

AMEND

T390781

(Hold) Alamo Title 24
Heritage Division
9824281732

24

522-32-1984

AMENDMENT TO DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS

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| THE STATE OF TEXAS | § | | | |
| | § | 11/18/98 | 100903775 T390781 | \$17.00 |
| COUNTY OF HARRIS | § | | | |

WHEREAS, ROMULUS CO., a Texas corporation, with its principal office at One Riverway, Suite 1700, Houston, Texas 77056, is the owner of Lots 202 and 203 of Westheimer Gardens Extension, a subdivision in Harris County, Texas, according to the map or plat thereof recorded in Volume 25, Page 62, Map Records of Harris County, Texas, as amended by instrument recorded under Film Code No. 391029 of the Map Records of Harris County, Texas ("Property"), as such plat may be further amended or replatted from time to time, which Property is known as Winsome Close;

Handwritten initials

WHEREAS, ROMULUS CO. executed on September 23, 1998, a Declaration of Covenants, Conditions and Restrictions ("Original Declaration") applicable to the Property and recorded under Clerk's File No. T284774 in the Real Property Records of Harris County, Texas; and

WHEREAS, ROMULUS CO. desires to amend the Original Declaration in certain respects;

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That for and in consideration of the premises, Romulus Co. amends the Original Declaration in the following respects, to wit:

- A. Section 1.9 of the Original Declaration is deleted and the following is inserted in lieu thereof: "1.9 "Common Use Area" shall mean and refer to the Private Drive, which is for the use of all Owners as well as certain third parties authorized by this Declaration and the common areas so identified on the Plot Plan, which are not for the use by all Owners, but only for the use of the Owner(s) holding legal title to the same, subject to the terms and provisions of this Dedication.
- B. Section 1.10 of the Original Declaration is deleted and the following is inserted in lieu thereof: "1.10 Common Use Facilities" shall mean and refer to any existing and subsequently provided improvements upon or within any part of the Common Use Area. By way of illustration, Common Use Facilities may include, but not necessarily include or be limited to sidewalks; landscaping; and other similar and appurtenant improvements, excluding, however, any air conditioning, heating and ventilation equipment or facilities located within the Common Use Area. Notwithstanding anything herein contained to the contrary, the Development Fence, the Development Sign, the Controlled Access Gates and the Shared Utility Facilities are not part of the Common Use Facilities."

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- C. Section 1.29 of the Original Declaration is deleted and the following is inserted in lieu thereof: "1.29 Private Drive" shall mean that portion of the Property so designated on the plot plan as well as the easterly extension thereof from the easterly boundary of the Property to the paved right of way of Bering Drive.
- D. Section 1.36 of the Original Declaration is deleted and the following is inserted in lieu thereof: "1.36 Utility Easement Area" shall mean the Utility Easement, the Private Drive, the ground area ten (10) feet in width adjoining the southerly edges of the slabs constructed on the five (5) Lots lying on the southerly side of the Private Drive, the ground area lying between the westerly right of way of Bering Drive and the easterly edges (as extended to the northerly and southerly boundaries of the Property) of the slabs constructed for Units 2814 and 2830 as shown on the Plot Plan, and the land area lying between the northerly boundary of the Property and the northerly edges (as extended to the westerly boundary of the Property) of the slabs constructed on the four (4) Lots lying northerly of the Private Drive."
- E. Section 4.4 of the Original Declaration is deleted and the following is inserted: "4.4 The Association shall maintain the Development Fence, Development Sign, Shared Utility Facilities, Private Drive, Controlled Access Gates, land area lying between the easterly boundary of the Property and the paved right of way of Bering Drive and Common Use Facilities, if any, in a manner substantially equivalent to other comparable private residential subdivisions in the City."
- F. Section 5.14 of the Original Declaration is deleted and the following is substituted in lieu thereof: "5.14 No fence, wall, building or other improvements shall be erected, placed or altered on any Lot other than as originally constructed by Declarant or as permitted by the City and its applicable ordinances."
- G. Section 7.1 of the Original Declaration is deleted and the following is inserted in lieu thereof: "7.1 There is hereby created a private, non-exclusive drainage and utility easement upon, across, over and under the Utility Easement Area for ingress and egress, installation, locating replacing, repairing, operating and maintaining utilities, including without limitation, water, sewer, stormwater, drainage, telephone, electricity, gas and cable television. The Declarant shall have the right, but no obligation, to amend the Plot Plan and/or this Declaration from time to time to create additional drainage and utility easements upon, across, over and under portions of the Property (regardless of whether or not such portions of the Property are then owned by Declarant) for ingress and egress, installation, locating replacing, repairing, operating and maintaining utilities (including without limitation, water, sewer, stormwater, drainage, telephone, electricity, gas and cable television) so as to provide such utilities as may be reasonably necessary for the construction, use, development and enjoyment of the Development or any portion thereof and an unlocated easement over the Development is hereby reserved by Declarant for such purposes; provided,

