

06-18801

**SUPPLEMENTAL DECLARATION
OF COVENANTS, CONDITIONS AND
RESTRICTIONS FOR WHISPERING VALLEY SUBDIVISION, UNIT 3**

THE STATE OF TEXAS §
 § KNOW ALL PERSONS BY THESE PRESENTS:
COUNTY OF GUADALUPE §

WHEREAS, that certain Declaration of Covenants, Conditions and Restrictions for Whispering Valley Subdivision, Unit 2 (the "Declaration") dated October 14, 2003, and executed by H.N., Ltd., a Texas limited partnership and recorded in the Office of the County Clerk of Guadalupe County, Texas, in Volume 1919, Page 839, et. seq. on October 14, 2003, subjects Whispering Valley Subdivision, Unit 2 (the "Subdivision") to the covenants, conditions, restrictions, easements, charges and liens set forth in the Declaration; and

WHEREAS, H.N., Ltd., a Texas limited partnership has assigned all of its rights, title and authority as "Declarant" under the Declaration to Armadillo Construction Company, Ltd., a Texas limited partnership ("Armadillo Construction") pursuant to that certain Assignment of Declarant Rights for Whispering Valley Subdivision, Unit 2 dated June 21, 2005, and recorded in the Office of the County Clerk of Guadalupe County, Texas, in Volume 2177, Page 794, et seq. on July 6, 2005; and

WHEREAS, Armadillo Construction has assigned all of its rights, title and authority as "Declarant" under the Declaration to Bella Vista C.M.I, Ltd., a Texas limited partnership ("Bella Vista") pursuant to that certain Assignment of Declarant Rights for Whispering Valley Subdivision, Unit 2 dated July 22, 2005, and recorded in the Office of the County Clerk of Guadalupe County, Texas, in Volume 2187, Page 812, et seq. on July 27, 2005; and

WHEREAS, Article III, Section 2 of the Declaration provides that the Declarant, its successors and assigns, shall have the right to bring within the scheme of the Declaration, and without the consent of the members of the Whispering Valley Community Association, Inc. (the "Association"), additional properties in future stages of development, and within fifteen (15) years from the date of the Declaration; provided that such additions lie within an area that abuts or is adjacent to (or separated only by a street or streets from) the Subdivision, or any future unit added to the Subdivision by filing of record an instrument with respect to such additional property which shall extend the general scheme of the Declaration to such property; and

WHEREAS, Bella Vista is the current "Declarant" under the Declaration; and

WHEREAS, Bella Vista is the owner of that certain real property platted as Whispering Valley Subdivision, Unit 3, and filed of record in Volume 7, Page 119, et seq. of the Map and Plat Records of Guadalupe County, Texas, on February 2, 2006 (the "Annexation Property"); and

WHEREAS, the Annexation Property abuts or is adjacent to, or is separated only by a street or streets, from the Subdivision; and

WHEREAS, Bella Vista desires to annex the Annexation Property within the boundaries of the Association and subject the Annexation Property to the terms, covenants and conditions of the Declaration, as supplemented and amended hereby;

NOW, THEREFORE, for and in consideration of the recitals set forth above, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Bella Vista does hereby take the following action:

The Annexation Property is hereby annexed into the Subdivision to be under the authority and jurisdiction of the Association, and except as set forth below, the Annexation Property shall be held, transferred, sold, conveyed, used and occupied in accordance with and subject to those certain covenants, conditions, restrictions, easements, charges, and liens set forth in the Declaration, as it may be amended, which shall run with the land and 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 Annexation Property shall be included within the definition of "Property" in the Declaration and the Subdivision Plat for Whispering Valley Subdivision, Unit 3, recorded in Volume 7, Page 119, et. seq. of the Map and Plat Records of Guadalupe County, Texas, and any replat thereof, shall be included within the definition of "Subdivision Plat" in the Declaration.

The following provisions in the Declaration are hereby amended and changed with respect to the applicability of the terms and provisions of the Declaration to the Annexation Property only:

1. **Article VII**. The first sentence in Article VII is deleted in its entirety and replaced with the following:

There shall be an Architectural Review Committee, initially having three members only and the initial members shall be Brandan Hanz, Gary W. Gibbs and Ken Kilcoin, each of whom shall serve until his successor is named.

2. **Article XI**. The following sentence is hereby added at the end of Article XI:

Notwithstanding anything contained herein to the contrary, the Declarant, in Declarant's sole discretion, may unilaterally amend the

