313310

File No. _____
County Clerk, Aransas County, Texas

2010 AMENDMENT TO HARBOR OAKS PROTECTIVE COVENANTS

Defined Terms

EFFECTIVE DATE: The date following the expiration of ninety (90) days from the recording of this amendment with the Aransas County Clerk

ASSOCIATION: Harbor Oaks Property Owners' Association, Inc.
P. O. Box 144
Rockport, TX 78381

HARBOR OAKS SINGLE-FAMILY RESIDENTIAL COMMUNITY:

Harbor Oaks Unit I: Lots 1-43, Block 1, Lots 1-10, Block 2, Lots 1-5, Block 3, & Lots 1-5, Block 4, Harbor Oaks, Unit I, a subdivision in the City of Rockport, Aransas County, as shown by plat recorded in Volume 3, Page 39-39A, Map Records, Aransas County, Texas, as amended and/or corrected from time to time.

Harbor Oaks Unit 2: Lots 11-28, Block 2, Lots 6-10, Block 3, & Lots 6-18, Block 4, Harbor Oaks, Unit 2, a subdivision in the City of Rockport, Aransas County, as shown by plat recorded in Volume 3, Page 58, Map Records, Aransas County, Texas, as amended and/or corrected from time to time.

Harbor Oaks Unit 4: Lots 1-6, Block 1, & Lots 1-29, Block 2, Harbor Oaks, Unit 4, a subdivision in the City of Rockport, Aransas County, as shown by plat recorded in Volume 3, Page 80-81, Map Records, Aransas County, Texas, as amended and/or corrected from time to time.

Harbor Oaks, Unit 4, Block 3: Lots 1-33, Block 3, Harbor Oaks, Unit 4, Sandpiper Hollow, a subdivision in the City of Rockport, Aransas County, as shown by plat recorded in Volume 3, Page 107-108, Map Records, Aransas County, Texas, as amended and/or corrected from time to time.

Harbor Oaks Unit 5: Lots 1-7, Block 1, & Lots 1-13, Block 2, Harbor Oaks, Unit 5, a subdivision in the City of Rockport, Aransas County, as shown by plat recorded in Volume 3, Page 95, Map Records, Aransas County, Texas, as amended and/or corrected from time to time.

Harbor Oaks Unit 6: Lots 1-14, Block 1, Lots 1-9, Block 2, Harbor Oaks, Unit 6, a subdivision in the City of Rockport, Aransas County, as shown by plat recorded in Volume 3, Page 87-88, Map Records, Aransas County, Texas, as amended and/or corrected from time to time.

Harbor Oaks Unit 7: Lots 1-46, Harbor Oaks, Unit 7, Shorewood Estates, a subdivision in the City of Rockport, Aransas County, as shown by plat recorded in Volume 3, Page 91-92, Map Records, Aransas County, Texas, as amended and/or corrected from time to time.

HARBOR OAKS RESTRICTIONS:

Unit I Restrictions: PROTECTIVE RESTRICTIONS AND COVENANTS AND LANDOWNERS' AGREEMENT HARBOR OAKS, UNIT I, dated 11-20-1969 and filed for record on 12-22-1969 in Volume 150, Pages 321-330, Real Property Records, Aransas County, Texas, as amended and/or corrected from time to time.

Unit 2 Restrictions: PROTECTIVE RESTRICTIONS AND COVENANTS AND LANDOWNERS' AGREEMENT HARBOR OAKS, UNIT 2, dated 08-27-1973 and filed for record on 09-13-1973 in Volume 187, Pages 293-304, Real Property Records, Aransas County, Texas, as amended and/or corrected from time to time.

Unit 4 Restrictions: PROTECTIVE RESTRICTIONS AND COVENANTS AND LANDOWNERS' AGREEMENT HARBOR OAKS, UNIT 4, dated 06-09-1976 and filed for record on 06-09-1976 under Clerk's File No. 87101, in Volume 213, Pages 262-272, Real Property Records, Aransas County, Texas, as amended and/or corrected from time to time.

Unit 4, Block 3 Restrictions: PROTECTIVE RESTRICTIONS AND COVENANTS AND LANDOWNERS' AGREEMENT HARBOR OAKS, UNIT 4, SANDPIPER HOLLOW, dated 06-08-1978 and filed for record on 06-12-1978 under Clerk's File No. 99787, in Volume 241, Pages 155-166, Real Property Records, Aransas County, Texas, as amended and/or corrected from time to time.

