THIS DECLARATION IS GIVEN IN LIEU OF AND IN CORRECTION OF SECOND SUPPLEMENTAL DECLARATION OF MERGER AND ANNEXATION FOR SUTTER'S MILL CONDOMINIUM dated March 28, 1983 and recorded in Volume 569, Page 287, Deed Records of Brazos County, Texas, in which the Unit numbers were omitted.

TO'Clock AM

EXHIBIT "B"

263067

APR 1983

SECOND SUPPLEMENTAL DECLARATION OF MERGER AND ANNEXATION FOR

SUTTER'S MILL CONDOMINIUM

MAY 1 1 1983

FRANK BORISKIE

259588

THE STATE OF TEXAS

COUNTY OF BRAZOS §

MATE RECORDED.

KNOW ALL MEN BY THESE PRESENTS:

THAT WHEREAS, by instrument entitled Condominium Declaration for Sutter's Mill Condominium (the "Declaration") dated September 25, 1981, and filed for record in Volume 495, Pages 280-329 in the Real Property Records of Brazos County, Texas, Stanford Associates, Inc., a Texas corporation (herein called the "Declarant"), did establish a condominium project (herein called "Phase I") under the Condominium Act of the State of Texas (Texas Revised Civil Statutes, Article 1301a), which Declaration provides for a plan of separate and individual ownership of the area or space contained in buildings located on the real property described in Exhibit "A" attached hereto and made a part hereof for all purposes (the "Phase I Tract") and submits said real property to certain terms, covenants, conditions, easements, restrictions, uses, limitations and obligations which are deemed to run with said real property, reference to which is hereby made for all purposes;

WHEREAS, by instrument entitled Supplemental Declaration of Merger and Annexation for Sutter's Mill Condominium (the "Supplemental Declaration") dated 21 September, 1982 and filed for record in Volume 538, Pages 453 - 471 in the Real Property Records of Brazos County, Texas, Declarant incorporated that certain tract or parcel of land described in Exhibit "B" attached hereto and made a part hereof for all purposes (the "Phase II Tract") into the Sutter's Mill Condominium and submitted the Phase II Tract to the terms, covenants, conditions, easements, restrictions, uses, limitations and obligations contained in the Declaration;

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WHEREAS, the undersigned Declarant desires to further expand the Sutter's Mill Condominium by adding thereto an additional parcel of land (herein called the "Phase III Tract") described on Exhibit "C" attached hereto and incorporated herein for all purposes, together with the improvements situated or to be situated thereon (herein called "Phase III");

WHEREAS, Section 3.1 of the Declaration provides that the administration of the Sutter's Mill condominium regime will be by the "Sutter's Mill Council of Co-Owners, a Texas non-profit corporation";

WHEREAS, Article IX, Section 9.1 of the Declaration provides that said Declaration may not be amended in any material respect unless all of the first Mortgagees and at least seventy-five percent (75%) of the Owners of the individual Condominium Units have given their prior written approval;

WHEREAS, Phase III will contain twenty-five (25) Units, which, when added to the thirty-five (35) Units contained in Phase I and the twenty (20) Units contained in Phase II, will aggregate eighty (80) Units;

WHEREAS, Declarant desires to amend the Declaration, as supplemented and amended by the Supplemental Declaration, in certain respects as hereinafter provided;

WHEREAS, Declarant has received the prior written approval of all of the first Mortgagees and at least seventy-five percent (75%) of the Owners of the individual Condominium Units to this Second Supplemental Declaration; and

WHEREAS, Declarant, who is also owner of record title to the Phase III Tract, declares that it is desired and intended that (i) the Phase III Tract be incorporated into the original Sutter's Mill Condominium, (ii) the Phase III Tract, together with the improvements thereon or to be located thereon, be submitted to the Sutter's Mill condominium regime created by the Declaration pursuant to the Condominium

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Act of the State of Texas, and (iii) the terms, covenants, conditions, easements, restrictions, uses, limitations and obligations set forth in the Declaration shall, except as provided herein, apply to and have the same force and effect as to Phase III and shall run with the Phase III Tract.

NOW, THEREFORE, Declarant does hereby amend the Declaration, as supplemented and amended by the Supplemental Declaration, in order to submit the Phase III Tract, together with all improvements thereon or to be located thereon, to the Sutter's Mill condominium regime created by the Declaration pursuant to the Condominium Act of the State of Texas, and Declarant does hereby publish and declare that the terms, covenants, conditions, easements, restrictions, uses, limitations and obligations set forth in the Declaration shall, except as provided for herein, apply to and have the same force and effect as to Phase III and the Phase III Tract. III Tract, together with all improvements thereon or to be located thereon, shall be held, sold and conveyed subject to such terms, covenants, conditions, easements, restrictions, uses, limitations and obligations set forth in the Declaration, all of which are for the purpose of enhancing and protecting the value, desirability and attractiveness of the Phase III The said terms, covenants, conditions, easements, Tract. restrictions, uses, limitations and obligations shall run with the Phase III Tract and shall be binding on all parties having or acquiring any right, title or interest in all or any part of the Phase III Tract, their heirs, successors and assigns, and shall inure to the benefit of each Owner and lessee thereof.

The Phase III Tract shall become a part of the Sutter's Mill condominium regime, as defined in the Declaration, and the twenty-five (25) Units shown on the survey map of Phase III attached hereto and made a part hereof as Exhibit "D", shall become Units, as defined in the Declaration, and from and after the filing hereof, SUTTER'S MILL CONDOMINIUM-

VOLS PAGE 6771 ST

PHASE III shall be a part of the Sutter's Mill condominium regime as if it had been originally described in the Declaration and the percentage or fraction of ownership interests in the Common Elements, as defined in the Declaration, is hereby reallocated and established among the total of eighty (80) Units as set out in Exhibit "E" of this Second Supplemental Declaration.

Declarant does also hereby amend the Declaration to provide that the administration of the Sutter's Mill condominium regime shall be by Stanford/College Station Council of Co-Owners, a Texas non-profit corporation, and Section 3.1 of the Declaration shall be so amended.

This Second Supplemental Declaration of Merger and
Annexation 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 or Mortgagee shall be materially affected.

IN WITNESS WHEREOF, the undersigned, being the Declarant herein, has executed this instrument this **28** day of **MAXCA**, 1983.

STANFORD ASSOCIATES, INC.; a Texas corporation

S wike

JOHN SCHMID
Its: Vice-President

THE STATE OF TEXAS S
S
COUNTY OF BRAZOS S

BEFORE ME, the undersigned authority, on this day personally appeared JOHN SCHMID, Vice-President of STANFORD ASSOCIATES, INC., a Texas corporation, known to me to be the person and officer whose name is subscribed to the foregoing

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instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein stated, as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 28th day of Mach, 1983.

Notary Public in and for Brazos County, T E X A S

My Commission Expires:

11/105

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LEGAL DESCRIPTION OF LAND

All that certain 2.87 acre tract or parcel of land lying and being situated in Brazos County, Texas, and being a portion of the 6.16 acre Reserve Tract, Block Two (2), GREEK VILLAGE, PHASE II, an addition to the City of College Station, Texas, according to plat of said addition recorded in Volume 408, page 241, Deed Records of Brazos County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at the point of intersection of the northeast right-of-way line of Stallings Drive with the southeast right-of-way line of Dominik Drive, same being the west corner of the aforementioned 6.16 acre reserve tract;

THENCE N 45° 03' 18" E along the said southeast right-of-way line of Dominik Drive for a distance of 272.06 feet to the beginning of a curve to the right;

THENCE southeasterly along said curve to the right for an arc distance of 39.550 feet to the end of said curve, same lying on the southwest right-of-way line of Olympia Way, (Curve Data: central angle = 90° 38' 12", radius = 25.00 feet, tangent = 25.28 feet, the chord bears S 89° 37' 36" E for a distance of 35.51 feet);

THENCE S 44° 18' 30" E along the said southwest right-of-way line of Olympia Way for a distance of 587.38 feet to the beginning of a curve to the right;

THENCE southwesterly along said curve to the right for an arc distance of 39.28 feet to the end of said curve, same lying on northwest right-of-way line of University Oaks Boulevard; (Curve Data: central angle = 90° 00' 42", radius = 25.00 feet, tangent = 25.01 feet, the chord bears S 00° 41' 51" W for a distance of 35.36 feet);

THENCE S 45° 42' 12" W along the said northwest right-of-way line of University Oaks Boulevard for a distance of 288.01 feet to the center of an 80 foot Drainage Easement;

THENCE along the center of the said 80 foot Drainage Easement for the following calls:

N 04° 31' 16" W for a distance of 201.17 feet;

N 37° 46' 51" W for a distance of 355.10 feet;

N 84° 23' 23" W for a distance of 196.54 feet to the point of intersection with the northeast right-of-way line of Stallings Drive, same lying on a curve to the left;

THENCE northwesterly along said curve to the left for an arc distance of 4.04 feet, (Curve Data: central angle = 00° 26° 12", radius = 530.00 feet, tangent = 2.02 feet, the chord bears N 44° 43' 36" W for a distance of 4.04 feet, to the PLACE OF BEGINNING and containing 2.87 acres of land, more or less.

