



THE STATE OF TEXAS §  
  §  
COUNTY OF TRAVIS §

KNOW ALL MEN BY THESE PRESENT:

**AMENDMENT TO THE SECOND AMENDED DECLARATION OF  
COVENANTS, CONDITIONS, AND RESTRICTIONS FOR  
MARSHALL'S HARBOR SUBDIVISION**

THIS *Amendment (the "Amendment")* to the Second Amended Declaration of Covenants Conditions and Restrictions for Marshall's Harbor Subdivision (*the "Second Amendment"*) becomes effective on this *the 29<sup>th</sup> day of January, 2013*, and is made by a *Seventy-Five Percent (75%) Super Majority Vote*, as evidenced by their signatures attached hereto, of the Owners of Lots and Residential Condominium Units of any section affected by the proposed Amendment, in accordance with the *Second Amendment, Article 9, General Provisions, Section 9.9*, and is shown by each signature of each Lot Owner attached hereto, and the calculations shown on *Exhibit "A"*, attached hereto.

**Recitals**

WHEREAS, the *Second Amendment* was made and recorded on *March 21, 2008*, under *Document No. 2008044894*, of the Official Public Records of Travis County, Texas; and,

WHEREAS, the Super Majority of the Lot Owners in the Marshall Harbor Subdivision desire to Amend the Second Amendment to provide sixty (60) Garden Homes, in lieu of sixty (60) condominium units; and,

WHEREAS, the following Amendments were adopted, to wit:

**Article 3**  
**Land Use**

*Article 3, Land Use, Section 3.2.2, Canyon Land Lots*, is amended read: “*Lots 1-26 and Lot B, of Marshall’s Harbor Subdivision, known as the “Canyon Land Lots” may be replatted in such a manner as to allow, subject to appropriate zoning permits from the City of Lago Vista, Texas, the use of the Canyon Land Lots for not more than 202 Single-Family Residential Units, sixty (60) Garden Home lots, one lot for a swimming pool, fountain and pavilion for the exclusive use of the Owners of the sixty (60) Garden Homes, and two (2) Commercial Lots with frontage of Lohman Ford Road, one restaurant lot, and one community center will be permitted in the commercial area. No restaurant lots may front Austin Blvd.*”

Such amended language shall replace in its entirety *Article 3, Land Use, Section 3.2.2, Canyon Land Lots, of the Second Amendment.*

**Article 4**  
**Structure & Lots – Residential Requirements**

*Article 4, Structure & Lots, Section 4.1.5, Residential Requirements*, is amended to read: “*In accordance with Section 3.2.2 above, in the event Lots 1-26, of Marshall’s Harbor Subdivision are replatted in such a manner as to allow for sixty (60) Garden Home lots, the building height on such Garden Homes shall not exceed Forty-Two Feet (42’), measured from the highest natural grade on the replatted lot. No unit shall be closer than ten feet (10’) from the front lot line; five feet (5’) from one side lot line, except a storage building, not exceeding fifteen feet (15’) in length may be constructed on this side lot line and anchored to the adjacent Garden Home wall; adjacent to and along the other side lot line; and adjacent to and along the rear lot line.*”

Such amended language shall replace in its entirety *Article 4, Structure & Lots, Section 4.1.5, Residential Requirements, of the Second Amendment.*

**Article 4**

**Structure & Lots – Building Materials**

*Article 4, Structure & Lots, Section 4.1.6.3, Building Materials*, is amended to read:  
“Canyon Land Garden Homes shall utilize building materials of a minimum of seventy-five per cent (75%) stone or stucco for the exterior façade. The roof material on the Garden Homes shall be of clay or cement tile or slate.”

Such amended language shall replace in its entirety *Article 4, Structure & Lots, Section 4.1.6.3, Building Materials, of the Second Amendment*.

**General Provisions**

Except as herein amended, all other provisions of the Second Amendment shall remain the same.

*IN WITNESS WHEREOF* the undersigned Owners have executed this document as of the date set forth by such signature.

