

Midland County
Alison Haley
County Clerk
Midland, Texas 79702



70 2017 00006623

Instrument Number: 2017-6623

As

Recorded On: March 07, 2017

Recording after Aug 2005

Billable Pages: 16

Number of Pages: 17

Comment: AM SADDLE CLUB TOWNHOUSE

(Parties listed above are for Clerks reference only)

**** Examined and Charged as Follows: ****

Recording after Aug 2005	86.00
Total Recording:	86.00

***** DO NOT REMOVE. THIS PAGE IS PART OF THE INSTRUMENT *****

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

File Information:

Document Number: 2017-6623
Receipt Number: 529418
Recorded Date/Time: March 07, 2017 01:38:36P
User / Station: C Castaneda - cc207

Record and Return To:

DAN R. LINEBARGER
809 CANONERO
MIDLAND TX 79705



State of Texas
County of Midland

I hereby certify that this instrument was FILED on the date and at the time stamped hereon by me and was duly RECORDED in the named RECORDS of Midland County, Texas as stamped hereon.

County Clerk
Midland County, Texas

AMENDMENT TO DECLARATION OF COVENANTS AND RESTRICTIONS
FOR SADDLE CLUB TOWNHOUSE AREA "A"

The undersigned, being the owners and proprietors of a majority of the currently recorded Lot Owners set forth herein our agreement to amend the covenants and restrictions as set forth in the Declaration of Covenants and Restrictions for Saddle Club Townhouse Area "A" recorded on March 3, 1982 at Volume 666, Page 72 of the Official Records of Midland County, Texas (the "Declaration") enter into the following AMENDMENT TO DECLARATION OF COVENANTS AND RESTRICTIONS FOR SADDLE CLUB TOWNHOUSE AREA "A" (the "Amended Declaration").

Having been approved by a majority of the Lot Owners of the lots and lands described in the Declaration whose signatures are set forth below this Amended Declaration shall have an Effective Date of JANUARY 19, 2017 and said Declaration and Amended Declaration shall constitute covenants to run with all of the land comprising Saddle Club Townhouse Area "A" as provided by law and shall be binding upon all Lot Owners and all persons or entities claiming under them and for the benefit of and as limitations upon all future Lot Owners and other parties or persons claiming any interest therein this Amended Declaration being for the purpose of improving, developing and restricting the said property as hereinafter specified.

Except as hereafter amended and modified the Declaration shall remain in full force and effect. Any conflict between the Declaration and this Amended Declaration shall be controlled by the terms of this Amended Declaration.

Article 1

1. Formation of a Homeowners Association – [Replaces the former paragraph] The Lot Owners have heretofore created a non-profit corporation named the Saddle Club Townhouse Area "A" Homeowners Association ("Association") under the laws of the State of Texas which has the power and obligation to perpetually manage, maintain, repair, replace, improve and insure the Common Areas, facilities and easements within the Subdivision. The Association shall collect assessments and make disbursements of proceeds and shall take appropriate enforcement action concerning delinquent accounts. The Association, through its Board of Directors shall have the right and duty to enforce all terms and conditions of the Declaration and this Amended Declaration including all covenants and restrictions. Upon the majority vote of a quorum of the Board of Directors the Association shall have the right to enforce all terms and conditions of the Declaration including all covenants and restrictions including through litigation or other means of dispute resolution. Notwithstanding anything to the contrary in the Bylaws of the Association, the Board of Directors shall have the right, duty and full discretion on behalf of the Association in enforcing all terms and conditions of the Declaration and Amended Declaration including all covenants and restrictions and in retaining legal counsel to represent the interests of the Association. Costs of such matter shall be shared equally by all members of the Association and may be advance billed by the Association in reasonably estimated amounts to cover such costs.

Article III

1. Lot Usage – [Replaces the former paragraph] From and after the effective date and recordation of this Amended Declaration in the records of Midland County, Texas Lots and improvements thereon may be used only for Approved single family residential buildings, attached or detached servants' or guest quarters, vehicle garages, accessory buildings, landscaped areas, outdoor private recreational uses in conjunction with residence buildings and other related accessory uses and structures incidental to residential development. No Buildings on a Lot shall be more than two and one-half stories in height.

Leasing of Lots and Residences.

Unless approved by the Board of Directors in advance as provided below no Lot or residence on such Lot shall be leased, rented to or otherwise occupied as a primary residence by any person other than the Lot owner/member of the Association and his single family. No Lot may be approved for lease by the Board of Directors unless the Lot owner has listed the Lot for sale without success for a period of six (6) continuous months.

A Lot owner/member of the Association who desires to lease his, her or its Lot and residence to a third party for use as a single family residence shall submit such request in writing to the Board of Directors including the following submissions prior to any binding agreement with such third party:

A proposed form of Lease including the following mandatory terms:

- maximum term of twelve (12) months at which time the Lot must be re-listed for sale with holdover rights of tenant limited to month to month
- occupation of the residence shall be by a single family
- Tenant is responsible jointly with Lot owner for compliance with all covenants and restrictions including parking, maintenance, upkeep of the property; repair of damages to common areas, etc.
- Lot owner remains primarily responsible to the Association for reimbursement of any expenses incurred by Association in remedying non-compliance with covenants and restrictions
- Lease shall automatically terminate if after written notice of demand for compliance of covenants and restrictions Lot owner and/or tenant have not remedied such non-compliance within thirty days of receipt of written notice from the Board of Directors
- If the Board of Directors denies a written request for forbearance of these mandatory terms, in whole or in part, that decision shall be final. The Board of Directors may grant forbearance in cases of hardship at its sole discretion.

Effect on Current Lots.

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Should any Lot be in violation of this Amended Declaration on or after the Effective Date the Lot owner shall have thirty (30) days within which to bring the Lot usage into compliance with these provisions. Failure to cure such non-compliance shall be grounds for specific performance of these Amended Declarations and shall be grounds for injunctive relief and damages including an award of attorneys' fees and costs for the Association. Should a Lot owner be found to have violated these provisions the Association shall be entitled to liquidated damages in an amount equal to the greater of (1) the amount of lease/rental income paid to or to be received by the Lot owner from the third party/tenant OR (2) \$3,000 per month for each month of non-compliance.

Article VIII.

- 4. Enforcement of Restrictions. – [Replaces the former paragraph] If any person acquiring land or any interest therein in the Subdivision shall violate or attempt to violate any of the restrictions and covenants herein set forth during the period in which these restrictions and covenants are in force and effect, it shall be the absolute right for the Association through its Board of Directors to enforce these covenants and restrictions by prosecution of civil proceedings including all legal and equitable remedies available against any person or person so violating or attempting to violate such restrictions and covenants. In addition to any money damages and equitable relief available to the Association in a proceeding to enforce these restrictions and covenants the Association shall also be entitled to recover from the adverse party a daily accruing penalty of \$50.00 per day beginning on the thirtieth day following receipt by adverse party of written notice from the Association through its Board of Directors of a violation or non-compliance with these restrictions and covenants and ending on the date of judgment or cure of the violation or non-compliance by the adverse party. Failure by the Association or any Lot owner to enforce any restriction or covenant herein contained shall in no event be deemed a waiver of the right to do so thereafter.

Article IX

PROPERTY SUBJECT TO THIS AMENDED DECLARATION

- 1. Existing Property – [Replaces the former paragraph] All of the Lots, Common Areas, Access Easements and Private Streets and Alley easements shown on the recorded Plat of the Subdivision shall be held, transferred, sold, conveyed, retained and occupied subject to the covenants, restrictions, easements, charges and liens set forth in this Amended Declaration.

This Amended Declaration may be executed in multiple counterparts, each of which shall be an original, but all of which, taken together shall constitute but one instrument.

WITNESS THE EXECUTION hereof as of the dates of acknowledgement by each of the parties hereto

SADDLE CLUB TOWNHOUSE AREA "A"
HOMEOWNERS ASSOCIATION

By: [Signature]
Name: DAN R. LINEBARGER
Title: PRESIDENT
Date: 1-19-17

STATE OF TEXAS

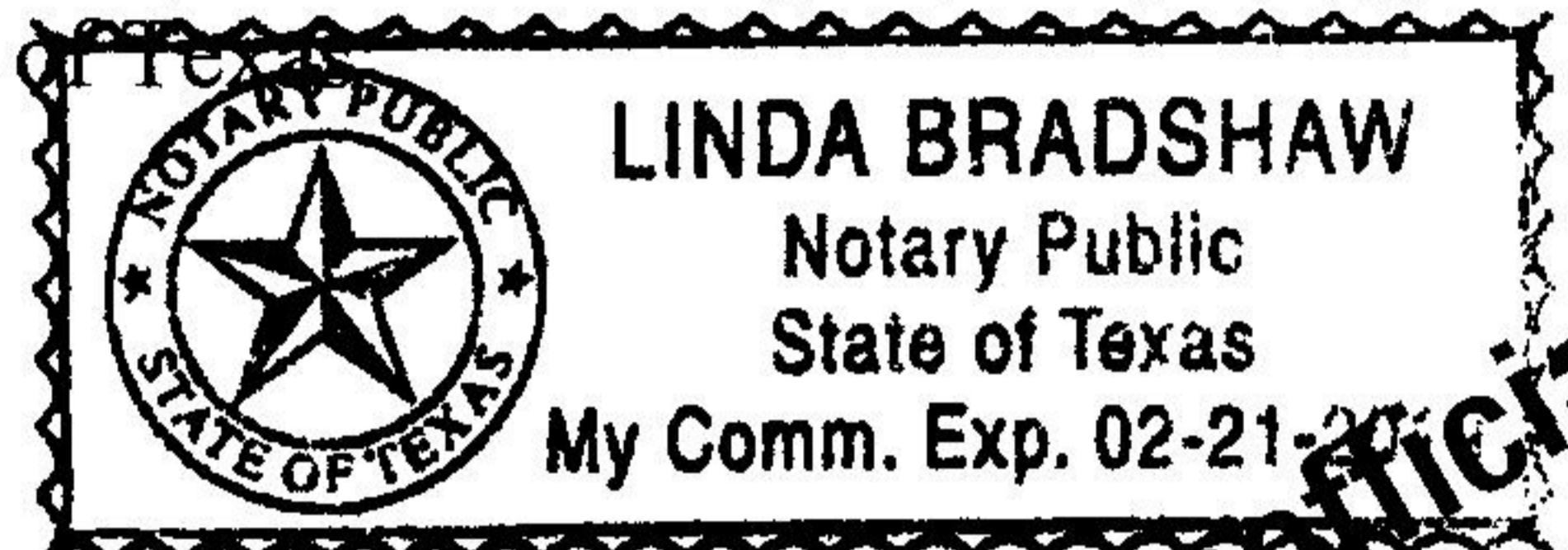
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COUNTY OF MIDLAND

§

This instrument was acknowledged before me on Jan 19, 2017 by Dan Linebarger,
the President of Saddle Club Townhouse Area "A" Homeowners Association on
behalf of said corporation.

Linda Bradshaw
Notary Public, State of Texas



[Lot Owners with each having an individual acknowledgment]

Lot No: 3
Street Address: 900 Sorrell Lane E

Joyce M Hauke
Print Name: Joyce M Hauke

STATE OF TEXAS

§

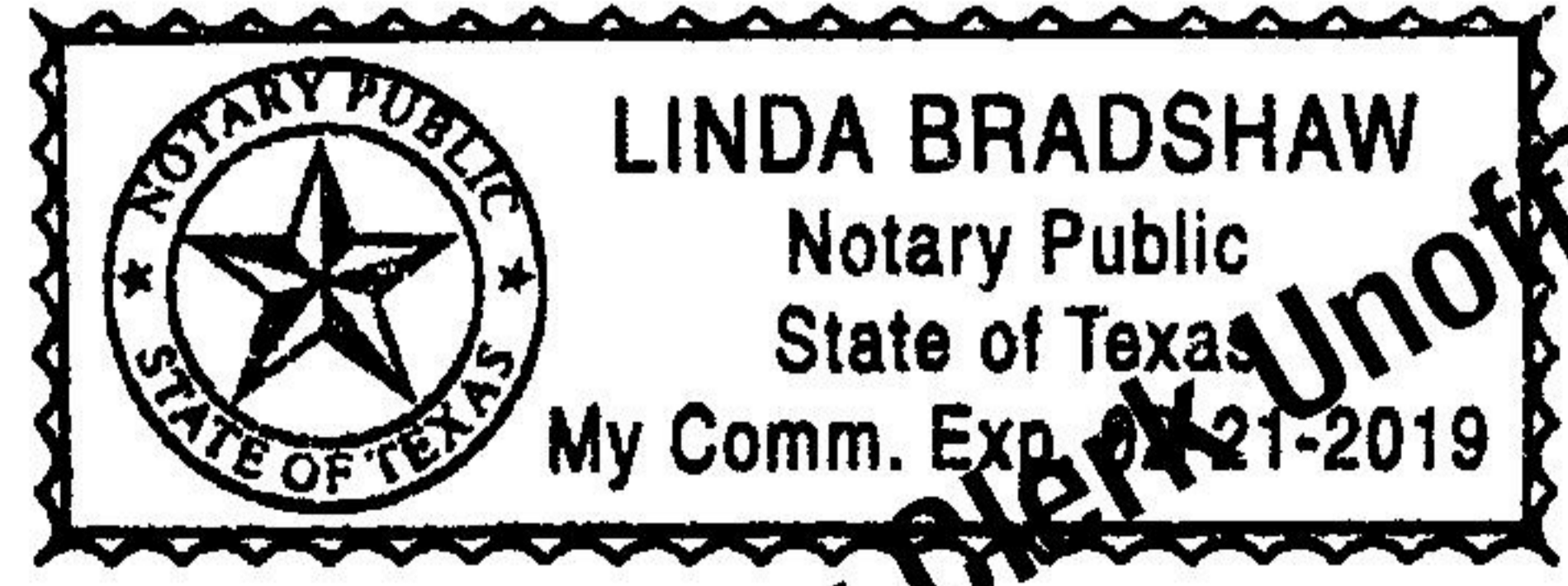
COUNTY OF MIDLAND

§

This instrument was acknowledged before me on Jan 23rd, 2017 by Joyce M. Hauke

Linda Bradshaw
Notary Public, State of Texas

Notary Public, State of Texas



[Lot Owners with each having an individual acknowledgment]

6623

Lot No: 3

Street Address: 909 Sorrel Lane W

[Signature]
Homeowner Signature

Print Name: Ray L. McKim III

STATE OF TEXAS
COUNTY OF MIDLAND

This instrument was acknowledged before me on January 19, 2017 by Ray L. McKim III

Linda Bradshaw
Notary Public, State of Texas

Lot No: 44

Street Address: 902 Sorrel

[Signature]
Homeowner Signature

Print Name: Alan E. Byars

STATE OF TEXAS
COUNTY OF MIDLAND

This instrument was acknowledged before me on January 19, 2017 by Alan E. Byars

Linda Bradshaw
Notary Public, State of Texas

Lot No: 4

Street Address: 907 Sorrel Lane W.

