

2017084367



SIXTH AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR PALM BEACH ESTATES

STATE OF TEXAS §
COUNTY OF MONTGOMERY § KNOW ALL MEN BY THESE PRESENTS: §

This Amendment to the Restrictions for Palm Beach Estates, is executed on the date hereinafter set forth by PALM BEACH ESTATES PROPERTY OWNERS ASSOCIATION, INC.

WITNESSETH:

WHEREAS, PALM BEACH ESTATES PROPERTY OWNERS ASSOCIATION, INC. (the "Association") is the property owners association (as that term is used and defined in Section 202.001 of the TEXAS PROPERTY CODE) for Palm Beach Estates, a subdivision in Montgomery County, Texas, according to the maps or plats thereof recorded in Cabinet K, Sheets 184-185, of the Map Records of Montgomery County, Texas (hereinafter referred to as the "Subdivision"); and

WHEREAS, the Subdivision is subject to certain covenants, conditions and restrictions as set out in that certain instrument entitled Declaration of Covenants, Conditions and Restrictions for Palm Beach Estates (the "Declaration"), of record under Clerk's File No. 9856407 of the Official Public Records of Real Property of Montgomery County, Texas; and amended under Clerk's File Nos. 9870474, 2000-075066 and 2001-001555 of the Official Public Records of Real Property of Montgomery County, Texas; and

WHEREAS, Section 209.0041 of the TEXAS PROPERTY CODE provides that unless the restrictive covenants applicable to a subdivision provides for a lower percentage, restrictive covenants may be amended only by a vote of sixty-seven percent (67%) of the total votes allocated to the property owners entitled to vote on the amendment; and

WHEREAS, the property owners having the requisite number of votes in the Association desire to amend the Declaration and have approved this Amendment and voted to amend the Declaration as herein provided;

NOW THEREFORE, in consideration of the premises and pursuant to the authority of Section 209.0041 of the TEXAS PROPERTY CODE, the property owners in the Subdivision, acting by and through the Association, adopt, reaffirm and ratify the following amendment and modification to the Declaration and declare that such amendment shall become effective when this instrument, accompanied by the attached Certificate, is filed for record in the Real Property Records of Montgomery County, Texas, to-wit:

- 1. Article III, Section 3.01 (a), Section 3.02 (g), Section 3.22 and Section 3.24 is hereby amended which shall read as follows:

Section 3.01 (a) Single Family Residential Construction and Use. No building shall be erected, altered, placed or permitted to remain on any Lot or Composite Building Site other than one dwelling unit ("Dwelling") per each Lot or Building Site to be used solely for residential purposes except that one guest/servants house may be built provided said guest/servants house must contain a minimum of 500 square feet and be built after or while the main dwelling is being built. Detached garages, work shops and boathouses may be constructed on the property contemporaneously with or after the main dwelling being built, so long as they are in good construction, in harmony of external design with the main dwelling, kept in good repair, and are not used for residential purposes.

Section 3.02 (g) Installation of fences, landscape features or shrubbery within one hundred and fifty feet (150') of the rear property line must have written approval from the Architectural Control Committee.

Section 3.22 Boat Lifts, Boat Slips, Boathouses.

- (a) Boat lifts must be installed and used in conjunction with a boat slip or boathouse. Leasing of waterfront space, other than in conjunction with leasing of the Lot which if serves, whether for money or other remuneration of any kind, is prohibited.
- (b) All boat slips must be cut into the Lot. Boat slips are not subject to side set back lines and may be within 15 feet of the side property line.
- (c) No more than one (1) boathouse shall be allowed in connection with any single building site. A flat roof boathouse may not exceed fourteen (14') feet in height from the level of the bulkhead (including any deck and handrail). A pitched roof boathouse may not exceed eighteen (18') in height from the level of the bulkhead. The width of any boathouse may not exceed thirty (30%) percent of the width of the total linear feet of waterfront bulkhead owned, regardless of the number of lots owned by the owner. No boathouse will include a second level or second story of any kind.
- (d) Boat slips and boathouse plans must be submitted to the Architectural Control Committee. Construction of a boat slip or boathouse must not be started until written approval is received from the Architectural Control Committee and construction must conform to the plans approved by the Committee. Any bulkhead, boat slip, boat lift or boathouse must also be approved by the San Jacinto River Authority and must be in compliance with local ordinances, if any.

Section 3.24 Boat Covers and Canopies. All boat covers must be custom fitted. The use of tarps or other loose fitting materials as boat covers is prohibited. Canopies may not exceed ten (10') feet in height from the level of the bulkhead. Canopy plans must be submitted to the Architectural Control Committee. Construction or installation must not be started until written approval is received from the Architectural Control Committee and construction must conform to the plans approved by the Committee.

