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149-26-2375

CORRECTION OF

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

OF

BIRNAM WOOD, SECTION ONE

THE STATE OF TEXAS §
COUNTY OF HARRIS §

KNOW ALL MEN BY THESE PRESENTS:

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THAT WHEREAS, by instrument dated January 24, 1972, TRESCHWIG, INC., as Declarant, caused to be filed that certain Declaration of Covenants, Conditions and Restrictions (hereinafter referred to as "said Declaration") recorded at Document File No. D510816 and at Film Code No. 139-33-2568, et seq. of the Official Public Records of Real Property of Harris County, Texas; which said instrument established Covenants, Conditions and Restrictions on the following described property, to-wit:

Reserve "E" and Lots One (1) through Eight (8), both inclusive, Block One (1); Lots One (1) through Twenty-Six (26), both inclusive, Block Two (2); Lots One (1) through Forty-four (44), both inclusive, Block Three (3); Lots One (1) through Twenty-three (23), both inclusive, Block Four (4); Lots One (1) through Twenty-two (22), both inclusive, Block Five (5); Lots One (1) through Twenty-three (23), both inclusive, Block Six (6); Lots One (1) through Sixty-four (64), both inclusive, Block Seven (7); Lots One (1) through Fifteen (15), both inclusive, Block Eight (8); all out of BIRNAM WOOD, SECTION ONE (1), an addition in Harris County, Texas, according to the map or plat thereof recorded in Volume 174, Page 96 of the Map Records of Harris County, Texas;

WHEREAS, Section 5 (Annexation) of Article IX (General Provisions) of said Declaration provides as follows:

"Additional residential property and common area within the area described in Volume 174, Page 96 of the Deed Records of Harris County, Texas may be annexed to the Properties with the consent of 2/3 of each class of membership; or upon submission and approval by FHA/VA of an overall plan of the entire development, and subsequent approval of each stage of development, such additional stages may be annexed by the Board of Directors without approval by the membership."

WHEREAS, the Deed Records recording information cited therein, due to typographical error, was incorrectly referenced in said Declaration; and

WHEREAS, Section 5 of Article IX of said Declaration should read as follows:

"Additional residential property and common area within the areas described in Volume 39, Page 402; Volume 127, Page 320; Volume 7647, Page 373; Volume 7853, Page 488; Volume 8003, Page 321; and Volume

RECORDED MEMORANDUM
All of Parts of this page
has Not Clearly Legible Per Statutory
Recording

149-26-2376

8121, Page 435, all of the Deed Records of Harris County, Texas; and at Film Code 135-32-1868 of the Official Public Records of Real Property of Harris County, Texas may be annexed to the Properties with the consent of 2/3 of each class of membership; or upon submission and approval by FHA/VA of an overall plan of the entire development, and subsequent approval of each stage of development, such additional stages may be annexed by the Board of Directors without approval by the membership."

NOW, THEREFORE, for and in consideration of the premises, it is agreed by and between the parties hereto that Section 5 of Article IX of said Declaration as recorded at Document File No. D510816 and at Film Code No. 139-33-2568, et seq. of the Official Public Records of Real Property of Harris County, Texas, is hereby deleted and the corrected Section 5 of Article IX as called out herein is in all things substituted therefor.

In all other things said Declaration is hereby ratified and confirmed and it is agreed by and between the parties hereto that this correction instrument relates back to and is effective as of January 28, 1972.

Signed this 7th day of February, 1972.

ATTEST

 Laverne Horelic
 Secretary

TRESCHWIG, INC.

By Harlan E. Smith
 Harlan E. Smith, Vice President

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Accepted and agreed to this 7th day of February, 1972.

ATTEST

 Judy Boyd
 Secretary

BIRNAM WOOD HOMEOWNERS ASSOCIATION, INC.

By Charles Monaco
 Charles Monaco, President

THE STATE OF TEXAS |
 COUNTY OF HARRIS |

RECORDER'S MEMORANDUM:
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BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared Harlan E. Smith, Vice President of TRESCHWIG, 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 he executed the same for the purposes and consideration therein expressed, as the act and deed of said corporation, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 7th day of February, 1972.

Barack J. Robinson
 Notary Public in and for
 Harris County, T E X A S

THE STATE OF TEXAS
COUNTY OF HARRIS

149-26-2377

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared Charles Monaco, President of BIRNAM WOOD HOMEOWNERS ASSOCIATION, INC., a Texas non-profit corporation, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, as the act and deed of said corporation, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 7/4 day of February 1972.

Dorothy N. Kuhlmann
Notary Public in and for
Harris County, TEXAS

RECORDER'S MEMORANDUM:
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Recordation

1972 AUG 25 PM 2 58

FILED
COUNTY CLERK
HARRIS COUNTY, TEXAS

Return to:

RONALD W. CHAPMAN
ATTORNEY AND COUNSELLOR AT LAW
13600 MURPHY ROAD
P. O. DRAWER D
STAFFORD, TEXAS 77477