

AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR NORTHVIEW WEST, SECTION ONE
A SUBDIVISION IN HARRIS COUNTY, TEXAS

THE STATE OF TEXAS X
COUNTY OF HARRIS X

WHEREAS, Texas Southwest Development Corporation, a Texas Corporation, has heretofore executed that certain Declaration of Covenants, Conditions, and Restrictions which was filed for record in the Office of the County Clerk of Harris County, Texas, under County Clerk's File No. J306521, Page No. 069-90-1278 through Page No. 069-90-1303 in the Official Public Records of Real Property of Harris County, Texas, imposing on Northview West, Section One, a subdivision in Harris County Texas, according to the map Records of Harris County, Texas recorded in Volume 321 Page 101 (hereinafter referred to as the "Properties"), all those certain reservations, easements, restrictions, covenants, conditions, charges and liens therein set forth for the benefit of the Properties and each Owner thereof; and,

WHEREAS, Southmore Savings Association, a Texas Corporation, is the successor of Texas Southwest Development Corporation, and

WHEREAS, Southmore Savings Association is the Owner of at least seventy-five (75%) of all of the lots in the Properties, and desire to amend the Declaration pursuant to the authority contained therein, and the particulars hereinafter set forth; and,

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS: THAT, the undersigned hereby amend, and consent to the amendment thereof, respectively, the Declaration as follows:

FILED
APR 11 9 00 AM 1994
COUNTY CLERK
HARRIS COUNTY, TEXAS

*Robert L. [unclear]
229 9th Street #422
No. 77006*

Article III, Section 3, Subsection 2. Zero Lot Line Option is hereby deleted in its entirety and the following is and shall henceforth be said Article III, Section 3, Subsection 2 (a).

2. Zero Lot Line Option.

(a) Placement. The front building setback line shall be as hereinabove required. Each residence dwelling shall be designed so as to provide that a minimum of fifty percent (50%) of the linear distance of one (1) wall of the residence structure shall be constructed adjacent to and abutting a side lot line. Such side lot line where there is such construction shall be hereinafter referred to as the "Zero Lot Line". Provided, however, that an open court or patio may be built adjacent and abutting the aforementioned Zero Lot Line, but said open court or patio must be enclosed by a masonry or wood wall having a minimum height of six (6) feet. This wall must, as is the case with the residence wall, be constructed adjacent to the abutting Zero Lot Line and enclose the court or patio in such manner as to appear to be an extension of the residence dwelling. The Zero Lot Line walls shall have no exterior objects or appurtenances such as, for example, there shall be no electric panels, vents, plumbing clean outs, windows or openings of any kind unless such Zero Lot Line side is on the street side of a corner lot. If the Zero Lot Line side is on the street side of a corner lot, normal openings and exterior appurtenances may be constructed on the dwelling abutting the Zero Lot Line. Provided, however, the roof overhang and the attached guttering of the Zero Lot line dwelling may extend and encroach over the Zero Lot Line for a distance not to exceed twenty-four (24) inches, provided the minimum distance between roof overhangs is five (5') feet. There is hereby established a six (6) foot minimum distance between the Zero Lot Line and the residence dwelling situated upon the adjoining lot. No dwelling shall be located on any lot within any Utility Easement along the rear lot line.

Article IV, Section 5, Term is hereby deleted in its entirety and the following is and shall henceforth be said Section 5, of Article IV.

Section 5. Term. The duties and powers of the Architectural Control Committee and of the designated representative shall cease on and after ten (10) years from the date of this instrument. Thereafter, the approval described in this Covenant shall not be required, and all power vested in said committee by this Covenant shall cease and terminate; provided, that any time after January 1, 1991, whether or not the term of the Architectural Control Committee specified above shall have expired, by a two-thirds (2/3) vote of the members present and voting; the Board of Directors of the Association may assume the duties and powers of the Architectural Control Committee, and thereafter the Board of Directors of the Association shall have all of the rights, benefits and powers provided herein for the Architectural Control Committee.

Article V, Section 2, Membership and Voting Rights is hereby deleted in its entirety and the following is and shall henceforth be said Article V, Section 2.

