



# SUPPLEMENTAL DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR CITY PARK SECTION 5

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SUPPLEMENTAL  
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR  
CITY PARK SINGLE FAMILY (RESIDENTIAL) – SECTION 5

THE STATE OF TEXAS §  
§  
COUNTY OF HARRIS §

This SUPPLEMENTAL DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR CITY PARK SINGLE FAMILY (RESIDENTIAL) – SECTION 5 (this "**Supplemental Declaration**") is made by GBF/LIC 288, Ltd., a Texas limited partnership (the "**Declarant**"), to be effective as of the date set forth below.

RECITALS

A. GBF/LIC 288, Ltd., a Texas limited partnership, as Declarant, previously executed that certain Declaration of Covenants, Conditions and Restrictions for City Park Single Family (Residential) recorded on December 24, 2003, under County Clerk's File No. X283888 in the Official Public Records of Harris County, Texas (the "**Original Declaration**"). City Park Homeowners Association, Inc., a Texas non-profit corporation, executed that certain First Amendment to Declaration of Covenants, Conditions and Restrictions for City Park Single Family (Residential) recorded on June 24, 2004, under County Clerk's File No. X715598 in the Official Public Records of Harris County, Texas (the "**First Amendment**"); and executed that certain Second Amendment to Declaration of Covenants, Conditions and Restrictions for City Park Single Family (Residential) recorded on December 17, 2004, under County Clerk's File No. Y136582 in the Official Public Records of Harris County, Texas (the "**Second Amendment**"). The Original Declaration, as modified by the First and Second Amendment, is hereinafter referred to as the "**Declaration**". All terms not otherwise defined herein shall have the same meaning as in the Original Declaration.

B. Pursuant to Section 8.3 of the Declaration, additional land may be annexed and subjected to the provisions of the Declaration by Declarant, without the consent of the Members, within 10 years of the date that the Original Declaration was recorded in the Official Public Records of Real Property of Harris County, Texas.

C. Declarant is the owner of the tract of land described as follows (such tract of land being referred to as "**City Park, Section 5**"):

Section 5 of City Park, a subdivision in Harris County, Texas according to the map or plat thereof recorded under Film Code No. 601275 of the Map Records of Harris County, Texas.

D. Declarant desires to subject City Park, Section 5, save and except any unrestricted reserves therein, to the general and uniform plan for the improvement, development, sale and use as described in the Declaration, for the benefit of the present and future owners of the lots therein.

NOW THEREFORE, City Park, Section 5, save and except any unrestricted reserves therein, shall be held, transferred, sold, conveyed, occupied and enjoyed subject to the covenants, conditions,

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easements, charges, liens and restrictions set forth in the Declaration, subject only to the following modifications:

1. **Lots.** As it applies to City Park, Section 5, the term "Lot" or "Lots" means each of the Lots shown on the Section 5 Plat, regardless of the designated type. There are two (2) types of Lots within Section 5, as follows:

a. a "**Type A**" Lot includes Lots One (1) through Thirty-Four (34), inclusive, of Block 1 of City Park Section 5; and Lots One (1) through Forty-Eight (48), inclusive, of Block 4 of City Park Section 5.

b. a "**Type B**" Lot includes Lots One (1) through Forty-One (41), inclusive, of Block 2 of City Park Section 5; and Lots One (1) through Forty-Eight (48), inclusive, of Block 3 of City Park, Section 5.

As used herein, "Section 5 Plat" means the Plat for City Park, Section 4, recorded under Film Code No. 601275 of the Map Records of Harris County, Texas, and any replat thereof.

2. **Date of Commencement and Determination of Annual Maintenance Charge.** Section 5.4 of the Declaration is hereby restated as follows:

The initial maximum Annual Maintenance Charge provided for herein shall be established as to all Lots, as applicable, on the first day of the month following the conveyance of the first Lot by Declarant. On or before the 30<sup>th</sup> day of November in each year, the Board of Directors of the Association shall fix the amount of the Annual Maintenance Charge to be levied against each Lot, as applicable, in the next calendar year. Written notice of the figure at which the Board of Directors of the Association has set the Annual Maintenance Charge shall be sent to every Owner. Provided that, the failure to fix the amount of any of the Annual Maintenance Charge or to send written notice thereof to applicable Owners shall not affect the authority of the Association to levy assessments or increase assessments as provided in this Declaration.

