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DECLARATION OF ANNEXATION

OYSTER CREEK PLACE AT  
LAKE OLYMPIA SECTION FIVE

THE STATE OF TEXAS §  
§  
COUNTY OF FORT BEND §

THIS DECLARATION OF ANNEXATION is made by LAKE OLYMPIA DEVELOPMENT, N.V., a Netherland Antilles corporation, doing business as LAKE OLYMPIA DEVELOPMENT CORPORATION ("Declarant") and VISTA MORTGAGE AND REALTY, INC. ("Vista").

W I T N E S S E T H:

WHEREAS, Declarant is the owner and/or former 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;

WHEREAS, by virtue of a Declaration of Covenants, Conditions and Restrictions recorded in Volume 1355 at Page 709 of the Deed Records of Fort Bend County, Texas, Declarant has created, out of that portion of the Property which is more particularly described in such 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 described above (the Declaration and any and all amendments and supplements thereto being hereinafter called the "Declaration");

WHEREAS, as contemplated by the Declaration in Article IX, Section 3 thereof, Declarant now desires to annex a subdivision owned by Vista more particularly described on Exhibit "D" which is attached hereto and incorporated herein by reference for all purposes, which subdivision is to be known as OYSTER CREEK PLACE at Lake Olympia Section Five (the "Subdivision") and with the joinder of Vista 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, the Declarant and Vista hereby declare 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 run with the property constituting the Subdivision and 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, restrictions, 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 One (1) through Fifteen (15), inclusive in Block One (1), and Lots One (1) through Twenty (20) in Block Two (2), inclusive in Block Two (2), all in Oyster Creek Place at Lake Olympia Section Five, a subdivision in Fort Bend County, Texas according to the map or plat thereof, recorded on Slide No. 1091A in the Plat Records of Fort Bend County, Texas.

2. The first sentence of Article III, Section 9(b), "Rates of Assessment" is hereby amended to the following extent and to the following extent only:

(b) Anything herein to the contrary notwithstanding, the Assessment applicable to any Lot owned by a Builder upon which no Living Unit has been fully constructed and any Lot owned by Declarant or Vista Mortgage and Realty, Inc., shall be fifty percent (50%) of the rate applicable to all other Lots subject to such Assessment.

3. Article V, Section 4, "Approval of Plans" is hereby amended to the following extent and to the following extent only:

(a) Plans for landscaping, except where they might affect existing trees on the Lot, 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 any details of any exterior mechanical, electrical, and plumbing structures;

(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, but not be limited to, the location of the proposed foundation or slab upon each Lot. The Architectural Control Committee shall have the right to require that: (i) the slab or foundation be of pier and beam or pier and slab construction, (ii) a tree preservation plan be provided, and/or (iii) adjustments be made in the location, height and extent of improvements, 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.

4. The following sections of Article VII are amended as follows:

Section 2. Improvement of Lots. No building or other structure of any kind or type shall be constructed, maintained, or allowed on any Lot other than (1) one detached single-family dwelling, which shall not exceed two and one-half (2-1/2) stories in height; (ii) no more than one private garage for no less than two (2) nor more than three (3) passenger cars and servant's quarters for household domestic employees actually employed by the Owner or resident of the Lot, which garages shall open to the side of the Lot and shall not face the street, 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 in writing by the Architectural Control Committee and plans for construction or location of which must be approved by the Architectural Control Committee prior to construction of such greenhouse. No carports (which shall not include portecocheres) 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 towards the street which is the furthest from the building setback line for such Lot. The front exterior wall of a dwelling will 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 of living area, if a one story Living Unit and not less than 2,000 square feet of living area, if a one and one-half story, two story or two and one-half story Living Unit. All computations of living area shall be exclusive of opened or screened porches, terraces, patios, driveways, garages, servant's quarters and greenhouses. Measurements shall be to the face of the outermost exterior 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 in existence or (ii) asphalt or composition type shingles of a minimum of 250 pound - dimensional type, comparable in color to aged or weathered wood shingles. The decision to 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 on 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 side of the Lot and not face the street, unless specifically approved in writing by the Architectural Control Committee. No garage shall be any closer to the street in the back of the house, unless specifically approved in writing by the Architectural Control Committee.

Section 27. Exceptions. For purposes of this Section 27 only, "Declarant" shall mean Vista, its successors and assigns and such rights granted to the Declarant pursuant to this Section shall only extend to the Subdivision being annexed hereby; moreover, such rights shall not include, nor shall same impair or diminish, actions or approvals of the Architectural Control Committee.

5. There is added to Article VII new Sections 33 and 34 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 close, shall be on white or neutral color.

