

26 25 24 23 22 21 20 19 18 17 16 15 14 13 12 11 10 9 8 7 6 5 4 3 2

Scale: 1"=80'

# COPACABANA

## AMENDED PLAT

# BY THE SEA

**SECTION ONE**

**BLOCK 1**  
LOTS 1  
THRU 12

**BLOCK 2**  
LOTS 1  
THRU 12

**SECTION TWO**

**BLOCK 1**  
LOTS 1  
THRU 12

**BLOCK 2**  
LOTS 1  
THRU 12

**PLAT OF LAND**

BEFORE ME, the undersigned authority, on this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, personally appeared \_\_\_\_\_, 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. My commission expires \_\_\_\_\_.

\_\_\_\_\_  
Notary Public in and for the State of Texas

**WITNESSES**

I, \_\_\_\_\_, County Clerk, State of Texas, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in my office.

\_\_\_\_\_  
County Clerk, State of Texas

**APPROVED FOR THE STATE OF TEXAS**

\_\_\_\_\_  
Commissioner of the State Lands Office

**APPROVED FOR THE CITY OF HOUSTON**

\_\_\_\_\_  
City Engineer

**APPROVED FOR THE COUNTY OF \_\_\_\_\_**

\_\_\_\_\_  
County Engineer

**APPROVED FOR THE STATE OF TEXAS**

\_\_\_\_\_  
Commissioner of the State Lands Office

**APPROVED FOR THE CITY OF HOUSTON**

\_\_\_\_\_  
City Engineer

**APPROVED FOR THE COUNTY OF \_\_\_\_\_**

\_\_\_\_\_  
County Engineer

**APPROVED FOR THE STATE OF TEXAS**

\_\_\_\_\_  
Commissioner of the State Lands Office

**APPROVED FOR THE CITY OF HOUSTON**

\_\_\_\_\_  
City Engineer

**APPROVED FOR THE COUNTY OF \_\_\_\_\_**

\_\_\_\_\_  
County Engineer

**GULF COAST ENGINEERING AND SURVEYING**  
P.O. BOX 382 • LA MARQUE, TEXAS 77568

JAMES W. GARTRELL, JR., RE, RPS  
TELEPHONE NUMBER: (409) 637-7032 • FAX: (409) 637-7031 • 713-493-6265



DATE OF PLAT: \_\_\_\_\_

DATE OF RECORD: \_\_\_\_\_

DATE OF REVISION: \_\_\_\_\_

8300216

002-04-1198

DEDICATION AND RESTRICTIONS  
COPACABANA BY THE SEA  
IN THE BURRELL FRANKS SURVEY  
IN GALVESTON COUNTY, TEXAS

THE STATE OF TEXAS           6

COUNTY OF GALVESTON         6

WHEREAS, COPACABANA DEVELOPMENT, INC., is owner of the following described tract or parcel of land lying and situated in Galveston County, Texas, to-wit:

All of the surface of 23.65 acres of land, more or less, which lies South of Highway 87, out of the 106.2 acre tract described in that certain deed dated January 10, 1957, from Vernon R. Shaw, W. M. Cleaves, Portia C. Ehman, and Wilbur Shaw Cleaves, recorded in Deed Record Book 1191, Pages 591 to 594 inclusive, of Galveston County, Texas, covering 106.2 acres of land out of the Burrell Franks Survey of Galveston County, Texas and generally known as the James L. Shaw Tract, which is more particularly described in a partition deed dated November 26, 1980, between W. Noble Carl and the Estate of W. N. Zinn, deceased, acting by and through its Independent Executor, Robert L. Zinn, and Ida Zinn, widow of W. N. Zinn, acting by and through her Agent and Attorney-in-Fact, Robert L. Zinn, recorded in Volume 331, Pages 374 to 376, inclusive, of the Deed Records of Galveston County, Texas, being that same tract of land described in that certain deed dated June 29, 1981, from Robert L. Zinn, Independent Executor of the Estate of W. N. Zinn and as Attorney and Agent-in-Fact for Ida Zinn to Copacabana Development, Inc., recorded under File Number 001-26-0492, in the Deed Records of Galveston County, Texas;

