

STATE OF TEXAS :
COUNTY OF HARRIS :

196-55-3162

12/30/93 00386996 P628618 \$ 16.00

P628618

AMENDMENT TO
RESTRICTIONS

TIMBER LANE, SECTION SIX (6)

On November 7, 1975, Deed Restrictions for Timber Lane, Section Six (6), were filed under Clerk's File Number E593701, Film Code Number 130-08-2145, of the Official Property records of Harris County, Texas. The Deed Restrictions for Timber Lane, Section Six (6), were amended on November 30, 1982, under Clerk's File Number H713996, Film Code Number 031-90-2166, filed in the Official Property Records of Harris County, Texas.

There are 391 lots within Section Six (6), of Timber Lane and this amendment being approved by the owners of a majority of the residential lots is in full force and effect as of the date of recordation of this document. Said provision for the amendment of the Restrictions of Timber Lane, Section Six (6), is found in the Deed Restrictions for that Section in DURATION OF RESTRICTIONS located at Film Code 130-08-2151 of the Deed Records of Harris County, Texas.

The Restrictions for Timber Lane, Section Six (6), under section USE OF LAND - GENERAL (c) shall be deleted in its entirety and replaced with the following:

(c) No animals, livestock, or poultry of any kind shall be raised, bred or kept on any lot in TIMBER LANE, SECTION SIX (6), except that dogs, cats or other household pets may be kept, not to exceed the city ordinance limits or three adult animals (whichever is less), provided that they are not kept, bred or maintained for any commercial purpose. No pets are to run at large.

The Restrictions for Timber Lane, Section Six (6), under section USE OF LAND - GENERAL (f) shall be deleted in its entirety and replaced with the following:

(f) No portion of the streets, or Common Area, or Lots shall, without the express written permission of the Association, be used for the storage of trucks having a rated load capacity in excess of one ton, tractors, boats, buses, trailers, campers, unused or inoperable automobiles, or any items which the Association deems unsightly or inappropriate. Trucks having a rated load capacity in excess of one ton, boats, buses, trailers, campers, unused or inoperable automobiles, and other machinery consistent with the use of the premises as a residence may be kept on Lots, provided they are kept or stored within a garage or such other place as may be completely out of view from the Common Area or any street or adjacent Lot. No inoperative motor vehicles may be stored within view of the public on a Lot or in a street or drive within the Subdivision.

Vehicles without current inspection sticker or Texas registration sticker shall be considered inoperable.

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The Restrictions for Timber Lane, Section Six (6), under section USE OF LAND - GENERAL shall be amended by adding the following sections (h), (i), and (j):

(h) All residences and other buildings located within the subdivision must be kept in good repair and must be painted when necessary to preserve their attractiveness. Grass, vegetation and weeds on each Lot shall be cut as often as may be necessary to maintain the same in a neat and attractive condition. All damaged, diseased beyond recovery or dead trees shall be cut and removed from any Lot at the expense of the Owner. No fence, wall, tree, hedge or planting shall be maintained in the subdivision in such a manner as to obstruct sight lines for vehicular traffic, from the standpoint of safety. By way of clarification, a lot with grass or weeds with a height of over five inches (5") shall be presumed to be unattractive. Additionally, grass growing onto or over sidewalks, driveways, and curbs shall be presumed to be unattractive.

(i) In the event any Owner of any Lot in the Subdivision fails to maintain the grass, vegetation, and weeds upon the Lot in the manner described herein the Board of Directors of the Association, after seven (7) days' notice to the Owner of said Lot, setting forth the action intended to be taken by the Association and after approval by a two-thirds (2/3) vote of the Board of Directors, shall have the right (but not the obligation), through its agents and employees, to enter upon said Lot to correct the grass, vegetation and weeds to be in compliance with the Restrictions. Neither the Association nor its agents or employees shall be liable, and are expressly relieved from any liability for trespass or other tort in connection with the performance of the yard maintenance. The cost of such yard maintenance shall be the personal obligation of the Owner of the Lot on which it was performed and shall become a part of the assessment payable by said Owner and secured by the lien herein retained. Alternatively, the Association or any Owner of a Lot may bring an action at law or in equity to cause the Owner to bring said property into compliance with these restrictions.

(j) No child-care institution, including but not limited to facilities known as children's homes, halfway houses, residential treatment camps, emergency shelters, and training or correctional schools for children, no foster group home, no day-care center, and no group day-care home, as those terms are defined under the Texas Human Resources Code chapter 42 and the applicable portions of the Texas Administrative Code, at the time of this amendment, shall ever be established, operated or maintained upon any lot, save and except a family home for disabled persons as defined under Article 1011(n) Section 3 of the Human Resources code chapter 42. It is not the Association's intention to violate any federal, state, or local laws, but has created this amendment in an effort to be as restricted as allowed by law and to restrict the occupancy of the residences to single family and residential uses only.

