



**THIRD SUPPLEMENTAL DECLARATION
TO THE DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS FOR
LAGUNA HARBOR SUBDIVISION,
AN ADDITION IN GALVESTON COUNTY, TEXAS**

This **Third Supplemental Declaration of Covenants, Conditions and Restrictions** (the "Third Supplemental Declaration") **For Laguna Harbor Subdivision** is made and executed on the date hereinafter set forth by **Laguna Resources, LTD.**, a Texas Limited Partnership ("Declarant"), and is joined herein for the purposes hereinafter set forth by James D. Ebanks, P.C., Trustee, (successor in interest to Capital One, N A) and Propel Financial Services, LLC.

WHEREAS, Declarant is the owner of that certain tract or parcel of land containing approximately 54.739 acres of land, more or less, out of and part of the Townsite of Port Bolivar, a subdivision in Galveston County, Texas, and being that same land and property generally known as the **Laguna Harbor Subdivision** (the "Subdivision"), as described in the Map or Plat of said Subdivision filed of record in Volume 2004A, Pages 148 and 149 of the map records in the office of the County Clerk of Galveston County, Texas (the "Plat" or "plat"); and

WHEREAS, by Declaration of Covenants, Conditions and Restrictions for Laguna Harbor Subdivision (the "Master Declaration") dated January 19, 2005, and filed for record under File Number 200500442 of the Official Public Records of Galveston County, Texas, Declarant made all of the land and property within the Subdivision subject to the covenants, conditions and restrictions of the Master Declaration; and

WHEREAS, pursuant to the terms of the Master Declaration, Declarant has established and organized a property owners association for the Subdivision known as the **Laguna Harbor Property Owners Association** (the "Association"), which has all of the power and authority set forth in the Master Declaration and under the Association's Articles of Incorporation and Bylaws; and

WHEREAS, Article X of the Master Declaration provides, in part, that Declarant may add or annex additional real property to the scheme of the Master Declaration by filing of record a Supplemental Declaration of Covenants, Conditions and Restrictions (the "Supplemental Declaration"); and

WHEREAS, Article X of the Master Declaration further provides, in part, that any such Supplemental Declaration may contain complementary and supplementary provisions, conditions, covenants, restrictions and reservations, and may amend and modify the provisions, conditions, covenants, restrictions and reservations contained in the Master Declaration as they relate to the additional property to be brought within the scheme of the Master Declaration; and

WHEREAS, the Declarant now desires to bring into the Subdivision and within the jurisdiction of the Association and the integrated scheme of development and ownership provided in and contemplated by the Master Declaration, an additional 2.463 acre tract or parcel of land, to be known as "**Laguna Harbor, Section 4**", said 2.463 acre tract of land being described by metes and bounds in Exhibit "A" hereto attached, which exhibit is made a part hereof by reference.

NOW, THEREFORE, **Laguna Resources, LTD.**, a Texas Limited Partnership (the "Declarant"), hereby makes this Third Supplemental Declaration under and in accordance with the provisions of the Master Declaration:

I.

The Declarant, being the owner of the above-described 2.463 acre tract, has caused said 2.463 acre tract to be subdivided and platted into an addition in Galveston County, Texas, known and to be known as **Laguna Harbor, Section 4**, an Addition in Galveston County, Texas (hereinafter referred to as "Laguna Harbor, Section 4"), in accordance with the Plat of said **Laguna Harbor, Section 4**, prepared by

Sidney Bouse, Registered Professional Land Surveyor, and filed for record on January 21, 2014 under File Number 2014003061 of the Map Records of Galveston County, Texas; and, acting under and pursuant to the provisions of the Master Declaration, the Declarant hereby brings said 2.463 acre tract of land within the scheme of the Master Declaration and within the jurisdiction of the Association, and said **Laguna Harbor, Section 4**, shall henceforth constitute an addition to and be a part of the Subdivision.

II.

The Declarant hereby and herewith adopts the Plat of Laguna Harbor, Section 4 (the "Section 4 Plat") and does hereby dedicate the easements for common area and pedestrian access, street, utility and drainage purposes shown and reflected upon the Section 4 Plat, and does hereby impose upon the Lots in Laguna Harbor, Section 4, the basic restrictions and blanket easements set forth upon the Section Four Plat. The area indicated as "Pedestrian Easement" and "Bulkhead" (collectively the "Walkway") denoted on said Plat, is hereby dedicated as a Common Area for common use by all residents of Laguna Harbor. The Walkway will be under the control and management of the Association. No improvements, alterations nor construction may be undertaken within or upon the Walkway without the specific written permission of the Association. In addition, the Walkway will at all times be open for unencumbered and unobstructed pedestrian and bicycle traffic usage.

III.