Section 2. The association shall have two (2) classes of voting membership:

Class "A". The Class "A" Members shall be Owners as defined in Section 1 of Article V, with the exception of the Declarant and its successors and assigns, and shall be entitled to one vote for each Lot owned. When more than one person holds an interest in any Lot, all such persons shall be members. The vote for such Lot shall be exercised as they among themselves determine, but in no event shall more than one vote be cast with respect to any Lot.

Class "B". The Class "B" member(s) shall be the Declarant and its successors and assigns and all shall be entitled to three (3) votes for each Lot owned. 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:

- (a) when the total votes outstanding in the Class "A" membership equal the total votes outstanding in the Class "B" membership; or
- (b) on January 1, 1992

These amendments to the Declaration set forth herein shall be deemed to be part of, and shall be interpreted in accordance with the other provisions of, the Declaration. All provisions contained in the Declaration are hereby ratified and confirmed in each and every particular, and shall continue in full force and effect pursuant to the terms thereof, except as expressly amended hereby.

IN WITNESS WHEREOF, the undersigned have executed this Amendment to Declaration of Covenants, Conditions and Restrictions, to be effective the 9th day of March, 1984.

ATTEST:

078-98-0122
SOUTHMORE SAVINGS ASSOCIATION

By T.R. Adkins

Name T.R. ADKINS

Title Secretary-Treasurer

By Tommy Adkins

Name TOMMY ADKINS

Title President

ATTEST:

By

Name

Title

FEDERAL HOUSING ADMINISTRATION

By James M. Wilson

Name JAMES M. WILSON

Title Manager

ATTEST:

By

Name

Title

VETERANS ADMINISTRATION

By Amil C. Stafford

Name AMIL C. STAFFORD

Title Chief, Construction & Valuation Sect
VA Regional Office

RECORDER'S MEMORANDUM:
At the time of recording, this instrument was found to be inadequate for the best photographic reproduction because of illegibility, carbon or photo copy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.

THE STATE OF TEXAS ..
COUNTY OF HARRIS X

BEFORE ME, the undersigned authority, on this day personally appeared
TOMMY ADKINS, PRESIDENT (Title)
SOUTHMORE SAVINGS ASSOCIATION, a Corporation, known to me to
be the person whose name is subscribed to the foregoing instrument, and
acknowledged to me that he executed the same for the purposes and
consideration therein expressed, in the capacity therein stated, and as
the act and deed of said Corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 9th day
of MARCH, 1984

Mary Ellen May
Notary Public in and for the State of
TEXAS
Mary Ellen May
My Commission Expires: 08-18-87

THE STATE OF TEXAS X
COUNTY OF HARRIS X

BEFORE ME, the undersigned authority, on this day personally appeared
James M. Wilson, Manager, DRUD, known to me to be the person
whose name is subscribed to the foregoing instrument, and acknowledged to
me that he executed the same for the purposes and consideration therein
expressed, in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 16th day
of March, 1984

Glynda L. Powell
Notary Public in and for the State of
TEXAS
Glynda L. Powell
My commission expires 8-11-85

THE STATE OF TEXAS X
COUNTY OF HARRIS X

BEFORE ME, the undersigned authority, on this day personally appeared
AMEL C. STANTFORD, Chief C&V - VA, known to me to be the person
whose name is subscribed to the foregoing instrument, and acknowledged to
me that he executed the same for the purposes and consideration therein
expressed, in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 21st day
of March, 1984

Marie J. Guzman
Notary Public in and for the State of
TEXAS
My commission expires: Sept. 30, 1984

078-98-0123

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K

This Amendment to the Declaration of Covenants, Conditions and Restrictions for Northview West, Section One, is entered by and among SOUTHWEST SAVINGS ASSOCIATION, a Texas corporation (hereinafter referred to as "Declarant"), TEXAS SOUTHWEST DEVELOPMENT CORPORATION, a Texas corporation, GEMCRAFT HOMES, INC., a Texas corporation, T. M. MCKINNEY CORPORATION, a Texas corporation, and NORTHVIEW ASSOCIATES, a Texas ~~General~~ *Limited* Partnership (hereinafter referred to as "Owners").