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however, such additional drainage and utility easements shall not be located so as to unreasonably interfere with the use of any improvements existing on any Lot as of the date such additional drainage and utility easements are created. The easements hereby created, together with any additional drainage and utility easements created pursuant to this Section 7.1 shall sometimes be hereinafter referred to collectively as the "Utility Easement". By virtue of the Utility Easement, it shall be expressly permissible for the Declarant, the Association and/or the applicable service provider to affix, construct, maintain, repair, replace and operate pipes, wires, conduits or other service lines within, on, across, over, through, along and under the Utility Easement."

- H. Section 7.3 of the Original Declaration is deleted and the following is substituted in lieu thereof: "7.3 Any structure, improvement, planting or other materials placed or permitted to remain within the Utility Easement Area which damages or interferes with the use, location, installation, repair, operation, replacement, removal or maintenance of drainage facilities or utilities or which may change the direction or impair the flow in drainage facilities is subject to being removed, damaged or modified by Declarant, the Association or applicable utility service provider without notice or compensation to any Owner. The Utility Easement Areas within a Lot shall be maintained by the Owner of such Lot, except for those improvements for which Declarant or the Association is responsible pursuant to this Declaration or for which a public authority or utility company is responsible."
- I. Section 7.11 of the Original Declaration is deleted and the following is substituted in lieu thereof "7.11 During the Development Period, Declarant shall convey to the Association by Special Warranty Deed all of Declarant's right, title and interest (if any) in and to the Common Use Area, Common Use Facilities, Control Access Gates, Development Fence, Development Sign, Shared Utility Facilities, its easement estate in the Private Drive (it being understood that fee title to each Lot includes a portion of the Private Drive and thus fee title to the aggregate of the Private Drive shall be in the Owners) and other portions of or interest in the Development, together with all contracts, rights and warranties related to the same."

The provisions of the Original Declaration as amended hereby shall control over any contrary provisions of that certain Sanitary Sewer Maintenance Agreement dated October 22, 1997, recorded under Clerk's File No. S697126 in the Real Property Records of Harris County, Texas.

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522-32-1987

As amended hereby, the Original Declaration is ratified and confirmed to be in full forces and effect. In the event of any conflict between the terms and provisions of this Amendment and the Original Declaration, this Amendment shall control.

EXECUTED on the 13th day of November, 1998.

ROMULUS CO.

By

Munir Asfar, President

522-32-1988

THE STATE OF TEXAS
COUNTY OF HARRIS

§
§
§



This instrument was acknowledged before me on the 13th day of November, 1998
by Munir Asfar, President of Romulus Co., a Texas corporation, on behalf of said corporation.

Debbie R. Line
Notary Public in and for the State of Texas

My Commission Expires: July 25, 00

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENT, OR USE OF THE DESCRIBED REAL
PROPERTY BECAUSE OF COLOR OR RACE IS VOID AND UNENFORCEABLE UNDER FEDERAL LAW
THE STATE OF TEXAS }
COUNTY OF HARRIS }
I hereby certify that this instrument was duly recorded in the number
sequence in the date and at the place specified herein by me and was
duly RECORDED in the Official Public Records of Real Property of
Harris County, Texas on

NOV 18 1998



George B. Johnson
COUNTY CLERK
HARRIS COUNTY TEXAS

George B. Johnson
COUNTY CLERK
HARRIS COUNTY TEXAS
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FILED

5101935.2(WP8)

