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FIRST AMENDMENT TO THE
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIIONS FOR
WESTCREEK

STATE OF TEXAS §
§
COUNTY OF FORT BEND §

This FIRST AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR WESTCREEK (the "First Amendment") is made by Westcreek Partners, Ltd., a Texas limited partnership (the "Declarant").

WHEREAS, the DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR WESTCREEK was filed of record under Clerk's File Number 2006021583 in the Official Public Records of Real Property of Fort Bend County, Texas (the "Declaration"); and

WHEREAS, Section 8.1 of the Declaration states that "[f]or a Period of five (5) years after the date this Declaration is recorded, Declarant shall have the authority to amend this Declaration without joinder or consent of any other party, so long as an amendment does not adversely affect any substantive rights of the Lot Owners."; and

WHEREAS, the Declarant wishes to exercise its rights under Section 8.1 of the Declaration and desires to amend the Declaration; and

WHEREAS, reference is hereby made to the Declaration for all purposes, and any and all capitalized terms used herein shall have the meanings set forth in the Declaration, unless otherwise specified in this First Amendment.

NOW, THEREFORE, the Declarant who may unilaterally amend the Declaration for five years from the date of its recording, hereby amends the Declaration as follows:

1. Section 2.4(a) of the Declaration which reads:

The minimum allowable area of interior living space in a one-story Residential Dwelling shall be one thousand nine hundred (1,900) square feet. The minimum allowable area of interior living space in a two-story Residential Dwelling shall be two thousand four hundred (2,400) square feet. The minimum allowable area of interior living space in the ground level of a two-story Residential Dwelling shall be one thousand six hundred (1,600) square feet. For purpose of this Declaration, the term "interior living space" excludes steps, porches, exterior balconies, and garages.

Shall be deleted in its entirety and replaced with the following:

The minimum allowable area of interior living space in a one-story Residential Dwelling shall be one thousand nine hundred (1900) square feet. The minimum allowable area of interior living space in a two-story Residential Dwelling shall be two thousand four hundred (2,400) square feet. The minimum allowable area of interior living space in the ground level of a two-story Residential Dwelling shall be one thousand six hundred (1,600) square feet. For purpose of this Declaration, the term "interior living space" excludes steps, porches, exterior balconies, and garages. Notwithstanding any other provision in the Declaration, no amendment may modify the minimum square footage, except with the prior written and recorded joinder of FM 359/WESTCREEK, LP, A TEXAS LIMITED PARTNERSHIP, its successors or assigns. In addition, notwithstanding any other provision in the Declaration, this Section 2.4(a) may not be amended by the Owners and/or the Association to remove the required joinder of FM 359/WESTCREEK, LP, A TEXAS LIMITED PARTNERSHIP its successors or assigns.

2. In case of a conflict between this First Amendment and the Declaration, this First Amendment shall control. All other definitions and restriction shall remain as stated in the Declaration.
3. The Declaration, except as expressly amended hereby, shall remain in full force and effect, and is hereby ratified and confirmed.

IN WITNESS WHEREOF, this First Amendment is executed as of the 22nd day of November, 2010.

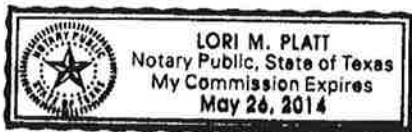
DECLARANT:
WESTCREEK PARTNERS, LTD, a Texas limited partnership

By: Marcava Corporation, a Texas corporation, its general partner

By: Peyton Martin
Peyton Martin, President

THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

THIS INSTRUMENT was acknowledged before me on the 22 day of November, 2010 by Peyton Martin, the President of the Marcava Corporation, the General Partner of Westcreek Partners, LTD.



Lori M. Platt
Notary Public - State of Texas

RETURNED AT COUNTER TO:

LORI PLATT
10 MORTON ST # 280
Richmond, TX 77469

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dianne Wilson

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Dianne Wilson COUNTY CLERK

FT BEND COUNTY TEXAS

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