



**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS**  
**for**  
**SETTLERS PARK, SECTION V**

STATE OF TEXAS §

COUNTY OF FORT BEND §

WHEREAS, the undersigned, **MARKLAND HOMES, L.P.**, a Texas Limited Partnership (herein called "Markland") is the owner of **SETTLERS PARK, SECTION V**, a subdivision in Fort Bend County, Texas according to the map or plat thereof recorded under Clerk's File No. 20040241 of the Official Public Records of Fort Bend County, Texas, and which subdivision is a replat of Landscape Reserve "B" of **SETTLERS PARK, SECTION III**, a subdivision in Fort Bend County, Texas according to the map or plat thereof recorded under Volume 27, Page 13 of the Map records of Fort Bend County, Texas; and

WHEREAS, Markland desires to impose certain Covenants, Conditions and Restrictions upon Settlers Park, Section V by incorporating the existing Covenants, Conditions and Restrictions of **SETTLERS PARK, SECTION III**, and subject to certain variances as hereinafter granted; and

WHEREAS, the recorded plat for **SETTLERS PARK, SECTION V** has been approved by the City of Sugar Land, Texas, and which contains building set back lines at variance with the original recorded plat of **SETTLERS PARK, SECTION III**, and the original Covenants, Conditions and Restrictions for Settlers Park, Section III;

NOW THEREFORE, Markland HEREBY DECLARES AS FOLLOWS:

1. **Declaration:** Markland hereby declares that all of the property located within **SETTLERS PARK, SECTION V**, a subdivision in Fort Bend County, Texas according to the map or plat thereof recorded under Clerk's File No. 20040241 of the Official Public Records of Fort Bend County, Texas shall be held, sold and conveyed subject to all of the easements, restrictions, covenants and conditions (*but subject to a variance as hereinafter set forth*) as set forth in the Declaration of Covenants, Conditions and Restrictions of Settlers Park, Section III as recorded under Volume 983, Page 132 through Volume 983, Page 162 of the Deed Records of Fort Bend County, Texas (herein

called the "Settlers Park, Section III Declaration"). All of the terms of the Settlers Park, Section III Declaration are hereby incorporated by reference as if written word for word herein; *except for* the variance granted below.

2. **Variance:** Section 5.4, Subparagraph b) of the Settlers Park, Section III Declaration contains a restriction that states in relevant part:

b) No single family residence shall be located on any interior lot nearer than twenty-five (25) feet to the rear lot line, except where a garage is attached to the main structure of the residence in which case the rear wall of the living area shall not be nearer than twenty-five (25) feet to the rear lot line..."

Article IV, Section 4.1 of the Settlers Park, Section III Declaration provides that the Architectural Control Committee may allow reasonable variances as to any of the restrictions contained therein. Due to the circumstances of the location of the properties located in Settlers Park, Section V, such as the topography, location of property lines, location of how the homes located or to be located thereon are situated or are to be situated, the undersigned Board of Directors of the Association hereinafter named, being the successors to the Architectural Control Committee named in the Settlers Park, Section III Declaration, hereby grant a perpetual variance to the above referenced twenty-five (25) rear setback requirement with respect to all properties located in Settlers Park, Section V.

3. **Conflicts:** In the event of any conflict or inconsistency between any of the terms or the restrictions herein imposed of the property constituting Settlers Park, Section V, the terms of the original Settlers Park, Section III Declaration or the provisions related to the building lines, easements, stipulations or other provisions set forth on the recorded plat of SETTLERS PARK, SECTION V, according to the map or plat thereof recorded under Clerk's File No. 20040241 of the Official Public Records of Fort Bend County, Texas, the terms of said recorded plat of SETTLERS PARK, SECTION V referenced above and this document shall control.

4. **Approval by Association:** The undersigned, **SETTLERS PARK HOMEOWNERS ASSOCIATION**, a Texas nonprofit corporation (the "Association"), has taken over management of Settlers Park as provided in the Settlers

Park, Section III Declaration. By its signature below, the Association does hereby approve the imposition of the Settlers Park, Section III Declaration (with the exceptions and exclusions as herein set forth) on Settlers Park, Section V. The property located in Settlers Park, Section V shall be subject to the maintenance assessments, architectural controls and all other benefits and obligations the Association the same as all properties located in Settlers Park, Section III, subject to the variances granted herein, or as otherwise may be provided herein and on the recorded plat of Settlers Park, Section V. All of the actions as set forth in this instrument have been approved by all of the members of the Board of Directors of the Association at a meeting duly called, held and conducted in accordance with the By-laws of the Association as evidenced by their signatures set forth below.

