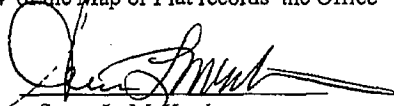


AFFIDAVIT FOR THE FILING OF DEDICATORY INSTRUMENTS

THE STATE OF TEXAS § KNOW ALL MEN
 § BY THESE PRESENTS
COUNTY OF GALVESTON §

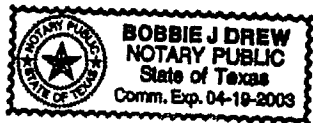
WHEREAS, the attached documents are true and correct copies of the dedicatory instruments for PIRATES' PROPERTY OWNERS' ASSOCIATION, INC and are being filed in the Real Property Records of GALVESTON COUNTY pursuant to Section 202 006 of the Texas Property Code, hereto attached as exhibit "A" That the property affected by these documents is set out in the plat recorded for all lots and reserve lots in the plat being recorded in the County Clerks Office in GALVESTON County; for Pirates Cove Section One and Two recorded in Volume 1616, page 128; Pirates Cove Section Three recorded in Volume 1616, page 158, Pirates Cove Section Four recorded in Volume 15, Page 3, Pirates Cove Section Five recorded in Volume 15, Page 33, Pirates Cove Section Six (also known as Laffite's Cove at Pirates Beach) recorded in Book 18, Pages 326-333 and Book 18, Pages 366-367; Pirates Beach Section One & Two recorded in Volume 1616, Page 66 & 67, Pirates Beach Section Three recorded Book 1616, Page 174, Pirates Beach Section Four recorded in Volume 10, Page 77; Pirates Beach Section Six recorded in Volume 15, Page 37, Pirates Beach Section Seven recorded in Volume 15, Page 57; Pirates Beach Section Eight recorded in Book 18, Page 105, File Clerks No. 8630696; Pirates Beach Section Nine recorded Book 18, Page 106, Clerks File No. 8631274, Pirates Beach Section Ten recorded Book 18, Page 404, Clerks File No 9303547, Pirates Beach Section 12 recorded Plat 16, Map Number 94 of the Map or Plat records the Office of the County Clerk of Galveston County.

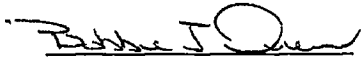
By 
Printed Name: Susan L. McKirahan
Title: Managing Agent

THE STATE OF TEXAS §
 §
COUNTY OF GALVESTON §

BEFORE ME, the undersigned authority, on this day personally appeared Susan L. McKirahan, whose position is the Managing Agent of Pirates Property Owners' Association, Inc known to me to be the person and position whose name is subscribed to the foregoing instrument, and acknowledged to me that Susan L. McKirahan executed the same for the purposes and consideration and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the 28th day of December, 1999




Notary Public in and for
The State of Texas

After recording return to
PIRATES' P. O. A.
c/o: CKM Property Management, Inc.
P. O. Box 690845
Houston, Texas 77269-0845

RECORDER'S MEMORANDUM
At the time of recordation, this instrument was found to be inadequate for the best photographic reproduction because of illegibility, carbon or photo copy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded



The State of Texas

SECRETARY OF STATE

**CERTIFICATE OF RESTATED ARTICLES
OF INCORPORATION
OF**

**PIRATES PROPERTY OWNERS' ASSOCIATION
FORMERLY:
PIRATES BEACH AND COVE PROPERTY OWNERS' ASSOCIATION**

The undersigned, as Secretary of State of Texas, hereby certifies that Restated Articles of Incorporation of the above corporation duly executed pursuant to the provisions of the Texas Non-Profit Corporation Act, have been received in this office and are found to conform to law.

ACCORDINGLY the undersigned, as Secretary of State, and by virtue of the authority vested in the Secretary by law, hereby issues this Certificate of Restated Articles of Incorporation and attaches hereto a copy of the Restated Articles of Incorporation.

Dated: December 03, 1998



YD

Alberto R. Gonzales
Secretary of State

EXHIBIT "A"

**AMENDMENT AND RESTATEMENT OF THE
ARTICLES OF INCORPORATION OF

PIRATES BEACH AND COVE
PROPERTY OWNERS' ASSOCIATION**

| |
|----------------------------------------------------------------------------------------------------------------------------------------|
| <p>FILED In the Office of the Secretary of State of Texas DEC 03 1998 Corporations Section</p> |
|----------------------------------------------------------------------------------------------------------------------------------------|

1. Pirates Beach and Cove Property Owners' Association, a corporation under the Texas Non-Profit Corporation Act, pursuant to the provisions of Article 4.06 of the Texas Non-Profit Corporation Act, hereby adopts Amended and Restated Articles of Incorporation which accurately copy the Articles of Incorporation and all amendments thereto that are in effect to date and as further amended by the Amendment and Restatement of the Articles of Incorporation hereinafter set forth.
2. The Amendment and Restatement of the Articles of Incorporation were adopted at a meeting of members held on the 13th day of June, 1998, at which a quorum was present, and the Restatement and Amendment of the Articles of Incorporation received at least two-thirds of the votes which members present at such meeting were entitled to cast
3. The Articles of Incorporation and all amendments and supplements thereto are hereby superseded by the following Amendment and Restatement of the Articles of Incorporation which accurately copy the entire text thereof as further amended by such Amendment and Restatement of the Articles of Incorporation:

**AMENDMENT AND RESTATEMENT OF THE
ARTICLES OF INCORPORATION OF

PIRATES PROPERTY OWNER'S ASSOCIATION**

We, the undersigned natural persons of the age of eighteen years or more, at least two (2) of whom are citizens of the State of Texas, acting as incorporators of a corporation under the Texas Non-Profit Corporation Act, Tex.Civ Stat.Ann. art 1396-1.01 *et seq.*, as it may be amended, do hereby adopt the following Articles of Incorporation for such corporation:

ARTICLE I.

Name

The name of the corporation is Pirates Property Owners' Association ("Association")

ARTICLE II.

Non-Profit Corporation

The Association is formed as a non-stock, non-profit corporation under the provisions of the Texas Non-Profit Corporation Act, Article 1396-1 01, *et seq* The Association does not contemplate pecuniary gain or profit to its Members (as defined in Article VIII hereinbelow) and is organized for non-profit purposes

ARTICLE III.
Principal Business Address

The mailing address of the principal business address of the Association is Pirates Property Owner's Association, % C K.M. Property Management, Inc., P.O. Box 690845, Houston, Texas 77269-0845.

ARTICLE IV.
Duration

The period of duration of the Association is perpetual.

ARTICLE V.
Purposes

The purposes for which the Association is organized are.

