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LONE STAR ABSTRACT & TITLE CO., INC.
GF# 309323 SLN (NH)

FIFTH SUPPLEMENTAL DECLARATION OF DE-ANNEXATION & AMENDMENT

STATE OF TEXAS §
 §
COUNTY OF MIDLAND §

This FIFTH SUPPLEMENTAL DECLARATION OF DE-ANNEXATION & AMENDMENT ("Fifth Supplemental Declaration") is made effective as of the date of its filing in the Official Public Records of Midland County, Texas by Mission Estates Property Owners' Association, or its duly authorized agent.

RECITALS

WHEREAS, the Declaration of Covenants, Conditions and Restrictions for Mission Estates Property Owners' Association, executed by HBF Development, Inc., as Declarant, and recorded on September 30, 1983 at Volume 720, Page 693 in the Real Property Records of Midland County, Texas (the "Declaration"), which established certain restrictive covenants and bylaws for the scheme of development in and to certain tracts of land described therein;

WHEREAS, on or about August 1, 1984, a First Amendment to the Declaration of Covenants, Conditions and Restrictions of Mission Estates Property Owners' Association ("Association") was recorded at Volume 783, Page 221 in the Real Property Records of Midland County, Texas (the "First Amended Declaration");

WHEREAS, on or about July 15, 2015, a Supplemental Declaration of Covenants, Conditions and Restrictions of Mission Estates Property Owners' Association was recorded at Instrument Number 2015-16685 in the Real Property Records of Midland County, Texas (the "First Supplemental Declaration");

WHEREAS, on or about July 15, 2015, a Second Supplemental to the Declaration of Covenants, Conditions and Restrictions of Mission Estates Property Owners' Association was recorded at Instrument Number 2015-16686 in the Real Property Records of Midland County, Texas (the "Second Supplemental Declaration");

WHEREAS, on or about July 15, 2015, a Third Supplemental to the Declaration of Covenants, Conditions and Restrictions of Mission Estates Property Owners' Association was recorded at Instrument 2015-16687 in the Real Property Records of Midland County, Texas (the "Third Supplemental Declaration");

WHEREAS, on or about August 10, 2017, a Fourth Supplemental to the Declaration of Covenants, Conditions and Restrictions of Mission Estates Property Owners' Association was recorded at Instrument 2017-23743 in the Real Property Records of Midland County, Texas (the "Fourth Supplemental Declaration").

WHEREAS, Contained in Article X, Section 2 of the Declaration it states as follows:

This Declaration may be amended or terminated only by the affirmative vote of Members representing a majority of the total number of votes of the Association. Members may vote in person or by proxy at a meeting duly called for such purpose, written notice of which shall be given to all members at least thirty (30) days in advance and shall set forth the purpose of such meeting. Notwithstanding the foregoing to the contrary, no amendment may remove, revoke,

modify or restrict any right or privilege of Declarant, nor may any amendment or termination become effective prior to December 31, 2009, without the written consent of Declarant.

WHEREAS, the members of the Association have voted in accordance to Article XI, Section 2 of Declaration which is in accordance with Section 209.0041 of the Texas Property Code and have approved and consented to this Fifth Supplemental Declaration that formally amends the Declaration to de-annex that certain tract of land described by metes and bounds on Exhibit 1 ("Property"), which is attached hereto and incorporated herein by reference; and

WHEREAS, the Property is going to be bound by new restrictive covenants in favor of the Mission Estates Property Owners' Association

AGREEMENT

NOW THEREFORE, pursuant to Article XII of the Declaration, the Association and the undersigned do hereby de-annex the Property from the Declaration as if was never originally included as part of the Mission Estates Property Owners' Association The Association and the undersigned hereby declares that the Property shall no longer be bound, held, sold, used and conveyed subject to the covenants, conditions, and restrictions set forth in the Declaration, and further the Association and the undersigned hereinafter bind their heirs, executors, administrators, successors and assigns.

