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NO. Z 790-311/1636-Na

THE STATE OF TEXAS

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KNOW ALL MEN BY THESE PRESENTS

COUNTY OF DALLAS

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DEED 12/14/83

AMENDMENT TO COVENANTS OF RESTRICTIONS

The undersigned, WOODNOTE, INC., is the owner of the following described property situated in Dallas County, Texas as evidenced by the deed from the ENRIQUE CORPORATION filed June 15, 1983 and recorded in the DEED RECORDS OF DALLAS COUNTY, TEXAS in Volume 83117 at Page 3319. The property is more particularly described as follows:

BEING lots 12, 13, 14 and 15, Block B/6595 of the Brooks Addition, an addition to the City of Dallas as recorded in Volume 9, Page 141 of the Map Records of Dallas County, Texas.

That the above described property, hereinafter referred to as "the property", was impressed with the deed restrictions shown in the deed filed March 10, 1981 by the ENRIQUE CORPORATION and recorded in Volume 81047 Page 0110 of the DEED RECORDS OF DALLAS COUNTY, TEXAS. The restrictions are as follows:

- (1) Development of the property shall be in accordance with the site plan which is attached hereto and made a part hereof for all purposes.
- (2) A solid wooden screening fence, six (6) feet in height, constructed of wood or wood and masonry, shall be constructed along the eastern edge of the property in that area designated as "fence easement". The fence easement and screening fence shall be owned and maintained in good repair by the Homeowner's Association, which Association shall be formed by the Enrique Corporation prior to release of the final subdivision plat. The legal document forming the Homeowner's Association shall be approved as to form by the Dallas City Attorney.
- (3) Townhouses constructed on Lots abutting Modella Avenue shall front on Modella Avenue, and shall be built in clusters, with no more than eight (8) townhouses to a cluster.
- (4) No building or structure shall exceed twenty-four (24) feet in height, as height is defined in Section 33-132 of the Comprehensive General Zoning Ordinance of the City of Dallas, with additional height permitted as provided by Section 18-402 of the Comprehensive General Zoning Ordinance.

That the owner of the property has amended the above described deed restrictions and does hereby impress all of the property with the following deed restrictions:

- (1) Development of the property shall be in accordance with the plat which was approved by the City of Dallas Plan Commission on October 6, 1983 and which is attached hereto and made a part hereof for all purposes.
- (2) A solid wooden screening fence, six (6) feet in height, constructed of wood or wood and masonry, shall be constructed along the eastern and western

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edges of the property in that area designated as "common area". The fence easement and screening fence shall be owned and maintained in good repair by the Homeowner's Association, which Association shall be formed by Woodnote, Inc. prior to release of the final subdivision plat. The legal document forming the Homeowner's Association shall be approved as to form by the City Attorney's office of the City of Dallas.

- (3) Single family dwellings constructed on Lots abutting Modella Avenue shall front on Modella Avenue, and shall be built in clusters, with no more than eight (8) units to a cluster.
- (4) No building or structure shall exceed twenty-four (24) feet in height, as height is defined in the Dallas Development Code, as amended, with additional height permitted as provided by Section 51-4.408 of the Dallas Development Code, as amended.

That the above amendments to the deed restrictions were made following notice and public hearing as required by the Dallas City Code and as required in the deed restrictions contained in the deed filed March 10, 1981 by the ENRIQUE CORPORATION and recorded in Volume 81047 Page 0110 of the Deed Records of Dallas County, Texas.

These restrictions shall continue in full force and effect for a period of twenty-five (25) years from the date of execution, and shall automatically be extended from the date of execution, and shall automatically be extended for additional periods of ten (10) years unless terminated in the manner specified herein. These restrictions shall not be altered, amended, or terminated without a public hearing before the City Plan Commission and City Council of the City of Dallas. Notice of such hearings shall be given as would be required by law for a zoning change on the property.

The restrictions contained herein are not in any manner intended to restrict the right of the City Council of the City of Dallas to exercise its legislative duties and powers insofar as zoning of the property is concerned.

These restrictions inure to the benefit of the City of Dallas, and the undersigned owner hereof does grant to the City of Dallas the right to prosecute, at law and in equity, against the person violating or attempting to violate such restriction, either to prevent him from doing so and to correct such violation and for further remedy, the City of Dallas may withhold the Certificate of Occupancy necessary for the lawful use of the property until such restrictions described herein are fully complied with.

These restrictions are hereby declared covenants running with the land and shall be fully binding upon all persons acquiring property within the above described tract and any person by acceptance of title to any of the above described property shall thereby

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agree and covenant to abide by and fully perform the foregoing restrictions and covenants.

EXECUTED this 7th day of November, 1983.

WOODNOTE, INC.

By Shelby S. Reid, III
Shelby S. Reid, III
Secretary-Treasurer

APPROVED AS TO FORM:

ANALES LIE MUNCY, CITY ATTORNEY

By Mark J. B. [Signature]
Assistant City Attorney

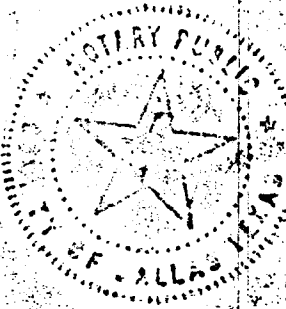
THE STATE OF TEXAS §
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COUNTY OF DALLAS §

BEFORE ME, the undersigned authority, on this day personally appeared **SHELBY S. REID, III**, Secretary-Treasurer of Woodnote, Inc., a Texas corporation, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed same for the purposes and considerations therein expressed, and in the capacity therein stated as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 7th day of November, 1983.

Lillian C. Radford
Notary Public, State of Texas

My Commission Expires:
2-28-85



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