

FIRST AMENDMENT TO ASHFORD WEST SECTION TWO  
RESIDENTIAL DEED RESTRICTIONS

THE STATE OF TEXAS §  
COUNTY OF HARRIS §

KNOW ALL MEN BY THESE PRESENTS:

THAT, WHEREAS, the Ashford West Section Two Residential Deed Restrictions, dated October 9, 1968 and recorded in the Real Property Records of Harris County, Texas under clerk's file number C792192, constitute the Restrictions for Ashford West Section Two, a subdivision in Harris County, Texas as set forth in the map or plat thereof recorded at Volume 155, Page 133 of the Map Records of Harris County, Texas; and

WHEREAS, the Ashford West Community Association, Inc., desires to amend the Residential Deed Restrictions for Ashford West Section Two, as hereinafter set forth; and

WHEREAS, the following amendments to the Ashford West Section Two Residential Deed Restrictions may be approved by a majority of the owners of the lots in Ashford West Section Two as provided by Paragraph 18 of the Ashford West Section Two Residential Deed Restrictions; or by approval of at least 75 percent of the owners as provided by Chapter 204.005 of the Texas Property Code; and

WHEREAS, the approval of the following amendments was achieved by obtaining the requisite number of signatures of owners. Such signatures are evidenced by the copies attached hereto as Exhibit "A"; and

NOW, THEREFORE, pursuant to the above recitals, the Ashford West Community Association, Inc., hereby amends the provisions of the Ashford West Section Two Residential Deed Restrictions to adopt, establish and impose upon the subdivision the following amendments:

1. Paragraph 17., which had previously read:

17. There is to be imposed on each lot in Ashford West Section Two, and on other sections subsequently to be platted and made of record in Ashford West, an annual maintenance charge to be paid to Ashford West Community Association, Inc. to be applied, so far as sufficient, toward the payment of expenses incurred in lighting, improving, and maintaining streets, park area, vacant lots, a swimming and recreational club, garbage and rubbish removal and any other thing necessary or desirable in the opinion of Ashford West Community Association, Inc. to be of general benefit to the owners or occupants of the above described property. Appropriate recitations in the deed conveying each lot will evidence the retention of a vendor's lien by First for the purpose of securing payment of said charge, assigned to Ashford West Community Association, Inc. without recourse on First in any manner for the payment of said charge and indebtedness.

is hereby amended to read as follows:

17. (a) There is hereby imposed on each lot in Ashford West Section Two, an annual maintenance charge to be paid to Ashford West Community Association, Inc. to be applied, so far as sufficient, toward the payment of expenses incurred in lighting, improving, and maintaining streets, park area, vacant lots, a swimming and recreational club, garbage and rubbish removal and any other thing necessary or desirable in the opinion of Ashford West Community Association, Inc. to be of general benefit to the owners or occupants of the above described property. Appropriate recitations in the deed conveying each lot evidence the retention of a vendor's lien for the purpose of securing payment of said charge.

(b) Each Owner of any lot within Ashford West Section Two, by acceptance of a deed thereof, whether or not it shall be expressed in the deed or other evidence of the conveyance, is deemed to covenant and agree to pay the Association an annual maintenance charge, such assessments or charges to be fixed, established and collected as hereinafter provided. These assessments and charges, together with interest thereon as hereinafter provided, costs of collection, and reasonable attorney's fees, shall be a charge on the land and shall be secured by a continuing lien upon the property against which such assessments or charges are made. Each such assessment or charge, together with such interest, late charges, costs of collection, and reasonable attorney's fees shall also be and remain the personal obligation of the owner of the particular lot at the time the assessment or charge fell due notwithstanding any subsequent transfer of title of such property. The personal obligation for delinquent assessments and charges shall not pass to successors in title unless expressly assumed by them. However, successors in title shall nonetheless acquire title to the land subject to the lien securing the assessments and charges.

