

Amend
18.25

FIRST AMENDMENT
to
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
for
CANYON GATE AT PARK LAKES AND
CANYON VILLAGE AT PARK LAKES

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THE STATE OF TEXAS §
 § KNOW ALL PERSONS BY THESE PRESENTS:
COUNTY OF HARRIS §

WHEREAS, LAND TEJAS PARK LAKES EAST, LTD., a Texas limited partnership and CW – LTI Development, L.P., a Texas limited partnership, (collectively the “Developer”) were the sole record owners of that certain property heretofore platted and subdivided into those certain residential subdivisions known as Canyon Village at Park Lakes, Section One (1), a subdivision located in Harris County, Texas according to the map or plat recorded under County Clerk's File Number X990186 and Film Code No. 568242 of the Map Records of Harris County, Texas; Canyon Village at Park Lakes, Section Four (4), a subdivision in Harris County, Texas according to the map or plat thereof recorded under Harris County Clerk’s File No. X990199 and Film Code No. 568249 of the Map Records of Harris County, Texas; Canyon Village at Park Lakes, Section Five (5), a subdivision in Harris County, Texas according to the map or plat thereof recorded under Harris County Clerk’s File No. X990126 and Film Code No. 568256 of the Map Records of Harris County, Texas; Canyon Village at Park Lakes, Section Six (6), a subdivision in Harris County, Texas according to the map or plat thereof recorded under Harris County Clerk’s File No. X990232 and Film Code No. 568263 of the Map Records of Harris County, Texas (the “Property”);

WHEREAS, Developer by that certain instrument entitled “Declaration of Covenants, Conditions and Restrictions for Canyon Gate at Park Lakes and Canyon Village at Park Lakes” filed of record in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File No. Y128704 (the “Declaration”), imposed on the Property all those certain covenants, conditions, restrictions, and easements set forth therein;

RP 023-70-3052

WHEREAS by that certain instrument entitled "Annexation and Supplemental Declaration of Covenants, Conditions and Restrictions for Canyon Gate at Park Lakes, Section Three (3), A Subdivision in Harris County, Texas" filed of record in the Official Public Records of Real Property of Harris County, Texas under County Clerk's File No. Y295025, Developer did restrict Canyon Gate at Park Lakes, Section Three (3), a subdivision in Harris County, Texas according to the map or plat thereof recorded County Clerk's File No. Y145479 of the Map Records of Harris County, Texas to the Declaration and annex it into the Property (the term "Property" hereinafter including Canyon Gate at Park Lakes, Section Three (3));

WHEREAS by that certain instrument entitled "Annexation and Supplemental Declaration of Covenants, Conditions and Restrictions for Canyon Gate at Park Lakes, Section Four (4), A Subdivision in Harris County, Texas" filed of record in the Official Public Records of Real Property of Harris County, Texas under County Clerk's File No. Y295027, Developer did restrict Canyon Gate at Park Lakes, Section Four (4), a subdivision in Harris County, Texas according to the map or plat thereof recorded County Clerk's File No. Y145492 of the Map Records of Harris County, Texas to the Declaration and annex it into the Property (the term "Property" hereinafter including Canyon Gate at Park Lakes, Section Four (4));

WHEREAS by that certain instrument entitled "Annexation and Supplemental Declaration of Covenants, Conditions and Restrictions for Canyon Gate at Park Lakes, Section Five (5), A Subdivision in Harris County, Texas" filed of record in the Official Public Records of Real Property of Harris County, Texas under County Clerk's File No. Y295028, Developer did restrict Canyon Gate at Park Lakes, Section Five (5), a subdivision in Harris County, Texas according to the map or plat thereof recorded County Clerk's File No. Y145498 of the Map Records of Harris County, Texas to the Declaration and annex it into the Property (the term "Property" hereinafter including Canyon Gate at Park Lakes, Section Five (5));

WHEREAS by that certain instrument entitled "Annexation and Supplemental Declaration of Covenants, Conditions and Restrictions for Canyon Gate at Park Lakes,

