

8611027

AMENDMENT OF DECLARATION OF COVENANTS AND CONDITIONS

THE STATE OF TEXAS §
 §
COUNTY OF GALVESTON §

004-47-0246

WHEREAS, by instrument entitled Restrictions, Covenants and Conditions, Indian Beach, Section Four (4), Galveston, Texas ("Restrictions") dated May 13, 1985, filed for record under County Clerk's File No. 8520653 in the office of the County Clerk of Galveston County, Texas, Mitchell Development Corporation of the Southwest, a Delaware corporation, did impose certain restrictions, covenants and conditions upon the following real property, to-wit:

All Lots in Indian Beach Section Four (4), a subdivision in Galveston County, Texas, according to the plat thereof recorded in Volume 18, Page 18 of the Plat Records, Clerk's File No. 8517368, in the office of the County Clerk of Galveston County, Texas (referred to herein as the "Property" or the "Subdivision").

WHEREAS, Paragraph 28. of the Restrictions provides that all or any part of the Restrictions, other than Paragraph 7., may be amended from time to time by an instrument duly executed and acknowledged and recorded in the office of the County Clerk of Galveston County, Texas, signed by the owners of a majority of the Lots in the Subdivision; and

WHEREAS, Mitchell Development Corporation of the Southwest, the owner of a majority of the Lots in the Subdivision, desires to amend the Restrictions and to execute and record in Galveston County, Texas, this instrument embodying such amendment in order that all parties shall be charged with the same.

NOW THEREFORE, for and in consideration of the premises, the undersigned does hereby make, execute and adopt the following:

- 1. Paragraph 6. Location of Improvements, on page 4 of the Restrictions is deleted in its entirety and the following Paragraph 6. inserted in its stead:

"6. Location of Improvements. No portion of a building, except dune walkovers, including porch or roof overhang or stairs, shall be located closer to front and/or rear Lot lines than the building setback lines as shown on the recorded plat. The building setback from side Lot lines shall be a minimum of 20 feet for Lots 58 through 62, both inclusive, in Block 1

and a minimum of 10 feet for all other Lots in Block 1. A corner Lot shall be deemed to front on the street along which such Lot has the least amount of frontage. No fence shall be erected on any Lot except along the Lot lines abutting F.M. 3005. No building or structure of any type, except for dune walk-overs as specified in Paragraph 7., shall be built, placed or permitted to remain on any portion of a lot designated as 'Dune Protection Easement' on the map or plat of the Subdivision, as recorded in the office of the County Clerk of Galveston County, Texas. Driveway access shall be prohibited where access limits are designated on the recorded plat of the subdivision."

2. The foregoing shall be covenants running with the land and shall be binding upon any purchaser, grantee, owner, or lessee of any land or building comprising the Property, and upon the respective heirs, executors, administrators, devisees, successors and assigns of such purchaser, grantee, owner or lessee.

3. Except only as the same may have heretofore been amended by an instrument filed in the office of the County Clerk of Galveston County, Texas, and as amended as herein set forth, the Restrictions shall be and remain in full force and effect in accordance with the instrument filed and recorded as aforesaid.

EXECUTED this 14th day of March, 1986.

MITCHELL DEVELOPMENT CORPORATION
OF THE SOUTHWEST

By: *Roger L. Galatas*
Name: Roger L. Galatas
Title: Senior Vice President - Residential Development

STATE OF TEXAS §
COUNTY OF MONTGOMERY §

This instrument was acknowledged before me on March 14, 1986, by Roger L. Galatas, Senior Vice President of Mitchell Development Corporation of the Southwest, a Delaware corporation, on behalf of said corporation.

Judith A. Milne
Printed Name: Judith A. Milne
Notary Public
State of Texas
My Commission Expires: 2/23/88

Return to:
Mitchell Development Corporation
of the Southwest
c/o Eileen Stilson
2002 Timberloch Place
The Woodlands, TX. 77380

Stewart

004-47-0248

FILED FOR RECORD
MAR 26 3 03 PM '86

Mary Jane Robertson
COUNTY CLERK, GALVESTON COUNTY, TEXAS

STATE OF TEXAS

COUNTY OF GALVESTON

I hereby certify that this instrument was filed on the date and time stamped hereon by me and was duly recorded in the Official Public Records of Real Property of Galveston County, Texas, on

MAR 26 1986



Mary Jane Robertson
COUNTY CLERK, GALVESTON COUNTY, TEXAS