

BYLAWS OF DOWNEY'S CANEY CREEK CLUB LOT OWNERS ASSOCIATION, INC.

Property Owners' Association: Downey's Caney Creek Club Lot Owners Association, Inc. ("DCCCLOA"), established by Articles of Formation filed with the Texas Secretary of State on July 29, 1974 under file number 34662501. DCCCLOA shall be governed by a Board of Directors (the "Board") as provided in the Articles of Formation and as otherwise provided herein.

Principal Office: 25150 FM 547, Bay City, Texas 77414 or such other location as may from time to time determined by the official act of DCCCLOA.

Restrictive Covenants: The Restrictive Covenants of the Downey's Caney Creek Club Subdivision are recorded in the Deed Records and/or Official Records of Matagorda County Clerk's office, Matagorda County, Texas, under the following volume and pages:

Section 2 = Volume 4 at Page 31
Section 3 = Volume 4 at Pages 13-27
Section 4 = Volume 4 at Page 30
Section 5 = Volume 4 at Page 47
Section 6 = Volume 4 at Pages 48-50
Section 7 = Volume 5 at Pages 5-6
Section 8 = Volume 5 at Page 8-10
Section 9 = Volume 5 at Page 11-12
Section 10 = Volume 460 at Pages 360
Section 12 = Volume 5 at Pages 13-15
Section 13 = Volume 5 at Page 28
Section 14 = Volume 5 at Page 24
Section 15 = Volume 5 at Pages 29-33
Section 16 = Volume 5 at Pages 41-43
Section 17 = Volume 6 at Pages 1-2
Section 18 = Volume 6 at Pages 28-29
Section 19 = Volume 6 at Pages 45-46
Section 20 = Volume 6 at Pages 53-56

Definitions: Capitalized terms used but not defined have the meaning set forth in the Restrictive Covenants.

1.00 MEMBERSHIP

1.01 *Members.* Every Owner is a Member of DCCCLOA. Membership is appurtenant to and may not be separated from ownership of a Lot. Members have one vote per Lot. When more than

one person is an Owner, each is a Member, but only one vote may be cast for any one Lot. Any one co-owner may exercise the vote and such vote shall be binding and conclusive on all of the other co-owners, provided however, if another co-owner has also cast a vote for the same Lot or has provided DCCCLOA with written notice of an objection to the vote cast by any other co-owner of such Lot, no votes cast for such Lot will be counted and all such votes will be deemed to have not been cast for purposes of quorum.

1.02 *Place of Meeting.* Members meetings will be held at the Property Owners' Association's principal office or at another place designated by the Board within the Sargent area.

1.03 *Annual Meetings.* Regular annual Members meetings will be held during the month of August each year, with the specific date and location to be determined by the Board and publicly posted at least thirty (30) days prior to any such meeting.

1.04 *Special Meetings.* The president may call special meetings. The president must call a special meeting if directed by the Board or by a petition signed by twenty-five (25) Members.

1.05 *Notice of Meetings.* Written notice stating the place, day and hour of each Members meeting, other than a reconvened meeting, must be publicly posted not less than thirty (30) nor more than sixty (60) days before the meeting. The special meeting notices must also state the meeting's purpose, and no business may be conducted except as stated in the notice. Notice to a Member is deemed given when hand delivered, when deposited with the United States Postal Service, postage prepaid (whether actually received or not), when emailed (if an email address has been provided by a Member, when publicly posted on the DCCCLOA's website, when conspicuously posted at the Principal Office, when published in a newspaper of general circulation in the community in which the Principal Office is located, or any combination of the foregoing.

1.06 *Waiver of Notice.* A Member may, in writing, waive notice of a meeting. Attendance at a meeting is a waiver of notice of the meeting, unless the Member objects to lack of notice when the meeting is called to order.

1.07 *Quorum.* Members holding one-tenth (ie. 10%) of the votes entitled to be cast, in person or by proxy, constitute a quorum. If a Members meeting cannot be held because a quorum is not present, a majority of the Members who are present may adjourn the meeting. Notice of the place, date and hour of each reconvened meeting must be given not more than sixty (60) nor less than thirty (30) days before the reconvened meeting. At the reconvened meeting, Members holding one-tenth (ie. 10%) of the votes entitled to be cast, in person or by proxy, constitute a quorum.

1.08 *Voting.* The voting rights of Members and the procedure for casting, accessing and tabulating ballots are governed by Texas Property Code Chapter 209 and any amendments thereto. Votes representing more than 50 percent of the Members actually voting ("Voting Members") at a meeting at which a quorum is present, whether in person, by proxy or by other means as provided in Texas Property Code Chapter 209 and any amendments thereto, constitute a majority vote. No Member will be denied the right to vote because of a delinquency in payment of dues or assessments. DCCCLOA will attempt to make the current version of Texas Property Code Chapter 209 and any amendments thereto available for Members to reference as desired.

1.9 *Proxies.* Members may vote by a written proxy executed by the Member or the Member's attorney-in-fact.

1.10 *Conduct of Meetings.* The President will preside over Members meetings. The Secretary will keep minutes of the meetings and will record the votes of the Members.

1.11 *Action without Meeting.* Any action that may be taken at a meeting of the Members, whether required by law or not, may be taken without a meeting, if the action to be taken is approved by utilizing the procedures for casting, accessing and tabulating absentee and/or electronic ballots found in Texas Property Code Chapter 209 and any amendments thereto. Votes representing more than 50 percent of the Voting Members constitute a majority vote.

2.00 BOARD OF DIRECTORS

2.01 *Governing Body and Composition.* The affairs of the Property Owners' Association are governed by the Board. Each director has one vote. The Board shall be comprised of directors who must be a Member or, in the case of an entity Member, a person designated by such entity in writing to the Secretary.

2.02 *Number of Directors.* The Board consists of not less than three nor more than eleven directors. Within those limits, the Board may change the number of directors by official act. No decrease may shorten the term of a director and any director position created by an increase shall serve for no less than a full term.

2.03 *Term of Office.* The terms of directors will be staggered. Six (6) directors of the Board shall be elected in even years and Five (5) directors of the Board shall be elected in odd years. Each director shall serve a term of two years. Directors may serve consecutive terms.

2.04 *Election.* At the annual meeting of Members, the Voting Members will elect successors for each director whose term is expiring. Cumulative voting is prohibited. The candidate or candidates receiving the most votes will be elected. The directors elected by the Voting Members will hold office until their respective qualified successors have been elected.