As herein and hereby modified and supplemented, all of the provisions, covenants, conditions, restrictions and reservations set forth and contained in the Master Declaration, together with all of the blanket easements reserved, granted or created by the Master Declaration, are hereby extended and made expressly applicable to Laguna Harbor, Section 4, and all of such property shall be held, sold and conveyed subject to the easements, provisions, covenants, conditions, restrictions and reservations set forth in the Master Declaration, as modified and supplemented hereby, and subject to the easements and basic restrictions set forth and reflected upon the Section 4 Plat. All of the aforementioned easements, provisions, covenants, conditions, restrictions and reservations, as modified and supplemented hereby, shall constitute covenants running with the land and shall be binding upon all parties having any right, title or interest in said 2.463 acre tract, or any part thereof, and upon such parties' respective heirs, successors, legal representatives, devisees, lessees and assigns, and shall inure to the benefit of such parties and their respective heirs, successors, legal representatives, devisees, lessees and assigns.

IV.

Each Lot and property owner in Laguna Harbor, Section 4, shall be subject to all maintenance and assessments provided for in the Master Declaration. A schedule of each Lot's relative factor for each type of assessment is attached hereto as Exhibit "B" and is incorporated herein by reference.

V.

The modified or supplemental restrictions or limitations set forth in this Third Supplemental Declaration are and shall be applicable solely and only to the Lots in Laguna Harbor, Section 4, and shall not in anywise be deemed or construed to supplement, amend, or modify the provisions, covenants, conditions, restrictions and reservations of the Master Declaration as to any other Lots in the Addition. Further, as modified and supplemented by this Third Supplemental Declaration, all of the provisions, covenants, conditions, restrictions and reservations set forth and contained in the Master Declaration are hereby and herewith expressly extended and made applicable to the Lots in Laguna Harbor, Section 4.

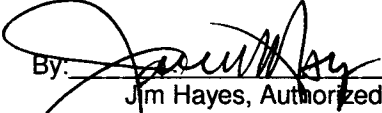
VI.

James D. Ebanks, PC, Trustee, successor to Capital One Bank and Hibernia National Bank and Propel Financial Services, LLC("Lienholders"), being the holders of liens on the 2.463 acres comprising Section 4, join with Declarant in the execution of this Third Supplemental Declaration for the purposes of: (a) consenting to and adopting the Section Four Plat; (b) consenting to the grant or dedication by

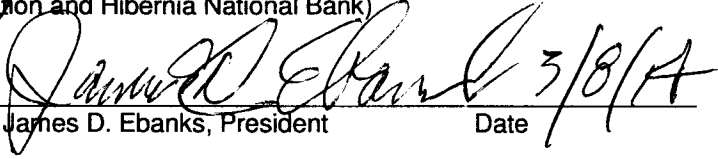
Declarant of all street and utility easements shown and reflected on the Section Four Plat, together with all other easements granted or reserved by Declarant in this Third Supplemental Declaration or in the Master Declaration (insofar as same are on, across or affect Laguna Harbor, Section 4); (c) subordinating their respective liens to all of the aforementioned easements and easement rights; and (d) subordinating their respective liens to the restrictions, covenants and conditions imposed by Declarant on Laguna Harbor, Section 4, by this Third Supplemental Declaration or by the Master Declaration (insofar as same relate to or affect Laguna Harbor, Section 4). However, Lienholders join herein solely as a lienholder and only for the purposes set forth above in this Third Supplemental Declaration, and the Lienholders do not assume any of the liabilities, duties, covenants, warranties or obligations of Declarant, nor do the Lienholders make any warranties, representations or guaranties, whether express or implied, with respect to any undertaking, covenant, warranty or representation of Declarant, or Declarant's successors or assigns.

IN WITNESS WHEREOF. Declarant and each of the other undersigned parties have caused this Third Supplemental Declaration to be executed as of the dates indicated for each party.

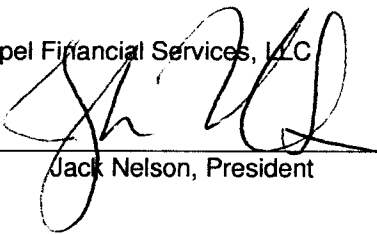
DECLARANT: **Laguna Resources, LTD.**, a Texas Limited Partnership

By:  3-7-2014
Jim Hayes, Authorized Agent Date

LIENHOLDER: **James D. Ebanks, P.C., Trustee**, (successor to Capital One, National Association and Hibernia National Bank)

By:  3/8/14
James D. Ebanks, President Date

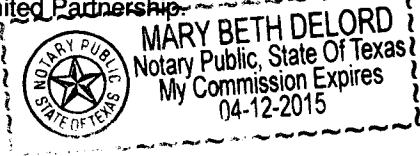
LIENHOLDER: **Propel Financial Services, LLC**

By:  2/19/14
Jack Nelson, President Date

THE STATE OF TEXAS §

COUNTY OF JEFFERSON §

This instrument was acknowledged before me on this 7th day of ~~February~~^{March}, 2014, by Jim Hayes, Authorized Agent for Laguna Resources, LTD., a Texas Limited Partnership, on behalf of such Limited Partnership.

