

Upon recording return to:

Zachary M. Garsek
 Barlow Garsek & Simon, LLP
 920 Foch Street
 Fort Worth, Texas 76107

Cross References:

Volume 3, Page 314
 Llano County, Texas records

**THIRD SUPPLEMENT TO THE
 DECLARATION OF THE WATERS AT HORSESHOE BAY RESORT CONDOMINIUM
 (Buildings 7, 8 and 9)**

THIS THIRD SUPPLEMENT TO THE DECLARATION OF THE WATERS AT HORSESHOE BAY RESORT CONDOMINIUM (Buildings 7, 8 and 9) (the "*Supplemental Declaration*") is made this 29 day of March, 2021, by JAFFE INTERESTS, LP, a Texas limited partnership, f/k/a Horseshoe Bay Resort, Ltd. (the "*Declarant*").

W I T N E S S E T H:

WHEREAS, The Waters at Horseshoe Bay Resort Condominium, a condominium regime, located in Llano County, Texas, was established pursuant to that certain Declaration of The Waters at Horseshoe Bay Resort Condominium recorded in Volume 3, Page 314, Official Public Records of Llano County, Texas (as amended and supplemented, the "*Declaration*");

WHEREAS, pursuant to the terms of Section 2.2 of the Declaration, the Declarant has previously exercised its development rights to add to the Condominium Tracts AAA-1A and AAA-4A, Horseshoe Bay, Plat No. 64.3 recorded in Volume 15, Pages 56 through 58 of the Plat Records of Llano County, Texas (the "*Tracts*");

WHEREAS, pursuant to Article 4 of the Declaration, the Declarant has reserved the right, without obligation, to construct additional Units;

WHEREAS, the Declarant desires to exercise its development rights and to create upon the Tracts three (3) additional buildings, designated as "Building 7", "Building 8" and "Building 9", within the portion of the Condominium consisting of the Tracts; and

NOW, THEREFORE, pursuant to the powers retained by the Declarant under the Declaration, the Declarant hereby designates Building 7, Building 8 and Building 9 as part of the Condominium. Declarant hereby subjects each of Building 7, Building 8 and Building 9 to the provisions of the Declaration, as supplemented and amended, and this Supplemental Declaration, which shall apply to each of Building 7, Building 8 and Building 9 in addition to the provisions of the Declaration. Building 7, Building 8 and Building 9 shall each be sold, transferred, used, conveyed, occupied, and mortgaged or otherwise encumbered pursuant to the provisions of this Supplemental Declaration and the Declaration, both of which shall run with the title to each of Building 7, Building 8 and Building 9 and shall be binding upon all persons having any right, title, or any interest in Building 7, Building 8 or Building 9, their respective heirs, legal representatives, successors, successors-in-title and assigns. The provisions of this Supplemental Declaration shall be binding upon The Waters Condominium Association, Inc., a Texas nonprofit corporation, its successors and assigns in accordance with the terms of the Declaration.

ARTICLE 1 **Definitions**

Except as specifically amended hereby, Article I of the Declaration shall remain in full force and effect and the definitions set forth in Article I of the Declaration are incorporated herein by reference.

ARTICLE 2 **Votes and Liability for Common Expenses**

Section 5.5 of the Declaration, setting forth an equal allocation of liability for Common Expenses, and Section 5.6 of the Declaration, providing for an equal allocation of votes, shall remain in full force and effect.

ARTICLE 3 **Units**

It is anticipated that Building 7, Building 8 and Building 9 will consist of twenty (20) separate Units each, together with an undivided interest in the Common Elements and Limited Common Elements assigned thereto, and that the Condominium will consist of two hundred twenty-two (222) separate Units, Limited Common Elements and Common Elements. Declarant reserves the right to designate additional property within the portion of the Condominium consisting of the Tracts. As set forth in Appendix B of the Declaration, the Declarant reserves the right, without obligation, to construct additional Units within the Condominium up to a maximum of four hundred (400) Units.

ARTICLE 4 **Undivided Interest in Common Elements**

Each Unit is allocated an equal undivided interest in the Common Elements, as set forth in Article 5 of the Declaration.

ARTICLE 5 **Assignment of Limited Common Elements**

Sections 5.2 and 5.3 of the Declaration, providing for assignment and reassignment of the Limited Common Elements, shall remain in full force and effect.

For purposes of establishing additional assignments of Limited Common Element parking spaces and storage units to the Units created within the Additional Property, Declarant hereby amends and supplements Appendix "F" of the Declaration with the contents contained in Exhibit "A" attached hereto and incorporated herein by reference.

ARTICLE 6 **Amendment to Supplemental Declaration**

This Supplemental Declaration may be amended in accordance with the provisions of Article 20 of the Declaration.

ARTICLE 7
Amendment to Plats and Plans of the Declaration

Section 2.2 of the Declaration provides that upon any amendment or supplement to the Declaration for the purpose of expanding the Condominium, the Declarant shall be required to provide the Plats and Plans for the submitted property, thus Declarant hereby amends and supplements Appendix "D" of the Declaration with the contents contained in Exhibit "B" attached hereto and incorporated herein by reference.

ARTICLE 8
Declaration

Except as specifically amended hereby, the Declaration, and all terms thereof, including but not limited to all exhibits thereto, shall remain in full force and effect.

[SIGNATURES APPEAR ON THE NEXT PAGE]

IN WITNESS WHEREOF, Declarant has caused this instrument to be executed on the day and year written below.

DECLARANT:

JAFFE INTERESTS, LP,
a Texas limited partnership

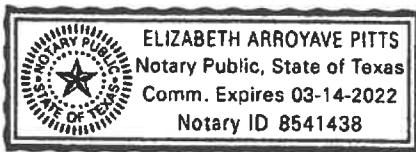


Ron Lynn Mitchell, Vice Chairman, President and COO

STATE OF TEXAS

COUNTY OF TARRANT

This instrument was acknowledged before me on the 2 day of March, 2021, by Ron Lynn Mitchell, in his capacity as Vice Chairman, President and COO of JAFFE INTERESTS, LP, a Texas limited partnership, and on behalf of said limited partnership.



Notary Public, State of Texas

Commission Expiration Date: _____

[Notary Seal]

APPENDIX "D"
EXHIBIT "C"
THE WATERS AT HORSESHOE BAY RESORT CONDOMINIUM
PHASE III
GENERAL NOTES

GENERAL NOTES:

1. All improvements and land reflected on the plat are designated as general common elements, save and except portions of the regime designated as limited common elements or units: (i) in the Declaration of Condominium Regime for The Waters at Horseshoe Bay Resort Condominium (the "*Declaration*") or (ii) on the plats and plans of the regime.
2. Ownership and use of condominium units is subject to the rights and restrictions contained in the Declaration.
3. Each unit, building, limited common element and general common element is subject to special rights reserved by the Declarant as provided Provision B.4. of Appendix "B" to the Declaration. Pursuant to such provisions, among other things, Declarant has reserved the right to (i) complete or make improvements indicated on the plat and plans, as provided in Provision B.4(a) of Appendix "B" to the Declaration; (ii) exercise any development right permitted by the Texas Uniform Condominium Act (the "*Act*") and the Declaration, including the addition of real property to the regime, which property may be added as units, general common elements and/or limited common elements, as provided in Section 2.2 of the Declaration and Provision B.4(b) of Appendix "B" to the Declaration; (iii) make the property part of a larger condominium or planned community, as provided in Provision B.4(c) of Appendix "B" to the Declaration; (iv) use units owned or leased by Declarant as models, storage areas, and offices for the marketing, management, maintenance, customer service, construction, and leasing of the property, as provided in Provision B.4(d) of Appendix "B" to the Declaration; and (v) appoint or remove any Declarant-appointed officer or director of the Association during the Declarant Control Period (as defined in the Declaration) consistent with the Act, as provided in Provision B.4(g) of Appendix "B" to the Declaration, for purposes of promoting, identifying, and marketing the property, Declarant reserves an easement and right to place or install signs, banners, flags, display lighting, potted plants, exterior decorative items, seasonal decorations, temporary window treatments, and seasonal landscaping on the property, including items and locations that are prohibited to other owners. Declarant reserves an easement and right to maintain, relocate, replace, or remove the same from time to time within the property. As provided in Provision B.4(f) of Appendix "B" to the Declaration, Declarant has an easement and right of ingress and egress in and through the Common Elements (as defined in the Declaration) and units owned or leased by Declarant for purposes of constructing, maintaining, managing, and marketing the property, and for discharging Declarant's obligations under the Act and the Declaration.

CERTIFICATION OF CONDOMINIUM PLANS

The condominium plans attached hereto contain the information required by Sections 82.052 and 82.059 of the Texas Uniform Condominium Act, as applicable.

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EXHIBIT "C"
THE WATERS AT HORSESHOE BAY RESORT CONDOMINIUM
PHASE III
GENERAL NOTES

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CERTIFICATION OF CONDOMINIUM PLANS

The condominium plans attached hereto contain the information required by Sections 82.052 and 82.059 of the Texas Uniform Condominium Act, as applicable.

STATE OF TEXAS
COUNTY OF LlANO
FILED AND RECORDED AT 4:20 O'CLOCK P M. ON
THE 29 DAY OF March A.D. 2021.
I hereby certify that this instrument was FILED on the date and at the time stamped hereon
by me and was duly RECORDED in the CONDOMINIUM Records of Llano County, Texas.
INSTRUMENT NO: 21 02766
Clerk, Llano County, Texas
BY R. Jatsch, DEPUTY NO OF PAGES: 34

EXHIBIT "A"

ASSIGNMENTS OF LIMITED COMMON ELEMENT PARKING SPACES AND STORAGE

UNITS – BUILDING 7

Unit#	Parking	Storage
721	P701 & C1-1	C1-D
722	P702 & SP-9	
723	P703 & SP-8	
724	P704 & SP-7	
725	P705 & C1-2	C1-E
731	P706 & P707	C1-F
732	P708 & P709	C1-G
733	P710 & SP-6	C1-H
734	P711 & SP-5	C1-J
735	P712 & P713	C1-K
741	P714 & P715	S701
742	P716 & SP-4	S702
743	P717 & SP-3	C1-L
744	P718 & SP-2	S703
745	P719 & P720	S704
751	P722 & P723	S705
752	P724 & C1-4	S706
753	P725 & SP-1	S707
754	P726 & C1-3	S708
755	P728 & P727	S709

ASSIGNMENTS OF LIMITED COMMON ELEMENT PARKING SPACES AND STORAGE UNITS – BUILDING 8

Unit#	Parking	Storage
821	P801 & C1-5	C2-G
822	P802 & SP-18	
823	P803 & SP-17	
824	P804 & SP-16	
825	P805 & C1-6	C2-H
831	P806 & P807	C2-J
832	P808 & P809	C2-K
833	P810 & SP-15	C2-L
834	P811 & SP-14	C1-A
835	P812 & P813	C1-B
841	P814 & P815	S701
842	P816 & SP-13	S702
843	P817 & SP-12	C1-C
844	P818 & SP-11	S803
845	P819 & P820	S804
851	P822 & P823	S805
852	P824 & C2-1	S806
853	P825 & SP-10	S807
854	P826 & C2-2	S808
855	P828 & P827	S809

ASSIGNMENTS OF LIMITED COMMON ELEMENT PARKING SPACES AND STORAGE UNITS – BUILDING 9

Unit#	Parking	Storage
921	P901 & C2-6	
922	P902 & SP-27	
923	P903 & SP-26	
924	P904 & SP-25	
925	P905 & C2-5	
931	P906 & P907	C2-A
932	P908 & P909	C2-B
933	P910 & SP-24	C2-C
934	P911 & SP-23	C2-D
935	P912 & P913	C2-E
941	P914 & P915	S901
942	P916 & SP-22	S902
943	P917 & SP-21	C2-F
944	P918 & SP-20	S903
945	P919 & P920	S904
951	P922 & P923	S905
952	P924 & C2-4	S906
953	P925 & SP-19	S907
954	P926 & C2-3	S908
955	P928 & P927	S909

EXHIBIT "B"

