

Courtesy of SM #16.00
GATCO CF#

FIRST SUPPLEMENT TO DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS

WATERLEAF

Bk Vol Pg
04035989 DPR 2598 180

Annexation of Waterleaf Subdivision Phase A, Section 2
and
Waterleaf Subdivision Phase B Section 1 & 2

THIS FIRST SUPPLEMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS (this "First Supplement") is made and entered into effective as of April 13, 2004 by KB HOME LONE STAR LP, ("Declarant")

WHEREAS, the Declarant filed for record that certain Declaration of Covenants, Conditions and Restrictions for Waterleaf, on or about August 13, 2003 (the "Declaration") as Document Number 03026210 in the Real Property Records of Hays County, Texas (such property referenced in the Declaration with all property annexed to such property and subject to the Declaration, hereinafter, the "Original Property"); and

WHEREAS, Article 716 of the Declaration provides that the Declarant may annex property adjacent to or adjoining the Original Property or property adjacent to or adjoining property annexed to the Original Property in accordance with the terms and conditions set forth therein, and

WHEREAS, the Declarant owns certain property located adjacent to the Original Property known as Waterleaf Subdivision Phase A Section 2, as more particularly described in that certain Final Plat recorded on or about May 12, 2004 in Book 11 Page(s) 333-336, of the Real Property Records of Hays County, Texas and Waterleaf Subdivision Phase B Section 1, as more particularly described in that certain Final Plat recorded on or about March 21, 2003 in Book 11 Page(s) 27-31, of the Real Property Records of Hays County, Texas, and Waterleaf Subdivision Phase B Section 2, as more particularly described in that certain Final Plat recorded on or about May 12, 2004 in Book 11 Page(s) 337-341, of the Real Property Records of Hays County, Texas, (collectively, the "Supplemental Property"), and

WHEREAS, Declarant desires to annex the Supplemental Property with the Original Property so that the terms, conditions, covenants and restrictions set forth in the Declaration shall apply to the Supplemental Property,

WHEREAS, unless otherwise provided in this First Supplement, definitions contained in the Declaration shall have the same meaning in this First Supplement, and

NOW, THEREFORE, in consideration of the foregoing and other good and valuable consideration, the receipt, adequacy and sufficiency of which is hereby acknowledged, Declarant hereby agrees to supplement the Declaration as follows.

1 Declaration in Effect The foregoing recitations are true and correct

2 Annexation of Supplemental Property The Supplemental Property is hereby annexed into the Declaration and all terms, conditions, covenants and restrictions of the Declaration shall be applicable to the Supplemental Property, but not limited to the obligation to pay dues, charges and assessments to the Association that are required to maintain common areas, entry features, landscaping, drainage easements, and screening walls within the Property or future Property to be annexed with the Property

3 No Further Changes Except as expressly set forth herein, the Declaration shall remain unchanged and shall continue in full force and effect

IN WITNESS WHEREOF, the Declarant has executed this First Supplement as of the date and year first above written

DECLARANT

KB HOME LONE STAR LP, a Texas limited partnership

By KBSA, Inc , a Texas corporation, its general partner

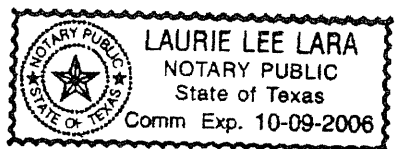
By: [Signature]
Name John H Zinsmeyer
Title Vice President

State of Texas §
County of Williamson §

This instrument was acknowledged before me this 13th day of April, 2004, by John H Zinsmeyer, Vice President of KBSA, Inc , the general partner of KB Home Lone Star LP, a Texas limited partnership

Laurie Lara
Notary Public, State of Texas

After recording return to
KB Home Lone Star LP
Attn Legal Department
4800 Fredericksburg Road
San Antonio, Texas



Filed for Record in:
Hays County
On: Dec 20, 2004 at 10:06A
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Rose Robinson, Deputy
Lee Carlisle, County Clerk
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