W I T N E S S E T H:

WHEREAS, Texas Southwest Development Corporation, as Declarant, did on the 29th day of December, 1983, by execution of Declaration of Covenants, Conditions and Restrictions for Northview West, Section One, recorded under Film Code Number 069-90-1278, in the Office of the Real Property Records of Harris County, Texas, declare certain covenants, conditions and restrictions for Northview West, Section One, a subdivision in Harris County, Texas, according to the map or plat thereof recorded in Volume 321, Page 101, of the Map Records of Harris County, Texas, less and except, restricted reserves A, B, C, D, and F thereof; and

WHEREAS, Declarant's name was incorrectly stated in said original Declaration of Covenants, Conditions and Restrictions for Northview West, Section One; and

WHEREAS, SOUTHWEST SAVINGS ASSOCIATION was on the date of the original Declaration of Covenants, Conditions and Restrictions for Northview West, Section One, the actual owner of all property within Northview West, Section One; and

WHEREAS, SOUTHWEST SAVINGS ASSOCIATION did execute said Declaration of Covenants, Conditions and Restrictions for Northview West, Section One as lienholder; and

WHEREAS, the undersigned, being all parties having or acquiring any right, title or interest in Northview West, Section One, or any part thereof, desire to amend said Declaration of Covenants, Conditions and Restrictions for Northview West, Section One, to reflect that Declarant's name is to read "SOUTHWEST SAVINGS ASSOCIATION";

RECORDERS MEMORANDUM:
At the time of recording, this instrument was found to be inadequate for the best photographic reproduction because of illegibility, carbon or photocopy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.

NOW, THEREFORE, for and in consideration of valuable consideration in hand paid for each of the parties to the other, and in further consideration of the mutual benefits to be derived by each of the parties hereto, the parties hereby agree, pursuant to Article VII, Section One of said Declaration of Covenants, Conditions and Restrictions for Northview West, Section One:

- (1) that the Declaration of Covenants, Conditions and Restrictions for Northview West, Section One, is hereby amended to reflect that Declarant's name is to read "SOUTHWEST SAVINGS ASSOCIATION"; and
- (2) that this Amendment relates back to and is effective as of the original date of said Declaration of Covenants, Conditions and Restrictions for Northview West, Section One, the 29th day of December, 1983, and that such Declaration of Covenants, Conditions and Restrictions for Northview West, Section One shall continue in full force and effect as originally written.

IN WITNESS WHEREOF the parties hereto have caused the presents to be executed on this, the 5th day of ^{April}~~March~~, 1984.

ATTEST:

By: T. R. Adkins
T. R. Adkins

ATTEST:

By: T. R. Adkins
T. R. Adkins

ATTEST:

By: Steven E. Lane
Steven E. Lane

ATTEST:

By: Rebecca A. Patapoff
Rebecca A. Patapoff

ATTEST:

By: Darrell Gordon
Darrell Gordon

DECLARANT

SOUTHWEST SAVINGS ASSOCIATION

By: Tommy Adkins
Tommy Adkins

TEXAS SOUTHWEST DEVELOPMENT CORPORATION

By: G. Neil Freese
G. Neil Freese

GEMCRAFT HOMES, INC.

By: H. Van Mathews
H. Van Mathews Agent-in-Fact
By: Andrew M. Dobylak
T. M. MCKINNEY CORPORATION President (Andrew M. Dobylak)

By: T. M. McKinney
T. M. McKinney

NORTHVIEW ASSOCIATES

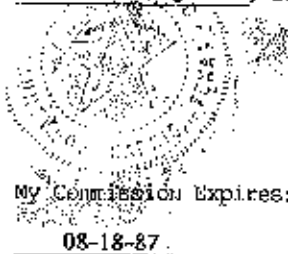
By: Donald R. Oakley
General Partner
Donald R. Oakley

RECORDER'S MEMORANDUM:
At the time of recording, this instrument was found to be inadequate for the best photographic reproduction because of illegibility, carbon or photo copy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.

THE STATE OF TEXAS §
 §
 COUNTY OF HARRIS §

BEFORE ME, THE UNDERSIGNED AUTHORITY, on this day personally appeared
TOMMY ADKINS, PRESIDENT of SOUTHWEST
 SAVINGS ASSOCIATION, known to me to be the person whose name is subscribed to
 the foregoing instrument and he acknowledged to me that he executed the same
 for the purposes and consideration therein expressed, in the capacity therein
 stated and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 5th day of
APRIL, 1984.

