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Official Public Records

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A handwritten signature in cursive script, reading "Lee Haidusek Chambers".

Lee Haidusek Chambers, County Clerk

Liberty County, TX Fee: \$ 28.00

Pages: 4 DECL

**Declaration of Covenants, Conditions, and Restrictions of
Real Property Subject to the
Houston El Norte Property Owners Association, Inc.
5,205.913 acres**

Date: January 2, 2020

Declarant: Colony Ridge Development, LLC, a Texas limited liability company
P.O. Box 279
Fresno, Texas 77545

Association: Houston El Norte Property Owners Association, Inc.,
a Texas nonprofit corporation
P.O. Box 1920
Conroe, Texas 77305

Property: BEING 5,205.913 acres of land, which is 5,793.857 acres save and except 587.944 acres (said 587.944 is a portion of the land platted as Santa Fe, Section 5), which is further described as follows:

Being a 5,793.857 tract of land situated in the Ann Holshousen Survey, Abstract No. 208, the Samuel Alloway Survey, Abstract No. 128, the David Rankin Survey, Abstract No. 333, the Margaret Kennedy Survey, Abstract No. 305, the Hiram Emerson Survey, Abstract No. 188, and the J.H. Kirby Survey, Abstract No. 943, Liberty County, Texas, being a portion of that certain called 764.641 acre tract described as "Tract No. 1033", a portion of that certain called 2,857.244 acre tract described as "Tract No. 1036A", a portion of that certain called 1,000.168 acre tract described as "Tract No. 1029", all of that certain called 1,462.770 acre tract described as "Tract No. 1043", all of that certain called 2,208.43 acre tract described as "Tract No. 1039", and all of that certain called 350.5 acre tract described as "Tract No. 1054", all in instrument to Timbervest Partners III Texas, LLC, recorded in Clerk's File No. 2012001866 of the Official Public Records of Liberty County, Texas (O.P.R.L.C.T.), said 5,793.857 acre tract being more particularly described by metes and bounds in **Exhibit "A"** attached hereto and made a part hereof.

Save and Except

587.944 acres, which is part of Santa Fe subdivision, Section 5, according to the map or plat thereof, recorded under Clerk's File No. 2019022147, of the Official Public Records of Liberty County, Texas. (also known as the "Subdivision").

Definitions

"Covenants" means the covenants, conditions, and restrictions contained in this Declaration, and any amendments thereto.

“Declarant” means Colony Ridge Development, LLC, a Texas limited liability company, and any successor or assign that acquires all unimproved Lots owned by Declarant for the purpose of development or is named as successor/assignee by Colony Ridge Development, LLC in a recorded document.

“Lot” means each of the contemplated lots that will be developed at a future date including the estimated 12,376 lots that will be platted at a future date. These lots are subject to the Association jurisdiction and Declarant shall be allowed to vote using these lots at the time of filing this document.

Clauses and Covenants

1. Declarant imposes the Covenants on the Property, and such Covenants are effective for the Property. It is the Declarant’s intent that these Covenants will be imposed on this Property. All Owners and other occupants of the future developed Lots by their acceptance of their deeds, leases, or occupancy of any Lot agree that the Property is subject to the Covenants.

Agricultural and Timber Use. It is the Declarant’s intent to continue to use the Property for agricultural and timber use up until the time the Property is developed for a residential subdivision. This Declaration should in no way effect the agricultural or timber ad valorem tax exemptions on the Property.

2. **Annexation of Additional Property.** On written approval of the Board and not less than a majority of the Members that are present at a meeting called for this purpose, the Declarant or Association who desires to subject additional property to this Declaration may record an annexation agreement or other documentation that will impose this Declaration and the Covenants on that additional property. During the Declarant Control Period, the Declarant shall have the right to annex additional property into the control of the Association at its sole discretion.

3. **Houston El Norte Property Owners Association, Inc. (the “Association”).** All of the Property is subject to the jurisdiction of mandatory membership in the Association. The Association currently manages many other properties and subdivisions as described in the Master Declaration. The Declarant intends to acquire other property and to incorporate said property into the jurisdiction and control of the Association.

Municipal Management District and Municipal Utility District. Declarant has created a Municipal Management District and a Municipal Utility District. Owners understand that a neighborhood district is in effect that covers this subdivision to promote public improvement projects, services and commerce in the area. A special sales tax and property tax is being imposed on the property in the Subdivision.

4. The Covenants are necessary and desirable to establish a uniform plan for the development and use of the Property as a single-family residential subdivision. The Covenants run with the land and bind all Owners, occupants, and any other person holding an interest in a Lot.

5. *Establishment and Governance.* The Houston El Norte Property Owners Association, Inc. is established by filing its certificate of formation and is governed by the certificate, the Declaration, and the Bylaws. The Association has the powers of a nonprofit corporation and the property owners association for the Subdivision under the Texas Business Organizations Code, the Texas Property Code, and the Governing Documents.

6. *Rules.* The Board may adopt rules that do not conflict with law or the other Governing Documents. On request, Owners will be provided a copy of any rules.

7. *Membership and Voting Rights.* Every Owner is a Member of the Association. Membership is appurtenant to and may not be separated from ownership of a Lot. The Association has two classes of voting Members:

a. *Class A.* Class A Members are all Owners, other than Declarant. Class A Members have one vote per Lot. When more than one person is an Owner, each is a Class A Member, but only one vote may be cast for a Lot.

b. *Class B.* The Class B Member is Declarant and has three votes for each Lot owned. The Class B Membership ceases and converts to Class A Membership when Declarant transfers control of the subdivision to the Association.

General Provisions

1. *Term.* This Declaration runs with the land and is binding in perpetuity.

2. *Amendment.* This Declaration may be amended at any time by a majority vote of the members present at a member's meeting called for that purpose. An instrument containing the approved amendment will be signed by the Association and recorded. This Declaration may be amended unilaterally and solely in the discretion of the Declarant by a signed written statement at any time before the Control Transfer Date. The Control Transfer Date shall be defined as the date at which Declarant has transferred/sold more than 99% of the total acreage of land included within all real property subject to the control of the Association.

(signature page contained on Page 4)

DECLARANT:

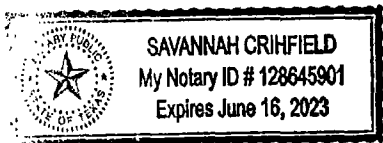
Colony Ridge Development, LLC, a Texas limited liability company, by its Manager
T-REX MANAGEMENT, INC., a Texas corporation

By: [Signature]
John Harris, President

THE STATE OF TEXAS)

COUNTY OF Montgomery)

This instrument was acknowledged before me on the 2 day of January, 2020, by John Harris, President of T-REX MANAGEMENT, INC., a Texas corporation, as Manager of Colony Ridge Development, LLC, a Texas limited liability company, on behalf of said company.



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