The Declaration is further hereby amended and supplemented as follows:

1. De-Annexation. The Property which is described on Exhibit A-5 to the Declaration and Exhibit to this Fifth Supplemental Declaration, being one and the same, shall no longer be bound, held, sold, conveyed, or subject to the covenants, conditions, restrictions, easements, and assessment liens contained in the Declaration of Mission Estates, as amended and/or supplemented from time to time.

2. Restrictive Covenants. The Property shall be expressly subject to the following restrictive covenants for the benefit of the Mission Estates Property Owners' Association and the detriment of the property owner and shall expressly touch and concern and run with the lands covered by the Property as follows:

The Property is expressly prohibited to be used, leased or otherwise utilized as a (a) cemetery (b) jail or honor farm (c) mobile home park or recreational vehicle campground (d) junk or salvage yard (e) movie theater (f) adult bookstore or other establishment selling or exhibiting sexually-oriented materials (h) massage parlor (i) sexually oriented modeling studio (j) porn shop (k) smoke and toke store or similar business that sells merchandise as drug paraphilia (l) car wash (m) nail salon (n) gaming or gambling establishment (o) commercial, for-profit, fueling station available to the general public.

Save and except the Property de-annexed by this Fifth Supplemental Declaration, the terms and provisions of the Declaration are hereby declared to be in full force and effect with respect to the remaining property covered by the Declaration within Mission Estates. In the event that any conflict exists between the terms and provisions of the Declaration as previously amended and/or supplemented, this Fifth Supplemental Declaration shall prevail.

By executing this Fifth Supplemental Declaration, the Association and the owner of the Property, hereby consents to and approves this Fifth Supplemental Declaration and hereby declares that the Property is no

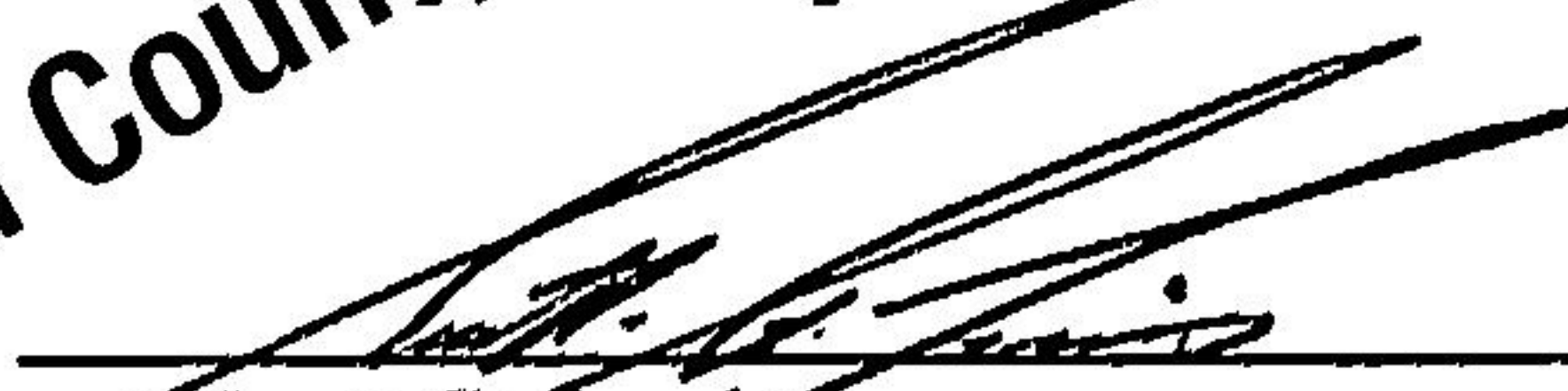
longer subject to the restrictive covenants contained in the Declaration and shall only be subject to the restrictive covenants contained in this Fifth Supplemental Declaration.

EXECUTED this 5th day of February, 2023, but effective for all purposes as of the date the Memorandum of this Fifth Supplemental Declaration is recorded in the Official Public Records of Midland County, Texas.

