

**FIRST AMENDMENT TO THE  
AMENDED AND RESTATED  
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR THE PRESERVE AT GRAND BEACH  
A SUBDIVISION IN GALVESTON COUNTY, TEXAS**

**THE STATE OF TEXAS           §  
  §  
COUNTY OF GALVESTON       §**

This First Amendment to the Amended and Restated Declaration of Covenants, Conditions and Restrictions for the Preserve at Grand Beach a Subdivision in Galveston County, Texas, is made on the date hereinafter set forth, by those parties listed below on the attached Acknowledgement and Consent.

**WITNESSETH:**

WHEREAS, that certain document entitled DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE PRESERVE AT GRAND BEACH A SUBDIVISION IN GALVESTON COUNTY, TEXAS, which is dated January 18, 2016, and which governs all properties within the Preserve at Grand Beach subdivision, was recorded in the Real Property Records of Galveston County, Texas under Galveston County Clerk's File Number 2016026366 (the "Original Declaration");

WHEREAS, the Original Declaration placed certain restrictions and covenants on all lots located within THE PRESERVE AT GRAND BEACH, a subdivision in Galveston County, Texas, according to the map or plat thereof recorded in Plat Record 2013A, Map Number 90, and Galveston County Clerk's File Number 2013070073, of Galveston County, Texas (hereinafter sometimes called the "Subdivision");

WHEREAS, the Original Declaration was amended and superseded by that certain

document entitled AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE PRESERVE AT GRAND BEACH A SUBDIVISION IN GALVESTON COUNTY, TEXAS, which is dated May 30, 2017, and was recorded in the Real Property Records of Galveston County, Texas under Galveston County Clerk's File Number 2017033707 (the "Amended and Restated Declaration");

WHEREAS, the Article VII, Section 2(d) of the Amended and Restated Declaration prohibits the construction of outdoor elevator shafts and outdoor lifts on lots within the Subdivision;

WHEREAS, at the time the Amended and Restated Declaration was recorded, construction of improvements was either complete or substantially complete for the following lots described on Plat Record 2013A, Map Number 90, and Galveston County Clerk's File Number 2013070073, of Galveston County, Texas:

Lot Six (6) in Block Three (3);  
Lot Eighteen (18) in Block One (1);  
Lot Twenty (20) in Block One (1);  
Lot Seven (7) in Block One (1); and  
Lot Ten (10) in Block One (1);

WHEREAS, Section 209.0041 of the Texas Property Code provides that the above described Amended and Restated Declaration may be amended by an affirmative vote of sixty-seven percent (67%) of the total votes allocated to property owners entitled to vote on the amendment;

WHEREAS, the parties listed below on the attached Acknowledgement and Consent are owners of lots within the Subdivision and represent not less than sixty-seven percent (67%) of the total votes allocated to property owners entitled to vote on the amendment of the Amended and Restated Declaration;

WHEREAS, it is the desire of parties listed below on the attached Acknowledgement and Consent to amend the Amended and Restated Declaration by execution and/or adoption of this First Amendment to the Amended and Restated Declaration of Covenants, Conditions and Restrictions for the Preserve at Grand Beach a Subdivision in Galveston County, Texas;

NOW, THEREFORE, the undersigned parties, being owners of not less than sixty-seven percent (67%) of the total votes allocated to property owners entitled to vote on an amendment of the Amended and Restated Declaration, whose signatures are attached hereto and incorporated herein by reference for all purposes, hereby adopts the following First Amendment to Amended and Restated Declaration of Covenants, Conditions and Restrictions for the Preserve at Grand Beach a Subdivision in Galveston County, Texas (the "First Amendment"). This First Amendment to the Amended and Restated Declaration shall replace and supersede only those provisions specifically delineated below. All provisions not amended herein are hereby ratified and confirmed in all respects. This instrument is to become effective upon its recordation in the office of the County Clerk, Real Property Records of Galveston County, Texas. All of the terms and provisions hereof shall run with the land and shall be binding upon all parties having or acquiring any right, title, or interest therein, or any part thereof, and shall inure to the benefit of each owner thereof.

#### **AMENDMENT**

Article VII, Section 2(d) Amended and Restated Declaration is hereby deleted and replaced with the following:

(d) Elevators: All new construction is required to include either an indoor elevator or indoor elevator shaft as part of its design and construction. No outdoor elevators nor outdoor elevator shafts nor outdoor lifts shall be allowed on new construction.

For Existing Improvements, an outdoor elevator shaft may be constructed. Any elevator shaft that is constructed must be completely enclosed, with the exterior siding on the enclosure being of the same material and color and matching that of exterior siding of the remainder of house constructed on the lot. In no event shall an outdoor lift be allowed. A lot owner desiring to construct an outdoor elevator

pursuant to this section must first submit written plans to the Architectural Control Committee for approval.

The term "Existing Improvements" shall mean and refer to the improvements on the lots described on Plat Record 2013A, Map Number 90, and Galveston County Clerk's File Number 2013070073, of Galveston County, Texas as:

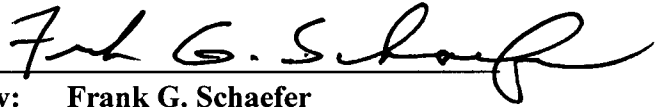
Lot Six (6) in Block Three (3);  
Lot Eighteen (18) in Block One (1);  
Lot Twenty (20) in Block One (1);  
Lot Seven (7) in Block One (1); and  
Lot Ten (10) in Block One (1).