5. **Approval by Declarant.** The undersigned, Sugarland Properties Incorporated, a Texas Corporation, as the Declarant in the Settlers Park, Section III Declaration, by its signature below, and acting pursuant to Article VI, Section 6.4 of the Settlers Park Section III Declaration, does hereby request and consent to the annexation of the property located in Settlers Park, Section V into the Settlers Park, Section III Declaration as herein provided, and subject to the terms hereof.

EXECUTED this 10<sup>th</sup> day of May, 2005.

**MARKLAND HOMES, L.P., a Texas Limited Partnership**

By: Charles A. Jorgensen

Name: CHARLES A. JORGENSEN

Title: PRESIDENT

UNRECORDED

SETTLER'S PARK HOMEOWNERS ASSOCIATION, a Texas nonprofit corporation

By: [Signature]  
Name: Steve Angulo  
President

[Signature]  
STEVE ANGULO, Director

[Signature]  
DON KALMBACH, Director

[Signature]  
SCOTT ROBERTSON, Director

[Signature]  
ARNOLD AREVALO, Director

[Signature]  
SHARON HAZEL, Director

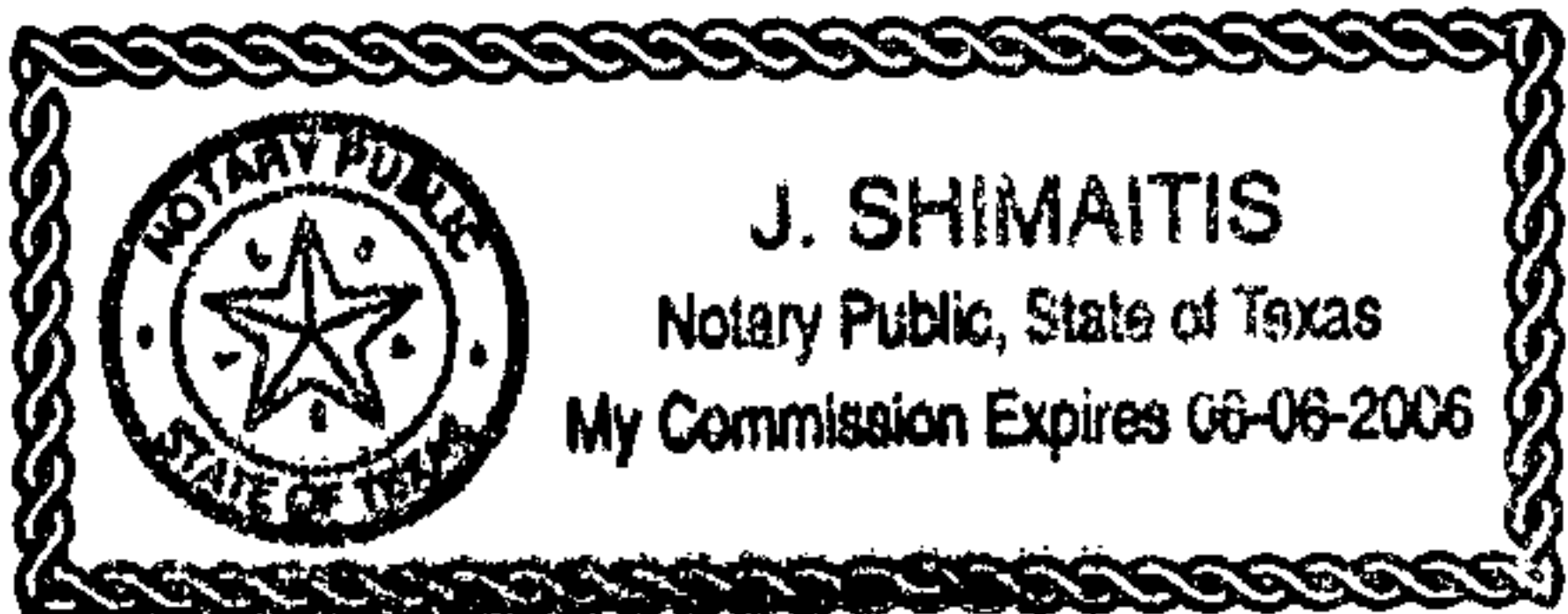
SUGARLAND PROPERTIES, INCORPORATED a Texas Corporation

By: [Signature]  
Name: Les A. Newton  
Title: President

THE STATE OF TEXAS

COUNTY OF Sugar Land

This instrument was acknowledged before me, on this the 10 day of May, A.D. 2005, by Charles A. Jorgensen as President of MARKLAND HOMES, L.P., a Texas Limited Partnership, on behalf of said limited partnership.



