



AFTER RECORDING RETURN TO:

Robert D. Burton, Esq.
Armbrust & Brown, L.L.P.
100 Congress Ave., Suite 1300
Austin, Texas 78701

**SECOND AMENDMENT TO SUBORDINATE
DECLARATION OF CONDOMINIUM REGIME
FOR LAS PALMAS
PHASE B CONDOMINIUMS
(A Residential Condominium in El Paso County, Texas)**

ADDING:

UNIT 3, BLOCK 10
UNIT 4, BLOCK 10
UNIT 9, BLOCK 11
UNIT 10, BLOCK 11
UNIT 11, BLOCK 12
UNIT 12, BLOCK 12
UNIT 13, BLOCK 12
UNIT 14, BLOCK 12
UNIT 40, BLOCK 14
UNIT 41, BLOCK 14

Cross reference to that certain Subordinate Declaration of Condominium Regime for Las Palmas Phase B Condominiums recorded under Document No. 20080039659, Official Public Records of El Paso County, Texas, as amended by that certain First Amendment to Subordinate Declaration of Condominium Regime for Las Palmas Phase B Condominiums recorded under Document No. 20080051348, Official Public Records of El Paso County, Texas.

**SECOND AMENDMENT TO SUBORDINATE DECLARATION OF CONDOMINIUM
REGIME FOR LAS PALMAS PHASE B CONDOMINIUMS**

This Second Amendment to Subordinate Declaration of Condominium Regime for Las Palmas Phase B Condominiums (the "Amendment") is made by AVENIDA DE PALMAS, LTD., a Texas limited partnership ("Declarant"), and is as follows:

RECITALS:

A. The Las Palmas Phase B Condominiums, a residential condominium project (the "Regime"), located in El Paso County, Texas, was established pursuant to that certain Subordinate Declaration of Condominium Regime for Las Palmas Phase B Condominiums recorded under Document No. 20080039659, Official Public Records of El Paso County, Texas, as amended by that certain First Amendment to Subordinate Declaration of Condominium Regime for Las Palmas Phase B Condominiums recorded under Document No. 20080051348, Official Public Records of El Paso County, Texas (the "Declaration").

B. Pursuant to *Section 12.4(c)* and *12.4(d)* of the Declaration, Declarant may amend the Declaration to add real property to the Regime and to create Units, General Common Elements and Limited Common Elements.

C. Declarant desires to amend the Declaration for the purpose of adding to the Regime "Master Units" 10-3/4, 11-9/10, 12-11/12, 12-13/14 and 14-40/41 (the "Additional Master Units") created pursuant to that certain Declaration of Condominium Regime for Las Palmas Master Condominiums, recorded under Document No. 20080023857, Official Public Records of El Paso County, Texas (the "Master Declaration"), and subdividing the Additional Master Unit into individual "Sub-Units" (as defined in the Master Declaration) as shown on the Supplemental Plats and Plans (as defined below) and as provided herein. By this Amendment, Declarant is creating ten (10) additional Units within the Regime. The total number of Units within the Regime after giving effect to this Amendment is equal to twenty-one (21), and the total number of Units which Declarant has reserved the right to create by amendment is equal to seventy-nine (79).

NOW THEREFORE, the Declaration is hereby amended as follows:

1. **Creation of New Units.** In accordance with the rights reserved by the Declarant pursuant to *Section 12.4 (d)* of the Declaration, Declarant hereby creates ten (10) Units out of the Additional Master Units, which are designated as Unit 3, Block 10, Unit 4, Block 10, Unit 9, Block 11, Unit 10, Block 11, Unit 11, Block 12, Unit 12, Block 12, Unit 13, Block 12, Unit 14, Block 12, Unit 40, Block 14, and Unit 41, Block 14. (collectively, the "New Units").

2. **Supplement to Attachment 1.** Attachment 1 to the Declaration is hereby supplemented by the Plats and Plans attached hereto as Exhibit "A" (the "**Supplemental Plats and Plans**"). The Supplemental Plats and Plans: (i) assign an identifying number to the New Units; (ii) describe the portion of the limited common elements created or assigned to the New Units; and (iii) include the information required by Section 82.059 of the Texas Uniform Condominium Act.

3. **Replacement of Attachment 2.** The percentage interests allocated to all Units within the Regime, after the addition of the New Units, is set forth on Exhibit "B", attached hereto and incorporated herein by reference. Exhibit "B", attached hereto, will supercede and replace Attachment 2 attached to the Declaration in its entirety.

4. **Miscellaneous.** Any capitalized terms used and not otherwise defined herein shall have the meanings set forth in the Declaration. Unless expressly amended by this Amendment, all other terms and provisions of the Declaration remain in full force and effect as written, and are hereby ratified and confirmed.

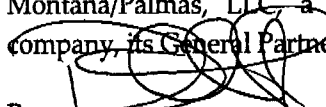
[SIGNATURE PAGE FOLLOWS]

EXECUTED on this _____ day of _____, 2008.

DECLARANT:

AVENIDA DE PALMAS, LTD., a Texas limited partnership

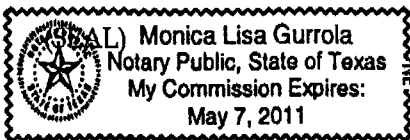
By: ~~Montana/Palmas, LLC~~ a Texas limited liability company, ~~its General Partner~~

By: 
Printed Name: RICHARD AGUILAR
Title: MANAGER

THE STATE OF TEXAS §

COUNTY OF EL PASO §

This instrument was acknowledged before me this 12th day of Aug., 2008 by Richard Aguilar, Manager of Montana/Palmas, LLC, a Texas limited liability company, General Partner of Avenida de Palmas, Ltd., a Texas limited partnership, on behalf of such limited liability company and limited partnership.



