

H018965

107-95-1707

AMENDMENT OF DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF CIMARRON, SECTION SIX (6)

THE STATE OF TEXAS § KNOW ALL MEN BY THESE PRESENTS: COUNTY OF HARRIS §

THAT WHEREAS, by instrument dated February 21 1980, Cimarron Venture, a joint venture composed of STOCKBRIDGE DEVELOPMENT CORPORATION a Texas Corporation, AND FIRST GENERAL REALTY COMPANY, a division of FIRST MORTGAGE COMPANY OF TEXAS, INC., a Delaware corporation, (successor to First General Realty Corporation, a Texas corporation), as "Venture" acting herein by and through its duly authorized Venturer, FIRST GENERAL REALTY COMPANY, pursuant to the Certificate of Authority to Deal in Real Property recorded under Harris County Clerk's File Number F308097 established certain reservations, restrictions, covenants and descriptions on the property therein described, which Declaration was filed under County Clerk's File No. G444126 and recorded under Film Code No. 151-98-0494, of the Official Public Records of Real Property of Harris County, Texas, pertaining to the following described real property, to wit:

Block Twenty-Three (23), Lots Ten (10) through Fourteen (14) inclusive; and Lots Thirty-Eight (38) through Fifty-Four (54) inclusive;

All of said lots being in Cimarron, Section Six (6), according to the map or plat thereof, recorded in Volume 257, Page 70, Map Records of Harris County, Texas;

Whereas, Sections 9, 13, and 20 of Article II of said Declaration provided as follows:

"Section 9. Use of Temporary Structures. No structures of a temporary character, mobile home, camper, trailer, basement, tent, shack, garage, barn or other outbuilding shall be used on any lot at any time as a residence. Portable buildings used for accessory or storage purposes shall be limited to not more than eight (8) feet in height and one hundred twenty (120) square feet of floor space and shall be subject to approval of the Architectural Control Committee. Temporary structures may be used as building offices and for related purposes during the construction period. Such structures shall be inconspicuous and sightly and shall be removed immediately after completion of construction and shall be subject to approval of the Architectural Control Committee."

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"Section 13. Walls, Fences and Hedges. No wall, fence or hedge shall be erected or maintained nearer to the front lot line than the front building line on such lot, nor on corner lots nearer to the side lot line than the building setback line parallel to the side street, (excluding all model home lots, as long as such lots are for the use of model homes, or until permanent residence is established on such lots). No side or rear fence, wall or hedge shall be more than six (6) feet in height. No chain link fence type construction will be permitted on any Lot. Any wall, fence or hedge erected on a Lot by Venture, 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."

"Section 20. Sidewalks. Before the dwelling unit is completed and occupied, the Lot Owner shall construct a concrete sidewalk four (4) feet in width parallel to the street curb two (2) feet back from the boundary lines of the Lot into the street right-of-way and/or to street curbs in the case of corner lots. Owners of corner lots shall install such a sidewalk both parallel to the front lot line and parallel to the side street lot lines. Such sidewalks shall comply with all Federal, State and County regulations respecting construction and/or specification, if any."

and, each of the above should be amended as hereinafter provided.

THEREFORE, in consideration of the premises, it is hereby established by CIMARRON VENTURE, a joint venture composed of STOCKBRIDGE DEVELOPMENT CORPORATION and FIRST GENERAL REALTY COMPANY acting herein by and through its duly authorized Venturer, FIRST GENERAL REALTY COMPANY herein joined by LANWAY HOMES, INC. being all owners of land within said described Cimarron, Section Six, that the Declaration is hereby amended and Sections 9, 13 and 20 of Article II of the same shall hereafter read and provide as follows:

"Section 9. Use of Temporary Structures. No structures of a temporary character, mobile home, camper, trailer, basement, tent, shack, garage, barn or other outbuilding shall be used on any lot at any time as a residence. Portable buildings used for accessory or storage purposes shall be limited to not more than eight (8) feet in height and one hundred twenty (120) square feet of floor space and shall be subject to approval of the Architectural Control Committee. Temporary structures may be used as building offices and for related purposes during the construction period. Such structures shall be inconspicuous and sightly and shall be removed immediately after completion of construction and shall be subject to approval of the Architectural Control Committee. However, a Gazebo placed in the back yard of a model home by the builder of that model home shall be allowed to remain after that model home is sold and occupied by a resident."

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"Section 13. Walls, Fences and Hedges. No wall, fence or hedge shall be erected or maintained nearer to the rear lot line than the rear building line on such Lot, nor on corner lot nearer to the side lot line than the building set back line parallel to the side street. No side or rear fence, wall or hedge shall be more than eight (8) feet in height. No chain link fence will be permitted on any Lot. Any wall, fence or hedge erected on a Lot by Venture, 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."

"Section 20. Sidewalks. Before the dwelling unit is completed and occupied, the Lot Owner shall construct a sidewalk four (4') feet in width extending in the same direction as the street curb. Owners of corner lots shall install such a sidewalk extending in the direction of both the front lot line and the side street lot line."

In all other things and respects, the Declaration is hereby ratified and confirmed.

LANWAY HOMES, INC., is joined by FIRST MORTGAGE COMPANY OF TEXAS, INC., as "lienholder" for the sole purpose of subordinating their liens to this correction instrument, and for no other purpose.

EXECUTED this 16<sup>th</sup> day of June, 1981.

CIMARRON VENTURE, A JOINT VENTURE

BY: FIRST GENERAL REALTY COMPANY

BY: Steven H. [Signature]  
Vice President 461

LANWAY HOMES, INC.

BY: [Signature]  
President

FIRST MORTGAGE COMPANY OF TEXAS, INC.

BY: [Signature]  
Vice President

137-95-1710

THE STATE OF TEXAS §  
§  
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared STEVEN M. GILMORE, Vice President of FIRST GENERAL REALTY COMPANY, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, as the act and deed of said corporation and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 16<sup>th</sup> day of June, 1981.

*Linda F. Howell*  
Notary Public in and for  
Harris County, Texas  
LINDA F. HOWELL

THE STATE OF TEXAS §  
§  
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared Eddie Franz, President of LANWAY HOMES, INC., a Texas corporation, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, as the act and deed of said corporation and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 16<sup>th</sup> day of June, 1981.

*Linda F. Howell*  
Notary Public in and for  
Harris County, Texas  
LINDA F. HOWELL

Title Data TX 192.168.50.8 HA H018965.004

167-95-1711

THE STATE OF TEXAS §  
§  
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared R.D. Sherrill, Vice President of FIRST MORTGAGE COMPANY OF TEXAS, INC., known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, as the act and deed of said corporation and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 16 day of June, 1981

*Mary Farrar*  
Notary Public in and for  
Harris County, Texas  
*Mary Farrar*

STATE OF TEXAS }  
COUNTY OF HARRIS }  
I hereby certify that this instrument was FILED in the 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

JUN 18 1981



*Quita Lakeshore*  
COUNTY CLERK,  
HARRIS COUNTY, TEXAS

FILED  
JUN 18 3 16 PM 1981  
*Quita Lakeshore*  
COUNTY CLERK  
HARRIS COUNTY, TEXAS

*St*  
Steven M. Gilmore  
First General Realty  
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