

**FIRST 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 real 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

lee

and,

WHEREAS, Article IX, Section 9.1, of the Declaration provides that Declarant shall have the authority to amend the provisions of the Declaration, without the joinder or consent of any other party or entity, by instrument duly executed and recorded, until such time that one hundred percent (100%) of all Lots in the Subdivision have been sold by Declarant or Declarant's successor to Owners as evidenced by a deed to each Lot recorded in the Official Public Records of Real Property of Harris County, Texas; and

WHEREAS, all Lots in the Subdivision have not been sold by Declarant to individual Owners and Declarant desires to amend the Declaration in the manner set forth below;

NOW, THEREFORE, Northgate Forest Residential East, Ltd., Declarant, by virtue of the authority reserved to it by the provisions of the Declaration, hereby amends the Declaration as follows:

1. Article X, Section 10.8, of the Declaration is hereby amended by adding the following provision at the end of such section:

In addition, if notice and an opportunity to be heard are given, the Association shall be entitled to impose reasonable fines for violations of the provisions of the Declaration and any recorded Architectural Guidelines and to collect reimbursement of attorney's fees and other reasonable costs actually incurred by it relating to violations of the provisions of the Declaration and the recorded Architectural Guidelines, if any. Payment of such fines, fees and costs shall be secured by the lien created for the Association in Article V of this Declaration and collected in the same manner provided in Article V of this Declaration.

*2
Amend
G*

067-53-1928

All capitalized terms used herein have the same meanings as that ascribed to in the Declaration.

In the event of the invalidity or partial invalidity or partial unenforceability of any provision in this First Amendment to the Declaration, the remainder of the provisions in this First Amendment to the Declaration shall remain in full force and effect.

Except as amended herein, all provisions in the Declaration remain in full force and effect.

Executed on the date set forth below, to be effective upon recording in the Official Public Records of Real Property of Harris County, Texas.

FILED
2009 SEP 11 PM 4:01
Crystal B. Kaufman
COUNTY CLERK
HARRIS COUNTY, TEXAS

Declarant:
NORTHGATE FOREST RESIDENTIAL EAST, LTD. *Jon*

By: Northgate Forest Management, LLC
Its General Partner

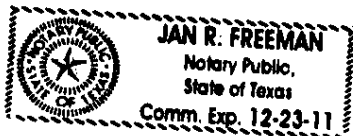
By: *Jack A. Thoner*
Jack A. Thoner, authorized member

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RECORDER'S MEMORANDUM:
At the time of recordation, this instrument was found to be inadequate for the best photographic reproduction because of illegibility, carbon or photo copy, discolored paper, etc. All blockouts additions and changes were present at the time the instrument was filed and recorded.

BEFORE ME, the undersigned notary public, on this day personally appeared Jack A. Thoner, authorized member of Northgate Forest Management, LLC, general partner of Northgate Forest Residential East, Ltd, 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 purpose and in the capacity therein expressed.

SUBSCRIBED AND SWORN TO BEFORE ME on this the 31 day of August, 2009, to certify which witness my hand and official seal.


JAN R. FREEMAN
Notary Public,
State of Texas
Comm. Exp. 12-23-11

Jan R. Freeman
NOTARY PUBLIC - STATE OF TEXAS

Return to:
Rick S. Butler
Butler & Hailey, P.C.
8901 Gaylord Drive, Suite 100
Houston, Texas 77024

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

SEP 11 2009

