



LT1-1-2010014479-1



LT2-4

FIFTH AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR WHITE OAK RANCH SUBDIVISION, SECTION ONE

WHEREAS, the Declaration of Covenants, Conditions and Restrictions for White Oak Ranch Subdivision, Section One (hereinafter the "Declaration"), executed on or about June 11, 2001, was recorded in the Official Records of Real Property of Montgomery County, Texas under County Clerk's File No. 2001-062678;

WHEREAS, Article X, Section 7 of the Declaration provides, in pertinent part, as follows:

"Declarant shall have the right to make amendments, modifications and charges to these Covenants, Conditions and Restrictions, without the joinder of any Owner or any other party, for the purpose of correcting any inconsistencies that may be found herein."

WHEREAS, the Declarant has discovered an inconsistency in the Declaration and by way of this amendment desires to amend the Declaration to correct the inconsistency;

WHEREAS, it was the intent of the Declarant, when two or more lots are combined into one composite building site under Article IV, Section 6, that such composite building site shall be regarded as a "Lot" for the purpose of maintenance assessments.

WHEREAS, the Declarant has discovered that Article IV, Section 6 was not properly drafted to reflect the Declarant's intent;

NOW THEREFORE, Article IV, Section 6 of the Declaration is hereby amended to read as follows:

"Section 6. Building Location.

(a) No main residence, garage or carport, nor any other part thereof shall be located on any Lot nearer than the minimum building lines as shown on the Subdivision Plat. However, at such time as plans are submitted to the Committee for approval, the Committee may require that the residence, garage, or carport be located at a greater or closer distance from the back Lot line than the building line shown on the recorded plat. No main residence, garage or carport or any other outbuilding or any part thereof shall be located nearer than 5 feet to any interior side Lot line. Eaves, steps and open porches shall not be considered as a part of the building, provided that no portion of any residence, garage, carport or structure shall encroach upon another Lot.

(b) The committee may approve deviations or grant variances of the building location requirements provided the variance or deviation does not alter the scope and intention of these Restrictions. The Owner shall make a written request to the Committee for a variance or deviation.

(c) On Waterfront Lot, no out-buildings or other structures may be constructed beyond the rear building line except for low profile docks or boat

slips which do not hinder the view of Lake Conroe and which have received prior written approval of the Committee.

(d) Any Owner of one or more adjoining Lots, with the written permission of the Committee, may merge such Lots into one building site with the privilege of placing or constructing improvements on such resulting site, in which case side setback lines shall be measured from the resulting side property lines rather than the Lot lines as indicated on the recorded plat. Such composite building site shall be subject to the following conditions:

1. Any improvements to be constructed or placed on such resulting composite building site shall physically be located on all Lots that have been merged;
2. Each resulting composite building site shall be regarded as a "Lot" for the purposes of this Article IV, Section 6 when determining building line requirements;
3. Each resulting composite building site shall be regarded as one "Lot" for the purposes of Article VIII and therefore subject to one maintenance charge per composite building site or Lot."

Nothing herein is intended to alter, modify or amend the Declaration, except as specifically provided hereinabove.

IN WITNESS WHEREOF, I am the President of LAKE CONROE DEVELOPMENT CORPORATION, the Declarant of the White Oak Ranch subdivision and I have executed this Fifth Amendment to the Declaration to be effective as of the 15th day of February, 2010.

LAKE CONROE DEVELOPMENT CORPORATION

By: Gary Calfee

Print Name: GARY CALFEE
PRESIDENT

THE STATE OF TEXAS

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COUNTY OF MONTGOMBERY §

This instrument was acknowledged before me, on the 15th day of February, 2010, by Gary Colpe, President of LAKE CONROE DEVELOPMENT CORPORATION, the Declarant of the White Oak Ranch subdivision in Montgomery County, Texas.



Judy Hapes
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

AFTER RECORDING RETURN TO:

**Larry M. Hoes
12357 Oak Cove Pointe
Conroe, Texas 77304**

FILED FOR RECORD

02/24/2010 10:14AM



COUNTY CLERK
MONTGOMERY COUNTY, TEXAS

STATE OF TEXAS
COUNTY OF MONTGOMERY

I hereby certify 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 Montgomery County, Texas.

02/24/2010



County Clerk
Montgomery County, Texas