

**AMENDMENT TO RESTRICTION AND COVENANTS GOVERNING  
PROPERTY AND LOTS IN MARVIN'S GARDENS,  
9764004 a subdivision in MONTGOMERY COUNTY, TEXAS**

305-00-2356

STATE OF TEXAS

COUNTY OF MONTGOMERY

WHEREAS, We, the undersigned, being a majority of the owners of lots within Marvin's Gardens, a subdivision in Montgomery County, Texas, desire to amend the Restrictions and Covenants Governing Property and Lots in Marvin's Gardens, a subdivision in Montgomery County, Texas, said Restrictions and Covenants being filed of record in Volume 765, Page 361 of the Deed Records of Montgomery County, Texas.

WHEREAS, § B12 TERMS of said Restrictions provide that a majority of owners of lots may amend the covenants and restrictions in whole or in part,

NOW THEREFORE, the following Sections (§) of the Restrictions And Covenants Governing Property and Lots in Marvin's Garden's are hereby amended to read as follows:

§ B: COVENANTS APPLYING TO RESIDENTIAL LOTS:

1. Land Use and Building Type.

No lot shall be used for any purpose except for single-family residential purposes. The term residential purposes as used herein excludes churches, hospitals, clinics, apartment houses, boarding houses, hotels and commercial and professional uses whether from homes, residential or otherwise, save and except customary home occupations. No building shall be erected, altered, placed or permitted to remain on any lot other than one single-family dwelling not to exceed two stories in height and a private garage for not more than three cars and permitted accessory structures.

Mobile Homes, house trailers and other structures generally classified as manufactured housing are specifically permitted.

2. Dwelling Size and Construction.

This Section is hereby deleted from the Restrictions and Covenants.

3. Location of Building and Other Structures:

No building shall be located on any lot nearer to the front lot line or nearer to the side street lot line than the minimum building setback lines shown on the recorded plat. In any event, no building shall be located on any residential building lot nearer than 35 feet to the front lot line, nor nearer than 15 feet to any side street lot line, nor nearer than 5 feet to the rear lot line, nor nearer than 5 feet to any side lot line. On all lots detached garages may be located on the rear portion of any lot but no closer than 5 feet to any side lot line or interior lot line except in those instances where the location of the garage in this manner would violate a dedicated easement.

No clothesline shall be constructed, placed or erected in any front yard of any lot nor on any side yard facing a street or any corner lot in this subdivision.

No water well shall be constructed, placed or erected on any lot within this subdivision except as directed and permitted by the agencies of the County of Montgomery, and State of Texas, having jurisdiction thereof. Residential buildings on corner lots shall face the street upon which the lot fronts as shown by the recorded map of the subdivision. The front of the lot is the property line having the smallest dimension on a street.

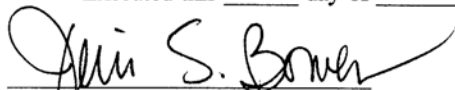
No solid fence hedge or any other shrubbery which is more than 3 feet in height shall be located on any corner lot in said subdivision closer than 15 feet to the street corner of said lot.


8. Livestock and Poultry.

This section is hereby deleted from the restrictions and covenants.

The Restrictions and Covenants Governing Property and Lots in Marvin's Gardens as amended hereby shall remain in full force and effect.

Executed this 1st day of October 1997.

  
Jerry S. Bowen

  
Brett C. Bowen

Owners of Lots 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 and 27, MARVIN'S GARDENS.

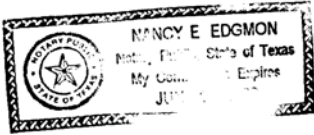
  
E.P. Frazier

Owners of Lots 5, 6, 8, 9, 10, 33, 35, 36 and 38, MARVIN'S GARDENS

**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 blackouts, additions and changes were present at the time the instrument was filed and recorded.

The State of Texas  
County of Montgomery

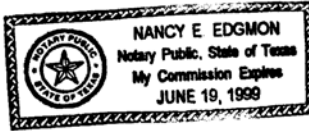
This instrument was acknowledged before me on the 1st day of October, 1997  
by Jerri S. Bowen and Brett C. Bowen.



Nancy Edgmon  
NOTARY PUBLIC, STATE OF

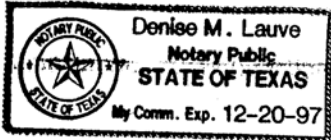
Printed Name of Notary Public

My Commission Expires:



The State of Texas  
County of Montgomery

This instrument was acknowledged before me on the 11th day of September, 1997  
by E. P. Frazier.



Denise M. Lauve  
NOTARY PUBLIC, STATE OF Texas  
Denise M. Lauve  
Printed Name of Notary Public

My Commission Expires:  
12-20-97

Return To:  
B.C. Bowen  
Pt. 3 Box 47B  
Montgomery, TX 77356

FILED FOR RECORD  
97 OCT -6 AM 9:25  
MARK TURNBULL, CO. CLERK  
MONTGOMERY COUNTY, TEXAS

STATE OF TEXAS  
COUNTY OF MONTGOMERY  
I hereby certify that this instrument was filed in File Number Sequence on the date and at the time stamped herein by me and was duly RECORDED in the official Public Records of Real Property of Montgomery County, Texas.

OCT - 6 1997



Mark Turnbull  
COUNTY CLERK  
MONTGOMERY COUNTY, TEXAS