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AMENDMENT OF
DECLARATION AND SUPPLEMENTAL DECLARATIONS
CONCERNING PARKHOLLOW PLACE,
SECTIONS ONE, TWO, THREE, FOUR AND FIVE

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

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WHEREAS, heretofore, by Declaration dated March 9, 1977 and recorded under File No. F072532 and Film Code No. 160-16-1655 in the Official Public Records of Real Property of Harris County, Texas, Parkhollow Corporation did establish and adopt certain restrictions, covenants, obligations, assessments, liens and reservations applying to the ownership, use, improvement and occupancy of all lots situated in Parkhollow Place, Section One, a subdivision in the Joel Wheaton Survey, Abstract 80, in Harris County, Texas, according to the plat thereof recorded in Volume 247 at page 13 of the Map Records of Harris County, Texas, which Declaration was subsequently amended by First Amendment dated June 27, 1977 and recorded under File No. F207889 and Film Code No. 169-14-1098 in the Official Public Records of Real Property of Harris County, Texas, and by Second Amendment dated September 16, 1977 and recorded under File No. F302817 and Film Code No. 175-17-2387 in the Official Public Records of Real Property of Harris County, Texas, reference to said Declaration and the said amendments thereto (hereinafter collectively called the "Declaration") and to the record thereof being here made for all pertinent purposes; and

WHEREAS, by Supplemental Declaration dated November 30, 1977 and recorded under File No. F400340 and Film Code No. 182-07-0305 in the Official Public Records of Real Property of Harris County, Texas, the said Parkhollow Corporation brought within the scheme of the Declaration certain additional lands in the said Joel Wheaton Survey which had been

140-83-0208

subdivided as Parkhollow Place, Section Two, and Parkhollow Place, Section Three, by subdivision plat recorded in Volume 260 at page 34 of the Map Records of Harris County, Texas, and by replat recorded in Volume 272 at page 6 of the Map Records of Harris County, Texas; and

WHEREAS, by Supplemental Declaration dated March 5, 1979 and recorded under File No. G031273 and Film Code No. 124-91-1897 in the Official Public Records of Real Property of Harris County, Texas, the said Parkhollow Corporation brought within the scheme of the Declaration certain additional lands in the said Joel Wheaton Survey and in the William Hardin Survey, Abstract 24, in Harris County, Texas, which had been subdivided as Parkhollow Place, Section Four, and Parkhollow Place, Section Five, by subdivision plat recorded in Volume 284 at page 136 of the Map Records of Harris County, Texas; and

WHEREAS, Section 10.2 of Article X of the Declaration provides that the Declaration may be amended by an instrument in recordable form executed and acknowledged by the Owners of three-fourths (3/4) of the Lots covered thereby and filed for record in the Office of the County Clerk of Harris County, Texas; and

WHEREAS, the undersigned is the Owner of three-fourths (3/4) of the Lots situated within the said Sections One through Five of Parkhollow Place and desires to amend the Declaration and the Supplemental Declarations referred to above in certain respects as hereinafter provided;

NOW, THEREFORE, in consideration of the premises and in order to better effect and carry out the purposes recited in the Declaration, PARKHOLLOW CORPORATION does hereby amend the Declaration and the said Supplemental Declarations as follows:

140-83-0209

1. Subparagraph (1) of Section 1.1 of Article I of the Declaration is hereby amended so as to read as follows:

"(1) 'Community Properties' shall mean all real property (including the improvements thereto) owned by the Association for the common use and enjoyment of the Owners. The Community Properties owned by the Association are described as follows:

FIRST TRACT: 29,343 square feet of land (0.6736 of an acre), being all of Restricted Reserve "A" (Recreational Use Only) in Parkhollow Place, Section One, a subdivision in the Joel Wheaton Survey, Abstract 80, Harris County, Texas, according to the plat thereof recorded in Volume 247 at page 13 of the Map Records of Harris County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at the Northeast corner of the tract herein described, same being the Northwest corner of Lot 1 in Block 4 of the said Parkhollow Place, Section One, and being located in the South line of that certain Drainage Easement (160 feet wide) from James H. Glanville, Trustee, to Harris County Flood Control District dated October 31, 1972 and recorded under File No. D833322 and Film Code No. 159-21-1532 in the Official Public Records of Real Property of Harris County, Texas (Harris County Flood Control Drainage Ditch No. D-129-00-000);

