

**FIRST AMENDMENT OF INDIGO LAKE ESTATES, SECTION SIX  
COVENANTS, CONDITIONS AND RESTRICTIONS**

STATE OF TEXAS §

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF MONTGOMERY §

WHEREAS, on April 12, 1996, PROPERTIES OF THE SOUTHWEST, INC. (herein and therein referred to as "Developer"), executed that certain Declaration of Covenants, Conditions and Restrictions, for Indigo Lake Estates, Section 6, (hereinafter referred to as the "Original Restrictions"), filed for record under County Clerk's File No. 9627869, in the Real Property Records of Montgomery County, Texas; and,

WHEREAS, the Original Restrictions provide, in Section 9.03 of Article IX that the Developer reserves the right to promulgate and impose restrictions (as well as vary and amend said Original Restrictions) for the purpose of correcting any oversight, ambiguity or inconsistency therein, provided such amendment is consistent with and in furtherance of the general plan and scheme of the development; and,

WHEREAS, the Developer, has discovered a typographical error in Section 4.02(b) of said Original Restrictions, wherein the words "Board of Directors of the . . ." were omitted by mistake in the second sentence of said Section immediately preceding the word Association; and,

WHEREAS, the Developer desires to clarify and correct the Original Restrictions to provide that the board of Directors of the Association elect members of the Architectural Control Committee for the subdivision; and

WHEREAS, the Developer has the authority to amend the Original Restrictions pursuant to Section 9.03 thereof, and the amendment of the Original Restrictions in said manner does not require the joinder of any other person, whether such person be an owner of property in the Subdivision, a lienholder, a mortgagee, a deed of trust beneficiary or any other person;

NOW, THEREFORE, in consideration of the Premises, the Original Restrictions are hereby modified and amended by the Developer as follows:

Section 4.02(b) in Article IV of the Original Restrictions (recorded under Clerk's File No. 9627869 in the Real Property Records of Montgomery County, Texas) is hereby modified and amended to read as follows:

**(b) At such time as eighty percent (80%) of all of the Lots in the Subdivision are conveyed by Developer (from time to time hereafter referred to as the "Control Transfer Date"), the Developer shall cause an instrument transferring control to the Association of be placed of record in the Real Property Records of Montgomery County, Texas (which instrument shall include the Control Transfer Date). Thereupon, the Board of Directors of the Association shall elect a committee of three (3) members to be known as the Indigo Lake Estates Architectural Control Committee. From and after the Control Transfer Date, each member of the Committee must be an Owner of property in some Section of Indigo Lake Estates Subdivision. Additionally, the Developer shall have the right to discontinue the exercise of architectural control privileges and arrange for the transfer to the Association at any time prior to the Control Transfer Date by filing a statement and instrument to such effect in the Real Property Records of Montgomery County, Texas.**



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**SECOND AMENDMENT**  
*to*  
**DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS,**  
**INDIGO LAKE ESTATES, SECTION 6**

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THE STATE OF TEXAS                    §  
   §                    KNOW ALL PERSONS BY THESE PRESENTS:  
COUNTY OF MONTGOMERY           §

WHEREAS, PROPERTIES OF THE SOUTHWEST, INC., a Delaware corporation (the "Developer"), was the sole owner of that certain real property known Indigo Lake Estates, Section Six, a subdivision in Montgomery County, Texas according to the map or plat thereof filed of record in Cabinet H, Sheets 197(A) through 200(B) et seq. of the Map Records of Montgomery County, Texas ("Indigo Lake Estates, Section Six"); and

WHEREAS, by that certain instrument entitled "Declaration of Covenants, Conditions, and Restrictions Indigo Lake Estates, Section 6" filed of record in the Official Public Records of Real Property of Montgomery County, Texas, under County Clerk's File No. 9627869 (the "Declaration"), the Declarant imposed on the Indigo Lake Estates, Section Six all those certain covenants, conditions, restrictions, easements, charges, and liens therein set forth; and

WHEREAS, the Declaration was amended by that certain instrument entitled "First Amendment of Indigo Lake Estates, Section Six Covenants, Conditions, and Restrictions" filed of record in the Official Public Records of Real Property of Montgomery County, Texas, under County Clerk's File No. 9635233, (the Declaration as previously amended still hereinafter referred to as the "Declaration"); and

WHEREAS, Article IX, Section 9.01 of the Declaration entitled "Term" provides that two-thirds (2/3rds) of the Owners of Lots in Indigo Lake Estates, Section Six (the "Owners") can amend or change the Declaration; and

WHEREAS, Article IX, Section 9.02 of the Declaration entitled "Amendments" provides that the Declaration may be amended or changed, in whole or in part, at any time by the written agreement signed by Owners entitled to cast not less than two thirds (2/3rds) of the votes of all the Owners; and

NOW, THEREFORE, the Owners representing the votes of two thirds (2/3rds) of the Owners within Indigo Lake Estates, Section Six, as evidenced by the signatures of the Owners set forth in Exhibit "A" attached hereto and incorporated herein, hereby amend the Declaration as follows:

Article III, Section 3.06 of the Declaration entitled "Water Supply" is hereby amended to read as follows:

Section 3.06    Water Supply.    All residential dwellings in the Subdivision may be equipped with and served by a fresh water system that is installed, operated and continuously maintained in accordance with

applicable utility company and governmental requirements. No water wells shall be made, bored or drilled, nor any type or kind of private system installed or used, except upon the approval of the Architectural Control Committee and any required governmental authorities.

The amendment and modification of the Declaration set forth above shall be deemed to be a part of and shall be interpreted in accordance with the Declaration. This amendment to Article III, Section 3.06 of the Declaration shall supersede any and all prior amendments and modifications to this section, if any. All provisions of the Declaration not amended hereby 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.

IN WITNESS WHEREOF, the Owners representing the votes of two thirds (2/3rds) of the Owners in Indigo Lake Estates, Section Six, have approved this amendment and modification to the Declaration to be effective upon the date of filing in the Official Public Records of Real Property of Montgomery County, Texas. This instrument may be executed in multiple originals, which when placed together shall constitute one document.

**CERTIFICATE**

I, Betty Ballard, Vice President of Indigo Lake Estates Property Owners Association, a Texas non-profit corporation (the "Association"), do hereby certify that the foregoing amendment to the Declaration was approved by the affirmative vote of two-thirds (2/3rds) of the Owners of Lots Indigo Lake Estates, Section Six as required by Article XI, Section 9.02 of the Declaration, as evidenced by the Consents of Owners attached hereto and incorporated herein as Exhibit "A."

TO CERTIFY WHICH WITNESS MY HAND on this 4 day of NOVEMBER 2004.

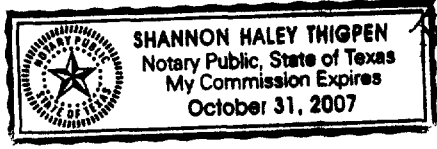
**INDIGO LAKE ESTATES  
PROPERTY OWNERS ASSOCIATION**

By: [Signature]  
Betty Ballard, Vice President

STATE OF TEXAS §  
  §  
COUNTY OF HARRIS §

Before me, a notary public, on this day personally appeared Betty Ballard, Vice President of Indigo Lake Estates Property Owners Association, known to me to be the person whose name is subscribed to the foregoing instrument and, being by me first duly sworn and declared that she executed same in the capacity and consideration therein expressed. Given under my hand and seal of office this 4th day of NOVEMBER 2004.

[Signature]  
NOTARY PUBLIC - STATE OF TEXAS



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