

DECLARATION OF ANNEXATION

FOR

CRESCENT OAK VILLAGE AT LAKE OLYMPIA

SECTION SEVEN

THE STATE OF TEXAS

COUNTY OF FORT BEND

THIS DECLARATION OF ANNEXATION is made by Lake Olympia Development N.V., a Netherlands Antilles corporation, doing business as AFG LAKE OLYMPIA, INC. ("Declarant").

WITNESSETH:

WHEREAS, Declarant is the owner of all or a portion of the properties described on Exhibits "A", "B", and "C" which are attached hereto and incorporated by reference for all purposes (the "Property") upon which Declarant is in the process of developing a residential/mixed use commercial community known as Lake Olympia pursuant to a common or uniform plan or scheme of development:

AND, WHEREAS, by virtue of Declaration of Covenants, Conditions, and Restrictions ("Declaration") recorded in Volume 1355 at Page 709 of the Deed Records of Fort Bend County, Texas, Declarant has created, out of the portion of the Property which is more particularly described in the Declaration, a subdivision known as PALMER PLANTATION AT LAKE OLYMPIA, SECTION ONE and has imposed upon such subdivision the covenants, conditions, and restrictions described in the Declaration;

AND, WHEREAS, as contemplated by the Declaration, Declarant now desires to create, out of that portion of the Property, more particularly described in Exhibit "D" which is attached hereto and incorporated herein by reference for all purposes, a subdivision to be known as CRESCENT OAK VILLAGE AT LAKE OLYMPIA, SECTION SEVEN, (the "Subdivision") and to impose upon the property constituting the Subdivision, the covenants, conditions, and restrictions described in the Declaration, except to the extent that the same are modified or amended herein, all as a part of Declarant's uniform plan or scheme for development of the Property.

NOW, THEREFORE, Declarant hereby declares that all of the Subdivision shall be held, sold, and conveyed subject to all of the easements, restrictions, covenants, and conditions described in the Declaration, which is incorporated herein by reference for all purposes, except to the extent that the Declaration is specifically amended herein, all of which easements, restrictions, covenants, and conditions shall be binding upon any person or entity owning or claiming any right, title, or interest in or to any portion of the property constituting the Subdivision, and their heirs, successors and assigns, and all of which shall inure to the benefit of, and be enforceable by, Declarant and each Owner (as defined in the Declaration); provided, however, that the easements, covenants, and conditions of the Declaration, so far as they affect the Subdivision, are amended as follows:

1. The Subdivision shall constitute, and the restrictions, covenants, and conditions of this Declaration of Annexation shall only cover and affect the following described property:

Lots Twenty-Eight (28 through Eighty-Three (83), inclusive in Block Two (2); and Lots Forty-One (41) through Fifty-One (51), inclusive in Block Three (3). And all in Crescent Oak Village at Lake Olympia Section Seven (7), a subdivision in Fort Bend County, Texas as shown on the plat attached hereto as Exhibit "G".

2. Article V, Section Four, "Approval of Plans" is hereby amended to the following extent, and to the following extent only:
  - (a) Plans for landscaping and lighting of a particular Lot need not be submitted to the Architectural Control Committee for approval until such time as the Builder or Owner of such lot is ready, or is obligated, to proceed with installation of landscaping and lighting;
  - (b) The final working plans and specifications need not include details of interior mechanical, electrical, and plumbing fixtures, systems or installations, but shall include details of any exterior mechanical, electrical and plumbing structures; and
  - (c) In the case of a Builder, the Architectural Control Committee may approve a partial preliminary site plan which reflects the exterior elevation, size, and configuration of the proposed Living Unit and ancillary buildings, and reasonably identifies and describes all exterior colors and materials, provided that the actual preliminary plan, and final plan, for such Lot, comply with, and follow, such partial preliminary site plan.
  - (d) All plans submitted to the Architectural Control Committee, including partial, preliminary, and final plans shall show the location of the proposed foundation or slab upon each Lot. The Architectural Control Committee shall have the right to require that the slab or foundation be located within the Lot and/or that a tree preservation technology be used to the extent that the Architectural Control Committee believes that this may help to preserve the maximum number of trees upon the Lot or within the subdivision.
3. The following Sections of Article VII are amended as follows:

Section 2. Improvement on Lots. No building or other structure of any kind or type shall be constructed, maintained, or allowed on any Lot other than: (i) one detached single-family dwelling, which shall not exceed two and one-half (2 1/2) stories in height; (ii) no more than one (1) private garage for no less than two (2) nor more than three (3) passenger cars and servant's quarters for household and domestic employees actually employed by the Owner or resident of the Lot, which garages shall open to the front of the Lot unless specifically approved in writing by the Architectural Control Committee and (iii) a greenhouse to grow plants solely for family or household purposes of the Owner or resident of the Lot, which greenhouse must not be visible from the street or adjacent property unless agreed to in writing by the Architectural Control Committee, and plans for construction and location of which must be approved by the Architectural Control Committee prior to construction of such greenhouse. No carports (which shall not include porte-cocheres) shall be allowed on any Lot unless specifically approved in writing by the Architectural Control Committee.

