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**THIRD AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR THE ENCLAVE AT CANYON LAKE, A PLANNED UNIT DEVELOPMENT, AND
THE ENCLAVE AT CANYON LAKE COMMUNITY ASSOCIATION, INC.**

STATE OF TEXAS §
 § **KNOW ALL PERSONS BY THESE PRESENTS:**
COUNTY OF COMAL §

WHEREAS, the Declarations of Covenants, Conditions and Restrictions (*the "DCCRs"*) for The Enclave at Canyon Lake, A Planned Unit Development, and The Enclave At Canyon Lake Community Association, Inc. was recorded on April 7, 2006, as Clerk's Document No. 200606014121, and First Amended and recorded on April 13, 2006, as Clerk's Document No. 200606014816, and Second Amended and recorded on August 14, 2006, as Clerk's Document No. 200606034062, in the Official Real Property Records of Comal County, Texas; and

WHEREAS, Article 8 of the DCCRs authorizes amendment by written instrument executed by the Owners of seventy-five percent (75%) of the Lots, provided that no amendment prior to January 1, 2025, shall be effective until approved and executed by the Board of Directors (*"Board"*) of The Enclave at Canyon Lake Community Association, Inc. (*the "Association"*) and filed of record in the Official Public Records of Real Property in Comal County, Texas, to amend the DCCRs for The Enclave at Canyon Lake Community Association, Inc.; and

WHEREAS, at a duly called meeting of the Owners on August 19, 2017, at which a quorum was present for the meeting, authorized an electronic vote from the membership, and having received the required seventy-five percent (75%) in agreement with the proposed amendments, the Owners approved the DCCRs amendments attached hereto as Exhibit A;

NOW, THEREFORE, notice is hereby given to all persons with any interest in or claim to any parts of the property within The Enclave at Canyon Lake Community Association, Inc. of the amendments to the DCCRs, attached hereto as Exhibit A.

Thus, executed this 22 **day of March 2018.**

THE ENCLAVE AT CANYON LAKE COMMUNITY ASSOCIATION, INC.

By: 
Paul Array, President


ACKNOWLEDGMENT

STATE OF TEXAS §

COUNTY OF COMAL §

This instrument was acknowledged before me on the 22nd day of March 2018, by Paul Array, President of The Enclave at Canyon Lake Community Association, Inc., a Texas non-profit corporation, on its behalf, who stated before me that the foregoing was true and correct to the best of his knowledge and belief.




Notary Public, State of Texas

AFTER RECORDING, PLEASE RETURN THIS INSTRUMENT TO:

The Enclave at Canyon Lake Community Association, Inc.
2345 Loop 337, Suite 200
New Braunfels, Texas 78130
830-632-8300

**THIRD AMENDMENT TO
Declarations of Covenants, Conditions and Restrictions
For The Enclave at Canyon Lake Community Association, Inc.**

Sections 4.1, 4.3, 4.7 and 5.16 of the Declarations of Covenants, Conditions and Restrictions for The Enclave at Canyon Lake Community Association, Inc. are hereby amended and restated to read in full as follows:

Article 4.1. Architectural Review Committee: Composition.

There is hereby created an Architectural Review Committee, of not less than three (3) persons nor more than five (5) persons, all of whom are required to be members of The Enclave at Canyon Lake Community Association, Inc. Such ARC shall be selected and appointed by the Board of Directors of the Association. A majority of the Committee may act for the Committee and no notice of any of its meetings shall be required. Subject to the terms hereinafter set forth, the Board of Directors shall have right to add members to the Committee and fill vacancies in the Committee membership and the Board of Directors may assign such rights to the Association.

Article 4.3. Architectural Review Committee: Procedure.

No building, fence or other structure or improvement shall be erected, placed or altered on any Lot in the subdivision until the plans and specifications, including exterior elevations, structural detail, exterior colors and all exterior materials for such building, landscaping detail, fence or other structure and site plan showing the location of such building, fence or other structure, shall be approved in writing by the Architectural Review Committee as to the quality of workmanship and materials and conformity and harmony of exterior design with existing structures in the subdivision and as to the location with respect to topography, existing trees and finished elevation. Within thirty (30) days after the Owner has submitted to the Committee all plans that the Committee may require (*"Submitted Plans"*), the Committee shall notify the Owner in writing whether the Submitted Plans are approved or disapproved. Any disapproval shall set forth the specific reason or reasons for such disapproval. The Committee may disapprove the construction or design of a structure on purely aesthetic grounds where, in its judgment, such disapproval is required to protect the continuity of design or values of The Enclave at Canyon Lake community and of other Owners or to preserve the serenity and natural beauty of the surroundings. In the event of the Submitted Plans have not been approved or disapproved within thirty (30) days after submission, the Submitted Plans will be deemed to have been approved but such deemed approval shall not permit a violation of any of the terms of these Covenants or the *"Architectural Guidelines"*. Construction, once approved (*whether in writing or by deemed approval*), must be completed within three hundred sixty-five (365) days of approval. If the construction is not completed timely, the approval granted will be void. APPROVAL BY THE COMMITTEE DOES NOT REPLACE OR SUBSTITUTE FOR ANY APPROVAL OR PERMIT REQUIRED BY A MUNICIPALITY OR OTHER GOVERNMENTAL AGENCY. APPROVAL BY A MUNICIPALITY OR OTHER GOVERNMENT AGENCY DOES NOT REPLACE OR SUBSTITUTE FOR ANY APPROVAL REQUIRED BY THE COMMITTEE.

Article 4.7. Architectural Review Committee: Approved Architects, Designers, Primary Contractors and Builders.

No engagement of an Architect and/or Designer, to plan or design any improvement to be situated on a Lot shall be made by an Owner until the Architect and/or Designer to perform such planning and design shall have been approved in writing by the Architectural Review Committee, it being the intent hereof to assure quality designs by reputable and experienced Architects and/or Designers as determined by the

Committee in its sole discretion. If the Committee fails to approve or disapprove a written request for the approval of an Architect and/or Designer, to perform such design within thirty (30) days after such written request is submitted to it, such request shall be deemed approved.

Article 5.16. Land Use Regulations: Minimum Area.

The living area of each residence constructed on a Lot shall contain the minimum, contiguous square feet of living space set forth below, such square feet being exclusive open or screened porches, terraces, patios, driveways, carports, garages and living quarters for domestic servants separated or detached from the primary living area, to wit:

- (a) If single story – minimum of 2,400 square feet of living area on Lots 1 through 13, 48 through 77 and 80 through 91; minimum of 2,800 square feet of living area on Lots 14 through 27 and 33 through 47; minimum of 3,200 square feet of living area on Lots 29-32.
- (b) If two stories – minimum of 2,800 square feet of living area, with minimum of 2,000 square feet living area on the ground floor, on Lots 1 through 13, 48 through 77 and 80 through 91; minimum of 3,400 square feet of living area, with minimum of 2,400 square feet of living area on the ground floor on Lots 14 through 27 and 33 through 47; and minimum of 3,800 square feet of living area, with a minimum of 2,800 square feet of living area on the ground floor for Lots 29 through 32.

Filed and Recorded
Official Public Records
Bobbie Koepp, County Clerk
Comal County, Texas
07/06/2018 10:28:45 AM
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Bobbie Koepp