

AMENDMENT TO CONDOMINIUM DECLARATION FOR
WINGATE CONDOMINIUMS

THE STATE OF TEXAS §
 §
COUNTY OF DALLAS §

This Amendment to Condominium Declaration for Wingate Condominiums (this "Amendment") is made to be effective April 30, 1997, with respect to the following facts:

A. The Condominium Declaration for Wingate Condominiums was recorded in Volume 82058, Page 1307 et seq, Condominium Records of Dallas County, Texas, and amended by instrument recorded in Volume 82132, Page 1561; Volume 82144, Page 2542, and supplemented by instruments recorded in Volume 83180, Page 1537 and Volume 83180, Page 1557, Condominium Records, Dallas County, Texas (as amended and supplemented, the "Declaration");

B. Article VIII, Section 8.1.a. of the Declaration permits the amendment of the Declaration with respect to changes in assessments (as defined in the Declaration), provided such amendment is approved by at least (i) 67% of the Owners (as defined in the Declaration), and (ii) 51% of the first mortgagees holding first lien mortgages on Units;

C. On JANUARY 21, 1997, a meeting of the Owners was held at 6:30 p.m. at 9601 WALNUT STREET DALLAS, TX, as more particularly reflected in the minutes of the Owners Association of Wingate Condominiums, Inc. (the "Association"). At this meeting, at least sixty-seven percent (67%) of the Owners voted to amend the Declaration as more particularly provided below.

D. Article VIII, Section 8.1.e. requires the Association to give such mortgagees holding first lien mortgages on Units at least 30 days' written notice of an amendment to the Declaration, and if the mortgagee does not deliver a negative response with 30 days, it shall be deemed to have approved the proposed amendment. At least 30 days prior to the recording of this Amendment, the written notice attached hereto as Exhibit "A" was delivered to all mortgagees holding first lien mortgages on Units according to the records of the Association, and the Association's files reflect that at least fifty-one percent (51%) of the mortgagees holding first lien mortgages on Units either have given written approval of this Amendment or their approval was deemed given as a result of the passage 30 days without a negative response.

NOW, THEREFORE, in consideration of the premises, the mutual covenants and agreements hereinafter set forth, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Declaration is amended as follows:

1. The second sentence of Section 5.1 of the Declaration is hereby amended to read in its entirety as follows:

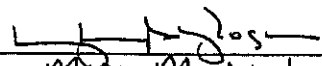
"Failure to pay by the fifteenth (15th) day of each month shall require the imposition and assessment of a late charge of Five Dollars (\$5.00) per day until paid, and such late charge shall constitute a lien against on such late-paying Unit Owner's Unit as provided for in Section 5.7 below."

2. The following sentence is hereby added at the end of Section 5.1 of the Declaration:

"To the extent that any late charges or interest charges provided for herein shall ever be found to constitute interest as that term is used in the usury statutes of the State of Texas, such charges shall not exceed the maximum amount of nonusurious interest that may be contracted for, taken, reserved, charged, or received under law; any interest in excess of that maximum amount shall be credited on the amount owed to the Association or, if that has been paid, refunded to the Unit Owner."

3. Definitions; Ratification. Capitalized terms used in this Amendment and not otherwise defined shall have the same meaning as set forth in the Declaration. Expressly as expressly provided herein, Declarant hereby ratifies and confirms the Amended Declaration in all respects.

OWNERS ASSOCIATION OF WINGATE
CONDOMINIUMS, INC., a Texas non-
profit corporation

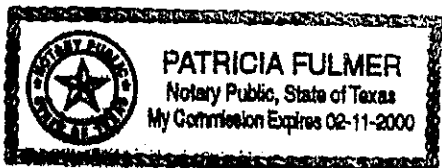
By: 
Name: MARY MURPHY LOW
Title: PRESIDENT

THE STATE OF TEXAS
COUNTY OF ~~DALLAS~~ HARRIS

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This instrument was acknowledged before me on this the 31ST day of March, 1997, by Mary Murphy Loac, President of OWNERS ASSOCIATION OF WINGATE CONDOMINIUMS, INC., a Texas non-profit corporation, on behalf of said corporation.

Patricia Fulmer
Notary Public, State of Texas



AFTER RECORDING, RETURN TO:

Rebecca Smit
Graves, Dougherty, Hearon & Moody, P.C.
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Austin, Texas 78767