(c) The annual maintenance charge beginning in year 2009 shall be Five Hundred Thirty Five Dollars (\$535.00) per year, per lot. In each subsequent year, at the annual meeting of members of the Ashford West Community Association, Inc., the Board of Directors of the Association shall propose a budget for the coming fiscal year. Such budget shall be approved upon the majority vote of a quorum of members. Upon approval of the budget, the annual maintenance charge for that year shall be the amount of the approved budget divided equally by the number of lots in Ashford West, Sections One and Two. If a quorum of members is not attained at an annual meeting, the budget as proposed by the Board of Directors shall become effective. If a majority vote of a quorum of members does not approve the budget and cannot agree on an alternative budget during the same annual meeting, the last year's adopted budget shall remain in effect for the coming year.

(d) Written notice of the amount of the annual maintenance charge shall be sent to every Owner whose lot is subject to the payment thereof. Each annual maintenance charge shall be due and payable in advance on the first day of January of each calendar year.

2. Paragraph 19., which had previously read:

19. Enforcement shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenant either to restrain violations or to recover damages.

is hereby amended to read as follows:

19. (a) Any assessments or charges which are not paid when due shall be delinquent. Any such amount not paid and received by the fifteenth (15th) day following the due date shall be deemed delinquent and, without notice, shall accrue a late charge. If an assessment or charge is not paid within thirty (30) days after the due date, it shall bear interest from the due date until the date paid at the rate of ten percent (10 %) per annum or such other rate not in excess of the maximum lawful rate as the Board may establish from time to time. The Association may bring an action at law against the Owner personally obligated to pay the assessment and foreclose the lien herein retained against the property. Interest as above specified, collection costs and reasonable attorney's fees incurred in any such action shall be added to the amount of such assessment or charge.

(b) The lien in favor of the Association is created by the recordation of this Declaration, which constitutes record notice and perfection of the lien. No other recordation of a lien or notice of lien shall be or is required. The Association has the right to foreclose its lien judicially.

(c) Enforcement of all provisions herein shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenant either to restrain violations or to recover damages.

IN WITNESS THEREOF, this amendment is executed as of the 21 day of January 2009.  
ASHFORD WEST COMMUNITY ASSOCIATION, INC.

By: [Signature]  
Name: LEE DANIEL CRAIG JR  
Title: PRESIDENT, ASHFORD WEST COMMUNITY ASSOCIATION  
BOARD OF DIRECTORS

STATE OF TEXAS §  
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared Lee Daniel Craig Jr. President of the Ashford West Community Association, Inc., a Texas non-profit corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that this instrument was executed for the purposes and consideration therein expressed, in the capacity stated, and upon the proper approval as provided in the governing documents of the Association and the laws of the State of Texas.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 21<sup>st</sup> day of January, 2009.



[Signature]  
Notary Public, State of Texas  
My commission Expires:

# **EXHIBIT "A"**

Ashford West Section 2

ACKNOWLEDGMENT IN FAVOR OF ADOPTION OF FIRST AMENDMENT TO ASHFORD WEST SECTION TWO RESIDENTIAL DEED RESTRICTIONS

JANELLE FESTA Owner(s) of property in Ashford West Section Two, a subdivision in Harris County, Texas, more commonly referred to as (address): 1719 WESTBANK DR Houston, Texas 77077, do hereby sign this Acknowledgment indicating my/our assent and support in favor of adoption of the First Amendment to Ashford West Section Two Residential Deed Restrictions.

Janelle Festa Printed Name: JANELLE FESTA

ACKNOWLEDGMENT IN FAVOR OF ADOPTION OF FIRST AMENDMENT TO ASHFORD WEST SECTION TWO RESIDENTIAL DEED RESTRICTIONS

Tom Hansen Owner(s) of property in Ashford West Section Two, a subdivision in Harris County, Texas, more commonly referred to as (address): 1723 West Leigh Houston, Texas 77077, do hereby sign this Acknowledgment indicating my/our assent and support in favor of adoption of the First Amendment to Ashford West Section Two Residential Deed Restrictions.

