

# HARPER'S PRESERVE

## AMENDMENT AND ARTICLES OF ANNEXATION FOR HARPER'S PRESERVE (Harper's Preserve, Section 8)



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

This Amendment and Articles of Annexation for Harper's Preserve, is dated this 24 day of June, 2016 by, **242, LLC**, a Texas limited liability company (the "Declarant").

### RECITALS:

**WHEREAS**, that certain Declaration of Covenants, Conditions, Restrictions and Easements for Wood Lake Village dated November 4, 2003, was recorded in the Office of the County Clerk of Montgomery County, Texas, under Clerk's File No. 2003-146583 on December 2, 2003, and subjects real property known as Wood Lake Village, Section One (1), now partially known as Harper's Preserve, Section One (1), a subdivision in Montgomery County, Texas, to the covenants, conditions, restrictions, easements, charges and liens set forth therein; and

**WHEREAS**, that certain Correction Amendment of Declaration of Covenants, Conditions, Restrictions and Easements for Wood Lake Village, was recorded in the Office of the County Clerk of Montgomery County, Texas, under Clerk's File Number 2004-002722 on January 8, 2004; and

**WHEREAS**, that certain Second Amendment to Declaration of Covenants, Conditions, Restrictions and Easements for Wood Lake Village was recorded in the Office of the County Clerk of Montgomery County, Texas, under Clerk's File Number 2010107029 on November 30, 2010; and

**WHEREAS**, that certain Third Amendment to Declaration of Covenants, Conditions, Restrictions and Easements for Wood Lake Village Concerning Annexation and De-Annexation was recorded in the Office of the County Clerk of Montgomery County, Texas, under Clerk's File Number 2011007006 on January 25, 2011; and

**WHEREAS**, the Declarant is the current "Declarant" under the Declaration (herein defined) pursuant to that certain Assignment of Declarant Interests dated as of September 15, 2006, and recorded in the Office of the County Clerk of Montgomery County, Texas, under Clerk's File Number 2008-058953 on June 12, 2008; and

**WHEREAS**, that certain First Amendment to Assignment of Declarant Interests was recorded in the Office of the County Clerk of Montgomery County, Texas, under Clerk's File Number 2011004068 on January 14, 2011; and

**WHEREAS**, that certain First Amended and Restated Declaration of Covenants, Conditions, Restrictions and Easements for Harper's Preserve was recorded in the Office of the County Clerk of Montgomery County, Texas, under Clerk's File Number 2011011454 on February 8, 2011 (as supplemented and amended, the "Declaration"); and

**WHEREAS**, the Declaration having been supplemented and amended by the following instruments.

<u>Instrument</u>	<u>Montgomery County Clerk, Texas Recording Information</u>
1. Notice, Amendment and Articles of Annexation	2011058753

- |    |   |   |
|----|---|---|
| 2. | Amendment and Articles of Annexation for Harper's Preserve (Harper's Preserve, Section 2).  | 2012109651  |
| 3. | First Amendment to First Amended and Restated Declaration of Covenants, Conditions, Restrictions and Easements for Harper's Preserve  | 2012116878  |
| 4. | Amendment and Articles of Annexation for Harper's Preserve (Harper's Preserve, Section 3).  | 2014005176  |
| 5. | Amendment and Articles of Annexation for Harper's Preserve (Harper's Preserve, Section 4).  | 2015025964<br>and re-recorded<br>under 2015029560 |
| 6. | First Amendment to Amendment and Articles of Annexation for Harper's Preserve (Harper's Preserve, Section 4).   | 2015036677  |
| 7. | Amendment and Articles of Annexation for Harper's Preserve (Harper's Preserve, Section 5).  | 2015031723  |
| 8. | Amendment and Articles of Annexation for Harper's Preserve and Supplemental Declaration of Covenants, Conditions and Restrictions and Easements (Harper's Preserve, Section 6). | 2015048116  |

**WHEREAS**, Article I, Sections 1.02 and 1.03 of the Declaration provides that "Declarant" may annex additional real property into and make same a part of the Subdivision (as defined in the Declaration and herein called the "Subdivision") by amendment of the Declaration as provided in Article XI of the Declaration without the joinder or consent of, or any notice to, an owner or person, and that any annexation must be evidenced by filing in the Official Public Records of Real Property of Montgomery County, Texas, of articles of annexation describing the real property to be annexed; and

**WHEREAS**, Article XI, Section 11.10.1 of the Declaration provides that during the Development Period (as defined in the Declaration and herein called the "Development Period"), the "Declarant" reserves the sole and exclusive right, without the joinder or consent of, or any notice to, an owner or other person, to annex and subject any other property to the scheme of the Declaration provided such annexation is not inconsistent with the scheme of the development contemplated by the Declaration; and

**WHEREAS**, the Declarant is the owner of that certain real property platted as Harper's Preserve, Section 8 and filed of record in Cabinet Z, Sheet Numbers 3992-3993 of the Map Records of Montgomery County, Texas, and in the Real Property Records of Montgomery County, Texas, under Clerk's File Number 2016052560 (the "Annexation Property"); and

**WHEREAS**, the Development Period has not expired; and

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

**NOW, THEREFORE**, for and in consideration of TEN and NO/100 (\$10.00) DOLLARS and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Declarant does hereby agree and declare as follows:

1. The Annexation Property is annexed into the Subdivision, 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, easement, charges and liens set forth in the Declaration, as it may be hereafter amended, which shall run with the land and shall 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.

