

Amend
J759792

098-88-2130

10/31/84 00223793 J759792 \$ 9.00

FIRST AMENDMENT OF DECLARATION OF

COVENANTS AND RESTRICTIONS

FONDREN SOUTHWEST NORTHFIELD, SECTION EIGHT

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

THIS FIRST AMENDMENT is made this 1st day of August, 1984, by CHARTER ASSOCIATES, a joint venture composed of Atlas Realty Company, WBD Corporation, First Continental Investment Company, T.M.C. Associates, Inc., all Texas corporations, hereinafter called "Declarant".

WITNESSETH:

9
WHEREAS, heretofore on February 28, 1983, a Declaration of Covenants and Restrictions was filed of record in the Official Public Records of Real Property of Harris County, Texas under Clerk's File No. H-833185 and recorded under Film Code Reference No. 039-83-1721, said Declaration of Covenants and Restrictions being hereinafter called "said Declaration" and covering the following described land and premises located in Harris County, Texas, to-wit:

All of Fondren Southwest Northfield, Section Eight, a subdivision in Harris County, Texas, according to the replat thereof recorded in Volume 327, Page 108 of the Map Records of Harris County, Texas (or any subsequently recorded plat thereof).

WHEREAS, said Declaration provides that same may be amended during the initial forty (40) year term thereof by an instrument executed by the owners of sixty-six percent (66%) of the Lots described in said Declaration; and

WHEREAS, Declarant presently owns title to more than sixty-six percent (66%) of said Lots; and

WHEREAS, Declarant desires to amend the said Declaration as hereinafter provided.

NOW, THEREFORE, Declarant hereby amends that certain Declaration of Covenants and Restrictions for Fondren Southwest Northfield, Section Eight, recorded under Clerk's File No. H-833185 and recorded under Film Code Reference No. 039-83-1721 of the Official Public Records of Real Property of Harris County, Texas, as follows:

FILED
OCT 31 11 31 AM '84
Christa Redden
COUNTY CLERK
HARRIS COUNTY, TEXAS

RETURN TO:
T.M.C. FUNDING, INC.
P.O. BOX 7479
HOUSTON, TEXAS 77248
ATTN: *Vanessa Bequetti*

098-88-2131

I.

Section 1 of the Definitions in Article I is deleted in its entirety and the following is substituted in lieu thereof:

"Section 1. "Association" shall refer to the Northfield West Homeowners Association, a Texas non-profit corporation, which Declarant has or will cause to be incorporated, its successors and assigns."

II.

The caption or title of Article III of said Declaration, is hereby deleted and the following caption is substituted in lieu thereof:

"NORTHFIELD WEST HOMEOWNERS ASSOCIATION".

III.

The first and second sentences of Section 1 in Article III of said Declaration are hereby deleted in their entirety and the following are substituted in lieu thereof:

"Declarant has or will cause the Association to be organized and formed as a non-profit corporation organized under the laws of the State of Texas. In addition to its jurisdiction pursuant to this instrument, the Association has jurisdiction over Fondren Southwest Northfield, Sections Six and Seven."

IV.

The third sentence in sub-paragraph b of Section 4 in Article III of said Declaration is hereby deleted in its entirety and the following is substituted in lieu thereof:

"The Class B membership shall cease and be converted to Class A membership on the happening of either of the following events, whichever occurs earlier: (i) When the total votes outstanding in Class A membership equal the total votes outstanding in Class B membership, or (ii) on January 1, 1995."

V.

The first sentence in Section 4 of Article VII of said Declaration is hereby deleted in its entirety and the following is substituted in lieu thereof:

"Any attached or detached garage which opens or faces onto a front lot line shall be located not less than seventy (70) feet from the front lot line, unless otherwise approved by the Committee."

VI.

The third sentence of Article XI of said Declaration is hereby deleted in its entirety.

VII.

