

New Braunfels Title Co.
G.F.# 086777KB

**DECLARATION OF
ANNEXATION**

**CREEKSIDE PROFESSIONAL PLAZA 2,
A CONDOMINIUM**

Cross Reference to Declaration of Creekside Professional Plaza 2, a Condominium, recorded under Document No. 201706013973, Official Public Records of Comal County, Texas, to First Amendment to Declaration of Creekside Professional Plaza 2, a Condominium, recorded under Document No. 201706018772, Official Public Records of Comal County, Texas, and to Second Amendment to Declaration of Creekside Professional Plaza 2, a Condominium, recorded under Document No. 201806005005, Official Public Records of Comal County, Texas.

**DECLARATION OF ANNEXATION
FOR CREEKSIDE PROFESSIONAL PLAZA 2,
A CONDOMINIUM**

This Declaration of Annexation for Creekside Professional Plaza 2, a Condominium (this "Declaration of Annexation") is made by DUSTY HILLS, A TEXAS LIMITED LIABILITY COMPANY (the "Declarant"), and is as follows:

RECITALS:

- A. Creekside Professional Plaza 2, a condominium, is a condominium project (Regime) located in New Braunfels, Comal County, Texas. The Regime was established pursuant to that certain Declaration of Creekside Professional Plaza 2, a Condominium recorded under Document No. 201706013973 in the Official Public Records of Comal County, Texas (the "Original Declaration").
- B. The Original Declaration was amended by the First Amendment to Declaration of Creekside Professional Plaza 2, a Condominium, recorded under Document No. 201706018772, Official Public Records of Comal County, Texas (the "First Amendment") and by the Second Amendment to Declaration of Creekside Professional Plaza 2, a Condominium, recorded under Document No. 201806005005, Official Public Records of Comal County, Texas (the "Second Amendment").
- C. The First Amendment to the Declaration provided that Lot 19C, Creekside Wellness Center Subdivision, as shown on the plat recorded as Document No. 201506024513, Map and Plat Records of Comal County, Texas ("the Annexed Property" or "Lot 19C"), may be annexed and become a part of the Regime.
- D. The Development Period as provided in the Declaration remains in effect.
- E. Declarant reserved the right to add real property to the Property in the Declaration in the exercise of certain statutory development rights as provided in Exhibit "B" attached to the Declaration.
- F. Declarant now desires to annex the Annexed Property as provided in the following paragraphs.

ANNEXATION

- 1. *Annexation*. As provided in Section 2.2 of the Declaration, Declarant hereby annexes Lot 19C to the Property and subjects it to the jurisdiction of the Association. After giving effect to this annexation, the Property subject of the Declaration is described on *Exhibit "A-1"* attached.

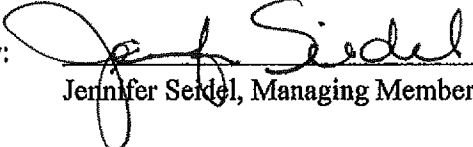
2. *Effect of Annexation.* The Annexed Property is subject to all the terms and provisions of the Declaration and is under the jurisdiction of the Association as if the Annexed Property had been originally included within the Property on the date the Original Declaration was recorded in the Official Public Records of Comal County, Texas. This Declaration of Annexation modifies and amends the Declaration as herein provided.
3. *Plat.* The Map or Plat of the Annexed Property subject of the Declaration is attached as *Exhibit "C-1"*.
4. *Plans.* The Plans for the Annexed Property describing and depicting the Units and Common Area is attached as *Exhibit "D-1"*.
5. *Allocated Interests.* After giving effect to this annexation, the Schedule of Allocated Interests for the Regime is attached as *Exhibit "E-1"*.
6. *Encumbrances.* After giving effect to this annexation, the Schedule of Encumbrances affecting the Property, including the Annexed Property, is attached as *Exhibit "F-1"*.
7. *Miscellaneous.* The Original Declaration, as amended by the First Amendment and the Second Amendment, is herein referred to as "the Declaration". Any capitalized terms used and not otherwise defined herein have the meanings set forth in the Declaration. Unless expressly amended by this Declaration of Annexation, all other terms and provisions of the Declaration remain in full force and effect as written, and are hereby ratified and confirmed.

EXECUTED to be effective as of this 23RD day of May, 2018.

