

FIRST AMENDMENT TO
ADDITION TO AND MODIFICATION OF THE DEED RESTRICTIONS FOR
SHADY RIVER AND SHADY RIVER SECTIONS TWO (2) AND THREE (3)

STATE OF TEXAS §
 § **KNOW ALL PERSONS BY THESE PRESENTS:**
COUNTY OF HARRIS §

WHEREAS, the map or plat of SHADY RIVER, an addition in Harris County, County, is recorded in Volume 89, Page 52 of the Map Records of Harris County, Texas. The Restrictions for SHADY RIVER are recorded under Clerk’s Film Code No. 087-02-0418 through 087-02-0422 of the Deed Records of Harris County, Texas;

WHEREAS, the map or plat of SHADY RIVER, SECTION TWO, an addition in Harris County, County, is recorded in Volume 114, Page 62 of the Map Records of Harris County, Texas. The Restrictions for SHADY RIVER, SECTION TWO are recorded under Clerk’s Film Code No. 015-31-1123 through 015-31-1124 of the Deed Records of Harris County, Texas;

WHEREAS, the map or plat of SHADY RIVER, SECTION THREE, an addition in Harris County, County, is recorded in Volume 146, Page 57 of the Map Records of Harris County, Texas. The Restrictions for SHADY RIVER, SECTION THREE are recorded under Clerk’s Film Code No. 079-35-1043 through 079-35-1045 of the Deed Records of Harris County, Texas;

WHEREAS, the Addition to and Modification of the Deed Restrictions for all three (3) Sections of Shady River, a Subdivision in Harris County, Texas (the “Deed Restrictions”), is recorded under County Clerk’s File No. M867448 in the Deed Records of Harris County, Texas;

WHEREAS, SHADY RIVER, SHADY RIVER, SECTION TWO and SHADY RIVER, SECTION THREE are together referred to hereinafter as “SHADY RIVER” or “Shady River;”

WHEREAS, paragraph 9(b) of the Addition to and Modification of the Deed Restrictions (the “Deed Restrictions,” recorded under Harris County Clerk’s File No. M867448) provides as follows: “...*the owners who in the aggregate own not less than two-thirds (2/3) of the lots may at any time amend these restrictions by executing, acknowledging and filing for record in Harris County, Texas, an instrument or agreement in writing to such effect*”;

WHEREAS, SHADY RIVER is a coastal area residential Subdivision, and has experienced serious storms and resulting damage from flooding;

WHEREAS, Federal, State and local authorities have recognized the need for alternative building methods to address these serious flooding issues;

WHEREAS, Paragraph II(i) of the Deed Restrictions, in general terms, provides that: 1) an owner(s) of a lot or building site must submit to the Association an advance written request for approval for any proposed building, structure or modification thereof accompanied by detailed construction plans and specifications, a site plan or plot plan, a survey, elevation drawings, a detailed description of exterior materials, etc.; 2) the Shady River Civic Association (the “Association,” a Texas Non-Profit Corporation) has the discretionary authority to approve or disapprove any such a request or application; and 3) no building, patio, fence, wall or other structure may be built, placed or altered on any residential lot or building site unless the owner(s) has/have received the advance written approval of the Association;

WHEREAS, applicable provisions of *Chapter 202 and Chapter 204, Title 11, Texas Property Code* allow the Association to promulgate, adopt, record and enforce architectural guidelines;

WHEREAS, subject to the provisions of Paragraph II(i) of the Deed Restrictions and the Association's statutory authority regarding architectural review authority, the Board of Directors of the Shady River Civic Association (the "Association," a Texas Non-Profit Corporation) heretofore resolved to circulate an approval instrument(s) to the owners of the lots in all three sections of Shady River (sometimes referred to herein as the "Owners") seeking the assent of the Owners who in the aggregate own not less than two-thirds (2/3) of the lots in all three sections of Shady River as required by paragraph 9(b) of the Deed Restrictions to amend and add to Paragraph II(b) of the Deed Restrictions to allow for elevated construction of a residence due to the aforementioned flooding concerns; and

WHEREAS, the process of circulating such approval instrument(s) to the owners has been completed.

