

AFTER RECORDING RETURN TO:  
FRANK O. CARROLL, ESQ.  
WINSTEAD PC  
401 CONGRESS AVE., SUITE 2100  
AUSTIN, TEXAS 78701  
EMAIL: FOCARROLL@WINSTEAD.COM



# MIDTOWN RESERVE

## NOTICE OF APPLICABILITY

### [RESIDENTIAL]

Declarant: DM-CSDR, INC., a Texas corporation

Cross reference is made to that certain Midtown Reserve Second Amended and Restated Declaration of Covenants, Conditions and Restrictions, recorded as Document No. 2023-1515538 in Volume 18921, Page 77 of the Official Public Records of Brazos County, Texas, which amended and restated that certain First Amended and Restated Declaration of Covenants, Conditions and Restrictions of Midtown Reserve (formerly Lakeway Reserve), recorded as Document No. 1367660 in Volume 15471, Page 24 of the Official Public Records of Brazos County, Texas, which amended and restated that certain Declaration of Covenants, Conditions and Restrictions of Lakeway Reserve recorded at Volume 14405, Page 154 of the Official Public Records, of Brazos County, Texas, as amended from time to time.

**MIDTOWN RESERVE**  
**NOTICE OF APPLICABILITY OF SECOND AMENDED AND RESTATED  
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS AND  
DEVELOPMENT AREA DECLARATION**  
**[RESIDENTIAL]**

This Notice of Applicability of Midtown Reserve Second Amended and Restated Declaration of Covenants, Conditions and Restrictions and Midtown Reserve Development Area Declaration [*Residential*] (this "**Notice**") is made and executed by **DM-CSDR, INC.**, a Texas corporation ("**Declarant**"), and is as follows:

1. **Development Area.** This Notice of Applicability is Recorded with respect to certain real property in Brazos County, Texas, more particularly described on Exhibit "A" attached hereto (the "**Development Area**").

2. **Applicability of Second Amended and Restated Declaration of Covenants, Conditions and Restrictions.** Pursuant to that certain Midtown Reserve Second Amended and Restated Declaration of Covenants, Conditions and Restrictions, recorded as Document No. 2023-1515538, Official Public Records of Brazos County (the "**Covenant**"), Declarant served notice that portions of the property described on Exhibit "A" and Exhibit "B" 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.

3. **Applicability of Development Area Declaration.** Pursuant to the Covenant and to that certain Midtown Reserve Development Area Declaration [*Residential*], recorded as Document No. 2023-1515550, in the Official Public Records of Brazos County, Texas (the "**Development Area Declaration**"), Declarant served notice that portions of the property described on Exhibit "A" and Exhibit "B" 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 the Development Area Declaration.

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

5. **Property Incorporated into Development.** The provisions of the Covenant and 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.


6. Miscellaneous. This Notice constitutes a Notice of Applicability under *Section 9.5* of the Covenant. Capitalized terms used and not defined in this Notice shall have the meanings ascribed such terms in the Covenant.

[SIGNATURE PAGE FOLLOWS]

EXECUTED to be effective as of the 26<sup>th</sup> day of October, 2023.


**DECLARANT:**

**DM-CSDR, INC.,**  
a Texas corporation

By:   
James Murr, President

THE STATE OF TEXAS   §  
  §  
COUNTY OF Brazos   §

This instrument was acknowledged before me this 26 day of October, 2023 by James Murr, President of DM-CSDR, Inc., a Texas corporation, on behalf of said corporation.