Declarant:

DUSTY HILLS, A TEXAS LIMITED
LIABILITY COMPANY

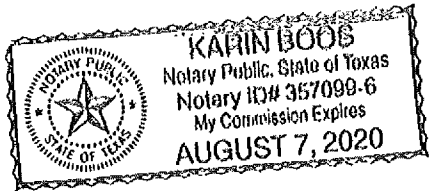
By: 
Dustin Seidel, Managing Member

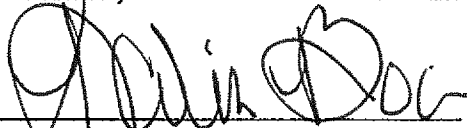
By: 
Jennifer Seidel, Managing Member

THE STATE OF TEXAS §

COUNTY OF COMAL §

This instrument was acknowledged before me on May 23, 2018, by DUSTIN SEIDEL, Managing Member of DUSTY HILLS, A TEXAS LIMITED LIABILITY COMPANY, on behalf of same and in the capacity herein stated.

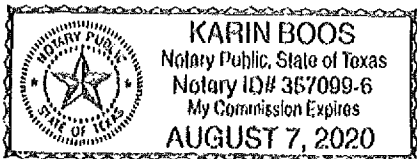



Notary Public, State of Texas

THE STATE OF TEXAS §

COUNTY OF COMAL §

This instrument was acknowledged before me on May 23, 2018, by JENNIFER SEIDEL, Managing Member of DUSTY HILLS, A TEXAS LIMITED LIABILITY COMPANY, on behalf of same and in the capacity herein stated.



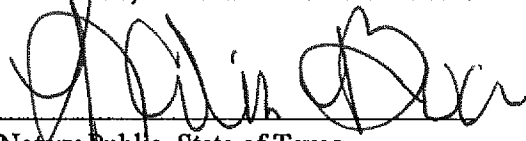

Notary Public, State of Texas

Exhibit "A-1"

Description of Property

Lot 33R2, Replat of Lot 33R, Amending Plat of Lots 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 27, 32 and 33 of CREEKSIDE WELLNESS CENTER SUBDIVISION, a subdivision in Comal County, Texas, according to replat recorded as Document No. 201406030319, Map and Plat Records of Comal County, Texas, and Lot 19C of CREEKSIDE WELLNESS CENTER SUBDIVISION, a subdivision in Comal County, Texas, according to replat recorded as Document No. 201506024513, Map and Plat Records of Comal County, Texas.

EXHIBIT "C-1"

Map or Plat

The Map or Plat of Lot 19C of the Project follows on the next 3 pages, consisting of the Surveyor's Certificate and the survey prepared by Drew A. Mawyer, Registered Professional Land Surveyor.

SURVEYOR'S CERTIFICATE

I hereby certify that on MAY 18TH, 2018:

1. **Survey.** The survey was made on the ground as per the description shown on this survey and correctly shows the matters listed in paragraphs 2-10 below. The survey is an accurate on-the-ground instrument survey titled "Condominium Plat of Lot 19C, Replat of Lot 19, Establishing Lots 19A, 19B, 19C of CREEKSIDE WELLNESS CENTER SUBDIVISION, a subdivision in Comal County, Texas, according to replat recorded as Document No. 201506024513 of the Map and Plat Records, Comal County, Texas", Job No. MIS322-Lot 19 C (the "Survey") of the premises (the "Property") and was conducted under my direction according to local professional practices. The Property is also described on Exhibit A attached to the Declaration of Annexation for Creekside Professional Plaza 2, a Condominium ("Declaration"). The Survey shows all perimeter land boundaries of the condominium as required by §82.059 of the Texas Uniform Condominium Act, Chapter 82 of the Texas Property Code.
2. **Correct.** The Survey, the information, and the legal description, including courses and distances shown thereon, are correct. The Survey correctly shows (i) the boundaries and areas of the Property and the location and type of improvements thereon to be constructed; (ii) the location of all rights-of-way, easements and other matters of record (or of which I have knowledge or have been advised, whether or not of record) affecting the Property; (iii) all abutting dedicated public streets providing access to the Property together with the width and name thereof.
3. **Monuments.** All monuments shown on the Survey actually exist, and the location, size and type of materials thereof are correctly shown.
4. **Boundary and Possession Lines.** The title lines and lines of actual possession of the Property are the same, except as shown.
5. **Easements.** There are no easements, rights-of-way, old highways or abandoned roads, lanes, driveways or uses affecting the Property appearing from a careful physical inspection of the same, other than those shown and depicted on the Survey. The Survey shows the location of all easements serving or burdening any portion of the condominium, and the location of any underground utility line that is actually known by the Surveyor to have been constructed outside a recorded easement.
6. **Encroachments.** Except as shown on the Survey, there are no visible above-ground encroachments upon the Property by improvements on adjacent property; visible above-ground encroachments on adjacent property, or roads by any improvements on the Property.
7. **Conflicts.** Except as shown and specifically identified as such on the Survey, there are no visible discrepancies, conflicts, shortages in area or boundary line conflicts.

