

E390232

OF

BIRNAM WOOD, SECTION TWO

118-01-0345

THE STATE OF TEXAS  
COUNTY OF HARRIS

I  
I

KNOW ALL MEN BY THESE PRESENTS THAT:

Whereas, by that certain instrument dated January 28, 1972, and designated as "Declaration of Covenants, Conditions and Restrictions", executed by Treschwig, Inc., as Declarant, recorded at Document File Number D510816 and at Film Code 139-33-2568, and as corrected and recorded at Document File Number D671461 and at Film Code 149-26-2375, of the Official Public Records of Real Property of Harris County, Texas, (hereinafter referred to as "said 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, restrictions and conditions described in said Declaration, to which said Declaration reference is here made for more particular description and all other pertinent purposes; and

Whereas, Section 5 (Annexation) of Article IX (General Provisions) of said Declaration provided 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 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 of the membership."

Whereas, Section 6 (FHA/VA Approval) of said Article IX of said Declaration provides as follows:

As long as there is a Class B membership, the following actions will require the prior approval of the Federal Housing Administration or the Veterans Administration:

Annexation of additional properties, conveyance and/or dedication of Common Area, Amendment of this Declaration of Covenants, Conditions and Restrictions, Mergers and Consolidations, Mortgaging of the Common Area and Management Agreements.

Whereas, Treschwig, Inc. is the owner of certain additional property within the area 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,

JEFFRY B. LEWIS  
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11400 MURPHY ROAD  
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STAFFORD, TEXAS 77477

118-01-0346

Page 435 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, which is more particularly described as follows:

Lots One (1) through Nineteen (19), both inclusive in Block One (1);  
Lots One (1) through Six (6), both inclusive in Block Two (2);  
Lots One (1) through Eight (8), both inclusive in Block Three (3);  
Lots One (1) through Forty-Two (42), both inclusive in Block Four (4);  
Lots One (1) through Twenty-Nine (29), both inclusive in Block Five (5);  
Lots One (1) through Thirty-Nine (39), both inclusive in Block Six (6);  
Lots One (1) through Fifty-Three (53), both inclusive in Block Seven (7);  
Lots One (1) through Six (6), both inclusive in Block Eight (8);  
Lots One (1) through Eight (8), both inclusive in Block Nine (9);  
Lots One (1) through Fifteen (15), both inclusive in Block Ten (10), all  
out of BIRNAM WOOD, SECTION TWO (2), an addition in Harris County,  
Texas, according to the map or plat thereof recorded in Volume 205, Page  
84 of the Map Records of Harris County, Texas, (hereinafter referred to  
as Section Two.)

Whereas, detailed plans for the development of said Section Two have heretofore been submitted to the Federal Housing Administration and the Veterans Administration as required by the foregoing Sections 5 and 6 of Article IX of said Declaration, and Treschwig, Inc., as the owner of said Section Two desires to annex said Section Two to said Section One and to extend and include to said Section Two by such annexation all of the easements, covenants, conditions, restrictions and all other applicable terms and provisions of said Declaration.

NOW, THEREFORE, Treschwig, Inc., (hereinafter referred to as "Declarant") hereby annexes said Section Two to said Section One under and pursuant to the provisions of Section 5 of Article IX of said Declaration and declares that all of the property comprising said Section Two shall be held, sold and conveyed subject to the easements, restrictions, covenants and conditions contained in said Declaration, all of which are for the purpose of enhancing and protecting the value, desirability and attractiveness of the real property covered thereby. The easements, covenants, restrictions and conditions of said Declaration shall be binding upon all parties having or acquiring any right, title or interest in said Section Two or any part thereof, and shall inure to the benefit of each owner thereof. Wherever in said Declaration there is a specific reference to Section One, said Declaration is hereby amended to also refer to and to include Section Two.

In Witness Whereof, we the undersigned, being the Declarant herein has hereunto set its hand and seal this 6th day of March, 1975.



ATTEST

TRESCHWIG, INC.

118-01-0347

Patricia W. Hord  
Assistant Secretary

By: Roger B. Medora  
Vice-President

THE STATE OF TEXAS

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared Roger Medora, Vice President of Treschwig, Inc., 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 1st day of March, A.D., 1975.

Bertha Perry  
Notary Public in and for  
Harris County, Texas

Acceptance of Association is evidenced by duly authorized officers of the Birnam Wood Homeowner Association, Inc. as shown by their signatures below.

ATTEST

BIRNAM WOOD HOMEOWNER ASSOCIATION, INC.

Oruta L. Hagerty  
Secretary

By: Thomas L. Linnell  
President

THE STATE OF TEXAS

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared Tom L. Linnell President of the Birnam Wood Homeowners Association, Inc., 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 1st day of March, A.D., 1975.

Roll - R. Linnell  
Notary Public in and for  
Harris County, Texas