

V071188

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*15*  
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After recording, please return to:  
Genstar Summerwood LP  
10235 W. Little York, Suite 260  
Houston, TX 77040  
Attention: Lisa Nickel

STATE OF TEXAS §  
COUNTY OF HARRIS §

05/24/01 101578360 V071188 \$15.00

DECLARATION OF ANNEXATION

SUMMERWOOD, SECTIONS TEN (10) AND TWELVE (12) *W*

This Declaration of Annexation is made as of the date hereinafter stated by GENSTAR SUMMERWOOD LP, a Delaware limited partnership ("Declarant").

WITNESSETH:

WHEREAS, McCord Development Communities, L.P. ("McCord Development") executed that certain Declaration of Covenants, Conditions and Restrictions for Summerwood Sections Five (5), Seven (7) and Eight (8) (the "Declaration") dated as of September 14, 1998, which is filed under Clerk's File No. T-266077, and recorded in the Official Records of Real Property of Harris County, Texas and which imposed covenants, conditions and restrictions on certain property described therein; and

WHEREAS, Declarant is the successor in interest to the rights of McCord Development at the Declarant under the Declaration and the owner of those certain tracts of land described on Exhibit "A" hereof (the "Annexed Property"), which tracts are contiguous to or in the vicinity of the property previously submitted to the Declaration; and

WHEREAS, Section 1 of Article VIII of the Declaration gives the Declarant the right to annex additional property into the jurisdiction of the SUMMERWOOD COMMUNITY ASSOCIATION NO. 2, INC., a non-profit corporation organized to administer the provisions of the Declaration (the "Association"); and

WHEREAS, the Declarant desires to annex the Annexed Property into the jurisdiction of the Association and to subject the Annexed Property to all of the provisions of the Declaration.

NOW, THEREFORE, the Declarant hereby annexes the Annexed Property into the jurisdiction of the SUMMERWOOD COMMUNITY ASSOCIATION NO. 2, INC. and declares that the Annexed Property shall be a portion of the Properties (as defined in the Declaration) and Declarant hereby declares that the Annexed Property is hereby subjected to the provisions of the Declaration and such property shall be held, sold, transferred, conveyed, used, occupied, and mortgaged or otherwise encumbered subject to the covenants, conditions, restrictions, easements, assessments, and liens set forth therein, which are for the purpose of protecting the value and desirability of, and which shall run with the title to, the real property subject to the Declaration, and shall be binding on all persons having any right, title, or interest in all or any portion of such

property, their respective heirs, legal representatives, successors, successors-in-title, and assigns and shall inure to the benefit of each and every owner of all or any portion thereof. It is understood and agreed that the owners of the lots within the Annexed Property shall have the right to use all facilities and amenities of the Association in the same manner as the owners of lots in all other properties within the jurisdiction of the Association.

IN WITNESS WHEREOF this Declaration of Annexation is executed this 14<sup>th</sup> day of May, 2001.

GENSTAR SUMMERWOOD LP, a Delaware limited partnership

*292*

By: Genstar Houston, L.L.C., a Delaware limited liability company, General partner

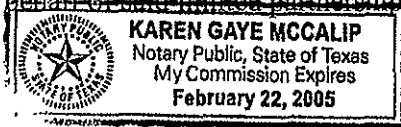
By: *Jimmie F. Jenkins*  
Name: Jimmie F. Jenkins  
Its: Sr. Vice President

Attest: *Donna K. Monsees*  
Name: La DONNA K. MONSEES  
Its: VICE CHAIRMAN & PRESIDENT

STATE OF TEXAS §

COUNTY OF HARRIS §

This instrument was acknowledged before me on May 14, 2001 by Jimmie F. Jenkins, Senior Vice President of Genstar Houston, L.L.C., a Delaware limited liability company which the general partner of GENSTAR SUMMERWOOD LP, a Delaware limited partnership, on behalf of said limited partnership.



[notarial seal]

*Karen Gaye McCalip*  
Notary Public in and for the State of Texas

KAREN GAYE MCCALIP  
Name (printed or typed)

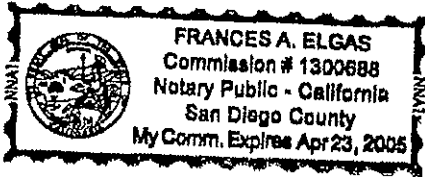
My commission expires 2-22-05

[continued on next page]

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California }  
County of San Diego } ss.

On May 15, 2001, before me, Frances A. Elgas, Notary Public,  
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")  
personally appeared Deanna Mansell  
Name(s) of Signer(s)



- personally known to me
- proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Frances A. Elgas  
Signature of Notary Public

Place Notary Seal Above

**OPTIONAL**

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

**Description of Attached Document**

Title or Type of Document: Dec. of Anesthesia, Summerwood, Dec 10 x 12

Document Date: May 14, 2001 Number of Pages: 4

Signer(s) Other Than Named Above: Jennie F. Barber

**Capacity(ies) Claimed by Signer**

- Signer's Name: Deanna Mansell
- Individual
  - Corporate Officer — Title(s): \_\_\_\_\_
  - Partner —  Limited  General
  - Attorney in Fact
  - Trustee
  - Guardian or Conservator
  - Other: \_\_\_\_\_

Signer Is Representing: Jason Houston, LLC



548-32-2825

**EXHIBIT "A"**

**Annexed Property**

ALL THAT CERTAIN TRACT OR PARCEL OF LAND being approximately 38.0076 acres out of the Victor Blanco Survey, Abstract No. 2, Harris County, Texas, and being surveyed and platted as SUMMERWOOD SECTION 10 by plat filed February 9, 2001, under Film Code No. 468060 and recorded in the Map Records of Harris County, Texas, under Clerk's File No. U866024, as such plat may be revised or amended;

**Together with:**

ALL THAT CERTAIN TRACT OR PARCEL OF LAND being approximately 1.3350 acres out of the Victor Blanco Survey, Abstract No. 2, Harris County, Texas, and being surveyed and platted as SUMMERWOOD SECTION 12 by plat filed January 30, 2001, under Film Code No. 467068 and recorded in the Map Records of Harris County, Texas, under Clerk's File No. U846109, as such plat may be revised or amended.

548-33-243

FILED  
2001 MAY 24 PM 12:33  
*Beverly L. Kaufman*  
COUNTY CLERK  
HARRIS COUNTY, TEXAS

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW THE STATE OF TEXAS COUNTY OF HARRIS

I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me, and was duly RECORDED, in the Official Public Records of Real Property of Harris County, Texas on

MAY 24 2001



*Beverly L. Kaufman*  
COUNTY CLERK  
HARRIS COUNTY, TEXAS