VOB7SPAGE 674

VOL PASE

Field Notes of a 1.75 Acre Tract GREEK VILLAGE, PHASE II College Station, Brazos County, Texas

Field notes of a 1.75 acre tract or parcel of land lying and being situated in Brazos County, Texas, and being a portion of the 6.16 acre Reserve Tract, Block Two (2), GREEK VILLAGE, PHASE II, an addition to the City of College Station, Texas, according to plat of said addition recorded in Volume 408, page 241, Deed Records of Brazos County, Texas, and being more particularly descibed by metes and bounds as follows:

COMMENCING at the point of intersection of the northeast right-ofway line of Stallings Drive with the southeast right-of-way line of Dominik Drive, same being the west corner of the aforementioned 6.16 acre reserve tract;

THENCE along a curve in the southeast right-of-way line of Stallings Drive for an Arc Distance of 4.04 feet to the center of an 80 foot Drainage easement for the Place of Beginning (Curve Data: Central Angle = 00°26'12", Radius = 530.00 feet, Tangent = 2.02 feet, the chord bears S 44°43'45"E for a distance of 4.04 feet):

THENCE along the center of the said 80 foot Drainage easement for the following calls:

N 84°23'23"E for a distance of 196.54 feet;

S 37°46'51"E for a distance of 355.09 feet;

S 04°31'16"E for a distance of 38.50 feet to a point for corner;

THENCE 5 85°28"44"W for a distance of 103.25 feet to a point for corner;

THENCE N 76°01'16"W for a distance of 25.00 feet to a point for corner;

THENCE 5 74°58'44"W for a distance of 60.00 feet to a point corner;

THENCE S 27°58'44"W for a distance of 25.00 feet to a point for corner;

THENCE S 74.58.44"W for a distance of 40.00 feet to a point for corner:

THENCE S 04°01'16"E for a distance of 21.50 feet to a point corner;

THENCE S 85°58'44"W for a distance of 12.50 feet to a point for corner;

THERCE N 04"01'16"W for a distance of 20.00 feet to a maint corner:

85*58'44"W for a distance of 15.39 fect to a point lying on the Southeast right-of-way line of the said Stallings Drive:

THENCE N 05°52'09"W along the said southeast right-of-way for a distance of 36.22 to an iron rod marking the beginning of a curve concave to the west;

THENCE along the Arc of said curve in the southeast right-of-way line of Stallings Drive for a distance of 357.42 feet to the PLACE OF BEGINNING and containing 1.75 acres of land more or less (Curve Data : Central Angle = 38°38'21", Radius = 530.00 feet, Tangent = 185.81, the chord bears N 25°11'19"W for a distance of 350.69 feet);

-1,-12575 page 675 EXHIBIT "B"

FIELD NOTES 1.54 Acre Tract SUTTER'S MILL PHASE III

Being all that certain tract or parcel of land and being a portion of the 6.16 acre Reserve Tract, Greek Village, Phase II, an addition to the City of College Station, Texas, plat of said addition being recorded in Volume 408, Page 241 of the Deed Records of Brazos County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING: at an iron rod found marking the intersection of the east right-of-way line of Stallings Drive and the northwest right-of-way line of University Oaks Boulevard, said iron rod also being the most southerly corner of the aforesaid 6.16 acre reserve tract;

THENCE: 48.81 feet in a northwesterly direction along the arc of a curve in said Stallings Drive having a central angle of 1110 51' 50", a radius of 25.00 feet, a tangent of 36.97 feet and a long chord bearing N 78° 21' 53" W for a distance of 41.42 feet for corner:

THENCE: 135.87 feet continuing along Stallings Drive in a northwesterly direction along the arc of a curve having a central angle of 16° 33' 49", a radius of 470.00 feet, a tangent of 68.41 feet and a long chord bearing N 140 09' 04" W for a distance of 135.40 feet to the Point of Tangency;

THENCE: N 05° 52' 09" W continuing along the east line of Stallings Drive for a distance of 152.06 feet for corner;

THENCE: N 850 58' 44" E for a distance of 15.39 feet to a point for corner;

THENCE: S 040 01" 16" E for a distance of 20.00 feet to a point for corner;

THENCE: N 850 58' 44" E for a distance of 12.50 feet to a point for corner;

THENCE: N 040 01' 16" W for a distance of 21.50 feet to a point for corner;

THENCE: N 740 58' 44" E for a distance of 40.00 feet to a point for corner;

THENCE: N 27^D 58' 44" E for a distance of 25.00 feet to a point for corner;

THENCE: N 740 58' 44" E for a distance of 60.00 feet to a point for corner;

THENCE: S 76° 01' 16" E for a distance of 25.00 feet to a point for corner;

THENCE: N 850 28' 44" E for a distance of 103.25 feet to the center of an 80 foot Drainage easement for corner;

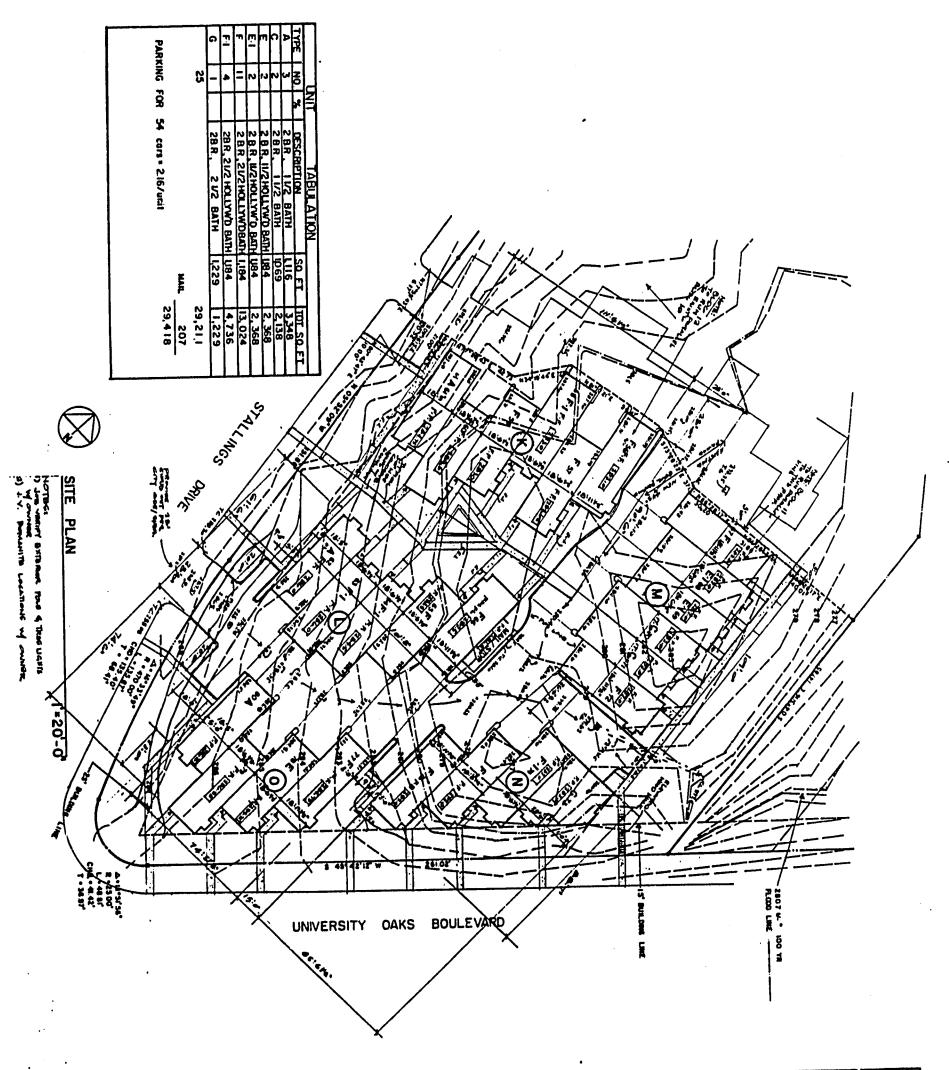
THENCE: S 040 31' 16" E for a distance of 162.67 feet along the center of the said 80 foot Drainage easement for corner, said corner also being in the aforesaid northwest right-of-way line of University Oaks Boulevard;

THENCE: S 45° 42' 12" W for a distance of 261.02 feet to the POINT OF BEGINNING and containing 1.54 acres of land, more or less, according to a survey made under the supervision of Michael R. McClure, Registered Public

Surveyor No. 2859 in January, 1983.

