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217-00-1764

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15-014-02

**RENEWAL, AMENDMENT AND EXTENSION OF
RESTRICTIONS**

WHEREAS, Hubert H. Vestal, dba U.S. Land Development Company, filed restrictions for each original property sale in the **BIG TREE ESTATES SUBDIVISION, Section Two**, Montgomery County, Texas, and;

WHEREAS, the Architectural Control Committee for **BIG TREE ESTATES SUBDIVISION, Section Two** and other property owners of this subdivision have executed a "Renewal, Amendment and Extension of Restrictions," which has been filed for record in the Real Property Records in Montgomery County, Texas under Clerk's File No. 9568853, which the undersigned wish to join for our benefit and the mutual benefit of the other owners who have executed such documents; and

WHEREAS, we the undersigned property owners have signed this document renewing, amending and extending the above mentioned restrictions on our respective properties, and;

WHEREAS the original restrictions are amended by adding paragraphs 15, 16 and 17 as follows:

- (15) This document shall become effective as the restrictive covenants affecting the property that belongs to the Owners who adopt it from and after the completion of the following events:
 - (A) adoption by a majority of the members of the **COMMITTEE** as shown by their acknowledged signatures below;
 - (B) adoption of this document by the Owners of at least 28 lots in Big Tree Estates Subdivision, Section Two, as shown by the acknowledged signatures of the Owners of the fee simple title to each lot described and made a part of the "Owners' Adoption of Restrictions" that are attached to this document; and,
 - (C) recordation of this document in the Real Property Records, Montgomery County, Texas. The date this document is so filed for record shall become its Effective Date for all purposes.
- (16) After the Effective Date of this document, then those Owners of the fee simple title of any lot or lots who had not signed this document prior to its Effective Date, may join this document and thus subject their lot or lots to

these restrictive covenants and enjoy the same benefits and rights of all other Owners who had adopted these restrictive covenants. Such Owners shall execute an "Owners' Adoption of Restrictions", containing the description of such Owners' lots, and recording such document with the Real Property Records of Montgomery County, Texas. From and after each adoption of these restrictive covenants, these covenants shall become covenants running with the land for all lots owned by each Owner adopting these restrictive covenants, regardless of whether such Owner owned any such lot before or after the Effective Date of this document.

- (17) For all Owners adopting this document, each such adoption shall be irrevocable and the restrictive covenants set forth herein shall inure to the benefit of and shall be enforceable by the Association and all other Owners of lots in Big Tree Estates Subdivision, Section Two, who will have adopted these restrictive covenants. These restrictive covenants shall remain in effect until January 1, 2016, (the "Amendment Date") after which date such covenants should be automatically extended for successive periods of ten (10) years, and the last day of each such ten (10) year period shall also be an Amendment Date. These restrictive covenants may only be amended or terminated by a document amending or terminating such covenants which must be signed by a majority of the Owners of lots subject to such covenants and filed for record prior to an Amendment Date. All amendments or any termination will take effect only on the next succeeding Amendment Date. For example, if an amendment document is executed and recorded before January 1, 2016, then such amendment shall take effect only on January 1, 2016.

All of the property affected by this "Renewal, Amendment and Extension of Restrictions" is property located in one certain 272 acre tract of land out of the John N. Thomas Survey, A-549, Montgomery County, Texas, being also known as Big Tree Estates, Section Two, an unrecorded subdivision. Such property is described in a document recorded at Volume 956, Page 139 in the Deed Records of Montgomery County, Texas.

OWNERS SIGNATURE PAGE - BIG TREE ESTATES SUBDIVISION, SECTION TWO

The undersigned are all of the owners of that property which is described by the metes and bounds that are attached hereto and marked Exhibit "A". We adopt and impose upon our property the additions and amendments stated above and agree to extend and renew the original restrictive covenants originally imposed upon our property by Hubert H. Vestal, dba US Land Development Company or its successors or assigns. This adoption is irrevocable.

SIGNED this 20th day of April, 1996 in Carroll
Moody County, Texas

Signature: DONNA SAMPLE Whitworth

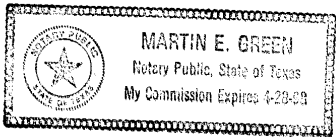
Name: Donna Sample Whitworth

Address: 14112 Horseshoe Bend
Course, TX 77384

STATE OF Texas

COUNTY OF Moody

This instrument was acknowledged before me this 20th day of April,
1996, by Martin E. Green



Martin E. Green
Notary Public - STATE OF Texas
My commission expires: 4-28-98

STATE OF _____

COUNTY OF _____

This instrument was acknowledged before me this _____ day of _____,
_____, by _____.

