

Henderson County  
Mary Margaret Wright  
County Clerk  
Athens, TX 75751

---

Instrument Number: 2023-00010729

As

Recorded On: 07/20/2023 02:09 PM Recordings - Land

Parties: TIMBER BAY PROPERTY OWNERS ASSOCIATION

To: PUBLIC

Number of Pages: 11 Pages

Comment:

(Parties listed above are for Clerks reference only)

---

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

Total Recording: 62.00

**File Information:**

Document Number: 2023-00010729

Receipt Number: 2023-13292

Recorded Date/Time: 07/20/2023 02:09 PM

Recorded By: Janice Hankins

---

\*\*\*\*\* 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.

I hereby certify that this instrument was filed and duly recorded  
in the Official Records of Henderson County, Texas



*Mary Margaret Wright*

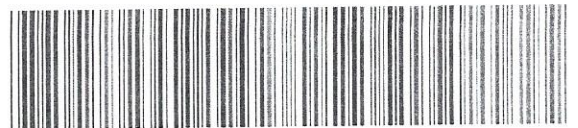
County Clerk  
Henderson County, Texas

---

**Record and Return To:**

TIMBER BAY PROPERTY OWNERS  
PO BOX 662

MABANK, TX 75147



**Timber Bay Property Owners Association  
P.O. Box 662 Mabank, Texas 75156**

THE STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS

COUNTY OF HENDERSON

**TIMBER BAY PROPERTY OWNERS ASSOCIATION  
RESOLUTION CHANGING DEED RESTRICTIONS**

WHEREAS, on the 15<sup>th</sup> day of July, 2023, a vote was conducted at the annual meeting of the Timber Bay Property Owners Association by the property owners of the Timber Bay Subdivision to change the deed restrictions in said subdivision. A copy of said changes is attached hereto marked Exhibit "A" for reference and incorporated herein for the purpose of establishing the amendments to the deed restrictions therein stated.

WHEREAS the Board of Directors, after review of the election results, have found that the motion to ratify Article 5 with the addition of the requirement that any lot with a structure utilized as a residence must have operable utilities including electric, water, and sewage septic system was approved by a majority of the votes cast and therefore meets the requirements of Provision #15 of prior amendments to the Timber Bay Deed Restrictions recorded in Volume 2553, pages 895-902 filed in the Henderson County Deed Records. (See Exhibit A)


WHEREAS the Board of Directors, after review of the election results, have found that the motion to ratify Article 6 with the addition of a requirement that that no metal shipping or storage containers maybe placed on a lot for any purpose without the written permission of the Timber Bay POA. Article 6 changes were approved by a majority of the votes cast and therefore meets the requirements of Provision #15 of prior amendments to the Timber Bay Deed Restrictions recorded in Volume 2553, pages 895-902 filed in the Henderson County Deed Records. (See Exhibit A)

WHEREAS the Board of Directors, after review of the election results, have found that the motion to ratify Article 11 with a reduction in the time needed to correct a violation after the thirty-day warning from 90 to 30 days before being fined \$500 if not corrected. For property owners that failed to correct the violation after six months the fine would be increased to \$1,000.00 from \$500.00. The new provisions of Article 11 were approved by a majority of the votes cast and therefore meets the requirements of Provision #15 of prior amendments to the Timber Bay Deed Restrictions recorded in Volume 2553, pages 895-902 filed in the Henderson County Deed Records. (See Exhibit A)

BE IT THEREFORE RESOLVED that the Deed Restrictions appended as Exhibit "B", with approved amendments is hereby ratified and adopted in all things and for all purposes and that the deed restrictions of the Timber Bay Subdivision as recorded in Volume 2553, pages 895-902 in the Henderson County Deed Records are hereby amended in accordance with the herein referenced petition (See Exhibit "A").

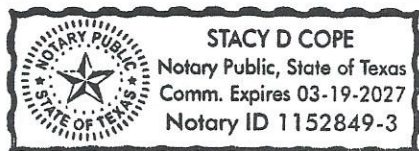
BE IT FURTHER RESOLVED that if any of the provisions hereof be invalid or illegal, it is our intention that all remaining provisions hereof continue to be fully operative and effective.

