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656-01-0799

REAL PROPERTY RECORDS

51

SECOND 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 that 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 utility company that furnishes electrical service to the subdivision has requested that the Original Restrictions be amended to reference certain requirements for electric utility service; and,

WHEREAS, the Developer desires to amend the Original Restrictions to clarify certain requirements for electric utility service 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.

Article 9 of the Original Restrictions (recorded under Clerk's File No. 8931385 in the Real Property Records of Montgomery County, Texas) is hereby modified to include the following:

9.12 Electric Utility Service. Prior to beginning any construction on a lot, each lot owner, at his expense, shall be required to install underground electric service lines from the transformer or source of feed to the meter location on said lot. Further, each lot owner may expect to pay a charge for connection to such electric utility service, and the owner is obligated to contact Gulf States Utilities Company to determine such charge and make arrangements for the installation of said service lines and connection to the electrical distribution system. Owner shall also be responsible for all charges for all utility service furnished to Owner's lot.

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 17th day of May, 1990.

PATTEN CORPORATION SOUTHWEST

By

Donald Crawford
DONALD CRAWFORD

Regional Vice President

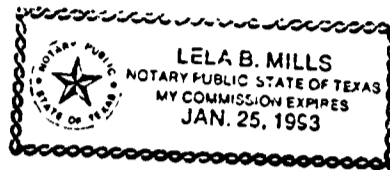
656-01-0800

STATE OF TEXAS §

COUNTY OF MONTGOMERY §

This instrument was acknowledged before me on the 7th day of May, 1990, by DONALD CRAWFORD, Regional Vice President of PATTEN CORPORATION SOUTHWEST, a Delaware corporation, on behalf of said corporation.

Lela B. Mills
Notary Public, State of Texas



Return to:

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

FILED FOR RECORD

90 MAY 14 PM 1:13

Roy Harris
COUNTY CLERK
MONTGOMERY COUNTY, TEXAS

STATE OF TEXAS)
COUNTY OF MONTGOMERY)
I hereby certify that this instrument was filed
in File Number 3, Volume on the 4th and of the
tax stamped hereon by me, and was duly RECORDED,
in the official Public Records of Real Property of
Montgomery County, Texas.

MAY 14 1990



Roy Harris
COUNTY CLERK
MONTGOMERY COUNTY, TEXAS