

FILED AND RECORDED

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I hereby certify that this instrument was FILED on the date and time stamped hereon and RECORDED in the OFFICIAL PUBLIC RECORDS of Galveston County, Texas.



A handwritten signature in black ink that reads "Dwight D. Sullivan". The signature is written in a cursive style and is positioned above a horizontal line.

Dwight D. Sullivan, County Clerk
Galveston County, Texas

NOTICE: It is a crime to intentionally or knowingly file a fraudulent court record or instrument with the clerk.

DO NOT DESTROY - *Warning, this document is part of the Official Public Record.*

SUPPLEMENTAL DECLARATION AND ANNEXATION AGREEMENT
FOR THE ESTATES OF SUNSET COVE SUBDIVISION.
GALVESTON COUNTY, TEXAS

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF GALVESTON §

WHEREAS, this Supplemental Declaration of Covenants, Conditions and Restrictions for the Estates at Sunset Cove (this "Supplemental Declaration"), is made this 12th day of March, 2015, by Sunbird Development, L.P., a Texas limited partnership (hereinafter referred to as "Original Declarant"), Estates of Sunset Cove, L.P., a Texas limited partnership (hereinafter referred to as "Owner") and Sunset Cove Galveston Home Owners Association, Inc., a Texas non-profit corporation (hereinafter referred to as the "Association");

WHEREAS, Declarant is the developer of that certain subdivision known as Sunset Cove, located in Galveston County, Texas, and recorded under Plat Record 2004B, Map Number 193-195 of the Map Records of Galveston County, Texas, which subdivision in subject to that certain instrument entitled Amended and Restated Declaration of Covenants, Conditions and Restrictions of Sunset Cove Subdivision, filed of record under Galveston County Clerk's File No. 2006033393 in the Official Public Records of Real Property of Galveston County, Texas (hereinafter referred to as the "Sunset Cove Declaration" or "Declaration");

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WHEREAS, Article X, Section 10.1 of the Sunset Cove Declaration provides that Declarant may, from time to time, subject to the Declaration, annex any portion of the property described in Exhibit "B" to the Declaration by recording a Supplemental Declaration describing the property being subjected; and

WHEREAS, it is the desire of the Declarant, Owner and the Association to annex that certain subdivision known as the Estates of Sunset Cove, a subdivision located in Galveston County, Texas, according to the Map or Plat thereof recorded in Plat Record 2006022345, Map/Slide No. 2006A/55 – 2006A/56 of the Map Records of Galveston County, Texas (hereinafter referred to as the "Annexed Property"), and to subject said Annexed Property to the Declaration, as well as to the additional covenants, conditions and restrictions contained herein.

NOW, THEREFORE, Sunbird Development, L.P. and Estates of Sunset Cove, L.P., hereby annex the Property known as The Estates of Sunset Cove into the Sunset Cove Galveston Home Owners Association, Inc., and declares that all of said Property shall be held, sold, and conveyed subject to the Amended and Restated Declaration of Covenants, Conditions and Restrictions of Sunset Cove Subdivision, recorded under Galveston County Clerk's File No. 2006033393, as well as subject to the additional covenants, conditions and restrictions cited below, all of which are for the purpose of

enhancing and protecting the value, desirability, and attractiveness of the real property covered thereby. These restrictions shall be binding upon all parties having or acquiring any right, title or interest in the Property and shall inure to the benefit of each owner thereof.

The Estates of Sunset Cove subdivision is hereby imposed with the following covenants, conditions and restrictions, which are in addition to those contained in the Sunset Cove Declaration:

I. **Bulkhead for Lots 1-25:**

Lots 1A-25, excluding Lots 9, 10, 11, 12, and 13, of the Estates at Sunset Cove contain a revetment mat easement, as outlined in the subdivision plat. The bulkhead for said lots is constructed of open cell concrete block, and woven with high tensile strength fasteners. The blocks are filled with topsoil, and remain covered with vegetation. This bulkhead system is to be solely maintained by the Owner of each Lot which abuts the bulkhead or any portion thereof. Specifically, each Lot Owner shall be responsible for that portion of the bulkhead which abuts his Lot including, but not limited to, regular mowing and needed repairs and/or replacement. The Association shall not be responsible for repairs or maintenance for the bulkhead referenced herein. However, should it be deemed necessary by the Board of Directors of the Association in their sole discretion, the Association shall have authority pursuant to Section 2.8 of the Initial Use Restrictions, contained in Exhibit "C" to the Sunset Cove Declaration and incorporated herein for all purposes, to enter upon said Lots for the purposes of repair/replacement of the bulkhead or maintenance thereof, and shall charge any costs thereof to the Owner of the Lot pursuant to the express terms of Section 2.8 of the Initial Use Restrictions contained in Exhibit "C" to the Sunset Cove Declaration.

II. **Propane Tanks.**

Individual underground propane tanks shall be preferable when feasible. If underground propane tanks are not feasible, above ground propane tanks may be permissible if prior approval is obtained from the Architectural Review Board; however, all above ground propane tanks shall be painted tan and shielded from view by landscaping.

