

**AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS FOR CROCKETT TRACE**

This Amendment to Declaration of Covenants, Conditions and Restrictions for Crockett Trace is made the 23rd day of January, 2002, by Emerson Land Company, Ltd., a Texas limited partnership ("Emerson").

WITNESSETH:

WHEREAS, Emerson is (i) the owner of eighty-seven (87) Lots in CROCKETT TRACE, Section One, a subdivision of one hundred six (106) Lots and eight (8) Reserves, located in Montgomery County, Texas, according to the map or plat thereof recorded in Cabinet O, Sheet 157 of the Map Records of Montgomery County, Texas (the "Subdivision") and (ii) the assignee of all of the rights and privileges of Partners Capital, Ltd. (the "Declarant/Developer"), who was the original developer of the Subdivision and the "Declarant" in the Declaration (as hereinbelow defined); and

WHEREAS, the Subdivision is subject to that certain Declaration of Covenants, Conditions and Restrictions (the "Declaration") dated April 6, 2001 of record in the Official Public Records of Real Property of Montgomery County, Texas under Clerk's File No. 2001-044378; and

WHEREAS, the Declaration imposes upon and subjects the Subdivision to certain restrictive covenants and conditions; and

WHEREAS, Section 2 of Article X of the Declaration provides for the amendment of the Declaration by written instrument signed by the Owners of Lots representing two-thirds (2/3) of the total votes in Crockett Trace Homeowners Association, Inc. (the "Association"); and

WHEREAS, as the owner of eight-seven (87) Lots in the Subdivision and assignee of the

rights and privileges of the Declarant/Developer, Emerson represents in excess of two-thirds (2/3) of the total votes in the Association; and

WHEREAS, Emerson desires to amend the Declaration to correct various scrivener errors or mistakes contained therein;

NOW THEREFORE, Emerson hereby amends and modifies the Declaration as follows:

I.

Section 8 of Article I of the Declaration is amended to read as follows:

SECTION 8. "Owner" shall mean and refer to the record owner, whether one or more persons or entities, of the fee simple title to any Lot, including contract purchasers, but excluding those having an interest merely as security for the performance of an obligation or those owning an easement right, a mineral interest, or a royalty interest.

II.

Section 11 of Article VI of the Declaration is amended to read as follows:

SECTION 11. MAINTENANCE OF LOT. Owners shall regularly mow all lots such so that the grass and other vegetation are never permitted to exceed six (6) inches in height. The lot owner shall also maintain in a similar manner, the area between the property line and the pavement of a street. Within thirty (30) days of the move on to the Lot of a modular home or other manufactured home, the Owner shall construct a wood deck containing a minimum measurement of eight (8) feet by eight (8) feet centered around the front door with minimum landscaping of ten (10) feet around the deck to be in place within ninety (90) days.

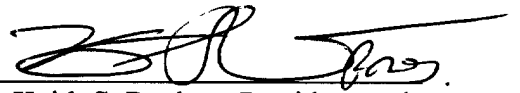
III.

Except for the limited changes or modifications set out herein, the Declaration shall remain in full force and effect as originally written.

Executed this 23rd day of January, 2002.

EMERSON LAND COMPANY, LTD., a
Texas limited partnership

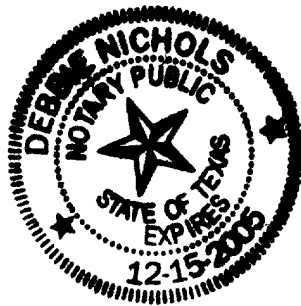
By: KSR DEVELOPMENT, L.L.C., its
General Partner

By: 
Keith S. Raybon, President and
Sole Member

THE STATE OF TEXAS §

COUNTY OF MONTGOMERY §

This instrument was acknowledged before me on the 23 day of January, 2002, by KEITH S. RAYBON, President and sole member of KSR Development, L.L.C., a Texas limited liability company, on behalf of said company, as General Partner of Emerson Land Company, Ltd., a Texas limited partnership, on behalf of said limited partnership.




Notary Public, State of Texas

Return to:
Emerson
3828 W. Davis, Suite 308-420
Conroe TX 77306

008-10-2871

FILED FOR RECORD

2002 JAN 23 PM 12: 24

Mark Tubball
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 Real Property at
Montgomery County, Texas.

JAN 23 2002



Mark Tubball
County Clerk
Montgomery County, Texas