

AMENDED DEDICATION AND RESTRICTIONS  
FOR THE COLONY, PORT NECHES, TEXAS

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

WHEREAS, by instrument dated December 16, 1994, Ronnie G. Hoelzer dedicated "THE COLONY", consisting of Lots and Blocks, said Dedication being recorded under County Clerk's File No. 95-9500208 Official Public Records of Real Property of Jefferson County, Texas; and

WHEREAS, certain restrictions ("Restrictions") were established in said Dedication for the purpose of establishing and maintaining a general plan and building scheme, uniform over the entire addition herein created for the benefit and protection of all owners of any lot or lots in said subdivision; and

WHEREAS, the plat of THE COLONY was filed in Volume 15, page 186 Map Records of Jefferson County, Texas, the property being the subject of said plat being more particularly described as follows, to-wit:

BEING a 20.310 acre tract of land out of Lots 5 and 6, Block 11, Range F and Lot 4, Block 12, Range F, Port Arthur Land Company Subdivision located in the T. F McKinney League, Abstract 41 in Port Neches, Jefferson County, Texas

BEGINNING at a concrete monument marking the most Westerly corner of Ronshire Place Addition to the City of Port Neches, Texas as recorded in Vol. 14 page 42 of the Map Records of Jefferson County, Texas, said corner being the most Northerly corner of the 20 310 acre tract herein described and being located in the Northwesterly line of said Lot 6, Block 11, Range F of the Port Arthur Land Company Subdivision;

THENCE South 48 deg. 47 min East along the Southwesterly line of said Ronshire Place Addition and being along the Northerly line of the tract herein described, a distance of 221.55 feet to a concrete monument for corner;

THENCE South 79 deg. 22 min. East continuing along the Northerly line of the tract herein described and along the South line of Ronshire Place Addition, a distance of 83.34 feet to a concrete monument for the most Easterly corner of the 20.310 acre tract, said corner also being the most Easterly corner of the Walter Humphrey 3.4856 acre tract as recorded in Volume 1844 page 117 of the Deed Records of Jefferson County, Texas;

THENCE South 10 deg. 39 min 05 sec. West along the Easterly line of the 20.310 acre tract also being along the Westerly line of the Lloyd's Land Company 18.248 acre tract as recorded in Vol. 1707 page 119 of the Deed Records of Jefferson County, Texas, a distance of 1533.88 feet to a concrete monument for the most Southerly corner of said 20.310 acre tract, and also being the most Westerly corner of said Lloyd's Land Company 18.248 acre tract, said corner being located in the Northeasterly right-of-way line of Old Twin City Highway;

THENCE North 48 deg 28 min. 27 sec. West along the Northeasterly right-of-way line of Old Twin City Highway and along the Southwesterly line of the 20.310 acre tract herein described, a distance of 520.03 feet to an iron rod set for corner of a 0.0034 acre tract conveyed to Southwestern Bell Telephone Company;

THENCE North 41 deg. 31 min. 33 sec. East along the Southeasterly line of said 0.0034 acre tract, a distance of 10.0 feet to an iron rod marking the most Easterly corner of said tract;

THENCE North 48 deg. 28 min. 27 sec. West along the Northeasterly line of said 0.0034 acre tract, a distance of 15.0 feet to an iron rod marking the most Northerly corner of said tract;

THENCE South 41 deg. 31 min. 33 sec West along the Northwesterly line of said 0.0034 acre tract, a distance of 10.0 feet to an iron rod set marking the most Westerly corner of said tract, said corner being located in the Northeasterly right-of-way line of Old Twin City Highway;

THENCE North 48 deg. 28 min. 27 sec West along the Northeasterly right-of-way line of Old Twin City Highway and along the Southwesterly line of the 20.310 acre tract herein described, a distance of 296.13 feet to a concrete monument set for corner;

