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6890

AMENDMENT TO RESTRICTIONS  
PIRATES BEACH, SECTIONS 1 and 2  
GALVESTON COUNTY, TEXAS

✓  
3/4/70

THE STATE OF TEXAS X DEED OF TRUST  
COUNTY OF GALVESTON X BOOK 2090 PAGE 890

WHEREAS, pursuant to the provisions of that certain instrument dated June 13, 1966, recorded in Book 1798, Page 670, of the Records in the Office of the County Clerk of Galveston County, Texas, certain restrictions were imposed upon lots in Pirates Beach, Section 1, a Subdivision in Galveston County, Texas, according to the Map or Plat thereof recorded in Volume 1616, Page 66, of the Map Records of Galveston County, Texas, and upon lots in Pirates Beach, Section 2, a Subdivision in Galveston County, Texas, according to the Map or Plat thereof recorded in Volume 1616, Page 67, of the Map Records of Galveston County, Texas; and,

WHEREAS, the aforesaid restrictions were amended in certain particulars by that certain instrument dated August 18, 1966, recorded in Book 1810, Page 179, of the Records in the Office of the County Clerk of Galveston County, Texas; and,

WHEREAS, the aforesaid restrictions were further amended in certain particulars by that certain instrument dated March 29, 1968, recorded in Book 1944, Page 493, of the Records in the Office of the County Clerk of Galveston County, Texas; and,

WHEREAS, the aforesaid restrictions were further amended in certain particulars by that certain instrument dated August 6, 1968, recorded in Book 1978, Page 222, of the Records in the Office of the County Clerk of Galveston County, Texas; and,

WHEREAS, it is the desire of the undersigned owner of a majority of the lots in the aforementioned Subdivisions to further amend the restrictions contained in said instrument dated June 13, 1966;

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS: That, MITCHELL-DOBBINS LAND CORPORATION, a Texas corporation, with its offices and principal place of business in the City of Houston,

Harris County, Texas, acting herein by and through its duly authorized officers, the owner of a majority of the lots located in each of the aforementioned Subdivisions, does hereby amend the restrictions contained in said instrument dated June 13, 1966, recorded in Book 1798, Page 670, of the Records in the Office of the County Clerk of Galveston County, Texas, as heretofore amended by said instruments dated August 18, 1966, March 29, 1968, and August 6, 1968, recorded, respectively, in Book 1810, Page 179, Book 1944, Page 493, and Book 1978, Page 222, of the Records in the Office of the County Clerk of Galveston County, Texas, in the following particulars:

Paragraph 1 contained in the section entitled "Maintenance Charge" is hereby amended by the addition to said Paragraph 1 of the following provision:

"Notwithstanding anything contained herein to the contrary, in the event either the public and/or private roads and/or streets of this subdivision (including, but not limited to access roads) are damaged by hurricane, flood, storm or other act of nature, and the County of Galveston does not satisfactorily repair such roads, the annual maintenance charge may be increased annually during the next ensuing collection period or periods by an amount not to exceed one-half of the then current annual maintenance charge in order to raise sufficient funds to pay the cost of restoring such roads or streets to their former condition and the funds collected by reason of such increase may be used to repair such damage and/or to reimburse Mitchell-Dobbins Land Corporation, its successors or assigns, for any expense, including interest, if any, which it may have incurred in connection with the repair of such damage. After the total cost of such repairs, including interest, if any, has been paid, the annual maintenance charge shall revert to such amount as may have been collected annually prior to such increase, subject to the right of the property owners to increase such maintenance charges as herein provided."

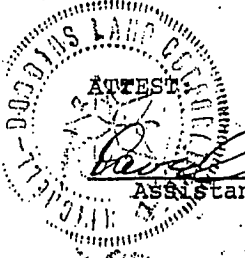
Paragraph 2 contained in the section entitled "Maintenance Charge" is hereby amended by adding the words "public and/or private roads and/or streets (including, but not limited to, access roads)" following the word "paths" in line 4 of said Paragraph 2, so that said line 4 will now read as follows:

"... paths, public and/or private roads and/or streets (including, but not limited to, access roads), public canals, parks, playgrounds, Gulf and Bay lot-owner facilities,..."

