AMENDMENT TO THE RESERVATIONS, RESTRICTIONS AND COVENANTS FOR NASSAU BAY, SECTION V

THE STATE OF TEXAS §

§ KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF HARRIS §

WHEREAS, Reservations, Restrictions and Covenants for Nassau Bay, Section V was recorded in the Official Records of Real Property of Harris County, Texas under Harris County Clerk's File No. C021854; (hereinafter referred to as the "Declaration");

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, in addition to any governmental approval required by law;"

WHEREAS, owners representing more than sixty-seven percent (67%) of the total number of votes in Nassau Bay, Section V, and the Board of Directors, desire to amend the following provision(s) of the Declaration:

NOW THEREFORE, Paragraphs (1) and (3) in the Section of the Declaration entitled "MAINTENANCE FUND" is hereby AMENDED as follows:

- (1) Each residential lot in NASSAU BAY, Section V shall be subject to an annual maintenance charge of not more than \$0.02 per square foot of lot area.
- (3) Such annual maintenance charge may be adjusted by NASSAU BAY HOMES ASSOCIATION, INC., from year to year, as the needs of the property and the subdivision require, in their judgment, and to meet the annual requirements; but in no event shall the charge be set to exceed \$0.02 per square foot of lot area. NASSAU BAY HOMES ASSOCIATION, INC. shall use funds so collected from the lot owners in Section V of NASSAU BAY, in conjunction with funds collected in any and all other sections of NASSAU BAY, and adjoining property which shall contribute to maintenance so far as they may be sufficient, in their judgment, toward the payment of maintenance of streets, sidewalks, paths, parks, parkways, esplanades and vacant lots; furnishing of bus service, or the subsidy for such public bus service as may be necessary; for providing fire, police or watchman services; for the maintenance of street lighting; fogging or insect control, for garbage and rubbish pickup; maintenance of channels and buoy markers; for enforcement of these restrictions; and doing any other thing necessary or desirable in the opinion of NASSAU BAY HOMES ASSOCIATION, INC. to maintain or improve the property, or the subdivision, or that which is considered of benefit to owners or occupants of the subdivision. The use of the maintenance charge money for any of these purposes is permissive and not mandatory, and the decisions of the NASSAU BAY HOMES ASSOCIATION, INC. shall be final, so long as made in good faith.

Nothing herein is intended to alter, modify or amend the Declaration except as specifically

provided hereinabove.

This amendment shall not become effective unless and until similar amendments are approved by at least 67% of the total number of votes in sections I-VIII within the jurisdiction of NASSAU BAY HOMES ASSOCIATION, INC., it being the intention to assess any increases in the maintenance charge uniformly for all properties sections I-VIII within Nassau Bay (excluding Heritage Townhomes and Queens Court Townhomes).

| WITNESS THE EXECUTION HERE | OF, this the _ | day of _ | , 20 |
|---|-------------------|----------------------------|---|
| IN WITNESS WHEREOF, the number of votes of property owners in | | <u>-</u> | , , |
| Amendment, effective as of the | day of | | 20 |
| | | AU BAY HOM CIATION, INC | |
| | | By: | |
| | | Print Name: | |
| | | | President of the Board of Directors |
| THE STATE OF TEXAS § | | | |
| COUNTY OF HARRIS § | | | |
| This instrument was ack | nowledged , by | before me, | on the day of . President of the Board of |
| Directors of Nassau Bay Homes Assoc | eiation, Inc., a | Texas Non-Pro | ofit Corporation. |
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| | | NOTARY PUI THE STATE (| BLIC IN AND FOR OF TEXAS |