

S215647

510-86-3760

FIRST AMENDMENT OF
DECLARATION OF COVENANTS,
CONDITIONS, RESTRICTIONS AND EASEMENTS

FOR

11/20/96 200306109 S215647

\$15.00

NORTH STAR ESTATES

A RESIDENTIAL SUBDIVISION IN HARRIS COUNTY, TEXAS

STATE OF TEXAS

§

KNOW ALL BY THESE PRESENTS THAT:

COUNTY OF HARRIS

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Pursuant to Section 9.10 of that certain instrument entitled Declaration of Covenants, Conditions, Restrictions and Easements for North Star Estates (the "Declaration") filed on September 5, 1995 under Clerk's File No. R561531, and recorded under Clerk's Film Code No. 505-22-0947, et seq., Official Public Records of Real Property of Harris County, Texas, *NORWOOD HOMES, INC.*, a Texas corporation (hereinafter referred to as "Declarant") hereby amends the Declaration as follows:

I.

Definitions

In addition to the definitions contained herein, all definitions set forth in the Declaration (including Article II of the Declaration) are incorporated by reference herein.

II.

Amendments

A. Section 1.01 of the Declaration is hereby amended by deletion of same in its entirety and substitution in place thereof of the following:

SECTION 1.01 Property Subject to Declaration. The real property which, by the recording of this Declaration, will be held, transferred, sold, conveyed, used, occupied, and mortgaged or otherwise encumbered subject to this Declaration is that certain real property located in Harris County, Texas, more particularly described as follows, to wit:

All that certain tract or parcel of land platted as NORTH STAR ESTATES, SECTION ONE, a subdivision 22.3411 acres out of the Joseph House Survey, Abstract 34, in Tomball, Harris County, Texas, according to the map or plat thereof filed under Clerk's File No. R528545, Official Public

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510-86-3761

Records of Real Property of Harris County, Texas, and recorded under Clerk's Film Code No. 370056, Map Records of Harris County, Texas, as amended by that certain "Replat of a Portion of North Star Estates, Section One", filed under Clerk's File No. R892540, Official Public Records of Real Property of Harris County, Texas, and recorded under Clerk's Film Code No. 376137, Map Records of Harris County, Texas.

B. Section 4.01 of the Declaration is hereby amended by deletion in its entirety and substitution in place thereof of the following:

SECTION 4.01 Land Use and Building Type.

4.01.1 Residential Use Only. Each and every Lot is hereby restricted to single family residential use only. Without limitation of the foregoing, as used in this Declaration the term "residential use" shall be construed to prohibit the use of any Lot or the residence and any other improvements thereon for apartment houses or other type of dwelling designed for multi-family dwelling, or use for or operation of a boarding or rooming house or residence for transients, or the use of any garage or permitted outbuilding as an apartment or residential living quarters.

4.01.2 No Business, Professional, Commercial or Manufacturing Use. No business, professional, commercial or manufacturing use may be made of any Lot or any improvement located thereon, even though such business, professional, commercial or manufacturing use be subordinate or incident to use of the premises as a residence, and regardless of whether or not done for profit or remuneration.

4.01.3 Residential Structures Only. No structures shall be erected, altered, placed or permitted to remain on any Lot other than (i) one detached single family dwelling not to exceed two and one-half stories in height, together with a detached or attached enclosed garage for not less than two nor more than four cars (which garage may have front, side or rear entry), (ii) Related Quarters as provided in Section 4.01.4, and (iii) permitted accessory buildings if and as may be approved by the ACC. Except as provided in Section 4.01.4, nothing herein shall be construed to permit or allow the use or occupancy of any garage for other than, primarily, the housing of automobiles, and any enclosure of the garage which prevents its use for such purpose is specifically prohibited. Except as provided in Section 4.11, all buildings shall be of new construction, and no buildings shall be moved from another location onto any Lot.

4.01.4 Related Quarters. Notwithstanding any other provisions of this Section, one Related Quarters may be located upon each Lot. A "Related Quarters" is a living area segregated from the main residence which may be constructed above or attached to a garage, attached to the main residence or constructed as a stand alone structure. Related Quarters may be occupied only by single family members. A garage with Related Quarters constructed above same may contain a stairway in the garage to the Related Quarters provided the car parking capacity of the garage as originally constructed is maintained.

4.01.5 Single Family Defined. As used in this Declaration the term "single family" means either (i) a nucleus group of persons who are members of a single family related by blood, marriage or adoption, or (ii) one or more natural persons not so related but who are maintaining a common household in a single family residence on a nonprofit, noncommercial basis, and (iii) the bona fide domestic servants of either.

4.01.6 Maximum Occupancy. In addition to the limitations above set forth, in no event may a single family residence be occupied by more persons than the product of the total number of bona fide bedrooms contained in the single family residence as originally constructed multiplied by two, and in no event may a Related Quarters be occupied by more than two persons.

