

DECLARATION OF COVENANTS

115-85-0850

WEST BELLFORT PATIO HOMES, SECTION ONE

WHEREAS, CHARTER ASSOCIATES, a joint venture composed of T.M.C. ASSOCIATES, INC., WBD CORPORATION, FIRST CONTINENTAL INVESTMENT CO., and ATLAS REALTY COMPANY, (hereinafter collectively referred to as the "Declarant"), the successor in interest to THE CHARTER ASSOCIATES, INC., a Texas corporation, is the owner of that tract of land known as Fondren Southwest West Bellfort Patio Homes, Section One, a subdivision in Harris County, Texas according to the map or plat recorded in Volume 260, Page 88 of the Map Records of Harris County, Texas (hereinafter referred to as the "Subdivision"); and

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 WHEREAS, Declarant has heretofore filed restrictive covenants applicable to Fondren Southwest Northfield, Section Four, a subdivision in Harris County, Texas, according to the map or plat thereof recorded in Volume 232, Page 140 of the Map Records of Harris County, Texas, said restrictive covenants being filed for record under Harris County Clerk's File No. E-937634 and subsequently recorded under Film Code No. 152-02-1286 of the Official Public Records of Real Property of Harris County, Texas, and which are hereby incorporated by reference for all purposes; and

WHEREAS, it is the desire of the Declarant to provide for the preservation of the values and amenities in the Subdivision and to preserve the uniformity of development in the Subdivision and to this end to subject the lots therein (hereinafter referred to as the "Lots") to the restrictive covenants set forth herein.

NOW, THEREFORE, Declarant hereby declares that the Lots are held and shall hereafter be conveyed subject to the terms and provisions of the restrictive covenants applicable to Fondren Southwest Northfield, Section Four, as described above, provided, however the term "Patio Home Lot" used in such restrictive covenants shall refer to the Lots and further provided that unless the Architectural Control Committee agrees otherwise in writing, the residence on each Lot shall adjoin the south boundary line of such Lot if the Lot faces east or west or shall adjoin the west boundary line of such Lot if the Lot faces north or south unless there is a building line or utility easement along any

such south or west boundary line in which event the building shall adjoin the building line or utility easement which is along said south or west boundary line.

These covenants shall run with the Lots and shall be binding upon all parties having or acquiring any right, title or interest in said Lots or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each owner thereof.

West Bellfort Property Owners Association, Inc., a Texas non-profit corporation, joins herein to evidence its consent to the annexation of the Lots within its jurisdiction.

IN WITNESS WHEREOF this Declaration is executed this 11<sup>th</sup> day of December, 1978.

DECLARANT:

CHARTER ASSOCIATES, a joint venture composed of:

T.M.C. ASSOCIATES, INC.

By: [Signature]  
Name: CML J. STIPPENS  
Title: President

WBD CORPORATION

By: [Signature]  
Name: HENRY J. MARTYR III  
Title: Vice President

FIRST CONTINENTAL INVESTMENT CO.

By: [Signature]  
Name: HERSCHEL C. [unclear]  
Title: Vice President

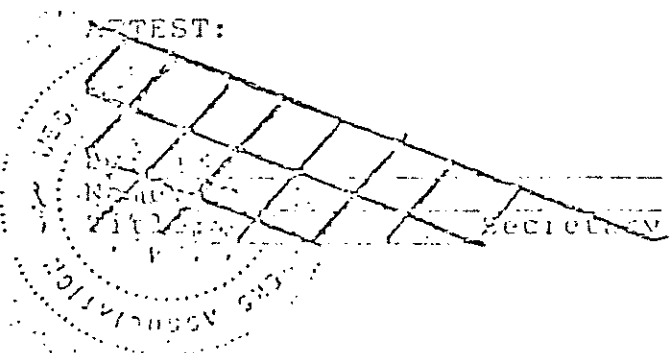
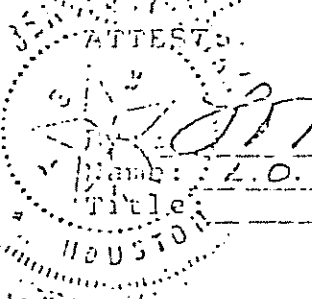
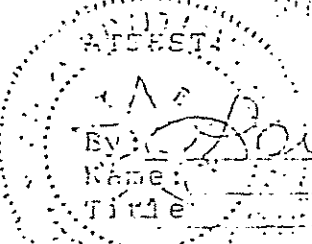
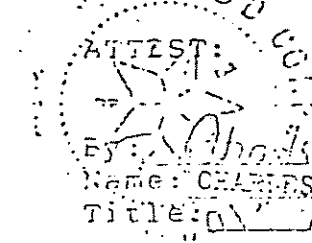
ATLAS REALTY COMPANY

By: [Signature]  
Name: BRENDAN R. [unclear]  
Title: Sr. Vice President

HCM OWNERS ASSOCIATION:

WEST BELLFORT PROPERTY OWNERS ASSOCIATION, INC.

