

**SECOND AMENDMENT  
AND  
REMOVAL NOTICE  
FOR  
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR  
MANSIONS VILLAS**

This Second Amendment and Removal Notice for Declaration of Covenants, Conditions and Restrictions for Mansions Villas ("**Amendment**") is made as of the 15th day of August, 2006 by THE MANSION VILLAS, L.P., a Texas limited partnership (hereinafter sometimes called "**Declarant**").

**RECITALS:**

A. By instrument entitled "Declaration of Covenants Conditions and Restrictions for Mansions Villas" recorded in under County Clerk File No. 2005-110943, Official Public Records of Real Property of Montgomery County, Texas ("**Declaration**"), Declarant subjected certain real property in the development known as The Mansions Villas and more particularly described in the Declaration, to certain covenants, conditions and restrictions as set forth therein. By instrument entitled Amendment to Declaration of Covenants, Conditions and Restrictions for Mansions Villas dated October 18, 2005 and recorded under County Clerk File No. 2005-118581, Official Public Records of Real Property of Montgomery County, Texas ("**First Amendment**"), Declarant made certain amendments to the Declaration.

B. Declarant remains the Declarant under the Declaration.

C. Pursuant to the First Amendment, Declarant has the right and power at any time and from time to time, without approval of any party, to remove and exclude from the Declaration such portions of the Property currently covered under the Declaration and continued to be owned by Declarant or an affiliate at the time of removal, as selected by Declarant in Declarant's sole discretion, such removal to be evidenced by a Removal Notice described in the First Amendment, which Removal Notice shall identify the Removed Property by legal description and recite that the Removed Property shall no longer be subject to the terms, conditions and restrictions of the Declaration and shall no longer be a part of the Community.

**AGREEMENTS:**

NOW, THEREFORE, Declarant hereby declares as follows:

1. Terms. All capitalized terms used herein shall have the meaning assigned to such term in the Declaration, unless otherwise expressly defined herein.

2. **Removed Property.** Declarant hereby declares that the real property described on **Exhibit "A"** hereto (the "**Removed Property**") is hereby removed from the Property covered by the Declaration and shall no longer be subject to any of the terms, conditions and restrictions of the Declaration and shall no longer be a part of the Community described in the Declaration; provided, however, that: (i) any structures constructed on the Removed Property shall not exceed two stories in height, (ii) any structure constructed on the Removed Property shall be located at least 100 feet away from any Residence or Duplex Structure constructed on a Lot remaining within the Community and (iii) the Removed Property must be used for residential use (which may include townhouses or other multifamily use).

3. **Removal Notice.** This Amendment shall constitute the Removal Notice under the First Amendment.

4. **Effect of Removal.** The Removed Property shall no longer be subject to any of the terms, conditions and restrictions of the Declaration and shall no longer be a part of the Community. Without limitation, the Removed Property shall not be subject to any assessments under the Declaration, nor will the users of the Removed Property have use of the Common Areas under the Declaration.

5. **Miscellaneous.**

(a) **Headings.** Section and other headings contained in this Amendment are for reference purposes only and are in no way intended to describe, interpret, define or limit the scope, extent or intent of this Amendment or any provision hereof.

(b) **Invalid Provisions.** If any one or more of the provisions of this Amendment, or the applicability of any such provision to a specific situation, shall be held invalid or unenforceable, such provision shall be modified to the minimum extent necessary to make it or its application valid and enforceable, and the validity and enforceability of all other provisions of this Amendment and all other applications of any such provision shall not be affected thereby.

(c) **Governing Law and Venue.** The laws of the State of Texas and applicable federal law shall govern the validity, enforcement and interpretation of this Amendment. The obligations of the parties are performable and venue for any legal action arising out of this Amendment shall lie in Montgomery County, Texas.

**[SIGNATURE PAGE FOLLOWS]**

DECLARANT:

THE MANSION VILLAS, L.P.,  
a Texas limited partnership

By: Western Rim GenPar 04-1, L.P.,  
a Texas limited partnership

By: Western Rim Investment Advisors 04-1, LLC, a  
Texas limited liability company

By: \_\_\_\_\_  
Marcus D. Hiles,  
Chief Executive Officer

THE STATE of TEXAS       §  
  §  
COUNTY OF Dallas       §

This instrument was acknowledged before me on the 17<sup>th</sup> day of Aug, 2006, by Marcus D. Hiles, Chief Executive Officer of Western Rim Investment Advisors 04-1, LLC, a Texas limited liability company, general partner of Western Rim GenPar 04-1, L.P., a Texas limited partnership, general partner of The Mansion Villas, L.P., a Texas limited partnership, on behalf of said limited partnership

Cheryl Nugent  
Notary Public



EXHIBIT "A"  
DESCRIPTION OF PROPERTY

163-11-2086

Being a tract of land containing 17.983 acres, located in the Thomas Toby (Edward Hall) Survey, Abstract 577, and the Thomas Toby (Edward Hall) Survey, Abstract 576, in Montgomery County, Texas; Said 17.983 acres being all of Final Plat of The Mansion Villas Section One, a subdivision recorded in Cabinet Y, Sheet 83, of the Map Records of Montgomery County, Texas (M.R.M.C.T.) and being all of Lots 1 through 21 of Block One, Restricted Reserve "A" and a portion of Scenic Forest Drive out of Amended Plat of The Mansion Villas Section Two, a subdivision recorded in Cabinet Y, Sheet 56, of the M.R.M.C.T.; Said 17.983 acres being more particularly described by metes and bounds as follows (bearings are based on said Final Plat of The Mansion Villas Section One):

