

AMENDMENT TO THE DECLARATION OF RESTRICTIVE COVENANTS,
CONDITIONS, DEDICATION AND AGREEMENT ON CHANNEL OWNERSHIP
AND MAINTENANCE BAY HARBOR UNIT NO. 4

STATE OF TEXAS }{'

COUNTY OF NUECES }{'

The undersigned, being the owners of more than Seventy (70%) per cent of the lots in the subdivision known as Bay Harbor Unit No. 4, according to plat thereof, recorded in Volume 55, Page 166, of the Map or Plat Records of Nueces County, Texas, Clerk's File No. 867006, filed July 27, 1993, hereby amend the Declaration of Restrictive Covenants, Conditions, Dedications and Agreement on Channel Ownership and Maintenance, Bay Harbor Unit No. 4 filed of record in the Real Property Records of Nueces County, Texas, Document No. 869016, as follows:

1. The Architectural Control Committee shall consist of three (3) members, appointed by the Board of Directors of B.H.C. Owners Association, Inc. 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 B.H.C. Owners Association, Inc., including but not limited to both channels, private roadways, and greenbelts.

3. That all of such real property as reflected by Plat of Record in Volume 55, Page 166 Map or Plat Records of Nueces County, Texas is hereby annexed into Bay Harbor Subdivision.

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

EXECUTED this the 13th day of January, 1994.

BAYSIDE PROPERTIES, INC.

By: Jack W. Robinson
Jack W. Robinson, President

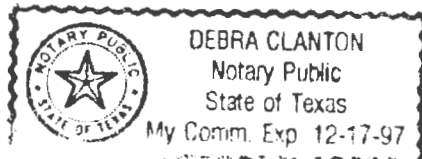
Jack W. Robinson
Jack W. Robinson

George Strickhausen
George Strickhausen

STATE OF TEXAS

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This instrument was acknowledged before me on January 13th, 1994, by Jack W. Robinson, President of Bayside Properties, Inc., a Texas Corporation, on behalf of said corporation.

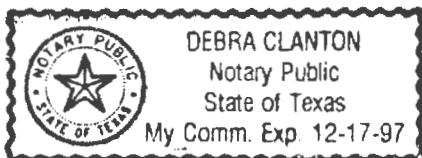


Debra Clanton
Notary Public, State of Texas

STATE OF TEXAS

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This instrument was acknowledged before me on January 13th, 1994, by JACK W. ROBINSON.



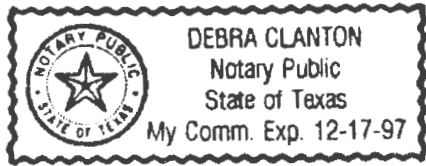
Debra Clanton
Notary Public, State of Texas

STATE OF TEXAS

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This instrument was acknowledged before me on 1994, by GEORGE STRICKHAUSEN.

January 14th



Debra Clanton
Notary Public, State of Texas

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, 8/18/88.

FILED FOR RECORD
DOC# 893146 \$11
01-24-1994 11:15:10
ERNEST M. BRIONES
NUECES COUNTY

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 on

JAN 24 1994



Ernest M. Briones
COUNTY CLERK
NUECES COUNTY, TEXAS

2/4

Please return to:
Allen S. Lawrence, Jr.
Attorney at Law
430 S. Commercial St.
Aransas Pass, Texas 78336

**AMMENDMENT TO DECLARATION OF RESTRICTIVE
COVENANTS, CONDITIONS, DEDICATION AND
AGREEMENT ON CHANNEL OWNERSHIP AND
MAINTENANCE
BAY HARBOR UNIT 4**

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 4, a subdivision in the City of Aransas Pass, Texas, according to plat thereof filed in Volume 55 at Page 166, in the Plat Records of Nueces County, Texas;

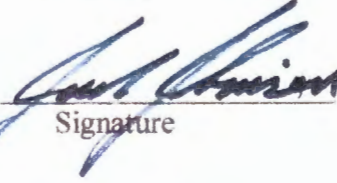
THAT the undersigned wish to amend Section 3.12 of Article Three of the Declaration of Protective Covenants, Conditions, Dedication and Agreement on Channel Ownership And Maintenance, affecting Bay Harbor Unit 4, pursuant to Article Six, Section 6.03 of said Declaration;

Section ~~4.17~~^{3.12} 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 a period of 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 Units 2 or 3, 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 workplace is located with any building on any 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. In order to maintain the residential character of Bay Harbor subdivisions 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

Jack Robinson

Printed Name



Signature

LOT(S)

85

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, 3/12/88

Doc# 2000040569
Pages 8
Date: 10/5/00 12:17:31 PM
Filed & Recorded in
Official Records of
NUECES COUNTY
ERNEST M. BRIONES
COUNTY CLERK
Fees \$23.00

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. 4

THE STATE OF TEXAS §

COUNTY OF SAN PATRICIO §

WHEREAS, the owners of the Lots in the subdivisions known as Bay Harbor Unit No. 4 desire to modify the existing language contained in the Declaration of Restrictive Covenants and Conditions of Bay Harbor Unit No. 4 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. 4, as recorded under Clerk's file No. 869016 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 Units No. 4 (the "Declarations") as described herein.

NOW THEREFORE, in consideration of the foregoing, Article Two of the Declarations for Unit 4 shall be amended as follows:

A new Article 2.21 shall be added as follows:


"2.21 Exterior Maintenance. 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 vegetation at the front and side of corner lots should be trimmed so as to leave an open

line of sight for safety purposes. Bushes should be trimmed to below three (3) feet and trees should be trimmed below seven (7) feet to allow at least a four (4) foot gap to accommodate an open line of sight.”

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: THOMAS L. POWELL
Lot # 79

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: \$90.00
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AMENDMENT TO THE
DECLARATION OF RESTRICTIVE COVENANTS,
CONDITIONS, DEDICATION AND
AGREEMENT ON CHANNEL OWNERSHIP AND MAINTENANCE
OF
BAY HARBOR UNIT NO. 4

THE STATE OF TEXAS §

COUNTY OF SAN PATRICIO §

WHEREAS, the owners of the Lots in the subdivisions known as Bay Harbor Unit No. 4 desire to modify the existing language contained in the Declaration of Restrictive Covenants and Conditions of Bay Harbor Unit No. 4 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. 4, as recorded under Clerk's file No. 869016 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 Units No. 4 (the "Declarations") as described herein.

NOW THEREFORE, in consideration of the foregoing, Article 7.02 of the Declarations for Unit 4 shall be amended as follows:

Article 7.02 - Paragraph 1 shall be restated in its entirety as currently contained in the Declarations.

Article 7.02 - Paragraph 2 shall be restated in its entirety as currently contained in the Declarations.


Article 7.02 – 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 7.02, 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: THOMAS C. POWELL
Lot # 79

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: \$82.00
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