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Brazos County, Texas

**Ninth Amendment
To
Declaration of Covenants, Conditions, and Restrictions
For The Traditions**

AFTER RECORDING, RETURN TO:

West, Webb, Allbritton & Gentry, P.C.
Attn: Michael H. Gentry
1515 Emerald Plaza
College Station, Texas 77845

**NINTH AMENDMENT
TO
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR THE TRADITIONS**

THIS NINTH AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR THE TRADITIONS ("Amendment") is made this 29th day of April, 2015, by BRYAN/TRADITIONS, LP, a Texas limited partnership ("Declarant").

WITNESSETH:

WHEREAS, Declarant recorded a Declaration of Covenants, Conditions, and Restrictions For The Traditions on March 3, 2004, in the Official Records of Brazos County, Texas, at Volume 5901, Page 1; and on July 12, 2006, Declarant recorded a First Amendment to Declaration of Covenants, Conditions, and Restrictions For The Traditions, in the Official Records of Brazos County, Texas, at Volume 7444, Page 49 ("First Amendment"); and on May 12, 2008, Declarant recorded a Second Amendment to Declaration of Covenants, Conditions, and Restrictions For The Traditions ("Second Amendment"), in the Official Records of Brazos County, Texas, at Volume 8586, Page 52; and on May 3, 2012, Declarant recorded a Third Amendment to Declaration of Covenants, Conditions, and Restrictions For The Traditions, in the Official Records of Brazos County, Texas, at Volume 10681, Page 73 and then on October 23, 2012, a restated Third Amendment to Declaration of Covenants, Conditions, and Restrictions For The Traditions ("Third Amendment"), in the Official Records of Brazos County, Texas, at Volume 10973, Page 109; on February 5, 2013, Declarant recorded a Fourth Amendment to Declaration of Covenants, Conditions, and Restrictions For The Traditions ("Fourth Amendment"), in the Official Records of Brazos County, Texas, at Volume 11151, Page 39; on April 29, 2013, Declarant recorded a Fifth Amendment to Declaration of Covenants, Conditions, and Restrictions For The Traditions ("Fifth Amendment"), in the Official Records of Brazos County, Texas, at Volume 11312, Page 280, as corrected by Correction Affidavit dated June 3, 2013 and recorded at Volume 11382, Page 180 in the Official Records of Brazos County, Texas; on August 29, 2013, Declarant recorded a Sixth Amendment to Declaration of Covenants, Conditions, and Restrictions For The Traditions ("Sixth Amendment"), in the Official Records of Brazos County, Texas, at Volume 11601, Page 219; on February 27, 2015, Declarant recorded a Seventh Amendment to Declaration of Covenants, Conditions, and Restrictions For The Traditions ("Seventh Amendment"), in the Official Records of Brazos County, Texas, at Volume 12547, Page 281; and on March 24, 2015, Declarant recorded an Eighth Amendment to Declaration of Covenants, Conditions, and Restrictions For The Traditions in the Official Records of Brazos County, Texas, at Volume 12600, Page 290, as corrected by Correction Eighth Amendment to Declaration of Covenants, Conditions, and Restrictions For The Traditions recorded in the Official Records of Brazos County, Texas at Volume 12642, Page 20 ("Eighth Amendment") (collectively, as amended now or in the future, the "Declaration"), such Declaration further identified in Management Certificate of the Traditions Homeowners Association, Inc., in the Official Records of Brazos County, Texas, at Volume 9318, Page 101;

WHEREAS, all capitalized terms used herein that are not otherwise defined shall have the meaning given those words in the Declaration;

WHEREAS, the Declaration identifies and defines the Initial Property and the Additional Property;

WHEREAS, pursuant to the Eighth Amendment, the Mahogany Drive Neighborhood was designated as a separate Benefitted Neighborhood within the Community.

WHEREAS, Section 13.02 of the Declaration authorizes the Declarant to amend the Declaration for the purposes hereof and the consent of any other Owners or Mortgagees is not required because there is presently no other Owner or Mortgagee of the property known as the Mahogany Drive Neighborhood; and

WHEREAS, Declarant desires to amend the Declaration for the purpose of amending and restating Section 9.07.