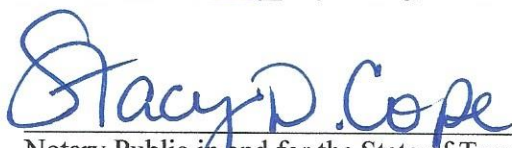
TIMBER BAY PROPERTY OWNERS ASSOCIATION

  
Greg Cooley  
Secretary Timber Bay Property Owners Association

BEFORE ME, the undersigned authority, on this day personally appeared known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledge to me that they executed the same for the purposes and consideration therein expressed.  
GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 20 day of July, A.D. 2023.

My commission expires  
3-19-2027



  
Notary Public in and for the State of Texas

**EXHIBIT A**

**RATIFICATION OF AND CONSENT TO  
DEED RESTRICTION CHANGES BY PROPERTY OWNERS**

**Proposed Deed Restriction – Article 5**

5. Residential structures built or installed on subdivision lots must conform to the general architectural style and environment of the community. Any lot with a structure utilized as a residence must have operable utilities including electric, water, and sewage-septic system. Building styles and architectures commonly identified with industrial or commercial activities or that otherwise introduce an atypical or unusual appearance may not be erected, installed or used as a residential building. Prohibited types and styles of construction include but are not limited to: All types and styles of "Quonset" hut structures, metal industrial buildings, barn structures, flat-roofed storefront structures, cinder or concrete block constructions and "A" frame structures. Further, the provisions of this Article shall be applied to any change, alteration, or other modification, affecting the style or appearance of an existing residential structure. Any questions of compliance with this Article shall be referred to the Board of Directors, TIMBER BAY PROPERTY OWNERS ASSOCIATION for resolution.

CIRCLE ONE:

FOR                              AGAINST

Name \_\_\_\_\_  
Timber Bay Address \_\_\_\_\_ Lot Numbers \_\_\_\_\_

**Proposed Deed Restriction Article – 6**

6. Buildings shall be neat in appearance and no building or structure shall be constructed or placed on the premises that shall be considered detrimental to the development. No tent or structure with a tent appearance shall be allowed to be erected on a permanent basis for any purpose. A permanent basis will be considered as any length of time over three days. No metal, shipping, or storage containers may be placed on a lot for any purpose without the written permission of the Timber Bay POA and only for the specific time frame stated in the approval. Violations will be charged \$25 for each unapproved day the storage unit remains on the property. Wood exteriors shall be stained or painted with two coats of paint or stain and all residences must be completed on the exterior within one hundred and twenty (120) days from the beginning date of construction. All house plans or mobile home plans shall be approved in writing by the TIMBER BAY PROPERTY OWNERS ASSOCIATION, its successors or assigns, prior to construction or placement on lot.

CIRCLE ONE:

FOR                              AGAINST

Name \_\_\_\_\_  
Timber Bay Address \_\_\_\_\_ Lot Numbers \_\_\_\_\_

## Proposed Deed Restriction Article 11

11. The owner of each lot shall keep the same clean and free of weeds and debris such as will be in keeping with the other property and community at any particular time. Upon failure to do this, TIMBER BAY PROPERTY OWNERS ASSOCIATION, or its successors or assigns may have the lot cleaned and the cost or expense thereof shall be payable by owner of said lot to TIMBER BAY PROPERTY OWNERS ASSOCIATION, or its successors or assigns.

Property owners must remove garbage, rubbish, or any other unsanitary or unsightly articles and things including but not limited to, boards, bricks, sheet metals, construction materials, appliances and plumbing fixtures. This article applies to items which are in public view and are not being used in immediate construction projects. Property owner(s) or occupant(s) of lots within Timber Bay are required to remove motor vehicles that are unused or inoperable and have been parked fourteen (14) days without use. The motor vehicle shall be presumed to be inoperative when any of the following conditions exist:

- A: One or more tires are flat.
- B: One or more wheels are missing.
- C: Weeds or grass have grown around the vehicle.
- D. The vehicle has no current license or registration:
- E. Any other factor that is indicative of non-use:

This article does not apply to motor vehicles stored in closed garages or outbuildings, but does apply to driveways, yards and open carports.

Violators of Article 11 will be given a written description of the violation(s) and notice that they have thirty (30) calendar days to correct the violation(s) or submit a plan to correct the violations and gain approval from the Timber Bay POA of the submitted plan. Notice may be by personal delivery, by certified mail to the last known address, by email, or by posting the "Notice" on the premises.

