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**AMMENDED AND RESTATED RESTRICTIONS
for
Avalon Place,
Avalon Place, First through Fifth Additions inclusive
and
Avalon Place, Section Six
All Harris County Texas Subdivisions**

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AMENDED AND RESTATED RESTRICTIONS
for
AVALON PLACE,
AVALON PLACE, FIRST THROUGH FIFTH ADDITIONS INCLUSIVE
and
AVALON PLACE, SECTION SIX
ALL HARRIS COUNTY SUBDIVISIONS

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

Avalon Place

WHEREAS, W. L. Edmundson was the sole owner of that certain property known as Avalon Place, a Harris County Subdivision according to the map or plat thereof filed of record in Volume 11, Page 52 of the Map Records of Harris County, Texas (“Avalon Place”); and

WHEREAS, W. L. Edmundson (joined by Gertrude S. Dickey and William M. Dickey as lienholders) encumbered property in Avalon Place with those covenants, conditions, and restrictions set forth in those certain instruments filed of record under Volume 930, Page 164 of the Deed Records of Harris County, Texas (the “Avalon Place Restrictions”); and

WHEREAS, the Avalon Place Restrictions were properly extended and apply to all of Avalon Place, which extension was in accordance with the provisions of the Avalon Place Restrictions and was accomplished by virtue of that certain instrument recorded in Volume 2366, Page 232 of the Deed Records of Harris County, Texas (the Avalon Place Restrictions, as extended, still hereinafter referred to as the “Avalon Place Restrictions”); and

Avalon Place, First Addition

WHEREAS, William M. Dickey, was the sole owner of that certain property known as Avalon Place, First Addition, a Harris County Subdivision according to the map or plat thereof filed of record in Volume 12, Page 49 of the Map Records of Harris County, Texas (“Avalon Place, First Addition”); and

WHEREAS, William M. Dickey, encumbered the property in the Avalon Place, First Addition with those covenants, conditions, and restrictions set forth in those certain instruments filed of record under Volume 1117, Page 484 of the Deed Records of Harris County, Texas (the “Avalon Place, First Addition Restrictions”); and

WHEREAS, the Avalon Place, First Addition Restrictions were properly extended, in accordance with the provisions of the Avalon Place, First Addition Restrictions, by virtue of that certain instrument recorded in Volume 2882, Page 517 of the Deed Records of Harris County, Texas (the Avalon Place, First Addition Restrictions, as extended, still hereinafter referred to as the “Avalon Place, First Addition Restrictions”); and

Avalon Place, Second Addition

WHEREAS, William M. Dickey, was the sole owner of that certain property known as Avalon Place, Second Addition, a Harris County Subdivision according to the map or plat thereof filed of record in Volume 12, Page 70 of the Map Records of Harris County, Texas (“Avalon Place, First Addition”); and

WHEREAS, William M. Dickey, encumbered the property in the Avalon Place, Second Addition with those covenants, conditions, and restrictions set forth in those certain instruments respectively filed of record under Volume 1004, Page 416 and Volume 1054, Page 33 of the Deed Records of Harris County, Texas (the “Avalon Place, Second Addition Restrictions”); and

WHEREAS, the Avalon Place, Second Addition Restrictions were properly extended, in accordance with the provisions of the Avalon Place, Second Addition Restrictions, by virtue of those certain instruments respectively recorded in Volume 2712, Page 257 and Volume 2871, Page 705 of the Deed Records of Harris County, Texas (the Avalon Place, Second Addition Restrictions, as extended, still hereinafter referred to as the “Avalon Place, Second Addition Restrictions”); and

Avalon Place, Third Addition

WHEREAS, William M. Dickey, was the sole owner of that certain property known as Avalon Place, Third Addition, a Harris County Subdivision according to the map or plat thereof filed of record in Volume 15, Page 5 of the Map Records of Harris County, Texas (“Avalon Place, Third Addition”); and

WHEREAS, William M. Dickey, encumbered the property in the Avalon Place, Third Addition with those covenants, conditions, and restrictions set forth in those certain instruments respectively filed of record under Volume 1100, Page 61 and Volume 1138, Page 725 of the Deed Records of Harris County, Texas (the “Avalon Place Third Addition Restrictions”); and

WHEREAS, the Avalon Place, Third Addition Restrictions were properly extended, in accordance with the provisions of the Avalon Place, Third Addition Restrictions, by virtue of those certain instruments respectively recorded in Volume 3254, Page 38; Volume 3243, Page 421 of the Deed Records of Harris County, Texas and in the Official Public Records of Real Property of Harris County, Texas under County Clerk’s File Nos. C019248; C746789; E351465; F691209; L769001; N030987; and T159973 and purportedly amended by virtue of those certain instruments respectively recorded in the Official Public Records of Real Property of Harris County, Texas under County Clerk’s File Nos. F032259 and R097003 (the Avalon Place, Third Addition Restrictions, as extended and amended, still hereinafter referred to as the “Avalon Place, Third Addition Restrictions”); and

