2014055905 ELECTRONICALLY RECORDED Official Public Records 6/2/2014 10:52 AM

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Liulan Dianne Wilson, County Clerk Fort Bend County Texas

Pages: 4 Fee: \$21.00

DECLARATION OF RESTRICTIONS

STATE OF TEXAS

COUNTY OF FORT BEND

This Declaration of Restrictions is made and executed by SIENNA/JOHNSON DEVELOPMENT, L.P., a Texas limited partnership and SIENNA/JOHNSON DEVELOPMENT GP, L.L.C., a Texas limited liability company (f/k/a AFG Johnson Development, L.L.C) (collectively, "Seller").

WHEREAS, concurrently with the execution of this instrument, Seller is selling and conveying to Perry Homes, LLC, a Texas limited liability company, that certain land in Fort Bend County, Texas as more particularly described on <a href="Exhibit "A" attached hereto and incorporated herein by reference for all purposes (the "Land"), and Seller desires to restrict the use of the Land by this instrument.

NOW THEREFORE, the Seller agrees and declares that the Land shall be held and conveyed subject to the following matters:

- (1) <u>Use Restriction</u>. Unless otherwise approved by Seller, the Land may only be developed and used as a townhome project with no more than thirty-six (36) single-family attached townhome lots (and related appurtenances) and no part of the Land shall be developed or used for rental multi-family purposes or commercial purposes.
- (2) <u>Expiration</u>. Unless sooner termination, this instrument shall automatically expire and terminate on the date which is twenty (20) years after the date hereof.
- (3) <u>Binding Nature</u>. The restrictions contained herein shall run with the land and bind all future owners of the Land. It is expressly provided that this instrument may be amended at any time by an instrument signed by Seller, its successors or assigns, and the owner of the Land.
- (4) <u>Enforcement.</u> Enforcement of these restrictions shall be by proceedings at law or in equity against any person or person violating or attempting to violate any covenants herein, either to restrain or prevent such violation or proposed violation by an injunction (either prohibitive or mandatory), or to obtain any other relief authorized by law. Such enforcement may be by Seller or the assignee of its rights hereunder. The failure of any person entitled to enforce any of these restrictions to enforce the same shall in no event be deemed a waiver of the right to enforce these restrictions thereafter.

[Remainder of page intentionally blank]

GF# 4000679-W Old Republic Title - Hicks/Longley

EXECUTED to be effective the	30 day of May , 2014.
	SELLER:
	SIENNA/JOHNSON DEVELOPMENT, L.P., a Texas limited partnership
	By: Sienna/Johnson Development GP, L.L.C., its general partner
	By: Janes Glusson Name: LARKY D. JOHNSON Title: P72E51DEWT
	SIENNA/JOHNSON DEVELOPMENT GP, L.L.C., a Texas limited liability company (f/k/a AFG Johnson Development, L.L.C.)
	Name: LARRY D. JOHNSON Title: PRESIDENT
THE STATE OF TEXAS \$ \$ COUNTY OF HARRIS \$	
COUNTY OF HARRIS §	
This instrument was acknowle Larry 1. John son Rown	dged before me on the 20 ⁺¹⁰ day of May, 2014 by 51dent of Sienna/Johnson Development GP, L.L.C., ohnson Development, L.P., a Texas limited partnership, on behalf
of said limited partnership.	
JODY S WONG My Commission Expires May 9, 2018	Notary/Publig—State of Tekas
COUNTY OF HARRIS §	
This instrument was acknowle Larry D. Juhnson Res Texas limited liability company, on beh	dged before me on the 30th day of May, 2014 by independent of Sienna/Johnson Development GP, L.L.C., a alf of said entity.
[Seal]	Notary Public State of Texas
JODY S WONG My Commission Expires May 9, 2018	riolary/Luoney-state of rexas

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EXHIBIT "A"

