

Steward Title  
61 09203521-A



7 PGS

2009029577

**THIRD AMENDMENT TO  
MASTER DECLARATION OF COVENANTS, CONDITIONS AND  
RESTRICTIONS  
FOR BEACHTOWN GALVESTON  
A SUBDIVISION IN GALVESTON COUNTY, TEXAS**

THE STATE OF TEXAS       §  
                                  §       KNOW ALL MEN BY THESE PRESENTS:  
COUNTY OF GALVESTON §

WHEREAS, under Clerk's File No. GAC 2006046960 of the Official Public Records of Real Property of Galveston County, Texas, there has been recorded the Master Declaration of Covenants, Conditions and Restrictions for Beachtown Galveston, A Subdivision in Galveston County, Texas, as shown by the Map Records of Galveston County, Texas (the "Restrictions"); and

WHEREAS, it is the purpose of the Restrictions to establish, among other things, certain use restrictions on the properties covered therein for the purpose of enhancing and protecting property values of said subdivision; and

WHEREAS, the Declarant has heretofore filed a First Amendment to Master Declaration of Covenants, Conditions and Restrictions for Beachtown Galveston - a Subdivision in Galveston County, Texas under County Clerk's File No. 2006085237 (the "First Amendment") setting forth certain lots in Beachtown Galveston East Village upon which multi-family dwellings could be constructed and where single lots could be built upon; and

WHEREAS, the Declarant has heretofore filed a Second Amendment to Master Declaration of Covenants, Conditions and Restrictions for Beachtown Galveston - a Subdivision in Galveston County, Texas under County Clerk's File No. 2008062310 (the "Second Amendment") setting forth certain lots in Beachtown Galveston East Village upon which multi-family dwellings could be constructed and where single lots could be built upon and adding a setback from the North Toe of the Dune for certain Lots in Block Five (5) of Beachtown Galveston East Village; and,

WHEREAS, Declarant wishes to make a further amendment to limit the uses to which Reserve L of Beachtown Galveston East Village shall be put in the future; and

WHEREAS, it is the desire of the Declarant of the Subdivision, BEACHTOWN GALVESTON REAL ESTATE, LTD., in its capacity as successor in interest to and assignee of BEACHTOWN GALVESTON VILLAGE ONE LTD., a Texas Limited Partnership, BEACHTOWN GALVESTON TWO LTD., a Texas Limited Partnership, BEACHTOWN GALVESTON EAST VILLAGE, LTD., a Texas Limited Partnership, and BEACHTOWN GALVESTON REAL ESTATE, LTD., a Texas limited partnership,

(collectively referred to as "Declarant"), to amend the Restrictions with respect to the matters hereinafter specified;

NOW, THEREFORE, the Restrictions are hereby amended as follows.

ARTICLE XI, SECTION 1.C, Beachtown Galveston East Village, is hereby amended to read as follows:

C. Beachtown Galveston East Village. With the exception of structures to be built upon Reserves (whether designated as commercial, parking or other) shown upon the filed plat, as amended, for Beachtown Galveston East Village, or Block Seven (7), {Lots 1-6 and 9-16}, Block Nine (9) {Lots 1-3}, Block Ten (10) {Lots 1-3}, Block Eleven (11) {Lots 1-3}, Block Twelve (12) {Lots 1-5}, Block Thirteen (13) {Lots 1-15}, Block Fourteen (14) {Lots 1-15} and Block Fifteen (15) {Lots 1-7} upon which residential multi-townhome complexes may be erected, no building shall be erected, altered or permitted to remain on any single lot or lots located within Beachtown Galveston East Village, other than one detached single-family residential dwelling and a carriage house as provided for in the Pattern Book. No such residence shall be constructed on less than the equivalent of two (2) full lots as defined or shown on the defined plat, as amended, for Beachtown Galveston East Village. A single family attached residence will be permitted to be placed or constructed on a single lot for the following lots located within Beachtown Galveston East Village, Block One (1), {Lots 1 and 2}, Block Two (2), {Lots 1-8}, Block Three (3), {Lots 1-6}, and Block Eight (8), {Lots 1-14}. Duplex single family residences may be built upon not more than a pair of such lots. The Declarant reserves the right, but not the obligation, to construct Common facilities, as defined in this Declaration, or multi-family dwellings, or multiple bungalows or cottages on Block Five (5) {Lots 1-3} located within Beachtown Galveston East Village. With respect to the Reserves shown on the filed plat, as amended, for Beachtown Galveston East Village, with the exception of Reserve L Open Space, the Owner may use such property for the uses provided for, and build any structure allowed, under Sections 29-100 of the Zoning Standards of the City of Galveston (1999), as it may be amended from time to time. With respect to Reserve L, shown on the plat, it will at all times remain Open Space, except for landscaping, trees, plantings, gazebos and benches of a decorative nature, fencing, items necessary for provisions of security for the subdivision, including, but not limited to installation of security cameras, dunes, and beach access structures. Lots located within Beachtown Galveston East Village platted for commercial use may be replatted for residential purposes and may include residential improvements if the residential structure adheres to the guidelines promulgated in the Pattern Book. Commercial and special use districts may include multifamily residential units.

