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293-00-1338

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AMENDMENT TO
DECLARATION OF RESTRICTIONS, COVENANTS, AND CONDITIONS
FOR GEMSTONE ESTATES SUBDIVISION

THE STATE OF TEXAS }
MONTGOMERY COUNTY }

This amendment to the Declaration of Restrictions, Covenants, and Conditions for Gemstone Estates Subdivision (sometimes hereinafter referred to as the "Amendment to Restrictions"), made and entered into by, between and among the undersigned "OWNER" and all other owners of any portion of the 37.657 acres of land situated in Montgomery County, Texas, which has been subdivided into the residential subdivision known as Gemstone Estates (the "Subdivision"), according to the map or plat of said Subdivision recorded in Cabinet "I", Sheet 122, of the Map Records of Montgomery County, Texas, witnesses that:

Whereas, the undersigned "OWNER" and the other owners who have executed a counterpart of this Amendment to Restrictions are all of the record title owners of all of the aforescribed 37.657 acres of land as of July 15, 1997; and

Whereas, Gemstone Estates, L.L.C., as Declarant, imposed certain restrictions, covenants, and conditions upon and against the Lots and Common Area contained in Gemstone Estates Subdivision ("Restrictions") in order to establish a uniform plan for the development, improvement occupancy and use of the Lots and Common Area situated in said Subdivision, and to ensure the preservation of such uniform plan for the benefit of both the present and future Owners of Lots in the Subdivision, said Restrictions being recorded in the official real property records of Montgomery County, Texas, under County Clerk's Film Code No. 212-00-0747 and File No. 9672655; and

Whereas, the undersigned "OWNER" and the other owners who have signed and acknowledged a counterpart of this Amendment to Restrictions desire to amend the above referenced Restrictions that have been imposed upon the Lots and Common Area contained in Gemstone Estates Subdivision:

NOW THEREFORE, the undersigned "OWNER", together with the other owners who have signed and acknowledged a counterpart of this Amendment to Restrictions, hereby declare, adopt, and impose certain amendments to the aforescribed Restrictions applicable to the residential subdivision known as Gemstone Estates, as follows:

AMENDMENT NO. 1:

Page 1 of the Restrictions shall be amended by insertion of the following heading immediately before Section 1, to-wit:

"ARTICLE 1
Definitions"

AMENDMENT NO. 2:

Section 1(d) of Article 3 of the Restrictions shall be amended to hereafter read as follows:

"(d) In addition to the utility easements shown on the Subdivision Plat, the areas within the 5' wide side lot building setback lines on each side of each Lot, as well as a strip of land ten feet (10') wide adjacent to the rear lot line of Lots 1, 2, 3, and 4 of Block 2 of the Subdivision, are hereby dedicated for utility easement purposes. Also, a special underground easement five feet (5') wide is dedicated along the route selected for Entergy Utility Company's underground service lines to the electric meters as located upon Lots and Reserves in the Subdivision and along the route selected for any other utility lines, said underground easement extending two and one-half feet (2.5') on each side of any underground electric service lines or other utility lines now or hereafter installed by Entergy Utility Company or other utility company and to extend downward from the surface of the ground to such depth as may be reasonably necessary to install and maintain such underground electric service lines or other utility lines. Entergy Utility Company and other utility companies shall have the right to excavate in said underground easement strips to remove objects, structures, growth or protrusions therefrom to the extent reasonably required for servicing and maintaining any electric or other utility lines placed in said easements."

AMENDMENT NO. 3:

Section 1 of Article 4 of the Restrictions shall be amended to hereafter read as follows:

Section 1. Land Use and Building Type. All Lots shall be restricted in use and shall be used for single-family residential purposes only. No structure shall be erected, altered, placed or permitted to remain on any Lot other than one (1) single family Residential Dwelling, along with a detached or attached garage or carport having a capacity of not less than two (2) nor more than four (4) automotive vehicles, swimming pool, boat facilities, or other related structures approved by the Architectural Control Committee. The parking spaces in the garage or carport must be available for parking automotive vehicles at all times, without any other use being made of the interior of the garage or carport that would prevent the parking of automotive vehicles therein. Any garage or carport shall be constructed at the same time and with the same design, color and exterior materials as the main Residential Dwelling and must be an integral part of the overall residential complex. Occupancy of the Residential Dwelling shall not be authorized until the garage or carport is complete. The main Residential Dwelling shall not exceed a height of thirty-five (35) feet.

