

SUPPLEMENTAL DECLARATION
OF MERGER AND ANNEXATION
FOR
SUTTER'S MILL CONDOMINIUM

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

THAT WHEREAS, by instrument entitled Condominium Declaration for Sutter's Mill Condominium (the "Declaration") dated September 25, 1981, and filed in Volume 495, Pages 280-329 in the Real Property Records of Brazos County, Texas, Stanford Associates, Inc., a Texas corporation (herein called the "Declarant"), did establish a condominium project (herein called "Phase I") under the Condominium Act of the State of Texas (Texas Revised Civil Statutes, Article 1301a), which Declaration provides for a plan of separate and individual ownership of the area or space contained in buildings located on the real property described in Exhibit "A" attached hereto and made a part hereof for all purposes (the "Phase I Tract") and submits said real property to certain terms, covenants, conditions, easements, restrictions, uses, limitations and obligations which are deemed to run with said real property, reference to which is hereby made for all purposes;

WHEREAS, the undersigned Declarant desires to expand the Sutter's Mill Condominium by adding thereto the additional parcel of land (herein called the "Phase II Tract") described on Exhibit "B" attached hereto and incorporated herein for all purposes, together with the improvements situated or to be situated thereon (herein called "Phase II");

WHEREAS, Article IX, Section 9.1 of the Declaration provides that said Declaration may not be amended in any

FILED
At 3:30 O'clock P M

AUG 6 1982

FRANK BORISKIE
County Clerk, Brazos County, Bryan, Texas
By Mary Ann Ward Deputy

235463

8-9-82

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VOL PAGE

material respect unless all of the first Mortgagees and at least seventy-five percent (75%) of the Owners of the individual Condominium Units have given their prior written approval;

WHEREAS, Phase II will contain twenty (20) Units, which, when added to the thirty-five (35) Units contained in Phase I, will aggregate fifty-five (55) Units; and,

WHEREAS, Declarant has received the prior written approval of all of the first Mortgagees and at least seventy-five percent (75%) of the Owners of the individual Condominium Units to this Supplemental Declaration;

WHEREAS, Declarant who is also owner of record title to the Phase II Tract, declares that it is desired and intended that (i) the Phase II Tract be incorporated into the original Sutter's Mill Condominium, (ii) the Phase II Tract, together with the improvements thereon or to be located thereon, be submitted to the Sutter's Mill condominium regime created by the Declaration pursuant to the Condominium Act of the State of Texas, and (iii) the terms, covenants, conditions, easements, restrictions, uses, limitations and obligations set forth in the Declaration shall, except as provided herein, apply to and have the same force and effect as to Phase II and shall run with the Phase II Tract.

NOW, THEREFORE, Declarant does hereby submit that the Phase II Tract, together with all improvements thereon or to be located thereon, to the Sutter's Mill condominium regime created by the Declaration pursuant to the Condominium Act of the State of Texas, and does hereby publish and declare that the terms, covenants, conditions, easements, restrictions, uses, limitations and obligations set forth in the Declaration shall, except as provided for herein, apply to and have the same force and effect as to Phase II. The Phase II Tract, together with all improvements thereon or to be located

thereon, shall be held, sold and conveyed subject to such covenants, conditions, easements, restrictions, uses, limitations and obligations set forth in the Declaration, all of which are for the purpose of enhancing and protecting the value, desirability and attractiveness of the Phase II Tract. The said easements, covenants, conditions, restrictions, uses, limitations and obligations shall run with the Phase II Tract and shall be binding on all parties having or acquiring any right, title or interest in all or any part of the Phase II Tract, their heirs, successors and assigns, and shall inure to the benefit of each Owner and lessee thereof.

The Phase II Tract shall become a part of the Sutter's Mill condominium régime, as defined in the Declaration, and the twenty (20) Units shown on the survey map of Phase II attached hereto and made a part hereof as Exhibit "C", shall become Units, as defined in the Declaration, and from and after the filing hereof, SUTTER'S MILL CONDOMINIUM PHASE II shall be a part of the Sutter's Mill condominium regime as if it has been originally described in the Declaration and the percentage or fraction of ownership interests in the Common Elements, as defined in the Declaration, is hereby reallocated and established among the total of fifty-five (55) Units as set out in Exhibit "D" of this Supplemental Declaration.

This Supplemental Declaration of Merger and Annexation may be amended by Declarant without joinder of any Unit, Owner or Mortgagee in order to correct errors and discrepancies in said document or to comply with the requirements of the Veterans Administration, Federal Home Loan Mortgage Corporation, Federal National Mortgage Association or any other permanent lender approved by the Declarant; provided, however, that no vested property rights of any Unit Owner or Mortgagee shall be materially affected.

IN WITNESS WHEREOF, the undersigned, being the Declarant herein, has executed this instrument this 6th day of August, 1982.

STANFORD ASSOCIATES:

By: 

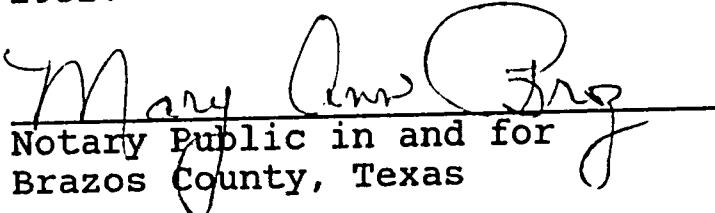
JOHN SCHMID

Its: Vice President

THE STATE OF TEXAS §
COUNTY OF BRAZOS §

BEFORE ME, the undersigned authority, on this day personally appeared JOHN SCHMID, Vice President of STANFORD ASSOCIATES, INC., a Texas corporation, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein stated, as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 6th day of August, 1982.


Notary Public in and for
Brazos County, Texas

My Commission Expires:

6-26-84

EXHIBIT "A"

LEGAL DESCRIPTION OF LAND

All that certain 2.87 acre tract or parcel of land lying and being situated in Brazos County, Texas, and being a portion of the 6.16 acre Reserve Tract, Block Two (2), GREEK VILLAGE, PHASE II, an addition to the City of College Station, Texas, according to plat of said addition recorded in Volume 408, page 241, Deed Records of Brazos County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at the point of intersection of the northeast right-of-way line of Stallings Drive with the southeast right-of-way line of Dominik Drive, same being the west corner of the aforementioned 6.16 acre reserve tract;

THENCE N 45° 03' 18" E along the said southeast right-of-way line of Dominik Drive for a distance of 272.06 feet to the beginning of a curve to the right;

THENCE southeasterly along said curve to the right for an arc distance of 39.550 feet to the end of said curve, same lying on the southwest right-of-way line of Olympia Way, (Curve Data: central angle = 90° 38' 12", radius = 25.00 feet, tangent = 25.28 feet, the chord bears S 89° 37' 36" E for a distance of 35.51 feet);

THENCE S 44° 18' 30" E along the said southwest right-of-way line of Olympia Way for a distance of 587.38 feet to the beginning of a curve to the right;

THENCE southwesterly along said curve to the right for an arc distance of 39.28 feet to the end of said curve, same lying on northwest right-of-way line of University Oaks Boulevard; (Curve Data: central angle = 90° 00' 42", radius = 25.00 feet, tangent = 25.01 feet, the chord bears S 00° 41' 51" W for a distance of 35.36 feet);

THENCE S 45° 42' 12" W along the said northwest right-of-way line of University Oaks Boulevard for a distance of 288.01 feet to the center of an 80 foot Drainage Easement;

THENCE along the center of the said 80 foot Drainage Easement for the following calls:

N 04° 31' 16" W for a distance of 201.17 feet;

N 37° 46' 51" W for a distance of 355.10 feet;

N 84° 23' 23" W for a distance of 196.54 feet to the point of intersection with the northeast right-of-way line of Stallings Drive, same lying on a curve to the left;

THENCE northwesterly along said curve to the left for an arc distance of 4.04 feet, (Curve Data: central angle = 00° 26' 12", radius = 530.00 feet, tangent = 2.02 feet, the chord bears N 44° 43' 36" W for a distance of 4.04 feet, to the PLACE OF BEGINNING and containing 2.87 acres of land, more or less.

