

AMENDMENT TO RESTRICTIONS - PIRATES BEACH, SECTIONS 1
AND 2 - GALVESTON COUNTY, TEXAS

6816109

DEED OF TRUST

THE STATE OF TEXAS))
))
COUNTY OF GALVESTON))

BOOK 1978 PAGE 222

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WHEREAS, by instrument dated June 13, 1966, recorded in Book 1798, Page 670, of the Records in the office of the County Clerk of Galveston County, Texas, certain restrictive covenants and conditions were imposed upon various lots in Pirates Beach, Section 1, a subdivision in Galveston County, Texas, according to the Map or Plat thereof recorded in Volume 1616, Page 66, of the Map Records of Galveston County, Texas, and upon certain lots in Pirates Beach, Section 2, a subdivision in Galveston County, Texas, according to the Map or Plat thereof recorded in Volume 1616, Page 67, of the Map Records of Galveston County, Texas; and,

WHEREAS, by instrument dated August 18, 1966, recorded in Book 1810, Page 179, of the Records in the office of the County Clerk of Galveston County, Texas, such restrictions affecting said subdivisions were amended as therein set forth; and,

WHEREAS, by instrument dated March 29, 1968, recorded in Book 1944, Page 493 of the Records in the office of the County Clerk of Galveston County, Texas, such restrictions affecting said subdivisions were further amended as therein set forth; and,

WHEREAS, such restrictions referred to above may be amended by an instrument in writing executed by owners of a majority of the lots in each of the above named subdivisions, (each lot entitling its owner to one vote):

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS: that Mitchell-Dobbins Land Corporation, a Texas corporation with offices and principal place of business in Houston, Harris County, Texas, acting herein by and through its duly authorized officers, the owner of a majority of the lots in each of the above named subdivisions, does by this instrument in writing modify and amend the aforesaid restrictive covenants, as heretofore amended, in the following particulars:

Paragraph 3 captioned "Dwelling Size" under the section entitled "Restrictions, Covenants and Conditions" of said instrument dated June 13, 1966, as heretofore amended, is hereby changed and amended so that such paragraph will hereafter read and be as follows:

"3. Dwelling Size. Only one detached single-family type dwelling may be erected on any one of said lots, and each such dwelling shall contain not less than the minimum square feet of living area, minimum square feet of deck area and minimum square feet of storage area as follows:

"(a) Each such dwelling constructed on any lot South of Grand Terre Drive shall contain not less than 900 square feet of living area, not less than 200 square feet of deck area, and not less than 60 square feet of closed-in ground storage area.

"(b) Each such dwelling constructed on any lots North of Grand Terre Drive and South of San Domingo Drive shall contain not less than 800 square feet of living area, not less than 200 square feet of deck area, and not less than 60 square feet of closed-in ground storage area.

"(c) Each dwelling constructed on any lot in Pirates Beach, Section 1, or in Pirates Beach, Section 2, North of San Domingo Drive shall contain not less than 600 square feet of living area (provided each such dwelling contains not less than 250 square feet of deck area), not less than 700 square feet of living area (provided such dwelling contains less than 250 square feet of deck area, but not less than 200 square feet of deck area); and each such dwelling shall contain not less than 60 square feet of closed-in ground storage area."

Paragraph 4 captioned "Type of Construction, Materials and Landscape" under the section entitled "Restrictions, Covenants and Conditions" of said instrument dated June 13, 1966, is hereby amended by the addition to said Paragraph 4 of the following sub-paragraphs (j) and (k):

"(j) All houses facing a main boulevard having rolled concrete curbs must install concrete driveways.

"(k) Notwithstanding anything herein contained to the contrary, mobile homes and other building modules may be raised in said subdivisions provided however that no such mobile home or other building module may be raised with horizontal or vertical type aluminum siding, and provided further that each such mobile home or other building module to be raised in said subdivisions must first be approved by Said Committee."

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Except as heretofore and as herein amended, all of the provisions of said instrument dated June 13, 1966, Recorded in Book 1798, Page 670 of the Records in the office of the County Clerk of Galveston County, Texas, shall remain in full force and effect as originally written.

In prior amendments to the said instrument recorded in Book 1798, Page 670 of the Records in the Office of the County Clerk of Galveston County, Texas, by error or mistake the date of said instrument was sometimes stated to be June 23, 1966, instead of the correct date as herein given, i.e., June 13, 1966, and this instrument is executed and recorded for the further purpose of correcting such error or mistake.

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EXECUTED this the 6th day of August, 1968.

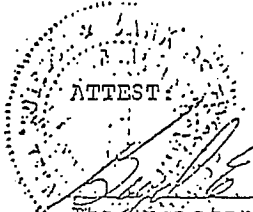
OWNER
MITCHELL-DOBBINS LAND CORPORATION

ATTEST:

[Signature]
Its Assistant Secretary

By: [Signature]
Its President

APPROVED:
[Signature]

LIENHOLDER
BANK OF THE SOUTHWEST NATIONAL ASSOCIATION
HOUSTON

ATTEST:

[Signature]
Its Assistant Cashier

By: [Signature]
Its Vice-President

HOUSTON BANK & TRUST COMPANY

ATTEST:
[Signature]
Its Assistant Cashier

By: [Signature]
Its Vice-President

THE STATE OF TEXAS

COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this date personally appeared George P. Mitchell, known to me to be the person whose name is subscribed to the foregoing instrument as President of Mitchell-Dobbins Land Corporation, a Texas Corporation, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated, and as the act and deed of said corporation.

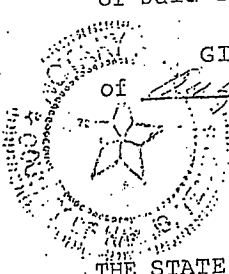
GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 6th day of August, 1968.

Raymond S. Nolan
NOTARY PUBLIC in and for
Harris County, Texas

THE STATE OF TEXAS

COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared James H. Brown, known to me to be the person whose name is subscribed to the foregoing instrument as Vice-President of the Bank of the Southwest National Association, Houston, a Texas Corporation, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated, and as the act and deed of said corporation.



GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 13th day of August, 1968.

James H. Brown
NOTARY PUBLIC in and for
HARRIS COUNTY, Texas

DEED OF TRUST
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THE STATE OF TEXAS

COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Carl R. Graef, known to me to be the person whose name is subscribed to the foregoing instrument as Vice-President of Houston Bank & Trust Company, a Texas corporation, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated, and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 16th day of August, 1968.

Raymond S. Nolan
NOTARY PUBLIC in and for
Harris County, Texas

DEED OF TRUST
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FILED FOR RECORD
at 9 o'clock AM
SEP 3, 1968
GERTRUDE McKENNA
CLERK CO. CL. GALVESTON COUNTY, TEXAS
By *Patricia Rutledge* Deputy

STATE OF TEXAS COUNTY OF GALVESTON
I hereby certify that this instrument was filed on the
date and time stamped hereon by me and was duly recorded
in the volume and page of the named records of Galveston
County, Texas as stamped hereon by me.

SEP 3 - 1968



Gertrude McKenna
COUNTY CLERK, Galveston County, Texas