

HARPER'S PRESERVE

SUPPLEMENT TO COMMUNITY COVENANT FOR HARPER'S PRESERVE (Dogwood Forest, Partial Replat No. 1)

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF MONTGOMERY §

This Supplement to Community Covenant for Harper's Preserve is dated this 10 day of December, 2019, by **242, LLC**, a Texas limited liability company (the "Founder").

RECITALS:

WHEREAS, the Founder executed that certain Community Covenant for Harper's Preserve (as supplemented and amended, the "Covenant") dated March 2, 2011, and recorded in the office of the County Clerk of Montgomery County, Texas, under Clerk's File No. 2011019619, to place certain restrictions, covenants, conditions, stipulations, liens and reservations on Harper's Preserve, Section 1, a subdivision in Montgomery County, Texas, as more particularly described therein (the "Community"); and

WHEREAS, the Covenant having been supplemented and amended by the following instruments:

Instrument	Montgomery County Clerk, Texas Recording Information
1. Supplement to Community Covenant for Harper's Preserve)	2011036163
2. Supplement to Community Covenant	2011058751

for Harper's Preserve

3. First Amendment to Community Covenant for Harper's Preserve 2012040225
4. Supplement to Community Covenant for Harper's Preserve (Harper's Preserve, Section 2) 2012109652
5. Supplement to Community Covenant for Harper's Preserve 2013131905
6. Supplement to Community Covenant for Harper's Preserve (Harper's Preserve, Section 3) 2014005175
7. Supplement to Community Covenant for Harper's Preserve (Harper's Preserve, Section 4) 2015025963
8. Supplement to Community Covenant for Harper's Preserve (Harper's Preserve, Section 5) 2015031722
9. Supplement to Community Covenant for Harper's Preserve (Harper's Preserve, Section 6) 2015048117
10. Supplement to Community Covenant for Harper's Preserve (Harper's Preserve, Section 8) 2016057269
11. Supplement to Community Covenant for Harper's Preserve (Harper's Preserve, Section 9) 2016071070
12. Supplement to Community Covenant for Harper's Preserve (Harper's Preserve, Section 10) 2017099444
13. Supplement to Community Covenant for Harper's Preserve (Harper's Preserve, Section 11) 2018063969
14. Supplement to Community Covenant for Harper's Preserve (Harper's Preserve, Section 12) 2018100816

- | | | |
|-----|--|------------|
| 15. | Supplement to Community Covenant for Harper's Preserve (Harper's Preserve, Section 13-A) | 2019009808 |
| 16. | Supplement to Community Covenant for Harper's Preserve (Harper's Preserve, Section 13-B) | 2019009976 |
| 17. | Supplement to Community Covenant for Harper's Preserve (Harper's Preserve, Section 14) | 2019012082 |
| 18. | Supplement to Community Covenant for Harper's Preserve (Harper's Preserve, Section 15) | 2019012139 |
| 19. | Supplement to Community Covenant for Harper's Preserve (Harper's Preserve, Section 16-A) | 2019060486 |
| 20. | Supplement to Community Covenant for Harper's Preserve (Harper's Preserve, Section 16-B) | 2019085066 |

WHEREAS, Chapter 4, Section 4.1 of the Covenant provides that so long as the Founder owns any property described on Exhibits "A" or "B" to the Covenant, the Founder may expand the community to include additional property by recording an amendment or supplement in the County Clerk Official Records of Montgomery County, Texas, describing the additional property and declaring the intent to submit it to the terms of the Covenant; and

WHEREAS, the Founder owns certain property located within the property described on Exhibit "A" or "B" of the Covenant; and

WHEREAS, the Founder is the owner of that certain real property platted as Dogwood Forest, Partial Replat No. 1 and filed of record in Cabinet Z, Sheet Numbers 3990-3991 of the Map Records of Montgomery County, Texas, and in the Real Property

Records of Montgomery County, Texas, under Clerk's File Number 2016052549 (the "Annexation Property"); and

