

96-017912

SOUTHWYCK, SECTION NINE (9)
ANNEXATION AGREEMENT

This Annexation Agreement is entered into as of the date hereinafter stated by Beazer Homes Texas, Inc. ("Declarant"), Southwyck, Section IV Homeowners' Association ("Village Association"), and Southwyck Community Association, Inc. ("Master Association").

WITNESSETH:

WHEREAS, that certain Declaration of Covenants, Conditions and Restrictions dated as of July 17, 1984 which is filed under Clerk's File No. 27027 and recorded in the Deed Records of Brazoria County, Texas (the "Declaration") imposed covenants, conditions and restrictions on the property within Southwyck, Section IV, a subdivision in Brazoria County, Texas according to the plat thereof recorded in Volume 17, Pages 187-188 of the Map Records of said County; and

WHEREAS, as contemplated by the Declaration, the Master Association and the Village Association were formed, the purposes of which are to collect, administer and disburse the maintenance assessments described in the Declaration and to provide for the maintenance, preservation and architectural control of the property within the respective jurisdictions of the Master Association and the Village Association; and

WHEREAS, the Declaration, in Article IX, Section 1(b) thereof, provides that upon the approval of the Boards of Directors of the Village Association and the Master Association, the owner of

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certain property may annex such property to the jurisdiction of the Village Association and the Master Association; and

WHEREAS, Declarant is the owner of the property described on Exhibit "A" attached hereto (the "Annexed Tract") and desires to annex the Annexed Tract to the authority and jurisdiction of the Village Association and the Master Association, as contemplated and provided in the Declaration.

NOW THEREFORE, for and in consideration of the premises and in furtherance of the general plan of development for the property subject to the Declaration and the Annexed Tract, Declarant hereby declares the following:

ANNEXATION

1. The Annexed Tract is hereby included and annexed to and subjected to the authority and jurisdiction of the Village Association and the Master Association, as provided in and contemplated by the Declaration.

2. A separate Declaration of Covenants, Conditions and Restrictions for the Annexed Tract has been or is concurrently herewith being filed by Declarant, which instrument impresses and subjects the lots within the Annexed Tract to maintenance charges and assessments imposed by the Village Association and the Master Association on a uniform, per lot basis with the other lots within the respective jurisdictions of the Village Association and the Master Association. It is understood and agreed that the Village Association and the Master Association shall allow owners of property within the Annexed Tract to use their respective

facilities and amenities, including facilities available to members of the Village Association or the Master Association by contractual arrangement, in the same manner as the owners of other properties within their respective jurisdictions.

The Village Association and the Master Association execute this instrument to evidence their consent to the annexation and acceptance of the Annexed Tract to the property within their respective jurisdictions.

IN WITNESS WHEREOF, this Annexation Agreement is executed as of the 8 day of MAY, 1996.

BEAZER HOMES TEXAS, INC.

By: [Signature]

Its: [Signature]

SOUTHWYCK, SECTION IV HOMEOWNERS' ASSOCIATION

By: [Signature]

Name: YVONNE PIRNIK

Title: PRESIDENT

SOUTHWYCK COMMUNITY ASSOCIATION, INC.

By: [Signature]

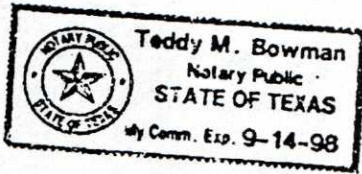
Name: T. P. WILCOX

Title: PRES

THE STATE OF TEXAS S
COUNTY OF HARRIS S

This instrument was acknowledged before me on MAY 8,
1996 by DAN OLSON, Dir. of Development of Beazer Homes of
Texas, Inc., a corporation, on behalf of said corporation.

(SEAL)