Upon failure to correct the violation(s), the Timber Bay Property Owners Association will notify the property owner on record with the Henderson County Clerk of Court by Certified Mail, return receipt requested, that they have thirty (30) days to correct the violation(s) and unless the violation(s) are corrected and certified by the Timber Bay Property Owners Association, in writing as being corrected, that the property owner will be subject to a fine of five hundred dollars, (\$500.00). Liens will be filed after ninety (90) days on unpaid fines.

Property Owners that fail to correct violation(s) within six months after being fined will be notified by Certified Mail, return receipt request, that they are being fined an additional one thousand (\$1,000.00) dollars for failure to correct the violation(s).

CIRCLE ONE:

FOR                      AGAINST

Name \_\_\_\_\_  
Timber Bay Address \_\_\_\_\_ Lot Numbers \_\_\_\_\_

# ***Timber Bay Property Owners Association***

*P.O. Box 662 ♦ Mabank, Texas 75147*

EXHIBIT B

1 of 6

## **DEED RESTRICTIONS**

***Revised July 15, 2023***

That TIMBER BAY PROPERTY OWNERS ASSOCIATION OF TIMBER BAY in Henderson County, Texas successors of Home Engineering, Inc., Henderson County, Texas, do hereby restrict installment and one (1) of said TIMBER BAY, as hereinafter set forth, which restriction shall be binding upon the property owners or purchasers of lots in said TIMBER BAY, and his or their heirs, successors, and administrators, to wit:

1. All lots shall be known and used exclusively for residential purposes, with exception of those lots, owned and operated by the Timber Bay Property Owners Association for community purposes such as recreation or boating. The phrase "residential purposes" shall be interpreted to mean: the reasonable use of a subdivision lot or lots by a private property owner for the purpose of establishing and maintaining a permanent domicile on such property. No short-term rentals of properties are allowed. A short-term rental is defined as any rental of less than ninety (90) days.
2. No lot shall be re-subdivided, and no lot shall be used or maintained as a dumping ground for garbage or other refuse. Trash, garbage, or other waste shall not be kept except in sanitary containers. All incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition, and no noxious or offensive trade or activity shall be carried on upon any residential lot nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.
3. No more than one single family dwelling unit, not to exceed two stories, shall be erected, placed, or permitted to remain on any residential lot, and no structure of a temporary character, trailer, bus, tent, shack, garage, barn, or other out-building shall be used on any lot at any time as a residence, either temporarily or permanently. During construction of a residence, Property owners may submit a written request to the POA Board to put an RV or Travel Trailer on the property to stay for a specific time length during active construction. Single wide mobile homes installed after June 3, 2017 are not permitted. If an insurable event should result in the destruction or render a single wide mobile home unrepairable, the property owner may request a variance from the Timber Bay Property Owners Association to install a single wide provided they were the property owner on record with the Henderson County Clerk of Court, prior to June 3, 2017. The old/damaged single wide must be completely removed within 90 days of damaging incident and the replacement must be installed on same lot within 120 days of damaging incident. The replacement single wide must be no more than 5 years old and must contain at least as much square footage as the replaced single wide, be underpinned and comply with all other deed restrictions for single wide mobile homes. Double wide mobile homes and manufactured homes are permitted provided they meet all other requirements for residential structures as levied by these Deed Restrictions and contain not less than twelve hundred (1,200) square feet of living area. All residences of any type installed or constructed after June 3, must contain not less than twelve hundred (1,200) square feet of living area. The calculation of living area shall be based on the contiguous floor area contained in the residential structure and shall exclude open porches, decks, garages or other structures that may be attached to the residential structure and that are not intended for sustained occupancy. The property owner may request from the POA