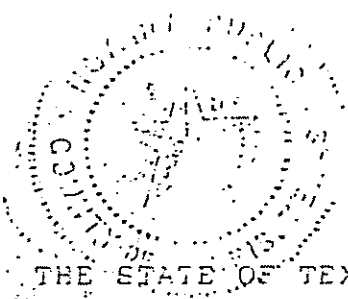
By: [Signature]  
Name: JJ Callaghan  
Title: President



THE STATE OF TEXAS I  
COUNTY OF HARRIS I

BEFORE ME, the undersigned authority, on this day personally appeared CARL J. STEPHENS, President of T.M.C. ASSOCIATES, INC., a corporation and a joint venturer of CHARTER ASSOCIATES, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated, as the act and deed of said corporation and in its capacity as a venturer in CHARTER ASSOCIATES.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 11<sup>th</sup> day of December, 1978.



Jodie Schmalhausen  
Name: JODIE SCHMALHAUSEN  
Notary Public in and for Harris County,  
T E X A S

THE STATE OF TEXAS I  
COUNTY OF HARRIS I

BEFORE ME, the undersigned authority, on this day personally appeared HENRY J. MARTYN, III, VICE President of WBD CORPORATION, a corporation and a joint venturer of CHARTER ASSOCIATES, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated, as the act and deed of said corporation and in its capacity as a venturer in CHARTER ASSOCIATES.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 11<sup>th</sup> day of December, 1978.

Fatsy Swirk  
Name: FATSY SWIRK  
Notary Public in and for Harris County,  
T E X A S  
My Commission Expires 8-23-79

THE STATE OF TEXAS I  
COUNTY OF HARRIS I

BEFORE ME, the undersigned authority, on this day personally appeared Kenneth C. Smith, Vice President of FIRST CONTINENTAL INVESTMENT CORP., a corporation and a joint venturer of CHARTER ASSOCIATES, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated, as the act and deed of said corporation and in its capacity as a venturer in CHARTER ASSOCIATES.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 11<sup>th</sup> day of December, 1978.

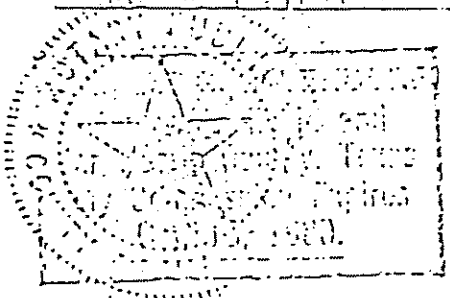
Ernie Schmalhausen  
Name: Ernie Schmalhausen  
Notary Public in and for Harris County,  
T E X A S

THE STATE OF TEXAS )

COUNTY OF HARRIS )

BEFORE ME, the undersigned authority, on this day personally appeared DENNIS RANDALL, SR. Vice President of ATLAS REALTY COMPANY, a corporation and a joint venturer of CHARTER ASSOCIATES, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated, as the act and deed of said corporation and in its capacity as a venturer in CHARTER ASSOCIATES.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 11 day of December, 1978.



Camille G. Ostendorf  
Name: Camille G. Ostendorf  
Notary Public in and for Harris County,  
TEXAS

THE STATE OF TEXAS )

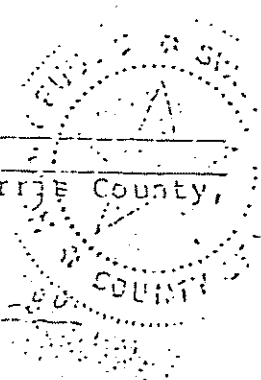
COUNTY OF HARRIS )

BEFORE ME, the undersigned authority, on this day personally appeared J. J. Gallucci, President of WEST BELLFORT PROPERTY OWNERS ASSOCIATION, INC., a corporation, known to me to be the person whose name is subscribed to the foregoing instrument, 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 11th day of December, 1978.

Henry B. Sporrlich  
Name: Henry B. Sporrlich  
Notary Public in and for Harris County,  
TEXAS

HENRY B. SPORRICH  
My Commission Expires 9-30-80



RETURN TO:  
M.C. FUNDING, INC.  
710 LSPERSON BUILDING  
HOUSTON, TEXAS 77002  
ATTN: George Twilen