FATCO/SA #469187-CC #20.00

VIL2082 M0675

SUPPLEMENTAL DECLARATION FOR FAIRWAYS AT SCENIC HILLS, UNIT 2

(Guadalupe)

STATE OF TEXAS

\$ KNOW ALL MEN BY THESE PRESENTS

THAT THIS SUPPLEMENTAL DECLARATION is made on the date hereinafter set forth by 196 Scenic Hills, Ltd.., a Texas limited partnership (hereinafter referred to as "Declarant"), through GAC Management Co., Ltd., a Texas Limited Partnership, and Integrated Asset Management, Inc., a Texas Corporation, its General Partners acting herein by and through its duly authorized officers.

WITNESSETH

WHEREAS, is the owner of certain property heretofore platted and subdivided into that certain residential subdivision known as Fairways at Scenic Hills Unit 1, according to plat recorded in Volume 14, Pages 178-182 of the Deed and Plat Records of Comal County and according to plat recorded in Volume 6, Pages 499-503 of the Deed and Plat Records of Guadalupe County (the "Initial Property"); and,

WHEREAS, Declarant is the owner of certain property being contemporaneously herewith platted and subdivided into that certain residential subdivision known as Fairways at Scenic Hills, Unit 2, according to plat recorded in Volume 15, Page 86 of the Deed and Plat Records of Comal County and according to plat recorded in Volume 6, Page 745 of the Deed and Plat Records of Guadalupe County (the "Additional Property"); and

WHEREAS, Declarant desires to hold, sell and convey the Additional Property subject to that certain Declaration of Covenants, Conditions and Restrictions for Fairways at Scenic Hills, Unit 1 in Document #200206038942 the Official Public Records of Real Property in Comal County, Texas and Volume 1775, Page 565 of the Official Public Records of Real Property in Guadalupe County, Texas, and amendments thereto (the "Umbrella Declaration"), which was recorded by Declarant for the purpose of establishing a uniform plan for the development, improvement and sale of the Property, (including the Initial Property together with such other land constituting the Property from time to time brought within the scope and purview of the Umbrella 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, pursuant to the provisions of Section I(a) of Article XI of the Umbrella Declaration enabled "Annexation of Additional Property," now wishes to annex the Additional Property within the scope and purview of the Umbrella Declaration and wishes to subject the Additional Property to the covenants conditions and restrictions contained in the Umbrella Declaration, subject to the provisions contained in this Supplemental Declaration.

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NOW, THEREFORE, Declarant hereby adopts the following Supplemental Declaration which is for the purpose of annexing the Additional Property to the scope and purview of the Umbrella Declaration. This Supplemental Declaration shall run with the Additional 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 each owner thereof.

Except as otherwise defined herein, each capitalized term used in this Supplemental Declaration shall have the meaning ascribed to such term in the Umbrella Declaration or this Supplemental Declaration, whichever is applicable.

DECLARATION

Declarant hereby makes the following declarations in accordance with the requirements of Section 1(a) of Article XI of the Umbrella Declaration:

- 1. The Owner of the Additional Property is the Declarant.
- 2. The recorded plat of the Additional Property identifies as and to the extent applicable (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, if any, that comprise Common Properties (those being the only three permitted uses for the Additional Property).
- A mutual grant and reservation of rights and easements of the Owners of any Lots comprising the Property and to the existing and hereinbefore or hereinafter annexed Common Properties 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 Umbrella Declaration.
- 5. The Additional Property shall be developed, held, used, sold and conveyed in accordance with and subject to the provisions of the Umbrella Declaration as hereafter amended.
- 6. All of the provisions of the Umbrella Declaration shall apply to the Additional Property with the same force and effect as if the Additional Property were originally included in the Umbrella 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 applicable sections of the Umbrella Declaration, to secure collection of the Assessments provided for, authorized or contemplated in the Umbrella Declaration.

- 8. From and after the recording of this Supplemental Declaration, 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 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.

IN WITNESS WHEREOF, this Amendment is executed this the <u>20th</u> day of <u>0ctober</u>, 2004.

DECLARANT:

196 SCENIC HILLS, LTD. a Texas limited partnership

By: Great America Companies, Inc., Managing General Partner

By:

Israel Fogiel, President

By: Integrated Asset Management, Inc. General Partner

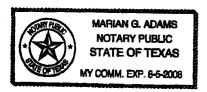
Dv.

J.L. Guerra Jr. Presiden

VIL2082 MO678

STATE OF TEXAS
COUNTY OF BEXAR

This instrument was acknowledged before me on the 20 day of 0 day of 2004, by Israel Fogiel, President of GA Companies, LLC, a Texas Limited Liability Company, General Partner of GAC Management Co, Ltd., a Texas Limited Partnership, General Partner of 196 Scenic Hills, Ltd., a Texas limited partnership, on behalf of said entities.



Notary Public in and for the State of Texas

Commission Expiration Date: 8 5 08

STATE OF TEXAS

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COUNTY OF BEXAR

This instrument was acknowledged before me on the day of day of day of J.L. Guerra, Jr., President of Integrated Asset Management, Inc., a Texas Corporation, General Partner of 196 Scenic Hills, Ltd., a Texas limited partnership, on behalf of said entities.



AFTER RECORDING, RETURN TO

196 SCENIC HILLS, LTD. 8000 IH-10 WEST, SUITE 700

SAN ANTONIO, TEXAS 78230

Notary Public in and for the State of Texas

Commission Expiration Date: <u></u>

FILED FOR RECORD

04 NOV -8 PM 1:06

TERESA KIEL COUNTY CLERK GUADALUPE COUNTY

Exceral Norton

STATE OF TEXAS
COUNTY OF GUADALUPE
I certify this instrument was FILED on the
date and at the time stamped thereon to
was duly recorded in the Official Public
Records of Guadalupe County, Texas

STATE COUNTY

TERESA KIEL
Guadalupe County Clerk