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AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR WEST PALM VILLAS ON WALDEN ROAD

STATE OF TEXAS \$ \$ KNOW ALL MEN BY THESE PRESENTS: COUNTY OF MONTGOMERY \$

WHEREAS, by instrument entitled Declaration of Covenants, Conditions and Restrictions for West Palm Villas on Walden Road, executed and acknowledged by James R. Winkler, President of I.C. Enterprises, and recorded under Clerk's File No. 99090325 in the Real Property Records of Montgomery County, Texas certain restrictive covenants were created by I.C. Enterprises as Declarant to run with the land in "WEST PALM VILLAS ON WALDEN ROAD," a Subdivision of 8.0513 acres, being a replat of unrestricted reserve "C" and "D" of Del Lago Section Three, located in the John Corner Survey A-8, Montgomery County Texas, according to the plat of said West Palm Villas on Walden Road, recorded in the office of the County Clerk of Montgomery County, Texas, in Cabinet N, Sheet 23, of the Map Records of Montgomery County, Texas;

WHEREAS, Article XIII, Section 13.2 of the Declaration of Covenants, Conditions and Restrictions provides that its terms may be amended at any time by the Declarant; and

WHEREAS, I.C. Enterprises, the Declarant as defined in Article I, Section 1.6 of the above referenced restrictions, desires to amend Article II, Section 2.3 of the restrictions to allow for annexation of adjacent property by the Declarant and to restate Article V, Section 5.4 and add an amended site plan showing additional boat slips.

NOW THEREFORE, ARTICLE II, SECTION 2.3 is hereby amended to read as follows:

SECTION 2.3 ANNEXATION OF ADDITIONAL PROPERTIES -

(a) Annexation of property which is located outside the lands above described, shall require the assent of two-thirds (2/3) of the members present at a meeting duly called for this purpose, written notice of which shall be sent to all members not less than 30 days nor more than 50 days in advance of the meeting setting forth the purpose of the meeting. The presence of members or of proxies entitled to cast sixty percent (60%) of the votes of the membership shall constitute a quorum at a meeting called for this purpose. If the required quorum is not forthcoming at any meeting, another meeting may be called, subject to the notice requirements set forth above and the required quorum of such subsequent meeting shall be one-half (1/2) of the required quorum of the preceding meeting. In the event that member entitled to cast 60% of the votes of the membership are not

present in person or by proxy at the first meeting called for this purpose, as an alternative to calling another meeting, members not present may give their written assent to the action taken thereat.

(b) Notwithstanding anything contained in Subparagraph (a) above, or any other provision herein, Declarant shall have the right, without the consent of any other Owners or any First Mortgagee, to bring within the scheme of the Declaration, in one (1) or more future stages, sections or additions, additional adjacent lands or portions thereof within ten (10) years of the date of recording of this instrument. Nothing in this Declaration shall be construed to represent that Declarant, or its successor or assigns, are under any obligation to add or annex additional lands to those subject to this Declaration.

NOW THEREFORE, ARTICLE V, SECTION 5.4 is restated and amended as follows:

SECTION 5.4 RIGHT OF USE OF BOAT SLIPS - It is the intent of the Declarant to construct boat slips for the use of the Owners of the Townhomes. The boat slips will be constructed on underwater lands leased from the state and/or on the Common Area. The deed to each Lot will assign a numbered boat slip to that Lot. See site plan attached hereto as Exhibit 1 for boat slip locations. The site plan attached to this amendment as Exhibit 1 replaces and supersedes the site plan attached as Exhibit B to the original Declaration of Covenants, Conditions and Restrictions for West Palm Villas on Walden Road. The Owner's right of use of the boat slips is subject to the lease from the state. The Declarant and the Association do not and cannot guaranty the continuation or the terms of the lease. The Owner must maintain and repair the boat slip assigned to his Lot, including, but not limited to, the slip, piers, and lifts.

The above amendments shall run with the land and shall be binding upon all parties having or acquiring any right, title, or interest therein, or any part thereof, and shall inure to the benefit of each owner thereof.