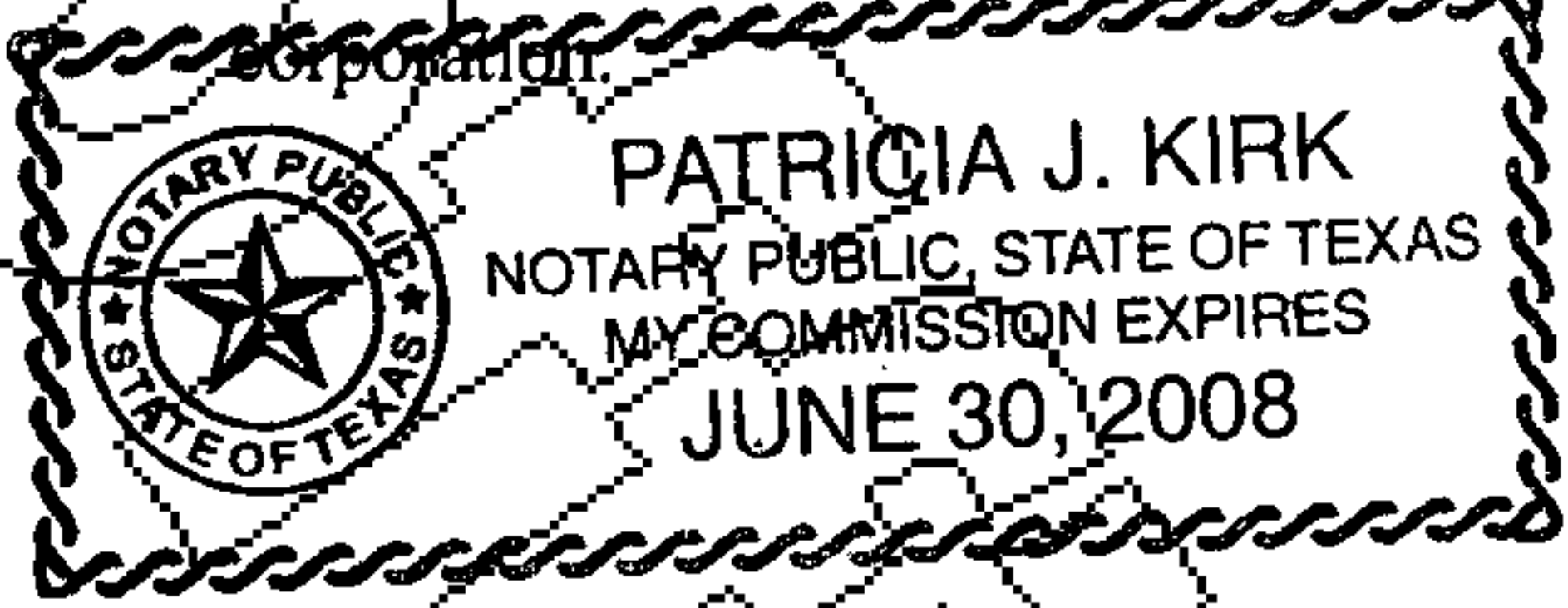
[Signature]  
NOTARY PUBLIC, STATE OF TEXAS

UNRECORDED

THE STATE OF TEXAS

COUNTY OF Fort Bend

This instrument was acknowledged before me, on this the 20<sup>th</sup> day of April, A.D. 2005, by Steve Angulo as President of **SETTLER'S PARK HOMEOWNERS ASSOCIATION**, a Texas nonprofit corporation, on behalf of said nonprofit corporation.

