

6484

VOL 43:ASC1677

AFFIDAVIT AND NOTICE OF CHANGE
IN MAINTENANCE FUND CHARGES

THE STATE OF TEXAS §
COUNTY OF SAN JACINTO §

BEFORE ME, the undersigned authority, personally appeared J. Leonard Rogers, President of the Cape Royale Property Owners' Association, Inc., and, after being duly sworn by me upon his oath stated:

That certain restrictions were imposed upon the following subdivisions by instrument recorded in the Deed Records in the office of the County Clerk of San Jacinto County, Texas, as follows ("Restrictions"):

| <u>Subdivision</u> | <u>Restriction Recordation</u> |
|---------------------|--------------------------------|
| Harbour Villas | |
| Section 1 | Vol. 142, Pg. 181 |
| Section 2 | Vol. 240, Pg. 813 |
| Forest Cove | Vol. 112, Pg. 39 |
| Pine Harbour | Vol. 115, Pg. 164 |
| Royale Greens | Vol. 117, Pg. 101 |
| Imperial Point | Vol. 119, Pg. 68 |
| Kings Ridge Section | Vol. 122, Pg. 81 |
| Kings Ridge | |
| Section 2 | Vol. 207, Pg. 587 |
| Section 3 | Vol. 243, Pg. 908 |
| Imperial Estates | Vol. 243, Pg. 916 |
| Villa de Marina | |
| Section 1 | Vol. 161, Page 256 |
| Section 2 | Vol. 165, Page 720 |
| Section 3 | Vol. 168, Page 554 |
| Section 4 | Vol. 168, Page 554 |
| Harbour Point | |
| Condos | Vol. 227, Pg. 411 |
| Harbour Point | |
| Estates | Vol. 240, Pg. 360 |

That pursuant to the Restrictions, a majority of the lot owners in the aforementioned subdivisions voted to change the maintenance charge as follows: (All capitalized terms used herein shall have the meaning subscribed to them in the Restrictions.)

Each Lot within Cape Royale, a development in San Jacinto County, Texas, composed of the following subdivisions: Harbour Villas; Sections 1 and 2, Forest Cove, Pine Harbour, Royale Greens, Imperial Point, King's Ridge I, King's Ridge II, Imperial Estates, Villas De Marina, Sections 1 through 4, Harbour Point Condos and Harbour Point Estates and King's Ridge III ("Cape Royale"), from and after January 1, 1987, shall be subject to an annual maintenance charge of \$150.00 per year, per Lot to be paid by the purchaser of each Lot in Cape Royale after the sale thereof by Developer,

the same to be secured by a lien upon said Lots. Said maintenance charge to be payable annually in advance as directed by the Cape Royale Property Owners' Association, Inc. (the "Association").

Further, the annual maintenance charge may be increased from time to time by the Board of Directors of the Association, in its sole discretion, to an annual amount not to exceed 10% of the maintenance charge for the previous year, up to a maximum charge of \$218.00 per Lot per year. After said maximum charge of \$218.00 per Lot has been reached, thereafter the Board of Directors of the Association shall have the right, in its sole discretion, to increase the annual maintenance charge by a percentage increase equal to the percentage increase in the Consumer Price Index - All Items, 1967 equals 100 (as defined by the U. S. Department of Labor, Bureau of Labor Statistics) for the year preceding the year for which the assessment is being made; should the U. S. Department of Labor, Bureau of Labor Statistics cease to publish the Consumer Price Index - All Items the Board of Directors of the Association shall select such other indices which in its judgment reflect the then broad range of economic factors represented in the said Consumer Price Index - All Items.

CAPE ROYALE PROPERTY OWNERS' ASSOCIATION, INC.

J. Leonard Rogers
J. Leonard Rogers, President

THE STATE OF TEXAS §
COUNTY OF MONTGOMERY §

This instrument was subscribed, sworn to and acknowledged before me on the 22nd day of December, 1986, by J. Leonard Rogers, President of CAPE ROYALE PROPERTY OWNERS' ASSOCIATION, INC., a nonprofit corporation, on behalf of said nonprofit corporation.

Robert Hill Trapp
Notary Public, State of Texas
Printed Name: Robert Hill Trapp
My Commission Expires: 11-23-87

Return To:
Mitchell Development Corporation
of the Southwest
2201 Timberlock Place
The Woodlands, TX 77380
Attn: Mary Rose

FILED FOR
RECORD
1986 DEC 22 PH 1:11

Alan Cooksey
COUNTY CLERK
SAH JACINTO COUNTY, TEXAS

State of Texas }
County of San Jacinto }
I hereby certify that this instrument was FILED in the
Public Records on the date and at the time stated
herein by me and was duly RECORDED in the Official
Public Records of San Jacinto County, Texas on

DEC 22 1986
Alan Cooksey
COUNTY CLERK
SAH JACINTO COUNTY, TEXAS

FILED
FEB 26 1979

MISS. ROBERT H. HAYNE, CLERK
SAN ANTONIO COUNTY, TEXAS

For

RETURN TO:
LEGAL DEPARTMENT
MITCHELL ENERGY & DEVELOPMENT CORP.
3900 ONE SHELL PLAZA
HOUSTON, TEXAS 77002