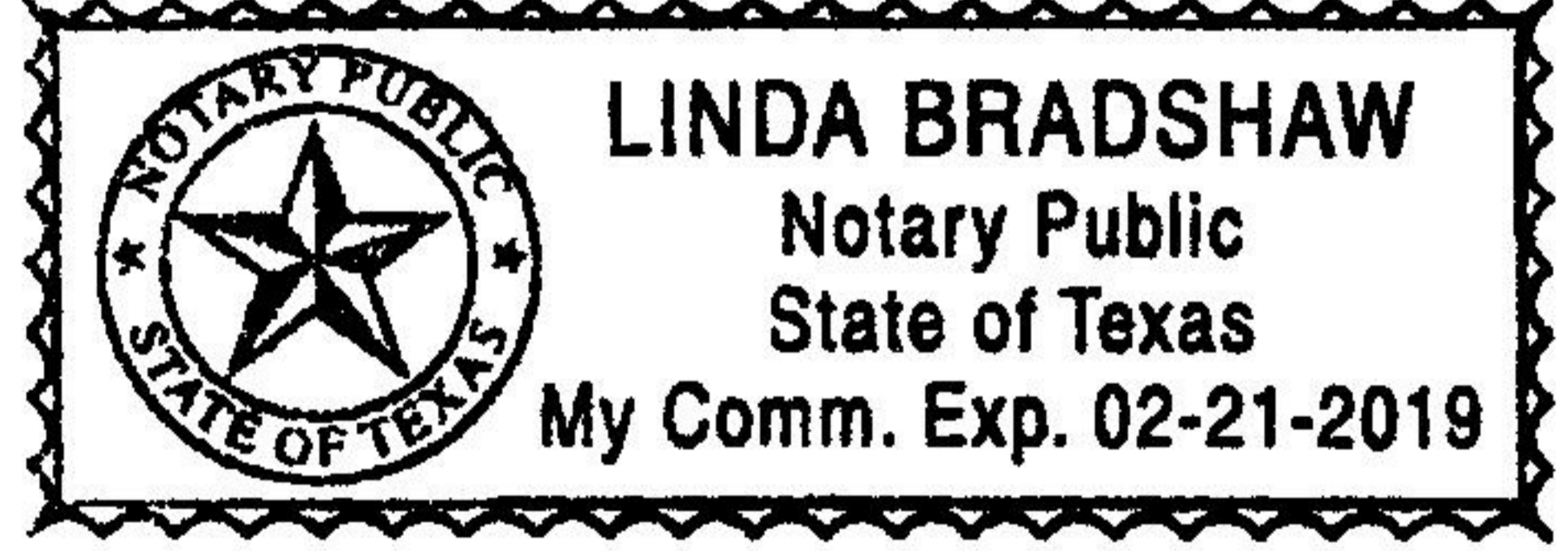
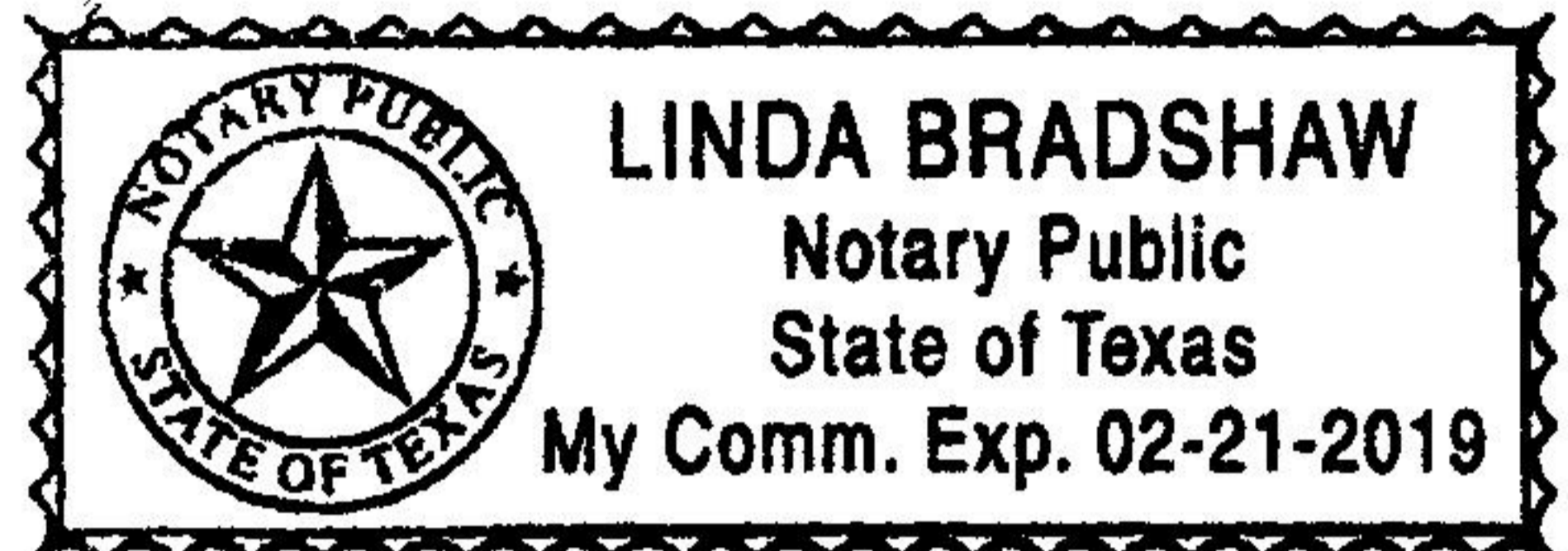
[Signature]
Homeowner Signature

Print Name: Wesley E. Pittman

STATE OF TEXAS
COUNTY OF MIDLAND

This instrument was acknowledged before me on January 19, 2017 by Wesley E. Pittman

Linda Bradshaw
Notary Public, State of Texas



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[Lot Owners with each having an individual acknowledgment]

Lot No: 36

Street Address: 803 Polomino

Homeowner Signature: [Signature]
Print Name: Shelly H. King

STATE OF TEXAS
COUNTY OF MIDLAND

This instrument was acknowledged before me on January 19, 2017 by Ainda Shelly King

Ainda Bradshaw
Notary Public, State of Texas

Lot No: 23

Street Address: 809 Canabero

Homeowner Signature: [Signature]
Print Name: Dan LINEBARGER

STATE OF TEXAS
COUNTY OF MIDLAND

This instrument was acknowledged before me on January 19, 2017 by Dan Linebarger

Ainda Bradshaw
Notary Public, State of Texas

Lot No: 42

Street Address: 808 Polomino

Homeowner Signature: [Signature]
Print Name: Robert W. Neff

STATE OF TEXAS
COUNTY OF MIDLAND

This instrument was acknowledged before me on January 19, 2017 by Robert W. Neff

Ainda Bradshaw
Notary Public, State of Texas

6623

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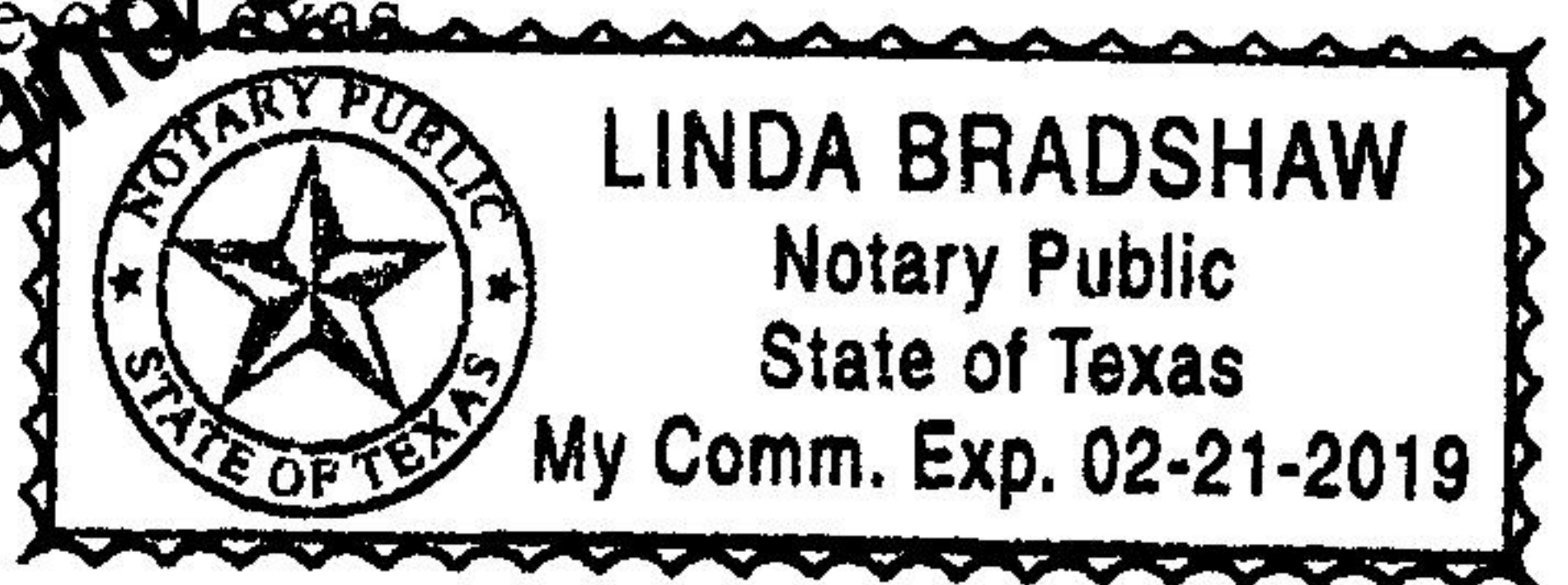
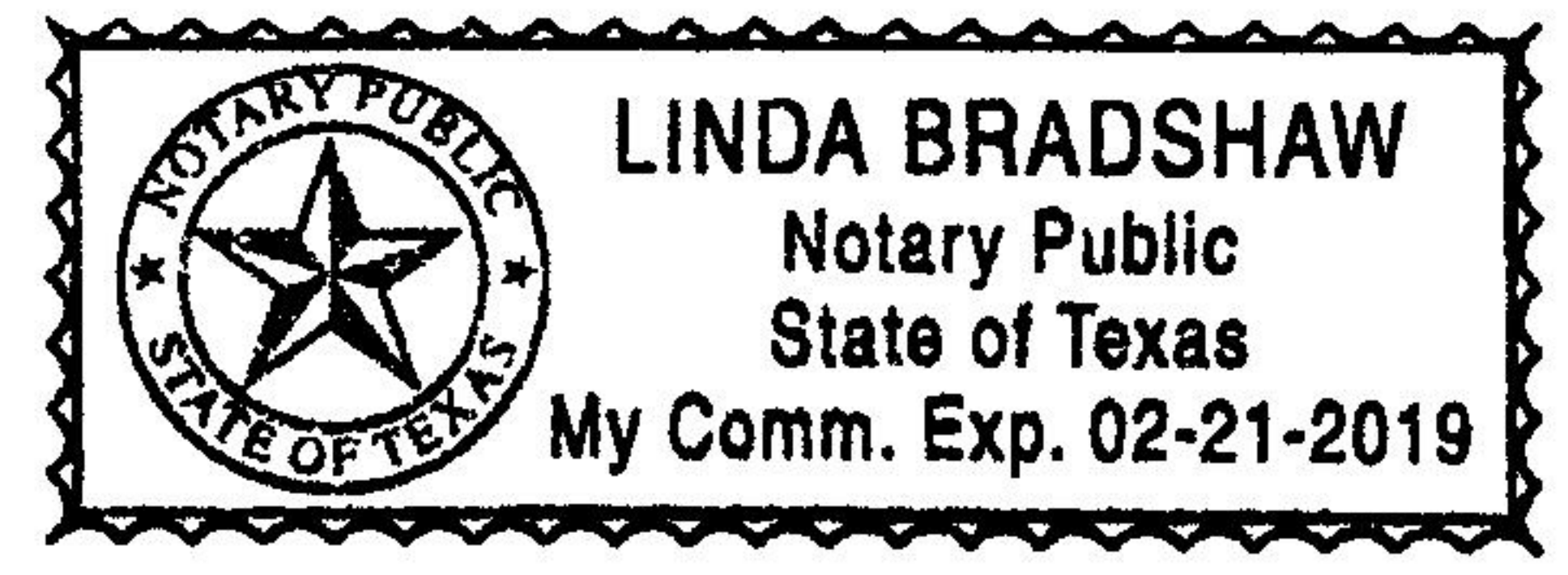
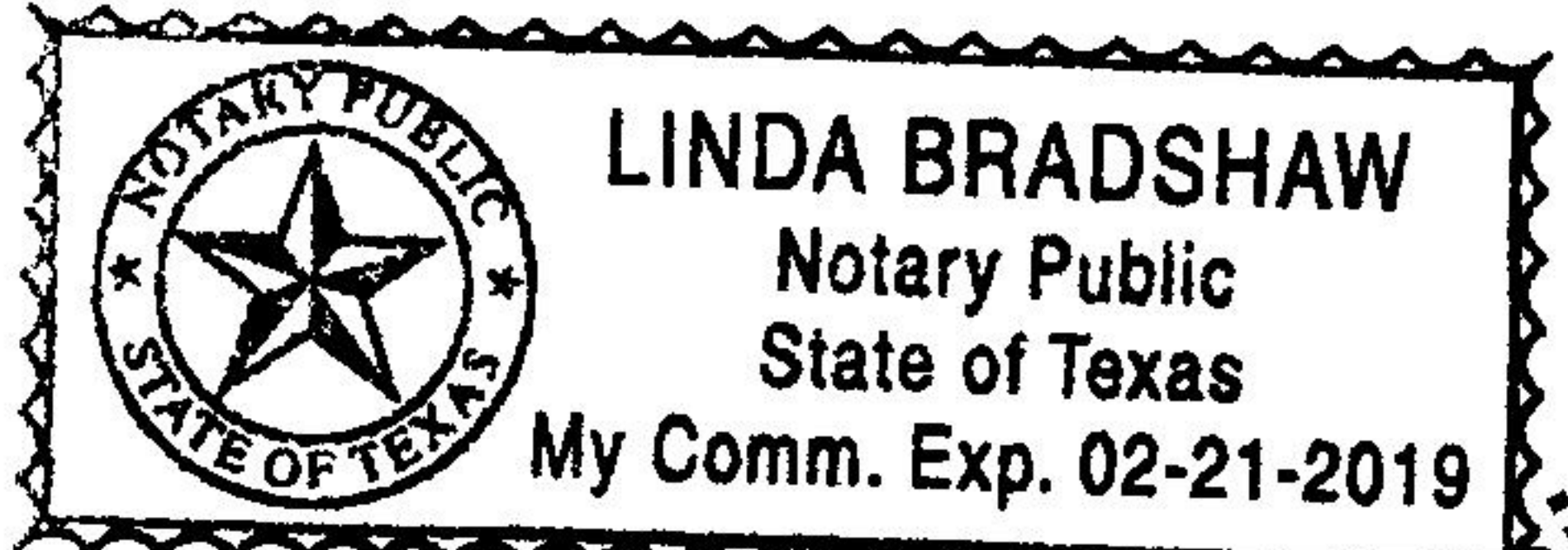
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[Lot Owners with each having an individual acknowledgment]

