

**ANNEXATION AND SUPPLEMENTAL DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS**
for
TERRA DEL SOL, SECTION FIVE (5)
and
TERRA DEL SOL, SECTION NINE (9)

THE STATE OF TEXAS

§

KNOW ALL PERSONS BY THESE PRESENTS:

COUNTY OF HARRIS

§

§

WHEREAS, by that certain 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 County Clerk's File No. Z119435 (the "Declaration"), Original Declarant did confirm all of the real property described below had been subjected to all of those certain easements, covenants, restrictions and conditions described in the Declaration:

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 ("Section Three"); and

2EE

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 ("Section Four");

WHEREAS, the Declaration was amended by that certain 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 County 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.

FILED BY *ATCM 15047926*
ALAMO TITLE COMPANY

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.

WHEREAS, Article 9, Section 9.5 of the Declaration entitled "**Additional Covenants and Easements**" provides:

Section 9.5 Additional Covenants and Easements. The Declarant may unilaterally subject any portion of the Property submitted to this Declaration initially or by Supplemental Declaration to additional covenants and easements, including covenants obligating the Association to maintain and insure such Property on behalf of the Owners thereof. Such additional covenants and easements shall be set forth in a Supplemental Declaration filed either concurrently with or after the annexation of the subject property, and shall require the written consent of the owner(s) of such property, if other than the Declarant.

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

WHEREAS, Prima Terra, LLC, a Texas limited liability company ("Owner") is the owner of all that certain property to be known as Terra del Sol, Section Five (5) and Terra del Sol, Section Nine (9), described by metes and bounds in Exhibit "A" attached hereto and incorporated herein for all purposes (hereinafter referred to as "Terra del Sol, Sections Five and Nine" or as the "Annexed Property"); and

WHEREAS, Successor Declarant and the Owner as evidenced by its signatures below desire the Annexed Property to be annexed into Terra del Sol Homeowners Association, Inc. (the "Association") pursuant to the terms of Article 9, Section 9.1 of the Declaration as evidenced by its signatures below.

NOW, THEREFORE, the Annexed Property is hereby annexed into the jurisdiction of the Association and subjected to all those certain easements, covenants, restrictions and conditions described in the Declaration by virtue of this "Annexation and Supplemental Declaration of Covenants, Conditions and Restrictions for Terra del Sol, Section Five (5) and Terra del Sol, Section Nine (9)" ("Supplemental Declaration"), which Declaration and this Supplemental Declaration shall run with Terra del Sol, Sections Five and Nine and be binding on all subsequent purchasers thereof, save and except the following provisions of the Declaration, which provisions of the Declaration as to Terra del Sol, Sections Five and Nine, shall be amended as follows:

1. Article 1, Section 1.2 of the Declaration as to Terra del Sol, Sections Five and Nine is amended to add a new sentence to the end thereof as follows:

Notwithstanding any other reference to the contrary in this Declaration, an Alley is not required in Terra del Sol, Sections Five and Nine.

2. Article 1, Section 1.22 of the Declaration as to Terra del Sol, Sections Five and Nine is amended to add a new sentence to the end thereof as follows:

Any and all Improvements to Common Areas must first be approved in writing by the Association Board of Directors.

3. Article 1, Section 1.37 of the Declaration as to Terra del Sol, Sections Five and Nine is amended to add a new sentence to the end thereof as follows:

Any and all plats or replats of Terra del Sol, Sections Five and Nine must be approved by the Association Board of Directors with respect to traffic flow, configuration and Common Areas consistent with platted sections of land encumbered by the Declaration.

4. The fourth sentence of Article 4, Section 4.14 of the Declaration as to Terra del Sol, Sections Five and Nine is amended to read as follows:

No part of a Residence or garage shall be located on a Lot in Terra del Sol, Sections Five and Nine nearer than: (a) three feet (3') to a side Lot line; (b) eight feet (8') to a front Lot line; (c) fifteen feet (15') to a rear Lot line.

5. Article 4, Section 4.20 of the Declaration as to Terra del Sol, Sections Five and Nine is amended to add a new sentence to the end thereof as follows:

The Owner of any Lot that does not have Alley access shall construct and maintain at the Owner's expense a concrete driveway from the garage to the street on which the Residence faces with a maximum width of eighteen feet (18') except as otherwise required for garage access.

