

199860

**CREATION OR MODIFICATION OF PROCEDURE
TO AMEND RESTRICTIONS UNDER
CHAPTER 211 OF THE TEXAS PROPERTY CODE**

WHEREAS, GLEHA Property Owners Association is the property owners association for owners of property in Glen Haven Estates Section One - Cabinet A, Slide 98, Map Records, Trinity County, Texas and Glen Haven Estates Section Two - Cabinet A, Slide 99, Map Records, Official Records, Trinity County, Texas, subdivisions in Trinity County, Texas (collectively the "Subdivision"); and

WHEREAS, the Subdivision is subject to certain covenants, conditions, and restrictions filed for record as follows: *Restrictions - Section I* - Volume 182, Page 543, Deed Records, Trinity County, Texas; and *Amended Restrictions - Section I* - Volume 351, Page 315, Deed Records, Trinity County, Texas *Restrictions - Section II* - Volume 218, Page 266, Deed Records, Trinity County, Texas (collectively the "Restrictions"); and

WHEREAS, Chapter 211 of the Texas Property Code provides a procedure for creating, modifying or adding to residential restrictions and providing for the removal of any restriction or other provision relating to race, religion, or national origin that is void or unenforceable under either the United States Constitution or Section 5.026 of the Texas Property Code; and

WHEREAS, Chapter 211 of the Texas Property Code is applicable to the Subdivision pursuant to Chapter 211.002 of the Texas Property Code, because the Subdivision is a residential real estate subdivision, all or part of which is located within a county that borders Lake Livingston and has a population of less than 50,000; and

WHEREAS, Chapter 211 of the Texas Property Code additionally applies to the Subdivision because by the express terms of the instrument creating the Restrictions, the Restrictions may not be amended without a written instrument that is signed by a majority, or more than a majority, of the owners of the lots in the Subdivision and filed in the real property records of each county in which all or part of the Subdivision is located; and

WHEREAS, the Association desires to create or modify a procedure to amend the Restrictions pursuant to Chapter 211 of the Texas Property Code; and

WHEREAS, the governing body of the Association, its Board of Directors, by unanimous affirmative vote, has taken action to approve the submittal of a proposed procedure for amending the Restrictions to a vote of the property owners in the Subdivision; and

WHEREAS, an amendment procedure submitted to a vote under Chapter 211 of the Texas Property Code binds all property owners in the Subdivision to which the procedure applies if more than two-thirds of the voting property owners vote in favor of the procedure; and

WHEREAS, at a Special Meeting held on April 22, 2023, more than two-thirds ($\frac{2}{3}$) of the voting property owners voted in favor of this CREATION OR MODIFICATION OF PROCEDURE TO AMEND RESTRICTIONS UNDER CHAPTER 211 OF THE TEXAS PROPERTY CODE, and each property owner was not permitted to cast more than one vote, regardless of the number of lots the person owns, as required by law.

NOW, THEREFORE, pursuant to Chapter 211 of the Texas Property Code, the Association hereby approves and adopts this procedure entitled CREATION OR MODIFICATION OF PROCEDURE TO AMEND RESTRICTIONS UNDER CHAPTER 211 OF THE TEXAS PROPERTY CODE, in order to establish a procedure to amend or adopt restrictions applicable to the Subdivision.

- A. Glen Haven Estates Section One - Cabinet A, Slide 98, Map Records, Trinity County, Texas and Glen Haven Estates Section Two - Cabinet A, Slide 99, Map Records, Official Records, Trinity County, Texas, are subdivisions in Trinity County, Texas (collectively the "Subdivision"). The Subdivisions are subject to certain covenants, conditions and restrictions, as follows: The Restrictions for - Section I - Volume 182, Page 543, Deed Records, Trinity County, Texas; and *Amended Restrictions - Section I* - Volume 351, Page 315, Deed Records, Trinity County, Texas *Restrictions - Section II* - Volume 218, Page 266, Deed Records, Trinity County, Texas (collectively the "Restrictions"). The Restrictions may be annulled, amended, or modified by a vote of the Association members at an annual meeting or a special meeting of the membership, called for such purpose. At any such membership meeting called for such purpose, the quorum required in order to conduct the vote of the membership shall be at least 25% of the membership voting rights. The Restrictions may be amended by the affirmative vote of at least 60% of the members voting at any such meeting, in person, by proxy, electronic ballot, or absentee ballot. Members shall be entitled to one vote for every lot owned within the Subdivision when voting on any proposed Restriction amendment.
- B. The Board of Directors of the Association shall have express authority to initiate any proposed changes or modifications to the Restrictions and to call a membership meeting for the purpose of voting on any proposed changes or modifications. In addition, property owners representing at least 10% of the total membership of the Association, by signed petition, may propose any change or modification to the Restrictions. If the Board of Directors receives a petition signed by at least 10% of the total membership of the Association, proposing a change or modification to the Restrictions, the Board of Directors shall be obligated to call a meeting of the membership for purposes of voting on the proposed amendment or change. Any proposed modification or change to the Restrictions, whether initiated by the Board of Directors or by 10% of the members of the Association, shall be reduced to writing, and the members shall be provided the exact wording of the proposed amendments at any annual or special meeting of the membership in which a vote is taken on the proposed amendment.

