

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

AFTER RECORDING, RETURN TO:
Bryan Heights Condominium Association, Inc.
c/o Essex Association Management, L.P.
1512 Crescent Drive, Ste. 112
Carrollton, Texas 75006

FIRST AMENDMENT TO CONDOMINIUM DECLARATION FOR BRYAN HEIGHTS CONDOMINIUMS

THIS FIRST AMENDMENT TO CONDOMINIUM DECLARATION FOR BRYAN HEIGHTS CONDOMINIUMS (this "Amendment") is made and entered by BRYAN HEIGHTS DEVELOPMENT LLC, a Texas limited liability company ("Declarant").

PRELIMINARY STATEMENTS

WHEREAS, Declarant executed that certain Condominium Declaration for Bryan Heights Condominiums dated July 19, 2017, and recorded on August 9, 2017 in Document Number 201700223969, of the Official Public Records of Dallas County, Texas, reference to which record is here made for all purposes (the "Declaration");

WHEREAS, in accordance with the terms of the Declaration, including, without limitation, Declarant's rights under Section 3.7 and Section 12.2 of the Declaration, the Declarant has the right at any time and from time-to-time without the joinder or consent of any other party, to unilaterally amend the Declaration by any instrument in writing duly signed, acknowledged, and filed for record in Dallas County, Texas.

WHEREAS, Declarant hereby desires to amend and modify the Declaration as hereinafter provided by this Amendment, which shall run with the land and title subject to the Declaration, as amended by this Amendment, and shall be binding on all persons having any right, title or interest in all or any portion of the real property now or hereafter made subject to the Declaration, as amended by this Amendment, and their respective heirs, legal representatives, successors-in-title and assigns.

NOW, THEREFORE, Declarant does hereby adopt this Amendment as follows:

1. Definitions. Unless otherwise defined in this Amendment, all capitalized words or terms used herein shall be defined and have the meaning set forth in the Declaration as modified and amended hereby.

2. Amendment(s). The Declaration is hereby modified and amended in the following respects:

(a) The definition of "Architectural Reviewer" in Section 1.1 of the Declaration is hereby amended and restated to read in its entirety as follows:

"Architectural Reviewer." A person(s) or entity as described in Section 5.1, and having the rights and duties as described in Article V hereunder."

(b) The definition of "Condominium" in Section 1.1 of the Declaration is hereby amended and restated to read in its entirety as follows:

"Condominium." The form of real property established by this Declaration with respect to the Property located in the County, in which portions of the Property are designated for individual ownership or occupancy and the remainder of the Property is designated for common ownership or occupancy solely by the Owners of such portions, and initially consisting of (i) five (5) Units in the first legal phase described as "Phase One" on Exhibit A attached hereto ("Phase One") within one Building ("Building One"), (ii) five (5) Units in the second legal phase described as "Phase Two" on Exhibit A attached hereto ("Phase Two") all within one Building ("Building Two"), (iii) five (5) Units in the third legal phase described as "Phase Three" on Exhibit A attached hereto ("Phase Three") all within one Building ("Building Three"), (iv) five (5) Units in the fourth legal phase described as "Phase Four" on Exhibit A attached hereto ("Phase Four") all within one Building ("Building Four"), and (v) five (5) Units in the fifth legal phase described as "Phase Five" on Exhibit A attached hereto ("Phase Five") all within one Building ("Building Five"). Phase One, Phase Two, Phase Three, Phase Four, Phase Five and any additional legal phase of the Condominium is herein referred to generally as a "Phase." The Declarant may, but is in no way obligated to, add additional Units to any Phase or add additional Phases of Units to create a maximum of one hundred thirty-five (135) Units in the aggregate in the Condominium by exercise of its development rights hereunder."

(c) Section 2.1(a) of the Declaration is hereby modified and amended to read in its entirety as follows:

"The Units. The Property is hereby divided into fee simple estates composed of five legal Phases, with five (5) Units in each Phase, being twenty-five (25) separately designated Units in the aggregate, and each such Unit's undivided interest in and to the Common Elements. Each Unit, together with such Unit's undivided interests in the Common Elements is for all purposes a separate parcel of and estate in real property. The separate parcels of and estates in real property designated hereby shall be created on the date of filing of this Declaration in the Condominium Records, and shall continue until this Declaration is revoked or terminated in the manner provided in this Declaration. During the Development Period, Declarant, by its Development Rights, has reserved the right to create a

maximum of one hundred thirty-five (135) Units on the Property and additional property added to the Condominium by adding Units to a particular Phase or by adding additional Phases of Units. To add Units to the Regime, Declarant during the Development Period may, from time to time, file an amendment to this Declaration creating such additional Units in a Phase or additional Phases of Units. To add additional Units to the Regime established by this Declaration, Declarant shall prepare, execute, and record an amendment to this Declaration and the Map which amendment will: (i) assign an identifying number to each new Unit and Phase (if applicable); (ii) reallocate the Allocated Interests among all Units then existing within the Condominium; (iii) describe Limited Common Elements; if any, assigned or designated to each new Unit; and (iv) with respect to new Units, include the information required by Section 82.055 and Section 82.059(b) of the Act. To add additional property to the Condominium, Declarant will record a declaration of annexation in the Official Public Records of Dallas County, Texas, which will include a description of the additional real property. The declaration of annexation may also include a description of the Units added to the Condominium if the Declarant elects to create Units upon recordation of the declaration of annexation OR Declarant may elect to create additional Units or Common Elements on the additional property subsequent to the recordation of the declaration of annexation. No assurance is given as to the dispersion of new Units, total number of new Units, or size of such Units."

(d) Exhibit "A", Exhibit "B" and Exhibit "C" of the Declaration are hereby modified and amended and replaced in their entirety with Exhibit "A", Exhibit "B" and Exhibit "C" attached hereto.

3. No Other Effect. Except as expressly amended by this Amendment, the terms and provisions of the Declaration are not amended, modified or supplemented.

4. Severability. Invalidation of any provision of this Amendment by judgment or court order shall in no way affect any other provision of this Amendment, or the remainder of this Amendment, which shall remain in full force and effect. Furthermore, in lieu of each such illegal, invalid, or unenforceable provision, there shall be added automatically as a part of this Amendment a provision as similar in terms to such illegal, invalid, or unenforceable provision as may be possible and be legal, valid, and enforceable.

5. Headings. The headings contained in this Amendment are for reference purposes only and shall not in any way affect the meaning or interpretation of this Amendment.

REMAINDER OF PAGE LEFT BLANK - SIGNATURE PAGE FOLLOWS

IN WITNESS WHEREOF, the undersigned have executed this Amendment effective as of the date set forth above.