2.05 *Removal of Directors and Vacancies*

2.051 *Removal by Members.* Any director may be removed, with or without cause, by a majority of the Voting Members. Any director whose removal is sought will be given written notice of the proposed removal.

2.052 *Removal by Board.* Any director may be removed at a Board meeting by a majority vote of the Board of Directors if the director —

2.0521 failed to attend four consecutive Board meetings;

2.0522 failed to attend fifty percent of Board meetings within one year;

2.0523 is delinquent in the payment of any Assessment for more than one hundred eighty days or;

2.0524 is the subject of an enforcement action by the Property Owners' Association for violation of the Governing Documents.

2.053 *Vacancies.* A director's position becomes vacant if the director dies, becomes incapacitated, resigns or is no longer a Member.

2.054 *Successors.* If a director is removed or a vacancy exists, a successor will be elected by the remaining directors for the remainder of the term.

2.06 *Compensation.* Directors will not receive compensation. A director may be reimbursed for expenses approved by the Board.

2.07 *Accounts and Reports.* Accounting and controls must conform to good accounting practices. Accounts shall not be commingled with accounts of other persons. The bank statements and financial reports shall be posted monthly on the DCCCLOA website. The following financial reports will be prepared at least annually:

2.071 An income statement reflecting all income and expense activity for the preceding period.

2.072 A variance report reflecting the status of all accounts in an "actual" versus "approved" budget format.

2.073 A balance sheet as of the last day of the preceding period.

2.074 A delinquency report listing all Owners who are delinquent by more than ninety days in paying any Assessment and describing the status of any action to collect those delinquent Assessments.

3.00 BOARD MEETINGS

3.01 *Regular Meetings.* Regular meetings of the Board will be held at such time and place as determined by the Board, but at least ten such meetings will be held during each fiscal year. Notice of the time and place of the regular meetings will be given to Members in accordance with the Texas Property Code Sec. 209.0051. The board shall keep written minutes of the meetings.

3.02 *Special Meetings.* Special meetings will be held when called by written notice signed by the President or by any three directors. Notice of the time and place of the special meetings will be given to Members in accordance with Texas Property Code Sec. 209.0051. The board shall keep written minutes of the meetings.

3.03 *Waiver of Notice.* The actions of the Board at any meeting are valid if (a) a quorum is present, (b) proper notice of the meeting was given to Members and (c) proper notice of the meeting was given to each director or a written waiver of notice is given by any director who did not receive proper notice of the meeting. Proper notice of a meeting will be deemed given to any director who attends the meeting without protesting before or at its commencement about the lack of proper notice.

3.04 *Quorum of Board.* At all meetings, a majority of the Board will constitute a quorum, and the votes of a majority of the directors present at a meeting at which a quorum is present constitutes the decision of the Board. If the Board cannot act because a quorum is not present, a majority of the directors who are present may adjourn the meeting to a date not less than two nor more than 30 days from the date of the original meeting was called. At the reconvened meeting, if a quorum is present, any business that may have been transacted at the meeting originally called may be transacted without further notice.

3.05 *Conduct of Meetings.* The President will preside at the Board meetings. The Secretary will keep minutes of the meetings and will record in a minute book the vote of the directors.

3.06 *Proxies.* Directors may vote by a written proxy executed by the Director.

3.07 *Open Meetings.* Regular and special Board meetings must be open to Members, subject to the right of the Board to adjourn Board meetings and reconvene in closed executive session to consider actions involving personnel, pending or threatened litigation, contract negotiations, enforcement actions, confidential communications with the DCCCLOA's attorney, matters involving the invasion of privacy of individual owners or matters that are to remain confidential by request of the affected parties and agreement of the Board. Following an executive session, any decision made in the executive session must be summarized orally and placed in the minutes, in general terms, without breaching the privacy of individual owners, violating any privilege or disclosing information that was to remain confidential at the request of the affected parties. The oral summary must include a general explanation of expenditures approved in executive session. Members who are not on the Board may not participate in any deliberation or discussion unless expressly so authorized by the vote of a majority of a quorum of the Board.

3.08 *Action Without Meeting.* Any action allowed under Texas Business Organizations Code §22.220 may be taken without a Board meeting by written consent setting forth the action taken signed by a majority of the Board. The consent must state the date of each director's signature. Any such action may be accomplished by facsimile, email and/or such other means as may necessary to obtain written consent. Prompt notice of the taking of an action by directors without a meeting by less than unanimous written consent shall be given to each director who did not consent in writing to the action.

3.09 *Nomination and Election of Directors.* At a regular meeting of the Board, a nominating committee of three or more Members who are not current Directors shall be appointed by the Board. Such committee shall nominate Director candidates for the Board to be elected at the next annual meeting. All nominations of the committee shall be tendered to the Board in writing at least sixty days prior to the annual meeting. Members may nominate other candidates by delivering written notice of

such nomination to the Secretary not less than sixty days prior to the annual meeting. The names of all nominated candidates shall be listed alphabetically on the ballot. No nominations may be made from the floor of the annual meeting. Candidates receiving the highest number of votes shall be elected, unless disqualified to serve by law. No Member may cumulate votes.

4.00 OFFICERS

4.01 *Officers.* The officers of DCCCLOA are a President, Vice President, Secretary and Treasurer, to be elected from the Members. The Board may appoint other officers having the authority and duties prescribed by the Board. Any two or more offices may be held by the same person, except the offices of president and secretary.

4.02 *Election, Term of Office and Vacancies.* Officers will be elected annually by the Board at the first meeting of the Board following each annual meeting of the Members. A vacancy in any office may be filled by the Board for the unexpired portion of the term.

4.03 *Removal.* The Board may remove any officer whenever, in the Board's judgment, the interests of the DCCCLOA will be served thereby. Such removal shall require a majority vote of the entire Board.

4.04 *Powers and Duties.* Officers have such powers and duties as are generally associated with their respective offices and as may be specifically conferred by the Board. Any officer shall be authorized to sign checks on behalf of DCCCLOA, however, any check totaling in excess of \$5,000 shall require the signatures of two (2) officers. The President is the chief executive officer of DCCCLOA. The Treasurer has primary responsibility for the preparation of the budget and financial reports and may delegate all or part of the preparation and notification duties to a finance committee, management agent or both.