and

WHEREAS, the said COPACABANA DEVELOPMENT, INC., has caused the above described property to be surveyed, subdivided and platted into an Addition out of the Burrell Franks Survey, in Galveston County, Texas, to be known and designated as "COPACABANA BY THE SEA, an Addition out of the Burrell Franks Survey, in Galveston County, Texas", as shown and reflected upon the Final Plat of said Addition prepared by James W. Cartrell, Jr., Gulf Coast Engineering and Surveying, Engineers and Surveyors, and filed herewith.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS that CAPACABANA DEVELOPMENT, INC., a Texas Corporation, by and through its president, JEREMY HAAR, of Harris County, Texas, does hereby and herewith adopt the Final Plat designating such property as "COPACABANA BY THE SEA, an Addition out of the Burrell Franks Survey, in Galveston County, Texas" (hereinafter referred to as the "Addition"), and do hereby dedicate forever the easements for street, walkway and utility purposes reflected and designated as such on the Final Plat of the Addition, together with the basic restrictions, conditions and limitations shown thereon.

002-04-1199

For the purpose of establishing and maintaining a general plan and building scheme, uniform over the entire Addition (except as specifically provided below), which shall be for the protection and benefit of all owners of any lot or lots in said Addition hereafter, the said COPACABANA DEVELOPMENT, INC., by and through its president, JEREMY HAAR, does hereby and herewith subject and encumber said Addition and each and every lot therein with the restrictive or protective covenants set forth below; provided, however, that said restrictive or protective covenants hereinafter set forth shall not apply, attach, extend to or encumber Commercial Reserve "A" and Commercial Reserve "B" of said Addition, which tracts are and shall be and remain, free of and unencumbered by the following restrictive or protective covenants.

1.

All lots and property in the Addition shall be used for residential purposes only (except, as stated above, Commercial Reserve "A" and Commercial Reserve "B" of the Addition, which are expressly excluded from coverage of this and the following covenants).

2.

No more than one (1) single-family dwelling shall be erected on any lot in this Addition.

3.

No dwelling shall be permitted on any lot in the Addition in which the enclosed living floor area (exclusive of open porches, sun decks and balconies) of the second story (i.e., the first floor above minimum piling height) shall be less than nine hundred (900) square feet.

4.

No dwelling in excess of two and one-half (2-1/2) stories in height shall be permitted on any lot in the Addition, nor shall any dwelling have a attached or detached garage for more than three (3) automobiles.

5.

All exterior walls of any dwelling and any attached or detached garage shall be painted with two (2) or more coats of paint or stained with two (2) or more coats of stain or shall be covered with a residential (or better) grade of pre-finished siding within sixty (60) days following the closing of

exterior walls. Building felt or wall board on exterior walls shall be covered with siding and felt on roof shall be covered with residential (or better) grade of shingles or roofing before occupancy of a dwelling. No used or salvaged lumber of any nature may be used as exterior wall covering, nor shall any dwelling or garage have a metal or tin roof.

6.

No building shall be located nearer to the front lot line, nor nearer to a side street line, than the building line or building set back line shown on the Final Plat of the Addition. No building shall be located nearer than ten feet (10') to an interior lot line, nor nearer than fifteen feet (15') to the rear lot line.

7.

No fence shall be erected, placed or altered on any lot in the Addition so as to be nearer to any street than the building line or building set back line as shown on the Final Plat of the Addition, except on a corner lot where the fence shall be permitted to follow the property line on the side street of said lot from the rear line thereof to the front set back line, or as otherwise may be permitted by the Architectural Control Committee. All fences shall be constructed of commercial or residential grade lawn fencing material, and no fence shall be constructed of used or salvaged material. All fences shall be constructed and maintained in a good and workmanlike manner, and no fence shall exceed six feet (6') in height unless specifically approved by the Architectural Control Committee.

8.

No platted lot, as shown on the Final Plat of the Addition, shall be split or subdivided. Nothing herein contained shall prohibit the construction of a dwelling on more than one (1) platted lot.

9.

All lavatories, toilets, sinks and bath facilities shall be installed indoors (provided that auxiliary outdoor showers shall be permitted) and shall be connected with adequate septic tank and drainage field facilities complying with applicable minimum standards of local, State and Federal health authorities. No dwelling shall be occupied until all plumbing facilities and septic tank facilities are completely installed.

002-04-1201

10.

All dwellings shall be built on pilings or stilts with not less than seven foot (7') vertical overhead clearance from natural ground level. Rectangular pilings shall be not less than six inches by eight inches (6" x 8"); round pilings shall have a minimum diameter of eight inches (8") at the top. Construction shall proceed with reasonable diligence once pilings have been installed.

11.