Field Notes
of a 1.75
Acre Tract
GREEK VILLAGE, PHASE II
College Station, Brazos County, Texas

Field notes of a 1.75 acre tract or parcel of land lying and being situated in Brazos County, Texas, and being a portion of the 6.16 acre Reserve Tract, Block Two (2), GREEK VILLAGE, PHASE II, an addition to the City of College Station, Texas, according to plat of said addition recorded in Volume 408, page 241, Deed Records of Brazos County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at the point of intersection of the northeast right-of-way line of Stallings Drive with the southeast right-of-way line of Dominik Drive, same being the west corner of the aforementioned 6.16 acre reserve tract;

THENCE along a curve in the southeast right-of-way line of Stallings Drive for an Arc Distance of 4.04 feet to the center of an 80 foot Drainage easement for the Place of Beginning (Curve Data: Central Angle = $00^{\circ}26'12''$, Radius = 530.00 feet, Tangent = 2.02 feet, the chord bears $S\ 44^{\circ}43'45''E$ for a distance of 4.04 feet);

THENCE along the center of the said 80 foot Drainage easement for the following calls:

N $84^{\circ}23'23''E$ for a distance of 196.54 feet;

S $37^{\circ}46'51''E$ for a distance of 355.09 feet;

S $04^{\circ}31'16''E$ for a distance of 38.50 feet to a point for corner;

THENCE S $85^{\circ}28'44''W$ for a distance of 103.25 feet to a point for corner;

THENCE N $76^{\circ}01'16''W$ for a distance of 25.00 feet to a point for corner;

THENCE S $74^{\circ}58'44''W$ for a distance of 60.00 feet to a point for corner;

THENCE S $27^{\circ}58'44''W$ for a distance of 25.00 feet to a point for corner;

THENCE S $74^{\circ}58'44''W$ for a distance of 40.00 feet to a point for corner;

THENCE S $04^{\circ}01'16''E$ for a distance of 21.50 feet to a point for corner;

THENCE S $85^{\circ}58'44''W$ for a distance of 12.50 feet to a point for corner;

THENCE N $04^{\circ}01'16''E$ for a distance of 20.00 feet to a point for corner;

THENCE S $85^{\circ}58'44''W$ for a distance of 15.39 feet to a point lying on the Southeast right-of-way line of the said Stallings Drive;

THENCE N $05^{\circ}52'09''W$ along the said southeast right-of-way for a distance of 36.22 to an iron rod marking the beginning of a curve concave to the west;

THENCE along the Arc of said curve in the southeast right-of-way line of Stallings Drive for a distance of 357.42 feet to the PLACE OF BEGINNING and containing 1.75 acres of land more or less (Curve Data : Central Angle = $38^{\circ}38'21''$, Radius = 530.00 feet, Tangent = 185.81, the chord bears $N\ 25^{\circ}11'19''W$ for a distance of 350.69 feet);