4.05 *Resignation.* Any officer may resign at any time by giving written notice to the Board, the President or the Secretary. Resignation takes effect on the date of the receipt of the notice or at any later time specified in the notice.

5.00 COMMITTEES

The Board may establish and/or discharge committees by resolution, and may authorize such committees to perform any duties described in the resolution, which are consistent with the Articles of Formation, these Bylaws and Texas law.

6.00 BOOKS AND RECORDS

6.01 *Maintenance.* All Restrictive Covenants, Articles of Formation, Bylaws, membership registers, records of accounts, minutes, resolutions and other records of DCCCLOA shall be kept at the Principal Office or at such other location as may be determined by the Board to allow reasonable and open access to such records by all Members upon request for inspection. Copies of any

DCCCLOA books and records may be obtained pursuant to the Records Production Policy adopted by the Board and on file with all other DCCCLOA records. All such records will be kept for the minimum length of time required by law.

7.00 MISCELLANEOUS

7.01 *Fiscal Year.* The Board may establish DCCCLOA's fiscal year by resolution. In the absence of a Board resolution determining otherwise, the fiscal year is a calendar year.

7.02 *Rules for Meeting.* The Board may adopt rules for the conduct of meetings of Members, Board and committees.

7.03 *Conflict.* The Restrictive Covenants control over these Bylaws.

7.04 *Notices.* Unless otherwise provided herein, any notice required or permitted by the Governing Documents or applicable law must be in writing and must be given by certified mail, return receipt requested. Notice is deemed delivered (whether actually received or not) when properly deposited with the United States Postal Service, addressed to (a) a Member at the Member's last known address according to the Property Owners' Association's records and (b) the Property Owners' Association, the Board or a managing agent at the Property Owners' Association's Principal Office or another address designated in a notice to the Members. Unless otherwise required by law or the Governing Documents, actual notice, however delivered, is sufficient.

7.05 *Amendment.* These Bylaws may be amended only by seventy-five percent (75%) of the members of the Board of Directors.

DOWNEY'S CANEY CREEK CLUB
OWNERS ASSOCIATION, INC.

By: Ruth Risinger
Printed Name: Ruth Risinger
Its: President

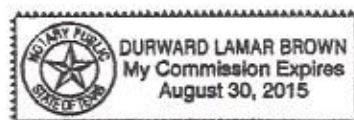
THE STATE OF TEXAS

§
§
§

COUNTY OF MATAGORDA

This instrument was acknowledged before me this 10th day of DECEMBER, 2012, by RUTH RISINGER.

D. Lamar Brown
NOTARY PUBLIC



Downey's Lot Owner's Association Deed Restrictions Section 2
SECTION 2 DEED RESTRICTIONS

That Gulf Coast Home Builders, Inc. and Downey Bros. Inc. of Brazoria County, herein called "Owners", are the owners of a Replat of Dolphin Way and extension of Block Two (2) and Block Four (4) of Downey's Caney Creek Club, Second Section, as recorded in Volume 4, Page 31, of the Plat Records of Matagorda County, Texas.

NOW, THEREFORE, Owners dedicate to public use as such, the streets, alleys and easements shown on the plat of said subdivision, forever, and covenant and declare that all lots in said subdivision shall be subject to the following restrictions, covenants and conditions, and each lot in said subdivision shall be conveyed by Owners subject thereto.

Any purchaser by, through or under it shall hold title to the lot conveyed subject to the restrictions, covenants, conditions and easements herein referred to, which shall continue and remain in effect until July 1, 1989 and for such an extended time, if extended as herein provided, said easements, restrictions, covenants and conditions being established and fixed against said property for the purpose of establishing and creating a uniform plan of development for said property.

The easements, covenants, restrictions and conditions to which such property shall be subject are:

1. Property in said subdivision shall be used for single residence families only. No duplexes, rooming houses, apartment houses or similar building shall be permitted upon such property, except that a duplex may be built on two adjoining lots.
2. No lot or any part thereof may be used for commercial, business or professional uses of any type.
3. No building shall be occupied while it is in the process of construction. All buildings shall be completed within six (6) months after construction is commenced.
4. No more than one residence shall be erected on any lot.
5. No building or structure may be constructed or covered with tar paper, metal or any material other than that customarily used for the erection of residences, and all residences shall have a minimum of six hundred (600) square feet of living area.
6. No tents or canvas covered shelters may be placed on any lot at any time.
7. No used house or other building may be moved on any lot in said subdivision.

(Factory Made trailers may be permitted. Void due to county & federal building laws.)

8. No part of any lot shall be used for the dumping of rubbish, trash or other waste, all of which shall be kept in sanitary containers. All incinerators or other equipment for the storage or disposal of such material shall be kept clean and sanitary.

9. No sewage or other waste matter shall be placed or deposited in or permitted to drain into the waters of Caney Creek, canal or bar ditches. All septic tanks and lines shall be designed for maximum seepage.

10. All piers, docks and other structures erected adjacent to any lot shall conform to all regulations and laws pertaining to said property. No boat house or pier shall extend into any canal more than six (6) feet from the rear property line. No building or residence shall be located on any lot nearer than the minimum set back lines as shown on the recorded plat, or nearer than five (5) feet to any side lot line, including overhangs, steps and porches.

11. The canals are for the use of all persons in the subdivisions and shall not be obstructed in any manner. No waste, refuse or other foreign material of any kind shall be dumped or deposited in any of said canals.

12. No livestock shall be staked or pastured on any lot. No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot except that no more than two (2) dogs or cats or other household pets may be kept, provided they are not bred, kept or maintained for any commercial purpose and solely as pets.

13. No signs, billboards, posters or advertising devices of any character shall be erected on any lot or plat. The owner and developer may construct and maintain billboards and advertising devices customary in connection with the general sale of property in the subdivision.

14. There is hereby established and created a committee to be known as Downey's Caney Creek Club Amended Section Two Civic Committee which shall consist of three (3) members. Until Owners have sold all lots in said subdivision, one of the members of such committee shall be appointed by Owners, one shall be elected by the Owners of lots in said addition, and one shall be appointed by the two appointed and elected as indicated.

15. The election of the member of the committee by the owners of lots shall be held on the second Saturday in July of each year commencing July 1965 at four (4:00) o'clock P.M. at a place in said subdivision to be designated by the Trustees. Until July 1965, the members of said committee shall be C.J. Downey, Milton H. Pyndus and H.B. Sanders.