8. **Easements.** All recorded easements and other exceptions, as noted in New Braunfels Title Company Commitment GF# 086777NBT have been correctly platted on the Survey.
9. **Utility Improvements.** The Survey shows the location of any visible telephone, telegraph, electric or other power lines, wires and poles on the Property.
10. **Improvements.** As of the date of the Survey, there are no improvements on the Property. The location of the single-story building which must be constructed on the Property as per the Declaration is shown on the Survey. The distance and bearings locating each building from all other buildings and from at least one boundary line of the Property constituting the condominium are shown. The location and dimensions of Limited Common Elements, other than those described by §§ 82.052(2) and (4) of the Texas Uniform Condominium Act, are also shown to the extent known by the undersigned.
11. **Survey Criteria.** This Survey conforms to the (1) current standards promulgated by the Texas Board of Professional Land Surveying and contains all information required to be shown on a condominium plat under §82,059 of the Texas Uniform Condominium Act, Chapter 82 of the Texas Property Code.



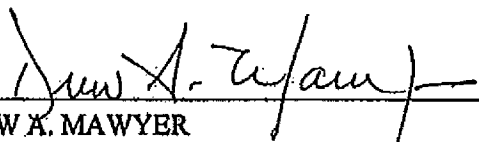

DREW A. MAWYER
Registered Professional Land Surveyor
Texas Registration No. 5348
5151 W. SH 46
New Braunfels, TX 78132
(830) 730-4449
drewm@dam-tx.com

EXHIBIT "D-1"

Plans

The Plans of Lot 19C of the Project follow on the next two pages, consisting of the Architect's Certificate and the plans prepared by Aaron J. Clark of Open studio architecture, PLLC.

EXHIBIT D
THE PLANS

Architect's Certificate

The undersigned Architect hereby certifies that I have prepared the attached Plans, consisting of sheet 1 and that:

- A. Items Depicted. For the specific use of this project, the Plans depict among other matters the following:
1. These Plans are intended to document the "Creekside Professional Plaza 2, a Condominium", located at Lot 19C Creekside Wellness Center Subdivision, in the City of New Braunfels, Comal County, Texas, prepared for the purpose of compliance with §82.059 of the Texas Uniform Condominium Act of the Texas Property Code.
 2. All dimensions shown on the Plans represent the distance between the exterior face surface of exterior outside walls of each unit to the interior face surface of the sheetrock material at the party wall dividing the units. For the purposes of this description of interior space, the off-set distances at doors and windows were not considered.
 3. The dimensions in each Unit represent a finding at a general condition which is then used as a constant and do not represent an exhaustive effort to verify the same condition at multiple locations.
 4. Interior walls and partitions within each Unit have not been shown on the Plans.
 5. Each Unit is independent such that no unit has another unit above or below.
- B. Plan Criteria. The attached Plans contain the following information required to be shown on condominium plan under §82.059(d) of the Texas Uniform Condominium Act, Chapter 82 of the Texas Property Code. These dimensions, the General Notes shown on the attached plans and General Notes 1 through 5 above are to the best of my knowledge accurate as represented.
1. The location and dimensions of the vertical boundaries of each unit, and the unit's identifying number;
 2. The horizontal unit boundaries, with reference to established data, and the unit's identifying number; and
 3. Any units, appropriately identified, in which the declarant has reserved the right to create additional units or common elements.

Dated: April 24, 2018

Open studio architecture, PLLC



By: _____
Name: Aaron J. Clark, RA
Title: Partner

Address:
1285 Industrial Street, Suite 106
New Braunfels, Texas 78130
Telephone: 830.627.3290
Email: aaron.c@openstudio-usa.com