SHEET
A-4
DATE
4/20/81

REVISIONS
ID
SCALE
1/8"=1'-0"
TITLE
FIRST FLOOR
PLAN BLDG.
10

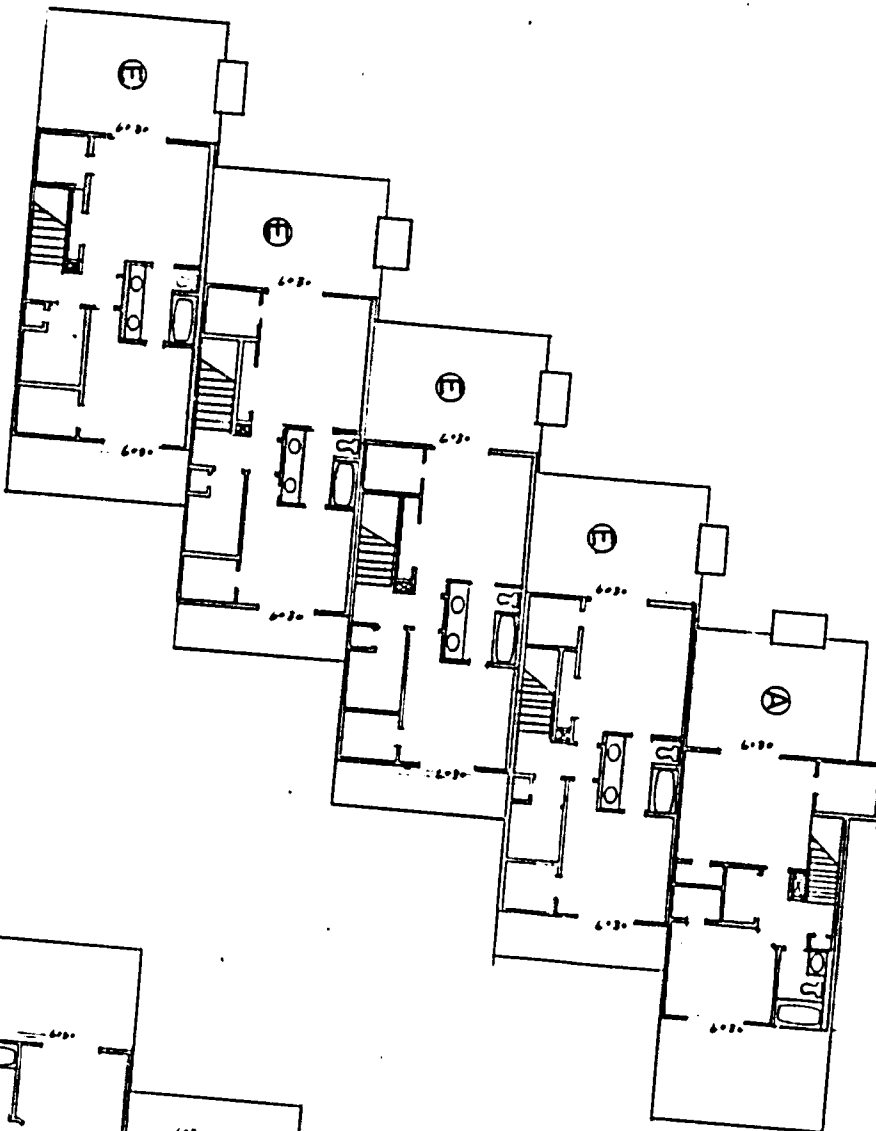
SUTTER'S MILL PHASE II



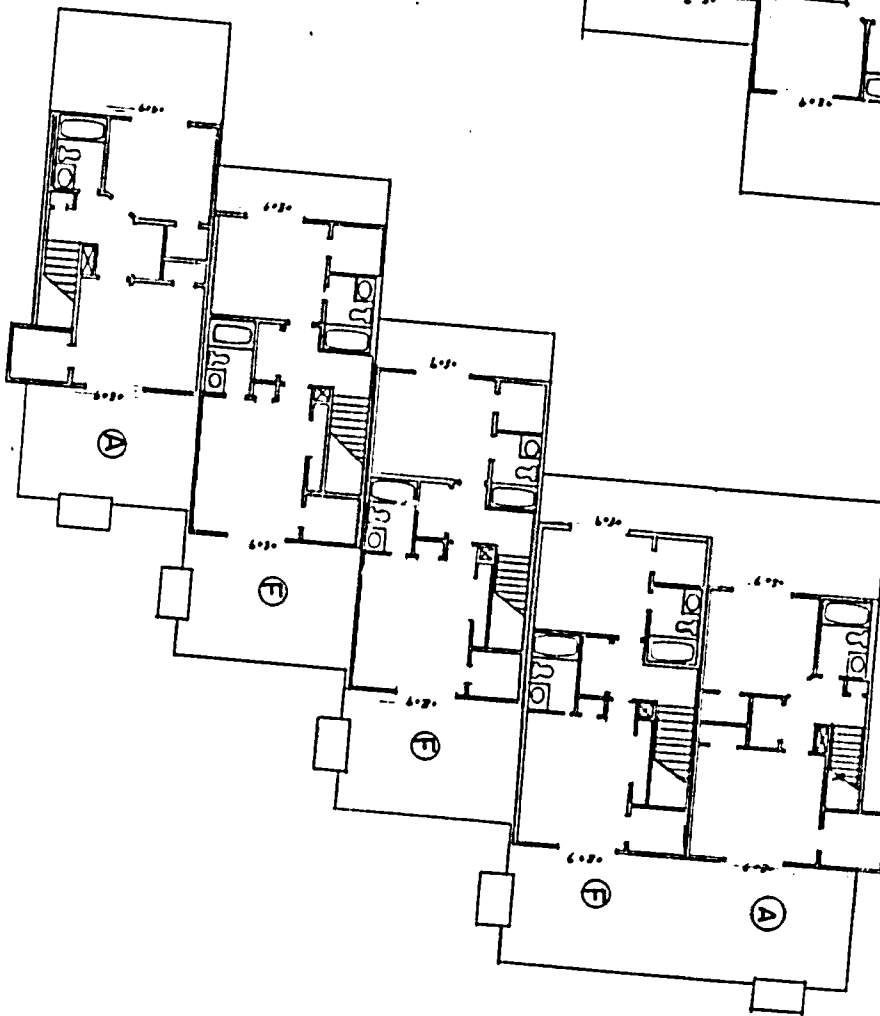
COLE/SMITH ASSOCIATES, INC.
architects & planners
3817 Richmond Ave. suite 100
Houston, Texas 77027
1-713-887-8344



SECOND FLOOR PLAN BLDG. 8



SECOND FLOOR PLAN BLDG. 9



SHEET
A.3
DATE
4/19/81

REVISIONS
NO. 1 BY E.L.
FOR 4-19-81
(Drawn by)

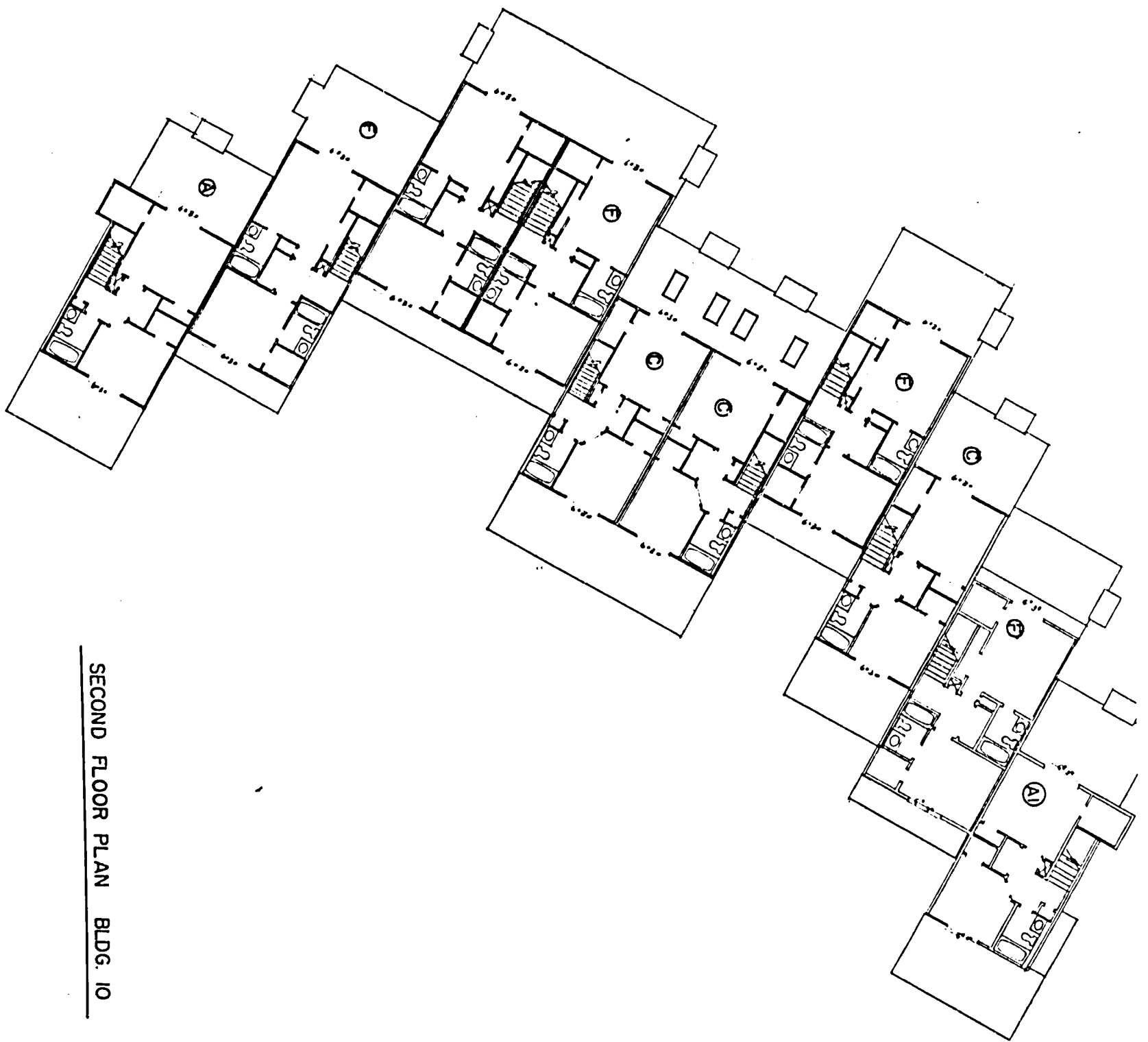
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SECOND FLOOR PLAN
BLDG. 8&9