- (a) to be and constitute the property owners' association or civic club to which reference is made in the restrictions and covenants for Pirates Beach and Pirates Cove Subdivisions on West Galveston Island, being the subdivisions known generally as Pirates Beach, Pirates Cove, Pirates Landing Townhomes, Pirates Beach West, and for limited purposes, LaFittes Cove, and recorded in the Official Public Records of Real Property of Galveston County, Texas as set forth below, as supplemented and amended from time to time ("Restrictions").

| SUBDIVISION | SECTION | RECORDING INFORMATION | |
|----------------|--------------|-------------------------|---------------------|
| Pirates Beach | 1 & 2 | Book 1798, Page 670 | |
| | 3 | Book 2014, Page 105 | |
| | 4 | Book 2464, Page 96 | |
| | 6 | Book 2674, Page 451 | |
| | 7 | Book 2796, Page 605 | |
| | 8 | Clerk's File No 8632054 | |
| | 9 | Clerk's File No 863205 | |
| | 10 | Clerk's File No 9039839 | |
| | 12 | Clerk's File No 9142840 | |
| | 13 | Clerk's File No 9226211 | |
| | Pirates Cove | 1&2 | Book 1884, Page 823 |
| | | 3 | Book 1978, Page 210 |
| | | 4 | Book 2464, Page 87 |
| 5 | | Book 2674, Page 463 | |
| LaFitte's Cove | 6 | Clerk's File No 9230659 | |

- (b) to perform all obligations and duties of the Association, and to exercise all rights and powers of the Association, as specified in the Restrictions and the Bylaws (as defined in Article VI hereof) and as provided by law, and
- (c) to further the interests of the owners of property from time to time subject to the Restrictions (the "Restricted Property")

ARTICLE VI.
Bylaws

The Bylaws of the Association ("Bylaws") shall be adopted by the Board of Directors and may be altered, amended, or rescinded in the manner provided in the Bylaws.

ARTICLE VII.
Powers

The powers of the Association shall include and be governed by the following provisions:

- (a) The Association shall have all of the powers of a non-profit corporation under Texas law and all of the powers necessary or desirable to perform the obligations and duties and to exercise the rights and powers set out in these Articles of Incorporation, the Bylaws, and the Restrictions, including, without limitation, the power:
- i. subject to the provisions set forth in the Restrictions, to fix, collect, and enforce payment, by any lawful means, of assessments and other charges to be levied against the Restricted Property and to use the proceeds therefrom for the purposes set forth in the Restrictions, these Articles of Incorporation and the Bylaws;
 - ii. to enforce the Restrictions to the extent the Association may be authorized to do so under the Restrictions, applicable law and the Bylaws;
 - iii. to engage in activities which will actively foster, promote, and advance the common interests of all owners of the Restricted Property,
 - iv. to buy or otherwise acquire, sell, dedicate for public use, or otherwise dispose of, mortgage, or otherwise encumber, exchange, lease, own, hold, use, operate, and otherwise deal in and with real, personal and mixed property of all kinds and any right or interest therein for any purpose of the Association, subject to such limitations as may be set forth in the Restrictions or Bylaws;
 - v. to borrow money for any purpose, subject to such limitations as may be contained in the Restrictions or Bylaws,
 - vi. to enter into, make, perform, or enforce contracts of every kind and description, and
 - vii. to do all other acts necessary, appropriate, or advisable in carrying out any purpose of the Association, with or in association with any other association, corporation, or other entity or agency, public or private

The foregoing enumeration of powers shall not limit or restrict in any manner the exercise of other rights and powers which may now or hereafter be permitted by law. The powers specified in each of the paragraphs of these Articles of Incorporation are independent powers, not to be restricted by reference to or inference from the terms of any other paragraph of these Articles of Incorporation.

The Association shall make no distributions of income to its members, directors, or officers.

ARTICLE VIII.

Members

- (a) Subject to the provisions of the Restrictions, the owners of improved or unimproved lots and building sites constituting part of the Restricted Property and a unit or units in any townhouse or condominium project constituting part of the Restricted Property, all as shown on the maps, plats and records in the Official Public Records of Real Property in Galveston County, Texas (collectively, "Lots" and singularly, "Lot") shall be members of the Association ("Members") and shall be entitled to vote as set forth in the Restrictions and Bylaws.
- (b) Change of membership in the Association shall be established by recording in the Official Public Records of Real Property of Galveston County, Texas, a deed or other instrument establishing record title to the applicable Lot or Lots. Upon such recordation, the owner of the Lot, as designated by such instrument, shall become a Member of the Association and the membership of the prior owner of the Lot shall be terminated. It shall be incumbent upon each Member to establish such Member's right to membership in the Association.
- (c) A Member's privileges and rights in the Association cannot be assigned, hypothecated, or transferred in any manner, except as an appurtenance of property owned by such Member.

ARTICLE IX.

Directors

- (a) The affairs of the Association shall be conducted, managed, and controlled by a Board of Directors. The Board shall consist of eleven (11) elected members, four (4) of whom shall be Lot owners in the portion of the Restricted Property known as Pirates Beach, four (4) of whom shall be Lot owners in the portion of the Restricted Property known as Pirates Cove, one of whom shall be a Lot owner in the portion of the Restricted Property known as Pirates Beach West, one (1) of whom shall be owner of a townhouse or condominium unit in the project known as Pirate's Landing Townhomes, and one (1) of whom shall be a Lot owner in the portion of the Restricted Property known as LaFitte's Cove, each of whom shall be elected by the Members for a term of either one (1), two (2), or three (3) years or until their successors are elected and qualified. In addition, the Board of Directors of the Association may designate a developer's representative to serve

on the Board of Directors of the Association at the discretion of the Board of Directors with voice but without vote. The following persons shall serve on the Board of Directors until the next Annual Meeting of the Members of the Association or until their successors are elected and qualified.

| <u>Name</u> | <u>Address</u> | <u>Subdivision</u> | <u>Term expires at the conclusion of the Annual Meeting of the Members in the year.</u> |
|-------------------------------------|-----------------------------------------------------------------------------------|------------------------------|-----------------------------------------------------------------------------------------|
| Martin Baker, President | 4132 Sandpiper Lane 4095 Pirates Beach Galveston, TX 77554 | Pirates Beach | 2001 |
| Sidney McClendon, Vice President | 3506 Lucia Galveston, TX 77554 | Pirates Cove | 2000 |
| Nichi Dunphy, Vice President | 4223 Spoonhill Lane Galveston, TX 77554 | Pirates Beach | 2001 |
| Gary Greene Treasurer | 14201 Treasure Court Galveston, TX 77554 | Pirates Beach West | 2001 |
| Linda Cadigan | 4072 Pirates Beach Galveston, TX 77554 | Pirates Beach | 2000 |
| Derek Padgett- Clark | 14005 Grambo Galveston, TX 77554 | Pirates Cove | 2000 |
| Dave Steetle | 3419 Muscatee Circle Galveston, TX 77554 | Pirates Cove | 2000 |
| Sandy Elkins | 3406 Treasure Circle Galveston, TX 77554 | Pirates Cove | 1999 |
| Durand Fooks | 704 Calico Jack Cove Rt #1, Box 149-K Galveston, TX 77554 | Pirates Landing Townhomes | 1999 |
| Jim Huddleston | 3053 Foremast Drive Galveston, TX 77554 | LaFittes Cove | 1999 |
| Jeanette Rapiet | 4114 Sea Eagle Galveston, TX 77554 | Pirates Beach | 1999 |
| Tom Richards | The Woodlands Corp Pirate's Beach 14119 Stewart Road Galveston, TX 77554 | Developer Representative | 1999 |

