

ANNEXATION AND SUPPLEMENTAL DECLARATION
OF COVENANTS, CONDITIONS AND RESTRICTIONS

for
ADDITIONAL LAND

[A 3.643 acre tract to be developed as a part of Terra del Sol, Section Seven (7)]

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

WHEREAS, by instrument entitled "Second Amended and Restated Declaration of Covenants, Conditions and Restrictions for Terra del Sol" dated February 21, 2006 and executed by Richfield Homes at Terra del Sol, LP, a Delaware limited partnership ("**Original Declarant**"), which was filed of record in the Official Public Records of Real Property of Harris County, Texas, under Clerk's File No. Z119435 (the "**Declaration**"), the real property described below was subjected to the easements, covenants, conditions and restrictions set forth in the Declaration and the jurisdiction of Terra Del Sol Homeowners Association, Inc. (the "**Association**").

Terra del Sol, Section Three (3), a subdivision located in Harris County, Texas according to the map or plat recorded under Film Code No. 544195 of the Map Records of Harris County, Texas; and

Terra del Sol, Section Four (4), a subdivision located in Harris County, Texas according to the map or plat recorded under Film Code No. 560105 of the Map Records of Harris County, Texas;

and,

WHEREAS, the Declaration was amended by instrument entitled "First Amendment to Second Amended and Restated Declaration of Covenants, Conditions and Restrictions for Terra del Sol" filed of record in the Official Public Records of Real Property of Harris County, Texas under Clerk's File No. 20130528465 (the Declaration as amended hereinafter still referred to as the "Declaration");

WHEREAS, Article 9, Section 9.1, of the Declaration, entitled "**Annexation Without Approval of Class "A" Membership**", provides:

Section 9.1 Annexation Without Approval of Class "A" Membership.
As the record owner thereof, or if not the record owner, with the consent of the record owner thereof, Declarant shall have the unilateral right, privilege, and option, from time-to-time at any time until thirty (30) years from the date this Declaration is recorded in Harris County, Texas, to subject to the provisions of this Declaration and the jurisdiction of the Association additional real property, by filing for record in the Official

Public Records of Real Property of Harris County, Texas, a Supplemental Declaration annexing such property. Such Supplemental Declaration shall not require the vote of the Members of the Association or approval by any Person. Any such annexation shall be effective upon the filing of record of such Supplemental Declaration, unless otherwise provided therein.

Declarant shall have the unilateral right to transfer to any other Person the said right, privilege, and option to annex additional property which is herein reserved to Declarant, provided that such transferee or assignee shall be the developer of at least a portion of the real property so annexed.

and,

WHEREAS, additional land was previously annexed and made subject to the provisions of the Declaration, as amended, by instrument entitled "Annexation and Supplemental Declaration of Covenants, Conditions and Restrictions for Terra del Sol, Sections Six (6) and Seven (7)" recorded in the Official Public Records of Real Property of Harris County, Texas on January 23, 2014 under Clerk's File No. 20140028862, which additional land is described by metes and bounds in Exhibit "A" attached to such instrument; and

WHEREAS, the Annexation and Supplemental Declaration of Covenants, Conditions and Restrictions for Terra del Sol, Sections Six (6) and Seven (7) [the "**Supplemental Declaration for Sections (6) and Seven (7)**"] was amended by instrument entitled "First Amendment to Annexation and Supplemental Declaration of Covenants, Conditions and Restrictions for Terra del Sol, Sections Six (6) and Seven (7)" recorded in the Official Public Records of Real Property of Harris County, Texas on March 23, 2018 under Clerk's File No. 2018-121776 (hereinafter referred to as the "**First Amendment to Supplemental Declaration**"); and

WHEREAS, Original Declarant assigned its rights to Terra del Sol, a California limited partnership ("**Successor Declarant**") by instrument entitled "Assignment of Declarant's Rights" filed of record in the Official Public Records of Real Property of Harris County, Texas under Clerk's File No. 20140029480;

WHEREAS, additional land was previously annexed and subjected to the provisions of the Declaration and the jurisdiction of the Association by Successor Declarant by instruments duly recorded in the Official Public Records of Real Property of Harris County, Texas; and

WHEREAS, Successor Declarant assigned its rights to K. Hovnanian Houston Terra Del Sol, LLC ("**Second Successor Declarant**") by instrument entitled "Assignment of Declarant's Rights" filed of record in the Official Public Records of Real Property of Harris County, Texas under Clerk's File No. 2018-155989; and

WHEREAS, Second Successor Declarant is the owner of the property described by metes and bounds in Exhibit "A" attached hereto and incorporated herein for all purposes (the "**Additional Land**"); and