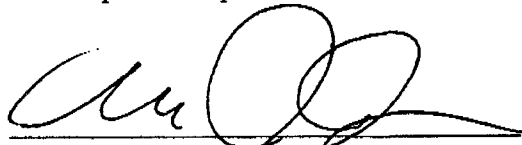

Notary Public Signature

EXHIBIT "A"

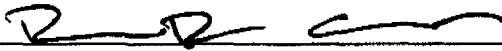
**SUPPLEMENT TO PLATS AND PLANS
ATTACHED AS ATTACHMENT 1 TO THE DECLARATION**

GENERAL NOTES

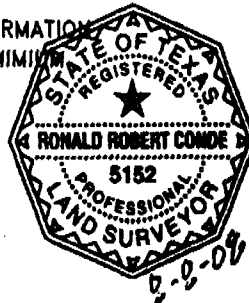
- 1) All improvements and land reflected on the Plat are designated as general common elements, save and except portions of the regime designated as limited common elements or units: (i) in the Subordinate Declaration of Condominium Regime of Las Palmas Phase B Condominiums (the "Subordinate Condominium Declaration"); or (ii) on the plat included herewith.
- 2) Ownership and use of units is subject to the rights and restrictions contained in the Subordinate Condominium Declaration.
- 3) Each master unit, building, limited common element and general common element is subject to special rights reserved by the Declarant as provided in the Subordinate condominium Declaration. Pursuant to such provisions, among other things, Declarant has reserved the right to: (i) to add real property to the regime; (ii) to create units, general common elements, and limited common elements; (iii) to subdivide units and convert master units into common elements; (iv) to withdraw any portion of the real property marked on the Plat as "Development Rights Reserved" or "Subject to Development Rights" provided that no unit in the portion to be withdrawn property has been conveyed to an owner other than declarant; (v) to make the property part of a larger condominium or planned community; (vi) to use units or common elements for operation, sales and marketing purposes; and (vii) appoint or remove any Declarant-appointed officer or director of the association during the "Declarant Control Period" (as defined in the Subordinate Condominium Declaration) consistent with the Act. See the Subordinate Condominium Declaration for a complete description of the rights retained by the declarant.
- 4) Locations of buildings, improvements and underground utilities are not shown herein.

CERTIFICATION OF CONDOMINIUM PLAT

THE CONDOMINIUM PLAT ATTACHED HERETO CONTAINS THE INFORMATION REQUIRED BY SECTION 82.059 OF THE TEXAS UNIFORM CONDOMINIUM ACT, AS APPLICABLE



RON R. CONDE R.P.L.S. NO. 5152

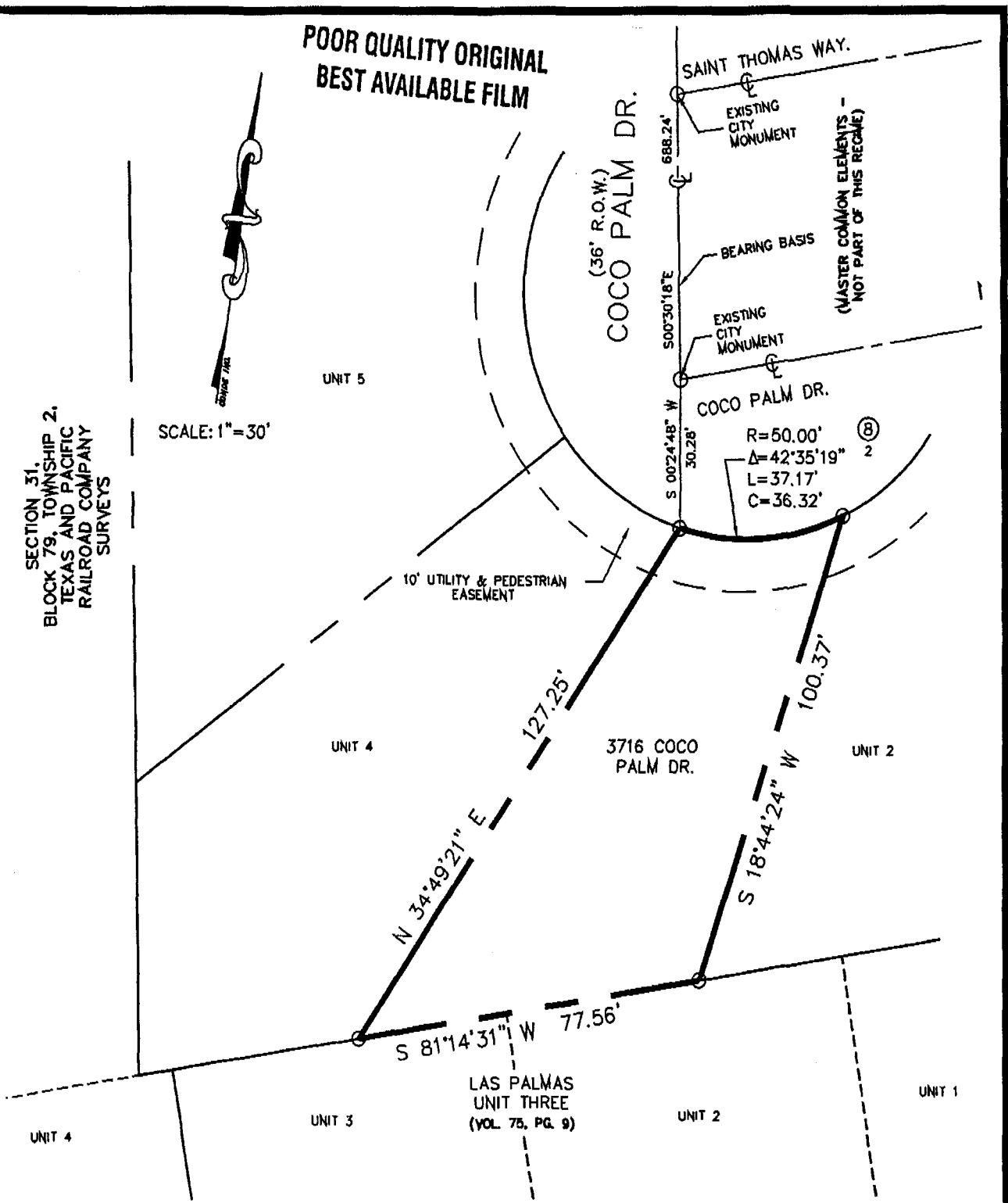


JOB # 408-92	DATE: AUGUST 5, 2008	FIELD: U.P.	OFFICE: F.R.