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REVIBIONS H/JAN/85

SUTTER'S MILL PHASE III

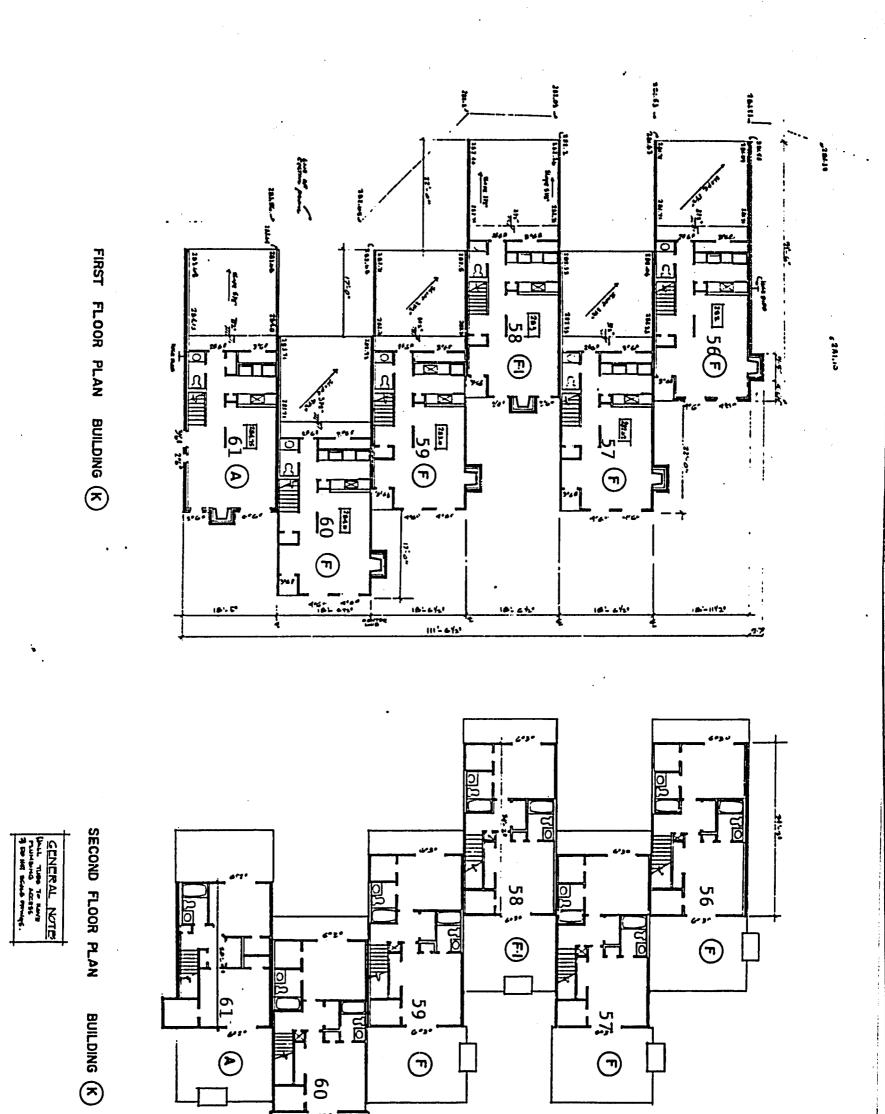


COLE/SMITH ASSOCIATES, INC. architects & planners 3817 Richmond Ave. suite 100 Houston, Tesse 77887