DEED OF TRUST  
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EXCEPT as heretofore and as herein amended, all of the provisions in said instrument dated June 13, 1966, recorded in Book 1798, Page 670, of the Records in the Office of the County Clerk of Galveston County, Texas, shall remain in full force and effect as originally written.

EXECUTED this 4th day of March, 1970.



ATTEST:

[Signature]  
Assistant Secretary

OWNER:

MITCHELL-DOBBINS LAND CORPORATION

BY:

[Signature]  
Vice President

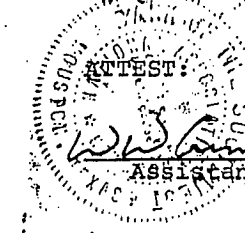
LIENHOLDERS:

BANK OF THE SOUTHWEST NATIONAL ASSOCIATION, HOUSTON

APPROVED AS TO FORM

BY:

[Signature]  
Vice President



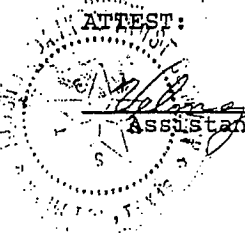
ATTEST:

[Signature]  
Assistant Cashier

HOUSTON BANK & TRUST COMPANY

BY:

[Signature]  
Vice President



ATTEST:

[Signature]  
Assistant Cashier

THE STATE OF TEXAS X  
COUNTY OF HARRIS X

BEFORE ME, the undersigned authority, on this day personally appeared M. D. Thompson, known to me to be the person whose name is subscribed to the foregoing instrument, as Vice President of MITCHELL-DOBBINS LAND CORPORATION, a corporation, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity stated, and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 4th day of March, 1970.

[Signature]  
Notary Public in and for Harris County, Texas



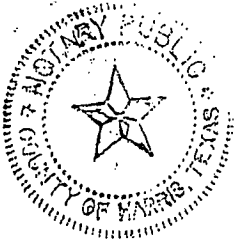
DEED OF TRUST

BOOK 2090 PAGE 893

THE STATE OF TEXAS X  
COUNTY OF HARRIS X

BEFORE ME, the undersigned authority, on this day personally appeared HERBERT F. POYNER, JR., known to me to be the person whose name is subscribed to the foregoing instrument, as Vice President of BANK OF THE SOUTHWEST NATIONAL ASSOCIATION, HOUSTON, a corporation, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity stated, and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 13th day of March, 1970.



Bertha H. Andrues  
Notary Public in and for  
Harris County, Texas  
BERTHA H. ANDRUES, NOTARY PUBLIC  
IN & FOR HARRIS COUNTY, TEXAS

THE STATE OF TEXAS X  
COUNTY OF HARRIS X

BEFORE ME, the undersigned authority, on this day personally appeared Carl R. Graef, Sr. Vice President, known to me to be the person whose name is subscribed to the foregoing instrument, as Vice President of HOUSTON BANK & TRUST COMPANY, a corporation, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity stated, and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 20th day of March, 1970.

Devis A. Costanzo  
Notary Public in and for  
Harris County, Texas

STATE OF TEXAS COUNTY OF GALVESTON  
I hereby certify that this instrument was filed on the date and time stamped hereon by me and was duly recorded in the volume and page of the named records of Galveston County, Texas as stamped hereon by me.

MAR 26 1970



Gertrude McKenna  
COUNTY CLERK, Galveston County, Texas

FILED FOR RECORD  
at 9:00 o'clock A M  
MAR 26 1970  
GERTRUDE MCKENNA  
CLERK CO. CL. GALVESTON COUNTY, TEXAS  
By Hyloxia Muscat Deputy