(b) Subject to these Articles of Incorporation, the method of election, removal, and filing of vacancies on the Board of Directors and the term of office of the Directors shall be set forth in the Bylaws

(c) The Board of Directors may delegate its operating authority to such corporations, individuals, and committees as it, in its discretion, may determine

ARTICLE X.**Liability of Directors, Officers and Committee Members**

To the fullest extent that Texas law, as it exists on the date hereof or as it may hereafter be amended, permits the limitation or elimination of the liability of directors, officers and committee members, no director, officer or committee member of the Association shall be personally liable to the Association or its Members for monetary damages for breach of duty of care or other duty as a director, officer or committee member. No amendment to or repeal of this Article shall apply to or have any effect on the liability or alleged liability of any director, officer or committee member of the Association for or with respect to any acts or omissions of such director, officer, or committee member occurring prior to such amendment or repeal.

ARTICLE XI.**Incorporators**

The name and address of the incorporators of the Association are:

| | |
|---------------------|-----------------------------------------------------|
| William A. Ross, Jr | 2201 Timberloch Place The Woodlands, Texas 77380 |
| Tom Richards | 2201 Timberloch Place The Woodlands, Texas 77380 |
| Tom Ledwell | 2201 Timberloch Place The Woodlands, Texas 77380 |

ARTICLE XII.**Registered Agent and Office**

The Association hereby appoints Susan McKirahan, as its lawful and registered agent upon whom all notices and processes, including service of summons, may be served, shall be lawful, personal service upon the Association. The registered office of the Association for service of process is:

Susan McKirahan
C K M Property Management, Inc.
P.O. Box 690845 - 8030 Durklyn (77070)
Houston, Texas 77269-0845

014-19-1781

The Board of the Association may, at any time, appoint another agent for such purpose and the filing of such appointment shall revoke this or any other previous appointment of such agent.

IN WITNESS WHEREOF, I have signed this certification on this the 30 day of September, 1998.

Martin Baker, President

Gary Greene, Secretary

STATE OF TEXAS

COUNTY OF ~~HARRIS~~ *Galveston*

Before me, a notary public, on this day personally appeared Martin Baker and Gary Greene, known to me to be the persons whose names are subscribed to the foregoing document and, being by me first duly sworn, declared that the statements therein contained are true and correct:

Given under my hand and seal of office this 30th day of September, 1998

Notary Public, State of Texas
My commission expires

2000



F:\SM0109\POA\POA130C SSM October 9, 1998 (3 48pm)

014-19-1782

FILED
In the Office of the
Secretary of State of Texas
DEC 03 1998
Corporations Section

ARTICLES OF MERGER
OF
PIRATES PROPERTY OWNER'S ASSOCIATION
INTO
PIRATES BEACH AND COVE PROPERTY OWNER'S ASSOCIATION

Pursuant to the provisions of Article 5.04 of the Texas Non-Profit Corporation Act, the undersigned corporations adopt the following Articles of Merger for the purpose of merging them into one of such corporations

1 The following Plan of Merger was approved by the members of each of the undersigned corporations in the manner prescribed by the Texas Non-Profit Corporation Act

Pirate's Property Owner's Association, a Texas non-profit corporation, is hereby merged into Pirates' Beach and Cove Property Owner's Association, a Texas non-profit corporation, which succeeds to all assets and liabilities of the merged corporations


2 As to each of the undersigned corporations (each of which has members having voting rights), the Plan of Merger was adopted following manner

a Relative to Pirates Property Owner's Association, the Plan of Merger was adopted at a meeting of the members held on June 13, 1998 at 10.00 a m , at which a quorum was present, and the Plan of Merger received at least two-thirds of the votes which members present or represented by proxy at such meeting were entitled to cast

b Relative to Pirates Beach and Cove Property Owner's Association, the Plan of Merger was adopted at a meeting of the members held on June 13, 1998, at 10 30 a m , at which a quorum was present, and the Plan of Merger received at least two-thirds of the votes which members present or represented by proxy at such meeting were entitled to cast


Dated October 30, 1998

PIRATES PROPERTY OWNER'S ASSOCIATION

By 

Martin Baker
President

PIRATES BEACH AND COVE PROPERTY OWNER'S ASSOCIATION

By 

Martin Baker
President

Attachments Certificate of Resolution of the Members of Pirates Property Owner's Association
Certificate of Resolution of the Members of Pirates Beach and Cove Property Owner's Association

F:\SM0109\POA\PPOA140.SSM

014-19-1783

CERTIFICATE OF RESOLUTION
AND
INCUMBENCY CERTIFICATE

PIRATES PROPERTY OWNERS' ASSOCIATION

The undersigned, Martin Baker, President of Pirates Property Owners' Association ("the Corporation") hereby certifies that the attached resolutions (the "Resolutions") were duly adopted by the Members and approved by the sole Shareholder of the Corporation on the date set forth below

Date of adoption of Resolution June 13, 1998 at 10 00 a m

RESOLVED, that the Plan of Merger of Pirates Property Owners' Association, a Texas non-profit corporation ("the Corporation"), into Pirates Beach and Cove Property Owners' Association, a Texas non-profit corporation, ("Plan of Merger") is hereby approved

BE IT FURTHER RESOLVED, that Martin Baker, President of the Corporation, is hereby authorized to execute and deliver the Plan of Merger and any instruments and documents as such officer deems appropriate, in order to consummate the transaction described above on behalf of the Corporation

The Undersigned further certifies that the above Resolution was duly and properly adopted by the Members of the Corporation, that there are no provisions of the Charter or By-Laws of the Corporation which impair or modify the effectiveness of said Resolution, that said Resolution has been duly recorded in the Minute Book of the Corporation, and that the undersigned has been duly elected and holds the office set forth below in the Corporation

The undersigned hereby certifies that the person whose name is set forth below hold the offices in the Corporation stated opposite the name of such officer, and that the signature shown opposite such name is genuine

Martin Baker President

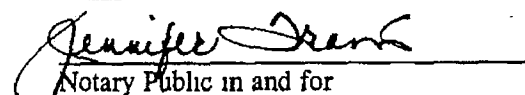


EXECUTED on the 3rd day of October, 1998



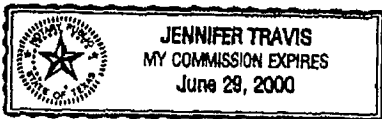
Martin Baker

SWORN TO AND SUBSCRIBED on the 30th day of October, 1998



Notary Public in and for
Harris County, Texas

Greeston



**CERTIFICATE OF RESOLUTION
AND
INCUMBENCY CERTIFICATE**

**PIRATES BEACH AND COVE
PROPERTY OWNER'S ASSOCIATION
(Plan of Merger)**

The undersigned, Martin Baker, President of Pirates Beach and Cove Property Owner's Association ("the Corporation") hereby certifies that the following resolutions (the "Resolutions") were duly adopted by the Members of the Corporation on the date set forth below

Date of adoption of Resolutions June 13, 1998 at 10 30 a m.

