

**FIRST AMENDMENT TO AMENDED DECLARATION  
OF RESTRICTIONS, COVENANTS AND CONDITIONS OF  
HARBOUR MONTICELLO ESTATES, LTD.**

STATE OF TEXAS           §  
  §  
COUNTY OF TARRANT   §

WHEREAS, an Amended Declaration of Restrictions, Covenants and Conditions of Harbour Monticello Estates, Ltd. (the "Declaration") dated June 3, 1998, was recorded in the Real Property Records of Tarrant County, Texas, on June 18, 1998, at Volume 13273, Page 148; and

WHEREAS, pursuant to Section 11 of Article IX of the Declaration, Harbour Monticello Estates, Ltd. (the "Developer") has the right, in its sole discretion, to amend or change the Declaration with the consent of at least 51% of the outstanding votes of the Harbour View Estates Homeowner's Association, Inc. (the "Association"); and

WHEREAS, Developer desires to amend the Declaration and has received the consent of at least 51% of the outstanding votes of the Association;

NOW, THEREFORE, for and in consideration of the mutual benefits to be received by the Developer and the Association, the Declaration is amended as follows:

1. Notwithstanding anything to the contrary contained in the Declaration, specifically including clause (i) of Article VII, Lot 4, Block 30 as shown on the plat of Harbour ~~Monticello~~ View Estates recorded in ~~Volume~~ Cabinet A, Slide 448, Plat Records of Tarrant County, Texas, shall not be restricted to single family residential purposes but may, at the discretion of Developer, be used for public space, park, or other general recreational uses and become part of the Common Properties (as defined in the Declaration).
2. Developer represents that it has received the consent of at least 51% of the outstanding votes of the Association to this Amendment.
3. Except as amended hereby, the Declaration remains in full force as originally recorded.


Executed this 23<sup>rd</sup> day of November, 1999.

HARBOUR MONTICELLO ESTATES, LTD.,  
a Texas limited partnership

By: HM Property Developers, L.L.C.,  
a Texas limited liability company,  
its general partner

By: Realty Capital Corporation,  
a Texas corporation, its member

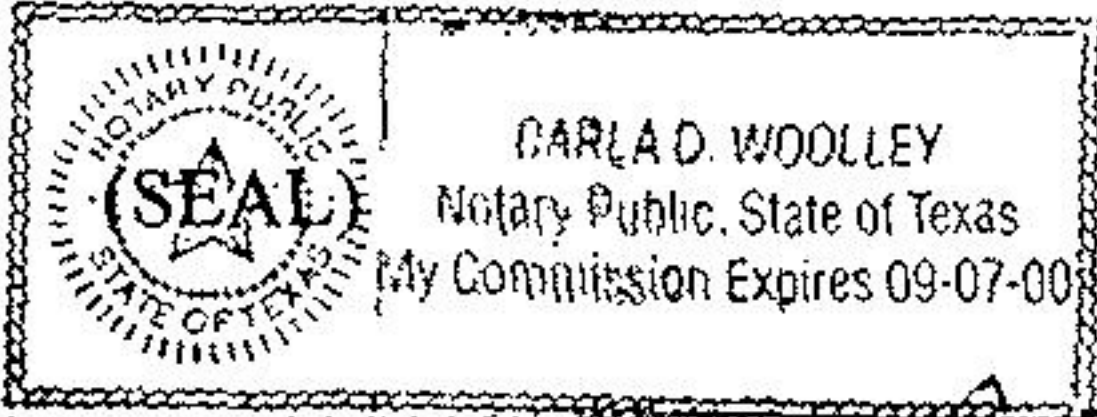
By:   
Richard A. Myers, President

FILED  
TARRANT COUNTY TEXAS  
1999 DEC -7 P 1:51  
SUZANNE HENDERSON  
COUNTY CLERK  
BY 

STATE OF TEXAS           §  
  §  
COUNTY OF TARRANT   §

Before me, the undersigned authority, on this day personally appeared Richard A. Myers, President of Realty Capital Corporation, a Texas corporation, member of HM Property Developers, L.L.C., a Texas limited liability company, general partner of Harbour Monticello Estates, Ltd., a Texas limited partnership, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity stated, and as the act and deed of said corporation, limited liability company and limited partnership.

Given under my hand and official seal this 23<sup>rd</sup> day of November, 1999.



*Carla D. Woolley*  
Notary Public in and for the State of Texas

My commission expires: 9-7-2000

After recording, return to:

J. Andrew Rogers  
Kelly, Hart & Hallman, P.C.  
201 Main Street, Suite 2500  
Fort Worth, Texas 76102

Unofficial Copy

D199301676  
KELLY HART HALLMAN  
201 MAIN ST 2500  
FT WORTH TX 76102

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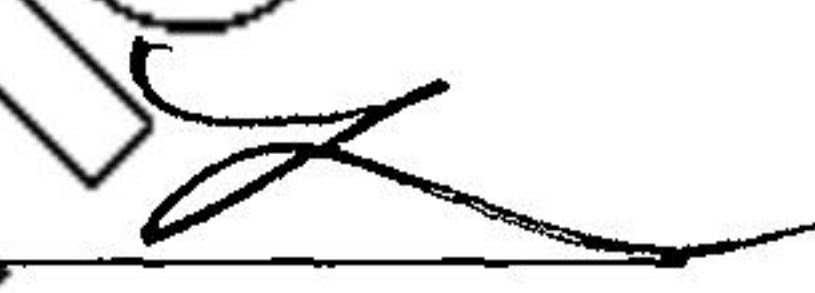
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O F F I C I A L R E C E I P T

T O : K E L L Y H A R T H A L L M A N

RECEIPT NO	REGISTER	RECD-BY	PRINTED DATE	TIME
200068538	DR92	DW	12/07/1999	14:27

	INSTRUMENT	FEECD	INDEXED	TIME	
1	D199301676	WD	19991207	14:25	CK 101553

T O T A L : D O C U M E N T S : 01 F E E S : 11.00

B Y: 

ANY PROVISION WHICH RESTRICTS THE SALE RENTAL OR USE  
OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE  
IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.