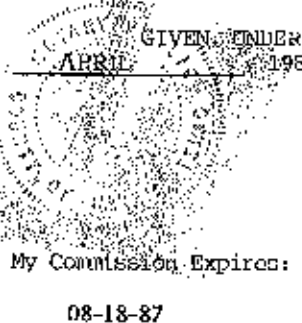

 My Commission Expires:
08-18-87

Mary Ellen Fay
 Notary Public in and for
 the State of TEXAS
 MARY ELLEN FAY

THE STATE OF TEXAS §
 §
 COUNTY OF HARRIS §

BEFORE ME, THE UNDERSIGNED AUTHORITY, on this day personally appeared
G. NEIL FREESE, VICE PRESIDENT of TEXAS
 SOUTHWEST DEVELOPMENT CORPORATION, known to me to be the person whose name is
 subscribed to the foregoing instrument and he acknowledged to me that he
 executed the same for the purposes and consideration therein expressed, in the
 capacity therein stated and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 5th day of
APRIL, 1984.

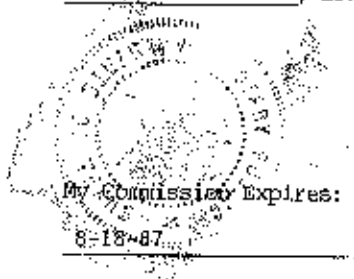

 My Commission Expires:
08-18-87

Mary Ellen Fay
 Notary Public in and for
 the State of TEXAS
 MARY ELLEN FAY

THE STATE OF TEXAS §
 §
 COUNTY OF HARRIS §

BEFORE ME, THE UNDERSIGNED AUTHORITY, on this day personally appeared Andrew M. Zdobylak, President and H. Dan Mathews, Agent in fact of GEMCRAFT HOMES, INC., known to me to be the person whose name is subscribed to the foregoing instrument and he acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 25th day of April, 1984.



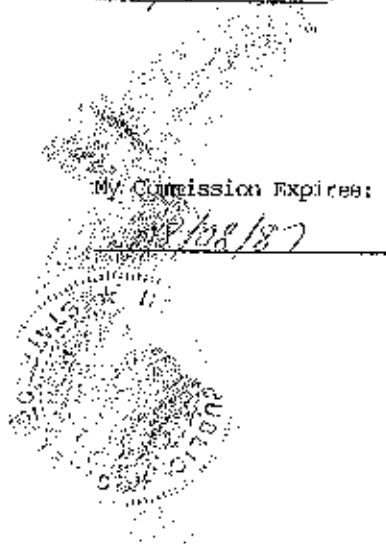
Jayne L. Hansen
 Notary Public in and for
 the State of TEXAS

Jayne L. Hansen

THE STATE OF TEXAS §
 §
 COUNTY OF HARRIS §

BEFORE ME, THE UNDERSIGNED AUTHORITY, on this day personally appeared T.M. McKinney, PRESIDENT of T. M. McKinney Corporation, known to me to be the person whose name is subscribed to the foregoing instrument and he acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 25th day of April, 1984.



Diane M. McCarthy
 Notary Public in and for
 the State of TEXAS
 Diane M. McCarthy

THE STATE OF TEXAS §
 COUNTY OF HARRIS §

BEFORE ME, THE UNDERSIGNED AUTHORITY, on this day personally appeared DONALD R. CARLEY, General Partner of NORTHVIEW ASSOCIATES, known to me to be the person whose name is subscribed to the foregoing instrument and he acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated and as the act and deed of said Partnership.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 12 day of April, 1984.

Mr. CONTINUED: Expires:
 Notary Public, State of Texas
 My Commission Expires 5/5/88

Notary Public in and for
 the State of TEXAS
 AUBRY R. COHEN

Smith/1-27

FILED
 MAY 3 3 10 PM 1984
 County Clerk
 HARRIS COUNTY, TEXAS

STATE OF TEXAS
 COUNTY OF HARRIS

I hereby certify that this instrument was FILED in
 PMA 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

MAY 3 1984



Quita Roddenberry
 COUNTY CLERK,
 HARRIS COUNTY, TEXAS

Return to: Glenn W. Loggins, Inc.
 9434 Old Katy Road, Suite 310
 Houston, Texas 77055
 Attn: Laura Loggins