THENCE North 36 deg 54 min. 30 sec. West along the Southwesterly line of the 20.310 acre tract and along the Northeast right-of-way line of the K.C S.R.R. right-of-way, a distance of 247.45 feet to a concrete monument set for the most Westerly corner of said 20.310 acre tract, said corner being located at the intersection of the Northeasterly right-of-way line of said K.C.S.R R. 100 feet wide right-of-way and the Northwesterly line of Lot 5, Block 11, Range F and

being the Southeasterly line of Lot 4, Block 12, Range F of the Port Arthur Land Company Subdivision;

THENCE North 41 deg. 13 min East along the Northwesterly line of Lot 5, Block 11, Range F and along the Southeasterly line of Lot 4, Block 12, Range F of the Port Arthur Land Company Subdivision and along the Southeasterly right-of-way line of a 40.0 feet wide Jefferson County Drainage District No. 7 Easement and being along the Northwesterly line of the 20.310 acre tract, a distance of 178 67 feet to an iron rod for corner,

THENCE North 48 deg. 47 min. West crossing said drainage easement, a distance of 40.0 feet to an iron rod found marking the most Easterly corner of Lot 30, Block 8 of Ridgewood Manor Addition, Unit 6, as per map or record in Vol. 12 page 32 of the Map Records of Jefferson County, Texas, said corner being in the Southwesterly right-of-way line of Birchwood Drive;

THENCE North 41 deg. 13 min. East along the Northwesterly right-of-way line of said drainage easement and crossing said Birchwood Drive, a distance of 60.0 feet to an iron rod found marking the most Southerly corner of Lot 17, Block 9 of said Ridgewood Manor Addition;

THENCE South 48 deg. 47 min East crossing said drainage easement, a distance of 40.0 feet to a concrete monument set for corner located in the Southeasterly right-of-way line of Lot 4, Block 12, Range F and in the Northwesterly line of Lot 5, Block 11, Range F of said Port Arthur Land Company Subdivision;

THENCE North 41 deg. 13 min. East along the Southeasterly line of Lots 4 and 5, Block 12, Range F and the Southeasterly line of said drainage easement and along the Northwesterly line of said Lots 5 and 6, Block 11, Range F and along the Northwesterly line of the 20.310 acre tract, a distance of 984.27 feet to the PLACE OF BEGINNING and containing in area 20.310 acres of land, more or less ; and

WHEREAS, R.G. Hoelzer Investments, Inc conveyed all unsold and unconveyed lots within said subdivision to Whaley Custom Homes Inc. ("Successor Developer") by deed dated October 27, 2000 recorded under County Clerk's File No. 2000041008 Official Public Records of Real Property of Jefferson County, Texas Those certain lots which had been conveyed prior to said conveyance unto Whaley Custom Homes Inc. are enumerated hereafter, the current owners

of which join with Whaley Custom Homes Inc. in this Amended Dedication and Restrictions as hereinafter set forth; and

WHEREAS, on April 18, 1997, R.G. Hoelzer Investments, Inc. conveyed Lot One (1), Block One (1) of THE COLONY to William W Werner, III and wife, Sheri S. Werner by deed recorded under County Clerk's File No. 9711562 Official Public Records of Real Property of Jefferson County, Texas; and

WHEREAS, on May 8, 1997, Ronnie G. Hoelzer and Gerald J. Hoelzer, d/b/a H. & H. Homebuilders conveyed Lot Three (3), Block One (1) of THE COLONY to David Allen Rodriguez and wife, Jamie Rodriguez by deed recorded under County Clerk's File No. 9714037 Official Public Records of Real Property of Jefferson County, Texas; and

WHEREAS, on May 8, 1997, R. D. Kirkland Associates, Inc conveyed Lot Four (4), Block One (1) of THE COLONY to Harroll L. Brau and Frea Brau by deed recorded under County Clerk's File No. 9713902 Official Public Records of Real Property of Jefferson County, Texas; and

WHEREAS, on August 24, 2000, Troy P. Frederick conveyed Lot One (1), Block Two (2) of THE COLONY to Kim Clifton and husband, Sidney Clifton by deed recorded under County Clerk's File No. 2000033092 Official Public Records of Real Property of Jefferson County, Texas; and