6. Article 7, Section 7.4 of the Declaration as to Terra del Sol, Sections Five and Nine is amended to add the following sentence:

Notwithstanding anything contained in the Declaration to the contrary, General Assessments and Special Assessments will only become due January 1st of the year following the year any real property subjected to the Declaration has been platted into Lots and the plat filed of record in the Official Public Records of Real Property of Harris County, Texas.

7. Article 9 of the Declaration as to Terra del Sol, Sections Five and Nine is amended to add Section 9.7 as follows:

Section 9.7. The Annexed Property shall be platted into two sections prior to subdivision which shall be named Terra del Sol, Section Five (5) and Terra del Sol, Section Nine (9). The first platted section shall be Terra del Sol, Section Five (5) and the remainder of the Annexed Property shall subsequently be platted as Terra del Sol, Section Nine (9). Successor Declarant reserves the unilateral right, but not the obligation, to amend this Supplemental Declaration without the joinder or consent of any Owner(s), entity, lender or other person after recordation of the plat(s) for Terra del Sol, Section Five (5) and/or Terra del Sol, Section Nine (9) for the purpose of substituting the recording information of the plat(s) for the metes and bounds description of the Annexed Property initially encumbered by this Supplemental Declaration.

ER 067 - 79 - 2064

This Supplemental Declaration may be amended by Successor Declarant and the Owner of Terra del Sol, Sections Five and Nine without the joinder of any other party after the conveyance of the first platted Lot, the terms of this Declaration may be amended in accordance with Section 13.2 of the Declaration.

EXECUTED by the respective parties on the dates set forth below to be effective the date this document is filed of record in the Official Public Records of Real Property of Harris County, Texas.

SUCCESSOR DECLARANT:

(3)
20R

TERRA DEL SOL, a California limited partnership,

By: Richfield Investments, LLC, Its General Partner

By: Richfield Real Estate Corporation,
Its Manager

By: [Signature]

Printed: DOMINIC LEUNG

Its: PRESIDENT

THE STATE OF TEXAS

§
§
§

COUNTY OF HARRIS

This instrument was acknowledged before me on the 2nd day of APRIL, 2015, by DOMINIC LEUNG, PRESIDENT of Richfield Real Estate Corporation, Manager to Richfield Investments, LLC, General Partner to Terra del Sol, a California limited partnership, for the consideration and in the capacities stated herein.



[Signature]
Notary Public in and for the State of Texas

ER 067 - 79 - 2065

OWNER:

PRIMA TERRA, LLC,
a Texas limited liability company

10R

By: Richfield Real Estate Corporation,
a Delaware corporation,
its manager

By: [Signature]

Printed: DOMINIC LEUNG

Its: PRESIDENT

THE STATE OF TEXAS

§
§
§

COUNTY OF HARRIS

This instrument was acknowledged before me on the 2nd day of APRIL, 2015, by DOMINIC LEUNG, PRESIDENT of Richfield Real Estate Corporation, a Delaware corporation, Manager to Prima Terra, LLC, a Texas limited liability company, for the consideration and in the capacities stated herein.



[Signature]
Notary Public in and for the State of Texas

Tract I
 Metes and Bounds Description
 34.655 Acres (1,509,572 Square Feet)
 H.T. & B.R.R. Co. Survey, Section 16, A-1372
 Harris County, Texas

Being 34.655 acres (1,509,572 square feet) situated in the H.T. & B.R.R. Co. Survey, Section 16, A-1372, Harris County, Texas, and being out of a called 47.7126 acres tract conveyed to Prima Terra, L.L.C., as recorded under File Number 20080479451 of the Harris County Official Public Records of Real Property (H.C.O.P.R.R.P.), and being a partial replat of Poutra Farms, a subdivision in Harris County, Texas as recorded under Volume 293, Page 343 of the Harris County Deed Records (H.C.M.R.) said 34.655 acres being more particularly described by metes and bounds as follows, with all bearings referenced to the Texas Coordinate System of 1983, South Central Zone:

COMMENCING at a 5/8-inch iron rod with cap stamped "MCKIM & CREED" set at the southerly end of a cut-back corner at the intersection of the northerly right-of-way line of Empanada Drive (60 feet wide) as recorded under Volume 337, Page 122 of said H.C.M.R. with the westerly right-of-way line of Sugarland-Howell Road (80 feet wide) as recorded under Volume 669, Page 93, Volume 669, Page 95, Volume 663, Page 609 and Volume 659, Page 589 of said H.C.M.R.;