PLATS AND PLANS

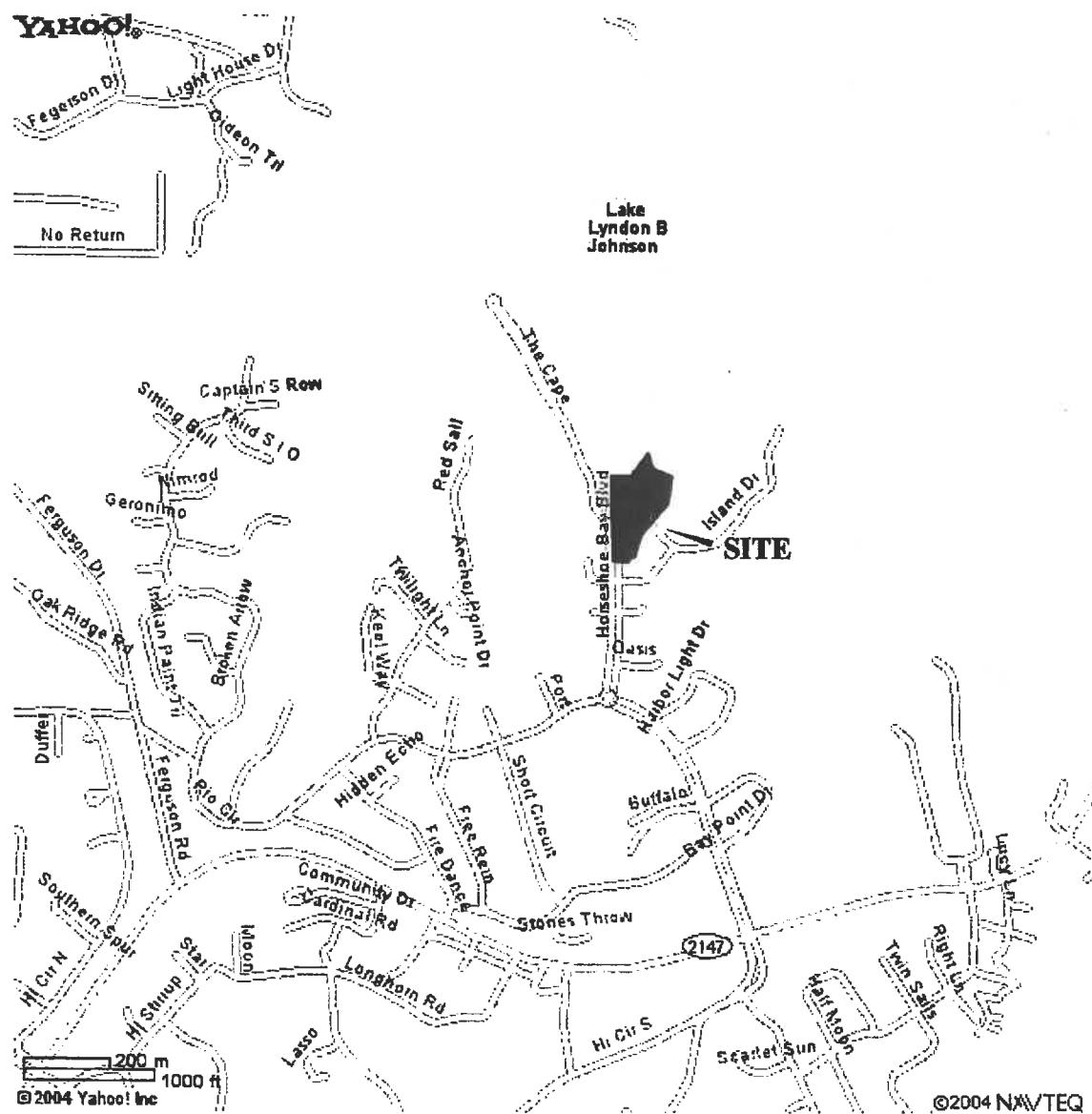
Consisting of 22 pages titled Appendix "D" Exhibit "C"

Willis - Sherman Associates, Inc.



LAND SURVEYORS AND PLANNERS
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FIRM NUMBER: 10027600

APPENDIX "D"
EXHIBIT "C"
THE WATERS AT
HORSESHOE BAY
RESORT CONDOMINIUM PHASE III
VICINITY MAP



THIS SURVEY IS INTENDED TO SERVE AS A PLAT OF "THE WATERS AT HORSESHOE BAY RESORT CONDOMINIUM, PHASE III, BUILDING 7 LOCATED ON TRACTS AAA-4A AND AAA-4B, HORSESHOE BAY, PLAT NO. 64.3 RECORDED IN VOLUME 15, PAGES 56 THRU 58 OF THE PLAT RECORDS OF LLANO COUNTY, TEXAS, AND THIS PLAT CONTAINS ALL INFORMATION REQUIRED FOR THE PURPOSE OF COMPLIANCE WITH CHAPTER 82.059 SUBSECTION (b), UNIFORM CONDOMINIUM ACT OF THE TEXAS PROPERTY CODE.

THIS SURVEY WAS MADE FOR THE BENEFIT OF HORSESHOE BAY RESORT DESTINATIONS, LLC

DATE

DONALD SHERMAN REGISTERED PROFESSIONAL LAND SURVEYOR NO. 1877

OFFICE: J.FRAILEY JOB#: 15872

PAGE 1 OF 22



**APPENDIX "D"
EXHIBIT "C"
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RESORT CONDOMINIUM PHASE III
GENERAL NOTES**

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APPENDIX "D"

EXHIBIT "C"

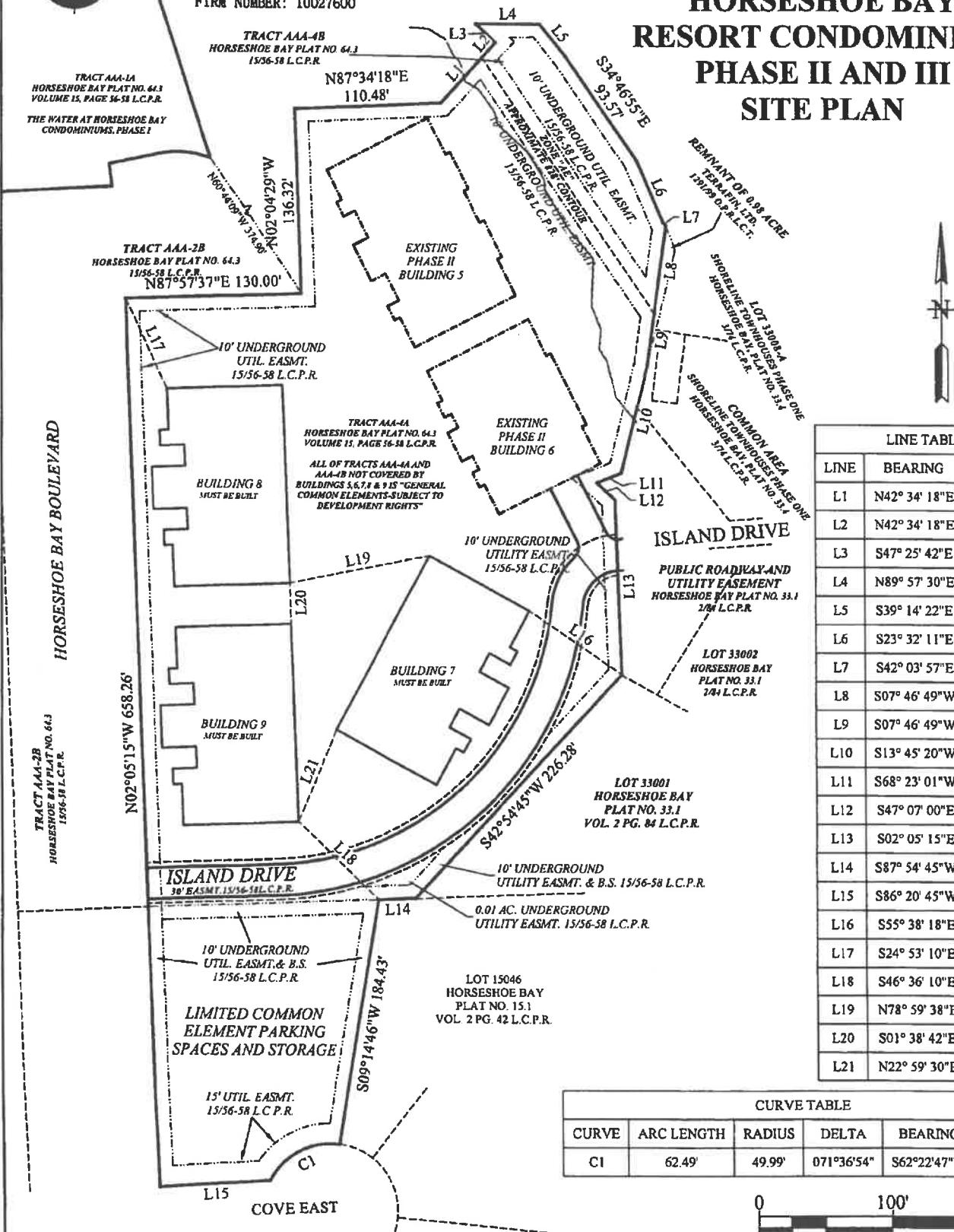
THE WATERS AT

HORSESHOE BAY

RESORT CONDOMINIUM

PHASE II AND III

SITE PLAN



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APPENDIX "D"
EXHIBIT "C"

**THE WATERS AT
HORSESHOE BAY**

**RESORT CONDOMINIUM PHASE III
BUILDING 7**

10' UNDERGROUND
UTIL. EASMT.
15/56-58 L.C.P.R.

**BUILDING 8
MUST BE BUILT**

**TRACT AAA-4A
HORSESHOE BAY PLAT NO. 64.3
VOLUME 15, PAGE 56-58 L.C.P.R.**

**ALL OF TRACTS AAA-4A AND
AAA-4B NOT COVERED BY
BUILDINGS 5,6,7,8 & 9 IS "GENERAL
COMMON ELEMENTS-SUBJECT TO
DEVELOPMENT RIGHTS"**

**EXISTING
PHASE II
BUILDING 6**

**BUILDING 9
MUST BE BUILT**

N02°05'15"W 658.26

**ISLAND DRIVE
30' EASMT. 15/56-58 L.C.P.R.**

L20

L19

N28°25'40"E 146.67

85.17

85.17

18

L14

**BUILDING 7
MUST BE BUILT**

18.00

6.33

15.67

11.33

10.62

11.33

10.62

18

L13

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**APPENDIX "D"
EXHIBIT "C"
THE WATERS AT
HORSESHOE BAY
RESORT CONDOMINIUM
PHASE III BUILDING 7
PODIUM PARKING/STORAGE**

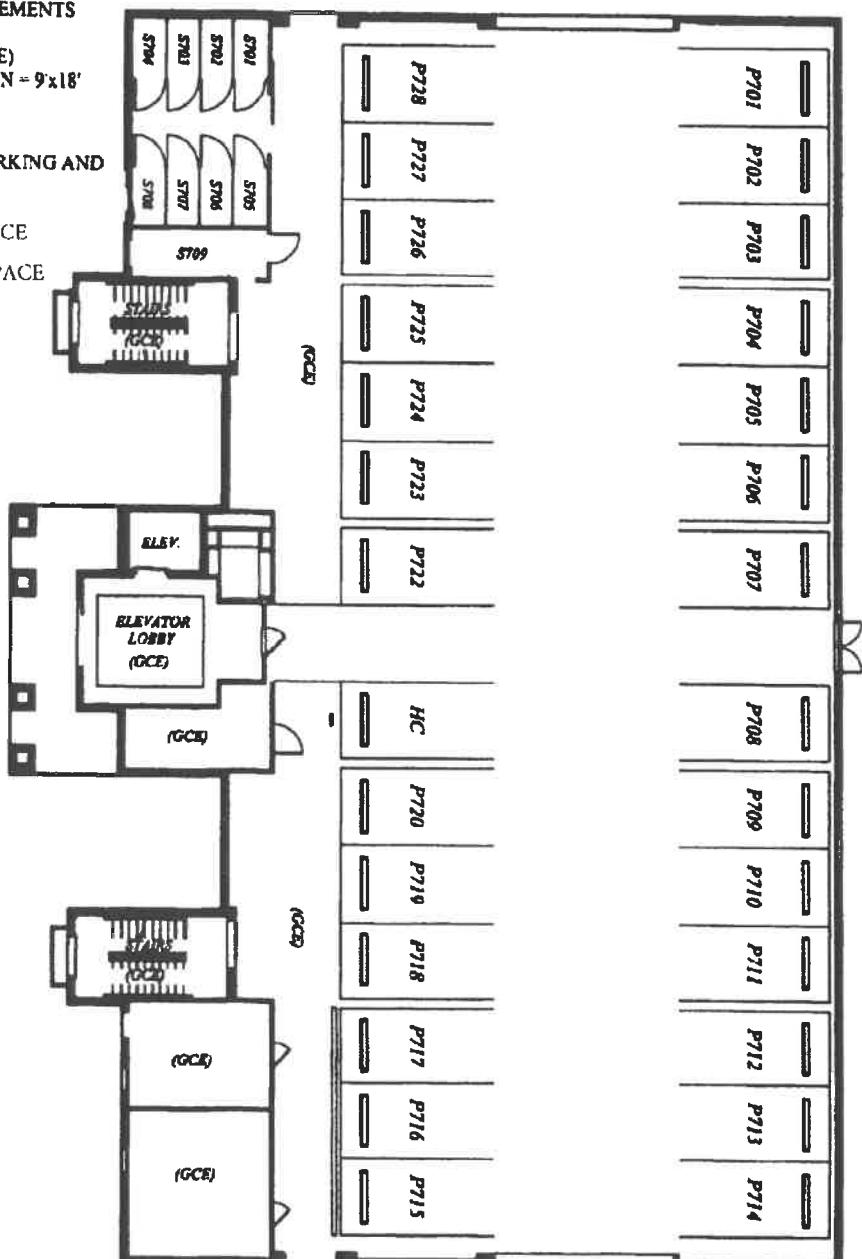
NOTES.

