

**FOURTH AMENDMENT TO  
DECLARATION OF COVENANTS AND RESTRICTIONS  
FONDREN SOUTHWEST NORTHFIELD, SECTION SEVEN**

**THIS FOURTH AMENDMENT TO DECLARATION OF PROTECTIVE COVENANTS, FONDREN SOUTHWEST NORTHFIELD, SECTION SEVEN (“Fourth Amendment”)** is made and effective this 10<sup>th</sup> day of May, 2019 (“**Effective Date**”), by NorthfieldDH, LLC, a Texas limited liability company (“**Declarant**”), owner of more than sixty-six percent (66%) of the Lots in Fondren Southwest Northfield, Section Seven, a subdivision in Harris County, Texas (the “**Subdivision**”), and amends that certain Declaration of Covenants and Restrictions, Fondren Southwest Northfield, Section Seven dated February 16, 1983, filed for record on February 28, 1983 under Clerk’s File Number H-833184 of the Public Records of Harris County, Texas and recorded under Film Code No. 039-83-1697, as amended by that First Amendment of Declaration of Covenants and Restriction, Fondren Southwest Northfield, Section Seven dated August 1, 1984, filed for record on October 31, 1984 under Harris County Clerk’s File Number J-759791 and recorded under Film Code No. 098-88-2126 (the “**First Amendment**”), that Second Amendment of Declaration of Covenants and Restriction, Fondren Southwest Northfield, Section Seven dated January 26, 2016, filed for record on January 25, 2016 under Harris County Clerk’s File Number RP-2016-30801 (the “**Second Amendment**”), and that Third Amendment to Declaration of Covenants and Restrictions, Fondren Southwest Northfield, Section Seven dated June 30, 2016, filed for record on July 1, 2016 under Harris County Clerk’s File Number RP-2016-286260 (the “**Third Amendment**”) [the Declaration of Covenants and Restrictions, Fondren Southwest Northfield, Section Eight, First Amendment, Second Amendment, Third Amendment, and this Fourth Amendment shall collectively be referred to as the “**Declaration**”].

**RECITALS:**

**WHEREAS**, Article X, Section 7 of the Declaration provides, in part, that the Declaration may be amended during the initial forty (40) year term by an instrument executed by the Owners of sixty-six percent (66%) of the Lots or the Subdivision; and

**WHEREAS**, Declarant owns more than sixty-six percent (66%) of the Lots in the Subdivision; and

**WHEREAS**, Declarant desires to amend the Declaration to clarify the assessment by the Association of two (2) contiguous Lots owned by a single Owner.

**NOW, THEREFORE**, in consideration of the above premises and other good and valuable consideration, Declarant hereby amends the agreement as follows:

1. Article IV of the Declaration is hereby amended to add the following as Section 11 of such Article IV:

**“Section 11. Owners of Two (2) Contiguous Lots.** Notwithstanding anything in the Declaration to the contrary, in the event that an Owner owns two (2) contiguous Lots and there is either (i) one (1) residence located on one (1) of the Lots, or (ii) one (1) residence located on both Lots, then the Owner shall be assessed pursuant to this Article IV as if such Owner owns only one (1) Lot until such time as a residence is built on the adjoining Lot, in which event the Owner shall be assessed for both Lots beginning upon the commencement of construction of such residence.”

2. Except as herein modified, all other terms and conditions of the Declaration, as amended, shall remain in full force and effect, and the parties hereto affirm, ratify, and approve the terms and conditions of said Declaration as amended and supplemented.

3. In the event of a conflict between the terms of the Declaration as amended and supplemented and this Fourth Amendment, this Fourth Amendment shall control for all purposes.
4. All defined terms and phrases herein contained shall have the same meaning as ascribed to in the Declaration as amended and supplemented, except as otherwise expressly stated herein.
5. This Fourth Amendment may be executed in multiple counterparts, each of which shall be an original instrument and which, taken together, constitute one and the same agreement.
6. This Fourth Amendment may contain telecopied or PDF signatures which shall be deemed genuine original signatures for all purposes.

**[SIGNATURE PAGES FOLLOW]**

IN WITNESS WHEREOF, the parties hereto have executed this Fourth Amendment as of the Effective Date.

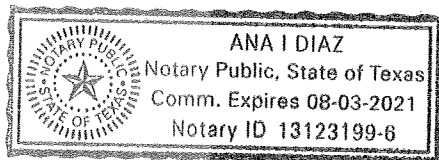
**NORTHFIELD DH, LLC**, a Texas limited liability company

By: David Polatsk  
Name: [Signature]  
Its: HOA Manager  
Date: 5/16/2019

THE STATE OF TEXAS §

COUNTY OF HARRIS §

THIS INSTRUMENT was acknowledged before me on the 16 day of May, 2019 by David Polatsk the Manager of Northfield DH, LLC a Texas limited liability company, on behalf of said entity.