## *Timber Bay Property Owners Association*

*P.O. Box 662 ♦ Mabank, Texas 75147*

EXHIBIT B

2 of 6

- Board a reasonable variance from the twelve hundred (1,200) square feet of living area deed restriction if needed to comply with government, utility or water district rules or regulations. Mobile Homes shall be underpinned and skirted with a material and by a method approved in writing by TIMBER BAY PROPERTY OWNERS ASSOCIATION, its successors or assigns. For purposes of definition, the phrase "Manufactured home" shall be interpreted to mean a factory-built residential structure, in one or more parts, designed in such a manner as to be installed as a single residence on an owner/builder provided permanent foundation.
4. No residence shall be located on any lot nearer than twenty-five (25) feet to the front lot line nor nearer than four (4) feet to the side or back lot line of any lot and no outbuilding shall be constructed nearer than forty (40) feet to the front lot line nor nearer than four (4) feet to the side or back lot line. In the event of common ownership of more than one lot and the construction of one building on more than one lot, combined area owned shall be considered as one lot for these purposes.
  5. Residential structures built or installed on subdivision lots must conform to the general architectural style and environment of the community. Any lot with a structure utilized as a residence must have operable utilities including electric, water, and sewage-septic system. Building styles and architectures commonly identified with industrial or commercial activities or that otherwise introduce an atypical or unusual appearance may not be erected, installed or used as a residential building. Prohibited types and styles of construction include but are not limited to: All types and styles of "Quonset" hut structures, metal industrial buildings, barn structures, flat-roofed storefront structures, cinder or concrete block constructions and "A" frame structures. Further, the provisions of this Article shall be applied to any change, alteration or other modification, affecting the style or appearance of an existing residential structure. Any questions of compliance with this Article shall be referred to the Board of Directors, TIMBER BAY PROPERTY OWNERS ASSOCIATION for resolution.
  6. Buildings shall be neat in appearance and no building or structure shall be constructed or placed on the premises that shall be considered detrimental to the development. No tent or structure with a tent appearance shall be allowed to be erected on a permanent basis for any purpose. A permanent basis will be considered as any length of time over three days. No metal, shipping, or storage containers may be placed on a lot for any purpose without the written permission of the Timber Bay POA and only for the specific time frame stated in the approval. Violations will be charged \$25 for each unapproved day the storage unit remains on the property. Wood exteriors shall be stained or painted with two coats of paint or stain and all residences must be completed on the exterior within one hundred and twenty (120) days from the beginning date of construction. All house plans or mobile home plans shall be approved in writing by the TIMBER BAY PROPERTY OWNERS ASSOCIATION, its successors or assigns, prior to construction or placement on lot.
  7. All residential structures built on a permanent foundation shall be of new construction using new materials. Used or 'second-hand' mobile homes or other manufactured residential housing units with accumulated age of five (5) years or more, as of the date of application for approval, shall not be approved for installation as a residence. Likewise,

## *Timber Bay Property Owners Association*

*P.O. Box 662 ♦ Mabank, Texas 75147*

EXHIBIT B

3 of 6

- used or 'second-hand' mobile homes or other manufactured housing units, originally intended as residential housing units, may not be installed as an outbuilding.
8. No outdoor toilet shall be erected, placed or permitted to remain on any lot. All individual sewage disposal systems shall be located, constructed, and equipped in accordance with standards and requirements which are substantially, equal to or exceed the minimum requirements for such systems as specified by the TARRANT COUNTY REGIONAL WATER AUTHORITY, its successors or assigns. On the occasions where a new residential structure is to be built or installed on a subdivision lot or; an existing residential unit is to be replaced with another residential unit; the property owner shall be required to have the proposed septic system, in the case of a new residence, or the existing septic system planned for use with a replacement residence, inspected and approved by the TARRANT COUNTY REGIONAL WATER AUTHORITY, its successors or assigns. Such inspection must be done prior to the installation or replacement of a residence and must be documented by written report.
  9. No sign shall be erected, placed, or permitted or remain on any residential lot, except, however, a standard real estate sign not to exceed sixteen (16) inches by twenty-four (24) inches may be erected.
  10. No animals except household pets shall be kept or maintained on any lot. For purposes of this Article, the phrase "household pets" shall be interpreted to mean domesticated animals that pose little or no threat to public safety and that are kept and maintained exclusively for the pleasure of the owner. In no case shall animals be housed or maintained on private property for any commercial purpose. Further, animals, that by virtue of their size, number, temperament, behavior or other characteristic, cannot be maintained in a humane manner on the available lot space, or that pose an extraordinary risk to public safety, or whose presence creates an unacceptable annoyance to neighbors, shall not be kept on subdivision lots. Prohibited animals include but are not limited to; horses, cows, pigs, sheep, goats, chickens or other fowl grown for meat or eggs, deadly reptiles or carnivorous animals known to be capable of killing or causing severe bodily harm to human beings. All pets maintained on an owner's property shall be vaccinated against rabies and such other communicable diseases as may be required by State law or Local ordinance. All pets shall be physically constrained by leash, tether or other suitable means when not on owner's property
  11. The owner of each lot shall keep the same clean and free of weeds and debris such as will be in keeping with the other property and community at any particular time. Upon failure to do this, TIMBER BAY PROPERTY OWNERS ASSOCIATION, or its successors or assigns may have the lot cleaned and the cost or expense thereof shall be payable by owner of said lot to TIMBER BAY PROPERTY OWNERS ASSOCIATION, or its successors or assigns.

