

AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR HEATHWOOD, SECTION ONE

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

WHEREAS, Heathlake Community Association, Inc. (the "Association"), a Texas nonprofit corporation, is the governing entity for Heathwood, Section One, an addition in Harris County, Texas, according to the map or plat thereof recorded in the Real Property Records of Harris County, Texas under Clerk's File No. F480635 (along with any supplements or amendments thereto);

WHEREAS, the Subdivision is subject to the Declaration of Covenants, Conditions, and Restrictions for Heathwood, Section One, recorded in the Real Property Records of Harris County, Texas, under Clerk's File No. F782726, along with any amendments and supplements thereto (the "Declaration"); and

WHEREAS, the Members of the Association have determined that it is in the best interests of the Subdivision to amend its Declaration to clarify the scope of activities that violate the provision entitled "Prohibition of Trade and Offensive Activities"; and

WHEREAS, § 209.0041(h) of the Texas Property Code provides that the Declaration may be amended by a vote of owners owning 67% of the lots subject to the Declaration; and

NOW THEREFORE, pursuant to the foregoing, and as evidenced by the Certification hereto, the Declaration is hereby amended as follows:

Article II, Section 8 of the Declaration, which had previously read:

Section 8. Prohibition of Trade and Offensive Activities. No activity, whether for profit or not, shall be carried out on any Lot which is not related to single family residential purposes. No noxious or offensive activity of any sort shall be permitted, nor shall anything be done on any Lot which may be or become an annoyance or a nuisance to the neighborhood.

is hereby amended to read as follows:

Section 8. Prohibition of Trade and Offensive Activities. No activity, whether for profit or not, shall be carried out on any Lot which is not related to single family residential purposes. No noxious or offensive activity of any sort shall be permitted, nor shall anything be done on any Lot which may be or become an annoyance or a nuisance to the neighborhood. Except for direct rental in immediate conjunction with and as part of the purchase or sale of Lot, Short Term Leases and leases for Hotel or Transient Purposes, as defined herein, are prohibited in the Subdivision. Violations of this paragraph may be enforced by court-ordered injunction as there is no other adequate remedy at law.

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The following terms is added to the list of definitions as Article I, Section 7:

- 1.) “Short Term Lease”, means leasing a Lot within the Subdivisions for a Transient or Hotel Purpose.

The following terms is added to the list of definitions as Article I, Section 8:

- 1.) “Transient or Hotel Purpose” means leasing a “Lot” (which term shall include the “Single Family Residence” constructed on the Lot), as that term is defined in the Declaration, or any portion thereof, within the Subdivision to any person:
 - a. in a manner or through any service that Chapter 351 or Chapter 352 of the Texas Tax Code applies to; or
 - b. who, during the life of the lease, does not (i) receive or intend to receive their regular mail from the United States Postal Service at that Lot; (ii) pay for or intend to pay for all or part of the utilities for that Lot in their name; (iii) own the furniture, or a significant portion thereof, on that Lot; or (iv) list or intend to list the street address for that Lot on their Form 1040, US Individual Income Tax Return, or other Internal Revenue Service forms for the applicable year.

[ACKNOWLEDGEMENT AND CERTIFICATION FOLLOW]

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Pages 4
08/11/2022 09:20 AM
e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
TENESHIA HUDSPETH
COUNTY CLERK
Fees \$26.00

RECORDERS MEMORANDUM
This instrument was received and recorded electronically
and any blackouts, additions or changes were present
at the time the instrument was filed and recorded.

Any provision herein which restricts the sale, rental, or
use of the described real property because of color or
race is invalid and unenforceable under federal law.
THE STATE OF TEXAS
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in
File Number Sequence on the date and at the time stamped
hereon by me; and was duly RECORDED in the Official
Public Records of Real Property of Harris County, Texas.



Teneshia Hudspeth
COUNTY CLERK
HARRIS COUNTY, TEXAS

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