Avalon Place, Fourth Addition

WHEREAS, William M. Dickey, was the sole owner of that certain property known as Avalon Place, Fourth Addition, a Harris County Subdivision according to the map or plat thereof filed of record in Volume 17, Page 8 of the Map Records of Harris County, Texas (“Avalon Place, Fourth Addition”); and

WHEREAS, William M. Dickey, encumbered the property in the Avalon Place, Fourth Addition with those covenants, conditions, and restrictions set forth in those certain instruments

respectively filed of record under Volume 1167, Page 126 and Volume 1212, Page 711 of the Deed Records of Harris County, Texas (the “Avalon Place Fourth Addition Restrictions”); and

WHEREAS, the restrictions contained in Volume 1212, Page 711 were reinstated by virtue of that certain instrument recorded in the Official Public Records of Real Property of Harris County, Texas under County Clerk’s File No. P822359 (the “Reinstatement Document”) the Avalon Place, Fourth Addition Restrictions, as partially reinstated by the Reinstatement Document, still hereinafter referred to as the “Avalon Place, Fourth Addition Restrictions”); and

Avalon Place, Fifth Addition

WHEREAS, William M. Dickey, was the sole owner of that certain property known as Avalon Place, Fifth Addition, a Harris County Subdivision according to the map or plat thereof filed of record in Volume 1163, Page 136 of the Map Records of Harris County, Texas (“Avalon Place, Fifth Addition”); and

WHEREAS, William M. Dickey, encumbered the property in the Avalon Place, Fifth Addition with those covenants, conditions, and restrictions set forth in those certain instruments filed of record under Volume 1193, Page 545 of the Deed Records of Harris County, Texas (the “Avalon Place Fifth Addition Restrictions”); and

WHEREAS, the Avalon Place, Fifth Addition Restrictions were amended by virtue of that certain instrument filed of record in the Official Public Records of Real Property of Harris County, Texas under County Clerk’s File No. D453148 (the Avalon Place, Fifth Addition Restrictions, as amended, still hereinafter referred to as the “Avalon Place, Fifth Addition Restrictions”); and

Avalon Place, Section Six

WHEREAS, Aubrey Fariss, was the sole owner of that certain property known as Avalon Place, Section Six, a Harris County Subdivision according to the map or plat thereof filed of record in Volume 39, Page 51 of the Map Records of Harris County, Texas (“Avalon Place, Section Six”) (Avalon Place; Avalon Place, First Addition; Avalon Place, Second Addition; Avalon Place, Third Addition; Avalon Place, Fourth Addition; Avalon Place, Fifth Addition, and; Avalon Place, Section Six hereinafter collectively referred to as the “Subdivision”); and

WHEREAS, Aubrey Fariss, encumbered the property in Avalon Place, Section Six with those covenants, conditions, and restrictions set forth in those certain instruments filed of record under Volume 2467, Page 378 of the Deed Records of Harris County, Texas (the “Avalon Place, Section Six Restrictions”) (Avalon Place Restrictions; Avalon Place, First Addition Restrictions; Avalon Place, Second Addition Restrictions; Avalon Place, Third Addition Restrictions; Avalon Place, Fourth Addition Restrictions; Avalon, Place, Fifth Addition Restrictions; and, Avalon Place, Section Six Restrictions hereinafter collectively referred to as the “Prior Restrictions”); and

Amendment Procedure for Avalon Place; Avalon Place, First Addition, and; Avalon Place, Second Addition

WHEREAS, the Avalon Place Restrictions; Avalon Place, First Addition Restrictions, and; Avalon Place, Second Addition Restrictions do not contain a provision for additions to or modification of the restrictions; and

WHEREAS, Texas Property Code, Section 204.005, provides a property owners' association has the authority to approve and circulate a petition relating to the extension of, addition to, or modification of existing restrictions, which petition must be approved by the owners of at least seventy five percent (75%) of the real property in the subdivision; and

WHEREAS, Avalon Property Owners Association, Inc. (the "Association"), is a property owners' association, whose membership consists of owners of property in the Subdivision as required by Texas Property Code, Section 204.005(a); and

WHEREAS, the Avalon Place Restrictions; Avalon Place, First Addition Restrictions, and; Avalon Place, Second Addition Restrictions do not, however, refer to the Association; and

WHEREAS, Texas Property Code, Section 204.006 provides that existing restrictions applicable to a subdivision may be amended by sixty percent (60%) of the owners in a subdivision in order to add to or modify the existing restrictions to create and operate a property owners' association; and

WHEREAS, a Petition Committee for: Avalon Place; Avalon Place, First Addition, and; Avalon Place, Second Addition has heretofore been created as required by Texas Property Code Sections 204.006 and 201.005; and