Lot No: 1

Street Address: 913 S. TREE LANE W

Frances R. Wheat
Homeowner Signature

Name: FRANCES R. WHEAT

STATE OF TEXAS
COUNTY OF MIDLAND

This instrument was acknowledged before me on January 19, 2017 by Frances R. Wheat

Linda Bradshaw
Notary Public, State of Texas

Lot No: 15

Street Address: 913 Citation

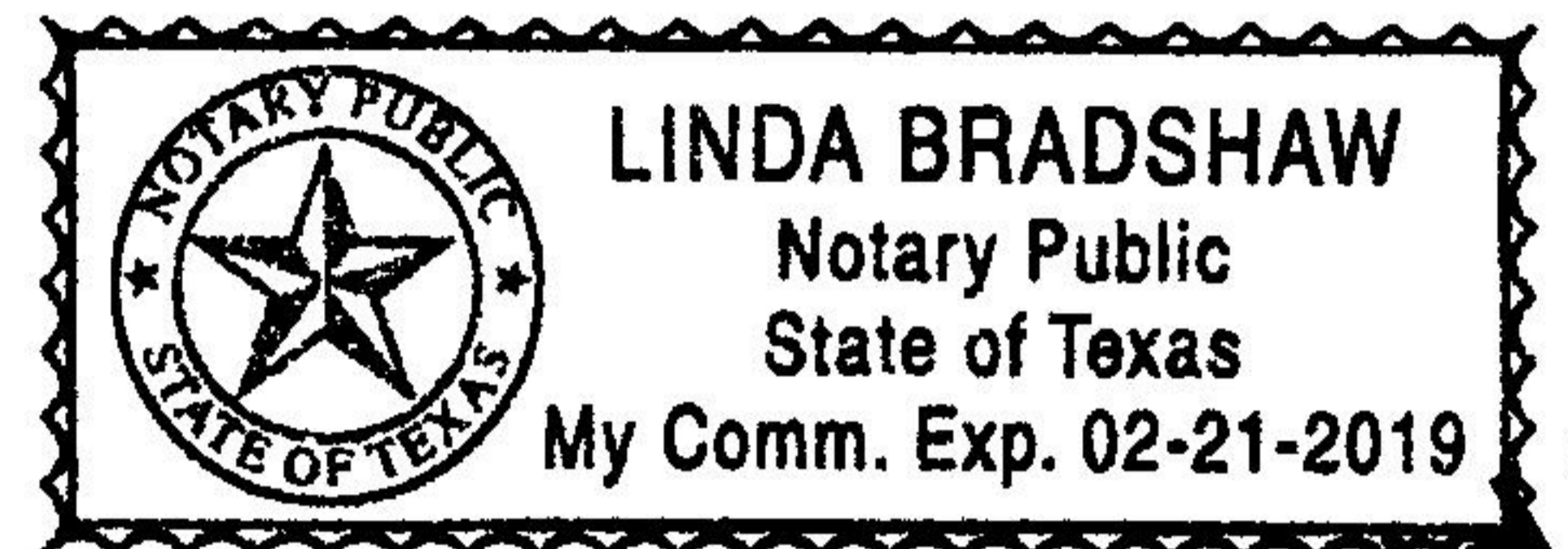
Carroll M. Thomas
Homeowner Signature

Print Name: Carroll M. Thomas

STATE OF TEXAS
COUNTY OF MIDLAND

This instrument was acknowledged before me on January 19, 2017 by Carroll M. Thomas

Linda Bradshaw
Notary Public, State of Texas



Lot No: 35

Street Address: 805 Palomino

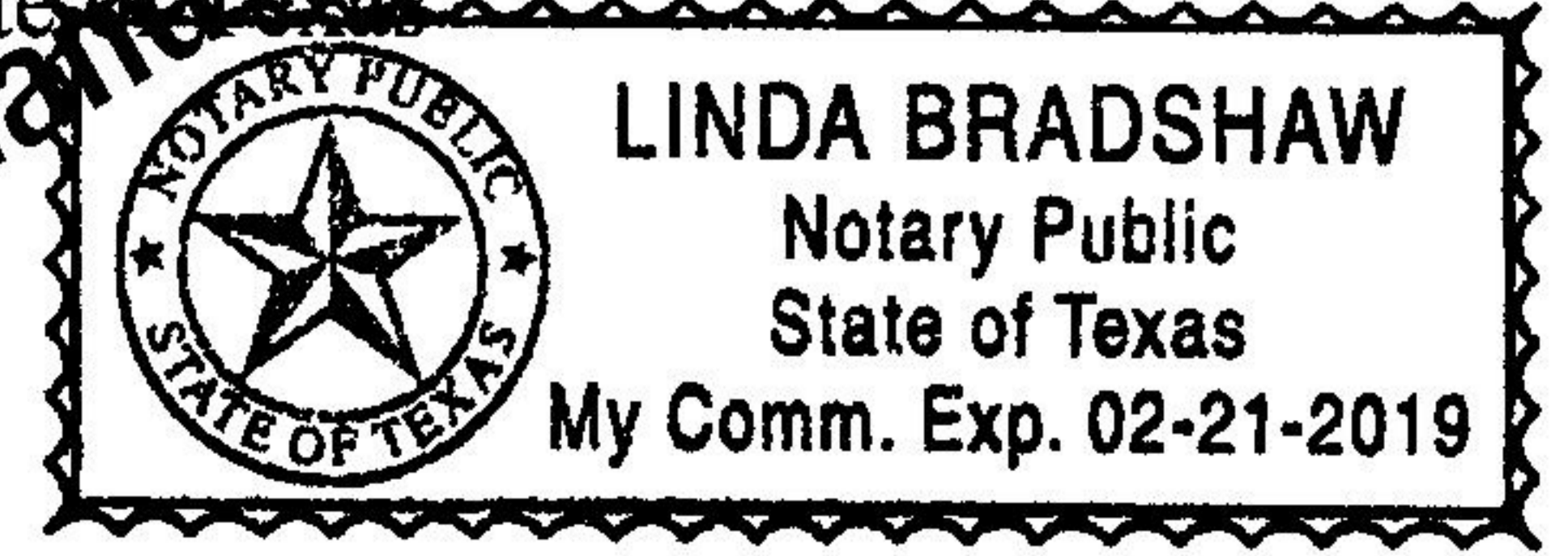
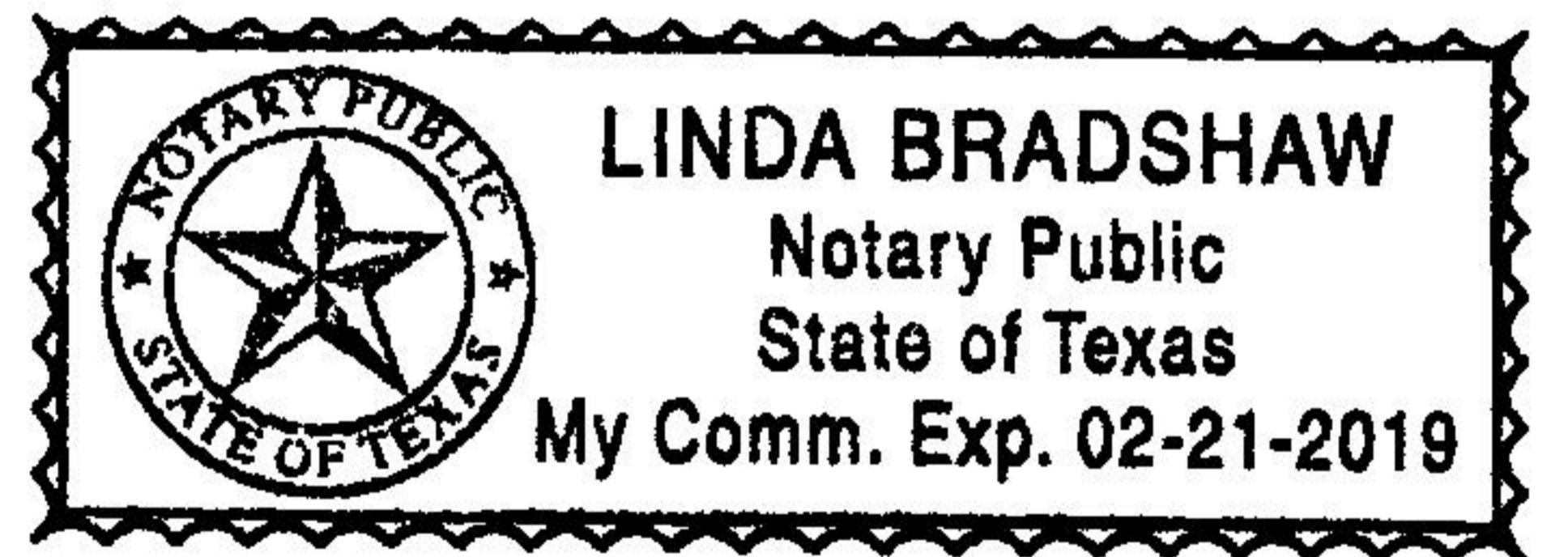
Marilyn Mathis
Homeowner Signature

Print Name: Marilyn Mathis

STATE OF TEXAS
COUNTY OF MIDLAND

This instrument was acknowledged before me on January 19, 2017 by Marilyn Mathis

Linda Bradshaw
Notary Public, State of Texas



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[Lot Owners with each having an individual acknowledgment]

Lot No: 18

Street Address: 907 Guadalupe

Suellen Dammann
Homeowner Signature

Print Name: Suellen Dammann

STATE OF TEXAS
COUNTY OF MIDLAND

This instrument was acknowledged before me on January 19, 2017 by Suellen Dammann

