



**THIRD AMENDMENT TO, AND EXTENSION OF,
DECLARATION OF
RESTRICTIONS, COVENANTS AND EASEMENTS FOR WATERBROOK WEST,
A Subdivision in Fort Bend County, Texas
(Sometimes Referred to Herein as the "Third Amendment and Extension")**

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

WHEREAS on September 19, 1979, that certain instrument titled "Declaration of Restrictions, Covenants and Easements for Waterbrook West" was filed of record under Clerk's File No. 106416 of the Official Public Records of Real Property of Fort Bend County, Texas, being also recorded in the Deed Records of Fort Bend County, Texas, at Vol. 859, Page 456, ("the Declaration"), said Declaration having been supplemented by a Supplemental Declaration filed of record on June 16, 1981, under Clerk's File No. 62108 of the Official Public Records of Fort Bend County, Texas, being also recorded at Vol. 971, Page 444 of the Deed Records of Fort Bend County, Texas, said Declaration having been supplemented by a Second Supplemental Declaration which was filed for record on or about December 30, 1992, in Volume 2614, Page 1950, and also at Volume 2622, Page 214, and at Volume 2648, Page 2000, of the Deed Records of Fort Bend County, Texas, and also recorded under Clerk's File No. 9403814 of the Official Records of Fort Bend County, Texas, and said Declaration having been amended by a First Amendment to Declaration which was filed for record on March 10, 1997, under Clerk's File No. 9713907 of the Official Public Records of Fort Bend County, Texas being also recorded at Volume 2974, Page 463 of the Deed Records of Fort Bend County, Texas, and said Declaration having also been amended by a Second Amendment to Declaration which was filed for record on September 3, 2020, under Clerk's File No. 2020118475 of the Official Public Records of Fort Bend County, Texas, which subjected all of the lots in the following subdivision to the terms of said Declaration, as supplemented and amended:

• "All lots in Waterbrook West Subdivision, Fort Bend County, Texas, according to the Map or Plat thereof, recorded in Volume 23, Page 29 of the Map Records of Fort Bend County."

The Declaration also provides as follows: (i) "Waterbrook, Inc., a Texas corporation... does hereby impose upon all the property included in Waterbrook West, the following conditions, covenants, easements and restrictions (hereinafter sometimes called "Restrictive Covenants")....The Restrictive Covenants shall be covenants running with the land and shall be binding upon any purchaser, grantee, owner or lessee of any land or improvement in Waterbrook West, and upon the respective heirs, executors, administrators, devisees, successors and assigns of such purchaser, grantee, owner or lessee." (*see* first paragraph on page 1 of Declaration); (ii) "....At the time any portion of Reserve A is sold by Declarant to any third parties the land so sold shall become subject to all of the restrictions, covenants, easements

and assessments set forth herein....”(see Article VII, Section 5 of the Declaration); (iii) “...As used throughout these restrictions, the name Declarant shall be deemed to include any person or entity succeeding to any interest said Declarant may have in said tract, including but not limited to the Association....”(see Article VII, Section 7 of the Declaration);” and (iv) the above described Second Supplemental Declaration generally provides for additional properties within Waterbrook West to be bound by the Restrictive Covenants, including the lots, tracts or parcels described in Exhibit “A” attached thereto (said Exhibit “A” being an informal Replat of portions of multiple Blocks of the Waterbrook West Subdivision);

WHEREAS Article VII, Section 2 of the Declaration provides that “By written approval of two-thirds of the then Owners of Lots in Waterbrook West (each Owner having one (1) vote for each Lot owned in Waterbrook West but limited to one (1) vote per Lot) these Restrictive Covenants may, at any time, be altered, amended or extended, but no party shall be charged with notice or inquiry in connection with any amendment, modification or termination until the instrument embodying the same shall actually be filed for record in the Office of the County Clerk of Fort Bend County, Texas;” and

WHEREAS the undersigned represent at least two-thirds of the votes of the Owners of Lots in Waterbrook West, and hereby desire to amend certain provisions of the Declaration applicable to Waterbrook West.

