

12977

FOURTH 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 County, and recorded that Second Amendment to the Condominium Declaration of Bella Vista Livingston, A Condominium on September 16, 2021 under Clerk File No. 10050 and recorded that Third Amendment to the Condominium Declaration of Bella Vista Livingston, A Condominium on November 30, 2021 under Clerk File No. 12974 and;

WHEREAS which 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 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:

1. Section 11 Assessments, Paragraph 11(A) of the Declaration which states: “ A. *Regular Monthly Assessments for Common Expenses*. There shall be monthly assessments (“the Regular Assessments”) of each Owner for payments to the Common Expense Fund. **Both Regular and Special Assessments shall be equally assessed, on a per Unit Basis and NOT computed based on the individual Owner’s Percentage of Common Interest Ownership.** The Regular Assessments shall commence as to each Owner on the date of delivery of a Deed to the Condominium Unit from Declarant to purchaser thereof, and Regular Assessments shall be due on the first (1st) day of each subsequent calendar month thereafter, without notice. “ is deleted in its entirety and is replaced by the following :

Section 11- Assessments, Paragraph 11(A) shall now read as follows:

“ A. *Regular Monthly Assessments for Common Expenses*. There shall be monthly assessments (“the Regular Assessments”) of each Owner for payments to the Common Expense Fund. **Both Regular and Special Assessments shall be equally assessed, on a per Unit Basis and NOT computed based on the individual Owner’s Percentage of Common Interest Ownership.** The Regular Assessments shall commence as to each Owner on the date of delivery of a Deed to the Condominium Unit from Declarant to purchaser thereof, and Regular Assessments shall be due on the first (1st) day of each subsequent calendar month thereafter, without notice

However, notwithstanding the foregoing, Declarant shall not be required to pay any Regular or Special Assessments until such time as all of the units in Phase III of the Condominium, Buildings D and E are fully and completely built. This exception shall apply even after control of the Association has been transferred to the Owners.

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

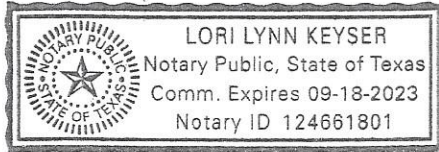
BY:


PETE GARLAND, its President

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 29th day of November, 2021



Lori Lynn Keyser
Notary Public- State of Texas

FILED FOR RECORD
2021 NOV 30 PM 3:40

Schelana Hock
SCHELANA HOCK
POLK COUNTY CLERK

STATE OF TEXAS)
COUNTY OF POLK) *ER*
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.

NOV 30 2021



Schelana Hock
COUNTY CLERK
POLK COUNTY, TEXAS