[Signature]  
NOTARY PUBLIC SIGNATURE

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**EXHIBIT A**

**LEGAL DESCRIPTION OF DETENTION POND TRACT**

**DESCRIPTION OF  
1.303 ACRES (56,763 SQUARE FEET)  
DRAINAGE AND DETENTION POND EASEMENT**

Being 1.303 acres (56,763 square feet) of land located in the M.C. Friedenhaus Survey, Abstract Number 1260, Harris County, Texas, being all of Lots 1, 2, and 3 and a portion of Lot 4, Block 2 of corrected plat of Fondren Southwest Northfield Section Seven, a subdivision of record in Volume 303, Page 83 of the Map Records of said Harris County, Texas, (H.C.M.R.) and all of Lots 1, 2, and 3, Block 2, of the Replat of Fondren Southwest Northfield Section Eight, a subdivision of record in Volume 327, Page 108, H.C.M.R., said Lots 1, 2, and 3, Block 2, of said Replat of Fondren Southwest Northfield Section Eight being a portion of that certain called 6.574 acre tract (referred to as Tract 1-Part 2) conveyed to NorthfieldDH, LLC by an instrument of record under File Number 20150193042, of the Official Public Records of Real Property of said Harris County (H.C.O.P.R.R.P.) and said Lots 1, 2, 3 and 4, Block 2 of said Corrected Plat of Fondren Southwest Northfield Section Seven being a portion of that certain called 7.144 acre tract (referred to as Tract 2-Part 2) conveyed to NorthfieldDH, LLC by an instrument of record under File Number 20150193042, H.C.O.P.R.R.P., said 1.303 acre tract being more particularly described by metes and bounds as follows (all bearings are referenced to the Texas Coordinate System, South Central Zone, NAD83, (2001 adj.):

BEGINNING at a 5/8-inch iron rod with cap stamped "LJA ENG" previously set at the intersection of the north right-of-way line of Ludington Drive (60 feet wide) as shown on said Replat of Fondren Southwest Northfield Section Eight and the west right-of-way line of Pembridge Drive (60' wide) as shown on said Replat of Fondren Southwest Northfield Section Eight, said point also being the southeast corner of said Lot 1, Block 2 of said Replat of Fondren Southwest Northfield Section Eight;

Thence, South 87° 45' 39" West, along the north right-of-way line of said Ludington Drive, 228.00 feet to a point for the common south corner of Lots 3 and 4, Block 2, of said Replat of Fondren Southwest Northfield Section Eight

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Thence, North 02° 14' 21" West, departing said north right-of-way line and along the common line of said Lots 3 and 4, 115.00 feet to a point for the common north corner of said Lots 3 and 4, said point being on the north line of Block 2 of said Replat of Fondren Southwest Northfield Section Eight and the south line of Block 2 of said Corrected Plat of Fondren Southwest Northfield Section Seven;

Thence, South 87° 45' 39" West, along said north and south lines, 32.00 feet to a point for corner on the south line of Lot 4 of said Corrected Plat of Fondren Southwest Northfield Section Seven;

Thence, North 02° 14' 21" West, departing said north and south lines, 118.24 feet to a point for corner on the north line of Lot 4 of said Corrected Plat of Fondren Southwest Northfield Section Seven, said point being on the south right-of-way line of Coachwood Drive (50' wide) as shown on said Corrected Plat of Fondren Southwest Northfield Section Seven;

Thence, North 87° 45' 39" East, along the south right-of-way line of said Coachwood Drive, 246.20 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" previously set for the northerly end of a cut-back corner at the intersection of the south right-of-way line of said Coachwood Drive and the west right-of-way line of Pembridge Drive as shown on said Corrected Plat of Fondren Southwest Northfield Section Seven;

Thence, South 48° 59' 17" East, along said cut-back corner, 14.59 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" previously set for the southerly end of said cut-back corner, the beginning of a curve;

Thence, along said westerly right-of-way line of Pembridge Drive and 108.30 feet along the arc of a non-tangent curve to the right, having a radius of 1,870.00 feet, a central angle of 03° 19' 06", and a chord which bears South 03° 54' 52" East, 108.29 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" previously set for the common east corner of Block 2 of said Replat of Fondren Southwest Northfield Section Eight and the Block 2 of said Corrected Plat of Fondren Southwest Northfield Section Seven;

Thence, South 02° 14' 21" East, continuing along westerly right-of-way line of Pembridge Drive as shown on said Replat of Fondren Southwest Northfield Section Eight, 115.00 feet to the POINT OF BEGINNING and containing 1.303 acres (56,763 square feet) of land.

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# Pages 7  
05/17/2019 08:53 AM  
e-Filed & e-Recorded in the  
Official Public Records of  
HARRIS COUNTY  
DIANE TRAUTMAN  
COUNTY CLERK  
Fees \$36.00

RECORDERS MEMORANDUM

This instrument was received and recorded electronically and any blackouts, additions or changes were present at the time the instrument was filed and recorded.

Any provision herein which restricts the sale, rental, or use of the described real property because of color or race is invalid and unenforceable under federal law.

THE 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.



*Diane Trautman*

COUNTY CLERK  
HARRIS COUNTY, TEXAS

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