

AMENDMENT TO THE
DECLARATION OF RESTRICTIVE COVENANTS,
CONDITIONS, DEDICATION AND
AGREEMENT OF CHANNEL, OWNERSHIP AND MAINTENANCE
OF BAY HARBOR UNIT 1

STATE OF TEXAS §
COUNTY OF NUECES §

The undersigned, being the owners of seventy (70%) per cent of the Lots in the subdivision known as Bay Harbor Unit 1, as recorded in Volume 1856 at Page 325 et seq. of the Deed Records of Nueces County, Texas, hereby amend the Declarations of Restrictive Covenants, Conditions, Dedication and Agreement of channel ownership and maintenance, Bay Harbor Unit 1 (the "Declaration") by amending the following paragraphs to the Declaration:

1. The Architectural Control Committee shall consist of three (3) members, appointed by the Board of Directors and who may be removed and replaced by the Board of Directors. The Architectural Control Committee shall be the sole determining authority approving or rejecting construction design. The Committee members shall have no personal liability for approving or rejecting plans and specifications.
2. "Common Property" shall mean all Property owned or acquired by the B.H.C. Owners Association, Inc., including but not limited to boat channels, private roadways, and greenbelt.
3. The term "Lot" in paragraph numbered 1.03 is hereby modified to mean and refer to any and all of the plots of land within Bay Harbor Unit 1 on which there is or will be built a single family dwelling, as shown upon the plat or replats of same of record in Nueces County, Texas, including lots 1A, 1BR, 1CR, 2AR and 2BR as replatted from original lots 1 and 2 and filed for record at Volume 58, Page 176, File No. 1998011373, Plat Records of Nueces County, Texas; and lots 3, 27 and 28. The term "Lot" shall not include the Common Area nor any other reserves shown on the plat or replat of Unit 1.

Further, shall any of the above amendments be in conflict with the provisions of the earlier recorded Declaration referenced above, the amendments shall control.

Robert A. Adams Karen C. Adams

lot 11

Bay Harbor Channel Turnover
114 Sea Mead Dr.
Aransas Pass, TX 78336

any provision herein which restricts the Sale, Rental or use
of the described REAL PROPERTY because of Race, Color,
Religion, Sex, Handicap, Familial Status or National Origin, is
invalid and unenforceable under FEDERAL LAW, 3/12/89.

STATE OF TEXAS
COUNTY OF NUECES

I hereby certify that this instrument was FILED in File Number
Sequence on the date and at the time stamped herein by me, and
was duly RECORDED, in the Official Public Records of
Nueces County, Texas.



Ernest M. Briones
COUNTY CLERK
NUECES COUNTY, TEXAS

Doc# 1998045336

Pages: 22

Date : 10-12-1998

Time : 10:13:18 A.M.

Filed & Recorded in

Official Records

of NUECES County, Tx.

ERNEST M. BRIONES

COUNTY CLERK

Rec. \$ 51.00

Jack

DOC# 924504

SECOND AMENDMENT TO TAX
DECLARATION OF RESTRICTIVE COVENANTS,
CONDITIONS, DEDICATION AND
AGREEMENT ON CHANNEL OWNERSHIP AND MAINTENANCE
BAY HARBOR UNIT ONE

STATE OF TEXAS §
 §
COUNTY OF NUECES §

WHEREAS, the original Declaration Of Restrictive Covenants, Conditions, Dedication And Agreement On Channel Ownership And Maintenance for Bay Harbor Unit No. 1, (the "Declaration"), a subdivision in the City of Aransas Pass, County of Nueces, State of Texas, which Declaration is recorded in Volume 1856, at Page 325 et. seq., Official Public Records of Real Property in Nueces County, Texas, specifically excepted Lot 28 from the definition of "Lots" controlled by the Declaration;

WHEREAS, the Declaration was amended to add Lot 28 to the definition of "Lots" in the Declaration, after the construction of a structure for combined business and residential use; and