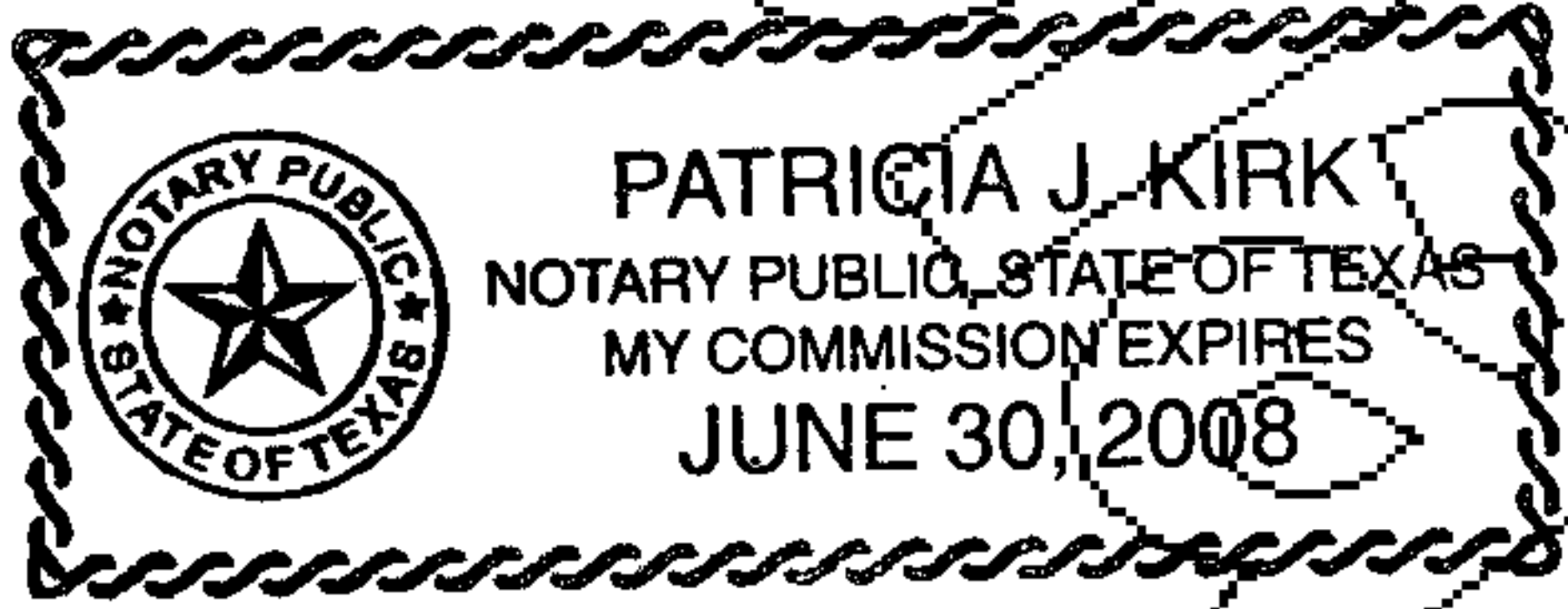


Patricia J. Kirk  
NOTARY PUBLIC, STATE OF TEXAS

THE STATE OF TEXAS

COUNTY OF Fort Bend

This instrument was acknowledged before me, on this the 20<sup>th</sup> day of April, A.D. 2005, by STEVE ANGULO as a Director of **SETTLER'S PARK HOMEOWNERS ASSOCIATION**, a Texas nonprofit corporation, on behalf of said nonprofit corporation.

