of the Condominium Records of Dallas County, Texas (the "**Declaration**"); and

WHEREAS, Article X, Section 10.1 of the Declaration provides that the Declarant may amend the Declaration for any purpose at any time prior to the election of the Fully Elected Board (as defined therein); and

WHEREAS, the Declarant has reserved Special Declarant Rights as such rights are defined in Section 82.003(a)(22) of the Texas Uniform Condominium Act (the "**Act**") which includes the right, among other things, to exercise any of the development rights set forth in Section 82.003(a)(12) of the Act which rights include, among other things, the right to withdraw real property from a condominium; and

WHEREAS, the Declarant desires to amend the Declaration to, among other things, remove a portion of the real property comprising the Amour Vallee Condominium (the "**Condominium**") described on **Exhibit "A"** attached hereto and incorporated herein by reference (the "**Withdrawn Property**") from the Condominium and the jurisdiction of the Amour Vallee Condominium Association, Inc. (the "**Condominium Association**") and to provide for the authority of the Declarant to later annex the Withdrawn Property to the Condominium; and

WHEREAS, Article X, Section 10.1 of the Declaration provides that the board of directors of the Amour Vallee Homeowners Association, Inc., a Texas nonprofit corporation (the "**Master Association**") must consent to any material amendment to the Declaration; and

WHEREAS, the Master Association, as evidenced by its signature below, consents and approves of the amendments to the Declaration as set forth below.

NOW, THEREFORE, pursuant to the powers retained by Declarant under the Declaration and the Act, the Declarant hereby withdraws the property described in Exhibit "A" hereof (the "Withdrawn Property") from the provisions of the Declaration and the jurisdiction of the Association. The Withdrawn Property may be sold, transferred, used, conveyed, occupied and mortgaged or otherwise encumbered without regard to the provisions of the Declaration provided, however, that the Withdrawn Property shall continue to be subject to the assessments, conditions, covenants, conditions, restrictions, reservations and easements set forth in the Declaration of Covenants, Conditions and Restrictions of the Amour Vallee Townhomes recorded on November 6, 2018, as Instrument No. 201800295180 of the Real Property Records of Dallas County, Texas, as it may be amended and supplemented (the "Master Declaration") and to the jurisdiction of the Master Association. In addition, pursuant to the powers retained by Declarant and the Act, the Declarant hereby amends the Declaration as follows:

1. Article I, Section 1.24 of the Declaration is hereby amended by adding the recording information for the Master Declaration as Instrument Number 201800295180.

2. Exhibit "A" to the Declaration is amended by removing the legal description and map/plat of the Withdrawn Property from Exhibit "A" thereof.

3. Exhibit "D" (Allocated Interests) to the Declaration is hereby amended by deleting this Exhibit and replacing it with Exhibit "D" attached hereto and incorporated herein by reference.

4. The Declaration is hereby amended by adding a new Exhibit "G" attached hereto and incorporated herein by reference.

5. Article XII, Section 12.14(a) by adding the following additional subsections to this Section as follows:

xvi) The right to add or withdraw real property to or from the Condominium by recording a Supplementary Declaration. The quality of construction of buildings and improvements, if any, on real property added to this Condominium will be consistent with the quality of construction of existing improvements, although Units may be laid out in different configurations or plans. All Units and Common Elements created pursuant to annexation of real property will be restricted to use, occupancy and alienation in the same manner and to the same extent as the Units and Common Elements created under this Declaration. No assurances are made by the Declarant regarding the portions of Additional Property which may be added to this Condominium or the order in which such land will be added or developed. Designation on the Site Plan of areas "Reserved for Development" or similar designation shall not obligate the Declarant to add any portion of such area to this Condominium. The exercise of the Declarant's development rights as to some portion of the Additional Property shall not obligate the Declarant to exercise these rights as to any other portion of

EXHIBIT "A"

WITHDRAWN PROPERTY

Block A/2365, Lots 8 and 9 of Welch & Reynolds Addition, an Addition to the City of Dallas, Dallas County, Texas, according to the plat recorded in Volume 11, Page 191 Map Records, Dallas County, Texas.

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EXHIBIT "B"
ALLOCATED INTERESTS

<u>UNIT NUMBER</u>	<u>ALLOCATED INTEREST</u>
2231 Lovedale Avenue #101	1/6
2231 Lovedale Avenue #102	1/6
2231 Lovedale Avenue #103	1/6
2231 Lovedale Avenue #104	1/6
2231 Lovedale Avenue #105	1/6
2231 Lovedale Avenue #106	1/6
TOTAL	100%

Unofficial Copy

EXHIBIT "G"

PROPERTY SUBJECT TO ANNEXATION

Block A/2365, Lots 8 and 9 of Welch & Reynolds Addition, an Addition to the City of Dallas, Dallas County, Texas, according to the plat recorded in Volume 11, Page 191 Map Records, Dallas County, Texas.