III.

Integration and Ratification

The foregoing amendments to the Declaration are deemed to be a part of and are to be interpreted in accordance with the Declaration. All provisions of the Declaration not so amended are hereby ratified and confirmed in each and every particular, and will continue in full force and effect pursuant to the terms of the Declaration.

IN WITNESS WHEREOF, Declarant has executed this First Amendment to Declaration of Covenants, Conditions, Restrictions and Easements for North Star Estates on this 19th day of November, 1996.

NORWOOD HOMES, INC.,
a Texas corporation

By:

John E. Bily
JOHN E. BILY, President

S538413

ARTICLES OF ANNEXATION AND AMENDMENT
FOR
NORTH STAR ESTATES, SECTION TWO

07/11/97 200457170 S538413 \$15.00

STATE OF TEXAS §
COUNTY OF HARRIS §

KNOW ALL BY THESE PRESENTS THAT:

WHEREAS, *NORWOOD HOMES, INC.*, a Texas corporation, heretofore filed that certain instrument entitled "Declaration of Covenants, Conditions, Restrictions and Easements for North Star Estates", under Clerk's File Number R561531, and recorded under Clerk's Film Code Number 505-22-0947, *et seq.*, Official Public Records of Real Property of Harris County, Texas, as amended by that certain instrument entitled "First Amendment of Declaration of Covenants, Conditions, Restrictions and Easements for North Star Estates", filed under Clerk's File Number S215647, and recorded under Clerk's Film Code Number 510-86-3760, *et seq.*, Official Public Records of Real Property of Harris County, Texas, *NORWOOD HOMES, INC.*, a Texas corporation (said instruments herein referred to as the "Declaration");

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WHEREAS, Declarant desires hereby to annex the real property contained within the subdivisions known as North Star Estates, Section Two as herein described, and thereby make the said subdivisions part of the "Subdivision" as that term is defined in the Declaration and subject to all covenants, conditions, restrictions, easements and all other provisions of the Declaration;

WHEREAS, Declarant desires hereby to amend Section 4.03 of the Declaration regarding dwelling sizes in so far and only in so far as same applies to North Star Estates, Section Two; and

WHEREAS, Declarant is the sole owner of, and is fully authorized and empowered to annex, the said North Star Estates, Section Two and to amend the Declaration without the joinder

or consent of the Owners or any other parties pursuant to Sections 1.02 and 9.10 of the Declaration.

NOW, THEREFORE, *NORWOOD HOMES, INC.*, as Declarant under the Declaration and acting herein by and through its duly authorized officers, hereby adopts the following articles of annexation:

I

Annexation of North Star Estates, Section Two

The following described real property is hereby added and annexed to and made a part of the "Subdivision" as that term is defined in the Declaration, to wit:

NORTH STAR ESTATES, SECTION TWO, a subdivision in Harris County, Texas according to the map or plat thereof filed under Clerk's File No. S481294, Official Public Records of Real Property of Harris County, Texas, and recorded Clerk's Film Code No. 388140, Map Records of Harris County, Texas.

II

Amendment applicable Only to North Star Estates, Section Two

Section 4.03 of the Declaration in so far and only in so far as same applies to North Star Estates, Section Two, is hereby amended by adding Section 4.03A to read as follows:

SECTION 4.03A Dwelling Size - North Star Estates, Section Two.
The ground floor of the main residential structure located upon any Lot within North Star Estates, Section Two, exclusive of open porches and garage, must not be less than 1,800 square feet for a one-story dwelling. The ground floor area of the main residential structure located upon any Lot within North Star Estates, Section Two, of a one and one-half, a two or a two and one-half story dwelling, exclusive of open porches and garages, must not be less than 1,000 square feet, and total square footage of any such dwelling must not be less than 2,200 square feet.

III

Definitions

In addition to the definitions contained herein, the definitions set forth in Article II of the Declaration are hereby incorporated by reference except that the definitions of "Plat" and "Subdivision" shall hereafter include North Star Estates, Section Two (and such other real property as Declarant or the Owners may hereafter annex pursuant to the Declaration).

IV

Integration and Ratification

A. The real property contained within North Star, Section Two (and such other real property as Declarant or the Owners may hereafter annex pursuant to the Declaration) shall hereafter be held, sold, transferred, used, conveyed, occupied, and mortgaged or otherwise encumbered pursuant to the provisions of these articles of annexation and amendment, and the Declaration (and all amendments to the Declaration adopted pursuant thereto), the provisions of which shall run with the title to such property and shall be binding upon all persons having any right, title, or any interest in such property, and their respective heirs, administrators, executors, legal representatives, successors, successors-in-title, and assigns.

B. The provisions of these articles of annexation and amendment shall also be binding upon North Star Estates Community Association, Inc.

