

1878646

ANNEXATION OF ADDITIONAL PROPERTIES
TO
BIRNAM WOOD, SECTION ONE

006-61-C763

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

WHEREAS, by that certain instrument dated February 7, 1972, and entitled "Declaration of Covenants, Conditions and Restrictions", executed by Treschwig, Inc., as Declarant, recorded under Clerk's File No. 10510816 and at Film Code No. 139-33-2568, et. seq., of the Official Public Records of Real Property of Harris County, Texas, (hereinafter referred to as "the Declaration"), that certain tract and parcel of land therein described and known as BIRNAM WOOD, SECTION ONE, (hereinafter referred to as "Section One"), was encumbered and subjected to those certain easements, covenants, conditions and restrictions described in the Declaration, to which reference is herein made for more particular description and for all other purposes; and

WHEREAS, by that certain instrument dated February 7, 1972, and entitled "Correction of Declaration of Covenants, Conditions and Restrictions of Birnam Wood, Section One", executed by Treschwig, Inc., as Declarant, recorded under Clerk's File No. D671461 and at Film Code No. 149-28-2375, et. seq., of the Official Public Records of Real Property of Harris County, Texas, certain covenants, conditions and restrictions for BIRNAM WOOD, SECTION ONE, were corrected, to which reference is herein made for more particular description and for all other purposes; and

WHEREAS, Section 5 of Article IX of the Declaration, as corrected, provides as follows:

Additional residential property and common area within the areas described in Volume 39, Page 402; Volume 127, Page 320; Volume 7847, Page 373; Volume 7853, Page 488; Volume 8003, Page 321; and Volume 8121, Page 435, all of the Deed Records of Harris County, Texas; and at Film Code No. 136-70-1868 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.

WHEREAS, the undersigned are the owners of all of the properties more fully described in Exhibit "A" attached hereto and incorporated herein for all purposes, which properties are within the areas described and specified in Section 5 of Article IX of the Declaration; and

ANY PROVISIONS HEREIN WHICH RESTRICT THE SALE, RENTAL OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER THE FEDERAL LAW.

A CERTIFIED COPY

OCT 14 2004

ATTEST:
BEVERLY B. KAUFMAN, County Clerk
Harris County, Texas

Chavonda A. Royer
CHAVONDA A. ROYER Deputy

WHEREAS, detailed plans for the development of the properties described in Exhibit "A" have heretofore been submitted to the Federal Housing Administration and the Veteran's Administration as required by Section 5 of Article IX of the Declaration and FHA and VA have determined that the annexation of such properties is in accord with the general plan previously approved; and

WHEREAS, Birnam Wood-Fairfax Homeowners Association, Inc., acting through its Board of Directors, and the undersigned property owners desire to annex the properties described in Exhibit "A" to Birnam Wood, Section One, and to extend and include to said properties all of the easements, covenants, conditions and restrictions and all other applicable terms and provisions of the Declaration;

NOW, THEREFORE, Birnam Wood-Fairfax Homeowners Association, Inc. and the undersigned property owners hereby annex the properties described in Exhibit "A", attached hereto, under and pursuant to the provision of Section 5 of Article IX of the Declaration, and declare that all of said properties shall be held, sold and conveyed subject to the easements, covenants, conditions and restrictions contained in the Declaration, all of which are for the purposes of enhancing and protecting the value, desirability and attractiveness of the real property covered thereby. The easements, covenants, conditions and restrictions set forth in the Declaration shall be binding upon all parties having or acquiring any right, title or interest in any of said properties and shall inure to the benefit of each owner thereof. Wherever in the Declaration there is a specific reference to Section One, the reference shall also mean and include the properties hereby annexed.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and seal on the date set opposite their respective names.

Birnam Wood-Fairfax Homeowners Association, Inc.

January 9, 1985
Date

Joseph T. Walsh
By: JOSEPH T. WALSH, President

THE STATE OF TEXAS §
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared Joe Walsh, President of Birnam Wood-Fairfax Homeowners Association, Inc., known to me to be the person whose name is subscribed to

ANY PROVISIONS HEREIN WHICH RESTRICT THE SALE, RENTAL OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER THE FEDERAL LAW.

A CERTIFIED COPY

ATTEST: OCT 14 2004
BEVERLY B. KAUFMAN, County Clerk
Harris County, Texas

Chavonda A. Royer
CHAVONDA A. ROYER Deputy

the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration, and in the capacity therein stated.

Pamela D. Bailey
Notary Public - State of Texas
Print Name Pamela D. Bailey
My Commission Expires 4-16-85

U. S. Homes Corporation

12-11-84
Date

Robert B. Cabell
By: ROBERT B. CABELL, EXECUTIVE VICE PRES.

THE STATE OF TEXAS §
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared ROBERT B. CABELL, E.V.P. of U. S. Homes Corporation, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration, and in the capacity therein stated.

Billie A. Fanestiel
Notary Public - State of Texas
Print Name BILLIE A. FANESTIEL
My Commission Expires 1-4-86

Homecraft Land Development Co.

12/2/84
Date

Raymond Wiltshire
By: RAYMOND WILTSHIRE, REGION PRESIDENT

THE STATE OF TEXAS §
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared RAYMOND WILTSHIRE, REGION PRES. of Homecraft Land Development Co., known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration, and in the capacity therein stated.

Billie A. Fanestiel
Notary Public - State of Texas
Print Name BILLIE A. FANESTIEL
My Commission Expires 1-4-86

ANY PROVISIONS HEREIN WHICH RESTRICT THE SALE, RENTAL OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER THE FEDERAL LAW.

A CERTIFIED COPY

OCT 14 2004

ATTEST:
BEVERLY B. KAUFMAN, County Clerk
Harris County, Texas

Chavonda A. Royer
CHAVONDA A. ROYER

Lots or parcels 1, 2, 3, 4 and 5, out of Reserve A,
BIRNAM WOOD, SECTION TWO (2), a tract of land situated in
Harris County, Texas, as more fully described in the map or
plat recorded in Volume 205, Page 34, of the Map Records
of Harris County, Texas.

STATE OF TEXAS
COUNTY OF HARRIS
I hereby certify that this instrument was filed in
the proper office on the date and at the time stamped
hereon by me and was duly RECORDED in the Official
Public Records of Harris County, Texas, on

JAN 30 1985



John R. Williams
COUNTY CLERK
HARRIS COUNTY, TEXAS

FILED

JAN 30 3 37 PM '85

John R. Williams
COUNTY CLERK
HARRIS COUNTY, TEXAS

Return To:
BUTLER & LANGFORD
5718 Westheimer, Suite 1866
Houston, Texas 77057

ANY PROVISIONS HEREIN WHICH RESTRICT THE SALE, RENTAL
OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF
COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER
THE FEDERAL LAW.

A CERTIFIED COPY

OCT 14 2004

ATTEST:
BEVERLY B. KAUFMAN, County Clerk
Harris County, Texas

Chavonda A. Royer
CHAVONDA A. ROYER Deputy