

**NOTICE REGARDING NON-CONSTRUCTION
OF LAKES**

THE STATE OF TEXAS §
COUNTY OF MONTGOMERY § **KNOW ALL PERSONS BY THESE PRESENTS:**

RECITALS:

WHEREAS, the Montgomery Trace Subdivision ("Montgomery Trace") is made up of the following sections:

<u>Sections:</u>	<u>Montgomery County Plat Recording Reference:</u>
Montgomery Trace Section One	9663925
Montgomery Trace Section Two	9708203
Montgomery Trace Section Three	9729741
Montgomery Trace Section Four	9753575
Montgomery Trace Section Five	9780590
Montgomery Trace Section Six	9844581
Montgomery Trace Section Seven	9856425
Montgomery Trace Section Eight	99057931
Montgomery Trace Section Nine	99077862
Montgomery Trace Section Ten	99084649

WHEREAS, Montgomery Trace Property Owners Association, Inc. a Texas non-profit corporation (the "Association") is the governing entity for Montgomery Trace pursuant to various Declarations of Covenants, Conditions and Restrictions covering the various sections in Montgomery Trace (collectively, the "Declaration"); and

WHEREAS, EBCO Land Development, Ltd., a Texas limited partnership (the "Declarant") is the "Declarant" under the Declaration;

WHEREAS, the Declarant had initially planned to construct lakes within Montgomery Trace known as: (i) Fish Creek 2 Lake which would have adjoined Sections 6, 7, 8, 9, and 10 of Montgomery Trace (the "Proposed Fish Creek Lake"); and (ii) Mound Creek Lake which would have adjoined Section 4 of Montgomery Trace (the "Proposed Mound Creek Lake")(the Proposed Fish Creek Lake and the Proposed Mound Creek Lake bring collectively called the "Proposed Lakes"); and

WHEREAS, the Declarant has filed bankruptcy and will not be constructing the Proposed Lakes; and

WHEREAS, the Association now owns the real property where the Proposed Lakes were planned; and

WHEREAS, the Association has determined that it is not in the best interest of the Association for the Association to construct the Proposed Lakes.

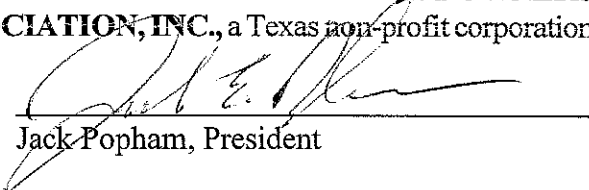
NOTICE

NOW THEREFORE, notice is hereby given that the Association has determined that it is not in the best interest of the Association for the Association to construct the Proposed Lakes and therefore, the Association will not be constructing the Proposed Lakes. The Association reserves its rights to use the real property where the Proposed Lakes were planned for any lawful purpose.

EXECUTED this 16 day of June, 2009.

MONTGOMERY TRACE PROPERTY OWNERS ASSOCIATION, INC., a Texas non-profit corporation

By:

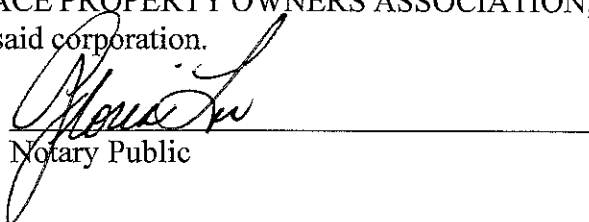


Jack Popham, President

STATE OF TEXAS

COUNTY OF MONTGOMERY

This instrument was acknowledged before me on this the 16 day of June, 2009, by Jack Popham, President of MONTGOMERY TRACE PROPERTY OWNERS ASSOCIATION, INC., a Texas non-profit corporation, on behalf of said corporation.



Notary Public

AFTER RECORDING, RETURN TO:

Mark K. Knop
Hoover Slovacek, L.P.
5847 San Felipe, Suite 2200
Houston, Texas 77057



FILED FOR RECORD

2009 JUL 16 PM 4:17


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.

JUL 16 2009




County Clerk
Montgomery County, Texas