

**FIRST AMENDMENT
TO THE
AMENDED AND RESTATED DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS
for
BRIARGROVE, SECTIONS ONE (1) THROUGH NINE (9)**

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This First Amendment to the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Briargrove, Sections One (1) through Nine (9), is approved by the Owners of not less than a majority of the Lots, to be effective as provided below.

WHEREAS, the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Briargrove (the "**Amended and Restated Declaration**") was previously approved by the requisite number of Owners in each section of Briargrove as identified in the "Notice Relating to Amended and Restated Declaration of Covenants, Conditions and Restrictions for Briargrove" recorded in the Official Public Records of Real Property of Harris County, Texas on October 10, 2000 under Clerk's File No. U671828; and

WHEREAS, the Amended and Restated Declaration provides for amendment by an instrument in writing signed by the Secretary of Briargrove Property Owners, Inc. (the "**Association**") certifying that Owners of not less than a majority of the Lots subject to the provisions of the Amended and Restated Declaration voted in favor of the amendment, setting forth the amendment, and duly recorded in the Official Public Records of Real Property of Harris County, Texas; and

WHEREAS, Section 209.0041 of the Texas Property Code provides that a declaration may be amended only by a vote of sixty-seven percent (67%) of the total votes allocated to property owners entitled to vote on the amendment of the declaration, unless the declaration contains a lower percentage, in which event the percentage in the declaration controls; and

WHEREAS, the percentage required for an amendment of the Amended and Restated Declaration set forth in the Amended and Restated Declaration is lower than the percentage set forth in Section 209.0041 of the Texas Property Code, meaning the provisions in the Amended and Restated Declaration control; and

WHEREAS, Owners of not less than a majority of the Lots subject to the provisions of the Amended and Restated Declaration desire to amend the Amended and Restated Declaration;

RP-2020-637020

NOW, THEREFORE, the Amended and Restated Declaration is amended as follows:

Section 5.10, entitled "Reserve Assessment", is added to Article V of the Amended and Restated Declaration to read:

SECTION 5.10. RESERVE ASSESSMENT. Upon the sale of a Lot subsequent to the date this instrument is recorded, the purchaser of the Lot is required to pay to the Association an assessment to be deposited into a reserve account established and maintained by the Association and used by the Association for capital improvements, repairs and renovations or for providing patrol services or similar types of services within the Subdivision or both (the "Reserve Assessment"). The Reserve Assessment is due and payable on the date the deed conveying the Lot to the purchaser is recorded or, if a contract for deed or similar instrument, the date the contract for deed or similar instrument is executed. Payment of the Reserve Assessment will be in default if the Reserve Assessment is not paid on or before the due date for such payment. A Reserve Assessment in default will bear interest at the rate of eighteen percent (18%) per annum or the maximum, non-usurious rate, whichever is less, from the due date until paid. In addition, a Reserve Assessment in default is subject to a monthly late charge in the same amount as the monthly late charge then applicable to Annual Maintenance Charges in default. The payment of Reserve Assessments is secured by the continuing lien established in Article V of this Declaration and the Association may enforce payment of the Reserve Assessment in the same manner in which the Association may enforce payment of Annual Maintenance Charges pursuant to Article V of this Declaration.

The amount of the Reserve Assessment in effect as of the date this instrument is recorded is \$1,000.00. Effective January 1st of the year next following the year in which this instrument is recorded and each year thereafter, the Board of Directors of the Association may increase the amount of the Reserve Assessment by an amount that does not exceed fifteen percent (15%) of the amount of the Reserve Assessment in effect the preceding year. In addition, the Board of Directors of the Association may decrease the amount of the Reserve Assessment when deemed appropriate based upon the needs of the Association; provided that, the Reserve Assessment must at all times be in an amount of at least \$1,000.00. The Board of Directors of the Association does not have the authority to decrease the amount of the Reserve Assessment to less than \$1,000.00.

In no event is a Reserve Assessment to be construed as any type of deposit. No Reserve Assessment paid to the Association will be refunded to the party who paid the Reserve Assessment or to any subsequent Owner of the Lot for which the Reserve Assessment was paid.

Capitalized terms used in this instrument have the same meanings as that ascribed to them in the Amended and Restated Declaration, unless otherwise indicated.

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Except as amended herein, all provisions in the Amended and Restated Declaration remain in full force and effect.

Executed by the undersigned, being the Secretary of the Association, to certify the approval of this instrument by the Owners of not less than a majority of the Lots subject to the provisions of the Amended and Restated Declaration, to become effective upon recording in the Official Public Records of Real Property of Harris County, Texas.

Briargrove Property Owners, Inc.

By: *Katie Ingram*

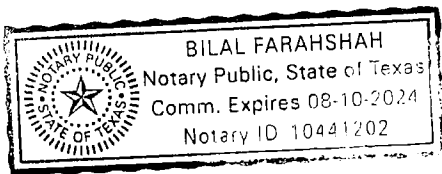
Print Name: KATIE INGRAM

Its Secretary

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

BEFORE ME, a notary public, on this day personally appeared Katie Ingram Secretary of Briargrove Property Owners, Inc., known to me to be the person whose name is subscribed to the foregoing document and, acknowledged to me that he/she executed this document for the purposes and in the capacity herein expressed.

Given under my hand and seal of office this 22 day of December, 2020.



BJ
Notary Public in and for the State of Texas

Return to:
Rick S. Butler
Roberts Markel Weinberg Butler Hailey, P.C.
2800 Post Oak Blvd., Suite 5777
Houston, TX 77056

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Pages 4
12/28/2020 01:28 PM
e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
TENESHIA HUDSPETH
COUNTY CLERK
Fees \$26.00

RECORDERS MEMORANDUM

This instrument was received and recorded electronically and any blackouts, additions or changes were present at the time the instrument was filed and recorded.

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.



Teneshia Hudspeth
COUNTY CLERK
HARRIS COUNTY, TEXAS

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