AMEND

135.25

# FIRST AMENDMENT TO RESTRICTIONS FOR MEMORIAL NORTHWEST, SECTION FIVE (5)

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**THE STATE OF TEXAS** §
§
**COUNTY OF HARRIS** §

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**THIS** FIRST AMENDMENT TO RESTRICTIONS FOR MEMORIAL NORTHWEST, SECTION FIVE (5), sometimes referred to herein as the "First Amendment," is made as follows.

**WHEREAS:** (a) the Restrictions for Memorial Northwest, Section Five (the "Restrictions") were heretofore recorded under County Clerk's File No. F624465 in the Official Public records of Real Property of Harris County, Texas; and (b) it is necessary to amend the Restrictions pursuant to the amendment provision set forth in Paragraph no. 18 on pages 8 and 9 thereof, which provides, in pertinent part, as follows:

> "....These covenants and restrictions are to run with the land and shall be binding on all owners of lots in said 18.1312 acres and all persons claiming under them until January 1, 1995, after which time said covenants and restrictions shall be automatically extended for successive periods of ten years unless an instrument signed by a majority of the then owners of the lots is filed for record in Harris County, Texas, altering, rescinding or modifying said covenants and restrictions in whole or in part...."

**NOW, THEREFORE,** at least a majority of the owners of the lots within Memorial Northwest, Section Five (5) hereby make the following amendments and modifications to the Restrictions:

*The first sentence of the first paragraph of Paragraph* no. 19 *on Page 9 of the Restrictions currently provides as follows*:

> ....Each lot shall be subject to an annual maintenance charge of not more than seven mills per square foot of lot area but not less than $84.00 per year per residence for the purpose of creating a fund to be known as the Memorial Northwest Maintenance Fund and which maintenance fund charge shall be paid by the owner or owners of each lot in conjunction with like charges to be paid by all other lot owners....

**The first sentence (only) of the first paragraph of Paragraph no. 19 on Page 9 of the Restrictions is hereby amended and replaced with the following sentences:**

> Each lot shall be subject to an annual maintenance charge (or "assessment"). Until December 31, 2004, the maximum annual assessment shall be One Hundred Ninety-Six Dollars ($196.00) per Lot per year, and thereafter the Memorial Northwest Homeowners Association (the "Association") may increase the maximum annual assessment each year by not more than ten percent (10%) above the amount which could have been charged the previous year. The maximum annual assessment may be further increased (i.e., to an amount in excess of the