

10050

SECOND AMENDMENT TO THE
CONDOMINIUM DECLARATION FOR
BELLA VISTA LIVINGSTON, A CONDOMINIUM

STATE OF TEXAS §

COUNTY OF POLK §

WHEREAS Bella Developments, Inc. a Texas Corporation, herein after known as Declarant, caused that certain instrument entitled "Condominium Declaration for Bella Vista Livingston, a Condominium," (the Declaration), made in accordance with the Texas Uniform Condominium Act, Title 7, Chapter 82 of the Texas Property Code ("The Act") to be recorded in the Condominium records of Polk County, Texas, under Clerk's File No. 2016-2074-723 - 2016-2074-800 on or about November 9, 2016; and

WHEREAS the Declarant recorded that certain First Amendment to the Condominium Declaration for Bella Vista Livingston, A Condominium on February 13, 2017, under Clerk File No. 1084 in the Condominium records of Polk Count; and

WHEREAS the Declaration and First Amendment establishes the land, described in the Declaration and any exhibits thereto, and the improvements on the land, as a condominium and subjects the land and improvements to various covenants, restrictions, liens and changes; and

WHEREAS, Paragraph Nos. 8(H) and 7(D) of the Declaration provides for control of the Bella Vista Livingston Condominium Owner's Association, Inc. (the Association) by Declarant until 120 days after Declarant sells 75% of the units and allocates any votes for any unsold unit to the Declarant; and

WHEREAS Paragraph 20(E) , subparagraphs vi and vii of the Declaration allows for the amendment of the Declaration by Declarant, including the right of Declarant to change the Percentage of Common Interest ownership assigned to each Unit, evidenced by a written instrument executed and acknowledged by the Declarant and filed of record in Polk County, Texas; and

WHEREAS Paragraph 2 (B)-Development Rights allows the Declarant to create, limit or combine Units, Common Elements or Limited Common Elements within the Condominium; and

WHEREAS, Article XI , Section 11.01 of the Bylaws of Bella Vista Condominium Owners Association, Inc., attached as Exhibit A , allows for amendment of the Bylaws by a majority vote of the Owners and Schedule A Paragraph K-4 of the Bylaws allows for amendment to the Declaration at any time with the express written consent of the owners of at least 75% of the Units; and

NOW, THEREFORE, the undersigned, being the President of the Declarant, executes this instrument on behalf of the Owners and the Association to certify the following amendments:

1. Section 1, Paragraph I of the Definitions section of the Declaration which states: "Building(s) is the improvements to be constructed on the land containing or which contain up to five (5) buildings, containing nine (9) units each to be constructed by Declarant as shown on the Condominium Plan " is deleted in its entirety and is replaced by the following :

Section 1- Definitions, Paragraph I shall now read as follows:

"Building(s)" are the improvements to be constructed on the Land. The Buildings will be constructed in in three (3) separate phases. Phase I shall consist of Building A and Building B, each containing nine (9) Units; Phase II shall consist of Building C, containing nine (9) Units and Phase III which shall consist of Building D and Building E each containing six (6) Units, all to be constructed by Declarant, as shown on the Condominium Plan. "

2. Section 6- Units , Paragraph E which reads "The Percentage of Common Interest Ownership assigned to each Unit shall be 1/45th which is equal to approximately 2.22%" is deleted in its entirety and is replaced by the following:

Section 6- Units, Paragraph E shall now read as follows:

"The Percentage of Common Interest Ownership assigned to each Unit shall be 1/39th which is equal to approximately 2.56%."

The rest and remainder of the Declaration, except as specifically amended herein, shall remain in full force and effect.

Executed on the date set forth below, to effective upon recording in the Condominium Records of Polk County, Texas.

DECLARANT:

BELLA DEVELOPMENTS, INC.

a Texas Corporation

BY: 

PETE GARLAND, its President

STATE OF TEXAS §

COUNTY OF POLK §

BEFORE ME, the undersigned authority, on this day, personally appeared PETE GARLAND, the President of Bella Developments, Inc. in his capacity as President of this Texas Corporation, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed same on behalf of the Declarant.

SWORN TO AND SUBSCRIBED on this 16th day of September, 2021



Shirley Gilmore
Notary Public - State of Texas

FILED FOR RECORD
2021 SEP 16 AM 10:27

Schelana Hock
SCHELANA HOCK
POLK COUNTY CLERK

STATE OF TEXAS)
COUNTY OF POLK) *EH*
I, SCHELANA HOCK hereby certify that the instrument was FILED in the file number sequence on the date and at the time stamped hereon by me and was duly RECORDED in the Official Public Records in Volume and Page of the named RECORDS OF Polk County, Texas as stamped hereon by me.

SEP 13 2021



Schelana Hock
COUNTY CLERK
POLK COUNTY, TEXAS