

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

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

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

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

W I T N E S S E T H :

CORPORATION ("Declarant").
Netherlands Antilles corporation, doing business as LAKE OLYMPIA DEVELOPMENT
THIS DECLARATION OF ANNEXATION is made by LAKE OLYMPIA DEVELOPMENT N.V., a

THE STATE OF TEXAS
COUNTY OF FORT BEND

SECTION ONE
SUNRISE BAY AT LAKE OLYMPIA
FOR
DECLARATION OF ANNEXATION

2609 1256

9400214

SR1

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 this Declaration of Annexation shall only cover and affect the following described property:

- Lots One (1) through Twenty-Seven (27), inclusive in Block One (1); Lots One (1) through Five (5), inclusive in Block Two (2); and Lots One (1) through Fifteen (15), inclusive in Block Three (3); and all in Smartise Bay at Lake Olympia, Section One (1), a subdivision in Fort Bend County, Texas according to the map or plat thereof, recorded on Slide No. 12768 in the Plat Records of Fort Bend County, Texas.

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 Bidder 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 Bidder, the Architectural Control Committee may approve a partial preliminary site plan which reflects the exterior elevation, size and configuration of the proposed building but 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.

The following Sections of Article VII are amended as follows:

Section 2. Improvement of Lots. No building or other structure of any kind or detached single-family dwelling, which shall not exceed two and one-half (2 1/2) stories in height; (1) 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 however the employees actually employed by the Owner or resident of the lot, which 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 construction of such greenhouse. No carports (which shall not include porches) 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 be either parallel to the street upon which the lot faces.

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 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. Keelting Material. The roof of any living unit (including any garage or servant's quarters) shall be constructed or covered with (1) 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 (2) asphalt or composition type shingles of a minimum of 235 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 an attached or 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 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 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 slide 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.

There is added to Article VII new Sections 33 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, structures or facility walkways, patios, docks, 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 shall have 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 inches in diameter at a height of five (5) feet from existing ground, to compensate for losses and/or damages 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.

RETURN TO: LAKE OLYMPIA DEVELOPMENT
2700 LAKE OLYMPIA PARKWAY
MISSOURI CITY, TX 77459

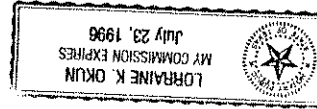
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS
NAME:
MY COMMISSION EXPIRES:

This instrument was acknowledged before me on the _____ day of _____, 1993 by JAMES M. WILSON, Manager of the U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, on behalf of said

COUNTY OF FORT BEND

THE STATE OF TEXAS

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS
NAME: Lorraine K. Okun
MY COMMISSION EXPIRES: 7-23-96



This instrument was acknowledged before me on the 27th day of December, 1993 by ANDREW CHOY, President of LAKE OLYMPIA DEVELOPMENT, on behalf of said corporation, N.V., a Netherlands Antilles Corporation, d/b/a LAKE OLYMPIA DEVELOPMENT CORPORATION, on

COUNTY OF FORT BEND

THE STATE OF TEXAS

BY: JAMES M. WILSON, Manager

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

BY: ANDREW CHOY, President

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

IN WITNESS WHEREOF, the undersigned being the Declarant herein, has hereunto set its hand and seal this 27th day of December, 1993.

2609 1260

OR ADJACENT PROPERTY

D. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO EXISTING UNDERGROUND UTILITIES, SIDEWALKS, ROADWAYS

C. ALL TREES SHALL BE PLANTED BY A QUALIFIED CONTRACTOR IN SUCH A MANNER TO INSURE THE VIABILITY OF THE TREE

B. SEE CHART "AA" FOR TREE TYPES AND STREET LOCATION

A. ALL TREES SHALL BE A MINIMUM 2 1/2 INCH CALIPER WITH HEIGHT AND WIDTH CONFORMING TO VAN STANDARDS

2. PRODUCT AND PLANTING SPECIFICATIONS

D. THE SELLER SHALL ADVISE THE PURCHASER OF THE RESTRICTIONS GOVERNING THE TYPES AND LOCATION OF THE REQUIRED STREET TREES

C. THE BUYER SHALL PROVIDE THE PURCHASER WITH THE APPROPRIATE INFORMATION TO MAINTAIN THE STREET TREES IN A VIABLE CONDITION.

B. THE SELLER SHALL WARRANT THAT THE REQUIRED TREES ARE IN PLACE AND IN A VIABLE CONDITION

A. REFERENCE STANDARDS: AMERICAN ASSOCIATION OF NURSERMEN, INC. (AAN): HORTICULTURAL STANDARDS

1. QUALITY ASSURANCE

STREET TREE PLANTING SPECIFICATIONS

FOR WOODED LOTS, STREET TREES WILL NOT BE REQUIRED UNLESS EXISTING TREES IN THE FRONT OF THE LOT ARE REMOVED OR DIE EITHER DURING CONSTRUCTION OF THE HOME OR AT A LATER TIME. THE ARCHITECTURAL CONTROL COMMITTEE RESERVES THE RIGHT TO REQUIRE STREET TREES ON ANY WOODED LOT IF DEEMS NECESSARY.

BACK OF SIDEWALK.

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

BACK OF SIDEWALK.

CONTROL COMMITTEE. ALL TREES WILL BE PLACED THREE (3) FEET ROADWAY UNLESS OTHERWISE APPROVED BY THE ARCHITECTURAL WILL BE PLACED PER FRONT LOT, SPACED EQUALLY ALONG THE ALL LOTS WILL RECEIVE STREET TREES. TWO (2) STREET TREES

STREET TREE PLANTING

QUERCUS VIRGINIANA
QUERCUS SHUMARDI
QUERCUS VIRGINIANA
FRAXINUS PENNSYLVANICA

LIVE OAK
SHOARD OAK
LIVE OAK
GREEN ASH

SUNRISE DRIVE
BAYVIEW COURT
PARKVIEW LANE
MORNING GLORY COURT

STREET NAME	TREE TYPE	BOTANICAL TYPE
SUNRISE DRIVE	LIVE OAK	QUERCUS VIRGINIANA
BAYVIEW COURT	SHOARD OAK	QUERCUS SHUMARDI
PARKVIEW LANE	LIVE OAK	QUERCUS VIRGINIANA
MORNING GLORY COURT	GREEN ASH	FRAXINUS PENNSYLVANICA

CHART "A"

NO FOR CORRECT

2609 1278