Nothing herein is intended to alter, modify or amend the Restrictions, Covenants and Conditions for West Palm Villas on Walden Road except as specifically provided hereinabove.

IN WITNESS	WHEREOF,	the undersigned, l	Declarant	has	set	his	executed	this
amendment on this	day of	SEPTEMBER	, 2000.					

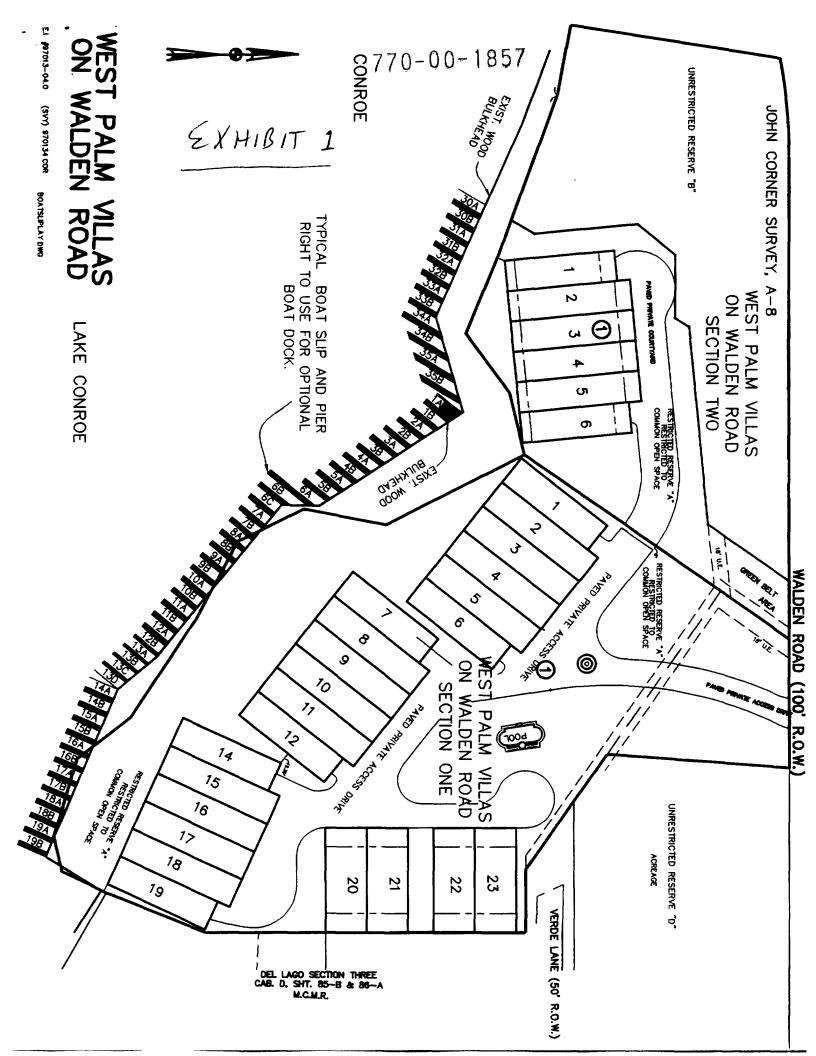
DECLARANT:

I.C. ENTERPRISES, INC.

THE STATE OF TEXAS	§				
	§				
COUNTY OF MONTGOMERY	§				
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SEPTEMBER , 20	JU, by JAMES	R. WINKLER,	President of	I.C. Enterprise	es,
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RECORDER'S MEMORANDUM.

At the time of recordation, this instrument was found to be inadequate for the best photographic reproduction because of illegibility, carbon or photo copy, discolored paper, etc. All blackouts, additions and changes were present at the time the instrument was filed and recorded



770-00-1858

FILED FOR RECORD

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MARK TURNBULLO CO. CLERK MONTGOMERY POUNTY, TEXAS __ DEPUTY

STATE OF TEXAS
COUNTY OF MONTGOMERY
I hereby certify that this instrument was filed in stamped herein by a and was duly RECORDED in MONTGOMERY COUNTY, Texas

SEP 7 2000

Mark Junkell COUNTY CLERK MONTGOMERY COUNTY TEXAS