

3680

AMENDMENT TO RESTRICTIVE COVENANTS AND  
CONDITIONS COVERING HICKORY CREEK PLACE

THE STATE OF TEXAS        |  
COUNTY OF BRAZORIA       |        KNOW ALL MEN BY THESE PRESENTS:

WHEREAS heretofore, on or about the 12th day of January, 1966 Olin G. Wellborn, Jr., being the then owner of those certain tracts and parcels of land situate in Brazoria County, Texas known and described as follows:

Hickory Creek Place, a Subdivision of 100.09 acres of land, being a Subdivision of Tracts 17, 18, 19, 20, 21, 30, 31, 32, 33 and 34, HT&B RR Company Survey, Section 7, Abstract 219, Brazoria County, Texas, according to the Plat of said Hickory Creek Place recorded in Volume 11 at Pages 1 and 2 of the Plat Records of Brazoria County, Texas;

did make and place certain Restrictive Covenants and Conditions upon said land, which Restrictive Covenants and Conditions appear of record in Volume 930 at Page 439 et seq of the Deed Records of Brazoria County, Texas; and,

WHEREAS the undersigned are presently the owners of all of said aforesaid described land and desire and intend by this instrument to amend the aforementioned Restrictive Covenants and Conditions;

NOW, THEREFORE, we, Olin G. Wellborn, Jr., Tom H. Lee and wife, Fairy Ann Lee, Harold D. Moore and wife, Alice L. Moore and James Elvin McKaughan and wife, Sharon F. McKaughan; do for ourselves, our heirs, executors, administrators, grantees and assigns amend, modify and alter the foregoing Restrictive Covenants and Conditions as follows:

Paragraph Numbered 1 of the existing Restrictive Covenants and Conditions now recorded in Volume 930 at Page 439 et seq of the Deed Records of Brazoria County, Texas is changed and amended, and shall hereafter read and be as follows:

WELLBORN, BRITT & KELLY  
ALVIN, TEXAS

DEED  
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1. No part of said land above described shall be used or occupied for any purposes other than that of a private single family residence and such things that ordinarily pertain to a private residence, save and except for Lot 1 in Block 1, Lots 1 through 11, inclusive, in Block 6, Lots 7 through 12, inclusive, in Block 9, Lot 5 in Block 2, Lots 7 to 12, inclusive, in Block 3, Lots 9 to 12, inclusive, in Block 7 ~~XXXXXXXXXXXXXXXXXXXX~~, all in said Subdivision, all of which lots may be used for business or commercial purposes, provided that no noxious or offensive trades or activities shall be carried on there, nor shall any of said lots be used or occupied for or by a business or commercial enterprise selling or distributing alcoholic beverages that are or may be consumed on the premises, and all such alcoholic beverages sold by any such commercial enterprises must be consumed off of such premises.

*H. D. M.  
A. L. M.  
J. E. M. K.*

The foregoing covenant, condition and restriction shall run and be binding upon said premises for a period of twenty-five (25) years from the date of recording of the original covenants and conditions, after which times said covenant and condition shall be automatically extended for successive periods of ten (10) years, unless an instrument in writing signed by a majority of the then owners of the lots within said Subdivision has been recorded agreeing to change said covenants in whole or in part.

All of the Restrictive Covenants and Conditions covering said Hickory Creek Place as set forth in Volume 930 at Page 439 et seq of the Deed Records of Brazoria County, Texas shall remain of full force and effect as therein originally made and set forth, and shall be binding upon all of the properties lying within said Subdivision,

except as specifically herein changed, altered and amended,  
and this instrument shall not be construed as modifying,  
revoking or impairing in any manner any part of said cove-  
nants, conditions and restrictions except for the Paragraph  
Numbered 1 thereof, and that, only to the extent that the  
same is specifically herein changed and modified.

WITNESS OUR HANDS this 6th day of March,  
1966.

Olin G. Wellborn, Jr.  
Olin G. Wellborn, Jr.

Tom H. Lee  
Tom H. Lee

Fairy Ann Lee  
Fairy Ann Lee

Harold D. Moore  
Harold D. Moore

Alice L. Moore  
Alice L. Moore

James Elvin Mckaughan  
James Elvin Mckaughan

Sharon F. Mckaughan  
Sharon F. Mckaughan

THE STATE OF TEXAS    |  
COUNTY OF BRAZORIA   |

BEFORE ME, the undersigned authority in and for  
said County and State, on this day personally appeared Olin  
G. Wellborn, Jr., 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 considera-  
tion therein expressed.

DEED  
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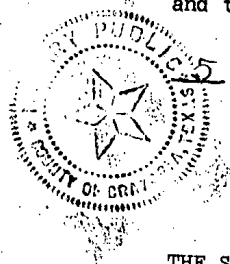


GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the  
10<sup>th</sup> day of ~~February~~ February, A. D. 1966.

*Robert Butler*  
Notary Public in and for  
Brazoria County, Texas.

THE STATE OF TEXAS  
COUNTY OF BRAZORIA

BEFORE ME, the undersigned authority in and for said County and State, on this day personally appeared Tom H. Lee and Fairy Ann Lee, his wife, both known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they each executed the same for the purposes and consideration therein expressed, and the said Fairy Ann Lee, wife of the said Tom H. Lee, having been examined by me privily and apart from her husband, and having the same fully explained to her, she, the said Fairy Ann Lee, acknowledged such instrument to be her act and deed, and she declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.

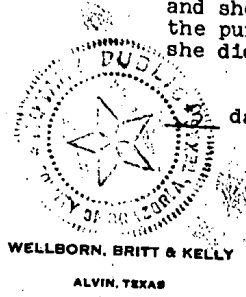


GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the  
5 day of March, A. D. 1966.

*Gracie Flores* GRACIE FLORES  
Notary Public in and for  
Brazoria County, Texas.

THE STATE OF TEXAS  
COUNTY OF BRAZORIA

BEFORE ME, the undersigned authority in and for said County and State, on this day personally appeared Harold D. Moore and Alice L. Moore, his wife, both known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they each executed the same for the purposes and consideration therein expressed, and the said Alice L. Moore, wife of the said Harold D. Moore, having been examined by me privily and apart from her husband, and having the same fully explained to her, she, the said Alice L. Moore, acknowledged such instrument to be her act and deed, and she declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.



GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the  
5 day of March, A. D. 1966.

*Gracie Flores*  
Notary Public in and for  
BRAZORIA County, Texas. GRACIE FLORES

A D E E D

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THE STATE OF TEXAS

COUNTY OF BRAZORIA

BEFORE ME, the undersigned authority in and for said County and State, on this day personally appeared James Elvin McKaughan and Sharon F. McKaughan, his wife, both known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they each executed the same for the purposes and consideration therein expressed, and the said Sharon F. McKaughan, wife of the said James Elvin McKaughan, having been examined by me privily and apart from her husband, and having the same fully explained to her, she, the said Sharon F. McKaughan, acknowledged such instrument to be her act and deed, and she declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.



GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the 16 day of March, A. D. 1966.

E. David Flora III  
Notary Public in and for  
BRAZORIA County, Texas.

FILED FOR RECORD  
AT 2:06 O'CLOCK P. M.

MAR 11 1966

H. R. STEVENS, JR.  
Clerk County Court, Brazoria Co., Tex.  
BY [Signature] DEPUTY

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