

**FIFTH AMENDMENT
TO
CORRECTION RESTRICTIONS, COVENANTS, AND CONDITIONS
LAFFITE'S COVE AT PIRATES BEACH**

STATE OF TEXAS §
 §
COUNTY OF GALVESTON §

WHEREAS, this **Fifth Amendment** to Correction Restrictions, Covenants, and Conditions for Laffite's Cove at Pirates Beach, for the subdivision known as Pirates' Cove, Section Six, commonly known as Laffite's Cove at Pirates Beach, said original **Correction** was filed of record August 6, 1992, under County Clerk's File No. 9230659, Film Code No. 008-35-0345, of the Official Public Records of Real Property of Galveston County, Texas (the "**Original Correction**"), is made for the following purpose: amending Section 1, "Land Use and Building Type of the Original Correction as shown below;

WHEREAS, this amendment relates to Pirates Cove, Section Six, a subdivision in Galveston County, Texas according to the **plat** thereof recorded in Book 18, Pages 277-281 of the Map Records in the Office of the County Clerk of Galveston County, Texas, as amended by Pirates Cove Section Six **First Amending Plat** recorded in Book 18, Pages 326-333, and **Partial Replat** of Pirates Cove Section Six First Amending Plat recorded in Book 18, Pages 366-367 of the Map Records in the Office of the County Clerk of Galveston County, Texas, and as amended by Pirates Cove, Section Six **Second Amending Plat** recorded in Book 18, Pages 574-578 of the Map Records in the Office of the County Clerk of Galveston County, Texas, commonly known as Laffite's Cove at Pirates Beach (the "**Subdivision**");

WHEREAS, the Original Correction has been modified and amended by that certain **Amendment** to Correction Restrictions, Covenants and Conditions for Laffite's Cove at Pirates Beach filed of record June 9, 1993, under County Clerk's File No. 9323348, Film Code No. 008-95-2288 of the Official Public Records of Real Property of Galveston County, Texas; and further amended by that certain **Second Amendment** to Correction Restrictions, Covenants and Conditions for Laffite's Cove at Pirates Beach filed of record July 26, 1993, under Country Clerk's File No. 9330979, Film Code No. 009-07-0815 of the Official Public Records of Real Property of Galveston County, Texas; and further amended by that certain **Third Amendment** to Correction Restrictions, Covenants and Conditions for Laffite's Cove at Pirates Beach, filed of record March 24, 2000, under County Clerk's File No. 2000013752, File Code No. 014-41-0586 of the Official Public Records of Real Property of Galveston County, Texas; and further amended by that certain **Fourth Amendment** to Correction Restrictions, Covenants and Conditions for Laffite's Cove at Pirates Beach, filed of record May 5, 2004, under County Clerk's File No. 2004028837, File Code No. 020-31-2450 of the Official Public Records of Real Property of Galveston County, Texas;

WHEREAS, Texas Property Code Section 209.0041(h) grants property owners the right to amend a declaration by a vote of sixty-seven percent (67%) of the total votes allocated to the property owners in the Association. Specifically, Texas Property Code, Section 209.0041 (h) states, "[e]xcept as provided by this subsection, a declaration may be amended only by a vote of 67 percent of the total votes allocated to property owners in the property owners' association, in addition to any governmental approval required by law. **If the declaration contains a lower percentage, the percentage in the declaration controls;**" [Emphasis added.]

