## AMENDMENT TO DEED RESTRICTIONS OF WILLOW CREEK MANOR SUBDIVISION

THE STATE OF TEXAS )(
COUNTY OF HARRIS )

06/01/90 00101773 n657878 \$ 39.00

WHEREAS, the existing property restrictions established September 20, 1961 by the NORTHERN INVESTMENT INC., owner of a certain tract or parcel of land containing 94 acres in the Elizabeth Smith Survey, Abstract 70, in Harris County, Texas, said property being more particularly described in Deed recorded in Volume 22, Page 363 of the Harris County Deed Record, expires June 1, 1990.

WHEREAS NORTHERN INVESTMENT INC. is no longer an owner of any part of the property in the above described Subdivision, the current property owners, knowing it is necessary and desirable for the property to be further developed and maintained properly and in order to retain equitable property values do hereby and herein reestablish the previous restrictions with some modification for the purposes of clarification and improved enforceability.

WHEREAS The WILLOW CREEK MANOR PROPERTY OWNERS ASSOCIATION Inc., is a duly organized Non-Profit Texas Corporation, owned and operated solely by and for the benefit of the property owners of said subdivision, acting by and through its duly authorized officers, of the County of Harris, State of Texas, in consideration of property set forth above, do herewith place the following restrictions upon said WILLOW CREEK MANOR subdivision, and on each and every part and parcel therof, to-wit:

The previously established restrictions are reestablished as listed below and will continue to be enforceable.

- "1. All tracts of said subdivision as evidenced by the map or plat thereof shall be used for new residence purposes only, and no part thereof shall be used for business purposes, nor any other structure whatsoever, other than a new first-class private residence, with the customary outbuildings, garages and servant's houses, provided however, that no servant's house, outbuilding or garage shall be lived in as a home. No old building may be moved on any lot of said subdivision.
- 2. That no residence shall be erected or placed upon any lot which does not contain at least 1,100 or more sq. feet, exclusive of open porches and garages, with outside structure of said residence being constructed of brick, rock, stone, or frame. No concrete blocks shall be used on any building in said Subdivision. All buildings in the subdivision are to be built on slab foundations.
- 3. No noxious or offensive trade or activity shall be carried on upon any lot, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.
- 4. All buildings of frame construction and all fences built of lumber shall be painted with at least two coats of paint.
- 5. No buildings shall be located nearer to the front lot line or nearer to the side street line than the building setback line shown on the recorded plat. In any event, no building shall be located on any plat nearer than 50 feet to the front lot line, and no building, except a detached garage or other outbuilding located 60 feet or more from the front lot line, nor shall be located nearer than 10 feet to any side lot line.
- 6. That no outside toilets shall be erected, placed or used upon said promises, but a septic tank shall be installed to accommodate the sewage.
- 7. That the designated owners herein, their successors or assigns shall not use the above described premises, nor any part thereof, or allow same to be used for treating persons afflicted with tuberculosis or diseases that are contagious or infectious, nor shall any sanitarium ever be errected or placed thereon for any such purpose.
- 8. No trailer, basement, tent, shack, gargage, barn or other outbuilding erected on any of said lots shall at any time be used as a residence temporarily or permanently, nor shall any structure of a temporary character be used as a residence.
  - 9. No goats or swines may be kept on this property.
- 10. No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall not be kept except in sanitary containers. All incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition. No junk or wrecking yards shall be located on any lot in said subdivision.
- 11. No sign of any kind shall be displayed to the public view on any lot except one sign of not more than five square feet advertising the property for sale or rent or signs used by a builder to advertise the property during the construction and sale period.
- Lot owners shall submit all plans and specifications to the Main Office of Houston Realty Company 30 days prior to construction of any building.
- 13. Any one or more of these restrictions may be altered, amended or abridged, at any time by a vote of the record owner or owners of a majority of the lots within said subdivision, said vote to be evidenced by instrument signed by said owner or owners and placed on record.

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HOLD FOR PICKUP

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These restrictions shall be construed as covenants running with the land, until June 1, 1990, and enforceable by or on behalf of any one, or more, of the owners of the lands in said subdivision, their heirs or assigns."

The preceeding quote is an exact reproduction of the originally established deed restrictions established by the developer on September 20, 1961.

