

Note: This instrument is being re-recorded to correct a scrivener's error. The parenthetical in the first*

CHICAGO TITLE

GF Casekey-40-87

0213884

FIRST AMENDMENT TO DECLARATION OF COVENANTS AND RESTRICTIONS

530-55-2690

*sentence is deleted.

FOR SUTTON SQUARE

534-10-2627/ll

U569479

THE STATE OF TEXAS §
COUNTY OF HARRIS §

02/07/00 101249020 U213884 \$13.00

02/16/00 101392164 U569479 \$13.00

This First Amendment To Declaration Of Covenants And Restrictions For Sutton Square (Annexing Sutton-Gillette Townhomes Section One) is made effective the 20th day of January, 2000, by Perry Homes, a Joint Venture, as Declarant ("Declarant").

WHEREAS, Declarant executed and filed that certain Master Declaration Of Covenants And Restrictions For Sutton Square, recorded on November 23, 1999, under Clerk's File No. U092485 and Film Code No. 529-28-1301, in the Real Property Records of Harris County, Texas; and executed and filed that certain First Supplemental Declaration of Covenants and Restrictions for Sutton Square (Annexing Sutton-Gillette Townhomes Section One), recorded on January 18, 2000, under Clerk's File No. U180312 and Film Code No. 530-23-2136, in the Real Property Records of Harris County, Texas (the "Declaration"); and,

WHEREAS, Declarant is the owner of all of the Townhome Sites, and pursuant to Article XI, Section 11.3, of the Declaration, assents to this amendment.

NOW THEREFORE, Declarant does hereby amend the Declaration as follows:

1. Article III, paragraph 3.8 is deleted in its entirety and replaced with the following:

3.8 THE SANITARY SEWER LINES ARE PRIVATE SANITARY SEWER LINES WHICH SERVICE THE TOWNHOME SITES SITUATED ON THE PROPERTY. THE ASSOCIATION SHALL BE RESPONSIBLE FOR MAINTENANCE AND REPAIRS OF THE COMMON SANITARY SEWER LINE.

2. Article IV, paragraph 4.6 is deleted in its entirety and replaced with the following:

4.6 Date of Commencement of Assessments; Due Date. The annual assessments provided for herein shall commence as to all Townhome Sites on February 1, 2000. The first annual assessment shall be made for the balance of the calendar year in which it is levied. The amount of the annual assessment which may be levied for the balance remaining in the first year of assessment shall be an amount which bears the same relationship to the annual assessments provided for in Section 4.3 as the remaining number of months in that year bear to twelve. The first annual assessment shall be due and payable February 1, 2000, and thereafter, the due date for

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530-55-2691

annual assessments shall be January 31st of every year, subject to Section 4.1(a) hereof. The due date or dates, if it is to be paid in installments, of any Neighborhood Assessment, special assessment under Section 4.4 or of any default assessment under Section 4.1, shall be fixed in the respective resolution authorizing such assessment. Notwithstanding anything contained to the contrary in this Section, it is hereby understood that the Board of Directors of the Association shall have the right to establish a payment date and payment period that is different from the monthly payment date provided herein.

534-10-2628

3. Article VI is amended to add the following paragraph 6.7:

6.7 Mutual Cross-Easements For Air Conditioning Equipment And Concrete Pads. Air conditioning equipment and concrete pads ("A/C Equipment and Pads") may be located along lot lines of certain adjacent Townhome Sites. Although Declarant does not believe that A/C Equipment and Pads constitute encroachments, to the extent they might be considered as such by others, Declarant, on its own behalf, and on behalf its successors, assigns or grantees, hereby consents to the encroachments, if any, by the A/C Equipment and Pads, and Declarant hereby GRANTS and CONVEYS mutual cross-easements to the Owners of Adjacent Townhome Sites on the Property to accommodate the location and servicing of the A/C Equipment and Pads.

4. Except as provided in this instrument, the Declaration is not otherwise amended and remains in full force and effect.

Executed to be effective on the date set forth above.

DECLARANT:

Perry Homes, a Joint Venture.

