

No. 316015

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John H. Foster,

To

Amendment to Restrictions

The State of Texas, County of Harris,

Whereas, heretofore, to-wit:

John H. Foster, of Houston, Texas, conveyed to J. B. Thomas Lots 1, 2, 3 and 6, in block four (4) of Ormond Place, an addition to and in the City of Houston, Texas, according to the map or plat of said addition, recorded in vol. 6, page 43, of the map or plat records of Harris County, Texas, and in said deed to said lots contains numerous restrictions, and particularly provided: "No building, except for residence purposes, garage and servant's room, etc. necessary to be used in connection with the residence, shall be erected on said lot; all buildings to be set back 40 feet from South Boulevard to front porch; the residence not to be nearer any property line than 7-1/2 feet," and in said deed provided that all said restrictions mentioned in said deed should remain in full force and effect for twenty-one years after the date of the death of the said J. H. Foster, and provided that said restrictions and reservations were made for the benefit of all persons who then owned, or who may thereafter own property in said Ormond Place; and

Whereas, it

was the intention of the said J. H. Foster that any out-buildings accommodating the main or residential building, whether on one or more than one lot, so long as all such land be in connection with a single residential building, and for the benefit of the home of the owner of said single residential building; and Whereas, there has arisen some difficulty in construing the said restrictions, as well also, the expense of maintaining and keeping the yards, flower gardens, and lawns of people

owning and living on lots in said subdivision, and particularly where those owning property in and living on said one or more than one lot utilized in connection with their residence and home has grown to be a very great burden because of the high cost of labor therefor, and it is desired to clarify the intention of the undersigned, as to said restrictions and reservations in signing the aforesaid deed by the said John E. Foster containing the aforesaid restrictions and reservations: Now, Therefore, for and in consideration of the premises and to encourage home owners in said subdivision to keep the lawns in the best condition reasonably possible, do hereby clarify, modify, alter, and change the aforesaid restrictions as to improvements and/or buildings on property in the aforesaid Ormond Place, as follows:

That where a residence is built on a lot, or more than one lot, and the excess over one lot, whether a part or all of another lot, is used in connection with the single residence on one lot, the owners of said lot, lots, or one lot and part of another lot, and/or his successors in title thereto, shall have, and is hereby granted, the full right to build and maintain on any portion of said property so utilized in connection with said residence, garage, servant's room, lawn tools, garden tools houses, or hot houses for family use; provided, however, that said outhouses shall not be placed closer to the property lines than as provided for outhouses in the aforesaid deed to said J. B. Thomas.

And it is distinctly understood that this modification and clarification of the aforesaid restrictions is hereby made for the benefit of all persons who may now own, or who may hereafter own, property in said Ormond Place, their heirs and assigns, and such persons are hereby specifically given the right to enforce the aforesaid restrictions and reservations as herein clarified and/or modified.

Witness my hand this, the 2 day of April, A. D. 1946.

John E. Foster.

The State of Texas, County of Harris,

Before me, the undersigned

authority, on this day personally appeared John E. Foster, 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 3rd. day of April, A. D. 1946.

O'Farrell Reynolds, Notary Public in and for Harris County, Texas. (Seal)

Filed for record April 4, 1946 at 1:30 o'clock P.M. Recorded Dec. 9, 1946 at 11:40 o'clock A.M.

W. D. MILLER, Clerk, County Court, Harris County, Texas. By Samuel Howard Deputy