

508354

SECOND AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR PLANTATION LAKES

STATE OF TEXAS §
COUNTY OF GRIMES §

THIS SECOND AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR PLANTATION LAKES, (the "Second Amendment") is made on the date hereinafter set forth by Mill Creek, Ltd., a Texas limited partnership, hereinafter referred to as "Declarant";

WITNESSETH:

WHEREAS, Declarant filed that certain DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR PLANTATION LAKES which is recorded under Clerk's File Number 403932 in the Real Property Records of Waller County, Texas, and under Clerk's File Number 194638 in the Real Property Records of Grimes County, Texas (the "Original Declaration"); and

WHEREAS, Declarant filed that certain FIRST AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR PLANTATION LAKES, which is recorded under Clerk's File Number 404501 in the Real Property Records of Waller County, Texas, and under Clerk's File Number 194958 in the Real Property Records of Grimes County, Texas (the "First Amendment"); and

WHEREAS, Declarant filed that certain SUPPLEMENTAL AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR PLANTATION LAKES, SECTION TWO which is recorded under Clerk's File Number 407183 in the Real Property Records of Waller County, Texas, and under Clerk's File Number 195110 in the Real Property Records of Grimes County, Texas; and

WHEREAS, Declarant filed that certain SUPPLEMENTAL AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR PLANTATION LAKES, SECTION THREE which is recorded under Clerk's File Number 408945 in the Real Property Records of Waller County, Texas, and under Clerk's File Number 195960 in the Real Property Records of Grimes County, Texas; and

WHEREAS, Declarant filed that certain SUPPLEMENTAL AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR PLANTATION LAKES, SECTION FOUR, which is recorded under Clerk's File Number \*203211 in the Real Property Records of Grimes County, Texas; and

WHEREAS, the Original Declaration and the First Amendment are hereinafter collectively referred to as the "Declaration"; and

WHEREAS, reference is hereby made to the Declaration for all purposes, and any and all capitalized terms used herein shall have the meanings set forth in the Declaration, unless otherwise specified in this Second Amendment; and

WHEREAS, pursuant to Article XIII of the Declaration, pursuant to Article XIII of the Declaration, the Declarant, so long as Class B Membership exists, the Declaration may be amended, modified or terminated with approval of two-thirds (2/3) of the combined total votes of Class A and Class B Membership; and

WHEREAS, Declarant owns seventy-five (75) Lots in the Subdivision, and as Class B Member, pursuant to Article IV, Section C.2. of the Declaration, has ten (10) votes for each platted Lot owned, for a total of seven hundred fifty (750) votes, such votes being at least two-thirds (2/3) of the combined total votes of Class A and Class B Membership; and

NOW THEREFORE, pursuant to Article XIII of the Declaration, Declarant holding at least two-thirds (2/3) of the combined total votes of Class A and Class B Membership, hereby amends the Declaration as follows:

Article VI. of the Declaration is hereby amended by adding the following section:

**"S. Subdivision of Lots. Lots may not be subdivided except as set out below:**

*The subdivision of Lots, or portions of Lots, is permitted subject to the following provisions.*

1. *Only Lots, as originally platted, that are larger than ten (10) acres in area may be subdivided. A Lot that is permitted to be subdivided hereunder may only be subdivided so there are no more than three (3) Lots, including the original Lot, created as a result of the subdivision of the originally platted Lot.*
2. *Subject to other provisions of this Section S, if a Lot is subdivided, each resulting Lot may be no less than five (5) acres in area. A Lot may only be subdivided upon such Lot being re-platted in accordance with all applicable laws.*
3. *All governmental requirements, including, but not limited to, platting and/or re-platting requirements must be complied with as to subdivision of a Lot. If Lots are subdivided, the setback requirements are moved to the resulting perimeter Lot lines of each Lot after the subdivision.*
4. *If any Lot is subdivided, each portion of the Lot so subdivided shall be subject to an Annual and Special Assessment as if the resultant Lot was an originally platted Lot.*
5. *Subject to the provisions of Article XII, the Annual and Special Assessment lien created herein shall be a charge and continuing lien upon each of the subdivided Lots, and it shall be the*

*personal obligation of the persons or entities who are the Owners of each of the resultant Lots at the time when the assessment becomes due."*

In case of conflict between this Second Amendment and the Declaration, this Second Amendment shall control. All other definitions and restrictions shall remain as stated in the Declaration.

Invalidation of any one or more the covenants, restrictions conditions or provisions contained in this Second Amendment shall in no wise affect any of the other covenants, restrictions, conditions or provisions which shall remain in full force and effect.

The Declaration, except as expressly amended hereby, shall remain in full force and effect, and is hereby ratified and confirmed.

IN WITNESS WHEREOF, this Second Amendment to the Declaration of Covenants, Conditions and Restrictions for Plantation Lakes is executed as of the 1<sup>st</sup> day of November, 2005.

[SIGNATURE PAGE FOLLOWS]

DECLARANT:

MILL CREEK, LTD., a Texas limited partnership

By: CLEAR SPRINGS DEVELOPMENT GROUP, L.L.C. a Texas corporation, its general partner

By: [Signature]
Print Name: [Signature]
Print Title: [Signature]

STATE OF TEXAS §
COUNTY OF Montgomery §

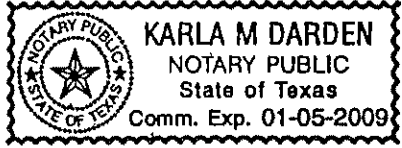
BEFORE ME, the undersigned authority, on this day personally appeared Clay Signor, the President of Clear Springs Development Group, L.L.C., a Texas corporation, the General Partner of Mill Creek, Ltd., a Texas limited partnership known by me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that s/he executed the same for the purposes and consideration therein expressed and in the capacity therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 1st day of November 2005.

[Signature: Karla M. Darden]
Notary Public - State of Texas

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After Recording Return To:

Marc D. Markel
Roberts Markel Guerry, P.C.
2500 City West Blvd., Suite 1350
Houston, Texas 77042



return to:

fees pd by: Clear Springs

David Paskett, County Clerk
Grimes County

STATE OF TEXAS
I hereby certify that this instrument was filed on the date and time stamped hereon by me and was duly recorded in the volume and page of the named records of:
Grimes County
as stamped hereon by me.
Nov 02, 2005

Filed for Record in:
Grimes County
On: Nov 02, 2005 at 08:43A
RECORDINGS
As of
Document Number: 00203212
Amount: 23.00
Receipt Number - 4194
By: Tina S Schroeder

THE STATE OF TEXAS  
COUNTY OF WALLER

I hereby certify that this instrument was FILED on the date and at the time stamped hereon by me and was duly RECORDED in the Official Public Records of Waller County, Texas, in the Volume and Page as noted hereon by me.



*Cheryl Peters*  
County Clerk, Waller County, Texas

508354

RECORDED

05 NOV -8 AM 11:37

*Cheryl Peters*

17.00  
5.00  
1.00  

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23.00pd

ROBERTS • MARKEL • GUERRY, P.C.  
*Attorneys and Counselors at Law*  
2500 City West Boulevard, Suite 1350  
Houston, Texas 77042

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