

HARPER'S PRESERVE

FIRST AMENDMENT TO AMENDMENT AND ARTICLES OF ANNEXATION FOR HARPER'S PRESERVE

(Harper's Preserve, Section 4)

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

This First Amendment to Amendment and Articles of Annexation for Harper's Preserve, is dated this 17 day of April, 2015 by, **242, LLC**, a Texas limited liability company (the "Declarant").

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, among other documents, the Amendment and Articles of Annexation for Harper's Preserve (Harper's Preserve, Section 4) dated March 13, 2015, and recorded in the Office of the County Clerk of Montgomery County, Texas, under Clerk's File Number 2015025964 and re-recorded under Clerk's File Number 2015029560 (the "Section 4 Amendment"); and

WHEREAS, Section 4 of the Section 4 Amendment provides that as long as 242, LLC, a Texas limited liability company (the "Declarant") owns property encumbered by the Declaration or during the Development Period (as defined in the Declaration and herein so called), the Declarant may unilaterally amend the Section 4 Amendment at any time, in Declarant's sole and absolute discretion; and

WHEREAS, the Declarant owns property encumbered by the Declaration and the Development Period has not expired; and

WHEREAS, the Declarant desires to amend the Section 4 Amendment as set forth below;

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 amend the Section 4 Amendment to add Section 5 on page 4 to read as follows:

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 Six (6), Block Two (2) of Harper's Preserve, Section Four (4) according to the map or plat thereof recorded in the Cabinet Z, Sheet Numbers 3201-3202 of the Map Records of Montgomery County, Texas, and in the Real Property Records of Montgomery County, Texas, under Clerk's File Number 2014125691. 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:



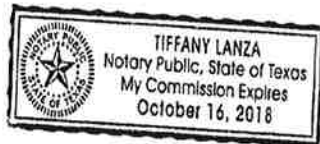
Sam Yager III, Vice President

THE STATE OF TEXAS

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COUNTY OF HARRIS

This instrument was acknowledged before me on the 17 day of April, 2015, by Sam Yager III, the Vice President of 242, LLC, a Texas limited company, on behalf of said entity.





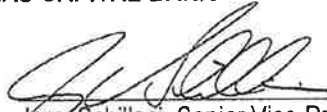
Notary Public

JOINDER OF LIENHOLDER

TEXAS CAPITAL BANK, joins herein for the 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 Declarant with, however, the stipulation that such subordination does not extend to any lien or charge imposed by or provided for in the Declaration.

TEXAS CAPITAL BANK

By:

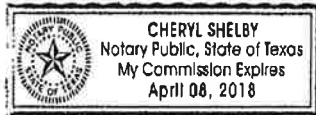

Jerry Schillaci, Senior Vice-President

THE STATE OF TEXAS

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COUNTY OF HARRIS

This instrument was acknowledged before me on the 20th day of April, 2015, by Jerry Schillaci, the Senior Vice-President of Texas Capital Bank, on behalf of said entity.




Notary Public

AFTER RECORDING RETURN TO:

Mark K. Knop
Hoover Slovacek LLP
Galleria Tower II
5051 Westheimer, Suite 1200
Houston, Texas 77056
File No: 122602-16

E-FILED FOR RECORD
04/22/2015 2:14PM



COUNTY CLERK
MONTGOMERY COUNTY, TEXAS

STATE OF TEXAS
COUNTY OF MONTGOMERY

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

04/22/2015



County Clerk
Montgomery County, Texas