

AMENDED RESTRICTIONS AND COVENANTS
TO THE EXISTING DEDICATION, COVENANTS, AND RESTRICTIONS
BRIARWOOD ADDITION, SECTIONS 3 AND 4

The following are Amended Restrictions and Covenants to the Existing Dedication, Covenants, and Restrictions, as set forth in (i) the Dedication, Covenants, and Restrictions of Briarwood Addition, Section 3, dated November 30, 1988, as recorded in Volume 815, Page 102, Deed Records of Midland County, Texas and (ii) the Amendment thereto, dated August 28, 1989, as recorded in Volume 815, Page 152, Deed Records of Midland County, Texas (hereinafter referred to as the "Section 3 Amendment"); (iii) the Supplemental Restrictions and Covenants to the Existing Dedication, Covenants and Restrictions of Briarwood Addition, Section 3, dated June 1, 1993, as recorded in Volume 815, Page 554, Deed Records of Midland County, Texas (hereinafter referred to as the "June 1, 1993 Section 3 Supplemental Restrictions and Covenants"); (iv) the additional Supplemental Restrictions and Covenants to the Existing Dedication, Covenants and Restrictions of Briarwood Addition, Section 3, dated July 24, 1994, as recorded in Volume 1191, Page 28, Official Records of Midland County, Texas; and (v) the Declaration of Covenants and Restrictions of Briarwood Addition, Section 4, dated June 8, 1994, as recorded in Volume 1191, Page 1, Official Records of Midland County, Texas (hereinafter referred to as the "Section 4 Declaration of Covenants and Restrictions").

These Amended Restrictions and Covenants were approved at the annual meeting of BWA, Inc. ("BWA") held on April 9, 1996, in accordance with the requirements of Article 7 of the June 1, 1993 Section 3 Supplemental Restrictions and Covenants, and Article 6 of the Section 4 Declaration of Covenants and Restrictions. These Amended Restrictions and Covenants are effective as of April 10, 1996, and apply to all Lot Owners in Briarwood Addition, Sections 3 and 4.

The Amended Restrictions and Covenants are as follows:

1. The Section 3 Amendment, paragraph 12, which read:

"No composition shingles or tar and graveled roofs shall be constructed on residential lots except as to patio roofs in the rear of the dwelling."

Is revised to read:

"All roofs shall be wood shingle or slate, except if the roof is of other "permanent type" given the written approval of the Homeowners' Association Design Review Committee. In any event no composition shingle shall be allowed unless it meets the following minimum specifications: Type - fiberglass class "A" asphalt roof shingle with 30-year limited warranty; Weight - minimum 300 pounds per square; Color - Weatherwood Blend. No

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tar and graveled roofs shall be constructed on residential lots except as patio roofs in the rear of the dwellings."

2. The Section 3 Amendment, paragraph 13, which read:

"The structure and grounds of each lot shall be maintained in a neat and attractive manner at all times."

Is revised to read:

"The structure and grounds of each lot shall be maintained in a neat and attractive manner at all times. For all new residential construction on corner lots there shall be planted, in the front yard, no less than three trees each with trunks of a minimum of 3 inches DBH (diameter at breast height - 5 feet above ground level) and a minimum height of 15 feet. For all new residential construction other than corner lots, there shall be planted, in the front yard, no less than two trees each with trunks of a minimum of 3 inches DBH and a minimum height of 15 feet. The only exception to said minimum diameter trunk requirements is in the case of a tree with multi-trunks (more than two trunks) with the largest trunk of a minimum of 2½ inches DBH and 15 feet in height."

3. The Section 4 Declaration of Covenants and Restrictions, section 7.12 - Roof Shingles, which read:

"No composition shingles or tar and graveled roofs shall be constructed on residential lots except as a patio roofs in the rear of the dwelling."

Is revised to read:

"All roofs shall be wood shingle or slate, except if the roof is of other "permanent type" given the written approval of the Homeowners' Association Design Review Committee. In any event no composition shingle shall be allowed unless it meets the following minimum specifications: Type - fiberglass class "A" asphalt roof shingle with 30-year limited warranty; Weight - minimum 300 pounds per square; Color - Weatherwood Blend. No tar and graveled roofs shall be constructed on residential lots except as patio roofs in the rear of the dwellings."

4. The Section 4 Declaration of Covenants and Restrictions, section 7.13 - Appearance, which read:

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"The structure and grounds of each lot shall be maintained in a neat and attractive manner at all times."

Is revised to read:

"The structure and grounds of each lot shall be maintained in a neat and attractive manner at all times. For all new residential construction on corner lots there shall be planted, in the front yard, no less than three trees each with trunks of a minimum of 3 inches DBH (diameter at breast height - 5 feet above ground level) and a minimum height of 15 feet. For all new residential construction other than corner lots, there shall be planted, in the front yard, no less than two trees each with trunks of a minimum of 3 inches DBH and a minimum height of 15 feet. The only exception to said minimum diameter trunk requirements is in the case of a tree with multi-trunks (more than two trunks) with the largest trunk of a minimum of 2½ inches DBH and 15 feet in height."

DATED effective the 10th day of April, 1996.

I, Larry Brazile, Secretary of BWA, Inc., do hereby certify that the foregoing are true and correct results of the BWA, Inc. annual meeting of April 9, 1996, and have caused the corporate seal of said corporation to be hereto affixed.



Larry Brazile
Larry Brazile, Secretary

STATE OF TEXAS §
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COUNTY OF MIDLAND §

The foregoing instrument was acknowledged before me on this 24th day of April, 1997 by Larry Brazile, Secretary of BWA, Inc., a Texas nonprofit corporation, on behalf of said corporation.

Print Notary's Name and Date Commission Expires:

Holly U. Winchester
Notary Public, State of Texas

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Filed for Record on the 29 day of April A.D. 1997, at 3:02 o'clock P.
Duly Recorded this the 29 day of April A.D. 1997, at 3:20 o'clock P.M.

ALICE BROWN, COUNTY CLERK
MIDLAND COUNTY, TEXAS
by Alice Brown, Deputy

INSTRUMENT NO. 6905

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