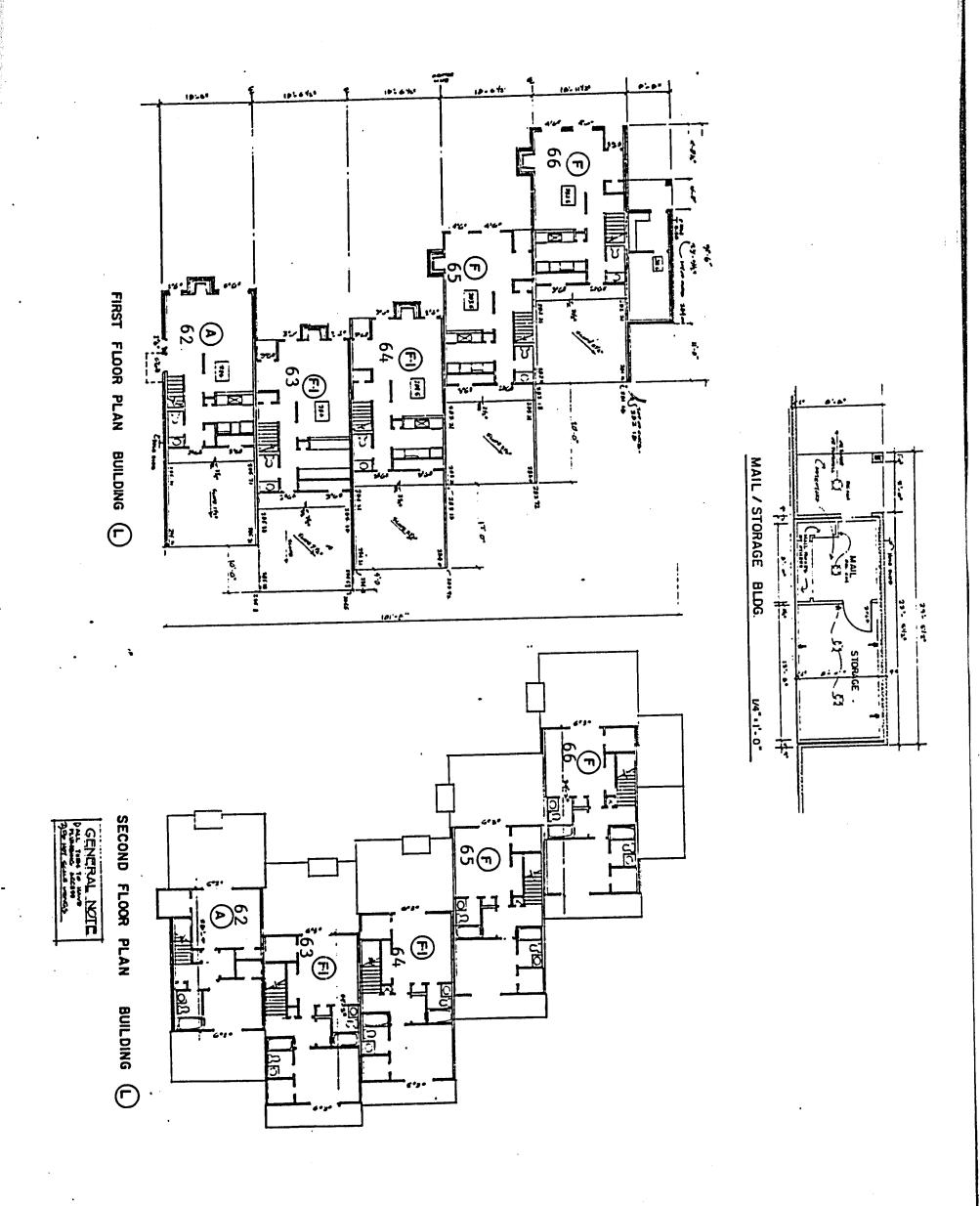


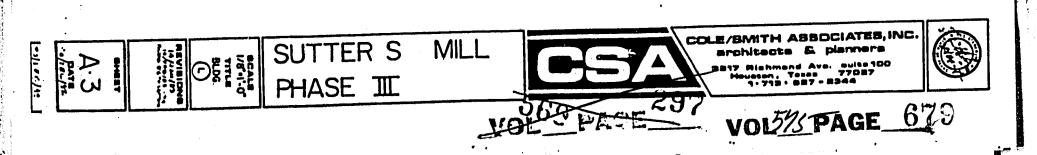
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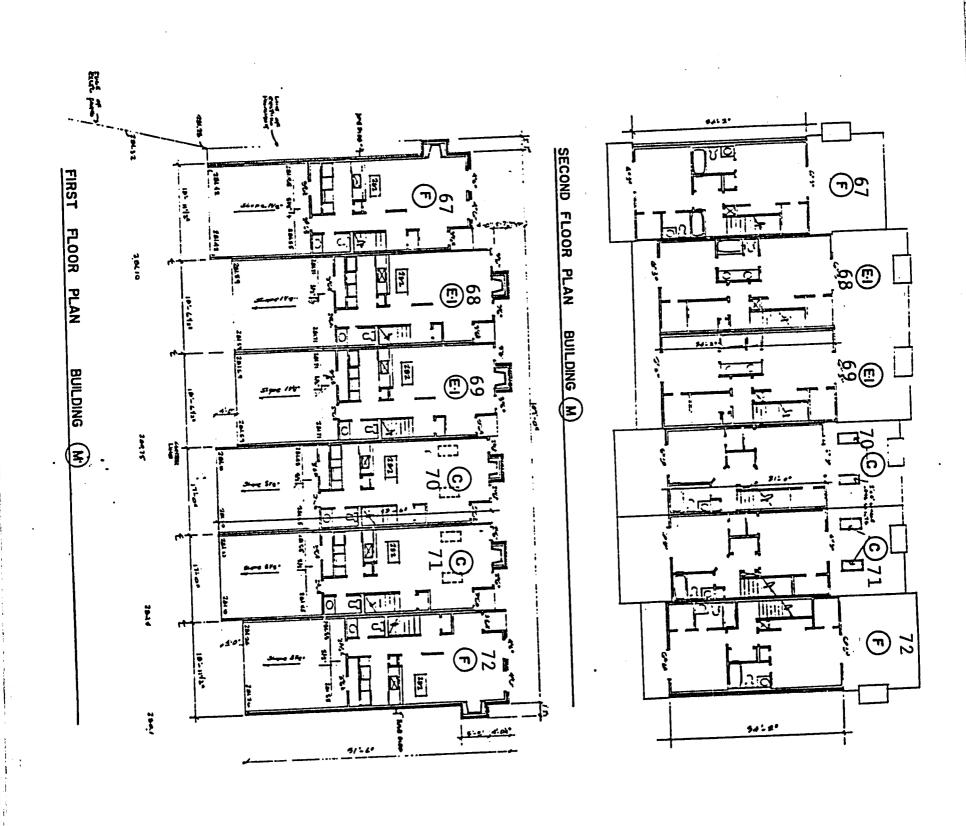
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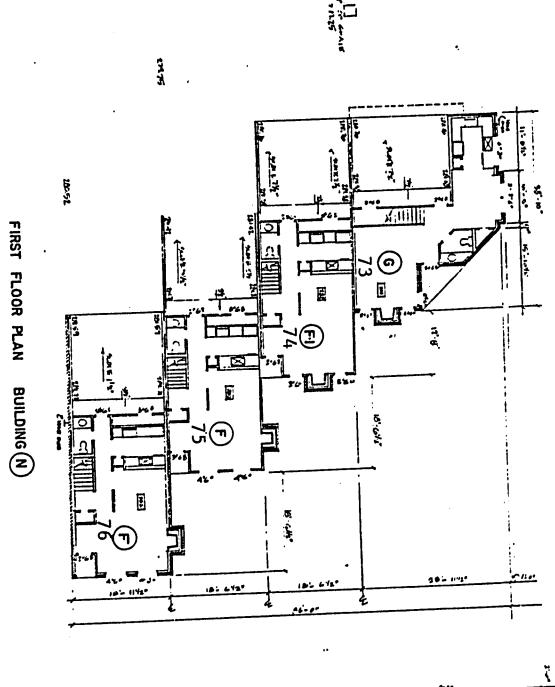


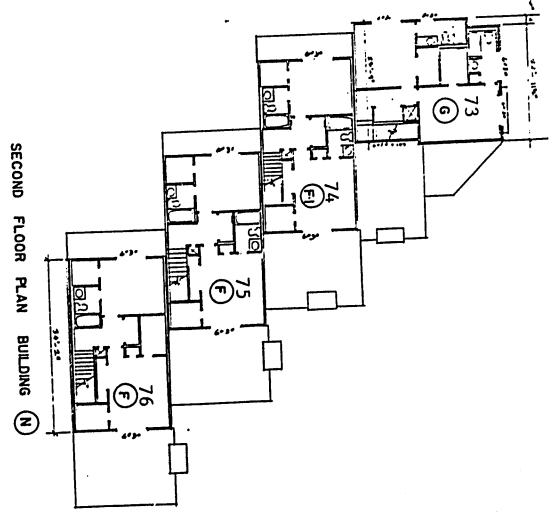






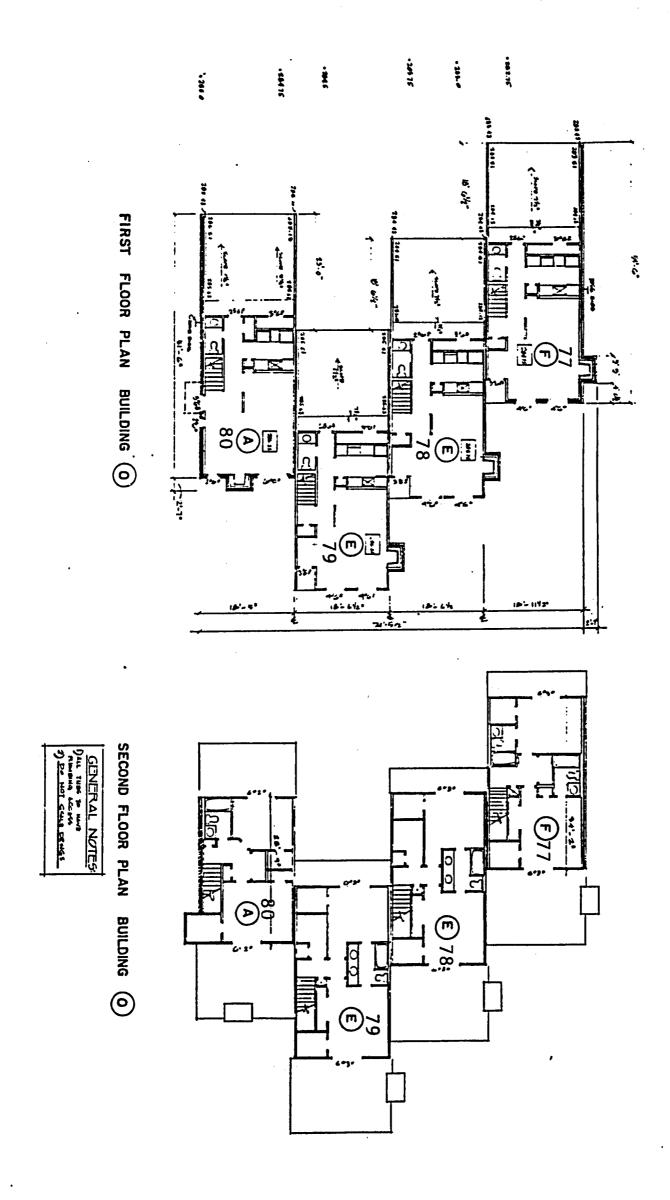
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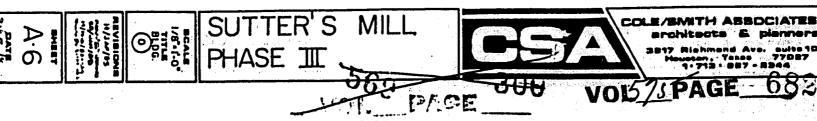