Teddy M. Bowman
Notary Public in and for
the State of Texas

TEDDY M. BOWMAN
Name printed or typed
My commission expires: 98

THE STATE OF TEXAS S
COUNTY OF BRAZORIA S

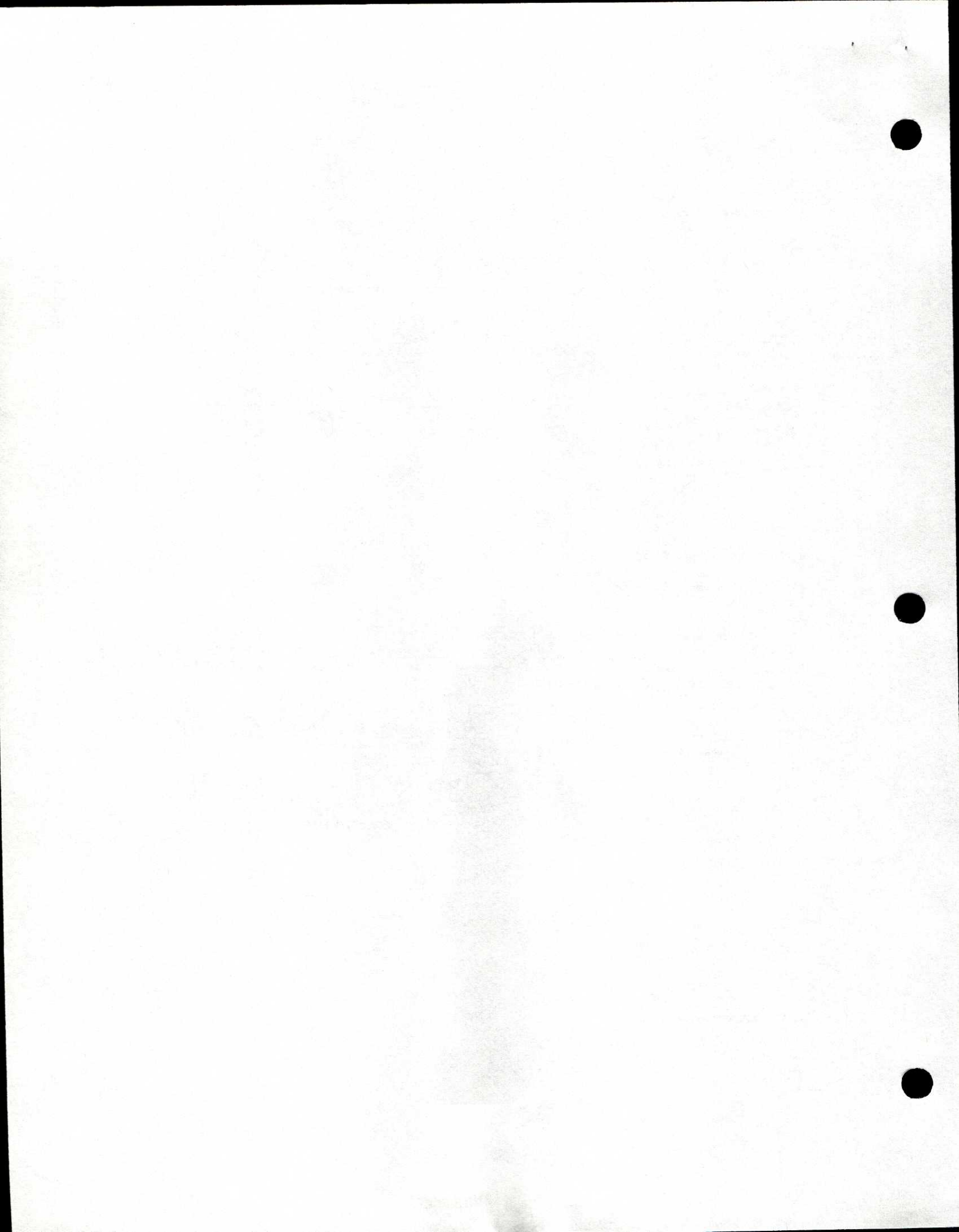
This instrument was acknowledged before me on 3-5-96,
1996 by LYDENE PLZNIK, PRESIDENT of Southwyck,
Section IV Homeowners' Association, a Texas non-profit corporation,
on behalf of said corporation.

(SEAL)



Shaun M. Shepherd
Notary Public in and for
the State of Texas

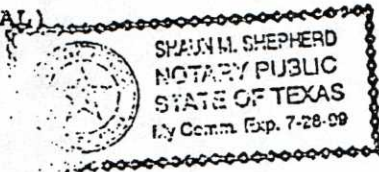
SHAUN M. SHEPHERD
Name printed or typed
My commission expires: 99



THE STATE OF TEXAS S
COUNTY OF BLAZONIA S

This instrument was acknowledged before me on 2/16/96,
1996 by _____, Tom Wilcox, * of Southwyck,
Community Association, Inc., a Texas non-profit corporation, on
behalf of said corporation. * PRESIDENT

(SEAL)