Notary Public - STATE OF _____
My commission expires: _____

108405

FIELD NOTES OF 3.000 ACRES OF LAND OUT OF A 272.00 ACRE TRACT OF LAND CONVEYED TO HUBERT H. VESTAL BY DEED RECORDED IN VOLUME 956, PAGE 139 OF THE MONTGOMERY COUNTY DEED RECORDS, BEING OUT OF THE JOHN N. THOMAS SURVEY, A-549, MONTGOMERY COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING FOR REFERENCE AT THE SOUTHWEST CORNER OF THE ABOVE SAID 272.00 ACRE TRACT, SAID CORNER LYING IN THE NORTH LINE OF STATE F. M. HWY. #1488 BASED ON A 100 FOOT WIDE RIGHT OF WAY;

THENCE N 80° 07' 34" E 503.06 FEET ALONG THE NORTH LINE OF STATE F. M. HWY. #1488 TO A POINT FOR CORNER;

THENCE NORTH 2744.71 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 300.00 FEET TO A POINT FOR CORNER;

THENCE EAST 435.60 FEET TO A POINT FOR CORNER;

THENCE SOUTH 300.00 FEET TO A POINT FOR CORNER;

THENCE WEST 435.60 FEET TO THE POINT OF BEGINNING;

RESERVING A 8 FOOT WIDE EASEMENT FOR UTILITIES PURPOSES WEST OF, ADJACENT TO AND ADJOINING THE EAST LINE OF THE ABOVE DESCRIBED, RESERVING AN 8 FOOT WIDE EASEMENT FOR UTILITIES PURPOSES NORTH OF, ADJACENT TO, AND ADJOINING THE SOUTH LINE OF THE ABOVE DESCRIBED 3.000 ACRE TRACT; AND RESERVING AN 8 FOOT WIDE EASEMENT FOR UTILITIES PURPOSES SOUTH OF, ADJACENT TO, AND ADJOINING THE NORTH LINE OF THE ABOVE DESCRIBED 3.000 ACRE TRACT.

OWNERS SIGNATURE PAGE - BIG TREE ESTATES SUBDIVISION, SECTION TWO

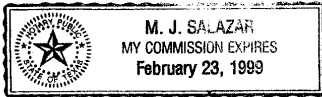
The undersigned are all of the owners of that property which is described by the metes and bounds that are attached hereto and marked Exhibit "A". We adopt and impose upon our property the additions and amendments stated above and agree to extend and renew the original restrictive covenants originally imposed upon our property by Hubert H. Vestal, dba US Land Development Company or its successors or assigns. This adoption is irrevocable.

SIGNED this 6th day of May, 1996, in Houston, Harris County, Texas.

Signature: *Milton Pate* *Mildred Pate*
 Name: MILTON PATE MILDRED PATE
 Address: 502 Brenda 502 Brenda
Houston, Texas 77076 Houston, Texas 77076

STATE OF TEXAS
COUNTY OF HARRIS

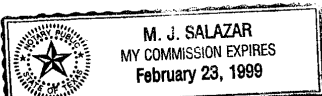
This instrument was acknowledged before me this 6th day of MAY, 1996, by MILTON PATE.



M. J. Salazar
Notary Public - STATE OF TEXAS
My commission expires: 02-23-99

STATE OF TEXAS
COUNTY OF HARRIS

This instrument was acknowledged before me this 6th day of MAY, 1996, by MILDRED PATE.



M. J. Salazar
Notary Public - STATE OF TEXAS
My commission expires: 02-23-99

26510

217-00-1769

099-00-2006

Legal description of land:

Field Notes of 5.000 acres of land out of a 272.00 acre tract of land conveyed to Hubert W. Vestal by deed recorded in Volume 986, Page 139 of the Montgomery County Deed Records, being out of the John N. Thomas Survey, A-549, Montgomery County, Texas, and being more particularly described by metes and bounds as follows:

Commencing for reference at the southwest corner of the above said 272.00 acre tract, said corner lying in the north line of State F. M. Hwy. 1488 based on a 100 foot wide right of way;

THENCE North 80 deg. 07' 34" East, 857.33 feet along the north line of State F. M. Hwy. 1488 to a point of curve to the left;

THENCE in a northeasterly direction, following the north line of State F. M. Hwy 1488, a distance of 1388.41 feet along the curve to the left having a radius of 34,466.15 feet and having a central angle of 2 deg. 18' 29" to a point of tangency;

THENCE North 77 deg. 49' 05" East, 154.18 feet along the North line of State F. M. Hwy 1488 to a point for corner;

THENCE North 2772.81 feet to the POINT OF BEGINNING;

THENCE North 504.16 feet to a point for corner;

THENCE East 432.00 feet to a point for corner;

THENCE South 504.16 feet to a point for corner;

THENCE West 432.00 feet to the POINT OF BEGINNING;

Reserving a 10 foot wide easement for utilities purposes east of, adjacent to, and adjoining the west line of the above described 5.000 acre tract, reserving an 8 foot wide easement for utilities purposes south of, adjacent to, and adjoining the north line of the above described 5.000 acre tract, and reserving an 8 foot wide easement for utilities purposes north of, adjacent to, and adjoining the south line of the above described 5.000 acre tract. (aka Lot 15 of Big Tree Estates, Section 2, an unrecorded subdivision located in Montgomery County, Texas.)

