

U254625

530-96-1206

FIRST AMENDMENT TO
DECLARATION OF

03/02/00 300377282 U254625 \$338.25

COVENANTS, CONDITIONS AND RESTRICTIONS
FOR LAKEVIEW FOREST, SECTION ONE (1)

Amended

THIS FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR LAKEVIEW FOREST, SECTION ONE (1) (this "Amendment"), is made as of the date hereinafter set forth by HEATHLAKE COMMUNITY ASSOCIATION, INC., a Texas non-profit corporation (the "Association") , as follows:

WHEREAS, LAKEVIEW FOREST, SECTION ONE (1) (the "Subdivision") is a residential subdivision located in Harris County, Texas, according to the map or plat thereof recorded in Volume 264, Page 145, of the Map Records of Harris County, Texas, which is subject to that certain *DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR LAKEVIEW FOREST, SECTION ONE (1)* (the "CCR") dated February 28, 1978, recorded in Clerk's File No. F506754 of the Official Public Records of Real Property of Harris County, Texas (being Harris County Film Code No. 189-04-2209), with capitalized terms therein also being incorporated into this Amendment; and

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WHEREAS, the Association is the homeowners association of the Owners of Lots in the Subdivision pursuant to the CCR; and

WHEREAS, Article IV, Section 5 of the CCR provides that the CCR may be amended after twenty (20) years "by an instrument signed by those Owners owing not less than seventy-five (75 %) percent of the Lots within Lakeview Forest, Section One (1)"; and

WHEREAS, more than twenty (20) years have passed since the date of the CCR; and

WHEREAS, there are one hundred twenty (120) Lots within the Subdivision, which means that in order to amend the CCR the consent of ninety (90) or more of the Owners is required; and

WHEREAS, Ninety-five (95) of the Owners have consented to an amendment to the CCR, as evidenced by that certain "Petition" attached hereto as Exhibits "A-1" through "A-95" attached hereto, which amends Article II, Section 13 of the CCR to raise the allowed maximum height of side or rear fences, walls or hedges from six (6) feet to eight (8) feet.

NOW, THEREFORE, the Association hereby amends Article II, Section 13 the CCR so that said Article II, Section 13 shall read as follows:

Section 13. Walls, Fences and Hedges. No wall, fence or hedge in excess of three (3) feet in height shall be erected or maintained nearer to the front lot line than the walls of the dwelling existing on such Lot. No side or rear fence, wall or hedge shall be more than eight (8) feet in height unless otherwise approved by the Architectural Control Committee. No chain link fence type construction will be permitted on any Lot. Any wall, fence or hedge erected on a Lot by Declarant, or its assigns, shall pass ownership with title to the Lot and it shall be Owner's responsibility to maintain said wall, fence or hedge thereafter.

IN WITNESS WHEREOF, this Declaration is executed effective as of the 17th day of (12) February, 2000. 10

HEATHLAKE COMMUNITY ASSOCIATION, INC.

By: Roy S. Case III
Roy S. Case, III, President

THE STATE OF TEXAS §

COUNTY OF HARRIS §

This instrument was acknowledged before me on the 17th day of February, 2000 by Roy S. Case, III, the President of Heathlake Community Association, Inc., a Texas non-profit corporation, on behalf of said entity.



Notary Public in and for
the State of Texas

After recording return to:
Rick Oshman
Greenberg, Peden, Siegmyer & Oshman, P.C.
12 Greenway Plaza, Suite 1000
Houston, Texas 77046

