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196-02-0817

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FIRST AMENDMENT TO  
DECLARATION OF COVENANTS, CONDITIONS  
AND RESTRICTIONS  
FOR ATASCOCITA SOUTH,  
A SUBDIVISION IN HARRIS COUNTY, TEXAS

*W*

THE STATE OF TEXAS §  
  §  
COUNTY OF HARRIS §

WHEREAS, JOHNSON-LOGGINS, INC., a Delaware corporation, with its principal business domicile in Houston, Harris County, Texas (hereinafter referred to as "Declarant"), has heretofore executed that certain Declaration of Covenants, Conditions and Restrictions, which was recorded in the Office of the County Clerk of Harris County, Texas, under County Clerk's File No. F501540, Film Code No. 188-18-9549 in the Official Public Records of Real Property of Harris County, Texas (hereinafter referred to as the "Declaration"), imposing on ATASCOCITA SOUTH, SECTION ONE, a subdivision in Harris County, Texas, according to the map or plat thereof recorded in Volume 264, Page 11 of the Map Records of Harris County, Texas (hereinafter referred to as the "Properties"), all those certain reservations, easements, restrictions, covenants, conditions, charges and liens therein set forth for the benefit of the Properties and each owner thereof; and

WHEREAS, Declarant, and Scott Homes Corporation, Gerault Homes, Inc., Raymond Pachoco, Jr. and wife, Lena M. Pacheco, Robert Leo Cummins and wife Pamela Kay Cummins, and Andrew Leroy Williams, III and wife Jane Marie Williams (hereinafter referred to as the "Other Owners") are the owners of all of the Lots in the Properties, and desire to amend the Declaration pursuant to the authority contained therein, in the particulars hereinafter set forth; and

WHEREAS, portions of the Properties owned by Declarant and the Other Owners are subject to Deed of Trust liens in favor of Gibraltar Savings Association (hereinafter referred to as the "Lienholder");

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS: THAT the Declarant and the Other Owners, joined herein by the Lienholder, hereby amend the Declaration as follows:

1. Section 4. subparagraph (c) of Article III is hereby deleted in its entirety, and the following is hereby inserted as, and shall hereafter be deemed to be, Section 4. subparagraph (c) of Article III of the Declaration:

"(c) A concrete sidewalk three (3) feet wide shall be constructed from the street adjacent to the front of each Lot to the front of each residential structure to be situated thereon. A concrete sidewalk four (4) feet wide shall be constructed parallel to the curb two (2) feet from the property line (i.e., between said property line and curb line) along the entire fronts of all Lots in Blocks 1, 4, 5, 6, 7 and 10. In addition thereto, four (4) foot wide sidewalks shall be constructed parallel to the curb two (2) feet from the property line along the side Lot line abutting any street of all corner Lots in Blocks 1, 4, 5, 6, 7 and 10. The plans of each residential building on each of said Lots shall include plans and specifications for such sidewalks and same shall be constructed and completed before the main residence is occupied. At each street intersection and/or pedestrian crosswalk, where there is a sidewalk, there shall be provided curb ramps with a rough, non-skid surface, to accommodate handicapped individuals in wheelchairs. The type of construction and the specifications for said curb ramps shall be as provided by the Harris County Engineering Department."


The amendment to the Declaration set forth above shall be deemed to be a part, and shall be interpreted in accordance with the other provisions, of the Declaration. All provisions contained in the Declaration are hereby ratified and confirmed in each and every particular, and shall continue in full force and effect pursuant to the terms thereof, except as expressly amended hereby.

IN WITNESS WHEREOF, the undersigned, being Declarant, the Other Owners and Lienholder, have executed this First Amendment

196-02-0819

to Declaration of Covenants, Conditions and Restrictions, to be effective the 23RD day of May, 1978.

ATTEST:

 William L. Melander  
Secretary

JOHNSON-LOGGINS, INC.

BY: J. H. Tice  
Vice President  
"DECLARANT"

ATTEST:

Jim Waters  
Secretary

SCOTT HOMES CORPORATION

BY: Delroy Waters  
President

ATTEST:

Jim Reddy  
Secretary

GERAULT HOMES, INC.

BY: C. H. Knudsen  
President

Raymond Pacheco, Jr.  
RAYMOND PACHECO, JR.