Unit 5 Restrictions: PROTECTIVE RESTRICTIONS AND COVENANTS AND LANDOWNERS' AGREEMENT HARBOR OAKS, UNIT 5, dated 12-19-1977 and filed for record on 12-19-1977 under Clerk's File No. 96867, in Volume 234, Pages 33-43, Real Property Records, Aransas County, Texas, as amended and/or corrected from time to time.

Unit 6 Restrictions: PROTECTIVE RESTRICTIONS AND COVENANTS AND LANDOWNERS' AGREEMENT HARBOR OAKS, UNIT 6, dated 09-20-1977 and filed for record on 09-20-1977 under Clerk's File No. 95470, in Volume 230, Pages 333-345, Real Property Records, Aransas County, Texas, as amended and/or corrected from time to time.

Unit 7 Restrictions: PROTECTIVE RESTRICTIONS AND COVENANTS AND LANDOWNERS' AGREEMENT HARBOR OAKS, UNIT 7, SHOREWOOD ESTATES, dated 09-06-1977 and filed for record on 10-12-1977 under Clerk's File No. 95840, in Volume 231, Pages 263-274, Real Property Records, Aransas County, Texas, as amended and/or corrected from time to time.

HARBOR OAKS AMENDMENT AUTHORITY:

Unit I Amendment Authority:

The Unit I Restrictions authorize amendment of the Unit I Restrictions as follows: "At any time the owners of the legal title to 51% of the lots in said Unit I (as shown by the records of Aransas County, Texas) may amend the restrictions, covenants, conditions, and matters set forth herein by filing an instrument containing such amendment in the Office of the County Clerk of Aransas County, Texas ..."

Unit 2 Amendment Authority:

The Unit 2 Restrictions authorize amendment of the Unit 2 Restrictions as follows: "At any time the owners of the legal title to 51% of the lots in said Unit 2 (as shown by the records of Aransas County, Texas) may amend the restrictions, covenants, conditions, and matters set forth herein by filing an instrument containing such amendment in the Office of the County Clerk of Aransas County, Texas ..."

Unit 4 Amendment Authority:

The Unit 4 Restrictions authorize amendment of the Unit 4 Restrictions as follows: "At any time the owners of the legal title to 51% of the lots in said Unit 4 (as shown by the records of Aransas County, Texas) may amend the restrictions, covenants, conditions, and matters set forth herein by filing an instrument containing such amendment in the Office of the County Clerk of Aransas County, Texas ..."

Unit 4, Block 3 Amendment Authority:

The Unit 4 Block 3 Restrictions authorize amendment of the Unit 4 Block 3 Restrictions as follows: "At any time the owners of the legal title to 51% of the lots in said Block 3 (as shown by the records of Aransas County, Texas) may amend the restrictions, covenants, conditions, and matters set forth herein by filing an instrument containing such amendment in the Office of the County Clerk of Aransas County, Texas ..."

Unit 5 Amendment Authority:

The Unit 5 Restrictions authorize amendment of the Unit 5 Restrictions as follows: "At any time the owners of the legal title to 51% of the lots in said Unit 5 (as shown by the records of Aransas County, Texas) may amend the restrictions, covenants, conditions, and matters set forth herein by filing an instrument containing such amendment in the Office of the County Clerk of Aransas County, Texas ..."

Unit 6 Amendment Authority:

The Unit 6 Restrictions authorize amendment of the Unit 6 Restrictions as follows: "At any time the owners of the legal title to 51% of the lots in said Unit 6 (as shown by the records of Aransas County, Texas) may amend the restrictions, covenants, conditions, and matters set forth herein by filing an instrument containing such amendment in the Office of the County Clerk of Aransas County, Texas ..."

Unit 7 Amendment Authority:

The Unit 7 Restrictions authorize amendment of the Unit 7 Restrictions as follows: "At any time the owners of the legal title to 51% of the lots in said Unit Seven (7) (as shown by the records of Aransas County, Texas) may amend the restrictions, covenants, conditions, and matters set forth herein by filing an instrument containing such amendment in the Office of the County Clerk of Aransas County, Texas ..."