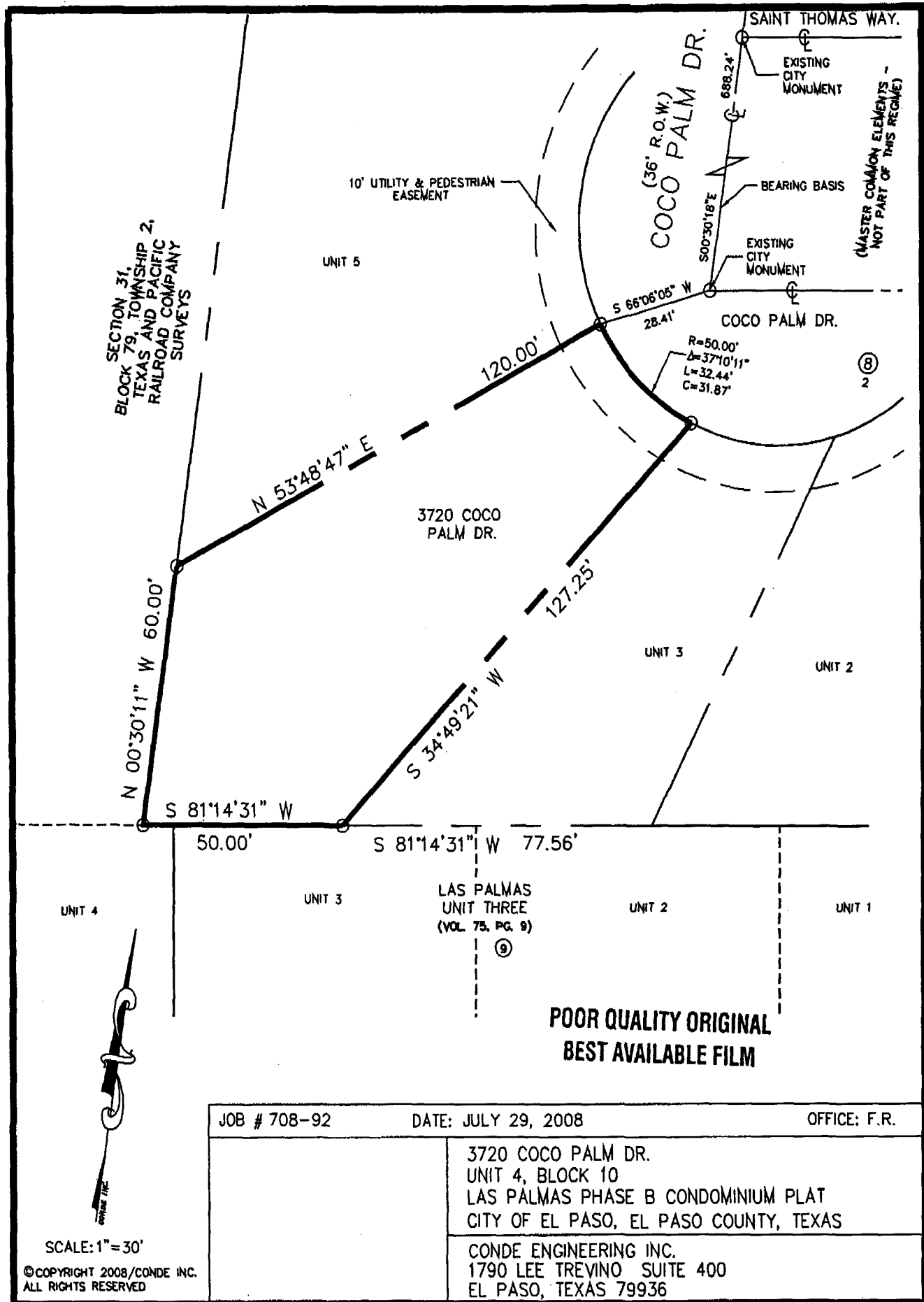
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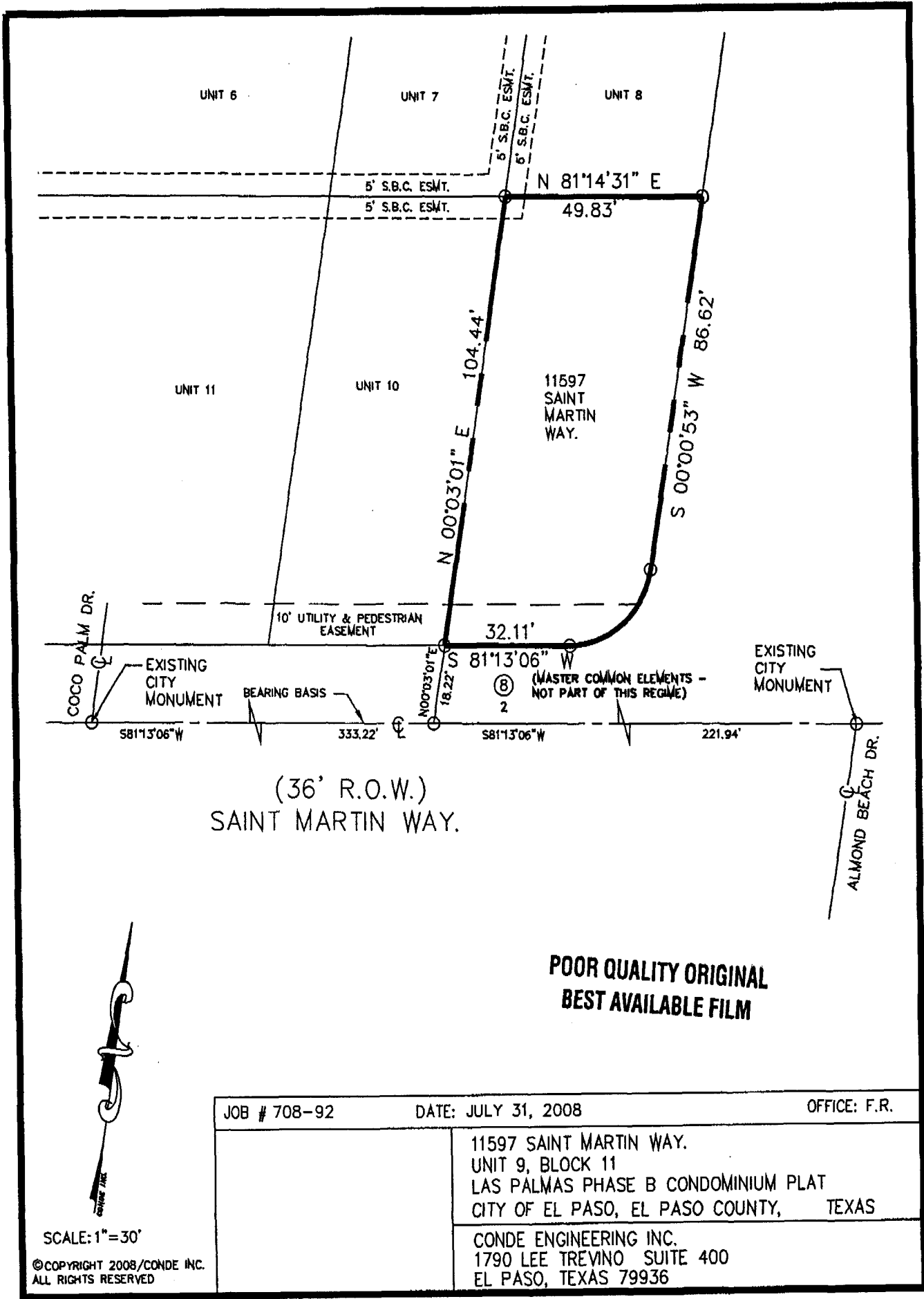
SECTION 31,
BLOCK 79, TOWNSHIP 2,
TEXAS AND PACIFIC
RAILROAD COMPANY
SURVEYS