NOW, THEREFORE, Declarant hereby amends the Declaration as set forth below.

1. **Section 9.07 of the Declaration is hereby amended and replaced in its entirety as follows:**

9.07 Neighborhood Expenses and Assessments. The Board, in its sole discretion, may determine that certain expenses exclusively and directly benefit some but not all of the Neighborhoods ("Neighborhood Expenses"), in which event the Board may ratably allocate those Neighborhood Expenses only among the Lots in the particular Neighborhood(s) that the Board determines are directly benefited thereby. Neighborhood Expenses shall be ratably assessed as separate Neighborhood Assessments to all Owners of Lots in the particular Neighborhood(s) benefited by such Neighborhood Expenses, in the same manner as provided in Section 9.03 and subject to the limitations set forth therein.

Notwithstanding Section 9.03(e), with respect only to Neighborhood Assessments allocable to Lots in the Mahogany Drive Neighborhood, in the event an Owner purchases more than one (1) Lot in the Mahogany Drive Neighborhood, which are then consolidated into one (1) Lot and upon which only one (1) Home is constructed, such Owner shall nevertheless continue to be assessed the Neighborhood Assessments based on the total number of original Lots which were consolidated into the single Lot.

Neighborhood Expenses shall include but are not limited to the following: (a) expenses incurred for maintenance and repair of exclusive Common Areas within the Neighborhood; (b) expenses incurred for maintenance and repair of landscaping, landscaped areas, walks, trails, lakes, ponds, fountains, lighting, signage, mailboxes and other improvements situated within the Limited Common Areas of the Neighborhood; (c) expenses incurred for the maintenance and repair of private streets, roads, alleys and sidewalks within the Neighborhood; (d) expenses incurred for maintenance and repair of drainage systems, utility lines, pipes, plumbing, wires, conduits and related systems which are a part of the Limited Common Areas of the Neighborhood and which are not maintained by a public authority, public or private utility, or other Person; and (e) expenses incurred for maintenance and repair of restricted access gates, devices or systems."

2. **No Other Changes.** Except as amended herein, the Declaration remains in full force and effect.

[Signature Page Follows]

IN WITNESS WHEREOF, duly authorized officers of the undersigned Declarant have executed this Declaration under seal, this 27th day of April, 2015.

DECLARANT:

BRYAN/TRADITIONS, LP, a Texas limited partnership

By: TRADITIONS ACQUISITION PARTNERSHIP GP, LLC, a Texas limited liability company, its General Partner

By:

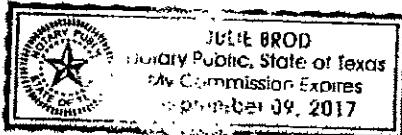
W. SPENCER CLEMENTS, JR.,
Vice President

STATE OF TEXAS §
COUNTY OF BRAZOS §

This instrument was acknowledged before me on the 29th day of April, 2015, by W. Spencer Clements, Jr., Vice President of Traditions Acquisition Partnership GP, LLC, a Texas limited liability company, the general partner of BRYAN/TRADITIONS, LP, a Texas limited partnership, acting for and on behalf of said limited partnership.

Er, a Texas limited partner

Y PUBLIC, State of Texas



NOTARY PUBLIC, State of Texas

Filed for Record in:
BRAZOS COUNTY

On: Apr 30, 2015 at 02:34P

As a
NO LABEL RECORDING

Document Number: 01228795

Amount 32.00

Receipt Number - 542876
By,
Becky Wright

STATE OF TEXAS COUNTY OF BRAZOS
I hereby certify that this instrument was
filed on the date and time stamped hereon by me
and was duly recorded in the volume and page
of the Official Public records of:

After Recording Return To:

West, Webb, Allbritton & Gentry, P.C.
Attn: Michael H. Gentry
1515 Emerald Plaza
College Station, Texas 77845

**Karen McQueen, Brazos County Clerk
BRAZOS COUNTY**