

**HOMEOWNERS' ASSOCIATION OF AUSTIN PARK, INC.
THIRD AMENDMENT TO THE DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS FOR AUSTIN PARK**

WHEREAS, the Declaration of Covenants, Conditions, and Restrictions for Austin Park was recorded in the Official Records of Real Property of Galveston County on January 27, 2005, under Clerk's File No. 2005005739, the First Amendment to the same was filed of record on September 30, 2013, at Clerk's File No. 2013062160, and the Second Amendment to the same was filed of record on May 5, 2016, at Clerk's File No. 2016025540 (hereinafter collectively, the "Restrictions");

WHEREAS, Texas Property Code, Section 209.0041 (h) gives 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 in the Association. 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; and

WHEREAS, Texas Property Code, Section 209.0041 (h-1) states, "[i]f the declaration contains a lower percentage than prescribed by Subsection (h), the percentage in the declaration control";

WHEREAS, Article XIII, Paragraph 2 of the Restrictions provides that "[a]fter the termination of Class B membership, approval by the Owners of a majority of the Lots shall be required to amend, modify, or terminate this Declaration";

WHEREAS, Texas Property Code, Section 209.0041 (e) states, "[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) states, "[t]his section supersedes any contrary requirement in a dedicatory instrument";

WHEREAS, the Restrictions have been amended by a vote of at least a two thirds (2/3) majority of the total votes allocated to property owners in the HOMEOWNERS' ASSOCIATION OF AUSTIN PARK, INC. (the "Association"), thereby approving this Third Amendment to the Declaration of Covenants, Conditions, and Restrictions for Austin Park as described below and as attested to by the President of the Association herein;

NOW THEREFORE, Article VI, Section H of the Restrictions is hereby amended as follows:

H. Basketball Goals and Backboards

No basketball goal, net and/or backboard may be kept, placed or mounted upon any Lot or kept, placed, attached or mounted to any fence or Dwelling,

outbuilding, or secondary structure (with the exception of the garage), without prior approval by the ARC. All basketball goals and/or backboards are subject to the Builder Guideline and Bulletins, and reasonable Rules and Regulations as to type, location, and hours of use promulgated by the ARC. All basketball goals and/or backboards shall at all times be maintained and kept in good condition. If any basketball goal, net and/or backboard is placed within the subdivision in violation of this Declaration, the Association or its agents shall be authorized to enter upon any Lot of Homesite and remove and/or disposed of any such basketball goal, net and/or backboard violation, and in so doing shall not be subject to any liability for trespass, other tort or damages in connection with or arising from such entry, removal and/or disposal nor in any way shall the Association or its agent be liable for any account or other claim for such action.

Notwithstanding the foregoing, portable basketball goals will be allowed without written request to the Association provided they are placed with the back of the basketball goal being placed against the front edge of the homeowner's own garage.

FURTHER, Article VI, Section R of the Restrictions is hereby amended as follows:

R. Swimming Pools/Spas

All swimming pools and spas, whether in ground or above ground, require architectural approval as set out in Article VII herein. It is further provided however, that above ground pools **shall not** be decked. The Association shall make available such Association Improvement Request forms as may be necessary in order that property owners may request architectural approval of swimming pools and spas.

Nothing herein is intended to alter, modify or amend the Original Restrictions, except as specifically provided hereinabove.

CERTIFICATION

I, the undersigned, am the duly elected and acting President of the HOMEOWNERS' ASSOCIATION OF AUSTIN PARK, INC., a non-profit corporation, and I do hereby certify:

That the within and foregoing THIRD AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR AUSTIN PARK was property approved by a vote of at least a two-thirds (2/3) majority of the total votes allocated to property owners in the Association.

IN WITNESS WHEREOF, I have executed this Third Amendment to be effective as of the 7th day of June, 2019.

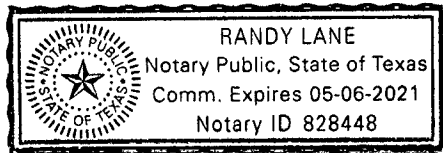
Teresa Brown
(Signature)

Teresa Brown
(Print Name)
President, Homeowners' Association of
Austin Park, Inc.

THE STATE OF TEXAS §
COUNTY OF Galveston §

This instrument was acknowledged before me, on the 7th day of June, 2019, by TERESA BROWN, President of the Homeowners' Association of Austin Park, Inc., a Texas Non-Profit Corporation.

Randy Lane
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS



FILED AND RECORDED

Instrument Number: 2019031551

Recording Fee: 34.00

Number Of Pages:4

Filing and Recording Date: 06/14/2019 4:17PM

I hereby certify that this instrument was FILED on the date and time stamped hereon and RECORDED in the OFFICIAL PUBLIC RECORDS of Galveston County, Texas.



A handwritten signature in cursive script that reads "Dwight D. Sullivan".

Dwight D. Sullivan, County Clerk
Galveston County, Texas

DO NOT DESTROY - *Warning, this document is part of the Official Public Record.*