No building material of any kind or nature shall be placed or stored on any lot until the owner is prepared to commence construction, and all materials shall be placed only upon the lot of the owner thereof, clear of the utility easement or easements thereon. Construction of exterior walls and roofing must be completed within eighteen (18) months from the issue date of the city building permit.

12.

No structures of temporary character, trailer, tent, shack, barn, garage or other outbuildings shall at any time be used as a residence, either temporarily or permanently, on any lot in the Addition.

13.

No livestock, animals or poultry of any kind shall be raised, bred or kept on any lot in the Addition; provided, however, dogs, cats or other household pets may be kept, provided that they are not kept, bred or maintained for any commercial purposes. Permitted pets shall not be allowed to roam at large in the Addition.

14.

No lot shall be used or maintained as a dumping ground for garbage, refuse or trash. Trash, garbage and refuse shall be kept only in sanitary containers designed for such purpose. All incinerators, containers and other equipment for the storage or disposal of garbage, trash and refuse shall be kept in a clean and sanitary condition and, to the greatest extent possible, clear of public view.

15.

Easements are reserved as shown on the Final Plat for streets and for installation and maintenance of utilities. No building of a permanent

nature shall be placed, constructed or permitted over or above the easements. Additionally, there is reserved as shown on the Final Plat of the Addition an easement over and across Lots Numbers Thirteen (13) and Fourteen (14) in Block Number One (1) of the Addition (and designated as "Walkway Easement") for the purpose of providing a means of pedestrian access from the Addition to the beach. This easement is for pedestrian traffic only, and same shall not be used for any type of vehicular traffic (including motorcycles, motor bikes, gasoline or electric carts or the like).

16.

No signs of any kind shall be displayed to the public view on any lot in the Addition, except one (1) professional sign of not more than one foot (1') square, one (1) sign of not more than five (5) square feet advertising the property for sale or rent, or signs used by a builder advertising the property during the period of construction and/or sale thereof.

17.

No existing or used dwelling, garage shed or other building otherwise permitted hereunder shall be moved onto or placed on any lot in the Addition, and all structures shall be of new construction.

18.

No loud, boisterous, noxious or offensive activity shall be carried on upon any lot or easement in the Addition, nor shall anything be done or permitted thereon which may be or become an annoyance or nuisance to the neighborhood.

19.

In the event of damage resulting from storm, fire, or other casualty, structures remaining on the property must be restored or the materials must be removed within three months (3) from the time the property owner has a legal right to perform such restoration or material removal.

20.

The areas of Lots Numbers Eight (8) through and including Eighteen (18), in Block Number One (1) of the Addition, extending seaward from the southern (seaward) building line reflected upon the Final Plat of the

002-04-1203

Addition shall be left in their natural state. No natural vegetation lying seaward of such building line shall be removed, mowed, burned or otherwise disturbed, nor shall such area be plowed, graded or otherwise disturbed. There shall be no vehicular traffic (including motorcycles, motor bikes, gasoline or electric carts or the like) on or across any part of such area, except over and along that portion of such area lying seaward of the natural vegetation line.

21.

No building shall be erected, placed, altered or permitted on any lot in the Addition until the plans and specifications therefor have been approved by the Architectural Control Committee as to the quality of workmanship and materials, harmony of external design with existing structures, and compliance with the covenants herein contained, and a plot plan showing the location of all structures and improvements (including culverts, crossings and driveways) has also been approved by said Committee. Approval shall be as hereinafter provided.

The Architectural Control Committee shall give or withhold approval (as in the opinion of the Committee is proper) of all matters set forth in the preceding paragraph or elsewhere herein. Said Architectural Control Committee shall be composed of JEREMY HAAR, REBECCA ZINN and ROBERT L. ZINN, TRUSTEE. A majority of the Committee may designate a representative to act for it. In the event of the death or resignation of any member of the Committee, the remaining members shall have full authority to designate a successor, such designation to be by recorded instrument filed in the office of the County Clerk of Galveston County, Texas. Neither the members of the Committee, nor its designated representative, shall be entitled to any compensation for services performed pursuant to this covenant.

The approval or disapproval of the Committee, as required in these covenants, shall be in writing. In the event the Committee or its designated representative fails to approve or disapprove the plans and specifications or plot plan within thirty (30) days after same have been submitted to the Committee, or in any event if no suit to enjoin the construction has been commenced prior to the completion thereof, approval

002-04-1204

will not be required, and the related covenants shall be deemed to have been fully complied with.

22.