Linda Bradshaw
Notary Public, State of Texas

Lot No: 37

Street Address: 801 Palomino

Tora Wilbanks
Homeowner Signature

Print Name: Tora Wilbanks

STATE OF TEXAS
COUNTY OF MIDLAND

This instrument was acknowledged before me on January 19, 2017 by Tora Wilbanks

Linda Bradshaw
Notary Public, State of Texas

Lot No: 6

Street Address: 903 W. SORREL LANE

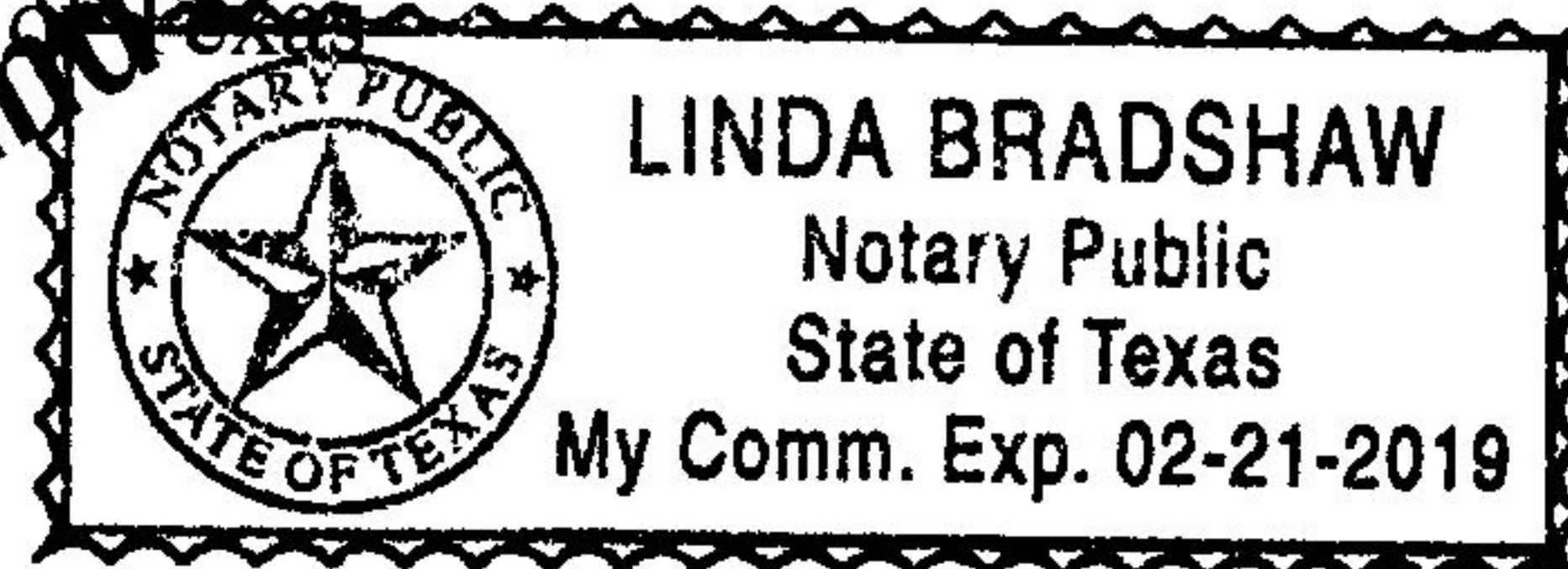
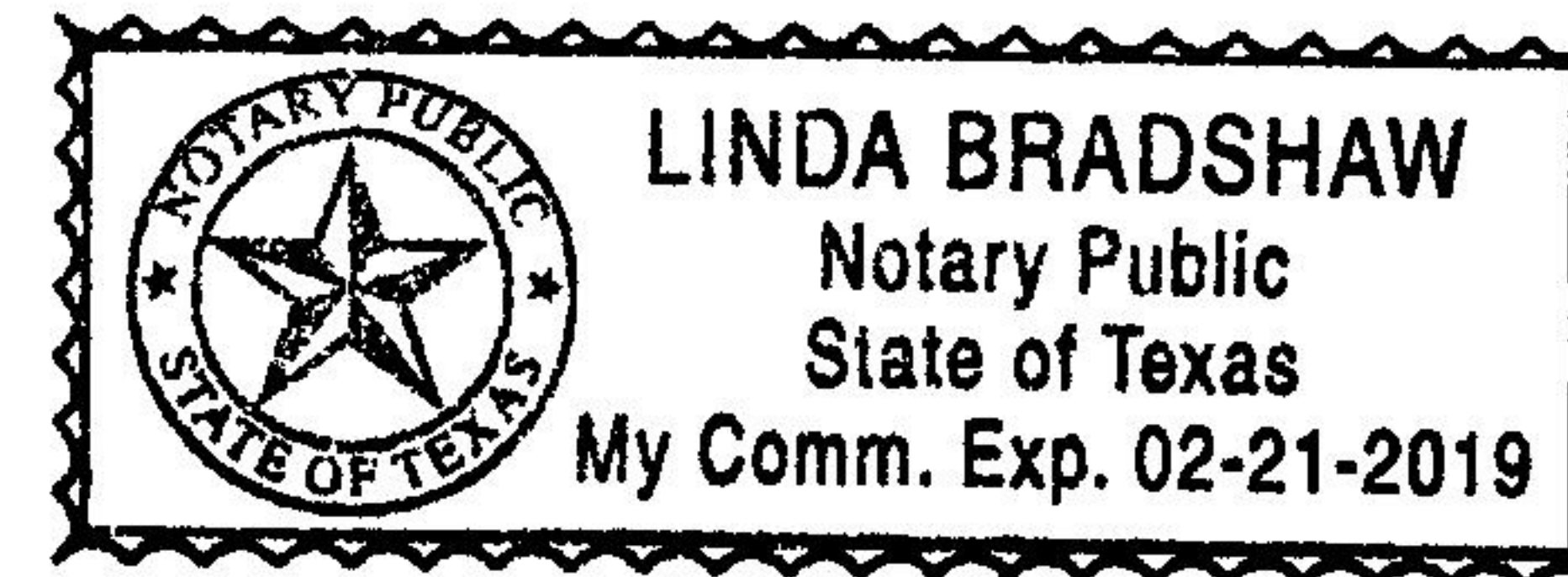
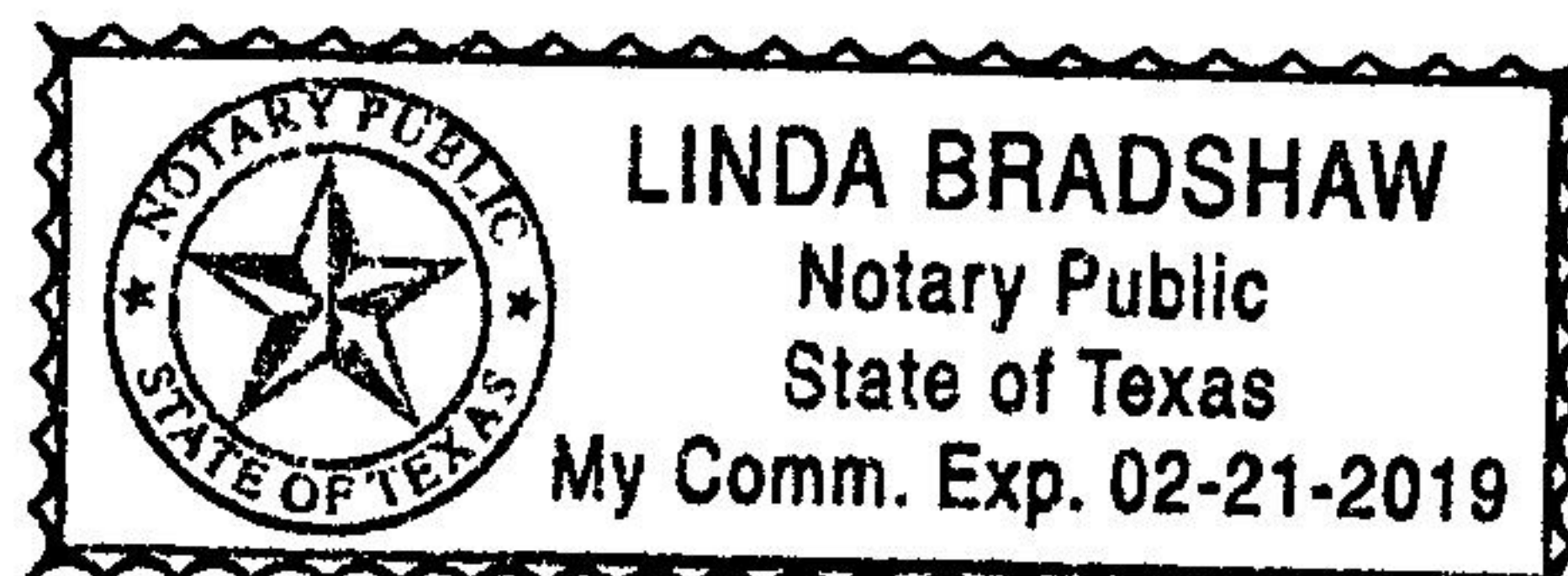
Dorise S. Watson
Homeowner Signature

Print Name: DORISE S. WATSON

STATE OF TEXAS
COUNTY OF MIDLAND

This instrument was acknowledged before me on January 19, 2017 by Dorise Watson

Linda Bradshaw
Notary Public, State of Texas



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[Lot Owners with each having an individual acknowledgment]

Lot No: 31

Street Address: 806 Honors St

[Signature]
Homeowner Signature

Print Name: Suzanne Sora

STATE OF TEXAS
COUNTY OF MIDLAND

This instrument was acknowledged before me on January 19, 2017 by Suzanne Sora

[Signature]
Notary Public, State of Texas

Lot No: 8

Street Address: 900 Citation Lane

[Signature]
Homeowner Signature

Print Name: Sandy J. Hanson

STATE OF TEXAS
COUNTY OF MIDLAND

This instrument was acknowledged before me on January 19, 2017 by Sandy J. Hanson

[Signature]
Notary Public, State of Texas

Lot No: 9

Street Address: 902 Citation

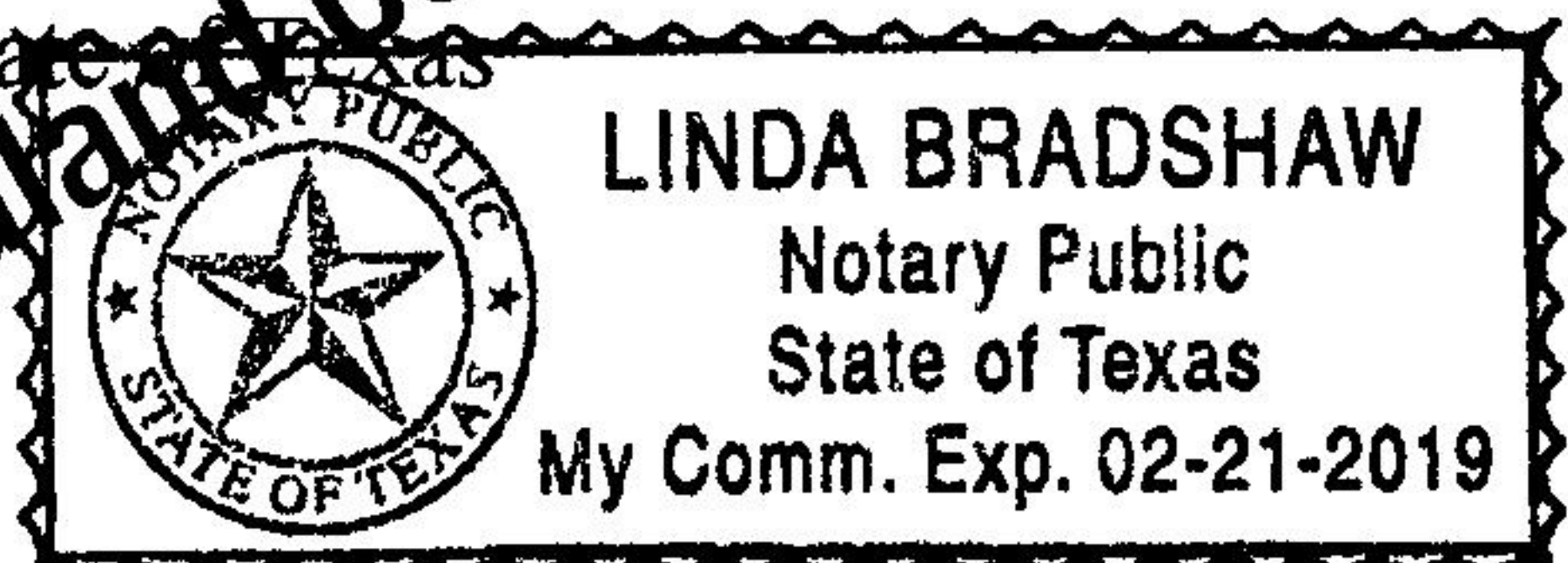
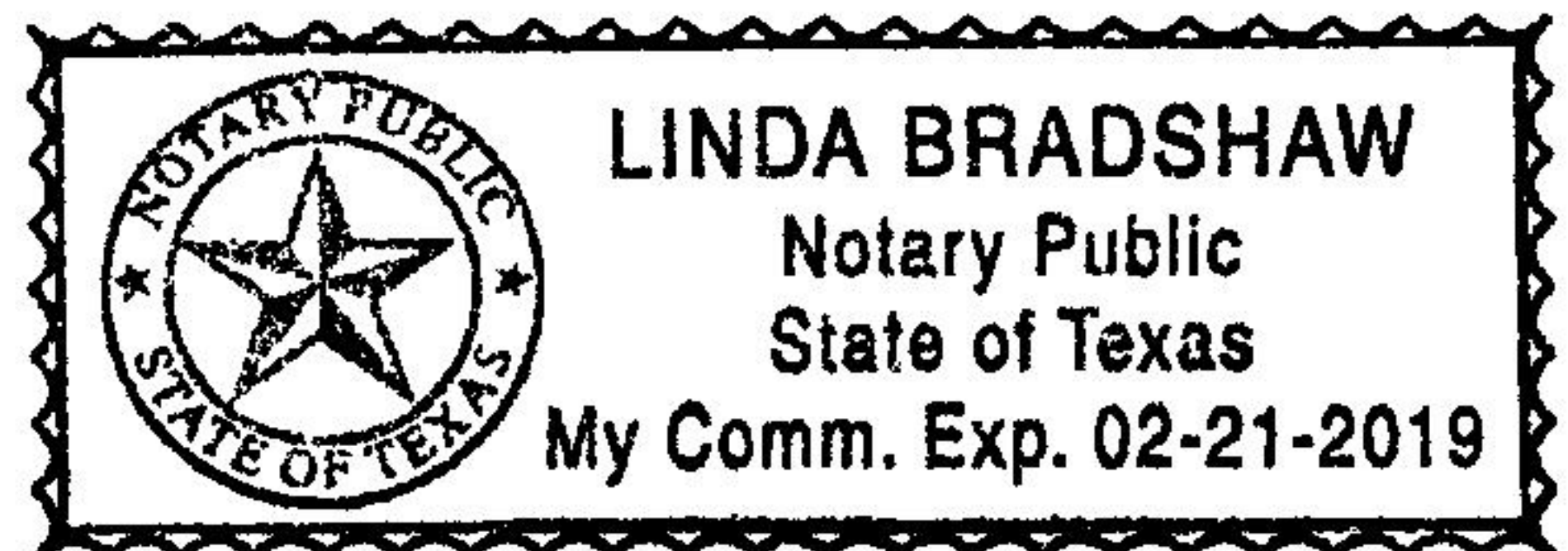
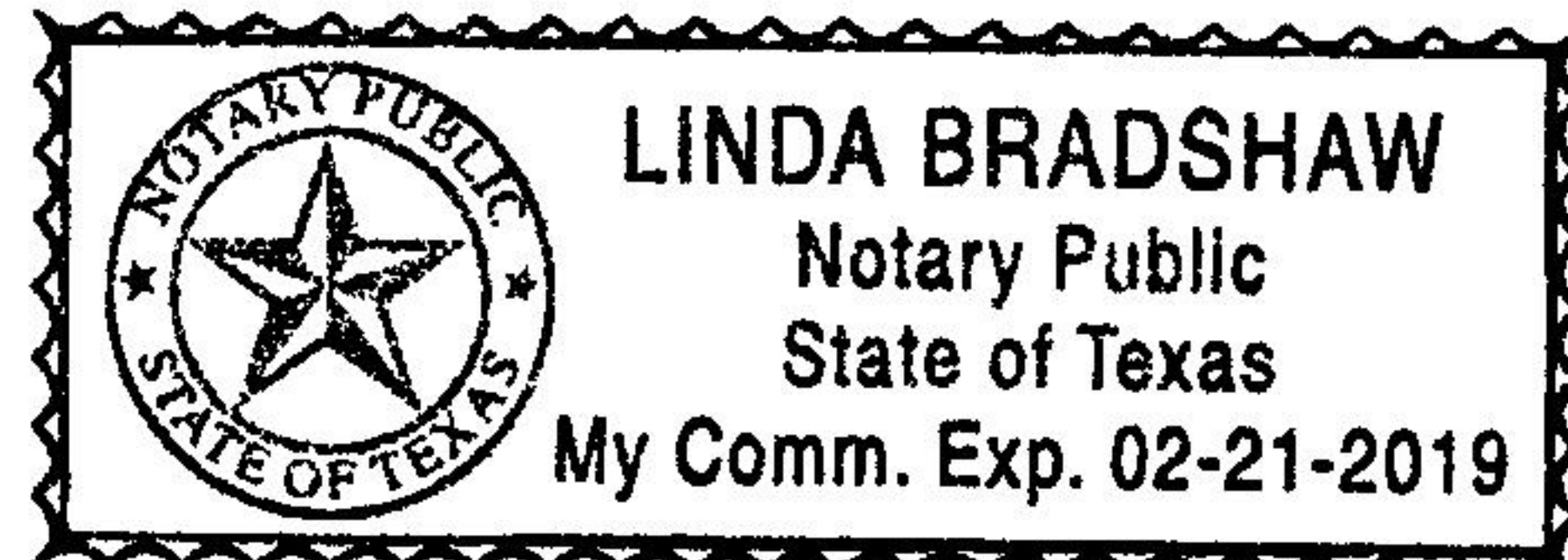
[Signature]
Homeowner Signature

Print Name: Sally Sip

STATE OF TEXAS
COUNTY OF MIDLAND

This instrument was acknowledged before me on January 19, 2017 by Sally Sip

[Signature]
Notary Public, State of Texas



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[Lot Owners with each having an individual acknowledgment]

