

SECOND AMENDMENT  
TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR APRIL VILLAGE, SECTION ONE (1)

T188303

08/06/98 300212084 T188303

\$470.50

THE STATE OF TEXAS §  
  §  
COUNTY OF HARRIS §

KNOW ALL PERSONS BY THESE PRESENTS:

WHEREAS, LAKESIDE VENTURE, a joint venture composed of FIRST GENERAL REALTY CORPORATION and JOVENTEX CORPORATION both Texas corporations (the "Declarant") was the sole owner of that certain property known as April Village, Section One (1), a subdivision according to the map or plat thereof recorded in Volume 250, Page 8 of the Map Records of Harris County, Texas; and

WHEREAS, by that certain instrument entitled "DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS", executed on or about July 11, 1977 and filed of record on July 14, 1977, in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File No. F215105 and Film Code No. 170-03-1740, et seq. (the "Declaration"), the Declarant imposed on April Village, Section One (1), all those certain covenants, conditions, restrictions, easements, charges, and liens therein set forth; and

70 50 WHEREAS, Paragraph 34, of the Declaration provides the Declaration may be amended during the first twenty (20) year period after its recordation by an instrument signed by not less than ninety percent (90%) of the Lot Owners in April Village, Section One (1) and thereafter by an instrument signed by not less than seventy five percent (75%) of the Lot Owners in April Village, Section One (1) which instrument must be filed of record; and

WHEREAS, the Declaration was amended during the first twenty (20) year period by that certain instrument entitled "Amendment of Declaration of Covenants, Conditions, and Restrictions for April Village, Section One", executed on or about November 30, 1977 and filed of record on January 17, 1978, in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File F446896 and Film Code No. 185-08-0785, et seq. (the Declaration, as amended, hereinafter still referred to as the "Declaration"); and

WHEREAS, the first twenty (20) year period has expired; and

WHEREAS, the undersigned, being at least seventy five percent (75%) of the Lot Owners in April Village, Section One (1), wish to amend the Declaration as set forth below.

NOW, THEREFORE, the undersigned, being at least seventy five percent (75%) of the Lot Owners within April Village, Section One (1), hereby amend the Declaration as follows:

Paragraph 12 of the Declaration entitled "Walls, Fences and Hedges" is amended to read as follows:

12. Walls, Fences and Hedges. No wall, fence or hedge in excess of three feet (3') in height shall be erected or maintained in front of the building setback lines. No side or rear fence, wall or hedge shall be more than six feet (6') high, unless otherwise approved in writing by the Architectural Control Committee. Provided, however, from and after the date the "Second Amendment to Declaration of Covenants, Conditions and Restrictions for April Village, Section One (1)", is filed of record in the Official Public

Records of Real Property of Harris County, Texas, all new construction or complete replacement of fences parallel and adjacent to: Briar Forest Drive; Bentworth Drive; and Waldemar Drive; shall be: (i) eight feet (8') in height; (ii) constructed of vertical cedar planking; and, (iii) constructed so that the support structure faces the interior of the Lot upon which the fence is constructed, unless otherwise approved in writing by the Architectural Control Committee. No chain link fence type construction will be permitted on any Lot. Prior to the commencement of construction, all walls and fences must be approved by the Architectural Control Committee, pursuant to Paragraph 2 of the Declaration. Any wall, fence or hedge erected as a protective screening on a Lot by Declarant shall pass ownership with title to the property and it shall be owner's responsibility to maintain said protective screening thereafter.

The amendment to the Declaration set forth above shall be deemed to be a part of and shall be interpreted in accordance with the Declaration. All provisions of the Declaration not amended hereby are hereby ratified and confirmed in each and every particular, and shall continue in full force and effect pursuant to the terms of the Declaration.

IN WITNESS WHEREOF, the undersigned, either in person or by and through their attorney-in-fact, representing at least seventy five percent (75%) of the Lot Owners in April Village, Section One (1), for the purpose of acknowledging their consent and approval to the amendment of the Declaration have executed this instrument to be effective upon the date of filing in the Official Public Records of Real Property of Harris County, Texas.

Date: August 5, 1998

James Herzberg  
James Herzberg, Attorney-In-Fact for those individuals listed in Exhibit "A" attached hereto and incorporated herein for all purposes

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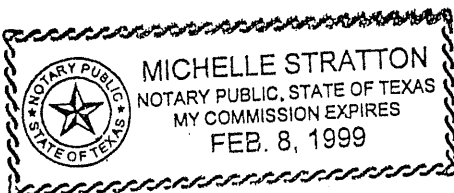
SEE EXHIBIT "A"  
Property Address/Description

THE STATE OF TEXAS     §  
  §  
COUNTY OF HARRIS     §

BEFORE ME, the undersigned Notary Public, on this the 5th day of August, 1998, personally appeared James Herzberg, as Attorney-In-Fact on behalf of the principals set forth in Exhibit "A" attached hereto and incorporated herein for all purposes.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on the 5th day of August, 1998.

Michelle Stratton  
Notary Public - State of Texas



Return to:  
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