

FIRST AMENDMENT
to
**AMENDED AND RESTATED DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS**
for
TEALWOOD, SECTIONS ONE (1) THROUGH THREE (3)

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

WHEREAS, Cranbrook Corporation, a Texas corporation, caused an untitled instrument to be recorded in Volume 5571, Page 261, of the Deed Records of Harris County, Texas on June 30, 1964, which instrument imposed various covenants, conditions and restrictions on the following real property:

Tealwood, Section One (1), a subdivision in Harris County, Texas according to the map or plat thereof recorded in Volume 117, Page 54, of the Map Records of Harris County, Texas

and

WHEREAS, Cranbrook Corporation, a Texas corporation, caused an untitled instrument to be recorded in Volume 6526, Page 166, of the Deed Records of Harris County, Texas on October 3, 1966, which instrument imposed various covenants, conditions and restrictions on the following real property:

Tealwood, Section Two (2), a subdivision in Harris County, Texas according to the map or plat thereof recorded in Volume 144, Page 23, of the Map Records of Harris County, Texas

and

WHEREAS, Cranbrook Corporation, a Texas corporation, caused an untitled instrument to be recorded in Volume 5615, Page 193, of the Deed Records of Harris County, Texas on April 25, 1967, which instrument imposed various covenants, conditions and restrictions on the following real property:

Tealwood, Section Three (3), a subdivision in Harris County, Texas according to the map or plat thereof recorded in Volume 144, Page 28, of the Map Records of Harris County, Texas

and

WHEREAS, the original restrictions applicable to Tealwood, Sections One (1) through Three (3) (the "**Subdivision**"), each provided that the covenants set forth therein could, at the end of any successive ten (10) year term beginning in January 1, 1989, be amended by a written instrument signed by the majority of the then owners of the lots in the applicable section of the Subdivision and duly recorded in the Official Public Records of Real Property of Harris County, Texas; and

WHEREAS, at least a majority of the owners of the lots in each section of the Subdivision amended, restated, and consolidated the restrictions for each section in the Subdivision by

approving the "Amended, Restated Declaration of Covenants, Conditions and Restrictions for Tealwood, Sections One (1) through Three (3)" (the "Declaration") and causing the Declaration to be recorded in the Official Public Records of Real Property of Harris County, Texas, on December 29, 1998 under Clerk's File No. T463933; and

WHEREAS, Article VIII, Section 8.1, of the Declaration, entitled "Amendment", provides that the Declaration may be amended by a written instrument signed by the Secretary of the Association certifying that Members representing not less than a majority of the total votes allocated to the Members approved such an amendment; and

WHEREAS, Section 209.0041(h) of the Texas Property Code ("Code") provides that a declaration may be amended only by a vote of sixty-seven percent (67%) of the total votes allocated to property owners in the property owners association unless the declaration contains a lower percentage, in which case the lower percentage controls; and

WHEREAS, Article VIII, Section 8.1, of the Declaration controls over Section 209.0041(h) of the Code; and

WHEREAS, Members representing not less than a majority of the total votes allocated to the Members desire to amend the Declaration in the manner set forth below;

NOW, THEREFORE, Members representing not less than a majority of the total votes allocated to the Members hereby amend the Declaration as follows:

1. Article V, Section 5.3, of the Declaration, entitled "Basis and Maximum Annual Assessment", is amended and restated to read as follows:

Commencing in the year in which this amendment of Section 5.3 becomes effective, the maximum annual assessment is \$700 per Lot. The maximum annual assessment may be increased, effective January 1 of each year, by an amount equal to no more than a ten percent (10%) increase over the prior year's maximum annual assessment without a vote of the members of the Association. The annual assessment for a particular year will be based upon the budget for that year adopted by the Board of Directors. The annual assessment levied against each Lot must be uniform.

2. Article V, of the Declaration, entitled "Maintenance Expense Charge and Maintenance Fund", is amended to add the following Section 5.9 entitled "Reserve Assessment", to read as follows:

Section 5.9 Reserve Assessment. A "Reserve Assessment" is a sum payable to the Association by the purchaser of a Lot upon the transfer of title to the Lot as provided herein. The amount of the Reserve Assessment is \$300.00. The Reserve Assessment is due and payable on the date the deed conveying the Lot to the purchaser is recorded or, if a contract for deed or similar instrument, the date the contract for deed is executed. Payment of the Reserve Assessment is in default if the Reserve Assessment is not paid on or before the due date for such payment. A Reserve Assessment in default will bear interest at the rate of twelve percent (12%) per annum or

the maximum, non-usurious rate, whichever is less, from the due date until paid and late charges at the same rate applicable to the Annual Maintenance Charge. No Reserve Assessment paid by an Owner will be refunded to the Owner by the Association. The Association may enforce payment of the Reserve Assessment in the same manner which the Association may enforce payment of Annual Maintenance Charges and special assessments pursuant to this Article V.

All Reserve Assessments collected by the Association must be deposited into a reserve account established and maintained by the Association for capital improvements and/or the repair or refurbishment of the Common Areas.

3. Article V, of the Declaration, entitled "Maintenance Expense Charge and Maintenance Fund", is amended to add the following Section 5.10 entitled "Administrative Fees and Resale Certificates", to read as follows:

Section 5.10 Administrative Fees and Resale Certificates. The Board of Directors of the Association may establish and change, from time to time, if deemed appropriate, a fee sufficient 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 ("Administrative Fee"). An Administrative Fee will be paid to the Association or the managing agent of the Association, if agreed upon by the Association, upon each transfer of title to a Lot. The Administrative Fee must be paid by the purchaser of the Lot, unless otherwise agreed by the seller and purchaser of the Lot. The Association is also authorized to establish and change, from time to time, if deemed appropriate, a fee sufficient to cover the expense associated with providing a Resale Certificate in connection with the sale of a Lot. The fee for a Resale Certificate will be paid to the Association or the managing agent of the Association, if agreed to by the Association. The fee for a Resale Certificate is in addition to, not in lieu of, the Administrative Fee.

Unless otherwise provided herein, capitalized terms used herein have the same meanings as that ascribed to them in the Declaration.

Except as amended herein, all provisions in the Declaration remain in full force and effect.

[Signature page to follow]

RP-2017-290148
Pages 5
06/29/2017 10:56 AM
e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
STAN STANART
COUNTY CLERK
Fees \$28.00

RECORDERS MEMORANDUM
This instrument was received and recorded electronically
and any blackouts, additions or changes were present
at the time the instrument was filed and recorded.

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.



Stan Stanart

COUNTY CLERK
HARRIS COUNTY, TEXAS

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