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FIRST AMENDMENT TO THE
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR AUDUBON PLACE, SECTION ONE
A SUBDIVISION IN BRAZORIA COUNTY, TEXAS

THIS DECLARATION is made on the date hereinafter set forth by Kirby Run Management, Inc., a Texas Corporation and the General Partner of Kirby Run Associates, LP. Kirby Run Management, Inc GP and Kirby Run Associates, LP are successors to Kirby Run Associates, LLC, the original Declarant. Kirby Run Associates, LP is the owner of lots in Audubon Place, Section Two, and is hereinafter referred to as "Declarant". Further, the amendments contained herein have been voted on and approved by a majority vote of the members of the Audubon Place HOA at the annual meeting of the Audubon Place HOA held on September 12, 2001 at 3402 Parkside Drive, Pearland, Texas in Brazoria County, Texas

WITNESSETH

WHEREAS, Declarant is the owner of certain property located in the City of Pearland, Brazoria County, Texas, that has been platted and subdivided into a subdivision known as Audubon Place, Section Two according to the plat thereof recorded in Volume 21, Pages 253-254 of the Land Records of Brazoria County, Texas.

Declarant desires to amend the original Declaration of Covenants, Conditions and Restrictions for Audubon Place as set forth in a document recorded at 98 047501 in the records of Brazoria County as follows:

The Property covered by this Declaration of Covenants, Conditions and Restrictions shall include the following additional Lots and Reserves:

LOTS

- Lots numbered Block 1 1-21, Section Two
- Lots numbered Block 2, 1-18, Section Two

MR. Pierce NYS 4719 Blackberry DR. Friendswood, TX 77546

RESERVES

Garden Gate Subdivision, Section One, Restricted Reserve "A"

Garden Gate Subdivision, Section One, Restricted Reserve "B"

IN WITNESS WHEREOF, the undersigned, being the General Partner of the Declarant herein, has executed this instrument on the 11th day of January 2002.

Kirby Run Management, Inc. GP

By: Pierre L. Nys
Pierre L. Nys
President

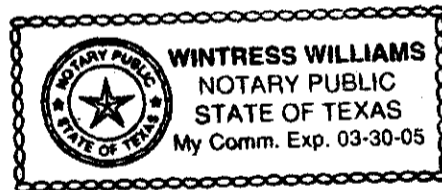
ACKNOWLEDGEMENTS

I, the undersigned authority, a Notary Public in and for the State of Texas, do hereby certify that on the 11 th day of January, 2002 personally appeared Pierre L. Nys and who being by me each first duly sworn, each declared that he is one of the persons who signed the foregoing instrument as the President of the Kirby Run Management, Inc., the Declarant and that the statements therein are true.

Wintress Williams

Notary Public in and for
The State of Texas

My commission expires: 03-30-2005



FILED FOR RECORD

2002 JAN 14 AM 11:08

Joyce Hudman
COUNTY CLERK
BRAZORIA COUNTY, TEXAS

STATE OF TEXAS
COUNTY OF BRAZORIA

I, JOYCE HUDMAN, Clerk of the County Court in and for Brazoria County, Texas do hereby certify that this instrument was FILED FOR RECORD and RECORDED in the OFFICIAL RECORD at the time and date as stamped hereon by me.



Joyce Hudman
County Clerk of Brazoria Co., TX