

HARPER'S  PRESERVE

FIRST AMENDMENT TO BY-LAWS OF
HARPER'S PRESERVE PROPERTY OWNER'S
ASSOCIATION, INC.

November 1, 2012

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

WHEREAS, 242, LLC, a Texas limited liability company (the "Founder") executed that certain Community Covenant for Harper's Preserve (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 the real property located in Montgomery County, Texas, and more particularly described therein (the "Community"); and

WHEREAS, HARPER'S PRESERVE PROPERTY OWNER'S ASSOCIATION, INC., a Texas non-profit corporation (the "Council") has adopted By-Laws of the Council (the "By-Laws") in connection with governing the Council and the Community; and

WHEREAS, Article 9, Section 9.6 of the By-Laws provides that the By-Laws may be amended by the Board of Trustees of the Council (the "Board") upon approval of a majority of the trustees and with the written consent of the Founder as long as the Founder Control Period (as defined in the Covenant and herein called "Founder Control Period") has not expired; and

WHEREAS, the Founder Control Period has not expired; and

WHEREAS, the Board, with the written consent of the Founder, desires to amend the By-Laws to clarify that meetings of the members of the Council prior to the expiration of the Founder Control Period shall be for informational purposes only as described hereinbelow;

NOW, THEREFORE, in consideration of the recitals set forth above, and for other good and valuable consideration, the receipt and sufficiency of which is hereby

acknowledged, the undersigned, being all of the members of the Board, along with the consent of the Founder, hereby consent to the following resolution and do hereby amend the By-Laws effective as of November 1, 2012, as set forth hereinbelow, to-wit:

RESOLVED: That Article 3, Section 3.3 of the By-Laws is amended to read as follows:

3.3 ANNUAL MEETINGS.

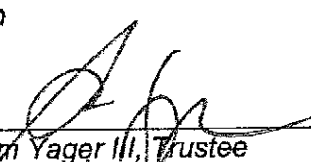
The first annual meeting of the Voting Members shall be held at a place and time to be determined by the Board of Trustees of the Council (the "Board"), and each subsequent regular annual meeting of the Voting Members shall be held at a place and time to be determined by the Board by giving written notice to the Voting Members. Prior to the expiration or termination of the Founder Control Period, any meeting of the Voting Members shall be for informational purposes only and the Voting Members will not elect trustee's, conduct official business of the Council or be entitled to vote on any matter unless otherwise expressly approved in writing by the Founder. After the expiration or termination of the Founder Control Period, the annual meeting of the Voting Members shall, among other things, be used for the purpose of electing trustee's and conducting other official business of the Council.

EXECUTED this 29th day of November, 2012.

COUNCIL:

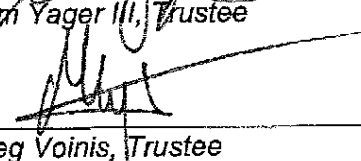
HARPER'S PRESERVE PROPERTY OWNER'S ASSOCIATION, INC., a Texas non-profit corporation

By



Sam Yager III, Trustee

By:



Greg Voinis, Trustee

By:

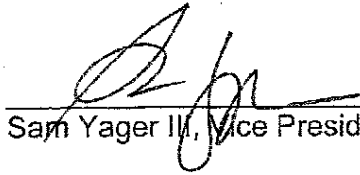


Justine Klinke, Trustee

CONSENTED AND AGREED TO:

FOUNDER:

242, LLC, a Texas limited liability company

By:  _____
Sam Yager II, Vice President

JOINDER OF LIENHOLDER

TEXAS CAPITAL BANK, joins herein for the purpose of acknowledging, agreeing and consenting to the amendments set forth in the First Amendment to By-Laws of Harper's Preserve Property Owner's Association, Inc. to which this Joinder of Lienholder is attached and hereby ratifies and confirms that the liens it holds on the Units (as defined in the Covenant) are subordinate to the covenants, conditions and restrictions imposed by the Covenant 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

By: 

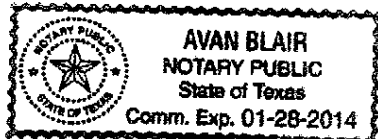
Jerry Schillaci, Vice President

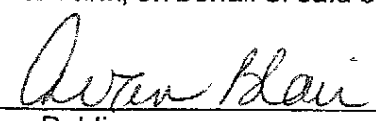
THE STATE OF TEXAS

§
§
§

COUNTY OF HARRIS

This instrument was acknowledged before me on the 20th day of November, 2012, by Jerry Schillaci, the Vice President of Texas Capital Bank, on behalf of said entity.




Notary Public

AFTER RECORDING RETURN TO:

Mark K. Knop
Hoover Slovacek LLP
5847 San Felipe, Suite 2200
Houston, Texas 77057-3918
713/977-8686
File No: 122602-05

E-FILED FOR RECORD
12/03/2012 8:05AM

Mark Tumbull

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.

12/03/2012



Mark Tumbull

County Clerk
Montgomery County, Texas