1. ALL PARKING AND STORAGE SPACES SHOWN HEREON ARE LIMITED COMMON ELEMENTS (LCE)
 2. GENERAL COMMON ELEMENTS (GCE)
 3. TYPICAL PARKING SPACE DIMENSION = 9'x18'

EXHIBIT "A"

**LIMITED COMMON ELEMENT PODIUM PARKING AND
STORAGE CODE:**

P- PODIUM PARKING - FOLLOWED BY SPACE NUMBER
S- STORAGE - FOLLOWED BY STORAGE SPACE NUMBER



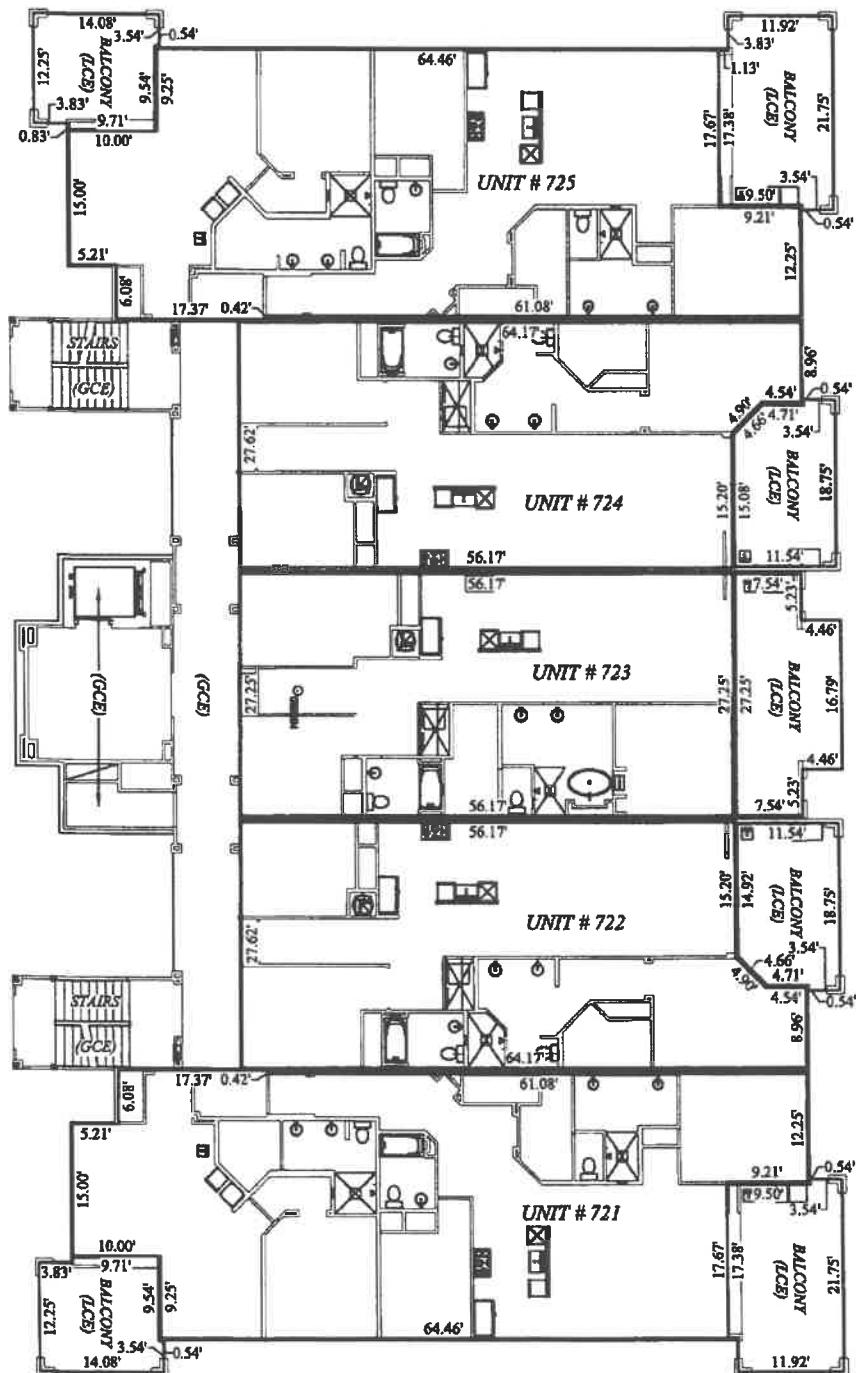
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**APPENDIX "D"
EXHIBIT "C"
THE WATERS AT
HORSESHOE BAY**

RESORT CONDOMINIUM PHASE III BUILDING 7 FIRST FLOOR LIVING AREA



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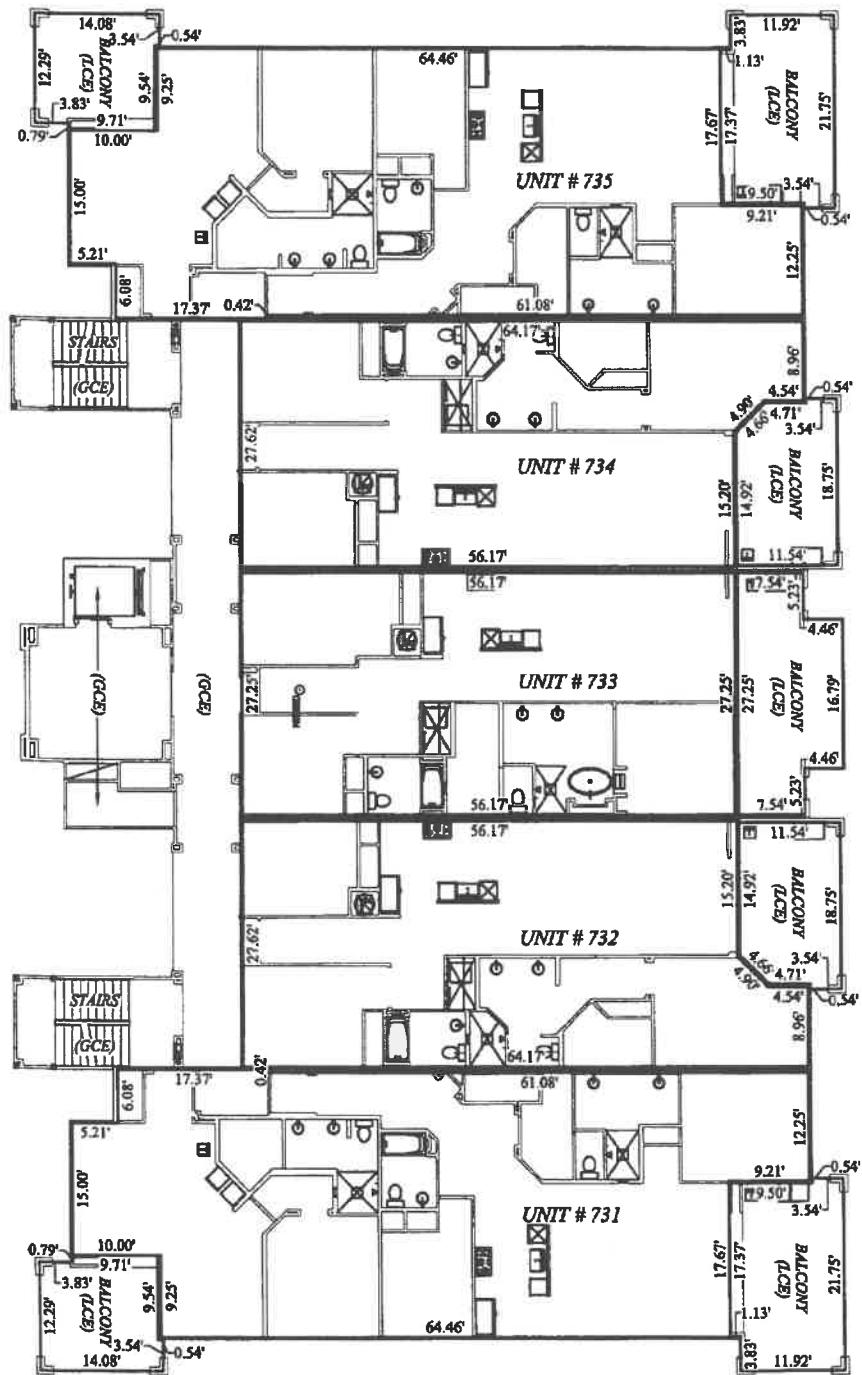


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APPENDIX "D"
EXHIBIT "C"

