

AMEND
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FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR CYPRESS LANDING PARK

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This First Amendment to Declaration of Covenants, Conditions and Restrictions for Cypress Landing Park ("Amendment") is made and entered into as of August 6, 2010 by Meritage Homes of Texas, LLC ("Meritage").

RECITALS

- A. Kimball Hill Homes Houston, L.P. ("Kimball Hill"), a Texas limited partnership, as "Declarant" executed and caused to be recorded that certain Declaration of Covenants, Conditions and Restrictions for Cypress Landing Park (as may have been amended, the "Declaration") dated September 24, 2008, as recorded in the Official Public Records of Harris County, Texas as Document Number 20080487536.
- B. Kimball Hill transferred certain property, together with rights as the Declarant under the Declaration, to First General Holdings, LLC, a Texas limited liability company ("First General"), and First General was the successor-in-interest to Kimball Hill.
- C. Pursuant to an Assignment and Assumption of Rights and Designation of Successor Declarant dated as of August 5, 2010 ("Assignment Date"), First General assigned and transferred to Meritage, commencing as of the Assignment Date but not as to any date prior to the Assignment Date, the rights of the "Declarant" under the Declaration and all other applicable governing documents, if any, related to the Declaration and/or the Cypress Landing Park Community Association, Inc., a Texas non-profit corporation.
- D. Meritage, as the Declarant under the Declaration for periods of time after the Assignment Date, desires to amend and modify the Declaration as set forth below.

NOW, THEREFORE, Meritage, as the Declarant under the Declaration for periods of time after the Assignment Date, hereby declares that the Declaration is amended and modified as set forth below, which amendments and modifications shall run with and be binding upon the Properties subject to the Declaration, and shall inure to the benefit of each owner thereof.

- 1. The Builder Guidelines (also referred to as the "Design Guidelines") attached to the Declaration and beginning at Page Reference ER 009-03-0111 are deleted in their entirety.
- 2. The Architectural Control Committee established under the Declaration is authorized from time-to-time, but is not required, to develop and promulgate design and construction guidelines applicable to the Properties. If promulgated, any reference in the Declaration to the Builder Guidelines or the Design Guidelines shall mean the design and construction guidelines (and amendments to such guidelines) as promulgated by the Architectural Control Committee from time-to-time. Nothing set forth in this Amendment shall diminish, amend or modify any requirement for approval by the Architectural Control Committee of any improvements, or modifications, additions, or alterations made on or to the improvements, on the Properties under the terms of the Declaration.

ER 019 - 88 - 0515

MTH TITLE COMPANY
GF# Carlen J - NS 40

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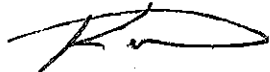
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3. On the date of execution of this Amendment Meritage is the Owner of a majority of the Lots covered by the Declaration. In addition, on the date of execution of this Amendment Meritage is the Declarant under the Declaration. Pursuant to the provisions of Article X, Section 2 B. of the Declaration, the Declaration may be amended by Meritage's execution of this Amendment.
4. Except as amended by this Amendment, the Declaration shall remain in full force and effect.
5. Except as expressly defined otherwise in this Amendment, capitalized terms shall have the meaning given them in the Amendment.

Executed to be effective on the date of filing in the Official Public Records of Real Property of Harris County, Texas.

Meritage Homes of Texas, LLC

By: 
Name: KEVIN MEUTH
Title: DIVISION PRESIDENT

SINGLE ACKNOWLEDGEMENT

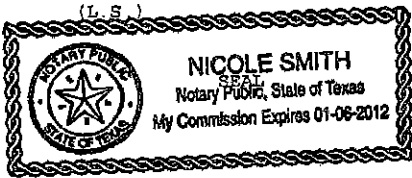
STATE OF Tx)
COUNTY OF Ft Bend)

BEFORE ME, the undersigned, a Notary Public in and for said County and State,
on this day personally appeared

Kevin Meuth, Division President

known to me to be the person(s) whose name(s) subscribed to the foregoing instrument,
and acknowledged to me that he executed the same for the purposes and consideration
therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 25 day of October 2010
, A.D.



Nicole Smith Ft Bend
Notary Public in and for _____ County,
Nicole Smith
Notary Name
10/12
Notary Expiration Date

ER 019 - 88 - 0518

20100460424
Pages 4
10/27/2010 08:18:49 AM
e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
BEVERLY KAUFMAN
COUNTY CLERK
Fees 24.00

RECORDERS MEMORANDUM

This instrument was received and recorded electronically and any blackouts, additions or changes were present at the time the instrument was filed and recorded.

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.



Beverly Kaufman
COUNTY CLERK
HARRIS COUNTY, TEXAS