

**FIRST AMENDMENT TO DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS
OF WINDSOR GARDENS, SECTION ONE,
AN ADDITION TO THE CITY OF BEAUMONT,
JEFFERSON COUNTY, TEXAS**

WHEREAS, that certain Declaration of Covenants and Restrictions, Conditions and Restrictions of Windsor Gardens, Section One, an Addition to the City of Beaumont, Jefferson County, Texas (the "Declaration") was executed by B.A.G. Enterprises, Inc. (the "Declarant") and First Bank and Trust (the "Lienholder") on July 18, 1996; and

WHEREAS, the initial property subject to the Declaration consists of a 4.338 acre tract or parcel of land out of and part of the H. Williams Survey, Abstract Number 56, in Beaumont, Jefferson County, said property being more particularly described by metes and bounds as set forth in the Declaration; and

WHEREAS, the Declaration was filed of record under County Clerk's File Number 96-9623003 in the Official Public Records of Real Property of Jefferson County, Texas; and

WHEREAS, by Supplemental Declaration of Covenants, Conditions and Restrictions of Windsor Gardens, Section Two, an Addition to the City of Beaumont, Jefferson County, Texas (the "Section Two Supplemental Declaration") of record under County Clerk's File Number 97-9738807 in the Official Public Records of Real Property of Jefferson County, Texas, and the Final Plat of Windsor Gardens, Section Two (the "Section Two Plat") of record in Volume 16, Page 10 of the Map Records of Jefferson County, Texas, Declarant, acting pursuant to the aforementioned provisions of the Declaration, brought into the Addition (as that term is defined in the Declaration), and within the jurisdiction of the Association and the integrated scheme of development and ownership provided in and contemplated by the Declaration, an additional 3.679 acre tract of land out of the Future Development Tract (as that term is defined in the Declaration), which 3.679 acre tract is now known, platted and subdivided into Windsor Gardens, Section Two, an Addition to the City of Beaumont, Jefferson County, Texas ("Windsor Gardens, Section Two"); and

WHEREAS, by Supplemental Declaration of Covenants, Conditions and Restrictions of Windsor Gardens, Section Two-A, an Addition to the City of Beaumont, Jefferson County, Texas (the "Section Two-A Supplemental Declaration") of record under County Clerk's File Number 98-9820777 in the Official Public Records of Real Property of Jefferson County, Texas, and the Final Plat of Windsor Gardens, Section Two-A (the "Section Two-A Plat") of record in Volume 16, Page 73 of the Map Records of Jefferson County, Texas, Declarant, again acting pursuant to the aforementioned provisions of the Declaration, brought into the Addition (as that term is defined in the Declaration), and within the jurisdiction of the Association and the integrated scheme of development and ownership provided in and by the Declaration, an additional 0.527 acre tract of land out of the Future Development Tract (as that term is defined in the Declaration), which 0.527 acre tract is now known, platted and subdivided into Windsor Gardens, Section Two-A ("Windsor Gardens, Section Two-A"); and

WHEREAS, by Supplemental Declaration of Covenants, Conditions and Restrictions of Windsor Gardens, Section Three, an Addition to the City of Beaumont, Jefferson County, Texas (the "Section Three Supplemental Declaration") of record under County Clerk's File Number 1999023362 in the Official Public Records of Real Property of Jefferson County, Texas, and the Final Plat of Windsor Gardens, Section Three, as amended by the Amended Final Plat of Windsor Gardens, Section Three (the "Section Three Plat") of record in Volume 16, Page 158 and Volume 16, Page 182 of the Map Records of Jefferson County, Texas, Declarant, again acting pursuant to the aforementioned provisions of the Declaration, brought into the Addition (as that term is defined in the Declaration), and within the jurisdiction of the Association and the integrated scheme of development and ownership provided in and by the Declaration, an additional 4.295 acre tract of land out of the Future Development Tract (as that term is defined in the Declaration), which 4.295 acre tract is now known, platted and subdivided into Windsor Gardens, Section Three ("Windsor Gardens, Section Three"); and

WHEREAS, by virtue of the execution and recordation of the Declaration, the Section Two Supplemental Declaration, the Section Two Plat, the Section Two-A Supplemental Declaration, the Section Two-A Plat, the Section Three Supplemental Declaration, and the Section Three Plat, the Addition (as defined in the Declaration) presently consists of Windsor Gardens, Section One, Windsor Gardens, Section Two, Windsor Gardens, Section Two-A, and Windsor Gardens Section Three; and