Shaun M. Shepherd
Notary Public in and for
the State of Texas
SHAUN M. SHEPHERD
Name printed or typed
My commission expires: 99

after recording, return to:
Colts, Rose, Yale, Holm, Ryman & Lee

A Professional Corporation

Attorneys at Law

800 First City Tower

1001 Fannin

Houston, Texas 77002-6707

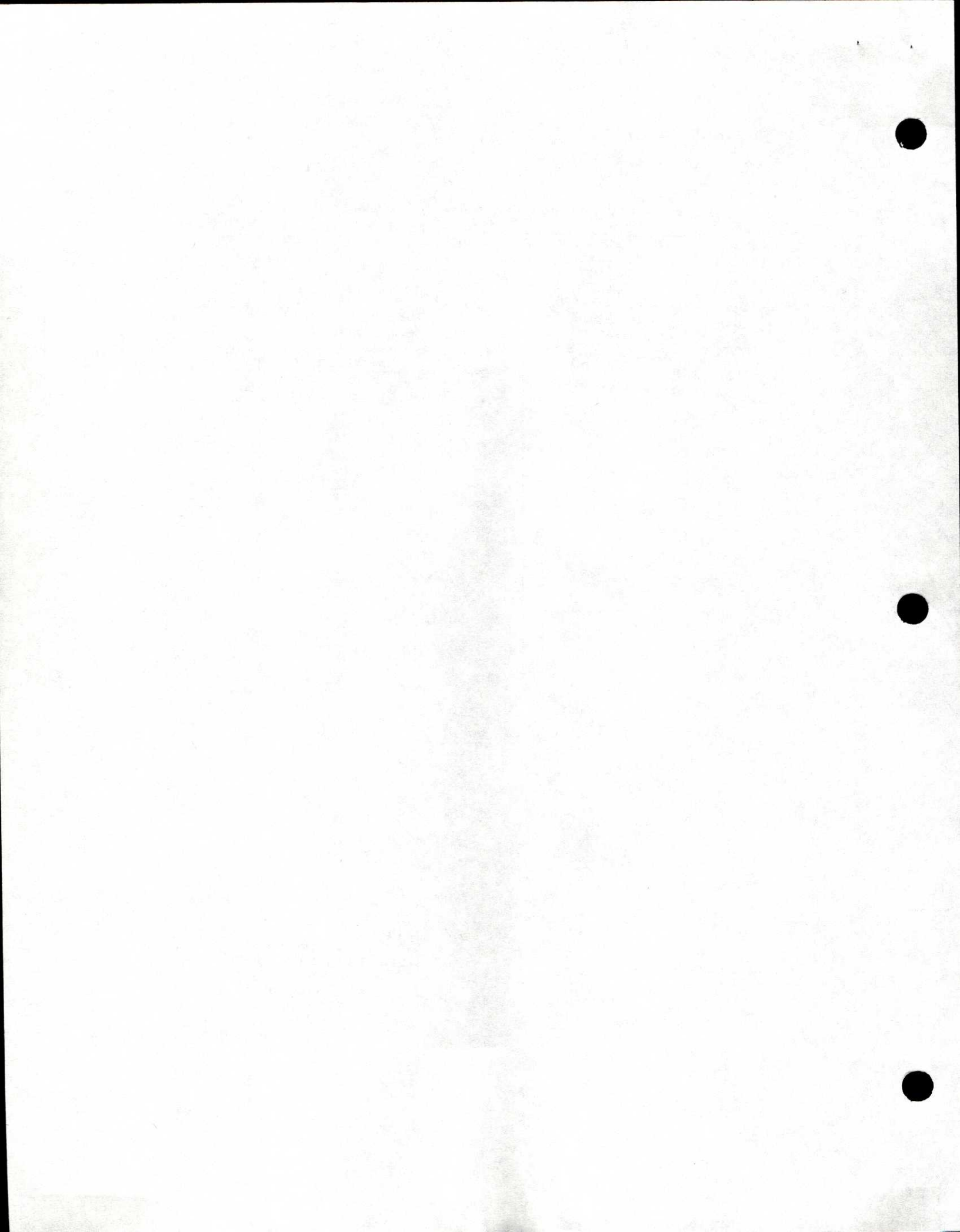


EXHIBIT "A"

All of Southwyck, Section Nine (9), a subdivision of land in Brazoria County, Texas according to the plat thereof recorded in Volume 19, Page 507-28 of the Map Records of Brazoria County, Texas.

