K030469

05/21/85 K030469 FILED

THIRD SUPPLEMENTAL DECLARATION OF MERGER AND ANNEXATION OF PHASE III NORTH VILLAGE GREEN I CONDOMINIUM

MAY 21 1 11 PM '85

THE STATE OF TEXAS §
§
COUNTY OF HARRIS §

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, U.S. HOME CORPORATION, a Delaware corporation (the "Declarant"), executed that certain Declaration of Condominium for North Village Green I, filed for record on July 19, 1979, in the office of the County Clerk for Harris County, Texas, under Clerk's File Number G164134, and in the Condominium Records for Harris County, Texas, in Volume 100, Page 110 (the "Declaration"); and

WHEREAS, the Declarant, the Owners of certain Units and the institutional holders of first Mortgages executed that certain First Amendment of Declaration of Condominium for North Village Green I, filed for record on November 14, 1979, in the office of the County Clerk for Harris County, Texas, under Clerk's File Number G321704, and in the Condominium Records for Harris County, Texas, in Volume 104, Page 20 (the "Amended Declaration"); and

WHEREAS, the Owners of more than seventy-five percent (75%) of the Units in North Village Green I Condominium executed that certain First Supplemental Declaration of Condominium for North Village Green I, joined by Declarant and the institutional holders of first Mortgages, which First Supplemental Declaration was filed for record on January 11, 1984, in the office of the County Clerk for Harris County, Texas, under Clerk's File Number J316652, and in the Condominium Records for Harris County, Texas, in Volume 143 at Page 23 (the "First Supplemental Declaration"); and

WHEREAS, the Declarant executed that certain Second Supplemental Declaration of Merger and Annexation of Phase II, North Village Green I Condominium, which Second Supplemental Declaration was filed for record on May 21, 1985, in the office of the County Clerk of Harris County, Texas, under Clerk's File No. K030468 and in the Condominium Records of Harris County, Texas, in Volume 152, Page 33 (the "Second Supplemental Declaration"); and

WHEREAS, Paragraph 1.a. of the First Supplemental Declaration provides that the Declarant may cause additional Units, Common Elements and/or Limited Common Elements to be added to the Regime by filing a supplement or supplements to the Declaration in the Condominium Records of Harris County, Texas, unilaterally, without the necessity of obtaining the consent of the Unit Owners or any other party with respect to such supplemental declaration; and

WHEREAS, Declarant is the Owner of certain property in the County of Harris, State of Texas, which is more particularly described in the attached Exhibit "A" and made a part hereof for all purposes; and

WHEREAS, the Declarant is desirous of annexing and merging the property described on Exhibit "A" on which exists twenty-four (24) Units comprising Building N, all as provided in the Declaration, the Amended Declaration and the First Supplemental Declaration (unless otherwise indicated, all capitalized terms used herein shall have the same meanings as are attributed thereto in the Declaration);

NOW, THEREFORE, Declarant hereby declares that all of the property described by metes and bounds on Exhibit "A" as Phase III shall be held, sold and conveyed subject to the easements, restrictions, covenants and conditions set forth in the Declaration, the Amended Declaration and the First Supplemental Declaration for North Village Green I Condominium, all of which is for the purpose of enhancing and protecting the value, desirability and attractiveness of the real property described above. The said easements, restrictions, covenants and conditions shall run with the above-described property and shall be binding on all parties having or acquiring any right, title or interest in the said property or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each Owner and lessee thereof.

The property depicted on the attached plat of North Village Green I Condominium Phase III, which plat is attached hereto as Exhibit "B", shall become a part of the Regime, as defined in the Declaration, the Amended Declaration and the First Supplemental Declaration, and the twenty-four (24) Units shown on the plan of Phase III, attached hereto as Exhibit "B-1", shall become Units, as defined in the Declaration, the Amended Declaration and the First Supplemental Declaration, and from and after the filing hereof, North Village Green I Condominium Phase III shall be a part of the Regime as if it had been originally described in the Declaration as amended and supplemented, and the percentage or fraction of ownership interest in the common area is hereby allocated and established among the total of two hundred (200) Units as set out in Exhibit "C" of this Third Supplemental Declaration of Merger and Annexation.