Section 6. Frontage. All improvements shall be constructed on Lots so as to front the street upon which the Lot faces. A corner Lot shall be deemed to face toward the street which is furthest from the building setback line for such Lot. The front exterior wall of a dwelling shall be constructed so as to lie either parallel to the street upon which the Lot faces, or at an angle thereto which does not exceed Forty-five (45) degrees.

Section 7. Size. Each Living Unit constructed upon a Lot within the Subdivision shall contain not less than 1,600 square feet and not more than 2,500 square feet of living area if a one-story Living Unit and not less than 2,000 square feet and not more than 3,100 square feet of living area if a two-story Living Unit. All computations of living area shall be exclusive of opened or screened porches, terraces, patios, driveways, garages, servant's quarters and/or greenhouses. Measurements shall be made to the face of the outside walls of the living area.

Section 8. Roofing Material. The roof of any Living Unit (including any garage or servant's quarters) shall be constructed or covered with (i) wood shingles which have been treated with fire retardant as prescribed by the ordinances of the City of Missouri City as then in existence or (ii) asphalt or composition type shingles of a minimum of 240 pound dimensional type, comparable in color to aged or weathered wood shingles. The decision of such comparison shall rest exclusively with the Architectural Control Committee. Any other type of roofing materials shall be permitted only at the sole discretion of the Architectural Control Committee and shall not be deemed approved until approved in writing.

Section 9. Garages. Unless the Architectural Control Committee specifically agrees otherwise in writing, each Living Unit shall have a detached enclosed private garage, but in no event more than one (1) garage for not less than two (2) nor more than three(3) passenger cars. Each owner or resident of a Lot shall keep all doors to the private garage shut at all times when it is not necessary to keep such doors open. Garages shall be used only for passenger cars and other vehicles, including boats or trailers, of a type and size as will allow the door or doors of the garage to be shut completely with such vehicle or trailer inside. All garage doors shall open to the front of the Lot unless specifically approved in writing by the Architectural Control Committee.

Section 10. Fences. The provisions of Article VII, Section 10 of the original Declaration shall control and be applicable of all Lots of the Subdivision. Unless otherwise specifically agreed in writing by the Architectural Control Committee, no building, fence, or other structure shall be placed or built on any Lot nearer to the front lot line or nearer to a side street line than the building setback lines shown on the subdivision plat nor in any front yard. No building or other structure (except for a fence) shall encroach on any easement reflected on the Subdivision plat.

4. There is added to Article VII new Sections 33 and 35 as follows:

Section 33. Window Coverings. Each Owner and occupant of a Living Unit shall provide drapes, blinds, or window coverings, the exterior of which, when such window coverings are closed, shall be of white or neutral color.

Section 35. Tree Preservation. The following shall apply to all lots containing existing trees:

- (a) For the purposes of tree preservation the term "tree" shall mean those that are more than six (6) inches in diameter at a height of five (5) feet from the existing ground except as noted.
- (b) Every effort must be made to locate all improvements, drives, trenches, and other structures to be placed upon the Lot in such a way as to minimize the number of trees which must be cut or removed.
- (c) A site plan reflecting the location of all existing trees and their species, and the proposed location of all improvements including houses, garages, driveways, walkways, patios, decks, fill, and any other improvement, structure, or facility to be placed upon the Lot shall be submitted and shall require the approval of the Architectural Control Committee prior to the commencement of construction.
- (d) A tree preservation plan reflecting the steps to be taken to protect and preserve existing trees during construction and as a result of proposed improvements shall be submitted and shall require approval by the Architectural Control Committee prior to the commencement of construction.
- (e) The Architectural Control Committee shall have the right to require the installation of a tree or trees of the species and size not exceeding eight (8) inches in diameter at a height of five (5) feet from existing ground, to compensate for losses and/or damages due to construction or improvements to be placed on the Lot.

5. There is added to Article X a new Section 12 as follows:

Section 12. FHA/VA Approval. As long as there is a Class B membership, the following actions will require the prior approval of the Federal Housing Administration of the Veterans Administration: annexation of additional properties, dedication of Common Area and amendment of the Declaration.