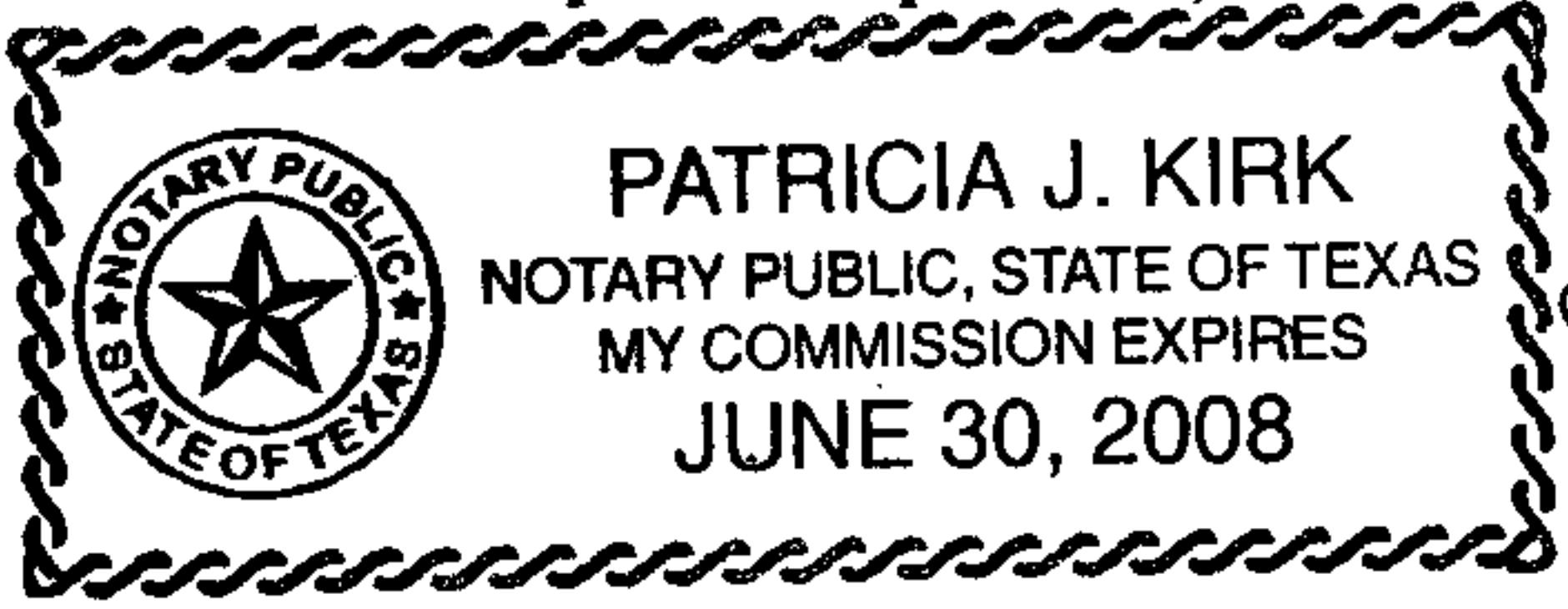


Patricia J. Kirk  
NOTARY PUBLIC, STATE OF TEXAS

THE STATE OF TEXAS

COUNTY OF Fort Bend

This instrument was acknowledged before me, on this the 20<sup>th</sup> day of April, A.D. 2005, by DON KALMBACH as a Director of **SETTLER'S PARK HOMEOWNERS ASSOCIATION**, a Texas nonprofit corporation, on behalf of said nonprofit corporation.