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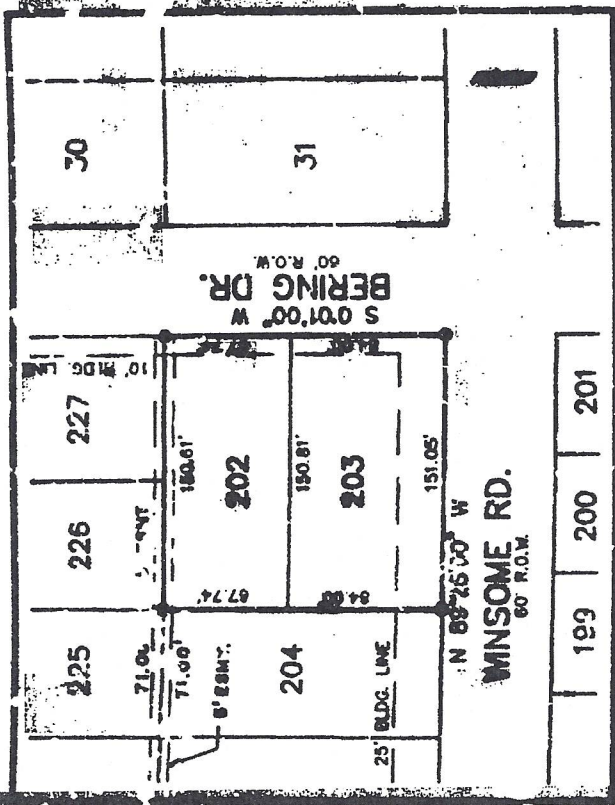
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Burgess P. Kuyper

COUNTY CLERK
HARRIS COUNTY, TEXAS

THE STATE OF TEXAS
COUNTY OF HARRIS

WE, DAVID C. BINTLIFF and J. FR
PROPERTY subdivided in the above and
GARDENS EXTENSION, do hereby ma
according to the lines, streets, lots, b
thereon shown, and designate said su
GARDENS EXTENSION, in the HARRI
County, Texas, and dedicate to public
parks and easements shown thereon
claims for damages occasioned by the
for the streets and alleys dedicated, o
the surface of any portion of streets a
and do hereby bind ourselves, our heirs
forever the title to the land so dedica
FURTHER we do hereby dedicate to



INSET "A"

(AMENDING PLAT CORRECTION TO RELOCATE THE
LOT LINE BETWEEN LOTS 202 AND 203.)

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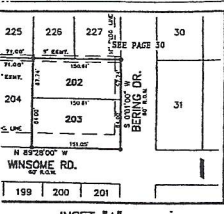
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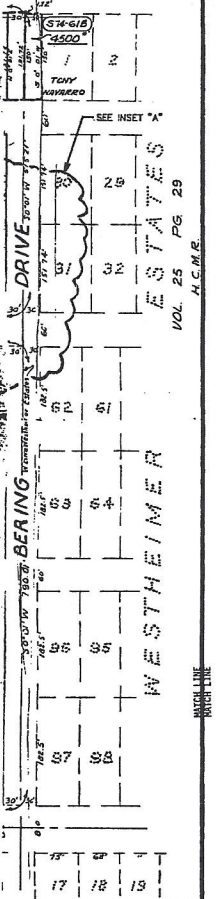
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INSET "A"
(AMENDING PLAT CORRECTION TO RELOCATE THE LOT LINE BETWEEN LOTS 202 AND 203)



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COUNTY CLERK
HARRIS COUNTY TEXAS