By its execution hereof, Declarant further agrees that, notwithstanding the provisions of the Supplemental Declaration, Declarant shall not construct or cause to be constructed additional Units, Common Elements and/or Limited Common Elements on the Convertible Land to be included in the Regime by subsequent supplemental declarations, unless those additional Units, Common Elements and/or Limited Common Elements are

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consistent with the initial improvements in North Village Green I Condominium in terms of quality of construction. As additional Units are added to North Village Green I Condominium by additional supplemental declarations, the fraction of ownership interest allocated to each Unit of the Condominium shall be changed, so that after the filing of such additional supplemental declaration, each Unit will be allocated a fractional ownership interest in the Common Elements, the numerator of which fraction shall be the number of square feet in each such Unit, and the denominator of which shall be the total number of square feet in all Units.

This Third Supplemental Declaration of Merger and Annexation of Phase III, North Village Green I Condominium, may be amended by Declarant without joinder of any Unit Owner or Mortgagee in order to correct errors and discrepancies in said document or to comply with the requirements of the Veterans' Administration, Federal Home Loan Mortgage Corporation, Federal National Mortgage Association or any other permanent lender approved by the Declarant; provided, however, that no vested property rights of any Unit Owner shall be materially affected.

IN WITNESS WHEREOF, the undersigned, being the Declarant herein, has hereto set its hand and seal this 2nd day of April, 1985.

U.S. HOME CORPORATION

By: _____

ATTEST:

_____
Secretary

THE STATE OF TEXAS §
§
COUNTY OF HARRIS §

This instrument was acknowledged before me on April 2, 1985, by Paul Sims, VP Controller of U.S. Home Corporation, a Delaware corporation, on behalf of said corporation.

_____
Notary Public, State of Texas
My commission expires: 3/4/86

EXHIBIT A TO THIRD SUPPLEMENTAL DECLARATION OF MERGER AND ANNEXATION OF PHASE III NORTH VILLAGE GREEN I CONDOMINIUM

Metes and Bounds Description of Phase III, a 0.823-Acre Tract of Land
Out of the Simon Contreras Survey, Abstract 220, Harris County, Texas

All that certain tract or parcel of land containing 0.823 acres situated in the Simon Contreras Survey, Abstract 220, Harris County, Texas, being out of and a portion of North Village Green, Section Two, as platted and recorded in Volume 303, Page 141 of the Harris County Map Records, and being more particularly described by metes and bounds as follows:

COMMENCING at a point for the Southwest corner of North Village Green Subdivision, Section One, as platted and recorded in Volume 289, Page 109 of the Harris County Map Records, said point being on the North right-of-way line of existing Plaza Verde Drive (60-foot width);

THENCE North 00° 06' 10" West, 400.00 feet with the West line of North Village Green, Section One, to a point for corner, being the Southwest corner of North Village Green, Section Two, as platted and recorded in Volume 303, Page 141 of the Harris County Map Records;

THENCE North 75° 00' 01" East, 672.00 feet with the South line of North Village Green, Section Two, to a point for corner;

THENCE North 32° 00' 01" East 76.16 feet to a point for corner;

THENCE along the arc of a curve to the right, having a chord of North 37° 42' 23" East, 18.21 feet, a radius of 91.51 feet, a central angle of 11° 25'03", a distance of 18.24 feet with said South line to the PLACE OF BEGINNING of the tract herein described;

THENCE along the arc of a curve to the right, having a chord of North 89° 09' 48" West, 29.45 feet, a radius of 20.00 feet, a central angle of 94° 50' 16", a distance of 33.10 feet to a point for corner being on the South line of North Village Green, Section Two;

THENCE North 41° 44' 40" West, 16.00 feet to a point for corner;