16. At any and all elections each person who owns a lot in said subdivision shall be entitled to vote and shall be entitled to one vote for each lot owned. Owners of fractional lots shall be entitled to one-half (1/2) vote, irrespective of the fraction of the lot held by such owner.

17. All the residential lots in said subdivision are subjected to an annual maintenance charge of Twenty-four and no/100 (\$24.00) Dollars per lot which shall be due on August 1 of each year, except that the owners of lots in Block Two (2) in said subdivision shall be subject to an annual maintenance charge of Twelve and no/100 (\$12.00) Dollars per year. The foregoing charge shall not apply to developers.

18. The maintenance charge shall be secured by the vendor's lien which is expressly created and retained upon each and every lot in the addition and shall be paid by each and every lot owner annually in advance. The Civic Committee shall be the custodian and administrator of the maintenance fund, and the vendor's lien is transferred and assigned to the Civic Committee and the charges shall be payable to the Committee in Matagorda County, Texas at such address as it may designate from time to time.

19. The Civic Committee shall have authority to adjust the maintenance charge from year to year as it may deem proper, but in no event shall such charge exceed the maximum herein stated without consent of ninety (90%) percent of the owners of lots in said addition.

20. All funds collected shall be used for any and all purposes in said subdivision which the Committee in its sole judgment may deem for the benefit of the owners of all lots in said subdivision.

21. The foregoing restrictions, covenants and conditions shall constitute covenants running with the land and shall be binding on and inure to the benefit of Owners, their successors and assigns and all persons claiming by, through and under Owners and shall be effective until July 1, 1989 and shall be extended automatically thereafter for successive periods of ten (10) years, provided, however, that the Owners of a majority of the square foot area in said subdivision may terminate the same on July 1, 1989 or at the end of any successive ten (10) year period thereafter by executing, acknowledging and filing for record in Matagorda County Clerk's office an appropriate instrument or agreement in writing for such purpose which may be filed at any time within five (5) years prior to July 1, 1989 or within five (5) years of the end of any successive ten (10) year period, but said restrictions shall nevertheless continue to the end of the period for which they are then in effect.

22. If any person or persons, firm or corporation violates or attempts to violate any of these restrictions, covenants or conditions, any person owning or having an interest in any lot in said subdivision may institute and prosecute any proceeding at law or in equity to abate, prevent or enjoin any violation or attempted violation, and the Civic Committee shall likewise have such right, but shall not be obligated to do so, and in such event, such person instituting such suit or proceeding may recover any and all damages incurred, including but not limited to any and all expenses incurred in connection with the institution and prosecution of such action, including without limitation attorney's fees, court costs and all other expenses so incurred.

23. Invalidation of any one or more of these restrictions, covenants or conditions by judgment, court order or otherwise shall in no wise affect or invalidate any other restriction, covenant or condition, but all such other restrictions, covenants and conditions shall continue and remain in full force and effect.

Executed this 22nd day of March, 1965, by and through the respective officers hereunto duly authorized

Matagorda County
Janet Hickl County Clerk
1700 7th St. Rm 202
Bay City, TX 77414



70 2012 00127199

Instrument Number: 2012-127199

As

Recorded On: December 31, 2012

Recordings

Billable Pages: 7

Number of Pages: 8

Comment:

(Parties listed above are for Clerks reference only)

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

Recordings	40.00
Total Recording:	40.00

***** 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: 2012-127199

Receipt Number: 6617

Recorded Date/Time: December 31, 2012 01:25:20P

User / Station: D Townsend - CC-Front Counter

Record and Return To:

HAYES & PENDEGRAFT
1704 5TH STREET
BAY CITY TX 77414



STATE OF TEXAS COUNTY OF MATAGORDA
I hereby certify that this instrument was FILED in File Number
Sequence on the date and at the time stamped herein by me
and was duly recorded in the OFFICIAL RECORDS of Matagorda
County, Texas.

Janet Hickl
COUNTY CLERK, Matagorda County, Texas

MATAGORDA COUNTY
TEXAS

WILLIAM BAXTER LEAGUE
ABSTRACT 4

LOT 68

69 107

02 107

62 107

22 107

LOT 73

42 107

LOT 28

DOWNNEY'S CANEY CREEK CLUB
SECTION FOUR

DOWNEY'S CANYON CREEK CLUB
SECTION 2, BLOCK 2
SUBDIVISION

LOT 77

107

07.80

18.07.81

LOT 55

DOWNEY'S CANEY
CREEK CLUB
SECTION SIX

CARANCANAHUA BLDV.
(60' R.O.W.)

200777

● FOUND 1200 RDP/PIPE
 ○ SET 3/4" IRON ROD W/ SURVEY CAP "IND 4461"
 ● POWER POLE
 ○ WATER METER
 ○ WATER POLE
 ○ WOOD FENCE
 BUILDING SETBACK LINE
 EASEMENT LINE
 LOT LINE
 PROPERTY LINE