DECLARANT:

BRYAN HEIGHTS DEVELOPMENT LLC,
a Texas limited liability company

By: _____
Name: Bryan Winters
Title: Pres

STATE OF TEXAS §
 §
COUNTY OF Dallas §

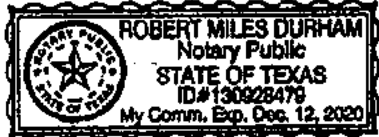
BEFORE ME, the undersigned authority, on this day personally appeared Bryan Winters, of BRYAN HEIGHTS DEVELOPMENT LLC, a Texas limited liability company, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that s/he executed the same for the purposes and consideration therein expressed, and as the act and deed of said limited liability company, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 14th day of September, 2017

R. Miles Durham
Notary Public in and for the State of Texas

My Commission Expires: Dec 12 2020

- List of Revised Exhibits:
- Exhibit "A" – Legal Description
 - Exhibit "B" – Map
 - Exhibit "C" - Allocation of Ownership Interests



Bryan Heights

Exhibit 'A'

LAND - SURVEYOR CERTIFICATION



Bryan Heights

Exhibit 'A'

LAND - LEGAL DESCRIPTION

PHASE 1:

Lot 19, Block 5/710, of the Scruggs Subdivision

PHASE 2:

Lot 11, Virginia & Grigsby Ave.,
Scruggs Addition in City Block 5/710

PHASE 3:

Lot 20, Block 5/710, of the Scruggs Subdivision

PHASE 4

Lot 18, Block 5/710, of the Scruggs Subdivision

PHASE 5:

Lot 17, Block 5/710, of the Scruggs Subdivision



Bush Architects

Bryan Heights

Exhibit 'B'

Notes

1. All hallways, elevators, stairs and landings which are not located in a unit, are general common elements.
2. All Balconies are part of the unit to which attached.
3. The Unit plans show interior wall to interior wall measurements. The actual unit dimensions, which extend into the wall and floor cavities as described in the declaration, and summarized here:

For units on Levels 2 and 3, the lower boundary is the underside of the sub-flooring.

Each unit's upper boundary in the exterior surface of the sheetrock comprising the unit's perimeter ceilings.

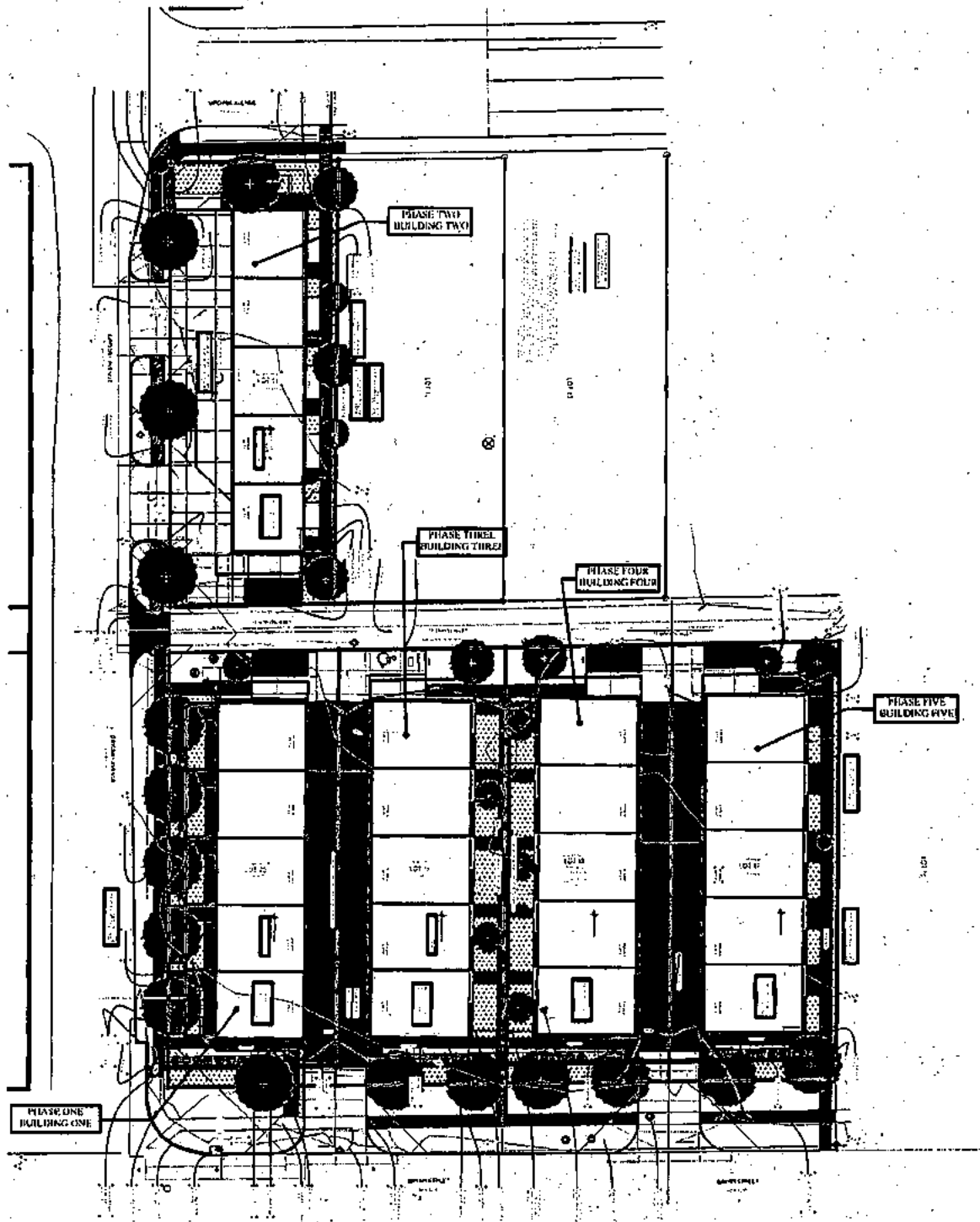
On party-walls, walls between two units, on half of the wall cavity is within the unit's dimensions. The unit's lateral boundaries are the planes defined by the midpoints of the party wall

On all other perimeter walls, the unit's lateral boundaries are the planes defined by the outside-facing surfaces of the sheetrock on the perimeter walls of the living area and by the inside-facing surfaces of the doors and windows in the perimeter cavities, door and windows are not part of the Unit.

4. GCE = General Common Element
5. LCE = Limited Common Element

Bryan Heights

Exhibit 'B' LAND - SITE PLAN



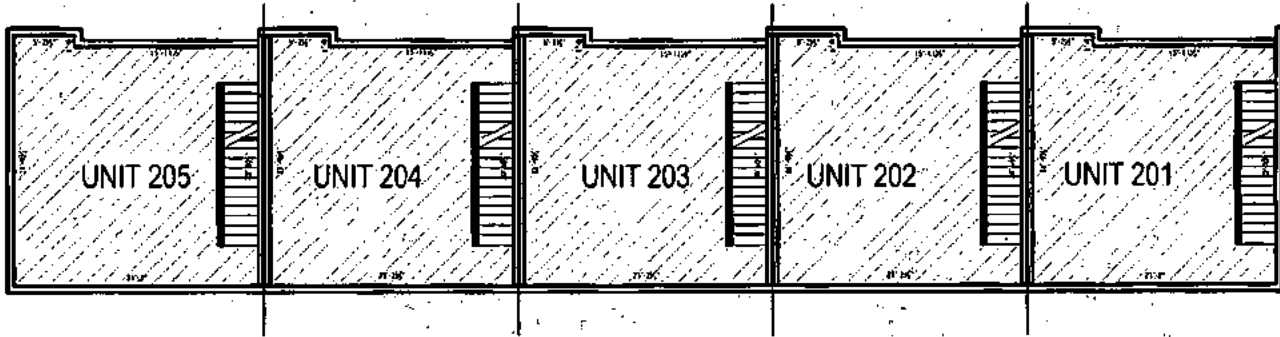
SCALE: 1" = 50'-0"



Bryan Heights

Exhibit 'B'




PHASE TWO - BUILDING TWO
LOT 11 - FIRST FLOOR
1460 Grigsby Ave.