WHEREAS, the structure located on Lot 28 is not in conformity with the requirements for residential structure and has been utilized in a manner prohibited for lots in the subdivision at the time of the amendment;

NOW, the undersigned, being the owners of not less than seventy percent (70%) of the lots affected by the Declaration, hereby amends the Declaration as follows:

1. Lot 28 may continue to be used as a general real estate sales office for a period of three years from the date of recording this Second Amendment, which three year period may be extended from time to time, by resolution of the Board of Directors of Bay Harbor Channel Owners Association, Inc., at the discretion of the Board of Directors;

2. The Building on Lot 28 may be used as a general real estate sales office provided it is actively engaged in the listing, rental, lease and sale of property in Bay Harbor Subdivision(s). The owner of Lot 28 shall not make available, to the public, the codes for gate entry to Bay Harbor Subdivision(s). The Board of Directors is empowered to establish, in its sole discretion, rules providing entry access to prospective renters, lessees and purchasers of property Bay Harbor Subdivision(s) and/on other real estate;

3. The existing structure on Lot 28 may also be used as a single family residence;

4. The structure on Lot 28 shall be modified, at the sole cost and expense of its owners, to bring the structure into conformity with the building and structural requirements established in Article Four of the Declaration. If the owner of Lot 28 has not brought the building into conformity, as required above, before the third anniversary of the recording of this Second Amendment, the structure must be removed from Lot 28 within thirty days of the third anniversary of recording this Second Amendment.

5. Except as modified herein, the Declaration and prior Amendment shall remain in full force and effect.

Executed as of the date(s) of acknowledgment(s).

[Signature]
(Signature of Owner)

JACK ROBINSON
Printed Name of Owner

Lot(s) owned in Bay Harbor: 22, 23, 25, 26, 32, 33, 35, 36, 37, 38, 39
47, 48, 49, 51, 52, 53, 55, 56, 57, 58, 59, 60, 61, 62, 63, 74, 75, 76, 85. 31

[Signature] President
(Signature of Owner)

BAYSIDE APARTMENTS
Printed Name of Owner

Lot(s) owned in Bay Harbor: 79 80 81 82 83 84

(Signature of Owner)

Printed Name of Owner

Lot(s) owned in Bay Harbor: _____

(Signature of Owner)

Printed Name of Owner

Lot(s) owned in Bay Harbor: _____

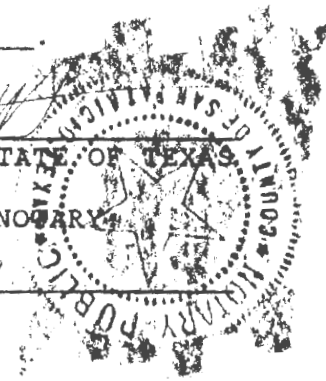
STATE OF TEXAS §
COUNTY OF San Antonio §

This instrument was acknowledged before me on 13th,
1994, by Jane Robinson.


NOTARY PUBLIC, STATE OF TEXAS

PRINTED NAME OF NOTARY:

DAWN E. HASKETT



STATE OF TEXAS §
COUNTY OF _____ §

This instrument was acknowledged before me on _____,
1994, by _____.

NOTARY PUBLIC, STATE OF TEXAS

PRINTED NAME OF NOTARY:

STATE OF TEXAS §
COUNTY OF _____ §

This instrument was acknowledged before me on _____,
1994, by _____.

NOTARY PUBLIC, STATE OF TEXAS

PRINTED NAME OF NOTARY:



GF #: MISC-PA
AMOUNT: 130~~00~~
PAGES: 3
LAWYERS TITLE INS CORP.

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of Race, Color, Religion, Sex, Handicap, Familial Status or National Origin, is invalid and unenforceable under FEDERAL LAW, 3/12/89.

