



**SUPPLEMENTAL DECLARATION FOR  
VILLAGE OF BEES CREEK, SECTION TEN (10)  
(SIENNA PLANTATION RESIDENTIAL ASSOCIATION, INC.)**

STATE OF TEXAS                   §  
  §  
COUNTY OF FORT BEND         §

This Supplemental Declaration for Village of Bees Creek, Section Ten (10) (Sienna Plantation Residential Association, Inc.), (the "Supplemental Declaration") is made on the date hereinafter set forth by, Sienna/Johnson North, L.P., a Texas limited partnership, (hereinafter referred to as "Declarant").

**WITNESSETH:**

WHEREAS, the Declarant, executed that certain SECOND AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR SIENNA PLANTATION (SIENNA PLANTATION RESIDENTIAL ASSOCIATION, INC.), which is filed of record under Fort Bend County Clerk's File Number 2012104699 in the Official Public Records of Real Property of Fort Bend County, Texas (the "SPRAI Declaration"); and

WHEREAS, Sienna Plantation Development Company, executed that certain DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR SIENNA PLANTATION (SIENNA PLANTATION PROPERTY OWNERS ASSOCIATION, INC.), which is filed of record under Fort Bend County Clerk's File Number 9670899 in the Official Public Records of Real Property of Fort Bend County, Texas, as same has been or may be amended from time to time (the "SPPOA Declaration"); and

WHEREAS, reference is hereby made to the SPRAI Declaration for all purposes, and any and all capitalized terms used herein shall have the meanings set forth in the Declaration, unless otherwise specified in this Supplemental Declaration; and

WHEREAS, the Declarant is the owner of certain real property as shown on the plat thereof, referred to as the Village of Bees Creek Section Ten (10), which plat is recorded under Fort Bend County Clerk's File No. 20120199, (the "Plat") filed of record in the Plat Records of Fort Bend County, Texas (hereinafter "Section Ten") and is joined herein by all other Owners of Lots other than the Declarant; and

WHEREAS, Declarant filed that certain Declaration of Annexation of Village of Bees Creek Section Ten which is filed of record under Clerk's File No. 2012112493 in the Official Public Records of Real Property of Fort Bend County (the "SPPOA Declaration of Annexation"); and

WHEREAS, Declarant filed that certain Declaration of Annexation of Village of Bees Creek Section Ten which is filed of record under Clerk's File No. 2012112494 in the Official Public Records of Real Property of Fort Bend County (the "SPRAI Declaration of Annexation"); and

WHEREAS, pursuant to the SPRAI Declaration of Annexation and the SPPOA Declaration of Annexation, the Village Bees Creek Section Ten, was annexed into the jurisdiction of the Sienna Plantation Property Owners Association, Inc. ("SPPOA") and the Sienna Plantation Residential Association, Inc., ("SPRAI") and encumbered by the provisions of the SPRAI Declaration and the SPPOA Declaration.

NOW THEREFORE, pursuant to the powers vested in the Declarant, the Declarant hereby subjects Section Ten to this Supplemental Declaration, and Section Ten shall hereinafter carry with it all the rights, privileges and obligations granted to the Property as set forth in the SPPOA Declaration and the SPRAI Declaration, including but not limited to the right to be annexed. Section Ten shall be held, transferred, sold, conveyed, used and occupied subject to the covenants, restrictions, easements, charges, and liens set forth in the SPPOA Declaration and the SPRAI Declaration (the same being herein incorporated by reference for all purposes).

Owners within Section Ten are advised that, adjacent to the northern perimeter of Section Ten there is either a ten foot (10') tall masonry wall erected on Reserve "C" or one will be erected by the Declarant. The wall will be located on Reserve "C" north of and adjacent to all or a portion of the rear Lot lines of Lots Eight (8) through Eleven (11) all in Block One (1), Section Ten (10), collectively the "Wall Lots".

Reserve "C" is owned, or will be owned by the SPPOA. The wall which shall be located on Reserve "C" is, or will be owned by Missouri City Tax Increment Reinvestment Zone # 3 (the "TIRZ"). The wall shall be owned by the TIRZ but shall be maintained by SPPOA.

Notwithstanding anything contained in joinder pages attached hereto to the contrary, for the purposes of this Supplemental Declaration, the term "Wall Lot Owner" shall not include a Builder after the Builder conveys a Wall Lot to a purchaser. "Builder" shall mean an individual or entity that purchases a single or multiple Wall Lots from the Declarant for the purpose of constructing a dwelling thereon and which will be offered for sale to purchasers.

Side Lot fences on the adjacent Wall Lots shall be constructed by the Builder, and shall extend through Reserve "C", with the portion of the side Lot line fence located within Reserve "C" to be perpendicular to the rear Wall Lot line, provided however that such side fences may abut the masonry wall without a mechanical connection, but may not connect to the ten foot (10') tall masonry wall located within Reserve "C". The wall shall serve as the adjacent Wall Lot Owner's rear fence. Any portions of Reserve "C" located within the fenced area of a Wall Lot shall be made available by the SPPOA for the benefit and use of the adjacent Wall Lot Owners.