3. **Property.** The term "Property" as used in the Declaration also includes all of City Park, Section 5, a subdivision in Harris County, Texas, according to the plat thereof recorded under Film Code No. 601275 of the Map Records of Harris County, Texas, save and except any unrestricted reserves shown on plats of such Property.

*[Signatures on following page.]*

MP 032-05-0134

IN WITNESS WHEREOF, the undersigned, being Declarant and Lienholder, have executed this Supplemental Declaration on the date(s) set forth below, to become effective upon recording in the Official Public Records of Real Property of Harris County, Texas.

DECLARANT:

GBF/LIC 288, LTD.,  
a Texas limited partnership

3 or

By: Heritage General Capital Group, Ltd.,  
its authorized general partner

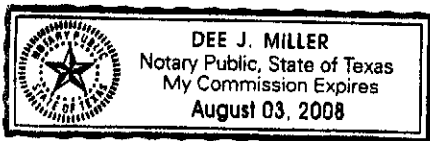
By: Westfield International, Inc.,  
its general partner

By: Pam Moore Barron  
Name: Pam Moore Barron  
Its: President  
Date: 10/4/06

THE STATE OF TEXAS §  
  §  
COUNTY OF HARRIS §

BEFORE ME, the undersigned Notary Public, on this day personally appeared Pam Moore Barron, President of Westfield International, Inc., a Texas corporation and the general partner of Heritage General Capital Group, Ltd, a Texas limited partnership and authorized general partner of GBF/LIC 288, Ltd., a Texas limited partnership, on behalf of such corporation and limited partnerships.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the 4<sup>th</sup> day of October, 2006.



Dee J. Miller  
Notary Public in and for the State of Texas

Brenda L. Keyfman  
COUNTY CLERK  
HARRIS COUNTY, TEXAS

2006 OCT 25 PM 12:22

FILED

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**JOINDER OF LIENHOLDER**

The undersigned, First Continental Investment Co., Ltd., being the owner and holder of an existing mortgage and lien upon and against the real property described in the foregoing Supplemental Declaration and defined as the "City Park, Section 5" in said Supplemental Declaration, as such mortgagee and Lienholder, does hereby consent to and join in said Supplemental Declaration of Covenants, Conditions and Restrictions for City Park (Residential) – Section 5.

This consent and joinder shall not be construed or operate as a release of said mortgage or lien owned and held by the undersigned, or any part thereof, but the undersigned agrees that its said mortgage and lien shall hereafter be upon and against the Lots and all appurtenances thereto, and all of the undivided, equitable shares and interests in the Common Area, subject to the provisions of the Supplemental Declaration hereby agreed to.

SIGNED by the undersigned officer of First Continental Investment Co., Ltd. heretofore authorized, this the 6<sup>th</sup> day of October, 2006.

Sam Yager Inc  
800 Bering #225 ✓  
Houston TX 77057

FIRST CONTINENTAL INVESTMENT CO., LTD.,  
a Texas limited partnership

RETURN TO

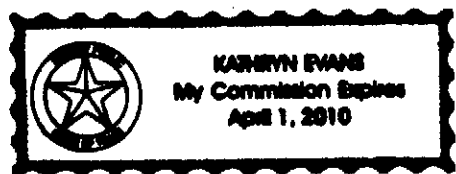
By: [Signature]  
John M. Bonner, President

THE STATE OF TEXAS    §  
  §  
COUNTY OF HARRIS    §

Before me, the undersigned authority, on this day personally appeared John M. Bonner, President of First Continental Investment Co., Ltd., 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, in the capacity therein stated and as the act and deed of said limited partnership.

Given under my hand and seal of office on this 6<sup>th</sup> day of October, 2006.

[Signature]  
Notary Public in and for the State of Texas



**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 blockouts, additions and changes were present at the time the instrument was filed and recorded.

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RP 032-05-0137

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL  
PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW,  
THE STATE OF TEXAS  
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in File Number Sequence on the  
date and at the time stamped hereon by me; and was duly RECORDED, in the  
Official Public Records of Real Property of Harris County, Texas on

OCT 25 2006



*Dorely B. Kaufman*

COUNTY CLERK  
HARRIS COUNTY, TEXAS