STATE OF TEXAS
COUNTY OF NUECES

I hereby certify that this instrument was FILED in File Number _____ of the date and at the time stamped herein by me, and was duly RECORDED, in the Official Public Records of Nueces County, Texas on

AUG 16 1994



Ernest M. Briones
COUNTY CLERK
NUECES COUNTY, TEXAS

Doc# : 924504 \$ 13.00
Date : 08-16-1994
Time : 03:09:32
Filed & Recorded in
Official Records
of NUECES County, TX.
ERNEST M. BRIONES
Clerk of Courts

AMENDMENT TO DECLARATION OF RESTRICTIVE COVENANTS, CONDITIONS, DEDICATION AND AGREEMENT ON CHANNEL OWNERSHIP AND MAINTENANCE BAY HARBOR UNIT 1.

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS
COUNTY OF NUECES §

THAT the undersigned constitute at least seventy percent (70%) of the lot owners of real property in BAY HARBOR UNIT 1, a subdivision in the City of Aransas Pass, Texas, according to replat thereof filed in Volume 47 at Pages 201 and 202, in the Plat Records of Nueces County, Texas;

THAT the undersigned wish to amend Section 4.17 of Article Four of the Declaration Of Protective Covenants, Conditions, Dedication and Agreement On Channel Ownership And Maintenance, affecting Bay Harbor Unit 1 pursuant to Article Six, Section 6.03 of said Declaration;

NOW, PREMISES CONSIDERED:

Section 4.17 of Article Four is amended by the addition of the following language, after the first sentence of said section:

"Professional, business, or commercial activity prohibited herein shall include but not be limited to rentals of the property to any person, corporation or entity for any period less than one hundred twenty (120) consecutive days, daily and weekly rental of the property, operation of a "bed and breakfast", renting the dock space to persons not residing within Bay Harbor Unit 1, storage of boats and motor vehicles not owned by the residents of the occupied lot, any other commercial activity for which non-residents regularly come to the property, and any income producing activity for which an employee's workspace is located within any building on a lot. The operation of a "home office" shall not be deemed a violation of this Declaration provided there are no employees, except members of the resident's immediate family, and there is no additional traffic from customers and clientele coming to the lot for business or commercial purposes.

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of Race, Color, Religion, Sex, Handicap, Familial Status or National Origin, is invalid and unenforceable under FEDERAL LAW, 3/12/89

STATE OF TEXAS
COUNTY OF NUECES

I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped herein by me, and was duly RECORDED, in the Official Public Records of Nueces County, Texas



Ernest M. Briones
COUNTY CLERK
NUECES COUNTY, TEXAS

Doc# 1999036999
Pages 15
Date: 8/18/99 9:42:58 AM
Filed & Recorded in
Official Records of
NUECES COUNTY
ERNEST M. BRIONES
COUNTY CLERK
Fees \$37.00

*Bay Harbor Channel Owners
114 Sea Mist Dr.
TX 78336*

**AMMENDMENT TO DECLARATION OF RESTRICTIVE
COVENANTS, CONDITIONS, DEDICATION AND
AGREEMENT ON CHANNEL OWNERSHIP AND
MAINTENANCE**

BAY HARBOR UNIT 1

The State of Texas

KNOW ALL MEN BY THESE PRESENTS:

County of Nueces

THAT the undersigned constitute at least seventy percent (70%) of the lot owners of real property in BAY HARBOR UNIT 1, a subdivision in the City of Aransas Pass, Texas, according to replat thereof filed in Volume 47 at pages 201 and 202, in the Plat Records of Nueces County, Texas;

THAT the undersigned wish to amend Section 4.17 of Article Four of the Declaration Of Protective Covenants, Conditions, Dedication and Agreement on Channel Ownership And Maintenance, affecting Bay Harbor Unit 1, pursuant to Article Six, Section 6.03 of said Declaration;

Section 4.17 of Article Four, as amended by recorded instrument on or about August 18, 1999, is further amended by the addition of the following:

"In order to maintain the residential character of Bay Harbor subdivision and avoid a transient population, prohibited business use includes the granting of occupancy and use of occupancy, with or without payment, as a reward, bonus or benefit related to employment, to any person or family for a period of less than 120 consecutive days; further no residence shall be occupied by more persons than the residence was constructed, except for brief periods of visitation by family members and other guests who are visiting the owners of the respective lot."