WHEREAS, the Declaration applies to each of Windsor Gardens, Section One, Windsor Gardens, Section Two, Windsor Gardens, Section Two-A, and Windsor Gardens Section Three; and

WHEREAS, the Declaration provides that during the initial twenty (20) year period from the effective date thereof, the Declaration may be amended by written instrument signed by the owners of not less than eighty percent (80%) of the lots in the Addition (as that term is defined in the Declaration) and duly recorded in the office of the County Clerk of Jefferson County, Texas; and

WHEREAS, owners of eighty percent (80%), or more, desire to amend the Declaration in accordance with the terms and provisions of this Amendment;

NOW, THEREFORE, the undersigned, being the owners of eighty percent (80%), or more, of the lots in the Addition (as that term is defined in the Declaration), hereby amend the provisions of the Declaration as follows:

1. Article VI of the Declaration is hereby amended by deleting the heading "OBLIGATION TO MAINTAIN, REPAIR AND REBUILD" and adding in its place the following:

"OBLIGATION TO MAINTAIN, REPAIR AND REBUILD; OBLIGATION TO CONSTRUCT PERIMETER FENCE; AND CONSTRUCTION DEADLINES"

2. Section 1 of Article VI of the Declaration is hereby amended by deleting “If any perimeter privacy fence constructed or installed on an Owner’s Lot requires replacement, it shall be replaced with a fence of the same design, type of materials and height as the fence being replaced” and adding in its place the following:

“Each Owner of a Perimeter Lot shall construct and maintain a perimeter privacy fence along the boundaries of said Perimeter Lot which constitute boundaries of the Addition; provided, however, Owners of Perimeter Lots which share a common boundary with Undeveloped Real Property are not required to construct or maintain a perimeter privacy fence along such boundary unless and until such Undeveloped Real Property becomes developed. As used in this Section, “Perimeter Lot” shall mean any Lot with a boundary or boundaries in common with the boundaries of the Addition. As used in this Section, the term “Undeveloped Real Property” shall mean real property upon which no improvements, roadways, or structures have been constructed or placed, as reasonably determined by the Architectural Control Committee. The aforementioned perimeter privacy fences shall be constructed in accordance with the Declaration, specifically including, without limitation, Section 24 of Article VIII, and only upon the prior approval of the Architectural Control Committee in accordance with Article VII of the Declaration.

Additionally, if any perimeter fence on an Owner’s Lot is determined to be in disrepair, as reasonably determined in the sole discretion of the Architectural Control Committee, then the Owner of such Lot shall repair or replace such perimeter fence to the satisfaction of the Architectural Control Committee. All construction, repairs or replacements required under this Section 1 to Article VI shall be completed within six (6) months following written notice to the Owner from the Association or the Architectural Control Committee that construction, repair or replacement is necessary. Such six (6) month deadline may only be extended by written agreement of the Architectural Control Committee, as agreed to by the Architectural Control Committee in its sole discretion.”

3. Article VI of the Declaration shall be amended to add the following Section 4:

“Section 4. Construction Deadlines. Any and all construction, reconstruction, installation, or placement of any new structure, new addition to a structure, or significant modification to a structure on any Lot must be completed within one (1) year following commencement of such construction, reconstruction, installation, or placement, unless another deadline is expressly provided in the Declaration or a Supplemental Declaration. As used herein this Section 4, “commencement” shall mean and include any physical activity advancing the relevant construction, reconstruction, installation, or placement. The Architectural Control Committee shall determine in its sole discretion what constitutes a “significant modification”, as such term is used herein this Section 4.”

4. All other terms, provisions, restrictions, procedures and any other matters contained in the Declaration and not specifically referenced herein shall remain unaltered, unchanged and unaffected by this Amendment.

EXECUTED to be effective as of the date this Amendment is recorded in the Official Public Records of Real Property of Jefferson County, Texas.

OWNER(S) OF LOT _____:

[Print Name] _____

Date: _____

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This instrument was acknowledged before me on _____, 2010, by

Notary Public, State of Texas

OWNER(S) OF LOT _____:

[Print Name] _____

Date: _____

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Notary Public, State of Texas

OWNER(S) OF LOT _____:

[Print Name]

Date:

THE STATE OF TEXAS §

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COUNTY OF _____ §

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