

F861688

NOV-20-78 75617 *F 011100 11.1

112-97-0241

AMENDMENT OF RESTRICTIONS

Reference is hereby made to that certain instrument entitled "Declaration of Covenants, Conditions and Restrictions" dated June 17, 1977 (the "Original Restrictions"), executed by Eden Corporation, filed on June 30, 1977, under Clerk's File No. F-197397, in the Official Public Records of Real Property of Harris County, Texas;

WHEREAS, it is desired that the Kenswick Homeowners' Association have under its jurisdiction not only Kenswick Subdivision, but also Mill Creek Subdivision, a subdivision filed (or to be filed) for record with respect to certain land described on Exhibit "A" attached hereto owned by Century Land Company, a Joint Venture consisting of CDL, Inc. and Carroll Development Corp.;

Reference is hereby made to Article VI, Section 7 of the Original Restrictions, which provides for additional areas to be added to those areas benefiting from the maintenance fund;

WHEREAS, the parties desire to amend such Article VI, Section 7 of the Original Restrictions, as herein provided;

NOW, THEREFORE, the parties hereto agree as follows:

1.

Section 7 of Article VI is hereby amended to read as follows:

Section 7. Future Areas. The Association shall use the proceeds of the maintenance fund for the use and benefit of all residents of KENSWICK, SECTION 1, a subdivision, as well as all subsequent sections of KENSWICK subdivision, and as well as all residents of MILL CREEK SUBDIVISION (a subdivision platted or to be platted by Century Land Company out of the land described on Exhibit "A" attached hereto); provided, however, that MILL CREEK and each future section of KENSWICK subdivision to be entitled to the benefit of this maintenance fund must be impressed with and subjected to the annual maintenance charge and assessment on a uniform, per Lot basis, equivalent to the maintenance charge and assessment imposed hereby, and further made subject to the jurisdiction of the Association. Upon submission and approval to the Federal Housing Administration and/or the Veterans

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL OR USE OF THE DESCRIBED REAL PROPERTY, BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.

THE STATE OF TEXAS
COUNTY OF HARRIS

The above is a full, true, and correct photographic copy of the original record now in my lawful custody and possession, as the same is recorded in the Official Public Records of Real Property in my office and Preserved on Microfilm, and having Microfilm Identification Number as stamped thereon. I hereby certify on

JUL 31 1980

ANITA RODEHEAVER
COUNTY CLERK
HARRIS COUNTY, TEXAS

By *Susan L. McPherson*
Deputy



SUSAN L. McPHERSON

Administration of a general plan of the entire development, and approval of each stage of development, such future sections of KENSWICK subdivision may be annexed by the Declarant.

2.

The Original Restrictions is hereby amended by adding a new Section 4 to Article VII, which new Section 4 shall read as follows:

Section 4. So long as Century Land Company owns any property within Mill Creek Subdivision, no amendment shall be made to this Declaration insofar as same relates to Mill Creek unless Century Land Company joins in such amendment.

3.

It is expressly understood and agreed that separate Restrictions will be filed for record for Mill Creek (which Restrictions, of course, will impress and subject the lots within Mill Creek to an annual maintenance charge and assessment on a uniform, per Lot basis, equivalent to the maintenance charge and assessment imposed hereby, and will make such subdivision subject to the jurisdiction of the Association. By way of example, but not by way of limitation, it is expressly understood and agreed that the provisions hereof relating to Use Restrictions and an Architectural Control Committee shall not be applicable inasmuch as Mill Creek will have its own Use Restrictions and Architectural Control Committee. However, it is understood and agreed that the Association shall (i) enforce the restrictive covenants applicable to Mill Creek; and (ii) pay for street lights and for maintenance of entrances to Mill Creek [both clauses (i) and (ii) aforesaid to be done in the same manner as the Association does for Kenswick (it being understood and agreed that the Association shall treat Mill Creek in a nondiscriminatory fashion, on an equal basis, and in the same manner as if Mill Creek were a section of Kenswick)].

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COUNTY CLERK
HARRIS COUNTY, TEXAS

By *Susan L McPherson*
Deputy

SUSAN L MCPHERSON

This Amendment is being executed by the holders of a majority of the voters of the Kenswick Homeowners' Association, pursuant to Article VIII of the Original Restrictions.

