

PETITION TO MODIFY RESTRICTIVE COVENANTS
applicable to
OLD BRAESWOOD SUBDIVISION
Pursuant to Texas Property Code Chapter 204

WHEREAS, this petition is being circulated by Old Braeswood Property Owners Association ("Association") among the owners of property in Old Braeswood Subdivision (defined herein) in accordance with Texas Property Code §204.005 to modify restrictions applicable thereto; and

WHEREAS, Old Braeswood Subdivision shall mean and refer to the property subject to the restrictive covenants described in this petition and in the maps or plats identified herein, which property is commonly referred to as Braeswood- Section 1, Braeswood Addition, and Braeswood Extension;

WHEREAS, if approved, this petition will be binding on all properties in Old Braeswood Subdivision; and

WHEREAS, the Association will notify all record owners of property in Old Braeswood Subdivision in writing of this proposed modification of restrictive covenants by hand-delivery to residences within Old Braeswood Subdivision or by sending via regular mail to the owner's last known mailing address as reflected in the ownership records maintained by the Association; and

WHEREAS, if approved, this petition will be filed as a dedicatory instrument with the county clerk of Harris County, Texas; and

WHEREAS, restrictive covenants applicable to the properties in Old Braeswood Subdivision are recorded in the Official Public Records of Real Property of Harris County, Texas at: (i) Volume 768, Page 218; (ii) Volume 855, Page 550, (iii) Volume 5043, Page 447; (iv) Volume 1142, Page 262; (v) Page 1148, Page 629; (vi) Volume 1147, Page 481; (vii) Clerk's File No. X104867, (viii) Clerk's File No. X984839, (ix) Clerk's File No. X84840, and (x) Clerk's File No. RP-2018-204146, as such documents may be amended (collectively, "Restrictions"); and

WHEREAS, the maps or plats of the property in Old Braeswood Subdivision are found in the Map or Plat Records of Harris County, Texas at: (i) Volume 9, Page 23; (ii) Volume 16, Page 27; and (iii) Volume 1163, Page 728, as such maps or plats may be amended; and

WHEREAS, the Restrictions, as they may have been amended, will remain in full force and effect and are unchanged, unless and except as provided in the modifications described herein. In the event of a conflict between the Restrictions and the modifications, the modifications shall control; and

WHEREAS, upon the filing of this petition in the Official Public Records of Real Property of Harris County, Texas, the petition will have been approved by the owners, excluding

lienholders, contract purchasers, and the owners of mineral interests, of at least 75 percent of the total number of properties in the Association's jurisdiction; and

WHEREAS, the modifications to the Restrictions will run with the land and be binding upon all properties in Old Braeswood Subdivision, and no property owner or lienholder shall have the right to exclude themselves or their property from the modifications; and

WHEREAS, certain Restrictions include a prohibition against conveyance, leasing, or occupancy of the restricted properties "by any person not of the white or Caucasian race"; and

WHEREAS, deed restrictions related to race are void and unenforceable pursuant to Texas law and federal law; and

WHEREAS, owners and residents in Old Braeswood Subdivision have raised concerns that void, unenforceable, and offensive restrictions related to race continue to be present in the Restrictions; and

WHEREAS, the undersigned owners of property in Old Braeswood Subdivision desire to modify the Restrictions by deleting all deed restrictions related to race.

NOW THEREFORE, based on the approval of owners excluding lienholders, contract purchasers, and the owners of mineral interests, of at least 75 percent of the total number of properties in Old Braeswood Property Owners Association in accordance with Chapter 204 of the Texas Property Code, as evidenced by the attached signatures, the Restrictions applicable to properties in Old Braeswood Subdivision are modified such that the following void and unenforceable deed restrictions related to race are **deleted** from the Restrictions:

A. Restrictions recorded at Volume 768, Page 218:

No. 12. Ownership or Occupancy by Anyone Other than White Race. None of the lots, shown on said plat, shall be conveyed, leased, or given to, and no building erected thereon shall be used, owned, or occupied by any person not of the white race. This prohibition however, is not intended to include the occupancy by a person not of the white race while employed on the premises.

B. Restrictions recorded at Volume 1142, Page 262:

(c) None of the lots shall be conveyed, leased, or given to, and no building erected thereon shall be used, owned, or occupied by any person not of the white or Caucasian race. This prohibition, however, is not intended to prevent the occupancy by a person not of the white race while employed on the premises as a servant.

C. Restrictions recorded at Volume 1147, Page 481:

(c) None of the lots shall be conveyed, leased, or given to, and no building erected thereon shall be used, owned, or occupied by any person not of the white or Caucasian race. This

prohibition, however, is not intended to prevent occupancy by a person not of the white race while employed on the premises as a servant.

Except as modified herein or as otherwise amended, the Restrictions remain in full force and effect.

Approval of multiple owners of a property may be reflected by the signature of a single co-owner. Further, this instrument may be executed in a number of identical counterparts, each of which will be deemed to be an original and which will be aggregated together to constitute the entire original instrument.

The effective date of this Petition to Modify Restrictive Covenants applicable to Old Braeswood Subdivision will be the date it is recorded in the Official Public Records of Real Property of Harris County, Texas.

IN WITNESS WHEREOF, this Petition to Modify Restrictive Covenants has been duly approved by the Executive Committee of the Association.

Executed the 19 day of February, 2019.

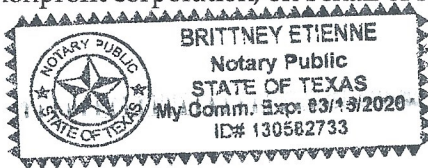
**OLD BRAESWOOD PROPERTY OWNERS
ASSOCIATION**

Julie Cohn
By: JULIE COHN

Its: President

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on February 19, 2019 by Julie Cohn, President of Old Braeswood Property Owners Association, a Texas nonprofit corporation, on behalf of said corporation and in the capacity therein stated.



Brittney Etienne
Notary Public, State of Texas