THENCE South 00° 02' 00" West along the East line of the tract herein described and the West line of said Lot 1 in Block 4 of Parkhollow Place, Section One, for 100.50 feet to the Southeast corner of the herein described tract located in the North line of Creekside Park Drive (60 feet wide);

THENCE along the South line of the tract herein described and the North line of Creekside Park Drive as follows:

SOUTHWESTERLY around the arc of a 330.00 foot radius curve to the left, having a central angle of 20° 03' 00" and a chord bearing South 76° 52' 35" West for 114.89 feet or along the curve arc for 115.48 feet to a point for reserve curve;

SOUTHWESTERLY around the arc of a 270.00 foot radius curve to the right, having a central angle of 23° 19' 55" and a chord bearing South 78° 31' 02" West for 109.19 feet or along the said curve arc for 109.95 feet;

North 89° 49' 00" West for 112.00 feet to the Southwest corner of the tract herein described located in the East line of a Pipeline Easement (80 feet wide) conveyed to United Gas Pipe Line Company by

instrument recorded in Volume 326 at page
173 of the Harris County Deed Records;

140-83-0210

THENCE North 00° 11' 00" East along the West line of the tract herein described and the East line of the said pipeline easement for 50.00 feet to a point for corner, same being the Southwest corner of that certain 0.3444-acre tract of land described in Deed from James H. Glanville, Trustee, to the Rosewood Municipal Utility District dated March 5, 1975;

THENCE South 89° 38' 53" East for 150.00 feet to a point for an interior corner of this tract, same also being the Southeast corner of the said 0.3444-acre tract;

THENCE North 00° 11' 00" East for 100.00 feet to a point for the Northwest corner of this tract located in the South line of the said 160-foot wide drainage easement, same also being the Northeast corner of the said 0.3444-acre tract;

THENCE South 89° 38' 53" East along the North line of this tract and the South line of the drainage easement for 180.49 feet to the PLACE OF BEGINNING.

SECOND TRACT: 95,832 square feet of land (2.20 acres) out of the Joel Wheaton Survey, Abstract 80, Harris County, Texas, more particularly described by metes and bounds as follows:

COMMENCING at the Southeast corner of that certain 66.4218-acre tract of land conveyed by Mary P. Follis to James H. Glanville, Trustee, in Deed dated December 15, 1976 and recorded under File No. E985421 and Film Code No. 155-04-2389 in the Official Public Records of Real Property of Harris County, Texas;

THENCE North 00° 01' 15" East along the East line of the said 66.4218-acre tract for 490.10 feet to a point for the Southeast corner and true PLACE OF BEGINNING of the tract herein described;

THENCE North 89° 57' 53" West along the South line of this tract for 258.03 feet to a point for its Southwest corner;

THENCE North 00° 01' 15" East along the West line of this tract for 358.12 feet to a point for its Northwest corner;

THENCE along the Northerly line of this tract and the Northerly line of a 10-foot wide easement granted to Houston Lighting & Power Company by instrument dated August 27, 1974 and recorded under File No. E303415 and Film Code No. 112-15-1936 in the Official Public Records of Real Property of Harris County, Texas, same being also the Southerly line of a 160-foot wide drainage and storm sewer easement awarded to Westheimer Municipal Utility

District by Award of Commissioners on December 26, 1972 under Cause No. 216,043 in the County Civil Court at Law No. One of Harris County, Texas, a certified copy of which is recorded under File No. E374423 in the Official Public Records of Real Property of Harris County, Texas, as follows:

140-83-02111

NORTHEASTERLY around the arc of a 738.51 foot radius curve to the right, having a central angle of 11° 06' 22" and a chord which bears North 83° 36' 13" East for 142.93 feet or along the said curve arc for 143.15 feet to a point for the end of this curve;

North 89° 09' 24" East for 116.01 feet to a point for the Northeast corner of this tract located in the East line of the said 66.4218-acre tract;

THENCE South 00° 01' 15" West along the East line of the said 66.4218-acre tract to the true point or PLACE OF BEGINNING."

