

NOV 27 2017

DECLARATION OF ANNEXATION AND SUPPLEMENT
TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR TIMBER BROOK ESTATES

This DECLARATION OF ANNEXATION AND TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR TIMBER BROOK ESTATES ("Annexation Declaration") is made by BLOOMFIELD HOMES, L.P., a Texas limited partnership (hereinafter referred to as "BLOOMFIELD") and the TIMBER BROOK ESTATES HOMEOWNERS ASSOCIATION, INC. (the "Association").

WITNESSETH:

WHEREAS, TBP Timber Brook/Plano Limited Partnership (hereinafter referred to as "Original Declarant") executed a certain Declaration of Covenants, Conditions and Restrictions for Timber Brook Estates ("Original Declaration") dated March 13, 1997 and recorded under Clerk's File Number 97-0019795 in the Real Property Records of Collin County, Texas, as amended by that certain Corrected Declaration of Covenants, Conditions and Restrictions for Timber Brook Estates dated effective as of September 23, 1997, recorded under Vol. 4014, Page 1472 in the Real Property Records of Collin County, Texas ("Corrected Declaration"), executed by the Declarant; and

WHEREAS, Original Declarant executed a certain Declaration of Annexation and Supplement Declaration No. 1 ("Supplemental Declaration No. 1"), which Supplemental Declaration No. 1 was recorded in Volume 4014, Page 1469 of the Real Property Records of Collin County, Texas; and

WHEREAS, Original Declarant executed a certain Declaration of Annexation and Supplement Declaration No. 2 ("Supplemental Declaration No. 2"), which Supplemental Declaration No. 2 was recorded in Volume 4154, Page 2174 of the Real Property Records of Collin County, Texas; and

WHEREAS, Original Declarant executed a certain Declaration of Annexation and Supplement Declaration No. 3 ("Supplemental Declaration No. 3"), which Supplemental Declaration No. 3 was recorded in Volume 4387, Page 4592 of the Real Property Records of Collin County Texas and corrected by that certain Corrected Supplemental Declaration No. 3, recorded under Instrument NO. 99-0040670 of the Real Property Records of Collin County, Texas ("Corrected Supplemental Declaration No. 3); and

WHEREAS, Original Declarant executed a certain Declaration of Annexation and Supplement Declaration No. 4 ("Supplemental Declaration No. 4"), which Supplemental Declaration No. 4 was recorded in Volume 4517, Page 0749 of the Real Property Records of Collin County, Texas; and

WHEREAS, Original Declarant executed a certain Declaration of Annexation and Supplement Declaration No. 4 ("Second Supplemental Declaration No. 4"), which Second Supplemental Declaration No. 4 was recorded in Volume 4928, Page 0454 of the Real Property

Records of Collin County, Texas; and

WHEREAS, Original Declarant executed a certain Declaration of Annexation and Supplement Declaration No. 5 (“Supplemental Declaration No. 5”), which Supplemental Declaration No. 5 was recorded in Volume 5392, Page 0217 of the Real Property Records of Collin County, Texas; and

WHEREAS, Original Declarant executed a certain Declaration of Annexation and Supplement Declaration No. 6 (“Supplemental Declaration No. 6”), which Supplemental Declaration No. 6 was recorded under Instrument No. 20140108000019110 of the Real Property Records of Collin County, Texas; and

WHEREAS, the Association executed a certain Declaration of Annexation and Supplement to the Declaration of Covenants, Conditions and Restrictions for Timber Brook Estates (“Supplemental Declaration Farms”), which Supplemental Declaration Farms was recorded under Instrument No. 2003-0006719 of the Real Property Records of Collin County, Texas; and

WHEREAS, Original Declarant, Corrected Declaration, Supplemental Declaration No. 1, Supplemental Declaration No. 2, Supplemental Declaration No. 3, Corrected Supplemental Declaration No. 3, Supplemental Declaration No. 4, Supplemental Declaration No. 5, Supplemental Declaration No. 6, and Supplemental Declaration Farms are hereinafter collectively referred to as the “Declaration”; and

