

2001-027753

857-00-1680

AMERICAN TITLE COMPANY

CD 416918-K/516

CLOSER: N. Smith/347

FIRST AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR BENDERS LANDING, SECTION ONE

STATE OF TEXAS §
COUNTY OF MONTGOMERY §
KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, HOUSTON LIPAR, LTD., (herein and therein referred to as "Developer"), executed that certain Declaration of Covenants, Conditions and Restrictions, for Benders Landing, Section One, (hereinafter referred to as the "Original Restrictions"), filed for record under County Clerk's File No. 2001-024582, in the Real Property Records of Montgomery County, Texas; and,

WHEREAS, the Developer is the owner of all of Benders Landing Section One, a subdivision in Montgomery County, Texas, according to the Plat thereof recorded at Cabinet P, Sheet 140-146, in Map Records of Montgomery County, Texas; and

WHEREAS, the Developer desires to amend the Original Restrictions;

NOW, THEREFORE, in consideration of the Premises, the Original Restrictions are hereby modified and amended by the Developer as follows:

Section 7.04 in Article VII of the Original Restrictions (recorded under Clerk's File No. 2001-024582 in the Real Property Records of Montgomery County, Texas) is hereby modified and amended to read as follows:

Section 7.04 Developer's Rights to Grant and Create Easements. Developer shall have and hereby reserves the right, without the consent of any other Owner or the Association, to grant or create temporary or permanent easements, for access, utilities, pipeline easements, cable television systems, communication and security systems, drainage, water and other purposes incident to development, sale, operation and maintenance of the Subdivision, located in, on, under, over and across (i) the Lots or other property owned by Developer, (ii) the Common Area, and (iii) existing utility easements. Developer also reserves the right, without the consent of any other Owner or the Association, to (i) grant or create temporary or permanent easements for access over and across the streets and roads within the Subdivision to other public roads for the benefit of owners of property, regardless of whether the beneficiary of such easements own property which is hereafter made subject to the jurisdiction of the Association and (ii) permit owners of property within the Annexable Area which is not made subject to the jurisdiction of the Association to use the recreational facilities of the Association and other Common Area, provided that said owners pay to the Association their proportionate share of the cost of operating and maintaining said recreational facilities and Common Areas.

Section 8.12 in Article VIII of the Original Restrictions (recorded under Clerk's File No. 2001-024582 in the Real Property Records of Montgomery County, Texas) is hereby modified and amended to read as follows:

Section 8.12 Power to Grant Easements. In addition to any blanket easements described in this Declaration, the Association shall have the power to grant access, utility, drainage, water facility and other such easements in, on, over or under the Common Area.

Except as hereinabove modified, the Original Restrictions, as amended, remain unchanged and continue in full force and effect, binding within the Subdivision in accordance with their terms and provisions.

Executed on this 4th day of April, 2001.

HOUSTON LIPAR, LTD., a Texas Limited Partnership

BY: LGI DEVELOPMENT CORP
General Partner

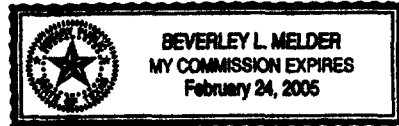
By: 
THOMAS E. LIPAR, President

STATE OF TEXAS §

COUNTY OF MONTGOMERY §

This instrument was acknowledged before me on the 4th day of April, 2001, by THOMAS E. LIPAR, President of LGI DEVELOPMENT CORP., General Partner of HOUSTON LIPAR, LTD., a Texas Limited Partnership, in the capacity therein stated on behalf of said Partnership.

Beverley L. Melder
Notary Public, State of Texas



FILED FOR RECORD
01 APR -5 PM 3:07
MARK TURNBULL, CO. CLERK
MONTGOMERY COUNTY, TEXAS
~~DEPUTY~~

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 REC. CLERK in
the official Public Record of Real Property of
Montgomery County, Texas

APR - 5 2001



Mark Turnbull
COUNTY CLERK
MONTGOMERY COUNTY, TEXAS