9805753 340-00-2110

Modifications and Regulations Applicable to the use of the Lots in the Implementation of the First Amended and Restated Declaration of Covenants, Conditions, Assessments, Charges, Servitudes, Liens, Reservations and Easements for Del Lago Estates

WHEREAS, by instrument dated November 3, 1987 entitled First Amended and Restated Declaration of Covenants, Conditions, Assessments, Charges, Servitudes, Liens, Reservations and Easements For Del Lago Estates ("First Amended and Restated Declaration"), recorded in the Real Property Records of Montgomery County, Texas, at Film Code No. 504-C1-1991 through 2049, certain restrictive covenants for Del Lago Estates, a sub-division of Montgomery County, Texas were recorded as prescribed by law. The Board of Directors of Del Lago Estates Property Owners Association now wishes to modify and define certain restrictive covenants, specifically 6.01.2(a), 6.01.3(c), and 6.02. The authority is granted to the Board of Directors of Del Lago Estates Property Owners Association under Section 6.01.

The purpose of this document is to promulgate, modify, and define certain protective covenants under Article VI of the First Amended and Restated Declaration of Covenants, Conditions, Assessments, Charges, Servitudes, Liens, Reservations and Easements for Del Lago Estates. The reason for this document is to enable property owners to more clearly understand the requirements, and to assist the Architecture Control Committee in carrying out its duties and responsibilities.

Article VI, Section 6.01.2 (a) Residential Dwelling (Ref. 504-01-2013)
(iii). "one boat house not to exceed one story in height and thirty-two feet in width."

Clarification and Definition

A. A boathouse is a covered outbuilding used for sheltering a boat and must be contiguous or adjacent to the water. The boathouse cannot have enclosed sides, but can have an attached storage area for storage of boating equipment.

B. Design Criteria
   1. Maximum covered area is thirty-two feet wide by forty-four feet deep.
   2. Height, from bulkhead elevation, cannot exceed 10 feet, including the deck on top. Handrails cannot exceed 48" high and cannot obstruct views; i.e., no solid rails.
   3. If a pitched roof is constructed, the peak cannot exceed 14 feet from bulkhead elevation.
   4. Maximum of two boat slips under cover.
   5. Length of boat slips extending into the water is governed by San Jacinto River Authority. All plans for docks and boat slips must be approved in writing from S.J.R.A. and all other governmental agencies having jurisdiction. Approval letter(s) must accompany plans before approval for construction.

6. Storage area can be a maximum of 10 feet deep from the bulkhead and 14 feet wide; may have a toilet and sink. No window air conditioners are allowed.
7. At no time shall any structure other than a sidewalk at grade level be built connecting the boathouse to the main residence; i.e., no bridges and covered walkways.
8. At no time shall the boathouse be used for living quarters, temporary or permanent
9. No houseboats, barges, or commercial vessels may be permanently or semi-permanently moored adjacent to the rear of any water front lot.

C. Color and Materials
1. Must be specified in construction plans and be compatible with the house architecture and harmonious with the neighborhood.
2. All docks, decks, and wood handrails must be treated lumber with a minimum of .40 CCA (or equivalent). Any wood contacting water must be .60 CCA (or equivalent).

D. Maintenance
1. Interior and exterior must be maintained to insure safety and to avoid shelter to undesirables such as snakes, rodents, termites, etc.
2. Any boathouse, slip, deck, dock, etc. that is not maintained and allowed to decay will be removed at owners expense. Maintenance must be sufficient to prevent any unsightly and unkept conditions.

E. Location
1. Location of a boathouse must be submitted with a plot plan and approved by the Architecture Control Committee.
2. No boathouse will be built within the 15-foot side easement or within any utility easements.

F. Sewer and Water Service
1. Must be approved by the Utility Board before hook up.

Article VI, Section 6.01.3 Construction Standards (Ref. 504-01-2015)
(c). "Once commenced, all construction shall be diligently pursued to completion and no construction may be left in a partially finished condition any longer than reasonably necessary."

Clarification and Definition

A. Construction
1. Cannot begin until full approval of plans by the Architecture Control Committee.
2. Approval will not be granted until all fees are paid.
3. Boathouse construction cannot start prior to commencement of residential construction.
4. Residential construction must commence within 90 days of Architecture Control Committee approval. If construction has not commenced within 90 days, the Architecture Control Committee must be informed and a review of the project will be required. By definition, commencement of construction is after the residence has been staked and located on the lot by a professional surveyor.

340-00-2112

Article VI, Section 6.02 Utilities (Ref. 504-01-2023)
"All utilities and utility connections shall be located underground, including electrical and telephone cables and wires, except for "project-level" utilities to be constructed and installed by the appropriate utility company. Transformers and meters of all types, including electric, gas and other meters or apparatus, shall be adequately screened and/or landscaped as approved in writing by the Board."

Clarification and Definitions

A. Temporary Utility Service
   1. Will be limited to 12 months or 30 days after completion of construction. Temporary utility poles must be removed and permanent utility service installed.
   2. No temporary utility pole can be installed until Architecture Control Committee approves construction.

23 LA JOLLA CIRCLE
MONTGOMERY, TX 77356

Jerry Ronquille
PRESIDENT
DEL LAGO ESTATE P.O.A.

STATE OF TEXAS

COUNTY OF MONTGOMERY

Before me, A Notary Public, on this day personally appeared Jerry Ronquille, known to me to be the person whose name is subscribed to the foregoing instrument, and known to me to be a Director of Del Lago Estates Property Owners Association, an association, and acknowledged to me that he executed said instrument for the purposes and consideration therein expressed, and as the act of said association.

Given under my hand and seal of office this 29th day of January, 1998.

BRENDA L. OUSLEY
MY COMMISSION EXPIRES
July 24, 1999

Brenda L. Ousley
Notary Public in and for the
State of Texas

My Commission Expires: 7/24/99

FILED FOR RECORD
98 JAN 29 AM 9:20
MARK TURNBULL CO. CLERK
MONTGOMERY COUNTY, TEXAS
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

JAN 2[illegible] 1998

COUNTY CLERK
MONTGOMERY COUNTY, TEXAS