

## DECLARATION OF ANNEXATION

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21944

This Declaration of Annexation is made as of the date hereinafter stated by NEW SOUTHWYCK, L.P., a Delaware limited partnership ("Declarant").

WITNESSETH:

WHEREAS, Declarant executed that certain Declaration of Covenants, Conditions and Restrictions for Silverlake dated as of January 18, 1995, which is filed under Clerk's File No. 95-002608 and recorded in the Official Records of Brazoria County, Texas (the "Declaration") and which imposed covenants, conditions and restrictions on certain property described therein, as amended by instruments recorded under Clerk's File Nos. 95-004518, 95-041166 and 98-023583 in the Official Records of Brazoria County, Texas; and

WHEREAS, ARGOVITZ INTERESTS, LTD., a Texas limited partnership ("Argovitz") is the owner of that certain 44.5342 acre tract of land more particularly described on Exhibit "A" attached hereto and incorporated herein by reference for all purposes and is contiguous to or in the general vicinity of the property encumbered by the Declaration (the "Annexed Property"); and

WHEREAS, Article III of the Declaration gives the Declarant the right, as the owner, or if not the owner with the consent of the owner, to annex additional property into the jurisdiction of the SILVERLAKE HOMEOWNERS ASSOCIATION, INC., a non-profit corporation organized to administer the provisions of the Declaration (the "Association"), and to subject such annexed property to the provisions of the Declaration; and



WHEREAS, the Declarant desires to annex the Annexed Property into the jurisdiction of the Association and Argovitz, as the owner of the Annexed Property, desires to evidence its consent to such annexation and to subject the Annexed Property to the provisions of the Declaration; and

WHEREAS, the "ARC" defined in the Declaration (the "ARC") has adopted the Silverlake Commercial Guidelines, dated September 20, 1995, which, as same may be amended (the "Design Guidelines") would affect the Annexed Property, and the ARC, Silverlake Homeowners Association, Inc., Argovitz and Declarant have executed an Agreement Modifying Design Guidelines which modify the Design Guidelines insofar as they affect the Annexed Property as consideration for Argovitz entering into this Declaration.

NOW, THEREFORE, the Declarant hereby annexes the Annexed Property into the jurisdiction of the SILVERLAKE HOMEOWNERS ASSOCIATION, INC. and declares that the Annexed Property shall be a portion of the Property (as defined in the Declaration) and shall be subject to all provisions of the Declaration, including without limitation, the right of the Association to levy assessments as set forth in Article XIII of the Declaration (the "Assessments"). **The Annexed Property shall not be subject to the Assessments until such time as the Annexed Property is annexed. The Association shall have no obligation to maintain the Annexed Property as set forth in the Declaration until such time as the Annexed Property is platted.**

Argovitz, as the owner of the Annexed Property, joins in the execution hereof to evidence its consent to such annexation and the terms set forth herein.

A handwritten signature in black ink, appearing to be 'J. Kugle', is written over the printed name JKUGLE.

IN WITNESS WHEREOF this Declaration of Annexation is executed the 3rd day of

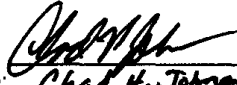
September, 2002.

NEW SOUTHWYCK, L.P., a Delaware  
limited partnership doing business as  
Silverlake Development Company

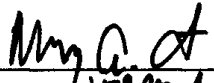
By: Southwyck Joint Venture,  
general partner

By: The Johnson Companies Limited  
Partnership, venturer

By: The Johnson Development  
Corp., general partner

By:   
Name: Chad H. Johnson  
Its: Vice President

ARGOVITZ INTERESTS, LTD.,  
a Texas limited partnership

By:   
Name: Jeffrey A. Argo  
Its: partner

✓ After Recording, Please Return To:  
Julianne B. Kugle  
Coats, Rose, Yale, Ryman & Lee, P.C.  
1001 Fannin, Suite 800  
Houston, Texas 77002

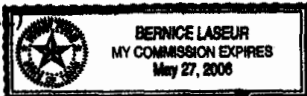
1706.229\291018.1(285097.3) JKUGLE



THE STATE OF TEXAS §  
§  
COUNTY OF BRAZORIA §

This instrument was acknowledged before me on the 30<sup>th</sup> day of August, 2002 by CHAD H. JOHNSON, VICE PRESIDENT of The Johnson Development Corp., a Delaware corporation which is the general partner of The Johnson Companies Limited Partnership, a Delaware limited partnership which is a venturer of Southwyck Joint Venture, a Texas joint venture which is the sole general partner of New Southwyck, L.P., on behalf of said limited partnership.

(SEAL)

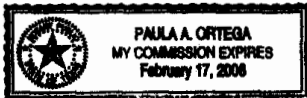


Bernice Laseur  
Notary Public in and for  
the State of Texas

THE STATE OF TEXAS §  
§  
COUNTY OF \_\_\_\_\_ §

This instrument was acknowledged before me on August 13, 2002 by Jerry A. Argovitz, Managing Partner of ARGOVITZ INTERESTS, LTD., a Texas limited partnership, on behalf of said partnership.

