

**THIRD SUPPLEMENTAL DECLARATION
OF COVENANTS, CONDITIONS, RESTRICTIONS, EASEMENTS, CHARGES
AND LIENS FOR WILD WING PRESERVE SUBDIVISION
TO ANNEX PROPERTY – WILD WING PRESERVE PHASE 2**

**STATE OF TEXAS §
 § **KNOWN ALL MEN BY THESE PRESENTS**
COUNTY OF COLORADO §**

THIS Third Supplemental Declaration is made by LSLP Colorado Co., LLC, a Delaware Limited Liability Company, hereinafter referred to as the "Declarant":

W I T N E S S E T H:

WHEREAS, the Declarant is the owner of the real property more particularly described below and desires to develop thereon a residential subdivision; and

WHEREAS, the Declarant filed a Plat of Wild Wing Preserve Subdivision on October 24, 2022, under Slides 139-143 in the Plat Records of Colorado County, Texas ("Original Subdivision Plat"); and

WHEREAS, on October 25, 2022, Declarant filed of record the Declaration of Covenants, Conditions, Restrictions, Easements, Charges and Liens for Wild Wing Preserve Subdivision under Volume 1016, Page 767 of the Official Public Records of the Colorado County Clerk, Colorado County, Texas ("Original Declaration"); and

WHEREAS, on November 2, 2022, Declarant filed of record a Supplemental Declaration of Covenants, Conditions, Restrictions, Easements, Charges and Liens for Wild Wing Preserve Subdivision to Address Access to U.S. Highway 90 under Volume 1017, Page 764 of the Official Public Records of the Colorado County Clerk, Colorado County, Texas ("Supplemental Declaration"); and

WHEREAS, on March 16, 2023 the Declarant filed a Replat of Wild Wing Preserve Subdivision, under Slides 144-146 in the Plat Records of Colorado County, Texas ("Replat"); and

WHEREAS, on March 23, 2023, Declarant filed of record a Second Supplemental Declaration of Covenants, Conditions, Restrictions, Easements, Charges and Liens for Wild Wing Preserve Subdivision to Address Replat under Volume 1030, Page 140 of the Official Public Records of the Colorado County Clerk, Colorado County, Texas ("Second Supplemental Declaration"); and

WHEREAS, the above referenced Declarations allow for the Declarant, in its

discretion to incorporate any additional real property as additional phases of the Subdivision and bring the same under the Declaration of Covenants, Conditions, Restrictions, Easements, Charges and Liens for Wild Wing Preserve Subdivision; and

WHEREAS, the Declarant now desires to bring an additional phase of the Subdivision under the Declaration of Covenants, Conditions, Restrictions, Easements, Charges and Liens filed on October 25, 2022;

NOW THEREFORE, the Declarant declares that the real property known as Wild Wing Preserve Phase 2, which is further described below, is and shall be held, transferred, sold, conveyed and occupied subject to the Texas Property Code and subject to the covenants, restrictions, easements, charges and liens filed of record under Volume 1016, Page 767 of the Official Public Records of the Colorado County Clerk, Colorado County Texas, the Supplemental Declaration, the Second Supplemental Declaration and this Third Supplemental Declaration.

ARTICLE I **Definitions**

Section 1. Any words not defined in this Third Supplemental Declaration shall have the same meaning assigned in the Original Declaration filed of record under Volume 1016, Page 767 of the Official Public Records of the Colorado County Clerk, Colorado County Texas. The following words when used in this Third Supplemental Declaration (unless the context shall prohibit) shall have the following meanings:

(a) “Additional Property” shall mean and refer to the additional 830.899 acres that the Declarant is developing known as Wild Wing Preserve Phase 2 which includes 141 residential lots and a Common Area, which is described on the Plat filed of record in Slide No’s: 148-152 of the Plat Records of the Colorado County Clerk, Colorado County, Texas (“Plat of Phase 2”).