*REMAINDER OF PAGE INTENTIONALLY LEFT BLANK*

**ACKNOWLEDGEMENT AND CONSENT**

IN WITNESS WHEREOF, the undersigned acknowledges that he/she/they have reviewed the First Amendment to the Amended and Restated Declaration of Covenants, Conditions and Restrictions for the Preserve at Grand Beach a Subdivision in Galveston County, Texas, and that he/she/they fully understand such amendment, and do hereby agree and consent to the adoption, approval and recording of the same, as indicated by the signature(s) below.

**230 East Beach, Ltd.**

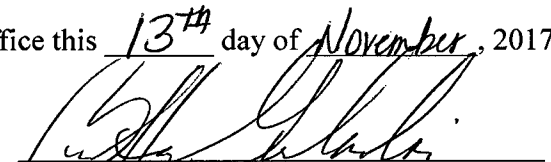
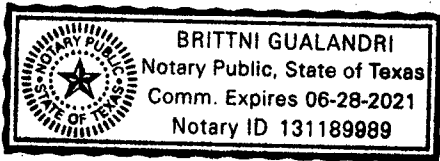


**By: Frank G. Schaefer  
Title: Managing Member, Preserve at  
Grand Beach, LLC, General Partner of  
230 East Beach, Ltd.**

**THE STATE OF TEXAS           §  
  §  
COUNTY OF GALVESTON       §**

Before me, the undersigned authority, on this day personally appeared Frank G. Schaefer, Managing Member, Preserve at Grand Beach, LLC, General Partner, 230 East Beach, Ltd., known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, and in the capacity therein stated.

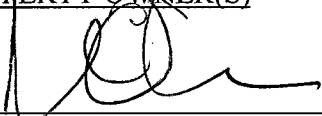
Given under my hand and seal of office this 13<sup>th</sup> day of November, 2017.

  
Notary Public in and for the State of Texas

**ACKNOWLEDGEMENT AND CONSENT**

IN WITNESS WHEREOF, the undersigned acknowledges that he/she/they have reviewed the First Amendment to the Amended and Restated Declaration of Covenants, Conditions and Restrictions for the Preserve at Grand Beach a Subdivision in Galveston County, Texas, and that he/she/they fully understand such amendment, and do hereby agree and consent to the adoption, approval and recording of the same, as indicated by the signature(s) below.

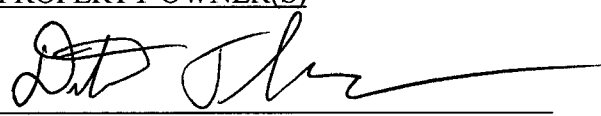
PROPERTY OWNER(S)

  
\_\_\_\_\_  
(signature)

Address 13 E. Grand Beach

Printed Name: Okereke  
Date: 11-10-2017

PROPERTY OWNER(S)

  
\_\_\_\_\_  
(signature)

Address 62 Grand Beach Blvd  
Galveston, TX 77550

Printed Name: Dustin Thomas  
Date: 11-10-17

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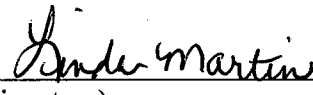
PROPERTY OWNER(S)

  
\_\_\_\_\_  
(signature)

Address 66 Grand Beach

Printed Name: Cheryl Cross  
Date: 11-10-17

PROPERTY OWNER(S)

  
\_\_\_\_\_  
(signature)

Address 41 Grand Beach

Printed Name: Linda Martin  
Date: 11/11/17

**ACKNOWLEDGEMENT AND CONSENT**

IN WITNESS WHEREOF, the undersigned acknowledges that he/she/they have reviewed the First Amendment to the Amended and Restated Declaration of Covenants, Conditions and Restrictions for the Preserve at Grand Beach a Subdivision in Galveston County, Texas, and that he/she/they fully understand such amendment, and do hereby agree and consent to the adoption, approval and recording of the same, as indicated by the signature(s) below.

PROPERTY OWNER(S)

*Sam Y. Tarbett*  
(signature)

Address 21 Grand Beach Blvd.

Printed Name: 21 GB BLVD, LLC  
Date: Nov. 11, 2017

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\*\*\*\*\*

PROPERTY OWNER(S)

*[Signature]*  
(signature)

Address 17 Grand Beach Blvd

Printed Name: Alpha Jallow  
Date: 11/11/17

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PROPERTY OWNER(S)

\_\_\_\_\_  
(signature)

Address \_\_\_\_\_  
\_\_\_\_\_

Printed Name: \_\_\_\_\_  
Date: \_\_\_\_\_

PROPERTY OWNER(S)

\_\_\_\_\_  
(signature)

Address \_\_\_\_\_  
\_\_\_\_\_

Printed Name: \_\_\_\_\_  
Date: \_\_\_\_\_

## FILED AND RECORDED

Instrument Number: 2017069284

Recording Fee: 50.00

Number Of Pages:8

Filing and Recording Date: 11/14/2017 4:04PM

I hereby certify that this instrument was FILED on the date and time stamped hereon and RECORDED in the OFFICIAL PUBLIC RECORDS of Galveston County, Texas.



A handwritten signature in cursive script that reads "Dwight D. Sullivan".

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Dwight D. Sullivan, County Clerk  
Galveston County, Texas

**DO NOT DESTROY** - *Warning, this document is part of the Official Public Record.*