

DECLARATION OF PARTITION

WHEREAS, TEXAS HOLIDAY VILLAGES LLC, a Texas limited liability company, as successor-in-interest to Medina Holiday Villages, LP, a Texas limited partnership (“the **Developer**”) originally entered into those certain Subdivision Restrictions (Section C – Holiday Villages of Medina), dated September 11, 2002, and recorded in the Real Property Records of Medina County, Texas in Volume 457, Page 306 - 311 (the “**Declaration**”).

WHEREAS, pursuant to the terms of the Declaration, (a) Developer may, at any time after December 21, 2005, partition any unsold timeshare interests from all other interests in the property that is subject to the Declaration, (b) such partition may be accomplished by the execution of a Declaration of Partition and (c) the percentage of the property to be partitioned to the Developer shall be approximately equal to the percentage of unsold timeshare interests;

WHEREAS Developer owns 1085 of the 1,200 timeshare interests created by the Declaration (i.e., 90.4% of the timeshare interests); the remaining 115 timeshare interest owners are owned by individuals (i.e. 9.6 % of the timeshare interests).

WHEREAS, the Property subject to the Declaration (the “**Property**”) contains 3.66 acres, and, accordingly Developer intends to partition 2.00 acres out of the Declaration (i.e., 55% of the total acreage of the Property), more particularly described as Lot 1B and Lot 1C in **Exhibit A** attached hereto (the “**Partitioned Property**”) leaving 1.67 acres (i.e., 45 % of the total acreage of the Property) more particularly described Lot 1A in **Exhibit B** attached hereto (the “**Timeshare Property**”) which shall be made available to the Property Owners Association and the 115 timeshare interest owners.

NOW THEREFORE, for the purpose of making a partition of the Property between Developer and the remaining owners of the timeshare interests in the Property, and for and in consideration of the foregoing premises, the sum of Ten and 00/100 Dollars (\$10.00) cash in hand paid and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Developer does hereby partition the Partitioned Property from the remainder of the Property and hereby declares that (i) the Partitioned Property shall be owned, separately, in fee by Developer and (ii) the Partitioned Property shall, along with the remainder of the Property, remain subject to the Subdivision Restrictions until such time as the Association amends the Declaration to remove the Partitioned Property from the Declaration.

Developer shall HAVE AND HOLD the Partitioned, with the appurtenances, estate, title and interest thereto belonging to Developer, its heirs and assigns, forever.

[Signature Page Follows]

Exhibit A

THE PARTITIONED PROPERTY

2.0 acres of land known as Lot 1B and Lot 1C of that subdivision known as Section C, Holiday Villages of Medina, as shown of record in Volume 8, Page 141, Plat Records of Medina County, Texas.

Exhibit B

THE TIMESHARE PROPERTY

1.67 acres of land known as Lot 1A of that subdivision known as Section C, Holiday Villages of Medina, as shown of record in Volume 8, Page 141, Plat Records of Medina County, Texas.

REPLAT LOT 1 FINAL PLAT of LAGUNA de MEDINA SECTION C of HOLIDAY VILLAGES of MEDINA

THE STATE OF TEXAS)
COUNTY OF MEDINA)
I, PATRICK CHAPMAN, Notary Public, State of Texas, do hereby certify that the within instrument with its certificate of authentication was filed for registration in the public records of the County of Medina, Texas, on the _____ day of _____, 2023, at _____ o'clock, _____ M., and duly recorded in the _____ volume of the _____ book of records for said county.

WITNESS MY HAND AND SEAL OF OFFICE, AT _____ THE DAY AND DATE LAST ABOVE WRITTEN.
DEPUTY CLERK, COUNTY COURT, MEDINA COUNTY, TEXAS

IT IS UNDERSTOOD AND AGREED THAT PERPETUAL EASEMENTS ARE RESERVED FOR THE INSTALLATION AND MAINTENANCE OF UTILITY LINES, INCLUDING BUT NOT LIMITED TO WATER, SEWER, GAS, AND ELECTRICITY, AND FOR THE SURFACE OR UNDERGROUND, ALONG AND WITHIN TEN FEET (10') OF THE HEAR, FRONT AND SIDE LINES OF ALL LOTS AND/OR TRACTS AND IN THE ALLEYS, BOULEVARD LINES AND ROADS OF THIS SUBDIVISION, INCLUDING BUT NOT LIMITED TO THE FREE RIGHT OF ACCESS TO AND EGRESS FROM THE RIGHT OF WAY AND EASEMENT, AND THE RIGHT FROM TIME TO TIME TO CUT ALL TREES, UNDERGROWTH AND OTHER OBSTRUCTIONS THAT MAY INHIBIT THE EASEMENT RIGHTS WITH THE OPERATION OF SAID UTILITY FACILITIES. NECESSARY RIGHTS SHALL BE GRANTED TO THE UTILITY COMPANIES OR NECESSARY BY THE UTILITY TO SUPPORT EQUIPMENT WITHIN SAID EASEMENT AND THE RIGHT TO INSTALL WIRES AND/OR CABLES OVER SOME PORTIONS OF SAID EASEMENT AND TO MAINTAIN AND EASEMENT SO LONG AS SUCH ITEMS DO NOT PREVENT THE CONSTRUCTION AND EASEMENT OF BUILDINGS ON ANY OF THE LOTS AND/OR TRACTS OF THIS SUBDIVISION.