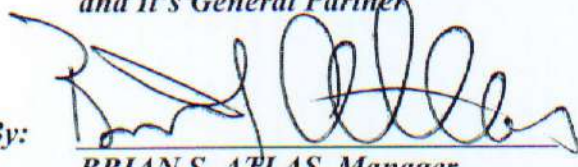
*SIGNED* and *EXECUTED* by the following *MARSHALL'S HARBOR SUBDIVISION LOT OWNERS*, whose signatures and acknowledgments are attached on the following and consecutively numbered pages.

EXECUTED on this the 28<sup>th</sup> day of January, 2013.

**MARSHALL'S HARBOR SUBDIVISION LOT OWNER:**

**VILLA MONTECHINO, L.P.,**  
*a Texas Limited Partnership*

**By: BSA DEVELOPMENT, L.L.C.**  
*A Texas Limited Liability Company  
and It's General Partner*

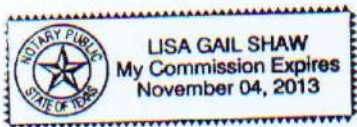
**By:**   
BRIAN S. ATLAS, Manager


**Owner of:** Lots 1-26, 34, 45, 48, 50, 52, 57, 60, 61, 68, 70-72, Lot 49AA-49BB, Lot B, and Lot C

**ACKNOWLEDGMENT**

STATE OF TEXAS §  
§  
COUNTY OF TRAVIS §

This Instrument was acknowledged before me on the 28<sup>th</sup> day of January, 2013, by *Brian S. Atlas, Manager, of BSA Development, L.L.C., a Texas Limited Liability Corporation, and the General Partner of Villa Montechino, L.P., a Texas Limited Partnership.*



  
Signature of Notary Public  
In and for the State of Texas  
My Commission expires: 11/04/2013

*EXECUTED on this the \_\_\_\_\_ day of December, 2012.*

**MARSHALL'S HARBOR SUBDIVISION LOT OWNER:**

**By:** \_\_\_\_\_  
**KYLE BARROW**

**Owner of:** Lots 46, 67, and 74

**ACKNOWLEDGMENT**

STATE OF TEXAS §

§

COUNTY OF TRAVIS §

This Instrument was acknowledged before me on the \_\_\_\_\_ *day of December, 2012,*  
*by Kyle Barrow.*

\_\_\_\_\_  
*Signature of Notary Public*

In and for the State of Texas

My Commission expires: \_\_\_\_\_

EXECUTED on this the 12<sup>th</sup> day of December, 2012.

**MARSHALL'S HARBOR SUBDIVISION LOT OWNER:**

**ARG PROPERTIES**

By: Anthony R. Gullo  
ANTHONY R. GULLO,  
~~Chief Financial Officer~~  
*Sec. 1024/Secretary*

Owner of: Lots 58 and 73

**ACKNOWLEDGMENT**

STATE OF TEXAS                   §  
  §  
COUNTY OF TRAVIS           §

This Instrument was acknowledged before me on the 12<sup>th</sup> day of December, 2012,  
by Anthony R. Gullo, ~~Chief Financial Officer~~ of ARG Properties.  
*Sec. 1024/Secretary*

F. Stanley  
Signature of Notary Public



In and for the State of Texas  
My Commission expires: 12/12/12

*EXECUTED on this the \_\_\_\_\_ day of December, 2012.*

***MARSHALL'S HARBOR SUBDIVISION LOT OWNER:***

*By:* \_\_\_\_\_  
***JAMES OTWELL***

*Owner of:* Lots 55, 59, and 69

**ACKNOWLEDGMENT**

STATE OF TEXAS §

§

COUNTY OF TRAVIS §

This Instrument was acknowledged before me on the \_\_\_\_\_ *day of December, 2012,*  
*by James Otwell.*

\_\_\_\_\_  
*Signature of Notary Public*  
In and for the State of Texas  
My Commission expires: \_\_\_\_\_