SUBJECT LOT 78-
831 COUNTY ROAD #201

SURVEY PLAT OF
BLOCK 2, LOT 78

DOWNNEY'S CANEY CREEK CLUB
SECTION 2 SUBDIVISION

MATAGORDA COUNTY PLAT RECORDS

WILLIAM BAXTER LEAGUE
ABSTRACT 4

MATAGORDA COUNTY, TEXAS

KENNETH MILLER

831 COUNTY ROAD #201
60079 CARANCAHUA BLVD.

4074

1. ALL COORDINATES AND BEARINGS ARE RELATIVE TO THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NORTH AMERICAN DATUM 1983 HATCHER.
2. ALL DISTANCES ARE HORIZONTAL SURFACE LEVEL LENGTHS.
3. THIS SUBJECT TRACT OF LAND IS LOCATED WITHIN THE LIMITS OF "ZONE #117," AREA OF 100-THRU COASTAL LOGS WITH AVERAGE DEPTH OF 10 FEET, ELEVATION 100 FEET, CLOSING TO THE GULF OF MEXICO, COMMUNITY PANEL NUMBER 46549 DATED MAY 8, 1992.
4. THIS SURETY DID NOT RELY ON A CURRENT TITLE COMMITMENT. THE INFORMATION CONTAINED HEREIN WAS COMPILED FROM DATA BOTH PRIVATE AND PUBLICLY AVAILABLE. THE INFORMATION REPORTED HEREON IS NOT GUARANTEED BY ANY PARTY. IT IS POSSIBLE THAT THERE WILL BE CHANGES IN THE LEGISLATION, REGULATIONS AND THIS PROPERTY MAY BE SUBJECT TO ADDITIONAL LAWS, ORDINANCES, ENFORCEMENTS, REVENUE OR OTHER ACTIONS WHICH MAY AFFECT THE INTERESTS OF THE PARTIES TO THIS INSTRUMENT. THE BUYER'S CONTRACT SHALL REMAIN VALID AND THE BUYER SHALL BE RESPONSIBLE FOR OBTAINING A CURRENT TITLE COMMITMENT PRIOR TO CLOSING. THE SELLER'S REPRESENTATION DOES NOT CONSTITUTE AN OFFER OF INSURANCE OR PROTECTION AGAINST LOSS OF INVESTMENT. THE BUYER'S CONTRACT SHALL REMAIN VALID AND THE BUYER SHALL BE RESPONSIBLE FOR OBTAINING A CURRENT TITLE COMMITMENT PRIOR TO CLOSING.

I, MIL PATRICK GOMEZ, REGISTERED PROFESSIONAL LAND SURVEYOR,
DO HEREBY CERTIFY THAT THE ABOVE AND FOREGOING PLAT IS A TRUE
REPRESENTATION OF A SURVEY MADE UNDER MY SUPERVISION, ON THE GROUND,
AND THAT THERE ARE NO EXCESSES NOR INTRUSIONS ON THIS PROPERTY,
EXCEPT AS SHOWN HEREON.
DATE SURVEYED: SEPTEMBER 23, 2012



MR. PATRICK DOYLE
REGISTERED PROFESSIONAL LAND SURVEYOR
STATE CERTIFICATION NUMBER 4902



Doyle & Wachtstetter, Inc.
Surveying and Mapping GPS/GIS

 131 COMMERCE STREET, CUI VAL, TEXAS 77911
 OFFICE: 579-265-3623 FAX: 579-265-9944
 SUPERVISOR: W-11-1122681 MATAGORDA Co. R-12 PROJECT NO.: J001-12-0001
 DATE: 08/01/2012 BY: J001-12-0001

ELEVATION CERTIFICATE

OMB No. 1660-0008
Expires March 31, 2012

Important: Read the instructions on pages 1-9.

SECTION A - PROPERTY INFORMATION

A1. Building Owner's Name Kenneth Miller		For Insurance Company Use:
A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 831 County Road #201 (2278 Carancahua Boulevard) City Sargent State TX ZIP Code 77414		Policy Number
A3. Property Description (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.) Downey's Caney Creek Club, Section 2, Block 2, Lot 78 in the William Baxter League, Abstract 4, Matagorda County, Texas		Company NAIC Number
A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.) <u>Improved Residential Subdivision Lot</u>		
A5. Latitude/Longitude: Lat. <u>28°46'30.3"</u> Long. <u>95°37'55.3"</u>		Horizontal Datum: <input type="checkbox"/> NAD 1927 <input checked="" type="checkbox"/> NAD 1983
A6. Attach at least 2 photographs of the building if the Certificate is being used to obtain flood insurance.		
A7. Building Diagram Number <u>5</u>		
A8. For a building with a crawlspace or enclosure(s):		
a) Square footage of crawlspace or enclosure(s) _____ sq ft		
b) No. of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade _____		
c) Total net area of flood openings in A8.b _____ sq in		
d) Engineered flood openings? <input type="checkbox"/> Yes <input type="checkbox"/> No		
A9. For a building with an attached garage:		
a) Square footage of attached garage _____ sq ft		
b) No. of permanent flood openings in the attached garage within 1.0 foot above adjacent grade _____		
c) Total net area of flood openings in A9.b _____ sq in		
d) Engineered flood openings? <input type="checkbox"/> Yes <input type="checkbox"/> No		

SECTION B - FLOOD INSURANCE RATE MAP (FIRM) INFORMATION

B1. NFIP Community Name & Community Number Unincorporated Area 485489		B2. County Name Matagorda		B3. State TX	
B4. Map/Panel Number 485489 0450	B5. Suffix D	B6. FIRM Index Date May 4, 1992	B7. FIRM Panel Effective/Revised Date May 4, 1992	B8. Flood Zone(s) V13	B9. Base Flood Elevation(s) (Zone AO, use base flood depth) 11 Feet
B10. Indicate the source of the Base Flood Elevation (BFE) data or base flood depth entered in Item B9. <input type="checkbox"/> FIS Profile <input checked="" type="checkbox"/> FIRM <input type="checkbox"/> Community Determined <input type="checkbox"/> Other (Describe) _____					
B11. Indicate elevation datum used for BFE in Item B9: <input checked="" type="checkbox"/> NGVD 1929 <input type="checkbox"/> NAVD 1988 <input type="checkbox"/> Other (Describe) _____					
B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Designation Date _____ <input type="checkbox"/> CBRS <input type="checkbox"/> OPA					

SECTION C - BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)

C1. Building elevations are based on: ☐ Construction Drawings* ☐ Building Under Construction* ☒ Finished Construction
*A new Elevation Certificate will be required when construction of the building is complete.

C2. Elevations - Zones A1-A30, AE, AH, A (with BFE), VE, V1-V30, V (with BFE), AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO. Complete Items C2.a-h below according to the building diagram specified in Item A7. Use the same datum as the BFE.
Benchmark Utilized A 572 Vertical Datum NGVD 1929
Conversion/Comments N/A

Check the measurement used.

a) Top of bottom floor (including basement, crawlspace, or enclosure floor) <u>16.9</u>	<input checked="" type="checkbox"/> feet <input type="checkbox"/> meters (Puerto Rico only)
b) Top of the next higher floor _____	<input type="checkbox"/> feet <input type="checkbox"/> meters (Puerto Rico only)
c) Bottom of the lowest horizontal structural member (V Zones only) <u>14.8</u>	<input checked="" type="checkbox"/> feet <input type="checkbox"/> meters (Puerto Rico only)
d) Attached garage (top of slab) _____	<input type="checkbox"/> feet <input type="checkbox"/> meters (Puerto Rico only)
e) Lowest elevation of machinery or equipment servicing the building (Describe type of equipment and location in Comments) <u>15.5</u>	<input checked="" type="checkbox"/> feet <input type="checkbox"/> meters (Puerto Rico only)
f) Lowest adjacent (finished) grade next to building (LAG) <u>4.6</u>	<input checked="" type="checkbox"/> feet <input type="checkbox"/> meters (Puerto Rico only)
g) Highest adjacent (finished) grade next to building (HAG) <u>4.9</u>	<input checked="" type="checkbox"/> feet <input type="checkbox"/> meters (Puerto Rico only)
h) Lowest adjacent grade at lowest elevation of deck or stairs, including structural support <u>4.7</u>	<input checked="" type="checkbox"/> feet <input type="checkbox"/> meters (Puerto Rico only)

SECTION D - SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information. I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.