**BEGINNING** at a 3/4 inch capped iron rod found at the southeast corner of said Block One of said Amended Plat of The Mansion Villas Section Two on the north right-of-way (R.O.W.) line of Schoettle Road (thirty five feet wide per Cabinet Y, Sheet 56, of the M.R.M.C.T.) and on the west line of a call 93.148 acre tract of land recorded in the name of Spring Woodlands Church of Christ in Montgomery County Clerk's File Number 2000-050362;

Thence, with the south line of said Block 1 and the north line of said Schoettle Road, North 89 degrees 42 minutes 00 seconds West, a distance of 555.01 feet to a 5/8 inch capped iron rod found at the most southerly west corner of Lot 20 of said Block 1 and the southeast corner of Lot 22 of said Block 1;

Thence, with the line common to said Lot 20, said Lot 22 and Lot 21 of said Block 1, North 28 degrees 09 minutes 08 seconds West, a distance of 172.01 feet to a 5/8 inch iron rod set at the most westerly corner of said Lot 21 and the northeast corner of said Lot 22 on the southerly R.O.W. line of Scenic Woodland Drive (fifty feet wide per Cabinet Y, Sheet 56, of the M.R.M.C.T.);

Thence, with said southerly R.O.W. and through and across Scenic Forest Drive (fifty feet wide per Cabinet Y, Sheet 56, of the M.R.M.C.T.), 71.73 feet along the arc of a curve to the left, having a central angle of 13 degrees 41 minutes 56 seconds, a radius of 300.00 feet and a chord that bears North 54 degrees 59 minutes 52 seconds East, a distance of 71.56 feet to a 5/8 inch iron rod set at a point of compound curvature;

Thence, continuing through and across said Scenic Forest Drive, 82.50 feet along the arc of a curve to the left, having a central angle of 94 degrees 32 minutes 14 seconds, a radius of 50.00 feet and a chord that bears North 00 degrees 52 minutes 47 seconds East, a distance of 73.45 feet to a 5/8 inch iron rod set at a point of tangency;

EXHIBIT "A"  
DESCRIPTION OF PROPERTY

Thence, continuing through and across said Scenic Forest Drive and with the southwesterly line of Lot 1 of said Block 1 and the northeasterly R.O.W. line of said Scenic Forest Drive, North 46 degrees 23 minutes 20 seconds West, a distance of 75.80 feet to a 5/8 inch iron rod set at the southwest corner of said Lot 1 on a northerly interior line of said Amended Plat of The Mansion Villas Section Two and a southerly east line of Second Amended Plat of Mansions by the Forest, a subdivision recorded in Cabinet Y, Sheets 54-55, of the M.R.M.C.T.;

Thence, with a line common to said Amended Plat of The Mansion Villas Section Two and said Second Amended Plat of Mansions by the Forest, North 43 degrees 36 minutes 40 seconds East, a distance of 114.30 feet to a 5/8 inch iron rod set at the common corner of said Amended Plat of The Mansion Villas Section Two, said Second Amended Plat of Mansions by the Forest and said Final Plat of The Mansion Villas Section One;

Thence, with lines common to said Final Plat of The Mansion Villas Section One and said Second Amended Plat of Mansions by the Forest, the following seven (7) courses:

1. North 15 degrees 02 minutes 26 seconds West, a distance of 81.12 feet to a 5/8 inch iron rod set at an angle point;
2. North 06 degrees 07 minutes 52 seconds East, a distance of 92.33 feet to a 5/8 inch iron rod set at an angle point;
3. North 02 degrees 07 minutes 02 seconds East, a distance of 107.83 feet to a 5/8 inch iron rod set at an angle point;
4. North 00 degrees 52 minutes 00 seconds East, a distance of 476.60 feet to a 5/8 inch iron rod set at an angle point;
5. North 09 degrees 56 minutes 36 seconds West, a distance of 156.89 feet to a 5/8 inch iron rod set at an angle point;
6. North 71 degrees 46 minutes 30 seconds East, a distance of 142.69 feet to a 5/8 inch iron rod set at an angle point;
7. South 89 degrees 30 minutes 57 seconds East, a distance of 464.73 feet to a 5/8 inch iron rod set at the northeast corner of said Final Plat of The Mansion Villas Section One and an east corner of said Second Amended Plat of Mansions by the Forest on the west line of said 93.148 acre tract of land;

Thence, with the east lines of said Final Plat of the Mansions Villas Section One and said Amended Plat of the Mansions Villas Section Two and with the west line of said 93.148 acre tract, South 00 degrees 52 minutes 33 seconds West, a distance of 1,353.94 feet to the POINT OF BEGINNING and containing 17.983 acres of land.

163-11-2088

EXHIBIT "A"  
DESCRIPTION OF PROPERTY

ABOVE TRACT to be known as RESTRICTED RESERVE "A", BLOCK 1, OF THE MANSIONS WOODLAND, a subdivision to Montgomery County, according to the plat to be recorded in the Map Records of Montgomery County, Texas.

FILED FOR RECORD  
06 AUG 29 PM 2:56

*Mark Timball*  
COUNTY CLERK  
MONTGOMERY COUNTY, TEXAS

STATE OF TEXAS  
COUNTY OF MONTGOMERY  
I hereby certify this instrument was filed in  
File Number Sequence on the date and at the time  
stamped herein by me and was duly RECORDED in  
the Official Public Records of Real Property at  
Montgomery County, Texas.

AUG 29 2006



*Mark Timball*  
County Clerk  
Montgomery County, Texas