

**FIRST AMENDMENT TO
DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS
FOR HEATHWOOD, SECTION ONE (1)**

THIS FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR HEATHWOOD, 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:

COPY
WHEREAS, **HEATHWOOD, SECTION ONE (1)** (the "Subdivision") is a residential subdivision located in Harris County, Texas, according to the map or plat thereof recorded in Volume 277, Page 65, of the Map Records of Harris County, Texas, which is subject to that certain *DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR HEATHWOOD, SECTION ONE (1)* (the "CCR") dated September 20, 1978, recorded in Clerk's File No. F782726 of the Official Public Records of Real Property of Harris County, Texas (being Harris County Film Code No. 107-89-1873), with capitalized terms therein also being incorporated into this Amendment; and

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 owning not less than seventy-five (75%) percent of the Lots within Heathwood, Section One (1)"; and

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

WHEREAS, there are now ninety-two (92) Lots within the Subdivision (Lot 4 in Block 2 has previously been subdivided into Lot 4 and Lot 4-A, which increases the number of Lots in

the Subdivision from its original 91 to 92), which means that in order to amend the CCR the consent of sixty-nine (69) or more of the Owners is required; and

WHEREAS, Seventy (70) 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-70" 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.

Lots One (1) through Nine (9), Nineteen (19) through Twenty-two (22) and Twenty-Seven (27) through Thirty-Five (35), each inclusive, in Block Two (2), may not have constructed thereon any sort of rear fence or wall unless approved by the Architectural Control Committee. Further, the owners of such Lots shall take all necessary steps to prevent erosion of such Lots, such action to be approved by the Architectural Control committee prior to its commencement.

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 23 day of August, 1999.

HEATHLAKE COMMUNITY ASSOCIATION, INC.

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

THE STATE OF TEXAS §

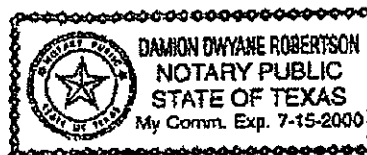
COUNTY OF HARRIS §

This instrument was acknowledged before me on the 23 day of ^{August} ~~June~~, 1999 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



COPY