WHEREAS, the Declaration is applicable to certain real property (collectively referred to herein as the “Property”) described in the Declaration as follows: (a) the Final Plat of Timber Brook Estates Phase I, an Addition to the City of Plano, Collin County, Texas, recorded in Cabinet J, Pages 628 through 632 of the Map or Plat Records of Collin County, Texas; (b) the Final Plat of Timber Brook Estates Phase II, an Addition to the City of Plano, Collin County, Texas, recorded in Cabinet J, Pages 833 through 834 of the Map or Plat Records of Collin County, Texas; (c) the Final Plat of Timber Brook Estates Phase III, an Addition to the City of Plano, Collin County, Texas, recorded in Cabinet K, Pages 263 through 264 of the Map or Plat Records of Collin County, Texas; (d) the Final Plat of Timber Brook Estates Phase IV, an Addition to the City of Plano, Collin County, Texas, recorded in Cabinet K, Pages 226 through 226 of the Map or Plat Records of Collin County, Texas; (e) the Final Plat of Timber Brook Estates Phase V, an Addition to the City of Plano, Collin County, Texas, recorded in Cabinet L, Pages 18 through 19 of the Map or Plat Records of Collin County, Texas; (f) the Final Plat of Timber Brook North, an Addition to the City of Plano, Collin County, Texas, recorded in Cabinet K, Pages 925 through 926 of the Map or Plat Records of Collin County, Texas; (g) the Final Plat of Timber Brook Estates Phase VIII, an Addition to the City of Plano, Collin County, Texas, recorded in Cabinet O, Pages 244 through 245 of the Map or Plat Records of Collin County, Texas; (h) the Final Plat of Timber Brook Estates Phase IX, an Addition to the City of Plano, Collin County, Texas, recorded in Cabinet N, Pages 956 through 957 of the Map or Plat Records of Collin County, Texas; (i) the Final Plat of Timber Brook Farms Phase I, an Addition to the City of Plano, Collin County, Texas, recorded in Cabinet O, Page 28 of the Plat Records of Collin County, Texas; and (j) the Final Plat of Timber Brook Farms Phase II, an Addition to the

City of Plano, Collin County, Texas, recorded in Cabinet O, Pages 76 through 77 of the Plat Records of Collin County, Texas; and

WHEREAS, BLOOMFIELD is the owner of that certain real property described on Exhibit "A" attached hereto (the "BLOOMFIELD Property") located in the City of Plano, Collin County, Texas, which BLOOMFIELD Property has been platted and described as Timber Brook Farms Phases III, an addition to the City of Plano, according to the Final Plat of Timber Brook Farms Phases III (the "BLOOMFIELD Plat"), recorded in Cabinet ____, Pages _____ of the Plat Records of Collin County, Texas; and

WHEREAS, more than two-thirds (2/3) of the total votes of both classes of membership in the Association have approved of this Annexation Declaration; and

WHEREAS, the Association and BLOOMFIELD desire to add the BLOOMFIELD Property to the scheme of the Declaration and to subject the BLOOMFIELD Property to the covenants, conditions and restrictions of the Declaration, on the terms and conditions set forth below.

NOW, THEREFORE, in consideration of the premises and recitals set forth above, and for other good and valuable consideration paid the by the parties to each other, the receipt and sufficiency of which is hereby acknowledged by all parties, BLOOMFIELD and the Association declare as follows:

1. Annexation of BLOOMFIELD Property. The BLOOMFIELD Property is hereby subjected to the scheme of the Declaration and its covenants, conditions and restrictions and the parties hereby declare that all portions of the BLOOMFIELD Property shall be held, transferred, sold, conveyed, used and occupied subject to the covenants, conditions, restrictions, easements, charges and liens set forth in the Declaration, as amended and modified hereby. The BLOOMFIELD Property shall contain 10 Lots (the "BLOOMFIELD Lots") and all of such BLOOMFIELD Lots are hereby incorporated into the definition of "Affected Lots" for all purposes of the Declaration, except as expressly provided otherwise herein. The term "Property," as used in the Declaration, shall mean both the Subdivision and the BLOOMFIELD Property, except as otherwise expressly provided herein. All Owners of any Lots in the BLOOMFIELD Property shall be a Member for all purposes pursuant to the Declaration.

2. Voting Rights. BLOOMFIELD shall be a Class B Member pursuant to the Declaration and shall be entitled to one (1) vote for each of the BLOOMFIELD Lots that it owns. BLOOMFIELD shall be a Class B Member so long as BLOOMFIELD owns two-thirds (2/3) of the BLOOMFIELD Lots. BLOOMFIELD's Class B membership and Declarant status will cease when it no longer owns at least two-thirds (2/3) of the BLOOMFIELD Lots.