Property owners must remove garbage, rubbish, or any other unsanitary or unsightly articles and things including but not limited to, boards, bricks, sheet metals, construction materials, appliances and plumbing fixtures. This article applies to items which are in public view and are not being used in immediate construction projects.



***Timber Bay Property Owners Association***

*P.O. Box 662 ♦ Mabank, Texas 75147*

EXHIBIT B

4 of 6

Property owner(s) or occupant(s) of lots within Timber Bay are required to remove motor vehicles that are unused or inoperable and have been parked fourteen (14) days without use. The motor vehicle shall be presumed to be inoperative when any of the following conditions exist:

- A: One or more tires are flat.
- B: One or more wheels are missing.
- C: Weeds or grass have grown around the vehicle.
- D. The vehicle has no current license or registration:
- E. Any other factor that is indicative of non-use:

This article does not apply to motor vehicles stored in closed garages or outbuildings, but does apply to driveways, yards and open carports.

Violators of Article 11 will be given a written description of the violation(s) and notice that they have thirty (30) calendar days to correct the violation(s) or submit a plan to correct the violations and gain approval from the Timber Bay POA of the submitted plan. Notice may be by personal delivery, by certified mail to the last known address, by email, or by posting the "Notice" on the premises.

Upon failure to correct the violation(s), the Timber Bay Property Owners Association will notify the property owner on record with the Henderson County Clerk of Court by Certified Mail, return receipt requested, that they have thirty (30) days to correct the violation(s) and unless the violation(s) are corrected and certified by the Timber Bay Property Owners Association, in writing as being corrected, that the property owner will be subject to a fine of five hundred dollars, (\$500.00). Liens will be filed after ninety (90) days on unpaid fines.

Property Owners that fail to correct violation(s) within six months after being fined will be notified by Certified Mail, return receipt request, that they are being fined an additional one thousand (\$1,000.00) dollars for failure to correct the violation(s).

12. The speed limit for motor vehicles operating in the Recreation and Boat Launch areas of the subdivision is 5 miles-per-hour.
13. All property owners of TIMBER BAY shall pay a fee of hundred fifty dollars (\$150.00) per year to the TIMBER BAY PROPERTY OWNERS ASSOCIATION. Property owners that own multiple residences in Timber Bay will be required to pay \$150 for each residence owned in TIMBER BAY. Said fee shall be due and payable on January 1 of each calendar year. Monies collected from this assessment shall be used to defray the financial obligations of the TIMBER BAY PROPERTY OWNERS ASSOCIATION and to maintain and operate those facilities coming under its authority for the benefit of the membership.
14. Only members of TIMBER BAY PROPERTY OWNERS ASSOCIATION will be allowed to use the launching ramp.