The Restrictions for Timber Lane, Section Six (6), under section ARCHITECTURAL AND OTHER SPECIFIC RESTRICTIONS shall be amended by adding the following section (v):

(v) All fences, where permitted to be built shall be six (6) feet high and such fences shall be constructed of vertical abutting 1" X 4" to 1" X 12" western cedar, redwood, or treated lumber boards.

The Restrictions for Timber Lane, Section Six (6), under section ARCHITECTURAL COMMITTEE shall be amended by making the following deletion (shown as struck through) from the third paragraph of said section.

The Architectural Committee's approval or disapproval as required in these restrictions shall be in writing. In the event such Committee, or its designated representative, fails to approve or disapprove any design or location within thirty (30) days after plans and specification have been submitted to it ~~or, in any event, if no suit to enjoin the erection of such building or the making of such alterations has been commenced prior to the completion thereof~~ such approval will not be required and the related covenants and restrictions set out herein shall be deemed to have been fully complied with.

The Restrictions for Timber Lane, Section Six (6), under section MAINTENANCE CHARGE has been amended in the past on November 30, 1982 and said amendment increased the current maintenance assessment to \$10.00 per lot, per month, the same being due and payable in advance by January 1 of each year. This amendment is hereby ratified and further amended to replace MAINTENANCE CHARGE section (b) as follows:

(b) Each lot in TIMBER LANE, SECTION SIX (6), is hereby subjected to an annual maintenance charge of \$120.00 per annum for the purpose of creating a fund to be designated and known as the "Maintenance Fund," which maintenance charge and assessment will be paid by the record owners of each lot within TIMBER LANE, SECTION SIX (6), to TIMBER LANE COMMUNITY IMPROVEMENT ASSOCIATION annually in advance. Said amount having commenced on January 1, 1983, which amount is hereby ratified.

The rate at which each lot will be assessed will be determined annually and may be adjusted from year to year by TIMBER LANE COMMUNITY IMPROVEMENT ASSOCIATION as the needs of the subdivision may, in the judgment of that Association require, as determined by its Board of Directors and in no event will such assessment or charge increase more than ten per cent (10%) over the amount charged in the previous year without the consent of a majority of a quorum of the members present at a meeting called for that purpose.

The present owners of the property hereinabove described, and their successors and assigns, agree to pay their and each of their proper proportions to said assessments for all lots in TIMBER LANE, SECTION SIX (6).

TIMBER LANE COMMUNITY IMPROVEMENT ASSOCIATION shall use the proceeds of said Maintenance Fund for the use and benefit of all residents of TIMBER LANE, SECTION SIX (6), being a 91.2069 acre tract of land as shown by the plat of Timber Lane, Section Six (6), recorded in Volume 229, Page 130 of the Map or Plat Records of Harris County, Texas, save and except that Reserve "A" in Block 48, consisting of 0.3889 acres, more or less, excluded from the declaration of restrictions inasmuch as said Reserve "A" shall be used as the location for a water plant to be operated by the Timber Lane Utility District; or any part or parts of the hereinabove referred to tracts of land; provided, however, that each future section of subdivision to be entitled to the benefit of this Maintenance Fund, must be impressed with and subjected to the annual maintenance charge and assessment on a uniform per lot basis, equivalent to the maintenance charge and assessment imposed hereby and further made subject to the jurisdiction of TIMBER LANE COMMUNITY IMPROVEMENT ASSOCIATION.

Such uses and benefits to be provided by said Association may include by way of clarification, and not limitation, construction and also, in addition, benefit of maintaining parks, swimming pools, parkways, rights-of-way, easements, esplanades, and other public areas, the providing, maintaining and operating recreational facilities, the payment of all legal and other expenses incurred in connection with the enforcement of all recorded charges and assessments, covenants, restrictions, and conditions affecting said property to which the Maintenance Fund applies, payment of all reasonable and necessary expenses in connection with the collection and administration of the maintenance charge and assessment, employment of policemen and watchmen, caring for vacant lots and doing any other thing or things necessary or desirable in the opinion of the TIMBER LANE COMMUNITY IMPROVEMENT ASSOCIATION to keep the property in the subdivision neat and in good order, or which is considered of general benefit to the owners or occupants of the property, it being understood that the judgement of TIMBER LANE COMMUNITY IMPROVEMENT ASSOCIATION and the expenditure of said funds shall be final and conclusive, so long as said judgment is exercised in good faith.

