



**SECOND AMENDMENT**  
*to*  
**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS**  
*for*  
**WATERVIEW ESTATES, SECTION ONE (1)**  
**A SUBDIVISION IN FORT BEND COUNTY, TEXAS**

---

THE STATE OF TEXAS

§

KNOW ALL PERSONS BY THESE PRESENTS:

COUNTY OF FORT BEND

§

§

WHEREAS, VENTANA DEVELOPMENT MORTIN, LTD., a Texas limited partnership ("Developer") is the sole record owner of that certain property known as Waterview Estates, Section One (1), a subdivision located in Fort Bend County, Texas according to the map or plat recorded under County Clerk's File No. 20040042 of the Map Records of Fort Bend County, Texas (the "Property");

WHEREAS, Developer by that certain instrument entitled "Declaration of Covenants, Conditions and Restrictions, Waterview Estates, Section One (1) A Subdivision in Fort Bend County, Texas" filed of record in the Official Public Records of Real Property of Fort Bend County, Texas, under County Clerk's File No. 2004051859 (the "Declaration"), imposed on the Property all those certain covenants, conditions, restrictions, and easements set forth therein;

WHEREAS, the Declaration was amended by that certain instrument entitled "Amended Declaration of Covenants, Conditions and Restrictions, Waterview Estates, Section One (1) A Subdivision in Fort Bend County, Texas", filed of record in the Official Public Records of Real Property of Fort Bend County, Texas under County Clerk's File No. 2004133762 (the Declaration as amended hereinafter still referred to as "Declaration");

WHEREAS, by that certain instrument entitled "Annexation and Supplemental Declaration of Covenants, Conditions and Restrictions for Waterview, Sections Two (2), Three (3) and Four (4) Subdivisions in Fort Bend, County Texas" filed of record in the

Official Public Records of Real Property of Fort Bend County, Texas under County Clerk's File No. 2005130487, Developer did restrict the following property known as:

- Waterview Estates, Section Two (2), a subdivision in Fort Bend County according to the map or plat thereof filed of record under County Clerk's File No. 20050161 of the Map or Plat Records of Fort Bend County, Texas;
- Waterview Estates, Section Three (3), a subdivision in Fort Bend County according to the map or plat thereof filed of record under County Clerk's File No. 20050191 of the Map or Plat Records of Fort Bend County, Texas; and
- Waterview Estates, Section Four (4), a subdivision in Fort Bend County according to the map or plat thereof filed of record under County Clerk's File No. 20050162 of the Map or Plat Records of Fort Bend County, Texas;

(the term "Property" hereinafter including Waterview Estates, Section Two (2), Waterview Estates, Section Three (3) and Waterview Estates Four (4));

WHEREAS, by that certain instrument entitled "Annexation and Supplemental Declaration of Covenants, Conditions and Restrictions for Waterview Estates, Section Five (5) A Subdivision in Fort Bend County, Texas" filed of record in the Official Public Records of Real Property of Fort Bend County, Texas under County Clerk's File No. 2006101996, Developer did restrict Waterview Estates, Section Five (5), a subdivision in Fort Bend County, Texas according to the map or plat thereof recorded County Clerk's File No. 20060134 of the Map Records of Fort Bend County, Texas to the Declaration and annex it into the Property (the term "Property" hereinafter including Waterview Estates, Section Five (5));

WHEREAS, by that certain instrument entitled "Annexation and Supplemental Declaration of Covenants, Conditions and Restrictions for Waterview Estates, Section Six (6) A Subdivision in Fort Bend County, Texas" filed of record in the Official Public Records of Real Property of Fort Bend County, Texas under County Clerk's File No.

2007016469, Developer did restrict Waterview Estates, Section Six (6), a subdivision in Fort Bend County, Texas according to the map or plat thereof recorded County Clerk's File No. 20060213 of the Map Records of Fort Bend County, Texas to the Declaration and annex it into the Property (the term "Property" hereinafter including Waterview Estates, Section Six (6)).

