

**NOTICE OF ADOPTION  
FIFTH AMENDMENT TO THE RESTRICTIONS FOR  
PIRATES COVE, SECTION ONE AND TWO**

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THE STATE OF TEXAS                   §  
  §  
COUNTY OF GALVESTON               §

WHEREAS, on July 12, 1967, Declarant, Mitchell-Dobbins Land Corporation, a Texas corporation, executed and adopted that certain document titled RESTRICTIONS, PIRATES COVE, SECTION ONE AND TWO, recorded in Book 1884, Page 823, of the Official Public Records of Galveston County, Texas; and

WHEREAS, on March 29, 1968, Declarant executed and adopted that certain document titled AMENDMENT TO RESTRICTIONS PIRATES COVE – SECTION 1 and 2, recorded in Book 1944, Page 496, of the Official Public Records of Galveston County, Texas; and

WHEREAS, on August 6, 1968, Declarant executed and adopted that certain document titled AMENDMENT TO RESTRICTIONS PIRATES COVE, SECTION 1 and 2, recorded in Volume 1978, Page 218, of the Official Public Records of Galveston County, Texas; and

WHEREAS, on May 16, 1969, Declarant executed and adopted that certain document titled AMENDMENT TO RESTRICTIONS PIRATES COVE, SECTION 1 and 2, recorded in Book 2036, Page 205, of the Official Public Records of Galveston County, Texas; and

WHEREAS, on March 4, 1970, Declarant executed and adopted that certain document titled AMENDMENT TO RESTRICTIONS PIRATES COVE, SECTION 1 and 2, recorded in Book 2088, Page 557, of the Official Public Records of Galveston County, Texas; and

WHEREAS, on March 4, 1970, Declarant executed and adopted that certain document titled AMENDMENT TO RESTRICTIONS PIRATES COVE, SECTION 1 and 2, recorded in Book 2090, Page 898, of the Official Public Records of Galveston County, Texas; and

WHEREAS, the Declaration and Amendments thereto are hereafter collectively referred to as the “Declaration”; and

WHEREAS, Texas Property Code Section 209.0041(h) grants property owners the right to amend the 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 than prescribed by Subsection (h), the percentage in the declaration controls;**” [Emphasis added.] and

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

and

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

WHEREAS, Texas Property Code 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;” and

WHEREAS, GENERAL PROVISIONS, Section 4. Amendments to These Restrictions, provides that “these restrictions may be amended at any time by the approval of a majority of the lot owners in said subdivision, each lot entitling its owner to one vote. Such approval shall be evidenced by written instrument duly executed and acknowledged and filed for record in Galveston County, Texas;” and

WHEREAS, per Texas Property Code Section 209.0041(h) and Section 4 of the Restrictions for Pirates Cove, Section One and Two may be amended by a vote of a majority of the total votes allocated to property owners in Pirates Cove, Section One and Two; and

WHEREAS, proper notice having been given, the Restrictions for Pirates Cove, Section One and Two have been voted on and approved, in writing, by a vote of at least a majority (i.e., 50.1%) of the total votes allocated to property owners in Pirates Cove, Section One and Two, thereby approving the Sixth Amendment to the Restrictions for Pirates Cove, Section One and Two; and

WHEREAS, attached hereto as “Exhibit A” are the signed instruments evidencing the approval of the Fifth Amendment to the Restrictions for Pirates Cove, Section One and Two by more than a majority of the Owners of Lots in Pirates Cove, Section One and Two.

WHEREAS, nothing herein is intended to alter, modify, or amend the Restrictions or any Amendments thereto, except as specifically provided 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 Types. Said Lots shall be used for residential purposes only, and only one detached single-family dwelling shall be erected on any one lot. No commercial activity shall be conducted on or from any of said residential 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.”

FURTHER, upon the adoption of this Amendment by the required number of Owners as evidenced by their acknowledged signature, this Amendment shall be effective upon its recording in the Official Public Records of Galveston County, Texas.

## FILED AND RECORDED

Instrument Number: 2020083984

Recording Fee: 471.50

Number Of Pages:106

Filing and Recording Date: 12/29/2020 9:21AM

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.



A handwritten signature in cursive script that reads "Dwight D. Sullivan".

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Dwight D. Sullivan, County Clerk  
Galveston County, Texas

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