☒ Check here if comments are provided on back of form. Were latitude and longitude in Section A provided by a licensed land surveyor? ☒ Yes ☐ No

Certifier's Name : Wm. Patrick Doyle	License Number : Texas RPLS #4467
Title : Vice President	Company Name Doyle & Wachtstetter, Inc.
Address 131 Commerce Street	City Clute State TX ZIP Code 77531
Signature _____	Date 7/14/2011 Telephone 979-265-3622

PLACE
SEAL
HERE

IMPORTANT: In these spaces, copy the corresponding information from Section A.	For Insurance Company Use:
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 831 County Road #201 (2278 Carancahua Boulevard)	Policy Number
City SargentState TX ZIP Code 77414	Company NAIC Number

SECTION D - SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION (CONTINUED)

Copy both sides of this Elevation Certificate for (1) community official, (2) insurance agent/company, and (3) building owner.

Comments Improved Residential Subdivision Lot elevation certificate, Downey's Caney Creek Club, Section 2, Block 2, Lot 78 in the William Baxter League, Abstract 4, Matagorda County, Texas. Local site benchmark is a railroad spike set in northeast side of meter pole near southwest corner of subject Lot 78. TBM-DCCC2 B2 L78-C Elevation = 6.51 feet.

Signature _____ Date 7/14/2011 ☒ Check here if attachments

SECTION E - BUILDING ELEVATION INFORMATION (SURVEY NOT REQUIRED) FOR ZONE AO AND ZONE A (WITHOUT BFE)

For Zones AO and A (without BFE), complete Items E1-E5. If the Certificate is intended to support a LOMA or LOMR-F request, complete Sections A, B, and C. For Items E1-E4, use natural grade, if available. Check the measurement used. In Puerto Rico only, enter meters.

- E1. Provide elevation information for the following and check the appropriate boxes to show whether the elevation is above or below the highest adjacent grade (HAG) and the lowest adjacent grade (LAG).
- a) Top of bottom floor (including basement, crawlspace, or enclosure) is _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.
- b) Top of bottom floor (including basement, crawlspace, or enclosure) is _____ ☐ feet ☐ meters ☐ above or ☐ below the LAG.
- E2. For Building Diagrams 6-9 with permanent flood openings provided in Section A Items 8 and/or 9 (see pages 8-9 of Instructions), the next higher floor (elevation C2.b in the diagrams) of the building is _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.
- E3. Attached garage (top of slab) is _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.
- E4. Top of platform of machinery and/or equipment servicing the building is _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.
- E5. Zone AO only: If no flood depth number is available, is the top of the bottom floor elevated in accordance with the community's floodplain management ordinance? ☐ Yes ☐ No ☐ Unknown. The local official must certify this information in Section G.

SECTION F - PROPERTY OWNER (OR OWNER'S REPRESENTATIVE) CERTIFICATION

The property owner or owner's authorized representative who completes Sections A, B, and E for Zone A (without a FEMA-issued or community-issued BFE) or Zone AO must sign here. *The statements in Sections A, B, and E are correct to the best of my knowledge.*

Property Owner's or Owner's Authorized Representative's Name _____

Address _____	City _____	State _____	ZIP Code _____
Signature _____	Date _____	Telephone _____	
Comments _____			

☐ Check here if attachments

SECTION G - COMMUNITY INFORMATION (OPTIONAL)

The local official who is authorized by law or ordinance to administer the community's floodplain management ordinance can complete Sections A, B, C (or E), and G of this Elevation Certificate. Complete the applicable item(s) and sign below. Check the measurement used in Items G8 and G9.

- G1. ☐ The information in Section C was taken from other documentation that has been signed and sealed by a licensed surveyor, engineer, or architect who is authorized by law to certify elevation information. (Indicate the source and date of the elevation data in the Comments area below.)
- G2. ☐ A community official completed Section E for a building located in Zone A (without a FEMA-issued or community-issued BFE) or Zone AO.
- G3. ☐ The following information (Items G4-G9) is provided for community floodplain management purposes.

G4. Permit Number _____	G5. Date Permit Issued _____	G6. Date Certificate Of Compliance/Occupancy Issued _____
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- G7. This permit has been issued for: ☐ New Construction ☐ Substantial Improvement
- G8. Elevation of as-built lowest floor (including basement) of the building: _____ ☐ feet ☐ meters (PR) Datum _____
- G9. BFE or (in Zone AO) depth of flooding at the building site: _____ ☐ feet ☐ meters (PR) Datum _____
- G10. Community's design flood elevation _____ ☐ feet ☐ meters (PR) Datum _____

Local Official's Name _____	Title _____
Community Name _____	Telephone _____
Signature _____	Date _____
Comments _____	

☐ Check here if attachments

Building Photographs

See Instructions for Item A6.