WHEREAS, Article IX, Section 9.6 of the Declaration provides that the terms of the Declaration can be amended by the Developer during the first three (3) year period in any manner not inconsistent with the residential character of the Section and/or purpose of the Declaration; and

WHEREAS, the Developer amends the Declaration and it is not inconsistent with the residential character of the Property.

NOW, THEREFORE, the Developer hereby amends the Declaration as it applies to all of the Property as follows:

1. Article II, Section 2.14 of the Declaration is amended to read as follows:

**SECTION 2.14 HOUSING PLAN AND ELEVATION**

**REPETITION.** The following three scenarios represent the Section guidelines for determining when a plan and elevation can be repeated within the Section:

- (1) when building the same plan, different elevation, on the same side of the street, one (1) full Lot must be skipped and two (2) full Lots must be skipped if brick of the same color is used;
- (2) when building the same plan, different elevation, on both sides of the street, one (1) full Lot must be skipped and two (2) full Lots must be skipped if brick of the same color is used; and
- (3) when building the same plan, same elevation, on the same side of the street or on both sides of the street, three (3) full Lots must be skipped.

2. Article IX, Section 9.6 of the Declaration is amended to read as follows:

**SECTION 9.6**      **AMENDMENT.** The covenants and restrictions of this Declaration shall run with and bind the land, for a term of forty (40) years from the date this Declaration is recorded, after which time they shall be automatically extended for successive periods of ten (10) years. This Declaration may be amended by the Developer without the joinder of any other party as long as Developer owns a Lot in the Subdivision to modify or clarify any provisions of this Declaration in any manner not inconsistent with the residential character of the Subdivision and/or the purpose of the Declaration. This Declaration may be amended during the first twenty (20) year period by an instrument signed by those Owners owning not less than seventy-five percent (75%) of the Lots within the Subdivision, and thereafter by an instrument signed by those Owners owning not less than sixty-seven percent (67%) of the Lots within the Subdivision. No person shall be charged with notice of or inquiry with respect to any amendment until and unless it has been filed for record in the Official Public Records of Real Property of Fort Bend County, Texas.

The amendment of the Declaration set forth above shall be deemed to be a part of and shall be interpreted in accordance with the Declaration. All provisions of the Declaration not amended hereby are hereby ratified and confirmed in each and every particular, and shall continue in full force and effect pursuant to the terms of the Declaration.

IN WITNESS WHEREOF, the undersigned for the purpose of acknowledging its consent and approval to the amendment of the Declaration Developer has executed this instrument as of the date set forth below to be effective upon filing of record in the Official Public Records of Real Property of Fort Bend County, Texas.

Executed on the 17 day of April, 2007.

**DEVELOPER:**

**VENTANA DEVELOPMENT MORTIN, LTD.,  
a Texas limited partnership**

By: Mortin Road, L.L.C.,  
General Partner

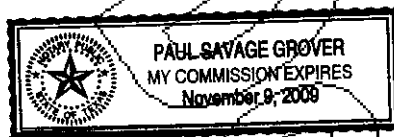
By: James Bruce Grover  
James Bruce Grover, Co-Manager

THE STATE OF TEXAS §  
§  
COUNTY OF HARRIS §

This instrument was acknowledged before me on the 17 day of April, 2007, by James Bruce Grover, Co-Manager of Mortin Road, L.L.C., General Partner of Ventana Development Mortin, Ltd., a Texas limited partnership, for the consideration and in the capacities stated herein.

Paul Savage Grover  
Notary Public in and for the State of Texas

Return to:  
Butler & Hailey, P.C.  
1616 S. Voss, Suite 500  
Houston, Texas 77057



127687

**FILED AND RECORDED**

OFFICIAL PUBLIC RECORDS

Dr. Dianne Wilson

2007 Apr 23 01:57 PM

CDC \$25.00

Dianne Wilson, Ph.D. COUNTY CLERK  
FT BEND COUNTY, TEXAS

2007048797