OWNER: WILLIAM J MOODY 1/2 OF ICR
IDA F MOODY 1 BR-BLOCK 1 LOT(S)
Printed Name
William J Moody
Ida F Moody
Signature

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of Race, Color, Religion, Sex, Handicap, Familial Status or National Origin, is Invalid and unenforceable under FEDERAL LAW, 3/12/89

Doc# 2000040570
Pages 30
Date: 10/5/00 12:17:31 PM
Filed & Recorded in
Official Records of
NUECES COUNTY
ERNEST M. BRIONES
COUNTY CLERK
Fees \$67.00

STATE OF TEXAS
COUNTY OF NUECES

I hereby certify that this instrument was FILED in File Number
~~Sequence on the date~~ and at the time stamped herein by me, and
was duly RECORDED, in the Official Public Records of
Nueces County, Texas



Ernest M. Briones
COUNTY CLERK
NUECES COUNTY, TEXAS

Pg. 2

AMENDMENT TO THE
DECLARATION OF RESTRICTIVE COVENANTS,
CONDITIONS, DEDICATION AND
AGREEMENT ON CHANNEL OWNERSHIP AND MAINTENANCE
OF
BAY HARBOR UNIT NO. 1

THE STATE OF TEXAS §

COUNTY OF SAN PATRICIO §

WHEREAS, the owners of the Lots in the subdivisions known as Bay Harbor Unit No. 1 desire to modify the existing language contained in the Declaration of Restrictive Covenants and Conditions of Bay Harbor Unit No. 1 in order to create a more manicured, visually attractive and aesthetic look to our community.

WHEREAS, the undersigned, being the owners of seventy (70%) percent of the Lots in the subdivision known as Bay Harbor Unit No. 1, as recorded under Clerk's file No. 307397 in Volume 1856, Page 325 of the Deed Records of Nueces County, Texas, as modified by Judgment dated April 11, 2003 in the 135th District Court of Refugio County, Texas, a copy of which is recorded under Document No. 532204 of the Real Property Records of San Patricio County, Texas hereby amend the Declaration of Restrictive Covenants, Conditions, Dedication and Agreement on Channel Ownership and Maintenance of Bay Harbor Unit No. 1 (hereinafter collectively referred to as the "Declarations") as described herein.

NOW THEREFORE, in consideration of the foregoing, Article 3.01 of the Declarations for Bay Harbor Unit 1 shall be amended as follows:

Art 3.01 shall be restated and revised as follows:

“In the event an Owner of any Lot shall fail to maintain the premises and the improvements situated thereon in a neat and orderly condition, the Architectural Control Committee shall have the right, but not the obligation, through its agents and employees, to enter upon said Lot and to repair, maintain, and restore the Lot and exterior of the buildings and any other improvements erected thereon, all at the expense of Owner, and to impose a lien on the property with provisions similar to and enforced in the same manner as a vendor's lien, but secondary and subordinate to any liens, deeds of trust and encumbrances given to secure purchase, construction, or repair money financing on said Lot, or structure thereon.

For purposes of clarification, the terms “neat and orderly condition” in the foregoing paragraph, as this description pertains to landscaping, shall include, but not be limited to, maintaining landscaping in a neat and orderly manner, removing dead vegetation to include palm fronds or palm leaves, keeping shrubs trimmed to a height no higher than the edge of the roof (or 12 feet, whichever is lower), and removing any undergrowth before it becomes unsightly. Additionally this term shall mean that all

PREPARED IN THE OFFICE OF:

OSTARCH HILMY & McCAULEY
615 N. Upper Broadway, Ste # 800
Corpus Christi, TX 78401

RETURN AFTER RECORDING:

