

1403503

STATE OF TEXAS

§

§

COUNTY OF WALLER

§

**AMENDMENT TO EXTENDED, MODIFIED AND RESTATED RESTRICTIONS FOR
SKY LAKES CLUB ADDITION, SECTION II**

WHEREAS, on June 15, 1973, David Philips, Fred Wiesner, Harold Bode, A. J. Glasco, and George Robinson, as Trustees of Joint Venture Agreement, dated March 20, 1973, recorded in Volume 240, Page 744, Deed Records of Waller County, Texas and members of Building Committee selected from Managing Trustees of said agreement by instrument titled RESTRICTIONS GOVERNING SKY LAKES ADDITION, SECTION II, recorded in Volume 242, Page 726, Deed Records of Waller County, imposed certain restrictions, covenants, and conditions on certain real estate located in Waller County, Texas, being designated as Sky Lakes, Addition Section II and described in and upon plats recorded in Volume 242, Page 605, Deed Records of Waller County.

WHEREAS, on August 7, 2007, more than fifty percent (50%) of the Property Owners of Sky Lakes Addition, Section II as well as the Board of Directors of Waller County Club Estates, Inc., and consistent with prior deed restriction, approved the current operating deed restrictions by instrument titled "EXTENDED, MODIFIED AND RESTATED RESTRICTION FOR SKY LAKES CLUB ADDITION, SECTION II" and recorded in Volume 1074, Page 708, Official Public Record of Waller County, Texas

WHEREAS, Clause 21 of the said restrictions stated, "Each residential or commercial lot in Sky Lakes Addition, Section II, shall be subject to an annual maintenance charge of not more than 2 mills per square foot per annum."

WHEREAS, pursuant to a vote of the lot owners of the subdivision, in accordance with the EXTENDED, MODIFIED AND RESTATED RESTRICTION FOR SKY LAKES CLUB ADDITION, SECTION II, the Building committee desires to amend certain provisions of the restrictions;

WHEREAS, a duly called Annual Meeting of the lot owners of the subdivision was held on January 28, 2013, at which more than fifty percent (50%) of the lot owners cast votes approving amendment to raise the maintenance charge.

WHEREAS, on May 2, 2013, the Sky Lakes Section II Successor Building Committee recorded an instrument in Volume 1355, Page 732, Official Public Records of Waller County, Texas, which sought to amend Clause 21 of the EXTENDED, MODIFIED AND RESTATED RESTRICTIONS FOR SKY LAKES ADDITION SECTION II to increase the assessment rate to "no more than 4 mills per square foot per annum."

WHEREAS, upon further review of the voting process, an irregularity was discovered, which could challenge the results of the vote that occurred on January 28, 2013.

WHEREAS, to cure said voting irregularity, a duly called Special Meeting of the lot owners of the subdivision was held on April 28, 2014, at which more than fifty percent (50%) of the lot owners cast votes approving this Amendment, as evidenced by attached certifications and minutes of Special Meeting;

NOW THEREFORE, the restrictions affecting the above described lots shall be amended as follows:

Replace provision found in section 21, stating, "Each residential or commercial lot in Sky Lakes Addition Section II, shall be subject to an annual maintenance charge of not more than 2 mills per square foot per annum."

with

"Each residential or commercial lot in Sky Lakes Addition Section II, shall be subject to an annual maintenance charge of not more than 4 mills per square foot per annum."

EXECUTED on this 3rd day of June, 2014

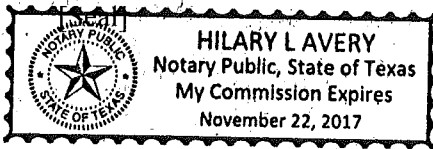
Helen J. Hogan

Helen Hogan, President of Sky Lakes Section II Building Committee

STATE OF TEXAS

COUNTY OF WALLER

This instrument was acknowledged before me on this date 6/3/2014 by Helen Hogan of person acknowledging. .