THENCE along the arc of a curve to the left, having a chord of North 68° 16' 53" West, 83.99 feet, a radius of 94.00 feet, a central angle of 53° 04' 25", a distance of 87.07 feet to a point for corner;

THENCE along the arc of a curve to the right, having a chord of North 54° 54' 32" West, 6.42 feet, a radius of 5.00 feet, a central angle of 79° 49' 06", a distance of 6.97 feet to a point for corner;

THENCE North 14° 59' 59" West, 50.01 feet to a point for corner;

THENCE South 75° 00' 01" West, 49.00 feet to a point for corner;

THENCE North 14° 59' 59" West, 93.94 feet to a point for corner;

THENCE North 00° 00' 01" East, 78.59 feet to a point for corner;

THENCE South 89° 59' 59" East, 179.68 feet to a point for corner;

THENCE South 00° 00' 01" West, 53.68 feet to a point for corner;

THENCE South 75° 00' 01" West, 19.00 feet to a point for corner;

THENCE South 14° 59' 59" East, 176.00 feet to a point for corner;

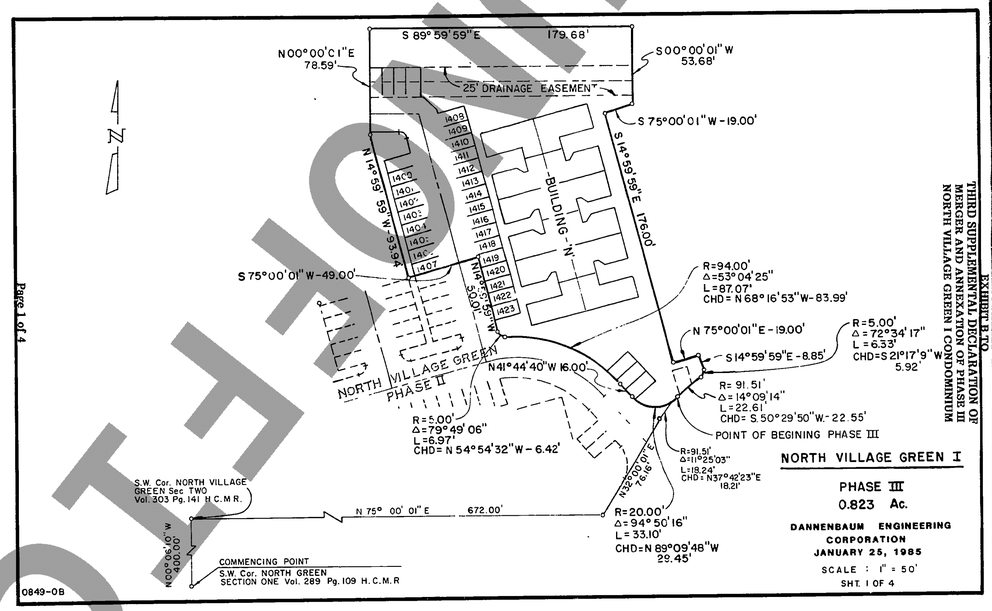
THENCE North 75° 00' 01" East, 19.00 feet to a point for corner;

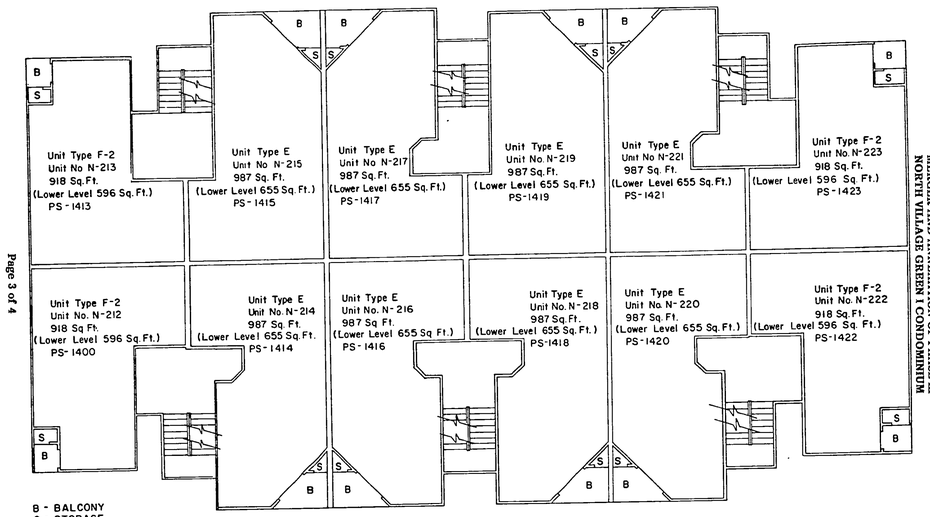
THENCE South 14° 59' 59" East, 8.85 feet to a point for corner;