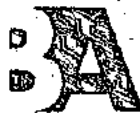
FLOOR PLAN - GROUND LEVEL

Elevations on this level are between 514.4583' and 514.4583' based upon a finished floor elevation of 514.4583' at ground level.



-  GENERAL COMMON ELEMENT
-  UNIT
-  LIMITED COMMON ELEMENT

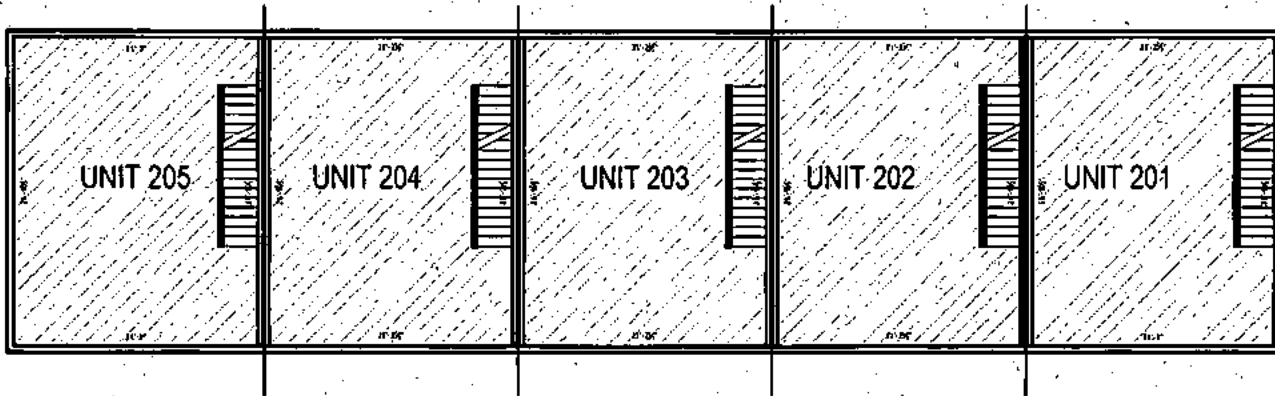
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Bryan Heights

Exhibit 'B'




PHASE TWO - BUILDING TWO LOT 11 - SECOND FLOOR



FLOOR PLAN - SECOND LEVEL

Elevations on this level are between 514.4583' and 524.4583' based upon a finished floor elevation of 504.4583' at ground level.



-  GENERAL COMMON ELEMENT
-  UNIT
-  LIMITED COMMON ELEMENT

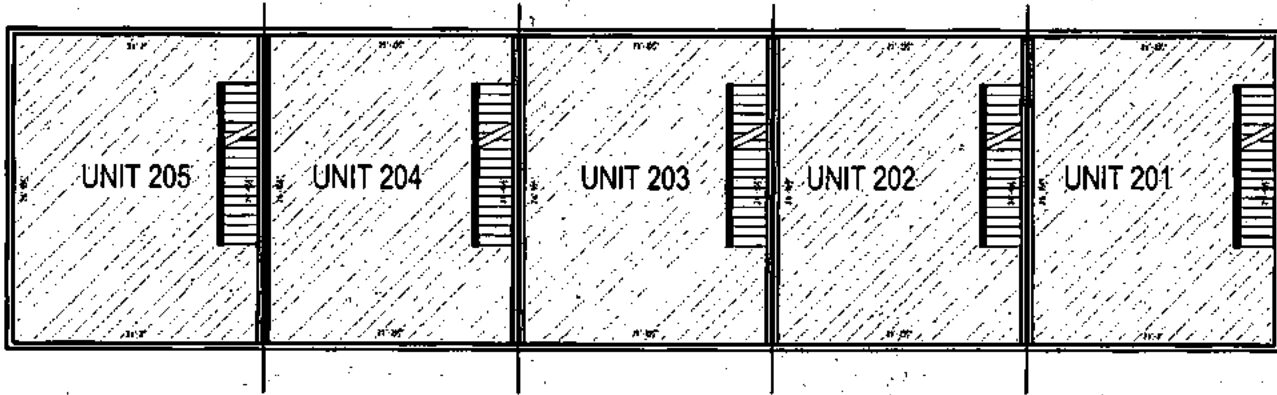
SCALE: 1/16" = 1'-0"



Bryan Heights

Exhibit 'B'

PHASE TWO - BUILDING TWO
LOT 11 - THIRD FLOOR



FLOOR PLAN - THIRD LEVEL

Elevations on this level are between 524.4583' and 534.4583' based upon a finished floor elevation of 504.4583' at ground level.



GCE GENERAL COMMON ELEMENT

UNIT

LCE LIMITED COMMON ELEMENT

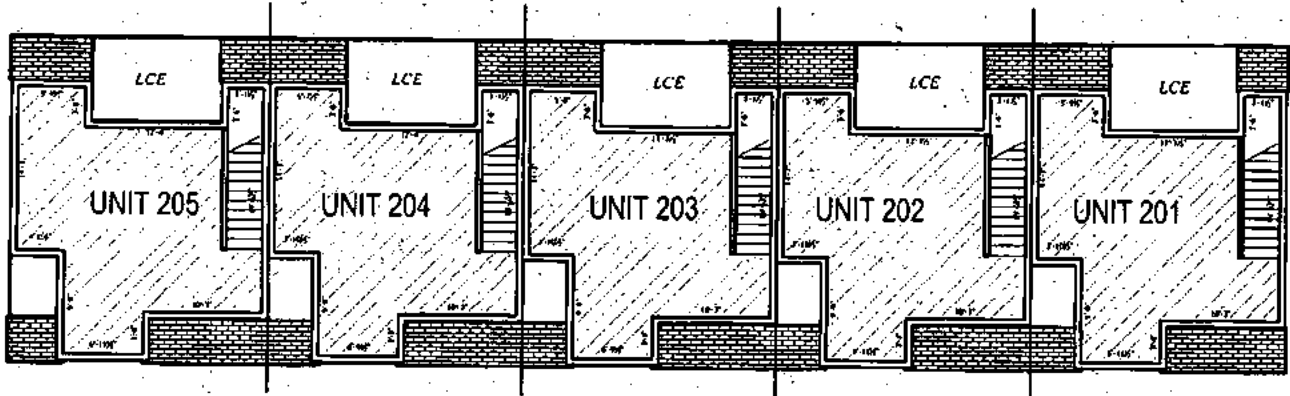
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Bryan Heights

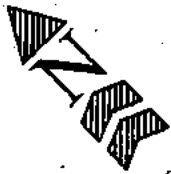
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


PHASE TWO - BUILDING TWO
LOT 11 - FOURTH FLOOR



FLOOR PLAN - FOURTH LEVEL

Elevations on this level are between 524.4583' and 534.4583' based upon a finished floor elevation of 504.4583' at ground level.