WHEREAS, on May 15, 1998, H & H Homebuilders, Inc. conveyed Lot Two (2), Block Two (2) of THE COLONY to Jack W. Leggett, Jr. and wife, Madelyn S. Leggett by deed recorded under County Clerk's File No. 9817212 Official Public Records of Real Property of Jefferson County, Texas, and

WHEREAS, on March 1, 2001, Frederick Land Development conveyed Lot Three (3), Block Two (2) of THE COLONY to Tina M. Brown by deed recorded under County Clerk's File No. 2001007864 Official Public Records of Real Property of Jefferson County, Texas; and

WHEREAS, on November 29, 1999, H & H Homebuilders, Inc. conveyed Lot Twelve (12), Block Two (2) of THE COLONY to Paul Perritt and Marilyn Perritt by deed recorded under County Clerk's File No. 1999045283 Official Public Records of Real Property of Jefferson County, Texas; and

WHEREAS, on June 24, 2000, R.G. Hoelzer Investments, Inc. conveyed Lot Thirteen (13), Block Two (2) of THE COLONY to Gary Ratcliff and Kimberly D. Ratcliff by deed recorded under County Clerk's File No. 2000003690 Official Public Records of Real Property of Jefferson County, Texas; and

WHEREAS, on September, 10, 1998, R.G. Hoelzer Investments, Inc. conveyed Lots Four, Five, Six and Seven (4, 5, 6 & 7), Block Three (3) of THE COLONY to Michael W. King and wife, Lyndi A. King by deed recorded under County Clerk's File No. 9835474 Official Public Records of Real Property of Jefferson County, Texas; and

WHEREAS, the aforementioned owners, being all of the current lot owners of the subdivision known as "THE COLONY" desire to amend said Dedication and Restrictions of said subdivision.

NOW THEREFORE, Whaley Custom Homes Inc., acting by and through its duly authorized secretary/treasurer, William A. Whaley, and being joined by William W. Werner, III and wife, Sheri S. Werner; David Allen Rodriguez and wife, Jamie Rodriguez, Harroll L. Brau and Freda Brau; Kim Clifton and husband, Sidney Clifton; Jack W. Leggett, Jr. and wife, Madelyn S. Leggett; Frederick Land Development; Paul Perritt and Marilyn Perritt; Gary Ratcliff

and Kimberly D. Ratcliff; and Michael W. King and wife, Lyndi A. King, do hereby amend only the following portions of the original Dedication and Restrictions of THE COLONY as follows:

**PART A - AREA OF APPLICATION**

**A-1 LAND USE AND BUILDING TYPE.** All lots in said Addition shall be used for residential single family purposes only.

**A-2 No Buildings shall be erected, altered, placed or permitted to remain on any lot other than one detached single family dwelling not to exceed three stories in height and a private garage for not less than two and not more than three cars. Multiple lots may be combined as a building site upon which may be located only one detached single family dwelling not to exceed two stories in height and a private garage for not less than two and not more than three cars thereon. Such utilization of multiple lots for a building site shall be subject to the approval of the Architectural Control Committee which may approve or disapprove the utilization of multiple lots for a building site all in accordance with Part C-2 herein. In the event of multi-lot building site utilization, property owner should be responsible for obtaining from the City of Port Neches necessary vacation of any easement affecting such site.**

**PART B - RESIDENTIAL AREA COVENANTS**

**B-2 DWELLING QUALITY SIZE AS TO LOTS 20 THROUGH 28, BLOCK 1, AND LOTS 1 THROUGH 9, BLOCK 3, AND LOTS 1 THROUGH 8, BLOCK 4.** The ground floor area of the main structure for all residential lots, exclusive of open porches and garages, shall be not less than 1400 square feet for a one-story dwelling, nor less than 1,250 square feet for a dwelling of more than one story, and the second story floor shall have an area of not less than 600 square feet. All garages constructed after completion of the main dwelling shall be in harmony with the main dwelling, and shall be placed at the rear of the dwelling except for an attached garage.