3. Assessments. All assessments and fees, including without limitation, any assessments set forth in Section 3 of Article II of the Declaration, assessed on the BLOOMFIELD Lots shall be at the same rate and uniformly assessed and collected as all assessments and fees assessed and collected on the Affected Lots in the Subdivision. BLOOMFIELD shall be subject to assessment obligations described in Article II, Sections 3, 4

and 5 in the same manner as the Original Declarant for the Subdivision pursuant to the Declaration.

4. Common Areas. The Common Areas located in the BLOOMFIELD Property (the "BLOOMFIELD Common Areas") shall mean and refer to (i) the landscaped areas as shown on Exhibit "B" attached hereto and incorporated herein by reference for all purposes, and (ii) any and all entry features, masonry screening fences, entry planters, entry lighting, median serpentine wall, and entry monuments. The BLOOMFIELD Common Areas shall be conveyed to the Association upon the earlier of BLOOMFIELD's conveyance of more than two-thirds (2/3) of the Lots or upon agreement between BLOOMFIELD and the Association. BLOOMFIELD must convey the BLOOMFIELD Common Areas to the Association by warranty deed and the Common Areas must be in good condition and repair. The Association must accept the conveyance of the Common Areas in order for the conveyance to be enforceable and valid. BLOOMFIELD must maintain and pay for all costs to maintain the BLOOMFIELD Common Areas until it conveys them to the Association and the BLOOMFIELD Common Areas shall be treated as Common Areas for all purposes, except as expressly provided otherwise herein. All Members shall have the full access and use of all Common Areas, including full access and use of all Common Areas located in the Subdivision by the Owners of BLOOMFIELD Lots and full access and use of the BLOOMFIELD Common Areas by Owners of Lots in the Subdivision.

5. Development. BLOOMFIELD shall be entitled to conduct on the BLOOMFIELD Property all activities normally associated with and reasonably convenient to the development of the BLOOMFIELD Property and the construction and sale of dwelling units on the BLOOMFIELD Property, including but not limited to all rights set forth in Section 6 of Article VIII of the Declaration.

6. Ratification. The Declaration, except as expressly amended and modified herein, remains in full force and effect and is hereby ratified and confirmed

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EXECUTED this 12 day of NOVEMBER, 2017.

ASSOCIATION:

TIMBER BROOK ESTATES HOMEOWNERS ASSOCIATION, a Texas non-profit corporation

By: Ramon P. Miner

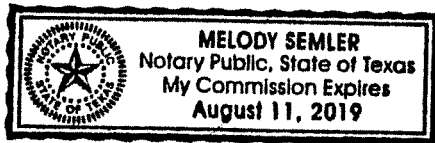
Title: PRESIDENT, BOARD of DIRECTORS

ACKNOWLEDGMENT

STATE OF TEXAS §
 §
COUNTY OF COLLIN §

BEFORE ME, the undersigned authority, on this day personally appeared RAMON P. MINER, PRESIDENT of Timber Brook Estates Homeowners Association, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that (s)he executed the same for the purposes and consideration therein expressed on behalf of said corporation.

SUBSCRIBED AND SWORN TO BEFORE ME on this 12th day of November 2017.



Melody Semler
Notary Public, State of Texas

BLOOMFIELD:

BLOOMFIELD HOMES, L.P.
General Partner,
BLOOMFIELD PROPERTIES, INC., a Texas corporation

By: Timothy M. Stewart

Title: Timothy M. Stewart
Vice President
Bloomfield Properties, Inc.
General Partner

EXECUTED this ____ day of _____, 2002/

ASSOCIATION:

TIMBER BROOK ESTATES HOMEOWNERS ASSOCIATION, a Texas non-profit corporation

By: _____

Title: _____

ACKNOWLEDGMENT

STATE OF TEXAS §

COUNTY OF COLLIN §

BEFORE ME, the undersigned authority, on this day personally appeared _____, _____ of Timber Brook Estates Homeowners Association, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that (s)he executed the same for the purposes and consideration therein expressed on behalf of said corporation.

SUBSCRIBED AND SWORN TO BEFORE ME on this ____ day of _____, 2017.