By: Perry-Houston Interests, Ltd.,
a Texas limited partnership,
as the Managing Joint Venturer

302

By: PH Financial L.L.C.,
a Texas limited liability company,
as the General Partner

By: *Gerald W. Noteboom*
Gerald W. Noteboom
Executive Vice President

530-55-2692

ACKNOWLEDGMENT

THE STATE OF TEXAS §
§
COUNTY OF HARRIS §

534-10-2629

This instrument was acknowledged before me on this the 25th day of January, 2000, by Gerald W. Noteboom, Executive Vice President of PH Financial L.L.C., a Texas limited liability company, as the General Partner of PERRY-HOUSTON INTERESTS, Ltd., a Texas limited partnership, the Managing Joint Venturer of PERRY HOMES, A Joint Venture.



Betty L. Pachlhofer
Notary Public in and for the
State of Texas

Seal Showing Name and
Commission Expiration

AFTER RECORDING RETURN TO:

S. Bradley Todes
Perry Homes, a Joint Venture
P.O. Box 34306
Houston, Texas 77234

RECORDERS MEMORANDUM
ALL BLACKOUTS, ADDITIONS AND CHANGES
WERE PRESENT AT THE TIME THE INSTRUMENT
WAS FILED AND RECORDED.

K:\todesb\Data Files\Deed Restrictions\DR((ntown))\Houston\SuttonSquare(3d).1stAmend.doc

Beverly B. Keyfman
2000 AUG 16 PM 1:25
FILED
COUNTY CLERK
HARRIS COUNTY TEXAS

FILED
2000 FEB -7 PM 1:48
Beverly B. Keyfman
COUNTY CLERK
HARRIS COUNTY TEXAS

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS HEREBY 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 herein by me; and was duly RECORDED, in the Official Public Records of Real Property of Harris County, Texas on

AUG 16 2000



Beverly B. Keyfman
COUNTY CLERK
HARRIS COUNTY TEXAS

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS HEREBY 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 herein by me; and was duly RECORDED, in the Official Public Records of Real Property of Harris County, Texas on
FEB 7 2000
Beverly B. Keyfman
COUNTY CLERK
HARRIS COUNTY TEXAS



Note: This instrument is being re-recorded to correct a scrivener's error. The parenthetical in the first * sentence is deleted.

CHICAGO TITLE
GF Courtesy ETC-DT

Amend

U248958

SECOND AMENDMENT TO DECLARATION OF COVENANTS AND RESTRICTIONS FOR SUTTON SQUARE

530-89-2622

U569480

02/29/00 201188763 U248958 913.00

THE STATE OF TEXAS §
COUNTY OF HARRIS §

534-10-2630
08/16/00 101392165 U569480 \$15.00

This Second Amendment To Declaration Of Covenants And Restrictions For Sutton Square (~~Annexing Sutton-Gillette Townhomes Section One~~) is made effective the 17th day of February, 2000, by Perry Homes, a Joint Venture, as Declarant ("Declarant").

WHEREAS, Declarant executed and filed that certain Master Declaration Of Covenants And Restrictions For Sutton Square, recorded on November 23, 1999, under Clerk's File No. U092485 and Film Code No. 529-28-1301, in the Real Property Records of Harris County, Texas; and executed and filed that certain First Supplemental Declaration of Covenants and Restrictions for Sutton Square (Annexing Sutton-Gillette Townhomes Section One), recorded on January 18, 2000, under Clerk's File No. U180312 and Film Code No. 530-23-2136, in the Real Property Records of Harris County, Texas; and executed and filed that certain First Amendment to Declaration of Covenants and Restrictions for Sutton Square, recorded on February 7, 2000, under Clerk's File No. U213884 and Film Code No. 530-55-2690, in the Real Property Records of Harris County, Texas; and executed and filed that certain Second Supplemental Declaration of Covenants and Restrictions for Sutton Square (Annexing Sutton-Gillette Townhomes Section Two), recorded on February 7, 2000, under Clerk's File No. U213885 and Film Code No. 530-55-2693, in the Real Property Records of Harris County, Texas (the "Declaration"); and,

WHEREAS, Declarant is the owner of all of the Townhome Sites, and pursuant to Article XI, Section 11.3, of the Declaration, assents to this amendment.

