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STATE OF TEXAS

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APPOINTMENT OF AGENT AND TRUSTEE

COUNTY OF HARRIS

WHEREAS, by that certain instrument entitled "*Condominium Declaration for The Elm Grove Condominium*", as amended by those certain instruments entitled "*Amendment and Correction to the Condominium Declaration for The Elm Grove Condominium*", "*Amendment and Correction to the Condominium Declaration for The Elm Grove Condominium*", "*Annexation Declaration for The Elm Grove Condominium Phase Two*", and "*Amendment to the Condominium Declaration for The Elm Grove Condominium*" (collectively the "Declaration"), executed by F. Thomas Dunn and William L. Brown Development, Inc. (the "Declarant"), respectively recorded under County Clerk's File Numbers F790933, F898044, G031269, G031270, and N247182 of the Official Public Records of Real Property of Harris County, Texas, the Declarant subjected all of those certain condominium units described in the Declaration to assessments plus other charges (the "Assessments") authorized by the Declaration or at law, all for the benefit of THE ELM GROVE HOMEOWNERS ASSOCIATION, INC., a Texas non-profit corporation; and

WHEREAS, to secure the payment of the Assessments, the Declaration and Section 82.113(d) of the Texas Uniform Condominium Act (the "Act") establish a lien on behalf of and for the benefit of THE ELM GROVE HOMEOWNERS ASSOCIATION, INC., which lien is enforceable through the power of sale granted to THE ELM GROVE HOMEOWNERS ASSOCIATION, INC. pursuant to the Act and the Declaration, subject only to any superior liens as provided in the Declaration or at law; and

WHEREAS, from time to time, owners of condominium units encumbered by the Declaration fail to timely pay the Assessments and are in default of their obligation to pay the Assessments; and

WHEREAS, THE ELM GROVE HOMEOWNERS ASSOCIATION desires to appoint an Agent and Trustee to act in its behalf to enforce the lien and exercise the power of sale granted to THE ELM GROVE HOMEOWNERS ASSOCIATION, INC. in the Act and the Declaration.

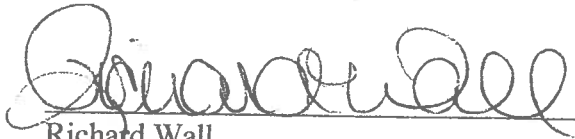
NOW, THEREFORE, THE ELM GROVE HOMEOWNERS ASSOCIATION, INC. does hereby: revoke any Appointment of Agent and/or Trustee previously made and does MAKE, CONSTITUTE, and APPOINT ROY D. HAILEY, RICK S. BUTLER, EVERETT DAY and CLIFF DAVIS, of Harris County, Texas, Agents and Trustees to act on its behalf, as directed, in enforcing its lien against any condominium unit covered by the Declaration that falls delinquent in the payment of the Assessments, grant unto ROY D. HAILEY, RICK S. BUTLER, EVERETT DAY and CLIFF DAVIS the power of sale against such condominium unit in accordance with the law, including, but not limited to, posting or causing to be posted the required notices pursuant to conducting a non-judicial foreclosure sale, agree to indemnify ROY D. HAILEY, RICK S. BUTLER, EVERETT DAY and CLIFF DAVIS for any and all losses or causes of action which may arise out of the performance of their duties hereunder (including but not limited to attorney's fees, expenses of litigation, and court costs), provided that no judgment has been entered against ROY D. HAILEY, RICK S. BUTLER, EVERETT DAY and/or CLIFF DAVIS finding that their actions complained of were willful, wanton, or reckless, or the result of gross negligence, and ratify

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any actions taken by ROY D. HAILEY, RICK S. BUTLER, EVERETT DAY and/or CLIFF DAVIS, as Agents and Trustees for THE ELM GROVE HOMEOWNERS ASSOCIATION, INC., effective from and after March 23, 2005.

EXECUTED this 25<sup>th</sup> day of August, 2006.

THE ELM GROVE HOMEOWNERS ASSOCIATION, INC. 1/01

  
Richard Wall  
President

BEFORE ME, the undersigned notary public, on this day personally appeared Richard Wall, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed. SUBSCRIBED AND SWORN TO BEFORE ME on this the 25<sup>th</sup> day of August, 2006, to certify which witness my hand and official seal.

  
Notary Public - State of Texas

After recording return to:  
Butler & Hailey  
1616 S. Voss Rd. Suite 500  
Houston, Texas 77057

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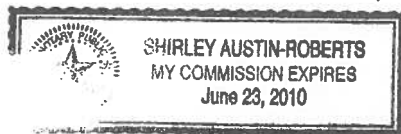
RECORDER'S MEMORANDUM  
Acknowledgment Incomplete

FILED

06 SEP -8 PM 3:43

*Beverly B. Keyfman*

COUNTY CLERK  
HARRIS COUNTY, TEXAS



ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNFORCEABLE UNDER FEDERAL LAW. THE STATE OF TEXAS  
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in file number Sequence on the date and at the time stamped hereon by me; and was duly RECORDED. In the Official Public Records of Real Property of Harris County Texas on

SEP - 8 2006



*Bessie B. Kayman*

COUNTY CLERK  
HARRIS COUNTY, TEXAS