These covenants are to run with the land and shall be binding upon all parties and all persons claiming under them until June 1, 1998, at which time said covenants shall be automatically extended for successive periods of ten (10) years each unless by a vote or agreement of a majority of the then owners of lots in the Addition it is agreed to change the said covenants or revoke the same, in whole or in part.

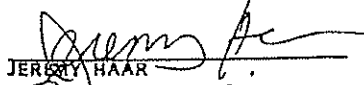
23.

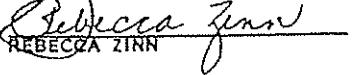
If the parties hereto or their heirs or assigns violate or attempt to violate any of the covenants herein, it shall be lawful for any person or persons owning any lot or lots in the Addition to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such covenant and either to prevent him or them from so doing, or to recover damages or other dues from such violation; provided, however, that proceedings at law or in equity to prevent violations hereof or to recover damages or other dues for a violation hereof shall be begun within one (1) year from the date such violation was first committed and not thereafter.

24.

As stated and stipulated hereinabove, these covenants shall not apply or extend to, cover or encumber Commercial Reserve "A" and Commercial Reserve "B" of the Addition which are expressly excluded from and are, and shall be and remain, free of and unencumbered by these covenants; provided, however, that such lots shall be subject to the easements and basic restrictions imposed thereon by the Final Plat of the Addition.

IN WITNESS WHEREOF the parties hereto have subscribed their names hereon this the 6th day of March 1982, A.D.

  
JEREMY HAAR

  
REBECCA ZINN



002-04-1205

THE STATE OF TEXAS  
COUNTY OF HARRIS

Before me, the undersigned authority, on this day personally appeared JEREMY HAAR and REBECCA ZINN, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this the 6th day of March, 1982, A.D.



*Jo Ann Christiansen*  
Notary Public in and for  
Harris County, Texas

JO ANN CHRISTIANSEN  
Notary Public in the State of Texas  
Commission Expires July 3, 1985

FILED FOR RECORD  
JAN 3 12 53 PM '83

*Theresa J. ...*  
CLERK OF COUNTY CLERK

STATE OF TEXAS COUNTY OF GALVESTON  
I hereby certify that this instrument was filed on this date and time stamped herein by me and was duly recorded in the Official Public Records of Real Property of Galveston County, Texas on

JAN 3 1983



*Theresa J. Christiansen*  
COUNTY CLERK, Galveston County, Texas

8505783

AMENDMENT TO DEDICATION AND RESTRICTIONS  
COPACABANA BY THE SEA  
IN THE BURRELL FRANKS SURVEY  
IN GALVESTON COUNTY, TEXAS

THE STATE OF TEXAS  
COUNTY OF GALVESTON

WHEREAS, on March 6, 1982, COPACABANA DEVELOPMENT, INC., by and through its president, Jeremy Haar, did adopt the Final plat of COPACABANA BY THE SEA, an addition out of the Burroll Franks Survey in Galveston County, Texas, together with basic restrictions, conditions and limitations set out at File Number 8300216, Film Code Number 002-04-1198 through 002-04-1205, filed January 3, 1983 in the official public records of Galveston County, Texas; and

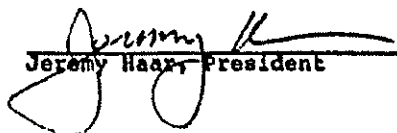
WHEREAS, the said COPACABANA DEVELOPMENT, INC., acting by and through its president, Jeremy Haar, currently is the majority owner of lots in COPACABANA BY THE SEA, an addition out of the Burrell Franks Survey, in Galveston, Texas, hereinafter referred to as "the Addition", pursuant to paragraph twenty-two (22) of the Dedication and Restrictions described hereinabove, has agreed to amend paragraph six (6) of the Dedication and Restrictions, described hereinabove, for the following specific purposes, to wit: To permit construction of a deck to extend twenty (20) feet across the front and side setback line of Lot Nine (9) in Block One of COPACABANA BY THE SEA;  
To permit the construction of one single family residence across the front and side setback lines of Lot Five (5) and Lot Six (6) in Block Two of COPACABANA BY THE SEA;  
To amend the restrictions described in Paragraph Six (6) as follows:  
No building shall be located nearer to the front lot line, nor nearer to a side street line, than the building line or building setback line shown on the Final Plat of the Addition. No building shall be located nearer than five feet (5') to an exterior lot

003-64-1829

line or an interior lot line, nor nearer than fifteen feet (15') to the rear lot line of the following lots:

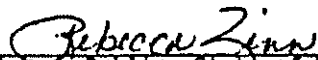
Lot One (1) and Lot Seven (7) and Lot Twelve (12) in Block Two of COPACABANA BY THE SEA; Lot One (1) and Lot Twelve (12) in Block Three of COPACABANA BY THE SEA, the Dedication and Restrictions, described hereinabove, which shall remain in full force and effect for the rest of the Addition.

