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AFFIDAVIT

5 Pages

Parties: SUNEAGLE BAY  
to  
SUNEAGLE BAY

FILED AND RECORDED - REAL RECORDS	CLERKS NOTES
<p>On: 06/03/2011 at 03:11 PM</p> <p>Document Number: <u>2011-00006891</u></p> <p>Receipt No: <u>185192</u></p> <p>Amount: \$ <u>28.00</u></p> <p>Kelley Price, County Clerk Wood County, Texas</p>	



STATE OF TEXAS  
COUNTY OF WOOD

I hereby certify that this instrument was filed on the date and time stamped hereon by me and was duly recorded in the named records of Wood County, Texas.

Kelley Price, County Clerk

Recorded By: Heather Sumpter, Deputy

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.

Record and Return To:

SUNEAGLE BAY OWNERS ASSOCIATION  
P O BOX 359

YANTIS, TX 75497



***Affidavit to declare a proposed SunEagle Bay Subdivision Restriction  
Amendment to Paragraph 9***

In accordance with the Texas Property Code, I, Jewel B. Kelly, President of SunEagle Bay Owners Association do declare the amendment shown below is a proposed amendment to the current deed restrictions. The information shown below on page 1 and pages 2 and 3 of this document (proposed amendment, SRA letter and ballot) will be mailed to the members of SunEagle Bay Owners Association on or before June 15, 2011.

**Proposed Amendment to Deed Restriction #9**

~~9. No outside toilet or privy shall be erected or maintained on any lot hereunder. No water well shall be permitted on any lot hereunder.~~

A SunEagle Bay Subdivision property owner is allowed an Individual Holding Tank or other permitted **OSSF (on-site sewage facility)** on his lot, with a proper permit from Sabine River Authority (SRA), as described in the **Texas Administrative Code Title 30, Chapter 285** and subsequent chapters that describe OSSF installation, usage, waste disposal, and other associated requirements administered by TCEQ and the Sabine River Authority.

A permit must be obtained from Sabine River Authority (SRA) and a copy filed in the SunEagle Bay Owners Association office prior to construction. A copy of current maintenance contract with a current licensed maintenance waste provider must be provided to the permitting authority and SunEagle Bay Owners Association before a holding tank may be installed. Pumping records must be retained for five years as described in Texas Administrative Code.

Property owners may not share a Water Connection or OSSF (on-site sewage facility). The property owner of the Individual Holding Tank or other OSSF bears the sole liability and responsibility for any and all property served and damages to other property caused by their OSSF system and is subject to the current law, rules and regulations regarding permitting, installation, maintenance, and disposal requirements as set by Title 30, TAC Chapter 285 and subsequent chapters to include cleanup or fines or charges assessed by SRA and/or TCEQ for violations.

Individual Holding Tanks shall be installed in an area readily accessible to a pump truck under all weather conditions. If a property owner chooses not to elect to install Individual Holding Tank or other OSSF, property owner may continue to use the SunEagle Bay Subdivision Holding Tanks located in several locations within the subdivision.

Disposal of Graywater is governed by **Texas Administrative Code Title 30, Chapter 285 H.**

Any unauthorized discharges to include any below the ground leakage ie or overflow of any OSSF within SunEagle Bay Subdivision must be reported to SRA. SRA will report it to TCEQ for proper cleanup and enforcement regarding violation as described in the Texas Administrative Code.

**The Texas Administrative Code is legislation adopted by the State of Texas and it is the responsibility of TCEQ and the Sabine River Authority to adhere to and administer the legislation.**

**Secret Ballot**

**SunEagle Bay Subdivision Restriction # 9**

**Wood County, Texas**

Read Instructions Below before Choosing Option I, or Option II

Instructions For Voting

A ballot will be deemed void if filled out improperly

1. Choose Option # 1 for Yes vote
2. Choose Option # 2 for No vote
3. Place ballot only into Envelope A and seal envelope
4. Place envelope A into Envelope B and seal envelope
5. Date Envelope B
6. Print your name on Envelope B
7. Sign your name on Envelope B
8. Place Envelope B into Envelope C and mail it.
9. Again, do not sign the Ballot itself
10. Do not put anything other than the Ballot in Envelope A.
11. Do not include any other correspondence with this mailing.

If you plan to attend the meeting and have not mailed your ballot, please bring your ballot to the meeting, placed inside the envelopes as instructed.

Option I

\_\_\_\_\_ Yes. I agree with the proposed amendment to SunEagle Bay Subdivision Restriction # 9

Option II

\_\_\_\_\_ No. I disagree with the proposed amendment to SunEagle Bay Subdivision Restriction # 9.

The current subdivision restrictions will remain in effect for any SunEagle Bay Subdivision Restriction that does not pass.

Ballot must be received by 10:30 A.M., Saturday, July 16, 2011.



# SABINE RIVER AUTHORITY of Texas

A GOVERNMENT AGENCY  
OF THE  
*State of Texas*

(409) 746-2192  
FAX (409) 746-3780

P.O. BOX 579  
ORANGE, TEXAS  
77631

March 21, 2011

Ms. Jewel Kelly  
Sun Eagle Bay Association  
P O Box 359  
Yantis, TX 75497

Dear Ms. Kelly:

After consultation with TCEQ, SRA's position regarding Sun Eagle Bay (SEB) wastewater disposal is that SEB can continue to use the holding tanks that are currently in use.

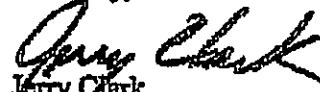
If there should be an overflow from one of the tanks, SRA will notify TCEQ who will inspect and enforces regarding the incident.

As you are aware, current SEB deed restrictions prohibit the installation and use of individual holding tanks. If these deed restrictions are amended to allow individual holding tanks, the SRA may license these tanks as long as they meet the minimum requirements of the TCEQ. This new approach will require all water including gray-water to be contained in the individual holding tanks and properly disposed of by a TCEQ licensed transporter. Gray-water may continue to be applied to the surface of the ground as in the past with the understanding that there can be no runoff to adjoining property, ditches, the lake or create nuisance conditions including ponding and pooling on the property.

SRA has enforcement authority under TCEQ supervision for on-site sewage facilities 2000 feet landward from the Lake Fork project boundary. SRA's current position on these matters can change as TCEQ requires it.

I appreciate the cooperation of the people we serve regarding these issues.

Sincerely,

  
Jerry Clark  
Executive Vice President  
and General Manager

cc: Donna Phillips, TCEQ  
Leroy Biggers, TCEQ  
Joe Woolfolk  
Danny Choate  
*John Stover*

Executed this 3rd day of June 2011,

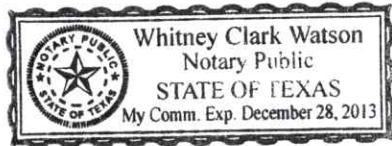
**SunEagle Bay Owners Association**

Jewel B. Kelly, President  
**Jewel B. Kelly, President**

**State of Texas**

**County of Wood**

**This instrument was acknowledged before me on this 3rd day of June 2011 by Jewel B. Kelly, President, SunEagle Bay Owners Association on behalf of said correction.**



Whit Clark Watson  
**Notary Signature**

**My Commission Expires** 12/28/2013