

**FIRST AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
POMONA RESIDENTIAL COMMUNITY**

STATE OF TEXAS §
 §
COUNTY OF BRAZORIA §

WHEREAS, MC 288, LLC, a Delaware limited liability company (“Declarant”), caused the instrument entitled “Declaration of Covenants, Conditions and Restrictions for Pomona Residential Community” (the “Original Declaration”) to be recorded in the Real Property of Brazoria County, Texas on June 18, 2015, under Instrument No. 2015027167, which instrument imposes various covenants, conditions, restrictions, liens and charges on Pomona, Section 1-17, subdivisions in Brazoria County, Texas, according to the map or plat thereof, recorded in the Real Property Records of Brazoria County, Texas, under Instrument Nos. 2015031848, 2015034362, 2015031875, 2015040831, 2017026268, 2017017537, 2017057842, 2018023091, 2018060872, 2018060876, 2019021417, 2019043530, 2019040647, 2019043533, 2019057767, 2020008945, and 2020072968, respectively, along with any additions, annexations, modifications, or replats thereto (the “Subdivision”); and

WHEREAS, the Declaration provides that for a period of twenty-five (25) years after the Declaration is recorded, or until Declarant voluntarily terminates the Declarant Control Period, Declarant has the authority to amend the Declaration (without the necessity joinder or consent of any other Person) by the recordation in the Real Property Records of Brazoria County of a written instrument executed by Declarant setting forth such amendment; and

WHEREAS, Declarant desires to so amend the Declaration;

WHEREAS, this Amendment represents restrictive covenants as defined and described in § 202.001 of the Texas Property Code;

NOW THEREFORE, MC 288, LLC, as Declarant, hereby amends the Declaration as follows:

Article III, Section 3.1 of the Declaration entitled “Uses” which previously read:

“Section 3.1 Uses. Subject to applicable restrictions of record, the Architectural Guidelines and Rules and Regulations, Lots and Improvements located on the Property shall be used for single family residential purposes in accordance with the Governing Documents and Legal Requirements.”

Is hereby amended to read as follows:

“Section 3.1 Uses.

- (a) Subject to applicable restrictions of record, the Architectural Guidelines and Rules and Regulations, Lots and Improvements located on the Property shall be used for single family residential purposes in accordance with the Governing Documents and Legal Requirements.
- (b) Notwithstanding anything to the contrary in this Declaration, in the Architectural Guidelines, in the Rules and Regulations, or elsewhere, the leasing of a Lot or any portion of a Lot for a period of less than six (6) months is expressly considered a business and/or commercial purpose or use, is expressly not considered a single family residential purpose or use, and no Lot or part of a Lot shall ever be used or caused to be used or allowed or authorized in any way directly or indirectly for such a purpose or use. Further notwithstanding anything to the contrary in this Declaration, in the Architectural Guidelines, in the Rules and Regulations, or elsewhere, the leasing or renting out of less than the entirety of a Lot for any period of time is expressly considered a business and/or commercial purpose or use, is expressly not considered a single family residential purpose or use, and no Lot or part of a Lot shall ever be used or caused to be used or allowed or authorized in any way directly or indirectly for such a purpose or use.
- (c) Notwithstanding anything to the contrary in this Declaration, in the Architectural Guidelines, in the Rules and Regulations, or elsewhere, no Lot or part of a Lot shall ever be used in any manner or for any purpose that the Board of Directors, in its sole and absolute discretion, considers to be a use in a hotel or transitory manner. No Lot or part of a Lot shall ever be used or caused to be used or allowed or authorized in any way directly or indirectly for such a purpose or use.
- (d) Notwithstanding anything to the contrary in this Declaration, in the Architectural Guidelines, in the Rules and Regulations, or elsewhere, no Lot or part of a Lot shall ever be used in any manner or through any service that Texas Tax Code §§ 351.001 *et seq.* or §§ 352.001 *et seq.*, or either of their successor statutes, apply. No Lot or part of a Lot shall ever be used or caused to be used or allowed or authorized in any way directly or indirectly for such a purpose or use.”

Capitalized terms used herein have the same meaning as that ascribed to them in the Declaration, unless otherwise indicated.

Except as amended herein, all provisions in the Declaration, as previously amended, remain in full force and effect.

Executed on the date set forth below, to become effective upon recording in the Official Public Records of Real Property of Harris County, Texas.

DECLARANT:

MC 288, LLC,
a Delaware limited liability company, Declarant

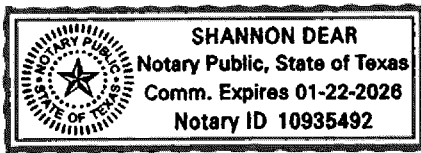
By: *[Signature]*
Name: Fred Balda
Title: President

ACKNOWLEDGEMENT

STATE OF TEXAS §
 §
COUNTY OF BRAZORIA §

BEFORE ME, the undersigned Notary Public, on this day personally appeared *Fred Balda*, *President* of MC 288, LLC, a Texas limited liability company, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and in the capacity herein expressed.

Given under my hand and seal of office this the 15 day of April, 2022.



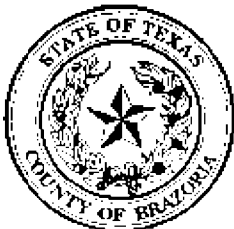
Shannon Dear
Notary Public, State of Texas

FILED and RECORDED

Instrument Number: 2022023909

Filing and Recording Date: 04/20/2022 08:39:32 AM Pages: 4 Recording Fee: \$34.00

I hereby certify that this instrument was FILED on the date and time stamped hereon and RECORDED in the OFFICIAL PUBLIC RECORDS of Brazoria County, Texas.



A handwritten signature in black ink, appearing to read "Joyce Hudman".

Joyce Hudman, County Clerk
Brazoria County, Texas

ANY PROVISION CONTAINED IN ANY DOCUMENT WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE REAL PROPERTY DESCRIBED THEREIN BECAUSE OF RACE OR COLOR IS INVALID UNDER FEDERAL LAW AND IS UNENFORCEABLE.

DO NOT DESTROY - Warning, this document is part of the Official Public Record.

cclerk-kaegan