County: Fort Bend Project: Sienna Job No. 144905 MBS No. 14-045

FIELD NOTES FOR 5,060 ACRES

Being a tract containing 5.060 acres of land, located in the David Fitzgerald League, Abstract 25, in Fort Bend County, Texas; Said 5.060 acre tract being a portion of a call 1652.529 acre tract recorded in the name of Sienna/Johnson Development L.P. in File Number 2000029467 of the Official Records of Fort Bend County (O.R.F.B.C) and a portion of call 8.057 acre tract recorded in the name of AFG Johnson Development, LLC in File Number 1999047291 of the O.R.F.B.C.; Said 5.060 acre tract being more particularly described by metes and bounds description as follows (bearings being based on the Texas Coordinate System, South Central Zone, NAD 83, as derived from GPS Observations):

Commencing at the southeast corner of Reserve F, Sienna Village of Waters Lake, Section Twelve-A, Replat Number One, a subdivision recorded in Plat Number 20080058 of the Fort Bend County Plat Records (F.B.C.P.R.) and being on the northerly Right-of-Way (R.O.W.) line of Scanlan Trace (80-feet wide), a street recorded in Plat Number 20080028 of the F.B.C.P.R.;

Thence, with said R.O.W. line, the following two (2) courses:

- 56.35 feet along the arc of a curve to the left, said curve having a radius of 960.00 feet, a central angle of 03 degrees 21 minutes 47 seconds and a chord that bears North 71 degrees 16 minutes 24 seconds East, a distance of 56.34 feet;
- 2) North 69 degrees 35 minutes 30 seconds East, a distance of 62.52 feet to a 5/8-inch iron rod set on the easterly line of a call 10.512 acre tract recorded in the name of Sienna Plantation Levee Improvement District in File Number 2007134988 of the O.R.F.B.C. and being the Point of Beginning of the herein described tract;

Thence, with said easterly line, the following four (4) courses:

- 452.10 feet along the arc of a curve to the right, said curve having a radius of 459.50 feet, a central angle of 56 degrees 22 minutes 25 seconds and a chord that bears North 28 degrees 24 minutes 42 seconds East, a distance of 434.09 feet to a 5/8-inch iron rod set;
- 2) 21.88 feet along the arc of a curve to the right, said curve having a radius of 43.50 feet, a central angle of 28 degrees 49 minutes 08 seconds and a chord that bears North 71 degrees 00 minutes 29 seconds East, a distance of 21.65 feet to a 5/8-inch iron rod set;
- 3) 283.52 feet along the arc of a curve to the left, said curve having a radius of 604.50 feet, a central angle of 26 degrees 52 minutes 22 seconds and a chord that bears North 71 degrees 58 minutes 55 seconds East, a distance of 280.93 feet to a 5/8-inch iron rod set;
- 4) North 58 degrees 32 minutes 44 seconds East, a distance of 401.08 feet to a 5/8-inch iron rod set on the westerly line of a tract recorded in the name of Toll-GTIS Property Owner, LLC in File Number 2013153798 of the O.R.F.B.C., from which a 5/8-inch iron rod found at an angle point of Reserve A, Sienna Village of Waters Lake, Section Six-A, a subdivision recorded in Slide Numbers 2269B and 2270 A of the F.B.C.P.R. bears North 16 degrees 45 minutes 29 seconds East, a distance of 242.92 feet;

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Thence, with said westerly line, South 16 degrees 45 minutes 29 seconds West, a distance of 439.73 feet to a 5/8-inch iron rod set on the aforesaid northerly R.O.W. line of Scanlan Trace;

Thence, with said R.O.W. line, South 69 degrees 35 minutes 30 seconds West, a distance of 757.04 feet to the Point of Beginning and containing 5.060 acres of land.

A PLAT OF SURVEY FILED UNDER GBI PARTNERS JOB NUMBER 144905 WAS PREPARED IN CONNECTION WITH THIS DESCRIPTION.

GBI PARTNERS, L.P. Ph: 281,499,4539 March 6, 2014