(Signature and acknowledgement to follow)

Midland County Clerk Unofficial Copy

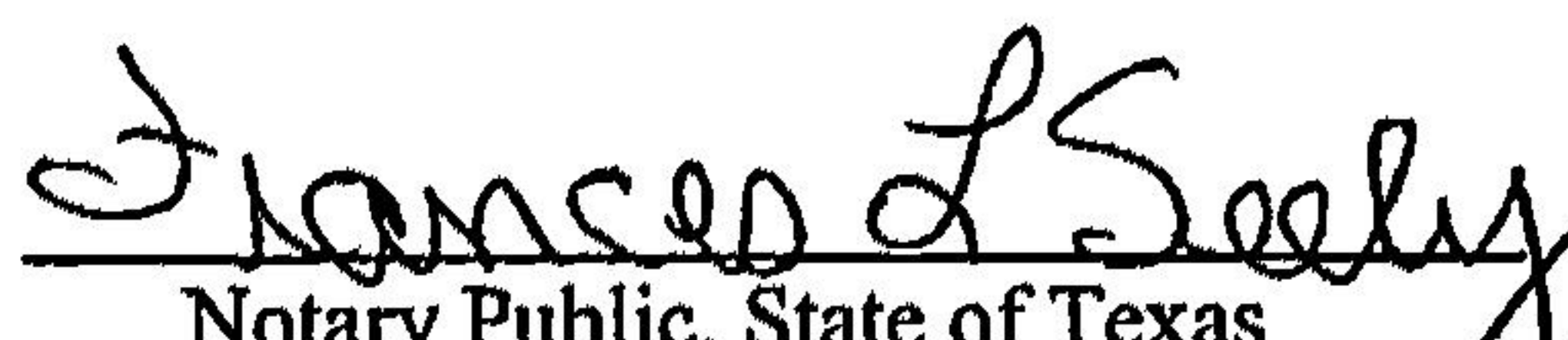
MISSION ESTATES PROPERTY OWNERS' ASSOCIATION
A Texas nonprofit corporation

