

Stewart Title Company

**FIRST SUPPLEMENTAL DECLARATION
TO THE DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS FOR
LAGUNA HARBOR SUBDIVISION,
AN ADDITION IN GALVESTON COUNTY, TEXAS**

This **First Supplemental Declaration of Covenants, Conditions and Restrictions** (the "First Supplemental Declaration") **For Laguna Harbor Subdivision** is made and executed on the date hereinafter set forth by **Laguna Resources, Ltd.**, a Texas limited partnership ("Declarant"), and is joined herein for the purposes hereinafter set forth by Capital One, National Association, Wachovia Bank and Crown Team Construction, L L C

WHEREAS, Declarant is the owner of that certain tract or parcel of land containing approximately 54 739 acres of land, more or less, out of and part of the Townsite of Port Bolivar, a subdivision in Galveston County, Texas, and being that same land and property generally known as the **Laguna Harbor Subdivision** (the "Subdivision"), as described in the Map or Plat of said Subdivision filed of record in Volume 2004A, Pages 148 and 149 of the map records in the office of the County Clerk of Galveston County, Texas (the "Plat" or "plat"), and

WHEREAS, by Declaration of Covenants, Conditions and Restrictions for Laguna Harbor Subdivision (the "Master Declaration") dated January 19, 2005, and filed for record under File Number 200500442 of the Official Public Records of Galveston County, Texas, Declarant made all of the land and property within the Subdivision subject to the covenants, conditions and restrictions of the Master Declaration, and

WHEREAS, pursuant to the terms of the Master Declaration, Declarant has established and organized a property owners association for the Subdivision known as the **Laguna Harbor Property Owners Association** (the "Association"), which has all of the power and authority set forth in the Master Declaration and under the Association's Articles of Incorporation and Bylaws, and

WHEREAS, Article X of the Master Declaration provides, in part, that Declarant may add or annex additional real property to the scheme of the Master Declaration by filing of record a Supplemental Declaration of Covenants, Conditions and Restrictions (the "Supplemental Declaration"), and

WHEREAS, Article X of the Master Declaration further provides, in part, that any such Supplemental Declaration may contain complementary and supplementary provisions, conditions, covenants, restrictions and reservations, and may amend and modify the provisions, conditions, covenants, restrictions and reservations contained in the Master Declaration as they relate to the additional property to be brought within the scheme of the Master Declaration, and

WHEREAS, the Declarant now desires to bring into the Subdivision and within the jurisdiction of the Association and the integrated scheme of development and ownership provided in and contemplated by the Master Declaration, an additional 0 554 acre tract or parcel of land, to be known as "**Laguna Harbor, Section 2**", said 0 554 acre tract of land being described by metes and bounds in Exhibit "A" hereto attached, which exhibit is made a part hereof by reference

NOW, THEREFORE, **Laguna Resources, Ltd.**, a Texas limited partnership (the "Declarant"), hereby makes this First Supplemental Declaration under and in accordance with the provisions of the Master Declaration

The Declarant, being the owner of the above-described 0 554 acre tract, has caused said 0 554 acre tract to be subdivided and platted into an addition in Galveston County, Texas, known and to be known as **Laguna Harbor, Section 2**, an Addition in Galveston County, Texas (hereinafter referred to as

"Laguna Harbor, Section 2"), in accordance with the Plat of said **Laguna Harbor, Section 2**, prepared by Sidney Bouse, Registered Professional Land Surveyor, and filed for record on November 28, 2005, under File Number 200508752, and in Volume 2005B Page 18 of the Map Records of Galveston County, Texas, and, acting under and pursuant to the provisions of the Master Declaration, the Declarant hereby brings said 0.554 acre tract of land within the scheme of the Master Declaration and within the jurisdiction of the Association, and said **Laguna Harbor, Section 2**, shall henceforth constitute an addition to and be a part of the Subdivision

II

The Declarant hereby and herewith adopts the Plat of Laguna Harbor, Section 2 (the "Section 2 Plat") and does hereby dedicate the easements for street, utility and drainage purposes shown and reflected upon the Section Two Plat, and does hereby impose upon the Lots in Laguna Harbor, Section 2, the basic restrictions and blanket easements set forth upon the Section Two Plat

III

As herein and hereby modified and supplemented, all of the provisions, covenants, conditions, restrictions and reservations set forth and contained in the Master Declaration, together with all of the blanket easements reserved, granted or created by the Master Declaration, are hereby extended and made expressly applicable to Laguna Harbor, Section 2, and all of such property shall be held, sold and conveyed subject to the easements, provisions, covenants, conditions, restrictions and reservations set forth in the Master Declaration, as modified and supplemented hereby, and subject to the easements and basic restrictions set forth and reflected upon the Section Two Plat. All of the aforementioned easements, provisions, covenants, conditions, restrictions and reservations, as modified and supplemented hereby, shall constitute covenants running with the land and shall be binding upon all parties having any right, title or interest in said 0.554 acre tract, or any part thereof, and upon such parties' respective heirs, successors, legal representatives, devisees, lessees and assigns, and shall inure to the benefit of such parties and their respective heirs, successors, legal representatives, devisees, lessees and assigns