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Section Six (6), A Subdivision in Harris County, Texas” filed of record in the Official Public Records of Real Property of Harris County, Texas under County Clerk’s File No. Y295030, Developer did restrict Canyon Gate at Park Lakes, Section Six (6), a subdivision in Harris County, Texas according to the map or plat thereof recorded County Clerk’s File No. Y145506 of the Map Records of Harris County, Texas to the Declaration and annex it into the Property (the term “Property” hereinafter including Canyon Gate at Park Lakes, Section Six (6));

WHEREAS by that certain instrument entitled “Annexation and Supplemental Declaration of Covenants, Conditions and Restrictions for Canyon Gate at Park Lakes, Section Seven (7), A Subdivision in Harris County, Texas” filed of record in the Official Public Records of Real Property of Harris County, Texas under County Clerk’s File No. Y295033, Developer did restrict Canyon Gate at Park Lakes, Section Seven (7), a subdivision in Harris County, Texas according to the map or plat thereof recorded County Clerk’s File No. Y145515 of the Map Records of Harris County, Texas to the Declaration and annex it into the Property (the term “Property” hereinafter including Canyon Gate at Park Lakes, Section Seven (7));

WHEREAS by that certain instrument entitled “Annexation and Supplemental Declaration of Covenants, Conditions and Restrictions for Canyon Gate at Park Lakes, Section Eight (8), A Subdivision in Harris County, Texas” filed of record in the Official Public Records of Real Property of Harris County, Texas under County Clerk’s File No. Y295035, Developer did restrict Canyon Gate at Park Lakes, Section Eight (8), a subdivision in Harris County, Texas according to the map or plat thereof recorded County Clerk’s File No. Y145535 of the Map Records of Harris County, Texas to the Declaration and annex it into the Property (the term “Property” hereinafter including Canyon Gate at Park Lakes, Section Eight (8));

WHEREAS by that certain instrument entitled “Annexation and Supplemental Declaration of Covenants, Conditions and Restrictions for Canyon Village at Park Lakes, Section Seven (7), A Subdivision in Harris County, Texas” filed of record in the Official Public Records of Real Property of Harris County, Texas under County Clerk’s File No.

Z222584, Developer did restrict Canyon Village at Park Lakes, Section Seven (7), a subdivision in Harris County, Texas according to the map or plat thereof recorded under Film Code No. 599034 of the Map Records of Harris County, Texas to the Declaration and annex it into the Property (the term "Property" hereinafter including Canyon Village at Park Lakes, Section Seven (7));

WHEREAS by that certain instrument entitled "Annexation and Supplemental Declaration of Covenants, Conditions and Restrictions for Canyon Village at Park Lakes, Section Eight (8), A Subdivision in Harris County, Texas" filed of record in the Official Public Records of Real Property of Harris County, Texas under County Clerk's File No. Z222581, Developer did restrict Canyon Village at Park Lakes, Section Eight (8), a subdivision in Harris County, Texas according to the map or plat thereof recorded under Film Code No. 599037 of the Map Records of Harris County, Texas to the Declaration and annex it into the Property (the term "Property" hereinafter including Canyon Village at Park Lakes, Section Eight (8));

WHEREAS by that certain instrument entitled "Annexation and Supplemental Declaration of Covenants, Conditions and Restrictions for Canyon Village at Park Lakes, Section Nine (9), A Subdivision in Harris County, Texas" filed of record in the Official Public Records of Real Property of Harris County, Texas under County Clerk's File No. Z222576, Developer did restrict Canyon Village at Park Lakes, Section Nine (9), a subdivision in Harris County, Texas according to the map or plat thereof recorded under Film Code No. 599040 of the Map Records of Harris County, Texas to the Declaration and annex it into the Property (the term "Property" hereinafter including Canyon Village at Park Lakes, Section Nine (9));

WHEREAS, Article X, Section 10.7 of the Declaration provides that the terms of the Declaration can be amended by the Developer without the joinder of any other party as long as Developer owns a Lot and the amendment to the Declaration is not inconsistent with the residential character of the Property; and

5906-02-3005
HP 023-20-3005

WHEREAS, the Developer still owns a Lot and this amendment is not inconsistent with the residential character of the Property.

