

EXECUTED to be effective as of the 22 day of March, 2010.

**DECLARANT:**

**CASTLETOP CAPITAL ENERGY, L.P.**, a Texas limited partnership

By: Castletop Capital Management, L.P., a Texas limited partnership, its General Partner

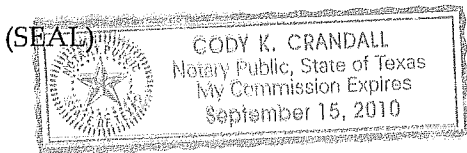
By: Castletop Capital GP, LLC, a Texas limited liability company, its general partner

By: [Signature]  
Printed Name: Richard Topfer  
Title: Managing Director

THE STATE OF TEXAS §

COUNTY OF Tarrant §

This instrument was acknowledged before me this 22 day of March, 2010 by Richard Topfer, Managing Dir. of Castletop Capital GP, LLC, a Texas limited liability company, general partner of Castletop Capital Management, L.P., a Texas limited partnership, general partner of Castletop Capital Energy, L.P., a Texas limited partnership, on behalf of said limited liability company and limited partnership.



[Signature]  
Notary Public Signature



**AFTER RECORDING RETURN TO:**

Robert D. Burton, Esq.  
Armbrust & Brown, L.L.P.  
100 Congress Ave., Suite 1300  
Austin, Texas 78701

**TENTH AMENDMENT TO  
DECLARATION OF CONDOMINIUM REGIME  
FOR PARADISO VILLAS**

*A Residential Condominium, Located in Williamson County, Texas*

ADDING UNITS 2, 3, 4, 5, 18, 19, 20, 21, 29, 30, 31, 32, 55, 56, 57, 58, 59, 60, 61, 62, 82, 83, 84, 85,  
86, 87, 88, 89, 98, 99, 100, 101, 102, 103, 104 AND 105

Cross Reference to Declaration of Condominium Regime for Paradiso Villas recorded as Document No. 200609882 in the Official Public Records of Williamson County, Texas, as amended by that certain First Amendment Declaration of Condominium Regime for Paradiso Villas recorded as Document No. 2007023480 in the Official Public Records of Williamson County, Texas, as amended by that certain Second Amendment Declaration of Condominium Regime for Paradiso Villas recorded as Document No. 2007063486 in the Official Public Records of Williamson County, Texas, as amended by that certain Third Amendment Declaration of Condominium Regime for Paradiso Villas recorded as Document No. 2007104795 in the Official Public Records of Williamson County, Texas, as amended by that certain Fourth Amendment Declaration of Condominium Regime for Paradiso Villas recorded as Document No. 2008011334 in the Official Public Records of Williamson County, Texas, as amended by that certain Fifth Amendment Declaration of Condominium Regime for Paradiso Villas recorded as Document No. 2008041131 in the Official Public Records of Williamson County, Texas, as amended by that certain Sixth Amendment Declaration of Condominium Regime for Paradiso Villas recorded as Document No. 2008069380 in the Official Public Records of Williamson County, Texas, as amended by that certain Seventh Amendment Declaration of Condominium Regime for Paradiso Villas recorded as Document No. 2009007301 in the Official Public Records of Williamson County, Texas, as amended by that certain Eighth Amendment Declaration of Condominium Regime for Paradiso Villas recorded as Document No. 2009072877 in the Official Public Records of Williamson County, Texas and further amended by that certain Ninth Amendment Declaration of Condominium Regime for Paradiso Villas recorded as Document No. 2009089892 in the Official Public Records of Williamson County, Texas

**TENTH AMENDMENT TO DECLARATION OF CONDOMINIUM REGIME  
FOR PARADISO VILLAS**

This Tenth Amendment to Declaration of Condominium Regime for Paradiso Villas (the "Amendment") is made **CASTLETOP CAPITAL ENERGY, L.P.**, a Texas limited partnership ("Declarant"), and is as follows:

**RECITALS:**

A. The Paradiso Villas, a condominium regime (the "Regime"), located in Williamson County, Texas, was established pursuant to that certain Declaration of Condominium Regime for Paradiso Villas recorded as Document No. 200609882 in the Official Public Records of Williamson County, Texas, as amended by that certain First Amendment Declaration of Condominium Regime for Paradiso Villas recorded as Document No. 2007023480 in the Official Public Records of Williamson County, Texas, as amended by that certain Second Amendment Declaration of Condominium Regime for Paradiso Villas recorded as Document No. 2007063486 in the Official Public Records of Williamson County, Texas, as amended by that certain Third Amendment Declaration of Condominium Regime for Paradiso Villas recorded as Document No. 2007104795 in the Official Public Records of Williamson County, Texas, as amended by that certain Fourth Amendment Declaration of Condominium Regime for Paradiso Villas recorded as Document No. 2008011334 in the Official Public Records of Williamson County, Texas, as amended by that certain Fifth Amendment Declaration of Condominium Regime for Paradiso Villas recorded as Document No. 2008041131 in the Official Public Records of Williamson County, Texas, as amended by that certain Sixth Amendment Declaration of Condominium Regime for Paradiso Villas recorded as Document No. 2008069380 in the Official Public Records of Williamson County, Texas, as amended by that certain Seventh Amendment Declaration of Condominium Regime for Paradiso Villas recorded as Document No. 2009007301 in the Official Public Records of Williamson County, Texas, as amended by that certain Eighth Amendment Declaration of Condominium Regime for Paradiso Villas recorded as Document No. 2009072877 in the Official Public Records of Williamson County, Texas and further amended by that certain Ninth Amendment Declaration of Condominium Regime for Paradiso Villas recorded as Document No. 2009089892 in the Official Public Records of Williamson County, Texas (collectively, the "Declaration").

B. Pursuant to *Provision A.3.11* of Appendix "A" to the Declaration, Declarant may amend the Declaration unilaterally and without the consent of other Owners or any mortgagee to create Units, General Common Elements and Limited Common Elements within the Property.

C. In accordance with *Provision A.3.9* of Appendix "A" to the Declaration, Declarant has reserved the right, during the Development Period, to create Units, General Common Elements, and Limited Common Elements within the Property. The "Development Period" as such term is defined in the Declaration, is a seven (7) year period commencing on the date the

Declaration was recorded in the Official Public Records of Williamson County, Texas. The Declaration was recorded in the Official Public Records of Williamson County, Texas, on November 13, 2006.

D. Declarant desires to amend the Declaration for the purpose of creating thirty-six (36) additional Units within the Regime. The total number of Units within the Regime after giving effect to this Amendment is equal to eighty-five (85), and the total number of Units which Declarant has reserved the right to create by amendment is equal to fifty-two (52).

NOW THEREFORE, the Declaration is hereby amended as follows:

1. **Creation of Units.** In accordance with the rights reserved by the Declarant pursuant to *Section 5.1* of the Declaration and *Provisions A.3.9 and A.3.11* of Appendix "A" to the Declaration, Declarant hereby creates thirty-six (36) Units, which are designated as Unit Nos. 2, 3, 4, 5, 18, 19, 20, 21, 29, 30, 31, 32, 55, 56, 57, 58, 59, 60, 61, 62, 82, 83, 84, 85, 86, 87, 88, 89, 98, 99, 100, 101, 102, 103, 104 and 105 (collectively, the "New Units"). The New Units are hereby classified as Units which MUST BE BUILT.

2. **Replacement of Attachment 2.** Attachment 2 to the Declaration is hereby deleted in its entirety and the Plats and Plans attached hereto as Attachment 1 (the "New Plats and Plans") are substituted in their place. The New Plats and Plans: (i) assign an identifying number to all Units; (ii) describe the portion of the limited common elements created or assigned to all Units; and (iii) include the information required by Section 82.059 of the Texas Uniform Condominium Act.