The wall shall be constructed by the Developer, dedicated to the Sienna Plantation Management District and be structurally maintained by the SPPOA. The Wall Lot Owners shall be responsible for the aesthetic maintenance on the interior face of the wall. The Wall Lot Owners shall be responsible for the maintenance, repair, and/or replacement of all side Lot line fences.

In the area of land (if any) between the rear Lot line of the Wall Lots and the wall, the Wall Lot Owners shall have an easement and right to use this area of land subject to the following:

Wall Lot Owners are not permitted to attach anything to the wall.

Wall Lot Owners shall be required to maintain any trees located in this area, including trimming and spraying for insects.

Wall Lot Owners are not permitted to take any action to alter the drainage pattern that has been established, and are not permitted to block any drainage systems that are located on Reserve "C".

No structures or improvements may be placed or constructed, either temporarily or permanently within Reserve "C" by Wall Lot Owners unless first approved in writing by the SPPOA.

The Wall Lot Owners and the Declarant hereby grant an easement to the SPPOA and the TIRZ, over and across each Wall Lot to the extent necessary for the construction, maintenance, reconstruction, inspection of the wall and inspection of Reserve "C". The Declarant hereby reserves unto itself an easement over and across each Wall Lot to the extent necessary for the construction, maintenance, reconstruction, inspection of the wall and inspection of Reserve "C". The Declarant and/or the SPPOA, as applicable, shall give the Wall Lot Owners at least twenty-four (24) hours written notice prior to exercising their right of entry as set out herein. Notwithstanding anything contained herein to the contrary, written notice of the Declarant's and/or SPPOA's intent to enter upon the Wall Lot shall not be required in the event of an emergency.

In case of conflict between this Supplemental Declaration, the Plat, the SPPOA Declaration, and the SPRAI Declaration, this Supplemental Declaration shall control. All other definitions and restrictions shall remain as stated in the Declaration.

Invalidation of any one or more of the covenants, restrictions conditions or provisions contained in this Supplemental Declaration shall in no way affect any of the other covenants, restrictions, conditions or provisions which shall remain in full force and effect.

IN WITNESS WHEREOF, this Supplemental Declaration for Village of Bees Creek, Section Ten (Sienna Plantation Residential Association, Inc.) is executed as of the 5th day of March, 2013.

**DECLARANT:**

SIENNA/JOHNSON NORTH, L.P., a Texas limited partnership

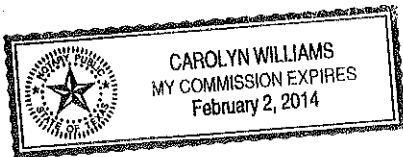
By: Sienna/Johnson Development GP, L.L.C., a Texas limited liability company, its general partner

By: Michael J. Smith  
Michael J. Smith, Vice President

STATE OF TEXAS           §  
  §  
COUNTY OF FORT BEND §

BEFORE ME, the undersigned authority, on this day personally appeared Michael J. Smith the Vice President of SIENNA/JOHNSON DEVELOPMENT GP, L.L.C., the general partner of SIENNA/JOHNSON DEVELOPMENT, L.P. known by me to be the person whose name is subscribed to this instrument, and acknowledged to me that he executed the same for the purposes herein expressed and in the capacity herein stated, and as the act and deed of said corporation.

Given under my hand and seal of office, this 8 day of April, 2013.



Carolyn Williams  
Notary Public, State of Texas  
Carolyn Williams

**JOINDER BY OWNER**

WHEREAS, the undersigned, being the owner of the lots described below, all of which are located within the Village of Bees Creek, Section Ten (10), hereby agrees to encumber and subject all of said lots with the Supplemental Declaration for Village of Bees Creek, Section Ten (10) (Sienna Plantation Residential Association, Inc.), to which this Joinder page is attached.

<u>Lot Number</u>	<u>Block Number</u>
2	1
5	1
8	1
1	2
4	2
5	2
8	2

**OWNER:**

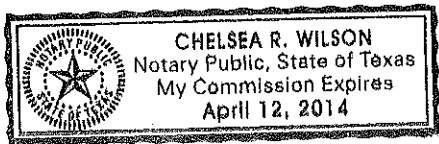
ASHTON HOUSTON RESIDENTIAL, L.L.C.  
an Texas limited liability company

By: Greg McKenzie  
Greg McKenzie, VP Land Acquisition & Development

STATE OF TEXAS           §  
  §  
COUNTY OF FORT BEND §

BEFORE ME, the undersigned authority, on this 4th day, personally appeared Greg McKenzie the VP Land Acquisition and Development of Ashton Houston Residential LLC known by me to be the person whose name is subscribed to this instrument, and acknowledged to me that he executed the same for the purposes herein expressed and in the capacity herein stated, and as the act and deed of said corporation.

Given under my hand and seal of office, this 4th day of April, 2013.



Chelsea R. Wilson  
Notary Public, State of Texas

RETURNED AT COUNTER TO: *Lindsey Kirk*  
Sienna/Johnson Development, LP  
5777 Sienna Pkwy., Ste. 100 Missouri City, TX 77459

**FILED AND RECORDED**  
**OFFICIAL PUBLIC RECORDS**

*Dianne Wilson*

Dianne Wilson, County Clerk  
Fort Bend County, Texas

April 08, 2013 02:17:11 PM

FEE: \$27.00 CDC  
MISC

2013041632

