

Amend

**AMENDMENTS TO COVENANTS, CONDITIONS AND RESTRICTIONS
FOR**

**BRIAR PARK, SECTION ONE (1), BRIAR VILLAGE, SECTIONS ONE (1) THROUGH FOUR (4),
AND BRIARWORTH, SECTION ONE (1)**

SEP 08 2006

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THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

WHEREAS, Westheimer Development Company, a Texas corporation, Vaughn Eugene Counts, Rebecca Holder Counts, Charles K. Abernathy, Jean Abernathy, William B. Morgan, Anna D. Morgan, Alfred C. Estes, Jr., Jerry Ann Estes, Kenneth G. Reasons and Carolyn Reasons caused that certain instrument to be recorded on February 24, 1969, in Volume 7520, Page 1, et seq. of the Deed Records of Harris County, Texas, which instrument imposes various covenants, conditions and restrictions upon the following real property:

Lots One (1) through Ten (10), both inclusive, Block One (1); Lots One (1) through Twenty-Four (24), both inclusive, Block Two (2); Lots One (1) through Thirty-Seven (37), both inclusive, Block Three (3); Lots One (1) through Twenty-Four (24), both inclusive, Block Four (4); Lots One (1) through Forty-Four (44), both inclusive, Block Five (5); Lots One (1) through Twenty-Four (24), both inclusive, Block Six (6); Lots One (1) through Seventeen (17), both inclusive, Block Seven (7), and Lots One (1) through Nine (9), both inclusive, Block Eight (8), all in Briar Park, Section One (1), a subdivision in Harris County, Texas, according to the Map or Plat thereof recorded at Volume 155, Page 118, Map Records of Harris County, Texas

(such instrument being hereafter referred to as the "Briar Park Section One Restrictions");

and,

WHEREAS, the Briar Park Section One Restrictions were amended by that certain instrument entitled "Amended Deed Restrictions Briar Park, Section One" recorded in the Real Property Records of Harris County, Texas on March 3, 1977 under Clerk's File No. F059876; and

WHEREAS, the Briar Park Section One Restrictions allow for amendments at any time by an instrument signed by a majority of the then owners of the lots and duly recorded; and

WHEREAS, Briar Village Venture, acting by and through First Realty Investment Co., Inc., caused that certain instrument to be recorded in the Real Property Records of Harris County, Texas on February 24, 1971 under Clerk's File No. D273636, which instrument imposes various covenants, conditions and restrictions upon the following real property:

Briar Village, Section One (1), a subdivision in Harris County, Texas according to the map or plat thereof recorded in Volume 170, Page 90, of the Map Records of Harris County, Texas

(such instrument being hereafter referred to as the "Briar Village Section One Restrictions");

and,

COPY

RECORDED

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WHEREAS, the Briar Village Section One Restrictions were amended by that certain instrument entitled "Amendments to Briar Village, Section I Residential Restrictions" recorded in the Real Property Records of Harris County, Texas on April 28, 1971 under Clerk's File No. D314814; and

WHEREAS, the Briar Village Section One Restrictions were further amended by that certain instrument entitled "Amended Deed Restrictions Briar Village, Section One" and recorded in the Real Property Records of Harris County, Texas on March 2, 1977 under Clerk's File No. F059874; and

WHEREAS, the Briar Village Section One Restrictions allow for amendments at any time by an instrument approved by a simple majority of the then owners and duly recorded; and

WHEREAS, Briar Village Venture, acting by and through First General Realty Corporation, caused that certain instrument entitled "Restrictions" to be recorded in the Real Property Records of Harris County, Texas on April 7, 1972 under Clerk's File No. D562678, which instrument imposes various covenants, conditions and restrictions upon the following real property:

Briar Village, Section Two (2), a subdivision in Harris County, Texas according to the map or plat thereof recorded in Volume 188, Page 42, of the Map Records of Harris County, Texas

(such instrument being hereafter referred to as the "Briar Village Section Two Restrictions"), and