C. These articles of annexation and amendment are supplemental to the Declaration, and are deemed a part of and are to be interpreted in accordance with the Declaration.

D. These articles of annexation and amendment are effective as of and from the date of filing of same in the Official Public Records of Real Property of Harris County, Texas.

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515-48-0704

THIRD AMENDMENT OF
DECLARATION OF COVENANTS,
CONDITIONS, RESTRICTIONS AND EASEMENTS

FOR

11/03/97 100601017 S712761

\$13.00

NORTH STAR ESTATES

A RESIDENTIAL SUBDIVISION IN HARRIS COUNTY, TEXAS

STATE OF TEXAS §
COUNTY OF HARRIS §

KNOW ALL BY THESE PRESENTS THAT:

Pursuant to Sections 9.05 and 9.10 of that certain instrument entitled Declaration of Covenants, Conditions, Restrictions and Easements for North Star Estates (the "Declaration") filed on September 5, 1995 under Clerk's File No. R561531, and recorded under Clerk's Film Code No. 505-22-0947, *et seq.*, Official Public Records of Real Property of Harris County, Texas, **NORWOOD HOMES, INC.**, a Texas corporation (hereinafter referred to as "Declarant") hereby amends the Declaration as follows:

I.
Definitions

In addition to the definitions contained herein, all definitions set forth in the Declaration (including Article II of the Declaration) are incorporated by reference herein.

II.
Amendments

Section 4.16 is hereby added to Article IV of the Declaration as follows:

SECTION 4.16 Drainage.

4.16.1 Drainage Easements and Devices. Each Lot is conveyed subject to all drainage easements shown on any Plat of the Subdivision. In addition, a perpetual drainage easement is hereby established adjacent and parallel to each of the side lot lines and each back lot line of each Lot. The width of each such drainage easement extends inward from the applicable Lot line (i) five feet along each side lot line of each Lot with a garage attached to the residence, and three feet along each side lot line of each Lot with a detached garage, and (ii) eight feet along the rear lot line of each Lot. All drainage easements as aforesaid are herein referred to as the "Drainage Easements". Declarant hereby reserves for itself, and for its successors and assigns, the right of unobstructed access, ingress and egress to, from, over and across all Drainage Easements for purposes of excavating to the extent reasonably necessary, and constructing, maintaining, repairing and reconstructing drainage swales and such other things and devices

("Drainage Devices") upon, over, across or under any Drainage Easement as Declarant deems appropriate. THE FOREGOING SHALL NOT BE CONSTRUED TO OBLIGATE DECLARANT TO CONSTRUCT, MAINTAIN, REPAIR OR RECONSTRUCT ANY DRAINAGE DEVICES OF ANY TYPE OR KIND WHATSOEVER, AND ANY REPRESENTATION, WARRANTY OR IMPLICATION AS TO SAME IS HEREBY SPECIFICALLY DISCLAIMED.

4.16.2 Owner Obligations. Once established and for so long as continued maintenance thereof is reasonably necessary, all Drainage Easements and Drainage Devices shall remain unobstructed, and shall be properly maintained by each Owner of each Lot to which same pertains. Each Owner must refrain from permitting any construction, grading and any other work, act or activity upon such Owner's Lot which would obstruct, alter, divert, increase, accelerate or impede the natural flow of water over any Drainage Easements, or otherwise obstruct, alter, divert, impede or impair the proper functioning of any Drainage Device. In addition, each Owner must perform such work, act or activities and install and maintain such Drainage Devices (i) as is reasonably necessary to prevent so far as practical drainage from the Owner's Lot to any other Lot or to Community Properties, and (ii) as needed to maintain so far as practical positive drainage away from the foundation of the residence located upon the Owner's Lot. To obtain and maintain proper drainage, including as required by this Section, the Architectural Control Committee is hereby specifically authorized to require any Owner to construct, install and maintain such gutters and/or downspouts, drains, drainage lines and any other Drainage Devices as the ACC determines, either upon initial construction of any residence or other improvement, or at any time thereafter that circumstances reasonably require. Compliance with this Section may be enforced in accordance with Section 4.07.10, or in any other manner permitted for obtaining compliance with the Declaration.

III.

Integration and Ratification

The foregoing amendments to the Declaration are deemed to be a part of and are to be interpreted in accordance with the Declaration. All provisions of the Declaration not so amended are hereby ratified and confirmed in each and every particular, and will continue in full force and effect pursuant to the terms of the Declaration.

IN WITNESS WHEREOF, Declarant has executed this Third Amendment to Declaration of Covenants, Conditions, Restrictions and Easements for North Star Estates on this 12TH day of OCTOBER, 1997.

NORWOOD HOMES, INC.,
a Texas corporation

By: John E. Bily
JOHN E. BILY, President

