

03 017286

5
WB

1
5
11
7-Ck
13989

**FIRST AMENDMENT TO THE DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS FOR THE LAKES AT HIGHLAND GLEN**

After recording return to:

Marc D. Markel
✓ Roberts Markel Guerry, P.C.
2500 City West Blvd., Suite 1350
Houston, Texas 77042

Copyright © 2003 by Roberts Markel Guerry, P.C., all rights reserved.

FIRST AMENDMENT TO THE DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS FOR THE LAKES AT HIGHLAND GLEN

STATE OF TEXAS §
 §
COUNTY OF BRAZORIA §

This FIRST AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE LAKES AT HIGHLAND GLEN ("First Amendment") is made by Beazer Homes Texas, L.P. a Delaware limited partnership, MHI Partnership, Ltd., a Texas limited partnership and Pacific United, L.P., a Texas limited partnership hereinafter referred to collectively as Declarant;

W I T N E S S E T H:

WHEREAS, Declarant filed that certain DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE LAKES AT HIGHLAND GLEN (the "Declaration"), which is recorded under Clerk's File No. 02 061272 in the Real Property Records of Brazoria County, Texas; and

WHEREAS, pursuant to Article XIV, Declarant may unilaterally amend the Declaration at any time if such amendment is necessary to bring any provision thereof into compliance with any applicable governmental statute, rule or regulation; and

WHEREAS, Declarant has determined that the Declaration must be amended to bring a provision therein into compliance with the City of Pearland setback requirements.

NOW THEREFORE, pursuant to the authority retained in Article XIV, Declarant hereby amends the Declaration as follows:

Article VII, Section C "Building Setbacks" which currently reads as follows:

Detached garages shall be built no less than five (5) feet from a side Lot Line, and may not encroach on any easement, (in which case the ARC shall provide the required setbacks for the detached garage). All Lots shall have a minimum rear setback of twenty feet (20').

shall be deleted in its entirety and replaced with the following:

Detached garages shall be built no less than three feet (3') from a side Lot Line, and may not encroach on any easement, (in which case the ARC shall provide the required setbacks for the detached garage). All Lots shall have a minimum rear setback of twenty feet (20') for the primary residence. Detached garages must conform to the setback requirements of the City of Pearland.

All capitalized terms are as defined in the Declaration.

If any provision of this First Amendment is found to be in conflict with the Declaration, as amended, this First Amendment shall control.

IN WITNESS WHEREOF, this First Amendment to the Declaration of Covenants, Conditions and Restrictions for The Lakes at Highland Glen is executed as of the 14 day of March, 2003.

DECLARANTS:

BEAZER HOMES TEXAS, L.P., a Delaware limited partnership, by Beazer Homes Texas Holdings, Inc., its general partner

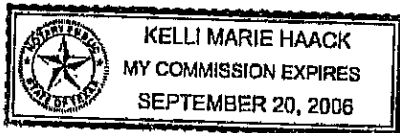
[Signature]
Print Name: Dan Olson
Print Title: Vice President of Land Development - Houston Division

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared Dan Olson the Vice President of Land Development of Houston Division of BEAZER HOMES TEXAS HOLDINGS, INC. the general partner of BEAZER HOMES TEXAS, L.P. known by me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that s/he executed the same for the purposes and consideration therein expressed and as the act and deed of said corporation.

Given under my hand and seal of office, this 14 day of March, 2003.

[Signature: Kelli Marie Haack]
Notary Public - State of Texas



MHI PARTNERSHIP, LTD., a Texas
limited partnership, by McGuyer
Homebuilders, Inc., its
general partner



Print Name: _____

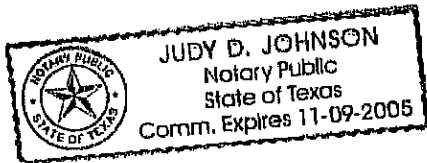
Print Title: _____

Michael K. Love, President
McGuyer Homebuilders, Inc., Sole
General Partner of MHI Partnership, Ltd.

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

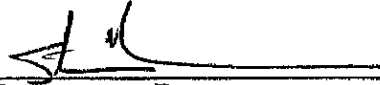
BEFORE ME, the undersigned authority, on this day personally appeared Michael K. Love the President of McGuyer Homebuilders, Inc. the general partner of MHI PARTNERSHIP, LTD. known by me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that s/he executed the same for the purposes and consideration therein expressed and as the act and deed of said corporation.

Given under my hand and seal of office, this 12 day of March, 2003.



Notary Public State of Texas

PACIFIC UNITED, L.P., a Texas limited partnership, by Pacific United Development Corporation, its general partner



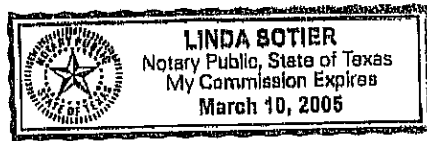
Print Name: By: Steve VonHofe
Print Title: Division President
Houston

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared Steve VonHofe the Division President of Pacific United Development Corporation the general partner of PACIFIC UNITED, L.P. known by me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that s/he executed the same for the purposes and consideration therein expressed and as the act and deed of said corporation.

Given under my hand and seal of office, this 26th day of February, 2003.

Linda Botier
Notary Public - State of Texas



K:\REAL\COMM-REBEAZER\012\CCR-FirstAmend.doc

FILED FOR RECORD
03 MAR 24 PM 3:30

Joyce Hudman
COUNTY CLERK
BRAZORIA COUNTY TEXAS

STATE OF TEXAS
COUNTY OF BRAZORIA

I, JOYCE HUDMAN, Clerk of the County Court In and for Brazoria County, Texas do hereby certify that this Instrument was FILED FOR RECORD and RECORDED in the OFFICIAL RECORD at the time and date as stamped hereon by me.

5



Joyce Hudman
County Clerk of Brazoria Co., TX