

3509

AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
PECAN BEND SOUTH, SECTION IV

THE STATE OF TEXAS)
COUNTY OF BRAZORIA)

KNOW ALL MEN BY THESE PRESENTS: That Whereas, Edward B. Bell, Trustee, heretofore on the 8th day of April, 1982, executed a Declaration of Covenants, Conditions and Restrictions for Pecan Bend South, which are recorded in Volume 1635, at Page 521 of the Deed Records of Brazoria County, Texas; and

WHEREAS, Kevin J. Clarke, President, Pecan Bend South Homeowners Association, Inc., Chapter No. 725430, hereinafter referred to as Trustee; and

WHEREAS, said Declaration of Covenants, Conditions and Restrictions Articles 3.04 and 3.12 as originally filed have been amended by a vote of 90% or more of all property owners to read as follows:

3.04. No building of any kind shall be located on any lot except in accordance with the following building line restrictions:

- 3203
- A. No building shall be located nearer than 50 feet from the road right-of-way line on which the lot adjoins, and on corner lots this restriction shall apply to all sides of the property that adjoins a road right-of-way.
 - B. No building shall be located on any lot nearer than 15 feet to any side lot line or nearer than 20 feet to any rear lot line.

For the purpose of the covenant, eaves, steps and open porches shall not be considered as part of the building, provided, however, that this shall not be construed to permit any portion of the building on any lot to encroach upon another lot. If two or more lots, or fractions thereof, are consolidated into a building site in conformity with the provisions of Paragraph 3.05, these building set-back provisions shall be applied to such resultant building site as if it were the original platted lot.

3.12. No mobile home, tent, shack, barn or other outbuilding shall be used as a residence. A travel trailer, motor home or garage may be occupied on a temporary basis only if it meets with the following requirements:

- A. A permanent residence is to be constructed which meets all requirements contained in Article 3.30 herein.
- B. A description of the temporary dwelling must be supplied to and approved, in writing by no less than three (3) members of the Architectural Control Committee prior to the time such dwelling is situated on the property.
- C. The Architectural Control Committee shall make quarterly evaluations concerning progress on the construction of said permanent dwelling on said lot which must comply with all deed restrictions.

D. Any travel trailer or motor home must be left on wheels and must be able to be removed with a truck of no larger capacity than one (1) ton.

E. Such structure shall not be inhabited for a period of more than one year, such period to commence on the date of execution of a sworn and notarized affidavit which shall remain in the custody of the President of the Architectural Control Committee.

F. Upon the expiration of the one-year period such temporary dwelling shall no longer be inhabited on said lot or any other lot located in Pecan Bend South Subdivision at any time in the future;

G. The Architectural Control Committee/Homeowners Committee or any other property owner of Pecan Bend South has the authority to remove any travel trailer or motor home or legally prohibit the use of any structure for living purposes if such situation is in violation of Deed Restriction #3.03 fifteen (15) days after notice, in writing, has been given to occupant of dwelling;

NOW, THEREFORE, said Declaration of Covenants, Conditions and Restrictions dated April 8, 1982, recorded in Volume 1635 at Page 521 of the Deed Records of Brazoria County, Texas, are hereby corrected and amended so as to have the same force and effect as if the Declaration of Covenants, Conditions and Restrictions as shown on the following pages have been originally recorded, rather than the document currently on record in Volume 1635, at Page 521 of the Deed Records of Brazoria County, Texas.

EXECUTED this 30th day of January, 1985.

Kevin J. Clarke
Kevin J. Clarke, President

THE STATE OF TEXAS)
)
COUNTY OF BRAZORIA)

BEFORE ME, the undersigned authority, on this day personally appeared, Kevin J. Clarke, 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, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 30th day of January, 1985.

Jana Brandt
Notary Public in and for the
State of Texas
Jana Brandt
Printed Name of Notary
My Commission Expires: 10-12-87



FILED FOR RECORD
JAN 31 9 23 AM '85

Shirley B. ...
COUNTY CLERK
BRAZORIA COUNTY, TEXAS