

INST # 2008-00001497

**THE SECOND AMENDMENT TO THE DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS OF TOWER PLACE, INC.**

C & N, LP, a Texas limited partnership (herein the "Declarant") was the declarant of a certain Declaration of Covenants, Conditions, & Restrictions of Tower Place, Inc. (herein the "Declaration"), filed of record in Volume 2736, Page 1, the deed records of Kaufman County Deed Records, Kaufman County, Texas, that a "First Amendment to the Declaration of Covenants, Conditions and restrictions of Tower Place, Inc." was filed of record in Volume 3136, Page 462, the deed records of Kaufman County Deed Records, Kaufman County, Texas and files this Second Amendment to the Declaration of Covenants, Conditions, and Restrictions of Tower Place, Inc. (herein the "Second Amendment") and Tower Place, Inc. (herein the "Homeowners Association") hereby agree to amend the Declaration.

Recitals

WHEREAS, the Declarant acknowledges that all the land subject to the Declaration and this Second Amendment is known as The Tower Place, Inc. (herein the "Property"). That The Property is located entirely in the City of Terrell, Kaufman County, Texas, and is more fully described Exhibit "A" to this Second Amendment.

WHEREAS, that Tower Place, Inc., a Texas non-profit corporation, is the homeowner's association of the Property.

WHEREAS, that Declarant is currently in compliance with the terms and conditions of Declaration.

NOW, THEREFORE, as per the terms and conditions of the Declaration, the Declarant and the Homeowners Association agree to amend the Declaration in this Second Amendment as follows:

Amendment

That Declarant and the Homeowners Association, as per the terms and conditions of the Declaration, do hereby expressly agree and covenant to amend the Declaration as follows:

A. Section 5.5.2 of the Declaration is deleted in its entirety and replaced with the following:

"5.5.2. Vacant Lot or Lot With Dwelling Under Construction. A lot that is vacant or on which a dwelling is under construction is only assessed at half of the full rate, in the following circumstances:

a. If the Owner of said lot does not begin construction of a dwelling within ninety (90) days from the date of the Owner purchases or acquires said lot;

b. If the Owner of a lot does not receive a certificate of occupancy from the city of Terrell one (1) year after the start of construction of a dwelling; or

c. If the lot is owned by Declarant. Such a lot owned by Declarant is not subject to assessment during the Declarant Control Period, provided Declarant, at its option, pays any operating deficits of the Association as they arise.

A vacant lot becomes subject to assessment at the full rate on the first day of the month following the month in which the city issues a certificate of occupancy."

This Second Amendment is signed and acknowledged on this 21st day of January, 2008.

C & N, L.P.,
BY: N & C, LLC
General Partner

By: 
TOM NORTON,
President

STATE OF TEXAS

COUNTY OF KAUFMAN

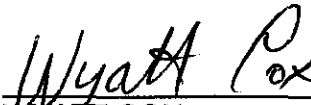
BEFORE ME, the undersigned authority, on this day personally appeared Tom Norton, President, of N & C, LLC, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same as an act of such limited partnership in its capacity as General Partner for C & N, LP.





Notary Public's Signature
Commission Expires: 8/16/11

TOWER PLACE INC.

By: 

WYATT COX,
President

STATE OF TEXAS

COUNTY OF KAUFMAN

BEFORE ME, the undersigned authority, on this day personally appeared Wyatt Cox, President, of Tower Place, Inc. and acknowledged to me that he executed the same as an act of such corporation in his capacity as President.





Notary Public's Signature
Commission Expires: 8/16/11

**THE SECOND AMENDMENT TO THE DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS OF TOWER PLACE, INC.**
EXHIBIT "A"
PROPERTY DESCRIPTION

Part of Lot 14, Block A, Wilson Terrace No. 2 Addition, an Addition to the City of Terrell, Kaufman County, Texas, according to the plat thereof recorded in Cabinet 1, Envelope 142, Plat Records, Kaufman County, Texas and being more particularly described as follows:

BEGINNING at a 1/2" iron rod set for corner at the North corner of said Lot 14;

THENCE South 42 deg. 26 min. 06 sec. East, along the Northeast line of said Lot 14, a distance of 12.65 feet to a 1/2" iron rod found for corner at the North corner of a 0.488 acre tract conveyed to William K. Choate, as recorded in Volume 961, Page 902;

THENCE South 47 deg. 22 min. 22. sec. West, along the Northwest line of said Choate tract, a distance of 129.85 feet to a 1/2" iron rod set for corner;

THENCE North 43 deg. 41 min. 04 sec. West, along the Southwest line of said Lot 14, a distance of 12.66 feet to a 1/2" iron rod set for corner at the West corner of said Lot 14;

THENCE North 47 deg. 22 min. 22 sec. East along the Northwest line of said Lot 14, a distance of 130.13 feet to the POINT OF BEGINNING and containing 0.038 acres of land.

AND

A part of Lot 13, Block A, of the Replat of Part of Wilson Terrace No. 2, to the City of Terrell, as recorded in Plat Cabinet 1, envelope 621, of the Plat Records of Kaufman County, Texas, and being a part of said Lot as conveyed from Norton Development Co., to Tenco Properties, Inc., as recorded in Volume 111, Page 962, of the Deed Records of Kaufman County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" iron rod set for corner at the South corner of said Lot 13, said point being in the new Northwest R.O.W. of Ninety Street and being 6.50 feet Northwest of the Northwest back of curb on Ninety Street;

**THE SECOND AMENDMENT TO THE DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS OF TOWER PLACE, INC.**
EXHIBIT "A" (CONTINUED)
PROPERTY DESCRIPTION

THENCE North 43 deg. 39 min. 56 sec. West, along the Southwest line of said Lot 13 and along the Northeast line of Lot 1A, Block 591, of the Revised Map of Terrell as recorded in Plat Cabinet 1, Envelope 737, a distance of 169.22 feet to a 1/2" iron rod set for corner;

THENCE North 51 deg. 30 min. 55 sec. East a distance of 49.65 feet to a 1/2" iron rod set for corner at the west corner of a tract conveyed to William K. Choate as recorded in Volume 961, Page 902;

THENCE South 43 deg. 41 min. 04 sec. East, along the Southwest line of said Choate tract, a distance of 165.63 feet to a 1/2" iron rod set for corner in the Northwest R.O.W. of Ninth Street;

THENCE South 47 deg. 22 min. 06 sec. West along said R.O.W., a distance of 45.91 feet to the POINT OF BEGINNING and containing 0.190 acres of land.

Inst # 2008- 00001497

Filed for Record in: Kaufman County
On: Jan 23, 2008 at 11:51A