(SEAL)



Paula A. Ortega  
Notary Public in and for  
the State of Texas

## Exhibit "A" to Declaration of Annexation

Exhibit Page 1 of 2 Pages

County: Brazoria  
Project: Pearland Commercial Center  
C.I. No.: 1022-02  
Job Number: 2000093-14

## FIELD NOTES FOR 44.5342 ACRES

Being a 44.5342 acre tract of land located in the H.T. & B. R.R. Co. Survey, Section 4, Abstract 675 in Brazoria County, Texas and the Allison-Richey Gulf Coast Home Co. Subdivision recorded in Volume 2, Page 99 of the Brazoria County Map Records (B.C.M.R.) and being all of a call 44.5342 acre tract of land recorded in the name of Argovitz Interests, Ltd., in Clerk's File Number 95-038845 of the Official Records of Brazoria County (O.R.B.C.) Texas; said 44.5342 acre tract being more particularly described by metes and bounds as follows (all bearings are referenced to the east line of said 44.5342 acre tract of land):

Beginning at a 5/8-inch iron rod found on the centerline of County Road 94 (40-feet wide) as recorded in Volume 2, Page 99 and Volume 2, Page 107 of the B.C.M.R., same being the southeast corner of said 44.5342 acre tract of land and the southwest corner of a call 15.8377 acre tract of land recorded in the name of Argovitz Interests, Ltd., in Clerk's File Number 95-038845 of the O.R.B.C.;

1. Thence, South 86 degrees 44 minutes 56 seconds West, at a distance of 20-feet pass the west Right-of-Way (R.O.W.) line of said County Road 94 and being on the north R.O.W. line of F.M. Road 518 as shown on TxDOT R.O.W. Map, Sheet Number 2, Account Number 8012-01-30, in all, a total distance of 40.00 feet to a 5/8-inch iron rod with plastic cap stamped "COSTELLO INC RPLS 4416" found;
2. Thence, with the north R.O.W. line of said F.M. 518, South 41 degrees 44 minutes 56 seconds West, a distance of 70.71 feet to a 5/8-inch iron rod with plastic cap stamped "COSTELLO INC RPLS 4416" found;
3. Thence, continuing with said north R.O.W. line, South 86 degrees 44 minutes 56 seconds West, a distance of 88.14 feet to a concrete monument found on the east R.O.W. line of State Highway No.288 as shown on TxDOT R.O.W. Map, Sheet Number 6, Account Number 8012-01-30;

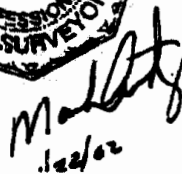
Thence, with said east R.O.W. line, the following five (5) courses:

4. North 51 degrees 42 minutes 56 seconds West, a distance of 149.32 feet to a concrete monument found;
5. 287.39 feet along the arc of a curve to the left, said curve having a central angle of 36 degrees 52 minutes 52 seconds, a radius of 446.46 feet and a chord that bears North 34 degrees 37 minutes 22 seconds West, a distance of 282.45 feet to a concrete monument found;



Exhibit\_\_ Page 2 of 2 Pages

6. 1064.08 feet along the arc of a curve to the right, said curve having a central angle of 55 degrees 51 minutes 51 seconds, a radius of 1091.35 feet and a chord that bears North 25 degrees 05 minutes 46 seconds West, a distance of 1022.43 feet to a concrete monument found;
7. 33.07 feet along the arc of a curve to the right, said curve having a central angle of 00 degrees 10 minutes 06 seconds, a radius of 11,249.16 feet and a chord that bears North 02 degrees 55 minutes 12 seconds East, a distance of 33.07 feet to a concrete monument found;
8. North 03 degrees 00 minutes 15 seconds East, a distance of 1554.85 feet to a 1-inch iron pipe found for the northwest corner of aforesaid 44.5342 acre tract and the southwest corner of a call 8.39 acre tract recorded in the name of Carolyn Wenglar in Clerk's File Number 97-036591 of the O.R.B.C.;
9. Thence, with the common line of said 44.5342 acre tract and said 8.39 acre tract, North 86 degrees 44 minutes 56 seconds East, a distance of 644.43 feet to a 5/8-inch iron rod found for the northeast corner of said 44.5342 acre tract and the southeast corner of said 8.39 acre tract, same being on the centerline of aforesaid County Road 94;
10. Thence, with said centerline, South 03 degrees 15 minutes 04 seconds East, a distance of 2817.65 feet to the **Point of Beginning** and containing 44.5342 acres of land.

  
1/22/02

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FILED FOR RECORD  
02 SEP -9 PM 3:50

*Joyce Hudman*  
COUNTY CLERK  
BRAZORIA COUNTY TEXAS

STATE OF TEXAS  
COUNTY OF BRAZORIA

I, JOYCE HUDMAN, Clerk of the County Court in and for Brazoria County, Texas do hereby certify that this instrument was FILED FOR RECORD and RECORDED in the OFFICIAL RECORD at the time and date as stamped hereon by me.



*Joyce Hudman*

County Clerk of Brazoria Co., TX