Tom Hansen Printed Name: Tom Hansen

ACKNOWLEDGMENT IN FAVOR OF ADOPTION OF FIRST AMENDMENT TO ASHFORD WEST SECTION TWO RESIDENTIAL DEED RESTRICTIONS

Tammy Eckels, Executive Vice Michael & Katherine Howard Owner(s) of property in Ashford West Section Two, a subdivision in Harris County, Texas, more commonly referred to as (address): 12607 Westleigh Houston, Texas 77077, do hereby sign this Acknowledgment indicating my/our assent and support in favor of adoption of the First Amendment to Ashford West Section Two Residential Deed Restrictions.

Tammy Eckels Printed Name: Tammy Eckels

ACKNOWLEDGMENT IN FAVOR OF ADOPTION OF FIRST AMENDMENT TO ASHFORD WEST SECTION TWO RESIDENTIAL DEED RESTRICTIONS

John L. Diefenderfer, Michael M. Diefenderfer Owner(s) of property in Ashford West Section Two, a subdivision in Harris County, Texas, more commonly referred to as (address): 12610 West Leigh Houston, Texas 77077, do hereby sign this Acknowledgment indicating my/our assent and support in favor of adoption of the First Amendment to Ashford West Section Two Residential Deed Restrictions.

John L. Diefenderfer Printed Name: John L. Diefenderfer

Michael M. Diefenderfer Printed Name: Michael M. Diefenderfer (signature of additional owner preferred, but optional)

ACKNOWLEDGMENT IN FAVOR OF ADOPTION OF FIRST AMENDMENT TO ASHFORD WEST SECTION TWO RESIDENTIAL DEED RESTRICTIONS

Kenneth Lee, Aya Kennel Lee Owner(s) of property in Ashford West Section Two, a subdivision in Harris County, Texas, more commonly referred to as (address): 12610 West Leigh Houston, Texas 77077, do hereby sign this Acknowledgment indicating my/our assent and support in favor of adoption of the First Amendment to Ashford West Section Two Residential Deed Restrictions.

Kenneth Lee Printed Name: Kenneth Lee

Aya Kennel Lee Printed Name: Aya Kennel Lee

ACKNOWLEDGMENT IN FAVOR OF ADOPTION OF FIRST AMENDMENT TO ASHFORD WEST SECTION TWO RESIDENTIAL DEED RESTRICTIONS

Scott Floyd, Katherine Floyd Owner(s) of property in Ashford West Section Two, a subdivision in Harris County, Texas, more commonly referred to as (address): 12610 West Leigh Houston, Texas 77077, do hereby sign this Acknowledgment indicating my/our assent and support in favor of adoption of the First Amendment to Ashford West Section Two Residential Deed Restrictions.

Scott Floyd Printed Name: Scott Floyd

Katherine Floyd Printed Name: Katherine Floyd (signature of additional owner preferred, but optional)

ACKNOWLEDGMENT IN FAVOR OF ADOPTION OF FIRST AMENDMENT TO ASHFORD WEST SECTION TWO RESIDENTIAL DEED RESTRICTIONS

JULIA MACIAS Owner(s) of property in Ashford West Section Two, a subdivision in Harris County, Texas, more commonly referred to as (address): 12623 WESTLEIGH Houston, Texas 77077, do hereby sign this Acknowledgment indicating my/our assent and support in favor of adoption of the First Amendment to Ashford West Section Two Residential Deed Restrictions.

Julia Macias Printed Name: JULIA MACIAS

ACKNOWLEDGMENT IN FAVOR OF ADOPTION OF FIRST AMENDMENT TO ASHFORD WEST SECTION TWO RESIDENTIAL DEED RESTRICTIONS

BARBARA WADE Owner(s) of property in Ashford West Section Two, a subdivision in Harris County, Texas, more commonly referred to as (address): 12623 WESTLEIGH DR Houston, Texas 77077, do hereby sign this Acknowledgment indicating my/our assent and support in favor of adoption of the First Amendment to Ashford West Section Two Residential Deed Restrictions.

