

Courtesy DP  
#109 (6)



AFTER RECORDING RETURN TO:  
ROBERT D. BURTON, ESQ.  
WINSTEAD PC  
401 CONGRESS AVE., SUITE 2100  
AUSTIN, TEXAS 78701  
EMAIL: RBURTON@WINSTEAD.COM

ORIGINAL

# MONTECILLO

## NOTICE OF ANNEXATION

[UNIT FIVE "A"]

*El Paso County, Texas*

Declarant: EPT MESA DEVELOPMENT, LP, a Delaware limited partnership

Cross-reference to that certain Montecillo Amended and Restated Master Covenant, recorded as Document No. 20160088513 in the Official Public Records of El Paso County, Texas, as may be amended.

MONTECILLO  
NOTICE OF ANNEXATION [UNIT FIVE "A"]

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**MONTECILLO**  
**NOTICE OF ANNEXATION**  
**[UNIT FIVE "A"]**

This Notice of Annexation is made and executed by **EPT MESA DEVELOPMENT, LP**, a Delaware limited partnership ("**Declarant**"), and is as follows:

1. **Previously Submitted Property.** Declarant filed that certain Montecillo Amended and Restated Master Covenant, recorded as Document No. 20160088513 in the Official Public Records of El Paso County, Texas, as may be amended (the "**Covenant**"). Any capitalized terms used and not otherwise defined in this notice shall have the meanings set forth in the Covenant.

The Covenant subjected the Previously Submitted Property to the terms and provisions of the Covenant. Pursuant to *Section 12.05* of the Covenant, Declarant served notice that portions of the Property described on Exhibit "A" to the Covenant, upon the Recording of appropriate Notices of Annexation from time to time, may be subjected to the terms, covenants, conditions, restrictions, and obligations of the Covenant. On information and belief, the Covenant presently encumbers all the Previously Submitted Property and additional portions of the Property, if any, made subject to the Covenant by Recordation of a Notice of Annexation prior to the date hereof. For avoidance of doubt, and to confirm all Property has been made subject to the terms and provisions of the Covenant, this Notice of Annexation is being Recorded.

2. **Applicability of Master Covenant.** This Notice of Annexation is filed with respect to that certain real property located in El Paso County, Texas as more particularly described on Exhibit "A", attached hereto and incorporated herein (the "**Development Area**").

3. **Development Area.** The Development Area described and identified in Paragraph 2 hereinabove will constitute one of the Development Areas which is permitted, contemplated and defined under the Covenant.

4. **Property Incorporated Into Development.** The provisions of the Covenant shall apply to the Development Area. The Development Area is hereby included within and made a part of the Development, and is hereby subjected to terms, covenants, conditions, restrictions, and obligations of the Covenant.

5. **Owner Consent.** EPT Montecillo Development East, LP, a Texas limited partnership and Alamo El Paso Holdings, LLC, a Texas limited liability company, each own a portion of the property within the Development Area and execute this Notice of Annexation to evidence their consent to the terms and provisions herein.

6. **Miscellaneous.** This notice constitutes a Notice of Annexation under *Section 12.05* of the Covenant. This notice, to the extent required, shall be considered an amendment to the Covenant.


EXECUTED to be effective as of the 3<sup>rd</sup> day of July, 2018.

**DECLARANT:**

**EPT MESA DEVELOPMENT, LP,**  
a Delaware limited partnership

By: EPT Mesa Development Management, LLC, a  
Delaware limited liability company, its  
General Partner

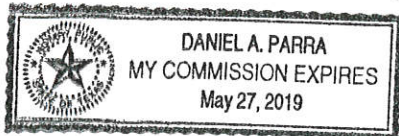
By: EPT Land Management, LLC, a Texas  
limited liability company, its Manager

By:   
Printed Name: Richard Aguilar  
Title: Manager

THE STATE OF TEXAS §

COUNTY OF EL PASO §

This instrument was acknowledged before me on this 3<sup>rd</sup> day of July, 2018, by Richard Aguilar, Manager of EPT Land Management, LLC, a Texas limited liability company, Manager of EPT Mesa Development Management, LLC, a Delaware limited liability company, General Partner of EPT MESA Development, LP, a Delaware limited partnership, on behalf of said limited liability companies and limited partnership.



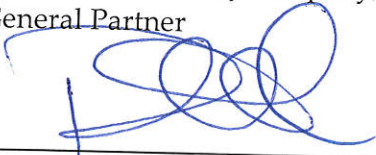
(seal)

  
Notary Public, State of Texas

**ACKNOWLEDGED AND AGREED:**

**EPT MONTECILLO DEVELOPMENT EAST, LP,**  
a Texas limited partnership

By: **EPT MONTECILLO DEVELOPMENT MANAGEMENT, LLC,**  
a Texas limited liability company,  
its General Partner

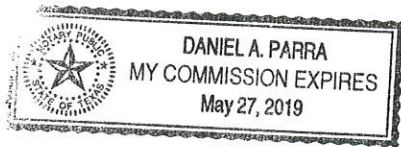
By:   
\_\_\_\_\_  
Printed Name: Richard Aguilar  
Title: Manager

THE STATE OF TEXAS                    §

COUNTY OF EL PASO                    §

This instrument was acknowledged before me on this 3<sup>rd</sup> day of July, 2018, by Richard Aguilar, Manager of EPT Montecillo Development Management, LLC, a Texas limited liability company, General Partner of EPT Montecillo Development East, LP, a Texas limited partnership, on behalf of said limited liability company and limited partnership.

(seal)

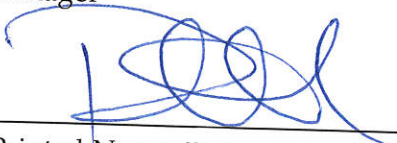


  
\_\_\_\_\_  
Notary Public, State of Texas

**ACKNOWLEDGED AND AGREED:**

**ALAMO EL PASO HOLDINGS, LLC,**  
a Texas limited liability company

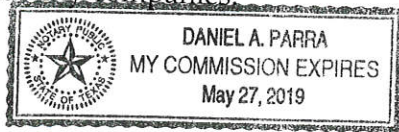
By: **123 PLUS MANAGEMENT, LLC,**  
a Texas limited liability company,  
its Manager

By:   
Printed Name: Richard Aguilar  
Title: Manager

THE STATE OF TEXAS                    §

COUNTY OF EL PASO                    §

This instrument was acknowledged before me on this 3<sup>rd</sup> day of July, 2018, by Richard Aguilar, Manager of 123 Plus Management, LLC, a Texas limited liability company, Manager of Alamo El Paso Holdings, LLC, a Texas limited liability company, on behalf of said limited liability companies.



(seal)

  
Notary Public, State of Texas

EXHIBIT A

DEVELOPMENT AREA

Lots 1 through 4, Block 11; Montecillo Unit Five "A", a subdivision located in El Paso County, Texas, according to the map or plat recorded in Document No. \_\_\_\_\_ in the Official Public Records of El Paso County, Texas.

Doc # 20180051748  
#Pages 6 #NFPages 1  
7/3/2018 4:23 PM  
Filed & Recorded in  
Official Records of  
El Paso County  
Delia Briones  
County Clerk  
Fees \$46.00

eRecorded

I hereby certify that this instrument was filed on the date and time stamped hereon by me and was duly recorded by document number in the Official Public Records of Real Property in El Paso County.



EL PASO COUNTY, TEXAS

*Delia Briones*