- C. Any Restriction amendments approved by the members in accordance with this procedure entitled CREATION OR MODIFICATION OF PROCEDURE TO AMEND RESTRICTIONS UNDER CHAPTER 211 OF THE TEXAS PROPERTY CODE shall be signed and acknowledged by the President of the Association, and recorded in the Official Public Records of Real Property of Trinity County, Texas. Upon its recordation, the amendments to the Restrictions shall become effective.

This procedure entitled CREATION OR MODIFICATION OF PROCEDURE TO AMEND RESTRICTIONS UNDER CHAPTER 211 OF THE TEXAS PROPERTY CODE was duly approved by the Association members at a Special Meeting on the 22nd day of April, 2023, and is effective upon its execution and filing in the Official Public Records of Trinity County, Texas.

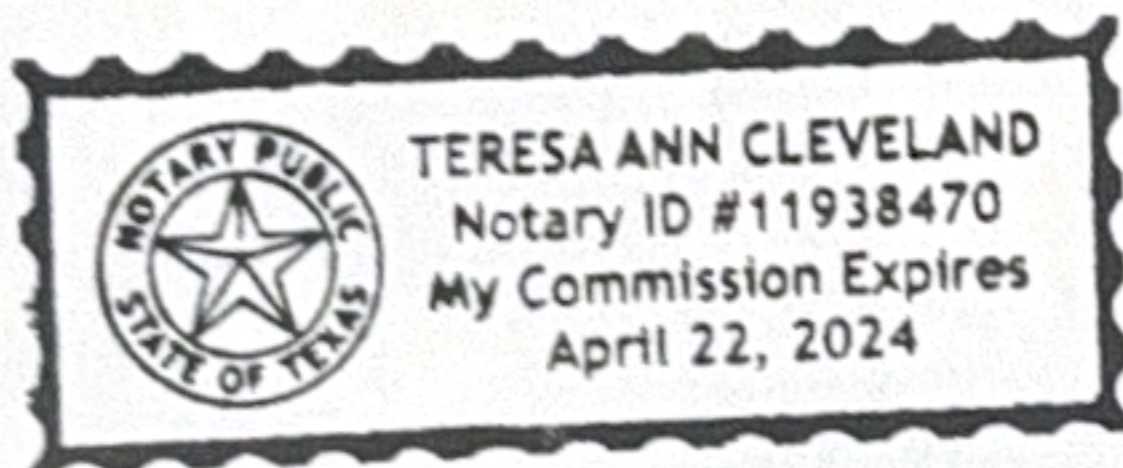
GLEHA Property Owners Association

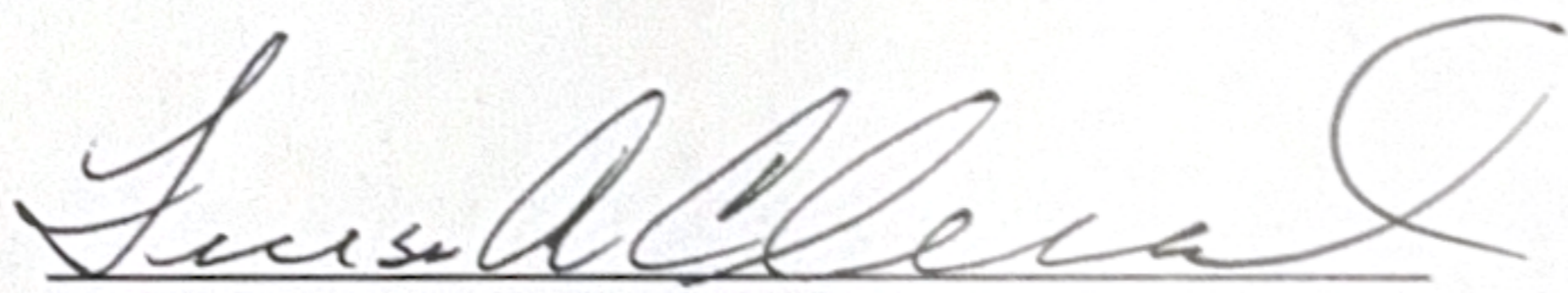