Unofficial Copy

the Additional Property. If real property is annexed, no assurances are made as to the location, size, architectural style, construction materials, nature or character of other improvements that may be made and Units and Common Elements that may be created within any real property subject to annexation; and

xvii) to amend the Allocated Interest attributable to each Unit in the Condominium as shown on Exhibit "D" based upon the formula set forth in Section 1.1 of this Declaration upon the addition or withdrawal of Units from this Condominium.

6. Except as modified by this First Amendment, the Declaration shall remain in full force and effect.

IN WITNESS WHEREOF, a duly authorized officer of the Declarant has executed this First Amendment as of the date first written above.

DECLARANT: KAMINSKI HOLDINGS, INC.,
a Texas corporation

By: Bruce Kaminski
Bruce Kaminski, President

ACKNOWLEDGEMENT

STATE OF TEXAS

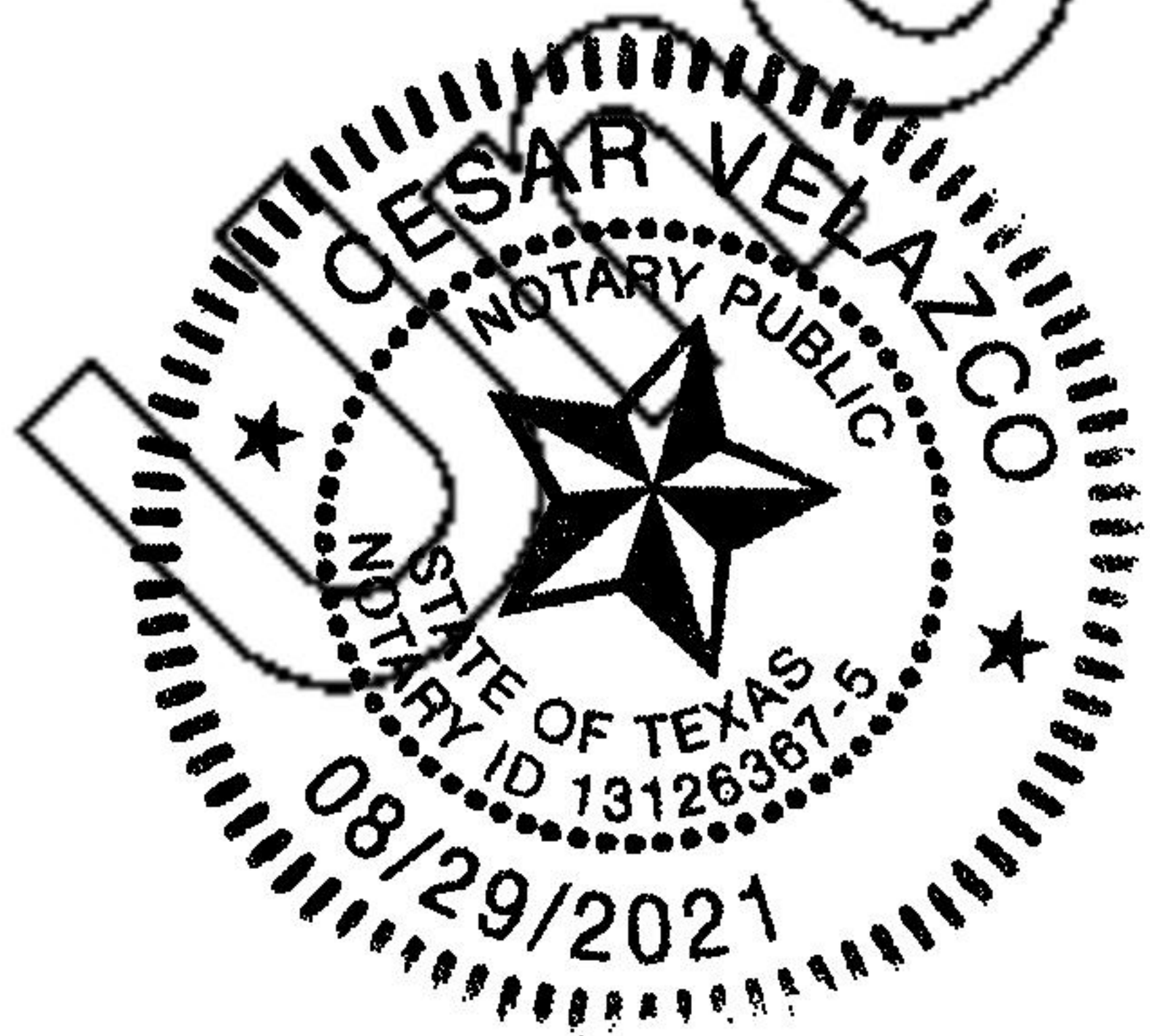
COUNTY OF DALLAS

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The foregoing instrument was acknowledged before me this 21 day of December, 2018, by Bruce Kaminski, President of KAMINSKI HOLDINGS, INC., a Texas, a Texas corporation, on behalf of said corporation.