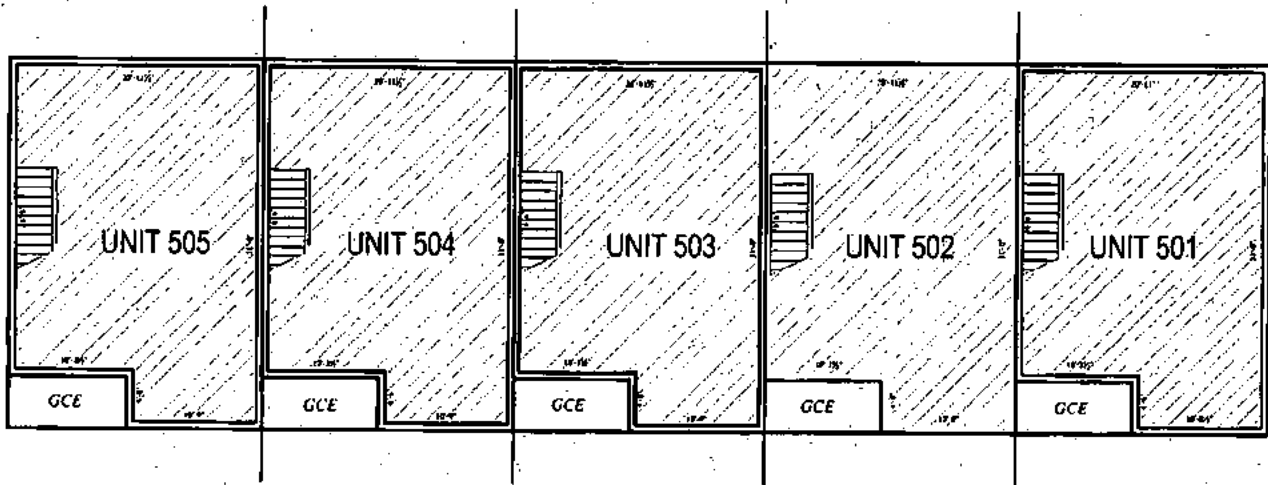
-  GENERAL COMMON ELEMENT
-  UNIT
-  LIMITED COMMON ELEMENT

SCALE: 1/16" = 1'-0"

Bryan Heights

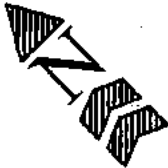
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


PHASE FIVE - BUILDING FIVE
LOT 17 - FIRST FLOOR
4713 Bryan St.



FLOOR PLAN - GROUND LEVEL

Elevations on this level are between 504.00' and 509.666' based upon a finished floor elevation of 504.00' at ground level.



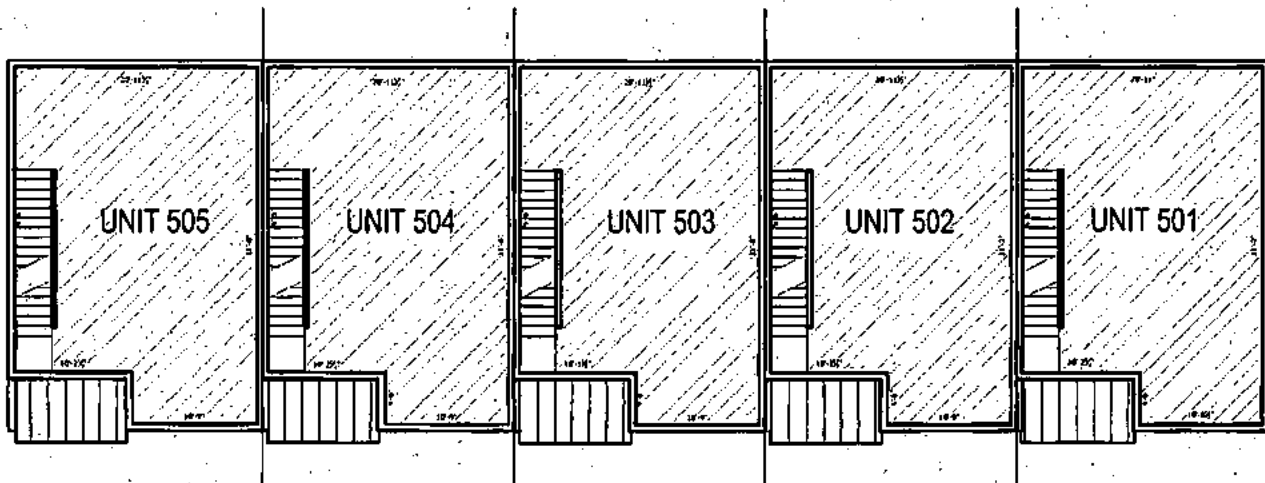
-  GENERAL COMMON ELEMENT
-  UNIT
-  LIMITED COMMON ELEMENT

SCALE: 1/16" = 1'-0"

Bryan Heights

Exhibit 'B'




PHASE FIVE - BUILDING FIVE
LOT 17 - SECOND FLOOR



FLOOR PLAN - SECOND LEVEL

Elevations on this level are between 509.6666' and 524.3333' based upon a finished floor elevation of 504.00' at ground level.



-  GENERAL COMMON ELEMENT
-  UNIT
-  LIMITED COMMON ELEMENT

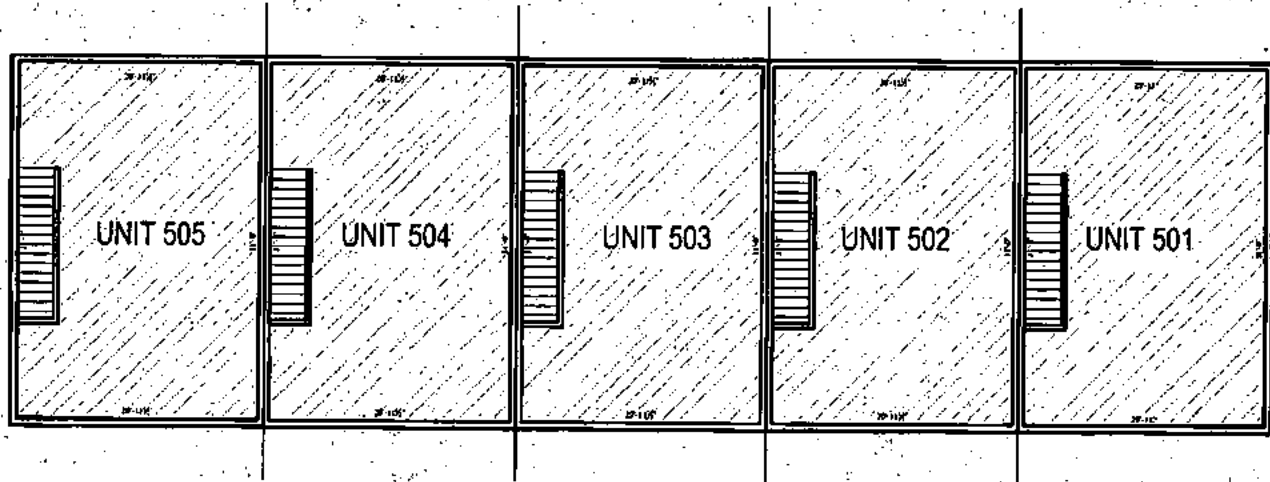
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Bryan Heights

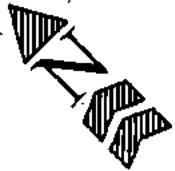
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
PHASE FIVE - BUILDING FIVE
LOT 17 - THIRD FLOOR




FLOOR PLAN - THIRD LEVEL

Elevations on this level are between 524.3333' and 534.1666' based upon a finished floor elevation of 104.00' at ground level.



