FIRST AMENDMENT TO THE DECLAFIATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR BENDERS LANDING, SECTION TWO

STATE OF TEXAS

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S COUNTY OF MONTGOMERY

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WHEREAS, HOUSTON LIPAR, LTD., (herein and therein referred to as "Developer"), executed that certain Declaration of Covenants, Conditions and Restrictions, for Benders Landing, Section Two (hereinafter referred to as the "Original Restrictions"), filed for record under County Clerk's File No. 2002-029410, in the Real Property Records of Montgomery County, Texas; and,

WHEREAS, the Original Restrictions provide, in Section 9.03 of Article IX that the Developer reserves the right to promulgate and impose restrictions (as well as vary and amend said Original Restrictions) for the purposes of correcting any oversight, ambiguity or inconsistency therein, provided such amendment is consistent with and in furtherance of the general plan and scheme of the development; and,

WHEREAS, the Developer has discovered that a mistake and oversight was made regarding the minimum square footage of residences constructed on Lots 55 through 71, in Block 4, Section Two of the Subdivision; and,

WHEREAS, the Developer desires to amend the Original Restrictions to correct and amend the Restrictions to reflect the correct square footage required for a dwelling on said Lots 55 through 71 in Block 4, BENDERS LANDING, SECTION TWO.

WHEREAS, the Developer has the authority to amend the Original Restrictions pursuant to Section 9.03 thereof, and the amendment of the Original Restrictions in said manner does not require the joinder of any other person, whether such person be an owner of property in the Subdivision, a lienholder, a mortgagee, a deed of trust beneficiary or any other person.

NOW, THEREFORE, in consideration of the Premises, the Original Restrictions are nereby modified and amended by the Developer as follows:

Section 3.01 in Article III of the Original Restrictions (recorded under Clerk's File No. 2002-029410 in the Real Property Records of Montgomery County, Texas) is hereby modified and amended to read as follows:

Section 3.01 <u>Single Family Residential Construction</u>. No building shall be erected, altered, placed or permitted to remain on any Lot or Building Site other than one single-family dwelling unit ("Dwelling") per each Lot to be used solely for residential purposes except that one guest/servants house may be built provided it matches the same design as main Dwelling and said guest/servants house must contain a minimum of 500 square feet and a maximum of not more than 50% of the square footage of the main dwelling, and be built after or while the main dwelling is being built and be approved in writing by the Architectural Control Committee prior to construction. Each Dwelling shall have a fully enclosed garage for not less than two (2) cars, which garage is available for parking automobiles at all times without any modification being made to the interior of said garage. Detached garages may be constructed on the property after or while the main dwelling is being built, so long as they are of good construction, kept

Lots. The term "dwelling" does not include single or double wide manufactured or mobile homes, or any old or used houses to be moved on the Lot or any log homes and said manufactured or mobile and used homes or log homes are not permitted within the Subdivision. All Dwellings except for Dwellings located on Lots designated in Section 3.01 (a) hereof, shall have a minimum of 2,400 square feet of living area, excluding porches, and be built with new construction materials. There shall be a minimum of 1,600 square feet of living area on the first floor of any multi-story home. Any building, structure or improvement commenced on any tract shall be completed as to exterior finish and appearance within twelve (12) months from the setting of forms for the foundation of said building or structure. Dwellings, garages, workshops and carports shall be of at least sixty-five (65%) percent masonry construction or its equivalent on its exterior wall area, unless another type of material is approved in writing by the Committee, (stucco, stone and brick are considered masonry). The roof of any Dwelling shall be constructed of either composition shingles, copper, tile, slate, standing seam metal or other material approved by the Architectural Control Committee and according to the guidelines adopted by the Committee, prior to construction. The use of sheet metal or similar material on the roof or exterior sides of any Dwelling other than as flashing is prohibited. As used herein, the term "residential purposes" shall be construed to prohibit mobile homes, trailers, modular or manufactured homes, prefabricated or log homes being placed on said Lots, or the use of said Lots for duplex houses, churches, condominiums, townhouses, garage apartments, or apartment houses; and no Lot shall be used for business, educational or professional purposes of any kind whatsoever, nor for any commercial or manufacturing purposes. Provided, however, an Owner may maintain a home office in a Dwelling with no advertising signs or regular visits by customers or clients. No log siding shall be used on exterior of any Dwelling.

- (a) <u>Detention Lakefront Lots</u>. Dwellings on Detention Lakefront Lots (other than Lots 55 through 71, Block 4, of BENDERS LANDING, SECTION TWO) shall be subject to the same residential and construction standards as other lots except as follows:
 - i) Dwellings on Detention Lakefront Lots (other than Lots 55 through 71, Block 4, of BENDERS LANDING, SECTION TWO) shall contain a minimum of 2,800 square feet of living area, excluding porches; and
 - ii) The first floor of a multi-story Dwelling on a Detention Lakefront Lot (other than Lots 55 through 71, Block 4 of BENDERS LANDING, SECTION TWO) shall contain a minimum of 2,000 square feet of living area, excluding porches; and
 - iii) Dwellings on Detention Lakefront Lots 55 through 71, Block 4 of BENDERS LANDING, SECTION TWO, shall contain a minimum of 4,000 square feet of living area, excluding porches; and
 - iv) The first floor of a multi-story dwelling on Detention Lakefront Lots 55 through 71, Block 4 of BENDERS LANDING, SECTION 2, shall contain a minimum of 2,400 square feet of living area, excluding porches; and
 - v) The rear exterior of Dwellings on Detention Lakefront Lots must be made of at least fifty (50%) percent brick, stone or stucco.

Except as hereinabove modified, the Original Restrictions, as amended, remain unchanged and continue in full force and effect, binding within the Subdivision in accordance with their terms and provisions.

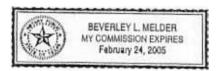
STATE OF TEXAS

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COUNTY OF MONTGOMERY

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This instrument was acknowledged before me on the 8th day of March, 2004, by THOMAS E. LIPAR, President of LGI DEVELOPMENT CORP., General Partner of HOUSTON LIPAR, LTD., a Texas Limited Partnership, in the capacity therein stated on behalf of said Partnership.



Notary Public, State of Texas

AFTER RECORDING RETURN TO: HOUSTON LIPAR, LTD. 19221 I-45 SOUTH, SUITE 320 CONROE, TEXAS 77385