  
Notary Public Signature

(SEAL)



**Exhibit "A"**  
**Real Property Constituting the Development Area**

Lots 8 through 16, Block 1, Phase 103, Midtown Reserve Subdivision, Brazos County, Texas, according to the map or plat recorded as Document No. 2020-1387513 in the Official Public Records of Brazos County, Texas;

Lots 1 through 16, Block 2 and Lots 1 through 10, Block 3, Phase 100, Midtown Reserve Subdivision, Brazos County, Texas, according to the map or plat recorded as Document No. 2019-1369906 in the Official Public Records of Brazos County, Texas;

Lots 1 through 50, Block 4 and Lots 1 through 46, Block 5, Phase 102, Midtown Reserve Subdivision, Brazos County, Texas, according to the map or plat recorded as Document No. 2019-1374299 in the Official Public Records of Brazos County, Texas;

Lots 1 through 46, Block 6, Phase 104, Midtown Reserve Subdivision, Brazos County, Texas, according to the map or plat recorded as Document No. 2020-1396787 in the Official Public Records of Brazos County, Texas;

Lots 1 through 17, Block 7 and Lots 1 through 37, Block 8, Phase 106, Midtown Reserve Subdivision, Brazos County, Texas, according to the map or plat recorded as Document No. 2020-1396782 in the Official Public Records of Brazos County, Texas;

Lots 1 through 17, Block 9, Phase 105, Midtown Reserve Subdivision, Brazos County, Texas, according to the map or plat recorded as Document No. 2020-1411626 and amended by Document No. 2021-1452599 in the Official Public Records of Brazos County, Texas;

Lots 17 through 19, Block 1; Lots 11 through 32, Block 3; Lots 11 through 32, Block 7; Lots 1 through 7, Block 13; and Lots 16 through 24, Block 34, Phase 107, Midtown Reserve Subdivision, Brazos County, Texas, according to the map or plat recorded as Document No. 2023-1496893 in the Official Public Records of Brazos County, Texas;

Lots 1 through 11, Block 36 and Lots 1 through 14, Block 37, Phase 109, Midtown Reserve Subdivision, Brazos County, Texas, according to the map or plat recorded as Document No. 2023-1511850 in the Official Public Records of Brazos County, Texas;

Lots 51 through 69, Block 4, Phase 112, Midtown Reserve Subdivision, Brazos County, Texas, according to the map or plat recorded as Document No. 2023-1511850 in the Official Public Records of Brazos County, Texas;

Lots 1 through 22, Block 17; Lots 1 through 8, Block 18; Lots 1 through 8, Block 19; and Lots 1 through 11, Block 22, Phase 200, Midtown Reserve Subdivision, Brazos County, Texas, according to the map or plat recorded as Document No. 2020-1387108 in the Official Public Records of Brazos County, Texas;

Lots 1 through 8, Block 20; Lots 1 through 8, Block 21; Lots 1 through 23A, Block 23; and Lots 1 through 16, Block 24, Phase 201, Midtown Reserve Subdivision, Brazos County, Texas, according to the map or plat recorded as Document No. 2020-1396782 and amended by Document No. 2021-1449767 in the Official Public Records of Brazos County, Texas; and

That certain 29.44-acre tract described more particularly as follows:

A 29.44 ACRE TRACT OF LAND SITUATED IN THE THOMAS CARUTHERS LEAGUE, A-9, BRAZOS COUNTY, TEXAS, OUT OF A CALLED 13.95 ACRE TRACT AND OUT OF A CALLED 19.352 ACRE TRACT AS DESCRIBED AND RECORDED IN VOLUME 16558, PAGE 80 OF THE BRAZOS COUNTY DEED RECORDS (B.C.D.R.); SAID 29.44 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, (BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE, AS DETERMINED BY GPS MEASUREMENTS):

**BEGINNING** at a capped 1/2-inch iron rod stamped "Mayo 5045" found at the southeast corner of Rock Prairie Baptist Church, a subdivision of record in Volume 7312, Page 207 B.C.O.R. and being a northeasterly corner of the remainder of a called 231.97 acre tract described in deed and recorded in Volume 10600, Page 156 B.C.D.R. from which a capped 1/2-inch iron rod stamped "Kerr 4502" found at the southwest corner of said Rock Prairie Baptist Church;

