



**SECOND AMENDMENT  
to  
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS  
for  
OLD ORCHARD**

THE STATE OF TEXAS           §  
  § KNOW ALL PERSONS BY THESE PRESENTS:  
COUNTY OF FORT BEND       §

WHEREAS, O.O. DEVELOPMENT, LTD., a Texas limited partnership (the "Declarant") was the sole record owner of that certain property known as:

- Old Orchard, Section One (1), a subdivision located in Fort Bend County, Texas according to the map or plat thereof filed of record under Film Code No. 20070010 of the Plat Records of Fort Bend County, Texas and all amendments to or replats of said maps or plats, if any ("Old Orchard, Section One (1)");
- Old Orchard, Section Two (2), a subdivision located in Fort Bend County, Texas according to the map or plat thereof filed of record under Film Code No. 20070016 of the Plat Records of Fort Bend County, Texas and all amendments to or replats of said maps or plats, if any ("Old Orchard, Section Two (2)");
- Old Orchard, Section Three (3), a subdivision located in Fort Bend County, Texas according to the map or plat thereof filed of record under Film Code No. 20070013 of the Plat Records of Fort Bend County, Texas and all amendments to or replats of said maps or plats, if any ("Old Orchard, Section Three (3)");
- Old Orchard, Section Four (4), a subdivision located in Fort Bend County, Texas according to the map or plat thereof filed of record under Film Code No. 20080086 of the Plat Records of Fort Bend County, Texas and all amendments to or replats of said maps or plats, if any ("Old Orchard, Section Four (4)");
- Old Orchard, Section Five (5), a subdivision located in Fort Bend County, Texas according to the map or plat thereof filed of record under Film Code No. 20080085 of the Plat Records of Fort Bend County, Texas and all amendments to or replats of said maps or plats, if any ("Old Orchard, Section Five (5)");
- Old Orchard, Section Six (6), a subdivision located in Fort Bend County, Texas according to the map or plat thereof filed of record under Film Code No. 20080088 of the Plat Records of Fort Bend County, Texas and all amendments to or replats of said maps or plats, if any ("Old Orchard, Section Six (6)");

- Old Orchard, Section Seven (7), a subdivision located in Fort Bend County, Texas according to the map or plat thereof filed of record under Film Code No. 20100031 of the Plat Records of Fort Bend County, Texas and all amendments to or replats of said maps or plats, if any (“Old Orchard, Section Seven (7)”);
- Old Orchard, Section Eight (8), a subdivision located in Fort Bend County, Texas according to the map or plat thereof filed of record under Film Code No. 20090080 of the Plat Records of Fort Bend County, Texas and all amendments to or replats of said maps or plats, if any (“Old Orchard, Section Eight (8)”);

WHEREAS, Declarant by that certain instrument entitled “Declaration of Covenants, Conditions and Restrictions for Old Orchard” filed of record in the Official Public Records of Real Property of Fort Bend County, Texas, under County Clerk's File No. 2007047504 (the “Declaration”), imposed on Old Orchard, Section One (1), Old Orchard, Section Two (2) and Old Orchard, Section Three (3) all those certain covenants, conditions, restrictions, and easements set forth therein;

WHEREAS, by that certain instrument entitled “Declaration of Annexation Old Orchard, Sections Four, Five, and Six (4, 5 & 6)” filed of record in the Official Public Records of Real Property of Fort Bend County, Texas under County Clerk's File No. 2008128957, Declarant did restrict Old Orchard, Section Four (4), Old Orchard, Section Five (5) and Old Orchard, Section Six (6) to the Declaration;

WHEREAS, by that certain instrument entitled “Declaration of Annexation Old Orchard, Section Seven (7)” filed of record in the Official Public Records of Real Property of Fort Bend County, Texas under County Clerk's File No. 2010083240, Declarant did restrict Old Orchard, Section Seven (7) to the Declaration;

WHEREAS, by that certain instrument entitled “Declaration of Annexation Old Orchard, Section Eight (8)” filed of record in the Official Public Records of Real Property of Fort Bend County, Texas under County Clerk's File No. 2009102627, Declarant did restrict Old Orchard, Section Eight (8) to the Declaration;

WHEREAS, the Declaration was amended by that certain instrument entitled “First Amendment to Declaration of Covenants, Conditions and Restrictions for Old Orchard” filed of record in the Official Public Records of Real Property of Fort Bend County, Texas under County Clerk's File No. 2009126127 (the Declaration as amended hereinafter still referred to as the “Declaration”);

WHEREAS, Article XIV, Section 8 of the Declaration provides in pertinent part:

... this Declaration may be amended at any time by an instrument signed by Owners representing a minimum of sixty percent (60%) of the total eligible votes ...

WHEREAS, Declarant holds more than sixty percent (60%) of the total eligible votes in O.O. Community Association, Inc. (the “Association”).

NOW, THEREFORE, Declarant as an Owner representing more than sixty percent (60%) of the total eligible votes in the Association hereby amends the Declaration to read as set forth below:

Article VI, Section 4 of the Declaration entitled "Storage and Repair of Vehicles" is amended to read as follows:

**SECTION 4. STORAGE AND REPAIR OF VEHICLES.**

**4.1 Definitions.**

a) "Commercial vehicles", as used in this Section 4 shall mean commercial vehicles, vehicles primarily used or designed for commercial purposes (including, but not limited to taxis, tow trucks, and vehicles displaying ladder racks, tools, compressors, welding machines or any equipment used for commercial use).

b) "Permitted Vehicles", as used in this Section 4 shall mean passenger vehicles that (i) do not exceed either seven feet (7') in height, and/or seven feet six inches (7'6") in width, and/or twenty-one feet (21') in length, (ii) are in good and operating condition (including no flat tires); and, (iii) have current license plates and inspection stickers.

c) "Vehicles", as used in this Section 4, shall refer to all motorized vehicles including, without limitation, automobiles, trucks, motor homes, recreational vehicles, boats, trailers, motorcycles, minibikes, scooters, go-carts, campers, buses, and vans, including such vehicles with the motor removed.

