

**SECOND AMENDMENT TO  
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS  
WESTFIELD VILLAGE, SECTION ONE EXCEPT RESERVE A  
IN WESTFIELD PARK**

STATE OF TEXAS       §

COUNTY OF HARRIS   §

This Second Amendment to Declaration of Covenants, Conditions and Restrictions Westfield Village, Section One Except Reserve A in Westfield Park (this "Second Amendment") is made as of the date last set forth below:

**RECITALS**

WHEREAS, on September 9, 1982, H. C. Elliott Homes, Inc. and Gibraltar Savings Association executed that certain Declaration of Covenants, Conditions and Restrictions Westfield Village, Section One, except Reserve A in Westfield Park (the "Restrictive Covenants"), which was filed for record under Harris County Clerk's File No. H610716 in the Official Public Records of Real Property for Harris County, Texas; and

WHEREAS, Article VI, Section 2 of the original Restrictive Covenants provides that Class B membership, as defined in the Restrictive Covenants, shall cease and be converted to Class A membership, as defined in the Restrictive Covenants, on January 1, 1993; and

WHEREAS, on December 11, 1992, a "First Amendment to Declaration of Covenants, Conditions and Restrictions Westfield Village, Section One, except Reserve A" was executed and which was filed for record under Harris County Clerk's File No. P169690 in the Official Public Records of Real Property of Harris County, Texas extending Class B membership as defined in the amendment, until January 1, 1997; and

WHEREAS, the Restrictive Covenants provide that the Restrictive Covenants may be amended only by an instrument signed by the owner(s) of not less than fifty-one percent (51%) of all Lots (as defined in the Restrictive Covenants) in Westfield Village; and

**WHEREAS, the undersigned owners are of in excess of fifty-one percent (51%) of all Lots in Westfield Village and desires to extend the date on which Class B membership shall be converted to Class A membership from January 1, 1997 to January 1, 2000.**

### **AGREEMENTS**

**NOW, THEREFORE, the undersigned being the owners of in excess of fifty-one percent (51%) of all Lots as shown on the Westfield Village Plat as defined in the Restrictive Covenants, hereby amends the Restrictive Covenants as follows:**

- 1. Article VI, Section 2 is hereby amended so that the first full grammatical paragraph on page 13 of the Restrictive Covenants relating to Class B membership shall read as follows:**

**Class B. The Class B members shall be the Declarants. The Class B members shall be entitled to three (3) votes for each Lot in Westfield Village in which they, or either of them, hold the interest required for membership by Section 1; provided, however, that the Class B membership shall cease and be converted to Class A membership on the happening of either of following events, whichever occurs earlier:**

- a. When the total votes outstanding in the Class A membership equals the total votes outstanding in the Class B membership, or**
  - b. On January 1, 2000.**
- 2. Except as expressly amended herein, all other provisions and requirements of the Restrictive Covenants shall remain in full force and effect, unmodified except as set forth herein.**
  - 3. The FHA joins in the execution hereof for purposes of complying with Article IX, Section 3.**

**EXECUTED AND EFFECTIVE this 19<sup>th</sup> day of December, 1996.**

**H. C. ELLIOTT HOMES, INC.  
a Texas Corporation**

**By: \_\_\_\_\_  
Harry C. Elliott, III, President**

**FEDERAL HOUSING ADMINISTRATION**

**By: \_\_\_\_\_  
Manager**

STATE OF \_\_\_\_\_ §

COUNTY OF \_\_\_\_\_ §

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 199\_\_\_\_ By Harry C. Elliott, III, President of H. C. Elliott Homes, Inc., a Texas corporation, on behalf of said corporation.

\_\_\_\_\_  
Notary Public in and for the State of \_\_\_\_\_

THE STATE OF TEXAS §

COUNTY OF HARRIS §

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 199\_\_\_\_ by \_\_\_\_\_, Manager of Federal Housing Administration, on behalf of the Administration.

\_\_\_\_\_  
Notary Public in and for the State of Texas