Lot No: 24

Street Address: 807 ANONERO

Suzanne C. Martin
Homeowner Signature

Name: SUZANNE C. MARTIN

STATE OF TEXAS
COUNTY OF MIDLAND

This instrument was acknowledged before me on January 19, 2017 by Suzanne Martin

Linda Bradsha
Notary Public, State of Texas

Lot No: 26

Street Address: 803 Canonero

Sidney T. Scarborough
Homeowner Signature

Print Name: Sidney T. Scarborough

STATE OF TEXAS
COUNTY OF MIDLAND

This instrument was acknowledged before me on January 19, 2017 by Sidney Scarborough

Linda Bradsha
Notary Public, State of Texas

Lot No: 10

Street Address: 904 Citation

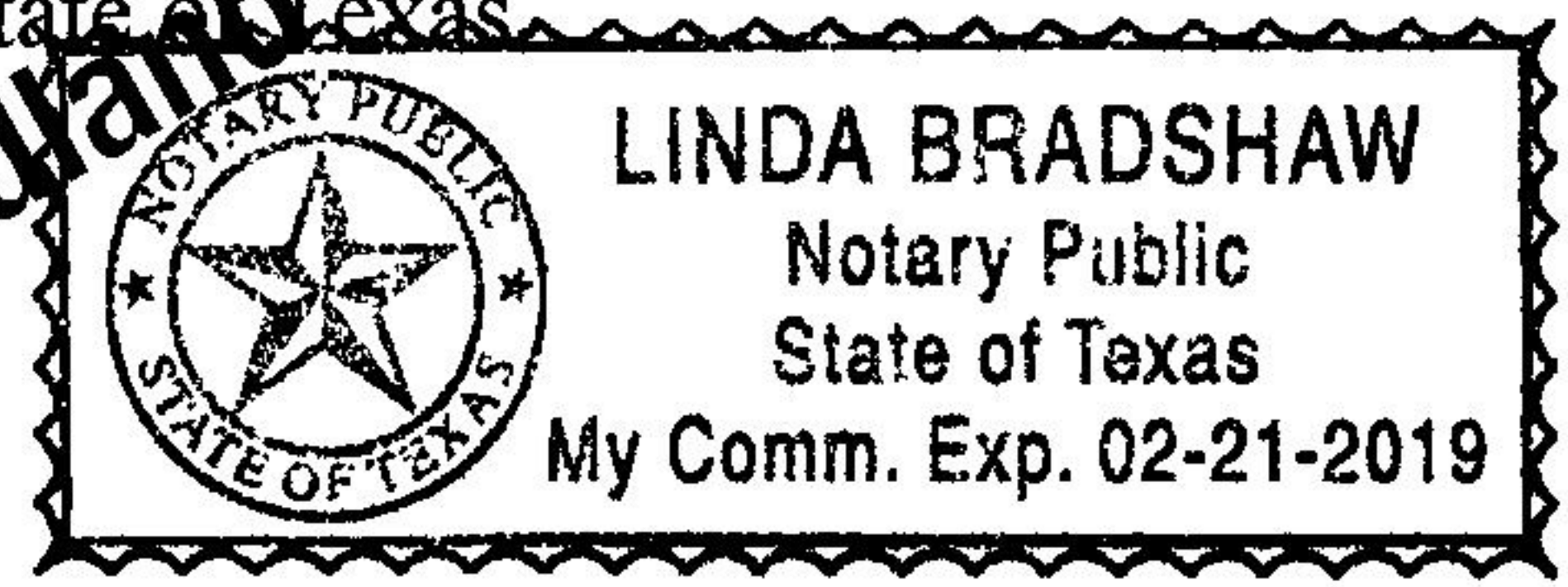
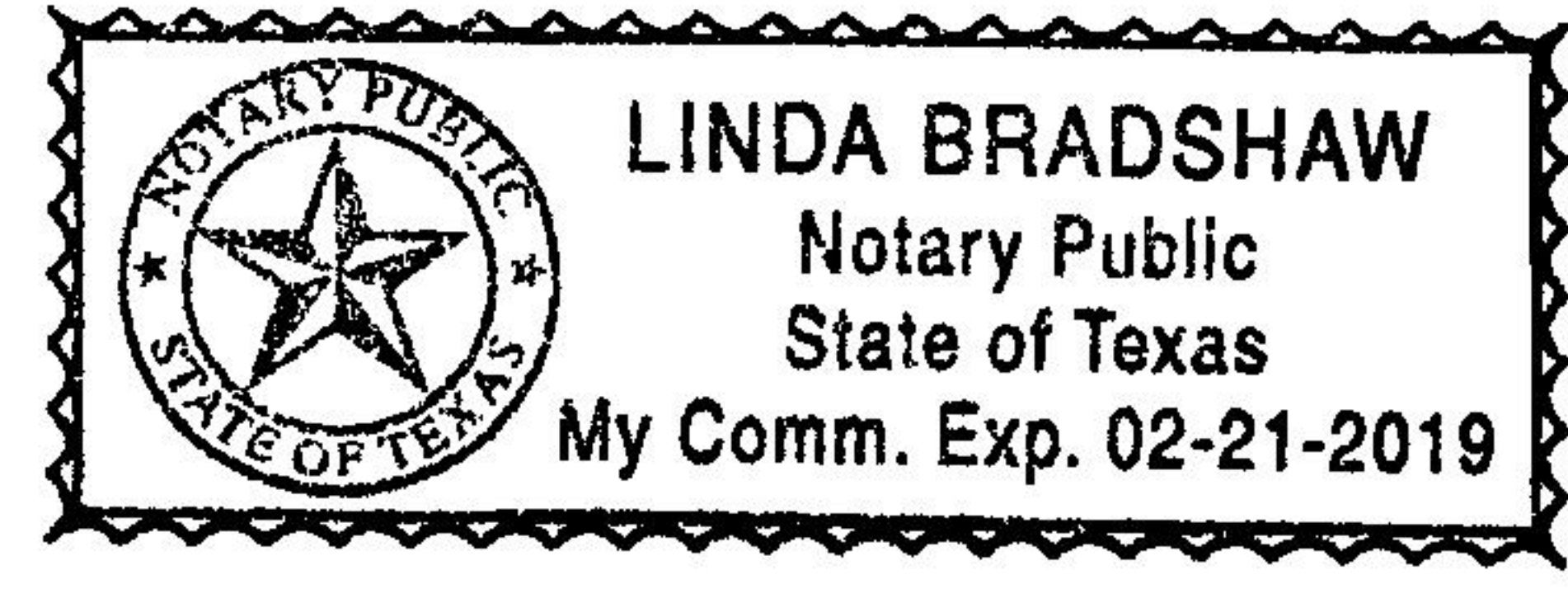
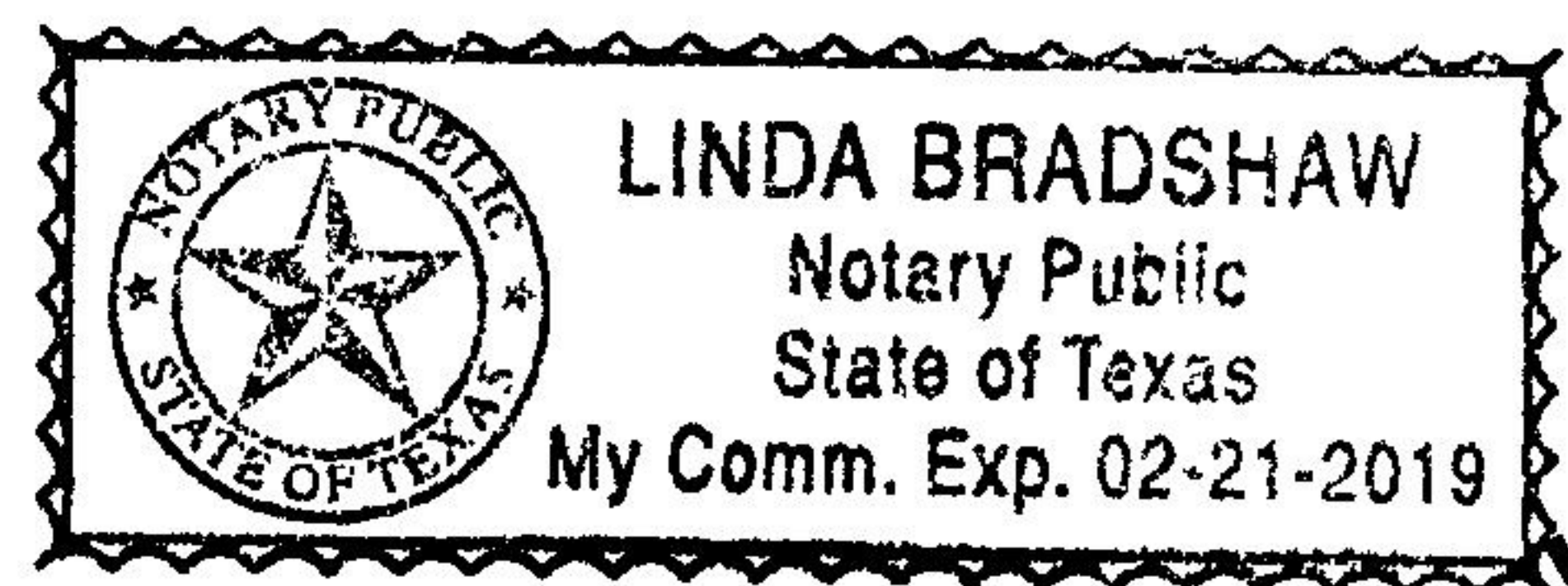
Patience Jones
Homeowner Signature

Print Name: Patience Jones

STATE OF TEXAS
COUNTY OF MIDLAND

This instrument was acknowledged before me on January 19, 2017 by Patience Jones

Linda Bradsha
Notary Public, State of Texas



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[Lot Owners with each having an individual acknowledgment]

Lot No: 41

Street Address: 806 Alomino

Homeowner Signature: C.R. Schwisow

Print Name: C.R. Schwisow

STATE OF TEXAS
COUNTY OF MIDLAND

This instrument was acknowledged before me on January 19, 2017 by C.R. Schwisow

Linda Bradshaw
Notary Public, State of Texas

Lot No: 30

Street Address: 804 Cameron

Homeowner Signature: Ken Hankins Jr.

Print Name: Ken Hankins Jr.

STATE OF TEXAS
COUNTY OF MIDLAND

This instrument was acknowledged before me on January 19, 2017 by Ken Hankins Jr.

Linda Bradshaw
Notary Public, State of Texas

Lot No: 17

Street Address: 909 Citation

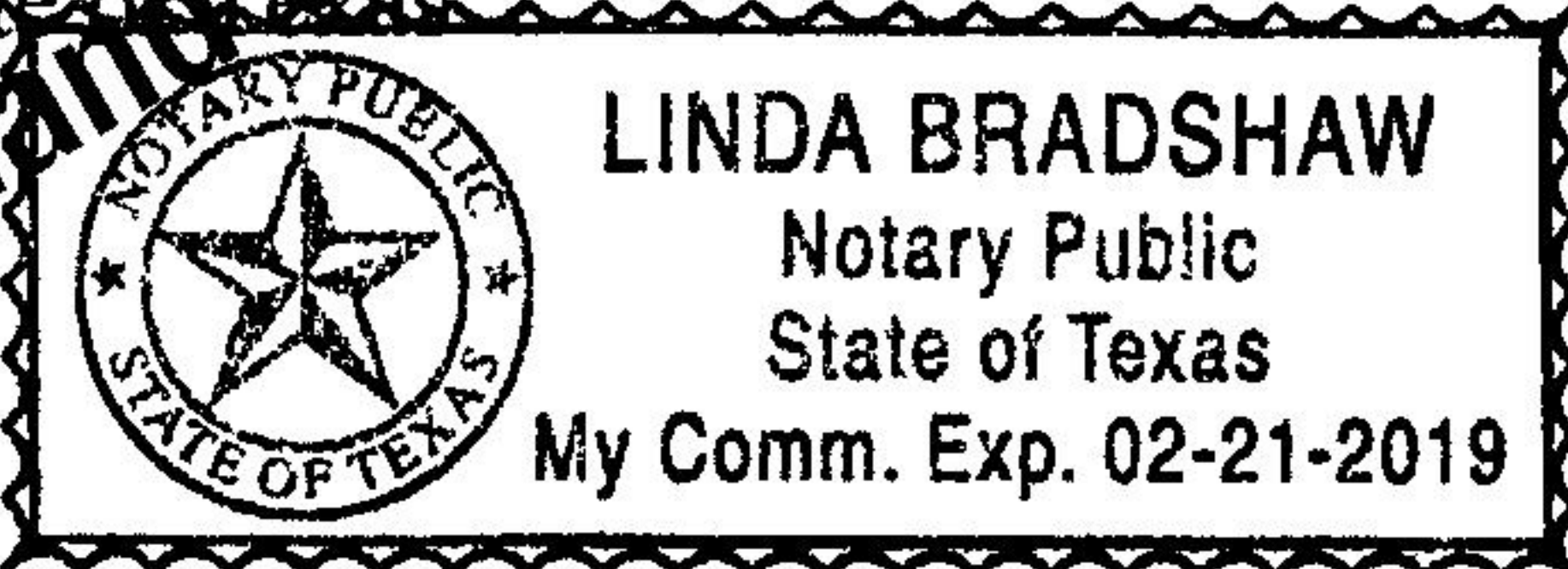
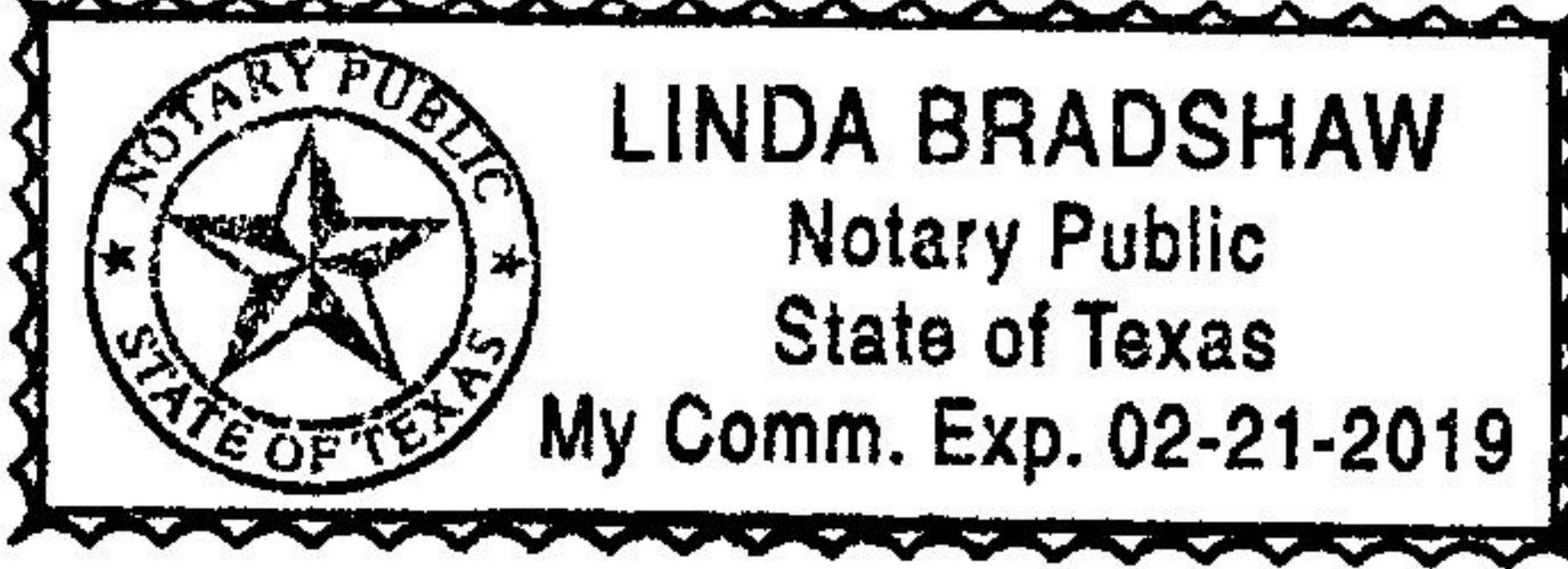
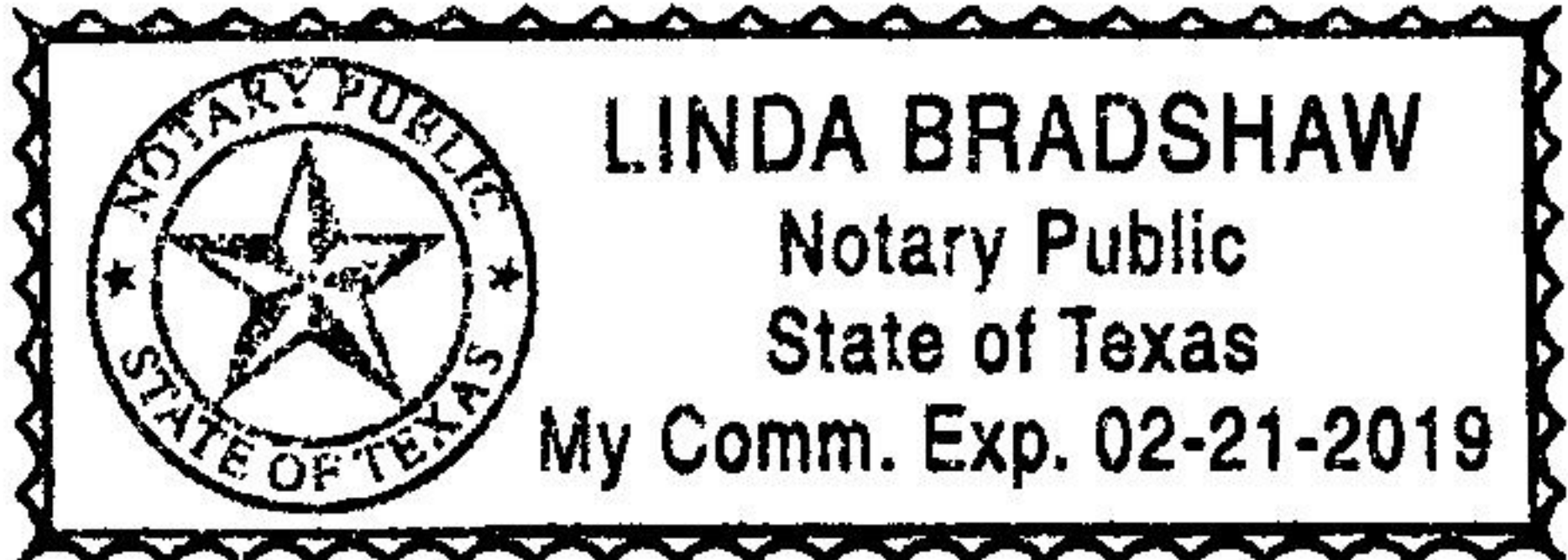
Homeowner Signature: Thomas Turner