EXECUTED this the 15th day of November 1978.

GENERAL HOMES CONSOLIDATED COMPANIES, INC.
d/b/a EDEN CORPORATION

By A. H. Yager
Samuel H. Yager, Vice President

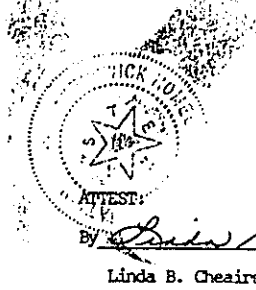


By Linda B. Cheairs
Linda B. Cheairs, Asst. Secretary

KENSWICK HOMEOWNERS' ASSOCIATION joins herein and consents to all the terms and provisions hereof.

KENSWICK HOMEOWNERS' ASSOCIATION

By Kenneth F. Belanger
Kenneth F. Belanger, President



By Linda B. Cheairs
Linda B. Cheairs, Secretary

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JUL 31 1990



ANITA RODEHEAVER
COUNTY CLERK
HARRIS COUNTY, TEXAS
By Susan L. McPherson
Deputy

SUSAN L. McPHERSON

112-97-0244

STATE OF TEXAS)
)
COUNTY OF FT. BEND)

BEFORE ME, the undersigned authority, on this day personally appeared SAMUEL H. YAGER, Vice President of GENERAL HOMES CONSOLIDATED COMPANIES, INC. d/b/a EDEN CORPORATION, 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 15th day of November, 1978.

Mary B. Prevatte
Notary Public in and for
Ft. Bend County, Texas

Mary B. Prevatte

STATE OF TEXAS)
)
COUNTY OF FT. BEND)

BEFORE ME, the undersigned authority, on this day personally appeared KENNETH F. BELANGER, President of KENSWICK HOMEOWNERS' 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 15th day of November, 1978.

Mary B. Prevatte
Notary Public in and for
Ft. Bend County, Texas

Mary B. Prevatte

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THE STATE OF TEXAS)
COUNTY OF HARRIS)

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JUL 31 1980

ANITA RODEHEAVER
COUNTY CLERK
HARRIS COUNTY, TEXAS

By Susan L. McPherson
Deputy



SUSAN L. MCPHERSON

EXHIBIT "A"

112-97-0245

8.7 acres, more particularly described as Reserve A on the Preliminary Plat of Kenswick, Section 3, as reflected on map dated August 15, 1977, prepared by Bernard Johnson, Incorporated, and Vernon G. Henry, A.I.P., & Associates, Inc., covering Kenswick, Section 3, being 44.37 acres in the A. R. Bodman and the William Hobby Surveys, A-139 and A-345, respectively, Harris County, Texas, said Reserve A being located in the Northeast corner of such Section 3.

701-1-130
HARRIS COUNTY CLERK'S OFFICE
HARRIS COUNTY, TEXAS
RECORDED
INDEXED

EXHIBIT "A"

Return to:
Eden Corporation
4434 Bluebonnet
Springer, Texas 77477

ANY PROVISION HEREIN WHICH PREVENTS THE SALE, RENTAL OR USE OF THE DESCRIBED REAL PROPERTY BY REASON OF COLOR OR RACE IS UNLAWFUL AND UNENFORCEABLE UNDER FEDERAL LAW.
THE STATE OF TEXAS
COUNTY OF HARRIS

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JUL 31 1990



ANITA RODEHEAVER
COUNTY CLERK
HARRIS COUNTY, TEXAS

By *[Signature]*
Deputy

SUSAN L. McPHERSON

112-97-0246

STATE OF TEXAS
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in
File Number Sequence on the date and at the time stamped
below by me and was duly RECORDED, in the Official
Public Records of Real Property of Harris County, Texas on

NOV 20 1978



Peter Montano
COUNTY CLERK,
HARRIS COUNTY, TEXAS

FILED
NOV 20 11 52 AM 1978
HARRIS COUNTY CLERK
HARRIS COUNTY, TEXAS

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PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.

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ANITA RODEHEAVER
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HARRIS COUNTY, TEXAS

By *Susan L. McPherson*
Deputy

SUSAN L. McPHERSON

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