SCALE: 1" = 30'



JOB # 708-92	DATE: JULY 29, 2008	OFFICE:
3716 COCO PALM DR. UNIT 3, BLOCK 10 LAS PALMAS PHASE B CONDOMINIUM PLAT CITY OF EL PASO, EL PASO COUNTY, TEXAS		
CONDE ENGINEERING INC. 1790 LEE TREVINO SUITE 400 EL PASO, TEXAS 79936		





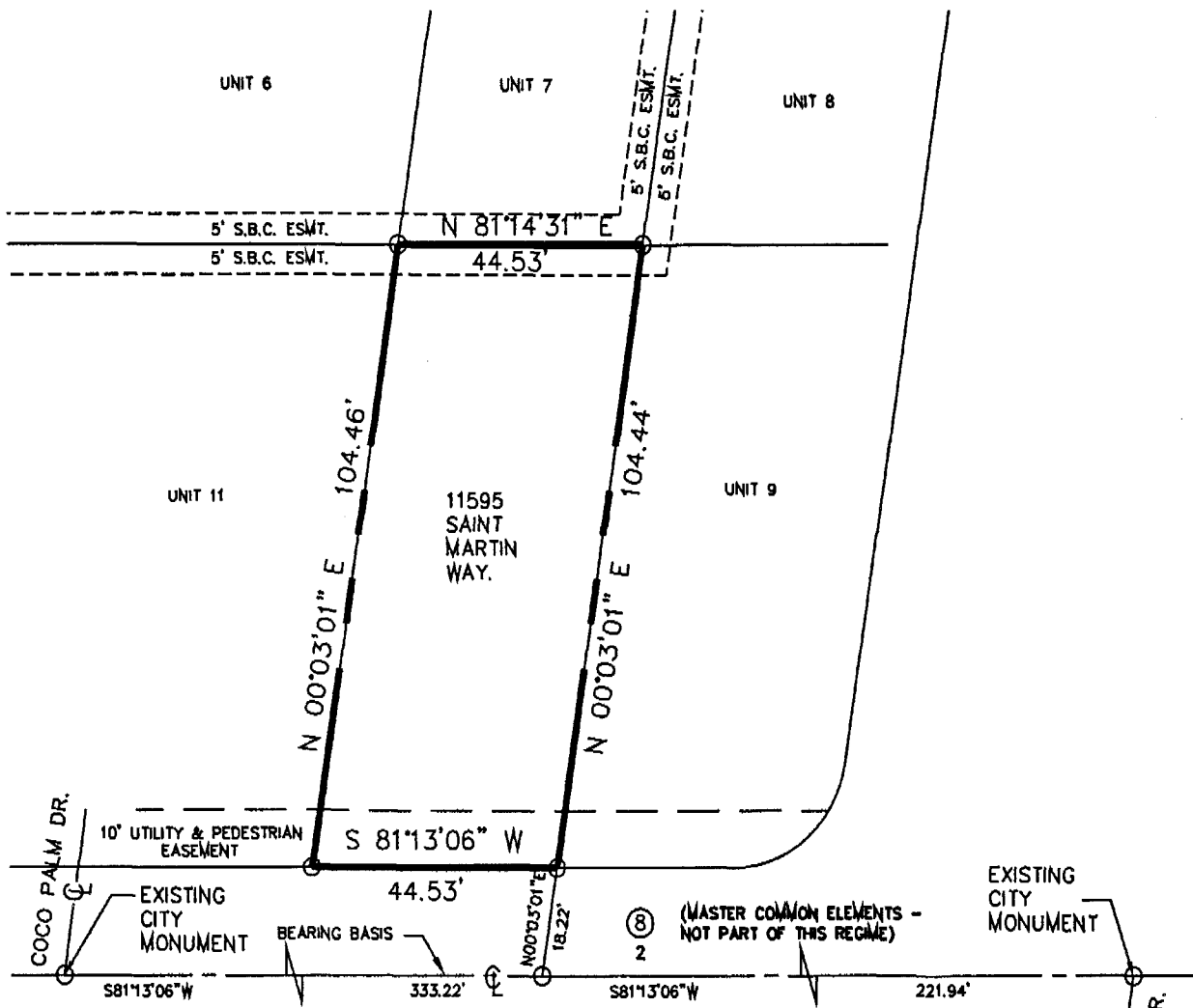
(36' R.O.W.)
SAINT MARTIN WAY.

**POOR QUALITY ORIGINAL
BEST AVAILABLE FILM**



SCALE: 1"=30'
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JOB # 708-92	DATE: JULY 31, 2008	OFFICE: F.R.
11597 SAINT MARTIN WAY. UNIT 9, BLOCK 11 LAS PALMAS PHASE B CONDOMINIUM PLAT CITY OF EL PASO, EL PASO COUNTY, TEXAS		
CONDE ENGINEERING INC. 1790 LEE TREVINO SUITE 400 EL PASO, TEXAS 79936		



(36' R.O.W.)
SAINT MARTIN WAY.