III. Rear Building Lines.

With regard to Lots 1A, 3, 4, 5, 6, 7, 8 and 22 of the Estates at Sunset Cove, owners may build in ground swimming pools, fire pits, bocce ball or croquet courts (or other similar uses) beyond the rear building line with the prior approval of the Architectural Review Board, so long as the rear building line serves to protect the view corridor for all of the lots.

IV. Reserves in the Estates of Sunset Cove.

- A. Reserves 6 and 7, Estates of Sunset Cove, are hereby excepted from this Supplemental Declaration. Reserve 7 is reserved for use by Texas A&M University and Reserve 6 is designated as open space.
- B. Park Reserves 5-C and 5-D, or any portion thereof, may be used for daytime-only or guest parking and/or for community garden or similar community purposes as is deemed appropriate by the Board of Directors of the Association. The Board of Directors of the Association is hereby authorized to promulgate rules and regulations regarding the usage of the parking areas.
- C. Park Reserve 5-D and a portion of Lot 8 of the Estates at Sunset Cove contains a 15-foot pedestrian access easement which is reserved for the express purpose of providing access to Members of the Association for wade fishing, kayaking, and similar purposes. Hunting of any kind is prohibited.
- D. No use of Park Reserves 5-C or 5-D shall be allowed which would be deemed offensive to the residents of the Estates at Sunset Cove.

V. Private Streets.

All streets and roadways within the Estates at Sunset Cove, as noted on the Plat, shall be owned and maintained by the Association as part of the

Common Area and in accordance with Section 12.13 of the Sunset Cove Declaration.

VI. Conservation Easement.

A Conservation Easement has been granted to the Galveston Bay Foundation, in perpetuity, to protect the marsh, salt flats, and tidal regions and Reserves, save and except the Park Reserves. Pedestrian access is allowed in the Conservation Easement; however, motor vehicles of any type are expressly prohibited. The Board of Directors of the Association, in addition to any other available remedies at law, is hereby authorized to promulgate additional rules and regulations, including the assessment of monetary fines, in order to protect the natural habitat within the Conservation Easement.

To the extent that the additional covenants, conditions and restrictions contained herein may be in direct conflict with any restrictions contained in the Sunset Cove Declaration, this Supplemental Declaration and Annexation Agreement shall control.

Partial Assignment of Declarant Rights

WHEREAS, the Sunset Cove Declaration provides that Declarant, Sunbird Development, L.P., may assign all or any portion of its rights as Declarant under the Sunset Cove Declaration; and

WHEREAS, Declarant, without relinquishing any of its rights as Declarant contained in the Sunset Cove Declaration, desires to partially assign its rights as Declarant only for the Estates of Sunset Cove, specifically with regard to the Declarant's rights contained in Article IX, Section 9.1(b) with regard to lots owned by

Declarant, in that such lots are not to be charged maintenance fees until they are sold to third parties other than Estates of Sunset Cove, L.P.


NOW THEREFORE, Sunbird Development, L.P., Declarant, hereby partially assigns its rights as Declarant under Article IX, Section 9.1(b) of the Sunset Cove Declaration to Owner, Estates of Sunset Cove, L.P.

Dated this 12th day of March, 2015.

SUNBIRD DEVELOPMENT, L.P.

Partner

By: Nature's Concepts, its General

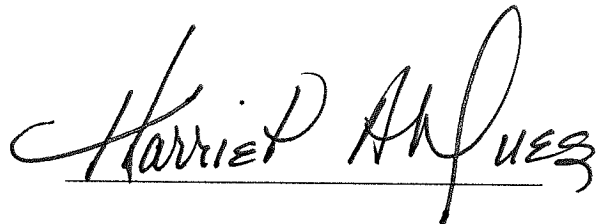
By 
Ross Novelli, Jr., President

THE STATE OF TEXAS §

COUNTY OF GALVESTON §

March This instrument was acknowledged before me on this the 12th day of March, 2015, by Ross Novelli, Jr. on behalf of Sunbird Development, L.P., a Texas limited partnership.




Harriet A. Dues

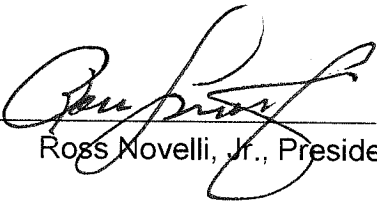
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

Harriet A. Dues

(Stamp or Print Name of Notary)

ESTATES OF SUNSET COVE, L.P.

By: GRD Construction, Inc., its General
Partner

By: 
Ross Novelli, Jr., President

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THE STATE OF TEXAS

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Return To:
Daughtry & Jordan, P.C.
17044 El Camino Real
Houston, Texas 77058

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(Stamp or Print Name of Notary)

SUNSET COVE GALVESTON HOME OWNERS ASSOCIATION, INC.

By: *Ross Novelli, Jr.*

Ross Novelli, Jr., President