Lesa H. Pacheco  
LESA H. PACHECO

Robert Lee Cummins  
ROBERT LEE CUMMINS

Famela Kay Cummins  
FAMELA KAY CUMMINS

Andrew Leroy Williams, III  
ANDREW LEROY WILLIAMS, III

Jane Marie Williams  
JANE MARIE WILLIAMS

"OTHER OWNERS"

RECORDS DEPARTMENT  
As the day of recording, the parties and their attorneys have been advised of the contents of this instrument and of the effect of recording the same, and of the fact that the instrument is a true and correct copy of the original instrument as recorded in the public records of the State of California.

ATTEST:

Michael P. Poore  
Assistant Secretary

GIBRALTAR SAVINGS ASSOCIATION

BY: Opie Stoney  
President  
"LITIGANT"

196-02-0820

THE STATE OF TEXAS §  
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared John W. Tucker President of JOHNSON-LOGGINS, INC., known to me to be the person whose name is subscribed to the foregoing instrument and 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 25<sup>th</sup> day of May, 1978.

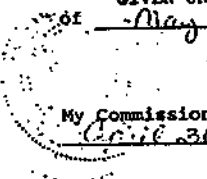


Leigh Ann Maffei  
NOTARY PUBLIC in and for  
Harris County, T E X A S  
Leigh Ann Maffei  
(Print Name)

THE STATE OF TEXAS §  
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared Janice W. Tucker President of SCOTT HOMES CORPORATION, known to me to be the person whose name is subscribed to the foregoing instrument and 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 17 day of May, 1978.

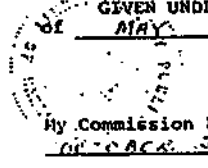


Janice W. Tucker  
NOTARY PUBLIC in and for  
Harris County, T E X A S  
Janice W. Tucker  
(Print Name)

THE STATE OF TEXAS §  
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared Charles Gerault President of GERAULT HOMES, INC., known to me to be the person whose name is subscribed to the foregoing instrument and 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 17<sup>th</sup> day of MAY, 1978.



Nancy Zapoli  
NOTARY PUBLIC in and for  
Harris County, T E X A S  
NANCY ZAPOLI  
(Print Name)

THE STATE OF TEXAS §  
§  
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared RAYMOND PACHECO, JR., known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 17 day of May, 1978.

My Commission Expires: April 30, 1979

Janice W. Tucker  
NOTARY PUBLIC in and for  
Harris County, T E X A S  
Janice W. Tucker  
(Print Name)

THE STATE OF TEXAS §  
§  
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared LENA M. PACHECO, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 17 day of May, 1978.

My Commission Expires: April 30, 1979

Janice W. Tucker  
NOTARY PUBLIC in and for  
Harris County, T E X A S  
Janice W. Tucker  
(Print Name)

THE STATE OF TEXAS §  
§  
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared ROBERT LEE CUMMINS, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 17 day of May, 1978.

My Commission Expires: May 31, 1979

Janice W. Tucker  
NOTARY PUBLIC in and for  
Harris County, T E X A S  
Janice W. Tucker  
(Print Name)

THE STATE OF TEXAS §  
§  
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared PAMELA KAY CUMMINS, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 17 day of May, 1978.

My Commission Expires: April 30, 1979

Janice W. Tucker  
NOTARY PUBLIC in and for  
Harris County, T E X A S  
Janice W. Tucker  
(Print Name)

THE STATE OF TEXAS §  
§  
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared ANDREW LEROY WILLIAMS, III, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 17 day of May, 1978.

My Commission Expires: April 30, 1979

Janice W. Tucker  
NOTARY PUBLIC in and for  
Harris County, T E X A S  
Janice W. Tucker  
(Print Name)

THE STATE OF TEXAS §  
§  
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared JANE MARIE WILLIAMS, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 17 day of May, 1978.

My Commission Expires: April 30, 1979

Janice W. Tucker  
NOTARY PUBLIC in and for  
Harris County, T E X A S  
Janice W. Tucker  
(Print Name)



196-02-0824

STATE OF TEXAS  
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in  
the Number 196-02-0824 on the date and at the time stamped  
below by me and was duly RECORDED, in the General  
Public Records of Real Property of Harris County, Texas on

MAY 24 1978



*P. J. ...*  
COUNTY CLERK  
HARRIS COUNTY, TEXAS

FILED

MAY 24 3 35 PM 1978

*P. J. ...*  
COUNTY CLERK  
HARRIS COUNTY, TEXAS