POOR QUALITY ORIGINAL
BEST AVAILABLE FILM

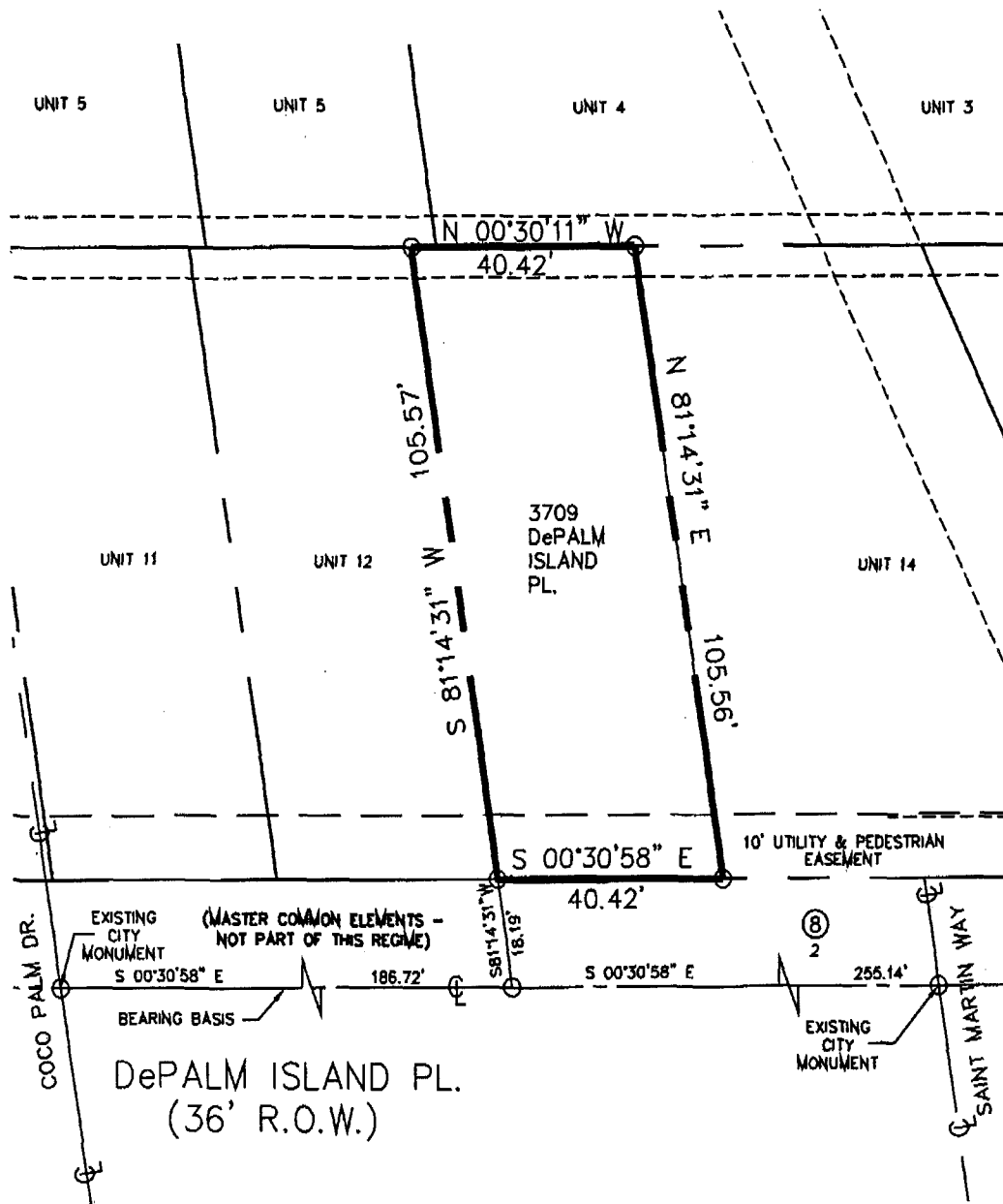


SCALE: 1" = 30'

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JOB # 708-92	DATE: JULY 31, 2008	OFFICE: F.R.
11595 SAINT MARTIN WAY UNIT 10, BLOCK 11 LAS PALMAS PHASE B CONDOMINIUM PLAT CITY OF EL PASO, EL PASO COUNTY, TEXAS		
CONDE ENGINEERING INC. 1790 LEE TREVINO SUITE 400 EL PASO, TEXAS 79936		

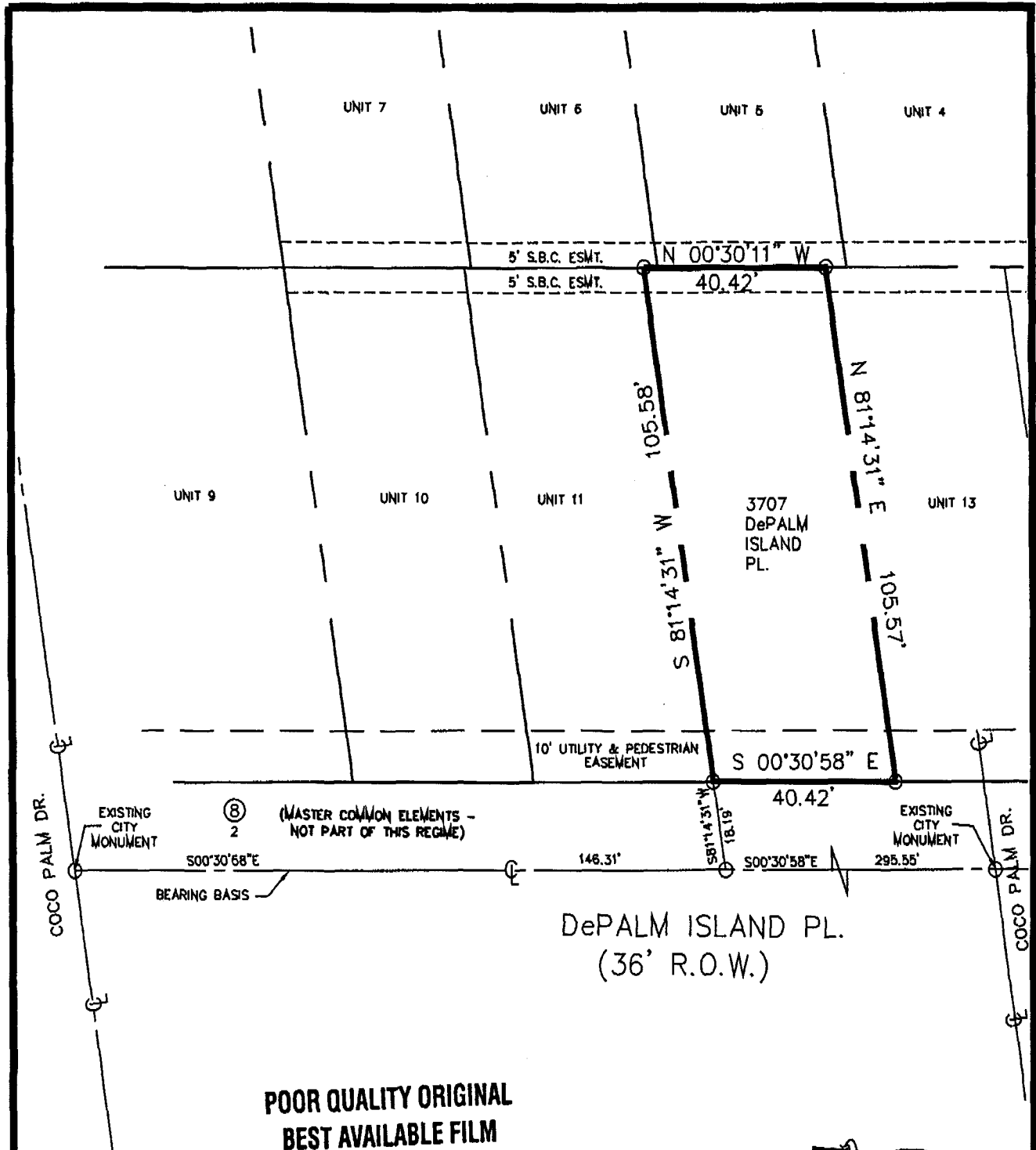
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CONDE INC.
SCALE: 1" = 30'

