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SEP-13-79

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7.00

Amend

AMENDMENT TO DECLARATION

138-97-1704

OF

COVENANTS, CONDITIONS AND RESTRICTIONS

FOR

WESTBOURNE, SECTION ONE *lee*

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THE STATE OF TEXAS }
COUNTY OF HARRIS }

KNOW ALL MEN BY THESE PRESENT:

WHEREAS, LANDAR CORPORATION and UNIT DEVELOPMENT COMPANY, both Texas corporations, hereinafter referred to collectively as "Declarant", by instrument filed for record under Harris County Clerk's File No. G-071434, reference to which is here made for all purposes, did impose that certain Declaration of Covenants, Conditions and Restrictions, hereinafter referred to as "Declaration", on that certain residential subdivision in the County of Harris, State of Texas, known as WESTBOURNE, SECTION ONE, which subdivision is more particularly described in the map or plat thereof recorded Volume 287, Page 39 of the Map Records of Harris County, Texas; and

WHEREAS, it now appears that Article II, Section 3 of the Declaration of Covenants, Conditions and Restrictions for WESTBOURNE, SECTION ONE should be amended to correct an error in the description of the Class B voting membership of WESTBOURNE HOMEOWNERS ASSOCIATION, INC; and

WHEREAS, it is the desire of Declarant that the hereinafter described amendment be carried out and effected in accordance with the provision of Section 4, Article IX of said Declaration.

NOW, THEREFORE, Declarant does hereby amend the instrument filed for record under Harris County Clerk's File No. G-071434 in the following particular:

Article II "WESTBOURNE HOMEOWNERS ASSOCIATION, INC.", Section 3 "Classes of Membership", is hereby amended to read as follows:

"Section 3. Classes of Membership. The Association shall have two classes of voting membership:

Class A. Class A members shall be all Owners with the exception of the Declarant and each shall be entitled to one vote for each lot. When more than one person holds an interest in any Lot, all such persons shall be members. The vote of such Lot shall be exercised as they among themselves determine, but in no event shall more than one vote be cast with respect to any one Lot.

Class B. Class B members shall be the Declarant herein, as such term is defined in Article I, Section 13, who shall be entitled to three (3) votes for each Lot owned.

Class B membership shall cease and be converted to Class 138-97-1705

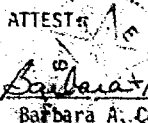
A membership on the happenings of either of the following two events,
whichever occurs earlier:

- (A) When the total votes outstanding in the Class A membership equal the total votes outstanding in the Class B membership, or
- (B) The tenth anniversary date of this Declaration."

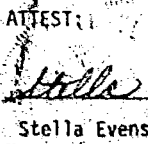
HENCEFORTH, the said Declaration filed for record under Harris County Clerk's File No. G-071434, shall be construed as though said Article II, Section 3, had been written as herein provided.

The original Declaration of Covenants, Conditions and Restrictions for WESTBOURNE, SECTION ONE, except as herein specifically amended, shall remain effective and unchanged.

IN WITNESS WHEREOF, the undersigned has hereunto set its hand and seal this 28th day of August, A.D., 1979.

ATTEST:

Barbara A. Callaghan
 Barbara A. Callaghan Secretary

LANDAR CORPORATION
 BY: Stephen R. Hinds
 Stephen R. Hinds, President

ATTEST:

Stella Evensen
 Asst. Secretary
 Stella Evensen
 THE STATE OF TEXAS

UNIT DEVELOPMENT CORPORATION
 BY: Paul Yates
 Paul Yates Vice President

COUNTY OF HARRIS

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared Stephen R. Hinds, President, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said LANDAR CORPORATION, a corporation, and that he executed the same as the act of such corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 28th day of August, A. D., 1979.

Joyce R. McLean
 Notary Public in and for Harris County,
 TEXAS.
 Joyce R. McLean

THE STATE OF TEXAS

COUNTY OF HARRIS

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared PAUL YATES, Vice President, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said UNIT DEVELOPMENT CORPORATION, a corporation, and that he executed the same as the act of such corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 6th day of September, A. D., 1979.

Inez M. Granger
 Notary Public in and for Harris County,
 TEXAS.

INEZ M. GRANGER
 Notary Public in and for Harris County, Texas
 My Commission Expires September 28, 1982

JOINDER OF MORTGAGEE

The undersigned, TEXAS COMMERCE BANK, being the owner and holder of an existing mortgage and liens upon and against the real property described in the foregoing Amendment to Declaration of Covenants, Conditions and Restrictions for WESTBOURNE, SECTION ONE, as such mortgagee and lienholder does hereby consent to and join in said Amendment to said Declaration.

This consent and joinder shall not be construed or operate as a release of said mortgage or liens owned or held by the undersigned, or any part thereof, but the undersigned agrees that its said mortgage and liens shall hereafter be upon and against said real property, subject to the foregoing Amendment to said Declaration.

EXECUTED this 11th day of September, A.D., 1979.

ATTEST:

Thomas H. Rendall
Dealing Officer Cashier
Thomas H. Rendall

TEXAS COMMERCE BANK
BY: Gordon S. Massie
Banking Officer President
Gordon S. Massie

THE STATE OF TEXAS |
COUNTY OF HARRIS |

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared Gordon S. Massie, Banking Officer President, known to me to be the person and office whose names is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said TEXAS COMMERCE BANK, a corporation, and that he executed the same as the act of such corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 11th day of Sept., A.D., 1979.

RECORDER'S MEMORANDUM
ALL BLACKOUTS, ADDITIONS AND CHANGES WERE PRESENT AT THE TIME THE INSTRUMENT WAS FILED AND RECORDED.



Sally Vater
Notary Public in and for Harris County, TEXAS

SALLY VATER
Notary Public in and for Harris County, Texas
My Commission Expires April 12, 1980

Return to:
WALSH, SQUIRES & TOMPKINS
4200 WESTHEIMER, SUITE 130
HOUSTON, TEXAS 77027

138-97-1707

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
herein by me, and was duly RECORDED in the Official
Public Records of Real Property of Harris County, Texas on

SEP 13 1979



Quita Lockman
COUNTY CLERK,
HARRIS COUNTY, TEXAS

Quita Lockman
COUNTY CLERK
HARRIS COUNTY, TEXAS

SEP 13 4 24 PM 1979

FILED