IN WITNESS WHEREOF the parties have subscribed their names hereon this the 1<sup>ST</sup> day of NOVEMBER, 1984, A.D.

  
Jeremy Haar, President

STATE OF TEXAS  
COUNTY OF HARRIS

This instrument was acknowledged before me on the 1<sup>ST</sup> day of November, 1984, by Jeremy Haar, President of Copacabana Development, Inc., a Texas Corporation, on behalf of said corporation.

  
Notary Public, State of Texas  
Notary's Name (Printed): REBECCA ZINN

Notary's commission expires:

9-28-85



RETURN TO: Brad L. Smith  
Chicago Title Insurance Company  
P. O. Box 987  
Houston, Texas 77001

RETURN TO: HOU  
HOUSTON TITLE COMPANY  
1100 N. Jackson Place Suite 400  
Houston, Texas 77006  
OFF. 281-281-1100

FILED FOR RECORD  
Feb 11 3 29 PM '85

Notary Public  
Rebecca Zinn

STATE OF TEXAS COUNTY OF GALVESTON  
I hereby certify that the instrument was filed on the date and time stamped herein by me and was duly recorded in the Official Public Records of that County of Galveston County, Texas, on

FEB 11 1985



Rebecca Zinn  
COUNTY OF GALVESTON, TEXAS

AMENDMENT TO DEDICATION AND RESTRICTIONS  
COPACABANA BY THE SEA  
IN THE BURRELL FRANKS SURVEY  
IN GALVESTON COUNTY, TEXAS

THE STATE OF TEXAS  
COUNTY OF GALVESTON

WHEREAS, on March 6, 1982, COPACABANA DEVELOPMENT INC., by and through its president, Jeremy Haar, did adopt the Final plat of COPACABANA BY THE SEA, an addition out of the Burrell Franks Survey in Galveston County, Texas, together with basic restrictions, conditions and limitations set out at File Number 8300216, Film Code Number 002-04-1198 through 002-04-1205, filed January 3, 1983 in the official public records of Galveston County, Texas; and

WHEREAS, the said COPACABANA DEVELOPMENT, INC., acting by and through its president, Jeremy Haar, currently is the majority owner of lots in COPACABANA BY THE SEA, an addition out of the Burrell Franks Survey, in Galveston, Texas, hereinafter referred to as "the Addition", pursuant to paragraph twenty-two (22) of the Dedication and Restrictions described hereinabove, has agreed to amend the Dedication and Restrictions, described hereinabove, as follows:

To amend the restrictions described in paragraph three (3) as follows:

No dwelling shall be permitted on any lot in the Addition in which the enclosed living floor area (exclusive of open porches, sun decks, and balconies) of the second story (i.e., the first floor minimum piling height) shall be less than one thousand two hundred fifty (1,250) square feet;

To amend the restrictions described in paragraph four (4) as follows:

No dwelling in excess of two and one half (2 1/2) stories in height shall be permitted on any lot in the Addition, nor shall any dwelling have a garage or storage area below the base flood elevation other than specified by Galveston County Building Specifications;

To amend the restrictions described in paragraph eight (8) as follows:

No platted lot may be subdivided in such a manner as to permit more than one dwelling or buildings to be

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motorcycles, motor bikes, gasoline or electric carts or the like);

To amend the restrictions described in paragraph twenty (20) as follows:

The areas of Lots Numbers nine (9) through and including seventeen (17), in:

Block Number One (1) of the Addition, extending seaward from the southern (seaward) building line reflected upon the Final Plat of the Addition shall be left in their natural state. No natural vegetation lying seaward of such building line shall be removed, mowed, burned or otherwise disturbed, nor shall such area be plowed, graded or otherwise disturbed. There shall be no vehicular traffic (including motorcycles, motor bikes, gasoline or electric carts or the like) on or across any part of such area, except over and along that portion of such area lying seaward of the natural vegetation line,

To amend the restrictions described in paragraph twenty-one (21) as follows:

No building shall be erected, placed, altered or permitted on any lot in the Addition until the plans and specifications therefor have been approved by the Architectural Control Committee as to the quality of workmanship and materials, harmony of external design with existing structures, and compliance with the covenants herein contained, and a plot plan showing the location of all structures and improvements (including culverts, crossings and driveways and all septic tank systems) has also been approved by said Committee. Approval shall be as hereinafter provided.