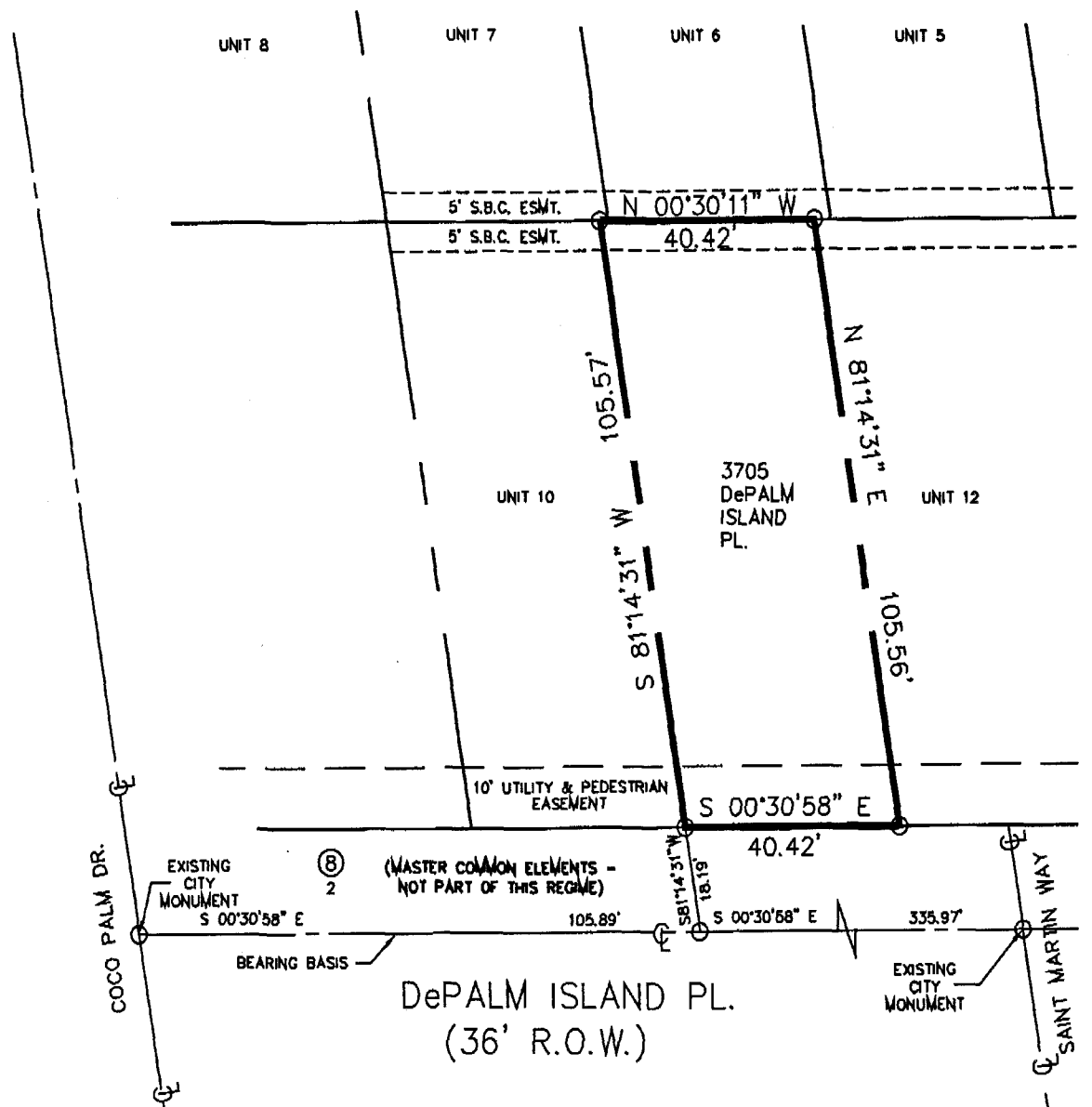
JOB # 708-92	DATE: JULY 28, 2008	FIELD: U.P.	OFFICE: F.R.
3709 DePALM ISLAND PL. UNIT 13, BLOCK 12 LAS PALMAS PHASE B CONDOMINIUM PLAT CITY OF EL PASO, EL PASO COUNTY, TEXAS			
CONDE ENGINEERING INC. 1790 LEE TREVINO SUITE 400 EL PASO, TEXAS 79936			

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JOB # 708-92	DATE: JULY 28, 2008	FIELD: U.P.	OFFICE: F.R.
3707 DePALM ISLAND PL. UNIT 12, BLOCK 12 LAS PALMAS PHASE B CONDOMINIUM PLAT CITY OF EL PASO, EL PASO COUNTY, TEXAS			
CONDE ENGINEERING INC. 1790 LEE TREVINO SUITE 400 EL PASO, TEXAS 79936			

