

AMENDED DECLARATION OF GATEWAY VILLAS, A CONDOMINIUM

This Amended Declaration is made this 19th day of April, 2004 by BRAZOS GATEWAY PLACE DEVELOPMENT, LTD., a Texas limited partnership (Declarant) acted for herein by BGPD MANAGEMENT, L.L.C., a Texas Limited Liability Company, pursuant to the Texas Uniform Condominium Act, Chapter 82, Property Code of the State of Texas (the Act).

RECITALS

- 1. Declarant filed a Declaration of Gateway Villas, A Condominium dated January 9, 2004 in Volume 5818, page 1 of the Official Records of Brazos County, Texas (the Declaration).
2. Declarant is the owner in fee simple of certain real estate situated in the City of College Station, County of Brazos, and State of Texas, more particularly described in the Declaration, together with all buildings and improvements now or hereafter constructed or located thereon, and all rights, privileges, easements, and appurtenances belonging to or in any way pertaining to said real estate; and
3. Declarant reserved the development rights under the Act, and desires to exercise the development rights under Section 82.058(c) of the Act for the purpose of designating certain common elements as limited common elements, and clarifying other restrictions.

Now, therefore, Declarant, as the owner of the Additional Real Estate, hereby declares as follows:

- 1. The Declaration is hereby amended in accordance with Section 82.058(c) of the Act, so that the fenced area enclosed adjacent to any Unit as a back or side yard shall be Limited Common Elements as defined in Section 1.11 of the Declaration. Each Unit Owner to whose Unit the Limited Common Elements described in this Amendment apply shall have the duties of maintenance for such Limited Common Elements, as provided in Article 7 of the Declaration .

- 2. Section 5.3(b) of the Declaration is hereby amended to prohibit any advertising signs within the Common Areas, except for signs erected by Declarant regarding the entire Condominium, and to restrict marketing signs by an Owner to the windows of the front lower floors.
- 3. Except as provided herein, the Declaration is not amended.

Signed to be effective on the date stated above.

BRAZOS GATEWAY PLACE DEVELOPMENT, LTD., a Texas Limited Partnership, acted for herein by BGPD Management, L.L.C., a Texas limited liability company

BY: *David W. Scarmardo*
David W. Scarmardo, Manager

STATE OF TEXAS
COUNTY OF BRAZOS

This instrument was acknowledged before me on the 19 day of April, 2004 by David W. Scarmardo, Manager of BGPD Management, L.L.C., a Texas limited liability company, acting on behalf of BRAZOS GATEWAY PLACE DEVELOPMENT, LTD, a Texas limited partnership, on behalf of said partnership, in the capacity therein stated.

My commission expires: 9/4/06

Suzanne Krupa
Notary Public, State of Texas



/RE/GATEWAY.AMENDMENTTODEC. (la/sb)