The Architectural Control Committee shall give or withhold approval (as in the opinion of the Committee is proper) of all matters set forth in the preceding paragraph or elsewhere herein. Said Architectural Control Committee shall be composed of Jeremy Haar, Gerald W. Parker, and Robert L. Zinn, Trustee. A majority of the Committee may designate a representative to act for it. In the event of the death or resignation of any member of the Committee, the remaining members shall have full authority to designate a successor, such designation to be by recorded instrument filed in the office of the County Clerk of Galveston County, Texas. Neither the members of the Committee, nor its designated representative, shall be entitled to any compensation for services performed pursuant to this covenant.

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constructed on any particular street in the Addition, than there are platted lots fronting on such street. Further, the subdivision of a lot or lots shall be subject, in all respects, to the requirements, limitations, and prohibitions of any applicable ordinance or statute of any governmental authority. Any owner of one or more platted lots or portions thereof may consolidate and combine the same into one (1) building site, subject again to the applicable requirements, ordinances, and statutes of any governmental authority. Any such composite building site must have a minimum frontage (at the building setback line) of not less than the minimum frontage of the other lots fronting on the same street. any such composite building site, if same meets all the foregoing requirements, shall be deemed to constitute a "lot" under the terms and provisions of this Amendment;  
To amend the restrictions described in paragraph ten (10) as follows.

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C.  
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All dwellings and deck areas shall be built on pilings according to Galveston County building code and regulations. Construction shall proceed with reasonable diligence once pilings have been installed, all construction must be completed within six months of obtaining original building permit;

TRANS.  
INTO  
RETRIEVAL

To amend the restrictions described in paragraph fourteen (14) as follows:

MISSION  
NO.

No lot shall be used or maintained as a dumping ground for garbage, refuse, or trash. Trash, garbage, and refuse shall be kept only in sanitary containers designed for such purpose. Burning of trash, garbage, or refuse or any other substance is expressly prohibited. Presentable wooden trash containers are mandatory for trash pickup at each structure;

To amend the restrictions described in paragraph fifteen (15) as follows:

TY.  
B.

Easements are reserved as shown on the Final Plat for streets and for installation and maintenance of utilities. No building of a permanent nature shall be placed, constructed or permitted over or above the easements. Additionally, there is reserved as shown on the Final Plat of the Addition an easement over and across Lots Numbers twelve (12) and thirteen (13) in Block Number One (1) of the Addition (and designated as "Walkway Easement") for the purpose of providing a means of pedestrian access from the Addition to the beach. This easement is for pedestrian traffic only, and same shall not be used for any type of vehicular traffic (including

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MISSION



011-56-0121

The approval or disapproval of the Committee, as required in these covenants, shall be in writing. In the event the committee or its designated representative fails to approve or disapprove the plans and specifications or plot plan within thirty (30) days after same have been submitted to the Committee, or in any event of no suit to enjoin the construction has been commenced prior to the completion thereof, approval will not be required, and the related covenants shall be deemed to have been fully complied with.

IN WITNESS WHEREOF the parties have subscribed their names hereon this the

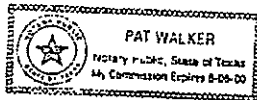
15<sup>th</sup> day of January, 1997, A.D.

COPACABANA DEVELOPMENT, INC.

*Jeremy Haar, President*  
Jeremy Haar, President

STATE OF TEXAS  
COUNTY OF GALVESTON

This instrument was acknowledged before me on the 15<sup>th</sup> day of January, 1997, by Jeremy Haar, President of Copacabana Development, Inc., a Texas Corporation, on behalf of said Corporation.