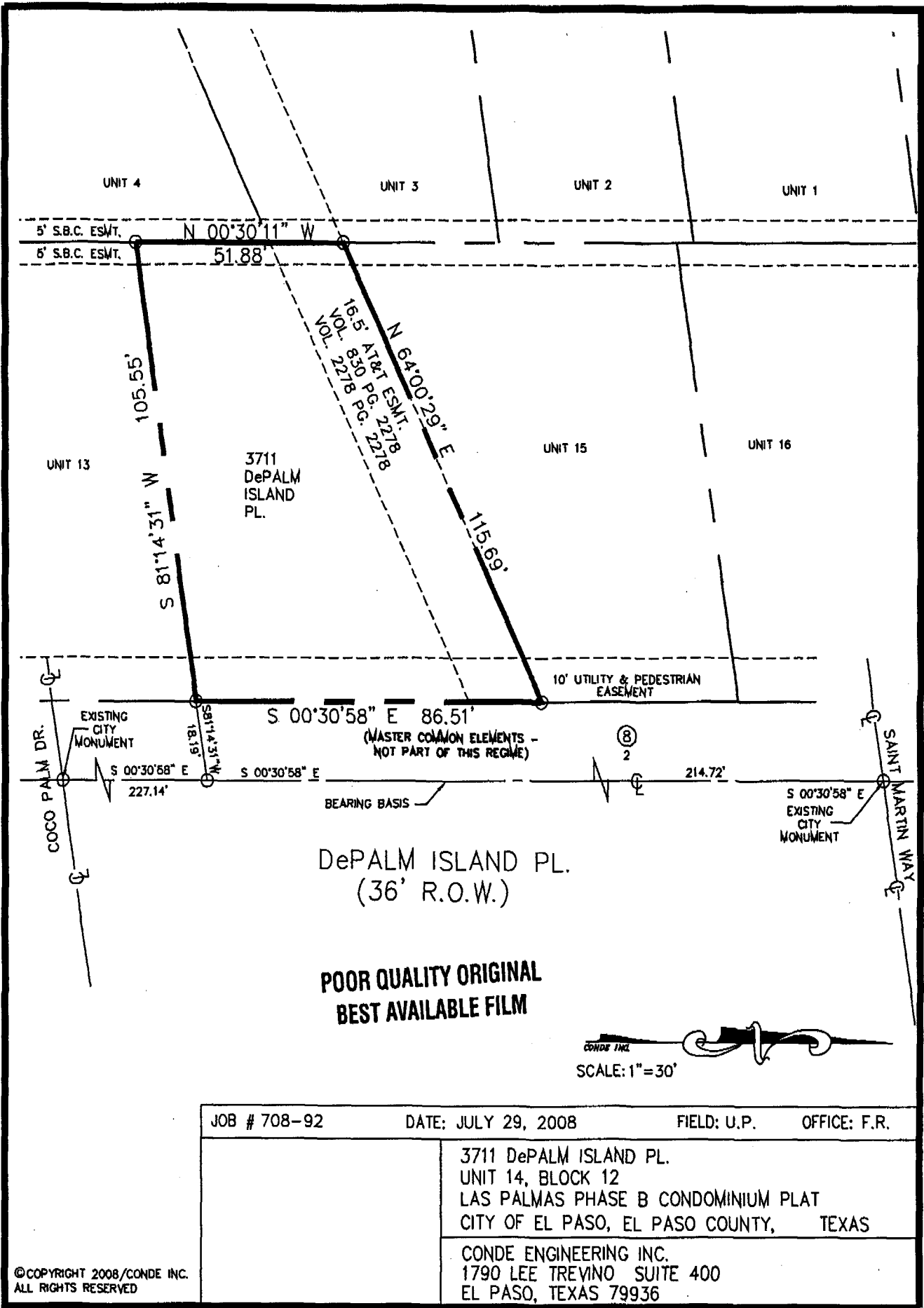
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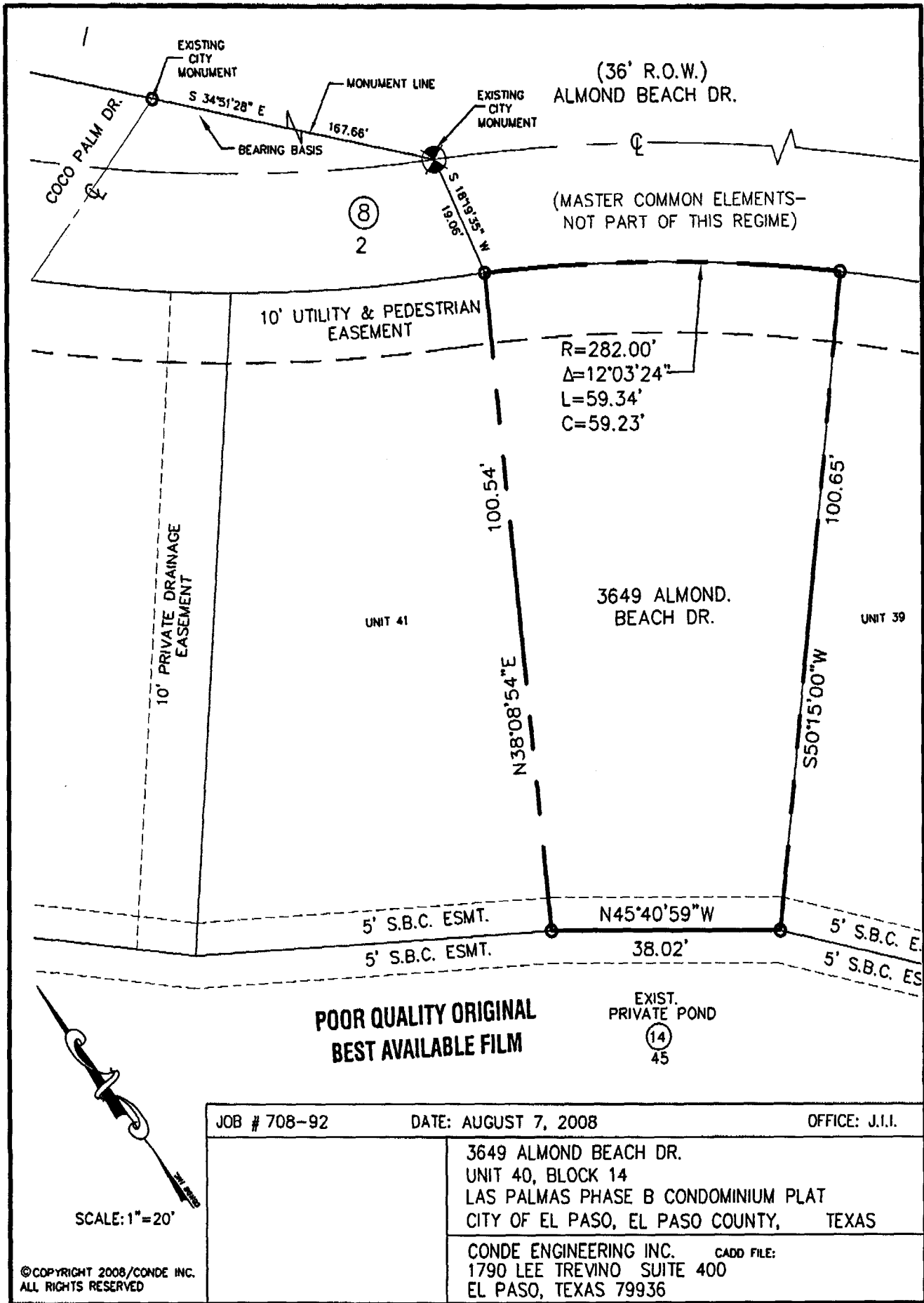