NOW, THEREFORE, the Developer hereby amends the Declaration as it applies to all of the Property as follows:

1. Article II, Section 2.16 of the Declaration is amended to read as follows:

SECTION 2.16 **STREET TREES.** In all Gated Sections, unless otherwise prohibited by applicable city or Harris County ordinances or laws, street trees shall be planted and maintained in the green space located between the back of the street curb and the sidewalk on all Lots. Street trees shall be only Live Oak variety and shall be planted with a minimum two-inch (2") trunk caliper. One (1) street tree per Lot for each adjacent street or road shall be planted on Lots having street frontage of sixty-five feet (65') or less and two (2) street trees per side adjacent to any street or road shall be planted on Lots having frontage more than sixty-five feet (65'). Lots shall have street trees on all sides with sidewalks. Street trees shall be situated so as not to obstruct vision at street corners and intersections; specifically, no street trees may be planted within seventy-five feet (75') on the side of the street where a stop sign is located. The street trees requirement shall be in addition to, and not substitute front yard tree requirement in Section 2.19 hereof. Street trees shall be planted by the Builder before any house is conveyed to an Owner and thereafter shall be maintained by the Owner of the Lot.

2. Article II, Section 2.19 e) of the Declaration is amended to read as follows:

e). Corner Lots

Supplemental landscaping specifications for all corner Lots include the following:

Three (3) trees selected from the front yard trees are to be planted along the side street portion of corner Lots.

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Two (2) of the trees must be a minimum of six inches (6") in caliper and the remaining one (1) tree must be a minimum four inch (4") caliper, measured as noted above.

A minimum of one (1) pine is required, but no more than two (2) pine trees are permitted.

The three (3) trees are to be planted informally and not aligned in a straight row.

3. Article II, Section 2.26 of the Declaration is amended to read as follows:

SECTION 2.26 **DRIVEWAYS.** The Builder is required to build driveways into the street right-of-way. If the Builder fails to construct any driveway required by this section, the Owner of the Lot shall be responsible for the construction of the required driveways. All driveway locations must be approved by the Committee. To the extent possible, driveways are to be de-emphasized, highlighting instead the landscape and pedestrian environment.

Concrete driveways are to be a minimum four inches (4") thick over a sand base. A Number Six (#6), six-inch (6") by six-inch (6") woven wire mesh or equivalent shall be installed within the "drive-in" portion of the driveway between the curb and sidewalk. County or city specifications regarding driveway cuts and curb returns at driveway openings shall be adhered to for all Lots.

Driveways may be paved with concrete or unit masonry, although use of materials should be consistent with the architectural character of the entire neighborhood. The use of stamped or colored concrete, interlocking pavers, brick pavers and brick borders are encouraged, but must be approved by the Committee. Asphalt paving is prohibited. The use of circular drives is discouraged and will be allowed by the Committee only in instances when the width of the Lot is sufficient to accommodate such driveways while leaving a significant amount of green space. Under no circumstances may an entire front yard be paved as a driveway.

Driveways on all Lots shall be located no closer than two feet (2') from the side property line. Unless otherwise approved by the Committee, driveways on Lots serving residences with attached side or rear loaded garages and/or detached garages shall be minimum of ten feet (10') in width at the street and may taper to a width not less than the total width of the garage as measured at the doors. "Swing" type driveways on Lots with side loading garages approved by the Committee shall be a minimum of twelve feet (12') in width at the street and must taper outward to a width not less than the total of the garages as measured at doors. Driveways serving attached two car garages facing the street shall be sixteen feet (16') in width. Driveway slopes should be uniform with smooth transitions between areas of varying pitch.