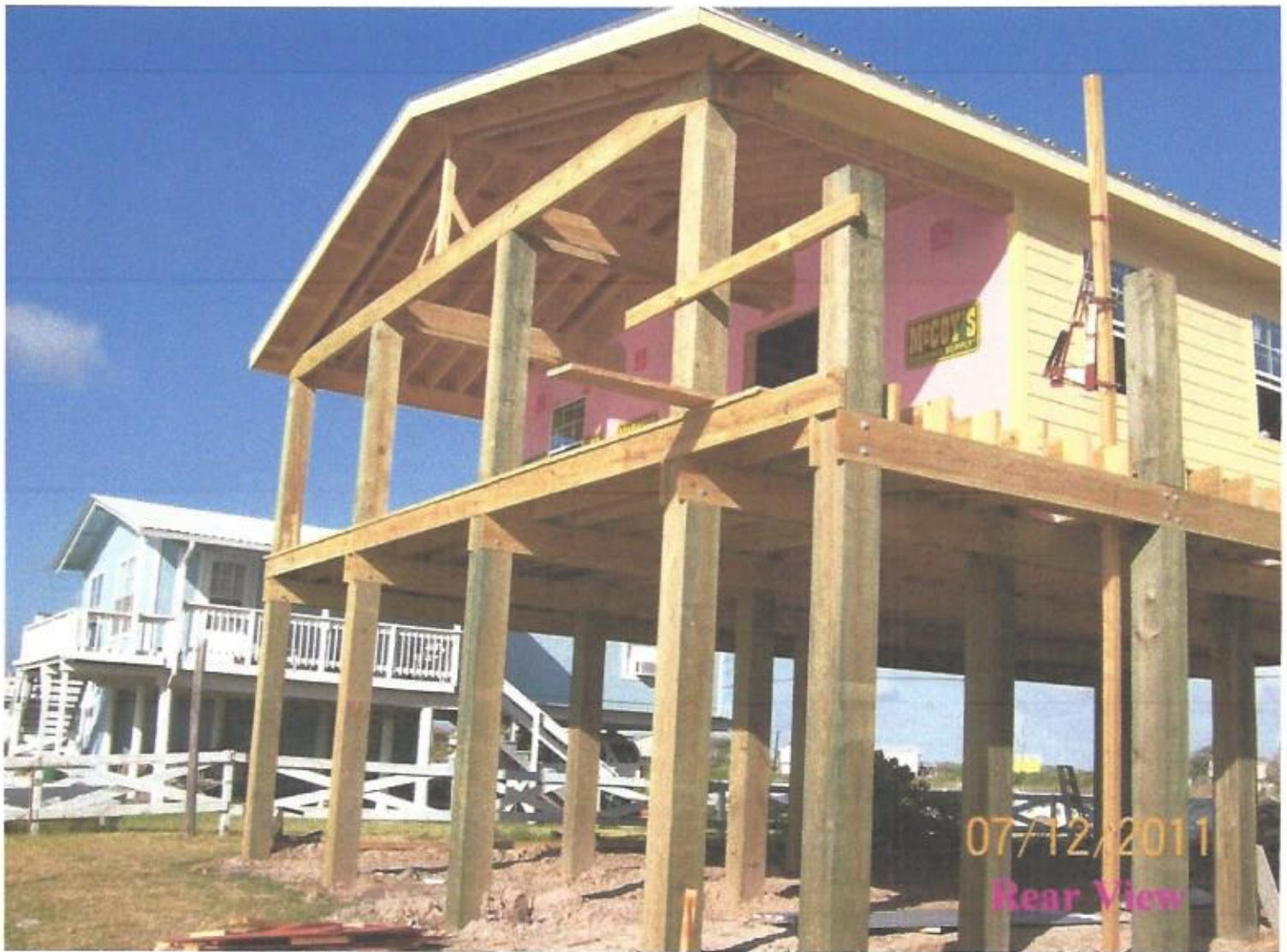
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 831 County Road #201 (2278 Carancahua Boulevard)	For Insurance Company Use: Policy Number
City Sargent State TX ZIP Code 77414	Company NAIC Number
<p>If using the Elevation Certificate to obtain NFIP flood insurance, affix at least two building photographs below according to the instructions for Item A6. Identify all photographs with: date taken; "Front View" and "Rear View"; and, if required, "Right Side View" and "Left Side View." If submitting more photographs than will fit on this page, use the Continuation Page on the reverse.</p>	