 GENERAL COMMON ELEMENT

 UNIT

 LIMITED COMMON ELEMENT

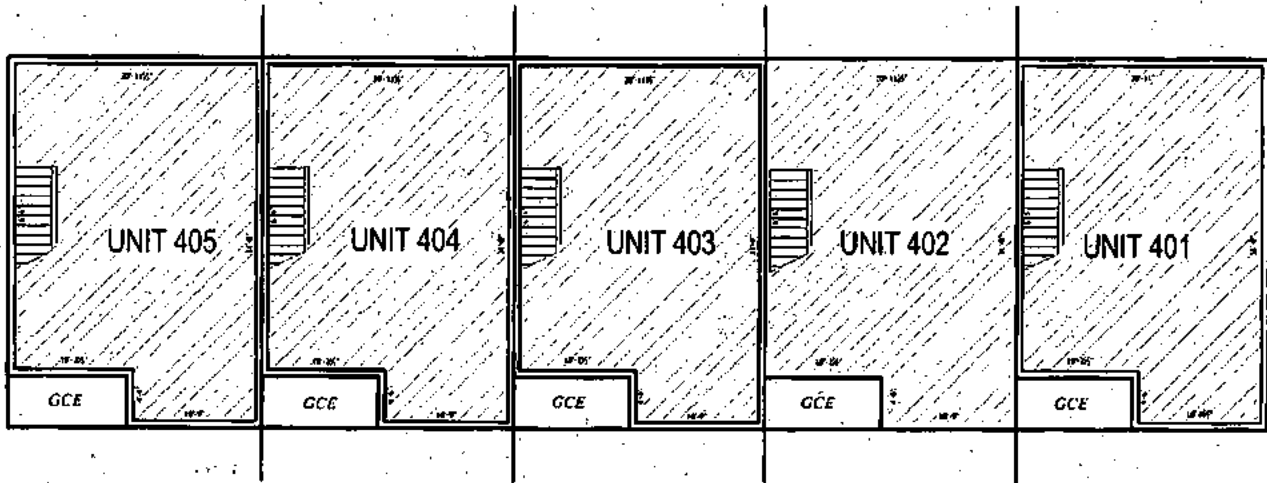
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Bryan Heights

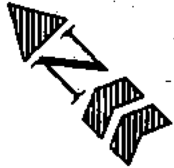
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

PHASE FOUR - BUILDING FOUR
LOT 18 - FIRST FLOOR
4709 Bryan St.



FLOOR PLAN - GROUND LEVEL

Elevations on this level are between 504.00' and 509.666' based upon a finished floor elevation of 504.00' at ground level.



-  GENERAL COMMON ELEMENT
-  UNIT
-  LIMITED COMMON ELEMENT

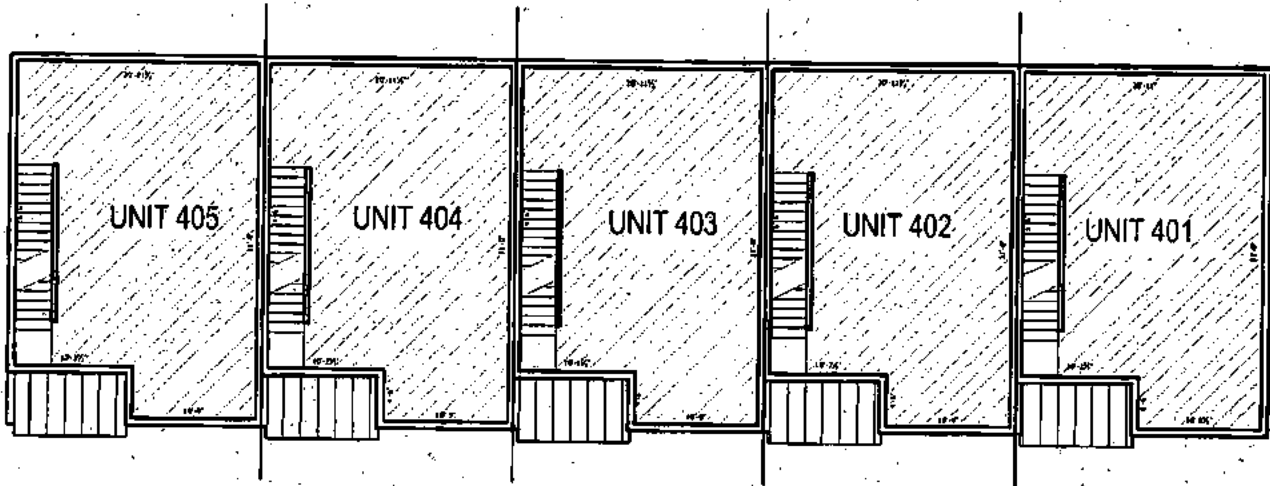
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Bryan Heights

Exhibit 'B'




PHASE FOUR - BUILDING FOUR
LOT 18 - SECOND FLOOR



FLOOR PLAN - SECOND LEVEL

Elevations on this level are between 309.6666'
and 324.3333' based upon a finished floor
elevation of 304.00' at ground level.



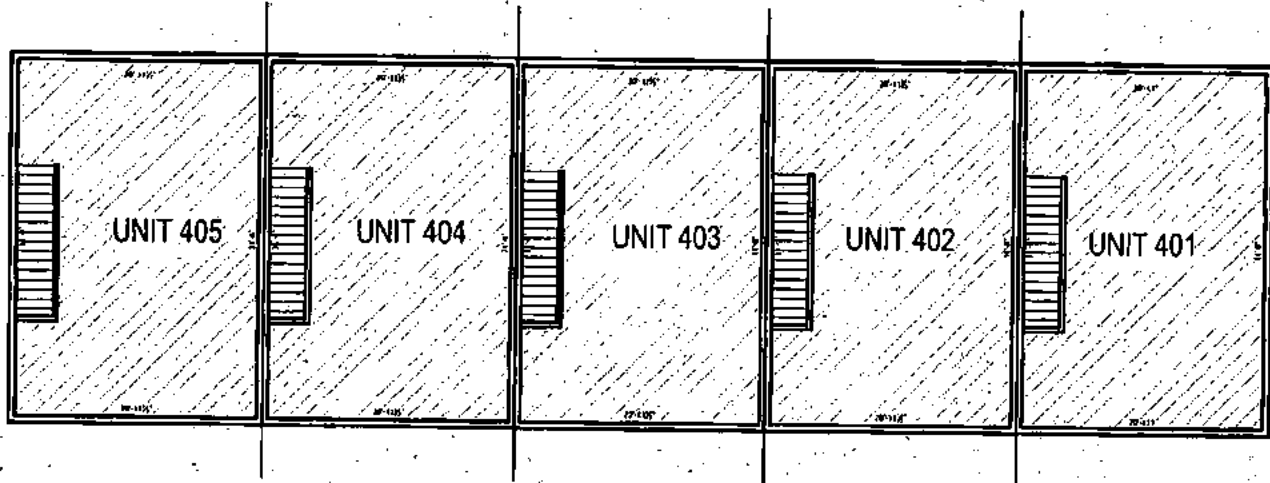
-  GENERAL COMMON ELEMENT
-  UNIT
-  LIMITED COMMON ELEMENT

SCALE: 1/16" = 1'-0"

Bryan Heights

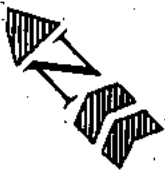
Exhibit 'B'


PHASE FOUR - BUILDING FOUR
LOT 18 - THIRD FLOOR




FLOOR PLAN - THIRD LEVEL

Elevations on this level are between 524.3333' and 534.1666' based upon a finished floor elevation of 504.00' at ground level.



