

# HARPER'S PRESERVE

## SUPPLEMENT TO COMMUNITY COVENANT FOR HARPER'S PRESERVE (Harper's Preserve, Section 12)

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 12 day of October 2018, 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:

<b>Instrument</b>	<b>Montgomery County Clerk, Texas Recording Information</b>
1. Supplement to Community Covenant for Harper's Preserve)	2011036163

2.	Supplement to Community Covenant for Harper's Preserve	2011058751
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

**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 Harper's Preserve, Section 12 and filed of record in Cabinet Z, Sheet Numbers 5319 - 5321 of the Map Records of Montgomery County, Texas, and in the Real Property Records of Montgomery County, Texas, under Clerk's File Number 2018094554 (the "Annexation Property"); 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.

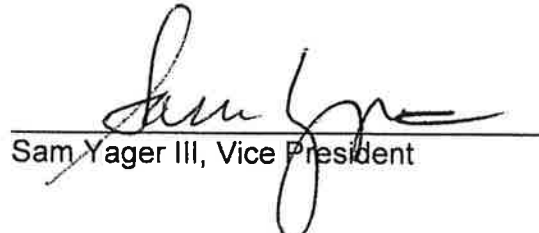
3. Pursuant to Chapter 4, Section 4.3 of the Covenant, the Founder may unilaterally amend the Covenant for any purpose during the Founder Control Period (as defined in the Covenant) by recording an amendment in the County Clerk Official Records of Montgomery County, Texas.
4. As long as the Founder owns 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

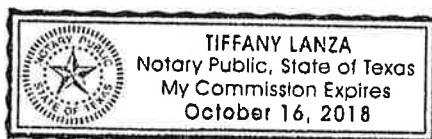
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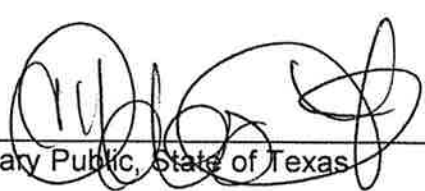
COUNTY OF HARRIS

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This instrument was acknowledged before me on the 12 day of October, 2018, 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

## JOINDER OF LIENHOLDER

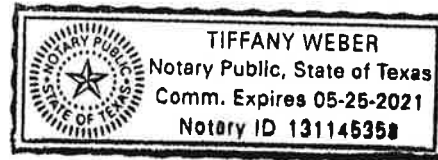
TEXAS CAPITAL BANK, NATIONAL ASSOCIATION, joins herein for the sole purpose of subordinating the liens it holds on the Annexation Property to the covenants, conditions and restrictions hereby imposed by 242, LLC, a Texas limited liability company as Founder with, however, the stipulation that such subordination does not extend to any lien or charge imposed by or provided for in the Covenant.

TEXAS CAPITAL BANK, NATIONAL ASSOCIATION

By: Debi England  
Name: DEBI ENGLAND  
Title: SR. VICE PRESIDENT

THE STATE OF TEXAS     §  
  §  
COUNTY OF HARRIS     §

This instrument was acknowledged before me on the 4<sup>th</sup> day of October, 2018, by Debi England, the SR. Vice President of TEXAS CAPITAL BANK, NATIONAL ASSOCIATION, on behalf of said entity.



### AFTER RECORDING RETURN TO:

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

**E-FILED FOR RECORD**

10/17/2018 12:39PM



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.

**10/17/2018**



County Clerk  
Montgomery County, Texas