IV

Notwithstanding any provision in the Master Declaration to the contrary, fractional ownership and co-ownership of Lots in Laguna Harbor, Section 2, shall be permitted. Every person or entity who is a record owner of a fee or undivided fee interest in any Lot in Laguna Harbor, Section 2, shall be a member of the Association. Each Lot shall carry with it one vote, which may be cast by the owner or co-owners of the Lot, but in no event shall more than one vote be cast with respect to any Lot, except as otherwise expressly provided in the Master Declaration

V

Each Lot and property owner in Laguna Harbor, Section 2, shall be subject to all maintenance and assessments provided for in the Master Declaration. A schedule of each Lot's relative factor for each type of assessment is attached hereto as Exhibit "B" and is incorporated herein by reference

VI

The modified or supplemental restrictions or limitations set forth in this First Supplemental Declaration are and shall be applicable solely and only to the Lots in Laguna Harbor, Section 2, and shall not in anywise be deemed or construed to supplement, amend, or modify the provisions, covenants, conditions, restrictions and reservations of the Master Declaration as to any other Lots in the Addition. Further, as modified and supplemented by this First Supplemental Declaration, all of the provisions, covenants, conditions, restrictions and reservations set forth and contained in the Master Declaration are hereby and herewith expressly extended and made applicable to the Lots in Laguna Harbor, Section 2

VII

Capital One, National Association, successor to Hibernia National Bank ("Lienholder"), being the holder of a lien on all of the property in the Subdivision, including but not limited to Laguna Harbor, Section 2, joins with Declarant in the execution of this First Supplemental Declaration for the purposes of (a) consenting to and adopting the Section Two Plat, (b) consenting to the grant or dedication by Declarant of all street and utility easements shown and reflected on the Section Two Plat, together with all other easements granted or reserved by Declarant in this First Supplemental Declaration or in the Master Declaration (insofar as same are on, across or affect Laguna Harbor, Section 2), (c) subordinating its liens to all of the aforementioned easements and easement rights, and (d) subordinating its liens to the restrictions, covenants and conditions imposed by Declarant on Laguna Harbor, Section 2, by this First Supplemental Declaration or by the Master Declaration (insofar as same relate to or affect Laguna Harbor, Section 2) However, Lienholder joins herein solely as a lienholder and only for the purposes set forth above in this First Supplemental Declaration, and it does not assume any of the liabilities, duties, covenants, warranties or obligations of Declarant, nor does it make any warranties, representations or guaranties, whether express or implied, with respect to any undertaking, covenant, warranty or representation of Declarant, or Declarant's successors or assigns

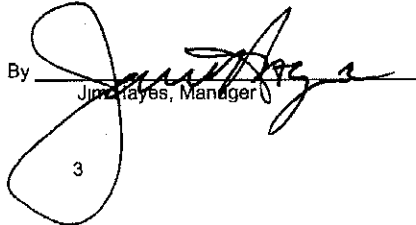
VIII

Notwithstanding the statements set forth above identifying Declarant as the current owner of all of the lots in Laguna Harbor, Section 2 and identifying the Lienholder as the holder of a lien on all of such lots, the parties to this instrument acknowledge that after filing the Section 2 Plat Declarant sold and conveyed Lots 17, 18 and 19 in Laguna Harbor, Section 2, to Crown Team Construction, L L C , who at the time of filing this First Supplemental Declaration is the record owner of such lots, and that Wachovia Bank is the holder of a lien on such lots Crown Team Construction, L L C and Wachovia Bank join in the execution of this First Supplemental Declaration for the purposes of (a) consenting to and adopting the Section Two Plat, (b) consenting to the grant or dedication by Declarant of all street and utility easements shown and reflected on the Section Two Plat, together with all other easements granted or reserved by Declarant in this First Supplemental Declaration or in the Master Declaration (insofar as same are on, across or affect Laguna Harbor, Section 2), (c) Wachovia Bank subordinating its liens to all of the aforementioned easements and easement rights, and (d) Wachovia Bank subordinating its liens to the restrictions, covenants and conditions imposed by Declarant on Laguna Harbor, Section 2, by this First Supplemental Declaration or by the Master Declaration (insofar as same relate to or affect Laguna Harbor, Section 2) However, Crown Team Construction, L L C and Wachovia Bank join herein solely as a lot owner in the case of Crown Team Construction, L L C and solely as a lienholder in the case of Wachovia Bank and only for the purposes set forth above in this First Supplemental Declaration, and they do not assume any of the liabilities, duties, covenants, warranties or obligations of Declarant, nor do they make any warranties, representations or guaranties, whether express or implied, with respect to any undertaking, covenant, warranty or representation of Declarant, or Declarant's successors or assigns