THENCE, South $87^{\circ}42'16''$ West, along said northerly right-of-way line, a distance of 295.00 feet to a point for the POINT OF BEGINNING and being the southeasterly corner of the herein described tract;

THENCE, South $87^{\circ}42'16''$ West, continuing along said northerly right-of-way line, a distance of 399.77 feet to a 5/8-inch iron rod found for the beginning of a tangent curve to the left;

THENCE, southwesterly 476.65 feet continuing along said northerly right-of-way line and along the arc of said curve to the left (Central Angle = $26^{\circ}30'52''$, Radius = 1,030.00 feet, Chord Bearing and Distance = South $74^{\circ}26'49''$ West, 472.41 feet) to a 5/8-inch iron rod found for a point of tangency;

THENCE, South $61^{\circ}11'23''$ West, continuing along said northerly right-of-way line, a distance of 54.99 feet to a 5/8-inch iron rod with cap stamped "WHDSI 1509" found for the easterly end of a cur-back corner and on the easterly right-of-way line of Pavilion Drive (60 feet wide) as recorded under Film Code Number 516030 of said H.C.M.R. and being a southeasterly corner of the herein described tract;

THENCE, North $73^{\circ}48'37''$ West, a distance of 21.22 feet to a 5/8 inch iron rod with cap stamped "WHDSI 1509" found for the westerly end of a cur-back corner and being on the said easterly right-of-way line;

THENCE, North $28^{\circ}48'37''$ West, along said easterly right-of-way line, a distance of 85.00 feet to a 5/8-inch iron rod with cap stamped "WHDSI 1509" found for the beginning of a tangent curve to the right;

THENCE, northwesterly 305.66 feet continuing along said easterly right-of-way line and along the arc of said curve to the right (Central Angle = $47^{\circ}19'59''$, Radius = 370.00 feet, Chord Bearing and Distance = North $05^{\circ}08'38''$ West, 297.05 feet) to a 5/8-inch iron rod with cap stamped "WHDSI 1509" found for a point of tangency;

THENCE, North $18^{\circ}31'22''$ East, continuing along said easterly right-of-way line, a distance of 288.01 feet to a 5/8-inch iron rod with cap stamped "WHDSI 1509" found for the beginning of a tangent curve to the left;

THENCE, northeasterly 847.41 feet continuing along said easterly right-of-way line and along the arc of said curve to the left (Central Angle = $23^{\circ}55'04''$, Radius = 2,030.00 feet, Chord Bearing and Distance = North $06^{\circ}33'50''$ East, 841.27 feet) to a 5/8-inch iron rod with cap stamped "WHDSI 1509" found for a point of tangency;

THENCE, North $05^{\circ}23'42''$ West, continuing along said easterly right-of-way line, a distance of 378.76 feet to a 3/4-inch iron rod found for the beginning of a tangent curve to the right;

THENCE, northwesterly 52.21 feet continuing along said easterly right-of-way line and along the arc of said curve to the right (Central Angle = $03^{\circ}05'51''$, Radius = 965.78 feet, Chord Bearing and Distance = North $03^{\circ}50'47''$ West, 52.20 feet) to a 5/8-inch iron rod bent found for the northwesterly corner of the herein described tract and being the southwesterly corner of a called 20.311 acres tract as recorded under Film Code Number 623111 of said H.C.M.R.;

THENCE, North $87^{\circ}55'44''$ East, departing said easterly right-of-way line, a distance of 777.68 feet to a point for the northeasterly corner of the herein describe tract;

THENCE, South $02^{\circ}05'57''$ East, a distance of 1,774.37 feet to the POINT OF BEGINNING, containing within its bounds a computed area of 34.655 acres (1,509,572 square feet) of land.

Prepared by:
McKim & Creed, Inc.
9960 West Sam Houston Parkway South, 200
Houston, Texas 77099
(713) 659-0021
Job No. 06022-0344
December 17, 2014

J:\AECOM SUBDIVISIONS\MISSION BEND MUD2 TOPO\34_655ac.doc



James B. McAllister
12/17/14

20150137075
Pages 8
04/06/2015 08:17:57 AM
e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
STAN STANART
COUNTY CLERK
Fees 40.00

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