The Restrictions for Timber Lane, Section Six (6), under section MAINTENANCE CHARGE shall be amended by adding a second paragraph to section (c) which shall state the following:

The Vendor's Lien stated above, in addition to all charges and assessments and interest, shall also include costs of collection, and attorney's fees. The above referenced Vendor's Lien is the same Vendor's Lien that has been in full force and effect since November 7, 1975, the effective date of the original restrictions of Timber Lane, Section Six (6). Additionally, the Association shall have the right (but not the obligation) to file a lien affidavit in the Real Property Records of Harris County, Texas, stating the delinquent amounts due and owing.

The owner(s) of a residential lot is/are entitled to one vote, and each owner shall designate his vote on the attached voting acknowledgment. This amendment shall be effective when signed in the affirmative by owners of a majority of residential lots in Timber Lane, Section Six (6), and is recorded in the Official Property Records of Harris County, Texas.

This document may be executed and recorded in one or more counterparts. The whole of all of the documents constituting this amendment, however, shall not be effective as to any of the lots of TIMBER LANE, SECTION SIX (6), until such time as the requisite number of affirmative votes are obtained.

AFTER RECORDING, PLEASE RETURN TO:

ROBERTS, MARKEL, FOLGER & POWERS

CMF

311-001

24 GREENWAY PLAZA, SUITE 1010


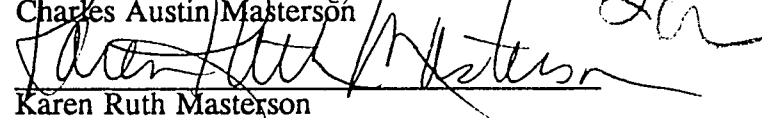
HOUSTON, TEXAS 77046

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9/4/92(JMDM) MME

ACKNOWLEDGEMENT

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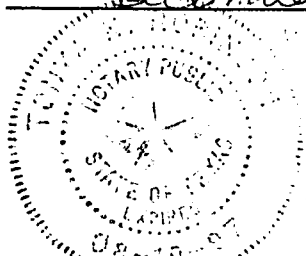
We represent that we own record title to the property located at 23319 Bayleaf, Spring, Harris County, Texas 77373, being LOT THIRTY-EIGHT (38), BLOCK NINE (9), of Timber Lane, SECTION SIX (6), an addition in Harris County, Texas according to the map or plat thereof recorded in Volume 229, Page 130 of the map records of Harris County, Texas. By our signaturew below, we approve the foregoing Amendment to Restrictions, Timber Lane, Section Six (6).


Charles Austin Masterson

Karen Ruth Masterson

THE STATE OF TEXAS :

COUNTY OF HARRIS :

THIS INSTRUMENT was acknowledged before me on this 9th day of December, 1993, by Charles Austin Masterson.




Notary Public, the State of Texas

THE STATE OF TEXAS :

COUNTY OF HARRIS :

THIS INSTRUMENT was acknowledged before me on this 9th day of December, 1993, by Karen Ruth Masterson.




Notary Public, the State of Texas

ACKNOWLEDGEMENT

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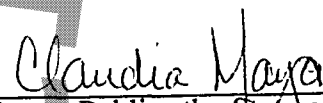
I represent that I own record title to the property located at 23310 Briarcreek Blvd, Spring, Harris County, Texas 77373, being LOT TWENTY-THREE (23), BLOCK NINE (9), of Timber Lane, SECTION SIX (6), an addition in Harris County, Texas according to the map or plat thereof recorded in Volume 229, Page 130 of the map records of Harris County, Texas. By my signature below, I approve the foregoing Amendment to Restrictions, Timber Lane, Section Six (6).


Brant B. Williams

THE STATE OF TEXAS :

COUNTY OF HARRIS :

THIS INSTRUMENT was acknowledged before me on this 10 day of December, 1993, by Brant B. Williams.

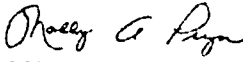

Notary Public, the State of Texas

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW
THE STATE OF TEXAS
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me, and was duly RECORDED in the Official Public Records of Real Property of Harris County, Texas on

DEC 30 1993




COUNTY CLERK
HARRIS COUNTY, TEXAS

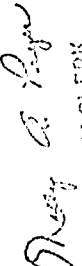
RECORDER'S MEMORANDUM:

At the time of recordation, this instrument was found to be inadequate for the best photographic reproduction because of illegibility, carbon or photo copy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.

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COUNTY CLERK