2. Except as specifically amended and modified herein, the Declaration shall remain in full force and effect as originally written.

3. Attached to this instrument and specifically made a part hereof is a Certificate, signed by the President and Secretary of the Association, certifying that the Owners having at least sixty-seven percent (67%) of the total votes allocated to the property owners entitled to vote on the amendment

have voted in favor of and approved this amendment, along with the ballots reflecting said approval of the amendment, attached as Exhibit "A".

EXHIBIT "A"

PALM BEACH ESTATES PROPERTY OWNERS ASSOCIATION, INC.

***Official Ballots for Special Membership Meeting
September 10, 2017***

OFFICIAL BALLOT FOR

PALM BEACH ESTATES PROPERTY OWNERS ASSOCIATION, INC.

SPECIAL MEMBERSHIP MEETING - September 10, 2017



RESTRICTIONS AMENDMENT

It is proposed that the Restrictions be amended as fully described in the Sixth Amendment to the Declaration of Covenants, Conditions and Restrictions for Palm Beach Estates (the "Restrictions Amendment"), which was attached to the meeting announcement.

FOR proposed Restrictions Amendment

AGAINST proposed Restrictions Amendment

SIGNATURE

Your signature is required under the law. Only the tabulators of the ballots will see your votes and they are not allowed to disclose the details of any ballots.

Date: SEPT 10, 2017
Printed Name: MEL RJE
Signature: [Handwritten Signature]
Property Address: 18756 PALM BEACH BLVD
MONTGOMERY, TX 77388

The above-signed property owner and member expressly authorizes this ballot to be attached to the Sixth Amendment to the Declaration of Covenants, Conditions and Restrictions for Palm Beach Estates, and acknowledges it will be filed for record in the Official Public Records of Montgomery County, Texas, upon approval by the requisite percentage of Association members.

OFFICIAL BALLOT FOR

PALM BEACH ESTATES PROPERTY OWNERS ASSOCIATION, INC.

SPECIAL MEMBERSHIP MEETING – September 10, 2017



RESTRICTIONS AMENDMENT

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FOR proposed Restrictions Amendment

AGAINST proposed Restrictions Amendment

SIGNATURE

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Date: 9-10-17

Printed Name: MIKE ELLIOTT

Signature: 

Property Address: 18752 PALM BEACH

The above-signed property owner and member expressly authorizes this ballot to be attached to the Sixth Amendment to the Declaration of Covenants, Conditions and Restrictions for Palm Beach Estates, and acknowledges it will be filed for record in the Official Public Records of Montgomery County, Texas, upon approval by the requisite percentage of Association members.

OFFICIAL BALLOT FOR
PALM BEACH ESTATES PROPERTY OWNERS ASSOCIATION, INC.

SPECIAL MEMBERSHIP MEETING - September 10, 2017

WILLIAM WAY x 3 LOTS

RESTRICTIONS AMENDMENT

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FOR proposed Restrictions Amendment

AGAINST proposed Restrictions Amendment

SIGNATURE

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Date: Sept 10, 2017
Printed Name: WILLIAM WAY
Signature: W. Way
Property Address: 18740 PALM BEACH.

The above-signed property owner and member expressly authorizes this ballot to be attached to the Sixth Amendment to the Declaration of Covenants, Conditions and Restrictions for Palm Beach Estates, and acknowledges it will be filed for record in the Official Public Records of Montgomery County, Texas, upon approval by the requisite percentage of Association members.

LOT 10, 11, 12
(2.5)

OFFICIAL BALLOT FOR
PALM BEACH ESTATES PROPERTY OWNERS ASSOCIATION, INC.

SPECIAL MEMBERSHIP MEETING – September 10, 2017

RESTRICTIONS AMENDMENT

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SIGNATURE

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Date: 9-10-17
Printed Name: DOUGLAS B. CHAPMAN
Signature: D.B. Chapman
Property Address: 18720 Palm Beach Estates Blvd.

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OFFICIAL BALLOT FOR
PALM BEACH ESTATES PROPERTY OWNERS ASSOCIATION, INC.
SPECIAL MEMBERSHIP MEETING – September 10, 2017

RESTRICTIONS AMENDMENT

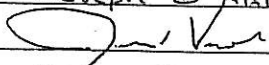
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FOR proposed Restrictions Amendment

AGAINST proposed Restrictions Amendment

SIGNATURE

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Date: 9-9-17
Printed Name: JOSEPH & RACHEL VICKELI
Signature: 
Property Address: 18723 PALM BEACH

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PALM BEACH ESTATES PROPERTY OWNERS ASSOCIATION, INC.
September 10, 2017, Special Meeting

Option 1: To Vote in Person at the Meeting

Just come to the meeting. We'll hand you a ballot when you sign in.