The preceeding restrictions were ammended by a majority of the porperty owners on March 5, 1985 and that amendment is as follows:

"THAT WE, THE UNDERSIGNED, constituting the record owners of a majority of the lots within the subdivision of Harris County known as WILLOW CREEK MANOR, which subdivision is more particularly described in a Deed recorded in Volume 22, Page 363 of the Harris County Deed Records, and which subdivision is subject to certain restrictions enumerated in Volume 1495, Pages 73 and 74 of the Harris County Deed Records, do HEREBY STATE AND DECLARE THAT:

- (1) We strongly believe that a homeowner is entitled to enjoy his property as he sees fit, as long as he does not injure or unreasonably offend others in the use of his property;
- (2) The reasonable enjoyment of one's property includes, among other things the practice of land-scaping, gardening, raising plants and occasionally the sale of plants, or the holding of garage sales.
- (3) The purpose of said deed restrictions is to maintain the quality and respectability of the subdivision; not to force all homeowners to adhere to rigidly identical patterns of behavior.
- (4) To the extent that said deed restrictions prohibit the reasonable enjoyment of one's property, as illustrated in statement (2) herein, said restrictions are hereby AMENDED to whatever extent is necessary to permit such reasonable enjoyment, in accordance with paragraph 13, of said deed restrictions.

WITNESS OR HANDS:"

The above amendment was signed by a majority of the current property owners on record at that time.

#### AMENDMENT TO DEED RESTRICTIONS

#### FOR WILLOW CREEK MANOR SUBDIVISION

Effective June 1, 1990

THE STATE OF TEXAS )(

COUNTYO F HARRIS )

KNOW ALL MEN BY THESE PRESENTS:

THAT WE, THE UNDERSIGNED, Constitute a majority of the current recorded owners of the lots within the subdivision of Harris County known as WILLOW CREEK MANOR, which subdivision is more particularly described in a Deed recorded in Volume 22, Page 363 of the Harris County Deed Records, and which subdivision is subject to certain restrictions enumerated in Volume 1495, Pages 73 and 74 of the Harris County Deed Records, do HEREBY STATE AND DECLARE THAT: All previous deed restrictions with expiration date of June 1, 1990 are reinstated and ammended as follows and effective June 1, 1990 or when the majority of the owners have approved the following, which ever is first.

The following modifications to all previous restrictions are being established at this time in an effort to clarify and avoid future confusion, or reoccurrence of circumstances that have proven to be problems in the past.

WHEREAS portions of the previous restrictions were in contradiction with or violation of the Laws and or building codes of the State of Texas and/or Harris County, those portions are resended and henceforth void, and are replaced by the now current and enforceable laws and codes with which they conflict. There are too many to list but most involve the design and responsibility for installation, permits and inspections of buildings, foundations and septic systems installed in Harris County with special attention to properties within the "100 Year Flood-Plain" or "Flood-Way".

The following additions and clarifications are being added at this time as ammendments to the original preceeding, reinstated restrictions of the same number .

#1. Due to the 1977 modification of the term "business purposes" to insure that private individuals may occasionally sell a potted plant, dog, cat, bird or other results of a hobby out of their home and shall not be a violation of the restrictions. However, any activity that results in a regular and significant or primary source of income will be considered a deed restriction violation.

"Old Building" mentioned in the original restrictions will be considered to be any residence constructed and previously occupied at the point of construction or at another location.

#2. Due to several lots at the southern end of the subdivision being either particially or totally in the "100 year flood - way or flood-plain there can be no construction on those lots using the previously described "slab foundation" and still meet the requirements of the laws of the State of Texas and building codes of Harris County. The restrictions regarding "slab foundation" on only those lots within the "100 Year Flood Plain" or "Flood-Way" are hereby waived. State of Texas and Harris County laws, codes and regulations in effect at the time of construction will hereafter apply to all such construction of foundations, buildings and septic systems on those subject properties.

The one home in the area not on a slab foundation was built during a time when the Property Owners Organization was doment. This foundation shall be maintained as a totally enclosed condition to provide all outward appearences of the required slab foundation. This shall not be considered as a waiver of the requirement for all future construction in the subdivision.

- #3. The term "noxious or offensive trade or activity" shall specifically include but not be limited to the the following examples of concern; any activity, condition or animal/s that are an annoyance to or in anyway have an adverse effect on the value of or enjoyment and use or the neighboring properties due to noise, odor, pest attraction *ie.*, rats or flies or unsightly junk or inoperative vehicles.
- #5. Properties consisting of the consolidation of several lots need not consider the interior individual lot bounderies when considering construction. The buildings will only need to be 10 feet away from the perimeter property line of the lots included in the property upon which construction is planned and ultimately combined into one property for taxing purposes.
- #6. All future installation of new septic systems or repairs to existing septic systems must be in accordance with the then current requirements of Harris County. Most new systems will require the disign and/or approval of a licensed sanitary engineer.
- #9. Large animals such as cows, horses and sheep have not previously been limited in numbers and problems have occurred. Large animals, including but not limited to cows, horses and sheep will be limited to a maximum of one animal per half-acre owned by or leased to the animals owner/s for the purpose of pasture. All pastures, barnes, stalls and pens will be maintained in a condition of sanitation to avoid the intrusion of noise, odor and pests *ie.*, flies and ticks onto adjoining properties.
- #10. Property owners may store a maximum of one non-operating vehicle on their property within public view. The number of non-operating vehicles stored on the property is not limited as long as they are stored in buildings and out of public view. The intent of this clarification is to limit the number of "junk or non-operating vehicles" stored within public view which seriously deminishes the appearance of the nieghborhood and reduces the value of all properties in the area.
- #12. This original restrictions is void since Houston Realty Company no longer retains controlling interest in the subdivision.
- #13. The paragraph confirms that any or all restrictions can be "altered, amended or abridged, at any time by a vote of the recorded owner or owners of a majority of the lots within said subdivision". This is hereby translated to confirm its meaning of "one vote per lot" entitlement to the owner of record at the time of the vote. Therefore since there are One Hundred and Sixty Four (164) lots in the subdivision a simple majority would require a minimum or Eighty Three(83) Lot/votes.

