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REAL PROPERTY RECORDS  
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FIRST AMENDMENT OF COVENANTS, CONDITIONS AND RESTRICTIONS OF  
POINT AQUARIUS, PARTIAL REPLAT OF RESERVE OF SECTION 1

STATE OF TEXAS

§

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF MONTGOMERY

§

WHEREAS, on June 12, 1991, PATTEN CORPORATION SOUTHWEST (herein and therein referred to as "Developer"), executed that certain Declaration of Covenants, Conditions and Restrictions, Point Aquarius, Partial Replat or Reserve of Section 1, (hereinafter referred to as the "Original Restrictions"), filed for record under County Clerk's File No. 9125463, in the Real Property Records of Montgomery County, Texas, affecting a Partial Replat of Reserve of Section 1, Point Aquarius, a subdivision in Montgomery County, Texas, as per map or plat thereof recorded in Cabinet F, Sheets 189A and 189B, Map Records of Montgomery County, Texas, (the "Subdivision"); and

WHEREAS, the Original Restrictions provide, in Section 9.03 of Article IX that the Developer reserves the right to promulgate and impose restrictions (as well as vary and amend said Original Restrictions) for the purpose of correcting any oversight, ambiguity or inconsistency therein, provided such amendment is consistent with and in furtherance of the general plan and scheme of the development; and,

WHEREAS, the Original Restrictions refer to certain restrictions which apply to all lots in said Subdivision; and

WHEREAS, the Developer desires to amend the Original Restriction to exclude and exempt Lots 23 and 24 of said Subdivision from the Original Restrictions and to promulgate and impose restrictions with respect to said Lots 23 and 24 of the Subdivision in the furtherance of the general scheme of the development; and,

WHEREAS, the Developer owns in excess of two-thirds (2/3rds) of the lots in said Partial Replat of Reserve of Section 1 of Point Aquarius and, therefore, may amend the Original Restrictions pursuant to Section 9.02 thereof, and in any event, the amendment of the Original Restrictions in said manner does not require the joinder of any other person, whether such person be an owner of property in the Subdivision, a lienholder, a mortgagee, a deed of trust beneficiary or any other person;

NOW, THEREFORE, in consideration of the Premises, the Original Restrictions are hereby amended as follows:

I.

The Dedication clause on page 1 of the Original Restrictions is hereby modified and amended to read as follows:

NOW, THEREFORE, Developer hereby adopts, establishes and imposes upon the Property, and declares the following reservations, easements, restrictions, covenants and conditions, applicable thereto, all of which are for the purposes of enhancing and protecting the value, desirability and attractiveness of said title or interest therein, or any part thereof, and shall inure to the benefit of each owner thereof, except that no part of this Declaration or the Restrictions shall be deemed to apply in any manner to the area identified or platted as "Unrestricted Reserve A" or as "Lot 23" or "Lot 24" on the Plat or to apply in any manner to any area not included in the boundaries of said Plat. Developer also declares that this Subdivision shall be subject to the jurisdiction of the "Association" (as hereinafter defined).

