

When recorded, return to:

J. Robert Fisher
Winstead Sechrest & Minick, P.C.
919 Milam Street, Suite 2400
Houston, Texas 77002

**FIRST AMENDMENT TO CONDOMINIUM DECLARATION
FOR CONSTELLATION POINTE DOCKOMINIUMS, A CONDOMINIUM**

THIS FIRST AMENDMENT TO CONDOMINIUM DECLARATION FOR CONSTELLATION POINTE DOCKOMINIUMS, A CONDOMINIUM (this "Amendment") is made to be effective as of the 28 day of December, 2006, by Constellation Pointe, Ltd., a Texas limited partnership ("Declarant").

W I T N E S S E T H:

WHEREAS, a Condominium (herein so called) was created pursuant to that certain Condominium Declaration and Condominium Map for Constellation Pointe Dockominiums, a Condominium, recorded on September 7, 2006, under Clerk's File No. 2006061659 of the Official Public Records of Real Property of Galveston County, Texas (the "Declaration"); and

WHEREAS, by error or mistake the Subject Property was incorrectly described in the Declaration as being "a part of Reserve 'G', Constellation Pointe Section Two", a subdivision of record in Plat Record 2005A, Map No. 21, Galveston County Plat Records, Galveston County, Texas ("Subdivision"); when, in fact, the Subject Property is depicted on the Map as and should have been described in the Declaration as "all of Restricted Reserve 'G', Constellation Pointe Section Two" Subdivision; and

WHEREAS, Declarant currently is the Owner of all Units in the Condominium; and

WHEREAS, Declarant now desires to exercise its rights under the Declaration to amend the Declaration to correct certain errors and inadvertent misstatements.

NOW THEREFORE, the Declaration is hereby amended as follows:

1. The name of the Condominium is and shall be "Constellation Pointe Dockominiums, a condominium" and all references within the Declaration to "Constellation Pointe Dockominiums" shall be deemed to refer to "Constellation Pointe Dockominiums, a condominium."

2. The definition of the term "Subject Property" is hereby deleted in its entirety and replaced with the following definition:

"All of Restricted Reserve 'G', Constellation Pointe Section Two, a subdivision of record in Plat Record 2005A, Map No. 21, Galveston County Plat Records, Galveston County, Texas."

3. Any reference on the Map to "a part of Reserve 'G', Constellation Pointe Section Two" Subdivision shall be deemed to refer to "all of Restricted Reserve 'G', Constellation Pointe Section Two" Subdivision.

4. Each term used herein as a defined term but not otherwise defined herein shall have the meaning ascribed to such term in the Declaration.

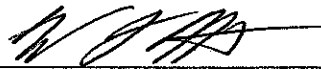
5. Except as amended hereby, all other terms and conditions of the Declaration remain in full force and effect and Declarant does hereby ratify and affirm the terms and provisions and covenants thereof except as amended hereby.

IN WITNESS WHEREOF, the Declarant has have caused this Amendment to be effective as of the date first set out above.

DECLARANT:

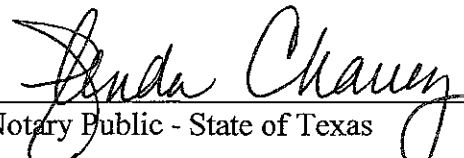
CONSTELLATION POINTE, LTD.,
a Texas limited partnership

By: Altair Development Corporation,
a Texas corporation,
its general partner

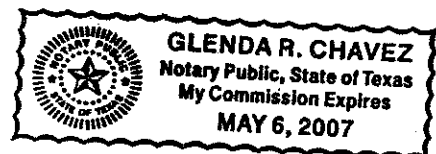
By: 
Name: William F. Mitchell
Title: President

THE STATE OF TEXAS §
 §
COUNTY OF Harris §

This instrument was acknowledged before me on the 28th day of December, 2006, by William F. Mitchell, President of Altair Development Corporation, a Texas corporation, general partner of Constellation Pointe, Ltd., a Texas limited partnership, on behalf of said corporation on behalf of said limited partnership.


Notary Public - State of Texas

My Commission Expires:
May 6, 2007

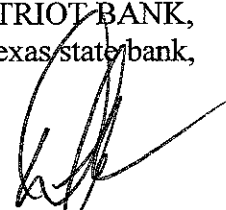


CONSENT BY MORTGAGEE

PATRIOT BANK, a Texas state bank ("Lender"), the legal and equitable owner and holder of that certain Promissory Note identified as being in the original principal amount of Eight Hundred Fifty Seven Thousand One Hundred Thirty Three AND NO/100 DOLLARS (\$857,133.00), dated April 26, 2006, executed by Declarant, payable to the order of Lender, and secured, *inter alia*, by a Deed of Trust, Security Agreement and Financing Statement dated April 26, 2006, executed by Declarant to William D Ellis, Trustee, for the benefit of Lender, recorded under Clerk's File No. _____ in the Official Public Records of Real Property of Galveston County, Texas, hereby joins in this Amendment to evidence its consent to the Declaration as amended by this Amendment.

Executed to be effective as of the date first set out above.

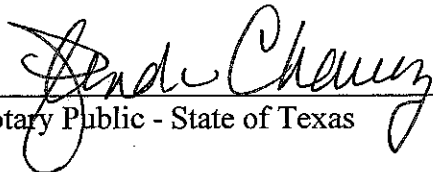
PATRIOT BANK,
a Texas state bank,



By: _____
Name: Day Platt, Jr
Title: EVP

THE STATE OF TEXAS §
 §
COUNTY OF Harris §

This instrument was acknowledged before me on the 28th day of December, 2006, by Day Platt Jr, EVP of PATRIOT BANK, a Texas state bank, on behalf of said bank.


Notary Public - State of Texas

My Commission Expires:

May 6, 2007