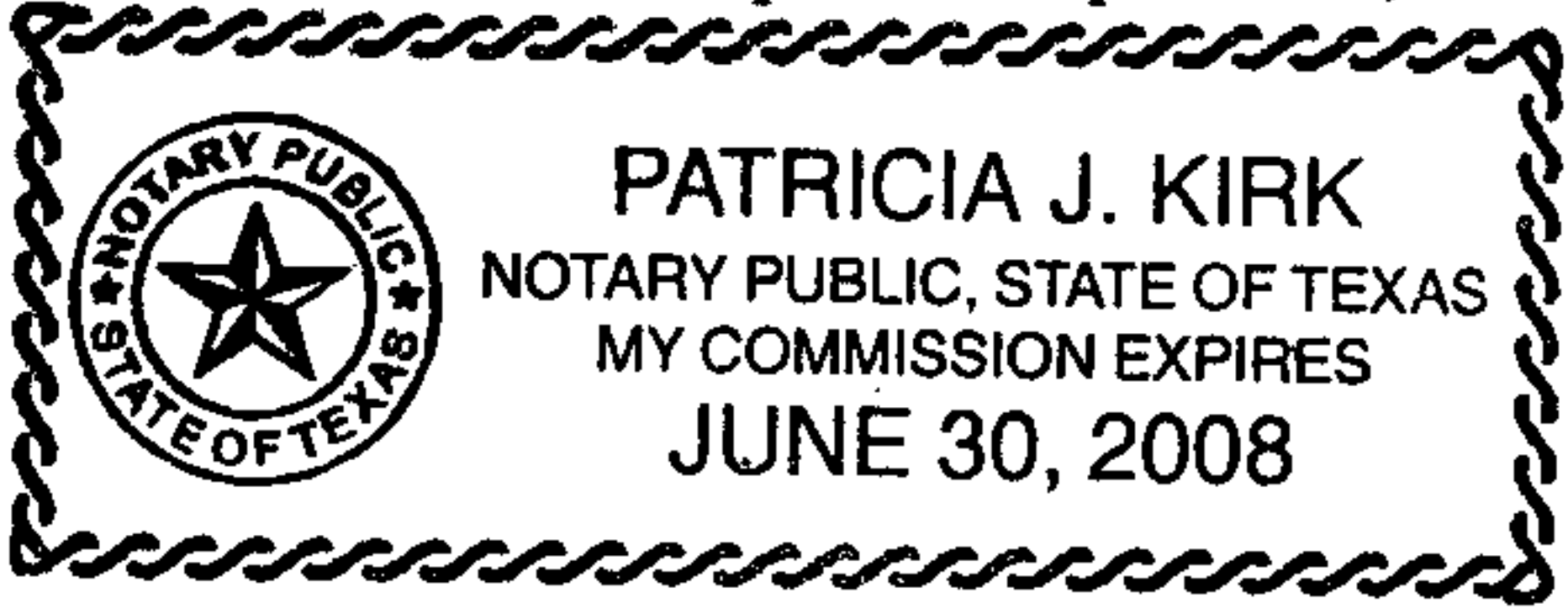


Patricia J. Kirk  
NOTARY PUBLIC, STATE OF TEXAS

THE STATE OF TEXAS

COUNTY OF Fort Bend

This instrument was acknowledged before me, on this the 20<sup>th</sup> day of April, A.D. 2005, by SCOTT ROBERTSON as a Director of **SETTLER'S PARK HOMEOWNERS ASSOCIATION**, a Texas nonprofit corporation, on behalf of said nonprofit corporation.