Option 2: To Vote by Proxy

Complete this section and give this page to the person who will be attending the meeting to vote on your behalf. If that person does not bring this page or does not attend the meeting, no vote will be cast for you.

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Your Printed Name _____ Your Signature _____ Date _____

Option 3: To Vote by Absentee Ballot

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Required language under Texas Property Code chapter 209.00593: By casting your vote via absentee ballot you will forgo the opportunity to consider and vote on any action from the floor on these proposals, if a meeting is held. This means that if there are amendments to these proposals your vote will not be counted on the final vote of these measures. If you desire to retain this ability, please attend any meeting in person. You may submit an absentee ballot and later choose to attend any meeting in person, in which case any in-person vote will prevail.

RESTRICTIONS AMENDMENT

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- FOR proposed Restrictions Amendment
- AGAINST proposed Restrictions Amendment

Laura + David Fortin [Signature] 8/11/17
 Your Printed Name Your Signature Date

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Option 4: To Vote Electronically

You may email your ballot to: mel.pye1@gmail.com.

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September 10, 2017, Special Meeting

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- FOR proposed Restrictions Amendment
- AGAINST proposed Restrictions Amendment

John Denton [Signature] 9-7-17
Your Printed Name Your Signature Date

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- FOR proposed Restrictions Amendment
- AGAINST proposed Restrictions Amendment

Bob Wilking Bob Wilking 9-7-17
Your Printed Name Your Signature Date

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Your Printed Name

Your Signature

Date

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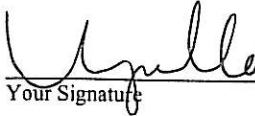
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FOR proposed Restrictions Amendment

AGAINST proposed Restrictions Amendment

Michelle Zullo
Your Printed Name


Your Signature

09-10-17
Date

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September 10, 2017, Special Meeting

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- FOR proposed Restrictions Amendment
- AGAINST proposed Restrictions Amendment

JAMES LABRIERE  9/7/17
Your Printed Name Your Signature Date

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September 10, 2017, Special Meeting

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Your Printed Name

Your Signature

Date

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FOR proposed Restrictions Amendment

AGAINST proposed Restrictions Amendment

ROBERT DUSH
Your Printed Name

[Signature]
Your Signature

8-1-17
Date

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PALM BEACH ESTATES PROPERTY OWNERS ASSOCIATION, INC.
September 10, 2017, Special Meeting

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Your Printed Name _____ Your Signature _____ Date _____

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- FOR proposed Restrictions Amendment
- AGAINST proposed Restrictions Amendment

Jeremy McWilliams _____ 9/2/17
Your Printed Name _____ Your Signature _____ Date

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PALM BEACH ESTATES PROPERTY OWNERS ASSOCIATION, INC.
September 10, 2017, Special Meeting

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I appoint _____ (print name of person who will vote for you) to act as my proxy for voting purposes at this meeting, and any adjournment thereof, and to cast my vote as he or she determines. I may revoke this appointment at any time up to the starting time of the meeting by delivering a written revocation to the Association or by attending the meeting personally.

Your Printed Name _____

Your Signature _____

Date _____

Option 3: To Vote by Absentee Ballot

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Required language under Texas Property Code chapter 209.00393. By casting your vote via absentee ballot you will forgo the opportunity to consider and vote on any action from the floor on these proposals; if a meeting is held. This means that if there are amendments to these proposals, your vote will not be counted on the final vote of these measures. If you desire to retain this ability, please attend any meeting in person. You may submit an absentee ballot and later choose to attend any meeting in person, in which case any in-person vote will prevail.

RESTRICTIONS AMENDMENT

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FOR proposed Restrictions Amendment

AGAINST proposed Restrictions Amendment

LANEENCE ALIBABO

Your Printed Name

[Signature]

Your Signature

8/8/17

Date

PALM BEACH ESTATES PROPERTY OWNERS ASSOCIATION, INC.
September 10, 2017, Special Meeting

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I appoint Wayne Anthony (print name of person who will vote for you) to act as my proxy for voting purposes at this meeting, and any adjournment thereof, and to cast my vote as he or she determines. I may revoke this appointment at any time up to the starting time of the meeting by delivering a written revocation to the Association or by attending the meeting personally.