IN WITNESS WHEREOF Declarant and each of the other undersigned parties have caused this First Supplemental Declaration to be executed on this 21 day of August, 2006

DECLARANT Laguna Resources, Ltd , a Texas Limited Partnership

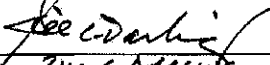
By Crown Team Texas, L L C , a Texas Limited Liability Company, its General Partner

By  Jim Hayes, Manager


CWG402218

LIENHOLDER

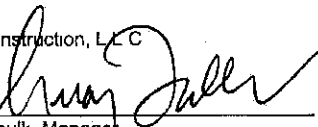
Capital One, National Association, successor to Hibernia National Bank

By 
Name BILL C. MACLIND
Title VICE PRESIDENT

Wachovia Bank

By 
Name SCOTT ADAMS
Title VICE PRESIDENT

Crown Team Construction, L.L.C

By 
Leroy Faulk, Manager

THE STATE OF TEXAS §

COUNTY OF JEFFERSON §

This instrument was acknowledged before me on this the 21 day of August, 2006, by Jim Hayes, Manager of Crown Team Texas, L L C , a Texas limited liability company, general partner of Laguna Resources, Ltd , a Texas limited partnership, on behalf of such limited partnership



Susan S. Russell
NOTARY PUBLIC, STATE OF TEXAS

THE STATE OF TEXAS §

COUNTY OF JEFFERSON §

This instrument was acknowledged before me on this the 21 day of August, 2006, by Bill C. Deering, Vice President of Hibernia National Bank, a national banking corporation, on behalf of said corporation

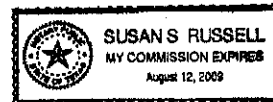


Susan S. Russell
NOTARY PUBLIC, STATE OF TEXAS

THE STATE OF TEXAS §

COUNTY OF JEFFERSON §

This instrument was acknowledged before me on this the 21 day of August, 2006, by Leroy Faulk, Manager of Crown Team Construction, L L C , a Texas limited liability company, on behalf of such limited liability company

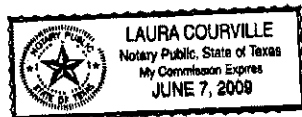


Susan S. Russell
NOTARY PUBLIC, STATE OF TEXAS

THE STATE OF TEXAS §

COUNTY OF JEFFERSON §

This instrument was acknowledged before me on this the 21 day of August, 2006, by Scott Adams, Vice President of Wachovia Bank, on behalf of said entity



Laura Courville
NOTARY PUBLIC, STATE OF TEXAS

AFTER RECORDING RETURN TO

Jule Philp
Crown Team Texas, L.L.C
P O Box 22858
Beaumont, TX 77720
Phone (409) 924-9421

CW01402216

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EXHIBIT "A"
TO THE
FIRST SUPPLEMENTAL DECLARATION
TO THE DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS FOR
LAGUNA HARBOR SUBDIVISION,
AN ADDITION IN GALVESTON COUNTY, TEXAS

Legal Description of Section 2

METES AND BOUNDS DESCRIPTION

Being a 0.554 Acre tract of land out of the TOWNSITE OF PORT BOLIVAR, a subdivision in Galveston County, Texas, according to the map or plat thereof recorded in Volume 113, Page 1 of the Map Records and transferred to Plat Record 10, Map No. 4A, both of the Map Records of Galveston County, Texas. said 2.115 Acre tract being more particularly described by metes and bounds as follows:

COMMENCING at the intersection of the East right-of-way line of 17th Street (70 foot) and the North right-of-way line of Nelson Avenue (80 foot);

THENCE North 45°33'08" West, a distance of 355.44 feet to the POINT OF BEGINNING;

THENCE North 45°33'08" West, along the East line of said 17th Street, a distance of 300.00 feet;

THENCE North 44°26'52" East, a distance of 80.50 feet;

THENCE South 45°33'08" East, a distance of 300.00 feet;

THENCE South 44°26'52" West, a distance of 80.50 feet to the PLACE OF BEGINNING and containing 0.554 acres more or less.

EXHIBIT "B"
TO THE
FIRST SUPPLEMENTAL DECLARATION
TO THE DECLARATION OF COVENANTS, CONDITIONS
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SCHEDULE OF RELATIVE FACTORS FOR ASSESSMENTS
FOR LOTS IN LAGUNA HARBOR, SECTION 2

<i>Block I</i> Section II	Relative Factor
Lot 10	49
Lot 11	49
Lot 12	49
Lot 13	49
Lot 14	49
Lot 15	49
Lot 16	49
Lot 17	49
Lot 18	49
Lot 19	49

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS OF REAL PROPERTY

Mary Ann Daigle

2006 AUG 24 04:15 PM 2006057927
MAYCUM'S \$44.00
Mary Ann Daigle, COUNTY CLERK
GALVESTON, TEXAS