These restrictions shall be construed as covenants running with the land, until June 1, 2089, or until amended by the majority of the property owners or as required by law, and enforceable by or on behalf of any one or more of the owners of the lands in said Subdivision, their heirs or assigns.

### WITNESS OUR HANDS:

Name	Address	Lot/s Numbers	(52)
1. Horword D+ Lines Hoodpon	8819 SBBER	68-69+70	601
2. Freli P Rejach	8902 SPBER	102	
3. Mary V. Katenkamp	8619 Kerr Dr.	136	
4. W. D. Moda	8(22 SEBEL	114+115	

	Name	Address	Lot/s Numbers
•••	5. Delfina Quinnis	9103 Por D.	91 92 <u>5</u> 159 160
AB_	6 Jack	4810 Ken Do.	9 10 11
N.K.	2 12 1 Vall	8918 K.M. N.	77 13 15 15
00,0	8. W.O. Whitender	8811 Kero Do	146
	9. Gene + Linda Clase	4: 0	22
	10. Ranzy & Jude Comple		109
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O. M.	n in in	8910 Seben DR.	999100
	12. Navel & Chery Cooke	9002 Seber Dr. 9122 Seber Drive	<u>97</u> 87,88,89
	13. Nort Thills	9122 Sever Drive	90,914 K of 92
	14. Dan Steller Janersday	- 4019 Kew Drive	158+93
	15. Songo & for Holle	2 8707 KERR DRIVE	1394 140
	16. Land	8711 SEBER	63
	17. Barbara a Babo	8722 Kerr Dr	18, 19420
•	18 Jan & Buylon Varent	8510 Seber Dr	42,43,44,45,123,126 124,125,46,47
		1 8311 Seper Dr.	48
	20 Janua C. Marke Ja	8515 Lehen Con	49.50:51
	Fred Friday 21. Shirley Friday	8603 Sober	53-54
	22. John Joreson	8810 SEBER JR.	106
	23. Orlin + Fran Dolow	8818 S FBFR DR.	103, 1044 105
	24. William M. Reid	8906 Seber Dr.	
	25. James a Keister	8519 KERR DR.	129 \$ 130
	26 Judy Satte Such	8522 Kenr DR	34 \$ 35
	Verital Iguel	8615 Seber	56
	Oscar B. Hoyt	8719 Seper	54555657
•	28. Shedy G. Bort	8603 Keep nr.	131 132 133
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Name .	Address	Lot/s Numbers
30. Klupe & Trube	. // 1	· ·
31. Delind & Sali Morre	- 9122 Kerr	
32. John W. Shevele	4610 Sebor Dr	
33. S. L. Svrinbach		74,75,76,477
34. R.L. Dugger	8631 Sebep De	60,61
35. panetto Chepil	8627 News	, , , , , , , , , , , , , , , , , , ,
(2)	. 8511 Kera PR	•
3x John C M Donald	8706 Selec	116 + 111
38. Of Smith	8610 KERR	31 & 32
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Name

Address

Lot/s Numbers

9002 SeBer

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2. Form Wayle 9002 SeBer

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Name

Address

Lot/s Numbers

1. Wayle 4 SeBer

1. Wayle 4 SeBer

2. Form Wayle 9002 SeBer

98

Name

Address

Lot/s Numbers

1. Wayle 4 SeB Kerr 1 71375 49

2. Form March 1 SeB Kerr 1 71375 50

3. Sebr Dr., Tombill, Texas 77375

3. Comball, Texas 77375

The undersigned hereby appoints any officer of the Willow Creek Manor Property Owners Association with full power of substitution as attorney and proxie of the undersigned to vote all lots in the subdivision entitled to vote on the reinstantement and amendments to the deed restrictions to be treewed on or before June 1, 1990, as submitted and recommended.

Deed restriction renewal and amendments:

For renewal and amendments as submitted Against renewal and amendments as submitted Association. If No SPECIFICATION IS MADE ABOVE, THE PROXY WILL BE VOTED IN FAVOR OF ADOPTION AS RECOMMENDED OF THE DEED RESTRICTION RENEWAL AND AMENDMENTS AS SUBMITTED.