 GENERAL COMMON ELEMENT

 UNIT

 LIMITED COMMON ELEMENT

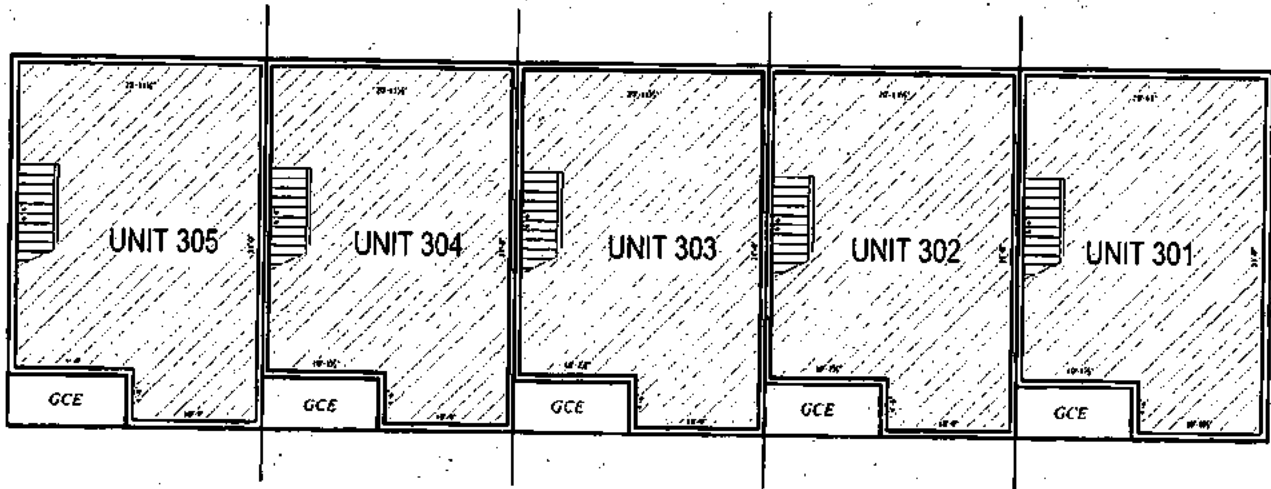
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Bryan Heights

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


PHASE THREE - BUILDING THREE
LOT 19 - FIRST FLOOR
4705 Bryan St.



FLOOR PLAN - GROUND LEVEL

Elevations on this level are between 504.2083' and 509.8749' based upon a finished floor elevation of 504.2083' at ground level.



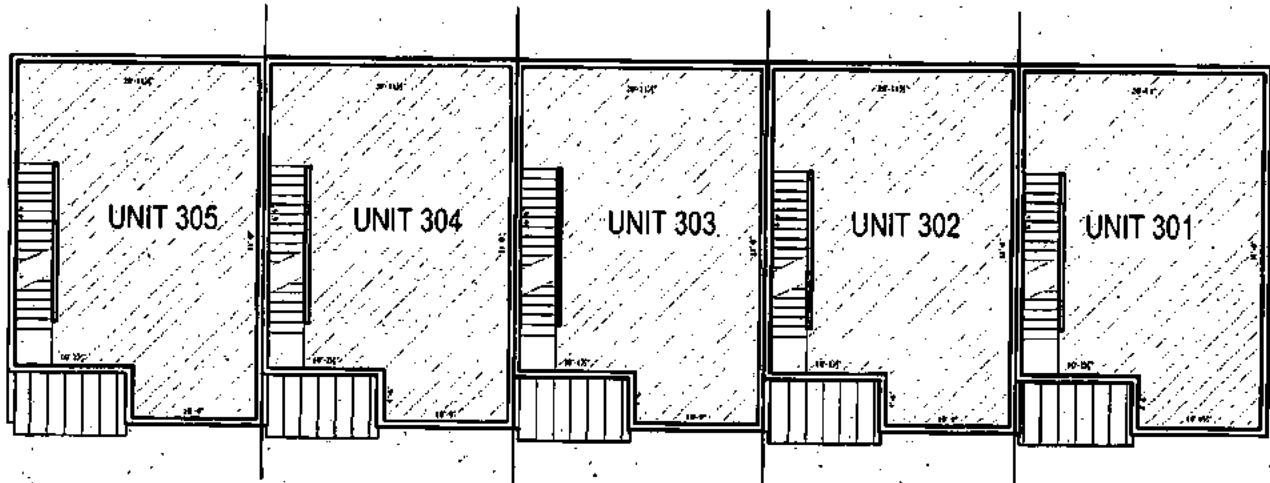
-  GENERAL COMMON ELEMENT
-  UNIT
-  LIMITED COMMON ELEMENT

SCALE: 1/16" = 1'-0"

Bryan Heights

Exhibit 'B'




PHASE THREE - BUILDING THREE
LOT 19 - SECOND FLOOR



FLOOR PLAN - SECOND LEVEL

Elevations on this level are between 509.8749' and 524.5416' based upon a finished floor elevation of 504.2083' at ground level.



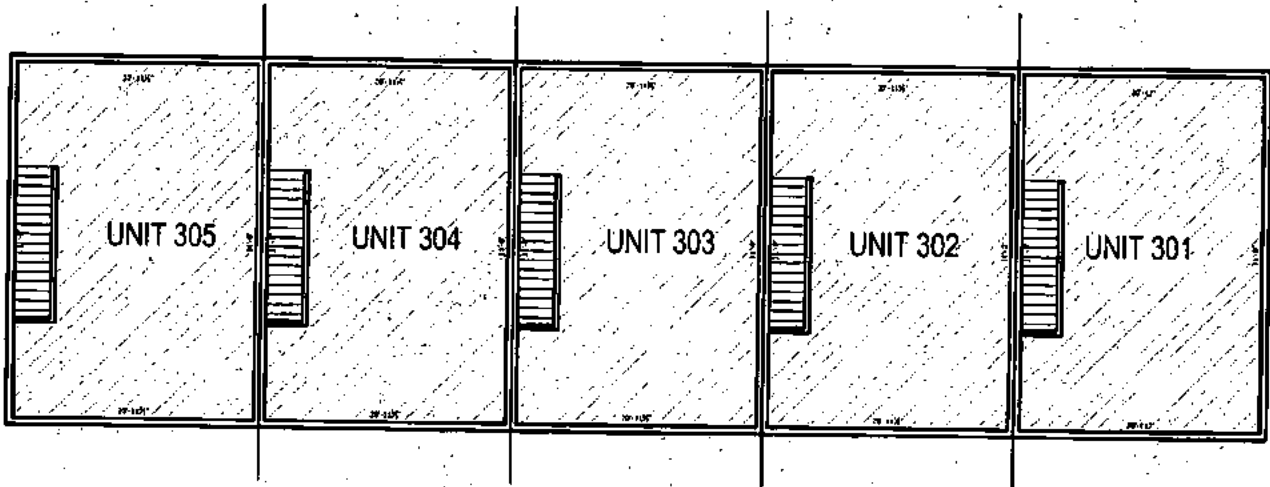
-  GENERAL COMMON ELEMENT
-  UNIT
-  LIMITED COMMON ELEMENT

SCALE: 1/16" = 1'-0"

Bryan Heights

Exhibit 'B'




PHASE THREE - BUILDING THREE
LOT 19 - THIRD FLOOR



FLOOR PLAN - THIRD LEVEL

Elevations on this level are between 524.5416' and 534.3749' based upon a finished floor elevation of 504.2083' at ground level.



