

**SUPPLEMENTAL DECLARATION AND NOTICE OF
WITHDRAWAL OF LAND FROM DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS OF GREENBRIER**

STATE OF TEXAS §
 §
COUNTY OF BRAZOS §

This SUPPLEMENTAL DECLARATION AND NOTICE OF WITHDRAWAL OF LAND FROM THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF GREENBRIER (the "Notice"), is made effective as of the 28th day of May, 2021, by HOMEWOOD, LLC, a Texas limited liability company, and CARTER ARDEN DEVELOPMENT, LLC, a Texas limited liability company (collectively hereinafter referred to as "Declarant").

This is a Supplemental Declaration and Notice relating to the Declaration of Covenants, Conditions and Restrictions of Greenbrier dated March 6, 2013, executed by the Declarant recorded in Volume 11230, Page 102, Official Records, Brazos County, Texas, as amended and modified from time to time (as amended and modified from time to time, called the "Declaration").

The real property described as "Tract 1" on Exhibit A to the Declaration and also attached here (the "Withdrawn Land") is not now and has never been owned by Declarant and, as such, Declarant had and has no authority to subject such property to the Declaration. The Declarant desires to remove such Property from the description of the Property as used in the Declaration.

The Declaration provides in Section 2.03 for withdrawing areas from the Property encumbered by the Declaration by the recording in the Official Records of Brazos County, Texas, of an instrument which describes the land to be withdrawn from the "Property" (as such term is defined in the Declaration) thereby terminating the application of the Declaration, as amended from time to time, upon the withdrawn land.

For avoidance of doubt, in the event the Withdrawn Land is considered part of the Property and subject to the Declaration, Declarant wishes to remove the Withdrawn Land from the Property and from the application, if any, by the Declaration and covenants, conditions, restrictions, obligations, easements, liens, assessments and charges as set forth in the Declaration.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, (i) that all of the Withdrawn Land is hereby removed from the "Property" (as such term is defined in the Declaration); and (ii) that none of the Withdrawn Land shall be subject to the covenants, conditions, restrictions, easements, liens, assessments and charges stated in the Declaration. The term "Property" under the Declaration shall not include the Withdrawn Land.

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The Declaration provides in Section 2.03 for withdrawing areas from the Property encumbered by the Declaration by the recording in the Official Records of Brazos County, Texas, of an instrument which describes the land to be withdrawn from the "Property" (as such term is defined in the Declaration) thereby terminating the application of the Declaration, as amended from time to time, upon the withdrawn land.

For avoidance of doubt, in the event the Withdrawn Land is considered part of the Property and subject to the Declaration, Declarant wishes to remove the Withdrawn Land from the Property and from the application, if any, by the Declaration and covenants, conditions, restrictions, obligations, easements, liens, assessments and charges as set forth in the Declaration.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, (i) that all of the Withdrawn Land is hereby removed from the "Property" (as such term is defined in the Declaration); and (ii) that none of the Withdrawn Land shall be subject to the covenants, conditions, restrictions, easements, liens, assessments and charges stated in the Declaration. The term "Property" under the Declaration shall not include the Withdrawn Land.

Exhibit "A"

Metes and Bounds Description

TRACT I:

Being all that certain tract or parcel of land lying and being situated in the JOHN AUSTIN LEAGUE, Abstract No. 2 in Brazos County, Texas and being part of the called 176.241 acre tract described in the deed from George F. Carter and wife, Alberta R. Carter to Anne Richter Carter, Robert Brennan Carter and George Francis Carter, Jr. recorded in Volume 3253, Page 207 of the Official Records of Brazos County, Texas (O.R.B.C.), all of the 3.755 acre tract described in the deed from J. Stephen Arden to Edward B. Carter recorded in Volume 8901, Page 249 (O.R.B.C.) and all of the called 3.825 acre tract described in the deed from George F. Carter and wife, Alberta R. Carter to Anne Richter Carter, Robert Brennan Carter and George Francis Carter, Jr. recorded in Volume 1860, Page 43 (O.R.B.C.) and being more particularly described by metes and bounds as follows:

BEGINNING: at a found 5/8-inch iron rod marking the east corner of the called 176.241 acre tract, the south corner of called 89.096 acre 1179 Joint Venture I, L.P. tract recorded in Volume 6334, Page 235 (O.R.B.C.) and further described in the boundary line agreement recorded in Volume 7849, Page 6 (O.R.B.C.) and being in the northwest right-of-way line of F.M. 1179 (based on an 80-foot width);

THENCE: along the said northwest right-of-way line of F.M. 1179 for the following five (5) calls:

- 1) S 44° 47' 44" W for a distance of 5.09 feet for corner,
- 2) S 44° 47' 03" W for a distance of 896.84 feet to a found 5/8-inch iron rod for the Point of Curvature of a curve to the right,
- 3) 316.91 feet along the arc of said curve having a central angle of 04° 50' 00", a radius of 3756.72 feet, a tangent of 158.55 feet and a long chord bearing S 47° 12' 03" W at a distance of 316.81 feet to a found 1/2-inch iron rod for the Point of Tangency,
- 4) S 49° 37' 03" W for a distance of 581.59 feet to a found 5/8-inch iron rod for corner and
- 5) S 45° 41' 56" W for a distance of 200.06 feet for corner marking the south of the said 3.755 acre tract, said corner also marking the northeast corner of Lot 1, Block 1, OAK FOREST ESTATES, First Installment as recorded in Volume 208, Page 105 (B.C.D.R.);

THENCE: along the common line of the said 3.755 acre tract and the said OAK FOREST ESTATES for the following three (3) calls:

- 1) N 50° 46' 40" W for a distance of 152.54 feet for corner,
- 2) N 45° 42' 30" W for a distance of 619.82 feet for corner and
- 3) N 44° 41' 47" W for a distance of 16.78 feet for corner marking the west corner of said 3.755 acre Carter tract and the south corner of a 37.228 acre Carter Arden Development, LLC tract as described in Volume 8938, Page 113 (O.R.B.C.);

THENCE: N 52° 20' 07" E along the common line of the said 3.755 acre and 37.228 acre tracts for a distance of 212.71 feet for corner marking the north corner of the said 3.755 acre Carter tract, the east corner of the said 37.228 acre Carter Arden tract and the south corner of the 40.239 acre Carter Arden Development, LLC tract as described in Volume 8938, Page 108 (O.R.B.C.);

THENCE: along the southeast lines of the said 40.239 acre Carter Arden tract and the 103.916 acre Homewood, LLC tract as described in Volume 8938, Page 97 (O.R.B.C.) for the following eleven (11) calls:

- 1) N 60° 45' 22" E for a distance of 444.08 feet for corner,
- 2) N 39° 44' 40" E for a distance of 100.06 feet for corner
- 3) N 52° 12' 51" W for a distance of 12.10 feet to the Point of Curvature of a curve to the right,
- 4) 89.01 feet along the arc of said curve having a central angle of 09° 16' 22", a radius of 550.00 feet, a tangent of 44.60 feet and a long chord bearing N 47° 34' 39" W at a distance of 88.92 feet for the Point of Compound Curvature,
- 5) 41.53 feet along the arc of said compound curve having a central angle of 95° 10' 37", a radius of 25.00 feet, a tangent of 27.37 feet and a long chord bearing N 04° 38' 50" E at a distance of 36.92 feet for the Point of Compound Curvature,
- 6) 138.54 feet along the arc of said compound curve having a central angle of 08° 21' 19", a radius of 950.00 feet, a tangent of 69.39 feet and a long chord bearing N 56° 24' 50" E at a distance of 138.41 feet to the Point of Tangency,
- 7) N 60° 35' 29" E for a distance of 194.34 feet to the Point of Curvature of a curve to the left,
- 8) 224.89 feet along the arc of said curve having a central angle of 12° 16' 18", a radius of 1050.00 feet, a tangent of 112.88 feet and a long chord bearing N 54° 27' 21" E at a distance of 224.46 feet to the Point of Tangency,
- 9) N 48° 19' 12" E for a distance of 226.72 feet to the Point of Curvature of a curve to the right,
- 10) 227.56 feet along the arc of said curve having a central angle of 08° 41' 32", a radius of 1500.00 feet, a tangent of 114.00 feet and a long chord bearing N 52° 39' 58" E at a distance of 227.34 feet to the Point of Tangency and
- 11) N 57° 00' 44" E for a distance of 270.28 feet for corner in the said agreed common boundary line between the called 176.241 acre tract and the called 89.096 acre tracts;

THENCE: S 45° 01' 30" E along the said common line for a distance of 616.30 feet to the POINT OF BEGINNING and containing 33.52 acres of land, more or less.

**Brazos County
Karen McQueen
County Clerk**

Instrument Number: 1438332
Volume : 17165
ERecordings - Real Property

Recorded On: July 08, 2021 11:54 AM

Number of Pages: 5

" Examined and Charged as Follows: "

Total Recording: \$42.00

******* 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: 1438332
Receipt Number: 20210708000054
Recorded Date/Time: July 08, 2021 11:54 AM
User: Susie C
Station: CCLERK01

Record and Return To:

eRecording Partners



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