

ASSIGNMENT OF DECLARANT MAINTENANCE OBLIGATION

THIS ASSIGNMENT OF DECLARANT MAINTENANCE OBLIGATION (this "ASSIGNMENT") is made and entered into as of the 26th day of December, 2019 between 242 CRESTA BELLA, LTD., a Texas limited partnership ("ASSIGNOR") and CRESTA BELLA HOMEOWNERS ASSOCIATION, INC., a Texas nonprofit corporation ("ASSIGNEE").

WHEREAS, BP Hwy 10 San Antonio, Ltd., filed the plat of record on the 31st day of October, 2008 in Volume 9598, Page 40-44, Deed and Plat Records of Bexar County, Texas, establishing the development known as "Cresta Bella"; and

WHEREAS, BP Hwy 10 San Antonio, Ltd., has heretofore filed of record that certain instrument styled Cresta Bella Master Declaration of Protective Covenants, Conditions and Restrictions, as amended from time to time, recorded on December 8, 2008 as Document No. 20080259301 in Volume 13780, Page 2425 of the Official Public Records of Bexar County, Texas, which creates a uniform plan for improvement, development and sale of Lots and imposes certain restrictions on use and which provides for the jurisdiction, authority, powers, assessments liens and powers of enforcement of the Cresta Bella Master Association, Inc. and the Cresta Bella Homeowners Association, Inc.; and

WHEREAS, ASSIGNOR is the successor in interest to BP Hwy 10 San Antonio, Ltd. ("the Declarant") pursuant to that certain Assignment of Declarant Interest, recorded on October 3, 2011 as Document No. 20110176809 in Volume 15164, Page 1721 of the Official Public Records of Bexar County, Texas; and

WHEREAS the Master Declaration was amended and restated by that Amended and Restated Master Declaration and Agreement of Protective Covenants, Conditions, Restrictions and Easements for Cresta Bella Subdivision, recorded on December 22, 2011 as Document No. 20110226402 in Volume 15277, Page 466, and re-recorded as Document No. 2012003026 in Volume 15301, Page 1317 of the Official Public Records of Bexar County, Texas; and

WHEREAS, the Master Declaration provided for the development of Cresta Bella as Residential Homeowner Lots, strictly limited to use for single family residential purposes only and Commercial Lots for multifamily, condominium and/or other commercial uses, subject to the limitations set forth in the Governing Documents; and

WHEREAS, the Cresta Bella Homeowners Association, Inc. was incorporated under the laws of the State of Texas as a nonprofit corporation (File Number: 801000964) for the purpose of maintaining and administering the Common Facilities, administering and enforcing the covenants and restrictions, collecting and disbursing the assessments and charges and the preservation of the values and amenities in the residential community known as Cresta Bella, an Enclave, copies of its Certificate of Formation and Bylaws having been filed for record on May 8, 2014 in Volume 16668, Page 739 of the Official Public Records of Bexar County, Texas; and

WHEREAS, Declarant caused to be recorded in Volume 9607, Pages 41-42 of the Deed and Plat Records of Bexar County, Texas, that certain subdivision plat, Plat No. 080147 establishing the residential unit known as Cresta Bella, Unit 3 Enclave; and

WHEREAS, Declarant caused to be recorded in Volume 9607, Pages 47-48 of the Deed and Plat Records of Bexar County, Texas, that certain subdivision plat, Plat No. 080149 establishing the residential unit known as Cresta Bella, Unit 5 Enclave; and

WHEREAS, Declarant caused to be recorded that certain Declarations of Covenants, Conditions and Restrictions for Cresta Bella, an Enclave, Units 3 and 5 and the Cresta Bella Homeowners Association, Inc., recorded on September 21, 2009 as Document No. 20090184820 in Volume 14181, Page 585 of the Official Public Records of Bexar County, Texas; as re-recorded on September 23, 2009 as Document No. 20090186448 in Volume 14184, Page 1476 of the Official Public Records of Bexar County, Texas; and re-recorded on September 24, 2009 as Document No. 20090186772 in Volume 14185, Page 1037 of the Official Public Records of Bexar County, Texas, imposing certain covenants, conditions and restrictions upon the residential units known as Cresta Bella, an Enclave, Units 3 and 5; and

WHEREAS, Declarant caused to be recorded in Volume 9611, Page 183 of the Deed and Plat Records of Bexar County, Texas, that certain subdivision plat, Plat No. 080148 establishing the residential unit known as Cresta Bella, Unit 4 Enclave; and

WHEREAS, Declarant caused to be recorded that certain Declaration of Covenants, Conditions and Restrictions for Cresta Bella an Enclave, Unit 4 and the Cresta Bella Homeowners Association, Inc., recorded on March 4, 2010 as Document No. 20100036671 in Volume 14385, Page 1256 of the Official Public Records of Bexar County, Texas, imposing certain covenants, conditions and restrictions upon the residential unit known as Cresta Bella an Enclave, Unit 4; and

WHEREAS, Declarant caused to be recorded that certain Amended and Restated Residential Declaration and Agreement of Protective Covenants, Conditions, Restrictions and Easements, recorded on July 23, 2013 as Document No. 20130151527 in Volume 16242, Page 979 of the Official Public Records of Bexar County, Texas; and

WHEREAS, Declarant caused to be recorded in Volume 9669 Pages 153-156 of the Deed and Plat Records of Bexar County, Texas, that certain subdivision plat, Plat No. 120423 establishing the residential unit known as Cresta Bella Unit 1A Enclave; and

WHEREAS, Declarant caused to be recorded in Volume 9669, Pages 157-161 of the Deed and Plat Records of Bexar County, Texas, that certain subdivision plat, Plat No. 120424 establishing the residential unit known as Cresta Bella Unit 2A Enclave; and