-  GENERAL COMMON ELEMENT
-  UNIT
-  LIMITED COMMON ELEMENT

SCALE: 1/16" = 1'-0"

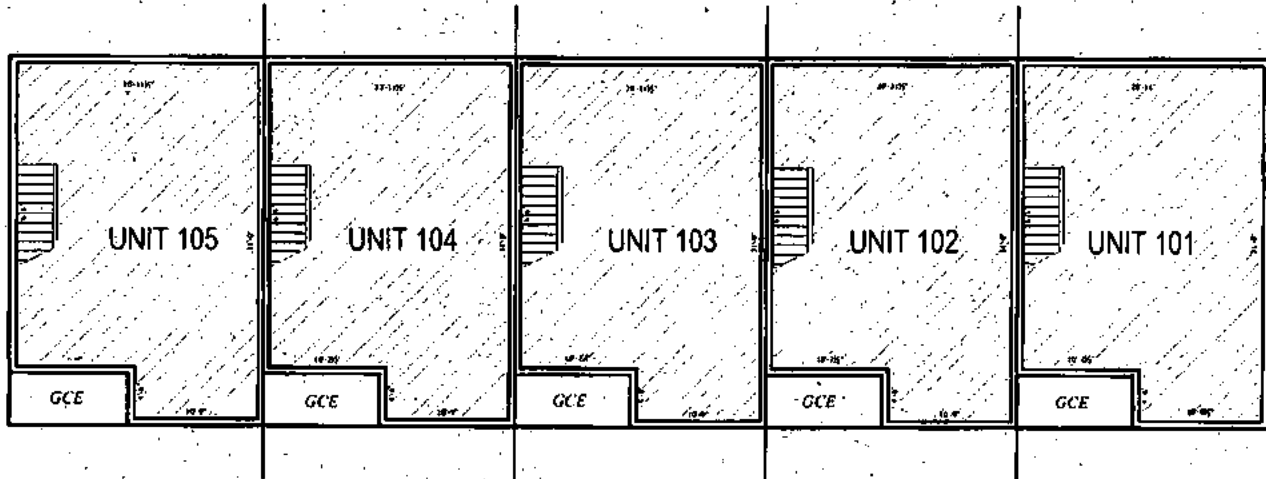
Bryan Heights

Exhibit 'B'

PHASE ONE - BUILDING ONE

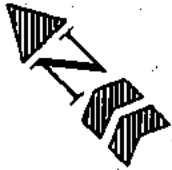
LOT 20 - FIRST FLOOR


1430 Grigsby Ave.




FLOOR PLAN - GROUND LEVEL

Elevations on this level are between 504.2083' and 509.8749', based upon a finished floor elevation of 504.2083' at ground level.



 GENERAL COMMON ELEMENT

 UNIT

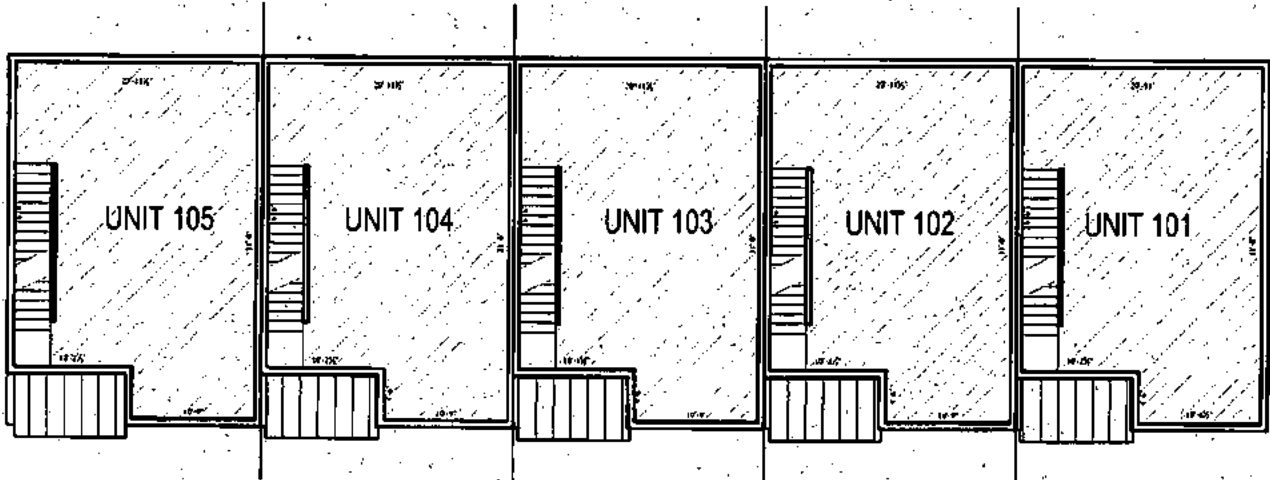
 LIMITED COMMON ELEMENT

SCALE: 1/16" = 1'-0"

Bryan Heights

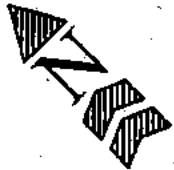
Exhibit 'B'




PHASE ONE - BUILDING ONE
LOT 20 - SECOND FLOOR



FLOOR PLAN - SECOND LEVEL

Elevations on this level are between 509.8749' and 524.5416' based upon a finished floor elevation of 504.2083' at ground level.



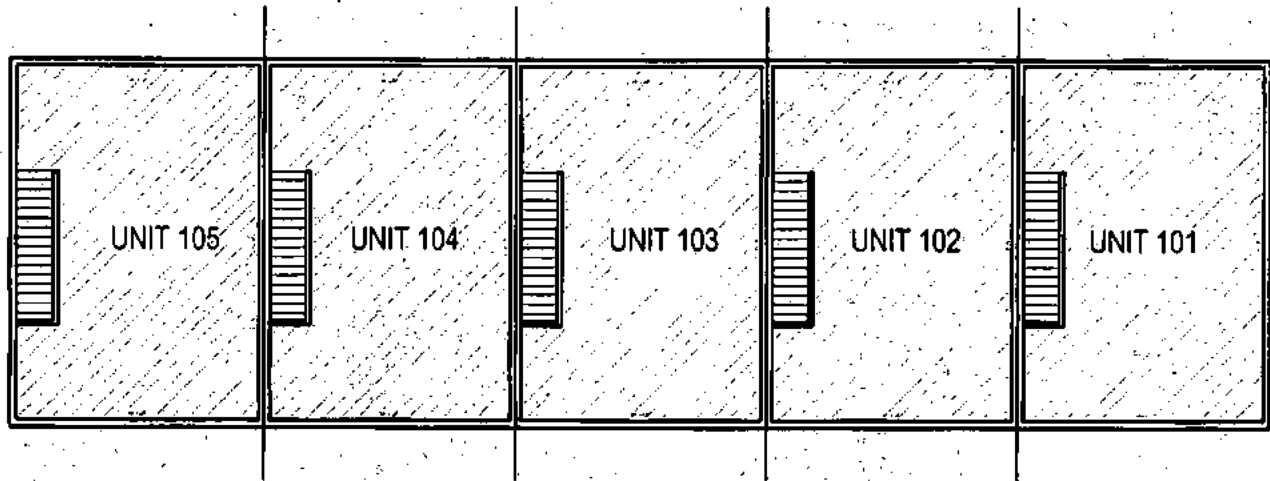
-  GENERAL COMMON ELEMENT
-  UNIT
-  LIMITED COMMON ELEMENT

SCALE: 1/16" = 1'-0"

Bryan Heights

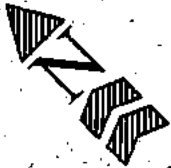
Exhibit 'B'




PHASE ONE - BUILDING ONE
LOT 20 - THIRD FLOOR



FLOOR PLAN - THIRD LEVEL

Elevations on this level are between 524.5416' and 533.3749' based upon a finished floor elevation of 514.2083' at ground level.