The height shall be measured from where the highest point of the natural grade of the Lot abuts the structure, except where the slab must be elevated above the natural grade to achieve minimum slab elevation as required by the Architectural Control Committee, in which case the height shall be measured from the minimum slab elevation. A detached garage or carport shall not exceed one story in height. However, if a bona fide servants quarters is constructed above the garage, the total height may not exceed the main Residential Dwelling in height or number of stories. No garage, carport, servants quarters, or other permitted structure shall be erected or built on any Lot until construction of the main Residential Dwelling has been commenced, which construction must be completed within six (6) months after construction commences. All detached garages or carports must be connected to the main Residential Dwelling with a covered walkway, unless waived by the Committee."

AMENDMENT NO. 4:

Section 2 of Article 4 of the Restrictions shall be amended to hereafter read as follows:

"Section 2. Carports. Any carport must be an integral part of the overall residential complex and must be constructed with the same design, color and exterior materials as the Residential Dwelling. The parking or storage of vehicles in a carport shall be governed by the provisions of Section 21 hereof."

AMENDMENT NO. 5:

The second paragraph of Section 13 of Article 4 of the Restrictions shall be amended to hereafter read as follows:

"The main electric service line to be installed by Entergy Utility Company along and substantially parallel to Gemstone Drive may be an overhead line. Only underground electric service lines shall be installed for service drops to serve any main Residential Dwelling or other structure on any Lot, except overhead service lines may be used for service drops to Lot 1 of Block 1 and Lots 1, 2, 3 and 4 of Block 2 of the Subdivision. The individual electric service drops installed to each Residential Dwelling must comply with Entergy Utility Company's policy regarding such service installations. Owners shall ascertain the location of underground electric service lines on their Lot and keep the area over the route of said underground service lines free of excavations and clear of structures, trees and other obstructions, except as permitted under these Restrictions. Entergy Utility Company, its successors and assigns, may install, maintain, repair, replace and remove said underground electric service lines and perform any work reasonably necessary for such purposes. No payment will be due or made to Owners of Lots for such use or activity."

AMENDMENT NO. 6:

Section 1 of Article 5 of the Restrictions shall be amended to hereafter read as follows:

"Section 1. Any boat dock, boat slip, boat shed, pier, bulkhead or other structure constructed at the waterfront of a Waterfront Lot shall not extend into Lake Conroe more than forty feet (40') from the waterfront Lot line. A boat slip may be constructed at an indentation into a Waterfront Lot or a bulkhead may be constructed at the water's edge with a boat dock, boat shed, or pier; provided, that the plans and specifications therefor have been approved by the Committee and the requirements of the San Jacinto River Authority ("SJRA") have been met and a permit for such construction has been issued by the SJRA."

AMENDMENT NO. 7:

Section 1 of Article 10 of the Restrictions shall be amended to hereafter read as follows:

"Section 1. Term. These Restrictions shall run with the land and shall be binding upon all parties and persons claiming under them for a period of forty (40) years from the date these Restrictions are recorded, at which expiration date the Restrictions shall be automatically renewed for successive periods of ten (10) years each, unless prior to any such renewal date an instrument in writing which modifies or rescinds the Restrictions in whole or in part is signed and acknowledged by the Owners of at least fifty-one percent (51%) of the Lots in the Subdivision and is filed of record in the official real property records of Montgomery County, Texas."

AMENDMENT NO. 8:

Section 2 of Article 10 of the Restrictions shall be amended to hereafter read as follows:

"Section 2. Amendment. These Restrictions (as amended) may be amended at any time by the vote of the Owners of at least seventy-five percent (75%) of the Lots. Any amendment shall be evidenced by a document executed and acknowledged by the Owners of at least seventy-five percent (75%) of the Lots and shall be effective when such amendment is duly filed for record."

Except insofar as expressly amended by this Amendment to Restrictions, the above referenced Restrictions initially imposed on Gemstone Estates Subdivision shall remain and continue in full force and effect.

EXECUTED in multiple counterparts, each of which shall be deemed an original, to be effective as of the date that all executed counterparts of this Amendment to Restrictions are recorded in the real property records of Montgomery County, Texas.