RESOLVED, that the proposed Plan of Merger of Pirates Property Owner's Association, a Texas corporation into Pirates Beach and Cove Property Owner's Association, a Texas non-profit corporation (the "Corporation") (the "Plan of Merger"), are reasonably expected to benefit the Corporation and are hereby approved on behalf of Pirates Beach and Cove Property Owner's Association,

BE IT FURTHER RESOLVED, that Martin Baker, the President of Pirates Beach and Cove Property Owner's Association is hereby authorized to execute and deliver the Plan of Merger, and other instruments and documents, if any, related thereto as such officer deems necessary or appropriate in order to consummate the above transaction for and on behalf of the corporation.


The Undersigned further certifies that the Resolutions were duly and properly adopted by more than two-thirds of the Members of the Corporation, voting in person or by proxy, that there are no provisions of the Charter or By-Laws of the Corporation which impair or modify the effectiveness of the Resolutions; that the Resolutions have been duly recorded in the Minute Book of the Corporation, and that the undersigned has been duly elected and holds the office set forth below in the Corporation

The undersigned hereby certifies that the person whose name is set forth below hold the offices in the Corporation stated opposite the name of such officer, and that the signature shown opposite such name is genuine.

Martin Baker President



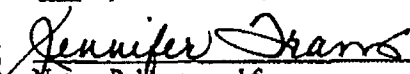
EXECUTED on the 3 day of November, 1998



Martin Baker

SWORN TO AND SUBSCRIBED on the 3rd day of November, 1998





Notary Public in and for
Harris County, Texas
Houston

PUB0109F0A1F0A140 STM

**CERTIFICATE OF RESOLUTION
AND
INCUMBENCY CERTIFICATE**

**PIRATES BEACH AND COVE
PROPERTY OWNER'S ASSOCIATION
(Amendment and Restatement of Articles of Incorporation)**

The undersigned, Martin Baker, President of Pirates Beach and Cove Property Owner's Association ("the Corporation") hereby certifies that the attached resolutions (the "Resolutions") were duly adopted by the Members of the Corporation on the date set forth below

Date of adoption of Resolution: June 13, 1998 at 10 30 a.m.

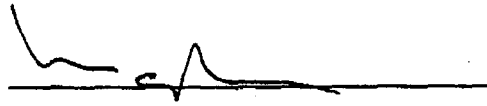
RESOLVED, that the proposed Amendment and Restatement of the Articles of Incorporation of Pirates Beach and Cove Property Owner's Association, a Texas non-profit corporation (the "Amended and Restated Articles"), are reasonably expected to benefit the corporation and is hereby approved on behalf of the corporation,

BE IT FURTHER RESOLVED, that Martin Baker, the President of Pirates Beach and Cove Property Owner's Association is hereby authorized to execute and deliver the Amended and Restated Articles and such other instruments and documents, if any, related thereto as such officer deems necessary or appropriate in order to consummate the above transaction for and on behalf of the corporation.

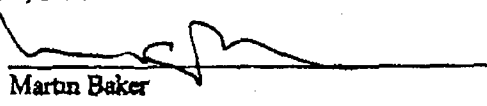
The Undersigned further certifies that the Resolutions were duly and properly adopted by two-thirds or more of the Members of the Corporation, voting in person or by proxy; that there are no provisions of the Charter or By-Laws of the Corporation which impair or modify the effectiveness of the Resolutions, that the Resolutions have been duly recorded in the Minute Book of the Corporation; and that the undersigned has been duly elected and holds the office set forth below in the Corporation

The undersigned hereby certifies that the person whose name is set forth below hold the offices in the Corporation stated opposite the name of such officer, and that the signature shown opposite such name is genuine

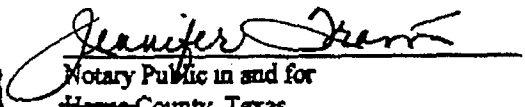
Martin Baker President



EXECUTED on the 3 day of November, 1998


Martin Baker

SWORN TO AND SUBSCRIBED on the 3rd day of November, 1998


Notary Public in and for
Harris County, Texas
Galveston



**AMENDED AND RESTATED BYLAWS OF
PIRATES BEACH AND COVE
PROPERTY OWNERS' ASSOCIATION**

ARTICLE I

Members -- (Owners)

Section 1. Eligibility The Members of the Association shall be as set forth in the articles of incorporation of the Association, as amended from time to time (collectively, "Members" and singularly each "Member")

A change of membership in the Association shall be established by recording in the Official Public Records of Real Property of Galveston County, Texas, a deed or other instrument establishing record title to any improved or unimproved building site constituting part of the Restricted Property as defined in the Articles of Incorporation of the Association, or a unit or units in any townhouse or condominium project constituting part of the Restricted Property (collectively "Lots" and singularly "Lots") and shown on the maps, plats and records in the Official Public Records of Real Property in Galveston County, Texas. Upon such recordation, the owner designated by such instrument shall become a Member of the Association and the membership of the prior owner shall be terminated. It shall be incumbent upon each Member to establish such Member's right to membership in the Association.

A Member's privileges and rights in the Association cannot be assigned, hypothecated, or transferred in any manner, except as an appurtenance of the Lot or Lots owned by such Member.

No membership fees shall be charged by the Association, but the Association shall assess and collect annually the maintenance charges affecting the Restricted Property as provided in the Restrictions, and may annually solicit from Members voluntary contributions for capital improvements and addition to its operating funds, and for other purposes provided for or permitted by the Articles of Incorporation.

Section 2. Regular Meetings The regular annual meeting of Members shall be held on such date and at such place and time as designated by the Board of Directors in written notice given to all Members at least ten (10) days, but no more than forty-five (45) days, prior to the date of such meeting, for the purpose of electing the Board of Directors of the Association in accordance with Article II, Section 1 hereinbelow and for the transaction of other business of the Association as may properly come before the meeting.

