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2023 AMENDMENT TO PARAGRAPH 19 OF THE RESTRICTIONS FOR SECTIONS A, B, D, E, F, G, H, AND I FOR HARBOR POINT SUBDIVISION, TRINITY COUNTY, TEXAS

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

This 2023 AMENDMENT TO PARAGRAPH 19 OF THE RESTRICTIONS FOR SECTION A, B, C, D, E, F, G, H, AND I FOR HARBOR POINT SUBDIVISION is made and effective as of August 12, 2023, by the HP Owners Association, doing business as the Harbor Point Property Owners Association.

WHEREAS, Harbor Point Resort Company, L.P., a Texas limited partnership, was the owner and developer, with its principal office in Trinity, Trinity County, Texas, (hereinafter called "Developer"), being the record owner of that certain tract of land which has heretofore been platted into that certain subdivision known as "Harbor Point Subdivision", (hereinafter called "Harbor Point" and/or "Subdivision"). in Trinity County, Texas, according to the plat of said subdivision recorded in the office of the County Clerk of Trinity County, Texas, and recorded in the Official Public Records of Trinity County, Texas, at Cabinet A. Slide 305 [Section A], Slide 306 [Section B], Slide 307 [Section C], Slide 308 [Section D], Slide 309 [Section E], Slide 322. [Sections F&G] Slides 312 and 320. [Section H], and Slide 313 [Section I], reference to which is hereby made for all purposes: and

WHEREAS, the Developer, on February 11, 1991. executed "Subdivision Restrictions" for Sections A, B, D, and E, and filed same on February 12, 1991 at Vol. 497, pages 545, et seq., Official Public Records, Trinity County, Texas; and

WHEREAS, the Developer, on April 28, 1991, executed "Subdivision Restrictions" for Section C, and filed same on May 2, 1991 at Vol. 502, pages 166. et seq., Official Public Records, Trinity County, Texas; and

WHEREAS, the Developer, on August 2, 1994, executed "Subdivision Restrictions" for Sections F and G, and filed same on August 17, 1994, at Vol. 554, pages 487 et seq., Official Public Records, Trinity County, Texas; and

WHEREAS, the Developer, on April 4, 1994, executed "Subdivision Restrictions" for Section H, and filed same on April 12, 1994, at Vol. 549, pages 216, et seq., Official Public Records, Trinity County, Texas; and

WHEREAS, the Developer, on January 16, 1995, executed "Subdivision Restrictions" for Section I, and filed same on January 16, 1995, at Vol. 561, pages 462 et seq., Official Public Records, Trinity County, Texas; and

WHEREAS, on February 14, 1991 Articles of Incorporation for HP Owners Association were filed with the Texas Secretary of State's Office, and a Certificate of Incorporation was issued under number 01182632-01; and

WHEREAS, HP OWNERS ASSOCIATION filed an Assumed Name Certificate on July 26, 2002, at Vol. 5, page 8 et seq., Assumed Name Records, Trinity County, Texas, giving notice of doing business as Harbor Point Property Owners Association; and

WHEREAS, the Developer, by that certain document entitled "Assignment of Developer's Rights", executed on June 4, 2002, and filed of record at Vol. 685, pages 132 et seq., Official Public Records of Trinity County, Texas, assigned to the HP Owners Association all of developer's rights, as more particularly set forth therein; and

WHEREAS the above referenced deed restrictions all provided, in part, under ¶ 18 (and under ¶ 15 for Section C), for amendment of the deed restrictions after December 31, 2010:

At any time after December 31, 2010, any provisions contained in these Subdivision Restrictions (except as hereinafter provided) may be amended or repealed, in whole or in part, by the vote of at least two-thirds of the votes cast at a meeting of HP Owners Association duly convened, provided that prior written notice is mailed to each member of said Association (at the most recent address shown for such member in the records of said Owners Association) generally describing any proposed amendment or repeal to be voted on at such meeting. Any

such amendment or repeal must be recorded in the Office of the County Clerk, Trinity County, Texas, and shall be effective upon the date of such recordation; and