Print Name: Thomas Turner

STATE OF TEXAS
COUNTY OF MIDLAND

This instrument was acknowledged before me on January 19, 2017 by Thomas Turner

Linda Bradshaw
Notary Public, State of Texas



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[Lot Owners with each having an individual acknowledgment]

Lot No: 14

Street Address: 912 Constitution

L. D. Robbins
Homeowner Signature

Print Name: L. D. Robbins

STATE OF TEXAS
COUNTY OF MIDLAND

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This instrument was acknowledged before me on January 20th, 2017 by L. D. Robbins

Linda Bradshaw
Notary Public, State of Texas

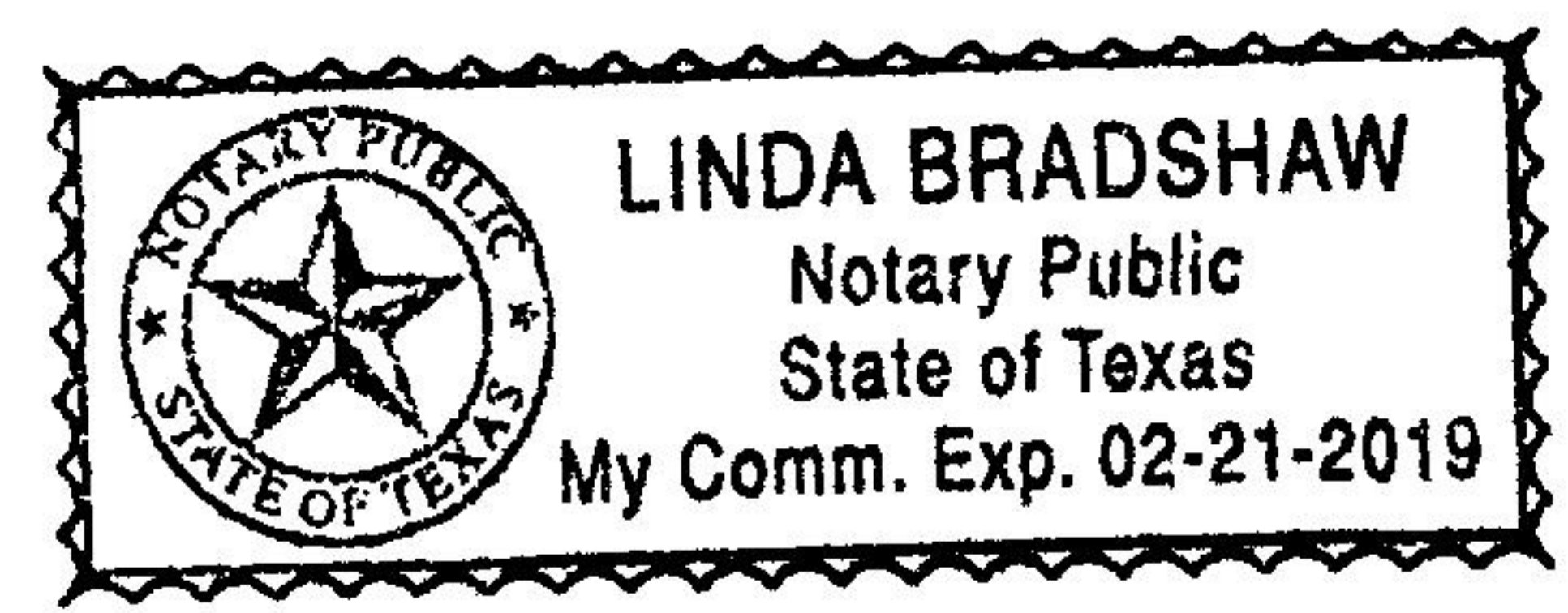
Lot No: _____

Street Address: _____

Homeowner Signature _____

Print Name: _____

STATE OF TEXAS
COUNTY OF MIDLAND



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This instrument was acknowledged before me on January _____, 2017 by _____

Notary Public, State of Texas

Lot No: _____

Street Address: _____

Homeowner Signature _____

Print Name: _____

STATE OF TEXAS
COUNTY OF MIDLAND

Midland County Clerk Unofficial Copy

Midland County Clerk Unofficial Copy

This instrument was acknowledged before me on January _____, 2017 by _____

Notary Public, State of Texas

STATE OF TEXAS

COUNTY OF MIDLAND

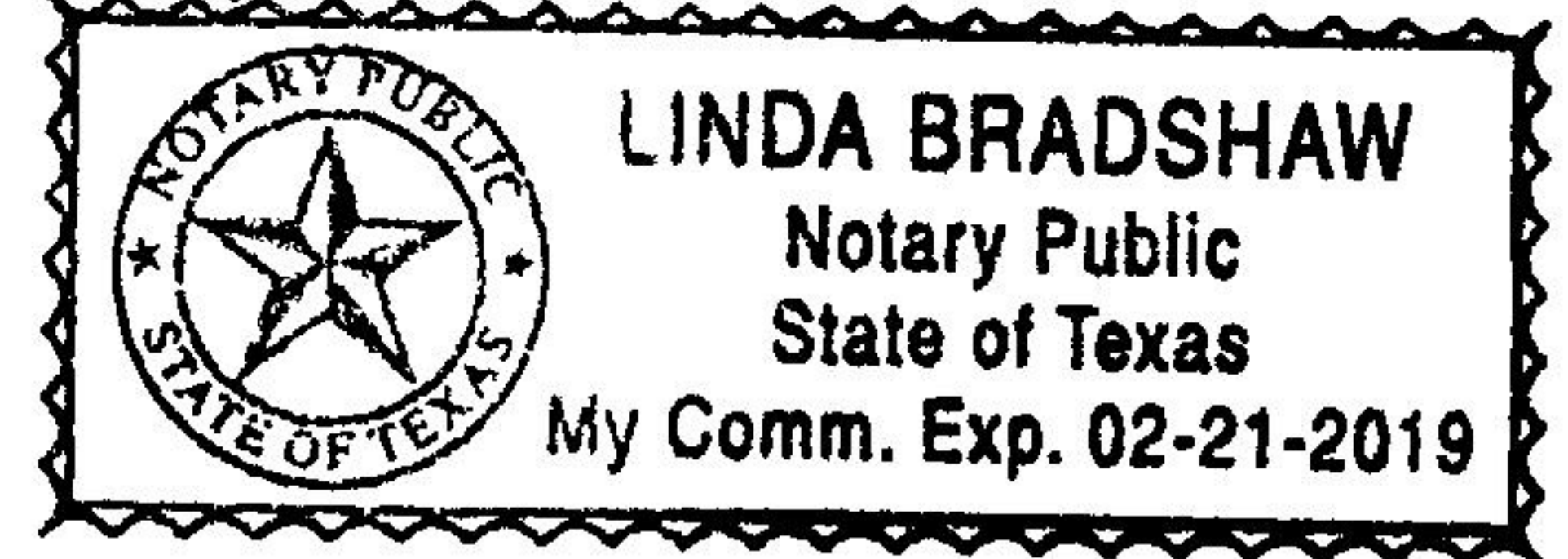
6623

This instrument was acknowledged before me on January 19, 2017 by Dan Linebarger, the President of Saddle Club Townhouse Area "A" Homeowners Association on behalf of Glenn A. Rogers Address of 801 Canones, lot No. 27 by way of proxy dated January 19, 2017

STATE OF TEXAS

COUNTY OF MIDLAND

Linda Bradshaw
Notary Public, State of Texas

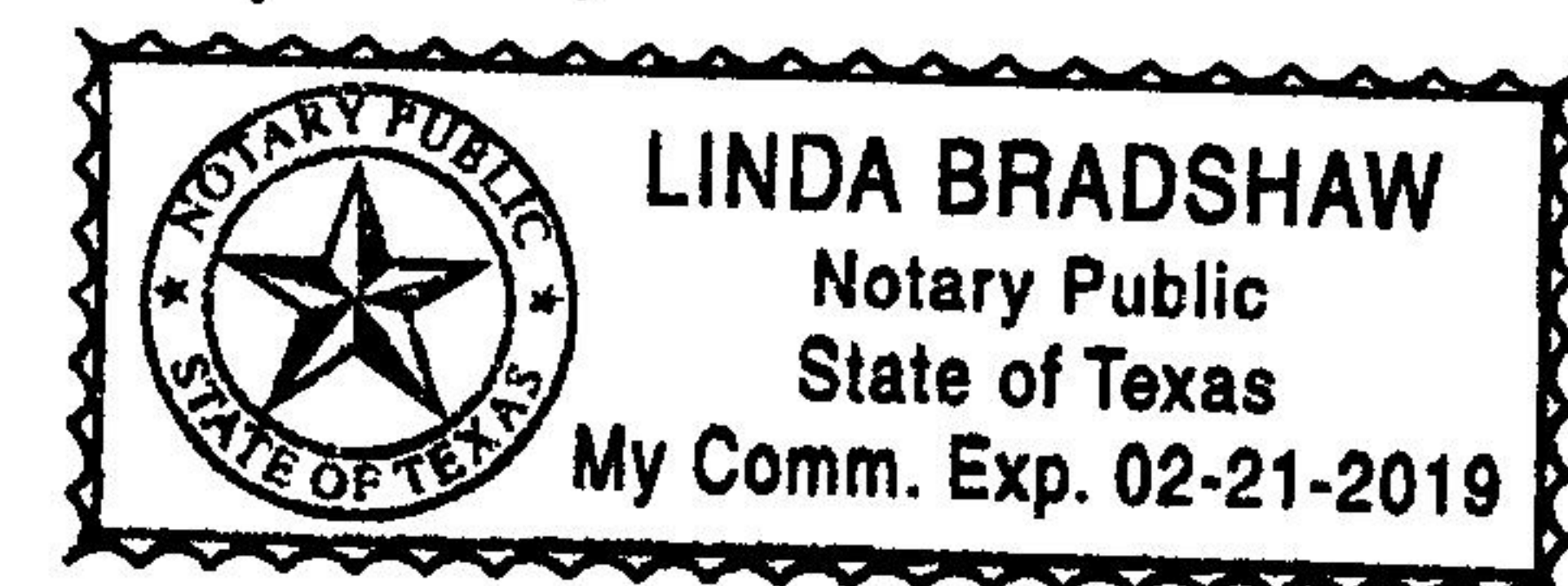


This instrument was acknowledged before me on January 19, 2017 by Dan Linebarger, the President of Saddle Club Townhouse Area "A" Homeowners Association on behalf of Lee Rogers Address of 911 Citaton, lot No. 16 by way of proxy dated January 4, 2017