*Pat Walker*  
Notary Public, State of Texas  
Notary's Name (printed):

Notary's commission expires:

6-6-2000

FILED AND RECORDED  
OFFICIAL PUBLIC RECORDS OF REAL PROPERTY

*Patricia Ritchie*  
1-15-97 12:45 PM 9701562  
DEBNER \$15.00  
Patricia Ritchie, County Clerk  
GALVESTON COUNTY, TEXAS

ATTENTION TO:

JEREMY HAAR  
1800 TRUSTEE BLVD #1  
PIEDMONT, CA 94610



AMENDMENT TO DEDICATION AND RESTRICTIONS  
COPACABANA BY THE SEA  
IN THE BURRELL FRANKS SURVEY  
IN GALVESTON COUNTY, TEXAS

THE STATE OF TEXAS

COUNTY OF GALVESTON

Whereas, on March 6, 1982, COPACABANA DEVELOPMENT, INC., by and through its president, Jeremy Haar, did adopt the final plat of COPACABANA BY THE SEA, an addition out of the Burrell Franks Survey in Galveston County, Texas, together with basic restrictions, conditions and limitations and limitations set out at File Number 8300216, Film Code Number 002-04-1205. Filed January 3, 1983 in the official public records of Galveston County, Texas, and

Whereas, the said COPACABANA DEVELOPMENT, INC., acting by and through its president, Jeremy Haar, currently is the majority owner of lots in COPACABANA BY THE SEA, an addition out of the Burrell Franks Survey, in Galveston, Texas, hereinafter referred to as "the addition", pursuant to paragraph twenty-two (22) of the Dedication and Restrictions described hereinabove, has agreed to amend the Dedication and Restrictions, described hereinabove, as follows:

To amend the restrictions described in paragraph fifteen (15) as follows:

Easements are reserved as shown on the final plat for streets and for installation and maintenance of utilities. No building of a permanent nature shall be placed, constructed or permitted over or above the easements. Additionally, there is reserved as shown on the Final Plat of the Addition an easement between Lots Numbers twelve (12) and thirteen (13) in Block Number One (1) of the Addition extending across Dune Reserve to the Public Beach designated as "walkway Easement" for the purpose of providing a means of pedestrian access from the Addition to the beach. This easement is for pedestrian traffic only, and same shall not be used for any type of vehicular traffic (including motorcycles, motor bikes, gasoline or electric carts or the like). Additionally, there is reserved an "Entrance Sign and Lights" easement in the Addition. The "Walkway" and "Entrance Sign and Lights" designated easements are forever dedicated to be only used by Addition homeowners and are further legally described in Exhibits "A" and "B".



015-93-2444

IN WITNESS WHEREOF the parties have subscribed their names hereon this the  
24<sup>th</sup> Day of July, 200~~0~~<sup>3</sup>, AD.

*Jeremy Haar, President*  
COPACABANA DEVELOPMENT, INC  
Jeremy Haar, President

STATE OF TEXAS  
COUNTY OF GALVESTON

*July*  
This instrument was acknowledged before me on the 24 day of  
200~~0~~, by Jeremy Haar, President of Copacabana, on behalf of said  
Corporation.

*Eleanor Mae Greer*  
Notary Public, State of Texas



Notary's commission expires  
\_\_\_\_\_

Please return filed original copies to:

**PAID**  
*Piedmont*  
COPACABANA DEVELOPMENT, INC.  
Jeremy Haar, President  
1800 Trestle Glen Road  
California, 94610

Jerry Parker  
P.O. Box 1838  
Crystal Beach, Tx. 77650

015-93-2445

EXHIBIT "A"

Being a 0.06 acre tract or parcel of land out of and a part of Commercial Reserve "B" as shown on COPACABANA BY THE SEA, Section 1, a subdivision out of the Burrell Franks Survey, Galveston County, Texas, as recorded in Volume 17, Page 70 of the Map Records in the office of the County Clerk, Galveston County, Texas, and being more particularly described by metes and bounds as follows,

BEGINNING at the Northwest corner of said Commercial Reserve "B";  
THENCE N 67-12-30 E, a long the Northwest line of said Reserve "B", a distance of 50.0 feet;  
THENCE S 33-04-56 E, a distance of 50.0 feet;  
THENCE S 67-12-30 W, a distance of 50.0 feet to the Easterly line of Copacabana Drive;  
THENCE Northwestly along the said Easterly line of Copacabana Drive, a curve to the right having a Radius of 340.0 feet a Chord bearing of N 33-04-56 W for a distance of 50.0 feet, an Arc Distance of 50.04 feet to the PLACE OF BEGINNING, and containing 2490 square feet or 0.06 acres more or less.