WHEREAS, the members of HP Owners Association, doing business as the Harbor Point Property Owners Association, did, at a meeting of the members, make certain amendments to the Deed Restrictions, as more specifically set forth by that certain "2011 Amended Restrictions Sections A, B, C, D, E, F, G, H, and I for Harbor Point Subdivision, Trinity County, Texas". ("2011 Amendments"), which amendments were filed at Vol. 885, pages 641 et seq., Official Public Records of Trinity County, Texas, and which 2011 Amendment approved the consolidations of the deed restrictions for Sections A, B, D, E, F, G, H, and I for Harbor Point Subdivision, Trinity County, Texas; and

WHEREAS, the members of HP Owners Association, doing business as the Harbor Point Property Owners Association, did, at a meeting of the members, make certain amendments to the Deed Restrictions, as more specifically set forth by that certain "Consolidated, Restated, and Amended Restrictions Sections A, B, C, D, E, F, G, H, and I for Harbor Point Subdivision, Trinity County, Texas" ("2012 Amendments"), which amendments were filed at Vol. 898, pages 8 et seq., Official Public Records of Trinity County, Texas, and which 2012 Amendment approved the consolidations of the deed restrictions for Sections A, B, D, E, F, G, H, and I for Harbor Point Subdivision, Trinity County, Texas; and

WHEREAS, the members of HP Owners Association, doing business as the Harbor Point Property Owners Association, did, at a meeting of the members, as provided by the deed restrictions, did make certain amendments to the Deed Restrictions, as more specifically set forth on that certain "Consolidated, Restated, and Amended Restrictions Sections A, B, D, E, F, G, H, and I for Harbor Point Subdivision, Trinity County, Texas" ("2012 Restrictions"), which amendments were filed at Vol. 898, pages 84 et seq., Official Public Records of Trinity County, Texas, and which 2012 Restrictions approved the consolidations of the deed restrictions for Sections A, B, D, E, F, G, H, and I for Harbor Point Subdivision, Trinity County, Texas; and

WHEREAS, the members of HP Owners Association, doing business as the Harbor Point Property Owners Association, did, at a meeting of the members on October 22, 2016, as provided by the deed restrictions, did make certain amendments to the Deed Restrictions, as more specifically set forth on that certain "2016 Amended Consolidated, Restated, and Amended Restrictions Sections A, B, D, E, F, G, H, and I for Harbor Point Subdivision, Trinity County, Texas" ("2016 Restrictions"), which amendments were filed at Vol. 978, pages 501 et seq., Official Public Records of Trinity County, Texas, and which 2016 Restrictions approved the consolidations of the deed restrictions for Sections A, B, D, E, F, G, H, and I for Harbor Point Subdivision Trinity County, Texas; and

WHEREAS, the members of HP Owners Association, doing business as the Harbor Point Property Owners Association, did, at a meeting of the members on May 5, 2018, as provided by the deed restrictions, did make certain amendments to the Deed Restrictions, as more specifically set forth on that certain "2018 Amended Consolidated, Restated, and Amended Restrictions Sections A, B, D, E, F, G, H, and I for Harbor Point Subdivision, Trinity County, Texas" ("2018 Restrictions"), which amendments were filed at Vol. 1003, pages 174 et seq., Official Public Records of Trinity County, Texas; and

WHEREAS, the members of HP Owners Association, doing business as the Harbor Point Property Owners Association, did, at a meeting of the members on May 4, 2019, as provided by the deed restrictions, did make certain amendments to the Deed Restrictions, as more specifically set forth on "2019 Amended Consolidated, Restated, and Amended Restrictions Sections A, B, D, E, F, G, H, and I for Harbor Point Subdivision, Trinity County, Texas" ("2019 Restrictions"), which amendments were filed at Volume 1022, Page 841 et seq., Official Public Records of Trinity County, Texas; and