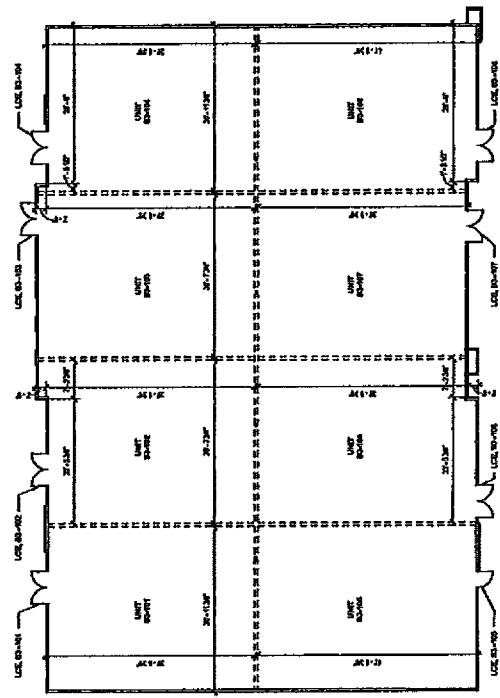
THIS PLAN IS TO BE USED FOR PERMITS ONLY. IT IS NOT TO BE USED FOR CONSTRUCTION. THE ARCHITECT ASSUMES NO LIABILITY FOR ANY ERRORS OR OMISSIONS. THE ARCHITECT DOES NOT WARRANT THE ACCURACY OF ANY INFORMATION PROVIDED BY OTHERS. THE ARCHITECT DOES NOT WARRANT THE ACCURACY OF ANY INFORMATION PROVIDED BY OTHERS. THE ARCHITECT DOES NOT WARRANT THE ACCURACY OF ANY INFORMATION PROVIDED BY OTHERS.

LOT 19C
 CREEKSIDE PROFESSIONAL PLAZA 2
 10,271 SF SHELL BUILDING 3
 626 CENTRAL PKWY
 NEW BRAUNFELS, TEXAS 78130

PROJECT #	10271
DATE	06/17/19
OWNER	IAA/TA
DRAWN BY	checked by
DATE	DATE
BUILDING 3	

drawing number:
1 OF 1

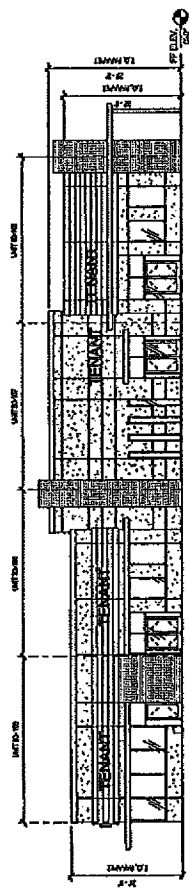
- GENERAL NOTES:**
1. THESE PLANS ARE INTENDED TO SERVE AS A PLAN OF THE CREEKSIDE PROFESSIONAL PLAZA 2, LOT 19C TO BE LOCATED AT 626 CENTRAL PKWY, NEW BRAUNFELS, TEXAS.
 2. ALL DIMENSIONS SHOWN ON THE PLANS REPRESENT THE TO-BE-BUILT DISTANCE BETWEEN THE INTERIOR FACE SURFACE OF THE SHEETROCK MATERIAL AT EACH UNIT'S OUTSIDE WALL CONDITION.
 3. THE TO-BE-BUILT DIMENSIONS REPRESENT A GENERAL CONDITION WHICH IS TO BE USED AS A CONSTANT AT MULTIPLE LOCATIONS.
 4. INTERIOR WALLS AND PARTITIONS WITHIN EACH UNIT HAVE NOT BEEN SHOWN ON THE PLANS.
 5. DOORS ARE LIMITED COMMON ELEMENTS ("L.C.E.") ALLOCATED EXCLUSIVELY TO UNITS.
 6. THE CONFIGURATION OF THESE DRAWINGS IS BASED UPON THE CONSTRUCTION DOCUMENTS PREPARED BY OPEN STUDIO ARCHITECTURE AND ARE NOT BASED UPON ACTUAL ON-SITE OBSERVATIONS AND MEASUREMENTS.
 7. PARTY WALLS ARE CONSIDERED AS COMMON ELEMENTS. THE DEPTH OF PARTY WALLS AND EXTERIOR PERIMETER WALLS HAVE NOT BEEN NOTED.



