RESTRICTIVE COVENANTS – ADOPTION OF AMENDMENT PROCEDURE FOR CAPE ESTES SUBDIVISIONS – UNIT I & UNIT II

THE STATE OF TEXAS §
COUNTY OF FREESTONE §

§ KNOW ALL MEN BY THESE PRESENTS:

Pursuant to the provisions of Section 211.004(h) of the Texas Property Code, the undersigned President of Cape Estes Property Owners Association, Inc. hereby makes this instrument that indicates the PROCEDURE TO AMEND RESTRICTIONS FOR CAPE ESTES SUBDIVISIONS, UNIT I & UNIT II (attached hereto as “Appendix A”) was adopted by 95.6% of the voting Cape Estes Subdivisions – Unit I & Unit II property owners voting on October 31, 2015 in favor of the procedure.

IN WITNESS WHEREOF, this instrument is hereby executed on behalf of Cape Estes Property Owners Association, Inc. by its duly authorized President on this 4 day of November, 2015.

Cape Estes Property Owners Association, Inc.

By: [Signature]
Printed Name: Ron Williams
Title: President

ACKNOWLEDGMENT

THE STATE OF TEXAS §
COUNTY OF FREESTONE §

Before me, the undersigned authority, on this day personally appeared RON WILLIAMS, President of Cape Estes Property Owners Association, Inc., a Texas non-profit corporation, on behalf of said non-profit corporation proved to me through a valid Texas driver license to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same on behalf of said corporation and solely in the capacity herein stated, for the purposes and consideration therein expressed.

Given under my hand and seal of office this 4 day of November, 2015.

[Notary Seal]

DEBBIE HICKS
Notary Public, State of Texas
My Commission Expires 06-08-2019

[Signature]
Notary Public, State of Texas
Printed Name: DEBBIE HICKS
Commission expires on: 6-8-19

After Recording, Return To:
Cape Estes Property Owners Association, Inc.
Attention: Ron Williams
453 Susan Grove Blvd.
Streetman, Texas 75859
APPENDIX A

STATE OF TEXAS
COUNTY OF FREESTONE

PROCEDURE TO AMEND RESTRICTIONS
FOR CAPE ESTES SUBDIVISIONS, UNIT I & UNIT II

MODIFICATION OF RESTRICTIONS.

(a) In addition to any procedures provided in the Restrictions for the Cape Estes Subdivision, Unit I and the Restrictions for the Cape Estes Subdivision, Unit II, the Cape Estes Property Owners Association, Inc. (CEPOA) may circulate a petition proposing to modify existing restrictions.

(b) A modification of existing restrictions that is approved by the owners becomes effective when the required resolution is filed as a dedicatory instrument with the county clerk of Freestone County.

(c) A modification of existing restrictions that is approved by the owners under this procedure is binding on all parties in the subdivisions.

PETITION PROCEDURE.

(a) The CEPOA shall deliver to each record owner of property in the subdivisions a petition describing the exact terms of the modification of the existing restrictions.

(b) The petition must state the date by which a response must be received in order to be counted.

(c) The petition will allow each owner to indicate approval or disapproval of the entire proposal, or specific provisions of the proposal.

(d) Separate signature pages may be delivered if the proposed modification is stated fully or referenced on each signature page. A reference may be made by the following or substantially similar wording: “We the undersigned owners of property in Cape Estes Subdivision, Unit I and/or Cape Estes Subdivision, Unit II indicate by our signatures on this document our approval or disapproval of the proposal circulated by the Directors of Cape Estes Property Owners Association, Inc. on or about [insert date] to modify the restrictive covenants. We acknowledge that we have fully reviewed the proposal.”

(e) The petition may be sent by electronic mail to each owner as reflected in the records maintained by Cape Estes Property Owners Association, Inc.

(f) The signature of an owner on the petition conclusively establishes that the owner received the petition.
VOTE ON PROPOSAL.

(a) If the petition allows owners to indicate only approval or disapproval of the entire proposal, the proposal is adopted if at least 67 percent of the voting property owners are in favor of the proposal. If the petition allows owners to indicate approval or disapproval of specific provisions of the proposal, a provision is adopted if at least 67 percent of the voting property owners are in favor of the provision.

(b) The CEPOA shall exclude votes by lien holders, contract purchasers, and owners of mineral interests.

(c) A property owner may cast one vote for each lot owned in Cape Estes Subdivision, Unit I and one vote for each lot owned in Cape Estes Subdivision, Unit II. If more than one person owns an interest in a lot, the owners may cast only one vote for that lot.

(d) Except as otherwise provided, the approval or disapproval of multiple owners of a property may be reflected by the signatures of a majority of the co-owners. The approval or disapproval of owners who are married may be reflected by the signature of one of those owners.

(e) An owner is considered to have cast a vote if the owner signs the petition indicating approval or disapproval of the proposal.

(f) The CEPOA may only count a vote that is received before the deadline stated in the petition.

RESOLUTION CERTIFYING RESULTS OF VOTE.

(a) The CEPOA shall certify the results of a vote under this procedure by a written resolution specifying the number of votes for and the number of votes against the proposal, and shall also certify that the petition was delivered to each record owner of property in the subdivisions.

(b) The CEPOA shall attach to the resolution a statement of the exact terms of the proposed modification of the existing restrictions.

(c) The CEPOA shall make the resolution, petition, and signature pages available to any owner on request.

(d) The CEPOA must file the resolution as a dedicatory instrument with the County Clerk of Freestone County.