WHEREAS, the Annexation Property is or may be currently encumbered by certain covenants, conditions, and restrictions set forth in the following documents (collectively, the "Dogwood Forest Restrictions"):

1. Affidavit of Wenton E. Little dated April 8, 1965, and recorded in the Office of the County Clerk of Montgomery County, Texas, under Clerk's File Number 176998.
2. Warranty Deed from Ridge Land Company to Dr. Don K. Hamblen dated September 19, 1979, and recorded in the Office of the County Clerk of Montgomery County, Texas, under Clerk's File Number 8001205.
3. Dogwood Forest Amended Deed Restrictions dated effective September 1, 1999, and recorded in the Office of the County Clerk of Montgomery County, Texas, under Clerk's File Number 99072140; and

WHEREAS, the Founder desires to expand the Community to include the Annexation Property and to encumber the Annexation Property with the Covenant and to be within the jurisdiction of Harper's Preserve Property Owner's Association, Inc., a Texas non-profit corporation (the "Association");

NOW, THEREFORE, for and in consideration of TEN AND NO/100 (\$10.00) DOLLARS and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Founder hereby agrees and declares as follows:

1. The Annexation Property is hereby annexed into the Community, to be under the authority and jurisdiction of the Association.
2. The Annexation Property shall be held, transferred, sold, conveyed, used, and occupied in accordance with and subject to those certain covenants, conditions, restrictions, easements, charges and liens set

forth in the Covenant, as it may be hereafter amended, which shall run with the land and be binding on all parties having any right, title, or interest in the Annexation Property or any part thereof, their heirs, successors, and assigns, and which shall inure to the benefit of each owner thereof.

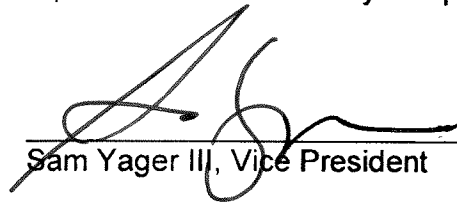
3. To the extent the covenants, conditions, and restrictions set forth in the Dogwood Forest Restrictions: (i) are valid and enforceable, and (ii) conflict with the covenants, conditions, and restrictions set forth in the Covenant or any other document governing the Association or Community, the more strict provision shall control.
4. Pursuant to Chapter 4, Section 4.3 of the Covenant, the Founder may unilaterally amend the Covenant for any purpose during the Founder Control Period (as defined in the Covenant) by recording an amendment in the County Clerk Official Records of Montgomery County, Texas.
5. As long as the Founder owns real property encumbered by the Covenant, the Founder may unilaterally amend this Supplement to Community Covenant at any time, in Founder's sole and absolute discretion. As long as the Founder owns real property encumbered by the Covenant, Owners may not amend this Supplement to Community Covenant without the Founder's prior written consent.

EXECUTED as of the date first set forth above.

FOUNDER:

242, LLC, a Texas limited liability company

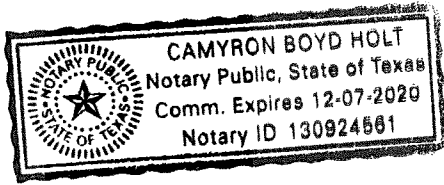
By:




Sam Yager III, Vice President

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on the 10 day of December, 2019, by Sam Yager III, the Vice President of 242, LLC, a Texas limited liability company, on behalf of said company.





Notary Public, State of Texas

AFTER RECORDING RETURN TO:

Mark K. Knop
Hoover Slovacek LLP
Galleria Tower II
5051 Westheimer, Suite 1200
Houston, TX 77056

E-FILED FOR RECORD

12/10/2019 04:27PM



COUNTY CLERK
MONTGOMERY COUNTY, TEXAS

STATE OF TEXAS,
COUNTY OF MONTGOMERY

I hereby certify that this instrument was e-filed in the file number sequence on the date and time stamped herein by me and was duly e-RECORDED in the Official Public Records of Montgomery County, Texas.

12/10/2019



County Clerk
Montgomery County, Texas