THENCE along the arc of a curve to the right, having a chord of South 21° 17' 09" West, 5.92 feet, a radius of 5.00 feet, a central angle of 72° 34' 17", a distance of 6.33 feet to a point for corner;

THENCE along the arc of a curve to the left, having a chord of South 50° 29' 50" West, 22.55 feet, a radius of 91.51 feet, a central angle of 14° 09' 14", a distance of 22.61 feet to the PLACE OF BEGINNING of the tract herein described containing 0.823 acres (35,834 square feet), more or less.

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SECOND FLOOR

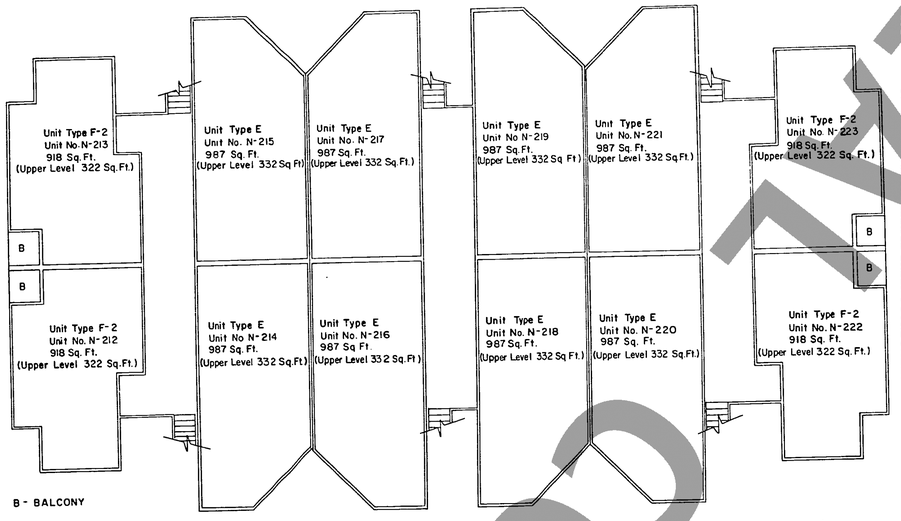
JANUARY 1985

0849-08

SHEET 3 OF 4

EXHIBIT B TO THIRD SUPPLEMENTAL DECLARATION OF MERGER AND ANNEXATION OF PHASE III NORTH VILLAGE GREEN I CONDOMINIUM

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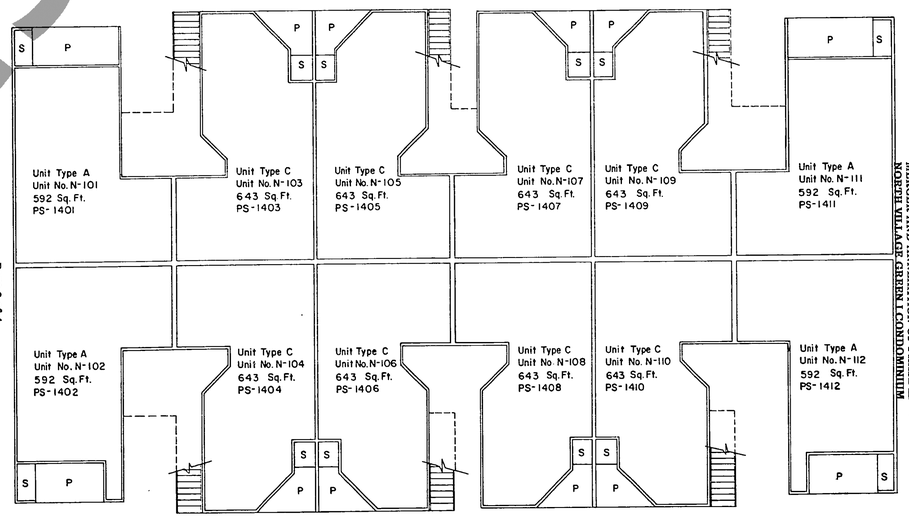
THIRD FLOOR

