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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 form 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).

Section 1.11 under Article I on page 2 of the Original Restrictions is hereby modified and amended to read as follows:

Section 1.11 "Lot" shall mean and refer to any plot of land identified as a lot or homesite on the plat of the subdivision. For purposes of this instrument, "Lot" shall not be deemed to include any portion of any "Reserves" or "Unrestricted Reserves", (defined herein as the Reserves and Unrestricted Reserves shown on the Plat) in the Subdivision, regardless of the use made of such area. Further, "Lot" shall not be deemed to include the Lots designated as 23 and 24 on the Plat, and such Lots 23 and 24 shall be considered an unrestricted Reserve.

III.

The Original Restrictions are hereby modified and amended to include the following:

Section 3.25 Lots 23 and 24. No activity, whether for profit or not, shall be conducted on Lots 23 and 24 of the Subdivision which is noxious or offensive nor shall garbage or trash be permitted to be dumped on said lots. Further, any building or structure to be placed on said lots must be approved in writing by the Architectural Control Committee.

Except as hereinabove modified, the Original Restrictions remain unchanged and continue in full force and effect, binding within the Subdivision in accordance with their terms and provisions.

Executed at Conroe, Texas, on this 12 day of July, 1991.

PATTEN CORPORATION SOUTHWEST

Tom Lipar

Authorized Agent

STATE OF TEXAS

S

COUNTY OF MONTGOMERY

This instrument was acknowledged before me on the 12th day of July , 1991, by TOM LIPAR of PATTEN CORPORATION SOUTHWEST, a Delaware corporation, on behalf of said corporation.

SANDY LAHMAN
Notary Public, State of Texas
My Commission Expires
SEPT. 10, 1994

Motary Public, State of Texas

FILED FOR RECORD

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Return to:

James W. Steele 2040 Loop 336 West, Suite 212 Conroe, Texas 77304

COUNTY CLERK
MONTECHERY COUNTY, TEXAS

COUNTY OF MONTGOMERY)

1 hereby certify that this instrument was filed in File Number Sequence on the date and at the time stemped herein by me and was duly RECORDED in the official Public Records of Real Property of

JUL 15 1991



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