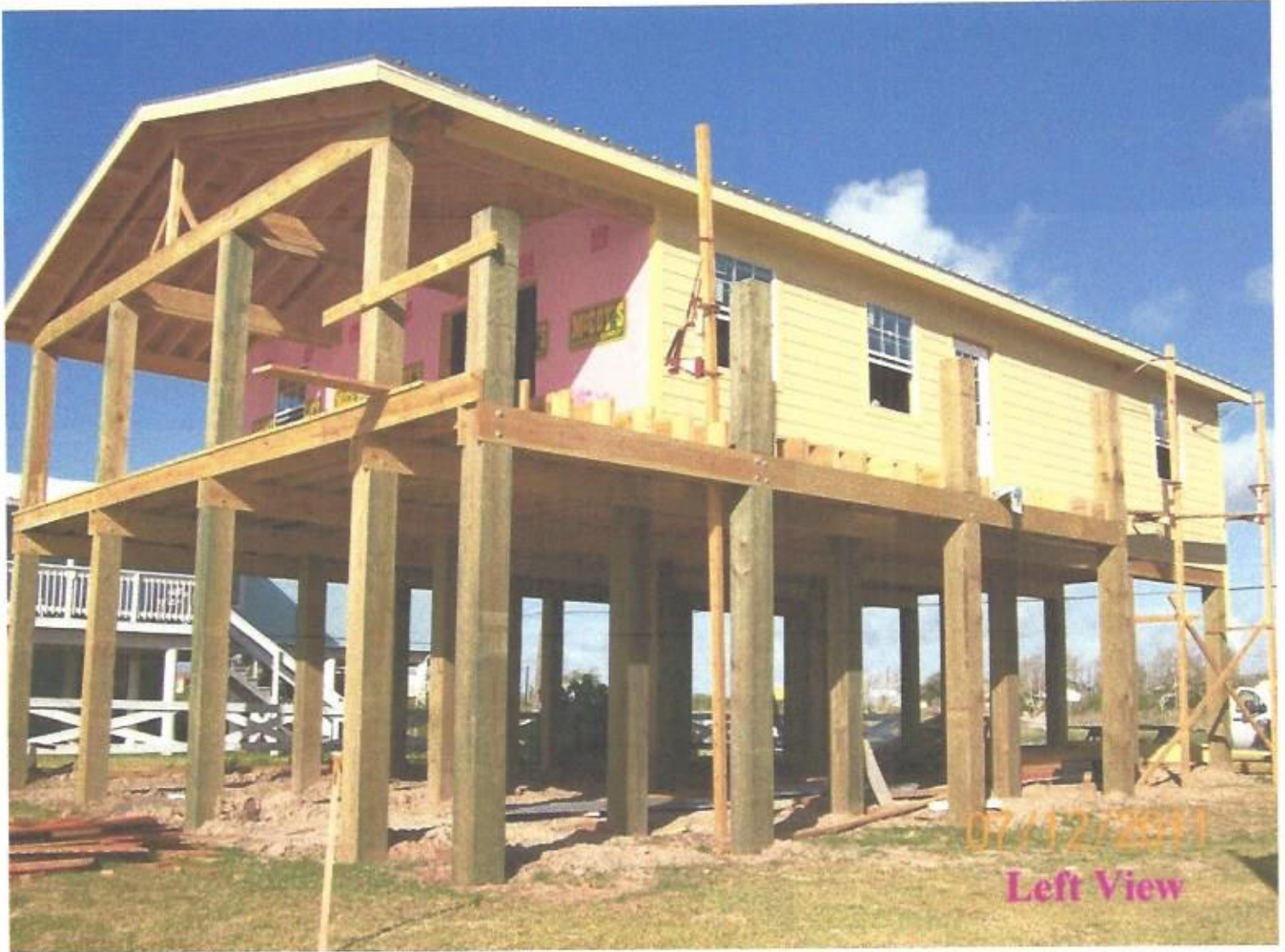
Building Photographs

Continuation Page

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 831 County Road #201 (2278 Carancahua Boulevard)	For Insurance Company Use: Policy Number Company NAIC Number
City Sargent State TX ZIP Code 77414	
If submitting more photographs than will fit on the preceding page, affix the additional photographs below. Identify all photographs with: date taken; "Front View" and "Rear View"; and, if required, "Right Side View" and "Left Side View."	







National Flood Hazard Layer FIRMette

95°38'14"W 28°46'46"N



SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

Legend

SPECIAL FLOOD HAZARD AREAS

- Without Base Flood Elevation (BFE) Zone A, V, AE, AH, VE, AP
- With BFE or Depth Zone AE, A2, AH, VE, AP
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD

- 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
- Future Conditions 1% Annual Chance Flood Hazard Zone X
- Area with Reduced Flood Risk due to Levee. See Notes, Zone X
- Area with Flood Risk due to Levee Zone D

OTHER AREAS

- NO SCREEN Area of Minimal Flood Hazard Zone X
- Effective LOMRs
- Area of Undetermined Flood Hazard Zone X

GENERAL STRUCTURES

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

OTHER FEATURES

- Cross Sections with 1% Annual Chance Water Surface Elevation
- Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

MAP PANELS

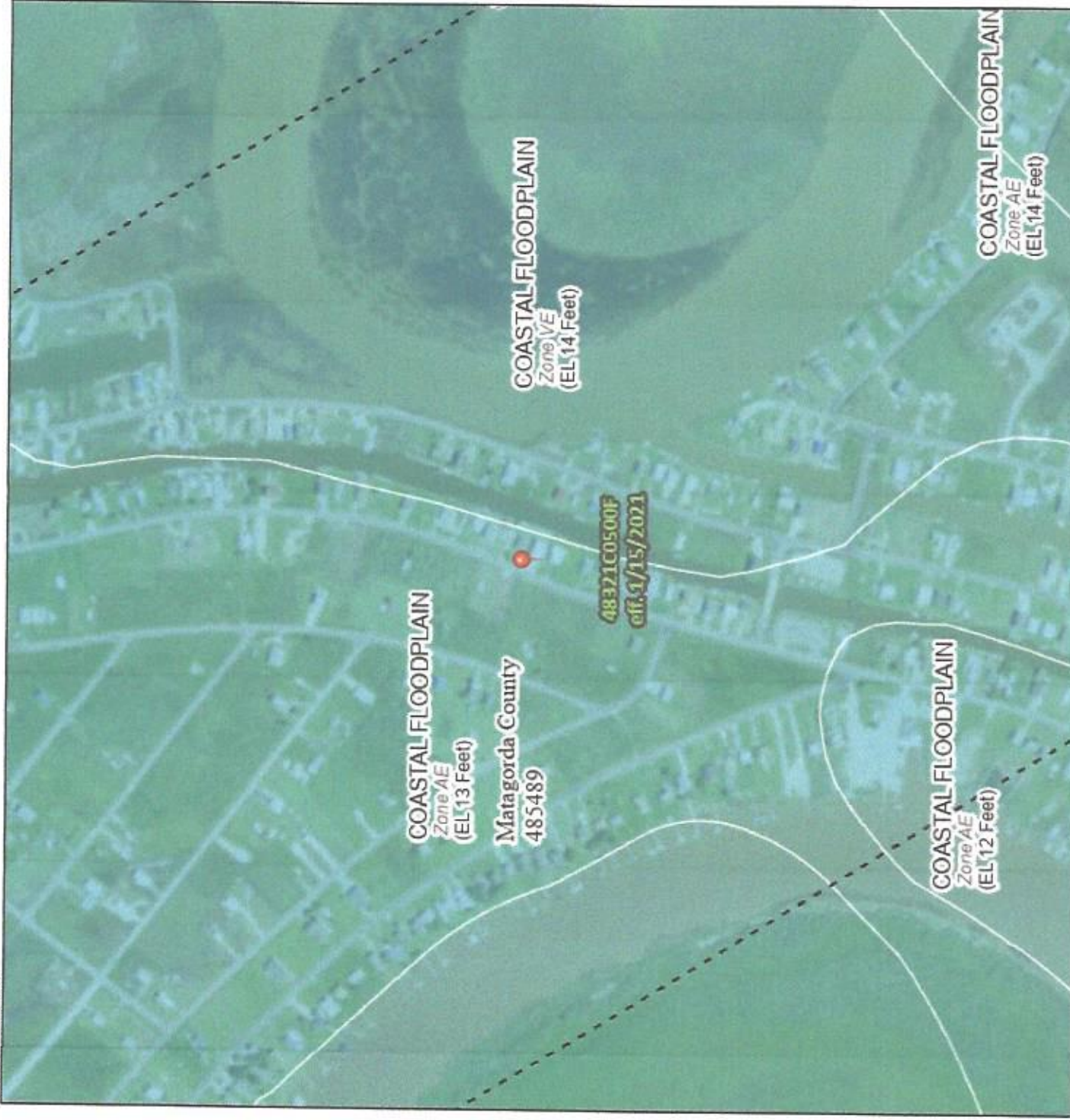
- Digital Data Available
- No Digital Data Available
- Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 8/31/2021 at 12:08 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



95°37'37"W 28°46'14"N