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AMENDMENT TO THE REVISED AND AMENDED DECLARATION OF RESERVATIONS, RESTRICTIONS, COVENANTS AND CONDITIONS FOR HUNTWICK FOREST SUBDIVISION

20090505728
11/05/2009 RP1 \$1194.75

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

KNOW ALL MEN BY THESE PRESENTS

PREAMBLE

WHEREAS, Reservations, Restrictions and Covenants applicable to the property in Huntwick Subdivision, **Sections One through Ten** inclusive, are currently recorded in the Official Public Records of Harris County, Texas, at the following locations: SECTION ONE: Volume 7519, Page 236; Clerk's File No. D587109 Film Code Ref. No. 144-24-1601; Clerk's File No. D591394, Film Code Ref. No. 144-29-2307; Clerk's File No. G337750, Film Code Ref. No. 145-84-0346; Clerk's File No. N657039, Film Code Ref. No. 021-44-1725; SECTION TWO: Volume 8264, Page 435; Clerk's File No. N657039, Film Code Ref. No. 021-44-1725; SECTION THREE: Clerk's File No. N657039, Film Code Ref. No. 021-44-1725; SECTION FOUR: Clerk's File No. D527167, Film Code Ref. No. 140-33-0673; Clerk's File No. N657039, Film Code No. 021-44-1725; SECTION FIVE: Clerk's File No. F646295, Film Code No. 198-05-2261; Clerk's File No. N657039, Film Code No. 021-44-1725; SECTION SIX: Clerk's File No. H335940, Film Code Ref. No. 007-88-1108; Clerk's File No. N657039, Film Code No. 021-44-1725; SECTION SEVEN: Clerk's File No. D527166, Film Code Ref. No. 140-33-0663; Clerk's File No. N657039, Film Code Ref. No. 021-44-1725; SECTION EIGHT: Clerk's File No. D948203, Film Code Ref. No. 166-21-0558; Clerk's File No. N657039, Film Code Ref. No. 021-44-1725; SECTION NINE: Clerk's File No. E402487, Film Code Ref. No. 118-15-1586; Clerk's File No. N657039, Film Code No. 021-44-1725; and SECTION TEN: E921627, Film Code Ref. No. 151-01-2337; Clerk's File No. N657039, Film Code Ref. No. 021-44-1725; and

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WHEREAS, REVISED AND AMENDED DECLARATION OF RESERVATIONS, RESTRICTIONS, COVENANTS AND CONDITIONS FOR HUNTWICK FOREST SUBDIVISION, ("Revised and Amended Declaration") applicable to the property in Huntwick Subdivision, **Sections One through Ten** inclusive, are currently recorded in the Official Public Records of Harris County, Texas, at the following locations:

- SECTION ONE: Clerk's File No. X386593, Film Code Ref. No. 581-72-0521;
- SECTION TWO & THREE: Clerk's File No. X508971, Film Code Ref. No. 583-91-1778;
- SECTION FOUR & SEVEN: Clerk's File No. X603716, Film Code Ref. No. 585-85-0965;
- SECTION SIX & EIGHT: Clerk's File No. X635413, Film Code Ref. No. 586-45-2118;
- SECTION FIVE, NINE, and TEN: Clerk's File No. X731506, Film Code Ref. No. 588-35-0345; and

WHEREAS, FIRST SUPPLEMENT TO REVISED AND AMENDED DECLARATION OF RESERVATIONS, RESTRICTIONS, COVENANTS AND CONDITIONS FOR HUNTWICK FOREST SUBDIVISION, applicable to the property in Huntwick Subdivision, **Sections One through Ten** inclusive, is currently recorded in the Official Public Records of Harris County, Texas, under Clerk's File No. Z106083, Film Code Ref. No. RP 018-12-2910; and

WHEREAS, maps or plats of the property in Huntwick Forest Subdivision are recorded in the Harris County Map and Plat records at Vol. 155, Page 101 and Vol. 159, Page 17; Section II, Vol. 170, Page 78; Section III, Vol. 170, Page 78; Section IV, Vol. 188, Page 68; Section V, Vol. 265, Page 16; Section VI, Vol. 295, Page 63; Section VII, Vol. 188, Page 63; Section VIII, Vol. 203, Page 59; Section IX, Vol. 220, Page 59; Section X, Vol. 226, Page 32; and