NOW THEREFORE, Declarant does hereby amend the Declaration as follows:

1. Article VI, paragraph 6.8 is added as follows:

6.8 Shared Improvements Access/Easement. Declarant grants to the Owners of the Property, their heirs, executors, administrators, successors and assigns an easement over adjacent Townhome Sites for the purpose of accessing and maintaining Shared Improvements.

2. Article VIII, paragraph 8.8 is deleted in its entirety and replaced with the following:

8.8 Landscaping. The Association shall maintain the ground cover, bedding and/or sod on any designated Landscaping and Irrigation Easement in a neat condition, free of unsightly weeds and overgrowth. The Association may elect to

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The parenthetical in the first sentence has been deleted

534-10-2631

Increase or decrease the Association's landscape maintenance responsibilities by a majority of the Members of the Association.

530-89-2623

3. Except as provided in this instrument, the Declaration is not otherwise amended and remains in full force and effect.

Executed to be effective on the date set forth above.

534-10-2632

DECLARANT:

Perry Homes, a Joint Venture

By: Perry-Houston Interests, Ltd.,
a Texas limited partnership,
as the Managing Joint Venturer

302

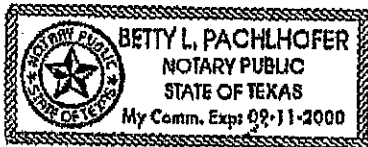
By: PH Financial L.L.C.,
a Texas limited liability company,
as the General Partner

By: *Gerald W. Noteboom*
Gerald W. Noteboom
Executive Vice President

ACKNOWLEDGMENT

THE STATE OF TEXAS §
§
COUNTY OF HARRIS §

This instrument was acknowledged before me on this the *21st* day of *Feb.*, 2000, by Gerald W. Noteboom, Executive Vice President of PH Financial L.L.C., a Texas limited liability company, as the General Partner of PERRY-HOUSTON INTERESTS, Ltd., a Texas limited partnership, the Managing Joint Venturer of PERRY HOMES, A Joint Venture.



Seal Showing Name and
Commission Expiration

Betty L. Pachlhofer
Notary Public in and for the
State of Texas

AFTER RECORDING RETURN TO:

S. Bradley Todes
Perry Homes, a Joint Venture
P.O. Box 34306
Houston, Texas 77234

530-89-2624

534-10-2633

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FILED

2000 AUG 16 PM 1:26

Beverly B. Kaufman
COUNTY CLERK
HARRIS COUNTY 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

AUG 16 2000



Beverly B. Kaufman
COUNTY CLERK
HARRIS COUNTY TEXAS

FILED

2000 FEB 29 PM 1:42

Beverly B. Kaufman
COUNTY CLERK
HARRIS COUNTY 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

FEB 29 2000



Beverly B. Kaufman
COUNTY CLERK
HARRIS COUNTY TEXAS

RECORDERS MEMORANDUM
ALL BLACKOUTS, ADDITIONS AND CHANGES
WERE PRESENT AT THE TIME THE INSTRUMENT
WAS FILED AND RECORDED.

Amend

U318324

THIRD AMENDMENT TO DECLARATION OF COVENANTS AND RESTRICTIONS FOR SUTTON SQUARE

531-59-3715

lee

THE STATE OF TEXAS §
COUNTY OF HARRIS §

04/06/00 300788644 U318324 \$13.00

This Third Amendment To Declaration Of Covenants And Restrictions For Sutton Square is made effective the 4th day of April, 2000, by Perry Homes, a Joint Venture, as Declarant ("Declarant").

WHEREAS, Declarant executed and filed that certain Master Declaration Of Covenants And Restrictions For Sutton Square, recorded on November 23, 1999, under Clerk's File No. U092485 and Film Code No. 529-28-1301, in the Real Property Records of Harris County, Texas; and executed and filed that certain First Supplemental Declaration of Covenants and Restrictions for Sutton Square (Annexing Sutton-Gillette Townhomes Section One), recorded on January 18, 2000, under Clerk's File No. U180312 and Film Code No. 530-23-2136, in the Real Property Records of Harris County, Texas; and executed and filed that certain First Amendment To Declaration of Covenants and Restrictions for Sutton Square, recorded on February 7, 2000, under Clerk's File No. U213884 and Film Code No. 530-55-2690, in the Real Property Records of Harris County, Texas; and executed and filed that certain Second Supplemental Declaration of Covenants and Restrictions for Sutton Square (Annexing Sutton-Gillette Townhomes Section Two), recorded on February 7, 2000, under Clerk's File No. U213885 and Film Code No. 530-55-2693, in the Real Property Records of Harris County, Texas; and executed and filed that certain Second Amendment To Declaration of Covenants and Restrictions for Sutton Square, recorded on February 29, 2000, under Clerk's File No. U248958 and Film Code No. 530-89-2622, in the Real Property Records of Harris County, Texas (the "Declaration"); and,