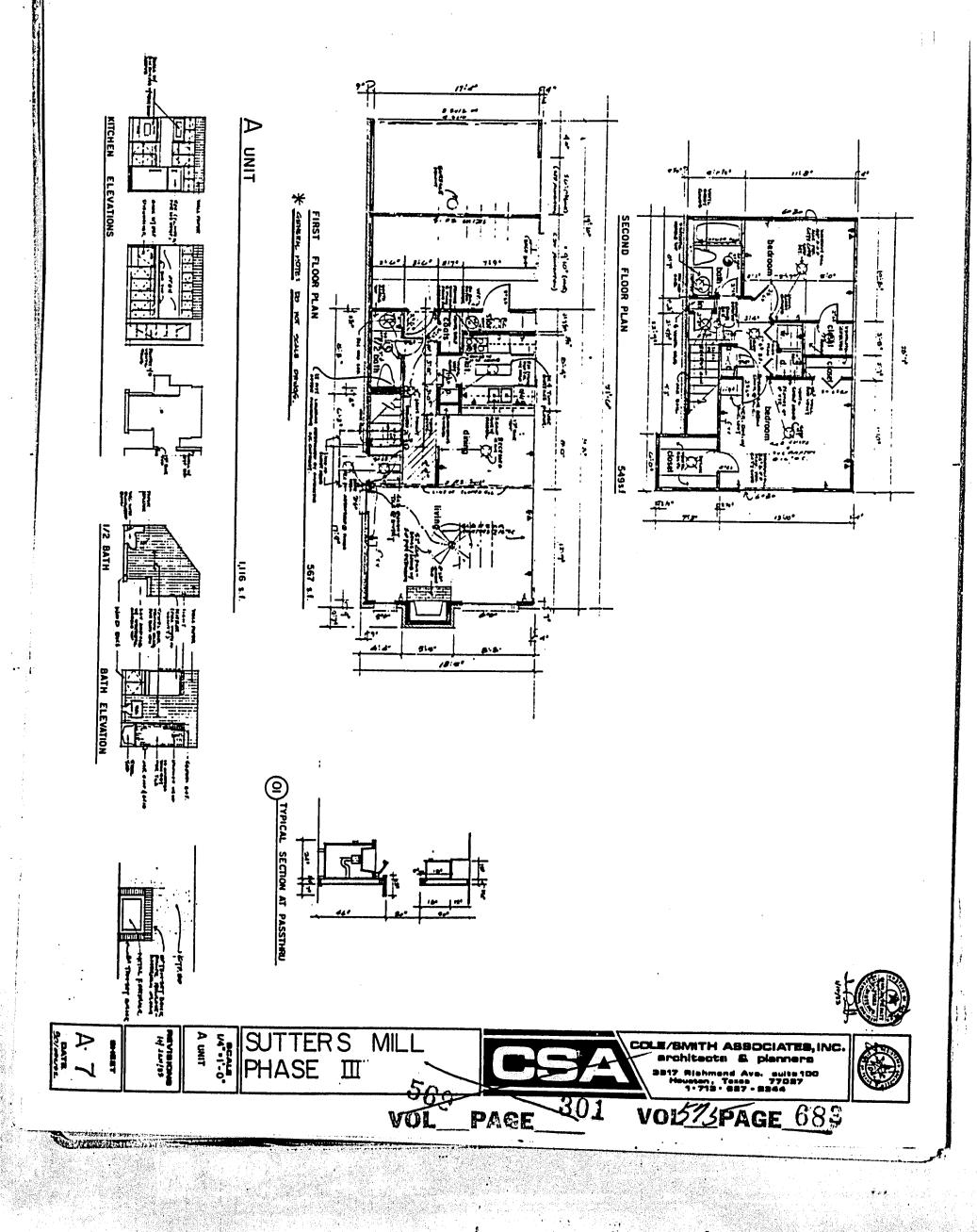


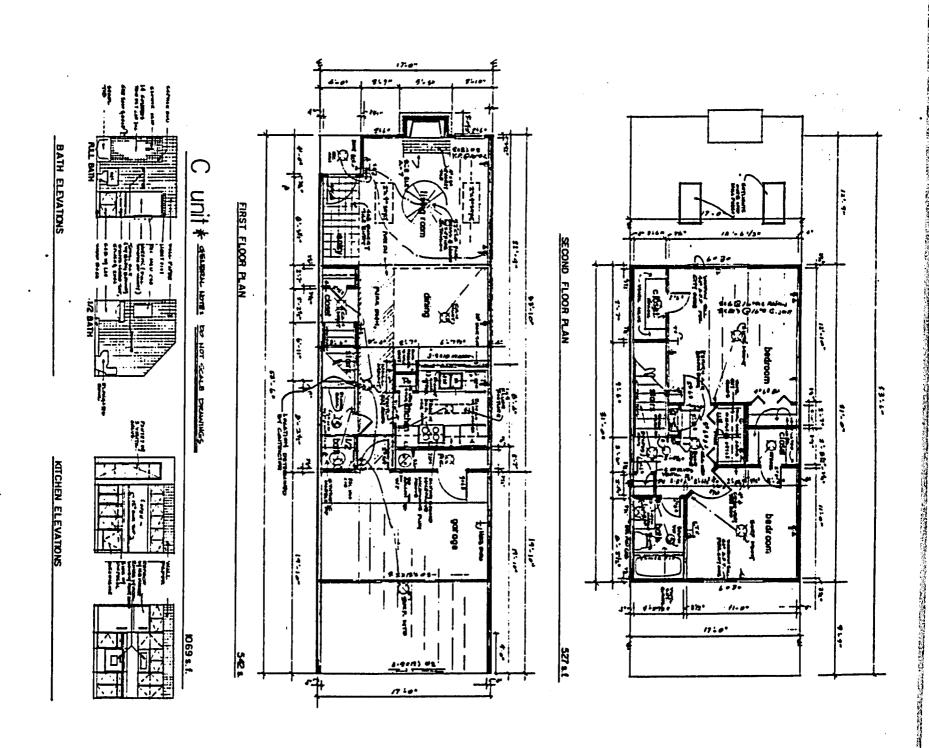
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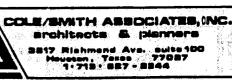






