

Amended

098-88-2126

J759791

FIRST AMENDMENT OF DECLARATION OF
COVENANTS AND RESTRICTIONS

10/31/84 00223792 J759791 \$ 11 25

FONDREN SOUTHWEST NORTHFIELD, SECTION SEVEN

W

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:

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-833184 and recorded under Film Code Reference No. 039-83-1697, 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 Seven, a sub-division in Harris County, Texas, according to the corrected map or plat thereof recorded in Volume 303, Page 83 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 Seven, recorded under Clerk's File No. H-833184 and recorded under Film Code Reference No. 039-83-1697 of the Official Public Records of Real Property of Harris County, Texas, as follows:

2-11-85

FILED
OCT 31 11 31 AM '84
Patricia Reuland
COUNTY CLERK
HARRIS COUNTY, TEXAS

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

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 in Section 1 of 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 Eight."

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

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.

098-88-2128

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

DECLARANT:

(5)
m

CHARTER ASSOCIATES, a joint venture composed of:

ATLAS REALTY COMPANY

By: [Signature]
Name: RISHOR RONDAU
Title: Exec VICE PRES

WBD CORPORATION

By: [Signature]
Name: Charles M. Lusk III
Title: Vice President

FIRST CONTINENTAL INVESTMENT COMPANY

By: [Signature]
Name: W. E. Daniels
Title: President

T.M.C. ASSOCIATES, INC.

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

THE STATE OF TEXAS §
COUNTY OF HARRIS §

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

[Signature]
Notary Public in and for the State of TEXAS

My commission expires: _____


MILDRED I. TERRELL
Notary Public in and for the State of Texas
My Commission Expires 4/29/86

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

098-88-2129

THE STATE OF TEXAS §
§
COUNTY OF HARRIS §

This instrument was acknowledged before me on this the 3rd day of August, 1984 by Charles M. Lusk III, Vice President of WBD Corporation, a Texas corporation, on behalf of said corporation.


Cris Kaszniak
Notary Public in and for
the State of T E X A S
My commission expires: _____
CRIS KASZNAK
My Commission Expires 8/20/85

THE STATE OF TEXAS §
§
COUNTY OF HARRIS §

This instrument was acknowledged before me on this the 2nd day of August, 1984, by W.E. Daniels, President of First Continental Investment Company, a Texas corporation, for and on behalf of said corporation.

W.E. Daniels
Notary Public in and for
the State of T E X A S
My commission expires: 11-1-86

THE STATE OF TEXAS §
§
COUNTY OF HARRIS §

This instrument was acknowledged before me on this the 1st 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 T E X A S
VANESSA BEQUETTE
My commission expires: MY COMMISSION EXPIRES: 6/2/86

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 herein by me; and was duly RECORDED, in the Official Public Records of Real Property of Harris County, Texas on

OCT 3 1 1984



Quita Lashburn
COUNTY CLERK,
HARRIS COUNTY, TEXAS

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