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**THIRD SUPPLEMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS**

*Waterleaf*  
*Annexation of Waterleaf Subdivision, Phase B, Sections 3B, 3C, and 4*

**THIS THIRD SUPPLEMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS** (this "Third Supplement") is made and entered into effective as of the 17<sup>th</sup> day of October, 2011, by **KB HOME LONE STAR INC.**, a Texas corporation ("Declarant").

**WHEREAS**, the Declarant filed for record that certain **Declaration of Covenants, Conditions and Restrictions for Waterleaf Subdivision, Phase A, Section 1**, on or about the 18<sup>th</sup> day of August, 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**, the Declarant filed for the record that certain **First Supplement to Declaration of Covenants, Conditions and Restrictions for Waterleaf Subdivision, Phase A, Section 2, and Waterleaf Subdivision, Phase B, Section 1 and Section 2** (the "First Supplement") on or about the 20<sup>th</sup> day of December, 2004, as Document Number 04035989 in the Real Property Records of Hays County, Texas; and

**WHEREAS**, the Declarant filed for the record that certain **Second Supplement to Declaration of Covenants, Conditions and Restrictions for Waterleaf Subdivision, Phase A, Section 3A** (the "Second Supplement") on or about the 29<sup>th</sup> day of August, 2007, as Document Number 70025679 in the Real Property Records of Hays County, Texas; and

**WHEREAS**, Article 7.16 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 (i) **Waterleaf Subdivision, Phase B, Section 3B**, as more particularly described in that certain Final Plat recorded on or about the 5<sup>th</sup> day of May, 2010, in Book 15, Page 343, *et seq.*, (ii) **Waterleaf Subdivision, Phase B, Section 3C**, as more particularly described in that certain Final Plat recorded on or about the 2<sup>nd</sup> day of September, 2009, in Book 15, Page 195, *et seq.*, and (iii) **Waterleaf Subdivision, Phase B, Section 4**, as more particularly described in that certain Final Plat recorded on or about the 16<sup>th</sup> day of February, 2011, in Book 16, Page 45, *et seq.*, all of the Plat Records of Hays County, Texas (collectively, the "Supplemental Property") and;

**WHEREAS**, Declarant desires to annex the Supplemental Property, inclusive of any easements, reserves, and areas of common responsibility, with the Original Property so that the terms, covenants, conditions and restrictions set forth in the Declaration shall apply to the Supplemental Property; and

**WHEREAS**, unless otherwise provided in this Third Supplement, capitalized terms used herein but not otherwise defined shall have the same meaning as set forth in the Declaration.

**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. Recitals. The foregoing recitations are true and correct, and are incorporated herein as part of this Third Supplement.


2. Annexation of Supplemental Property. The Supplemental Property is hereby annexed into the Declaration and all terms, covenants conditions, and restrictions of the Declaration shall be applicable to the Supplemental Property, including 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 and electrical easements, and screening walls including within the Supplemental 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 Third Supplement as of the date and year first above written.

**DECLARANT**

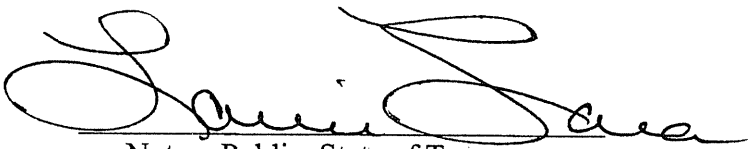
**KB HOME LONE STAR INC.,**  
a Texas corporation

By:   
Name: John Zinsmeyer  
Title: Vice President

STATE OF TEXAS       §  
                                  §  
COUNTY OF TRAVIS   §

This instrument was acknowledged before me this 17<sup>th</sup> day of October, 2011, by John Zinsmeyer, Vice President of KB HOME LONE STAR INC., a Texas corporation, on behalf of said corporation.

[SEAL]

  
Notary Public, State of Texas

*After recording return to:*  
**KB HOME LONE STAR INC.**  
Attn: Land Dept  
10800 Pecan Park Blvd., Ste 200  
Austin, TX 78750