Ar. Velozco
Notary Public

My Commission Expires: 8/29/2021



CONSENTED TO THIS 21st DAY OF DECEMBER, 2018:

AMOUR VALLEE HOMEOWNERS ASSOCIATION, INC.,
a Texas nonprofit corporation

By: Bruce Kaminski
Bruce Kaminski, President

ACKNOWLEDGEMENT

STATE OF TEXAS §
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COUNTY OF DALLAS §

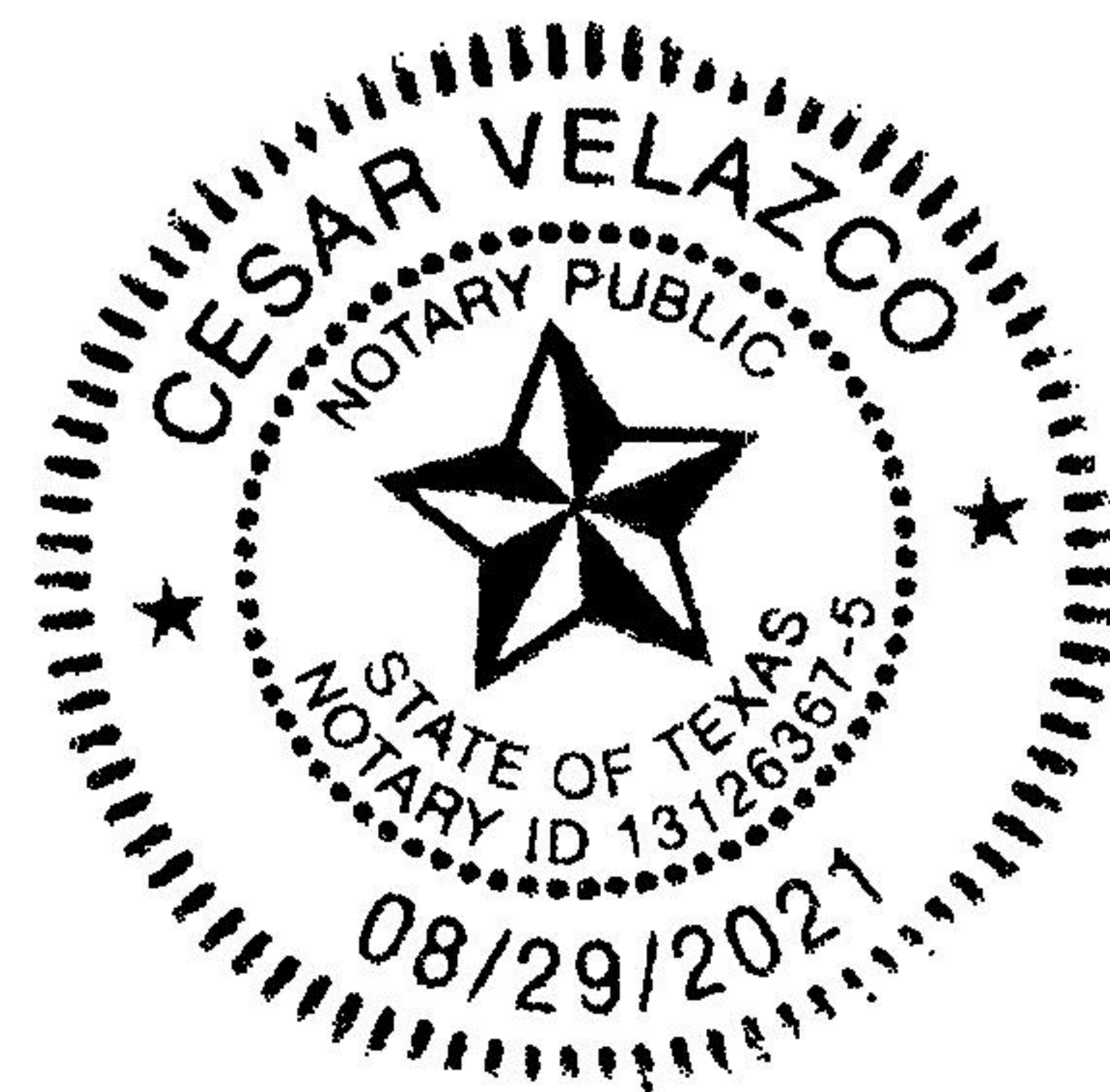
The foregoing instrument was acknowledged before me this 21 day of December, 2018, by Bruce Kaminski, President of AMOUR VALLEE HOMEOWNERS ASSOCIATION, INC., a Texas nonprofit corporation, on behalf of said corporation.

Cesar Velazco
Notary Public

My Commission Expires: 8/29/2021

AFTER RECORDING, RETURN TO:

Riddle & Williams, P.C.
3811 Turtle Creek Blvd., Suite 500
Dallas, Texas 75219
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Official Public Records
John F. Warren, County Clerk
Dallas County, TEXAS
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