**B-5 DWELLING QUALITY SIZE AS TO ZERO LOT LINE LOTS 1 THROUGH 13, BLOCK 2, AND LOTS 1 THROUGH 19, BLOCK 1.** The ground floor area of the main structure for all residential lots, exclusive of open porches and garages, shall be not less than 1,400 square feet for a one-story dwelling, nor less than 1000 square feet for a dwelling of more than one story, and the second story floor shall have an area of not less than 400 square feet.

**PART C - ARCHITECTURAL CONTROL COMMITTEE**

**C-1 MEMBERSHIP.** The Architectural Control Committee is composed of W. A. Whaley and M. C. Whaley, hereinafter referred to as "Members". The Members, by majority vote, may designate up to two (2) additional Members. In the event of the death, resignation, or failure, or ceasing to serve of a Member, the remaining Members shall have full authority to designate a successor member of the Architectural Control Committee, or if all of the Members fail or cease to serve for any reason, the successor Developer may appoint successor Members to the

Architectural Control Committee. The members of the Committee shall not be entitled to any compensation for services performed. At any time, the then recorded owners of 2/3rds of the lots subject hereto may execute and file for record in the Office of the County Clerk of Jefferson County, Texas, an instrument appointing a representative or representatives, who shall thereafter exercise the powers and duties granted herein to the Architectural Control Committee. The Committee's approval or disapproval as required herein, shall be in writing. To be effective, any approval of the Architectural Control Committee must have the vote of at least two (2) members of the Committee. If the Committee fails to give written approval or disapproval within thirty (30) days after the plans and specifications have been submitted to it, or in any event, if no suit to enjoin construction has been commenced prior to the completion of the improvements, approval will not be required and the related covenant shall be deemed to have been fully satisfied.

Except as amended herein, the remaining provisions of the original Dedication and Restrictions shall remain in full force and effect, as therein provided.

SouthTrust Bank being the holder of the lien on all lots now owned by Whaley Custom Homes Inc. as evidenced by that Deed of Trust dated October 27, 2000, recorded under County Clerk's File No. 2000041009 Official Public Records of Real Property of Jefferson County, Texas, joins in the execution of this amendment to the dedication and restrictions of THE COLONY, which evidences its consent and ratification of such amendments and in so doing subordinates the aforementioned lien to the amended restrictions, covenants and conditions set forth herein. However, the lienholder joins herein solely as a lienholder and only for the purposes set forth above in this Amended Dedication and Restrictions of THE COLONY and it does not assume any of the liabilities, duties, covenants, warranties or obligations of said dedication and restrictions.

Executed on the date set forth beside the respective signatures below, but effective upon execution by Whale Custom Homes Inc., being the owner of a majority of the lots in said subdivision. This amendment may be executed in multiple original counterparts, collectively constituting one and the same document.

Date: 5-22-01

WHALEY CUSTOM HOMES INC.

By: W. A. Whaley  
Name: W. A. Whaley  
Title: Sec. Treasurer

Date: 5-23-01

William W. Werner, III  
William W. Werner, III

Sheri S. Werner  
Sheri S. Werner

Date: 5-22-01

David Allen Rodriguez  
David Allen Rodriguez

Jamie Rodriguez  
Jamie Rodriguez

Date: 5-17-01

Harroll L. Brau  
Harroll L. Brau

Freda Brau  
Freda Brau

Date: 5-10-01

Kim Clifton  
Kim Clifton

Sidney Clifton  
Sidney Clifton

Date: 5-22-01

Jack W. Leggett, Jr.  
Jack W. Leggett, Jr.

Madelyn S. Leggett  
Madelyn S. Leggett



Date: May 22, 2001

Tina M. Brown  
Tina M. Brown

Date: May 22, 2001

Paul Perritt  
Paul Perritt

Marilyn Perritt  
Marilyn Perritt

Date: May 23, 2001

Gary Ratchiff  
Gary Ratchiff

Kimberly D. Ratchiff  
Kimberly D. Ratchiff

Date: 05-23-01

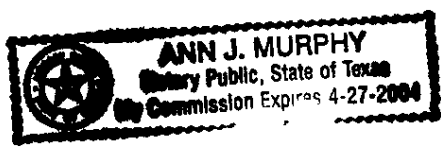
Michael W. King  
Michael W. King

Lyndi A. King  
Lyndi A. King

STATE OF TEXAS §

COUNTY OF JEFFERSON §

This instrument was acknowledged before me on the 22 day of May, 2001, by W.A. Whaley, Sec/Treas. of Whaley Custom Homes Inc., on its behalf.