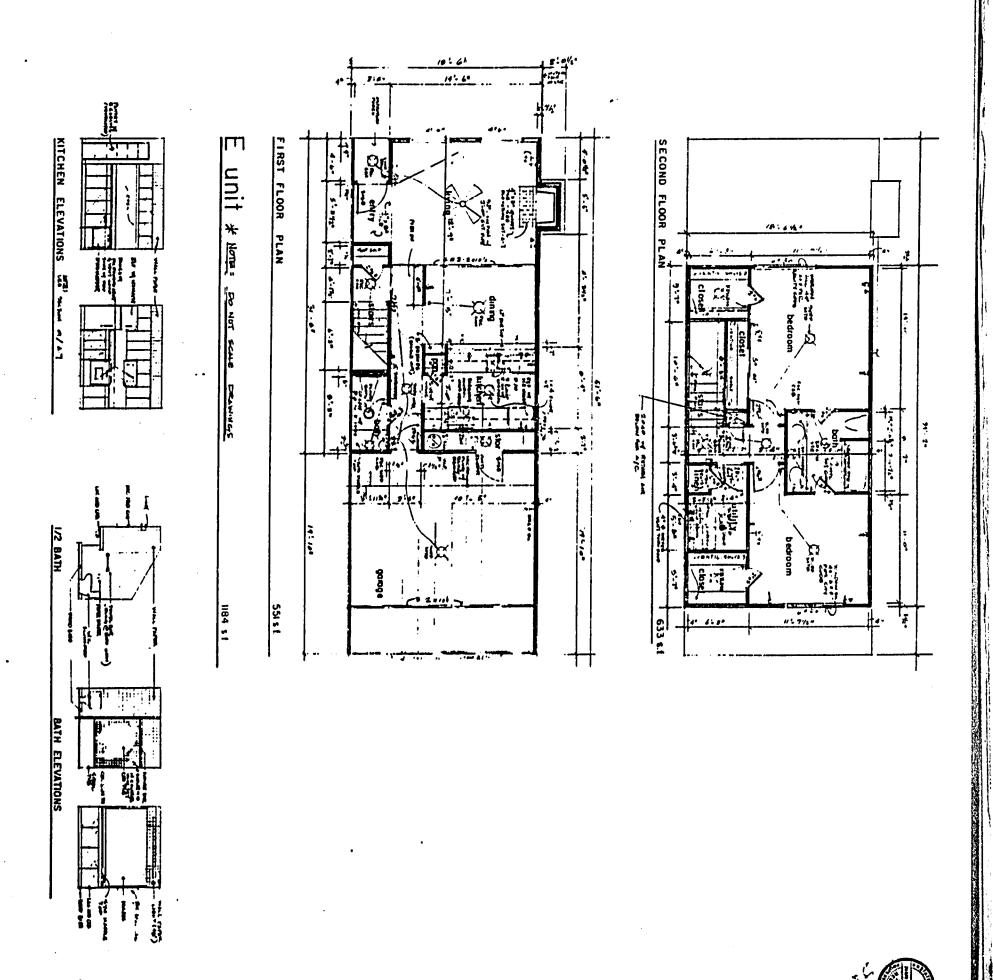








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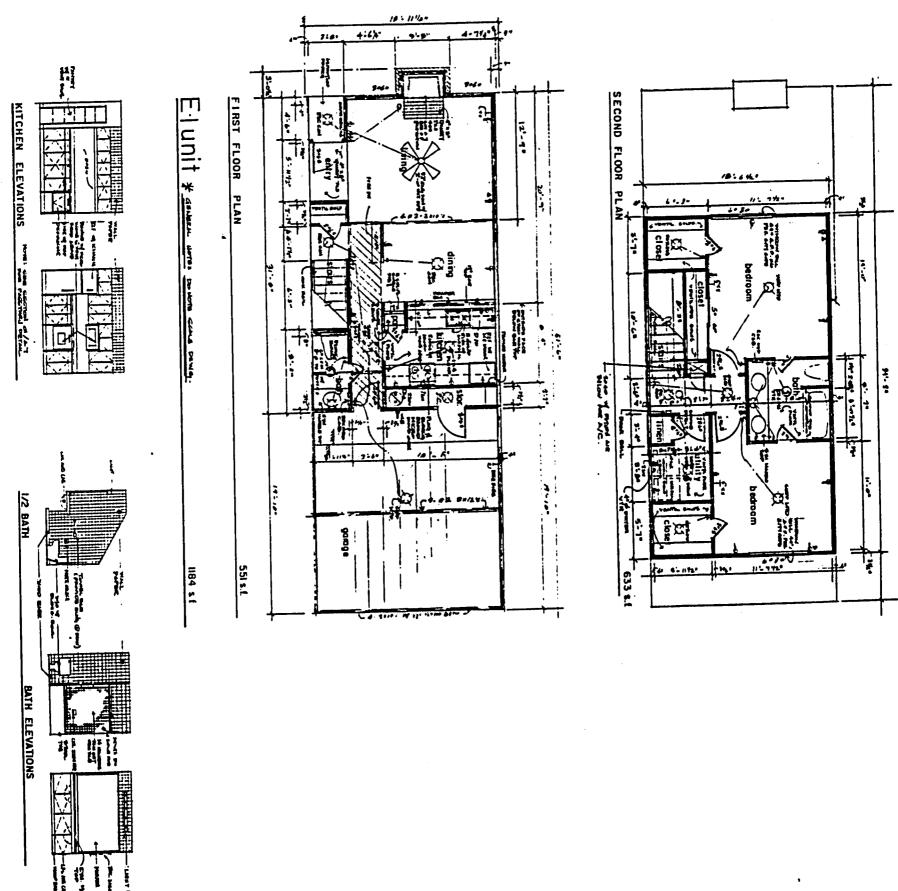
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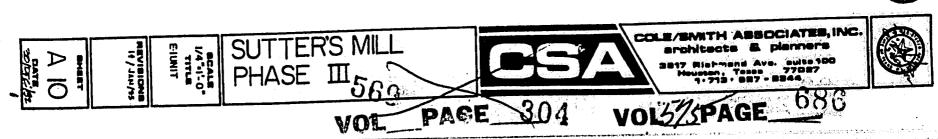
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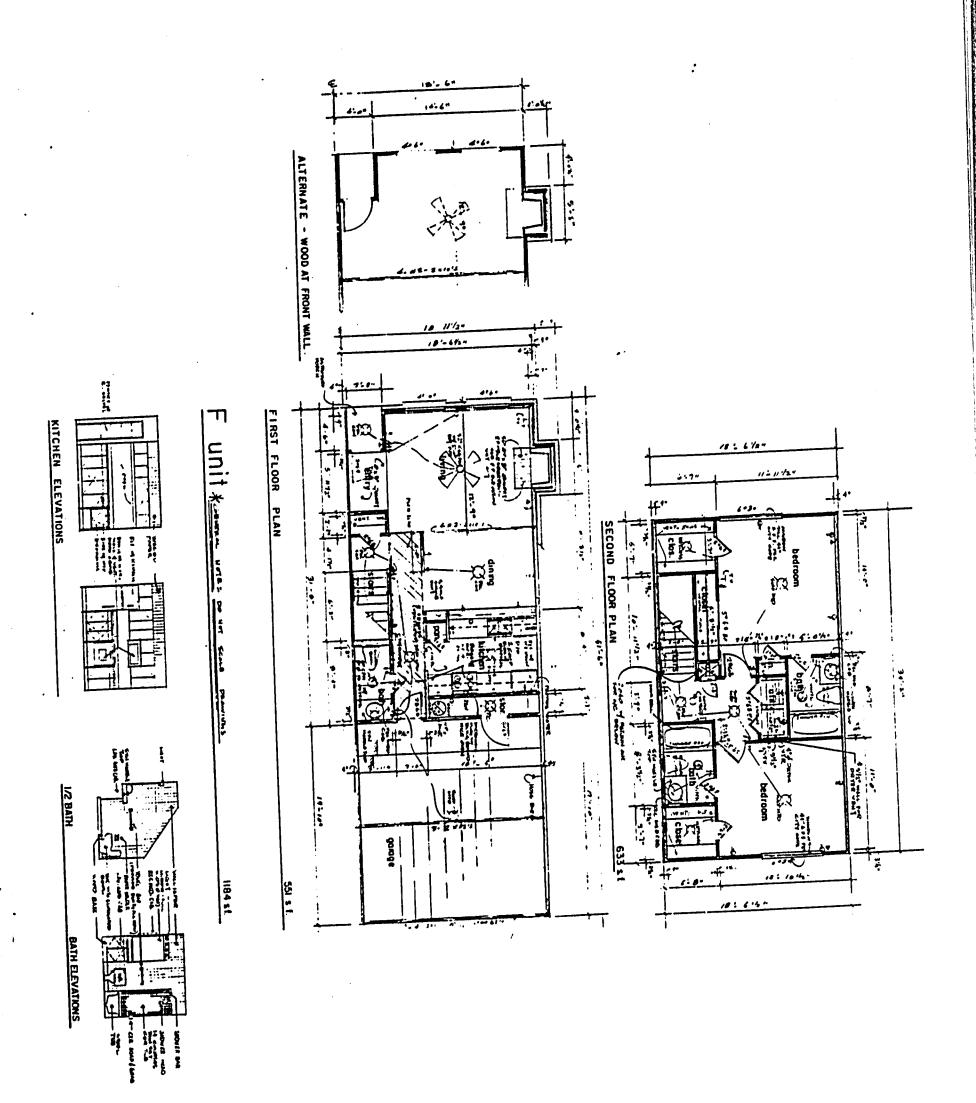
SUTTER'S MILL PHASE III

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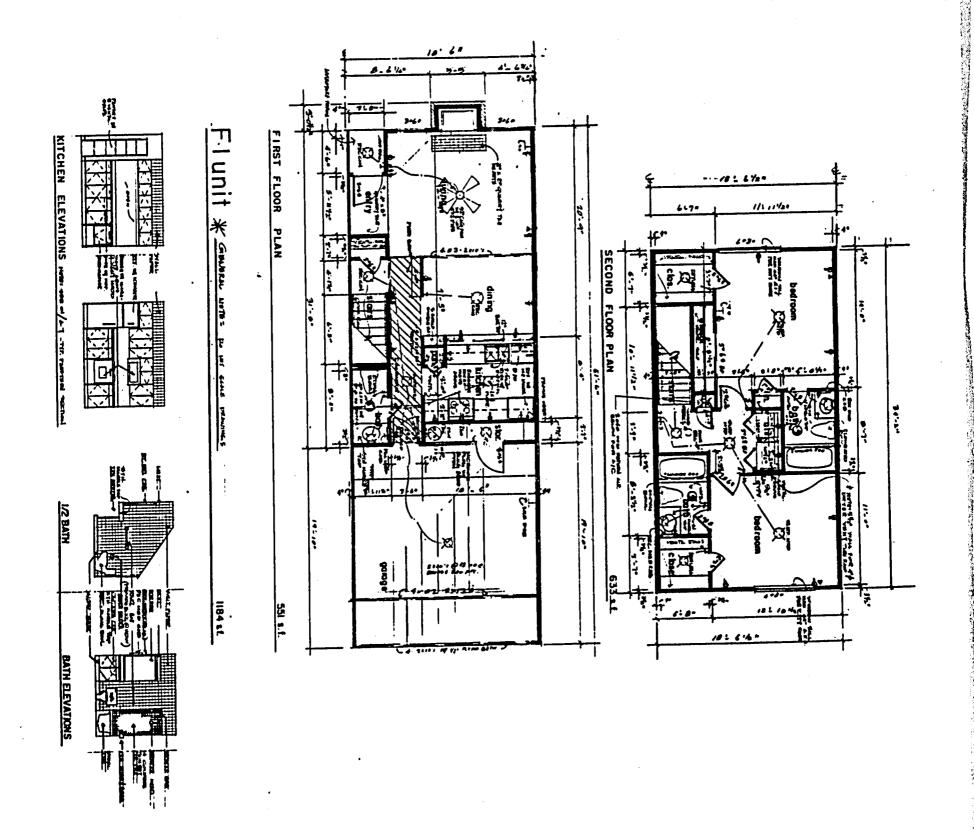