WHEREAS, the Revised and Amended Declaration, Article Nine, Section 4, allows for amendment to the Revised and Amended Declaration, in whole or in part and at any time, by an instrument signed by the President of the Association when approved by a two-thirds (2/3) affirmative vote of the membership voting in person or by proxy at an annual or special meeting duly called for such purpose and held in accordance with the terms of the By-laws of the Association; and

WHEREAS, this Amendment to the Revised and Amended Declaration was provided to the Owners in accordance with the By-laws of the Association and approved by a two-thirds (2/3) affirmative vote of the membership voting in person or by proxy at an annual or special meeting on July 4, 2009, duly called for such purpose; and

WHEREAS, the Owners desire to amend the Revised and Amended Declaration, and have this amendment become applicable when the Revised and Amended Declaration is applicable; and

WHEREAS, this Amendment to the Revised and Amended Declaration has been properly executed by the President of the Association, and recorded in the Harris County Real Property Records,

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT, the Owners, in accordance with the By-laws of the Association and approved by a two-thirds (2/3) affirmative vote of the membership voting in person or by proxy at an annual or special meeting, as shown in the attached ballots and proxies, on July 4, 2009, duly called for such purpose, have approved this Amendment to the Revised and Amended Declaration of Reservations, Restrictions, Covenants and Conditions for Huntwick Forest Subdivision, pursuant to the procedures set forth in Article Nine, Section 4 of the Revised and Amended Declaration for Huntwick Forest Subdivision, and do hereby amend the Revised and Amended Declaration for Huntwick Forest Subdivision with the reservations, restrictions, covenants and conditions set forth herein, which shall be applicable to the Huntwick Forest Subdivision after this instrument is filed in the Harris County Real Property Records; and

IT IS HEREBY DECLARED THAT the property identified above shall be conveyed, owned, encumbered, leased, used, occupied, enjoyed and held subject to the restrictions and covenants set forth herein, which are for the purpose of protecting the value and desirability of, and shall run with, the real property and shall be binding on all parties having any right, title, or interest in or to the above described property or any part thereof, their heirs, administrators, legal representatives, successors and assigns, whether or not said restrictions or covenants are set forth in any deed or other instrument of conveyance, and these restrictions and covenants shall inure to the benefit of each owner of property in Huntwick Forest Subdivision.

NOW THEREFORE, Article Seven, Use Restrictions, Section 1. "Residential Use" is hereby amended to be fully replaced and to read as follows:

Section 1. "RESIDENTIAL USE" No Owner shall occupy or use his Lot or building thereon or permit the same or any part thereof to be occupied or used for any purpose other than as a private single family residence. The term "single family" shall mean and refer to the familial relationship and only to those individuals within the third degree of consanguinity or within the second degree of affinity as defined by Texas Government Code 573.001-573.025, as amended. In addition, the character or structure of such residence shall not be used for duplex houses, garage apartments or apartment houses. No Lot shall be used or occupied for any business, commercial trade or professional purposes except as herein specifically provided in Article Seven, Section 19.

Nothing herein is intended to alter, modify or amend the Revised and Amended Declaration, except as specifically provided hereinabove.

This Amendment to the Revised and Amended Declaration is hereby ratified and confirmed and shall have the same force and effect as if the provisions herein were set forth in the original Reservations, Restrictions and Covenants, and Revised and Amended Declaration, applicable to the Properties. This Amendment to the Revised and Amended Declaration shall become effective upon being filed in the Real Property Records of Harris County, Texas.

WITNESS WHEREOF, this instrument has been executed by the President of Huntwick Civic Association, Inc. as of the 18 day of July, 2009.

HUNTWICK CIVIC ASSOCIATION, INC.

BY: _____

PRINTED NAME: John Prim, President

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Bonnie R. Kuyperman
COUNTY CLERK
HARRIS COUNTY, TEXAS

2009 NOV -5 PM 4:35

FILED

ATTEST:

BY:

Jeffrey Miller

PRINTED NAME:

Jeffrey Miller

SECRETARY

THE STATE OF TEXAS

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COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared John Prim, President of Huntwick Civic Association, Inc., a Texas Non-Profit Corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and he **acknowledged** to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 18th day of July, 2009.

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Notary Public in and for the State of Texas

Elizabeth Galaviz

After recording, return to:

Sipra Boyd, Esq.
Daughtry & Jordan, P.C.
17044 El Camino Real
Houston, TX 77058