-  GENERAL COMMON ELEMENT
-  UNIT
-  LIMITED COMMON ELEMENT

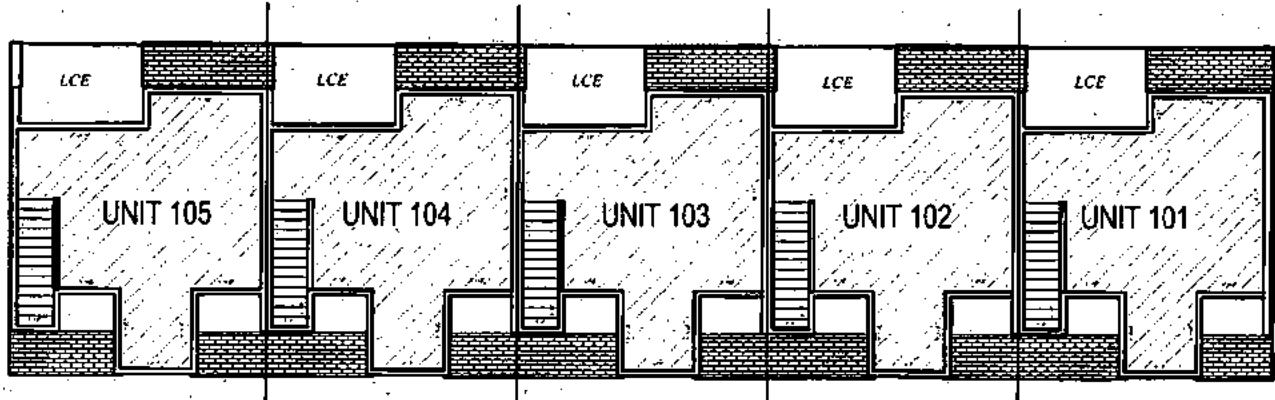
SCALE: 1/16" = 1'-0"



Bryan Heights

Exhibit 'B'


PHASE ONE - BUILDING ONE LOT 20 - FOURTH FLOOR




FLOOR PLAN - FOURTH LEVEL

Elevations on this level are between 533.3740' and 539.7083' (Mid point of slope) based upon a finished floor elevation of 504.2083' at ground level.



 GENERAL COMMON ELEMENT

 UNIT

 LIMITED COMMON ELEMENT

SCALE: 1/16" = 1'-0"

Bryan Heights

Exhibit 'C'

Allocation of Ownership Interests

LOT 11: 1460 Grigsby Ave.				
PHASE	BLDG.	UNIT NUMBER	SQUARE FEET OF UNIT	PERCENTAGE OWNERSHIP
2	2	201	2,155	19.99%
2	2	202	2,154	19.98%
2	2	203	2,154	19.98%
2	2	204	2,154	19.98%
2	2	205	2,159	20.03%
LOT 17: 4713 Bryan St.				
PHASE	BLDG.	UNIT NUMBER	SQUARE FEET OF UNIT	PERCENTAGE OWNERSHIP
5	5	501	2,032	20.03%
5	5	502	2,027	19.98%
5	5	503	2,027	19.98%
5	5	504	2,027	19.98%
5	5	505	2,032	20.03%
LOT 18: 4709 Bryan St.				
PHASE	BLDG.	UNIT NUMBER	SQUARE FEET OF UNIT	PERCENTAGE OWNERSHIP
4	4	401	2,032	20.03%
4	4	402	2,027	19.98%
4	4	403	2,027	19.98%
4	4	404	2,027	19.98%
4	4	405	2,032	20.03%
LOT 19: 4705 Bryan St.				
PHASE	BLDG.	UNIT NUMBER	SQUARE FEET OF UNIT	PERCENTAGE OWNERSHIP
3	3	301	2,032	20.03%
3	3	302	2,027	19.98%
3	3	303	2,027	19.98%
3	3	304	2,027	19.98%
3	3	305	2,032	20.03%
LOT 20: 1430 Grigsby Ave.				
PHASE	BLDG.	UNIT NUMBER	SQUARE FEET OF UNIT	PERCENTAGE OWNERSHIP
1	1	101	2,533	20.04%
1	1	102	2,523	19.96%
1	1	103	2,523	19.96%
1	1	104	2,523	19.96%
1	1	105	2,537	20.07%



BushArchitects

1800 VALLEY VIEW LN. STE. 300
FARMERS BRANCH, TEXAS 75234
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EMAIL: ralphbush@hotmail.com

Bryan Heights

Exhibit 'C'

Monthly Assessment

\$2,500.00

LOT 11: 1460 Grigsby Ave.				
PHASE	BLDG.	UNIT NUMBER	SQUARE FEET OF UNIT	MONTHLY ASSESSMENT
2	2	201	2,155	\$100.00
2	2	202	2,154	\$100.00
2	2	203	2,154	\$100.00
2	2	204	2,154	\$100.00
2	2	205	2,159	\$100.00
LOT 17: 4713 Bryan St.				
PHASE	BLDG.	UNIT NUMBER	SQUARE FEET OF UNIT	MONTHLY ASSESSMENT
5	5	501	2,032	\$100.00
5	5	502	2,027	\$100.00
5	5	503	2,027	\$100.00
5	5	504	2,027	\$100.00
5	5	505	2,032	\$100.00
LOT 18: 4709 Bryan St.				
PHASE	BLDG.	UNIT NUMBER	SQUARE FEET OF UNIT	MONTHLY ASSESSMENT
4	4	401	2,032	\$100.00
4	4	402	2,027	\$100.00
4	4	403	2,027	\$100.00
4	4	404	2,027	\$100.00
4	4	405	2,032	\$100.00
LOT 19: 4705 Bryan St.				
PHASE	BLDG.	UNIT NUMBER	SQUARE FEET OF UNIT	MONTHLY ASSESSMENT
3	3	301	2,032	\$100.00
3	3	302	2,027	\$100.00
3	3	303	2,027	\$100.00
3	3	304	2,027	\$100.00
3	3	305	2,032	\$100.00
LOT 20: 1430 Grigsby Ave.				
PHASE	BLDG.	UNIT NUMBER	SQUARE FEET OF UNIT	MONTHLY ASSESSMENT
1	1	101	2,533	\$100.00
1	1	102	2,523	\$100.00
1	1	103	2,523	\$100.00
1	1	104	2,523	\$100.00
1	1	105	2,537	\$100.00

PAGE: 2 of 2
DATE: 9/5/17



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John F. Warren, County Clerk
Dallas County, TEXAS
09/22/2017 04:35:34 PM
\$130.00



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