SUTTER'S MILL
PHASE II

CSA

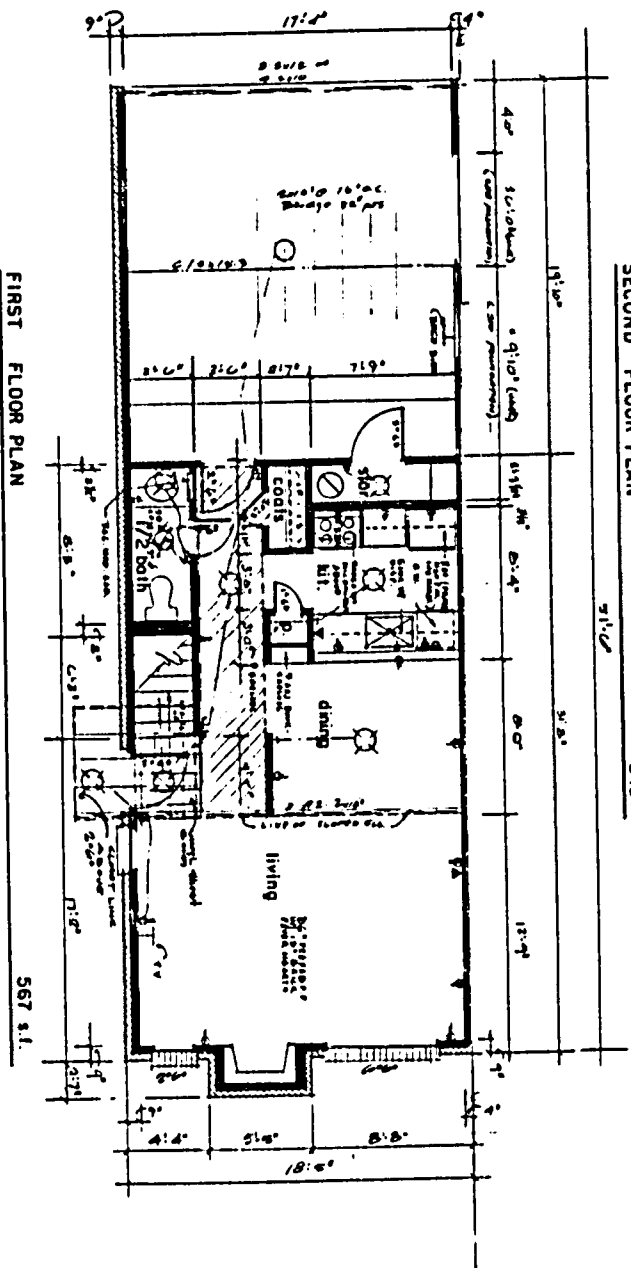
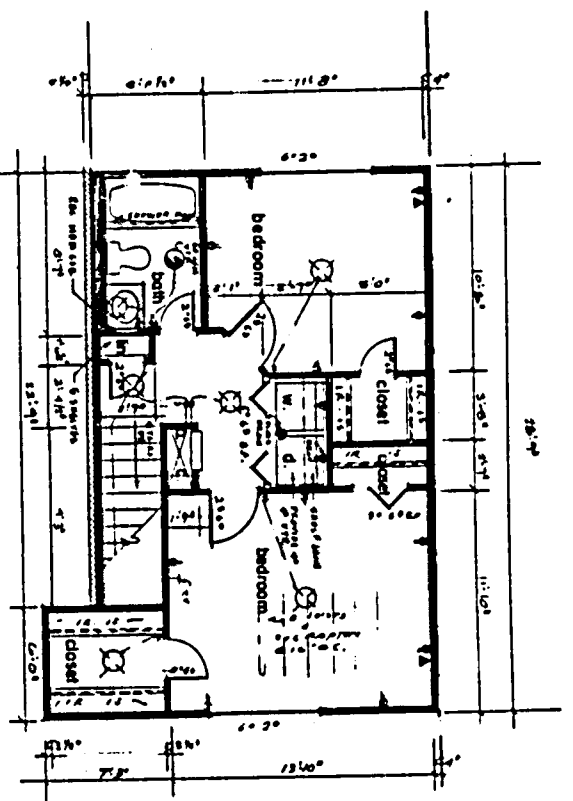
COLE/SMITH ASSOCIATES, INC.
architects & planners
3817 Richmond Ave., suite 100
Houston, Texas 77057
1-713-887-8344





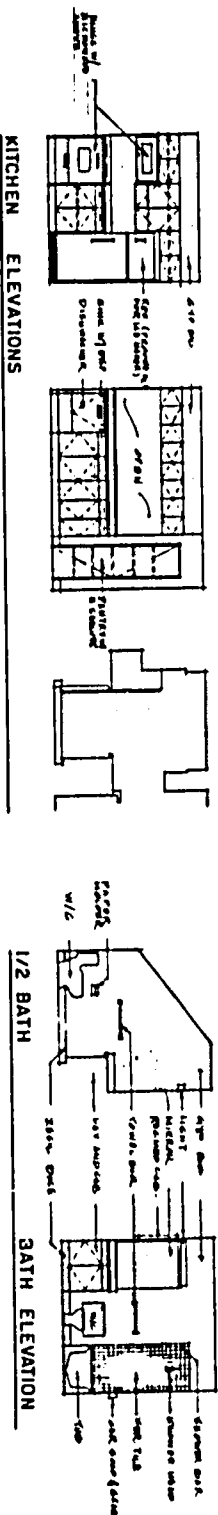
SECOND FLOOR PLAN BLDG. 10

SHEET A-5 DATE 11/10/82	REVISIONS 1. 11/10/82	SCALE 1/8"=1'-0" TITLE SECOND FLOOR PLAN BLDG. 10	SUTTER'S MILL PHASE II		COLE/SMITH ASSOCIATES, INC. architects & planners 3817 Richmond Ave. suite 100 Houston, Texas 77027 713-627-8344	
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A UNIT

1,116 s.i.