6. The Declaration is further amended by substitution of the Exhibits "E" and "F" which are attached hereto and incorporated herein by reference for all purposes, for the Exhibits "E" and "F" which are attached to the Declaration.

7. Except to the extent that the Declaration is specifically amended herein, all of the covenants, conditions, restrictions, and reservations contained in the Declaration shall be and remain in full force and effect.
8. All words, phrases, or terms used herein shall have the same meaning as contained in the Declaration, unless a contrary definition is given herein.

IN WITNESS WHEREOF, the undersigned being the Declarant herein, has hereunto set its hand and seal this 7<sup>th</sup> day of MAY, 1998.

LAKE OLYMPIA DEVELOPMENT, N.V.,  
 a Netherlands Antilles Corporation  
 D/B/A AFG LAKE OLYMPIA, INC.

BY: [Signature]  
 ANDREW CHOY, President

THE STATE OF TEXAS  
 COUNTY OF FORT BEND

This instrument was acknowledged before me on the 7<sup>th</sup> day of MAY, 1998 by ANDREW CHOY, President of LAKE OLYMPIA DEVELOPMENT, N.V., a Netherlands Antilles Corporation, d/b/a AFG LAKE OLYMPIA, INC., on behalf of said corporation.



[Signature]  
 NOTARY PUBLIC IN AND FOR  
 THE STATE OF TEXAS  
 NAME: Brigit Haloran  
 MY COMMISSION EXPIRES: MAY 13, 2001

RETURN TO: AFG LAKE OLYMPIA, INC.  
 2700 LAKE OLYMPIA PARKWAY  
 MISSOURI CITY, TEXAS 77459

Revised 1-8-82

October 12, 1981

Job No. 176-0000-21

DESCRIPTION OF  
PALMER PLANTATION MUNICIPAL  
UTILITY DISTRICT NO. 1

Being 359.403 acres of land located in the David Bright League, Abstract 13, Fort Bend County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at the southwest corner of Quail Valley Subdivision, Glenn Lakes, Section 1, a subdivision of record in Volume 10, Page 1 of the Plat Records of Fort Bend County, Texas;

Thence, with the south line of said Glenn Lakes, Section 1, North  $88^{\circ} 58' 55''$  East, 795.93 feet to a point for corner;

Thence, continuing with said south line, North  $88^{\circ} 20' 20''$  East, 280.00 feet to a point for corner;

Thence, leaving said south line, South  $01^{\circ} 39' 40''$  East, 336.70 feet to a point for corner;

Thence, South  $57^{\circ} 52' 10''$  East, 448.39 feet to a point for corner;

Thence, South  $38^{\circ} 22' 03''$  East, 302.76 feet to a point for corner;

Thence, South  $50^{\circ} 21' 21''$  East, 903.96 feet to a point for corner;

Thence, South  $26^{\circ} 57' 08''$  East, 299.78 feet to a point for corner;

Thence, South  $18^{\circ} 14' 45''$  West, 438.36 feet to a point for corner;

Thence, South  $61^{\circ} 41' 30''$  West, 297.48 feet to a point for corner;

Thence, South  $01^{\circ} 23' 53''$  East, 598.05 feet to a point for corner; in the north line of Senior Road (60.00 feet wide);

Thence, South  $64^{\circ} 56' 34''$  West, 75.36 feet to a point for corner;

Thence, South  $61^{\circ} 40' 12''$  West, 590.83 feet to a point for corner  
in the aforementioned north line of Senior Road;

Thence, with the north line of Senior Road, South  $88^{\circ} 36' 07''$  West,  
2895.67 feet to a point for corner in the center line of Oyster Creek;

Thence, with the center line meanders of Oyster Creek the following  
nineteen (19) courses:

1. North  $36^{\circ} 39' 40''$  West, 90.41 feet to a point for corner;
2. North  $56^{\circ} 58' 53''$  West, 789.64 feet to a point for corner;
3. North  $58^{\circ} 32' 29''$  West, 712.80 feet to a point for corner;
4. North  $85^{\circ} 33' 10''$  West, 645.21 feet to a point for corner;
5. South  $80^{\circ} 49' 42''$  West, 185.43 feet to a point for corner;
6. South  $87^{\circ} 34' 50''$  West, 165.42 feet to a point for corner;
7. North  $73^{\circ} 32' 23''$  West, 221.74 feet to a point for corner;
8. North  $41^{\circ} 44' 14''$  West, 212.81 feet to a point for corner;
9. North  $10^{\circ} 38' 12''$  West, 235.33 feet to a point for corner;
10. North  $41^{\circ} 07' 59''$  East, 159.52 feet to a point for corner;
11. North  $34^{\circ} 56' 41''$  East, 198.35 feet to a point for corner;
12. North  $53^{\circ} 43' 35''$  East, 203.19 feet to a point for corner;
13. North  $62^{\circ} 17' 52''$  East, 174.31 feet to a point for corner;
14. North  $60^{\circ} 18' 28''$  East, 100.99 feet to a point for corner;
15. North  $45^{\circ} 26' 24''$  East, 118.28 feet to a point for corner;
16. North  $31^{\circ} 38' 44''$  East, 531.90 feet to a point for corner;
17. North  $03^{\circ} 37' 10''$  West, 501.14 feet to a point for corner;
18. North  $16^{\circ} 46' 56''$  West, 125.90 feet to a point for corner;
19. North  $64^{\circ} 09' 40''$  West, 198.56 feet to a point for corner;

Thence, leaving said center line, South  $87^{\circ} 30' 27''$  East, 119.41  
feet to a point for corner;

Thence, North  $88^{\circ} 43' 15''$  East, 135.68 feet to a point for corner  
in the south line of a replat of Quail Valley Subdivision, Thunderbird,  
Section 2, a subdivision of record in Volume 23, Page 3 of the Plat Records  
of Fort Bend County, Texas;

Thence, with the south line of said Thunderbird, Section 2 the  
following five (5) courses:

Revised 1-8-82

October 12, 1981

Job No. 176-0000-21

1. North  $88^{\circ} 13' 48''$  East, 283.63 feet to a point for corner;
2. North  $88^{\circ} 43' 55''$  East, 593.59 feet to a point for corner;
3. North  $88^{\circ} 59' 29''$  East, 459.22 feet to a point for corner;
4. North  $89^{\circ} 04' 57''$  East, 918.79 feet to a point for corner;
5. North  $88^{\circ} 37' 56''$  East, 835.47 feet to the southeast corner of said Thunderbird, Section 2, same being in the west line of the aforementioned Glenn Lakes, Section 1;

Thence, with the west line of Glenn Lakes, Section 1, South  $00^{\circ} 57' 25''$  East, 8.91 feet to the POINT OF BEGINNING and containing 359.403 acres of land.

LICHLITER/JAMESON & ASSOCIATES, INC.

Revised 1/8/82  
October 12, 1981  
Job No. 180-0000-21

DESCRIPTION OF  
PALMER PLANTATION MUNICIPAL  
UTILITY DISTRICT NO. 2

Being 332.269 acres of land located in the David Bright League, Abstract 13, Fort Bend County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at the southeast corner of Quail Valley Subdivision, Glenn Lakes, Section 1, a subdivision of record in Volume 10, Page 1 of the Plat Records of Fort Bend County, Texas;

Thence, North  $88^{\circ} 53' 11''$  East, 3,026.35 feet to a point for corner;

Thence, South  $01^{\circ} 06' 49''$  East, 275.77 feet to a point for corner;

Thence, South  $64^{\circ} 29' 38''$  East, 76.36 feet to a point for corner;

Thence North  $58^{\circ} 33' 08''$  East, 243.06 feet to a point for corner;

Thence, South  $01^{\circ} 06' 49''$  East, 2,939.99 feet to a point for corner in the north line of Senlor Road (60.00 feet wide);

Thence, with the north line of Senlor Road, South  $88^{\circ} 36' 07''$  West, 4,497.19 feet to a point for corner;

Thence, leaving said north line, North  $01^{\circ} 23' 53''$  West, 895.90 feet to a point for corner;

Thence, North  $61^{\circ} 41' 30''$  East, 297.48 feet to a point for corner

Thence, North  $18^{\circ} 14' 45''$  East, 438.36 feet to a point for corner

Thence, North  $26^{\circ} 57' 08''$  West, 299.78 feet to a point for corner

Thence, North  $50^{\circ} 21' 21''$  West, 903.96 feet to a point for corner

Thence, North  $38^{\circ} 22' 03''$  West, 302.76 feet to a point for corner

Revised 1/8/82  
October 12, 1981  
Job No. 180-0000-21

Thence, North 57° 52' 10" West, 448.39 feet to a point for corner;

Thence, North 01° 39' 40" West, 336.70 feet to a point for corner  
in the south line of aforementioned Glenn Lakes, Section 1;

Thence, with the south line of Glenn Lakes, Section One,  
North 88° 20' 20" East, 2,164.25 feet to the POINT OF BEGINNING and  
containing 332.269 acres of land.

LICHLITER/JAMESON & ASSOCIATES, INC