

**FIRST AMENDMENT
TO
AMENDED AND RESTATED RESTRICTIONS, COVENANTS, AND CONDITIONS
THE VILLAS OF LAFFITE'S COVE**

STATE OF TEXAS §
 §
COUNTY OF GALVESTON §

WHEREAS, this **First Amendment** to the Amended and Restated Restrictions, Covenants, and Conditions for the Villas of Laffite's Cove, for the subdivision known as Pirates' Cove, Section Six, Second Amending Plat in Pirates Cove Section Six, commonly known as The Villas of Laffite's Cove, whose Amended and Restated Restrictions were filed of record March 22, 2005, under County Clerk's File No. 2005017833, of the Official Public Records of Real Property of Galveston County, Texas (the "**Restrictions**"), is made for the following purpose: amending Section 1, "Land Use and Building Type," Section 3, "Architectural Control and Construction Time," and Section 13, "Temporary Structures" of the Restrictions as shown below;

WHEREAS, in accordance with Section 35 of the Restrictions stating in particular that, "Such enforcement may be... by any association of owners of lots in Pirates Beach and Pirates Cove Subdivisions," said Restrictions are to be enforced by the Pirates Property Owners' Association, Inc., a Texas Nonprofit Corporation;

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 entitled to vote. 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 Restrictions, Section 41, "Amendments of These Restrictions, Covenants, and Conditions," to amend the Restrictions 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 41 of the Restrictions, the Restrictions, Covenants, and Conditions, The Villas of Laffite's Cove may be amended by a vote of a majority of the total votes allocated to property owners in The Villas of Laffite's Cove; and

WHEREAS, the Amended and Restated Restrictions, Covenants, and Conditions, The Villas of Laffite's Cove has been amended at a Special Meeting of the Members held on October 20, 2019 by a vote of at least a majority (i.e., 50.1%) of the total votes allocated to property owners, thereby approving the **First Amendment** to the Amended and Restated Restrictions, Covenants, and Conditions for The Villas of Laffite's Cove.

NOW THEREFORE, Section 1, "Land Use and Building Type" shall be amended to include the following language:

"[...] 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. " [Emphasis added to show amended language.]

NOW THEREFORE, Section 3, "Architectural Control and Construction Time" shall be amended to include the following language:

"[...] the Architectural Control Committee ("the Committee") shall refer to the Committee appointed by Pirates Property Owners' Association, Inc." [Emphasis added to show amended language.]

NOW THEREFORE, Section 13 "Temporary Structures," shall be deleted in its entirety and amended to read as follows:

"13. Temporary Structures & Vehicles.

(A) No structure of a temporary character designed to lodge persons, including, but not limited to, trailers, tents, shacks, mobile homes, or motor homes, and (B) no recreational vehicles or water crafts, including, but not limited to, boats, jet skis, personal water crafts of any type, and any associated trailers and conveyances, shall be maintained, used, erected or stored on any lot, either temporarily or permanently, with the following exceptions only:

(I) motor vehicles and watercrafts and their associated trailers and conveyances, may be stored under the home on the owner's lot;

(II) personal automobiles may be parked in the driveway(s) on the lot; and

(III) recreational vehicles such as mobile or motor homes, boats and water crafts may be parked on the owner's lot on a temporary basis not to exceed seventy-two (72) consecutive hours in any given 30 day period.

Parking of any motor vehicles or water crafts on road shoulders adjacent to lots is prohibited."

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

CERTIFICATION

I, the undersigned, am a Member of The Villas of Laffite's Cove, and I do hereby certify:

That the within and foregoing FIRST AMENDMENT TO THE AMENDED AND RESTATED RESTRICTIONS, COVENANTS, AND CONDITIONS THE VILLAS OF LAFFITE'S COVE, was properly adopted at a Special Meeting of the Members on the 20th day of October, 2019, by a vote of at least a majority (i.e., 50.1%) of the total votes allocated to property owners in Laffite's Cove as per Texas Property Code Section §209.0041(h).

IN WITNESS WHEREOF, I have executed this First Amendment to the Amended and Restated Restrictions, Covenants, and Conditions for The Villas of Laffite's Cove to be effective as of the 21st day of October, 2019.

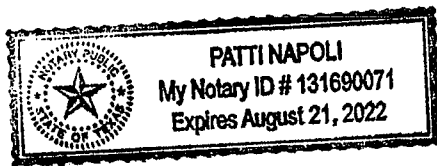
THE VILLAS OF LAFFITE'S COVE

By: Susan C. Lavergne (Signature)

Susan C. Lavergne (Print Name) Member, The Villas of Laffite's Cove

THE STATE OF TEXAS §
COUNTY OF GALVESTON §

This instrument was acknowledged before me, on the 21st day of October, 2019, by Susan C. Lavergne, Member of The Villas of Laffite's Cove.



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