

814703

VOL. 252 PAGE 411
RESERVATION OF RIGHT TO RESUBDIVIDE AND REPLAT
AND WAIVER

WHEREAS, Riverhill Club & Estates, Ltd., a Texas limited partnership, hereinafter called "Developer", is the record owner of all of the land shown and described on those certain plats designated as Riverhill Townhouse Tracts No. Seven, according to the map or plat filed for record in Volume 4, Page 261, of the Plat Records of Kerr County, Texas, (the "Property") to which reference is hereby made for all purposes;

WHEREAS, Developer has subjected the Property to certain restrictions, covenants and conditions pursuant to a certain supplemental Declaration of Covenants, Conditions and Restrictions duly recorded in the Deed Records of Kerr County, Texas (the "Declaration"), and

WHEREAS, the Declaration provides, among other things, the reservation of the right of Developer to resubdivide and replat.

NOW, THEREFORE, in furtherance of, and in addition to, the Declaration, (but not in any way in lieu of or in limitation of the Declaration), Developer does hereby declare that the Property shall hereafter be held, sold, occupied and conveyed subject to the following:

1. Resubdivision. No Lot, as that term is defined in the Declaration, may be re-subdivided or replatted without the prior written consent of Developer; each Owner (as defined in the Declaration) hereby delegating to Developer the right and authority to approve or disapprove the same and each Owner hereby expressly waiving any right to approve the same and any notice of the same.

2. Reservation of Right to Resubdivide and Replat. Subject to the approval of any and all appropriate governmental agencies having jurisdiction, Developer hereby reserves the right at any time while it is the owner thereof to resubdivide and replat any Lot without the consent of any other Owner and each such Owner expressly waives any notice of, and any right to consent to, any such resubdivision or replat and expressly agrees that Developer may resubdivide and replat as herein set forth without any notice to, or consent of, any such Owner. Further, each Owner expressly waives any rights such Owner may have to notice of, consent to, or approval of any such resubdivision or replat under any applicable laws, ordinances, rules or regulations including without limitation, the provisions of Article 974a, Texas Revised Civil Statutes.

3. Covenants Running With The Land. These restrictions and covenants are hereby declared to be covenants running with the land and shall be fully binding upon all persons acquiring any portion of the Property, or any additional property, whether by descent, devise, purchase, assignment, contract or otherwise, and any person by the acceptance of title to any Lot, or entering into a contract for the purchase of same shall thereby agree and covenant to abide by, and fully perform, all of the restrictions, covenants and conditions herein set forth.

4. Severability of all Terms and Provisions. If any term or provision of this instrument, or the application thereof shall be held invalid, all other terms and provisions of this instrument, or the application thereof shall not be affected thereby, nor shall any failure of the Developer to seek enforcement of any term or provision constitute a waiver of any right to do so in the future or the validity or enforceability of such term or provision.

5. Headings. The headings contained herein are for reference purposes only and shall not in any way affect the meaning or interpretation hereof.

EXECUTED this the 17th day of August, 1981.

FILED FOR RECORD

at 4:30 o'clock P.M.

SEP 3 1981

EMMIE M. MUENKER

Clerk County Court, Kerr County, Texas

By Melinda Adams Deputy

RIVERHILL CLUB & ESTATES, LTD.
By: Silco, Inc., General Partner

By: Herbert G. Bench
Herbert G. Bench, Vice President

THE STATE OF TEXAS §

THE COUNTY OF KERR §

BEFORE ME, the undersigned authority, in and for said County and State, on this day personally appeared HERBERT G. BENCH, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of RIVERHILL CLUB & ESTATES, LTD., by its General Partner, SILCO, INC., a Nevada corporation, authorized to do business in Texas, and that he executed the same as the act of such partnership for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 17th day of August, 1981.



John C. McWhorter Jr.
Notary Public, County of Kerr
State of Texas
My commission expires: 16 Aug 1984
John C. McWhorter Jr.
(Notary Print or Type Name)

33331 Garden
Phone 96-4311 P. O. Box 509
RESERVATION OF RIGHT TO
RESUBDIVIDE AND REPLAT
AND WAIVER
#814703

RIVERHILL CLUB AND
ESTATES, LTD.

TO

THE PUBLIC

Re: Riverhill Townhouse
Tracts no. seven.

FILED FOR RECORD

at 11:30 o'clock P. M

SEP 3 1981

EMMIE M. MUENKER

Clerk County Court, Kerr County, Texas

By Debra Williams Deputy

Return to:

WALLACE, JACKSON & ABLES

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

829 JEFFERSON STREET

KERRVILLE, TEXAS 78028

Filed for record September 3, 1981 at 4:30 o'clock P.M.

Recorded September 8, 1981

EMMIE M. MUENKER, Clerk

By Betty J. Sweeney Deputy