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Jama Richard Laura Richard, County Clerk Fort Bend County Texas

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FIRST AMENDMENT TO THE AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR NEWPOINT ESTATES

THE STATE OF PEXAS §
COUNTY OF FORT BEND §

WHEREAS, on October 7, 2003, the Board of Directors and owners of Lots in Newpoint Estates executed and adopted that certain document titled Amended and Restated Declaration of Covenants, Conditions and Restrictions for Newpoint Estates, recorded under File No. 2003141444 in the Official Public Records of Et. Bend County, Texas (hereafter "Declaration"); and

WHEREAS, Article XI. General Provisions, Section 6. Amendment, of the Declaration provides that the terms of the Declaration may be amended at any time by an instrument executed by the Owners of two-thirds (2/3rds) of the Lots in the Subdivision; and

WHEREAS, proper notice having been given, between February 15, 2018 and June 15, 2018, the Owners of Newpoint Estates Homeowners Association, Inc. (the "Association") voted to amend the Declaration; and

WHEREAS, the Owners representing two-thirds (2/3rds) of the Lots in the Subdivision voted and approved the amendments to the Declaration included herein.

NOW THEREFORE, the undersigned, representing at two-thirds (2/3rds) of the Lots in the Subdivision, did approve the following amendments to the Declaration as follows:

NOW THEREFORE, Article II. Architectural Control Committee, Section 2. Powers of the (Architectural Control) Committee is amended to read as follows:

Section 2. Powers of the (Architectural Control) Committee. No building, structure or other improvements shall be constructed on any Lot, and no exterior afteration therein shall be made until the site plan and the final working plans and specifications have been submitted and approved in writing by the Committee as to conformity with the restriction herein contained and harmony of external design and location in relation to existing structures and topography. Any material alteration of approved site plan or final working plans and specification is subject to the same process of review and approval. In the event the Committee fails to approve such site plan, final working plans and specifications and/or alteration shall not be desired to permit the construction of any improvements in a manner otherwise prohibited under the terms of this Declaration.

Paragraph 2 and 3 remain unchanged.

The Committee shall have the right, exercisable at its sole discretion with a two-thirds majority vote of approval of the Committee, to grant variances to the restrictions set forth herein

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in specific instances where the Committee in good faith deems that such variance does not adversely affect the architectural and environmental integrity of the Subdivision. The Committee requires the submission to it of such documents and items as it shall deem appropriate in connection with its consideration of a request for a variance. If the Committee shall approve such request for a variance, it shall evidence such approval, and grant its permission for such variance, only by written instrument signed by two Committee Members, addressed to the Owner of the property relative to which such variance has been requested, describing the applicable restriction(s) and the particular variance requested, expressing the decision of the Committee to permit the variance and describing (when applicable) the conditions on which the variance has been approved. Any request for a variance shall be deemed to have been disapproved in the event of either (a) written notice of disapproval from the Committee or (b) failure of the Committee to respond to the request for a variance. The grant of a variance shall not be deemed a waiver of future enforcement.

NOW THEREFORE, Article III. Newpoint Estates Homeowners Association, Inc., Section 2. Board of Directors is amended to read as follows:

Section 2. Board of Directors. The Association shall act through a Board of five (5) Directors who must be members of the Association; the Directors shall manage the affairs of the Association as specified in the By-Laws of the Association. At each annual meeting, the Members shall elect the number of directors equal to the number of Directors who terms expire at such time for a term of two years each. The terms of the Directors shall be staggered to ensure that three (3) Directors go up for election one (1) year and two (2) Directors go up for election the following year. The number of Directors and length of term of the Directors may be changed by amendment of the By-Laws of the Association.

The Board is required to amend the By-Laws to conform with this restriction prior to the next annual meeting. See attached Ancillary Amendment to the By-Laws.

NOW THEREFORE, Article IV. Covenant for Maintenance Assessments, Section 8. Effect of Nonpayment of Assessments, Remedies of the Association, is amended to read as follows:

Section 8. Effect of Nonpayment of Assessments, Remedies of the Association. Any assessment or charges which are not paid when due shall be delinquent. If an assessment or charge is not paid within thirty (30) days after the due date, it shall incur a late fee of \$25 and the Association may bring an action at law against the Owner personally obligated to pay the same, or to foreclose the lien herein retained against the property. The late fee as specified above, costs and reasonable attorney's fees incurred in such any action shall be added to the amount of such assessment or charge and shall be a lien against the Lot. Each such Owner, by his acceptance of a deed hereby expressly vests in the Association or its agents the right and power to bring all actions against such Owner personally for the collection of such assessments and charges as a debt and to enforce the lien by all methods available for the enforcement of such liens including foreclosure by an action brought in the name of the Association in like manner as a mortgage or deed of trust lien foreclosure on real property, and such Owner expressly grants to the Association a power of sale and non-judicial foreclosure in connection with the lien. No Owner may waive or otherwise escape liability for the assessments provided for herein by non-use of the Common Area or abandonment of his lot.

