

## **Anderson Mill Limited District Deed Restriction Amendment Procedures**

The Board of Directors of Anderson Mill Limited District, as authorized by Section 54.237 of the Texas Water Code, may initiate enforcement actions against homeowners within the district for alleged violations of deed restrictions.

In response to any deed restriction violation action by the District, homeowners may choose to petition to have the deed restrictions changed as outlined within the relevant deed restrictions. However, the Board has no authority to either approve or disapprove proposed amendments. Such a petition, once filed in the appropriate county deed records, would have the effect of amending the deed restrictions for that particular area. Once the homeowner has met the conditions of amendment stated within the deed restrictions, the original violations would no longer be violations and the Board would no longer attempt to enforce that portion of the deed restrictions.

Deed Restriction amendment procedures:

1. Deed restrictions may be amended from time to time in accordance with the terms of the pertinent covenants, which allow for a requisite number of homeowners to change the deed restrictions by filing a petition in the county deed records.
2. The District's sole responsibility in this regard is to determine whether the District will decline to pursue enforcement action for the previously alleged violation after a petition has been filed in the county deed records.
3. In order to make this determination, the Board will first satisfy itself that certain conditions have been met as set forth below:
  - a. The petition language should accurately and succinctly describe the change to be made to the covenant.
  - b. The required percentage of homeowners must sign the petition. This is set in the pertinent covenant; this requirement typically requires a specific percentage of the *homeowners* to sign the petition. If a majority of homeowners are required to sign a petition to amend the covenant, that signifies that 50%, plus one of the properties' in the subdivision homeowners must sign the petition. It will necessitate a review of the current property records to ensure that each signature accurately corresponds to the title owners of the pertinent lot, which often includes two homeowners for couples who own the property jointly.
  - c. The address of each respective signatory must be within the pertinent subdivision.
  - d. Each signature must be appropriately notarized by a notary who is not personally interested in the transaction.

If the pertinent deed restrictions have been amended following the above procedures, the District Board of Directors will determine whether it will decline to pursue enforcement at a regularly scheduled Board of Directors meeting.