WHEREAS, the members of HP Owners Association, doing business as the Harbor Point Property Owners Association, did, at a meeting of the members on October 15, 2019, as provided by the deed restrictions, did make certain amendments to the Deed Restrictions, as more specifically set forth on "2019 Second Amended Consolidated, Restated, and Amended Restrictions Sections A, B, D, E, F, G, H, and I for Harbor Point Subdivision, Trinity County, Texas" ("2019 Second Amended Restrictions") which amendments were filed at Volume 1032, Page 0265 et seq., Official Public Records of Trinity County, Texas; and

WHEREAS, the members of HP Owners Association, doing business as the Harbor Point Property Owners Association, did, at a meeting of the members on October 16, 2021, as provided by the deed restrictions, did make certain amendments to the Deed Restrictions, as more specifically set forth on this “2021 Amended Consolidated, Restated, and Amended Restrictions Sections A, B, D, E, F, G, H, and I for Harbor Point Subdivision, Trinity County, Texas” (“2021 Amended Restrictions”); which amendments were filed at Volume 1075, Page 0184 et seq., Official Public Records of Trinity County, Texas; and

WHEREAS, the members of HP Owners Association, doing business as the Harbor Point Property Owners Association, did, at a meeting of the members on May 7, 2022, as provided by the deed restrictions, did make certain amendments to the Deed Restrictions, as more specifically set forth on this “2022 Amended Consolidated, Restated, and Amended Restrictions Sections A, B, D, E, F, G, H, and I for Harbor Point Subdivision, Trinity County, Texas” (“2022 Amended Restrictions”); which amendments were filed at Volume 1093, Page 763 et seq., Official Public Records of Trinity County, Texas; and

WHEREAS, the members of HP Owners Association, doing business as the Harbor Point Property Owners Association, did, at a meeting of the members on October 15, 2022, as provided by the deed restrictions, did make certain amendments to the Deed Restrictions, as more specifically set forth on this “2022 Second Amended Consolidated, Restated, and Amended Restrictions Sections A, B, D, E, F, G, H, and I for Harbor Point Subdivision, Trinity County, Texas” (“2022 Second Amended Restrictions”) which amendments were filed at Volume 1098, Page 902 et seq., Official Public Records of Trinity County, Texas; and

WHEREAS, the members of HP Owners Association, doing business as the Harbor Point Property Owners Association, did, at a meeting of the members on July 15, 2023, as provided by the deed restrictions, did make certain amendments to the Deed Restrictions, as more specifically set forth on this “2023 Amended Consolidated, Restated, and Amended Restrictions Sections A, B, D, E, F, G, H, and I for Harbor Point Subdivision, Trinity County, Texas” (“2023 Amended Restrictions”) which amendments were filed in the Official Public Records of Trinity County Texas; and

WHEREAS, the members of HP Owners Association, doing business as the Harbor Point Property Owners Association, did, at a meeting of the members on August 12, 2023, as provided by the deed restrictions, did make certain amendments to Paragraph 19 of the Deed Restrictions, as more specifically set forth on this “2023 Amendment to Paragraph 19 of the Restrictions for Sections A, B, D, E, F, G, H, and I for Harbor Point Subdivision, Trinity County, Texas” (“2023 Amendment of Paragraph 19”).

NOW, THEREFORE, HP Owners Association, doing business as the Harbor Point Property Owners Association, (the “Association”), does hereby files this amendment to Paragraph 19 of the Deed Restrictions and hereby impressed on the property covered hereby, the same being described by the plats identified above, and restrictions and covenants shall run with the land:

Paragraph 19 of the 2023 Amended Restrictions is amended to read as follows:

19. Maintenance Fees

Subject to the provisions of numbered paragraph 22 hereof, as to each lot hereunder (other than any lots excluded from the provisions of this paragraph and pursuant to numbered Paragraph 18 here of, an assessment is hereby made.

