

**FIRST SUPPLEMENT DECLARATION OF THE
COVENANTS AND RESTRICTIONS OF
LA CONCHA ESTATES**

WHEREAS, the DECLARATION FOR LA CONCHA ESTATES, dated April 26th, 2002, recorded under Document No. 2002019773 of the Official Public Records of Nueces County, Texas (the "Declaration"), established a uniform plan for the development of the following described real property situated in the City of Corpus Christi, Nueces County, Texas known as La Concha Estates:

Being 28.074 acres out of a 43.50 acre tract described in Deed Recorded in volume 1889, Page 137, Deed Records of Nueces County, Texas; and also being out of the J.W. Waterbury Survey No. 596, Land Scrip 167, Abstract 408, Mustang Island, Nueces County, Texas.

WHEREAS, the Declarant, FACEY ENTERPRISES, N.V., LTD., reserved certain Special Declarant Rights within the Declaration, including the Special Declarant Right to annex additional property to La Concha Estates; and

WHEREAS, the Declarant desires to annex a portion of the Declarant's property to La Concha Estates at this time; and

WHEREAS, the Declarant further desires to preserve it's right to annex additional phases to la Concha Estates in the future; and

WHEREAS, the real property to be annexed at this time is more fully described as follows:

17.762 acres of land out of the W. J. Waterbury Survey 596, Land Scrip 167, Abstract 408, Mustang Island, Nueces County, Texas, a plat of which is recorded in Volume 64, Pages 53 & 54 of the Map Records of Nueces County, Texas.

WHEREAS, in order to annex additional property to La Concha Estates, Article X, Sections 10.2 of the Declaration requires the Declarant to record a Supplementary Declaration in the Deed Records of Nueces County, Texas; and

WHEREAS, Article X, Sections 10.3 of the Declaration requires the Supplement Declaration to state that it is being made pursuant to the terms of the Declaration for the purpose of annexing the property and extending the jurisdiction of the La Concha Estates Owners' Association, Inc. to the annexed property; authorizes only the Declarant to execute the Supplemental Declaration; and provides that the Supplement

Declaration may modify the terms of the Declaration to reflect the different character of the real property being annexed.

NOW, THEREFORE, the Declarant hereby supplements and modifies the Declaration as follows:

I.

The following real property is hereby annexed to the scheme of the La Concha Estates Declaration; and the jurisdiction of the La Concha Estates Owners' Association, Inc., is hereby expanded to include the annexed real property (the annexed real property may be referred to from time to time as "La Concha Estates II"):

17.762 acres of land out of the W. J. Waterbury Survey 596, Land Scrip 167, Abstract 408, Mustang Island, Nueces County, Texas, a plat of which is recorded in Volume 64, Pages 53 & 54 of the Map Records of Nueces County, Texas.

II.

The Declaration's restrictive covenants, conditions, charges, assessments, and liens are hereby imposed upon the annexed property. Those restrictive covenants, conditions, charges, assessments, and liens shall run with the land and shall be binding upon all parties having or acquiring any right, title or interest in the annexed property. The annexed property shall be subject to the jurisdiction and assessments of the La Concha Estates Owner's Association, Inc., including the Architectural Control Authority.

III.

The term "Plat" as defined under Article II, Section 1.1(l) of the Declaration is hereby modified to read as follows:

- I. "Plat" means the plats of the La Concha Estates recorded as follows:
 - a. the Plat recorded in Volume 61, Pages 197 & 198 of the Map Records of Nueces County, Texas (known as "La Concha Estates I"), and
 - b. the Plat recorded in Volume 64, Pages 53 & 54 of the Map Records of Nueces County, Texas (known as "La Concha Estates II").

IV.

Sub-paragraph (5) under the definition of "Special Declarant Rights", Article II, Section 1.1(p) of the Declaration is hereby modified to read as follows:

5. make the Subdivision and the Association part of a larger Subdivision so as to include La Concha Estates II and such additional phases as the Declarant may elect to annex to the Subdivision from time to time, **which additional phases are planned but need not be developed, dedicated, or annexed to the La Concha Estates Subdivision.**

V.