WHEREAS, Second Successor Declarant desires to annex the Additional Land and subject the Additional Land to the provisions of the Declaration, the Supplemental Declaration for Sections Six (6) and Seven (7), the First Amendment to Supplemental Declaration and the jurisdiction of the Association;

NOW, THEREFORE, Second Successor Declarant does hereby annex the Additional Land and subject the Additional Land to all of the covenants, conditions and restrictions set forth in the Declaration, as amended, the Supplemental Declaration for Terra del Sol, Sections Six (6) and Seven (7), and the First Amendment to Supplemental Declaration. All provisions of the Declaration, as amended, the Supplemental Declaration for Sections (6) and Seven (7), and the First Amendment to Supplemental Declaration, will apply to the Additional Land with the same force and effect as if the Additional Land was originally included in the property subject to the Declaration, the Supplemental Declaration for Sections (6) and Seven (7), and the First Amendment to Supplemental Declaration, including the provisions in the Declaration relating to the payment of assessments to the Association. The Additional Land will be developed, improved, sold, used and enjoyed in accordance with, and subject to, the provisions of the Declaration, as previously and as hereafter amended, the Supplemental Declaration for Sections (6) and Seven (7), and the First Amendment to Supplemental Declaration, as may be hereafter amended. All provisions of the Declaration, as amended, the Supplemental Declaration for Sections (6) and Seven (7), and the First Amendment to Supplemental Declaration will run with the Additional Land and be binding on all parties who may now or hereafter have or claim any right, title or interest in the Additional Land or any part thereof, and on the heirs, executors, administrators, successors and assigns of such parties, regardless of the source of or the manner in which any such right, title or interest is or may be acquired.

This Annexation and Supplemental Declaration may be amended by Second Successor Declarant without the joinder of any other party.

EXECUTED on the date set forth below, to be effective upon recording in the Official Public Records of Real Property of Harris County, Texas.

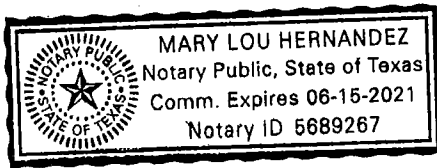
SECOND SUCCESSOR DECLARANT:

K. HOVNANIAN OF HOUSTON TERRA DEL SOL, LLC

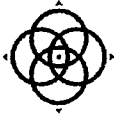
By: 
John C. Rose, Assistant Secretary

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on the 31st day of OCTOBER, 2018,
by John C. Rose, Assistant Secretary of K. Hovnanian of Houston Terra Del Sol, LLC for the
consideration and in the capacities stated herein.



Mary Lou Hernandez
Notary Public in and for the State of Texas



WINDROSE
LAND SURVEYING | PLATTING

**DESCRIPTION OF
3.643 ACRES OR 158,700 SQ. FT.**

A TRACT OR PARCEL CONTAINING 3.643 ACRES OR 158,700 SQUARE FEET OF LAND SITUATED IN THE C. WILSON SURVEY, ABSTRACT NO 1372, HARRIS COUNTY, TEXAS, BEING PART OF AND OUT OF THE RESIDUE OF A CALLED 10.0000 ACRE TRACT OF LAND, CONVEYED TO YOUNG MAN'S CHRISTIAN ASSOCIATION OF GRATER HOUSTON AREA, RECORDED IN HARRIS COUNTY CLERK'S FILE NUMBER (H.C.C.F. NO.) K901616, WITH SAID 3.643 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, WITH ALL BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD 83):

COMMENCING AT A 5/8 INCH IRON ROD FOUND ON THE NORTH RIGHT-OF-WAY (R.O.W.) LINE OF PAVILION POINT STREET (60' WIDE) AS SHOWN IN VOLUME (VOL.) 323, PAGE (PG.) 78 HARRIS COUNTY MAP RECORDS (H.C.M.R.), FOR THE SOUTHEAST CORNER OF A CALLED 11.841 ACRE TRACT OF LAND CONVEYED TO K. HOVNANIAN HOUSTON TERRA DEL SOL, LLC, RECORDED UNDER H.C.C.F. NO. RP-2018-63792 AND THE SOUTHWEST CORNER OF SAID RESIDUE OF A CALLED 10.0000 ACRE TRACT;

THENCE, NORTH 02 DEG. 12 MIN. 44 SEC. WEST, OVER AND ACROSS UNRESTRICTED RESERVE "C", PAVILION SECTION TWO, MAP OR PLAT THEREOF, RECORDED IN VOL. 323, PG. 78 H.C.M.R., AND ALONG AN EAST LINE OF SAID 11.841 ACRE TRACT, A DISTANCE OF 309.83 FEET TO A 5/8 INCH IRON ROD FOUND FOR A NORTHEAST CORNER OF SAID 11.841 ACRE TRACT, AN INTERIOR CORNER OF SAID RESIDUE OF A CALLED 10.0000 ACRE TRACT, AND THE SOUTHEAST CORNER AND POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT;