THE WATERS AT
HORSESHOE BAY

RESORT CONDOMINIUM PHASE III
BUILDING 7 SECOND FLOOR LIVING AREA



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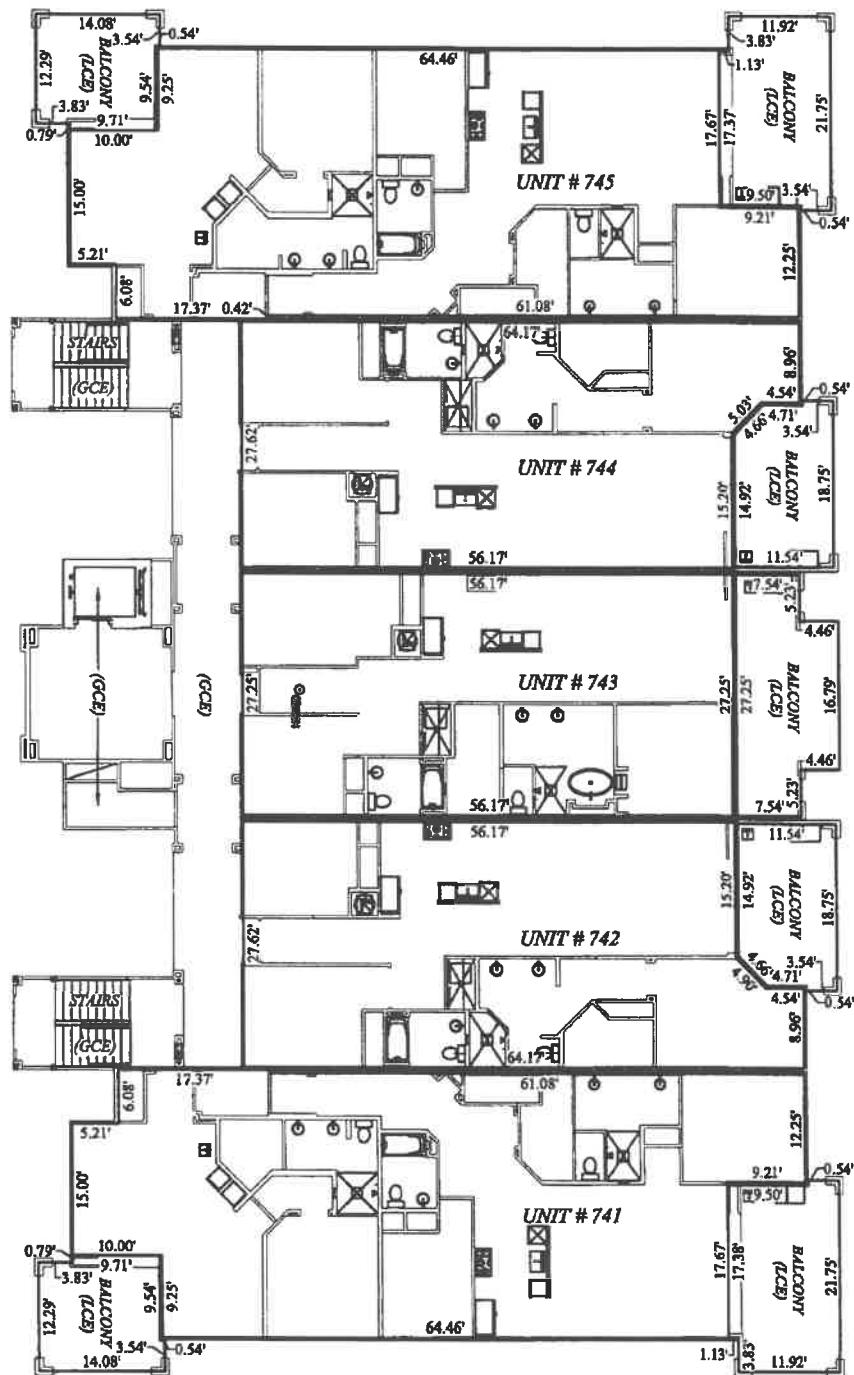
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APPENDIX "D"

EXHIBIT "C"

THE WATERS AT HORSESHOE BAY

RESORT CONDOMINIUM PHASE III BUILDING 7 THIRD FLOOR LIVING AREA



Willis - Sherman Associates, Inc.



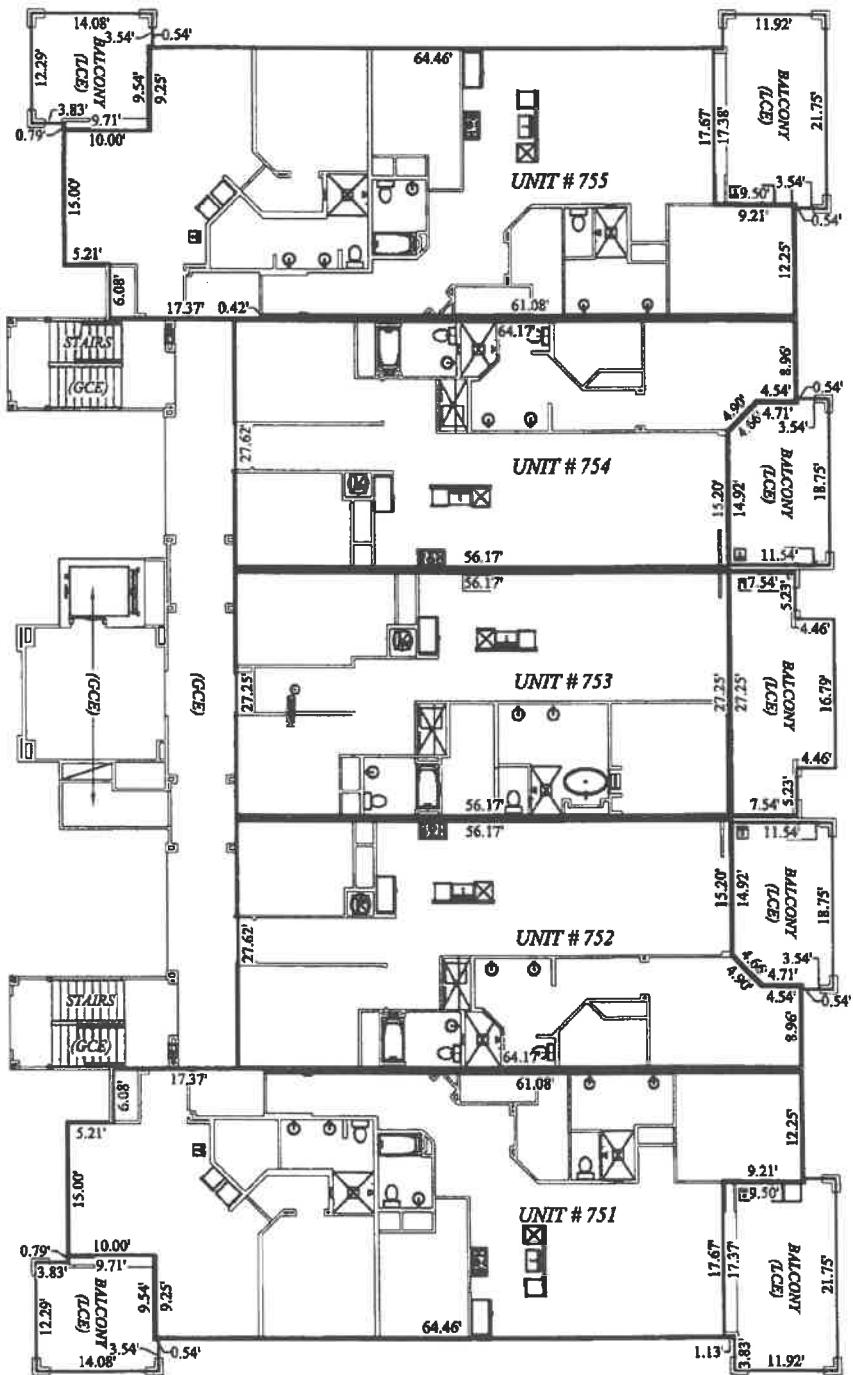
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THE WATERS AT HORSESHOE BAY

RESORT CONDOMINIUM PHASE III BUILDING 7 FOURTH FLOOR LIVING AREA



Willis - Sherman Associates, Inc.

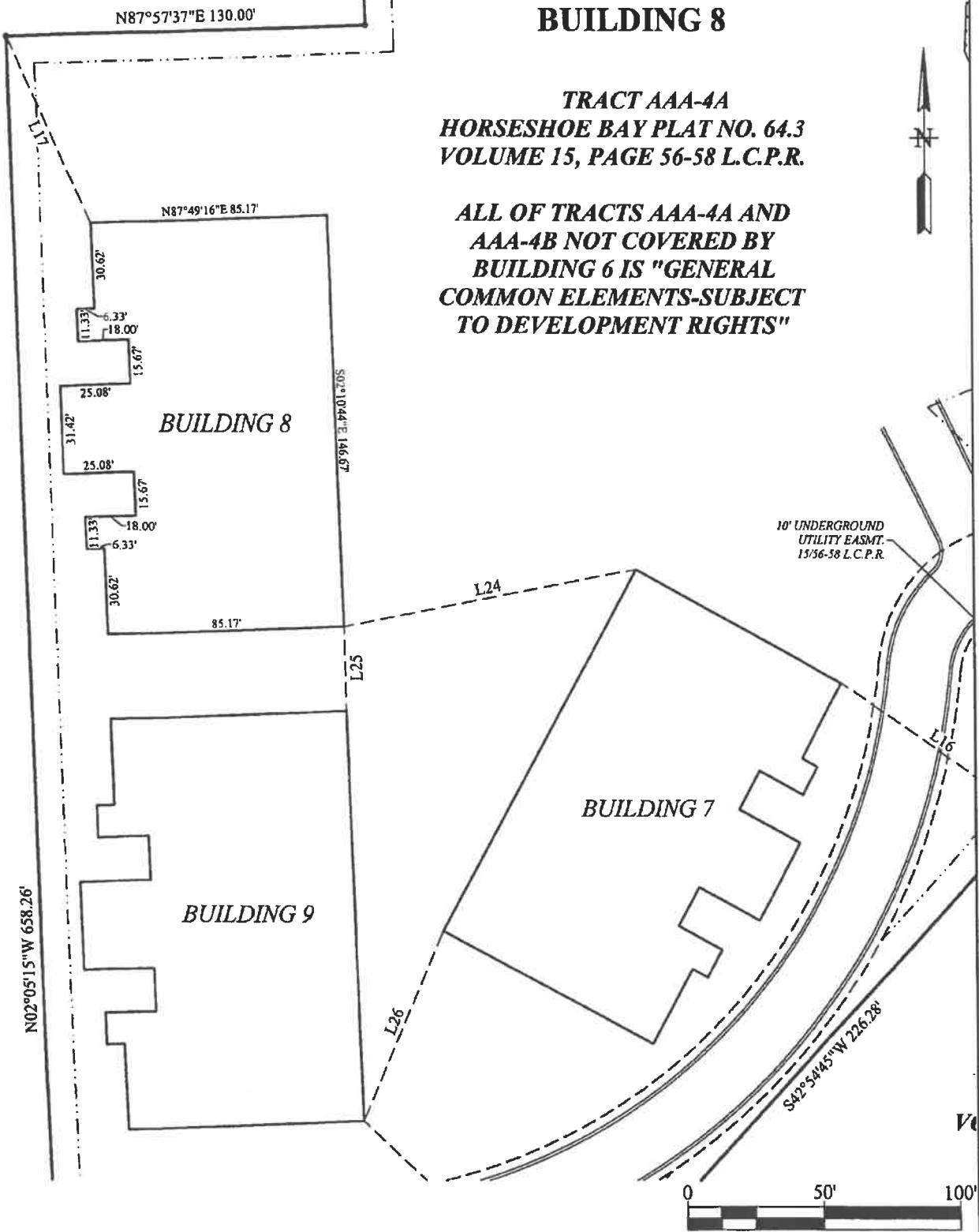


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EXHIBIT "C"
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HORSESHOE BAY
RESORT CONDOMINIUM PHASE III
BUILDING 8

**TRACT AAA-4A
HORSESHOE BAY PLAT NO. 64.3
VOLUME 15, PAGE 56-58 L.C.P.R.**

**ALL OF TRACTS AAA-4A AND
AAA-4B NOT COVERED BY
BUILDING 6 IS "GENERAL
COMMON ELEMENTS-SUBJECT
TO DEVELOPMENT RIGHTS"**



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FIRM NUMBER: 10027600

**APPENDIX "D"
EXHIBIT "C"
THE WATERS AT
HORSESHOE BAY
RESORT CONDOMINIUM
PHASE III BUILDING 8
PODIUM PARKING/STORAGE**

NOTES:

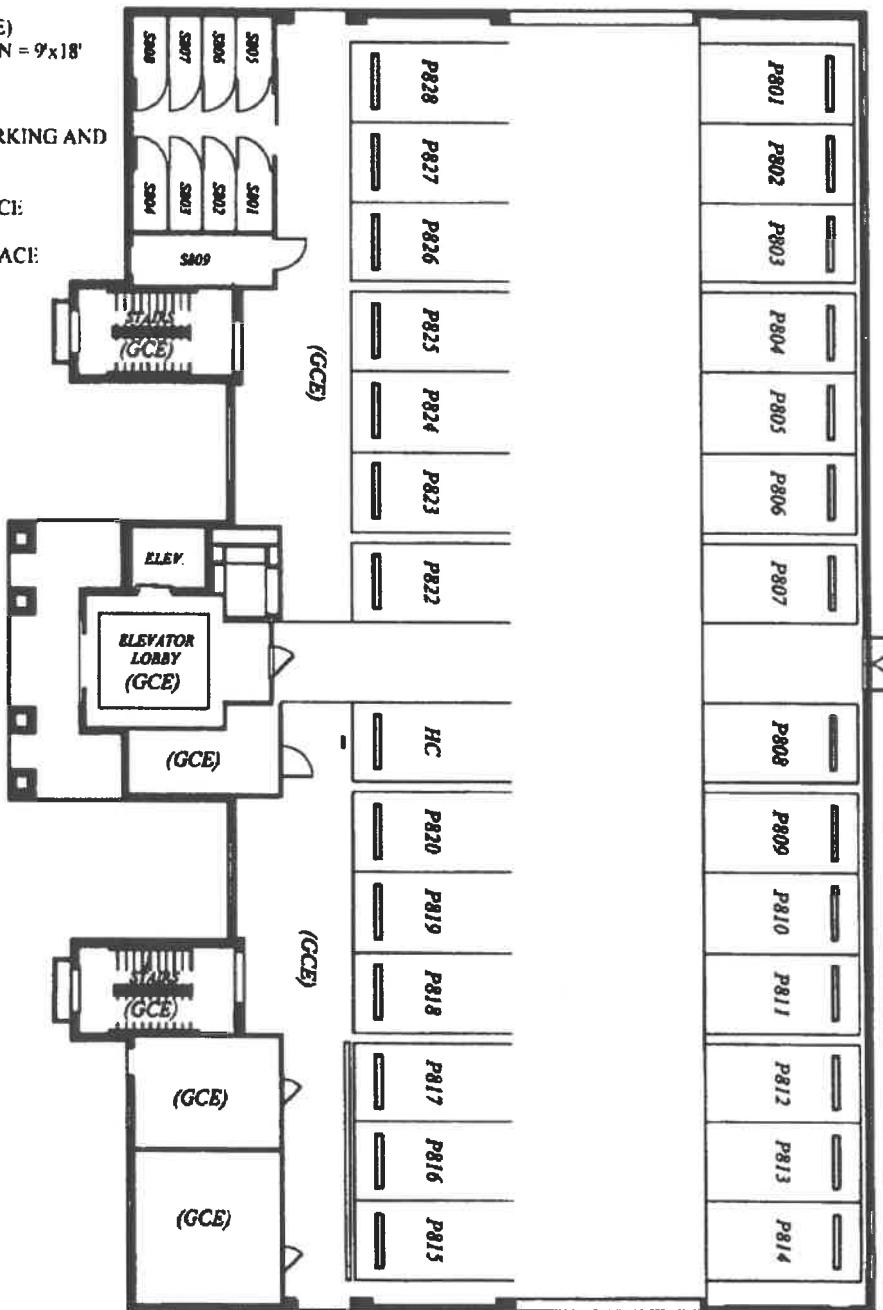
1. ALL PARKING AND STORAGE SPACES SHOWN HEREON ARE LIMITED COMMON ELEMENTS (LCE)
2. GENERAL COMMON ELEMENTS (GCE)
3. TYPICAL PARKING SPACE DIMENSION = 9'x18'

EXHIBIT "A"

LIMITED COMMON ELEMENT PODIUM PARKING AND STORAGE CODE:

P- PODIUM PARKING - FOLLOWED BY SPACE NUMBER

S- STORAGE - FOLLOWED BY STORAGE SPACE NUMBER



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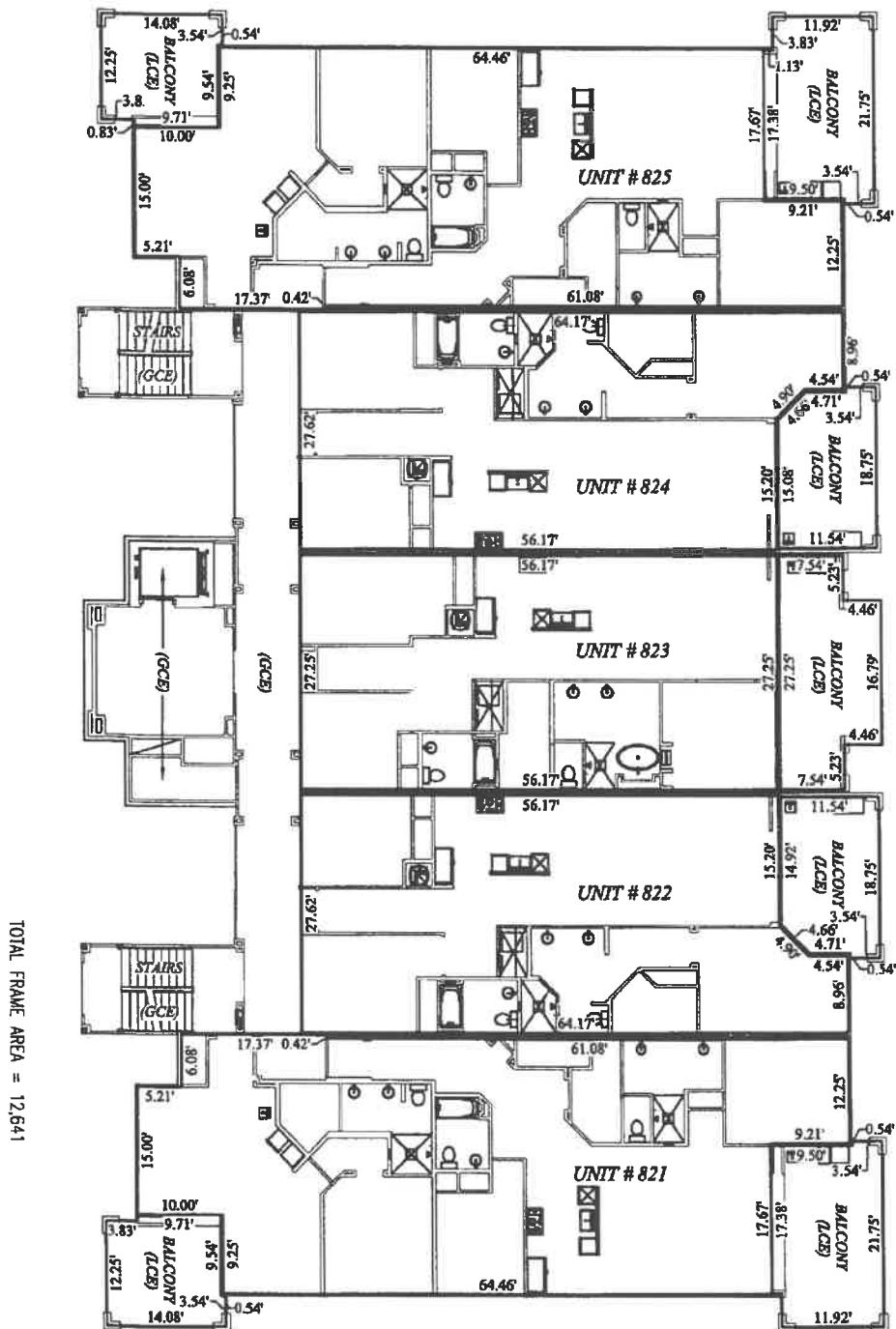


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APPENDIX "D"
EXHIBIT "C"

THE WATERS AT
HORSESHOE BAY

RESORT CONDOMINIUM PHASE III
BUILDING 8 FIRST FLOOR LIVING AREA



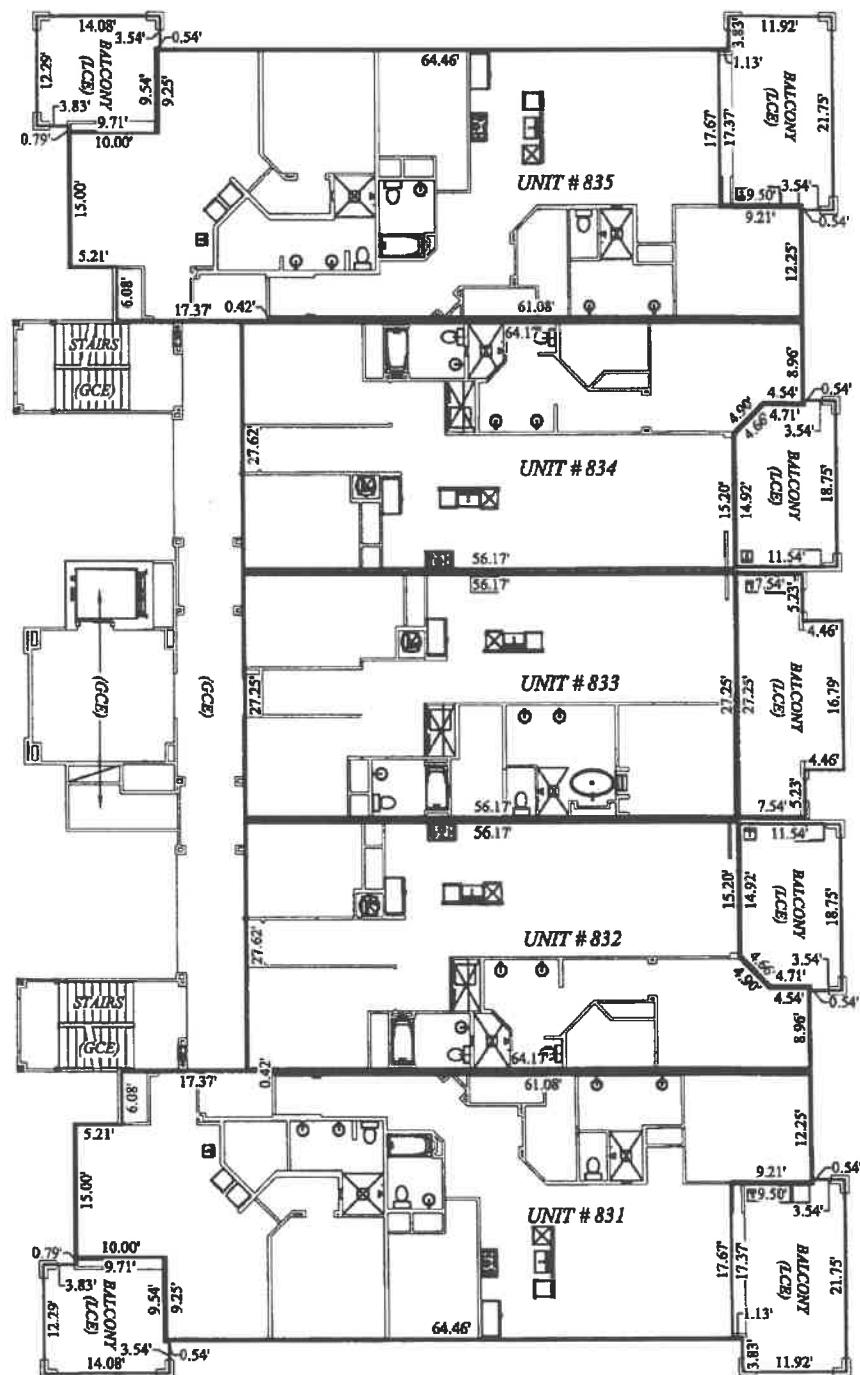
TOTAL FRAME AREA = 12,641



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APPENDIX "D"
EXHIBIT "C"
THE WATERS AT
HORSESHOE BAY
RESORT CONDOMINIUM PHASE III
BUILDING 8 SECOND FLOOR LIVING AREA