Said Declaration is further amended and modified to contain the following:

Notwithstanding any covenant, restriction or other provision set forth in said Declaration, Restricted Reserve "A" in Block 3 of the Subdivision is

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specifically excepted and excluded from all use and architectural restrictions, including without limitation, all residential use restrictions, minimum setback lines, minimum construction and architectural design requirements, all as set forth in Article VI and VII respectively of said Declaration. Declarant shall have the right to erect, install, construct and operate on said Restricted Reserve "A" in Block 3 of the Subdivision a recreational center, consisting of a pool, clubhouse, tennis courts and appurtenant parking areas, which shall be for the use and benefit of all Members of the Association and their guests. Declarant and Declarant's agents, employees and subcontractors shall have rights of ingress and egress over, upon and across said Restricted Reserve "A" in Block 3 and shall further be entitled to remove all trees and shrubs located upon said Restricted Reserve "A" and bring all necessary equipment thereon in order to prosecute the completion of construction of the hereinabove described recreational center. Upon completion of construction of the hereinabove described recreational center, the Association shall be responsible for maintaining, repairing, replacing and operating the recreational center and all costs and expenses in connection therewith shall be borne by Members of the Association through annual assessments or special assessments levied by the Board of Directors or Association in accordance with said Declaration, as amended hereby.

Except as expressly modified and amended herein, said Declaration is hereby ratified and confirmed, and the changes herein made are made a part thereof for all purposes.

IN WITNESS WHEREOF, Declarant has executed this First Amendment the date and year first above written.

DECLARANT:

CHARTER ASSOCIATES, a joint venture composed of:

ATLAS REALTY COMPANY

By: [Signature]
Name: BISHER RANDALL
Title: EX. VICE PRES

WBD CORPORATION

By: [Signature]
Name: CHARLES M. LISK, III
Title: VICE PRESIDENT

FIRST CONTINENTAL INVESTMENT COMPANY

By: [Signature]
Name: Taskey Baker
Title: Vice-President

T.M.C. ASSOCIATES, INC.

By: [Signature]
Name: Carl T. Stephens
Title: President

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P.O. BOX 7479
HOUSTON, TEXAS 77248
ATTN: Vanessa Bequette

098-88-2133

THE STATE OF TEXAS
COUNTY OF HARRIS

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This instrument was acknowledged before me on this 3rd day of October, 1984 by Lisher RANDALL, Exec. Vice President of Atlas Realty Company, a Texas corporation, on behalf of said corporation.

Mildred I. Terrell

Notary Public in and for the State of TEXAS

MILDRED I. TERRELL

Notary Public in and for the State of Texas

My Commission Expires 4/29/86

My commission expires: _____

THE STATE OF TEXAS
COUNTY OF HARRIS

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This instrument was acknowledged before me on this 3rd day of October, 1984 by CHARLES M. LUSK, III, VICE PRESIDENT of WBD Corporation, a Texas corporation, on behalf of said corporation.

Inez Birotte

Notary Public in and for the State of TEXAS

INEZ BIROTTE

My Commission Expires 11-12-19 84

My commission expires: _____

THE STATE OF TEXAS
COUNTY OF HARRIS

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This instrument was acknowledged before me this 3rd day of October, 1984 by Lasley Baker, Vice-President of First Continental Investment Company, a Texas corporation, on behalf of said corporation.

Karen E. Morney

Notary Public in and for the State of TEXAS

KAREN E. MORNEY

Notary Public in and for Harris County

My Commission Expires 10-5-85

My commission expires: _____

THE STATE OF TEXAS
COUNTY OF HARRIS

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This instrument was acknowledged before me on this 2nd day of August, 1984 by Carl J. Stephens, President of T.M.C., Associates, Inc., a Texas corporation, on behalf of said corporation.

Vanessa Bequette

Notary Public in and for the State of TEXAS

My commission expires: _____

VANESSA BEQUETTE
MY COMMISSION EXPIRES: 6/2/86

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ATTN: Vanessa Bequette

098-88-2134

STATE OF TEXAS }
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in
File Number Sequence on the date and at the time stamped
hereon by me and was duly RECORDED, in the Official
Public Records of Real Property of Harris County, Texas on

OCT 31 1984



Quita Rosebaum
COUNTY CLERK,
HARRIS COUNTY, TEXAS

098-88-2134