(b) “Original Declaration” shall mean and refer to the Declaration of Covenants, Conditions, Restrictions, Easements, Charges and Liens for Wild Wing Preserve Subdivision filed of record under Volume 1016, Page 767 of the Official Public Records of the Colorado County Clerk, Colorado County Texas.

(c) “Supplemental Declaration” shall mean and refer to the Supplemental Declaration of Covenants, Conditions, Restrictions, Easements, Charges and Liens for Wild Wing Preserve Subdivision to Address Access to U.S. Highway 90 filed of record under Volume 1017, Page 764 of the Official Public Records of the Colorado County Clerk, Colorado County, Texas.

(d) “Second Supplemental Declaration” shall mean and refer to the

Second Supplemental Declaration of Covenants, Conditions, Restrictions, Easements, Charges and Liens for Wild Wing Preserve Subdivision to Address Replat filed of record under Volume 1030, Page 140 of the Official Public Records of the Colorado County Clerk, Colorado County, Texas.

(e) “Third Supplemental Declaration” shall mean and refer to this Third Supplemental Declaration of Covenants, Conditions, Restrictions, Easements, Charges and Liens for Wild Wing Preserve Subdivision to Annex Property – Wild Wing Preserve Phase 2.

(f) “Common Area” means the portions of the Subdivision, including any applicable easements, owned by the Developer (prior to the Control Transfer Date) or the Association for the common use and enjoyment of the Members including, but not limited to, the entrance gate, bus pickup area, landscaping, easements, Roads, Common Area shown on the Plat of Phase 2 that is a walking trail, and the irrigation well and pump located on Lot 223 that is used exclusively to service the lake, together with such other property as the Association may acquire in the future for the common use and enjoyment of the Members. Any lake that is a Common Area will be designated on the Plat. The Association is responsible for the liability and maintenance of the Common Area.

(g) “Common Area Expense” means all expense necessary to maintain, replace, repair and expand the Common Area as well as all necessary expense to operate the Association including, but not limited to, casualty and liability insurance, directors and officer’s liability insurance and all other reasonable and necessary expenses of the Association. Additionally, Common Area Expense shall include (a) mowing of the Common Area (b) Common Area maintenance and replacement of landscaping, (c) repairing and maintaining the Roads (d) maintenance and replacement expenses for the Common Area irrigation well and pump and (g) all other expenses and capital enhancements as may be determined by the Board of Directors to promote the safety, health, recreation and welfare of the Members and maintain the Subdivision in an attractive manner.

(h) “Property” or “Subdivision” shall mean all phases of the Wild Wing Preserve Subdivision as more fully described on the map and plat recorded in the Plat Records of Colorado County, Texas in Slide No’s: 139-143, the Replat recorded in the Plat Records of Colorado County, Texas in Slide No’s: 144-146 and the Plat of Phase 2 recorded in Slide No’s: 148-152 of the Plat Records of the Colorado County Clerk, Colorado County, Texas.

ARTICLE II
Incorporation of Additional Property

Section 1. Additional Property. The 141 lots and a Common Area comprised of 830.899 acres of real property which is, and shall be held, transferred, sold, conveyed and occupied subject to this Third Supplemental Declaration, Second Supplemental Declaration, Supplemental Declaration and the Original Declaration is located in Colorado County, Texas, and is described on the Plat of the Subdivision filed of record in Slide No's: 148-152 of the Plat Records of the Colorado County Clerk, Colorado County, Texas.

Section 2. Additional Phase. Declarant elects that the Additional Property that is the subject of this Third Supplemental Declaration be incorporated into the Subdivision to be fully covered under the Original Declaration, the Supplemental Declaration and the Second Supplemental Declaration as if it was part of the original Subdivision. This property so incorporated shall be subject to all the declarations, covenants, easements, liens, restrictions, and duties as set forth in the Original Declaration, Supplemental Declaration and Second Supplemental Declaration.