015-93-2446

EXHIBIT "B"

Being a 0.19 acre tract or parcel of land shown as 20' PUBLIC WALKWAY on COPACABANA BY THE SEA, Section 1, a subdivision out of the Burrell Franks Survey, Galveston County, Texas, as recorded in Volume 17, Page 70 of the Map Records in the office of the County Clerk, Galveston County, Texas, and being more particularly described by metes and bounds as follows;

BEGINNING at the Northwest corner of said 20' PUBLIC WALKWAY and the Northeast corner of Lot 12 in Block 1 of said Copacabana By The Sea, Section 1;

THENCE N 63-41-45 E, a long the Northwest line of said 20' PUBLIC WALKWAY, a distance of 20 feet to the Northwest corner of Lot 13 in Block 1 of said Copacabana By The Sea, Section 1; THENCE S 26-18-15 E, along the Westerly line of said Lot 13 and continuing along the Southerly projection of said Lot 13, a distance of 412 feet more or less to the Water's edge of the Gulf of Mexico;

THENCE S 63-41-45 W, along the said Waters edge, a distance of 20.0 feet to the Southerly projection of the Easterly line of said Lot 12;

THENCE Northerly along the said Easterly line of said Lot 12, a distance of 412 feet more or less to the PLACE OF BEGINNING, and containing 0.19 acres more or less.

COPASEC2.DWG

FILED AND RECORDED  
OFFICIAL PUBLIC RECORDS OF REAL PROPERTY



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Patricia Ritchie, COUNTY CLERK  
GALVESTON, TEXAS

AMENDMENT TO DEDICATION AND RESTRICTIONS  
OF COPACABANA BY THE SEA  
IN THE BURRELL FRANKS SURVEY  
IN GALVESTON COUNTY, TEXAS

THE STATE OF TEXAS  
COUNTY OF GALVESTON

WHEREAS, on March 6, 1982, COPACABANA DEVELOPMENT INC. by and through its president, Jeremy Haar, did adopt the Final plat of COPACABANA BY THE SEA, an addition out of the Burrell Franks Survey in Galveston County, Texas, together with basic restrictions, conditions and limitations set out at File Number 8300216, Film Code Number 002-04-1198 through 002-04-1205, filed January 3, 1983, in the official public records of Galveston County, Texas; and

WHEREAS, the said COPACABANA DEVELOPMENT, INC. acting by and through its president, Jeremy Haar, currently is the majority owner of lots in COPACABANA BY THE SEA, an addition out of the Burrell Franks Survey, in Galveston Texas, hereinafter referred to as "the addition" pursuant to paragraph twenty-two (22) of the Dedication and Restrictions described hereinabove has agreed to amend the Dedication and Restrictions, described hereinabove and all amendments, as follows:

To amend the restrictions described in paragraph six (6) as to Lot Ten (10) Block one (1), only to read as follows:

6.

No building shall be located nearer to the front lot line, nor nearer to a side street line, than the building line or building set back line shown on the Final Plat of the Addition. No building shall be located nearer than five feet (5) to an interior or side lot line, nor nearer than ten (10) feet to the rear lot line, except as hereinafter provided. No building shall be located nearer than three (3) feet of the East or Easterly side lot line (common line with lot eleven (11), Block one (1).

Cont.

6.

Beginning at a point South 26° 18 minutes, 15 seconds East. 44 feet from the Northeast corner and extending South 26° 18 minutes, 15 seconds East a distance of 25 feet.

Any provision of the original restrictions or any amendments thereto, in conflict herewith are hereby amended.

Executed this the 4th day of June, 2004.

COPACABANA DEVELOPMENT, INC.

*Jeremy Haar, President*  
JEREMY HAAR, PRESIDENT

STATE OF ~~TEXAS~~ CALIFORNIA  
COUNTY OF ~~CASTLETON~~ Alameda

This instrument was acknowledged before me on the <sup>18th</sup> day of June, 2004 by Jeremy Haar, President of Copacabana Development, Inc. a Texas Corporation, on behalf of said Corporation.

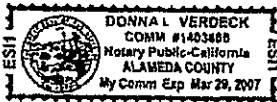
*Donna L. Verdeck*  
NOTARY PUBLIC, STATE OF ~~TEXAS~~ CALIFORNIA

Notary's Name (printed)

Donna L. VERDECK

Notary's commission expires:

3-29-2007.



RETURN TO: B.E. Wharton  
P.O. Box 2642 **PAID**  
Crystal Beach, TX 77650

FILED AND RECORDED  
OFFICIAL PUBLIC RECORDS OF REAL PROPERTY

*Mary Ann Daigle*

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Mary Ann Daigle, COUNTY CLERK  
GALVESTON, TEXAS