

REAL PROPERTY RECORDS

FIRST AMENDMENT OF POINT AQUARIUS, SECTION SEVEN
COVENANTS, CONDITIONS AND RESTRICTIONS

STATE OF TEXAS §
 COUNTY OF MONTGOMERY §
 KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, on July 26, 1989, PATTEN CORPORATION SOUTHWEST (herein and therein referred to as "Developer"), executed the certain Declaration of Covenants, Conditions and Restrictions, Point Aquarius, Section 7 (hereinafter referred to as the "Original Restrictions"), filed for record under County Clerk's File No. 8931385, in the Real Property Records of Montgomery County, Texas; 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 the building set-back lines shown on the plat of the Subdivision, and said Plat inadvertently fails to set forth all building set-back lines; and,

WHEREAS, the Developer desires to amend the Original Restrictions to clarify and correct the ambiguity regarding the building set-back lines and to promulgate and impose restrictions with respect to said building set-back lines 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 Section 7 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.

Section 3.05 on Page 5 of the Original Restrictions (recorded under Clerk's File No. 8931385 in the Real Property Records of Montgomery County, Texas) is hereby modified to read as follows:

Section 3.05. Location of the Improvements upon the Lot. No residential structure, carport or any other improvement shall be located on any lot nearer to the front, rear, side or street-side Lot line or nearer to the property lines than the minimum building set-back lines as follows:

<u>Lot Type</u>	<u>Front Building Set Back</u>	<u>Rear Building Set Back</u>	<u>Side Building Set Back</u>	<u>Corner Lot Side Bldg. Set Back</u>
Waterfront lots	25 ft.	15 ft.	5 ft.	10 ft.
Marina lots	25 ft.	15 ft.	5 ft.	10 ft.
Interior lots	25 ft.	15 ft.	5 ft.	10 ft.

For purposes of this Declaration, air compressors, eaves, steps, and unroofed terraces shall not be considered as part of a residential structure or other improvement. This covenant shall not be construed to permit any portion of a building foundation on a Lot to encroach upon any easement shown on the Plat. The main

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residential structure on any Lot shall face the front of the Lot unless a deviation is 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 5th day of November, 1989.

PATTEN CORPORATION SOUTHWEST

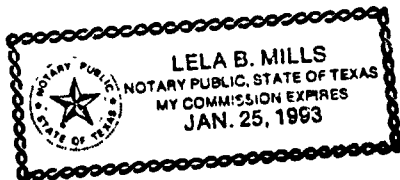
By [Signature]
HARRY MORRIS
Vice President

STATE OF TEXAS §

COUNTY OF MONTOMERY §

This instrument was acknowledged before me on the 5th day of November, 1989, by HARRY MORRIS, Vice President of PATTEN CORPORATION SOUTHWEST, a Delaware corporation, on behalf of said Corporation.

[Signature]
Notary Public, State of Texas



Return to:

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

STATE OF TEXAS)
COUNTY OF MONTGOMERY)
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 Montgomery County, Texas.

NOV 06 1989

FILED FOR RECORD

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[Signature]
COUNTY CLERK
MONTGOMERY COUNTY, TEXAS



[Signature]
COUNTY CLERK
MONTGOMERY COUNTY, TEXAS