NOW THEREFORE, Paragraph II(b) only of the Addition to and Modification of the Deed Restrictions for Shady River and Shady River, Sections Two (2) and Three (3) is hereby amended to add the following two (2) sub-paragraphs:

Building Restriction: Elevated Structure Design

All new construction of a residential structure on any lot or land the elevated structure design construction on stilts, piling, piers, etc. constructed the year of 2022 and after, the area below the lowest floor are required to have (min) three side fully enclosed (front facing the street & two sides) that are solely for parking of vehicles, building access or storage in an area other than a basement. This enclosure walls will have to meet the NFIP Regulation Title 44 of the Code of Federal Regulation (CFR) Part 60 & The City of La Porte Code of Ordinances Subpart B Land Use Regulation Charter 94 Floods. This type of new construction with this type of enclosed areas will be exempt from the existing Deed Restriction subpart #2 Building Restrictions item (b) it reads "The exterior finish of all residences shall be at least 60% brick, stone or other masonry, roof and glass area excluded, but attached garages, porches, and other structure included." This type of new construction, the garage, and the residential floor and above, the exterior finish of all construction will be required to be finished with a concrete type sheeting, or planks, the roof and glass area excluded.

This First Amendment of the Addition to and Modification of the Deed Restrictions for Shady River and Shady River, Sections Two (2) and Three (3) set forth above shall be deemed to be a part of and shall be interpreted in accordance with the Deed Restrictions, as previously added to and modified. All provisions of the Deed Restrictions (as previously added to and modified), not amended or changed hereby, are hereby ratified and confirmed in each and every particular, and shall continue in full force and effect pursuant to the terms thereof.

APPROVAL AND CERTIFICATION BY ASSOCIATION

APPROVAL of the above and foregoing First Amendment of the Addition to and Modification of the Deed Restrictions for Shady River and Shady River, Sections Two (2) and Three (3) by the SHADY RIVER CIVIC ASSOCIATION, a Texas Non-Profit Corporation (the "Association"), is hereby evidenced by duly authorized officers of the Association, as shown by their signatures below. Further, this approval shall serve to evidence that the Association's records reflect that all owners of Lots within Shady River and Shady River, Sections Two (2) and Three (3) combined were provided notice of the First Amendment and were given a fair opportunity to vote thereon, and that the required two-thirds (2/3) approval was received, as evidenced by the attached Signature Pages/Ballots. Further, the Association hereby consents to and approves this First

Amendment of the Addition to and Modification of the Deed Restrictions for Shady River and Shady River, Sections Two (2) and Three (3) to be effective upon its filing of record in the Official Public Records of Real Property of Harris County, Texas.

EXECUTED this 31 day of January, 2023.

SHADY RIVER CIVIC ASSOCIATION (a Texas Non-Profit Corporation)

By: Dewey Walls
DEWEY WALLS, President

ATTEST:

By: Steve Neuman
STEVE NEUMAN, Secretary

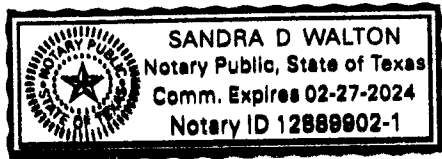
THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

BEFORE ME, A NOTARY PUBLIC, on this day personally appeared DEWEY WALLS, President of SHADY RIVER CIVIC ASSOCIATION, a Texas Non-Profit Corporation and Property Owners Association, known to me to be the person whose name is subscribed to the foregoing instrument and, being by me first duly sworn and declared that he executed same in the capacity and consideration therein expressed, and as the act and deed of such Corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the 31 day of January, 2023.

Sandra D Walton
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

After recording, return to:
Shady River Civic Association
C/O Hammack & Co. CPAs, LLC
10510 Spencer Hwy
La Porte, Texas 77571



Shady River Civic Association - First Amendment of the Addition to and Modification of the Deed Restrictions for Shady River and Shady River, Sections Two (2) and Three (3)