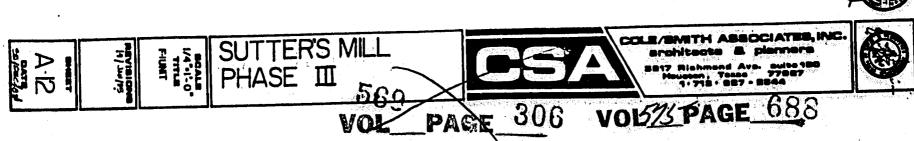


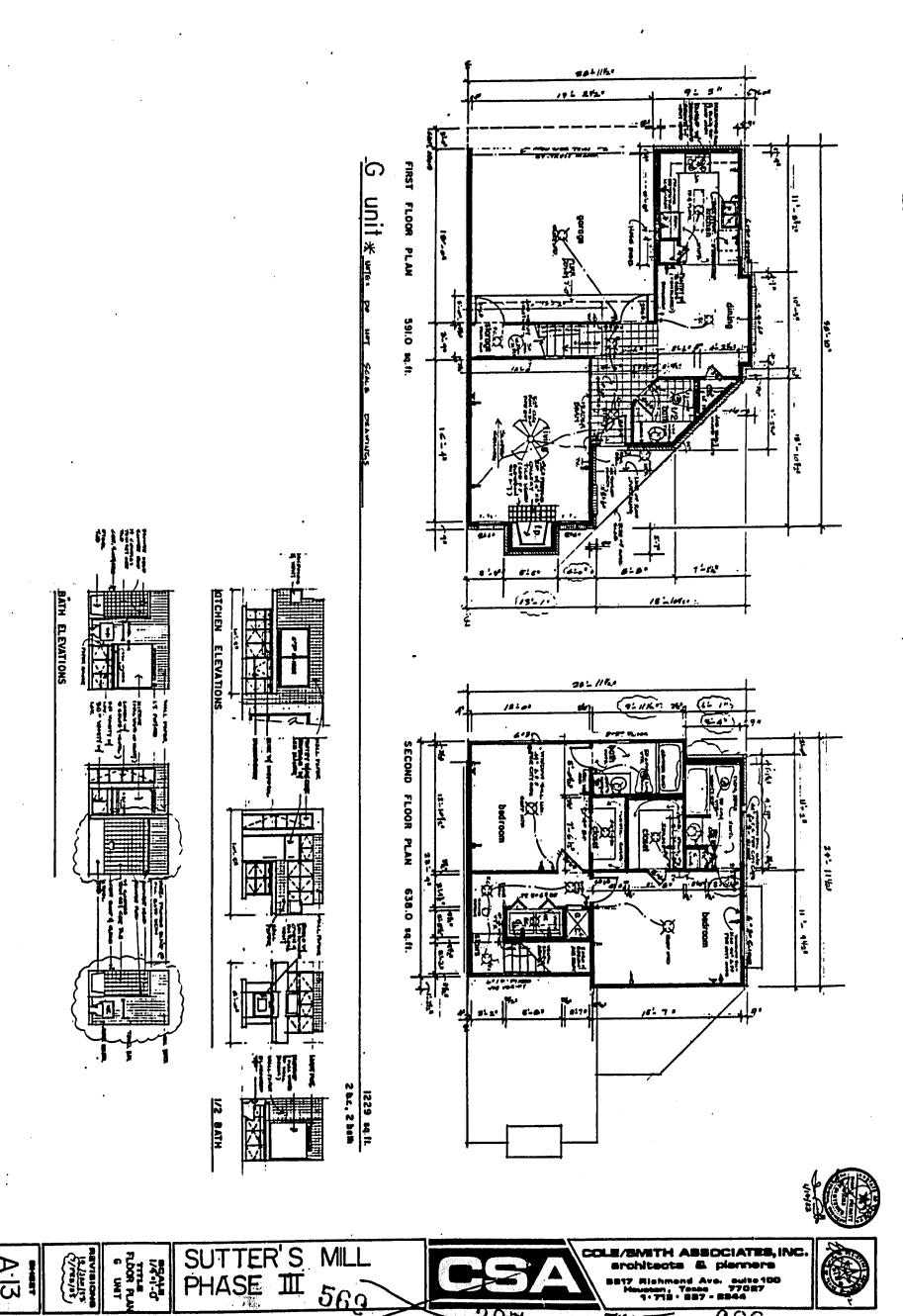






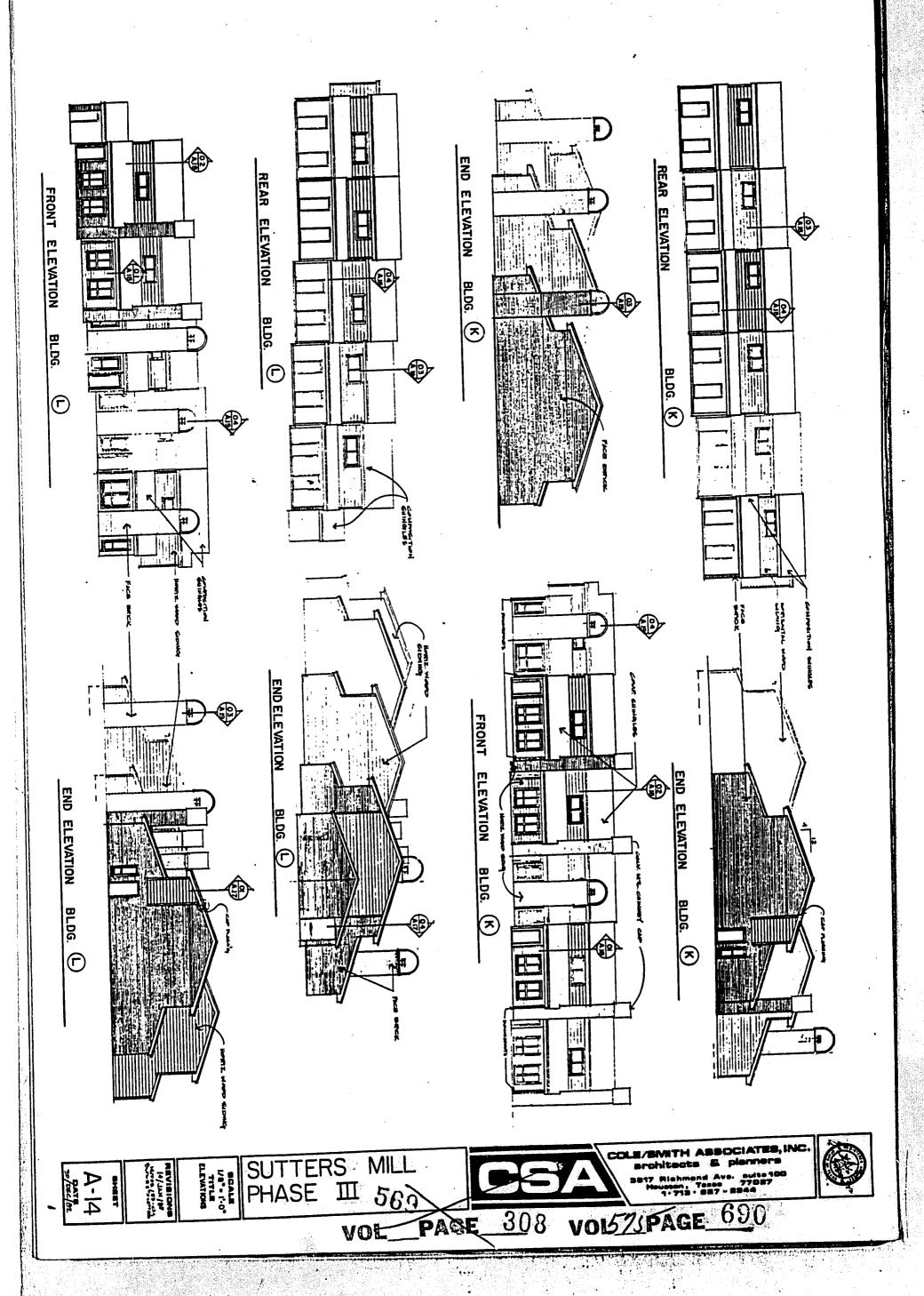


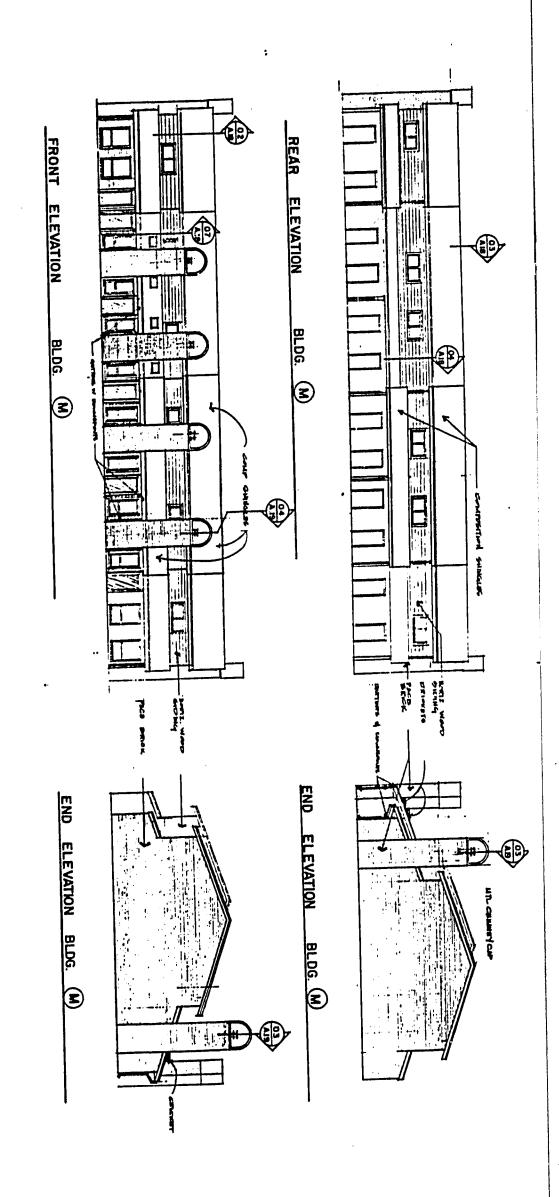


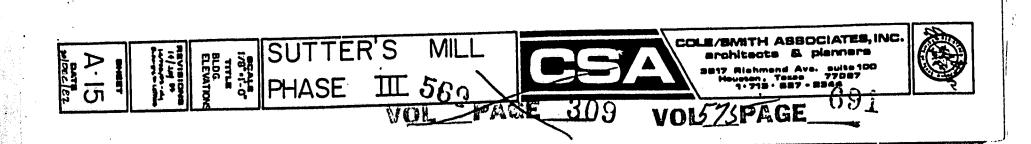


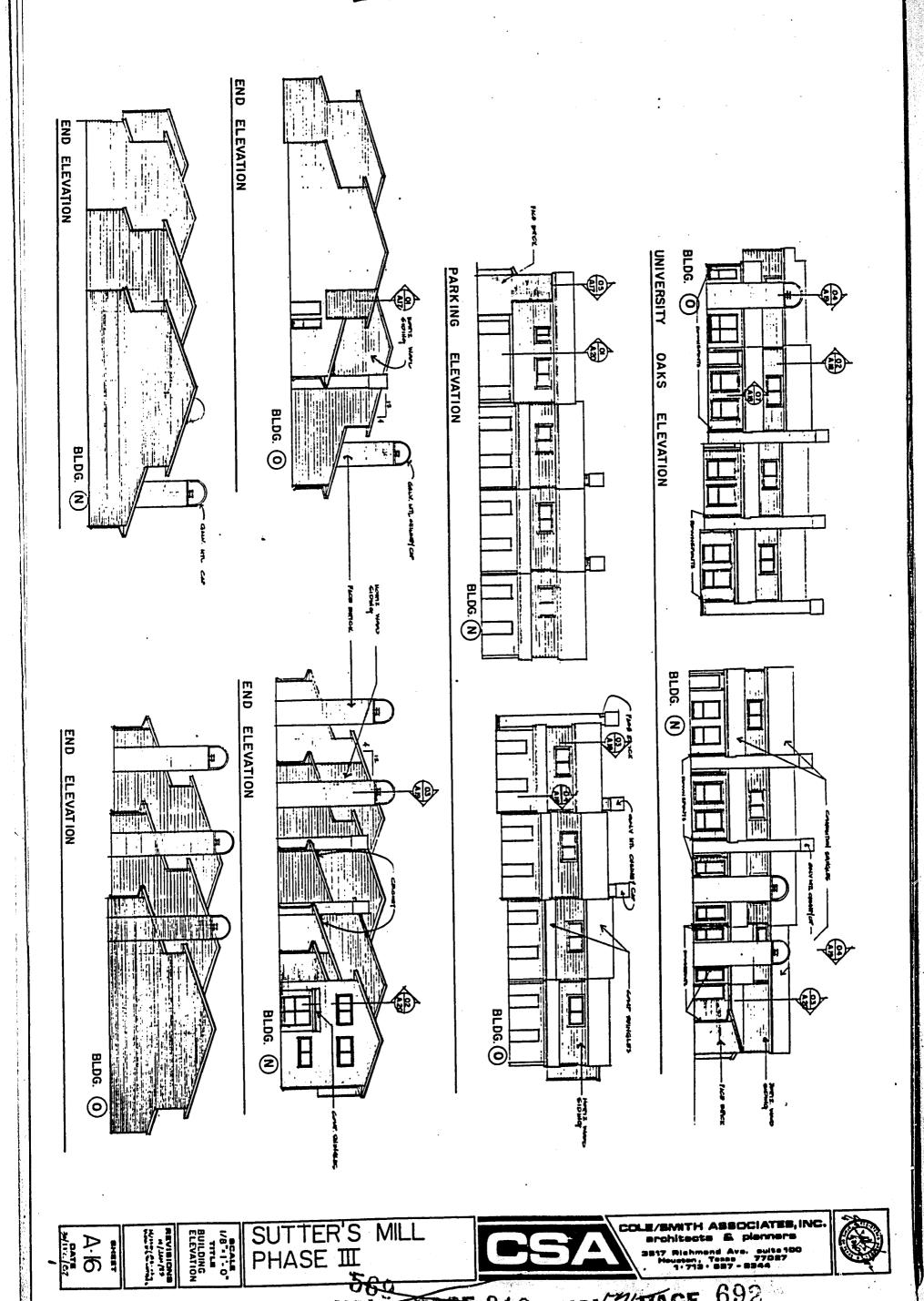
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VOL









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SUTTER'S MILL CONDOMINIUM

PERCENTAGE OWNERSHIP INTEREST IN GENERAL COMMON ELEMENTS

UNIT NUMBER	MODEL	SQUARE FEET	PERCENTAGE INTEREST
		1,226	1.343
1.	D	1,111	1.217
2.	<u>B</u>	1,111	1.217
3.	В	1,111	1.217
4.	В	1,116	1.222
5.	A	1,116	1.222
6.	A	1,111	1.217
7.	В	1,111	1.217
8.	B ·	1,111	1.217
9.	В	1,116	1.222
10.	A	1,111	1.217
11.	В	1,111	1.217
- 12.	В	1,116	1.222
13.	A	1,111	1.217
14.	В	1,111	1.217
15.	В	1,111	1.217
16.	В	1,111	1.217
17.	В	1,116	1.222
18.	A	1,069	1.171
19.	С	1,069	1.171
20.	C n	1,111	1.217
21.	В ,	1,111	. 1.217
22.	В	1,111	1.217
23.	В	1,111	1.217
24.	В	1,111	1.217
25.	В	1,111 "	1.217
26.	B B	1,111	1.217
27.		1,116	1.222
28.	A	1,116	1.222
29.	A B	1,111	1.217