Section 3. Special Meetings Special meetings of the Members may be called by the President, by a majority of the Board of Directors, or upon petition signed by

having not less than one-tenth (1/10) of the votes entitled to be cast at such meetings and presented to the Secretary of the Association. Said special meetings shall be called by delivering written notice to all Members not less than ten (10) days prior to the date of said meeting stating the date, time and place of said special meeting and the matters to be considered. A meeting called by a majority of the Members shall be held within thirty (30) days of receipt of the petition by the Secretary. Business transacted at all special meetings shall be confined to the purpose or purposes stated in the call.

Section 4 Delivery of Notice of Meetings Notices of meetings may be delivered either in person or by mail to a Member at the address given to the Board of Directors for such purpose or at the last address known to the Association if no address was so given to the Board of Directors. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail addressed to the Member at such Member's address as it appears on the records of the Association, with postage prepaid.

Section 5. Voting Members shall be entitled to one (1) vote for each Lot in which such Member owns the interest required for membership, provided, that the Member is in good standing, meaning that the Member is not in default in payment of the Maintenance Fund charges and assessments provided for in the Restrictions, and is not otherwise in default under the Restrictions relating to the applicable Lot for which the Member seeks to exercise the voting privilege. When more than one person holds such interest in a Lot, the vote for such Lot shall be exercised as they among themselves determine, but in no event shall more than one vote be cast with respect to any such Lot. In voting for directors, each Member shall have the right to vote, in person or by proxy, for as many persons as there are directors to be elected and for whose election the Member has the right to vote.

Section 6 Quorum A quorum of Members for any meeting shall be constituted by Members represented in person or by proxy and holding at least five percent (5%) of the votes entitled to be cast at such meeting. If, however, a quorum shall not be present or represented at any meeting of the Members, the Members entitled to vote thereat, present in person or represented by proxy, shall have the power to adjourn the meeting from time to time without notice other than announcement at the meeting, until a quorum shall be present or represented. At such adjourned meeting at which a quorum shall be present or represented, any business may be transacted which might have been transacted at the meeting as originally notified.

Section 7 Rules of Meetings The Board may prescribe reasonable rules for the conduct of all meetings of the Board and Members and in the absence of such rules, Robert's Rules of Order shall be used.

Section 8 Proxies Votes may be cast by the Members either in person or by proxy. All proxies shall be in writing and signed and dated by the person or persons entitled to vote. In no event shall any proxy be valid for a period longer than eleven (11) months from the date of its execution, unless otherwise provided therein. A proxy shall be revocable in writing at any time in the sole discretion of the Member who executed it. If a Lot is owned by more than one (1) person, a proxy must be signed by all such owners for the proxy to be valid.

Section 9. Waiver and Consent. Whenever the vote of Members at an Association meeting is required or permitted by any provision of these Bylaws, the meeting and vote of Members may be dispensed with, and matter(s) in question may be voted upon by mail-in ballot if Members representing a majority of the total votes eligible to be voted by all of the Members consent in writing to dispense with the meeting and to vote upon the matter(s) in question by mail-in ballot. Mail-in ballots may accompany the required consent of Members, and may be completed and returned simultaneously therewith. Whenever any notice is required to be given to any Member of the Association under the law or under the provisions of the articles of incorporation of the Association or these bylaws, a waiver thereof in writing signed by the person or persons entitled to such notice, whether before or after the time stated therein, shall be equivalent to the giving of such notice

ARTICLE II

Board of Directors

Section 1. Number, Election and Term of Office The Board of Directors of the Association ("Board of Directors"), shall consist of not less than three (3) nor more than seven (7) persons who are designated by Pirates' Property Owner's Association, a Texas non-profit corporation ("PPOA") to be directors of the Association (collectively "Directors") and singularly "Director") provided, that (a) the persons so designated shall be members of the Board of Directors of PPOA at the time of their designation and (b) each person so designated shall be designated to serve for a term coinciding with that person's term as a member of the Board of Directors of the PPOA. The foregoing notwithstanding, the Board of Directors of the Association may designate one person to serve on the Board of Directors as a representative of the entity the Board of Directors of the Association deems to be a developer within the Restricted Property, with voice and vote ("Designated Representative") When any person, who is also a member of the Board of Directors of the PPOA, shall cease for any reason to be a member of the Board of Directors of PPOA, such person shall automatically cease to be a member of the Board of Directors of the Association. If and when the Articles of Incorporation of the Association are amended to change the number, method of election or selection, term of office or qualification of the members of the Board of Directors of the Association, these Bylaws shall be amended to conform to the Articles of Incorporation as so amended

If, after the Annual Meeting of the Members to be held in June, 1998, the Articles of Incorporation of the Association are amended to so provide, the Board of Directors of the Association shall consist of eleven (11) elected members, four(4) of whom shall be Lot owners in the portion of the Restricted Property known as Pirates Beach, four (4) of whom shall be a Lot owner in the portion of the Restricted Property known as Pirates Cove, one (1) of whom shall be Lot owners in the portion of the Restricted Property known as Pirates Beach West, one (1) of whom shall be a townhouse unit owner in the project known as Pirates Landing Townhomes, and one (1) of whom shall be a Lot owner in the portion of the Restricted Property known as Laffite's Cove, each of whom shall be elected by the Members for a term of either one (1), two (2) or three (3) years or until their successors are elected and qualified. In addition, the Board of Directors of the Association may designate

a Developer's Representative to serve on the Board of the Association at the discretion of the Board with voice and without vote.

At the Annual Meeting to be held in June, 1999 and at each Annual Meeting thereafter, one third of the elected members of the Board of Directors of the Association shall be elected by the Members to serve for a term of three years, or until their successors are elected and qualified.

Section 2. Qualifications Each elected Director shall be a Member in good standing of the Association who is not in default in payment of the maintenance fund charges and assessments provided for in the Restrictions and is not otherwise in default under the Restrictions. The Designated Representative need not be a Member of the Association. If a Member is a trust, a trustee or beneficiary of the trust may be a Director, if a Member is a corporation, partnership, limited liability company or other business association, a duly authorized representative of such entity may be a Director as long as the authorization remains effective. If an elected Director shall cease to meet the qualification set forth in this section during such Director's term, such Director shall thereupon cease to be a Director and such Director's place on the Board of Directors shall be deemed vacant, provided that in the case of default in payment of the Maintenance Fund charges and assessments or default under the Restrictions, the Director shall be entitled to written notice and an opportunity to cure, as determined by the Board of directors in the exercise of its discretion.

Section 3 Vacancies Any vacancy occurring on the Board by reason of the resignation, removal or incapacity of an elected Director shall be filled by majority vote of the remaining Directors thereof until the next Annual Meeting of the Members, when a person shall be elected to fill the unexpired term of the Director whom such person succeeds.