Barbara Wade Printed Name: BARBARA WADE

ACKNOWLEDGMENT IN FAVOR OF ADOPTION OF FIRST AMENDMENT TO ASHFORD WEST SECTION TWO RESIDENTIAL DEED RESTRICTIONS

JEFFERSON and SUSAN JO HANSON Owner(s) of property in Ashford West Section Two, a subdivision in Harris County, Texas, more commonly referred to as (address): 12702 WESTLEIGH DR Houston, Texas 77077, do hereby sign this Acknowledgment indicating my/our assent and support in favor of adoption of the First Amendment to Ashford West Section Two Residential Deed Restrictions.

Jefferson Printed Name: Jeff Johnson

ACKNOWLEDGMENT IN FAVOR OF ADOPTION OF FIRST AMENDMENT TO ASHFORD WEST SECTION TWO RESIDENTIAL DEED RESTRICTIONS

Patrick Alan Marlan Owner(s) of property in Ashford West Section Two, a subdivision in Harris County, Texas, more commonly referred to as (address): 12723 Westleigh Houston, Texas 77077, do hereby sign this Acknowledgment indicating my/our assent and support in favor of adoption of the First Amendment to Ashford West Section Two Residential Deed Restrictions.

Patrick Alan Marlan Printed Name: Patrick Alan Marlan

ACKNOWLEDGMENT IN FAVOR OF ADOPTION OF FIRST AMENDMENT TO ASHFORD WEST SECTION TWO RESIDENTIAL DEED RESTRICTIONS

CLIFFORD B. HOGAN Owner(s) of property in Ashford West Section Two, a subdivision in Harris County, Texas, more commonly referred to as (address): 12706 WESTLEIGH Houston, Texas 77077, do hereby sign this Acknowledgment indicating my/our assent and support in favor of adoption of the First Amendment to Ashford West Section Two Residential Deed Restrictions.

Clifford B. Hogan Printed Name: CLIFFORD B. HOGAN

ACKNOWLEDGMENT IN FAVOR OF ADOPTION OF FIRST AMENDMENT TO ASHFORD WEST SECTION TWO RESIDENTIAL DEED RESTRICTIONS

DUANE PARKER Owner(s) of property in Ashford West Section Two, a subdivision in Harris County, Texas, more commonly referred to as (address): 12707 WESTLEIGH DR Houston, Texas 77077, do hereby sign this Acknowledgment indicating my/our assent and support in favor of adoption of the First Amendment to Ashford West Section Two Residential Deed Restrictions.

Duane Parker Printed Name: Duane Parker

ACKNOWLEDGMENT IN FAVOR OF ADOPTION OF FIRST AMENDMENT TO ASHFORD WEST SECTION TWO RESIDENTIAL DEED RESTRICTIONS

GEORGE F. BLACK Owner(s) of property in Ashford West Section Two, a subdivision in Harris County, Texas, more commonly referred to as (address): 12710 WESTLEIGH HOUSTON, TX 77077 Houston, Texas 77077, do hereby sign this Acknowledgment indicating my/our assent and support in favor of adoption of the First Amendment to Ashford West Section Two Residential Deed Restrictions.

George F. Black Printed Name: GEORGE F. BLACK

ACKNOWLEDGMENT IN FAVOR OF ADOPTION OF FIRST AMENDMENT TO ASHFORD WEST SECTION TWO RESIDENTIAL DEED RESTRICTIONS

KATHA CHUDOMILKA Owner(s) of property in Ashford West Section Two, a subdivision in Harris County, Texas, more commonly referred to as (address): 12715 WESTLEIGH DR Houston, Texas 77077, do hereby sign this Acknowledgment indicating my/our assent and support in favor of adoption of the First Amendment to Ashford West Section Two Residential Deed Restrictions.