SHEET A. 6	REVISIONS	SCALE 1/4"=1'-0"	SUTTERS MILL PHASE II	CSA	COLE/SMITH ASSOCIATES, INC. architects & planners 3817 Richmond Ave. suite 100 Houston, Texas 77027 1-713-887-8344	

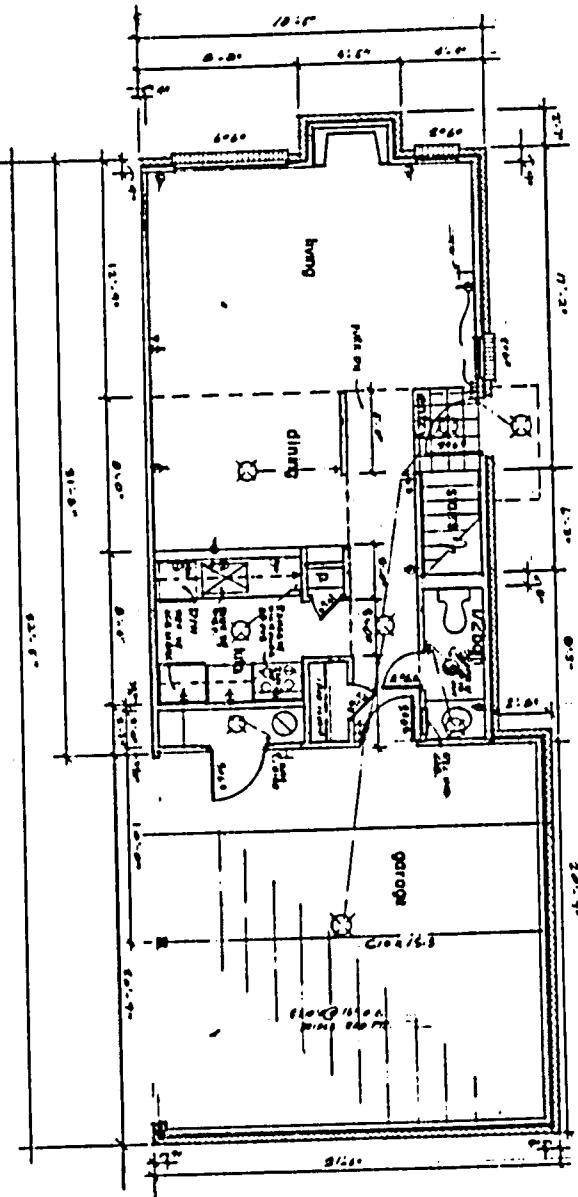
SEE SHEET A- FOR BATH & KITCHEN ELEVATIONS

A-1 unit

1116 S.F.

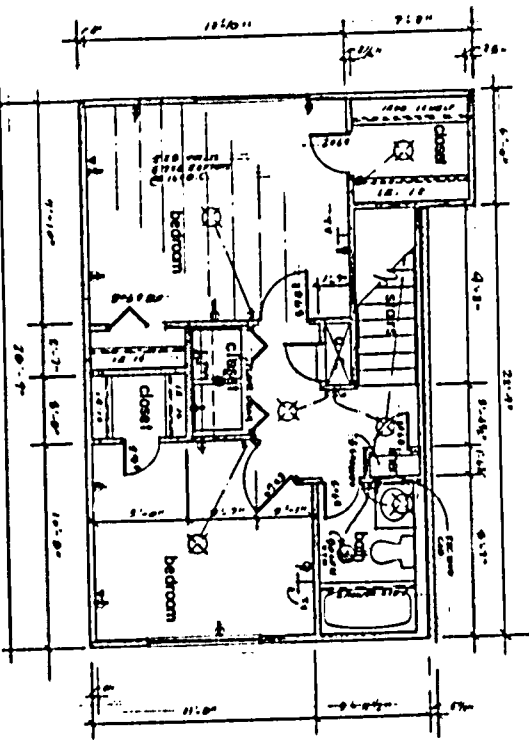
FIRST FLOOR PLAN

567 S.F.



SECOND FLOOR PLAN

549 S.F.



SHEET
A-7
DATE
4/11/12

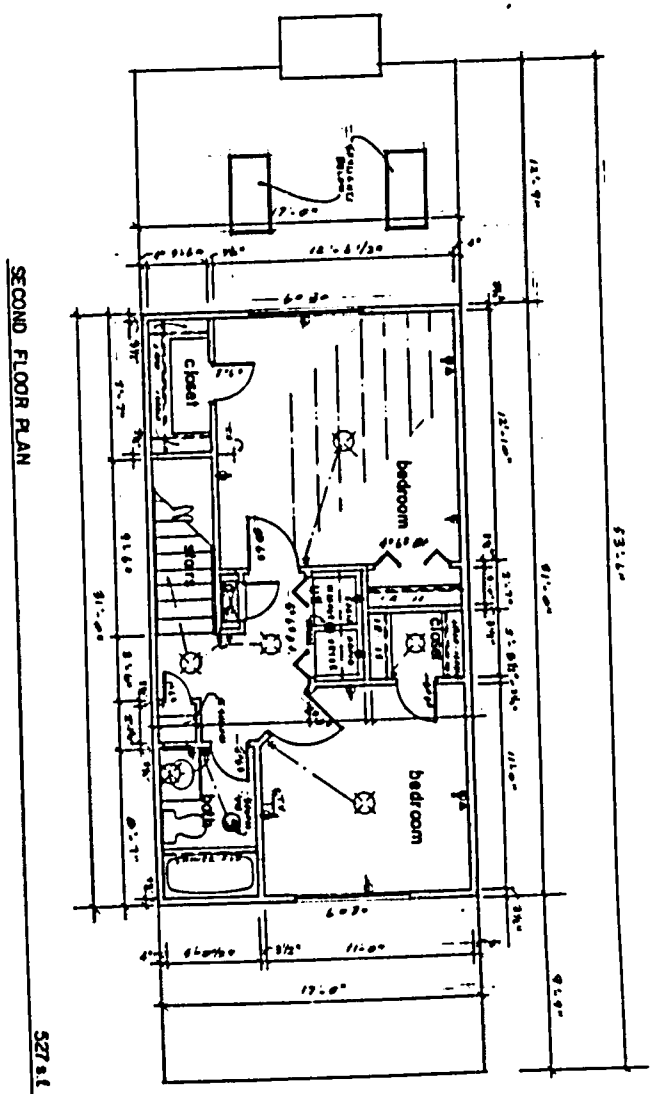
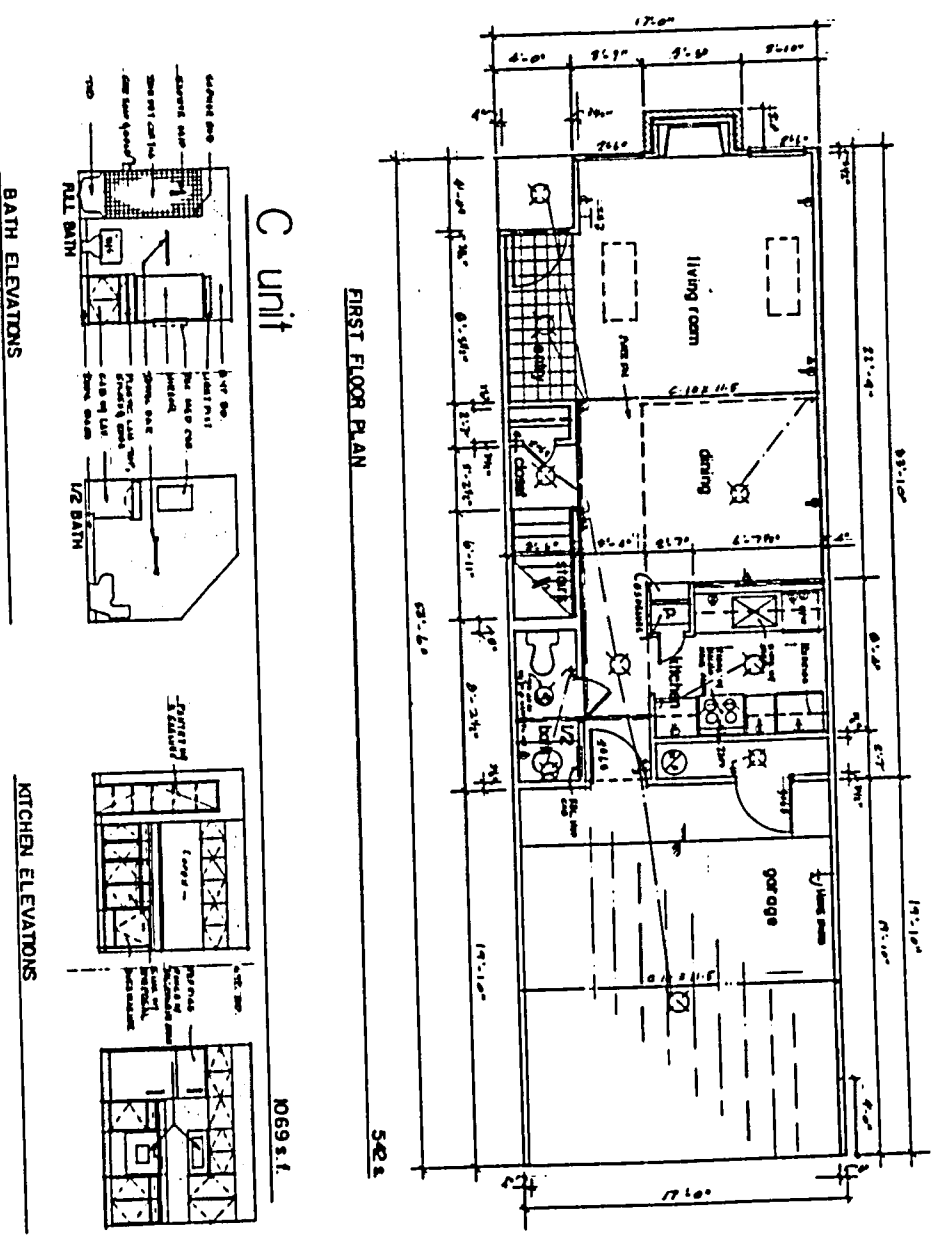
REVISIONS
SCALE
1/4"=1'-0"
TITLE
FLOOR PLAN
A-1 UNIT