Michael A. McCauley
OSTARCH HILMY & McCAULEY
615 N. Upper Broadway, Ste # 800
Corpus Christi, TX 78401

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS



Gracie Alaniz-Gonzales

Gracie Alaniz-Gonzales
County Clerk
San Patricio County, Texas
11/02/2018 04:52 PM
Fee: \$194.00
682789 AFFID

AMENDMENT TO THE
DECLARATION OF RESTRICTIVE COVENANTS,
CONDITIONS, DEDICATION AND
AGREEMENT ON CHANNEL OWNERSHIP AND MAINTENANCE
OF
BAY HARBOR UNIT NO. 1

THE STATE OF TEXAS §

COUNTY OF SAN PATRICIO §

WHEREAS, the owners of the Lots in the subdivisions known as Bay Harbor Unit No. 1 desire to modify the existing language contained in the Declaration of Restrictive Covenants and Conditions of Bay Harbor Unit No. 1 by increasing the allowed maximum lien for assessments from \$2,500.00 per lot to \$10,000.00 per lot (subject to the restrictions contained herein). This increase is needed in order to pursue a capital improvement project.

WHEREAS, the undersigned, being the owners of seventy (70%) percent of the Lots in the subdivision known as Bay Harbor Unit No. 1, as recorded under Clerk's file No. 307397 in Volume 1856, Page 325 of the Deed Records of Nueces County, Texas, as modified by Judgment dated April 11, 2003 in the 135th District Court of Refugio County, Texas, a copy of which is recorded under Document No. 532204 of the Real Property Records of San Patricio County, Texas hereby amend the Declaration of Restrictive Covenants, Conditions, Dedication and Agreement on Channel Ownership and Maintenance of Bay Harbor Unit No. 1 (hereinafter collectively referred to as the "Declarations") as described herein.

NOW THEREFORE, in consideration of the foregoing, Article 8.02 of the Declarations for Bay Harbor Unit 1 shall be amended as follows:

Article 8.02 - Paragraph 1 shall be restated in its entirety as currently contained in the Declarations.

Article 8.02 - Paragraph 2 shall be restated in its entirety as currently contained in the Declarations.

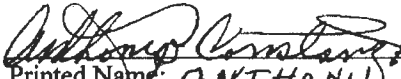
Article 8.02 – a new Paragraph 3 shall be added as follows in order to increase the maximum lien to \$10,000.00 under certain circumstances:

“Notwithstanding the \$2,500.00 lien limit contained in Article 8.02, Paragraph 2 above, and without diminishing the personal obligations which may become due by any member of the Association under the terms of its Charter and Bylaws, nor limiting nor restricting, the assessments by the Association, for any expense or costs associated with street repairs, construction and maintenance of same, the lien hereby granted upon any lot shall be increased to \$10,000.00 and such lien shall not secure any sum greater than \$10,000.00 increased by interest at the highest lawful and applicable rate from the date each such assessment is due to the Association, plus court and collection costs, or

attorney's fees, lawfully then or thereafter due in accordance with the Bylaws of the Association."

The undersigned confirms and ratifies the Declarations (including any subsequent modifications or amendments to same filed of record in Nueces County, Texas or San Patricio County, Texas) as valid and enforceable against his Lot.

Except as expressly modified or ratified by this Amendment, all terms of the Declarations and any subsequent modifications or amendments to same shall remain in full force and effect.


Printed Name: ANTHONY CONSTANZO
Lot # 13 + 14

PREPARED IN THE OFFICE OF:

OSTARCH HILMY & McCAULEY
615 N. Upper Broadway, Ste # 800
Corpus Christi, TX 78401

RETURN AFTER RECORDING:

Michael A. McCauley
OSTARCH HILMY & McCAULEY
615 N. Upper Broadway, Ste # 800
Corpus Christi, TX 78401

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS



Gracie Alaniz-Gonzales

Gracie Alaniz-Gonzales
County Clerk
San Patricio County, Texas
11/02/2018 04:52 PM
Fee: \$194.00
682790 AFFID