

12976
THIRD 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 recorded that certain Second Amendment to the Condominium Declaration for Bella Vista Livingston, A Condominium on September 16, 2021 under Clerk File No. 10050; and

WHEREAS the Declaration and Amendments establish 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, evidenced by a written instrument executed and acknowledged by the Declarant and filed of record in Polk County, Texas; 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:

Section 20. Amendments and Modifications , Paragraph 20(D) of the Declaration which states: "Approval by Mortgagees of Amendments. Any Mortgagee who receives by certified or registered mail, with a "return receipt" requested, a written amendment, modification or supplement hereto, and how does not deliver or post to the Association a negative response within thirty (30) days thereafter, shall, to the extent permitted by the Act, be deemed to have approved such request." is deleted in its entirety and is replaced by the following :

Section 20, Amendment and Modifications - Paragraph 20(D) shall now read as follows:

"Approval by Mortgagees of Amendments. Any Mortgagee who receives by certified or registered mail, with a "return receipt" requested, a written amendment, modification or supplement hereto, and how does not deliver or post to the Association a negative response within sixty (60) days thereafter, shall, to the extent permitted by the Act, be deemed to have approved such request."

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:

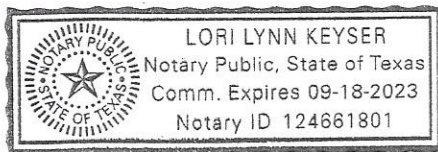

PETE GARLAND, its President

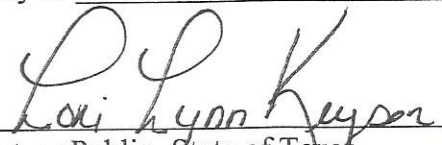
STATE OF TEXAS §

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 22nd day of November, 2021




Notary Public - State of Texas