30.	В	1,111	1.217
31.	В	1,111	1.217
32.	В	1,111	1.217
33.	В	1,111	1.217
34.	D	1,226	1.343
35.	r D	1,184	1.297
36.	<u>ਮ</u> ਯ	1,184	1.297
37.	E E E	1,184	1.297
38.	F	1,184	1.297
39.	Ā	1,116	1.222
40		1,116	1.222
41.	A F F	1,184	1.297
42.	F	1,184	1.297
43.	F	1,184	1.297 1.222
44.	A	1,116	1.222
45.	A	1,116	1.222
46.	F	1,184	1.297
. 47.	F	1,184	1.297
48.	F	1,184	1.171
49. 50	Ċ	1,069	1.171
50.		1,069	1.297
51.	C F	1,184	1.171
52 .	Ċ	1,069	1.297
53 .	F	1,184	1.222
54 .	A-1	1,116	,± 0 de de se
55.	- -		

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UNIT NUMBER		•	007
	F	1,184	1.297
56.	F	1,184	. 1.297
57.		1,184	1.297
58.	F-1	1,184	1.297
59.	F F	1,184	1.297
60.		1,116	1.222
61.	A	1,116	1.222
62.	A	1,184	1.297
63.	F-1	1,184	1.297
64.	F-1		1.297
65.	F	1,184	1.297
66.	F	1,184	1.297
67.	F	1,184	1.297
68.	E-1	1,184	1.297
69.	E-1	1,184	1.171
70.	С	1,069	1.171
71.	С	1,069	1.297
72.	F	1,184	1.346
	G	1,229	1.297
73.	F-1	1,184	1.297
· 74.	F	1,184	1.297
75 .	F	1,184	1.297
76.	F	1,184	1.297
77.	E	1,184	1.297
78.	· E	1,184	1.222
79.	Ä	1,116	1.224
80.	Ω	-	
TOTĀL		91,272	100.00%