**4.2 Permitted Parking.** Only Permitted Vehicles may park on (i) driveways, or (ii) in the Street during the permitted times in accordance with Section 4.3.

**4.3 Prohibited Parking.** No vehicle owned or operated by an Occupant or an Occupant's guests shall be parked in any Street when the driveway of the Occupant is capable of being occupied by a Permitted Vehicle, in which case the Occupant's or their guests' Permitted Vehicle must be parked in the Occupant's driveway; Provided, however, boats, boat trailers, boat riggings, motor homes, trailers, and campers may be temporarily parked in the Street in front of or side of any Lot or on any Lot for a period not exceeding twenty-four (24) hours in any thirty (30) day period. No Commercial vehicle may be parked on a Lot (except inside the garage) or on a Street, except when contractors operating the Commercial vehicle are performing work on a Lot or Common Area.

**4.4 Repairs.** No Owner of any Lot or any visitor or guest of any Owner shall be permitted to perform work on automobiles or other vehicles in driveways or Streets other than work of a temporary nature. For the purposes of the foregoing the term "temporary" shall mean that the vehicle under repair shall not remain in driveways or Streets in excess of twenty-four (24) hours.

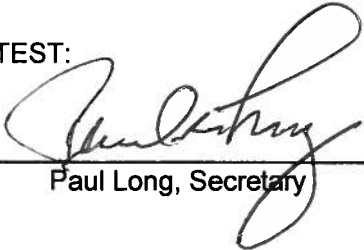
The amendment of the Declaration set forth above shall be deemed to be a part of and shall be interpreted in accordance with the Declaration. All provisions of the Declaration not amended hereby are hereby ratified and confirmed in each and every

particular, and shall continue in full force and effect pursuant to the terms of the Declaration.


IN WITNESS WHEREOF, the President of O.O. Community Association, Inc. hereby executes this Amendment evidencing the approval of the Board of Directors of the Association and confirming that the Consent attached hereto as Exhibit "A" and incorporated herein for all purposes represents the approval of this amendment to the Declaration by an Owner representing at least a minimum of sixty percent (60%) of the total eligible votes in the Association as required by Article XIV, Section 8 of the Declaration to be effective upon its filing of record in the Official Public Records of Real Property of Fort Bend County, Texas.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

ATTEST:

By:   
Paul Long, Secretary

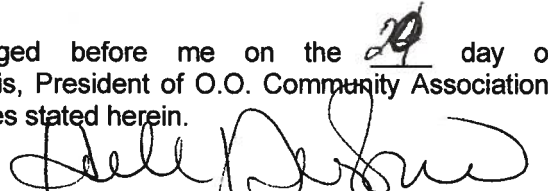
O.O. COMMUNITY ASSOCIATION, INC.

By:   
Bill Davis, President

THE STATE OF TEXAS     §  
  §  
COUNTY OF Harris     §



This instrument was acknowledged before me on the 29 day of October, 2010, by Bill Davis, President of O.O. Community Association, Inc., for the consideration and in the capacities stated herein.

  
Notary Public in and for the State of Texas

AS PER ORIGINAL

Return to:  
Butler | Hailey  
8901 Gaylord Street, Suite 100  
Houston, Texas 77024

185333

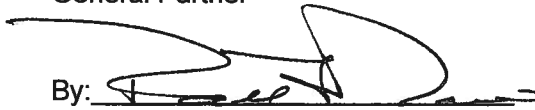
**CONSENT TO "SECOND AMENDMENT  
to  
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS  
for  
OLD ORCHARD"**

O.O. Development, Ltd., a Texas limited partnership is an Owner representing more than sixty percent (60%) of the total eligible votes in O.O. Community Association, Inc. and does hereby consent to and approve the "Second Amendment to Declaration of Covenants, Conditions and Restrictions for Old Orchard" to which this Consent is attached and incorporated into for all purposes.

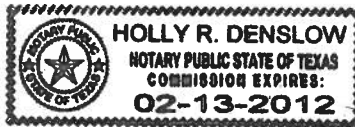
**O.O. Development, Ltd., a Texas  
limited partnership**

By: O.O. Venture Company,  
a Texas corporation,  
General Partner

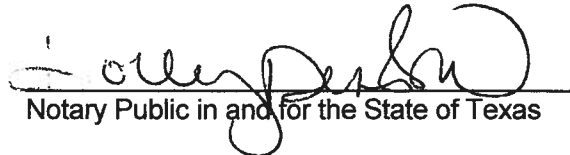
10/20/10  
Date

By:   
Bill Davis, President

THE STATE OF TEXAS     §  
  §  
COUNTY OF HARRIS     §



This instrument was acknowledged before me on the 20<sup>th</sup> day of OCTOBER, 2010, by Bill Davis, President of O.O. Venture Company, a Texas corporation, General Partner to O.O. Development, Ltd., a Texas limited partnership, for the consideration and in the capacities stated herein.

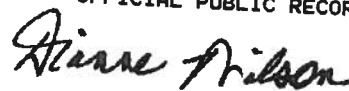
  
Notary Public in and for the State of Texas

*Exhibit "A" to Second Amendment to Declaration for Old Orchard*

*Page 1 of 1*

**FILED AND RECORDED**

OFFICIAL PUBLIC RECORDS



2010 Nov 01 04:15 PM

CAK \$27.00

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Dianne Wilson COUNTY CLERK  
FT BEND COUNTY TEXAS