JANUARY 1985

0849-08

SHEET 4 OF 4

EXHIBIT B TO THIRD SUPPLEMENTAL DECLARATION OF MERGER AND ANNEXATION OF PHASE III NORTH VILLAGE GREEN I CONDOMINIUM



FIRST FLOOR

JANUARY 1985

0849-08

SHEET 2 OF 4

EXHIBIT B TO THIRD SUPPLEMENTAL DECLARATION OF MERGER AND ANNEXATION OF PHASE III NORTH VILLAGE GREEN I CONDOMINIUM

EXHIBIT C TO
THIRD SUPPLEMENTAL DECLARATION
OF MERGER AND ANNEXATION OF PHASE III
NORTH VILLAGE GREEN I CONDOMINIUM

NORTH VILLAGE GREEN—PHASES I & II

PERCENTAGE OF OWNERSHIP IN THE COMMON ELEMENTS

UNIT NOS.	SQUARE FT.	PERCENTAGE OF OWNERSHIP IN THE COMMON ELEMENTS WITH PHASE III ADDED
BUILDING A (#1):		
A11	1,066	.0057368
A12	1,066	.0057368
A13	715	.0038478
A14	715	.0038478
A15	1,156	.0062211
A16	1,156	.0062212
A21	1,066	.0057368
A22	1,066	.0057368
A23	715	.0038478
A24	715	.0038478
A25	1,156	.0062212
A26	1,156	.0062212
A31	1,066	.0057368
A32	1,066	.0057368
A33	715	.0038478
A34	715	.0038478
A35	1,156	.0062212
A36	1,156	.0062212
	Bldg. Total	.0948347
BUILDING B (#2):		
B11	1,318	.0070929
B12	1,318	.0070929
B13	1,318	.0070929
B14	1,318	.0070929
B15	1,066	.0057368
B16	1,066	.0057368
B21	1,318	.0070929
B22	1,318	.0070929
B23	1,318	.0070929
B24	1,318	.0070929
B25	1,066	.0057368
B26	1,066	.0057368
B31	1,318	.0070929
B32	1,318	.0070929
B33	1,318	.0070929
B34	1,318	.0070929
B35	1,066	.0057368
B36	1,066	.0057368
	Bldg. Total	.1195356
BUILDING C (#3):		
C11	1,066	.0057368
C12	715	.0038478
C13	1,318	.0070929
C14	878	.0047251
C15	985	.0053009
C16	1,156	.0062212
C21	1,066	.0057368
C22	1,233	.0066355
C23	1,318	.0070929
C24	878	.0047251
C25	985	.0053009
C26	1,156	.0062212
C31	1,066	.0057368
C32	1,233	.0066355
C33	1,318	.0070929
C34	878	.0047251
C35	985	.0053009
C36	1,156	.0062212
	Bldg. Total	.1043495
BUILDING D (#4):		
D11	1,156	.0062212
D12	1,156	.0062212
D13	1,066	.0057368
D14	1,066	.0057368
D15	1,066	.0057368
D16	1,066	.0057368
D21	1,156	.0062212
D22	1,156	.0062212
D23	1,066	.0057368
D24	1,066	.0057368
D25	1,066	.0057368
D26	1,066	.0057368
D31	1,156	.0062212
D32	1,156	.0062212
D33	1,066	.0057368
D34	1,066	.0057368
D35	1,066	.0057368
D36	1,066	.0057368
	Bldg. Total	.1061688
BUILDING E (#5):		
E11	985	.0053009
E12	985	.0053009
E13	878	.0047251
E14	878	.0047251
E15	1,066	.0057368
E16	1,066	.0057368
E17	1,066	.0057368
E18	1,066	.0057368
E21	985	.0053009
E22	985	.0053009
E23	878	.0047251
E24	878	.0047251
E25	1,066	.0057368
E26	1,066	.0057368
E27	1,066	.0057368
E28	1,066	.0057368
E31	985	.0053009
E32	985	.0053009
E33	878	.0047251
E34	878	.0047251
E35	1,066	.0057368
E36	1,066	.0057368
E37	1,066	.0057368
E38	1,066	.0057368
	Bldg. Total	.1289976
BUILDING F (#6):		
F11	985	.0053009
F12	985	.0053009
F13	985	.0053009
F14	985	.0053009
F15	878	.0047251
F16	878	.0047251
F17	878	.0047251
F18	878	.0047251
F21	985	.0053009
F22	985	.0053009
F23	985	.0053009
F24	985	.0053009
F25	878	.0047251
F26	878	.0047251
F27	878	.0047251
F28	878	.0047251
F31	985	.0053009
F32	985	.0053009
F33	985	.0053009
F34	985	.0053009
F35	878	.0047251
F36	878	.0047251
F37	878	.0047251
F38	878	.0047251
	Bldg. Total	.1203120

