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SIXTH AMENDMENT TO CONDOMINIUM DECLARATION FOR AMOUR VALLEE CONDOMINIUMS

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

THIS SIXTH AMENDMENT TO CONDOMINIUM DECLARATION FOR AMOUR VALLEE CONDOMINIUMS (this "**Sixth Amendment**") is made this 13th day of February, 2019, by **KAMINSKI HOLDINGS, INC.**, a Texas corporation (hereinafter referred to as the "**Declarant**").

W I T N E S S E T H:

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, Declarant recorded that certain First Amendment to Condominium Declaration for Amour Vallee Condominiums on December 26, 2018, under Instrument Number 201800335053 of the Condominium Records of Dallas County, Texas (the "**First Amendment**"); and

WHEREAS, Declarant recorded that certain Second Amendment to Condominium Declaration for Amour Vallee Condominiums on December 27, 2018, under Instrument Number 201800335938 of the Condominium Records of Dallas County, Texas (the "**Second Amendment**"); and

WHEREAS, Declarant recorded that certain Third Amendment to Condominium Declaration for Amour Vallee Condominiums on January 14, 2019, under Instrument Number 201900011663 of the Condominium Records of Dallas County, Texas (the "**Third Amendment**"); and

WHEREAS, Declarant recorded that certain Fourth Amendment to Condominium Declaration for Amour Vallee Condominiums in the Condominium Records of Dallas County, Texas (the "**Fourth Amendment**"); and

WHEREAS, Declarant recorded that certain Fifth Amendment to Condominium Declaration for Amour Vallee Condominiums in the Condominium Records of Dallas County, Texas (the "**Fifth Amendment**"); and

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WHEREAS, Article X, Section 10.1 of the Declaration provides that the Declarant may amend the Declaration at any time if such amendment is required by an institutional or governmental lender or purchaser of mortgage loans, including, for example, the Federal National Mortgage Association or Federal Home Loan Mortgage Corporation, to enable such lender or purchaser to make or purchase mortgage loans on the Condominium Units; and

WHEREAS, the Declarant desires to amend the Declaration to enable FNMA and FHLMC to make or purchase mortgage loans on the Condominium units; 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 amends the Declaration as follows:

1. Article XII, Section 12.13 of the Declaration is amended by deleting the second paragraph of this Section in its entirety and replacing it with the following:

> The Declarant Control Period shall terminate not later than the date which is the earlier of (i) December 31, 2021, or (ii) 120th day after conveyance of seventy-five percent (75%) of the total number of Condominium Units that may be created to Condominium Unit Owners other than the Declarant. Upon termination of the Declarant Control Period, the Owners shall elect a Board of at least three (3) members pursuant to the provisions in the Condominium Bylaws. The persons elected shall take office upon election.

2. Article III, Section 3 of the Bylaws of Amour Vallee Condominium Association, Inc., attached as Exhibit "C" to the Declaration (the "**Bylaws**"), is amended by deleting the second paragraph of this Section in its entirety and replacing it with the following:

> Not later than the 120th day after conveyance of fifty percent (50%) of the Units that may be created to Unit Owners other than Declarant, not less than one member of the Board must be elected by Unit Owners other than Declarant. The term of such Director shall expire as of the meeting of the Members held after seventy-five percent (75%) of the Units that may be created is held. Not later than the date which is the earlier of (i) December 31, 2021, or (ii) the 120th day after conveyance of seventy-five percent (75%) of the Units that may be created, all positions on the Board shall be filled by election by the Members.

3. Article III, Section 5 of the Bylaws is amended by deleting the first sentence of this Section in its entirety and replacing it with the following:

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Not later than the date which is the earlier of (i) December 31, 2021, or (ii) the 120th day after conveyance of seventy-five percent (75%) of the Units that may be created, a meeting of the Members shall be held to elect Directors.

4. Article IX of the Declaration is amended by adding the following paragraph to this Section:

To the extent that any provision set forth in the Dedicatory Instruments regarding leasing is inconsistent with the requirement(s) of guaranteed or direct loan programs of the United States Department of Veterans Affairs, as set forth in Chapter 37 of Title 38, U.S.C., or Part 36 of Title 38, C.F.R. ("**DVA Financing**"), such provisions shall not apply to any Unit that is: (i) encumbered by DVA Financing; or (ii) owned by the Departmentr of Veterans Affairs.

5. Paragraph O, Section O-1 of the Rules and Regulations of the Amour Vallee Condominium Association, Inc., attached as Exhibit "D" to the Declaration (the "**Rules**"), is amended by deleting this subsection in its entirety.

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

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

DECLARANT: **KAMINSKI HOLDINGS, INC.,**
a Texas corporation

By: _____
Bruce Kaminski, President

ACKNOWLEDGEMENT

STATE OF TEXAS §
§
COUNTY OF DALLAS §

The foregoing instrument was acknowledged before me this 13 day of February, 2019, by Bruce Kaminski, President of KAMINSKI HOLDINGS, INC., a Texas, a Texas corporation, on behalf of said corporation.

_____
Notary Public
My Commission Expires: _____

JAMIE GUEVARA
Notary Public
State of Texas
ID # 124585298
Comm. Expires 8/15/2019

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CONSENTED TO THIS 13 DAY OF FEBRUARY, 2019:

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

By: _____
Bruce Kaminski, President

ACKNOWLEDGEMENT

STATE OF TEXAS §
§
COUNTY OF DALLAS §

The foregoing instrument was acknowledged before me this 13 day of February, 2019, by Bruce Kaminski, President of AMOUR VALLEE HOMEOWNERS ASSOCIATION, INC., a Texas nonprofit corporation, on behalf of said corporation.

JAMIE GUEVARA
Notary Public
State of Texas
ID # 124585298
Comm. Expires 8/15/2019

_____
Notary Public

My Commission Expires: _____

AFTER RECORDING, RETURN TO:
Riddle & Williams, P.C.
3811 Turtle Creek Blvd., Suite 500
Dallas, Texas 75219

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Filed and Recorded
Official Public Records
John F. Warren, County Clerk
Dallas County, TEXAS
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