SUTTER'S MILL
PHASE II

CSA

COLE/SMITH ASSOCIATES, INC.
architects & planners
3817 Richmond Ave. suite 100
Houston, Texas 77027
1-713-887-8344





SHEET
A-8
DATE
7/20/81

REVISIONS

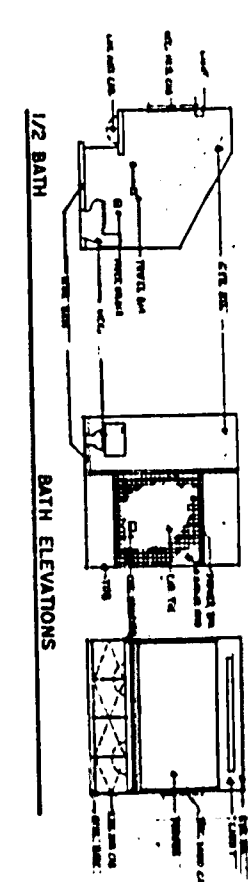
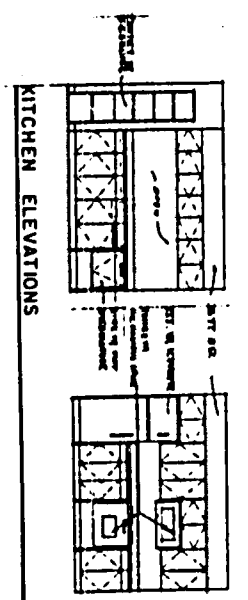
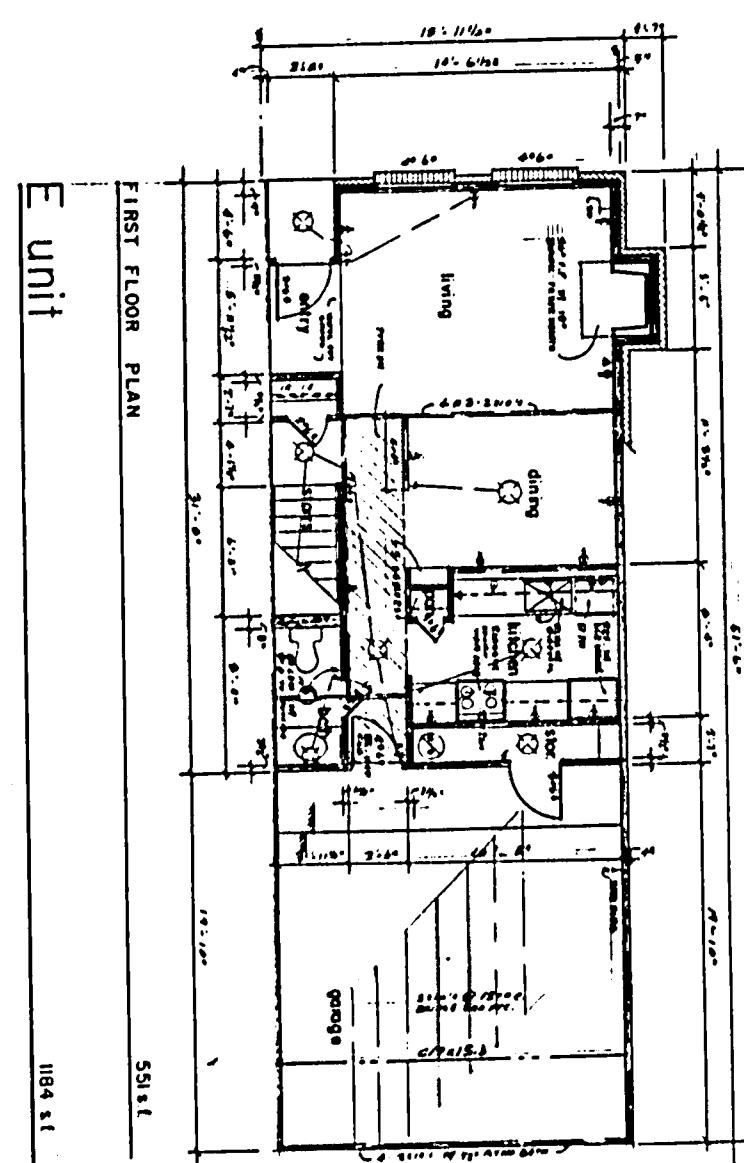
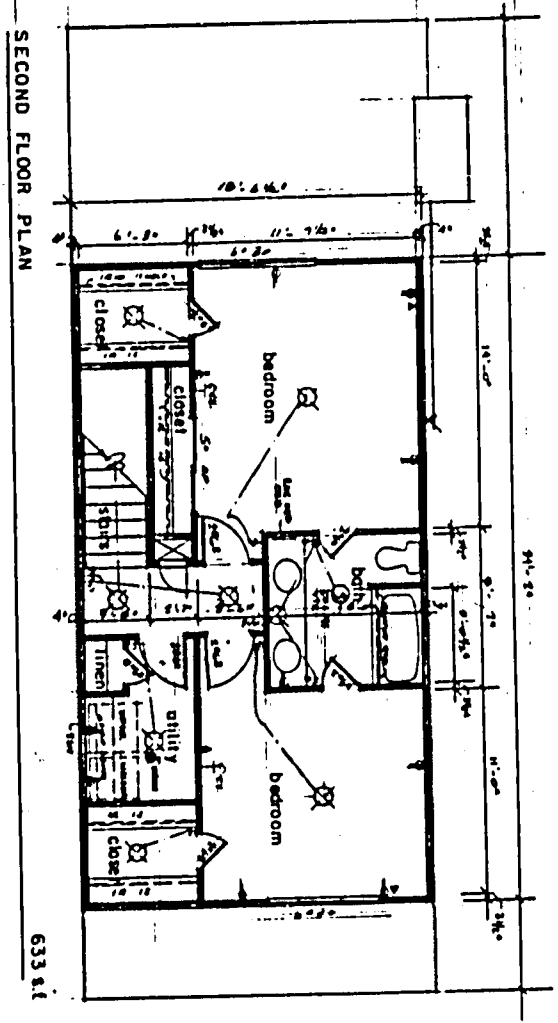
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FLOOR PLAN
C UNIT