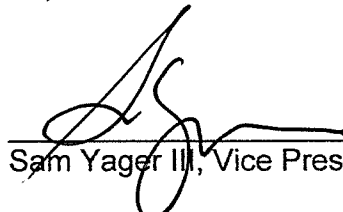
3. Pursuant to Article XI, Section 11.10.1 of the Declaration, during the Development Period, the Declarant reserves the sole and exclusive right, without the joinder or consent of, or any notice to, an owner or other person, to amend, modify, revise or repeal, from time to time and at any time, the Declaration.
4. As long as the Declarant owns real property encumbered by the Declaration or during the Development Period, the Declarant may unilaterally amend this Amendment and Articles of Annexation at any time, in Declarant's sole and absolute discretion. Further, as long as the Declarant owns real property encumbered by the Declaration or during the Development Period, Owners may not amend this Amendment and Articles of Annexation without the Declarant's prior written consent.
5. The Association reserves for itself a non-exclusive three foot (3') wide easement running parallel to and abutting the Lake Palmetto Drive street right-of-way on Lots One (1) through Eleven (11), Block One (1) of Harper's Preserve, Section Eight (8) according to the map or plat thereof recorded in the Cabinet Z, Sheet Numbers 3992-3993 of the Map Records of Montgomery County, Texas, and in the Real Property Records of Montgomery County, Texas, under Clerk's File Number 2016052560. This easement is for the use of the Association and its assigns for purposes of access, landscaping, irrigation, maintenance, utilities, trails, address markers, fencing, lighting and/or the installation, repair and maintenance of landscaping and hardscape elements for the benefit of the Harper's Preserve Subdivision. Each Owner (as defined in the Declaration and herein so called) shall have a right of ingress and egress over the portion of the easement on the Owner's respective Lot via a driveway and/or pedestrian access way in a location approved by the ACC (as defined in the Declaration).

*It is expressly agreed and understood that the individual executing this document on behalf of Declarant is acting in his representative capacity only and solely as a representative of the Declarant and any liability resulting hereunder based upon the actions of such individual, including but not limited to, the breach of any warranty, covenant, representation and/or provision contained herein, if any, shall be that of the Declarant and not that of such individual.*

EXECUTED as of the date first set forth above.

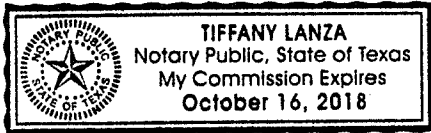
**DECLARANT:**

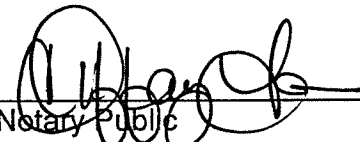
242, LLC, a Texas limited liability company

By:   
Sam Yager III, Vice President

THE STATE OF TEXAS       §  
  §  
COUNTY OF HARRIS       §

This instrument was acknowledged before me on the 24 day of June, 2016, by Sam Yager III, the Vice President of 242, LLC, a Texas limited company, on behalf of said entity.



  
Notary Public

## JOINDER OF LIENHOLDER

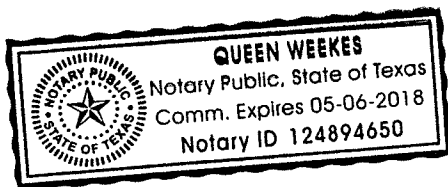
TEXAS CAPITAL BANK, joins herein for the sole purpose of subordinating the liens it holds on the Annexation Property to the covenants, conditions and restrictions hereby imposed by 242, LLC, a Texas limited liability company as Founder with, however, the stipulation that such subordination does not extend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

### TEXAS CAPITAL BANK NATIONAL ASSOCIATION

By: *Debi England*  
DEBI ENGLAND  
SR. VICE PRESIDENT

THE STATE OF TEXAS     §  
                                      §  
COUNTY OF HARRIS     §

This instrument was acknowledged before me on the 29<sup>th</sup> day of JUNE, 2016, by DEBI ENGLAND, SR. VICE PRES. of Texas Capital Bank National Association, on behalf of said entity.



*Weekes*  
Notary Public, State of Texas

### AFTER RECORDING RETURN TO:

Mark K. Knop  
Hoover Slovacek LLP  
Galleria Tower 11  
5051 Westheimer, Suite 1200  
Houston, TX 77056

**E-FILED FOR RECORD**

06/29/2016 03:52PM



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.

**06/29/2016**



County Clerk  
Montgomery County, Texas