NOW THEREFORE the undersigned, constituting at least two-thirds of the votes in Waterbrook West Community Association (each Owner having one (1) vote for each Lot owned in Waterbrook West but limited to one (1) vote per Lot), do make and file the following amendments to restrictions, reservations, protective covenants, limitations, conditions and restrictions regarding the use, size and/or improvement of Lots located in the said Waterbrook West subdivision, and do hereby amend and extend the Declaration, as previously supplemented and amended, on file in the Official Public Records of Fort Bend County, Texas, as follows:

AMENDMENT: Article I(1)(c) of the Declaration defines “Lot” as follows: “...a single piece or parcel of land shown as a numbered lot on said plat...” **The following new paragraph no. 9 is hereby added to Article II of the Declaration, as follows: “9. MINIMUM LOT SIZE. All Lots in Waterbrook West shall be a minimum size of one (1) acre, regardless of whether originally platted as a Lot and including all current single family residential dwelling sites. The terms “Lot” and “dwelling sites,” as used in this paragraph 9 of Article II of the Declaration, includes platted Lots and other tracts or parcels described in the Declaration, in any recorded official Partial Replat, and in the Second Supplemental Declaration (including Exhibit “A” thereto, being an “informal Replat”), and as may be described by either Lot and Block or by metes and bounds in any recorded Deed to any purchaser, grantee and/or owner.**

AMENDMENT: The following new paragraph no. 3 is hereby added to Article V of the Declaration, as follows: “3. **Beginning with the incorporation of the Association on March 5,**

1984, the Architectural Control Committee ("ACC") members will be and are appointed by the Board of Directors of the Association (the "Board") and shall serve one (1) year terms unless any such ACC member is earlier removed and/or replaced by a majority vote of the Board."

AMENDMENT AND EXTENSION: The first sentence of Article VII, Section 2 of the Declaration currently provides as follows: "Unless extended as hereinafter provided, each restriction, condition and covenant in this Declaration should terminate and be of no further force or effect on January 1, 2025, or on such earlier date following the expiration of 21 years (less than one (1) day) after the death of the last survivor of all presently living descendants of those individuals constituting the Board of Directors of Declarant on the date hereof." The foregoing **first sentence of Article VII, Section 2 of the Declaration** is hereby replaced in its entirety, as follows: **"This Declaration as supplemented, amended and extended, including all of its restrictions, conditions, covenants and easements, shall run with the land, shall be binding as set forth herein and will continue in effect for a period of twenty (20) years from and after the date the Third Amendment and Extension is filed for record in the Office of the County Clerk of Fort Bend County, Texas, after which time it shall be automatically extended for successive periods of ten (10) years each."**

Except as expressly provided herein, all other terms of the Declaration of Restrictions, Covenants and Easements for Waterbrook West, as previously supplemented and amended, shall remain in full force and effect. The Declaration of Restrictions, Covenants and Easements, as previously supplemented and amended, and as amended and extended hereby, is re-published and reaffirmed by this document, so that any such covenant, condition or restriction that may have been previously waived or altered by reason of conduct, action or inaction by the property owners, is reinstated by this document, in accordance with the amendment procedure described above. Executed on the dates set forth on the attached written approvals, to become effective upon the recording of this instrument in the Official Public Records of Real Property in Fort Bend County, Texas (i.e., filed for record in the Office of the County Clerk of Fort Bend County, Texas).

(Approval and Certification by Association is Contained on Page 4 Hereof)

Third Amendment to, and Extension of, Declaration of Restrictions, Covenants and Easements for Waterbrook West, a Subdivision in Fort Bend County, Texas


APPROVAL AND CERTIFICATION BY ASSOCIATION

THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

BEFORE ME, the undersigned authority, on this day personally appeared KATHY ATWOOD, known to me to be the person whose name is subscribed below, who, upon oath, did depose and state as follows: My name is KATHY ATWOOD. I am the President of the WATERBROOK WEST COMMUNITY ASSOCIATION (the "Association," a Texas Non-Profit Corporation and property owners' association). I am over the age of twenty-one (21) years. I have never been convicted of a crime and I am fully competent to make this affidavit. Approval of the above and foregoing THIRD AMENDMENT TO, AND EXTENSION OF, DECLARATION OF RESTRICTIONS, COVENANTS AND EASEMENTS FOR WATERBROOK WEST, a Subdivision in Fort Bend County, Texas (the "Third Amendment and Extension") by the WATERBROOK WEST COMMUNITY ASSOCIATION is hereby evidenced by my signature below. Further, this approval shall serve to evidence that the Association's records reflect that all owners of Lots within the WATERBROOK WEST SUBDIVISION were provided notice of the Third Amendment and Extension and were given a fair opportunity to vote thereon, and that the required two-thirds (2/3) approval was received, as evidenced by the attached approval Signature Pages/Ballots. Further, the Association hereby consents to and approves this Third Amendment to, and Extension of the Declaration of Restrictions, Covenants and Easements for Waterbrook West to be effective upon its filing of record in the Official Public Records of Real Property of Fort Bend County, Texas. Attached hereto are written approvals executed by the Owners of Lots in Waterbrook West, a residential subdivision in Fort Bend County, Texas. I certify that the attached written approvals constitute the written agreement of Owners (as that term is defined in the Declaration of Restrictions, Covenants, and Easements for Waterbrook West) of not less than two-thirds (2/3) of the Lots in the Subdivision (each Owner having one (1) vote for each Lot owned in Waterbrook West but limited to one (1) vote per Lot). This certification is based upon the ownership records of the Association and the process and method utilized by the Association to obtain such written approvals.