2. Section 3.19 of Article III of the Declaration is hereby amended so as to read as follows:

"SECTION 3.19. Encroachment on Building Lines and Easements. No building, fence or other structure shall: (i) be placed or built on any Lot nearer to the front Lot line or nearer to a side street line than the building lines therefor shown on the Subdivision Plat, or (ii) encroach on any easement shown on the Subdivision Plat."

3. Section 4.1 of Article IV of the Declaration is hereby amended so as to read as follows:

"SECTION 4.1. Committee. The Architectural Control Committee (sometimes called 'Committee' in this Declaration) shall be composed of three (3) members. Edward H. Baird, Jerry L. York and James H. Glanville shall serve as the members of the Committee until such time as all Lots subject to the jurisdiction of the Committee have been conveyed by Developer to other Owners, at which time the Committee shall be dissolved and its duties shall be fulfilled and its powers exercised by the Board of Directors of the Association. In the event of the death, incapacity or resignation of any person serving on the Committee, or in the event any such person shall refuse or fail to act, the remaining person(s) serving on the Committee shall designate a successor, or successors, who shall have all of the authority and power of his or their predecessor(s). A majority of the Committee may designate one of its members to act for

the Committee. No person serving on the Committee shall be entitled to compensation for services performed pursuant to this Article IV. However, the Committee may employ one or more architects, engineers, attorneys, or other consultants to assist the Committee in carrying out its duties hereunder; and the Association shall pay such consultants for such services as they render to the Committee." 143-83-0212

4. Section 4.3 of Article IV of the Declaration is hereby deleted in its entirety.

5. Section 5.4 of Article V of the Declaration is hereby amended so as to read as follows:

"Section 5.4. Commencement of Annual Assessments; Due Dates. The annual assessments provided for herein shall commence as to all of the Lots in each of Sections One through Five of Parkhollow Place on the first day of the calendar month next occurring after the date upon which Developer first conveys a Lot in such section to another Owner. Such annual assessments shall commence as to all Lots in each section of Parkhollow Place simultaneously, and Lots owned by Developer shall not be exempt from such annual assessments. Occupied Lots shall be subject to annual assessments as determined by the Association acting through its Board of Directors. Except as provided below, Lots which are not Occupied Lots and which are owned by Developer, a builder, or a building company shall be assessed at the rate of one-half (1/2) of the annual assessment so long as such lots are so owned (it being understood that the rate of assessment for any individual Lot, within a calendar year, can change as the character of ownership of such Lot changes and that the applicable assessment for such Lot shall be prorated according to the rate required by each type of ownership). Notwithstanding the foregoing, however, at the option and election of the Association, by action of its Board of Directors, the Lots owned by Developer, a builder or a building company shall be assessed at one hundred percent (100%) of the annual assessment. The amount of the annual assessment on the Lots in each section of Parkhollow Place for the year in which such assessments commence shall be that proportion of the annual assessment which the remaining number of months in such year bears to twelve and shall be due and payable on the date the first Lot in such section is conveyed by Developer to another Owner; provided, however, that if the character of ownership of any Lot in any section of Parkhollow Place changes during a year with the result that the rate of assessment for such Lot also changes as provided above, any additional assessment due on such Lot for the remainder of such year shall be due and payable on the date the character of

ownership of such Lot changes. After the first year, the annual assessment on the Lots in each section of Parkhollow Place shall be due and payable on the first day of January of each year. 143-83-0213

6. Section 5.8 of Article V of the Declaration is hereby amended so as to read as follows:

"SECTION 5.8. Exempt Property. The assessments and liens created in this Article V shall not apply to the Community Properties."

7. Section 7.3 of Article VII of the Declaration is hereby amended so as to read as follows:

"SECTION 7.3. Voting Rights. The Association shall have the following class or classes of voting membership with the following rights:

"CLASS A: The Owners of the Lots shall be Class A Members and, by virtue of such membership, shall be entitled to one vote in the Association for each such Lot owned. There shall be no fractional votes. When the Owner of a Lot consists of more than one person or entity, they shall designate one of their number to cast their one vote with respect to such Lot.