THE STATE OF TEXAS
COUNTY OF HARRIS
We, DAVID C. BINTLIFF and J. FRANK JUNGMAN, owners of the property subdivided in the above and foregoing map of WESTHEIMER GARDENS EXTENSION, do hereby make subdivision of said property according to the lines, streets, lots, building lines and easements thereon shown, and designate said subdivision as WESTHEIMER GARDENS EXTENSION, in the HARRIS COUNTY, TEXAS, and dedicate to public use as such the streets, alleys, paths and easements shown thereon for ever, and do hereby waive any claims for damages occasioned by the establishing grades as approved for the streets and alleys dedicated, or occasioned by the alteration of the surface of any portion of streets or alleys to conform to such grades, and do hereby bind ourselves, our heirs and assigns to warrant and defend forever the title to the land so dedicated.
FURTHER we do hereby dedicate to the public all lands within the slopes of any and all gullies, ravines, draws, sloughs or other natural drainage courses located in said subdivision but for the use that this dedication is less than fifteen (15) feet wide on each side of the center line of said gullies, ravines, draws, sloughs, or other drainage courses located in said subdivision for drainage purposes serving Harris County and/or any other public agency the right to hold upon said easements of slope and all structures thereon, and for maintaining drainage work and/or structures.
FURTHER, all the property in the above and foregoing map shall be restricted in its use, which restrictions shall run with the title of the property and shall be enforceable at the option of Harris County by Harris County or any citizen thereof by injunction as follows:
1. The drainage of surface waters into road, street, alley or other public ditches either directly or indirectly is strictly prohibited.
2. Drainage structures under private driveways shall have a net drainage opening area of sufficient size to permit the free flow of water without backflow and shall be a minimum of one and three quarters (1 3/4) square feet (for diameter pipe culvert). Culverts or bridges, must be used for driveways, and for walks.
3. There is also dedicated for utilities an unobstructed area easement five (5) feet wide from a plane twenty (20) feet above the ground upward located adjacent to all easements shown hereon.
WITNESSE our hand in Houston, Harris County, Texas, this 8 day of July, A. D. 1947.
David C. Bintliff
J. Frank Jungman

THE STATE OF TEXAS
COUNTY OF HARRIS
Before me, the undersigned authority, on this day personally appeared David C. Bintliff and J. Frank Jungman, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and considerations therein set forth.
Given under my hand and seal of office this 8 day of July, A. D. 1947.
C. R. Smith
County Clerk in and for Harris County, Texas

THIS is to certify that Mr. HOWE & WISE, Civil Engineers, have plotted the above subdivision from an original survey by the State of Texas and the same conforms to the plat and subdivision map in diameter and that this plat correctly represents that survey made by us. HOWE & WISE
By: W. J. Smith
Reg. Prof. Eng. Tex. Reg. No.

THIS is to certify that the City Planning Commission of the City of Houston, Texas, has approved the plat and subdivision of WESTHEIMER GARDENS EXTENSION as shown hereon.
In testimony whereof, witness the official signature of the Chairman and Secretary of the City Planning Commission of the City of Houston, Texas, this 25 day of August, A. D. 1947.
R. S. 200, Ltd.
Secretary, City Engineer

THIS is to certify that the above and foregoing Plat and subdivision complies with all rules and regulations of the Commission of Harris County, Texas, in effect this date.
APPROVED BY THE COMMISSIONER'S COURT OF HARRIS COUNTY, TEXAS, THIS DAY OF _____ A. D. 1947.
Comm. Precinct 1
Comm. Precinct 2
County Judge
Comm. Precinct 3
Comm. Precinct 4

THE STATE OF TEXAS
COUNTY OF HARRIS
W. D. MILLER, Clerk of the County Court of Harris County, Texas do hereby certify that the within instrument with the certificate of authentication was filed for record in my office on this 15 day of August, 1948 at 11:00 o'clock A.M. and duly recorded on the day of August 1948 at 11:00 o'clock A.M. in Volume 22 page 62 of record of Maps & Plans for said County.
WITNESS my hand and seal of office at Houston the day and date last shown above.
W. D. MILLER
Clerk County Court, Harris County, Tex
By: W. R. Williams Deputy.
1666A

I, Saib Y. Sacour, hereby certify that the following corrections were necessary to lots 202 and 203, which appear on the plat of Westheimer Gardens Extension, recorded on JAN. 05, 1948, in Volume 25, Page 62, of the County Deed Records of Harris County, Texas.
1. Correction to relocate the lot lines between Lots 202 and 203.

Saib Y. Sacour, P.E., R.P.L.S.
Texas Registration No. 3540



STATE OF TEXAS
COUNTY OF HARRIS
We, Romulus Company, acting by and through Munir Asfar, President of Romulus Company, owner of the property, directly affected by this amended plat, of Lots 202 & 203, Block 4, as indicated hereon, do hereby consent to this amending plat for the purposes herein expressed.

IN TESTIMONY WHEREOF, Romulus Company, has caused these presents to be signed by Munir Asfar, its president, thereto authorized, this 22 day of July, 1947.