OWNER

Gary L. Fields

 GARY L. FIELDS

Denise R. Fields

 DENISE R. FIELDS

THE STATE OF TEXAS }
 }
 COUNTY OF HARRIS }

SUBSCRIBED AND SWORN TO before me, the undersigned notary public, on this 18th day of August, 1997, by Gary L. Fields and Denise R. Fields.



Michael C. Whalen

 Notary Public for
 the State of Texas

After recording, return to:

Michael C. Whalen
 Attorney at Law
 2901 Wilcrest, Suite 105
 Houston, TX 77042

293-00-1343

Except insofar as expressly amended by this Amendment to Restrictions, the above referenced Restrictions initially imposed on Gemstone Estates Subdivision shall remain and continue in full force and effect.

EXECUTED in multiple counterparts, each of which shall be deemed an original, to be effective as of the date that all executed counterparts of this Amendment to Restrictions are recorded in the real property records of Montgomery County, Texas.

OWNER

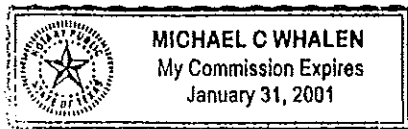
Gemstone Estates, L.L.C.

By: Gem B. Childress
Gem B. Childress,
President and
General Manager

STATE OF TEXAS }
 }
COUNTY OF HARRIS }

SUBSCRIBED AND SWORN TO before me, the undersigned notary public, on this 6th day of August, 1997, by Gem B. Childress, who stated to me that he is the incumbent President and General Manager of Gemstone Estates, L.L.C., and that he executed the foregoing document in the capacity therein stated, and as the act and deed of said business entity.

Michael C. Whalen
Notary Public for
the State of Texas



After recording, return to:

Michael C. Whalen
Attorney at Law
2901 Wilcrest, Suite 105
Houston, TX 77042


293-00-1344

Except insofar as expressly amended by this Amendment to Restrictions, the above referenced Restrictions initially imposed on Gemstone Estates Subdivision shall remain and continue in full force and effect.

EXECUTED in multiple counterparts, each of which shall be deemed an original, to be effective as of the date that all executed counterparts of this Amendment to Restrictions are recorded in the real property records of Montgomery County, Texas.

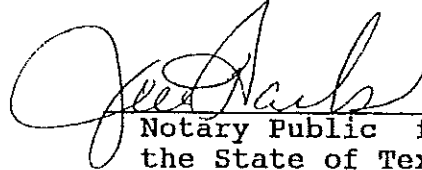
OWNERS

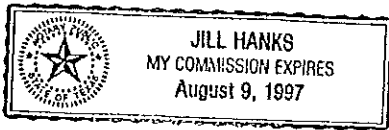

Charles M. Scanland


Cynthia A. Scanland

THE STATE OF TEXAS }
COUNTY OF Harris }

SUBSCRIBED AND SWORN TO before me, the undersigned notary public, on this 24 day of July, 1997, by Charles M. Scanland and Cynthia A. Scanland.


Notary Public for
the State of Texas



After recording, return to:

Michael C. Whalen
Attorney at Law
2901 Wilcrest, Suite 105
Houston, TX 77042

293-00-1345

Except insofar as expressly amended by this Amendment to Restrictions, the above referenced Restrictions initially imposed on Gemstone Estates Subdivision shall remain and continue in full force and effect.

EXECUTED in multiple counterparts, each of which shall be deemed an original, to be effective as of the date that all executed counterparts of this Amendment to Restrictions are recorded in the real property records of Montgomery County, Texas.

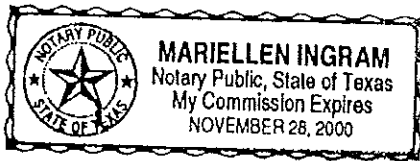
OWNERS

Dudley P. Beaven
Dudley P. Beaven

Brenda N. Beaven
Brenda N. Beaven

THE STATE OF TEXAS }
COUNTY OF Harris }

SUBSCRIBED AND SWORN TO before me, the undersigned notary public, on this 9 day of ~~July~~, 1997, by Dudley P. Beaven and Brenda N. Beaven.
August



Mariellen Ingram
Notary Public for
the State of Texas

After recording, return to:


Michael C. Whalen
Attorney at Law
2901 Wilcrest, Suite 105
Houston, TX 77042

293-00-1346

Except insofar as expressly amended by this Amendment to Restrictions, the above referenced Restrictions initially imposed on Gemstone Estates Subdivision shall remain and continue in full force and effect.