Section 34. Tree Preservation. The following shall apply to all Lots containing existing trees:

(a) For the purposes of the restrictions the term "Tree" shall mean those existing that are more than six (6) inches in diameter and a height of five (5) feet from the existing ground.

(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, and any other improvements, structure or facility to be placed upon the Lot shall be submitted to 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 the approval of the Architectural Control Committee prior to the commencement of construction of any improvements on the Lot.

(e) The Architectural Control Committee shall have the right to require the installation of 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 damage to Trees due to construction or improvements to be placed on the Lot.

6. 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 or the Veterans Administration: annexation of additional properties, dedication of Common Area and amendment of the Declaration.


7. 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.

8. Except as to the extent 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.

9. All words, phrases or terms used herein shall have the same meaning as contained in the Declaration, unless a contrary definition is given herein.

EXECUTED this 25<sup>th</sup> day of November, 1998<sup>4</sup>

LAKE OLYMPIA DEVELOPMENT, N.V.,  
A NETHERLAND ANTILLES CORPORATION  
d/b/a LAKE OLYMPIA DEVELOPMENT

BY:   
NAME: Andrew Chay  
TITLE: Managing Director

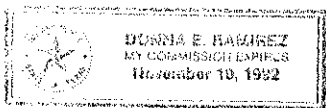
Return To:  
Lake Olympia Development  
2700 Lake Olympia Parkway  
Missouri City, Texas 77459

VISTA MORTGAGE AND REALTY, INC.

BY: Scott A. Johnson  
NAME: Scott A. Johnson  
TITLE: ASST. MGR. PRESIDENT

THE STATE OF TEXAS §  
  §  
COUNTY OF FORT BEND §

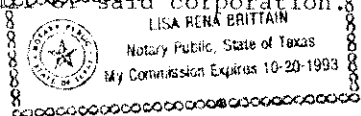
This instrument was acknowledged before me on the 25th  
day of November, 1992 by Andrew Chey  
Managing Director of LAKE OLYMPIA DEVELOPMENT, N.V.,  
d/b/a LAKE OLYMPIA DEVELOPMENT, on behalf of said corporation.



Donna E. Ramirez  
NOTARY PUBLIC, STATE OF TEXAS  
NAME: Donna E. Ramirez  
MY COMMISSION EXPIRES: 11/10/92

THE STATE OF TEXAS §  
  §  
COUNTY OF ~~FORT BEND~~ §

This instrument was acknowledged before me on the 19th  
day of November, 1992, by Scott A. Johnson  
~~of~~ Scott A. Johnson of VISTA MORTGAGE AND REALTY, INC., on  
behalf of said corporation.



Lisa Rena Brittain  
NOTARY PUBLIC, STATE OF TEXAS  
NAME: Lisa Rena Brittain  
MY COMMISSION EXPIRES: 10/20/93

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**STREET TREE PLANTING  
EXHIBIT "F"**

ALL LOTS WILL RECEIVE STREET TREES. TWO (2) STREET TREES WILL BE PLACED PER FRONT LOT, SPACED EQUALLY ALONG THE ROADWAY. ALL TREES WILL BE PLACED THREE (3) FEET BACK OF SIDEWALK.

IN CORNER LOT SITUATIONS, THREE (3) STREET TREES WILL BE PLACED ALONG THE SIDE LOTS ADJACENT TO THE STREET, UNLESS OTHERWISE APPROVED BY THE ARCHITECTURAL CONTROL COMMITTEE. THESE TREES WILL HAVE A SPACING EQUIVALENT TO THE FRONT LOT SPACING.

FOR WOODED LOTS, STREET TREES WILL NOT BE REQUIRED UNLESS EXISTING TREES ARE REMOVED OR DIE. THE ARCHITECTURAL REVIEW COMMITTEE DOES RESERVE THE RIGHT TO REQUIRE STREETS ON ANY WOODED LOT IT DEEMS NECESSARY.

**STREET TREE PLANTING SPECIFICATIONS**

**PART 1 - GENERAL**

**1. DESCRIPTION OF WORK**

- A. PREPARING PITS AND POCKETS FOR STREET TREE PLANTINGS.

**2. QUALITY ASSURANCE**

- A. CONTRACTOR QUALIFICATIONS; MINIMUM OF 2 YEARS EXPERIENCE ON PROJECTS OF SIMILAR CHARACTERISTICS IN SIZE OR LARGER.
- B. REFERENCE STANDARDS; AMERICAN ASSOCIATION OF NURSERYMEN, INC. (AAN); HORTICULTURAL HORTICULTURAL STANDARDS, 1973.
- C. SOURCE CONTROL: DO NOT MAKE SUBSTITUTIONS.