Ann J. Murphy  
Notary Public, State of Texas

STATE OF TEXAS §

COUNTY OF JEFFERSON §

This instrument was acknowledged before me on the 23 day of May, 2001, by William W Werner, III and wife, Sheri S. Werner.



Sharon K Hartford  
Notary Public, State of Texas

STATE OF TEXAS §

COUNTY OF JEFFERSON §

This instrument was acknowledged before me on the 22 day of May, 2001, by David Allen Rodriguez and wife, Jamie Rodriguez.



Sharon K Hartford  
Notary Public, State of Texas

STATE OF TEXAS §

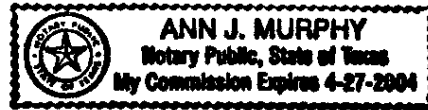
COUNTY OF JEFFERSON §

This instrument was acknowledged before me on the 17 day of May, 2001, by Harroll L. Brau and Freda Brau.

Ann J. Murphy  
Notary Public, State of Texas

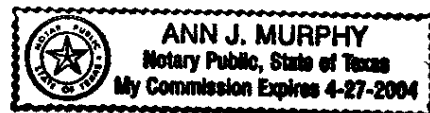
STATE OF TEXAS §

COUNTY OF JEFFERSON §



This instrument was acknowledged before me on the 10 day of May, 2001, by Kim Clifton and husband, Sidney Clifton.

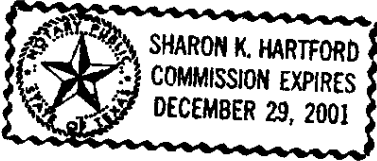
Ann J. Murphy  
Notary Public, State of Texas



STATE OF TEXAS §

COUNTY OF JEFFERSON §

This instrument was acknowledged before me on the 22 day of May, 2001, by Jack W Leggett, Jr and wife, Madelyn S. Leggett



Sharon K Hartford  
Notary Public, State of Texas

STATE OF TEXAS §

COUNTY OF JEFFERSON §

This instrument was acknowledged before me on the 22 day of May, 2001, by Tina M. Brown.



Kristina Mendoza  
Notary Public, State of Texas

STATE OF TEXAS §

COUNTY OF JEFFERSON §

This instrument was acknowledged before me on the 22 day of May, 2001, by Paul Perritt and wife, Marilyn Perritt.

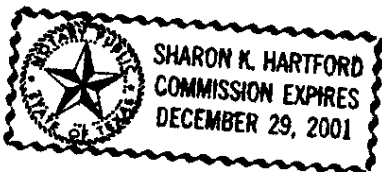


Sharon K Hartford  
Notary Public, State of Texas

STATE OF TEXAS §

COUNTY OF JEFFERSON §

This instrument was acknowledged before me on the 23 day of May, 2001, by Gary Ratcliff and wife, Kimberly D. Ratcliff.



Sharon K Hartford  
Notary Public, State of Texas

STATE OF TEXAS §

COUNTY OF JEFFERSON §

This instrument was acknowledged before me on the ~~13~~ day of May, 2001, by Michael W King and wife, Lyndi A. King.



*Sharon K Hartford*  
\_\_\_\_\_  
Notary Public, State of Texas/

FILED AND RECORDED

*Sandy Walker*

2001 MAY 25 10:12 AM 2001018842  
SANDY WALKER  
COUNTY CLERK  
JEFFERSON COUNTY, TEXAS

RETURN TO:  
PORT ARTHUR ABSTRACT  
2950 TURTLE CREEK DR.  
PORT ARTHUR TEXAS 77642