"CLASS B: Developer shall be the sole Class B Member and, by virtue of such membership, shall be entitled to the same number of votes in the Association as the aggregate votes of the Class A Members, plus one hundred (100) additional votes. Such Class B Membership shall terminate when seventy-five percent (75%) of the Lots have been sold by Developer or on December 31, 1985, whichever date first occurs; provided, however, that Developer shall have the right and option to terminate such Class B Membership at any time by notifying the Association in writing of its election to so terminate its Class B Membership."

8. Subparagraph (g) of Section 8.2 of Article VIII is hereby amended so as to read as follows:

"(g) The Association shall have the right to rent or lease any part of the Community Properties for the operation (for profit or otherwise) of any service activity (including child care) intended to serve a substantial number of Members; provided, however, that all such leases shall be for a term not to exceed one (1) year."

9. Section 10.2 of Article X of the Declaration is hereby amended so as to read as follows:

"SECTION 10.2. Amendments. This Declaration may be amended in whole or in part by an instrument in recordable form executed and acknowledged

by Owners of three-fourths (3/4) of the Lots and filed for record in the Office of the County Clerk of Harris County, Texas; provided, however, that no such amendment shall be effective unless executed by Developer so long as the Class B Membership of Developer in the Association is in effect. Following any such amendment, every reference herein to this Declaration shall be held and construed to be a reference to this Declaration as so amended."

149-83-0214

10. There is hereby added to Article X a new Section 10.9 as follows:

"SECTION 10.9. VA/FHA Approval. Notwithstanding anything herein contained to the contrary, as long as the Class B Membership of Developer in the Association is in effect, the following action will require the prior approval of the Veterans Administration or the Federal Housing Administration: (i) the bringing of lands other than the lands presently situated in Sections One through Five of Parkhollow Place within the scheme of this Declaration, (ii) the dedication of any additional Community Properties, and (iii) the further amendment of this Declaration."

It is recognized and agreed that the amendments to the Declaration set forth above shall likewise amend the aforementioned Supplemental Declaration concerning Parkhollow Place, Sections Two and Three, and the aforementioned Supplemental Declaration concerning Parkhollow Place, Sections Four and Five, and such Supplemental Declarations are expressly so amended as aforesaid. Except as heretofore and herein amended, the said Declaration and the said Supplemental Declarations shall remain in full force and effect as originally written and are hereby ratified, adopted and confirmed.

WITNESS the execution hereof this 20th day of

September, 1979.

PARKHOLLOW CORPORATION

By James H. Glanville
James H. Glanville, President

ATTEST
[Signature]
Assistant Secretary

by Owners of three-fourths (3/4) of the Lots and filed for record in the Office of the County Clerk of Harris County, Texas; provided, however, that no such amendment shall be effective unless executed by Developer so long as the Class B Membership of Developer in the Association is in effect. Following any such amendment, every reference herein to this Declaration shall be held and construed to be a reference to this Declaration as so amended."

140-83-0214

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WITNESS the execution hereof this 20th day of

September, 1979.

PARKHOLLOW CORPORATION

By James H. Glanville
James H. Glanville, President

ATTEST
John V. McCall
Assistant Secretary



THE STATE OF TEXAS §
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COUNTY OF HARRIS §

140-83-0215

BEFORE ME, the undersigned authority, on this day personally appeared JAMES H. GLANVILLE, known to me to be the person whose name is subscribed to the foregoing instrument, as President of PARKHOLLOW CORPORATION, a Texas corporation, 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 22nd
day of September, 1979.



Judy Truelove
Notary Public in and for
Harris County, Texas

My Commission expires:

JUDY TRUELOVE
Notary Public in and for Harris County, Texas
My Commission Expires April 30, 1981

FILED
SEP 28 11 26 AM 1979
Dick Redman
COUNTY CLERK
HARRIS COUNTY, TEXAS