

STATE OF TEXAS)

COUNTY OF DENTON)

016117

**AMENDMENT TO DEED OF TRUST WITH
SECURITY AGREEMENT, ASSIGNMENT OF RENTS
AND LEASES AND FINANCING STATEMENT
(TEXAS)**

THIS AMENDMENT to Deed of Trust with Security Agreement, Assignment of Rents and Leases and Financing Statement (this "Amendment") is made as of the 22nd day of February 2000 and is by and between CHOICE HOMES, INC., a Texas Corporation (the "Borrower"), Grantor, and COMPASS BANK a Texas state banking corporation (the "Bank"), Beneficiary.

P R E A M B L E

Borrower entered into a Deed of Trust with Security Agreement, Assignment of Rents and Leases and Financing Statement in favor of the Bank dated November 10, 1998, recorded in the Real Property Records of Denton County, Texas in Instrument Number 98-R0110505 (the "Deed of Trust"). In order to induce the Bank to make the Loan (as defined in the Deed of Trust) or loans to Borrower, Borrower desires to amend the Deed of Trust to add the additional property described herein.

NOW, THEREFORE, in consideration of the mutual promises hereinafter contained and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Borrower and Bank, intending to be legally bound hereby, agree as set forth below.

A M E N D M E N T

1. **Premises.** The property described on Addendum 1 attached hereto is hereby added to the Property (as defined in the Deed of Trust) in all respects and to the same extent and as fully as if the property described on Addendum 1 hereto were described on Exhibit A to the Deed of Trust upon its original recording. Borrower hereby grants, bargains, sells, aliens, conveys, assigns, sets over, confirms and delivers unto Eugene F. Weimer, Trustee, its successors and assigns, in trust, with power of sale and right of entry and possession, the property described on Addendum 1 hereto and all estates, buildings, improvements, fixtures, furniture and personal property of every nature whatsoever now or hereafter owned by the Borrower and situated on the property described on Addendum 1 hereto or used or intended to be used in connection with or with the operation of said property, buildings or other improvements, in all respects as if set forth in the Deed of Trust and to the same extent and as fully as if the property described on Addendum 1 hereto were described on Exhibit A to the Deed of Trust upon its original recording.

2. **No Release.** This Amendment is intended to add the property described on Addendum 1 hereto to the property granted and conveyed by the Deed of Trust. This Amendment in no way releases from the lien of the Deed of Trust all or any portion of the real property described therein.

3. **Reaffirmation of Representations and Warranties.** Each representation and warranty contained in the Deed of Trust is hereby reaffirmed as of the date hereof, and the Borrower hereby makes each representation and warranty contained in the Deed of Trust as to the real and personal property granted and conveyed hereby as fully as if the real property described on Addendum 1 hereto were described on Exhibit A to the Deed of Trust upon its original recording.

EXHIBIT "A"

TO DEED OF TRUST

PROPERTY DESCRIPTION

LOT 17, BLOCK B, of SUMMIT OAKS ADDITION, PHASE 1, an addition to the City of Denton in Denton County, Texas, according to the Plat thereof recorded in Cabinet P, Page 163 & 164, Plat Records, Denton County, Texas.

AFTER RECORDING RETURN TO:

COMPASS BANK - BIRMINGHAM
P.O. BOX 10566
BIRMINGHAM, ALABAMA 35296
ATTN: ARNETTE BOLLING

Filed for Record in:
DENTON COUNTY, TX
CYNTHIA MITCHELL, COUNTY
CLERK

On Feb 23 2000
At 1:25pm

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Receipt #: 7514
Deputy - MARY