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**SECOND AMENDMENT
TO THE
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
WESTPOINT ESTATES**

**THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §**

WHEREAS, Westpoint Joint Venture, as Declarant, caused that certain instrument entitled Declaration of Covenants, Conditions and Restrictions for Westpoint Estates to be recorded in the Official Public Records of Real Property of Fort Bend County, Texas on February 8, 1994 under County Clerk's File No. 9409356 (sometimes referred to herein as the "Declaration"), which Declaration imposes various covenants, conditions, restrictions, liens and charges upon the following real property: Westpoint Estates, a subdivision in Fort Bend County, Texas according to the map or plat thereof recorded under Slide Nos. 1292/A and 1292/B of the Plat Records of Fort Bend County, Texas (the "Subdivision"); and

WHEREAS, a First Amendment to the Declaration of Covenants, Conditions and Restrictions for Westpoint Estates was recorded in the Official Public Records of Real Property of Fort Bend County, Texas on August 23, 2004 under County Clerk's File No. 2004103914; and

WHEREAS, Article XI, Section 6 of the Declaration provides that the Declaration may be amended at any time by an instrument executed by the Owners of two-thirds (2/3) of the Lots in the Subdivision; and

WHEREAS, the undersigned, being the owners of at least two-thirds (2/3) of the Lots in the Subdivision, desire that the Declaration, as previously amended, be further amended in accordance with Article XI, Section 6 thereof.

WHEREAS, in February of 2008, Propositions "1," "2," "3" and "4," were submitted to the Owners for approval, and three of the four (4) referenced propositions (i.e., proposed Amendments to the Declaration) were approved by the Owners of two-thirds (2/3) of the Lots in the Subdivision, as reflected by the attached Signature Pages/Ballots executed on the date(s) reflected thereon; and

NOW, THEREFORE, the Declaration, as previously amended, is hereby further amended to reflect that the proposed Amendments set forth in Propositions "1," "2" and "4," inclusive, the text of which is set forth in **Exhibit "A"** hereto and incorporated herein by reference as if set forth verbatim, are binding and effective.

This Second Amendment to the Declaration of Covenants, Conditions and Restrictions for Westpoint Estates shall be effective immediately upon the recording hereof in the Official Public Records of Real Property of Fort Bend County, Texas. Except as amended by the provisions of this instrument, all provisions of the Declaration, as heretofore amended, remain in full force and effect.

EXHIBIT "A"

(to Second Amendment to the Declaration of Covenants,
Conditions and Restrictions for Westpoint Estates)

Article IV, Section 4 of the Declaration is hereby amended to provide as follows:

SECTION 4. SPECIAL ASSESSMENT FOR NON-CAPITAL IMPROVEMENTS. In addition to the annual assessments authorized by Article IV, Section 3 of the Restrictions, the Association may levy in any fiscal year a special assessment applicable to that year only, although payable in installments at the discretion of and as fixed by the Board, for the purpose of defraying, in whole or in part the cost of any unbudgeted unanticipated expenses; provided that any such assessment shall have the affirmative approval of at least two-thirds (2/3) of the Members of the Association who are present, in person or by proxy, at a duly called meeting of the Association.

Article IV, Section 11 of the Declaration is hereby amended to provide as follows:

SECTION 11. TRANSFER FEE. The Association shall have the authority to charge a \$100.00 fee to cover the expense associated with providing information in connection with the sale of a Lot in the Subdivision and changing the ownership records of the Association ("Transfer Fee"). A Transfer Fee shall be paid to the Association upon each transfer of title to a Lot. The Transfer Fee shall be paid by the purchaser of the Lot, unless otherwise agreed by the seller and purchaser of the Lot.

Article VII, Section 14 of the Declaration is hereby amended to provide as follows:

SECTION 14. AIR CONDITIONERS. No window or wall type air conditioners shall be permitted in any residence, but the Committee, at its discretion, may permit window or wall type air conditioners to be installed if such unit or units will not be visible from any street or any other residence.