THENCE, SOUTH 87 DEG. 30 MIN. 42 SEC. WEST, ALONG THE NORTH LINE OF SAID UNRESTRICTED RESERVE "C", A DISTANCE OF 226.66 FEET TO A 5/8 INCH IRON ROD FOUND FOR AN INTERIOR CORNER OF SAID 11.841 ACRE TRACT, A SOUTHWEST CORNER OF SAID RESIDUE OF A CALLED 10.0000 ACRE TRACT AND THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 02 DEG. 04 MIN. 28 SEC. WEST, ALONG AN EAST LINE OF SAID 11.841 ACRE TRACT, A DISTANCE OF 514.21 FEET TO A FOUND 5/8 INCH IRON ROD FOR AN INTERIOR CORNER OF SAID 11.841 ACRE TRACT, THE NORTHWEST CORNER OF SAID RESIDUE OF A CALLED 10.0000 ACRE TRACT AND THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 87 DEG. 23 MIN. 45 SEC. EAST, ALONG A SOUTH LINE OF SAID 11.841 ACRE TRACT, A DISTANCE OF 162.45 FEET TO A FOUND 5/8 INCH IRON ROD MARKING THE SOUTHWEST CORNER OF UNRESTRICTED RESERVE "A" OF PAVILION SECTION THREE, MAP OR PLAT THEREOF RECORDED IN VOL. 337, PG. 122, HARRIS COUNTY MAP RECORDS (H.C.M.R.), CONVEYED TO MISSION BEND MUD #2, RECORDED IN H.C.C.F. NO. K121869, A SOUTHEAST CORNER OF SAID 11.841 ACRE TRACT AND AN ANGLE POINT OF THE HEREIN DESCRIBED TRACT;


THENCE, NORTH 87 DEG. 53 MIN. 04 SEC. EAST, ALONG THE SOUTH LINE OF SAID UNRESTRICTED RESERVE "A", A DISTANCE OF 174.85 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "COTTON" FOUND ON THE WEST LINE OF A CALLED 4.505 ACRE TRACT, CONVEYED TO K HOVNANIAN HOUSTON TERRA DEL SOL, LLC, RECORDED IN H.C.C.F. NO. RP-2018-151860, FOR THE SOUTHEAST CORNER OF SAID UNRESTRICTED RESERVE "A", A NORTHEAST CORNER OF SAID RESIDUE OF A CALLED 10.0000 ACRE TRACT, AND THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

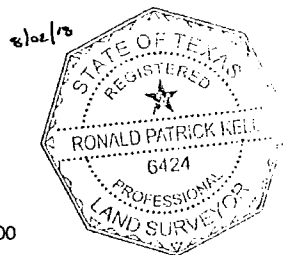
THENCE, SOUTH 02 DEG. 04 MIN. 46 SEC. EAST, ALONG THE WEST LINE OF SAID 4.505 ACRE TRACT, THE WEST LINE OF A CALLED 0.1263 ACRE TRACT CONVEYED TO TERRA DEL SOL, RECORDED IN H.C.C.F. NO. RP-2018-86967, AND OVER AND ACROSS SAID RESIDUE OF A CALLED 10.0000 ACRE TRACT, A DISTANCE OF 380.76 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET FOR A SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE OVER AND ACROSS SAID 10.00 ACRE TRACT THE FOLLOWING TWO (2) COURSES AND DISTANCES;

SOUTH 87 DEG. 49 MIN. 38 SEC. WEST, A DISTANCE OF 110.99 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET FOR AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT;

SOUTH 02 DEG. 12 MIN. 12 SEC. EAST, A DISTANCE OF 133.25 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 3.643 ACRES OR 158,700 SQUARE FEET OF LAND, AS SHOWN ON JOB. NO. 54160-3.643, PREPARED BY WINDROSE LAND SERVICES.


RONALD PATRICK KELL
R.P.L.S. NO. 6424
STATE OF TEXAS
FIRM REGISTRATION NO. 10108800



08-02-2018
DATE:

RP-2018-497434
Pages 7
11/01/2018 08:28 AM
e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
STAN STANART
COUNTY CLERK
Fees \$36.00

RECORDERS MEMORANDUM

This instrument was received and recorded electronically
and any blackouts, additions or changes were present
at the time the instrument was filed and recorded.

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.
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.



Stan Stanart

COUNTY CLERK
HARRIS COUNTY, TEXAS

RP-2018-497434