4. Article V, Section 5.6 of the Declaration is amended to read as follows:

SECTION 5.6 **CAPITALIZATION FEE.** Each Owner upon acquisition of record title to a Lot, other than Developer or a Builder, will be obligated to pay a fee to the Association in an amount equal to fifty percent (50%) of the Annual Assessment for that year for the purpose of capitalizing the Association. The fifty percent (50%) is based solely on the Annual Assessment and does not apply to any other assessment, fee or charges established in this Declaration, including, but not limited to, the Gated Section Assessments, Adopt-A-School Assessments, Transfer Fees and the Bulk Communication Services Assessment. This amount shall be known as the Capitalization Fee. The Capitalization Fee shall be in addition to, not in lieu of, the Annual Assessment and shall not be considered an advance payment of the Annual Assessment. The Capitalization Fee shall initially be used by the Association to defray its initial operating costs and other expenses and later to ensure the Association has adequate funds to meet its expenses and otherwise, including contributions to the Association's reserve fund all as the Board of Directors in its sole discretion shall determine.

The amendment of the Declaration set forth above shall be deemed to be a part of and shall be interpreted in accordance with the Declaration. All provisions of the Declaration not amended hereby are hereby ratified and confirmed in each and

every particular, and shall continue in full force and effect pursuant to the terms of the Declaration.

IN WITNESS WHEREOF, the undersigned for the purpose of acknowledging its consent and approval to the amendment of the Declaration Developer has executed this instrument as of the date set forth below to be effective upon filing of record in the Official Public Records of Real Property of Harris County, Texas.

Executed on the 14th day of June, 2006.

Land Tejas Park East, Ltd.,
a Texas limited partnership

By: Land Tejas Companies, Ltd,
A Texas limited partnership
Its managing General Partner

By: Land Tejas Corporation, General Partner
A Texas corporation

By: [Signature]
Courtney P. Grover, Vice President

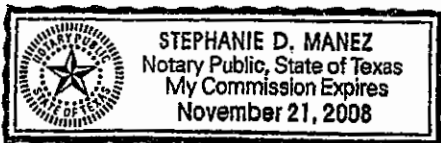
By: [Signature]
Al P. Brende, Vice President

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HP 029-70-3059

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

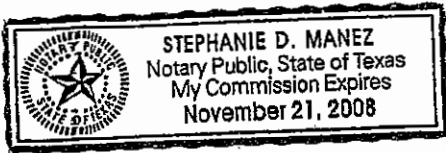
This instrument was acknowledged before me on the 14th day of June, 2006, by Courtney P. Grover, Vice President of Land Tejas Corporation, a Texas corporation, for the consideration and in the capacities stated herein.



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

THE STATE OF TEXAS §
§
COUNTY OF HARRIS §

This instrument was acknowledged before me on the 14th day of June, 2006, by Al P. Brende, Vice President of Land Tejas Corporation, a Texas corporation, for the consideration and in the capacities stated herein.



Stephanie D. Manez
Notary Public in and for the State of Texas

ANY PROVISION herein which restricts the SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW. THE STATE OF TEXAS COUNTY OF HARRIS I hereby certify that this instrument was FILED in file number Sequence on the date and at the time stamped hereon by me, and was duly RECORDED. In the Official Public Records of Real Property of Harris County Texas on

CW - LT I Development, L.P.,
a Texas limited partnership

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By: CW - LT Management, L.L.C., General Partner,
a Texas limited liability company

JUN 23 2006



Dorely B. Kaufman
COUNTY CLERK
HARRIS COUNTY, TEXAS

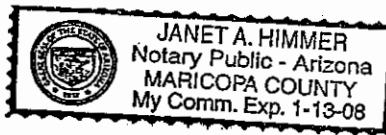
By: *John Edward Cork*
John Edward Cork, Sole Member

THE STATE OF ARIZONA §
§
COUNTY OF MARICOPA §

This instrument was acknowledged before me on the 14th day of June, 2006, by John Edward Cork of CW - LT I Development, L.P., a Texas limited partnership, for the consideration and in the capacities stated therein.

Janet A. Himmer
Notary Public in and for the State of Arizona

Return to:
Butler & Hailey, P.C.
1616 S. Voss, Suite 500
Houston, Texas 77057



2006 JUN 23 PM 2:52
COUNTY CLERK
HARRIS COUNTY, TEXAS
Dorely B. Kaufman

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RECORDED - 2006 JUN 23 2006