

R753394

**COPY**

506-86-2842

*Keith*

507-45-0905

**CORRECTED  
SUPPLEMENTAL DECLARATION OF  
COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR SUMMERWOOD**

*mu*

**R820396**

(Kingsgate Forest, Section Three)

This Supplemental Declaration of Covenants, Conditions and Restrictions is made as of the date hereinafter stated by McCord Development Communities, L.P., a Delaware limited partnership ("Declarant").

01/19/96 100155210 R 753394 \$15.00

WITNESSETH: 03/07/96 200143397 R 820396 \$15.00

WHEREAS, Declarant executed that certain Declaration of Covenants, Conditions and Restrictions for Summerwood dated as of JANUARY 19, 1996 which is filed under Clerk's File No. R753391 and recorded in the Official Records of Real Property of Harris County, Texas (the "Declaration") and which imposed covenants, conditions and restrictions on certain property described therein; and

*(Handwritten initials)*

WHEREAS, Declarant is the owner of a portion of the real property described in and subject to the Declaration, such portion being all of the residential lots and other lands (other than those dedicated to the public) within Kingsgate Forest, Section Three, a subdivision of land in Harris County, Texas, according to the map or plat thereof (the "Plat") filed under Clerk's File No. R715052 and recorded under Film Code No. 373146 in the Map Records of Harris County, Texas; and

WHEREAS, Declarant desires to make the property within Kingsgate Forest, Section Three subject to the additional covenants, conditions and restrictions set forth in this

RLR\66819.\SUPP.DR\KINGSGATE3\2304.1  
**THIS INSTRUMENT IS BEING RE-RECORDED  
TO CORRECT ERRORS AS REFLECTED HEREIN.**

Please return to: McCord Development Communities, L  
6565 West Loop South, Suite 525  
Bellaire, Texas 77401  
ATTN: Gregory B. McKenzie

506-86-2843

507-45-0906

Supplemental Declaration of Restrictions so as to impose mutually beneficial restrictions under a general plan of improvement for the benefit of all owners of the property within such subdivision and to designate the land covered by the Plat of Kingsgate Forest, Section Three as a "Neighborhood" pursuant to the Declaration.

NOW, THEREFORE, Declarant does hereby declare as follows:

(1) The land subject to the Plat shall be held, transferred, sold, conveyed, used, and occupied subject to the covenants, restrictions, easements, charges and liens set forth in this Supplemental Declaration, in addition of those contained in the Declaration. All capitalized terms used herein which are not otherwise defined herein shall have the meanings set forth for such terms in the Declaration.

(2) The land subject to the Plat shall hereafter be known as KINGSGATE FOREST, SECTION THREE and such land is hereby designated a "Neighborhood", as such term is defined in the Declaration.

(3) The Lots within KINGSGATE FOREST, SECTION THREE (the "Neighborhood") shall be subject to the following use limitations and restrictions in addition to those set forth in the Declaration:

SECTION 1. LIVING AREA REQUIREMENTS. The ground floor area of any one-story (1) Single Family Residence in the Neighborhood, exclusive of open porches and garages, shall contain not less than 1,700 ~~XXXXXX~~ square feet. Exclusive of open porches and garages, the total living area of any Single Family Residence of more than one story shall be at least 1,700 ~~XXXXXX~~ square feet.

506-786-2844

507-45-0907

SECTION 2. REAR AND SIDE BUILDING SETBACKS. No improvement (other than ARC-approved landscaping) may be constructed on any Lot in the Neighborhood closer than five feet (5') from the side property line of any Lot, except that the building setback along any side Lot line of any corner Lot that is the common boundary with a street right-of-way shall be, as provided on the Plat. Existence of dedicated utility easements on Lots may further restrict a Lot Owner from building as close to a Lot line as the setback established herein may permit.

SECTION 3. NEIGHBORHOOD ASSESSMENT. No specific Neighborhood Assessment is mandated by this Supplemental Declaration. Therefore, Owners of Lots within the Neighborhood may be assessed and are liable to pay a Neighborhood Assessment in addition to the General Assessment only if levied by the Association's Board of Directors in accordance with Article III, Section 2 of the Declaration.

This Supplemental Declaration shall remain in full force and effect for the term, and shall be subject to the renewal and other provisions, of the Declaration.

EXECUTED this the 18th day of January, 1996.

DECLARANT:

McCord Development Communities, L.P.,  
a Delaware limited partnership

By: FRM Community Development, Inc.,  
a Delaware corporation,  
general partner

By: [Signature]

Its: President

[Handwritten initials]

[Handwritten initials]

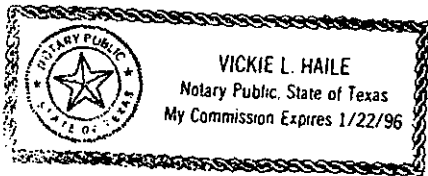
506-86-2845

THE STATE OF TEXAS |  
COUNTY OF HARRIS |

507-45-0908

This instrument was acknowledged before me on January 18, 1996 by Frederick R. McCord, President of FRM Community Development Corporation, a Delaware corporation which the general partner of McCord Development Communities, L.P., a Delaware limited partnership, on behalf of said limited partnership.

(SEAL)



Vickie L. Haile  
Notary Public in and for  
the State of Texas

Vickie L. Haile  
Name printed or typed  
My commission expires: 1/22/96

FILED  
96 JAN 19 PM 2:18  
Beverly B. Lyndman  
COUNTY CLERK  
HARRIS COUNTY, TEXAS

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW  
THE STATE OF TEXAS }  
COUNTY OF HARRIS }  
I hereby certify that this instrument was FILED in File Number \_\_\_\_\_ Sequence on the date and at the time stamped herein by me, and was duly RECORDED, in the Official Public Records of Real Property of Harris County, Texas on:  
  
JAN 19 1996  
  
Beverly B. Lyndman  
COUNTY CLERK  
HARRIS COUNTY TEXAS