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**NOTICE, AMENDMENT AND ARTICLES OF ANNEXATION**

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

This Notice, Amendment and Articles of Annexation, dated and effective and of the Effective Date (herein defined), is by and between K. Hovnanian of Houston II, L.P., a Texas limited partnership (herein referred to as the "Owner") and 242, LLC, a Texas limited liability company (herein referred to as "242, LLC").

**RECITALS:**

**WHEREAS**, that certain Declaration of Covenants, Conditions, Restrictions and Easements for Wood Lake Village (as supplemented, amended and restated as described in the "RECITALS" paragraphs set forth herein, the "Declaration") 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 dated December 15, 2003, 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 201010729 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**, 242, LLC is the current "Declarant" under the Declaration 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 and Restrictions and Easements for Harper's Preserve was recorded in the Office of the County Clerk of Montgomery County, Texas, under Clerk's File 2011011454 on February 8, 2011; and

**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) 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 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 Owner is the owner of the property described on *Exhibit "A"* hereto (the "Annexation Property"); and

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

**WHEREAS**, 242, LLC and the Owner desire to confirm that the Annexation Property is encumbered by the Declaration and within the jurisdiction of the Association;

**NOW, THEREFORE**, and consideration of the recitals set forth above, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, 242, LLC, and the Owner hereby acknowledge and agree 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.

The Owner acknowledges that the Owner was duly represented by legal counsel in the review and execution of this instrument. The Owner represents and warrants to the Association that the Owner is not required to obtain the consent of a lender or any third party to execute and bind themselves and their successors to the terms hereof. The Owner authorizes 242, LLC and/or Harper's Preserve Community Association, Inc., a Texas non-profit corporation (including its Board, officers and designees) to record a fully executed original of this instrument in the Real Property Records of Montgomery County as public notice as to the agreements of the Owner contained herein.

EXECUTED AND EFFECTIVE as of the 1st day of November, 2010 (the "Effective Date").

DECLARANT:

242, LLC, a Texas limited liability company

By: *John M. Bonner*  
Name: John M. Bonner  
Title: President

THE STATE OF TEXAS           §  
  §  
COUNTY OF HARRIS         §

This instrument was acknowledged before me on the 22<sup>nd</sup> day of June, 2011, by John M. Bonner President of 242, LLC, a Texas limited company, on behalf of said entity.



*Kathryn Willis*  
Notary Public – State of Texas

OWNER:

K. HOVNANIAN OF HOUSTON, II, L.P., a  
Texas limited partnership

By: 

Name: David A. Orlando

Title: V.P.

THE STATE OF TEXAS

§  
§  
§

COUNTY OF HARRIS

This instrument was acknowledged before me on the 23<sup>rd</sup> day of June, 2011, by David A. Orlando, Vice President of K. Hovnanian of Houston, II, L.P., a Texas limited partnership, on behalf of said entity.



Mary Lou Hernandez  
Notary Public - State of Texas

**AFTER RECORDING RETURN TO:**

Mark K. Knop  
Hoover Slovacek LLP  
5847 San Felipe, Suite 2200  
Houston, Texas 77057-3918  
File No: 122602-03

**EXHIBIT "A"**  
**To Notice, Amendment and Articles of Annexation**

**65-Foot Lots**  
**(33 total)**

**LOTS SEVEN THROUGH TWENTY FOUR (7-24), INCLUSIVE, IN BLOCK FOUR (4), LOTS ONE THROUGH SIX (1-6), INCLUSIVE, IN BLOCK FIVE (5) AND LOTS ONE THROUGH NINE (1-9), INCLUSIVE, IN BLOCK SIX (6) OF WOOD LAKE VILLAGE, SECTION ONE (1)** being a subdivision of 115.146-acres located in the Richard Vince Survey A-583, and the Montgomery County School Land Survey No. 1, A-350, recorded under County Clerk's File Number 2003146526 and under Cabinet V, Sheets 95-99 of the Montgomery County Map Records.

**70-Foot Lots**  
**(18 total)**

**LOTS TWENTY THROUGH TWENTY FOUR (20-24), INCLUSIVE, IN BLOCK ONE (1) AND LOTS SEVEN THROUGH NINETEEN (7-19), INCLUSIVE, IN BLOCK FIVE (5) OF WOOD LAKE VILLAGE, SECTION ONE (1)** being a subdivision of 115.146-acres located in the Richard Vince Survey A-583, and the Montgomery County School Land Survey No. 1, A-350, recorded under County Clerk's File Number 2003146526 and under Cabinet V, Sheets 95-99 of the Montgomery County Map Records.

**FILED FOR RECORD**

07/06/2011 2:46PM



COUNTY CLERK  
MONTGOMERY COUNTY, TEXAS

STATE OF TEXAS  
COUNTY OF MONTGOMERY

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

**07/06/2011**



County Clerk  
Montgomery County, Texas