WHEREAS, the Board of Directors of the Association approved the contents of this instrument and directed that it be circulated for approval by the Owners in Avalon Place, Avalon Place, First Addition and Avalon Place, Second Addition, as evidenced by the signatures of the President and Secretary of the Association set forth below; and

WHEREAS, the owners of at least seventy-five percent (75%) of the real property in Avalon Place, Avalon Place, First Addition and Avalon Place, Second Addition wish to add to and modify the Avalon Place Restrictions, Avalon Place, First Addition Restrictions and Avalon Place, Second Addition Restrictions, which addition and modification shall occur in the following sequential order: (i) adding to the Avalon Place Restrictions, Avalon Place, First Addition Restrictions and Avalon Place, Second Addition Restrictions for the sole purpose of creating and operating the Association in the restrictions applicable to Avalon Place, Avalon Place, First Addition and Avalon Place, Second Addition as allowed by Texas Property Code, Section 204.006 and as set forth in Articles 2 and 3 hereof; and thereafter (ii) adding to, modifying and restating the Avalon Place Restrictions, Avalon Place, First Addition Restrictions and Avalon Place, Second Addition Restrictions as set forth in Articles 1 through 8; and

Amendment Procedure for Avalon Place, Third Addition

WHEREAS, the Avalon Place, Third Addition Restrictions applicable to Lots One (1) through Sixteen (16) inclusive in Block "N" and Lots Seventeen (17) through Thirty-Two (32) inclusive in Block "L" of Avalon Place, Third Addition do not contain a provision for additions to or modification of the restrictions; and

WHEREAS, the portion of Avalon Place, Third Addition Restrictions applicable to Lots Four (4) through Eleven (11) inclusive in Block "M" and Lot One (1) in Block "S" of Avalon Place, Third Addition provides the terms thereof can be amended by the then owners of the majority of the

square feet area of Lots Seventeen (17) through Thirty-Two (32) inclusive in Block “L”*and Lot One (1) in Block “S” of Avalon Place, Third Addition; and*

WHEREAS, as stated above, the Texas Property Code, Section 204.005, provides a property owners' association has the authority to approve and circulate a petition relating to the extension of, addition to, or modification of existing restrictions, which petition must be approved by the owners of at least seventy five percent (75%) of the real property in the subdivision; and

WHEREAS, the Avalon Place, Third Restrictions do not refer to the Association; and

WHEREAS, as also stated above, the Texas Property Code, Section 204.006 provides that existing restrictions applicable to a subdivision may be amended by sixty percent (60%) of the owners in a subdivision in order to add to or modify the existing restrictions to create and operate a property owners' association; and

WHEREAS, a Petition Committee for Avalon Place, Third Addition has heretofore been created as required by Texas Property Code Sections 204.006 and 201.005; and

WHEREAS, the Board of Directors of the Association approved the contents of this instrument and directed that it be circulated for approval by the Owners in Avalon Place Third Addition, as evidenced by the signatures of the President and Secretary of the Association set forth below; and

WHEREAS, the owners and seventy-five percent (75%) of the real property in Avalon Place, Third Addition wish to add to and modify the Avalon Place, Third Addition Restrictions, which addition and modification shall occur in the following order: (i) adding to the Avalon Place, Third Addition Restrictions by creating and operating the Association in the restrictions applicable to Avalon Place, Third Addition as allowed by Texas Property Code, Section 204.006 and set forth in Articles 2 and 3 hereof; and then (ii) adding to, modifying and restating the Avalon Place, Third Addition Restrictions as set forth below; and

**Amendment Procedure for Avalon Place, Fourth Addition
Avalon Place, Fifth Addition and Avalon Place, Section Six**

WHEREAS, the Avalon Place, Fourth Addition Restrictions, Avalon Place, Fifth Addition Restrictions and Avalon Place, Section Six Restrictions respectively provide the terms thereof may be amended by a vote of a majority of the owners of lots in each Avalon Place, Fourth Addition, Avalon Place, Fifth Addition and Avalon Place, Section Six; and

WHEREAS, this instrument has been approved by at least a majority of the respective owners of lots in each Avalon Place, Fourth Addition, Avalon Place, Fifth Addition and Avalon Place, Section Six, which addition and modification of the Avalon Place Fourth Addition Restrictions, Avalon Place, Fifth Addition Restrictions and Avalon Place, Section Six Restrictions shall occur in the following sequential order: (i) designating the Association in the applicable restrictions as set forth in Articles 2 and 3 hereof; and thereafter (ii) adding to, modifying and restating the Avalon Place, Third Addition Restrictions as set forth in Articles 1 through 8.

NOW, THEREFORE, (i) the Association shall be the designated property owners' association for the Subdivision, and (ii) all of the real property in the Subdivision shall be held, sold

* Due to a scrivener's error, the original reference to “Lot Seventeen (17) through Thirty-Two (32) inclusive of Block ‘L’” above is incorrect and should read “Lots Four (4) through Eleven (11) in Block ‘M’”.