Section 4 Meetings The Board shall meet for the purpose of organization, the election of officers and the transaction of other business, at any time after receiving notice from the Secretary of State of the filing of the Articles of Incorporation. A regular annual meeting of the Board of Directors shall be held within ten (10) days following the regular annual meeting of Members. Special meetings of the Board of Directors shall be held upon a call by the President or by a majority of the Board on not less than forty-eight (48) hours notice in writing to each Director, delivered in person, by mail or by facsimile. Any Director may waive notice of a meeting, or consent to the holding of a meeting without notice, or consent to any action proposed to be taken by the Board of Directors without a meeting. A Director's attendance at a meeting shall constitute such Director's waiver of notice of said meeting. Attendance at a meeting for the express purpose of objecting to transaction of business on the ground that the meeting was not properly called shall not constitute waiver of notice of the meeting. A Director is presumed to assent to action taken at a meeting at which the Director was present unless the dissent shall be entered in the minutes or unless the director shall file a written dissent with the Secretary before adjournment of the meeting or shall forward the dissent by registered mail to the secretary immediately after the adjournment, provided, that a Director who voted in favor may not thereafter dissent in this manner.

Section 5. Removal. Any elected Director may be removed from office for cause by a majority vote of Members entitled to vote at any annual or special meeting of the Association, duly called. The Designated Representative may be replaced at any time by the Board of Directors of the Association at a regular meeting or a special meeting called for such purpose

Section 6. Resignation. Any Director may resign at any time by giving written notice to the president or secretary of the Association. Such resignation shall take effect at the time specified therein and, unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective. A Director who ceases to qualify as a Member shall be deemed to have resigned effective as of the time the Board of Directors receives actual notice of such circumstance

Section 7. Meetings by Telephone Conference. Both annual and special Board meetings may be conducted by telephone conference. To the extent permitted by law, any Director who is not physically in attendance at any meeting of the Board of Directors, but who is in telephone contact with the other Directors during such meeting and is thereby able to participate in the discussions, reports, debates, votes and other matters conducted thereat, shall be deemed to be in attendance at said meeting for all purposes, including but not limited to the purpose of creating a quorum

Section 8. Compensation. Directors shall receive no compensation for their services as Directors, unless expressly provided for in resolutions duly adopted by a majority of the Members. Nothing contained herein shall preclude any Director from serving the Association in any other capacity and receiving compensation therefor

Section 9. Board of Directors' Quorum. At all meetings of the Board of Directors, a majority of the Directors shall constitute a quorum for the transaction of business, and the acts of the majority of the Directors present at a meeting at which a quorum is present shall be the acts of the Board of Directors. If at any meeting of the Board of Directors there be less than a quorum present, the majority of those present may adjourn the meeting, one or more times, to a subsequent time, date and place

Section 10. Voting. The vote of a majority of those Directors present at a meeting at which a quorum is in attendance shall constitute the decision of the Board of Directors

Section 11. Powers. The Board of Directors shall have the following powers

- (a) to elect and remove the officers of the Association as hereinafter provided,
- (b) to administer the affairs and attain the purposes of the Association,
- (c) to formulate policies for the administration, management and operation of the property held for the use and benefit of all Members ("Common Property");

(d) to adopt rules and regulations, with written notice thereof to all Members, governing the administration, management, operation and use of the Common Property, and to amend such rules and regulations from time to time,

(e) to provide for the maintenance, repair and replacement of the Common Property and payments therefor, and to approve payment vouchers or delegate such approval to the officers,

(f) to provide for the designation, hiring and removal of employees and other personnel, including accountants and attorneys, and to engage or contract for the services of others, and to make purchases for the maintenance, repair, replacement, administration, management and operation of the Common Property and to delegate any such powers to a managing agent or other agent or contractor,

(g) to appoint committees of the Board of Directors and to delegate to such committees the Board's authority to carry out certain duties of the Board,

(h) to determine the fiscal year of the Association and to change said fiscal year from time to time as the Board deems advisable,

(i) to collect all assessments and charges provided for in the Restrictions and to use the proceeds therefrom for the purposes set forth in the Restrictions,

(j) to enforce all covenants and restrictions imposed in the Restricted Property,

(k) to establish bank accounts which are interest bearing or non-interest bearing, as may be deemed advisable by the Board of Directors;

(l) to enter such contracts and agreements relating to the providing of maintenance, management and operational services as the Board of Directors may deem advisable,

(m) to enter into leases as the Board of Directors may deem advisable,

(n) to exercise all powers and duties of a Board of Directors referred to in these Bylaws,

(o) to obtain insurance coverage as may be deemed advisable by the Board of Directors,

(p) to establish budgets and long range plans as may be deemed advisable by the Board of Directors, and

(q) in general, to carry on the administration of the Association and to do all of those things necessary and/or desirable in order to carry out the governing and operating of the Association

Section 11 Non-Delegation Nothing in this Article or elsewhere in these Bylaws shall be considered to grant to the Board of Directors, the Association or to the officers of the Association any powers or duties which, by law, have been delegated to the Members.

ARTICLE V

Officers

Section 1 Designation At each regular annual meeting of the Board of Directors, the Directors present at said meeting shall elect the following officers of the Association by a majority vote

(a) a President who shall be a Director and who shall preside over the meetings of the Board of Directors and of the Members, and who shall be the chief executive officer of the Association;

(b) a Secretary who shall keep the minutes of all meetings of the Board of Directors and of the Members, and who shall, in general, perform all the duties incident to the office of Secretary,

(c) a Treasurer, who shall be responsible for financial records and books of account and the manner in which such records and books are kept and reported, and

(d) such additional officers as the Board of Directors shall see fit to elect

Section 2 Powers. The respective officers shall have the general powers usually vested in such officers; provided that the Board of Directors may delegate any specific powers to any other officer or impose such limitations or restrictions upon the powers of any officer as the Board of Directors may see fit

Section 3 Term of Office Each officer shall hold office for the term of one (1) year or until such officer's successor shall have been appointed or elected and qualified

Section 4 Vacancies Vacancies in any office shall be filled by the Board of Directors by a majority vote of the Board of Directors at a special meeting of said board. Any officer so elected to fill a vacancy shall hold office for a term equal to the unexpired term of the officer which was succeeded. Any officer may be removed for cause at any time by vote of a majority of the total membership of the Board at a special meeting thereof

Section 5 Compensation The officers shall receive no compensation for their services as officers, unless expressly provided for in a resolution duly adopted by a majority of the Members