SUTTER'S MILL
PHASE II

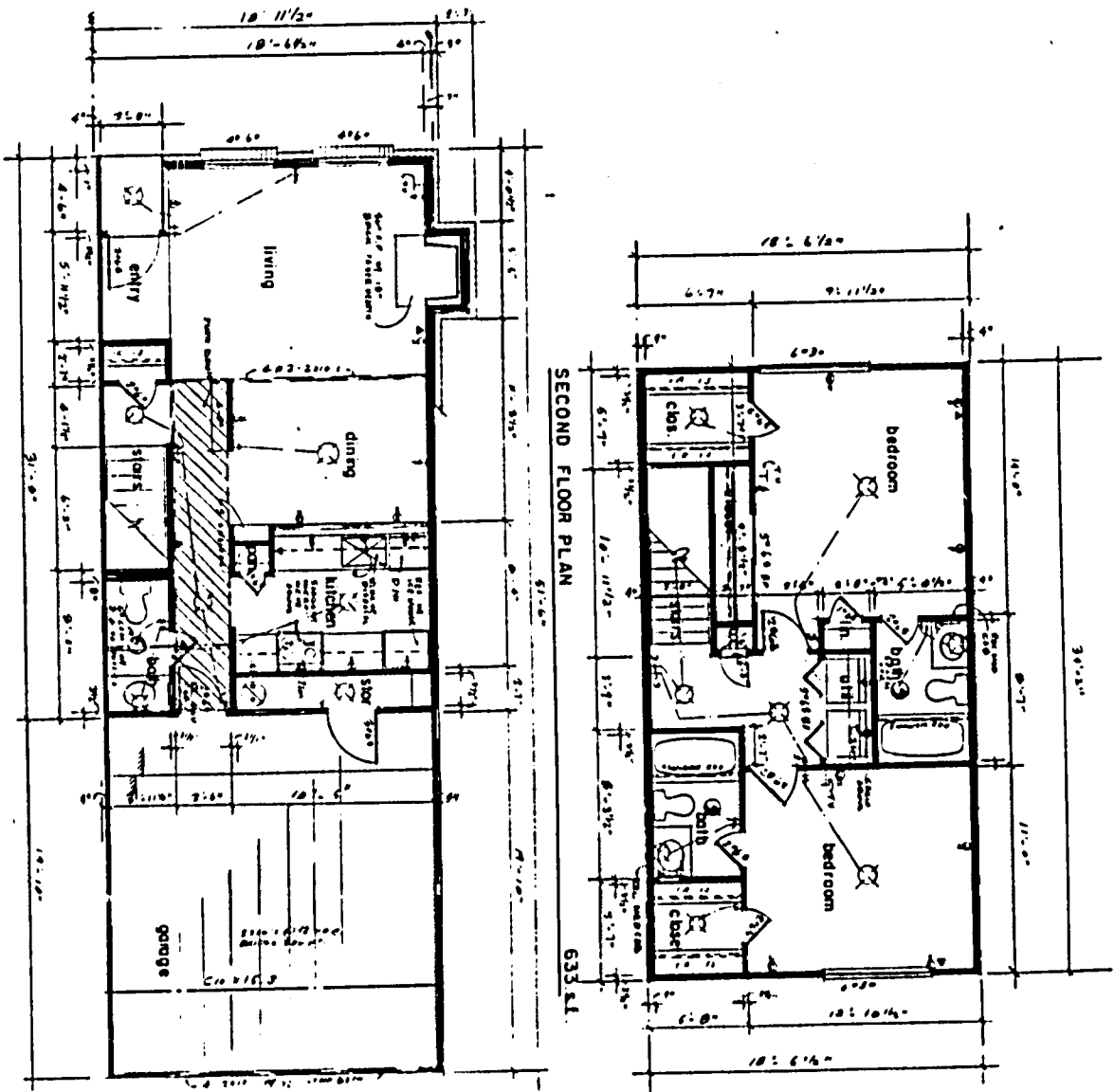
CSA

COLE/SMITH ASSOCIATES, INC.
architects & planners
3817 Richmond Ave. suite 100
Houston, Texas 77057
713-827-2244





DATE 7/20/79 A 9	REVISIONS 1.	SCALE 1/4" = 1'-0" TITLE E UNIT	SUTTER'S MILL PHASE II	CSA	COLE/BMITH ASSOCIATES, INC. architects & planners 3817 Richmond Ave. suite 100 Houston, Texas 77027 1-713-827-8244	

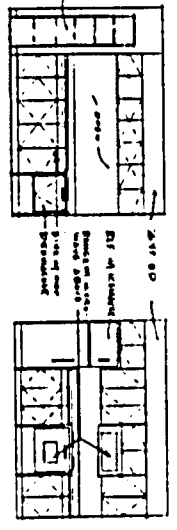


F unit

1184 S.I.

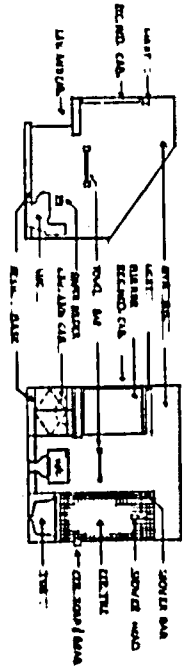
551 S.I.