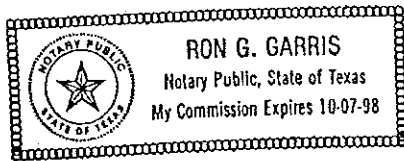
EXECUTED in multiple counterparts, each of which shall be deemed an original, to be effective as of the date that all executed counterparts of this Amendment to Restrictions are recorded in the real property records of Montgomery County, Texas.


OWNER


Larry A. Haberman

THE STATE OF TEXAS }
COUNTY OF Montgomery }

SUBSCRIBED AND SWORN TO before me, the undersigned notary public, on this 27 day of July, 1997, by Larry A. Haberman.




Notary Public for
the State of Texas

After recording, return to:

Michael C. Whalen
Attorney at Law
2901 Wilcrest, Suite 105
Houston, TX 77042

293-00-1347

Except insofar as expressly amended by this Amendment to Restrictions, the above referenced Restrictions initially imposed on Gemstone Estates Subdivision shall remain and continue in full force and effect.

EXECUTED in multiple counterparts, each of which shall be deemed an original, to be effective as of the date that all executed counterparts of this Amendment to Restrictions are recorded in the real property records of Montgomery County, Texas.

OWNERS

James F. Osborn

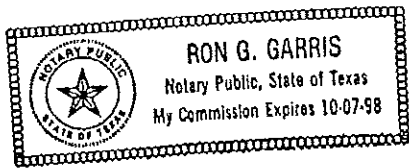
 James F. Osborn

Mary E. Osborn

 Mary E. Osborn

THE STATE OF TEXAS }
 }
 COUNTY OF MONTGOMERY }

SUBSCRIBED AND SWORN TO before me, the undersigned notary public, on this 31 day of July, 1997, by James F. Osborn and Mary E. Osborn.



Ron G. Garris

 Notary Public for
 the State of Texas

After recording, return to:

Michael C. Whalen
 Attorney at Law
 2901 Wilcrest, Suite 105
 Houston, TX 77042

293-00-1348

Except insofar as expressly amended by this Amendment to Restrictions, the above referenced Restrictions initially imposed on Gemstone Estates Subdivision shall remain and continue in full force and effect.

EXECUTED in multiple counterparts, each of which shall be deemed an original, to be effective as of the date that all executed counterparts of this Amendment to Restrictions are recorded in the real property records of Montgomery County, Texas.

OWNER

Nathan W Colwell MD
Nathan W. Colwell

THE STATE OF TEXAS }
 }
COUNTY OF MONTGOMERY }

SUBSCRIBED AND SWORN TO before me, the undersigned notary public, on this 25th day of July, 1997, by Nathan W. Colwell.



Michael C Whalen
Notary Public for
the State of Texas

After recording, return to:

Michael C. Whalen
Attorney at Law
2901 Wilcrest, Suite 105
Houston, TX 77042

293-00-1349

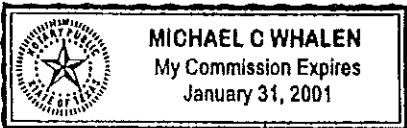
Except insofar as expressly amended by this Amendment to Restrictions, the above referenced Restrictions initially imposed on Gemstone Estates Subdivision shall remain and continue in full force and effect.

EXECUTED in multiple counterparts, each of which shall be deemed an original, to be effective as of the date that all executed counterparts of this Amendment to Restrictions are recorded in the real property records of Montgomery County, Texas.

OWNER
Geneva Morella
Geneva Morella

THE STATE OF TEXAS }
 }
COUNTY OF HARRIS }

SUBSCRIBED AND SWORN TO before me, the undersigned notary public, on this 29th day of July, 1997, by Geneva Morella.



Michael C. Whalen
Notary Public for
the State of Texas

After recording, return to:

Michael C. Whalen
Attorney at Law
2901 Wilcrest, Suite 105
Houston, TX 77042

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

AUG 28 1997

FILED FOR RECORD
97 AUG 28 PM 2:35
MARK TAMBULL, CO. CLERK
MONTGOMERY COUNTY, TEXAS
Mark Turnbull
DEPUTY



Mark Turnbull
COUNTY CLERK
MONTGOMERY COUNTY, TEXAS