Hilary Avery
Notary Public in and for
The State of Texas

My commission expires: Nov 22 2017 Notary's Name (Printed): Hilary Avery

Sky Lakes Section II Successor Building Committee

Special Meeting Minutes

April 28, 2014

Opening:

The special meeting of the **Sky Lakes Section II Successor Building Committee** was called to order at **7:00pm** on **Monday, April 28, 2014** at **28515 Old Washington Road, Hockley, TX 77447** [Hockley Community Center] by **Shelton Wakefield**.

Present:

Helen Hogan
Shelton Wakefield
Natalie McKnight
Ann Goff
Sandy Kitterman

Absent:

45 home/lot owners from Section II attended this meeting.

1. Introduction of Current Committee Board Members

Shelton Wakefield introduced current elected Board Members: Shelton Wakefield, Natalie McKnight, Ann Goff, Helen Hogan and Sandy Kitterman. He also introduced Sandy Roberts as the bookkeeper for the Building Committee.

2. Statement for Meeting / Agenda

- Introduction and Meeting Detail
- Appoint Ballot Count Committee and Collect Ballots
- Restated Rationale for Maintenance Fee Increase
- Ballots to Committee for Recount
- Airport Issue Presentation
- Vote Count Results
- Questions & Answers Session
- Conclusion

Shelton Wakefield read a brief statement to the community as to the purpose to this meeting. The main agenda item for this meeting was to count votes received concerning the approval of the Building Committee's request to change the current deed restrictions to increase the maintenance fee from 2 mills to 4 mills per square foot.

3. *Maintenance Fee Ballots*

Helen Hogan requested volunteers to come back to begin counting the ballots. These ballots were provided to homeowner's prior to this meeting to allow home/lot owner's an opportunity to vote on increasing the maintenance fee from 2MIL to 4MIL.

4. Rationale for Maintenance Fee Increase

Ann Goff read a prepared statement for the revote on increasing the maintenance fee.

5. Airport Issue Presentation

Attorneys Leonard Thurmond and Will Thomas discussed with homeowners the status on addressing the assessment of maintenance fees to home/lot owners.

6. Vote Count Results

Judy Parks announced the vote results.

No Reply's		39.0
No's		38.5
Abstained		0
YES	PASSED	131.5
	TOTAL	209.0

51% of 207 votes = 105.57

Signatures:

7. Questions & Answers Session

A questions and answers session took place where multiple questions were asked by home/lot owners regarding the airport assessment dispute.

Minutes submitted by:

Nathan McPherson

Approved by:

Sky Lakes Section II Successor Building Committee

Meeting Minutes

May 9, 2014

Opening:

The special meeting of the **Sky Lakes Section II Successor Building Committee** was called to order at **1:00pm** on **Friday, May 9, 2014** at **15542 Kitty Hawk Drive** [home of Helen Hogan] by **Helen Hogan**. This meeting was held to recount and validate the ballots used to increase the Maintenance Fee from 2MIL to 4MIL on April 28, 2014. The spreadsheet used to calculate the number of lots on April 28, 2014 reflected a total number of 209 lots, whereas there are only 207 lots in Section II.

Present:

Helen Hogan
Shelton Wakefield
Natalie McKnight
Judy Trevino
Judy Parks
Verna Shelton
Kristin Gunderson, of Gunderson Bookkeeping

Absent:

Sandy Kitterman
Ann Goff

No Reply's		38.0
No's		38.5
Abstained		0
YES	PASSED	130.5
	TOTAL	207.0

Meeting was adjourned at **2:00pm** by **Helen Hogan**. The next general meeting will be at **6:45pm** on **Monday, May 26, 2014** at **15542 Kitty Hawk Drive** [home of Helen Hogan].

Minutes submitted by:

Natalie McKnight

Approved by:

CERTIFICATION OF VOTE

I, Helen J Hogan, President of Sky Lakes Section II Successor Building Committee, certify that a duly called Special Meeting of the lot owners of the subdivision was held on April 28, 2014, with more than fifty-one percent (51%) of the lot owner's votes cast approving this Amendment.

