

**AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS OF PALMERA HEIGHTS SUBDIVISION AND PALMERA HEIGHTS SUBDIVISION, UNIT TWO OF PALMERA HEIGHTS SUBDIVISION**

STATE OF TEXAS

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COUNTY OF CAMERON

**OFFICIAL RECORDS**

This AMENDMENT TO DECLARATION, made on the date hereinafter set forth by the owners of the lots sold to date within said subdivision, hereinafter referred to as OWNERS.

WITNESSETH

WHEREAS, George J. Martin, Trustee, as owner of Palmera Heights Subdivision and Palmera Heights Subdivision, Number Two, filed Protective Subdivision Covenants dated September 26, 1978, recorded in Volume 1145, Page 20, Deed Records of Cameron County, Texas, governing the development and use of Lots within said subdivisions, and amendments thereto were recorded in Volume 4235, Page 12, of the Officials Records of Cameron County, Texas; and

WHEREAS, all lots in the Palmera Heights Subdivisions have been sold subject to the original declaration and amendment thereof; and

NOW, WHEREAS, the following amendment to Covenants, Conditions and Restrictions is hereby adopted by the OWNERS of not less than two-thirds ( $\frac{2}{3}$ ) of the landowners within the Palmera Heights Subdivisions, as presented by the undersigned signatures and attached acknowledgements, and said Amendment to Paragraph 5 being adopted as provided by the original Declaration dated September 26, 1978, specifically in Paragraph 10 thereof.

**PARAGRAPH 5**

"Pursuant to federal law, particularly 42 U.S.C.A. §§ 3602, 3604, 3607, (1995); Supp. (1998), constituting provisions of the Fair Housing Law of the United States Of America, as well as and in compliance with rules issued by the Secretary of Housing and Urban Development, it is hereby declared and affirmed that PALMERA HEIGHTS PARK/SUBDIVISION constitutes "housing for older persons," in that each home, now or in the future located in such Subdivision, is intended for occupancy by at least one (1) person fifty-five (55) years of age or older, and each such home shall not be occupied by any person under thirty-five (35) years of age. Moreover, the owners of the land constituting PALMERA HEIGHTS PARK/SUBDIVISION have determined that such housing "is necessary to provide important housing opportunities for older persons," "at least eighty (80) per cent of the units are occupied by at least one person fifty-five (55) years of age or older," and that there are, or shall be, published or adhered to "policies and procedures which demonstrate an intent by PALMERA HEIGHTS PARK/SUBDIVISION to maintain a community in compliance with "HOPA" (the "Housing for Older Persons Act"). As such, occupancy of all lots in the Subdivision is subject to these covenants and enforcement by any lot owner (and/or the Subdivision's Property Owners Association if and when any such Association exists) to ensure compliance with the foregoing standards, and to maintain this Subdivision as "housing for older persons," pursuant to federal law, which does not constitute discrimination in housing and is explicitly exempted from the application of other fair housing standards to the Subdivision by and under such federal law. Accordingly, persons not satisfying the above criteria may not permanently occupy or otherwise reside in the Subdivision. However, persons who do not meet these criteria may visit at a home for up to thirty (30) days during a calendar year provided that at least one (1) person fifty-five (55) years of age is present at the home during the period of the visitation. Further, occupancy of property in the Subdivision by any person under the age of fifty-five (55) and/or under the age of thirty-five (35) is not prohibited if the person's occupancy of the property is derived by descent and distribution or by will, as appropriate."