STATE OF TEXAS

COUNTY OF MIDLAND

Linda Bradshaw
Notary Public, State of Texas

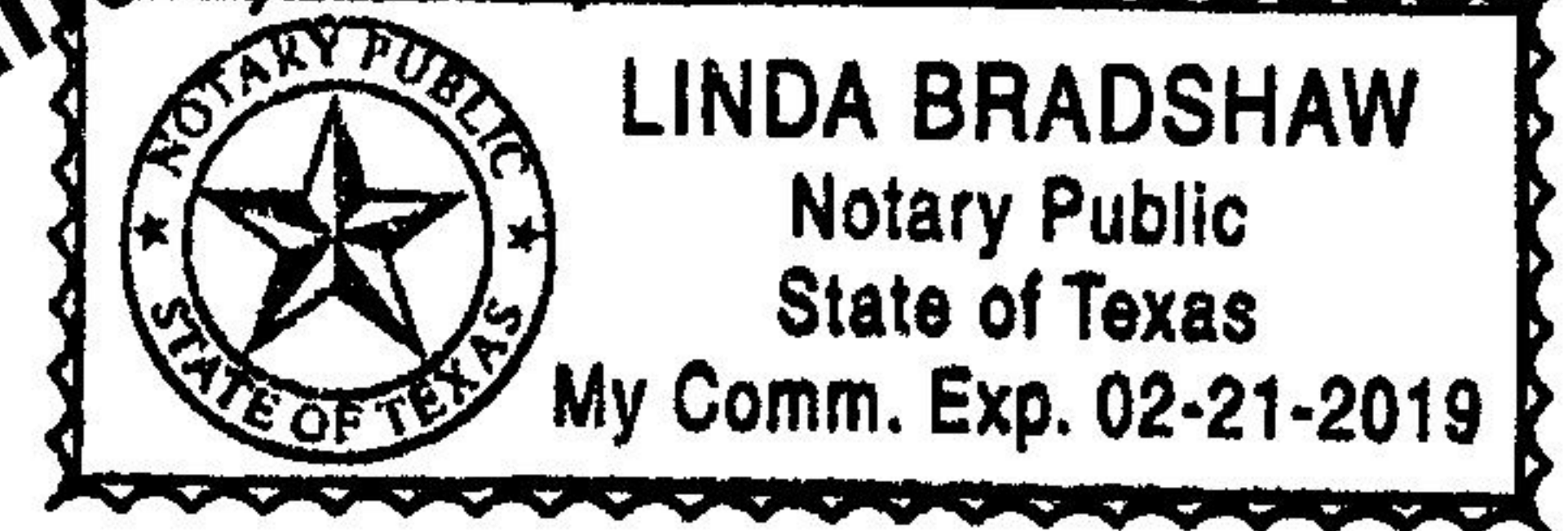


This instrument was acknowledged before me on January 19, 2017 by Dan Linebarger, the President of Saddle Club Townhouse Area "A" Homeowners Association on behalf of Tommy Mack Address of 901 Citaton, lot No. 21 by way of proxy dated January 12, 2017

STATE OF TEXAS

COUNTY OF MIDLAND

Linda Bradshaw
Notary Public, State of Texas



STATE OF TEXAS

COUNTY OF MIDLAND

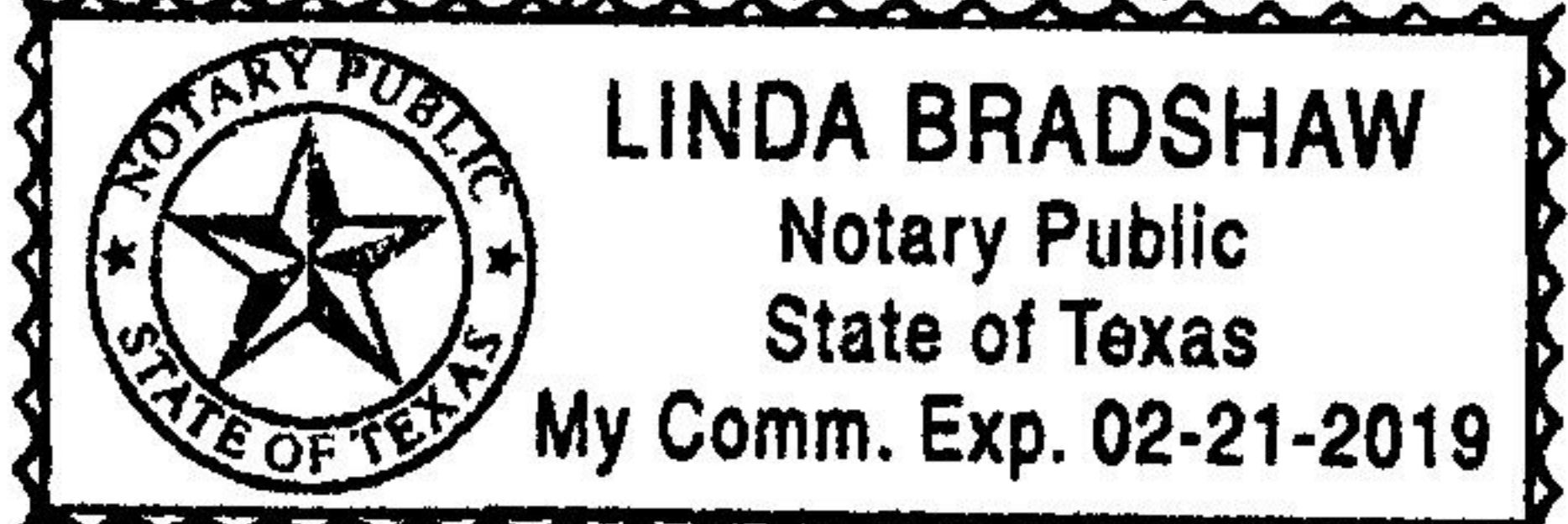
This instrument was acknowledged before me on January 19, 2017 by Dan Linebarger, the President of Saddle Club Townhouse Area "A" Homeowners Association on behalf of Arlene Conley Address of 805 Canoneo, lot No. 25 by way of proxy dated January 4, 2017

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6627
Midland County Clerk Unofficial Copy

STATE OF TEXAS

COUNTY OF MIDLAND

Linda Bradsha
Notary Public, State of Texas


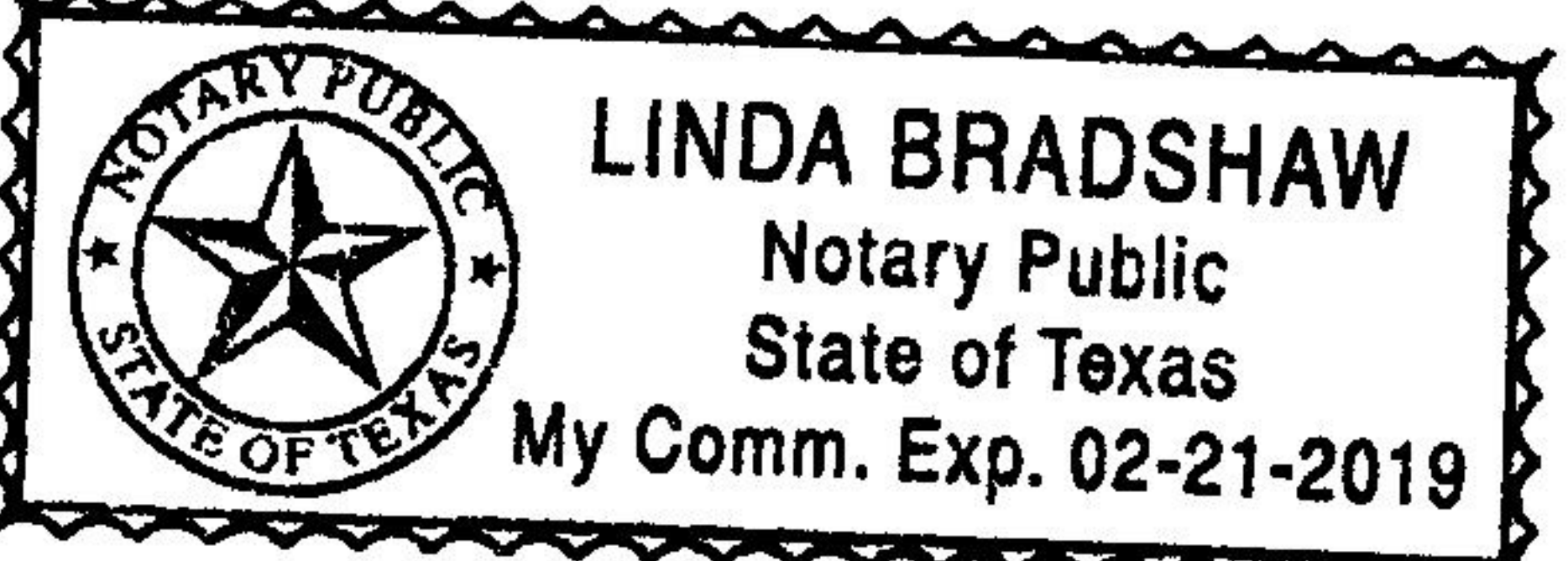
Midland County Clerk Unofficial Copy

This instrument was acknowledged before me on January 19, 2017 by Dan Linebarger, the President of Saddle Club Townhouse Area "A" Homeowners Association on behalf of Jean C. Donnelly Address of 800 Canoneo, lot No. 28 by way of proxy dated January 6, 2017

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STATE OF TEXAS

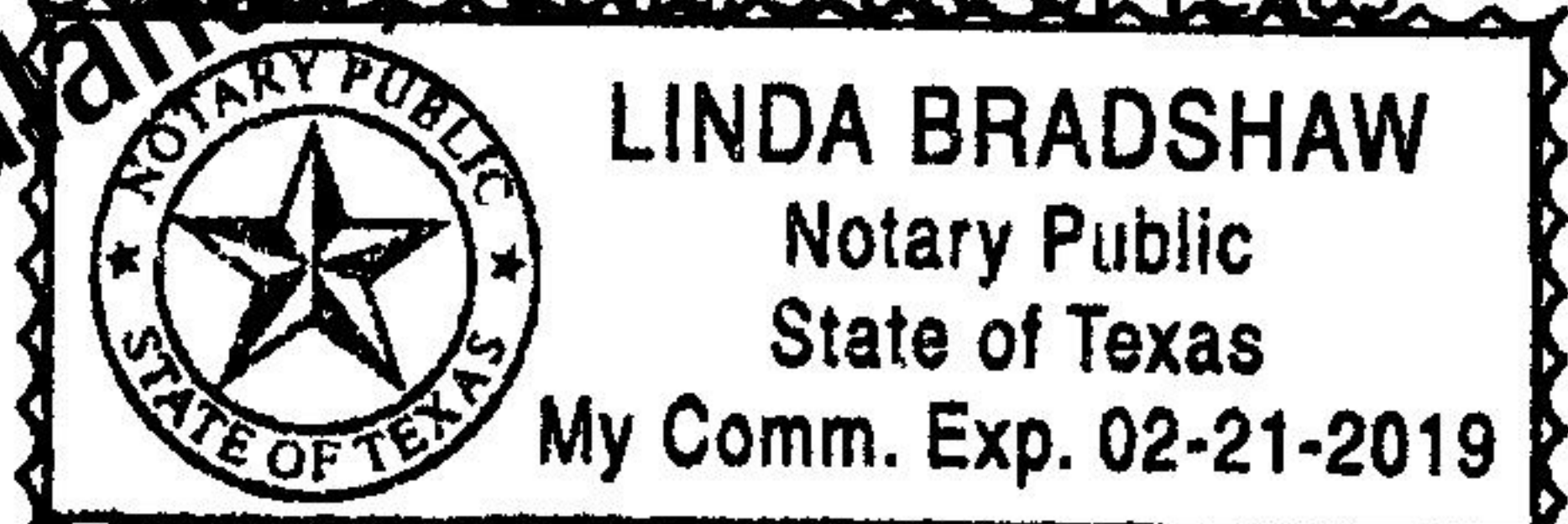
COUNTY OF MIDLAND

Linda Bradsha
Notary Public, State of Texas


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This instrument was acknowledged before me on January 19, 2017 by Dan Linebarger, the President of Saddle Club Townhouse Area "A" Homeowners Association on behalf of Beverly P. House Address of 810 Canoneo, lot No. 33 by way of proxy dated January 4, 2017

Midland County Clerk Unofficial Copy

Linda Bradsha
Notary Public, State of Texas


STATE OF TEXAS

COUNTY OF MIDLAND

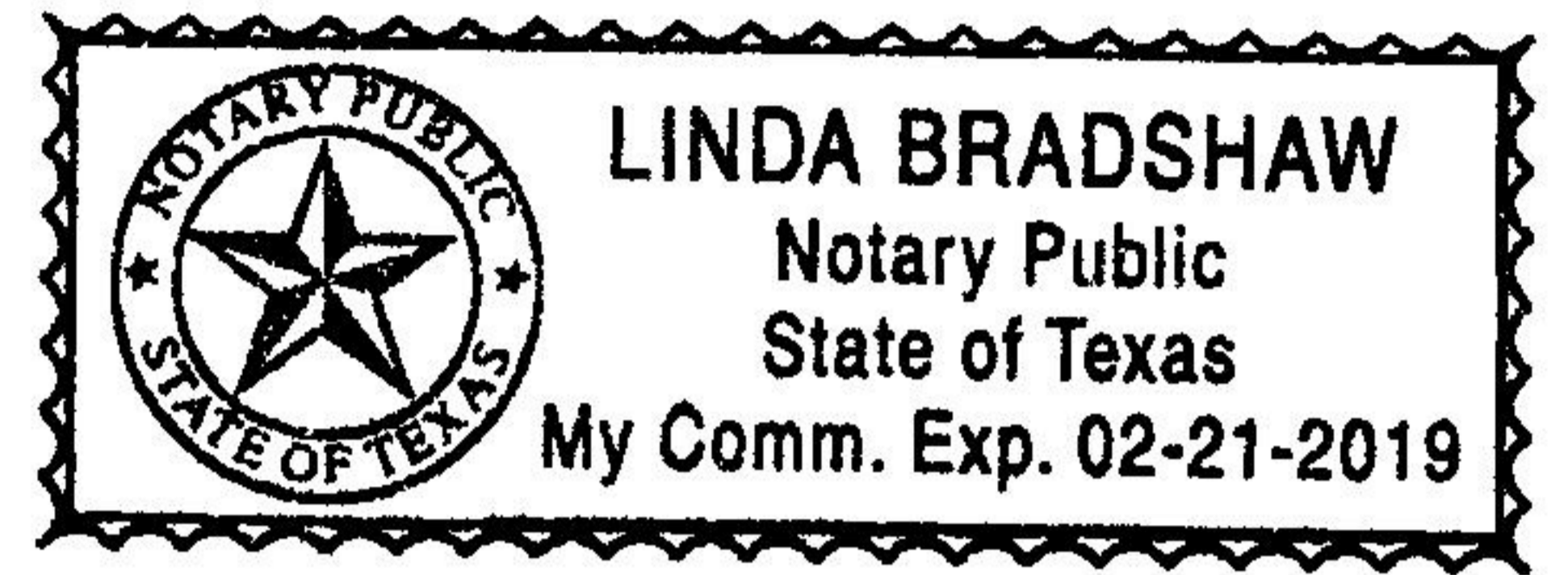
6623

This instrument was acknowledged before me on January 19, 2017 by Dan Linebarger, the President of Saddle Club Townhouse Area "A" Homeowners Association on behalf of Samuel N. MacFerran Address of 904 West Sorrel Lane, lot No. 45 by way of proxy dated January 17, 2017