*EXECUTED on this the \_\_\_\_\_ day of December, 2012.*

**MARSHALL'S HARBOR SUBDIVISION LOT OWNER:**

**By:** \_\_\_\_\_  
**TONI ANDERSON**

**Owner of:** Lots 63 AND 64

**ACKNOWLEDGMENT**

**STATE OF TEXAS** §

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**COUNTY OF TRAVIS** §

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This Instrument was acknowledged before me on the \_\_\_\_\_ *day of December, 2012,*  
*by Toni Anderson.*

\_\_\_\_\_  
*Signature of Notary Public*

In and for the State of Texas

My Commission expires: \_\_\_\_\_



EXECUTED on this the 9<sup>th</sup> day of ~~December, 2012~~ <sup>January 2013</sup>

**MARSHALL'S HARBOR SUBDIVISION LOT OWNER:**

By:   
\_\_\_\_\_  
**JOE CONSTANTINO**

Owner of: Lot 53

**ACKNOWLEDGMENT**

STATE OF TEXAS                                 §  
   §  
COUNTY OF ~~TRAVIS~~ Fort Bend <sup>OK.</sup>     §

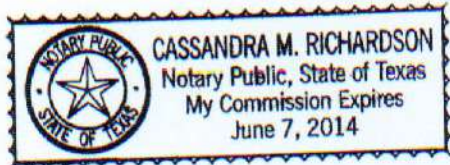
This Instrument was acknowledged before me on the 9<sup>th</sup> day of ~~December, 2012~~ <sup>January, 2013</sup>  
by Joe Constantino. c.e.



**Signature of Notary Public**

In and for the State of Texas

My Commission expires: June 7, 2014



EXECUTED on this the 31<sup>st</sup> day of December, 2012.

**MARSHALL'S HARBOR SUBDIVISION LOT OWNER:**

By: *Sandra P. Wilkens*  
**SANDRA WILKENS**

Owner of: Lot 47

**ACKNOWLEDGMENT**

STATE OF TEXAS

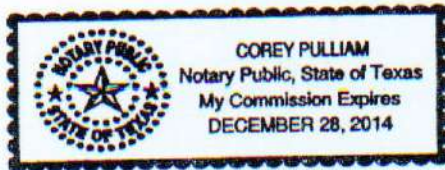
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COUNTY OF TRAVIS

§

This Instrument was acknowledged before me on the 31<sup>st</sup> day of December, 2012,  
by *Susan Wilkens*.



*Corey Pulliam*

*Signature of Notary Public*

In and for the State of Texas

My Commission expires: 12/28/14

*EXECUTED* on this the 31<sup>st</sup> day of *December*, 2012.

***MARSHALL'S HARBOR SUBDIVISION LOT OWNER:***

By: *Richard Wilkens*  
**RICHARD WILKENS**

*Owner of:* Lot 47

**ACKNOWLEDGMENT**

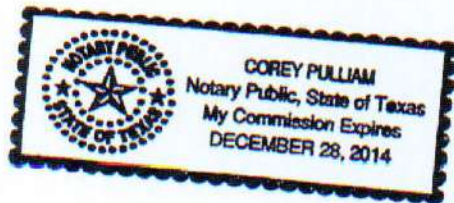
STATE OF TEXAS §

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COUNTY OF TRAVIS §

§

This Instrument was acknowledged before me on the 31<sup>st</sup> day of *December*, 2012, by *Richard Wilkens*.



*Corey Pulliam*  
***Signature of Notary Public***  
In and for the State of Texas  
My Commission expires: 12/28/14

*EXECUTED on this the \_\_\_\_\_ day of December, 2012.*

**MARSHALL'S HARBOR SUBDIVISION LOT OWNER:**

*By:* \_\_\_\_\_  
**JIM MARCHAK**

*Owner of:* Lot 65

**ACKNOWLEDGMENT**

**STATE OF TEXAS** §

§

**COUNTY OF TRAVIS** §

This Instrument was acknowledged before me on the \_\_\_\_\_ *day of December, 2012,*  
*by Jim Marchak.*

\_\_\_\_\_  
*Signature of Notary Public*

In and for the State of Texas

My Commission expires: \_\_\_\_\_

EXECUTED on this the 7 day of ~~December, 2012~~ <sup>January, 2013</sup>.