3. **Replacement of Attachment 3.** The Percentage Interests allocated to all Units within the Regime, after the addition of the New Units, is set forth on Attachment 2, attached hereto. Attachment 2, attached hereto, will supersede and replace Attachment 3 attached to the Declaration.

4. **Miscellaneous.** Any capitalized terms used and not otherwise defined herein shall have the meanings set forth in the Declaration. Unless expressly amended by this Amendment, all other terms and provisions of the Declaration remain in full force and effect as written, and are hereby ratified and confirmed.

[SIGNATURE PAGE FOLLOWS]

**RELEASE OF OPTION AGREEMENT**  
**AND CONSTRUCTION AGREEMENT**  
**(Silverado/Paradiso Villas)**

WHEREAS, as of the 9th day of January, 2006, Castletop Capital Energy, L.P., a Texas limited partnership, as Owner ("Castletop"), and Newmark Homes, L.P., a Texas limited partnership, as Builder ("Newmark"), entered into an Option Agreement (as amended, the "Option Agreement"), wherein Purchaser agreed to purchase the following described property:

Lot 2, SILVERADO MULTI-FAMILY, SECTION 2, a subdivision in Williamson County, Texas, according to the map or plat thereof recorded in Cabinet BB, Slide 104-105 of the Plat Records of Williamson County, Texas; now made into condominium units known as PARADISO VILLAS, a condominium regime in WILLIAMSON County, Texas, according to the Condominium Declaration, dated November 9, 2006, filed November 13, 2006, recorded in/under 2006098882 of the Real Property Records of WILLIAMSON County, Texas (the "Property");

WHEREAS, as of even date therewith, Newmark and Castletop entered into that certain Construction Agreement regarding construction of certain improvements on the Property;

WHEREAS, Newmark has filed for bankruptcy protection under Title 11 of the U.S. Code; however, Newmark represents and warrants to Castletop that this Release is executed in the ordinary course of Newmark's business;

WHEREAS, Newmark is unable to complete the purchase of the Property per the terms of the above-described Option Agreement, and has consented to the release of the Unit Option Deposit and all interest accrued thereon, to Castletop;

WHEREAS, Newmark does not wish to continue to perform under the Construction Agreement;

NOW, THEREFORE, Newmark does hereby release and relinquish any and all interest which it may have in the Unit Option Deposit, Castletop does hereby release and relinquish any and all interest it may have in the payment of any Additional Purchase Price (as defined in the Fourth Amendment to Option Agreement, dated August 8, 2008) for Units previously purchased by Newmark, and both the Option Agreement and Construction Agreement shall be and are hereby null and void.

FURTHER, Newmark and Castletop and their agents, representatives, employees, successors and assigns hereby remise, release and forever discharge each other and their agents, officers, directors, shareholders, partners, employees, affiliates, insurers, attorneys, parent companies, sibling companies, subsidiaries, successors and assigns of and from any and all claims under the Construction Agreement or Option Agreement, whether known or unknown, under the laws of any jurisdiction, which the parties now have or claim to have against each other, including but not limited to any

claims by Castletop for the payment of any Additional Purchase Price.


Capitalized terms not otherwise defined herein have the meanings given in the Construction Agreement.

This Release may be executed simultaneously or in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same agreement.

NEWMARK:

NEWMARK HOMES, L.P., Debtor in Possession,  
a Texas limited partnership

By: TOUSA Homes, Inc, Debtor in Possession,  
A Florida corporation, its general partner

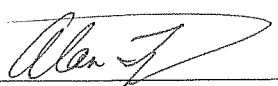
By:   
Name: Stephen Kasch  
Title: Sup

CASTLETOP:

CASTLETOP CAPITAL ENERGY, L.P.  
a Texas limited partnership

By: Castletop Capital Management, L.P.,  
a Texas limited partnership  
its General Partner

By: Castletop Capital GP, LLC, a Texas limited liability  
company, its general partner

By:  4/21/09  
Alan D. Topfer, Managing Director