## ***Timber Bay Property Owners Association***

*P.O. Box 662 ♦ Mabank, Texas 75147*

EXHIBIT B

5 of 6

15. These covenants are to run with the land and shall be binding on all parties claiming under them and shall not be altered, changed, amended or revoked in whole or in part, except, however, they may be changed, altered, amended or revoked in whole or in part by a majority of the ballots cast by the Timber Bay legal property owners. A legal Timber Bay property owner consists of the one or more persons and/or entities who own Timber Bay property. Only one (1) ballot per legal property owner shall be cast.
16. Enforcement of these covenants shall be a proceeding at law or in equity against any person, or persons, violating or attempting to violate any covenant, either to restrain violation or to recover damages from the violations. Dues over three (3) years past due may have a lien filed upon the property after a notice is given to the owner of such property without going through the J.P. Court or other proceeding at law for enforcement. All expenses incurred in the enforcement of Timber Bay Deed Restrictions by the POA will be the responsibility of the property owner.
17. Invalidation of any one of these covenants by a judgement, or court order, shall in no wise affect any of the other provisions or covenants, which shall remain in full force and effect.
18. Motor vehicles operated on sub-division streets and other community owned property must be registered, insured and licensed in accordance with State law.
19. Installations such as driveway culverts, walkways or other devices installed by property owner in a public street right-of-way to facilitate access to an owner's property shall be constructed of durable materials that meet minimum specifications as prescribed by the Henderson County Road Commissioner having jurisdiction in the subdivision. Such devices must be set in such a manner as to not block or obstruct the planned drainage of water from the road system. The property owner is responsible to insure that such devices are maintained and kept free of obstructions.
20. The use of vacant or undeveloped lots within the Timber Bay subdivision for the purpose of parking or storing idle equipment on a long-term or permanent basis shall be restricted to those items of equipment that are personally owned and operated by the property owner for recreation or for property maintenance. For the purposes of this Article, the term long-term shall be construed to mean a period greater than three (3) consecutive days. A carport type shelter, garage or storage building may be constructed or placed on the property to store and protect said equipment providing that it is consistent with the Timber Bay Deed Restrictions. Equipment that is clearly intended or employed for commercial or industrial use, of any type or description, and regardless of ownership, shall not be parked or stored on subdivision lots at any time, with the exception that: Equipment needed in conjunction with lot renovation or construction, or for the repair and maintenance of roads or community utilities, or for movement of household effects into or out of a residence, may be authorized by a property owner to park on that owner's property, on an as needed basis, and then only for the duration of the work at hand. Property owners may not lease, rent or otherwise authorize the use of their property to or by a third party for the purpose of long-term parking or storage of equipment. Personal equipment that is parked or stored by an owner must be kept in functional condition and

***Timber Bay Property Owners Association***

*P.O. Box 662 ♦ Mabank, Texas 75147*

EXHIBIT B

6 of 6

where required, must display such licenses and permits required for that class of equipment. The property owner is also expected to comply with such State laws or local ordinances that may apply to the parking or storage of equipment on private residential property. Parked or stored equipment not meeting the aforementioned conditions may, at the discretion of the TIMBER BAY PROPERTY OWNERS ASSOCIATION, be removed at owner's expense.

21. Each Owner or Occupier of property in the subdivision shall maintain all of the structures on their property in good condition and repair in a manner consistent with the average standard in the subdivision. This includes, but is not limited to, painting the buildings as necessary to completely cover the underlying surface, repairing and or replacing roofs, underpinnings, siding, the mechanical facilities associated with the structures, exterior lighting, porches, overhangs, awnings, doors and windows, fences and gates, sidewalk and driveways.
22. Enforcement of the above provisions, in addition to any enforcement actions stated in the above provisions, shall be in accordance with Section 209.006 and 209.007 of the Texas Property Code.

Section 209.006 states notice must be given to the property owner by certified mail that describes the violation and gives the owner a reasonable to cure the violation if of a curable nature and does not pose a threat to public health or safety.

Section 209.007 states that if the owner is entitled to an opportunity to cure the violation, the owner has the right to verify facts and resolve the matter in issue before a committee appointed by the board of the property owner's association or before the board if the board does not appoint a committee.

23. If a property has been abandoned and the dues and taxes are in default for more than three years and the owners cannot be found with reasonable diligence, and the property has become a nuisance so as to constitute a threat to public safety, the Property Owner's Association through the duly elected Board of Directors may vote to demolish and remove the offending structure(s) and assess the cost there of against the property.
24. The Timber Bay Property Owners Association shall have the authority to contract with and designate a company for exclusive rights to pick up and dispose of trash and garbage within the Timber Bay Subdivision. All Timber Bay property owners and residents desiring trash and garbage pickup will be required to contract with the Timber Bay Property Owners Association designated company.

After notice from the Timber Bay POA of a property owner's failure to use the designated company, the property owner will have 30 days to bring their trash service in compliance with the Timber Bay Deed Restrictions or appeal to the Timber Bay POA Board of Directors. Noncompliance with the deed restriction will result in a fine of \$15 per month that will be added to the property owner's annual dues.