KITCHEN ELEVATIONS



1/2 BATH

BATH ELEVATIONS



DATE
A.10
S/CH/83

REVISIONS

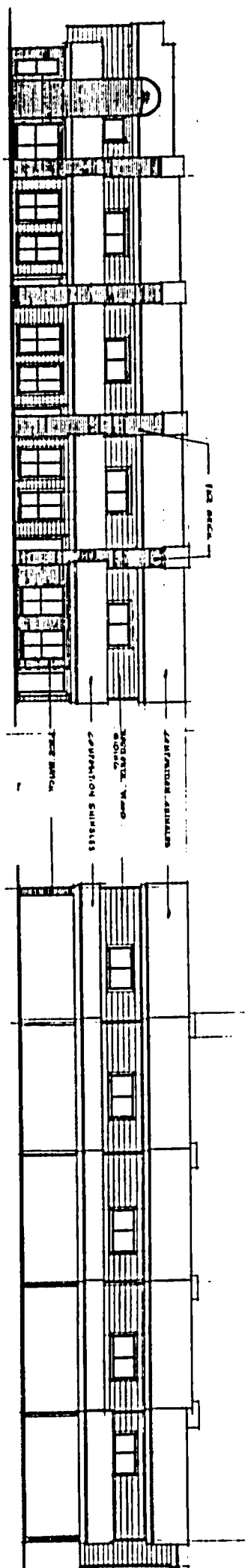
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F UNIT

SUTTER'S MILL
PHASE II



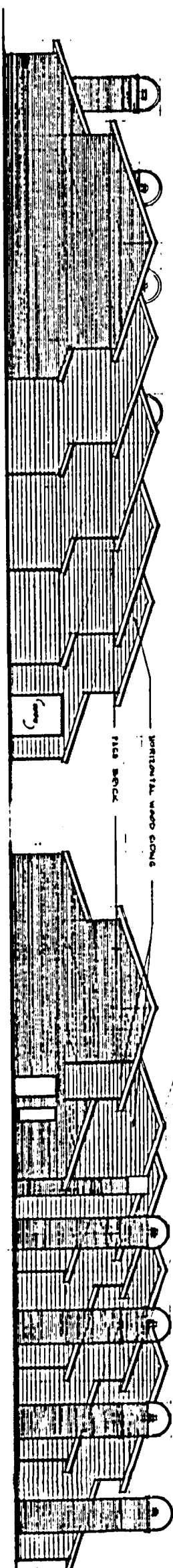
COLE/SMITH ASSOCIATES, INC.
architects & planners
3817 Richmond Ave. suite 100
Houston, Texas 77027
1-713-887-8344





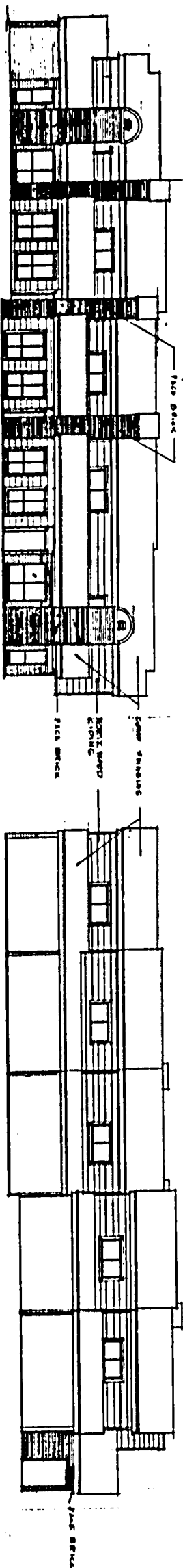
ENTRY ELEVATION - BLDG ⑧

GARAGE ELEVATION - BLDG ⑧



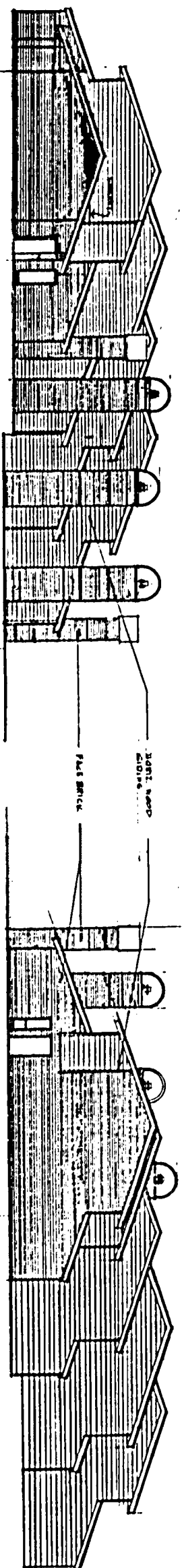
STALLINGS DRIVE ELEVATION-BLDG ⑧

SIDE ELEVATION-BLDG ⑧



ENTRY ELEVATION BLDG. ⑨

GARAGE ELEVATION BLDG. ⑨



STALLING DRIVE ELEVATION-BLDG ⑨

SIDE ELEVATION-BLDG ⑨

SCALE 1/8"=1'-0" TITLE BUILDING ELEVATIONS REVISIONS 1/11/12	SUTTER'S MILL PHASE II	CSA	COLE/SMITH ASSOCIATES, INC. architects & planners 3817 Richmond Ave., suite 100 Houston, Texas 77027 713-887-8344	

EXHIBIT "D"

SUTTER'S MILL CONDOMINIUM
 PERCENTAGE OWNERSHIP INTEREST
IN GENERAL COMMON ELEMENTS

<u>UNIT NO.</u>	<u>MODEL</u>	<u>SQUARE FEET</u>	<u>PERCENTAGE INTEREST</u>
	D	1,226	1.975
1.	B	1,111	1.790
2.	B	1,111	1.790
3.	B	1,111	1.790
4.	A	1,116	1.798
5.	A	1,116	1.798
6.	B	1,111	1.790
7.	B	1,111	1.790
8.	B	1,111	1.790
9.	A	1,116	1.798
10.	B	1,111	1.790
11.	B	1,111	1.790
12.	A	1,116	1.798
13.	B	1,111	1.790
14.	B	1,111	1.790
15.	B	1,111	1.790
16.	B	1,111	1.790
17.	A	1,116	1.798
18.	C	1,069	1.726
19.	C	1,069	1.726
20.	B	1,111	1.790
21.	B	1,111	1.790
22.	B	1,111	1.790
23.	B	1,111	1.790
24.	B	1,111	1.790
25.	B	1,111	1.790
26.	B	1,111	1.790
27.	A	1,116	1.798
28.	A	1,116	1.798
29.	B	1,111	1.790
30.	B	1,111	1.790
31.	B	1,111	1.790
32.	B	1,111	1.790
33.	B	1,111	1.790
34.	D	1,226	1.975
35.	E	1,184	1.907
36.	E	1,184	1.907
37.	E	1,184	1.907
38.	E	1,184	1.907
39.	A	1,116	1.798
40.	A	1,116	1.798
41.	F	1,184	1.907
42.	F	1,184	1.907
43.	F	1,184	1.907
44.	A	1,116	1.798
45.	A	1,116	1.798
46.	F	1,184	1.907
47.	F	1,184	1.907
48.	F	1,184	1.907
49.	C	1,069	1.726
50.	C	1,069	1.726
51.	F	1,184	1.907
52.	C	1,069	1.726
53.	F	1,184	1.907
54.	A-1	1,116	1.798
55.			
TOTAL		62,061	100.00%