ARTICLE III **Additional Restrictions**

Section 1. Use of Common Area Walking Trail – Phase 2. The Common Area depicted on the Plat of Phase 2 functions as an accessible space for all Members and their guests to walk, bike, and fish. It is strictly forbidden to enter the adjacent lake from this Common Area or use any motorized vehicles on it. Neither individuals nor animals are permitted to enter the lake from the Common Area. The sole activity permitted on the lake by Members is fishing from the Common Area adjacent to the lake. All other uses of the lake are exclusively reserved for the lakefront owners, those being the owners of Lots 153-167, and such usage is subject to a Use Agreement that covers Lots 153-167.

ARTICLE IV **Additional Easement**

Section 1. Well Access Easement. The irrigation well and pump located on Lot 223 that is used exclusively to service the lake, shall be maintained by the Association. The Association shall have an easement to access, repair, maintain and replace the irrigation well and pump as shown as Detail A on Sheet 8 of the Plat of Phase 2 recorded in Slide No's: 148-152 of the Plat Records of the Colorado County Clerk, Colorado County, Texas.

ARTICLE V **General Provisions**

Section 1. Binding Effect. All covenants, conditions, limitations, restrictions, easements, and affirmative obligations set forth in this Third Supplemental Declaration, the Original Declaration, the Supplemental Declaration, and the Second Supplemental Declaration shall be binding on the Owners of the Lot(s) and each and every Owner of the

properties and their respective heirs, successors, and assigns, and shall run with the land. All rights, easements and agreements reserved by or granted to Declarant in the Original Declaration shall inure to the benefit of Declarant, its successors and assigns including, without limitation, the right to develop and submit additional phases.

Section 2. Severability. Invalidation of any one of these covenants or restrictions by judgment or court order shall in no way affect any other provisions, which shall remain in full force and effect.

Section 3. Plat. Reference to “Plat”, “Map”, or other term synonymous therewith shall mean and include any Plats of Wild Wing Preserve Subdivision, all phases, filed of record in the Official Public Records of Colorado County, Texas, and all subsequent revisions thereof as and when recorded with the Colorado County Clerk’s Office, Colorado County, Texas.

Any other terms and conditions of the Original Declaration, Supplemental Declaration and Second Supplemental Declaration not amended herein, shall remain in full force and effect.

This Third Supplemental Declaration shall become effective upon its recordation in the Official Public Records of the Colorado County Clerk’s Office, Colorado County, Texas.

IN WITNESS WHEREOF, the undersigned, being the Declarant, herein, has hereunto set its hand on this the 16 day of June 2023.

LSLP Colorado Co., LLC, a Delaware limited liability company

By: American Land Partners, Inc., a Delaware limited liability company, Manager

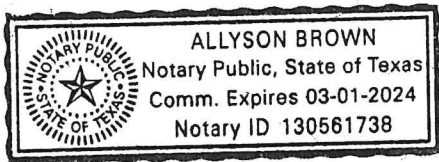
By: Price Kever
Printed Name: Price Kever
Title: Authorized Agent

STATE OF TEXAS §
COUNTY OF Colorado §
§

CERTIFICATE OF ACKNOWLEDGMENT

Before me, the undersigned Notary Public, on this day personally appeared Price Keever, who is personally known to me (or proved to me through a federal or state issued ID with photo and signature of person identified) to be the person whose name is subscribed to the foregoing instrument, and who has acknowledged to me that he executed the instrument for the purposes and consideration therein expressed and in the capacity stated herein.

Given under my hand and seal of office on the 16 day of June 2023.



Allyson Brown
Notary Public, State of Texas

STATE OF TEXAS COUNTY OF COLORADO
I hereby certify that this instrument was FILED on the
date and time stamped hereon by me; and was duly
RECORDED to the Volume and Page of the OFFICIAL
RECORDS of Colorado County, Texas and stamped
hereon by me, on

JUN 21 2023



Kimberly Menke
KIMBERLY MENKE
COUNTY CLERK, COLORADO COUNTY, TEXAS

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COLORADO COUNTY, TX
2023 JUN 16 AM 9:53
KIMBERLY MENKE
COUNTY CLERK
O.H.