

**NOTICE OF ADOPTION
FIRST AMENDMENT TO THE RESTRICTIONS FOR
PIRATES COVE, SECTION FIVE**

THE STATE OF TEXAS §
 §
COUNTY OF GALVESTON §

WHEREAS, on April 14, 1976, Declarant, Mitchell Development Corporation of the Southwest, a Texas corporation, executed and adopted that certain document titled RESTRICTIONS, COVENANTS AND CONDITIONS, PIRATES COVE, SECTION FIVE, recorded in Book 2674, Page 463, of the Official Public Records of Galveston County, Texas; 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, RESTRICTIONS, COVENANTS AND CONDITIONS, Section 27. Amendments to These Restrictions, provides that “Any part or all of these covenants, conditions and/or restrictions may be amended at any time and from time to time by an instrument duly executed, acknowledged and recorded in the office of the County Clerk of Galveston County, Texas, signed by a majority of the lot owners in the Subdivision, each lot entitling its owner to one (1) vote;” and

WHEREAS, per Texas Property Code Section 209.0041(h) and Section 27 of the Restrictions, Covenants and Conditions, Pirates Cove, Section Five may be amended by a vote of a majority of the total votes allocated to property owners in Pirates Cove, Section Five; and

WHEREAS, proper notice having been given, the Restrictions for Pirates Cove, Section Five 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 Five, thereby approving the First Amendment to the Restrictions, Covenants and Conditions for Pirates Cove, Section Five; and

WHEREAS, attached hereto as "Exhibit A" are the signed instruments evidencing the approval of the First Amendment to the Restrictions, Covenants and Conditions for Pirates Cove, Section Five by more than a majority of the Owners of Lots in Pirates Cove, Section Five.

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. The Property 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 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 signatures, this Amendment shall be effective upon its recording in the Official Public Records of Galveston County, Texas.

FILED AND RECORDED

Instrument Number: 2020083998

Recording Fee: 80.00

Number Of Pages:15

Filing and Recording Date: 12/29/2020 9:39AM

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".

Dwight D. Sullivan, County Clerk
Galveston County, Texas

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