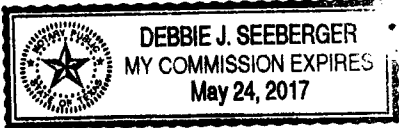


Mary Beth DeLord
NOTARY PUBLIC, STATE OF TEXAS

THE STATE OF TEXAS §

COUNTY OF HARRIS §

This instrument was acknowledged before me on this 13th day of February, 2014, by James D. Ebanks, President of James D. Ebanks, P.C. as Trustee, on behalf of said Corporation.



Debbie Seeberger
NOTARY PUBLIC, STATE OF TEXAS

THE STATE OF TEXAS §

COUNTY OF _____ §

This instrument was acknowledged before me on this _____ day of February, 2014, by Jack Nelson, President of Propel Financial Services, LLC, a on behalf of Propel Financial Services, LLC.

NOTARY PUBLIC, STATE OF TEXAS

AFTER RECORDING RETURN TO:

Mike Lege
P.O. Box 22858
Beaumont, TX 77720
Phone: (409) 861-4499

STATE OF CALIFORNIA

COUNTY OF SAN DIEGO

Subscribed and sworn to (or affirmed) before me on this 19 day of February,
20 14 by NELSON JOHN PATRICK, proved to me on the basis of satisfactory
AKA Jack Nelson
evidence to be the person(s) who appeared before me.

SEAL



Alex Zaytsev
Signature

*****Optional Information*****
This optional information is not required by law but may be beneficial to persons relying on this notarized document.

Title or Type of Document: THIRD SUPPLEMENTAL DECLARATION

Document Date: 2-19-14 Number of Pages: 5

Document Information: LARGUNA HARBOR SUBDIVISION

EXHIBIT "A"
TO THE
THIRD SUPPLEMENTAL DECLARATION
TO THE DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS FOR
LAGUNA HARBOR SUBDIVISION,
AN ADDITION IN GALVESTON COUNTY, TEXAS

Legal Description
Of
LAGUNA HARBOR, SECTION 4

BEING a calculated 2.463 acres of land and canal out of Blocks 515 and Block 540 and the Intervening abandoned 21st Street and alleys out of Port Bolivar Townsite, a subdivision in Galveston County, Texas, according to the map or plat thereof recorded in Plat Record 10, Map Number 4A of the Map Records of Galveston County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at the South corner of LAGUNA DOCKS, a subdivision in Galveston County, Texas, according to the map or plat thereof recorded in Plat Record 2012A, Map Number 82 of the Map Records of Galveston County, Texas, and being in the North line of Nelson Avenue (80' R.O.W) in said Port Bolivar Townsite;

THENCE S 44°26'52" W, along the North line of said Nelson Avenue, a distance of 560.00 feet;

THENCE N 45°33'08" W, a distance of 219.10 feet to the South line of LAGUNA HARBOR, a subdivision in Galveston County, Texas as recorded in Plat Record 2004A, Map Number 148 of the Plat Records of Galveston County, Texas;

THENCE N 64°34'57" E, along the Southerly line of said LAGUNA HARBOR, a distance of 17.05 feet to a curve to the Left in said South line of LAGUNA HARBOR;

THENCE with the said curve turning to the Left with an Arc Length of 140.58 feet, with a Radius of 400.00 feet, with a Chord Bearing of N 54°30'52" E, and a chord length of 139.86 feet;

THENCE Continuing along the Southerly line of LAGUNA HARBOR, N 44°26'04" E, a distance of 406.29 feet to the Northwest corner of said LAGUNA DOCKS;

THENCE S 45°33'08" E, along the Westerly line of said LAGUNA DOCKS, a distance of 188.86 feet to the POINT OF BEGINNING, and containing a calculated area of land and canals of 2.463 Acres.

EXHIBIT "B"
TO THE
THIRD SUPPLEMENTAL DECLARATION
TO THE DECLARATION OF COVENANTS, CONDITIONS
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SCHEDULE OF RELATIVE FACTORS FOR ASSESSMENTS
FOR LOTS IN LAGUNA HARBOR, SECTION 4

	<u>General Maintenance Factor</u>	<u>Canal and Bulkhead Factor</u>
Lot 1	138	40
Lot 2	138	40
Lot 3	138	40
Lot 4	138	40
Lot 5	138	40
Lot 6	138	40
Lot 7	138	40
Lot 8	138	40
Lot 9	138	40
Lot 10	138	40
Lot 11	138	40
Lot 12	138	40
Lot 13	138	40
Lot 14	138	40
Totals	1,933	564

FILED AND RECORDED



OFFICIAL PUBLIC RECORDS

Dwight D. Sullivan 2014013401

March 13, 2014 05:10:57 PM

FEE: \$50.00

Dwight D. Sullivan, County Clerk
Galveston County, TEXAS