ARTICLE IV**Indemnification**

Section 1. General To the fullest extent permitted by law the Association shall indemnify and hold harmless each of its Directors, officers and each member of any committee appointed pursuant to the Bylaws of the Association against all contractual and other liabilities to others arising out of contracts made by or other acts of such Directors, officers, committee members, on behalf of the owners or arising out of their status as Directors, officers or committee members, unless any such contract or act shall have been made fraudulently or with gross negligence or criminal intent. It is intended that the foregoing indemnification shall include indemnification against all costs and expenses (including but not limited to, attorney's fees, amounts of judgments paid and amounts paid in settlement) reasonably incurred in connection with the defense of any claim, action, suit or proceeding, whether civil, criminal, administrative or other, in which any such Director, officer, or committee member may be involved by virtue of such persons being or having been such Director, officer or committee member, provided, however, that such indemnity shall not be operative with respect to (a) any matter as to which such person shall have been finally adjudged in such action, suit or proceeding to be liable for gross negligence or fraud in the performance of his duties as such Director, officer, or committee member, or (b) any matter settled or compromised, unless, in the opinion of independent counsel selected by or in a manner determined by the Board, there is not reasonable ground for such persons being adjudged liable for gross negligence or fraud in the performance of his duties as such Director, officer, or committee member

Section 2 Advance Payment Expenses incurred in defending a civil or criminal action, suit or proceeding may be paid by the Association in advance of the final disposition of such action, suit or proceeding as authorized by the Board of Directors in the specific case upon receipt of an undertaking by or on behalf of the person or entity seeking such indemnification or payment in advance to repay such amount unless, in the opinion of independent counsel selected by or in a manner determined by the Board, there is reasonable ground for such persons being adjudged liable for gross negligence or fraud in the performance of his duties as such Director, officer, or committee member

ARTICLE V**Amendments**

These Bylaws may be amended at a regular or special meeting of the Board of Directors by a vote of the majority of the board members present in person, and the provisions of these Bylaws which are covered by the articles of incorporation of the Association may not be amended except as provided in the articles of incorporation or applicable law

In case of any conflict between the articles of incorporation and these bylaws, the articles shall control. Should all or part of any Article of these bylaws be in conflict with the

014-19-1794

provisions of the Texas Nonprofit Corporation Act or any other Texas law, such act or law shall control

FISM0109IPOAIPOA131B SSM May 11, 1998 (11 28am)

**ARCHITECTURAL CONTROL COMMITTEE STANDARDS
FOR ALL SECTIONS IN
PIRATES BEACH AND PIRATES COVE**

PURPOSE: The purpose of these architectural standards is to unify the standards for the single-family residential development for Pirates Beach and Pirates Cove. These standards will insure a high quality development and protect the investments of builders and homeowners. They are intended to augment the restrictions, which are recorded in the real property records of Galveston County, Texas (Restrictions). They should provide a common level of plan submissions, design, construction and maintenance criteria.

A Plan Submission

All homes must be designed by registered architect, by a member of the Texas or American Institute of Building Design or by a builder or designer certified by the Architectural Control Committee (ACC). Prior to the submission of plans for approval, it is recommended to have a pre-planning conference with a representative of the ACC. This conference may include a visit to the site.

The following is a list of minimum information required for plan submittal
(See Restrictions for additional information required in same sections)

- 1 Site Plans (1/8" - 1'0") Show relation of house to lot. Include dimensions of lot and distance from house to lot on all sides. Indicate all easements, setbacks, slab elevation, driveway location, and curb cuts, septic tank drain fields (if any), walks, decks, and fences, existing and proposed grades.
- 2 Floor Plans (1/4" - 1'0") A floor plan to show the dimensions and locations of all rooms, patios, balconies, garages, driveways and structures at each level. Window sizes, electrical, gas and plumbing fixtures must also be shown.
- 3 Elevations (1/4" - 1'0") An elevation of each side (4) is required to indicate exterior materials, floor and slab heights and roof slopes.
- 4 Specifications List all specifications relating to slab design, structural framing, type of exterior materials, colors of all exterior surfaces including roof, textures and shapes, roof materials.

Approval of plans and specifications will be based, among other things, on adequacy of site dimensions, conformity and harmony with external design and location with neighboring structures and sites, relation of finished grades and elevations to neighboring sites and conformity to both the specific and general intent of the restrictions.

B Design

- 1 Building setbacks are shown on the plat and in the restrictions for each section. No construction including roof overhangs, fences or air conditioning equipment may occur in the setbacks without specific approval by the ACC.
- 2 The sum total of all hard surfaces, including the building pad, garage, driveway, decks, pools, etc., should not exceed 75% of the net lot area (the net lot area is the area within the building setbacks) except Pirates Cove sections 1-5, or as approved by the ACC.
- 3 Driveways and paved areas from the public street should not occupy more than 60% of the lot frontage on non cul-de-sac lots.
- 4 All driveways and building slabs must be made of reinforced concrete.
- 5 The location and design of all skylights and solar collectors are subject to approval. Collectors must be of flat profile and conform to the slope of the roof. All stack vents and attic ventilators preferably shall be located on the rear slopes of roofs. All exposed metal roof accessories (such as stack vents, roof flashing,

- attic ventilators, metal chimney caps, skylight curbs, solar collector frames, etc) should match the color of the roofing material.
6. No house, building or structure shall be more than two (2) stories of living area in height. Open decking or observation towers, will be permitted above the second level provided it is not excessive in height, or greater than one hundred fifty (150) square feet of enclosed tower space. Any open decking will be no more than forty percent (40%) of the square feet of the deck below, up to two hundred (200) square feet
 7. A structure may be disapproved by the ACC because of excessive height No portion of a structure will be higher than fifty-five (55) feet above natural grade No exterior aerial antenna, satellite dish, flagpole or other structure of any kind (except chimney) will project above the uppermost roof line of any structure on any lot.
 - 8 All exterior lighting fixtures whether attached to the dwelling or remote, are subject to ACC approval as to location, style, size, color and level and direction of illumination.
 - 9 All exterior material and color selections must be approved by the ACC. The architectural style of the dwelling, in most cases, will dictate the proper range of materials and colors Materials and colors which are appropriate to one architectural style may be inappropriate to another.
 - 10 Landscaping of vegetation native to Galveston or resistant to gulf conditions is greatly encouraged Minimum landscape requirements are four (4) palm trees, a minimum height of ten (10) feet, per lot installed prior to occupancy
 - 11 Design of trash and mechanical equipment enclosures must be shown with the design plans and approved by the ACC Where possible, they should be placed beside adjacent lot receptacles All HVAC equipment must be screened from view
 - 12 Decks above grade which connect to boat houses shall not be wider than twelve (12) feet Special enclosure considerations will be made for corner lots with limited water access
 - 13 Fences for front yards may not be higher than four (4) feet and may not be placed in front of the front building line Open type fences are preferred, chain link is not allowed