Romulus Company
Munir Asfar, President

STATE OF TEXAS
COUNTY OF HARRIS
BEFORE ME, the undersigned authority, on this day personally appeared Munir Asfar, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same of the purposes and considerations therein expressed and in the capacity therein and herein stated, and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 22nd day of July, 1947.
C. R. Smith
Notary Public in and for the State of Texas

My Commission Expires: 8/10/49

Approved by the Houston Planning Commission on the 47th day of August, 1947.
M. Marv Katz, Chairman
Robert H. Litke, Secretary

I, Beverly Kaufman, Clerk of the County Court of Harris County, do hereby certify that the within instrument with its certificate of authentication was filed for registration in my office on August 7, 1947, at 11:00 o'clock A.M. and duly recorded on August 11, 1947, at 11:00 o'clock A.M., and at File Code No. 21525 of the Map Records of Harris County, for said County.
Witness my hand and seal of office at Houston, Texas, the day and date last above written.

Beverly Kaufman
Clerk of the County Court
Harris County, Texas

certify that this plat has duly been filed in my office.
J. P. COUNTY ENGINEER
J. P. COUNTY ENGINEER

THIS IS PAGE 1 OF 3 PAGES
REDUCTION 2x CAMERA DESIGNATION M81

5902 -0235 151.72 5824 -0234 151.72 232 -0232 151.72 -0231 151.72 -0230 151.72 5880 5880 -0229 151.72 5802 -0001 RES A 108.99 151.72 A 1 125 75 75 5722 -0001 150

WESTHEIMER GARDENS EXT.

ARBOR II

WESTH

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| 209 | 208 | 207 | 206 | 205 | 204 | 203 | 202A |
| 5902 -0209 | 5828 -0208 | 5818 -0206 | 5814 -0205 | 5810 -0204 | 2822 -0277 | 2824 -0278 | 2826 -0273 |

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AVALON TERRACE HUNTINGTON COURT AMEND

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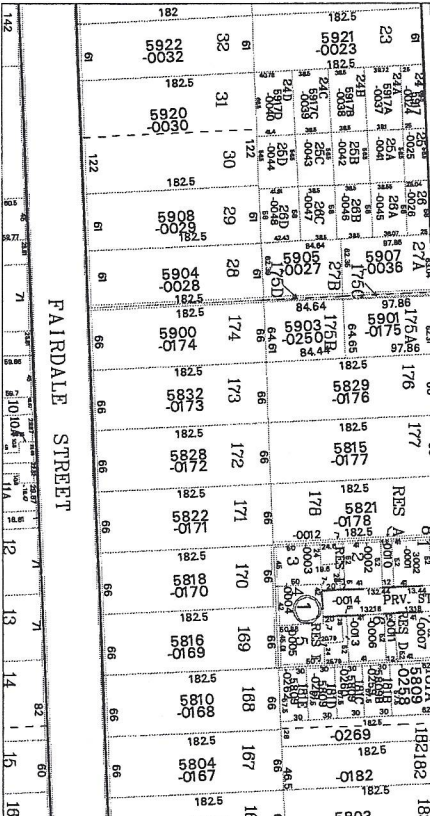
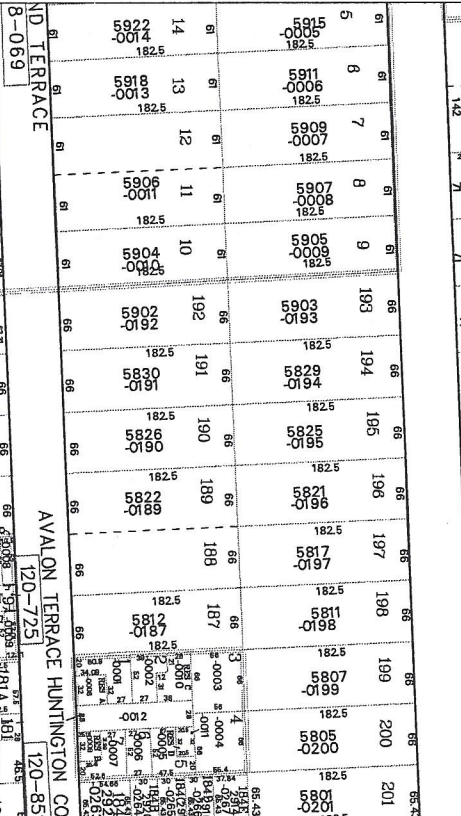
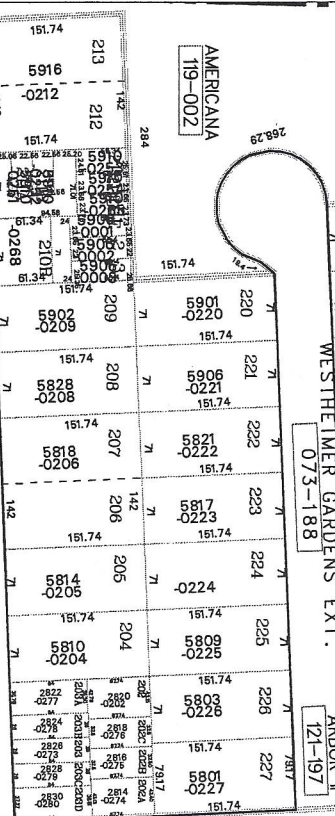
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| RES A | RES A | RES A | RES A | RES A | RES A | RES A | RES A | RES A |

