

Hood County Clerk
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Document Number: 2021-0021877 -
Filed and Recorded - Real Records

THIRD AMENDMENT DECLARATION OF COVENANTS AND

Grantor: HARBOR LAKES HOA

Pages: 4

Recorded On: 12/09/2021 09:17 AM

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Document Number: 2021-0021877	
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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.

I hereby certify that this instrument was filed and duly recorded in the Official Records of Hood County, Texas



Katie Lang
County Clerk
Hood County, Texas



Return To:

RIDDLE & WILLIAMS
3710 RAWLINS STREET, STE. 140
DALLAS, TX 75219



**"THIRD AMENDMENT
TO THE AMENDED AND RESTATED DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS
FOR
HARBOR LAKES**

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

THIS THIRD AMENDMENT TO THE AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR HARBOR LAKES (this "Third Amendment") is made as of the 30th day of November, 2021, by the HARBOR LAKES HOMEOWNERS ASSOCIATION, a Texas non-profit corporation (the "Association").

WITNESSETH:

WHEREAS, Lumbermen's Investment Corporation, a Delaware corporation (the "Declarant") prepared and recorded the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Harbor Lakes on June 18, 2001, in Volume 1755, Page 0738 of the Real Property Records of Hood County, Texas (the "Declaration"); and

WHEREAS, the Declaration was amended by the First Amendment to the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Harbor Lakes, recorded on June 24, 2010, as Document No. 2010-0007180 of the Real Property Records of Hood County, Texas (the "First Amendment"); and

WHEREAS, the Declaration was amended by the Second Amendment to the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Harbor Lakes [Leasing Restrictions], recorded on September 14, 2017, as Document No. 2017-0012569 of the Real Property Records of Hood County, Texas (the "Second Amendment"); and

WHEREAS, Article X, Section 2 of the Declaration provides that the Declaration may be amended by an instrument signed by seventy-five percent (75%) of the total Owners; and

WHEREAS, Section 209.0041(h) of the Texas Property Code provides that a declaration may be amended only by a vote of 67 percent of the total votes allocated to property owners entitled to vote on the amendment of the declaration and that this Section supersedes any contrary provision in a dedicatory instrument; and

WHEREAS, Owners representing at least 67% of the total votes in the Association have approved of the following amendments to the Declaration.

NOW, THEREFORE, the Declaration is hereby amended by as follows:

1. Amend Article VIII, Section 22 of the Declaration by deleted in its entirety and replacing with the following:

The Owner of each Waterway Lot shall be responsible for maintaining that portion of any waterway or canal contiguous to his or her Waterway Lot and shall keep any boat slip, dock or pier permitted by rules and regulations of the Association immediately adjacent to and contiguous with the Owner's Waterway Lot free of all debris, trash, rubbish, garbage, or any other unsightly or unsanitary material, and shall keep his or her boat slip, dock, mooring, or pier in good condition and repair at all times, and shall not cause any hazard to navigation; provided, however, that improvement, maintenance, repair, and other care for the canals, channels, sea walls, and bulkheads within the Subdivision shall be the responsibility of the Association. Notwithstanding any other provision contained in this Declaration to the contrary, including, without limitation, Article II and Article III hereof, the Association shall have no obligation to remove any debris, trash, rubbish, garbage, or any other unsightly or unsanitary material from the waterways and canals, or to enforce any owner's refusal or failure to do so.

The canals and waterways in the Subdivision shall not be used for dumping any foreign matter of any type and nothing shall at any time be deposited or left in any waterway other than properly tended or moored boats.

No Owner of any Lot, or any guest of such Owner, shall moor his boat in any area of any canal or waterways, except in that portion of the canal contiguous to such Owner's Lot. The Owners of all Lots in the Subdivision shall strictly observe a no-wake and/or five mile per hour (5 M.P.H.) speed limit in all canals and harbor and shall endeavor to enforce all others using such waterways to observe such speed limit. No watercraft used for commercial fishing purposes shall be moored in any slip or waterway within the Subdivision. No slip or dock may be rented or leased. Only watercraft registered in the name of the Waterway Lot Owner may use the slip or dock except for guests of such Waterway Lot Owner who must register such watercraft with the Association and the number of days the watercraft of such guest may remain docked in the canal may be limited by the rules and regulations of the Association.

2. Except as modified by this Third Amendment, the Declaration and the First Amendment and Second Amendment shall remain in full force and effect.

IN WITNESS WHEREOF, the undersigned duly authorized agent of the Association has executed this Third Amendment as of the date first written above.

ASSOCIATION:

**HARBOR LAKES HOMEOWNERS
ASSOCIATION, Texas non-profit corporation**

By: 

Printed Name: James J. Jones
Its: President

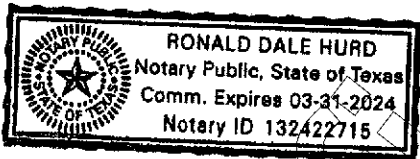
ACKNOWLEDGEMENTS

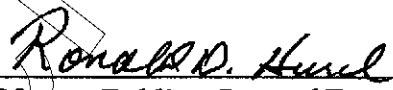
STATE OF TEXAS

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§
§

COUNTY OF HOOD

This instrument was acknowledged before me on the 3 day of December, 2021, by JIM JONES President of the HARBOR LAKES HOMEOWNERS ASSOCIATION, a Texas non-profit corporation, on behalf of the company.




Notary Public - State of Texas

AFTER RECORDING, RETURN TO:

Riddle & Williams, P.C.
3811 Turtle Creek Blvd., Suite 500
Dallas, Texas 75219

G/Pud.amd/HarborLakes/thirdamendment.DRAFT3.0