

1783226

THE STATE OF TEXAS
COUNTY OF HARRIS

WHEREAS, heretofore, by instrument dated March 28, 1957, recorded in the Records of the County Clerk of Harris County, Texas, under County Clerk's File No. 1737487 and, as so recorded, specifically made a part hereof for all purposes, The Gem Realty Co., Inc. and Eldee Co., as owners, did adopt certain restrictions as to the use of all of the land which has been subdivided as "A REPLAT OF BLOCKS 49, 56, 57, 188, 189, 190 AND A PARTIAL REPLAT OF BLOCK 187 OF SECTION 5, WESTBURY", which said replat has been filed for record under File No. 1730856, Flat Records of Harris County, Texas; and,

WHEREAS, the undersigned, The Gem Realty Co., Inc., Eldee Co., Calla Co. and Joseph J. Holland, hereinafter referred to and identified as "Owners", are the present owners of various tracts of land as indicated by the Records of Harris County, Texas, in which County the above subdivision is located, said tracts of land comprising all of the land located in and a part of the subdivision aforementioned.

NOW, THEREFORE, we, Owners, do hereby agree each for our respective selves and our respective heirs, administrators, successors and assigns that the restrictions hereinabove described shall be AMENDED, MODIFIED and ENLARGED as follows:

1. Notwithstanding the provisions of Subdivision (a) of said restrictions, it is specifically understood that at any time and from time to time, but not beyond July 1, 1960, any residence or residences not previously sold and occupied for residence purposes may be used as a sales office by The Westbury Company in conjunction with the sale of lots and/or lots and houses located in such subdivision or in subdivisions in the vicinity thereof. It is further specifically understood that the business processes engaged in or related to the building of a residence or residences and appurtenant structures (such as the processes and businesses incidental to the fabricating, building, constructing or sale of any residence in such subdivision) shall not be construed as such a use of any lot or lots as will violate the restriction or restrictions which require that such lot or lots may be used for residence purposes only and such processes related to or

incident to the construction of permitted improvements shall not be deemed to violate any of such restrictions. For the period from this date to July 1, 1960, the decision of the Architectural Committee as to whether any activity is a violation of such restriction or restrictions shall be conclusive.

2. No permanent clothesline shall be erected, installed or maintained on any lot; and any clothesline or similar device intended to be used for the airing or drying of clothes, articles of wearing apparel, or other items of personal property, when located outside of the exterior walls of any existing improvement shall be attached to portable or retractable poles, which poles and lines shall be taken down by the owner when not in use.

3. The door or doors to garages shall be kept closed save when opening is required to permit vehicular or other entrance and exit.

4. No acquiescence in any violation of any of the restrictions and covenants herein referred to as the same may have been subsequently modified, amended and enlarged, and no failure to enforce any one or more of such restrictions and/or covenants shall be construed to be a waiver or an estoppel of the right of any party or parties who might be otherwise entitled so to do to subsequently enforce the strict performance thereof.

The restrictions hereinabove referred to dated and recorded as above indicated as the same may have been subsequently modified and amended and as the same are hereby modified, amended and enlarged are in all respects RATIFIED, CONFIRMED and APPROVED.

EXECUTED this 25th day of July, 1957.

ATTEST:
E. H. Harrell
E. H. Harrell, Secretary

THE GEM REALTY CO., INC.
By *Wayne G. Depev*
Wayne G. Depev, President

ATTEST:
A. M. Carpenter
A. M. Carpenter, Assistant Secretary

ELDEE CO.
By *Julian T. Keith*
Julian T. Keith, Vice-President

ATTEST:
A. M. Carpenter
A. M. Carpenter, Assistant Secretary

CALLA CO.
By *I. Mark Westheimer*
I. Mark Westheimer, Vice-President
Joseph J. Holland
JOSEPH J. HOLLAND

OWNERS

FROM THE LAW OFFICES OF
HIRSCH AND WESTHEIMER
1908-B NILES ESPERSON BLDG
HOUSTON 1, TEXAS

THE STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared WAYNE C. DEFFEN, President of THE GEM REALTY CO., INC., known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said THE GEM REALTY CO., INC., a corporation, and that he executed the same as the act of such corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 29 day of July, 1957.

Walter Belle Hill
Notary Public, Harris County, Texas

THE STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared JULIAN T. KEITH, Vice-President of ELDEE CO., known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said ELDEE CO., a corporation, and that he executed the same as the act of such corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the ___ day of July, 1957.

Notary Public, Harris County, Texas

THE STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared I. MARK WESTHEIMER, Vice-President of CALLA CO., known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said CALLA CO., a corporation, and that he executed the same as the act of such corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 25th day of July, 1957.

Benita de Lapp Padon
Notary Public, Harris County, Texas
(Benita DeLapp Padon)

THE STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared JOSEPH J. HOLLAND, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the ___ day of July, 1957.

Notary Public, Harris County, Texas

Filed for Record July 30, 1957 at 8:15 o'clock P.M.

Recorded July 19, 1957 at 4:38 o'clock P.M.

W. D. MILLER, Clerk County Court Harris County, Texas

By Sally Robinson Deputy