**MARSHALL'S HARBOR SUBDIVISION LOT OWNER:**

By: *Michele Harris*  
**MICHELE HARRIS**

Owner of: Lot 51

**ACKNOWLEDGMENT**

STATE OF TEXAS §

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COUNTY OF TRAVIS §

This Instrument was acknowledged before me on the 7<sup>th</sup> day of ~~December, 2012~~ <sup>January, 2013</sup>,  
by *Michele Harris*.



*Carrie Zika*  
*Signature of Notary Public*

In and for the State of Texas

My Commission expires: June 2, 2015

EXECUTED on this the 7 <sup>January, 2013</sup> day of ~~December, 2012~~.

**MARSHALL'S HARBOR SUBDIVISION LOT OWNER:**

By: *David Harris*  
**DAVID HARRIS**

Owner of: Lot 51

**ACKNOWLEDGMENT**

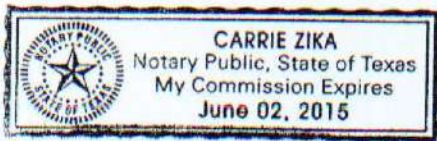
STATE OF TEXAS §

§

COUNTY OF TRAVIS §

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This Instrument was acknowledged before me on the 7<sup>th</sup> <sup>January, 2013</sup> day of ~~December, 2012~~,  
by *David Harris*.



*Carrie Zika*  
**Signature of Notary Public**

In and for the State of Texas

My Commission expires: June 2, 2015

EXECUTED on this the \_\_\_\_\_ day of December, 2012.

**MARSHALL'S HARBOR SUBDIVISION LOT OWNER:**

**By:** \_\_\_\_\_  
**JEFF BATINICK**

Owner of: Lot 66

**ACKNOWLEDGMENT**

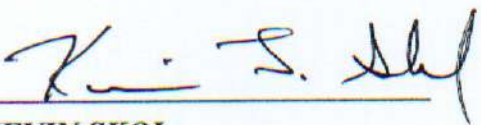
STATE OF TEXAS                      §  
   §  
COUNTY OF TRAVIS                      §

This Instrument was acknowledged before me on the \_\_\_\_\_ day of December, 2012,  
by *Jeff Batinick*.

\_\_\_\_\_  
*Signature of Notary Public*  
In and for the State of Texas  
My Commission expires: \_\_\_\_\_

EXECUTED on this the 14<sup>th</sup> day of December, 2012.

**MARSHALL'S HARBOR SUBDIVISION LOT OWNER:**

By:   
**KEVIN SKOL**

Owner of: Lot 56

**ACKNOWLEDGMENT**

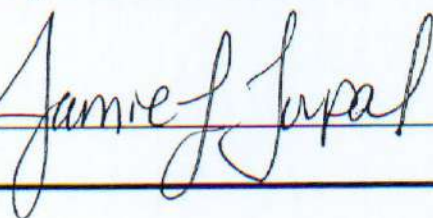
State of California  
County of San Diego

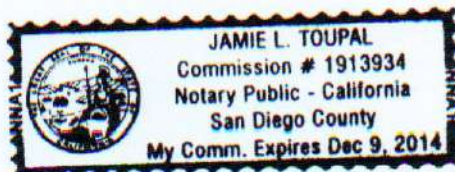
On Dec. 14, 2012 before me, Jamie L. Toupal, Notary Public  
(insert name and title of the officer)

personally appeared Kevin Skol  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature  (Seal)





*EXECUTED on this the \_\_\_\_\_ day of December, 2012.*

***MARSHALL'S HARBOR SUBDIVISION LOT OWNER:***

*By:* \_\_\_\_\_  
***SEAN MCGRATH***

***Owner of:*** Lot 54

**ACKNOWLEDGMENT**

**STATE OF TEXAS** §

§

**COUNTY OF TRAVIS** §

This Instrument was acknowledged before me on the \_\_\_\_\_ *day of December, 2012,*  
*by Sean McGrath.*

\_\_\_\_\_  
***Signature of Notary Public***

In and for the State of Texas

My Commission expires: \_\_\_\_\_

EXECUTED on this the 24 day of December, 2012.