TOTAL FRAME AREA = 12,641

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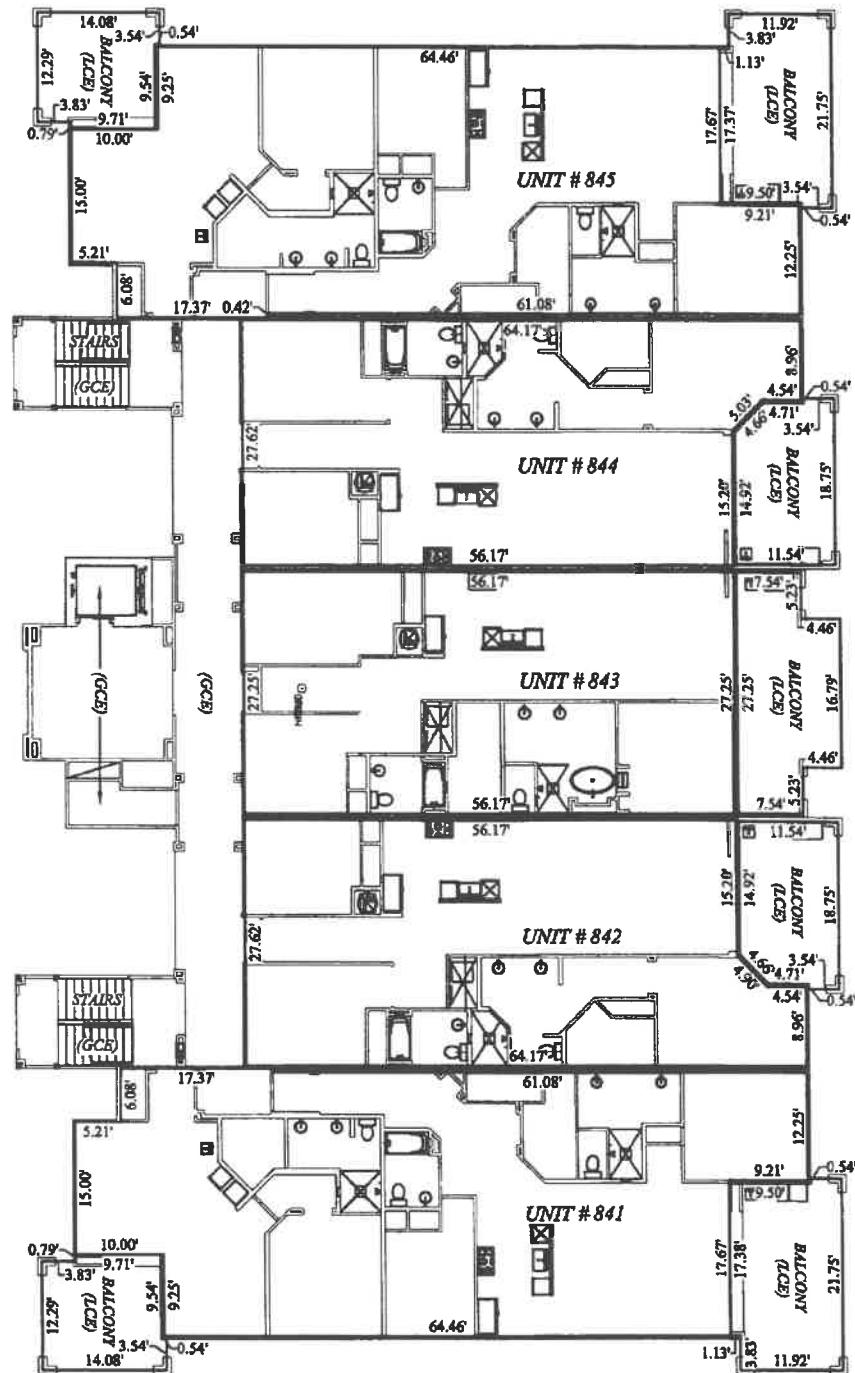
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APPENDIX "D"

EXHIBIT "C"

THE WATERS AT HORSESHOE BAY

RESORT CONDOMINIUM PHASE III BUILDING 8 THIRD FLOOR LIVING AREA



TOTAL FRAME AREA = 12,641
TOTAL FRAME AREA = 11,198 (VERIFY)

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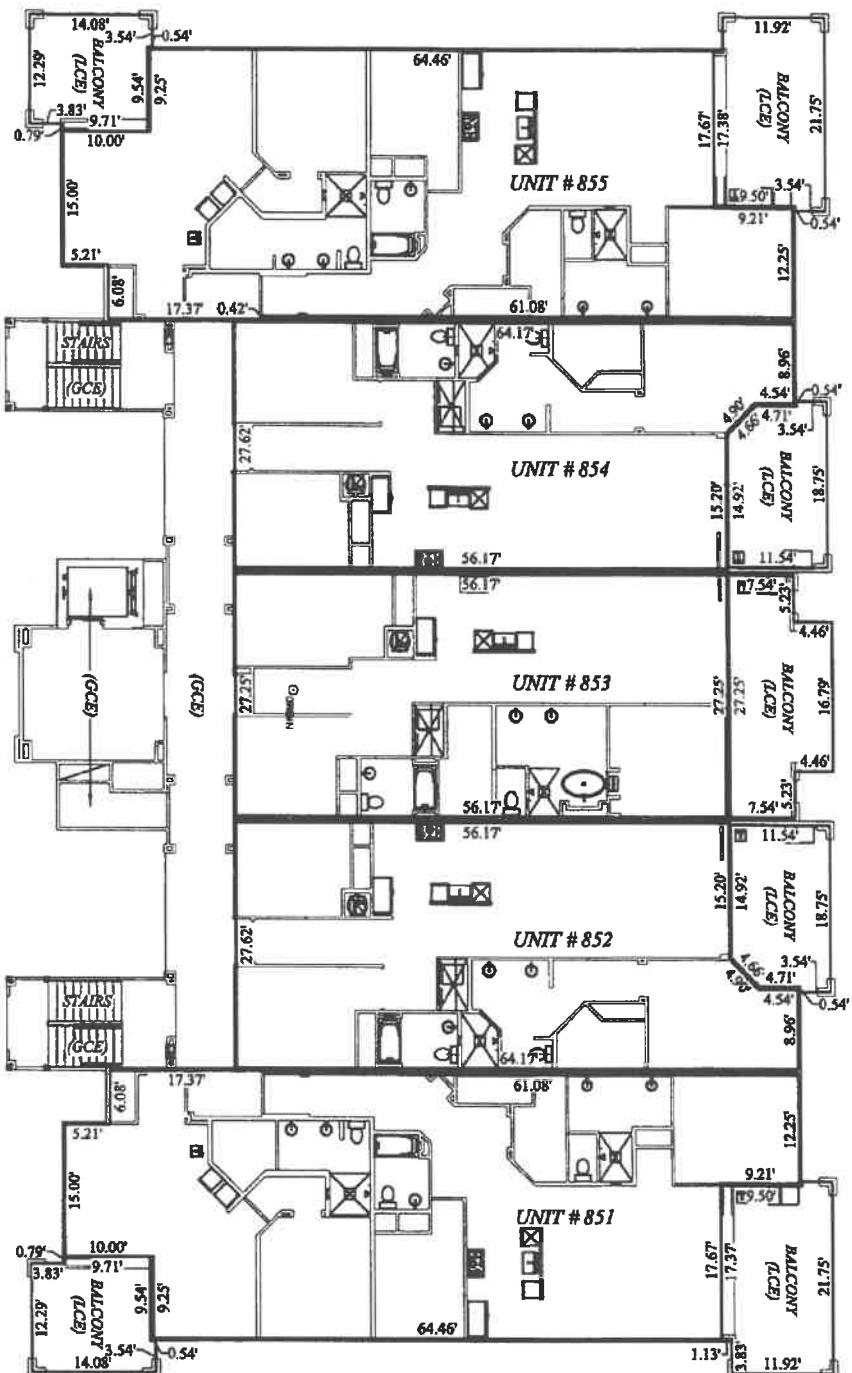


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**APPENDIX "D"
EXHIBIT "C"**

THE WATERS AT HORSESHOE BAY

**RESORT CONDOMINIUM PHASE III
BUILDING 8 FOURTH FLOOR LIVING AREA**



TOTAL FRAME AREA = 12,641
TOTAL FRAME AREA = 11,198 (VERIFY)

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FIRM NUMBER: 10027600

APPENDIX "D"

EXHIBIT "C"

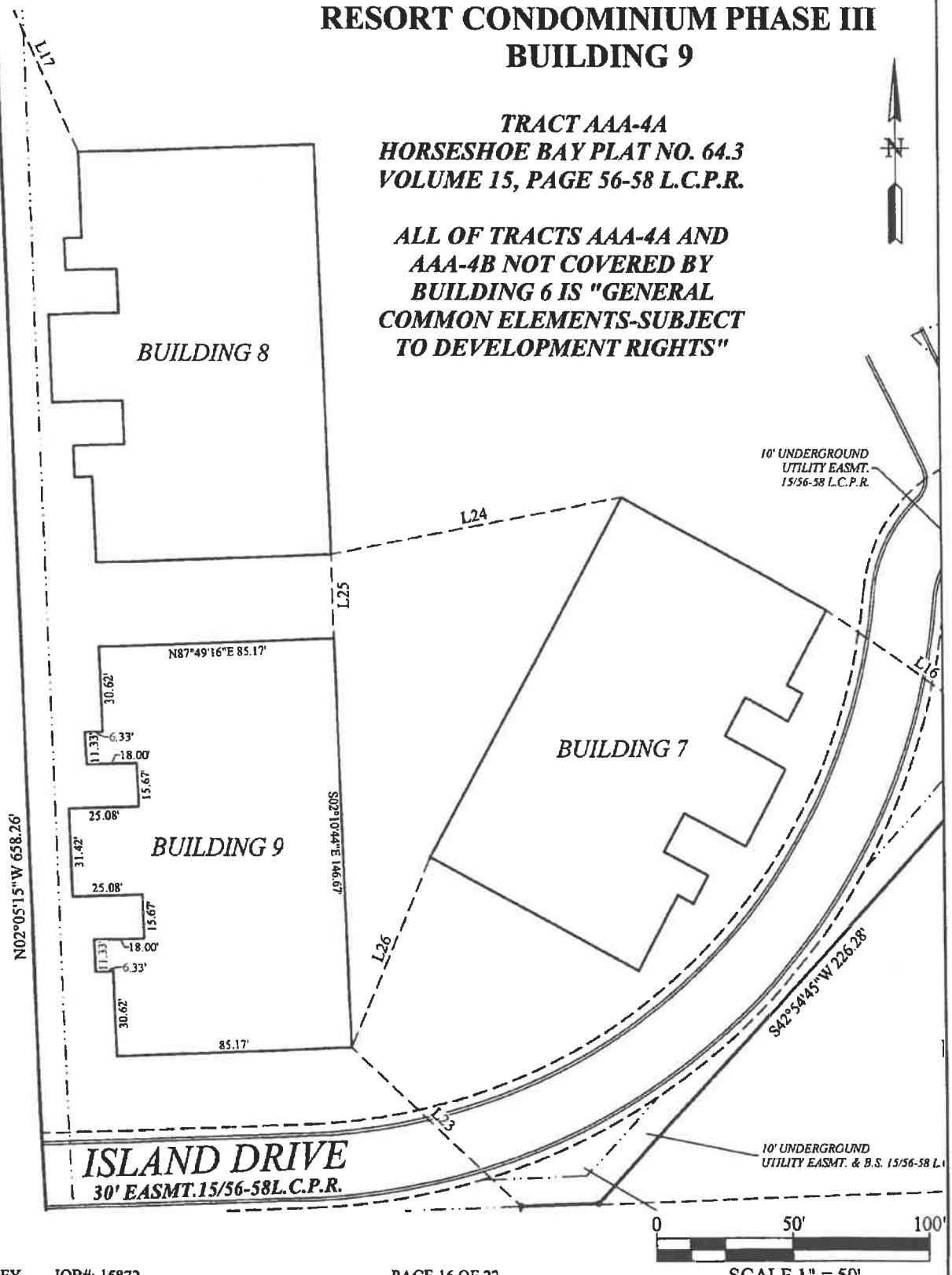
THE WATERS AT HORSESHOE BAY

RESORT CONDOMINIUM PHASE III BUILDING 9

TRACT AAA-4A

HORSESHOE BAY PLAT NO. 64.3
VOLUME 15, PAGE 56-58 L.C.P.R.