Notary Public, State of Texas

BLOOMFIELD:

BLOOMFIELD HOMES, L.P.
General Partner,
BLOOMFIELD PROPERTIES, INC., a Texas corporation

By: Timothy M. Stewart

Title: _____

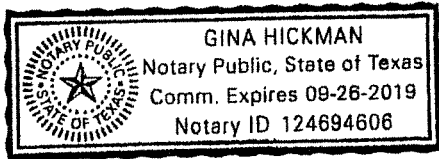
**Timothy M. Stewart
Vice President
Bloomfield Properties, Inc.
General Partner**

ACKNOWLEDGMENT

STATE OF TEXAS §
 §
COUNTY OF COLLIN §

BEFORE ME, the undersigned authority, on this day personally appeared Timothy Stewart, Vice Pres. & AG of Bloomfield Properties, Inc., general partner for Bloomfield Homes, L.P., known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that (s)he executed the same for the purposes and consideration therein expressed on behalf of said corporation.

SUBSCRIBED AND SWORN TO BEFORE ME on this 2 day of November, 2017.



Gina Hickman
Notary Public, State of Texas

EXHIBIT "A"
TIMBER BROOK FARMS, PHASE 3
[See Attached]

EXHIBIT "A"

Legal Description and/or Depiction of the Property

BEING 2.533 acres of land located in M. McCREARY SURVEY, ABSTRACT No. 601, City of Plano, Collin County, Texas, and being that certain tract of land conveyed to the Reid Living Trust, as described by deed recorded in Volume 4360, Page 1307 of the Deed Records of Collin County, Texas, and being that certain tract of land conveyed to The Reid Living Trust, as described by deed recorded in Volume 5131, Page 1334 of the Deed Records of Collin County, Texas and being more particularly described by metes and bounds as follows:

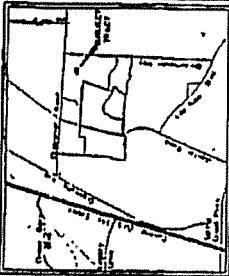
BEGINNING at a 5/8 inch steel rod found for the southeast corner of said Reid tract and the northeast corner of lot 36, Block C of Timber Brook Farms, Phase II, an addition to the City of Plano, Collin County, Texas, according to the Plat thereof recorded in Cabinet O, Page 76 of the Plat Records of Collin County, Texas, and said point also being in the west right-of-way line of Marble Canyon Drive (a 50' R.O.W.);

THENCE South 89 degrees 10 minutes 48 seconds West, along the north line of said Block C, a distance of 471.02 feet to a point for the northwest corner of Lot 28 of said Block C, from which a 1/2 inch steel rod found with "USA" cap bears North 58 degrees 58 minutes 34 seconds West, a distance of 0.51 feet, said point also being in the east line of a 20 foot alley;