Helen J Hogan

Helen J Hogan, President of Sky Lakes Section II Successor Building Committee

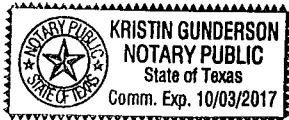
STATE OF TEXAS

COUNTY OF WALLER

This instrument was acknowledged before me on (date) 5-9-14 by

(name) Helen J Hogan of person acknowledging.

[Seal]



Kristin Gunderson
Notary Public in and for
The State of Texas

Notary's Name (Print): Kristin Gunderson

My commission expires: 10-3-17

I, Judy Trevino, certify that I am a person qualified to tabulate votes during a duly called Special Meeting of the lot owners of the Sky Lakes II Subdivision, held on April 28, 2014. I tabulated verification of lot/home owner vote count on the maintenance fee increase from "not more than 2 mills per sq foot per annum" (Deed Restrictions #70937, Vol. 1074 Paragraph 21, page 716 to "not more than 4 mills per sq foot per annum", with increase to start in the year of 2015.

51% of 207 Lot Votes are required to pass amended increase. (105.6 votes)

The results of my tabulation are as follows.

Vote Recap	
Yes	130.5
No	38.5
No Replies	38
Total	207

Judy Trevino

Judy Trevino

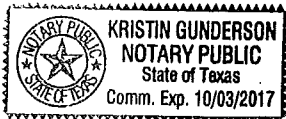
STATE OF TEXAS

COUNTY OF WALLER

This instrument was acknowledged before me on (date) 5-9-14 by

(name) Judy Trevino of person acknowledging.

[Seal]



Kristin Gunderson
Notary Public in and for
The State of Texas

Notary's Name (Print): Kristin Gunderson

My commission expires: 10-3-17

I, Verna Shelton, certify that I am a person qualified to tabulate votes during a duly called Special Meeting of the lot owners of the Sky Lakes II Subdivision, held on April 28, 2014. I tabulated verification of lot/home owner vote count on the maintenance fee increase from "not more than 2 mills per sq foot per annum" (Deed Restrictions #70937, Vol. 1074 Paragraph 21, page 716 to "not more than 4 mills per sq foot per annum", with increase to start in the year of 2015.

51% of 207 Lot Votes are required to pass amended increase. (105.6 votes)

The results of my tabulation are as follows.

Vote Recap	
Yes	130.5
No	38.5
No Replies	38
Total	207

Verna Shelton

Verna Shelton

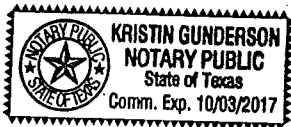
STATE OF TEXAS

COUNTY OF WALLER

This instrument was acknowledged before me on (date) 5.9.14 by

(name) Verna Shelton of person acknowledging.

[Seal]



Kristin Gunderson
 Notary Public in and for
 The State of Texas

Notary's Name (Print): Kristin Gunderson

My commission expires: 10-3-17

I, Judy Parks, certify that I am a person qualified to tabulate votes during a duly called Special Meeting of the lot owners of the Sky Lakes II Subdivision, held on April 28, 2014. I tabulated verification of lot/home owner vote count on the maintenance fee increase from "not more than 2 mills per sq foot per annum" (Deed Restrictions #70937, Vol. 1074 Paragraph 21, page 716 to " not more than 4 mills per sq foot per annum", with increase to start in the year of 2015.

51% of 207 Lot Votes are required to pass amended increase. (105.6 votes)

The results of my tabulation are as follows.

Vote Recap	
Yes	130.5
No	38.5
No Replies	38
Total	207

Judy Parks
Judy Parks

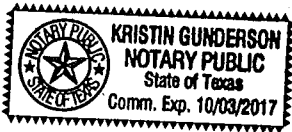
STATE OF TEXAS

COUNTY OF WALLER

This instrument was acknowledged before me on (date) 5-9-14 by

(name) Judy Parks of person acknowledging.

[Seal]



Kristin Gunderson
Notary Public in and for
The State of Texas

Notary's Name (Print): Kristin Gunderson

My commission expires: 10-3-17