**MARSHALL'S HARBOR SUBDIVISION LOT OWNER:**

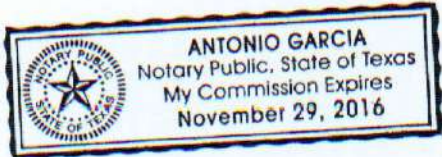
By: Cathy Bauguss  
CATHY BAUGUSS

Owner of: Lot 44

**ACKNOWLEDGMENT**

STATE OF TEXAS                   §  
   §  
COUNTY OF TRAVIS           §

This Instrument was acknowledged before me on the 24 day of December, 2012,  
by *Cathy Bauguss*.



[Signature]  
Signature of Notary Public

In and for the State of Texas  
My Commission expires: 11/29/2016

EXECUTED on this the \_\_\_\_\_ day of December, 2012.

**MARSHALL'S HARBOR SUBDIVISION LOT OWNER:**

By: \_\_\_\_\_  
**DOROTHY GUDGELL**

Owner of: Lot 33 and Lot 62

**ACKNOWLEDGMENT**

STATE OF TEXAS §

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COUNTY OF TRAVIS §

This Instrument was acknowledged before me on the \_\_\_\_\_ day of December, 2012,  
by *Dorothy Gudgell*.

\_\_\_\_\_  
*Signature of Notary Public*

In and for the State of Texas

My Commission expires: \_\_\_\_\_

*EXECUTED on this the \_\_\_\_\_ day of December, 2012.*

**MARSHALL'S HARBOR SUBDIVISION LOT OWNER:**

By: \_\_\_\_\_  
**BURGESS TRANK**

Owner of: Lot 66

**ACKNOWLEDGMENT**

STATE OF TEXAS §

§

COUNTY OF TRAVIS §

This Instrument was acknowledged before me on the \_\_\_\_\_ *day of December, 2012,*  
*by Burgess Trank.*


\_\_\_\_\_  
*Signature of Notary Public*

In and for the State of Texas

My Commission expires: \_\_\_\_\_

EXECUTED on this the 19 day of December, 2012.

**MARSHALL'S HARBOR SUBDIVISION LOT OWNER:**  
**WESTERN UNITED LIFE ASSURANCE COMPANY,**  
*A Washington Insurance Company*

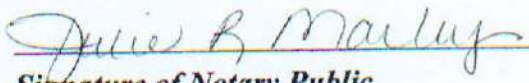
By:   
**Rahul Sharma**  
*COO & Chief Investment Officer*

Owner of: Lot A

**ACKNOWLEDGMENT**

STATE OF WASHINGTON           §  
  §  
COUNTY OF SPOKANE           §

This Instrument was acknowledged before me on the 19<sup>th</sup> day of December, 2012,  
by *Rahul Sharma, COO and Chief Investment Officer, for Western United Life Assurance  
Company, a Washington Insurance Company.*

  
*Signature of Notary Public*  
In and for the State of Washington  
My Commission expires: Sept 15 2014



EXECUTED on this the 29<sup>th</sup> day of January, 2013.