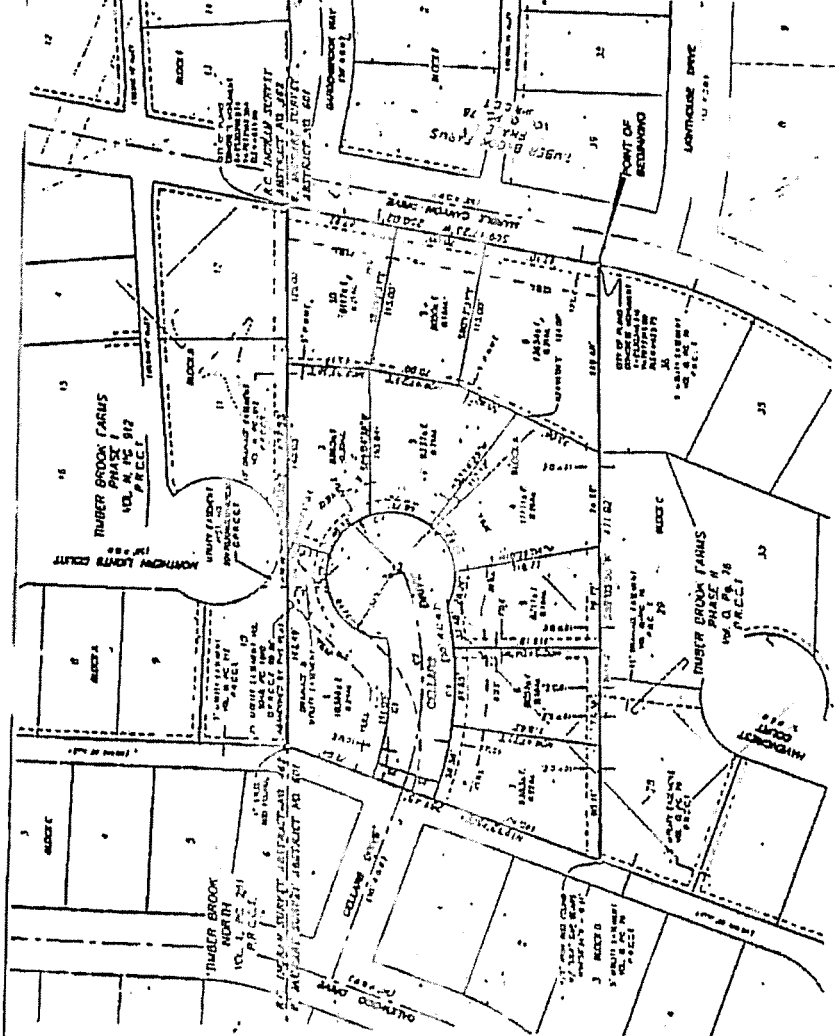
THENCE, North 19 degrees 17 minutes 13 seconds East, along the east line of said Alley, a distance of 261.45 feet to a 1-inch steel rod found for the northwest corner of said Reid tract and the southwest corner of Lot 10, Block A of Timber Brook Farms, Phase I, an addition to the City of Plano, Collin County, Texas, according to the Plat thereof recorded in Cabinet N, Page 912 of the Plat Records of Collin County, Texas;

THENCE, South 89 degrees 09 minutes 30 seconds East, along the north line of said Reid tract and the south line of said Block A, a distance of 427.52 feet to a PK nail found for the northeast corner of said Reid tract and the southeast corner of Lot 12 of said Block A, from which a bent 1/2 inch steel rod found bears North 67 degrees 49 minutes 11 seconds East, a distance of 0.34 feet, said point also being in the west right-of-way line of said Marble Canyon Drive;

THENCE South 09 degrees 52 minutes 15 seconds West, along the west right-of-way line of said Marble Canyon Drive, a distance of 250.02 feet to the POINT OF BEGINNING, containing 2.533 acres (110,334 square feet) of land.



VICINITY MAP
NOT TO SCALE



THESE LOTS ARE BEING OFFERED FOR SALE...
THESE LOTS ARE BEING OFFERED FOR SALE...
THESE LOTS ARE BEING OFFERED FOR SALE...

FR2017026
FINAL PLAT
TIMBER BROOK FARMS, PHASE 3
2.533 ACRES / 10 SF7 LOTS
OUT OF THE
WILLIAM MCCARTHY SURVEY - ABSTRACT NO. 601
WITH
CITY OF PLANO, COLLIN COUNTY, TEXAS
BLOOMINGDALE, TEXAS
RECORDED IN THE PUBLIC RECORDS OF COLLIN COUNTY, TEXAS, VOLUME 14, PAGE 114
DATE OF RECORDATION: 11/15/2011

STATE OF TEXAS
COUNTY OF COLLIN
I, William J. Hill, County Clerk, do hereby certify that the foregoing plat is a true and correct copy of the original plat as recorded in the Public Records of this County, Texas, on the 15th day of September, 2011.

STATE OF TEXAS
COUNTY OF COLLIN
I, William J. Hill, County Clerk, do hereby certify that the foregoing plat is a true and correct copy of the original plat as recorded in the Public Records of this County, Texas, on the 15th day of September, 2011.

STATE OF TEXAS
COUNTY OF COLLIN
I, William J. Hill, County Clerk, do hereby certify that the foregoing plat is a true and correct copy of the original plat as recorded in the Public Records of this County, Texas, on the 15th day of September, 2011.



County Clerk
Westwood

STATE OF TEXAS
COUNTY OF COLLIN
I, William J. Hill, County Clerk, do hereby certify that the foregoing plat is a true and correct copy of the original plat as recorded in the Public Records of this County, Texas, on the 15th day of September, 2011.

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Filed and Recorded
Official Public Records
Stacey Kemp, County Clerk
Collin County, TEXAS
11/28/2017 02:28:02 PM
\$66.00 DFOSTER
20171128001572990

Stacey Kemp