- (a) All dues will be the same for each property owner. A monthly fee of \$37.50, billed every six (6) months. In addition, all lots will be assessed \$5.00 per month, being billed every 6 months.
- (b) All lots with a house or mobile home exceeding 750 square feet of living space (adjacent or non-adjacent lots) will be charged full dues even if rented. Any lot, regardless of adjacent or non-adjacent status, which is rented and/or leased, shall assume the full assessment, non-prorated, amounts for the billing period.
- (c) At any time and from time to time, HP Owners Association (a Texas non-profit corporation) may elect, by a majority vote of the entire Board of Directors plus the majority of votes cast at a meeting of the members of said Association duly convened, to increase such assessments, provided that prior written notice is mailed to each member of said Association (at the most recent address shown for such member on the records of said Association) stating either the exact amount or the maximum amount of such increase to

be voted on at such meeting. An assessment shall accrue from the earlier of the date of the agreement for deed from the developer as the seller to a purchaser or of the conveyance by the Developer as grantor.

- (d) Such assessment shall be and is hereby secured by a lien on each lot hereunder, respectively, and shall be payable to HP Owners Association, its successors and assigns, the owner of said assessment funds, on January 1 of each year; said assessment lien shall conclusively to have attached to each lot and is an assessment to run with the ownership o said lots.
- (e) Such assessment shall be payable monthly, quarterly, semi-annually, or annually, either in arrears or in advance, as determined from time to time by HP Owners Association, except that such assessment shall never be payable more than twelve (12) months in advance. In, the event such assessment is made payable in advance and except as otherwise required by law, there shall be no refund of paid but unaccrued assessment on account of any cancellation or repossession of a purchase contract or any transfer of an owner's or purchaser's interest in a lot.
- (f) If any such assessment is not paid in full by the forty-fifth (45th) day following the due date, therefore, the unpaid amount of such assessment shall be subject to a late fee of \$15.00 to be added to the amount for three (3) months per billing period. The Board of Directors may adopt a resolution on the enforcement of this deed restriction establishing the assessment.
- (g) The assessment lien described hereinabove shall secure payment of past-due unpaid assessment and any interest thereon plus any expenses incurred in attempting to collect same, including, without being limited to, reasonable attorneys' fees.
- (h) The amount of the maintenance fee may be adjusted as shall be determined by a majority vote of the members, represented in person, of the Association at the annual meeting or Special meeting called for that purpose of the HP Owners Association, at which a quorum of the members, represented in person is obtained. Notice shall be given to all lot owners of the said meeting and of the proposed maintenance fee to be determined for the next billing period. In the event the proposed maintenance fee fails to obtain necessary votes at the meeting, then the maintenance fee for the next billing period shall remain at the same amount as then currently set.

This amendment to Paragraph 19 of the Restrictions is effective upon filing in the County Clerk of Trinity County, Texas.

Executed on this 21 day of August 2023

HP OWNERS ASSOCIATION, d/b/a HARBOR POINT PROPERTY OWNERS ASSOCIATION

By: Juanelle Harris
JUANELLE HARRIS, President

THE STATE OF TEXAS §
 §
COUNTY OF POLK §

This instrument was acknowledged before me on the 21 day of August, 2023 by JUANELLE HARRIS, President, HP OWNERS ASSOCIATION, D/B/A HARBOR POINT PROPERTY OWNERS ASSOCIATION, on behalf of said Association.

THE STATE OF TEXAS
COUNTY OF TRINITY

I hereby certify that the instrument was FILED on the date and at the time stamped hereon by me and was duly RECORDED in the Official Public Records of Trinity County, Texas in the Volume and Page as noted hereon by me.

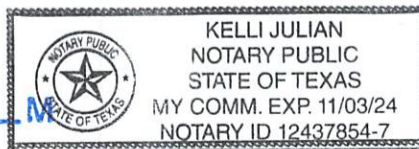
Shasta Bergman
County Clerk, Trinity County



Kelli Julian
NOTARY PUBLIC, STATE OF TEXAS

AFTER FILING RETURN TO:
Joshua L. McMahon IV
501 W. Church Street
Livingston, Texas 77351

FILED
at 11:00 o'clock A



AUG 28 2023

2023 Amendment to Paragraph 19
SHASTA BERGMAN
COUNTY CLERK, TRINITY CO., TEXAS
Shasta Bergman