**MARSHALL'S HARBOR SUBDIVISION LOT OWNER:**

By:   
**BRIAN S. ATLAS**

Owner of: Lots 43

**ACKNOWLEDGMENT**

STATE OF TEXAS                               §  
  §  
COUNTY OF TRAVIS                       §

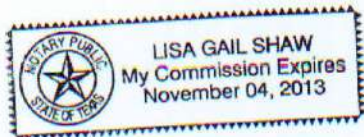
This Instrument was acknowledged before me on the 29<sup>th</sup> day of January, 2013, by  
**Brian S. Atlas.**



*Signature of Notary Public*

In and for the State of Texas

My Commission expires: 11/04/2013



**EXHIBIT "A"**

Vote Tally for Amendment to The Second Amended Declaration of CCRs for Marshalls Harbor  
Subdivision

Lot #	Votes Received	Owner Name	Lot #	Votes Received	Owner Name
1	1	VILLA MONTECHINO LP	47	1	WILKENS RICHD& SANDRA
2	1	VILLA MONTECHINO LP	48	1	VILLA MONTECHINO LP
3	1	VILLA MONTECHINO LP	50	1	VILLA MONTECHINO LP
4	1	VILLA MONTECHINO LP	51	1	HARRIS DAVID K & MICHELE
5	1	VILLA MONTECHINO LP	52	1	VILLA MONTECHINO LP
6	1	VILLA MONTECHINO LP	53	1	CONSTANTINO JOE
7	1	VILLA MONTECHINO LP	54		MCGRATH SEAN M
8	1	VILLA MONTECHINO LP	55		JAMES OTWELL
9	1	VILLA MONTECHINO LP	56	1	SKOL KEVIN
10	1	VILLA MONTECHINO LP	57	1	VILLA MONTECHINO LP
11	1	VILLA MONTECHINO LP	58	1	ARG PROPERTIES LTD
12	1	VILLA MONTECHINO LP	59		JAMES OTWELL
13	1	VILLA MONTECHINO LP	60	1	VILLA MONTECHINO LP
14	1	VILLA MONTECHINO LP	61	1	VILLA MONTECHINO LP
15	1	VILLA MONTECHINO LP	62		GUDGELL DOROTHY S
16	1	VILLA MONTECHINO LP	63		ABADI, TONI D
17	1	VILLA MONTECHINO LP	64		ABADI, TONI D
18	1	VILLA MONTECHINO LP	65		MARCHAK JAMES P
19	1	VILLA MONTECHINO LP	66		BATINICK JEFF M
20	1	VILLA MONTECHINO LP	67		BARROW KYLE
21	1	VILLA MONTECHINO LP	68	1	VILLA MONTECHINO LP
22	1	VILLA MONTECHINO LP	69		Burgess N. Trank
23	1	VILLA MONTECHINO LP	70	1	VILLA MONTECHINO LP
24	1	VILLA MONTECHINO LP	71	1	VILLA MONTECHINO LP
25	1	VILLA MONTECHINO LP	72	1	VILLA MONTECHINO LP
26	1	VILLA MONTECHINO LP	73	1	ARG PROPERTIES LTD
33		GUDGELL DOROTHY S	74		BARROW KYLE
34	1	VILLA MONTECHINO LP	49A	1	VILLA MONTECHINO LP
43	1	ATLAS BRIAN S	49B	1	VILLA MONTECHINO LP
44	1	BAUGUSS CATHY M	A	1	WULA
45	1	VILLA MONTECHINO LP	B	1	VILLA MONTECHINO LP
46		BARROW KYLE	C	1	VILLA MONTECHINO LP
TOTAL # LOTS	64		TOTAL VOTES	51	

79.69%



**AFTER RECORDING, PLEASE RETURN TO:**

***Ted Hollen, Attorney***

The Casey Professional Building

202624 F.M. 1431, Suite #9

Lago Vista, Texas 78645

(512) 267-2700 – Direct #

(512) 267-2713 - Facsimile

**TRAVIS COUNTY CLERK'S RECORDING INFORMATION:**

**FILED AND RECORDED**

OFFICIAL PUBLIC RECORDS

*Dana DeBeauvoir*

Jan 31, 2013 03:23 PM

2013018951

SCOTTR: \$112.00

Dana DeBeauvoir, County Clerk

Travis County TEXAS