Katha Chudomilka Printed Name: Katha Chudomilka

ACKNOWLEDGMENT IN FAVOR OF ADOPTION OF FIRST AMENDMENT TO ASHFORD WEST SECTION TWO RESIDENTIAL DEED RESTRICTIONS

Robert & Tamara Hodgson Owner(s) of property in Ashford West Section Two, a subdivision in Harris County, Texas, more commonly referred to as (address): 12727 Westleigh Dr Houston, Texas 77077, do hereby sign this Acknowledgment indicating my/our assent and support in favor of adoption of the First Amendment to Ashford West Section Two Residential Deed Restrictions.

Robert & Tamara Hodgson Printed Name: Tamara K. Hodgson

ACKNOWLEDGMENT IN FAVOR OF ADOPTION OF FIRST AMENDMENT TO ASHFORD WEST SECTION TWO RESIDENTIAL DEED RESTRICTIONS

MARIE ANGELO Owner(s) of property in Ashford West Section Two, a subdivision in Harris County, Texas, more commonly referred to as (address): 12731 Westleigh Dr Houston, Texas 77077, do hereby sign this Acknowledgment indicating my/our assent and support in favor of adoption of the First Amendment to Ashford West Section Two Residential Deed Restrictions.

Marie Angelo Printed Name: Marie Angelo

ACKNOWLEDGMENT IN FAVOR OF ADOPTION OF FIRST AMENDMENT TO ASHFORD WEST SECTION TWO RESIDENTIAL DEED RESTRICTIONS

L. Dale Taylor Owner(s) of property in Ashford West Section Two, a subdivision in Harris County, Texas, more commonly referred to as (address): 12724 Westleigh Houston, Texas 77077, do hereby sign this Acknowledgment indicating my/our assent and support in favor of adoption of the First Amendment to Ashford West Section Two Residential Deed Restrictions.

L. Dale Taylor Printed Name: L. Dale Taylor

ACKNOWLEDGMENT IN FAVOR OF ADOPTION OF FIRST AMENDMENT TO ASHFORD WEST SECTION TWO RESIDENTIAL DEED RESTRICTIONS

DANIEL J. HARTY and DANA L. KIBER-HARTY Owner(s) of property in Ashford West Section Two, a subdivision in Harris County, Texas, more commonly referred to as (address): 12803 Westleigh Drive Houston, Texas 77077, do hereby sign this Acknowledgment indicating my/our assent and support in favor of adoption of the First Amendment to Ashford West Section Two Residential Deed Restrictions.

Daniel J. Harty Printed Name: Daniel J. Harty

Dana L. Kiber-Harty Printed Name: Dana L. Kiber-Harty (signature of additional owner preferred, but optional)

ACKNOWLEDGMENT IN FAVOR OF ADOPTION OF FIRST AMENDMENT TO ASHFORD WEST SECTION TWO RESIDENTIAL DEED RESTRICTIONS

WEST P. SUSAN G. SEIDEMAN Owner(s) of property in Ashford West Section Two, a subdivision in Harris County, Texas, more commonly referred to as (address): 12807 Westleigh Dr Houston, Texas 77077, do hereby sign this Acknowledgment indicating my/our assent and support in favor of adoption of the First Amendment to Ashford West Section Two Residential Deed Restrictions.

West Seideman Printed Name: West Seideman

Susan Seideman Printed Name: Susan Seideman (signature of additional owner preferred, but optional)

ACKNOWLEDGMENT IN FAVOR OF ADOPTION OF FIRST AMENDMENT TO ASHFORD WEST SECTION TWO RESIDENTIAL DEED RESTRICTIONS

TAMI CRISP BAHN and MICHAEL WILLIAM BAHN Owner(s) of property in Ashford West Section Two, a subdivision in Harris County, Texas, more commonly referred to as (address): 12822 Westleigh Houston TX 77077 Houston, Texas 77077, do hereby sign this Acknowledgment indicating my/our assent and support in favor of adoption of the First Amendment to Ashford West Section Two Residential Deed Restrictions.

Tami Crisp Bahn Printed Name: MICHAEL BAHN

Michael Bahn Printed Name: Tami Crisp Bahn (signature of additional owner preferred, but optional)