NOTE: NO STRUCTURE IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO A PUBLIC SEWER SYSTEM OR TO AN ON-SITE WASTE-WATER SYSTEM THAT HAS BEEN APPROVED AND PERMITTED BY THE MEDINA COUNTY HEALTH INSPECTOR.

NOTE: NO STRUCTURE OR DEVELOPMENT WITHIN THE SUBDIVISION MAY BEgin UNTIL FINAL APPROVAL OF THE PLAT BY MEDINA COUNTY COMMISSIONERS' COURT.

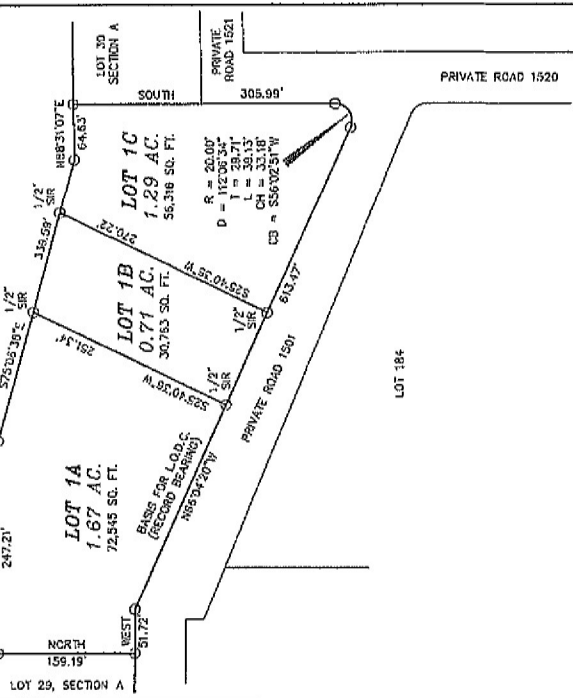
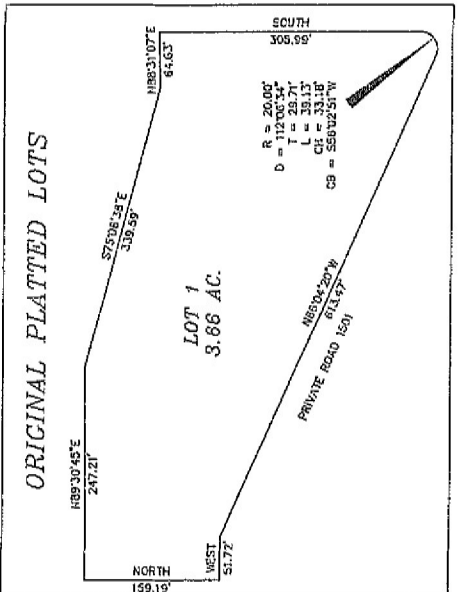
NOTE: SUBJECT TO SURVEY OF RESTRICTIONS, EASEMENTS, OR RESERVATION OF RECORDS WITHIN TEN (10) FEET OF THE FRONT LOT LINE AND TEN (10) FEET OF ALL OTHER LOT LINES, THE SURVEYOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE INTERESTS OF THE PROPERTY OWNERS AND THE PUBLIC. THE SURVEYOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE INTERESTS OF THE PROPERTY OWNERS AND THE PUBLIC. THE SURVEYOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE INTERESTS OF THE PROPERTY OWNERS AND THE PUBLIC.

NOTE: ALL ROADS SHALL BE PRIVATE, AND THE MAINTENANCE AND IMPROVEMENT OF THE ROADS SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNERS. THE SURVEYOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE INTERESTS OF THE PROPERTY OWNERS AND THE PUBLIC.

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NOTE: THIS SURVEY MAY BE REVISIONED OR BY OTHER SURVEYS SHALL BE RESPONSIBLE FOR ANY LOSS OF INTERESTS.



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**Medina County
Gina Champion
Medina County
Clerk**

Instrument Number: 2023008711

eRecording - Real Property

DECLARATION

Recorded On: October 04, 2023 03:12 PM

Number of Pages: 6

" Examined and Charged as Follows: "

Total Recording: \$42.00

******* THIS PAGE IS PART OF THE INSTRUMENT *******

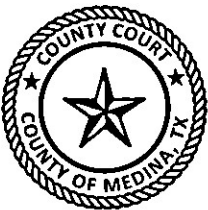
Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

File Information:

Document Number: 2023008711
Receipt Number: 20231004000021
Recorded Date/Time: October 04, 2023 03:12 PM
User: Kimberly B
Station: CCMARRIAGE1

Record and Return To:

Simplifile
484 North 300 West, Suite 202
Provo UT



**STATE OF TEXAS
MEDINA COUNTY**

I hereby certify that this Instrument was FILED In the File Number sequence on the date/time printed hereon, and was duly RECORDED in the Official Records of Medina County, Texas.

Gina Champion
Medina County Clerk
Medina County, TX

