

**SECOND AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
THE FOUNTAINS OF NORTHGATE FOREST**

THE STATE OF TEXAS

COUNTY OF HARRIS

WHEREAS, Northgate Forest Residential East, Ltd., a Texas limited partnership, as Declarant, caused that certain instrument entitled "Declaration of Covenants, Conditions and Restrictions for The Fountains of Northgate Forest" (the "Declaration") to be recorded in the Official Public Records of Real property of Harris County, Texas on February 23, 2007 under Clerk's File No. Z296311, which Declaration imposes various covenants, conditions and restrictions governing the use and occupancy of the following property:

The Fountains of Northgate Forest, a subdivision in Harris County, Texas according to the map or plat thereof recorded under Film Code No. 608098 of the Map Records of Harris County, Texas

and,

WHEREAS, Article IX, Section 9.1 of the Declaration provides that Declarant or Declarant's Successor shall have the authority to amend the provisions of the Declaration;

and,

WHEREAS, on July 19, 2022, Declarant, having previously sold one hundred percent of the lots in The Fountains, did establish that the Lot Owners as Members of The Fountains of Northgate Forest Community Association, Inc. did that day and henceforth became Declarant's Successor;

and,

WHEREAS, Article IX, Section 9.2 of the Declaration provides that provisions of the Declaration may be amended by an instrument in writing signed by the Secretary of The Fountains of Northgate Forest Community Association, Inc. certifying that Owners representing not less than two-thirds (2/3) of the Lots in the Subdivision have approved such amendment;

NOW, THEREFORE, a sufficient number of the Owners of The Fountains of Northgate Forest, as certified by the Association's Secretary, by virtue of the authority

RP-2023-198953

reserved to it by the provisions of Section 9.2 of the Declaration, do hereby amend the Declaration as follows:

ARTICLE II, SECTION 2.1 (B) of the Declaration is replaced and amended to read:

B. Single Family Residential Use. The Property will be used solely for single-family residential purposes. No professional, business, or commercial activity to which the general public is invited will be conducted on any portion of the Property. The term "business" as used in this provision, will be construed to have their ordinary, generally accepted meanings and will include, without limitation, any occupation, work, or activity undertaken on an ongoing basis. Leasing of a residence in compliance with Section 7.2 below will not be considered a business or trade within the meaning of this subsection; however, the phrase "single family residential purposes" specifically excludes any temporary or transitory use of homes as Dwellings.

Rentals. No portion of the Property may be used as an apartment house, flat, lodging house, hotel, bed & breakfast, Airbnb or any similar purpose, but the Dwelling constructed on a Lot may be leased for residential purposes for a lease term of no less than one (1) year. All leases will be in writing. The Owner must provide to its lessee copies of the Restrictions. Notice of any lease, together with such additional information as may be required by the Board, must be remitted to the Association by the Owner on or before the expiration of ten (10) days after the effective date of the lease. All leases must be for the entire Dwelling.

Except as hereby amended herein the provisions of the Declaration remain in full force and effect.

RP-2023-198953

IN WITNESS WHEREOF, the Secretary of the Association has caused this instrument to be executed on the day and year written below hereby certifying that Owners representing not less than two-thirds (2/3) of the Lots of the Subdivision have approved this Amendment.

THE FOUNTAINS OF NORTHGATE FOREST
COMMUNITY ASSOCIATION, INC.

A Texas non-profit corporation

By: Marlene K. Reeve

Marlene Reeve, Secretary of the Association

Date: 5/26/2023

STATE OF TEXAS

COUNTY OF HARRIS

The foregoing instrument was acknowledged before me on this May 26, 2023,
By Marlene Reeve, Secretary of The Fountains of Northgate Forest Community, Association, Inc.

Randie Capps

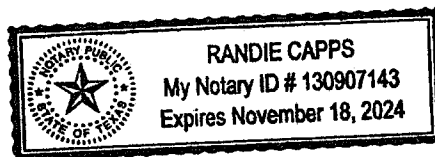
Notary Public, State of Texas

Notary's Name Printed: Randie Capps

My commission Expires: November 18, 2024

AFTER RECORDING RETURN TO:

Jason D. Kraus
The Krause Law Firm
19500 State Highway 249, Ste. 350
Houston, Texas 77070



RP-2023-198953

RP-2023-198953
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e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
TENESHIA HUDSPETH
COUNTY CLERK
Fees \$26.00

RECORDERS MEMORANDUM

This instrument was received and recorded electronically and any blackouts, additions or changes were present at the time the instrument was filed and recorded.

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

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



Teneshia Hudspeth
COUNTY CLERK
HARRIS COUNTY, TEXAS

RP-2023-198953