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AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR FALL CREEK SINGLE FAMILY RESIDENTIAL AREAS

THIS AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR FALL CREEK SINGLE FAMILY RESIDENTIAL AREAS (this "Amendment") is made as of the date and year set forth on the signature page hereof, by FALL CREEK DEVELOPMENT PARTNERS, L.P., a Texas limited partnership (herein referred to and acting as "Declarant").

WITNESSETH:

WHEREAS, Declarant executed that certain DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR FALL CREEK SINGLE FAMILY RESIDENTIAL AREAS dated September 24, 2001, which was filed on October 3, 2001 under County Clerk's File No. V338181 and recorded in the Official Public Records of Real Property of Harris County, Texas (the "Declaration") and which presently encumbers the Lots in Fall Creek, Section One (1), Fall Creek, Section Two (2), Fall Creek, Section Three (3), Fall Creek, Section Four (4), Fall Creek, Section Five (5) and Fall Creek, Section Seven (7), subdivisions of land in Harris County, Texas according to the plats thereof recorded in the Map Records of Harris County, Texas; and

WHEREAS, Section 5 of Article X of the Declaration provides that it may be amended by the owner(s) of a majority of the lots subject to the Declaration and the Declarant, as long as there is a Class "B" Membership in the association which administers the Declaration; and

WHEREAS, the Declarant owns a majority of the lots subject to the Declaration and wishes to amend the Declaration in certain respects.

NOW, THEREFORE, the Declarant hereby amends the Declaration as follows:

1. Section 2(d) of Article III of the Declaration is hereby amended and restated to read as follows:

> "(d) Reserve Fund Payments. Upon acquisition of record title to a Lot with a Single Family Residence by the first Owner thereof from a Builder after December 31, 2002, a payment shall be made by or on behalf of the purchaser to the Association in an amount equal to fifty percent (50%) of the Residential Assessment for the year in which the sale or transfer occurs, or such lesser amount as may be specified by resolution of the Board. This amount shall be in addition to, not in lieu of, the Residential Assessments and shall not be considered an advance payment of Residential

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Assessments. This amount shall be paid to the Association at the closing of the purchase of the Lot with a Single Family Residence after the date specified and may be deposited by the Board into an account to be maintained by the Association as a reserve fund for the repair, reconstruction or replacement of improvements on the Common Area or used for such other purposes as the Board determines in its sole discretion."

2. Except as expressly amended hereby, the Declaration of Covenants, Conditions and Restrictions for Fall Creek Single Family Residential Areas is not affected hereby and the same is ratified as being in full force and effect.

IN WITNESS WHEREOF, this Amendment is executed effective as of the 31 day of December, 2002.

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.
THE STATE OF TEXAS
COUNTY OF HARRIS
I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me; and was duly RECORDED, in the Official Public Records of Real Property of Harris County, Texas on

JAN - 7 2003

COUNTY CLERK
HARRIS COUNTY, TEXAS

FALL CREEK DEVELOPMENT PARTNERS, L.P.

By: El Dorado Tract GP, Inc., general partner

By: _____
Stephen M. Pierce

Its: Vice President

FILE FOR RECORD
8:00 AM

JAN - 7 2003

County Clerk, Harris County, Texas

THE STATE OF TEXAS §
§
COUNTY OF HARRIS §

This instrument was acknowledged before me on December 31, 2002 by STEPHEN M. PIERCE, VICE PRESIDENT of El Dorado Tract GP, Inc., a Texas corporation which is the general partner of Fall Creek Development Partners, L.P., a Texas limited partnership, on behalf of said limited partnership.

(SEAL)

BARBARA LOCKE
Notary Public, State of Texas
My Commission Expires
November 05, 2005

_____
Notary Public in and for
the State of Texas

After Recording, Return To:
Coats, Rose, Yale, Ryman & Lee
A Professional Corporation
Attorneys at Law
800 First City Tower
1001 Fannin
Houston, Texas 77002-6707

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