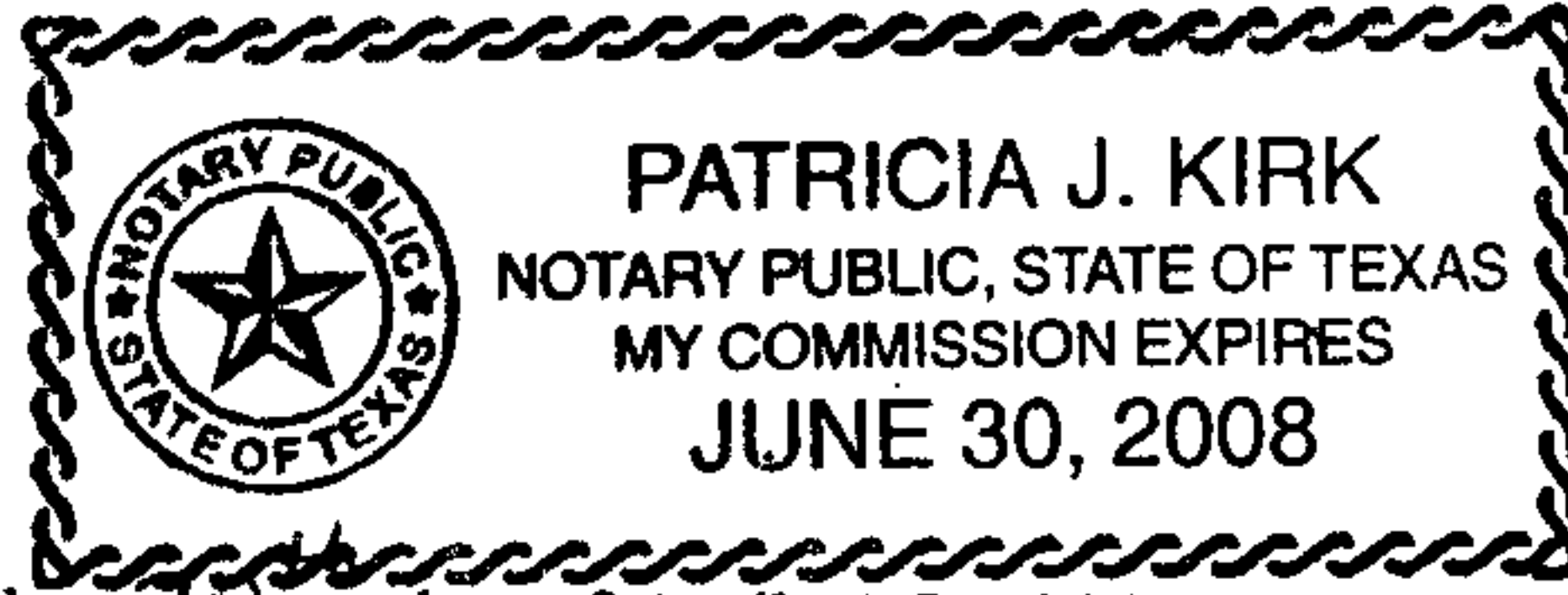


Patricia J. Kirk  
NOTARY PUBLIC, STATE OF TEXAS

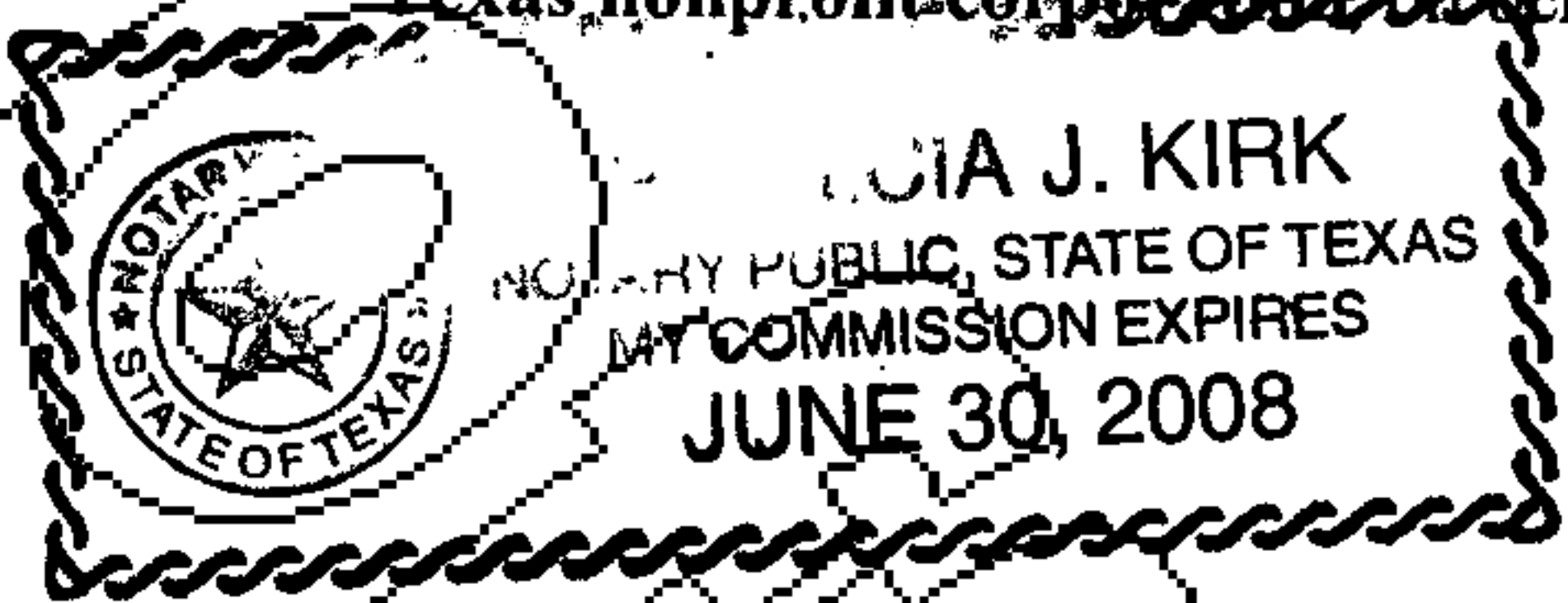
THE STATE OF TEXAS

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COUNTY OF Fort Bend



This instrument was acknowledged before me, on this the 20 day of April, A.D. 2005, by ARNOLD AREVALO as a Director of SETTLER'S PARK HOMEOWNERS ASSOCIATION, a Texas nonprofit corporation on behalf of said nonprofit corporation.

