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433-00-0243

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AMENDMENT TO THE  
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR  
PALM BEACH ESTATES

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

WHEREAS, by instrument executed and acknowledged by James R. Winkler, President of WINKLER & ASSOCIATES, INC., and recorded under Clerk's File No. 0856407 in the Real Property Records of Montgomery County, Texas certain restrictive covenants were created to run with the land in a subdivision known as "PALM BEACH ESTATES," being a Subdivision situated in Montgomery County, Texas, according to the plat of Palm Beach Estates, recorded in the office of the County Clerk of Montgomery County, Texas, in Cabinet K, Sheets 184 and 185, of the Map Records of Montgomery County, Texas; and

WHEREAS, Article VIII, Section 8.03 of the restrictive covenants provides that its terms may be amended at any time by the Developer by an instrument signed, acknowledged and filed of record; and

WHEREAS, WINKLER AND ASSOCIATES, INC., the Developer of the Subdivision desires to amend Article III, Section 3.04 to make it clear that swimming pools may encroach on the rear setback.

NOW THEREFORE, Article III, Section 3.04 is hereby amended to read as follows:

Section 3.04 Location of the Improvements upon the Lot. No building or improvement of any kind shall be located on any Lot nearer to any side or rear property line, or nearer to any public road or nearer to a natural creek than as may be indicated on the Plat; provided, however, as to any Lot, the Architectural Control Committee may waive or alter any such setback line if the Architectural Control Committee, in the exercise of the Architectural Control Committee's sole discretion, deems such waiver or alteration is necessary to permit effective utilization of a Lot. Any such waiver or alteration must be in writing and recorded in the Deed Records of Montgomery County, Texas. Location of improvements in relationship to the lake will be established by the Architectural Control Committee on a lot by lot basis. Swimming pools may encroach on the rear setback. The main residential structure on any Lot shall face the front of the Lot towards the street or road, unless a deviation is approved in writing by the Architectural Control Committee.

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.

433-00-0244


IN WITNESS WHEREOF, Jim Winkler, President of WINKLER & ASSOCIATES, INC., Developer of Palm Beach Estates Subdivision, has set his hand this 8 day of September, 1998.

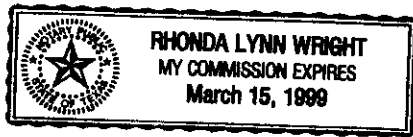
WINKLER & ASSOCIATES, INC.

By:   
JAMES R. WINKLER, PRESIDENT

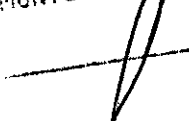
THE STATE OF TEXAS       §  
  §  
COUNTY OF MONTGOMERY   §

This instrument was acknowledged before me, on the 8th day of September, 1998, by JAMES R. WINKLER, President of WINKLER & ASSOCIATES, INC.

  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS



FILED FOR RECORD  
98 SEP -8 PM 2:38  
MARK TURNBULL, CO. CLERK  
MONTGOMERY COUNTY, TEXAS

  
DEPUTY

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.

SEP 8 1998



  
COUNTY CLERK  
MONTGOMERY COUNTY, TEXAS

RETURN TO:  
WINKLER & ASSOC INC  
15001 WALDEN Rd  
SUITE 129  
MONTGOMERY, TX 77356