In connection with the Lots known as Block Five (5) (Lots 4-48) shown on the filed plat, as amended, for Beachtown Galveston East Village, a subdivision in Galveston County, Texas, according to the map or replat thereof recorded in Volume 2006A, pages 178-181, no structure shall be constructed within the area extending forty (40) feet from the rear property line or twenty-five (25) feet from the North Toe of the Dune Line, whichever distance provides the greater setback from the Dune Line. Declarant and/or Beachtown Galveston Foundation Corporation, as successor to Declarant, retain the right, to be exercised at its complete discretion at any time in the future, to grant a variance to this restriction and allow a Lot Owner to construct improvements within such restricted area of the Lot or Lots, and such variance shall be acknowledged by the filing of a written instrument to such effect in the Official Public Records of Real Property of Galveston County, Texas. This restriction is not intended to relieve or obviate, and does not relieve or obviate, a Lot Owner from their duty to comply with all federal, state, or local laws and ordinances addressing, regulating, or impacting the erection or placement of improvements in relation to, or set back from, the Dune Line.

Except as herein expressly amended, all other terms and provisions of the Restrictions, as previously modified by the First Amendment and Second Amendment, are hereby ratified and reaffirmed.

Executed the day appearing along side each signature below.

AGREED AND APPROVED BY THE DECLARANT:

BEACHTOWN GALVESTON VILLAGE ONE, SECTION ONE, DECLARANT

BEACHTOWN GALVESTON REAL ESTATE, LTD.  
A Texas Limited Partnership, in its capacity as  
successor in interest to and assignee of  
BEACHTOWN GALVESTON VILLAGE ONE LTD.

By Beachtown Galveston Corporation  
Its: General Partner

  
By: Tofigh Shirazi  
Title: President

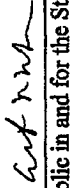
Date: 6-1, 2009

DECLARANT

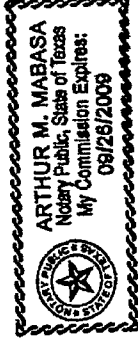
THE STATE OF TEXAS §  
                                  §  
COUNTY OF HARRIS §

Before me, the undersigned authority, on this day personally appeared TOFIGH SHIRAZI, President of Beachtown Galveston Corporation, in its capacity as General Partner of BEACHTOWN GALVESTON REAL ESTATE, LTD., known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, and in the capacity therein stated, and as the act and deed of said association.

June, 2009.      GIVEN UNDER MY HAND AND SEAL OF OFFICE this 1st day of June



Notary Public in and for the State of Texas



BEACHTOWN GALVESTON VILLAGE ONE, SECTION TWO, DECLARANT

BEACHTOWN GALVESTON TWO LTD  
A Texas Limited Partnership

By: Beachtown Galveston Corporation  
Its General Partner


Date: 6-1, 2009

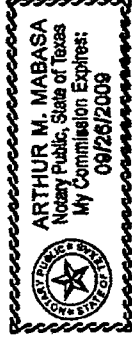
  
By: TOFIGH SHIRAZI  
President, President

THE STATE OF TEXAS   §  
                                  §  
COUNTY OF HARRIS   §

Before me, the undersigned authority, on this day personally appeared TOFIGH SHIRAZI, President of Beachtown Galveston Corporation, in its capacity as General Partner of BEACHTOWN GALVESTON TWO LTD., known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, and in the capacity therein stated, and as the act and deed of said association.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 1st day of June, 2009.

  
Notary Public in and for the State of Texas



BEACHTOWN GALVESTON REAL ESTATE, LTD  
A Texas Limited Partnership

By: Beachtown Galveston Corporation  
Its: General Partner

Date: 6-1, 2009

  
By: TOFIGH SHIRAZI  
Title: President

DECLARANT

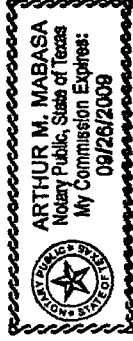
THE STATE OF TEXAS §  
§  
COUNTY OF HARRIS §

Before me, the undersigned authority, on this day personally appeared TOFIGH SHIRAZI, President of Beachtown Galveston Corporation, in its capacity as General Partner of BEACHTOWN GALVESTON REAL ESTATE, LTD, a Texas Limited Partnership, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, and in the capacity therein stated, and as the act and deed of said association.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 1st day of June, 2009.



Notary Public in and for the State of Texas



BEACHTOWN GALVESTON EAST VILLAGE, DECLARANT

BEACHTOWN GALVESTON EAST VILLAGE, LTD.

A Texas Limited Partnership

By: Beachtown Galveston Corporation,  
Its General Partner

Date: 6-1, 2009

By: *TOPGH SHIRAZI*

Title: President

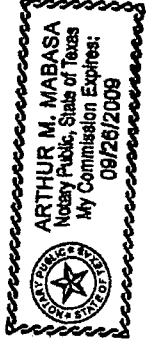
DECLARANT

THE STATE OF TEXAS   §  
                                  §  
COUNTY OF HARRIS   §

Before me, the undersigned authority, on this day personally appeared TOFIGH SHIRAZI, President of Beachtown Galveston Corporation, in its capacity as General Partner of BEACHTOWN GALVESTON EAST VILLAGE, LTD., known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, and in the capacity therein stated, and as the act and deed of said association.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 1st day of June, 2009.

*Arthur M. Mabasa*  
Notary Public in and for the State of Texas



BEACHTOWN GALVESTON EAST VILLAGE, LTD. MASTER DECLARATION 06.23.09

FILED AND RECORDED



OFFICIAL PUBLIC RECORDS

*Mary Ann Daigle*

2009029577

June 04, 2009 10 50 35 AM

FEE \$40.00

Mary Ann Daigle, County Clerk  
Galveston County, TEXAS