

Oct-26-99 03:29P Pey n Martin 2 -232-2272
10/26/99 16:03 FORT BEND TITLE CO. + 281 232 2272NO. 373 P. 02
0027(5)
31 FORT BEND TITLE COMPANY
OF SPECIAL-PK

FBC 9817600 4 pgs

**AMENDMENT TO DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS FOR
TEXANA PLANTATION, SECTION ONE**

THIS AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS, made as of the 11th day of February, 1998, by Texana Plantation, Ltd., a Texas limited partnership (hereinafter referred to as the "Declarant").

WITNESSETH:

WHEREAS, Declarant executed that certain Declaration of Covenants, Conditions, and Restrictions for Texana Plantation, Section One which is filed under County Clerk's File No. 9761384 and recorded in the Official Public Records of Real Property of Fort Bend County, Texas (the "Declaration"), which imposed restrictive covenants on certain property described therein; and

WHEREAS, Declarant is the owner of more than fifty percent of the Lots subject to the Declaration and desires to amend the Declaration as hereinafter specified pursuant to Section 5 of Article XI thereof.

NOW, THEREFORE, Declarant hereby declares as follows:

1. Section 16 of Article I of the Declaration is amended and restated to read as follows:

"SECTION 16. "Lot" shall mean any of the numbered lots shown on a plat of a portion of the Properties, excluding reserve tracts, but including lots created by the platting of a reserve tract or the subdivision and replatting of a Lot; provided, however, no Lot created by the replatting of a Lot may contain less than one-half (1/2) acre unless otherwise approved by the Board of Directors. The term "Lots" shall mean and refer to each Lot and all of them. The Owner of one or more adjacent Lots (or portions thereof) shall have the right to consolidate such Lots or portions of such Lots into one Single Family Residence building site, with the privilege of placing or constructing improvements on such site, in which case side setback lines shall be measured from the resulting side property lines of such building site rather than from the lot lines shown on the recorded plat; provided, however, any such Single Family Residence building site must contain a minimum of one-half (1/2) acre. Upon a replatting of such Single Family Residence building site as a single Lot, such replatted Lot shall thereafter be considered as a single Lot for purposes of Assessments levied by the Association pursuant to this Declaration. In the event such Single Family Residence building site

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AS PERSONAL

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NO.373 003

is not replatted as a single Lot. Assessments by the Association shall continue based on the number of Lots shown on the original plat."

2. Section 2(d) of Article III of the Declaration is amended and restated to read as follows:

"(d) Rate of Assessments. Both annual and special assessments on all Lots shall be fixed at uniform rates and all Lots shall commence to bear their assessment simultaneously; provided, however, the annual assessment on Lots which do not have a completed residence which has been initially occupied shall be assessed at the rate of twenty-five percent (25%) of the assessment on all other Lots. The rate of assessment for an individual Lot, within a calendar year, shall change upon the initial occupancy of the residence on such Lot, and the applicable assessment for such Lot shall be prorated accordingly for such year."

3. The following Section 10 is hereby added to Article VI of the Declaration:

"SECTION 10. MEETINGS OF THE ARCHITECTURAL REVIEW COMMITTEE. The Texana Plantation Architectural Review Committee shall meet from time to time as necessary to perform its duties hereunder, and may from time to time, by resolution unanimously adopted in writing, designate one of its members or another individual as its representative to take an action or perform any duties for and on behalf of the Texana Plantation Architectural Review Committee, except the granting of variances pursuant to Section 8 of this Article VI. In the absence of such designation of a representative, the vote of the majority of the members of the Texana Plantation Architectural Review Committee, or the written consent of the majority of the members of the Texana Plantation Architectural Review Committee taken without a meeting, shall constitute an act of the Texana Plantation Architectural Review Committee."

4. Except as expressly amended hereby, the Declaration is not affected hereby and the same is ratified as being in full force and effect.

Oct-26-99 03:29P Per in Martin
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NO. 373 004

IN WITNESS WHEREOF, this Amendment to Declaration of Covenants,
Conditions and Restrictions is executed as of the date specified above.

Texana Plantation, Ltd.,
a Texas limited partnership

By: Texana Plantation Partners,
Ltd., a Texas limited partnership,
general partner

By: Marcava Corp.,
a Texas corporation,
general partner

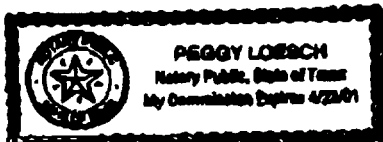
By: Peyton L. Martin
Peyton L. Martin,
President

THE STATE OF TEXAS §

COUNTY OF FORT BEND §

This instrument was acknowledged before me on March 11, 1998 by
Peyton L. Martin, President of Marcava Corp., a Texas corporation which is the
general partner of Texana Plantation Partners, Ltd., a Texas limited partnership which
is the sole general partner of Texana Plantation, Ltd., a Texas limited partnership, on
behalf of said partnership.

(SEAL)



Peggy Loesch
Notary Public in and for
the State of Texas

Name printed or typed
My commission expires:

Oct-26-99 03:29P Pej
10/26/99 16:00

n Martin

FORT BEND TITLE CO. + 281 252 2272

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NO. 373

P.05
005

THIS DOCUMENT WAS
FILED BY & RETURNED
TO:
FORT BEND TITLE CO.

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Dianne Wilson

3-12-98 03:28 PM 9817600
CT \$13.00
DIANNE WILSON, County Clerk
FORT BEND COUNTY, TEXAS

**LIENHOLDER'S CONSENT AND SUBORDINATION
TO DECLARATION OF COVENANTS, CONDITIONS AND
RESTRICTIONS FOR TEXANA PLANTATION, SECTION ONE**

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF FORT BEND §

That Jane Long Land Company, Inc., the owner and holder of that certain promissory note dated April 29, 1997 in the original principal amount of \$2,374,932.50, executed by Texana Plantation Partners, Ltd., a Texas limited partnership, payable to the order of the undersigned, secured by a deed of trust lien on a portion of the property described in Exhibit "A" hereto as evidenced by deed of trust instrument filed under County Clerk's File No. _____ and recorded in the Official Public Records of Real Property of Fort Bend County, Texas, executes this instrument to subordinate the lien of such deed of trust to the foregoing Declaration of Covenants, Conditions and Restrictions for Texana Plantation, Section One (1) (the "Declaration").

EXECUTED the 12th day of September, 1997.

Jane Long Land Company, Inc.

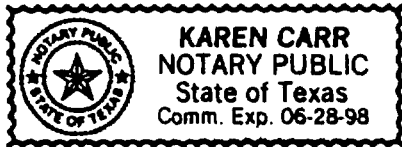
By: _____

Its: _____

THE STATE OF TEXAS §
§
COUNTY OF FORT BEND §

The foregoing instrument was acknowledged before me on the 23RD day of September, 1997 by GARY POCHYLA, PRESIDENT of Jane Long Land Company, Inc., a Texas corporation, on behalf of said corporation.

(SEAL)



Karen Carr
Notary Public in and for
the State of Texas

KAREN CARR
Name printed or typed
My commission expires: 6-28-98

AFTER RECORDING
RETURN TO:

FORT BEND TITLE COMPANY
1305 FM 359, SUITE C
RICHMOND, TEXAS 77469

THIS DOCUMENT WAS
FILED BY & RETURNED
TO:
FORT BEND TITLE CO.

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Dianne Wilson

9-24-97 03:24 PM 9761384
GS \$85.00
DIANNE WILSON, County Clerk
FORT BEND COUNTY, TEXAS