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ELEVENTH SUPPLEMENTAL DECLARATION

STATE OF TEXAS §  
  §  
COUNTY OF HARRIS §

KNOW ALL MEN BY THESE PRESENTS:

THAT THIS ELEVENTH SUPPLEMENTAL DECLARATION is made on the date hereinafter set forth by Winchester Associates, Ltd., a Texas limited partnership (hereinafter referred to as "Declarant"), through Great America Companies, a Texas corporation, its Managing General Partner, acting herein by and through its duly authorized officers.

WITNESSETH:

WHEREAS, Declarant is the owner of certain property heretofore platted and subdivided into that certain residential subdivision known as Willow Pointe Section One and recorded under Film Code No. 367074 of the Harris County, Texas Map Records (comprised of 101 Lots) (the "Initial Property"); and,

WHEREAS, Declarant is the owner of certain property heretofore platted and subdivided into that certain residential subdivision known as Willow Pointe Section Nine and recorded under Film Code No. 417023 (the "Plat") of the Harris County, Texas Map Records (comprised of 54 Lots) (the "Additional Property"); and,

WHEREAS, Declarant desires to hold, sell and convey the Initial Property and the Additional Property subject to the Declaration of Covenants, Conditions, and Restrictions for Willow Pointe Section One filed and duly recorded in the Official Public Records of Real Property of Harris County, Texas on May 16, 1995 under Clerk's File Number R397487 (as the same may be amended from time to time, the "Declaration") which is for the purpose of establishing a uniform plan for the development, improvement and sale of the Initial Property, together with such other land constituting the Property from time to time brought within the terms of the Declaration pursuant thereto, and to insure the preservation of such uniform plan for the benefit of both present and future owners of the residential subdivision Lots within the Property; and,

WHEREAS, Declarant now wishes to annex the Additional Property to the Initial Property pursuant to the terms of the Declaration and wishes to subject the Additional Property to the covenants, conditions, and restrictions contained in the Declaration.

NOW, THEREFORE, Declarant hereby adopts the following Eleventh Supplemental Declaration which is for the purpose of annexing the Additional Property to the Initial Property and to subject the Additional Property to the covenants, conditions, and restrictions contained in the Declaration. This Eleventh Supplemental Declaration shall run with the Property and shall bind all parties having or acquiring any right, title, or interest therein or any part thereof, their heirs or successors in title and assigns, and shall inure to the benefit of

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each owner thereof. Except as otherwise defined herein, each capitalized term used herein shall have the meaning ascribed to such term in the Declaration. Declarant hereby files this ELEVENTH Supplemental Declaration subject to the following:

1. The Owner of the Additional Property is the Declarant.
2. The recorded subdivision description of the Additional Property is set out in the Plat which is incorporated herein by reference and is hereby made a part of this Eleventh Supplemental Declaration; the Plat identifies (i) those portions of the Additional Property that are dedicated and/or conveyed to the public or any governmental or quasi-governmental authority for street right-of-way or utility facility purposes, (ii) those portions that are to comprise Lots for construction of Living Units and related improvements, and (iii) those portions that comprise Common Property, if any (those being the only three permitted uses for the Additional Property).
3. A mutual grant and reservation of rights and easements of the Owners in and to the existing and annexed Common Property and Common Facilities is hereby made.
4. The Additional Property is being added or annexed in accordance with and subject to the provisions of the Declaration, as heretofore amended.
5. The Additional Property shall be developed, held, used, sold and conveyed in accordance with and subject to the provisions of the Declaration as heretofore and hereafter amended.
6. All of the provisions of the Declaration, as heretofore amended, shall apply to the Additional Property with the same force and effect as if the Additional Property were originally included in the Declaration as part of the Initial Property.
7. A vendor's lien is herein reserved in favor of the Association, in the same manner as provided in the Declaration, to secure collection of the Assessments provided for, authorized or contemplated in the Declaration.
8. After this annexation is made, all assessments collected by the Association from the Owners in the Additional Property shall be commingled with the Assessments collected from all other Owners so that there shall be a common maintenance fund for the Property.
9. Nothing in this Eleventh Supplemental Declaration shall be construed to represent or imply that Declarant, its successors or assigns, are under any obligation to add or annex any additional land to the Property.