The term "Subdivision" as defined under Article II, Section 1.1(q) of the Declaration is hereby modified to read as follows:

q. "Subdivision" means the La Concha Estates Subdivision as shown on Plat of the property known as La Concha Estates I and the Plat of the property known as La Concha Estates II. The Subdivision may be expanded to include additional real property adjacent to the Subdivision and owned by the Declarant, which additional property may be annexed in phases. **THE ANNEXATION OF ADDITIONAL LAND OWNED BY THE DECLARANT'S IS PLANNED BUT NEED NOT BE DEVELOPED, DEDICATED, OR ANNEXED TO THE LA CONCHA ESTATES SUBDIVISION.**

VI.

Paragraph 10.1(b.) of Article X is hereby modified to read as follows:

b. make the Declarant's real property located adjacent to the Subdivision subject to this Declaration, which additional real property may be annexed in phases. **However, the Declarant makes no representations or warranty that any such adjacent properties will be annexed to the Declaration or that the development of such adjacent properties will be developed in accordance with the scheme of the Declaration.**

VII.

In the event any of the declarations or provisions of this First Supplement Declaration of the Covenants and Restrictions of LA CONCHA ESTATES shall be finally held invalid or unenforceable by any court of competent jurisdiction, the same shall not affect the validity or enforceability of any other modifications to the Declaration and provisions hereof. If any declaration or provision herein contained shall be susceptible of two or more interpretations, the interpretation which shall most nearly be in accord with the purposes and intents of this First Supplement Declaration shall govern. This supplement shall not fail, in whole or in part, in the event of the omission of any declaration, stipulation, or provision which shall be vital, necessary or expedient for the

accomplishment of the purposes and intents of this supplement, but any and all omitted matters shall be supplied herein by inference and/or by reference to the Declaration of the Covenants and Restrictions of the La Concha Estates.

VIII.

This First Supplement to the Declaration for LA CONCHA ESTATES is made pursuant to the terms of the Declaration for the purpose of annexing the property and extending the jurisdiction of the La Concha Estates Owners' Association, Inc. to the annexed property; is executed by the duly appointed representative of the Declarant; and modifies the Declaration so as to clarify the Declarant's right to annex additional phases. Those provisions of the Declaration which are not modified by this amendment remain in full force and effect, but to the extent the Declaration and this First Supplement Declaration to LA CONCHA ESTATES are in conflict, the terms of this Supplement Declaration shall control.

DATED: Jan 5, 2005.

DECLARANT:
FACEY ENTERPRISES, N.V., LTD., a
Delaware Corporation

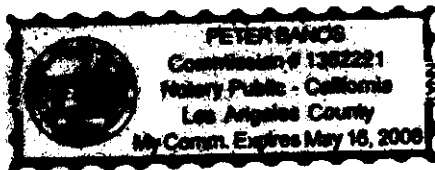
By: Darbin Wu Chan
Darbin Wu Chan, Vice President

STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

BEFORE ME, Peter Banos, Notary Public, on this day personally appeared DARBIN WU CHAN, Vice President of Facey Enterprises, N.V., LTD., a Delaware corporation, on behalf of said corporation, known to me [or proved to me on the oath of _____, or through PERSONAL KNOWLEDGE (description of identity card or other document)] to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she/they executed the same for the purposes and consideration therein expressed. IN HIS
AUGMENTED CAPACITY.

Given under my hand and seal of office this 5th day of January, 2005.



Peter Banos
NOTARY PUBLIC OF CALIFORNIA

Return to:
Stewart Title

GF #	Misc - PA
AMOUNT:	21
PAGES:	3
STEWART TITLE COMPANY	

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of Race, Color, Religion, Sex, Handicap, Familial Status or National Origin, is invalid and unenforceable under FEDERAL LAW, 3/12/89

STATE OF TEXAS
COUNTY OF NUECES
I hereby certify that this instrument was FILED in FMS Number
Sequence on the date and at the time stamped herein by me, and
was duly RECORDED, in the Official Public Records of
Nueces County, Texas



Shirley J. Barman
COUNTY CLERK
NUECES COUNTY, TEXAS

Doc# 2005001358
Pages: 3
01/10/2005 01:19:36
Filed & Recorded in
Official Records of
NUECES COUNTY
DORIS T. BARRERA
COUNTY CLERK
Fees: \$21.00