ALL OF TRACTS AAA-4A AND
AAA-4B NOT COVERED BY
BUILDING 6 IS "GENERAL
COMMON ELEMENTS-SUBJECT
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APPENDIX "D"

EXHIBIT "C"

THE WATERS AT

HORSESHOE BAY

RESORT CONDOMINIUM

PHASE III BUILDING 9

PODIUM PARKING/STORAGE

NOTES:

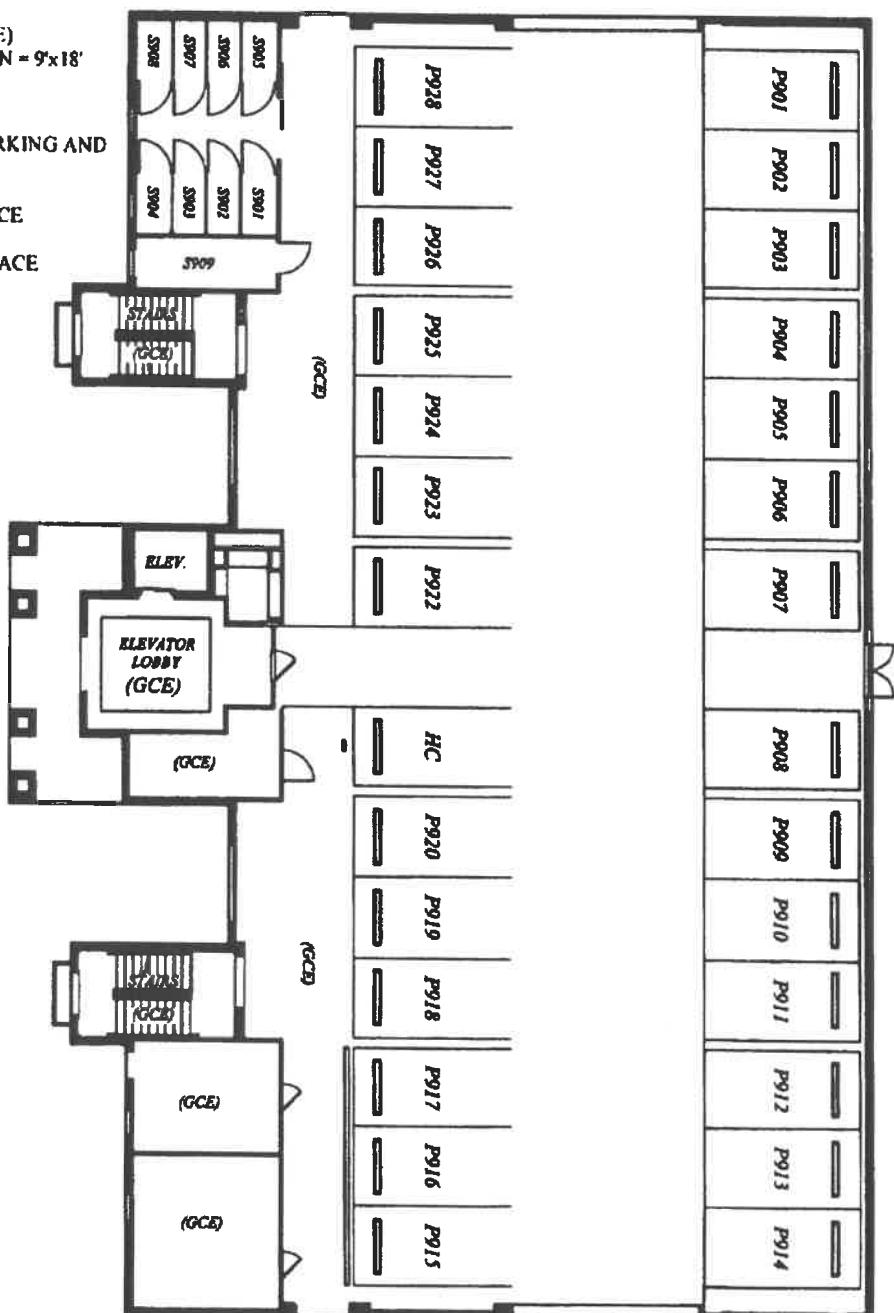
1. ALL PARKING AND STORAGE SPACES SHOWN HEREON ARE LIMITED COMMON ELEMENTS (LCE)
2. GENERAL COMMON ELEMENTS (GCE)
3. TYPICAL PARKING SPACE DIMENSION = 9'x18'

EXHIBIT "A"

LIMITED COMMON ELEMENT PODIUM PARKING AND STORAGE CODE:

P - PODIUM PARKING - FOLLOWED BY SPACE NUMBER

S - STORAGE - FOLLOWED BY STORAGE SPACE NUMBER



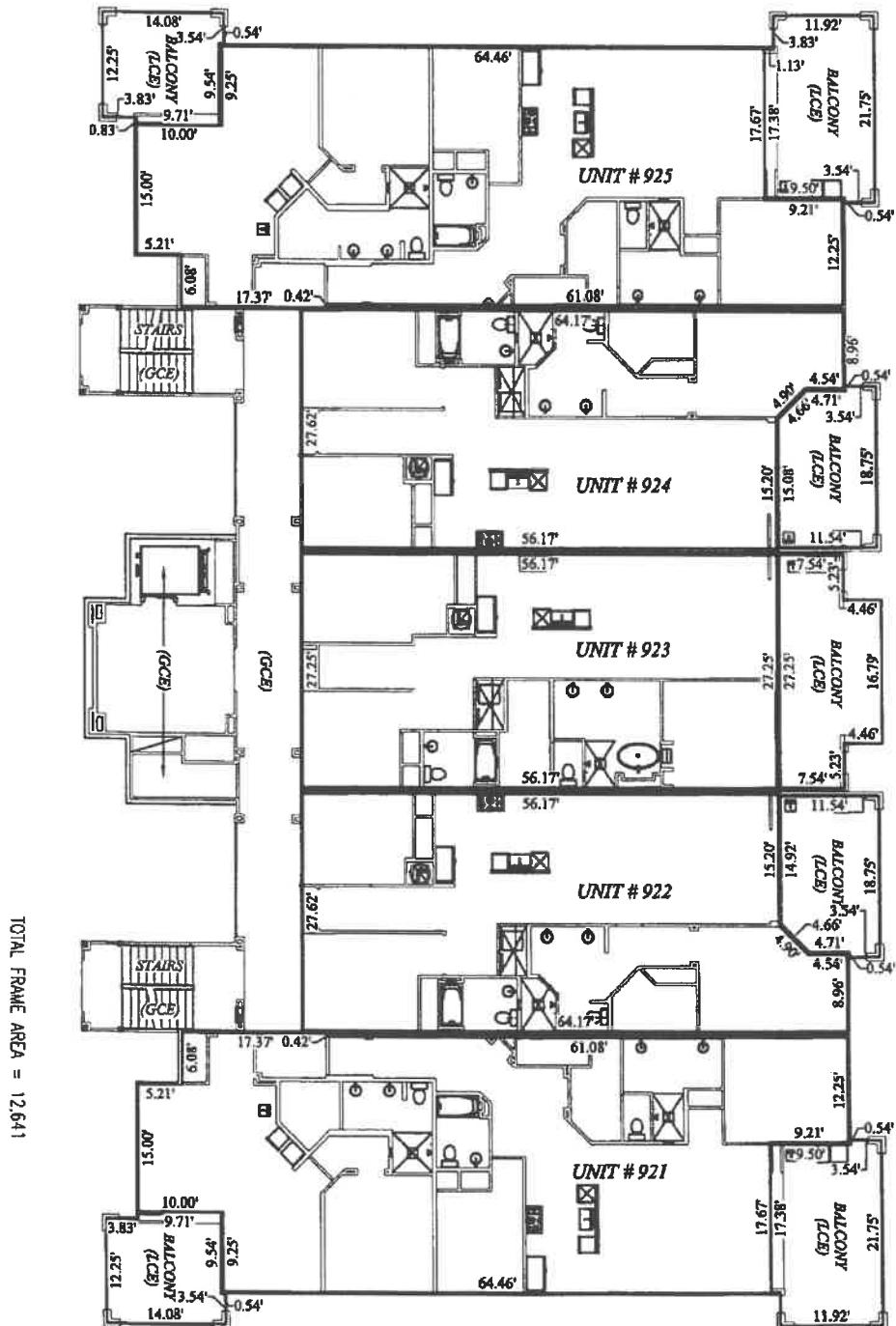
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APPENDIX "D"
EXHIBIT "C"
THE WATERS AT
HORSESHOE BAY

RESORT CONDOMINIUM PHASE III
BUILDING 9 FIRST FLOOR LIVING AREA



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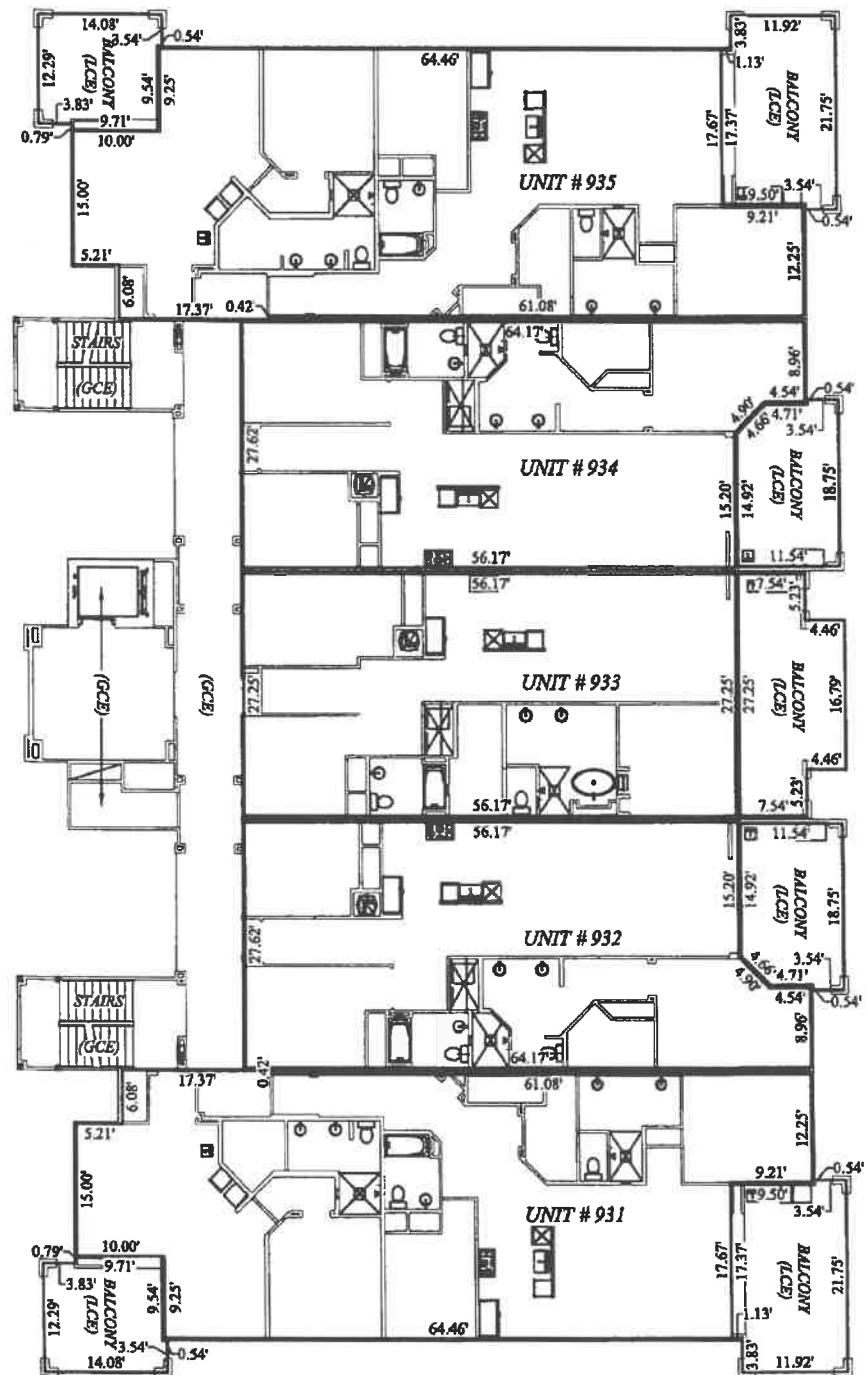


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APPENDIX "D"
EXHIBIT "C"