MARCH 1 Signature

Dated 1 September 2 September 2 Signature

Dated 2 September 2 September 2 Signature

Dated 2 September 2 September 2 September 3 Signature

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s attorney and proxic of the	8818 Seber Dr., Tombe y appoints any officer of the Willow Creek N e undersigned to vote all lots in the subdiv- ved on or before June 1, 1990, as submitted	Manor Property Owners Association with full power of substitution
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		Signature / 75 7 De
		Signature Dated 5/28/90
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PROXY	WILLOW CREEK MANOR PROP 8818 Seber Dr., Torn	
as attorney and proxie of the	by appoints any officer of the Willow Creek	k Manor Property Owners Association with full power of substitution livision entitled to vote on the reinstatement and amendments to the
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		James Gerba Sot
	LOT#118	O Signamic
	- /. //0	Signature
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IMPORTANT: Please mark,		
the name and address of the c	current owner/s.	
the name and address of the c	WILLOW CREEK MANOR PRO	DPERTY OWNERS ASSOCIATION
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PROXY WILLOW CREEK MANOR PROPERTY OWNERS ASSOCIATION
8818 Seber Dr., Tomball, Texas 77375

The undersigned hereby appoints any officer of the Willow Creek Manor Property Owners Association with full power of substitution as attorney and proxie of the undersigned to vote all lots in the subdivision entitled to vote on the reinstatement and amendments to the deed restrictions to be renewed on or before June 1, 1990, as submitted and recommended.

Deed restriction renewal and amendments:

For renewal and amendments as submitted  $\Box$  Against renewal and amendments as submitted

THIS PROXY IS SOLICITED BY THE BOARD OF DIRECTORS OF THE WILLOW CREEK MANOR PROPERTY OWNERS ASSOCIATION. IF NO SPECIFICATION IS MADE ABOVE, THE PROXY WILL BE VOTED IN FAVOR OF ADOPTION AS RECOMMENDED OF THE DEED RESTRICTION RENEWAL AND AMENDMENTS AS SUBMITTED.

Lor#23

May 25, 1970 Datec

IMPORTANT: Please mark, sign, date and return this proxy in the enclosed envelope. If you no longer own property in the subdivision, please provide the name and address of the current owners.

#### AFFIDAVIT

178-64-1100

THE STATE OF TEXAS)

COUNTY OF HARRIS )

KNOWN ALL MEN BY THESE PRESENTS:

THAT I, LIN WATSON, being over the age of twenty-one years and fully competent to testify, and being duly sworn, do hereby state:

- 1. That the enclosed instrument entitled AMENDMENT TO DEED RESTRIC-TIONS OF WILLOW CREEK MANOR SUBDIVISION, attached hereto was signed in my presence by the persons whose names appear thereon;
- 2. That the persons who signed said instrument do in fact constitute the owners of a majority of the lots within the subdivision of Harris Count, Texas, known as WILLOW CREEK MANOR;
- 3. That in addition to the owners of the majority of the lots mentioned in 2 above, the amendments with proxies attached were mailed to other property owners who do not live in the subdivision, at their last know address as reflected on the tax records of Harris County, Texas. The proxies enclosed were returned by way of first class U.S. Mail. Proxies returned late due to mail delays will be filed as an attachment at a later date.

The combined signed enclosures represent owners of well over a majority of the lots in the subdivision, as required by the original restrictions and amendments thereto.

WITNESS MY HAND this 31st day of May, 1990.

President

THE WILLOW CREEK MANOR PROPERTY ASSOCIATION, Inc.

BEFORE ME, the undersigned authority, on this day personally appeared LIN WATSON, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the document for the sole purposes and considerations expressed therein.

Given under my hand and seal of office on this \_\_\_\_\_ day of \_\_\_\_\_ 1990.

**BEVAN CAROLS** Notary Public STATE OF TEXAS My Comm. Exp. Apr. 6, 1993

NOTARY PUBLIC IN AND FOR HARRIS COUNTY, TEXAS

RECORDER'S MEMORANDUM

ALL BLACKOUTS, ADDITIONS AND CHANGES WERE PRESENT AT THE TIME THE INSTRUMENT WAS FILED AND RECORDED

178-64-1101

ANY PROVISION RESEAU MANDE RESIDENCE IN A SALE RENAM, OR USE OF THE DESCRIBED REAL PROPERTY REGISSE OF OLDER OF MEET RENAMED AND UNITED RECEIVE LUMBER FICE REAL LIMIT 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 on

JUN 1 1990

Guita Hodehuner COUNTY CLERK. HARRIS COUNTY, TEXAS

County CLERK
HARRIS COUNTY, TEXAS DE. HV On 11 1 MIF