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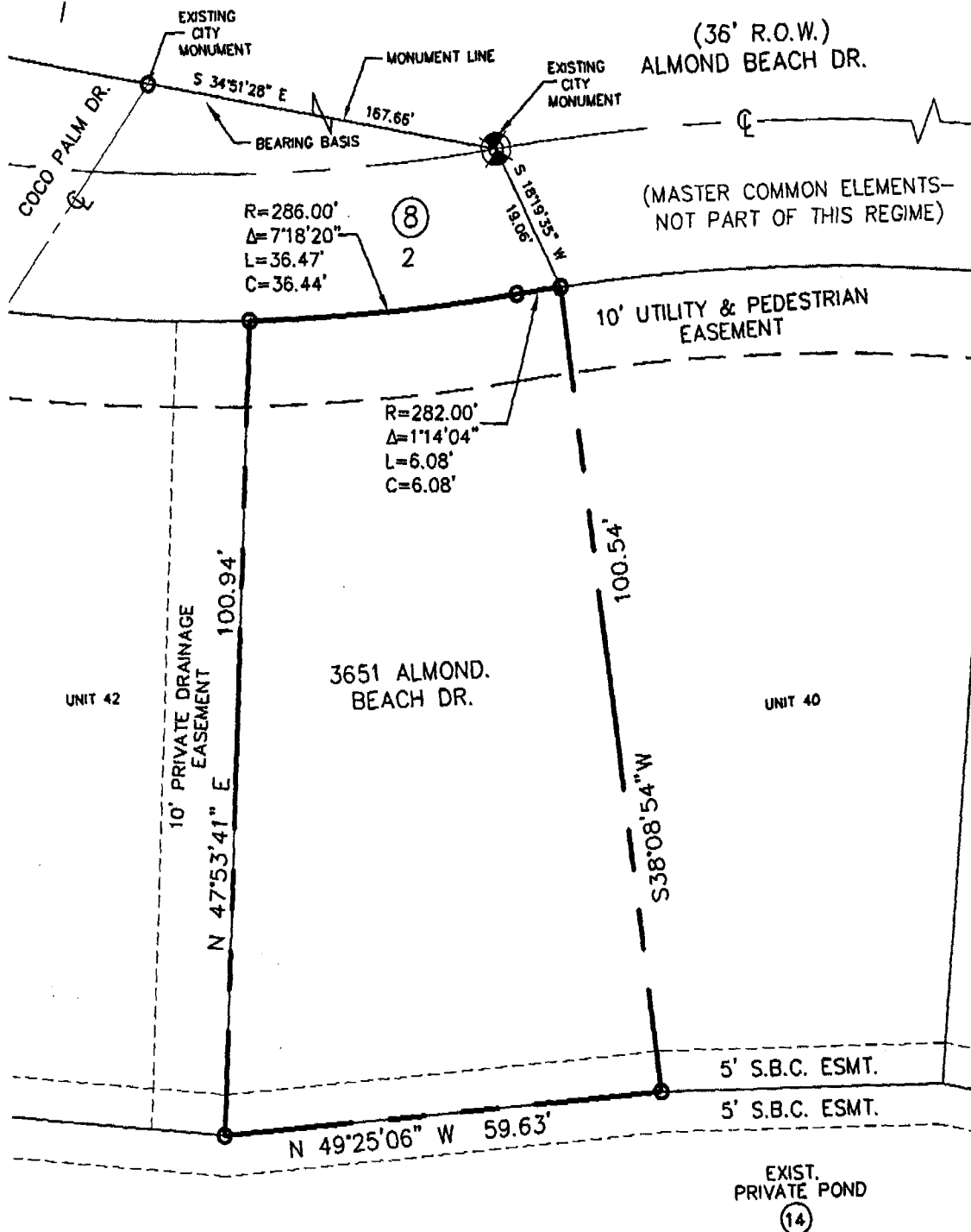


JOB # 708-92	DATE: JULY 28, 2008	FIELD: U.P.	OFFICE: F.R.
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CONDE ENGINEERING INC. 1790 LEE TREVINO SUITE 400 EL PASO, TEXAS 79936			





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UNIT 42

3651 ALMOND BEACH DR.

UNIT 40

EXIST. PRIVATE POND
(14)

JOB # 708-92	DATE: AUGUST 7, 2008	OFFICE: F.R.
3651 ALMOND BEACH DR. UNIT 41, BLOCK 14 LAS PALMAS PHASE B CONDOMINIUM PLAT CITY OF EL PASO, EL PASO COUNTY, TEXAS		
CONDE ENGINEERING INC. 1790 LEE TREVINO SUITE 400 EL PASO, TEXAS 79936		CADD FILE:

SCALE: 1"=20'

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EXHIBIT "B"

SCHEDULE OF ALLOCATED INTERESTS

The percentage of interest in the Common Elements and percentage of liability for Common Expenses allocated to each Unit is 4.7619%.

THE PERCENTAGE OF INTEREST IN THE COMMON ELEMENTS AND PERCENTAGE OF LIABILITY FOR COMMON EXPENSES ALLOCATED TO A PARTICULAR UNIT WILL DECREASE IF ADDITIONAL UNITS ARE CREATED AND ADDED TO THE REGIME.

Doc# 20080065759
#pages 17 #NFpages 1
8/13/2008 1:29:17 PM
Filed & Recorded in
Official Records of
EL PASO COUNTY
DELTA BRIONES
COUNTY CLERK
Fees \$88.80

18

I hereby certify that this instrument was filed on the date and time stamped hereon by me and was duly recorded by document number in the Official Public Records of Real Property in El Paso County.



Delta Briones

EL PASO COUNTY, TEXAS