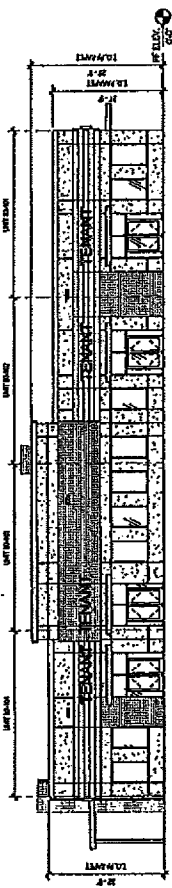
FLOOR PLAN - BUILDING 3

LEGEND: L.C.E. - LIMITED COMMON ELEMENT

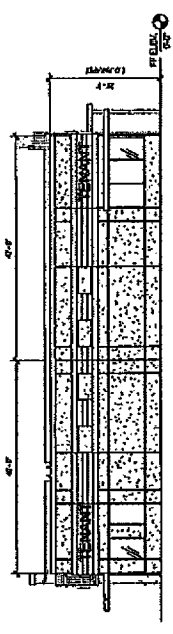
- NOTES:**
1. UNIT 83-101 - 1,250 SQUARE FEET (APPROXIMATELY)
 2. UNIT 83-102 - 1,250 SQUARE FEET (APPROXIMATELY)
 3. UNIT 83-103 - 1,250 SQUARE FEET (APPROXIMATELY)
 4. UNIT 83-104 - 1,250 SQUARE FEET (APPROXIMATELY)
 5. UNIT 83-105 - 1,250 SQUARE FEET (APPROXIMATELY)
 6. UNIT 83-106 - 1,250 SQUARE FEET (APPROXIMATELY)
 7. UNIT 83-107 - 1,250 SQUARE FEET (APPROXIMATELY)
 8. UNIT 83-108 - 1,250 SQUARE FEET (APPROXIMATELY)
 9. VERTICAL BOUNDARIES OF UNIT 83-101 THRU 108 RANGE FROM FLOOR TO UNDERSIDE OF ROOF JOISTS - 14'8" UNIT TO 16'3.384" HIGH



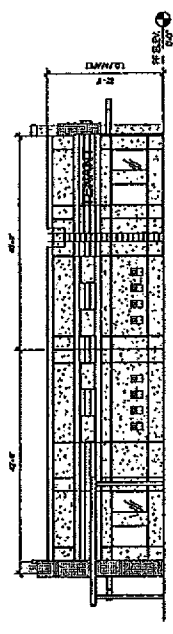
FRONT ELEVATION - BUILDING 3 - 10.271 SE



REAR ELEVATION - BUILDING 3 - 10.271 SE



LEFT ELEVATION - BUILDING 3 - 10.271 SE



RIGHT ELEVATION - BUILDING 3 - 10.271 SE

EXHIBIT "E-1"

Schedule of Allocated Interests

Building	Unit	Allocated Interest in Common Elements and the Common Expense Liability	Votes
1	B1-101	11.29 %	11.29
1	B1-102	11.29 %	11.29
2	B2-101	7.8 %	7.80
2	B2-102	7.7 %	7.70
2	B2-103	7.77 %	7.77
2	B2-104	7.75 %	7.75
3	B3-101	5.65 %	5.65
3	B3-102	5.72 %	5.72
3	B3-103	5.93 %	5.93
3	B3-104	5.66 %	5.66
3	B3-105	5.93 %	5.93
3	B3-106	5.89 %	5.89
3	B3-107	5.66 %	5.66
3	B3-108	5.96 %	5.96

EXHIBIT "F-1"
Schedule of Encumbrances

1. Restrictive covenants of record in Document No. 200606038677, Document No. 201006007306, Document No. 201306022512, Document No. 201306022526 and Document No. 201306004586, all in the Official Public Records of Comal County, Texas; and Document No. 201006021985, Document No. 201106022345, Document No. 201206043420, Document No. 20130603384, Document No. 201406030319, and Document No. 2015060124513 of the Map and Plat Records of Comal County, Texas.
2. Terms, conditions, stipulations, assessments, easements and restrictions as set forth in Document No. 201306022512 and Document No. 2013106022526 of the Official Public Records of Comal County, Texas.
3. Portion of 50 foot access easement along southern property line, and portion of 60 foot utility easement along northwest property line as shown on plats recorded under Document No. 201106022345, Document No. 201206043420 and Document No. 201406030319, Map and Plat Records of Comal County, Texas.
4. Portion of 60 foot access easement along southern property lines of Lot 19C as shown on plat recorded under Document No. 201506024513, Map and Plat Records of Comal County, Texas.
5. Utilities will possess a 5 foot wide service easement to the dwelling along the service line and have access to the meter locations as recited on plat recorded under Document No. 201406030319, Map and Plat Records of Comal County, Texas.
6. Reciprocal Easement Agreement recorded under Document No. 201306022511, Official Public Records of Comal County, Texas.
7. Easements for streets, utilities and parking included within Gabriel's Place, Stephens Place and Oxford Drive as shown on the plats recorded as Document No. 201206043420 and Document No. 201506024513 of the Map and Plat Records of Comal County, Texas, designated as Master Community Facilities in Document No. 201306004586 of the Official Public Records of Comal County, Texas, and conveyed to CWC 306 Master Community, Inc. in Document No. 201306048045 and Document No. 201306048046 of the Official Public Records of Comal County, Texas.
8. 10 foot utility easement along the southern property line as shown on plat recorded under Document No. 201406030319, Map and Plat Records of Comal County, Texas.
9. Floating guy wire easements as recited on plat recorded under Document No. 201506024513, Map and Plat Records of Comal County, Texas.
10. Subject property lies within the Edwards Water District.
11. 5 foot wide service easement to building structure as recited on plats recorded under Document No. 201506024513, Map and Plat Records of Comal County, Texas.