- (1) **THENCE**, North 20°21'51" West, with the easterly line of said Rock Prairie Baptist Church, a distance of 630.98 feet to a point in the southerly right-of-way line of Rock Prairie Road (width varies);
- (2) **THENCE**, South 82°06'14" East, with the southerly right-of-way line of said Rock Prairie Road, a distance of 44.49 feet to a point for corner;
- (3) **THENCE**, South 07°53'46" West, a distance of 26.99' to a point for corner;
- (4) **THENCE**, South 41°25'33" East a distance of 149.13' to a point for corner;
- (5) **THENCE**, South 20°21'51" East a distance of 581.52' to a point for corner;
- (6) **THENCE**, North 81°26'51" East a distance of 81.04' to a point of curvature to the left;
- (7) **THENCE**, with said curve to the left having a radius of 470.00', an arc length of 136.13', a central angle of 16°35'42" and having a chord bearing of North 73°09'00" East and distance of 135.65' to a point in the southerly line of a called 2.996 acre tract described in deed and recorded in Volume 10990, Page 21 B.C.D.R.;
- (8) **THENCE**, South 77°24'39" East, with the southerly line of said 2.996 acre tract, a distance of 94.28 feet to the southeast corner of said 2.996 acre tract and the

southwest corner of a called 1.9035 acre tract as described in deed and recorded in Volume 13349, Page 138 B.C.D.R.;

- (9) **THENCE**, South 77°16'36" East, with the southerly line of said 1.9035 acre tract, a distance of 152.75 feet to the southeast corner of said 1.9035 acre tract;
- (10) **THENCE**, North 12°44'05" East, with the easterly line of said 1.9035 acre tract, a distance of 544.55 feet to a point in the southerly right-of-way line of said Rock Prairie Road;
- (11) **THENCE**, South 77°01'02" East, with the southerly right-of-way line of said Rock Prairie Road, a distance of 398.73 feet to a point in the westerly line of the residue of a called 19.69 acre tract as described in deed and recorded in Volume 10745, Page 153 8.C.D.R.;
- (12) **THENCE**, South 23°07'46" West, with the westerly line of said 19.69 acre tract, a distance of 524.09 feet to an angle point in the westerly line of said 19.69 acre tract;
- (13) **THENCE**, South 43°29'39" West, continuing with the westerly line of said 19.69 acre tract, a distance of 1922.15 feet to a 1/2-inch iron rod found at the westerly corner of said 19.69 acre tract and the southerly line of said 19.352 acre tract;
- (14) **THENCE**, North 48°17'01" West, with the southerly line of said 19.352 acre tract, a distance of 250.65 feet to a 1/2-inch iron rod found at the common southerly corner of said 19.352 acre tract and said 13.95 acre tract;
- (15) **THENCE**, North 48°02'02" West, a distance of 341.48 feet to an internal angle in the easterly line of said 231.97 acre tract at the westerly corner of said 13.95 acre tract;
- (16) **THENCE**, North 41°51'55" East, with an easterly line of said 231.97 acre tract, a distance of 1,390.07 feet to an angle point in an easterly line of said 231.97 acre tract;
- (17) **THENCE**, North 20°23' 16" West, continuing with an easterly line of said 231.97 acre tract, a distance of 112.62 feet to the POINT OF BEGINNING and containing 33.34 acres of land.

**Brazos County  
Karen McQueen  
County Clerk**

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**Instrument Number:** 1515551  
Volume : 18921  
ERecordings - Real Property

Recorded On: November 08, 2023 04:07 PM

Number of Pages: 8

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**" Examined and Charged as Follows: "**

Total Recording: \$54.00

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

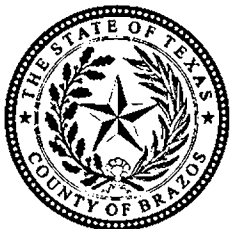
Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

**File Information:**

Document Number: 1515551  
Receipt Number: 20231108000101  
Recorded Date/Time: November 08, 2023 04:07 PM  
User: Thao C  
Station: CCLERK01

**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