

AFTER RECORDING RETURN TO:  
FRANK O. CARROLL III  
WINSTEAD PC  
600 W. 5<sup>TH</sup> STREET, SUITE 900  
AUSTIN, TEXAS 78701  
EMAIL: [focarroll@winstead.com](mailto:focarroll@winstead.com)



# COMMERCIAL PROPERTY OWNERS' ASSOCIATION OF SOUTHERN POINTE, INC.

## AMENDED NOTICE OF APPLICABILITY

[COMMERCIAL] [SEC. 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; (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; and (iii) Commercial Property Owners' Association of Southern Pointe, Inc. – Notice of Applicability [Commercial][Sec. 401], recorded as Document No. 1512256 in the Official Public Records of Brazos County, Texas, as may be amended from time to time

**COMMERCIAL PROPERTY OWNERS' ASSOCIATION OF SOUTHERN POINTE  
AMENDED NOTICE OF APPLICABILITY  
[COMMERCIAL] [SEC. 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 Amended Notice of Applicability is filed with respect to Section *Sec. 401*, of Southern Pointe, a subdivision located in Brazos County, Texas, according to the map or plats recorded in Volume 19991, Page 63 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 (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 (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. **Applicability of Bylaws.** Pursuant to 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 governed by and fully subjected to the covenants, conditions and restrictions of the Covenant. Pursuant to this Notice, the Development Area is subject to the covenants, conditions and restrictions of the Community Covenant.

4. **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.

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. 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.

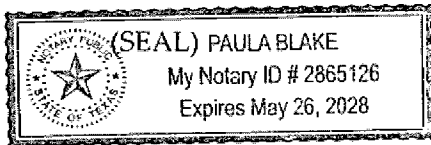
DECLARANT:

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 August 27, 2025, by  
Wallace Phillips III, President of BV Southern Pointe  
Development, Inc., a Texas corporation, on behalf of said corporation.



Paula Blake  
Notary Public Signature

**Brazos County  
Karen McQueen  
County Clerk**

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**Instrument Number:** 1565803

Volume : 20066

ERecordings - Real Property

Recorded On: August 27, 2025 10:09 AM

Number of Pages: 5

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

Total Recording: \$41.00

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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: 1565803  
Receipt Number: 20250827000037  
Recorded Date/Time: August 27, 2025 10:09 AM  
User: Victoria L  
Station: Victoria Limon

**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