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NOW THEREFORE, Article VI. Use Restrictions, Section 5. Permitted Hours for Construction Activity is amended to read as follows:

Section 5. Permitted Hours for Construction Activity. Except in an emergency or when unusual circumstances exist, as determined by the Board of Directors of the Association, outside construction work or noisy interior construction work shall be permitted only between the hours of 7.00 a.m. and 8.00 p.m. on weekdays and between 10:00 a.m. and 6:00 p.m. on weekends.

The foregoing amendments to the Declaration set forth above shall be deemed to be part of and shall be interpreted in accordance with the Declaration. All provisions of the Declaration not amended are hereby ratified and confirmed in each and every particular, and shall continue in full force and effect pursuant to the terms of the Declaration.

The undersigned has been duly authorized to execute and deliver this instrument.

DATED the 27 day of September, 2018.

NEWPOINT ESTATES HOMEOWNERS ASSOCIATION, INC., a Texas nonprofit

> KEAVON MADISON Notary ID #131214880

y Conlmission Expires Jūly 19, 2021

corporation

Name:

Title: President

THE STATE OF TEXAS

COUNTY OF FT. BEND

Before me, the undersigned authority, on the 27 day of September, 2018, personally appeared Cynthy Fomey, President of Newpoint Estates Homeowners Association, Inc., known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same on behalf of the corporation.

Notary Public

RECORDED BY:

SEARS

6548 GREATWOOD PKWY. SUGAR LAND, TX 77479

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ANCILLARY AMENDMENT TO THE BY-LAWS OF NEWPOINT ESTATES HOMEOWNERS ASSOCIATION, INC.

THE STATE OF TEXAS

COUNTY OF FORT BEND

§ §

WHEREAS, on October 7, 2003, the Board of Directors and owners of Lots in Newpoint Estates executed and adopted that certain document titled Amended and Restated Declaration of Covenants, Conditions and Restrictions for Newpoint Estates, recorded under File No. 2003141444 in the Official Rublic Records of Ft. Bend County, Texas (hereafter "Declaration"); and

WHEREAS, proper notice having been given, between February 15, 2018 and June 15, 2018. the Owners of Newpoint Estates Homeowners Association, Inc. (the "Association") voted to amend the Declaration; and

WHEREAS, Article III. Newpoint Estates Homeowners Association, Inc., Section 2. Board of Directors of the Declaration was amended to decrease the number of Directors serving on the Board from seven (7) to five (5); and

WHEREAS, to ensure uniformity between the Declaration and By-Laws, the Board is specifically authorized to adopt this Ancillary Amendment to the By-Laws which amends the By-Laws to match the terms of the Declaration.

NOW THEREFORE, the undersigned, representing at least a majority of the Board of Directors, did approve the following amendments to the By-Laws:

NOW THEREFORE, Article IV. Board of Directors, Section 1. Number is amended to read as follows:

Section 1. Number. The affairs of the Association shall be managed by a Board of five (5) directors, who must be Members of the Association. The number of Directors may be changed by amendment of these By-Laws.

NOW THEREFORE, Article IV. Board of Directors, Section 2. Term of Office is amended to read as follows:

Section 2. Term of Office. At each annual meeting, the Members shall elect the number of directors equal to the number of Directors who terms expire at such time for a term of two years each. The terms of the Directors shall be staggered to ensure that three (3) Directors go up for election one (1) year and two (2) Directors go up for election the following year. The length of the terms of the Directors may be changed by amendment of these By-Laws.

The foregoing amendments to the By-Laws set forth above shall be deemed to be part of and shall be interpreted in accordance with the By-Laws. All provisions of the By-Laws not amended are

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hereby ratified and confirmed in each and every particular and shall continue in full force and effect pursuant to the terms of the By-Laws. The undersigned has been duly authorized to execute and deliver this instrument. 2 day of September, 2018. **NEWPOINT ESTATES HOMEOWNERS** ASSOCIATION, INC., a Texas nonprofit corporation By:_C Name: C Title: President THE STATE OF TEXAS COUNTY OF FT. BEND Before me, the undersigned authority, on the A day of September, 2018, personally appeared Cynthyn Forney, President of Newpoint Estates Homeowners Association, Inc., known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same on behalf of the corporation. Notary Public REBECCA MATA Notary Public, State of Texa Comm. Expires 10-16-2019 Notary ID 130407521 SDG: NPE-0001 5