CHRISTOPHER SEITZ, President

STATE OF TEXAS §
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 COUNTY OF TRINITY §

This instrument was acknowledged before me on the 15 day of April, 2024, by CHRISTOPHER SEITZ, as President of GLEHA Property Owners Association, a Texas nonprofit corporation on behalf of said corporation.





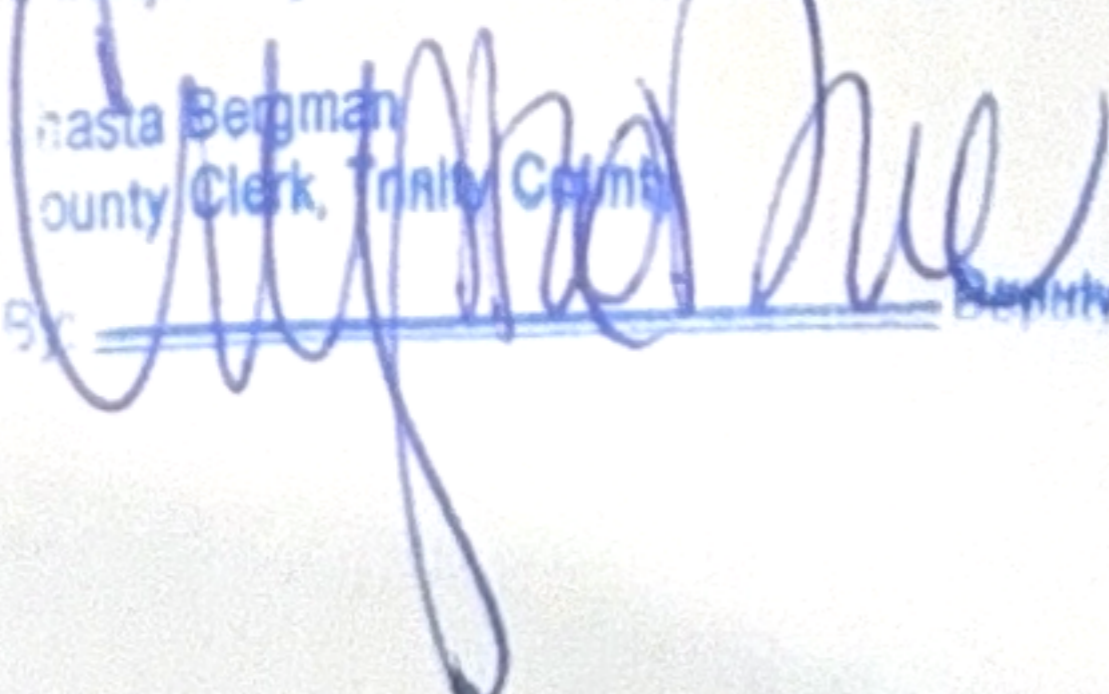

 Notary Public - State of Texas

AFTER RECORDING, RETURN TO:
 BRYAN P. FOWLER
 The Fowler Law Firm
 505 West Davis
 Conroe, Texas 77301

FILED
 at 1:15 o'clock P M
APR 15 2024

THE STATE OF TEXAS
 COUNTY OF TRINITY

hereby certify that the instrument was FILED on the date and at the time noted hereon by me and was duly RECORDED in the Official Public Records of Trinity County, Texas in the Volume and Page as noted hereon by me.

Shasta Bergman
 County Clerk, Trinity County
 By  Clerk


SHASTA BERGMAN
 COUNTY CLERK, TRINITY CO., TEXAS