AMENDMENT: The following Amendment is to be added as the next numbered paragraph at the end of the General Land Use section in the Harbor Oaks Restrictions for each unit, which amendment will be effective on the day following the expiration of ninety (90) days from the recording of this amendment with the Aransas County Clerk:

Short Term Rentals are prohibited. For purposes of this prohibition, "Short Term Rentals" mean any rental of all or any part of a lot and/or the improvements, for a period of less than thirty (30) consecutive days. The purpose of this restrictive covenant is to maintain the long-term single family dwelling residential character of the Harbor Oaks community, by preventing anyone from occupying the premises of a lot under an obligation to pay for a period of less than thirty (30) consecutive days. In applying this definition, substance will control form. Hence, this restrictive covenant prohibits all efforts to avoid the prohibition by any artificial transaction, such as by a long term lease to a management company or other legal entity or person who in turn leases, subleases, licenses, or otherwise permits other persons to occupy the premises under an obligation to pay for a period of less than thirty (30) consecutive days. If one single family is not paying for the premises for thirty (30) consecutive days or more, and actually exercising the right of occupancy for their own family to the exclusion of all others, then the activity is prohibited.

Presentation of Amendment

1. The Community. WHEREAS, the Harbor Oaks Single-Family Residential Community is subject to the Harbor Oaks Restrictions and exists as a quiet and serene single-family residential neighborhood with living conditions which are blended with areas of natural habitat.

2. The Association. WHEREAS, the Association is a property owners' association which: (A) has been designated as the representative of the owners of property in the Harbor Oaks Single-Family Residential Community, composed of multiple residential subdivisions; (B) has a membership primarily consisting of the owners of the property covered by the Harbor Oaks Restrictions; and (C) manages or regulates the Harbor Oaks Single-Family Residential Community for the benefit of the owners of property within the Harbor Oaks Single-Family Residential Community.

3. The Short-Term Rentals Concerns. WHEREAS, concerns have been expressed by owners of property within the Harbor Oaks Single-Family Residential Community that residents under certain short-term rentals are detrimentally affecting the peace, security, and expected living conditions within the Harbor Oaks Single-Family Residential Community.

4. The Amendment Authority. WHEREAS, the Harbor Oaks Restrictions provide a method for amendment according to the stated Harbor Oaks Amendment Authority.

5. The Purpose of the Short-Term Rentals Amendment. WHEREAS, the Amendment has been proposed for the purpose of addressing the concerns of owners within the Harbor Oaks Single-Family Residential Community relating to short term rentals.

6. Approval of the Short-Term Rentals Amendment. WHEREAS, the Amendment has been approved by 51% or more of the required owners (as shown by the records of Aransas County, Texas) strictly according to the requirements of the Harbor Oaks Amendment Authority from each of the subdivision units within the Harbor Oaks Single-Family Residential Community.

7. Pronouncing the Short-Term Rentals Amendment. NOW, THEREFORE, the Amendment is added as the next numbered paragraph at the end of the General Land Use section for the Unit I Restrictions to Harbor Oaks Unit I, for the Unit 2 Restrictions to Harbor Oaks Unit 2, for the Unit 4 Restrictions to Harbor Oaks Unit 4, for the Unit 4, Block 3 Restrictions to Harbor Oaks Unit 4, Block 3, for the Unit 5 Restrictions to Harbor Oaks Unit 5, for the Unit 6 Restrictions to Harbor Oaks Unit 6, and for the Unit 7 Restrictions to Harbor Oaks Unit 7, which Amendment will be effective on the day following the expiration of ninety (90) days from the recording of this amendment with the Aransas County Clerk.

8. Defined Terms. Defined terms in this instrument, where terms with the first letter of key words are capitalized and referenced by quotes within a parenthesis, and where terms are otherwise stated to reasonably indicate an intention to serve as a defined term, all constitute the definitions of those same terms.

Harbor Oaks Property Owners Association, Inc.

BY: Patricia A. Coym
Patricia A. Coym, President

STATE OF TEXAS

COUNTY OF Aransas

This instrument was acknowledged before me on the 16th day of AUGUST, 2010, by Patricia A. Coym, President of Harbor Oaks Property Owners Association, Inc., a Texas nonprofit corporation, on behalf of said corporation.

Karen Messer
Notary Public, STATE OF TEXAS

KAREN MESSER
Notary Public, State of Texas
My Commission Expires
May 10, 2014

FILED FOR RECORD
INDEXED AT 11:35 A.M.
SCANNED AUG 16 2010

Peggy L. Friebele
PEGGY L. FRIEBELE
COUNTY CLERK, ARANSAS CO., TEXAS

fld - Return
Harbor Oaks Property Owners Ass
Attn: Patricia Coym
P.O. Box 144
Rockport, TX 78381