NOTE: THIS COMPANY DOES NOT REPRESENT THAT THE ABOVE ACREAGE OR SQUARE FOOTAGE CALCULATIONS ARE CORRECT.

FORM T-201-A (1-1-88)

TEXAS COMMITMENT FOR TITLE INSURANCE - SCHEDULE A
Effective 5-1-88

After record return to:
Milton Pate
502 Brenda
Houston, Texas 77076

Exhibit "A"

FILED FOR RECORD
95 SEP 27 PM 3:24

MARK TURNBULL, CO. CLERK
MONTGOMERY COUNTY, TEXAS

[Signature]
DEPUTY

STATE OF TEXAS
COUNTY OF MONTGOMERY
I hereby certify that this instrument was filed in
File Number Sequence on the date and at the time
stamped herein by me and was duly RECORDED in
the official Public Records of Real Property of
Montgomery County, Texas.

SEP 27 1995


Mark Turnbull
COUNTY CLERK
MONTGOMERY COUNTY, TEXAS

OWNERS SIGNATURE PAGE - BIG TREE ESTATES SUBDIVISION, SECTION TWO

The undersigned are all of the owners of that property which is described by the metes and bounds that are attached hereto and marked Exhibit "A". We adopt and impose upon our property the additions and amendments stated above and agree to extend and renew the original restrictive covenants originally imposed upon our property by Hubert H. Vestal, dba US Land Development Company or its successors or assigns. This adoption is irrevocable.

SIGNED this 3 day of December, 1996 in Houston
HARRIS County, TEXAS

Signature:	<u>Edward A. Scardino</u>	<u>Kathleen R. Scardino</u>
Name:	<u>Edward A. Scardino</u>	<u>Kathleen R. Scardino</u>
Address:	<u>6907 Briarfield</u>	<u>6907 Briarfield</u>

STATE OF Texas

COUNTY OF Harris

This instrument was acknowledged before me this 3rd day of December, 1996, by Carol L. Martin

Carol L. Martin
Notary Public - STATE OF Texas
My commission expires: 4-13-98

STATE OF _____

COUNTY OF _____

This instrument was acknowledged before me this _____ day of _____, by _____

Notary Public - STATE OF _____
My commission expires: _____

217-00-1771

That we, Angelo Edward Scardino and wife, Clara M. Scardino,

of the County of Harris and State of Texas for and in consideration of the sum of TEN AND NO/100 (\$10.00)----- DOLLARS and other valuable consideration to the undersigned paid by the grantee herein named, the receipt of which is hereby acknowledged,

have GRANTED, SOLD AND CONVEYED. and by these presents do GRANT, SELL AND CONVEY unto -----Edward Anthony Scardino and wife, Kathleen Roxanne Scardino,

of the County of Harris and State of Texas, all of the following described real property in Montgomery County, Texas, to-wit:

1.250 acres of land out of a 2.500 acre tract of land conveyed to Wayne R. Hargrove, et ux, Linda K. Hargrove, by deed recorded in Volume 991, Page 211 of the Montgomery County Deed Records, being out of the John N. Thomas Survey, A-549, Montgomery County, Texas, and being more particularly described by metes and bounds as follows:

- Commencing at the southeast corner of the above said 2.500 acre tract;
- Thence West 435.60 feet to a point for corner;
- Thence North 125.00 feet to a point for corner;
- Thence East 435.60 feet to a point for corner;
- Thence South 125.00 feet to the point of beginning, containing 1.250 acres of land.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said grantee s, their heirs and assigns forever; and we do hereby bind ourselves, our heirs, executors and administrators to WARRANT AND FOREVER DEFEND all and singular the said premises unto the said grantees, heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

This conveyance is made and accepted subject to any and all conditions, restrictions, and easements, if any, relating to the hereinabove described property shown of record in the office of the County Clerk of Montgomery County, Texas.

EXECUTED this 6th day of August, A. D. 1979.

Angelo Edward Scardino
Angelo Edward Scardino
Clara M. Scardino

RECORDER'S MEMORANDUM:
At the time of recordation, this instrument was found to be inadequate for the best photographic reproduction because of illegibility, carbon or photo copy, discolored paper, etc. All blackouts, additions and changes were present at the time the instrument was filed and recorded.

217-00-1772

FILED FOR RECORD

96 DEC 13 PM 12:42

MARK TURNBULL, CO. CLERK
MONTGOMERY COUNTY, TEXAS

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DEPUTY

STATE OF TEXAS
COUNTY OF MONTGOMERY
I hereby certify that this instrument was filed in
File Number Sequence on the date and at the time
stamped herein by me and was duly RECORDED in
the official Public Records of Real Property of
Montgomery County, Texas.

DEC 13 1996



Mark Turnbull
COUNTY CLERK
MONTGOMERY COUNTY, TEXAS

*Return to
BTEPOA
15232 SADDLEWOOD DR
CONROE TX 77384*