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BUILDING G (#7):		
G11	1,066	.0057368
G12	1,066	.0057368
G13	715	.0038478
G14	715	.0038478
G15	1,156	.0062212
G16	1,156	.0062212
G21	1,066	.0057368
G22	1,066	.0057368
G23	715	.0038478
G24	715	.0038478
G25	1,156	.0062212
G26	1,156	.0062212
G31	1,066	.0057368
G32	1,066	.0057368
G33	715	.0038478
G34	715	.0038478
G35	1,156	.0062212
G36	1,156	.0062212
	Bldg. Total	.0948348
BUILDING M (#13):		
M101	592	.0031859
M102	592	.0031859
M103	591	.0031805
M104	591	.0031805
M105	467	.0025132
M106	467	.0025132
M107	643	.0034604
M108	643	.0034604
M109	467	.0025132
M110	467	.0025132
M111	643	.0034604
M112	643	.0034604
M113	467	.0025132
M114	467	.0025132
M115	592	.0031859
M116	592	.0031859
M201	873	.0046981
M202	873	.0046981
M203	935	.0050318
M204	935	.0050318
M205	467	.0025132
M206	467	.0025132
M207	987	.0053116
M208	987	.0053116
M209	467	.0025132
M210	467	.0025132
M211	987	.0053116
M212	987	.0053116
M213	467	.0025132
M214	467	.0025132
M215	873	.0046981
M216	873	.0046981
M305	467	.0025132
M306	467	.0025132
M309	467	.0025132
M310	467	.0025132
M313	467	.0025132
M314	467	.0025132
	Bldg. Total	.1282862
BUILDING N (#):		
N101	592	.0031859
N102	592	.0031859
N103	643	.0034604
N104	643	.0034604
N105	643	.0034604
N106	643	.0034604
N107	643	.0034604
N108	643	.0034604
N109	643	.0034604
N110	643	.0034604
N111	592	.0031859
N112	592	.0031859
N212	918	.0049403
N213	918	.0049403
N214	987	.0053116
N215	987	.0053116
N216	987	.0053116
N217	987	.0053116
N218	987	.0053116
N219	987	.0053116
N220	987	.0053116
N221	987	.0053116
N222	918	.0049403
N223	918	.0049403
	Bldg. Total	.1026808
TOTAL	PHASES I, II AND III	1.0000000%

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
MAY 21 1985
County Clerk, Harris County, Texas