STATE OF TEXAS

COUNTY OF MIDLAND

Linda Bradshaw
Notary Public, State of Texas

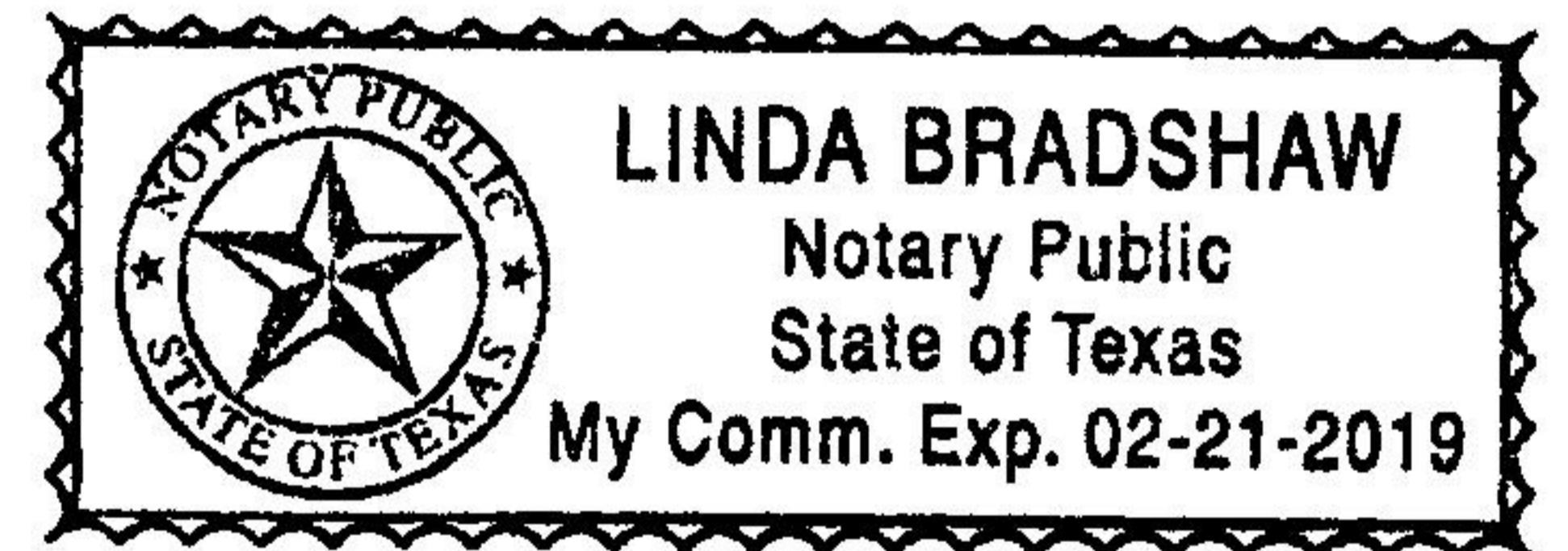


This instrument was acknowledged before me on January 19, 2017 by Dan Linebarger, the President of Saddle Club Townhouse Area "A" Homeowners Association on behalf of Florence Curry Address of 804 Pelmino, lot No. 40 by way of proxy dated January 10, 2017

STATE OF TEXAS

COUNTY OF MIDLAND

Linda Bradshaw
Notary Public, State of Texas

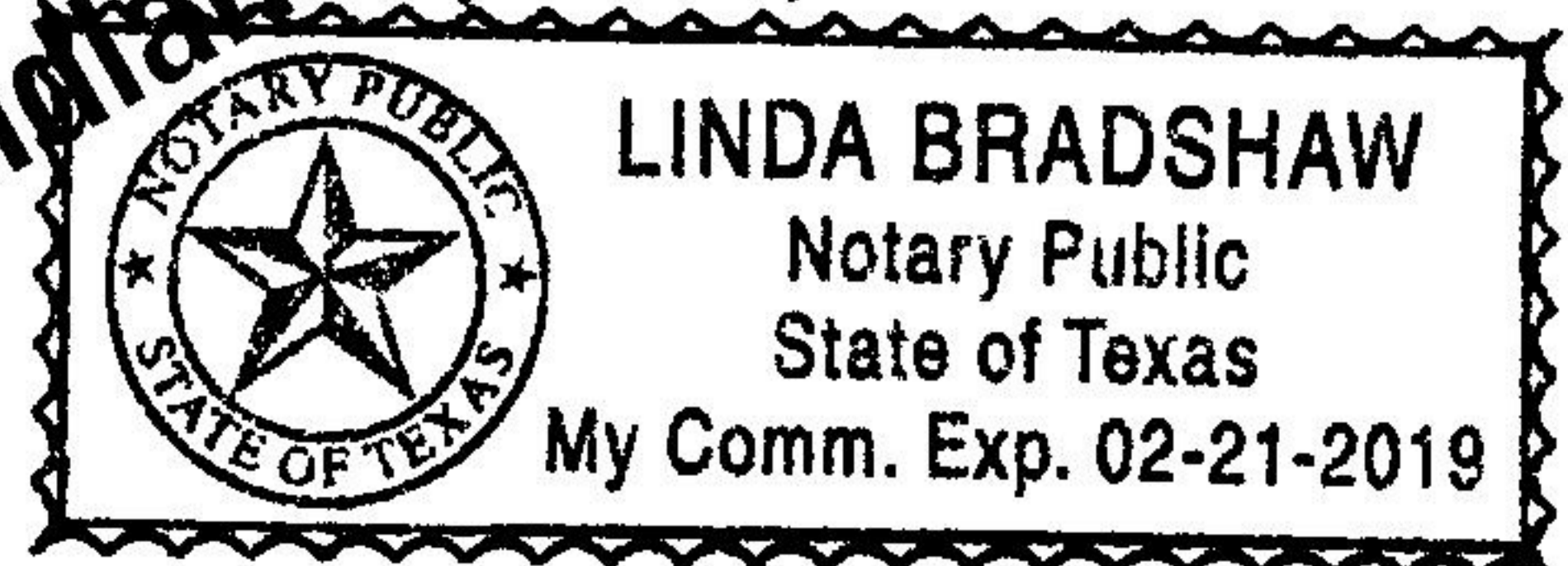


This instrument was acknowledged before me on January 19, 2017 by Dan Linebarger, the President of Saddle Club Townhouse Area "A" Homeowners Association on behalf of Margaret Curry Address of 910 Citat, lot No. 13 by way of proxy dated January 17, 2017

STATE OF TEXAS

COUNTY OF MIDLAND

Linda Bradshaw
Notary Public, State of Texas



STATE OF TEXAS

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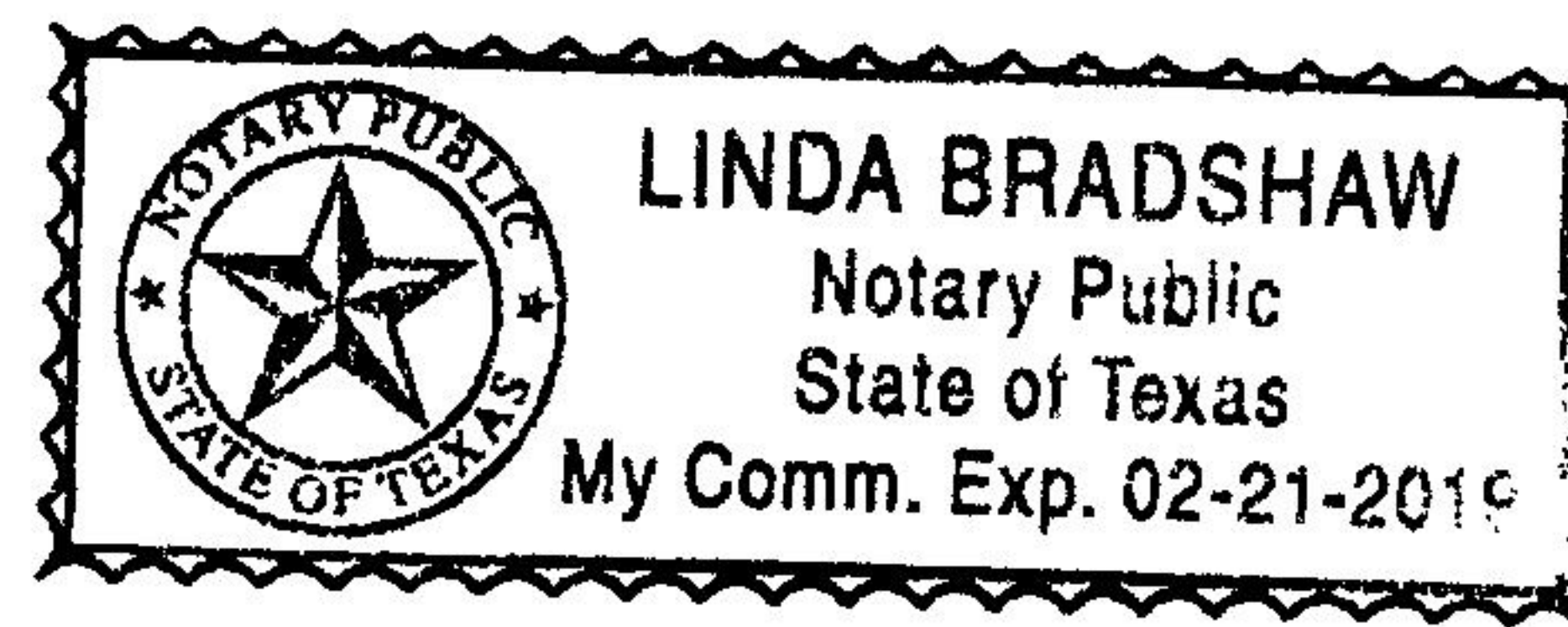
COUNTY OF MIDLAND

This instrument was acknowledged before me on January 19, 2017 by Dan Linebarger, Board Member of Saddle Club Townhouse Area "A" Homeowners Association on behalf of Linda Musselman Address of 81 Cananero, lot No. 34 by way of proxy dated January 18, 2017

STATE OF TEXAS

COUNTY OF MIDLAND

Linda Bradshaw
Notary Public, State of Texas

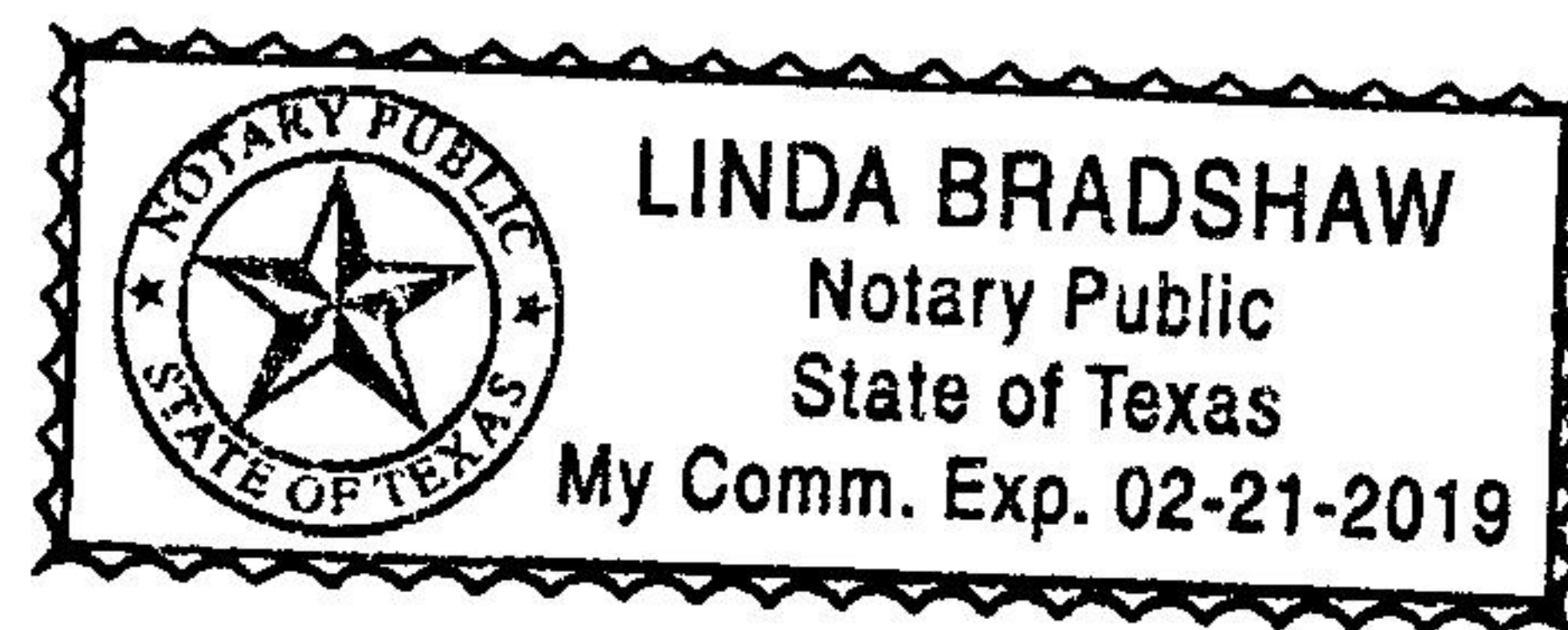


This instrument was acknowledged before me on January 19, 2017 by Dan Linebarger, Board Member of Saddle Club Townhouse Area "A" Homeowners Association on behalf of William Heck Address of 800 Palomino, lot No. 38 by way of proxy dated January 5, 2017

STATE OF TEXAS

COUNTY OF MIDLAND

Linda Bradshaw
Notary Public, State of Texas



This instrument was acknowledged before me on January 19, 2017 by Dan Linebarger, Board Member of Saddle Club Townhouse Area "A" Homeowners Association on behalf of John Seeger Address of 808 Cananero, lot No. 32 by way of proxy dated January 7, 2017

STATE OF TEXAS

COUNTY OF MIDLAND

Linda Bradshaw
Notary Public, State of Texas