GREATER TEXAS SURVEYING**METES AND BOUNDS DESCRIPTION
15.6100 ACRES OF LAND
H. T. & B. R. R. COMPANY SURVEY, SECTION 21, ABSTRACT 309
BRAZORIA COUNTY, TEXAS**

BEING 15.6100 acres of land situated in the H. T. & B. R. R. Company Survey, Section 21, Abstract 309, Brazoria County, Texas, and being a portion of that certain called 38.6122 acre tract of land described in a deed to Southwyck Nine, LTD., currently of record in the Deed Records of Brazoria County; said 15.6100 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8-inch iron rod found in the northerly right-of-way line of Northfork Drive (70 feet wide) as delineated in the plat of Southwyck, Section 5, a subdivision recorded in Volume 17, Page 276 of the Plat Records of Brazoria County, same being in the easterly line of that certain called 31.4390 acre Detention Pond tract described in a deed recorded in Volume 116, Page 616 of the Deed Records of Brazoria County and being the most westerly corner of said 38.6122 acre tract;

THENCE along and with said 31.4390 acre Detention Pond tract easterly line and the westerly line of said 38.6122 acre tract, the following four (4) courses:

NORTH 23°38'54" East, a distance of 218.74 feet to a 5/8-inch iron rod found;

NORTH 17°23'31" East, a distance of 92.02 feet to a 5/8-inch iron rod found;

NORTH 15°13'03" East, a distance of 60.79 feet to a 5/8-inch iron rod found;

NORTH 2°22'17" East, a distance of 63.41 feet to a 5/8-inch iron rod found at the southwest corner of that certain called 0.3577 of one acre Water Plant Site described in a deed recorded in Volume 281, Page 860 of the Deed Records of Brazoria County;

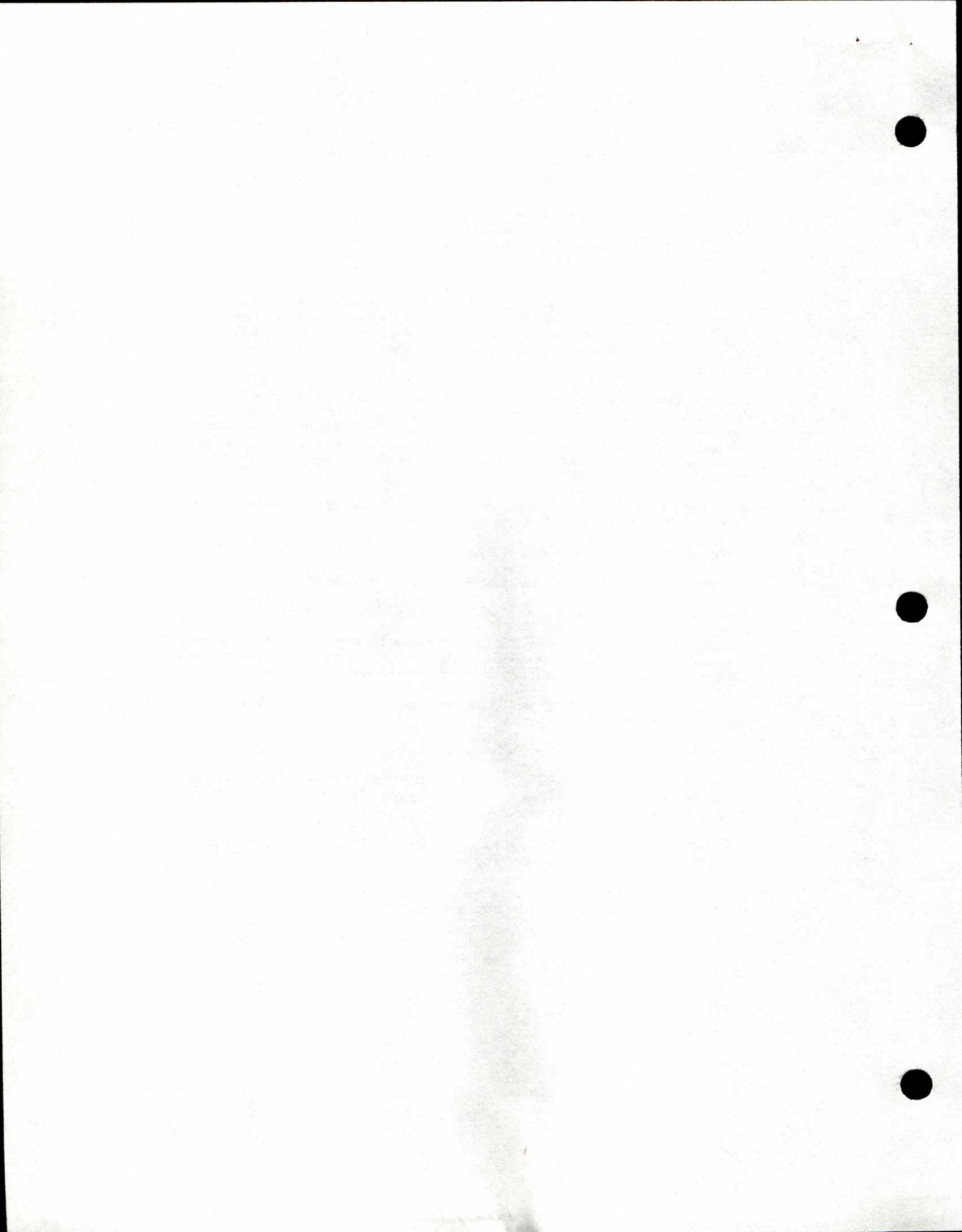
THENCE along and with the south and east lines of said 0.3577 of one acre Water Plant Site, the following three courses:

SOUTH 64°05'59" East, a distance of 97.24 feet to a 5/8-inch iron rod found;

THROUGH a curve to the right having a Central Angle of 109°36'24", a Radius of 50.00 feet, an Arc Length of 85.66 feet, and a Chord Length of 81.72 feet Bearing **NORTH 15°42'14" East** to a 5/8-inch iron rod found;

NORTH 2°10'37" West, a distance of 108.67 feet to a 5/8-inch iron rod found in the south line of said 31.4390 acre Detention Pond tract;

THENCE **NORTH 87°19'03" East**, along and with said 31.4390 acre Detention Pond tract south line and the north line of said 38.6122 acre tract, a distance of 681.68 feet;



GREATER TEXAS SURVEYING

THENCE crossing said 38.8122 acre tract, the following eight (8) courses:

SOUTH 2°40'57" East, a distance of 170.00 feet;

SOUTH 87°10'03" West, a distance of 20.90 feet;

SOUTH 2°40'57" East, a distance of 74.11 feet;

SOUTH 0°48'28" West, a distance of 87.62 feet;

SOUTH 5°23'50" West, a distance of 98.49 feet;

SOUTH 11°02'55" West, a distance of 106.98 feet;

SOUTH 13°46'27" West, a distance of 271.07 feet;

SOUTH 16°45'35" West, a distance of 218.72 feet to the aforesaid northerly right-of-way line of Northfork Drive;

THENCE along and with said Northfork Drive northerly right-of-way line, the following eleven (11) courses:

THROUGH a curve to the right, having a Central Angle of 8°37'02", a Radius of 1985.00 feet, an Arc Length of 295.53 feet, and a Chord Length of 295.26 feet Bearing NORTH 69°11'06" West to a 5/8-inch iron rod found;

NORTH 64°52'35" West, a distance of 177.74 feet to a 5/8-inch iron rod found;

THROUGH a curve to the right having a Central Angle of 90°55'57", a Radius of 25.00 feet, an Arc Length of 39.88 feet, and a Chord Length of 35.64 feet Bearing NORTH 19°24'37" West to a 5/8-inch iron rod found;

NORTH 63°12'32" West, a distance of 50.00 feet to a 5/8-inch iron rod found;

THROUGH a curve to the right having a Central Angle of 83°02'15", a Radius of 25.00 feet, an Arc Length of 40.60 feet, and a Chord Length of 36.28 feet Bearing SOUTH 72°34'50" West to a 5/8-inch iron rod found;

THROUGH a curve to the right having a Central Angle of 8°16'30", a Radius of 985.00 feet, an Arc Length of 139.37 feet, and a Chord Length of 139.25 feet Bearing NORTH 56°45'27" West to a 5/8-inch iron rod found;

NORTH 52°37'13" West, a distance of 43.12 feet to a 5/8-inch iron rod found;

THROUGH a curve to the right having a Central Angle of 90°00'00", a Radius of 25.00 feet, an Arc Length of 39.27 feet, and a Chord Length of 36.38 feet Bearing NORTH 7°37'13" West to a 5/8-inch iron rod found;

GREATER TEXAS SURVEYING

NORTH 52°37'13" West, a distance of 50.00 feet to a 5/8-inch iron rod found;

THROUGH a curve to the right having a Central Angle of 90°00'00", a Radius of 25.00 feet, an Arc Length of 39.27 feet, and a Chord Length of 35.35 feet Bearing SOUTH 82°22'47" West to a 5/8-inch iron rod found;

NORTH 52°37'13" West, a distance of 77.34 feet to the PLACE OF BEGINNING, and containing 15.6100 acres of land.



FILED AND RECORDED
96 MAY 24 AH 10:55

Dolly Bailey
COUNTY CLERK
BRAZORIA COUNTY, TEXAS

THE STATE OF TEXAS
COUNTY OF BRAZORIA

I, DOLLY BAILEY, Clerk of the County Court in and for Brazoria County, Texas, do hereby certify that this instrument was FILED FOR RECORD and RECORDED in the OFFICIAL RECORD at the time and date so stamped herein by me.



Dolly Bailey
County Clerk of Brazoria Co., TX