C Construction

- 1 Lots within the City of Galveston will be required to be constructed in accordance with the City of Galveston Building Codes Lots within Galveston County but not within the City of Galveston city limits will be required to be constructed with the Galveston County building codes Currently, both are requiring certification by an architect or professional engineer of the floor elevation and building anchoring system as a condition of the issuance of a building permit
- 2 Owner permits or approvals may be required from City, County or other Governmental entities It is the responsibility of the owner to obtain all City, County and other Governmental approvals as may be necessary
- 3 Contractor is required to survey site and locate slab and/or/pile/pier placement as per plat and deed restrictions
- 4 Construction signs will not exceed one (1) builder sign and (1) real estate sign not larger than twenty four inches by twenty four inches (24"x24") in size and will be removed upon completion of construction
- 5 Construction material and trash must be kept within lot boundaries and controlled Temporary fences or containers should be used to control trash
- 6 Contractor or owner is required to utilize best management practices for containing soil and sediment on the lot during construction At a minimum, this includes fifteen (15) feet of solid sod across the rear lots, adjacent to the bulkhead or rear lot line Alternately, commercially available filter fabric may be substituted for sod, if approved by Architectural Control Committee

D. Building Inspections The following inspections are required.

1. **Site Inspection** – Site surveyed and building corners staked. The structural pile locations, driveways and walkways must also be staked. The builder/owner must demonstrate to the inspector that improvements are accurately located in accordance with the approved plans and that encroachments are not to occur. The ACC makes no warranty or representation that any improvements are or will be located within set backs, and this inspection may occur before or after construction has started.
2. **Final Inspection** – Prior to occupancy, an inspection will take place after completion of construction. Prior to occupancy, finished improvements shall include, but are not limited to decking, walkways, mechanical screens, trash enclosures, painting and landscaping.

E. Maintenance:

1. Maintenance of the residence and improvements on the lot is the responsibility of the homeowner. See Restrictions for details.
2. No structure of any type shall be constructed, placed or altered on any lot without the written approval of the ACC.
3. Any change of colors or materials of any exterior improvement requires written approval of the ACC.
4. Landscaping damaged or lost to storms or other reasons must be replaced within ninety (90) days. Maintenance landscaping is an important part of the overall upkeep of a residential lot.

See attached plan review application for information required to submit plans for architectural plan review.

014-19-1798

PLAN REVIEW APPLICATION
PIRATES BEACH, PIRATES COVE & LAFFITES COVE

All site or building construction or alterations or additions, thereto, require approval in writing from the Architectural Control Committee (ACC) prior to construction. (See Restrictions and attached Architectural Control Standards for more detail)

Please fill out the attached application form and submit three (3) sets of complete plans and specifications in accordance with attached control standards together with applicable fee to

Pirates' Property Owners' Association
Attention Architectural Control Committee
13450 FM 3005
Galveston, Texas 77554

Please call Susan McKirahan with questions
1-888-CKM-1514
281-970-2862
281-970-2864 (FAX)

Owner _____ Phone _____
Address _____
Builder _____ Phone _____
Address: _____
Subdivision. Pirates Beach/Pirates Cove/Laffites Cove Section _____ Block _____ Lot _____
Description of Improvement: _____
Exterior Materials _____
Exterior Colors(siding/trim) _____
Roof Material/Color _____
Square Footage: _____ Start Date _____ Projected Completion Date _____

A Filing Fee as follows must be attached to this application

For New homes \$2000 (a portion is refundable)
For Exterior Remodels \$1000 (a portion is refundable)

Review Fees listed below are **included** in the above referenced fees

| <u>Pirates Beach</u> | <u>Pirates Cove</u> | <u>Laffites Cove</u> |
|---------------------------|----------------------|----------------------|
| Section 1-4 (no fee) | Section 1-4 (no fee) | Section 6 - \$200* |
| Section 6 - \$150* | Section 5 - \$150* | |
| Section 7, 8 & 9 - \$200* | | |
| Section 10 - \$200* | | |
| Section 12 - \$200* | | |

*\$50 of the review fee is refundable upon receipt of Certificate of Completion by Owner issued by the ACC prior to occupancy The Filing fee refund will be exclusive of the It is mandatory to provide an "as built survey" of home and improvements prior to refund

- 1 Owner hereby acknowledges receipt of Architectural Control Standards dated 5/1/98 and hereby agrees to comply with all terms and conditions contained therein and to submit a Certificate of Completion as specified therein prior to occupancy
- 2 Owner hereby authorizes the Architectural Control Committee or its agents to enter upon and inspect the lot and structure thereon during regular business hours for the purpose of ascertaining whether said structure is in compliance with the restrictions, the standards and the approved plans and specifications Neither the Architectural Control Committee nor its agents shall be deemed to have committed a trespass by reason of such entry or inspection

PLAN REVIEW
(To be completed by ACC)

_____ **APPROVED** - Subject to:

- A On-site survey of lot and location of proposed structure prior to construction
- B Written approval of Architectural Control Committee (ACC) prior to slab pouring and/or pile placement. Call **281-970-2862**
- C Planting of Trees, per Deed Restrictions
- D Receipt by ACC of Certificate of Occupancy issued by the City of Galveston, or County of Galveston, whichever is applicable

_____ **NOT APPROVED** - Reason

ARCHITECTURAL CONTROL COMMITTEE

By: _____ Date: _____

ACC Representative

BUILDING/IMPROVEMENT INSPECTIONS

| | <u>APPROVED</u> | <u>DATE</u> |
|------------------|-----------------|-------------|
| SITE INSPECTION | _____ | _____ |
| FINAL INSPECTION | _____ | _____ |

CERTIFICATION OF COMPLETION _____

PLAN REVIEW APPLICATION
PIRATES BEACH & COVE

Page 2 of 2

- 3 Owner agrees and understands that the approval of plans and specifications by the Architectural Control Committee shall not be relied upon by any person or entity as to the sufficiency, suitability, fitness, workmanship or quality of the design or construction of the improvements
- 4. The burning of brush, trees or construction materials will not be allowed in the Subdivision Construction dumping is not permitted in the Subdivision
- 5 The work site needs to be kept clean The contractor is to insure all trash and debris are removed before each weekend. Debris must be contained to prevent it from going on other property
- 6 Contractors are responsible for keeping mud, dirt, etc , off the roadway
- 7. All improvements, modifications and alterations require ACC approval. This covers new construction, as well as, but not limited to additions, fences, porches, storage buildings, pools and change in house colors
- 8 One portable toilet is required for each construction site requiring more than seven (7) days construction
- 9 Observe all posted speed limits and other signage
- 10 No dumping or cleaning of cement trucks allowed within the Subdivision
- 11 If construction is not completed after plans have been approved within six (6) months, an extension will need to be obtained, provided no changes have been made to the original design If changes have been made to the original design, the Plan Review Application will have to be resubmitted
- 12 The Architectural Control Committee has fifteen (15) days from final submittal of plans and permits to approve the plans and authorize commencement of construction

The Architectural Control Committee, Pirates PO A , members, officers, directors, employees or agents, shall not be liable because of the approval or non-approval of any improvement

Builder's Signature Date _____

Owner's Signature Date _____

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS OF REAL PROPERTY

Patricia Ritchie

1999 DEC 30 11:34 AM 9965186
STRIMLT \$63.00
Patricia Ritchie, COUNTY CLERK
GALVESTON, TEXAS