WHEREAS, Texas Property Code Section 209.0041(e) provides that "[t]his section applies to a dedicatory instrument regardless of the date on which the dedicatory instrument was created;"

WHEREAS, Texas Property Code Section 209.0041(f) provides that "[t]his section supersedes any contrary requirement in a dedicatory instrument;"

WHEREAS, Texas Property Code Section 209.002(3) provides that "'Declaration' means an instrument filed in the real property records of a county that includes restrictive covenants governing a residential subdivision;"

WHEREAS, the owners of lots in the Subdivision are empowered by the Original Correction, Section 37, "Amendments of These Restrictions, Covenants, and Conditions," to amend the Original Correction by an instrument duly executed and acknowledged and recorded in the office of the County Clerk of Galveston County, Texas, signed by the owners of a **majority** of the lots in the Subdivision (the "**Members**") [Emphasis added];

WHEREAS, per Texas Property Code Section 209.0041 (h) and Section 37 of the Original Correction, the original Correction of Restrictions, Covenants, and Conditions, Laffite's Cove at Pirates Beach may be amended by a vote of a **majority** of the total votes allocated to property owners in Laffite's Cove Property Owners Association (the "Association"); and

WHEREAS, the original Correction of Restrictions, Covenants, and Conditions, Laffite's Cove at Pirates Beach has been amended at a Special Meeting of the Members held on December 12, 2015, by a vote of at least a majority (i.e., 50.1%) of the total votes allocated to property owners in the Association, thereby approving **Fifth Amendment** to Correction Restrictions, Covenants, and Conditions for Laffite's Cove at Pirates Beach, as attested to by the President of the Association below.

NOW THEREFORE, Section 1, "**Land Use and Building Type**" shall be deleted in its entirety and amended to read as follows:

"1. Land Use and Building Type. The Property shall be used for residential purposes only, and only one (1) detached single-family dwelling shall be erected on any one lot. **No commercial activity shall be conducted on or from any of Said Lots, except that a lot owner may rent his or her home to another for a minimum of ninety (90) consecutive days for residential purposes.** Notwithstanding anything contained herein to the contrary, until Developer, its successors or assigns has sold all the Property, any unsold lots may be used by Developer for the location and operation of a sales office." [Emphasis added.]

FURTHER, nothing herein is intended to alter, modify, or amend the Original Correction, or any Amendments thereto, except as specifically provided hereinabove.

CERTIFICATION

I, the undersigned, am the duly elected and acting President of the Board of Directors of Laffite's Cove Property Owners' Association, a non-profit corporation, and I do hereby certify:

That the within and foregoing **FIFTH AMENDMENT TO CORRECTION RESTRICTIONS, COVENANTS, AND CONDITIONS LAFFITE'S COVE AT PIRATES BEACH**, was properly adopted at a Special Meeting of the Members on the 12th day of December, 2015, by a vote of at least a majority (i.e., 50.1%) of the total votes allocated to property owners in Laffite's Cove Property Owners Association as per Texas Property Code Section §209.0041(h).

IN WITNESS WHEREOF, I have executed this Firth Amendment to Correction Restrictions, Covenants, and Conditions for Laffite's Cove at Pirates Beach to be effective as of the 12th day of December, 2015.

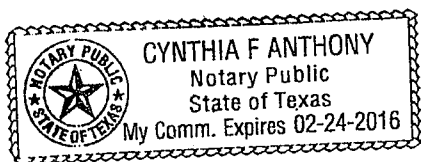
LAFFITE'S COVE PROPERTY OWNERS' ASSOCIATION

By: [Signature]
(Signature)

ROBERT L. "Bob" DOVE
(Print Name)
President, Laffite's Cove Property Owners' Association

THE STATE OF TEXAS §
 §
COUNTY OF GALVESTON §

This instrument was acknowledged before me, on the 12th day of December, 2015, by Bob Dove, President of Laffite's Cove Property Owners' Association, a Texas Non-Profit Corporation.



[Signature]
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

FILED AND RECORDED

Instrument Number: 2016000569

Recording Fee: 34.00

Number Of Pages: 4

Filing and Recording Date: 01/05/2016 8:59AM

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



Dwight D. Sullivan

Dwight D. Sullivan, County Clerk
Galveston County, Texas

NOTICE: It is a crime to intentionally or knowingly file a fraudulent court record or instrument with the clerk.

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