

AFTER RECORDING RETURN TO:
FRANK O. CARROLL III
WINSTEAD PC
401 CONGRESS AVENUE, SUITE 2100
AUSTIN, TEXAS 78701
EMAIL: focarroll@winstead.com



AMENDED NOTICE OF APPLICABILITY

[COMMERCIAL] [SECS. 115 & 401]

DECLARANT: BV SOUTHERN POINTE DEVELOPMENT, INC., a Texas corporation

Cross reference to that certain (i) Southern Pointe Amended and Restated Master Covenant [Mixed-Use], recorded as Document No. 1485065 in the Official Public Records of Brazos County, Texas, as amended; and (ii) Southern Pointe Development Area Declaration [Commercial], recorded as Document No. 1485543 in the Official Public Records of Brazos County, Texas, as may be amended from time to time.

AMENDED NOTICE OF APPLICABILITY
[Commercial] [SECS. 115 & 401]

This Amended Notice of Applicability (this "Notice") is made and executed by BV SOUTHERN POINTE DEVELOPMENT, INC., a Texas corporation ("Declarant"), and is as follows:

1. **Applicability of Master Covenant.** This Notice of Applicability is filed with respect to Sections *Secs. 115 and 401*, of Southern Pointe, a subdivision located in Brazos County, Texas, according to the map or plat recorded in Volume 18287, Page 148, in the Official Public Records of Brazos County, Texas (collectively, the "Development Area"). Pursuant to that certain Southern Pointe Amended and Restated Master Covenant [Mixed-Use], recorded as Document No. 1485065, in the Official Public Records of Brazos County, Texas, as amended from time to time (the "Covenant"), Declarant served notice that portions of the Property described on Exhibit "A" to the Covenant, upon the Recording of appropriate Notices of Applicability from time to time, may be made a part of the Development and thereby fully subjected to the terms, covenants, conditions, restrictions, reservations, easements, servitudes, liens and charges of the Covenant.

2. **Applicability of Development Area Declaration.** Pursuant to the Covenant and to that certain Southern Pointe Development Area Declaration [Commercial], recorded as Document No. 1485543 in the Official Public Records of Brazos County, Texas, as amended from time to time (the "Development Area Declaration"), Declarant served notice that portions of the Property described on Exhibit "A" to the Covenant, upon the Recording of appropriate Notices of Applicability from time to time, may be subjected to the terms, covenants, conditions, restrictions, reservations, easements, servitudes, liens and charges of a Development Area Declaration. Pursuant to this Notice, the Development Area is subject to the terms and provisions of the Development Area Declaration.

3. **Development Area.** The Development Area described and identified in *Paragraph 1* hereinabove will constitute one of the Development Areas that is permitted, contemplated and defined under the Covenant.

4. **Property Incorporated into Development.** The provisions of the Covenant, the Development Area Declaration shall apply to the Development Area. The Development Area is hereby included within and made a part of the Development, and is hereby subjected to the terms, covenants, conditions, restrictions, reservations, easements, servitudes, liens and charges of the Covenant, and the Development Area Declaration.

5. **Miscellaneous.** This Notice constitutes a Notice of Applicability under *Section 9.5* of the Covenant. This Notice, to the extent required, shall be considered an amendment to the Covenant. Any capitalized terms used and not otherwise defined in this Notice shall have the meanings set forth in the Covenant.

[Signature Page Follows]

EXECUTED to be effective as of the date this instrument is Recorded.

DECLARANT:

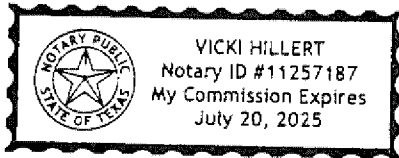
BV SOUTHERN POINTE DEVELOPMENT, INC,
a Texas corporation

By: Wallace Phillips III
Name: Wallace Phillips III
Title: President

THE STATE OF TEXAS §
 §
COUNTY OF BRAZOS §

This instrument was acknowledged before me on January 3, 2023 by Wallace Phillips III, President of BV Southern Pointe Development, Inc., a Texas corporation, on behalf of said corporation.

(SEAL)



Vicki Hillert
Notary Public Signature

**Brazos County
Karen McQueen
County Clerk**

Instrument Number: 1492286
Volume : 18412
ERecordings - Real Property

Recorded On: January 03, 2023 01:38 PM

Number of Pages: 4

" Examined and Charged as Follows: "

Total Recording: \$38.00

******* THIS PAGE IS PART OF THE INSTRUMENT *******

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

File Information:

Document Number: 1492286
Receipt Number: 20230103000086
Recorded Date/Time: January 03, 2023 01:38 PM
User: Patsy D
Station: CCLERK07

Record and Return To:

Simplifile
5072 NORTH 300 WEST
PROVO UT 84604



STATE OF TEXAS
COUNTY OF BRAZOS

I hereby certify that this Instrument was FILED In the File Number sequence on the date/time printed hereon, and was duly RECORDED in the Official Public Records of Brazos County, Texas.

Karen McQueen
County Clerk
Brazos County, TX