By: 
Scott St Louis,
President & Director

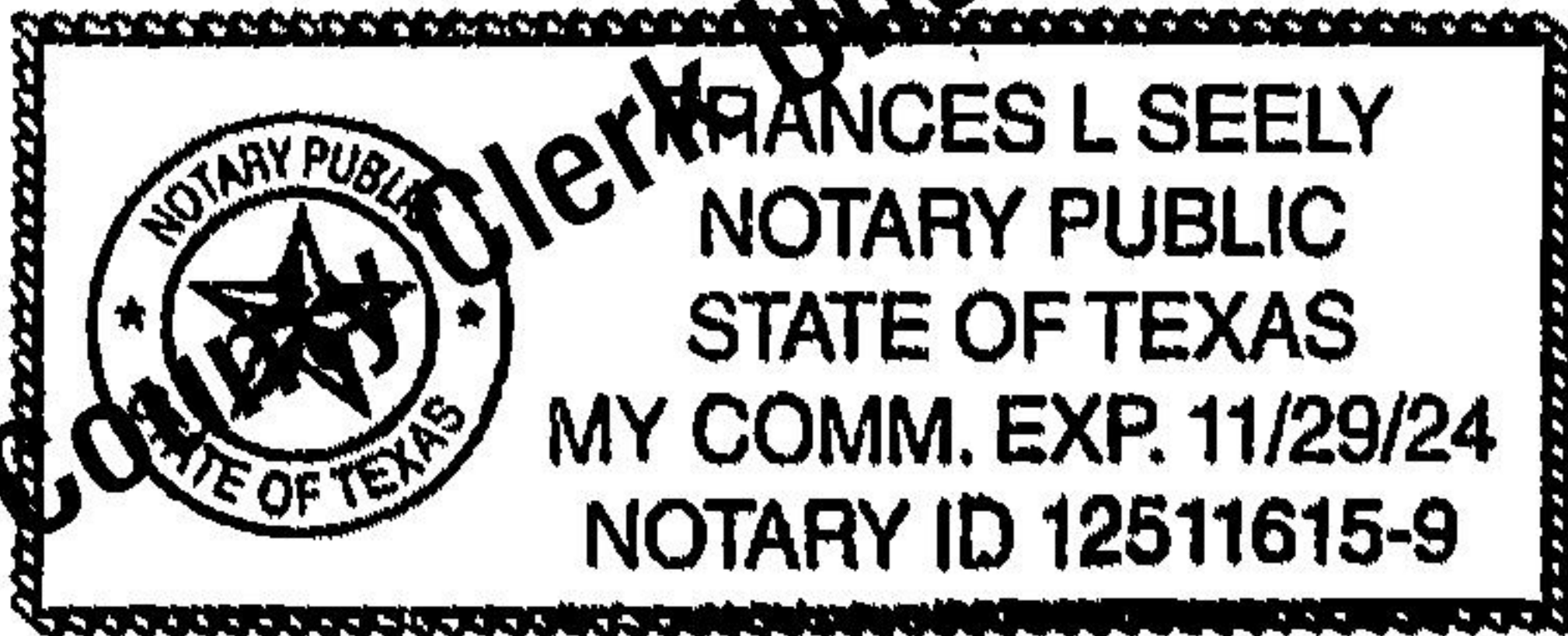
Midland County Clerk Unofficial Copy

STATE OF TEXAS §
 §
COUNTY OF MIDLAND §

This instrument was acknowledged before me on this 15th day of February, 2023 by Scott St Louis, President & Director of Mission Estates Property Owners' Association, a Texas nonprofit corporation, on behalf of said corporation.


Notary Public, State of Texas

Midland County Clerk Unofficial Copy



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EXHIBIT "1"

BEING THE SAME 3.651-ACRE TRACT AS PREVIOUSLY DESCRIBED AS TRACT "G" IN VOLUME 1179 PAGE 371 OF THE MIDLAND COUNTY DEED RECORDS AND ALSO DESCRIBED AS EXHIBIT "F" DRILL SITE AGREEMENTS DESCRIBED IN VOLUME 1055 PAGE 68 AND VOLUME 1055 PAGE 103 OF SAID MIDLAND COUNTY DEED RECORDS, LOCATED IN SECTION 10, BLOCK 4, T&P RY CO. SURVEY, MIDLAND COUNTY TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT (Y= 10,663,627.10' & X= 1,691,323.17') A ½" IRON ROD WITH CAP MARKED "RPS 10" (CONTROL MONUMENT) FOUND AT THE NORTH CORNER OF THIS TRACT ON THE CURVED EAST RIGHT-OF-WAY LINE OF FAUDREE ROAD, A 20-FOOT DEDICATED PUBLIC RIGHT-OF-WAY AS DESCRIBED IN CABINET D PAGE 240 OF THE MIDLAND COUNTY PLAT RECORDS, AND ALSO BEING AN INTERIOR CORNER OF THAT CERTAIN 79.801-ACRE TRACT 1, AS DESCRIBED IN VOLUME 1944 PAGE 131 OF SAID MIDLAND COUNTY DEED RECORDS, WHENCE A 1" IRON PIPE (CONTROL MONUMENT) FOUND AT THE SOUTHEAST CORNER OF SAID SECTION 19 BLOCK 41 BEARS NORTH 75°51'34" EAST, A DISTANCE OF 4,597.40 FEET AND SOUTH 14°08'26" EAST, A DISTANCE OF 1,287.52 FEET, AND A ½" IRON ROD WITH CAP MARKED "LCA ODESSA TX" (CONTROL MONUMENT) FOUND ON THE WEST RIGHT-OF-WAY LINE OF SAID FAUDREE ROAD AND A CUT-BACK CORNER OF LOT 6, BLOCK 1 OF PARKS ESTATES, 4TH FILING AS DESCRIBED IN CABINET C PAGE 114-B OF THE ECTOR COUNTY PLAT RECORDS BEARS SOUTH 71°23'13" WEST, A DISTANCE OF 120.28 FEET AND A CHORD OF SOUTH 18°04'12" EAST, A DISTANCE OF 74.27 FEET;

