

**SECOND AMENDMENT TO THE DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS FOR MOON CAYE CONDOS**

State of Texas

County of Galveston

This Amendment to the Declaration of Covenants, Conditions and Restrictions for Moon Caye Condos in Galveston County, Texas, which Declaration was recorded Aug 31, 2000, under Clerk's File No. 014-86-0244 in the official public records of Galveston County, Texas.

Dec 12, 2001

Meeting of Board of Directors

Amendments to Rules and Regulations concerning animals was discussed and new rules were declared. The new rule which amends no.9 of the rules and regulations goes as follows.

**ANIMALS** No animals of any kind shall be raised, bred, or kept in Moon Caye Condominiums except as hereinafter provided. A reasonable number of dogs, cats, or other household pets may be kept on a Residential Site, provided that (a) they are not kept, bred or maintained for commercial purposes, (b) they do not make objectional noises, create any odor, or otherwise constitute a nuisance to other Owners, (c) they are kept within an enclosed patio on the Residential Site occupied by the owner of such pets or on a leash being held by a person capable of controlling the animal, and (d) they are not in violation of any other provisions of the rules and regulations of Moon Caye owners association. A "reasonable number" as used in this rule shall ordinarily mean no more than two (2) pets per site; provided however that such other Person as the Board may from time to time determine that a reasonable number in any instance may be more or less than two (2). The Association, acting through the Board, shall have the right to prohibit the keeping of any animal which, in the sole opinion of the Board, is not being maintained in accordance with the forgoing restrictions. Each Owner and/ or Related User maintaining any animal shall be liable in accordance with the laws of the State of Texas to each and all remaining Owners and Related Users of such Owners for any damage to Person or Property caused by any such animal; and it shall be the absolute duty and responsibility of each such Owner or Related User to clean up after such animals to the extent they have used any portion of the Privately Owned Site of another Owner or any Common Areas.

Fred Brigley motion for passage and Kathryn Thurmond second the motion

Judy Gaines proposed rules and regulations for the use of the pool; they are as follows:

The pool will be open from 10:00am to 10:00pm daily. The Association or manager at the time acting through the Board shall have the right to close the pool at any time for

reasons deemed necessary by them. No children under age 12 will be allowed in the pool unless accompanied by their parents or an adult designated by their parents to be responsible for their safety and conduct. This also applies to the common areas. We will not accept responsibility for injury of any kind. Parents must be inside the pool gates with their children at all times. No glass containers in the pool area or common areas is permitted under any circumstances. The pool is closed to all persons having sores, wearing bandages, or who are ill or not wearing proper swimming attire. Please remove any clips, pony tail holders, etc from hair before swimming. Running, Jumping, Diving, or Horseplay is prohibited. Four guest per condo is allowed at the pool. Resident is responsible for guest conduct. Any special gatherings involving the use of the pool must be approved in advance (2 weeks) by the board. Parents of children or anyone throwing toys, dirt, or anything to constitute extra maintenance and cleaning of the pool and courtyard areas will be charged \$25.00 for the cleaning of those areas. Parents with toddlers not potty trained must use proper swimwear to avoid little accidents in pool.

Kathryn Thurmond motioned for passage, Fred Brigley second the motion, new rules passed.

Kathryn Thurmond expressed a concern for on parking, upkeep of patio areas. Vehicle Restriction were proposed as follows:  
No recreation vehicle, camper, camper not on a truck, boat, mobile home, horse trailer, or other trailer, tractor, motor home or truck (other than a pickup truck or van) shall be stored or shall be parked for longer.

Moon Caye Condos  
1140 FM 2094  
Clear Lake Shores, TX 77565

PAID

than ten(10) hours anywhere within the Moon Caye property(including driveways) or any public of private road or street in such a manner as to be visible from other Residential Site or from any portion of the Common Area. No inoperable vehicle or vehicle kept stationary for a period in excess of forty-eight hours (48) shall be allowed to remain on any portion of the Moon Caye Condominiums or on any private or public street in such a way as to be visible from any Residential Site as such working on vehicles is not permitted under any circumstances. Speed limit on the property is no more than 10 mph

Balconies and Patios

No balcony or patio or any portion of either shall be enclosed or used as a storage area. All bikes, toys and other belongings must be kept in your assigned storage units. Each owner shall continuously keep the balconies and patios of any improvements located on a Residential Site in a reasonable clean and organized condition. Nothing shall prohibit an Owner from placing chairs or lounge furniture upon or around the patio or balcony area. All items of personal property placed or kept on a balcony or patio must be properly maintained so as to have a neat and orderly appearance at all times, and shall not be permitted to rust, deteriorate, or otherwise become unsightly in appearance.

Judy Gaines stated that there were unit owners that were behind in their association dues thereby we need rules governing timely payments & penalties that exist for late payment.

The new rule is as follows: The Association Common Assessments assessed against each Residential Site shall be due and payable, in advance in twelve (12) monthly installments, on the first day of each month during the year for which the Association Common Assessments in question have been assessed ( or in such other manner and on such other dates as the board may designate in its sole discretion). If any such Association Common Assessment shall remain unpaid on the last day of the month for which such payment is due, then, at the Board's election, the Association Common Assessments due from the delinquent owner for the next twelve (12) calendar months shall be accelerated, shall become at once due and payable, and from the last day of the month in which such payment is due shall bear interest at the maximum rate permitted by law.

If any Association Common Assessment, Association Special Assessment or Association Reimbursement Assessment or any installment thereof is not paid within ten (10) days after it is due, the Member obligated to pay the Association Assessment shall be required to pay the amount of Twenty-Five Dollars(\$25.00) or such other reasonable late charge as may be determined by the Board as a reimbursement to the Community Association for the costs incurred by it in collecting delinquent assessments, and not as interest. If, however, such late charge may be considered to be interest, the amount thereof shall be limited by the applicable usury statutes, and shall not exceed the highest lawful rate of interest permissible therefor. Any Association Assessment or installment of an Association Assessment which is not paid within thirty (30) days after it is due shall bear interest from the due date at the highest non-usurious rate permitted by law

Fred Brigley motioned for passage; Judy Gaines second motion ; rules were passed.

Fred Brigley ask if there was any more business; there was none ; Kathryn thurmond called for this meeting to be adjourned; Judy Gaines second the motion, meeting adjourned.

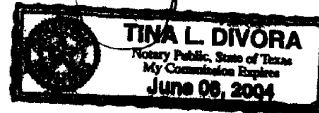
Fred Brigley(president)

*[Signature]*

Kathryn Thurmond (vice president)

*[Signature]*  
Judy Gaines (secretary)

This instrument was acknowledged before me on this the 12th day of Dec 2001. Fred Brigley, Kathryn Thurmond & Judy Gaines  
*[Signature]*



FILED AND RECORDED  
OFFICIAL PUBLIC RECORDS OF REAL PROPERTY

*Patricia Ritchie*

016-55-1936

2002 FEB 07 03:47 PM 2002007479  
MEJIA\_V \$13.00  
Patricia Ritchie, COUNTY CLERK  
GALVESTON, TEXAS