

AFFIDAVIT

**THE STATE OF TEXAS
COUNTY OF BELL**

BEFORE ME, the undersigned authority, on this day personally appeared JOHN C. HOWE, in his capacity as President of WATERFORD HOMEOWNERS' ASSOCIATION, INC., a Texas non-profit corporation (the "Association"), and on his oath says:

1. That I am over the age of twenty-one (21), am not incapacitated in any way, and have personal knowledge that the following facts are true and correct:
2. That on January 29, 2001, the membership of the Association held its annual meeting to discuss the Association's activities during the previous year and all new business. One item of new business discussed was the amount of funds required by the Association to finance its approved activities and the actual amount of funds received by the Association through annual assessments and fees. It was discussed that 172 votes of the membership would be required to pass a change in the assessment structure of the rules and regulations of the Association, and there were 173 votes of the membership represented at the annual meeting, either in person or by proxy. After discussion, the membership adopted a resolution to assess a \$100.00 assessment to a third party that is the purchaser of a home or lot when such home or lot is subsequently sold by the Association member to the third party purchaser by a vote of 172 for and 1 opposed. The assessment to new purchasers would take effect immediately.
3. That on January 29, 2001, the Board of Directors of the Association held its annual meeting to discuss the Association's activities during the previous year and all new business. It was reported that the membership, during its annual meeting, had adopted a resolution to assess a \$100.00 assessment to a third party that is the purchaser of a home or lot when such home or lot is subsequently sold by the Association member to the third party purchaser. After discussion, the Board unanimously elected to adopt the assessment to new purchasers, effective immediately.
4. That the Correction Declaration of Covenants, Conditions and Restrictions for Waterford Homeowners' Association, Inc., duly recorded in Volume 3670, Page 563, of the Official Public Records of Real Property of Bell County, Texas, is amended to include the following language in Article VI, Covenants for Maintenance Assessments:

Section 12. Upon the subsequent sale of a Lot within the Property by the Owner and a member of the Association to a third party, an assessment of \$100.00 on the Lot will be due and payable from the new owner at the time of closing.

5. That the Association will indemnify and hold harmless all parties that rely upon the statements of this affidavit from all suits, actions, or claims of any character, type, or description brought or made for or on account of any injuries or damages received or sustained by any person or persons or property, arising out of, or occasioned by the matters described herein.

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6. That the undersigned is aware of the penalties under Federal Law, which includes the execution of a false affidavit, pursuant to 19 U.S.C.S. Section 1621 wherein it is provided that anyone found guilty shall not be fined more than \$2,000.00 or imprisoned not more than 5 years, or both. The undersigned is also aware that perjury in the execution of a false affidavit is also a criminal act pursuant to Section 37.02 of the Texas Penal Code. Finally, the undersigned is aware that under Section 32.46 of the Texas Penal Code, a person commits an offense if, with intent to defraud or harm any person, he, by deception, causes another to sign or execute any document affecting property or service or the pecuniary interest of any person, and that an offense under such Section is a felony of the third degree which is punishable by a fine of \$5,000.00 and confinement in the Texas Department of Corrections for a term of not more than 10 years or less than 2 years."

SIGNED this the 27th day of APRIL, 2001.

WATERFORD HOMEOWNERS' ASSOCIATION, INC., a Texas non-profit corporation

By: [Signature]
JOHN C. HOWE, President

SUBSCRIBED AND SWORN TO before me on this the 27th day of April, 2001, by JOHN C. HOWE, in his capacity as President of WATERFORD HOMEOWNERS' ASSOCIATION, INC., a Texas non-profit corporation, on behalf of said corporation.



KIM GODIN
Notary Public - State of Texas
Commission Expires: 09-05-04

[Signature]
NOTARY PUBLIC

PREPARED IN THE LAW OFFICE OF:
crm
BAIRD, CREWS, SCHILLER & WHITAKER, P.C.
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Post Office Box 1260
Temple, Texas 76503-1260

AFTER RECORDING RETURN TO:
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(6) [Handwritten Signature]

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