WHEREAS, the Briar Village Section Two Restrictions were amended by that certain instrument entitled "Amended Deed Restrictions Briar Village, Section Two" and recorded in the Real Property Records of Harris County, Texas on March 2, 1977 under Clerk's File No. F059875; and

WHEREAS, the Briar Village Section Two Restrictions allow for amendments at any time by an instrument approved by a simple majority of the then owners and duly recorded; and

WHEREAS, Briar Village Venture, acting by and through First General Realty Corporation, caused that certain instrument entitled "Restrictions" to be recorded in the Real Property Records of Harris County, Texas on January 22, 1974 under Clerk's File No. E066666, which instrument imposes various covenants, conditions and restrictions upon the following real property:

Briar Village, Section Three (3), a subdivision in Harris County, Texas according to the map or plat thereof recorded in Volume 213, Page 26, of the Map Records of Harris County, Texas

(such instrument being hereafter referred to as the "Briar Village Section Three Restrictions); and

WHEREAS, the Briar Village Section Three Restrictions were amended by that certain instrument entitled "Amended Deed Restrictions Briar Village, Section Three" recorded in the Real Property Records of Harris County, Texas on March 2, 1977 under Clerk's File No. F059873; and

WHEREAS, the Briar Village Section Three Restrictions allow for amendments at any time by an instrument approved by a simple majority of the then owners and duly recorded; and

WHEREAS, Briar Village Venture, acting by and through First General Realty Corporation, caused that certain instrument entitled "Restrictions" to be recorded in the Real Property Records of Harris County, Texas on March 20, 1975 under Clerk's File No. E390506, which instrument imposes various covenants, conditions and restrictions upon the following real property:

PP 026-26-1991

Briar Village, Section Four (4), a subdivision in Harris County, Texas according to the map or plat thereof recorded in Volume 222, Page 11, of the Map Records of Harris County Texas

(such instrument being hereafter referred to as the "Briar Village Section Four Restrictions"); and

WHEREAS, the Briar Village Section Four Restrictions allow for amendments at any time by an instrument approved by a simple majority of the then owners and duly recorded; and

WHEREAS, Marvily Corporation caused that certain instrument to be recorded in the Real Property Records of Harris County, Texas on May 17, 1976 under Clerk's File No. E765670, which instrument imposed various covenants, conditions and restrictions upon the following real property:

Briarworth, Section One (1), a subdivision in Harris County, Texas according to the map or plat thereof recorded in Volume 236, Page 22, of the Map Records of Harris County, Texas

(such instrument being hereafter referred to as the "Briarworth Section One Restrictions"); and

WHEREAS, the Briarworth Section One Restrictions were amended by that certain instrument entitled "Amendment of Restrictions Briarworth, Section One (1)" duly recorded in the Real Property Records of Harris County, Texas on September 28, 1977 under Clerk's File No. F315011; and

WHEREAS, the Briarworth Section One Restrictions were further amended by the certain instrument entitled "Amended Restrictions Briarworth, Section One (1)" recorded in the Real Property Records of Harris County Texas on August 18, 1980 under Clerk's File No. G641846; and

WHEREAS, the Briarworth Section One Restrictions allow for amendments at any time by an instrument approved by a simple majority of the then owners and duly recorded; and

WHEREAS, the undersigned, being not less than a majority of the owners of lots in Briar Park, Section One (1), Briar Village, Sections One (1) through Four (4), and Briarworth, Section One (1), desire to further amend the Briar Park Section One Restrictions, the Briar Village Section One Restrictions, the Briar Village Section Two Restrictions, the Briar Village Section Three Restrictions, the Briar Village Section Four Restrictions, and the Briarworth Section One Restrictions;

NOW THEREFORE, the undersigned being not less than a majority of the owners lots in Briar Park, Section One (1), Briar Village, Sections One (1) through Four (4), and Briarworth, Section One (1), hereby amend the Briar Park Section One Restrictions, the Briar Village Section One Restrictions, the Briar Village Section Two Restrictions, the Briar Village Section Three Restrictions, the Briar Village Section Four Restrictions and the Briarworth Section One Restrictions, as follows:

Paragraph 13 is hereby added to the section in the Briar Park Section One Restrictions entitled "Restrictions, Covenants and Conditions" to read as follows:

13. Fences. Except as otherwise expressly provided in this paragraph, no fence on a lot shall exceed a height of eight (8) feet, measured from the top of the slab of the residential dwelling on the lot to the highest point of the fence. A fence on the rear property line of a lot that is adjacent to property not within Briar Park, Section One, Briar Village, Sections One (1) through Four (4), or Briarworth, Section One (1), may exceed eight (8) feet in height, but not more than ten (10) feet in

height, measured from the top of the slab of the residential dwelling on the lot to the highest point of the fence. Chain link fences are prohibited. This paragraph shall not be construed to require a fence that exists on a lot as of the effective date of this instrument and that is shorter than the maximum permissible height [such as, by way of example, a six (6) foot fence] to be modified or replaced.

Paragraph 12 in the Briar Village Section One Restrictions, the Briar Village Section Two Restrictions, the Briar Village Section Three Restrictions, the Briar Village Section Four Restrictions, and the Briarworth Section One Restrictions is hereby amended to read as follows:

12. Fences. Except as otherwise expressly provided in this paragraph, no fence on a lot shall exceed a height of eight (8) feet, measured from the top of the slab of the residential dwelling on the lot to the highest point of the fence. A fence on the rear property line of a lot that is adjacent to property not within Briar Park, Section One, Briar Village, Sections One (1) through Four (4), or Briarworth, Section One (1), may exceed eight (8) feet in height, but not more than ten (10) feet in height, measured from the top of the slab of the residential dwelling on the lot to the highest point of the fence. Chain link fences are prohibited. This paragraph shall not be construed to require a fence that exists on a lot as of the effective date of this instrument and that is shorter than the maximum permissible height [such as, by way of example, a six (6) foot fence] to be modified or replaced.

Except as amended by the provisions of this instrument, all provisions in the Briar Park Section One Restrictions, the Briar Village Section One Restrictions, the Briar Village Section Two Restrictions, the Briar Village Section Three Restrictions, the Briar Village Section Four Restrictions and the Briarworth Section One Restrictions, as previously amended, remain in full force and effect.

Executed on the dates set forth in the attached consent forms, to be effective upon recording in the Official Public Records of Real Property of Harris County, Texas.

Return to:

Rick S. Butler
Butler & Hailey, P.C.
1616 S. Voss Road, Suite 500
Houston, Texas 77057

Bonnie R. Kogler
COUNTY CLERK
HARRIS COUNTY, TEXAS

2006 AUG 15 PM 3:45

FILED

CERTIFICATE

THE STATE OF TEXAS

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§
§

COUNTY OF HARRIS

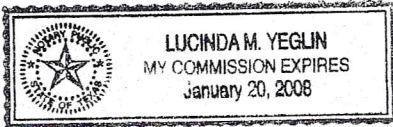
BEFORE ME, the undersigned authority, on this day personally appeared Charles Mark-Gonz, President of Briar Park Community Improvement Association, Inc., known to me to be the person whose name is subscribed below, who, upon oath, did depose and state as follows:

My name is Charles Mark-Gonz I am the President of Briar Park Community Improvement Association, Inc., (the "Association"). I am over the age of twenty-one (21) years, I have never been convicted of a crime and I am fully competent to make this affidavit. Attached hereto are consent forms executed by the owners of properties in Briar Park, Section One (1), Briar Village, Sections One (1) through Four (4), and Briarworth, Section One (1). I certify that the attached consent forms represent the written agreement of not less than a majority of the owners in each of such sections to amend the covenants, conditions and restrictions applicable to the property in each of such sections. This certification is based upon the ownership records of the Association.

Charles Mark-Gonz
President, _____ of 480

Briar Park Community Improvement Association, Inc.

Given under my hand and seal of office this 13 day of June, 2006.



Lucinda M. Yeglin
Notary Public, State of Texas

RP 026-26-1994