THENCE SOUTH 74°00'50" EAST WITH A SOUTHERN LINE OF SAID 79.801-ACRE TRACT, A DISTANCE OF 732.59 FEET TO A ½" IRON ROD WITH CAP MARKED "LCA ODESSA TX" SET AT THE EAST CORNER OF THIS TRACT AND AN INTERIOR CORNER OF SAID 79.801-ACRE TRACT ON THE POINT OF CURVATURE OF THE NORTH RIGHT-OF-WAY LINE OF SANTA FE DRIVE, A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY AS DESCRIBED IN CABINET D PAGE 342 (CORRECTION PLAT) OF THE MIDLAND COUNTY PLAT RECORDS;

THENCE ALONG THE CURVED RIGHT-OF-WAY OF SAID SANTA FE DRIVE, A CURVE TO THE LEFT IN A SOUTHWESTERLY DIRECTION, HAVING A RADIUS LENGTH OF 555.00 FEET, A DELTA ANGLE OF 35°25'54", AN ARC LENGTH OF 343.21 FEET, A CHORD LENGTH OF 337.77 FEET BEARING SOUTH 62°18'13" WEST TO A ½" IRON ROD WITH PLASTIC CAP MARKED "LCA ODESSA TX" SET AT THE POINT OF REVERSE CURVATURE OF SAID SANTA FE DRIVE;

THENCE ALONG THE CURVED RIGHT-OF-WAY OF SAID SANTA FE DRIVE, A CURVE TO THE RIGHT IN A SOUTHWESTERLY DIRECTION, HAVING A RADIUS LENGTH OF 490.00 FEET, A DELTA ANGLE OF 34°19'59", AN ARC LENGTH OF 293.62 FEET, A CHORD LENGTH OF 289.25 FEET BEARING SOUTH 61°45'16" WEST TO A ½" IRON ROD WITH PLASTIC CAP MARKED "LCA ODESSA TX" SET AT THE POINT OF TANGENCY AND A CUT-BACK CORNER, WHENCE A TEXAS DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MONUMENT WITH A BRASS DISK (CONTROL MONUMENT) BEARS SOUTH 09°16'55" EAST, A DISTANCE OF 116.77 FEET;

THENCE NORTH 55°22'55" WEST WITH SAID CUT-BACK, A DISTANCE OF 28.88 FEET TO A ½" IRON ROD WITH CAP MARKED "LCA ODESSA TX" SET ON THE SAID CURVED EAST RIGHT-OF-WAY OF FAUDREE ROAD BEING A CURVE TO THE LEFT;

THENCE ALONG THE CURVED RIGHT-OF-WAY OF SAID FAUDREE ROAD, A CURVE TO THE LEFT, IN A NORTHWESTERLY DIRECTION, HAVING A RADIUS LENGTH OF 3,726.21 FEET, A DELTA ANGLE OF 14°57'38", AN ARC LENGTH OF 495.68 FEET, A CHORD LENGTH OF 495.68 FEET BEARING NORTH 14°47'59" WEST TO THE POINT OF THE BEGINNING CONTAINING 3.653 SURFACE ACRES.

Midland County
Alison Haley
Midland County
Clerk

Instrument Number: 4401

eRecording - Real Property

Recorded On: February 24, 2023 03:54 PM

Number of Pages: 6

" Examined and Charged as Follows: "

Total Recording: \$42.00

***** THIS PAGE IS PART OF THE INSTRUMENT *****

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

File Information:

Document Number: 4401
Receipt Number: 20230224000111
Recorded Date/Time: February 24, 2023 03:54 PM
User: Cristella G
Station: cc10288

Record and Return To:
eRecording Partners



STATE OF TEXAS
COUNTY OF MIDLAND

I hereby certify that this Instrument was FILED In the File Number sequence on the date/time printed hereon, and was duly RECORDED in the Official Records of Midland County, Texas.

Alison Haley
Midland County Clerk
Midland County, TX

A handwritten signature in black ink that reads "Alison Haley".