THE WATERS AT HORSESHOE BAY

**RESORT CONDOMINIUM PHASE III
BUILDING 9 SECOND FLOOR LIVING AREA**



TOTAL FRAME AREA = 12,641

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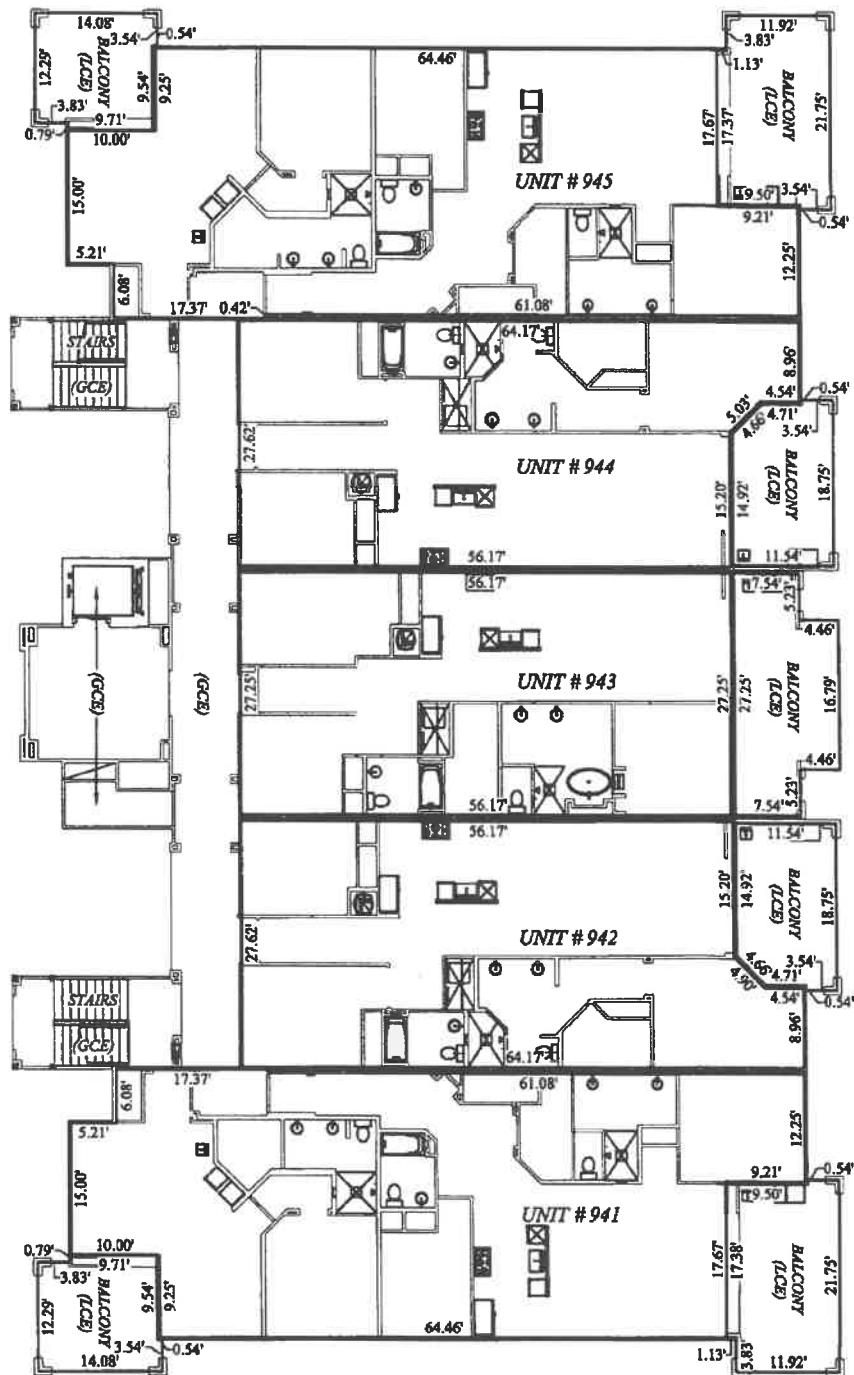
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FIRM NUMBER: 10027600

APPENDIX "D"

EXHIBIT "C"

THE WATERS AT HORSESHOE BAY

RESORT CONDOMINIUM PHASE III BUILDING 9 THIRD FLOOR LIVING AREA



TOTAL FRAME AREA = 12,641
TOTAL FRAME AREA = 11,198 (VERIFY)

Willis - Sherman Associates, Inc.



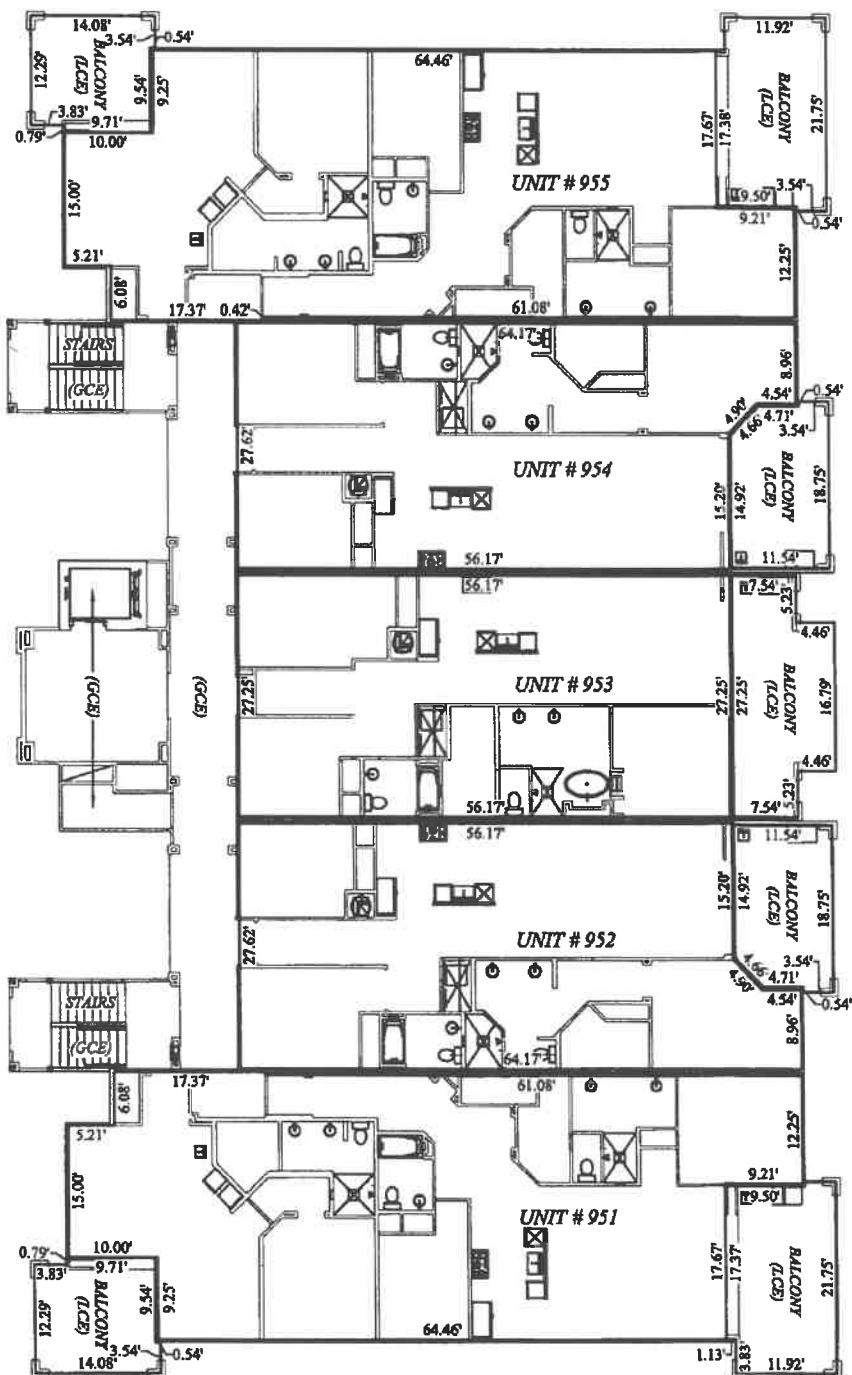
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APPENDIX "D"

EXHIBIT "C"

THE WATERS AT HORSESHOE BAY

RESORT CONDOMINIUM PHASE III BUILDING 9 FOURTH FLOOR LIVING AREA



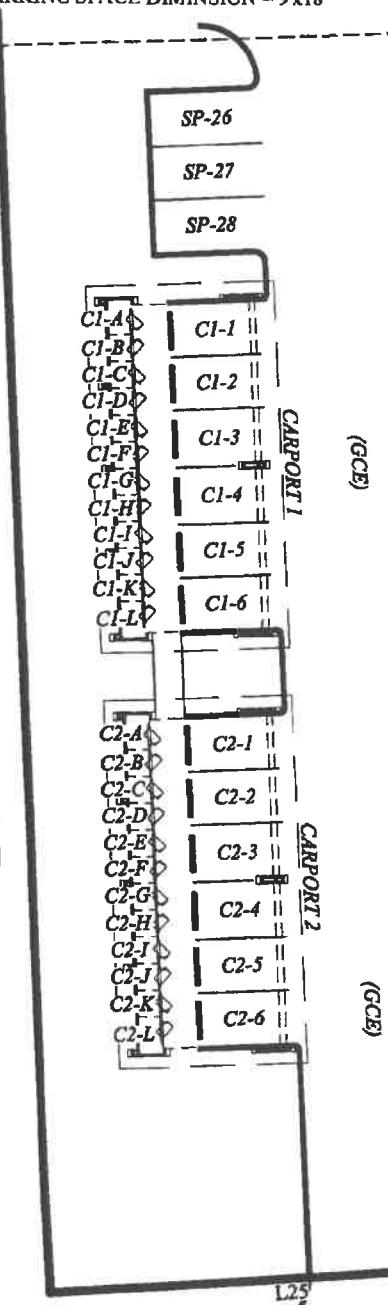
TOTAL FRAME AREA = 12,641
TOTAL FRAME AREA = 11,198 (VERIFY)



NOTES:

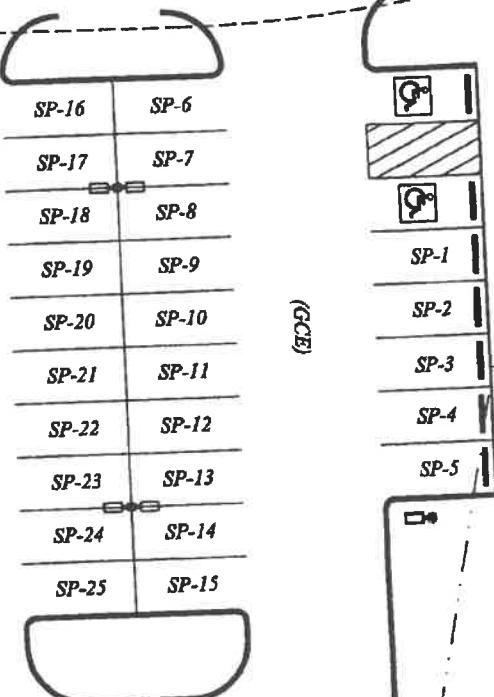
1. ALL PARKING AND STORAGE SPACES SHOWN HEREON ARE LIMITED COMMON ELEMENTS (LCE)
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3. TYPICAL PARKING SPACE DIMENSION = 9'x18'

HORSESHOE BAY BLVD
(100' R.O.W.)



APPENDIX "D"
EXHIBIT "C"
THE WATERS AT
HORSESHOE BAY
RESORT CONDOMINIUM PHASE III
LIMITED COMMON ELEMENT REMOTE
PARKING SPACES AND STORAGE

ISLAND DRIVE
(30' EASEMENT)



509°14'46" W 184°43'

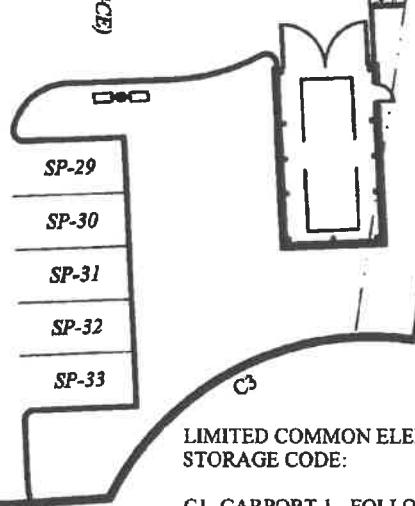


EXHIBIT "A"

LIMITED COMMON ELEMENT REMOTE PARKING AND
STORAGE CODE:

C1 - CARPORT 1 - FOLLOWED BY PARKING SPACE NUMBER
C2 - CARPORT 2 - FOLLOWED BY PARKING SPACE NUMBER

SP - OPEN PARKING SPACE - FOLLOWED BY PARKING SPACE
NUMBER

CI - CARPORT 1 - FOLLOWED BY STORAGE SPACE LETTER
C2 - CARPORT 2 - FOLLOWED BY STARAGE SPACE LETTER