JOINDER BY MORTGAGEE

The undersigned, being a mortgagee of Declarant and holding a mortgage against the Annexed Property and the Building which must be built, joins in the execution of the Declaration of Annexation of Creekside Professional Plaza 2, a Condominium and hereby subordinate the liens and security interests of the undersigned Mortgagee (including, without limitation, those more fully set forth below) to the condominium regime heretofore established and the annexation of the Annexed Property to the condominium regime evidenced hereby, and extending said liens and security interests to the Units hereby created and hereafter created and the appurtenances thereto, including the Limited Common Elements and the undivided Allocated Interests in and to the Common Elements:

Deed of Trust dated May 23, 2018, recorded as Document No. 2018060 19986 in the Official Public Records of Comal County, Texas, executed by Dusty Hills, A Texas Limited Liability Company to Mark O. Sunderman, Trustee, securing a promissory note of even date therewith in the principal amount of \$1,471,592.00, payable to Schertz Bank & Trust.

Mortgagee:

SCHERTZ BANK & TRUST

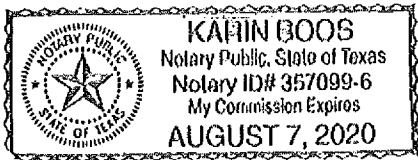
By: [Signature]
Name: GREG LUTZ
Title: VICE PRESIDENT

THE STATE OF TEXAS §

COUNTY OF COMAL §

This instrument was acknowledged before me on May 23, 2018, by Greg Lutz, Vice President of SCHERTZ BANK & TRUST, on behalf of same and in the capacity herein stated.

[Signature]
Notary Public, State of Texas



JOINDER BY MORTGAGEE

The undersigned, being a mortgagee of Declarant and holding a mortgage against the Annexed Property and the Building which must be built, joins in the execution of the Declaration of Annexation of Creekside Professional Plaza 2, a Condominium and hereby subordinates the liens and security interests of the undersigned Mortgagee (including, without limitation, those more fully set forth below) to the condominium regime heretofore established and the annexation of the Annexed Property to the condominium regime evidenced hereby, and extending said liens and security interests to the Units hereby created and hereafter created and the appurtenances thereto, including the Limited Common Elements and the undivided Allocated Interests in and to the Common Elements:

Deed of Trust dated May 23, 2018, recorded as Document No. 2018060 19996 in the Official Public Records of Comal County, Texas, executed by Dusty Hills, A Texas Limited Liability Company to John T. Dierksen, Trustee, securing a promissory note of even date therewith in the principal amount of \$694,461.16, payable to CWC 306 Development, Inc.

Mortgagee:

CWC 306 DEVELOPMENT, INC.

By: _____

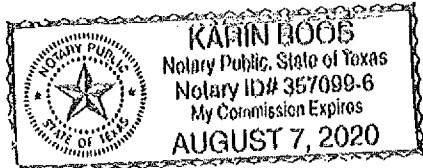
W.M. Norris, President

THE STATE OF TEXAS §

COUNTY OF COMAL §

This instrument was acknowledged before me on May 23, 2018, by W.M. NORRIS, President of CWC 306 DEVELOPMENT, INC., a Texas corporation, on behalf of same and in the capacity herein stated.

Notary Public, State of Texas



Filed and Recorded
Official Public Records
Bobbie Koepp, County Clerk
Comal County, Texas
05/23/2018 02:46:48 PM
TERRI 16 Pages(s)
201806020018



Bobbie Koepp