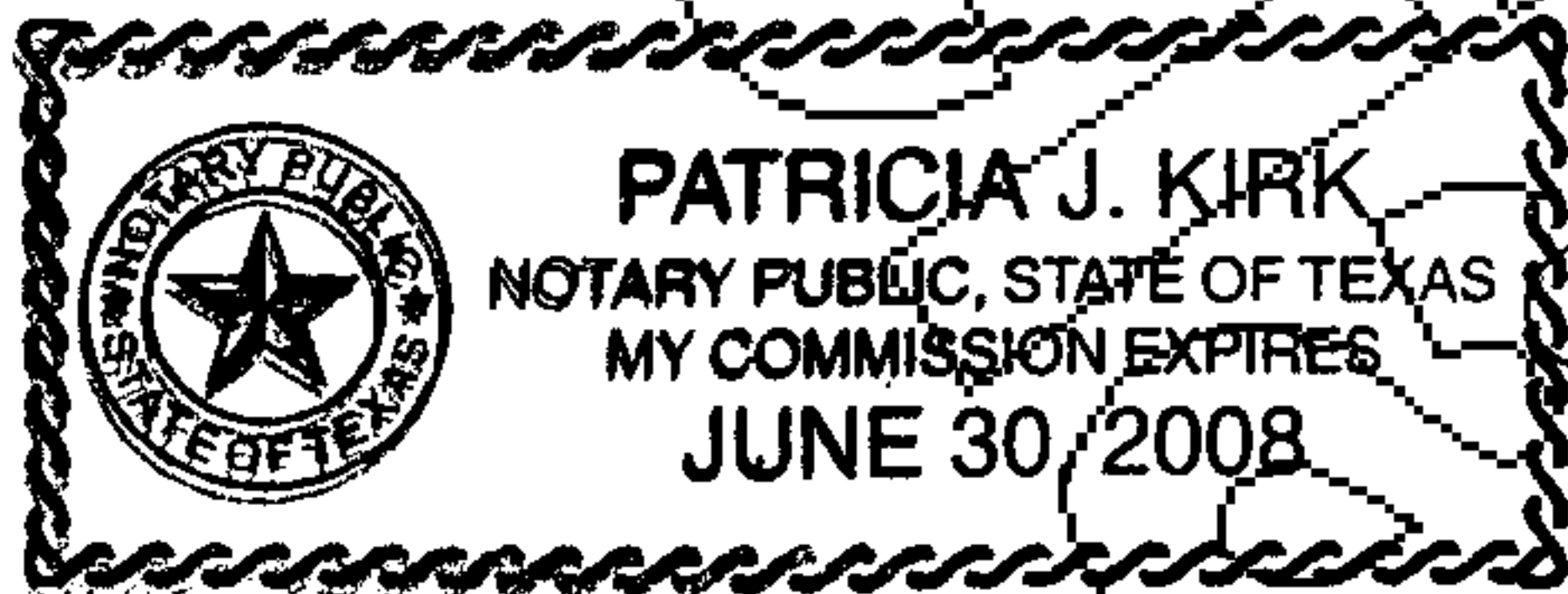


Patricia J. Kirk  
NOTARY PUBLIC, STATE OF TEXAS

THE STATE OF TEXAS

COUNTY OF Fort Bend

This instrument was acknowledged before me, on this the 20<sup>th</sup> day of April, A.D. 2005, by SHARON HAZEL as a Director of SETTLER'S PARK HOMEOWNERS ASSOCIATION, a Texas nonprofit corporation, on behalf of said nonprofit corporation.



Patricia J. Kirk  
NOTARY PUBLIC, STATE OF TEXAS

THE STATE OF TEXAS

COUNTY OF Fort Bend

This instrument was acknowledged before me, on this the 16<sup>th</sup> day of May, A.D. 2005, by Les A. Newton as President of SUGARLAND PROPERTIES, INCORPORATED, a Texas Corporation, on behalf of said corporation.

Melinda Alden  
NOTARY PUBLIC, STATE OF TEXAS

Return to:  
Landmark Home Builders  
612 West Baugh Ln  
Houston, Tx 77024

**FILED AND RECORDED**

OFFICIAL PUBLIC RECORDS

Dr. Dianne Wilson

2005 Jun 27 09:42 AM

2005074576

VCK \$17.00

Dianne Wilson, Ph.D. COUNTY CLERK

FT BEND COUNTY TEXAS

PREPARED IN THE LAW OFFICE OF  
MORRIS, LENDAIS, HOLLRAH & SNOWDEN  
1980 Post Oak Boulevard, Suite 700  
Houston, Texas 77056  
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