

637-01-1036

112
REAL PROPERTY RECORDS

AMENDMENT TO DECLARATION OF COVENANTS AND
RESTRICTIONS APPLICABLE TO HARBOR POINT PARTIAL
REPLAT "A" AND HARBOR POINT PARTIAL REPLAT "B"
; 9002521

THE STATE OF TEXAS §

COUNTY OF MONTGOMERY §

WHEREAS, on the 23rd day of February, 1977, Doyle Tow, Inc., and others did cause to be filed in the Map Records of Montgomery County, Texas, a map and/or plat of Harbor Point, a subdivision of 33.7 acres situated in the William Atkins Survey, Abstract No. 3, Montgomery County, Texas, which said map and/or plat is of record in Cabinet B, Sheet 53, of said Map Records; and

WHEREAS, on the 4th day of May, 1977, Doyle Tow, Inc. did cause to be filed in the Map Records of Montgomery County, Texas, a map and/or plat of Harbor Point Partial Replat "A", a subdivision of Reserves 5 and 6 of Harbor Point Subdivision, which said map and/or plat is of record in Cabinet B, Sheet 57, of said Map Records; and

WHEREAS, on June 13, 1978, Doyle Tow, Inc. did cause to be filed in the Map Records of Montgomery County, Texas, a map and/or plat of Harbor Point Partial Replat "B", a resubdivision of a portion of Block 5 of Harbor Point Subdivision, which said map and/or plat is of record in Cabinet B, Sheet 124, of said Map Records; and

WHEREAS, by a Declaration of Covenants and Restrictions dated October 20, 1976, of record in Volume 978, Page 610, Deed Records, Montgomery County, Texas (the "Restrictions"), Doyle Tow, Inc. and others did impose on certain parts of Harbor Point the covenants and restrictions therein set out; and

WHEREAS, by a Declaration of Covenants and Restrictions dated May 31, 1977, of record in Volume 994, Page 814, Deed Records, Montgomery County, Texas (the "Replat "A" Declaration"), Doyle Tow, Inc. did extend the coverage of the Restrictions to certain parts of the property depicted on Harbor Point Partial Replat "A"; and

WHEREAS, Article VIII, Section 4, of the Restrictions provides for certain building set back lines by reference to "the building lines shown on the Subdivision Plat"; and

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WHEREAS, neither the plat of Harbor Point, nor the plat of Harbor Point Partial Replat "A", nor the plat of Harbor Point Partial Replat "B" depict any building lines with respect to the side lot lines of the lots shown thereon; and

WHEREAS, such failure to depict building set back lines along the side lot lines of the lots shown on the plats of Harbor Point Partial Replat "A" and Harbor Point Partial Replat "B" was an error or mistake, it being the intention of Doyle Tow, Inc. to establish certain building line restrictions along the side lot lines of said lots; and

WHEREAS, the plats of Harbor Point Partial Replat "A" and Harbor Point Partial Replat "B" did provide in the written dedications thereon for "a building line five feet wide lying on either side of all lot lines unless otherwise shown or specified in deed restrictions"; and

WHEREAS, such five foot restriction along the side lot lines of the lots depicted on the plats of Harbor Point Partial Replat "A" and Partial Replat "B" is erroneous and inconsistent with the nature and configuration of the narrow "townhouse" type lots shown on said plats; and

WHEREAS, Doyle Tow, Inc., the "Declarant" in the Restrictions, and the subdivider of the lots depicted on said plats of Harbor Point Partial Replat "A" and Harbor Point Partial Replat "B", desires to correct such errors or mistakes concerning the building set back lines for said side lot lines; and

WHEREAS, under the Restrictions, Doyle Tow, Inc., as the Declarant, retained the right at any time and from time to time, without the joinder or consent of any party, to amend the Restrictions for the purpose, among other things, of correcting any typographical error, ambiguity or inconsistency, providing that such amendment is consistent with and in furtherance of the general plan and scheme of development as evidenced by the Restrictions and the Replat "A" Declaration;

NOW, THEREFORE, Doyle Tow, Inc., for the purpose of correcting the errors and ambiguities contained in the Restrictions, the Replat

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"A" Declaration, and the plats of Harbor Point Partial Replat "A" and Harbor Point Partial Replat "B", hereby designates and dedicates the following building set back lines for the side lot lines of the lots depicted on the Harbor Point Partial Replat "A" and Harbor Point Partial Replat "B", to-wit:

1. Except as otherwise shown on the plat, each lot shown on the plat of Harbor Point Partial Replat "A" shall be subject to a building set back line three (3) feet wide long the side boundary lines. This restriction shall not apply to R-5 (Reserve 5), R-6 (Reserve 6) or Lot One (1), in Block Two (2), of Harbor Point Partial Replat "A", however.

2. The lots depicted on the plat of Harbor Point Partial Replat "B" shall be subject to a building set back line three (3) feet wide along one (1) of the side boundary lines of each such lot as detailed below. The opposite side boundary line of each such lot shall be subject to no building line restriction. The designation of each lot and the side boundary line to which the three (3) foot building line restriction shall apply is as follows, to-wit:

<u>Designation of Lot:</u>	<u>Side Boundary Subject To Three (3) Foot Building Line:</u>
Lot 12	North line
Lot 13	North line
Lot 14	North line
Lot 15	South line
Lot 16	South line
Lot 17	South line
Lot 18	North line
Lot 19	South line
Lot 20	South line
Lot 21	North line
Lot 22	South line
Lot 23	South line
Lot 24	South line
Lot 25	South line
Lot 26	South line
Lot 33	South line
Lot 34	South line
Lot 35	South line
Lot 36	North line
Lot 37	South line
Lot 38	South line
Lot 39	North line
Lot 40	North line
Lot 41	North line

This restriction does not apply to R-15 (Reserve 15) as shown on the plat of Harbor Point Partial Replat "B".

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3. This amendment is limited in its effect to the matters specifically set out herein and does not alter or otherwise affect any building set back line applicable to the front and back boundary lines of the subject lots as such building lines may be shown or provided for in the plats of Harbor Point Partial Replat "A" or Harbor Point Partial Replat "B" or in the Restrictions.

4. The Restrictions, the Replat "A" Declaration and the respective plats of Harbor Point Partial Replat "A" and Harbor Point Partial Replat "B" are herein and hereby amended to include the building line restrictions herein provided for.

IN WITNESS WHEREOF, Doyle Tow, Inc. has caused these presents to be executed by its duly authorized officers, at Conroe, Texas, this 17th day of JANUARY, A. D. 1990.

DOYLE TOW, INC.

By: [Signature]
Doyle Tow, President

Attest: [Signature]
Secretary

FILED FOR RECORD

90 JUN 19 PM 4:14

[Signature]
COUNTY CLERK
MONTGOMERY COUNTY, TEXAS

STATE OF TEXAS
COUNTY OF MONTGOMERY }
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
Montgomery County, Texas.

JAN 19 1990

THE STATE OF TEXAS
COUNTY OF MONTGOMERY

[Signature]
COUNTY CLERK
MONTGOMERY COUNTY, TEXAS

This instrument was acknowledged before me on the 17th day of JANUARY, 1990, by Doyle Tow, President of Doyle Tow, Inc., a Texas corporation, on behalf of said corporation.

WILLIAM TURNER FOWLER
NOTARY PUBLIC
COMMISSION EXPIRES 12/31/93

[Signature]
Notary Public in and for
the State of Texas