SIGNED on this the 2 day of December, 2024.

**WATERBROOK WEST COMMUNITY
ASSOCIATION**

By: 
KATHY ATWOOD, President

(Acknowledgment is Contained on Page 5 Hereof)

Third Amendment to, and Extension of, Declaration of Restrictions, Covenants and Easements for Waterbrook West, a Subdivision in Fort Bend County, Texas

ACKNOWLEDGMENT

THE STATE OF TEXAS

§

§

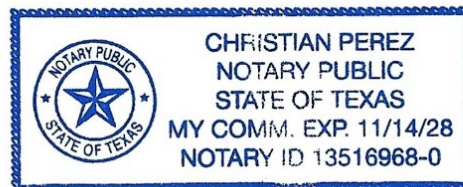
COUNTY OF FORT BEND

§

BEFORE ME, the undersigned notary public, on this the 2 day of December, 2024, personally appeared KATHY ATWOOD, President of WATERBROOK WEST COMMUNITY ASSOCIATION (the "Association," a Texas Non-Profit Corporation and a Texas property owners' association), a person known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purpose and in the capacity therein expressed, on behalf of said Association.



**NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS**



Third Amendment to, and Extension of, Declaration of Restrictions, Covenants and Easements for Waterbrook West, a Subdivision in Fort Bend County, Texas

80 PAGES OF WRITTEN APPROVALS OF THIRD AMENDMENT TO, AND EXTENSION OF,
DECLARATION OF RESTRICTIONS, COVENANTS AND EASEMENTS FOR WATERBROOK WEST, A
SUBDIVISION IN FORT BEND COUNTY, TEXAS EXECUTED BY THE OWNERS OF LOTS IN
WATERBROOK WEST FOLLOW HERE IN THE RECORDED DOCUMENT BUT ARE NOT INCLUDED
HERE FOR POSTING TO THE WATERBROOK WEST COMMUNITY ASSOCIATION WEBSITE.

**WRITTEN APPROVAL OF THIRD AMENDMENT TO, AND EXTENSION OF,
DECLARATION OF RESTRICTIONS, COVENANTS AND EASEMENTS FOR
WATERBROOK WEST, A Subdivision in Fort Bend County, Texas**

The following property owner(s) acknowledge(s) that he/she/they is/are the record owner(s) of the hereinbelow described Lot or Lots within Waterbrook West, a Subdivision in Fort Bend County, Texas, and that he/she/they has/have been provided a copy of, and have read the provisions of, the proposed Third Amendment to, and Extension of the Declaration of Restrictions, Covenants and Easements for Waterbrook West ("Third Amendment and Extension") and that he/she/they **APPROVE** of such Third Amendment and Extension (each Owner having one (1) vote for each Lot owned in Waterbrook West but limited to one (1) vote per Lot). Further, the signer(s) of this Approval understand that, upon its recording, the Third Amendment and Extension shall be applicable to all Lots (or properties) within Waterbrook West.

Property Address/Description(s):

4806 Raintree DR
Missouri City, TX 77459
Block 6-Lot 20

Date:

09/17/, 2024

09/17/, 2024

Lot Owner(s) and Signature(s):

Signature: Manny
Printed Name: Thomas James

Signature: James
Printed Name: Deepthi James

RETURNED AT COUNTER TO:

Susan Kronenberger
5203 Raintree Drive
Missouri City, TX 77459

**FILED AND RECORDED
OFFICIAL PUBLIC RECORDS**

Laura Richard

Laura Richard, County Clerk

Fort Bend County Texas

December 03, 2024 08:59:16 AM

FEE: \$355.00 ASK

2024117941