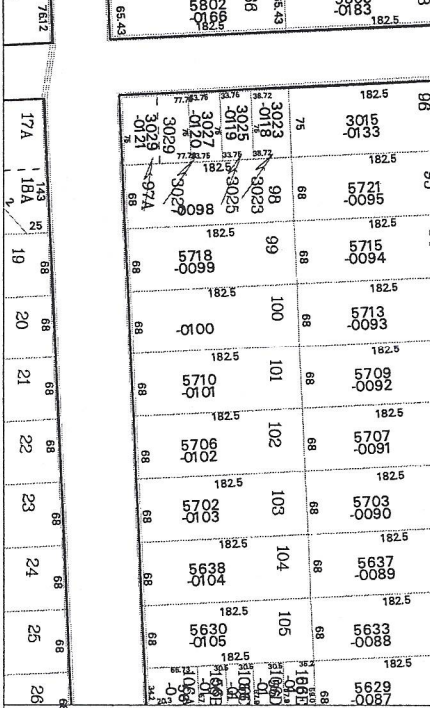
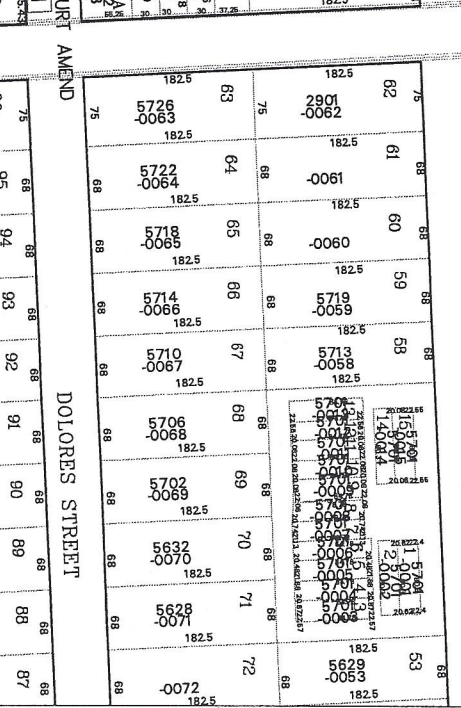
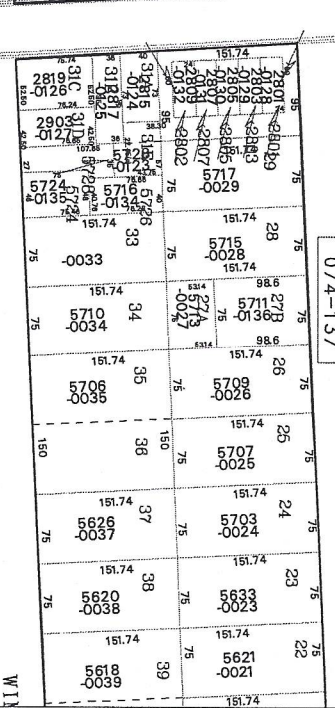
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RES A
WESTHEIMER GARDENS EXT.
ARBOR II



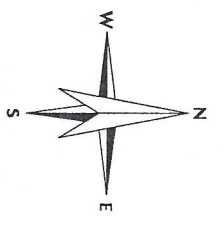
RES A
WESTHEIMER ESTATES
VA



Harris County Appraisal District



Scale 1" = 200'
PUBLICATION DATE:
February 07, 2002



FACET 5156C

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