

**PETITION MODIFYING  
RESTATED AND AMENDED  
DECLARATIONS OF RESTRICTIONS AND COVENANTS  
GOVERNING PROPERTY AND LOTS IN  
WILCHESTER, SECTIONS ONE, TWO, THREE AND FOUR  
AN ADDITION IN HARRIS COUNTY, TEXAS**

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THE STATE OF TEXAS

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KNOW ALL PERSONS BY THESE PRESENTS:

COUNTY OF HARRIS

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WHEREAS, by instruments dated June 1, 1961, June 21, 1963, August 23, 1965, and December 8, 1966, certain restrictions and covenants were established affecting Wilchester, a subdivision, the plats of which are recorded in the map records of Harris County, Texas in Volume 75, Page 43 as to Section One; Volume 95, Page 45 as to Section Two; Volume 126, Page 1 as to Section Three; and Volume 142, Page 13 as to Section Four (“Wilchester”). The instruments establishing restrictions and covenants are recorded in the Official Records of Real Property, Harris County, Texas in Volume 4394, Page 561 as to Section One; volume 5165, Page 612, as to Section Two; Volume 6048, Page 469, as to Section Three; and Volume 6603, Page 161, as to Section Four. Said instruments and restrictions and covenants contained therein are hereinafter referred to as the “Restrictions”; and

WHEREAS, the Restrictions provided that the covenants and restrictions therein contained could be amended from time to time by the execution of an instrument in writing approved by a majority of the owners of lots in Wilchester when said instrument is duly recorded in the real property records of Harris County, Texas, all as more particularly provided in the Restrictions; and

WHEREAS, the Restrictions were duly restated and amended by virtue of that certain instrument entitled “Restated and Amended Declarations of Restrictions and Covenants Governing Property and Lots in Wilchester, Sections One, Two, Three and Four an Addition in Harris County, Texas” filed of record in the Official Public Records of Real Property of Harris County, Texas under County Clerk’s File No. P744204 (the Restrictions as restated and amended hereinafter referred to as the “Declaration”); and

WHEREAS, the Declaration provides the terms of the Declaration may be amended during the first ten (10) year period by an instrument in writing signed by not less than fifty one percent (51%) of the lot owners in Wilchester; and

WHEREAS, Wilchester is under the jurisdiction of Wilchester Owners Committee, the property owners’ association for Wilchester (the “Committee”); and

WHEREAS, Chapter 204 of the Texas Property Code (the “Code”) provides that a modification of restrictions proposed by a property owners’ association may be adopted by a combination of methods discussed therein, and

WHEREAS, Section 204.005(e) of the Code provides the approval of multiple owners of a property may be reflected by the signature of a single co-owner; and

WHEREAS, the modification to the Declaration set forth below has been approved by the Board of Trustees of the Committee and not less than fifty one percent (51%) of the lot owners in Wilchester in accordance with Chapter 204 of the Code.

NOW, THEREFORE, Article VII, Section 7.03 of the Declaration is hereby modified to read as follows:

#### ARTICLE VII

7.03 Each owner of a lot or lots in Wilchester shall by virtue of his or her ownership be a voting member of Wilchester Owners Committee and be entitled to one vote per lot owned in Wilchester. Each owner, as that term is defined in Article III above, shall be entitled to one vote whether or not such owner is in fact more than one natural person. The annual meeting of the members shall be held at a time and place as set by the board of trustees of Wilchester Owners Committee during the first calendar quarter of each year. The owner of a lot or lots in Wilchester shall by virtue of his or her ownership also be a voting member of Wilchester Club, a Texas non-profit corporation. The rate of the annual maintenance charge against each lot shall be determined annually, and may be adjusted from year-to-year by the board of trustees of the Wilchester Owners Committee, as the needs of Wilchester and the Wilchester Owners Committee require in the judgment of the board of trustees. To determine such needs, the board of trustees shall prepare an operating budget covering the estimated costs and expenses to operate the Wilchester Owners Committee during the coming year and, once prepared, shall calculate an annual maintenance charge per lot, subject to the following: (i) the annual maintenance charge for calendar year 2000 shall be \$520.00 per lot, (which \$520.00 includes the \$360.00 for the 2000 annual maintenance charge billed previously, plus \$160.00 for the special assessment discussed below); and (ii) from and after calendar year 2000, the annual maintenance charge may be increased by the board of trustees of Wilchester Owners Committee each year by not more than ten percent (10%) above the annual maintenance charge for the previous year, without the affirmative vote of a majority of the members of Wilchester Owners Committee represented in person or by proxy at a meeting of the membership duly called for this purpose. In addition to the annual maintenance charge authorized herein, the Wilchester Owners Committee may levy special assessments from time to time provided the assessments receive the affirmative vote of a majority of the members of Wilchester Owners Committee represented in person or by proxy at a special meeting of the membership duly called for this purpose. Approved special assessments, together with any interest, costs, and reasonable attorney fees, shall be a

charge on the land and shall be secured by the lien retained in Article VII, Section 7.05 against each lot. A special assessment in the amount of \$160.00 per lot is hereby approved and shall be paid by the owner(s) of each lot to the Committee by April 3, 2000

The amendment and modification of the Declaration set forth above shall be deemed to be a part of and shall be interpreted in accordance with the Declaration. All provisions of the Declaration not amended hereby are hereby ratified and confirmed in each and every particular.

IN WITNESS WHEREOF, in accordance with Chapter 204 of the Code, the President of the Committee hereby executes this Petition evidencing that at least fifty one percent (51%) of the lot owners in Wilchester have approved this amendment and modification to the Declaration (as evidenced by the lot owners' signatures on the forms attached to this Petition as Exhibit "A" and incorporated herein) to be effective upon its filing of record in the Official Public Records of Real Property of Harris County, Texas.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2000.

ATTEST: **WILCHESTER OWNERS COMMITTEE**

By: \_\_\_\_\_  
Mark H. Winchell, Secretary

By: \_\_\_\_\_  
Michael J. Delouche, President

STATE OF TEXAS       §  
                                  §  
COUNTY OF HARRIS   §

Before me, a notary public, on this day personally appeared Michael J. Delouche, President of Wilchester Owners Committee, known to me to be the person whose name is subscribed to the foregoing instrument and, being by me first duly sworn and declared that he executed same in the capacity and consideration therein expressed. Given under my hand and seal of office this the \_\_\_\_\_ day of \_\_\_\_\_, 2000.

\_\_\_\_\_  
NOTARY PUBLIC - STATE OF TEXAS