**3. SUBMITTALS**

SUBMIT MANUFACTURER'S OR VENDOR'S CERTIFIED ANALYSIS FOR SOIL AMENDMENTS AND FERTILIZER MATERIALS.

**4. PRODUCT SPECIFICATIONS AND HANDLING**

- A. SEE CHART 'AA' FOR TREE TYPES AND LOCATIONS.
- ALL TREES WILL BE CONTAINER GROWN TREES 2 1/2" CALIPER WITH HEIGHT AND WIDTH CONFORMING TO AAN STANDARDS.
- B. DELIVERY:
1. DELIVER PLANTS WITH LEGIBLE I.D. LABELS ON EXAMPLE PLANTS.
  2. DELIVER FERTILIZER, PEAT, MULCH AND ALL OTHER SOIL AMENDMENTS TO SITE IN ORIGINAL UNOPENED CONTAINERS BEARING MANUFACTURER'S GUARANTEED ANALYSIS.
- C. STORAGE:
1. PROTECT ROOTS OF TREES FROM DRYING OR OTHER INJURY.

**5. JOB CONDITIONS**

BEFORE EXCAVATIONS ARE MADE, TAKE PRECAUTIONARY MEASURES TO PROTECT EXISTING TURF AREAS.

**6. GUARANTEE**

- A. GUARANTEE NEW TREES FOR ONE YEAR AFTER ACCEPTANCE OF FINAL INSTALLATION.
- B. MAKE REPLACEMENT DURING ONE YEAR GUARANTEE PERIOD WITH ORIGINAL SIZE AND PLANTING MIXTURE.

- C. MAINTAIN AFTER EACH ITEM IS PLANTED AND CONTINUE UNTIL INSTALLATION IS COMPLETED AND ACCEPTED:  
WEEDING, WATERING, PRUNING, SPRAYING, FERTILIZING

## PART 2 - PRODUCTS

### 1. MATERIALS

#### A. PLANT MATERIALS:

1. TRUE TO BOTANICAL AND COMMON NAME AND VARIETY.
2. FREE FROM DISEASE, INSECTS, KNOTS, SUNSCALD, WINDBURN, ABRASIONS OR DISFIGUREMENT.
3. CONFORM TO MEASUREMENTS INDICATED AFTER PRUNING WITH BRANCHES IN NORMAL POSITION.
4. CONFORM TO AAN STANDARDS.

#### B. TOPSOIL: NATURAL, FERTILE AND FRIABLE SOILS HAVING TEXTURAL CLASSIFICATIONS OF SILT OR CLAY LOAM WITHOUT ADMIXTURE OR SUBSOIL MATERIAL. IT SHALL CONTAIN A NORMAL AMOUNT OF DECOMPOSED ORGANIC MATTER AND SHALL BE FREE OF STONES, NUTGRASS OR OTHER FOREIGN MATTER OR GRASSES.

#### C. COMMERCIAL FERTILIZER: COMPLETE FERTILIZER DERIVED FROM ORGANIC SOURCES, BEARING THE MANUFACTURER'S STATEMENT OF ANALYSIS AND GUARANTEE THAT IT MEETS THE FOLLOWING REQUIREMENTS:

1. LOOSE COMMERCIAL FERTILIZER SHALL BE 12-24-12 GRANULAR. THOROUGHLY MIX 1/2 LB. PER C.Y. OF PLANTING MIX.
2. FERTILIZER TABLETS SHALL BE 21 GRAM AGRIFORM PLANTING TABLETS WITH ANALYSIS:  
20-10-5 AS MANUFACTURED BY SIERRA CHEMICAL CO. OR EQUAL. PLACE 1 TABLET PER 1/2' CAL. AND TABLETS EVENLY AROUND ROOTBALL.

#### D. PRE-EMERGENCE HERBICIDE: DACTHAL ACCORDING TO AAN STANDARDS.

#### E. MULCH:

1. PEAT MOSS - DOMESTIC PRODUCT CONSISTING OF 98% PARTIALLY DECOMPOSED ORGANIC MATERIAL OF NATURAL OCCURRENCE. IT SHALL BE CLEAN AND FREE OF FOREIGN SUBSTANCE.
2. WOOD BARK - NATURAL PRODUCT OF SHREDDED SOUTHERN PINE BARK. FREE FROM WEEK, SEED, SOIL, DISEASES AND INSECTS.

#### F. ROOT ACTIVATOR: CARL POOL ROOT ACTIVATOR.

#### G. GUYING AND STAKING MATERIAL: STAKES 120' APART, 3 - 2"X2" CEDAR DRIVE STAKES AT LEAST 12" INTO UNDISTURBED SOIL. 12" GALVANIZED STEEL GUY WIRE. 3/4" 2 PLY BLACK RUBBER HOSE.