JENNIFER ANTHONY
Your Printed Name

Jennifer Anthony
Your Signature

Sept 10, 2017
Date

Option 3: To Vote by Absentee Ballot

Complete this section and return this page for receipt no later than 10 p.m. on August 14, 2017. You can send it by mail to the Palm Beach Estates Property Owners Association, Inc. at 18756 Palm Beach Blvd., Montgomery, Texas 77356. If you would like to verify receipt, please call the person accumulating ballots for this meeting, Mel Pye, at 281-686-5336.

Required language under Texas Property Code chapter 209.00593: By casting your vote via absentee ballot you will forgo the opportunity to consider and vote on any action from the floor on these proposals, if a meeting is held. This means that if there are amendments to these proposals your vote will not be counted on the final vote of these measures. If you desire to retain this ability, please attend any meeting in person. You may submit an absentee ballot and later choose to attend any meeting in person, in which case any in-person vote will prevail.

RESTRICTIONS AMENDMENT

It is proposed that the Restrictions be amended as fully described in the draft *Sixth Amendment to the Declaration of Covenants, Conditions and Restrictions for Palm Beach Estates*, attached to the meeting announcement.

- FOR proposed Restrictions Amendment
- AGAINST proposed Restrictions Amendment

Wayne Anthony
Your Printed Name

Wayne Anthony
Your Signature

9/10/17
Date

The above-signed property owner and member expressly authorizes this ballot to be attached to the *Sixth Amendment to the Declaration of Covenants, Conditions and Restrictions for Palm Beach Estates*, and acknowledges it will be filed for record in the Official Public Records of Montgomery County, Texas, upon approval by the requisite percentage of Association members.

Option 4: To Vote Electronically

You may email your ballot to: mel.pye1@gmail.com.

Option 1: To Vote in Person at the Meeting

Just come to the meeting. We'll hand you a ballot when you sign in.

Option 2: To Vote by Proxy

Complete this section and give this page to the person who will be attending the meeting to vote on your behalf. If that person does not bring this page or does not attend the meeting, no vote will be cast for you.

I appoint Mel Pye (print name of person who will vote for you) to act as my proxy for voting purposes at this meeting, and any adjournment thereof, and to cast my vote as he or she determines. I may revoke this appointment at any time up to the starting time of the meeting by delivering a written revocation to the Association or by attending the meeting personally.

Rebecca Poths Your Printed Name R Poths Your Signature 9 Sept 17 Date

Option 3: To Vote by Absentee Ballot

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RESTRICTIONS AMENDMENT

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- FOR proposed Restrictions Amendment
- AGAINST proposed Restrictions Amendment

Rebecca Poths Your Printed Name R Poths Your Signature 9 Sept 17 Date

The above-signed property owner and member expressly authorizes this ballot to be attached to the Sixth Amendment to the Declaration of Covenants, Conditions and Restrictions for Palm Beach Estates, and acknowledges it will be filed for record in the Official Public Records of Montgomery County, Texas, upon approval by the requisite percentage of Association members.

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PALM BEACH ESTATES PROPERTY OWNERS ASSOCIATION, INC.
September 10, 2017, Special Meeting

Option 1: To Vote in Person at the Meeting

Just come to the meeting. We'll hand you a ballot when you sign in.

Option 2: To Vote by Proxy

Complete this section and give this page to the person who will be attending the meeting to vote on your behalf. If that person does not bring this page or does not attend the meeting, no vote will be cast for you.

I appoint Doug Chapman (print name of person who will vote for you) to act as my proxy for voting purposes at this meeting, and any adjournment thereof, and to cast my vote as he or she determines. I may revoke this appointment at any time up to the starting time of the meeting by delivering a written revocation to the Association or by attending the meeting personally.

Rick LeFlore Rick LeFlore 9-8-2017
Your Printed Name Your Signature Date
Frost Bank, Trustee

Option 3: To Vote by Absentee Ballot

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RESTRICTIONS AMENDMENT

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- FOR proposed Restrictions Amendment
- AGAINST proposed Restrictions Amendment

Your Printed Name Your Signature Date

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Option 4: To Vote Electronically

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PALM BEACH ESTATES PROPERTY OWNERS ASSOCIATION, INC.
September 10, 2017, Special Meeting

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Option 2: To Vote by Proxy

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Sherri Gibson Your Printed Name Sherri Gibson Your Signature 8/28/17 Date

Option 3: To Vote by Absentee Ballot

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Your Printed Name Your Signature Date

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