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WHEREAS, Although Declarant has previously amended Article III, paragraph 3.8 of the Declaration, based upon a request by the City of Houston, Declarant has received another request from the City of Houston to further amend Article III, paragraph 3.8; and,

WHEREAS, Declarant is the owner of over 2/3rd of the Townhome Sites, and pursuant to Article XI, Section 11.3, of the Declaration, assents to this amendment.

NOW THEREFORE, Declarant does hereby amend the Declaration as follows:

- 1. Article III, paragraph 3.8, as previously amended by the First Amendment to the Declaration, is deleted in its entirety and replaced with the following:

3.8 THE SANITARY SEWER LINES ARE PRIVATE SANITARY SEWER LINES WHICH SERVICE THE TOWNHOME SITES SITUATED ON THE PROPERTY. THE ASSOCIATION SHALL BE RESPONSIBLE FOR MAINTENANCE AND

REPAIRS OF THE COMMON SANITARY SEWER LINE. THE ASSOCIATION SHALL ALSO BE RESPONSIBLE FOR MAINTENANCE AND REPAIRS OF THE WATER LINES AND STORM PIPING, IF ANY, LOCATED IN THE COMMON AREA, AS WELL AS THE SHARED DRIVEWAY AND OTHER PAVING, IF ANY, LOCATED IN THE COMMON AREA.

531-59-3716

2. Except as provided in this instrument, the Declaration is not otherwise amended and remains in full force and effect.

Executed to be effective on the date set forth above.

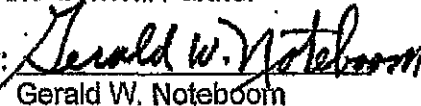
DECLARANT:

Perry Homes, a Joint Venture

By: Perry-Houston Interests, Ltd.,
a Texas limited partnership,
as the Managing Joint Venturer

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By: PH Financial L.L.C.,
a Texas limited liability company,
as the General Partner

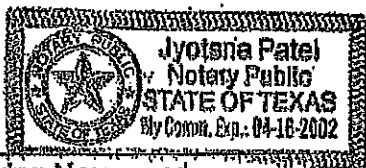
By: 
Gerald W. Noteboom
Executive Vice President

ACKNOWLEDGMENT

531-59-3717

THE STATE OF TEXAS §
§
COUNTY OF HARRIS §

This instrument was acknowledged before me on this the 5 day of MARCH, 2000, by Gerald W. Noteboom, Executive Vice President of PH Financial L.L.C., a Texas limited liability company, as the General Partner of PERRY-HOUSTON INTERESTS, Ltd., a Texas limited partnership, the Managing Joint Venturer of PERRY HOMES, A Joint Venture.



Patel

Seal Showing Name and Commission Expiration

Notary Public In and for the State of Texas

AFTER RECORDING RETURN TO:

S. Bradley Todes
Perry Homes, a Joint Venture
P.O. Box 34306
Houston, Texas 77234

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FILED

2000 APR -6 AM 9:49

Beverly G. Johnson
COUNTY CLERK
HARRIS COUNTY, TEXAS

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, MORTGAGE, OR USE OF THE DESCRIBED REAL PROPERTY BY ANY HOLDER OR PAIR OF RECORDS SHALL BE VOID UNDER FEDERAL LAW.
THE STATE OF TEXAS }
COUNTY OF HARRIS }
I hereby certify that this instrument was FILED in File Number _____
on this day and at the time hereinafter given by me, and was
RECORDED in the Official Public Records of Real Property of
this County, Texas in _____

APR 6 2000



Beverly G. Johnson
COUNTY CLERK
HARRIS COUNTY TEXAS