#### H. TREE WOUND PAINT: APPROVED COMMERCIAL PRODUCT.

#### I. WATER: FREE OF OIL, ACIDS, ALKALI, SALT AND OTHER SUBSTANCES HARMFUL TO PLANT GROWTH. CONTRACTOR TO PROVIDE TEMPORARY HOSES. WATER FURNISHED ON SITE.

#### J. SAND: WASHED BUILDERS SAND.

### 2. MIXES

#### A. PLANTING MIXTURE

1. TOPSOIL: TWO PARTS
2. PEAT: ONE PART
3. SAND: ONE PART

## PART 3 - EXECUTION



1. INSPECTION
  - A. INSPECT TREES FOR INJURY, INSECT INFESTATION AND IMPROPER PRUNING.
  - B. DO NOT BEGIN PLANTING OR WRAPPING OF TREES UNTIL DEFICIENCIES ARE CORRECTED OR TREES REPLACED.
2. FIELD MEASUREMENTS
  - A. STAKE LOCATIONS OF TREES.
3. EXCAVATION FOR PLANTING
  - A. DIG IN CIRCULAR SHAPE WITH VERTICAL SIDES AT LEAST 12" LARGER IN DIAMETER THAN PLANT BALL AND DEEP ENOUGH BELOW ADJACENT GRADE OR CURB TO ACCOMMODATE BALL PLUS AT LEAST 6" MORE. THOROUGHLY LOOSEN NATURAL BOTTOM OF PIT.
  - B. OBSTRUCTIONS BELOW GROUND:
    1. REMOVE ROCK OR UNDERGROUND OBSTRUCTIONS TO DEPTH NECESSARY TO PERMIT PLANTING.
    2. AVOID DAMAGING UNDERGROUND UTILITY LINES.
    3. REPAIR DAMAGE TO EXISTING UTILITIES.
4. GENERAL PREPARATION/PLANTING
  - A. PLACE PLANTING MIXTURE IN BOTTOM OF EACH PIT SUFFICIENTLY DEEP TO SUPPORT TREE SO THAT FINISH GRADE AT THE PLANT WILL BE SAME AS THAT WHICH IT WAS GROWN. CENTER TREE IN PIT WITH PROPER ORIENTATION. ALL TREES SHALL BE PLACED STRAIGHT AND UPRIGHT. FILLING: USING PLANTING MIXTURE, FILL ALL POCKETS.
  - B. APPLY MANUFACTURER'S RECOMMENDED RATE OF PRE-EMERGENCE HERBICIDE AND ROOT ACTIVATOR.
  - C. APPLY 2" MULCH TOP DRESSING.
  - D. THOROUGHLY WATER TREES.
  - E. BUILD 2" SAUCER AROUND TREES TO FORM WATER BASIN.
  - F. FOR BALLED AND BURLAPPED TREES:
    1. PLACE WITH BURLAP INTACT - REMOVE TOP 1/3 OF BURLAP.
    2. DO NOT PULL BURLAP FROM BALL.
    3. DO NOT PLANT IF BALL IS CRACKED OR BROKEN.
  - G. GUY TREES 2 1/2 CALIPER AND OVER.
  - H. PRUNING: UPON COMPLETION OF PLANTING, PRUNE ALL TREES, REMOVE DEAD OR INJURED TWIGS AND SUCKERS. MAKE ALL CUTS FLUSH, LEAVING NO STUDS. TREAT LARGER CUTS WITH APPROVED TREE PAINT.
  - I. WATERING:
    1. WATER WHEN SOIL MOISTURE IS BELOW OPTIMUM LEVEL FOR BEST PLANT GROWTH.
    2. WATER TWICE A WEEK DURING INITIAL DRY WEATHER.
5. CLEAN-UP
 

REMOVE ANY SOIL, PEAT MOSS OR SIMILAR MATERIAL FROM PAVED AREAS, WALKS, ETC. REMOVE ALL EXCESS MATERIAL AND DEBRIS RESULTING FROM OPERATION OF STREET TREE PLANTING.

CHART "AA"

STREET NAME	TREE TYPE	BOTANICAL NAME
MYRTLE LANE	PECAN	CARYA ILLINOINENSIS

91 DEC -9 P4:25  
 COUNTY CLERK  
 FORT BEND COUNTY, TEXAS

STATE OF TEXAS COUNTY OF FORT BEND  
 I hereby certify that this instrument was filed on  
 this date and was duly recorded by me and was only recorded  
 in the public records of the Official Records of Fort Bend  
 County, Texas as stated by me.

DEC 11 1991



*Diane A. Wilson*  
 County Clerk, Fort Bend Co., Tex.