

**SECOND SUPPLEMENTAL
DECLARATION OF COVENANTS, CONDITIONS,
AND RESTRICTIONS FOR MIRAMONT RESIDENTIAL COMMUNITY**

THE STATE OF TEXAS §

COUNTY OF BRAZOS §

THIS SECOND SUPPLEMENTAL DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR MIRAMONT RESIDENTIAL COMMUNITY (this "Second Supplemental Declaration"), is made and entered into as of the 25th day of November, 2003, by TAC REALTY, INC., a Texas corporation ("Declarant").

RECITALS :

A. Declarant has executed a certain Declaration of Covenants, Conditions, and Restrictions for Miramont Residential Community dated as of July 1, 2003, and recorded in Volume 5420, Page 1 of the Official Records of Brazos County, Texas, as supplemented pursuant to Supplemental Declaration of Covenants, Conditions and Restrictions for Miramont Residential Community dated September 15, 2003, and recorded in Volume 5603, Page 257 of the Official Records of Brazos County, Texas (such Declaration of Covenants, Conditions and Restrictions, as so supplemented, being hereinafter referred to as the "Declaration").

B. Declarant is the owner of fee simple title to certain real property (the "Additional Property") which is more particularly described on Exhibit "A", attached hereto and made a part hereof for all purposes, and which has been subjected to the Final Plat (the "Eland Court Plat") for Miramont Section 21 recorded in Volume 5736, Page 278 of the Official Records of Brazos County, Texas.

C. In accordance with the provisions of Article X of the Declaration, Declarant desires, subject to the terms and provisions of this Second Supplemental Declaration, to subject the Additional Property to the terms and provisions of the Declaration by filing this Second Supplemental Declaration.

AGREEMENT :

NOW, THEREFORE, Declarant hereby covenants, agrees and declares that the Additional Property shall be owned, held, transferred, leased, sold, used, insured, encumbered, conveyed and occupied subject to the covenants, conditions, restrictions, easements, liens and charges set forth in the Declaration and this Second Supplemental Declaration, as amended from time to time, which covenants, conditions, restrictions, easements, liens, and charges shall be covenants running with the land and shall be a burden and a benefit to Declarant, its successors, legal representatives and assigns, and any persons acquiring or holding any interest in all or any portion of the Additional Property, their grantees, successors, heirs, executors, administrators, legal representatives and assigns.

1. Except as expressly otherwise defined herein, capitalized terms used in this Second Supplemental Declaration shall have the meanings ascribed to such terms in the Declaration.

2. The provisions of Section 13.38 of the Declaration shall apply to the Additional Property, except that all references therein to "Annex A-1 through Annex A-7" shall be deemed to refer to Annex A-9, which is attached to this Second Supplemental Declaration and made a part hereof for all purposes.

3. For purposes of amending, interpreting and applying the terms and provisions of this Second Supplemental Declaration, this Second Supplemental Declaration shall be deemed to constitute a part of the Declaration. Without limitation of the foregoing, the provisions of Article XVII of the Declaration shall be applicable in all respects to the terms and provisions of this Second Supplemental Declaration.

IN WITNESS WHEREOF, TAC Realty, Inc., a Texas corporation, being the Declarant herein, has executed this Second Supplemental Declaration to be effective for all purposes as of the date first written above.

TAC REALTY, INC., a Texas corporation

By: _____
Donald A. Adam
Chief Executive Officer

THE STATE OF TEXAS §

COUNTY OF BRAZOS §

This instrument was acknowledged before me on the 25th day of November, 2003, by Donald A. Adam, Chief Executive Officer of TAC REALTY, INC., a Texas corporation, on behalf of said corporation.

NOTARY PUBLIC, STATE OF TEXAS
Printed Name of Notary: _____
My Commission Expires: _____

WHEN RECORDED, RETURN TO:

Joel C. Ross, Esquire
c/o TAC Realty, Inc.
1111 Briarcrest Drive, Suite 300
Bryan, Texas 77802

EXHIBIT "A"
(Property Description)

FIELD NOTES
Miramont, Section 21