WHEREAS, Declarant caused to be recorded that certain Supplemental Declaration of Protective Covenants, Conditions and Restrictions Cresta Bella, Units 1A Enclave and 2A Enclave, recorded on July 18, 2014 as Document No. 20140120994 in Volume 16775, Page 1899, of the Official Public Records of Bexar County, Texas, and re-recorded on July 18, 2014 as Document No. 20140121243 in Volume 16776, Page 412 of the Official Public Records of Bexar County, Texas; and

WHEREAS, Declarant caused to be recorded in Volume 9669, Pages 58-59 of the Deed and Plat Records of Bexar County, Texas, that certain subdivision plat, Plat No. 130654 establishing the residential unit known as Cresta Bella, Unit 4A-7B Enclave; and

WHEREAS, Declarant caused to be recorded that certain Supplemental Declaration of Protective Covenants, Conditions and Restrictions for Cresta Bella, Unit 4A-7B Enclave, recorded on August 25, 2014 as Document No. 20140145932 in Volume 16835, Page 1872 of the Official Public Records of Bexar County, Texas, imposing supplemental covenants, conditions and restrictions upon the residential unit known as Cresta Bella, Unit 4A-7B Enclave; and

WHEREAS, Declarant caused to be recorded that certain Second Amended and Restated Residential Declaration and Agreement of Protective Covenants, Conditions, Restrictions and Easements, recorded on September 23, 2014 as Document No. 20140164578 in Volume 16881, Page 1165 of the Official Public Records of Bexar County, Texas; and

WHEREAS, Declarant caused to be recorded in Volume 9668, Page 557 and Volume 9669, Pages 1-4 of the Deed and Plat Records of Bexar County, Texas, that certain subdivision plat, Plat No. 120425 establishing the residential unit known as Cresta Bella Unit 6A1 Enclave, and an amended plat recorded in Volume 9721, Page 30 of the Deed and Plat Records of Bexar County, Texas, Plat No. 170347 amending Plat No. 120425; and

WHEREAS, Declarant caused to be recorded that certain Supplemental Declaration of Protective Covenants, Conditions and Restrictions for Cresta Bella Unit 6A1 Enclave, recorded on January 28, 2015 as Document No. 20150014320 in Volume 17063, Page 201 of the Official Public Records of Bexar County, Texas, imposing supplemental covenants, conditions and restrictions upon the residential unit known as Cresta Bella, Unit 6A1 Enclave; and

WHEREAS, Declarant caused to be recorded that certain Third Amended and Restated Residential Declaration and Agreement of Protective Covenants, Conditions, Restrictions and Easements, recorded on June 4, 2015 as Document No. 20150099834 in Volume 17273, Page 2347 of the Official Public Records of Bexar County, Texas; and

WHEREAS, Declarant caused to be recorded that First Amended and Restated Supplemental Declaration of Protective Covenants, Conditions, Restrictions Cresta Bella, Units 1A Enclave and 2A Enclave, recorded on June 4, 2015 as Document No. 20150099834 in Volume 17274, Page 425 of the Official Public Records of Bexar County, Texas; and

WHEREAS, Declarant caused to be recorded that certain Fourth Amended and Restated Residential Declaration and Agreement of Protective Covenants, Conditions, Restrictions and Easements, recorded on April 12, 2016 as Document No. 20160066430 in Volume 17794, Page 342 of the Official Public Records of Bexar County, Texas; and

WHEREAS, Declarant caused to be recorded in Volume 9700, Page 205-206 of the Deed and Plat Records of Bexar County, Texas, that certain subdivision plat, Plat No. 140495 establishing the residential unit known as Cresta Bella Unit 9A Enclave; and

WHEREAS, Declarant caused to be recorded that certain Supplemental Declaration of Protective Covenants, Conditions and Restrictions for Cresta Bella Unit 9A Enclave, recorded on July 15, 2016 as Document No. 20160135934 in Volume 17970, Page 2234 of the Official Public Records of Bexar County, Texas, imposing supplemental covenants, conditions and restrictions upon the residential unit known as Cresta Bella, Unit 9A Enclave; and

WHEREAS, Declarant caused to be recorded that First Amended Supplemental Declaration of Protective Covenants, Conditions, Restrictions Cresta Bella, Unit 5 Enclave, recorded on July 15, 2016 as Document No. 201601935957 in Volume 17970, Page 2424 of the Official Public Records of Bexar County, Texas; and

WHEREAS, Declarant caused to be recorded in Volume 9705, Page 147 of the Deed and Plat Records of Bexar County, Texas, that certain subdivision plat, Plat No. 140286 establishing the residential unit known as Cresta Bella Unit 7A Enclave; and

WHEREAS, Declarant caused to be recorded that Supplemental Declaration of Protective Covenants, Conditions, Restrictions Cresta Bella, Unit 7A Enclave, recorded on November 30, 2016 as Document No. 20160235972 in Volume 18231, Page 1316 of the Official Public Records of Bexar County, Texas; and

WHEREAS, Declarant caused to be recorded in Volume 9717, Pages 74-75 of the Deed and Plat Records of Bexar County, Texas, that certain subdivision replat, Plat No. 160318 re-platting the residential unit known as Cresta Bella Unit 4C Enclave; and

WHEREAS, Declarant caused to be recorded that Supplemental Declaration of Protective Covenants, Conditions, Restrictions Cresta Bella, Unit 4C Enclave, recorded on June 26, 2017 as Document No. 20170123187 in Volume 18590, Page 2208 of the Official Public Records of Bexar County, Texas; and

WHEREAS, Declarant caused to be recorded in Document No. 20180216326 in Volume 20001, Pages 547-548 of the Deed and Plat Records of Bexar County, Texas, that certain subdivision plat, Plat No. 180104 establishing the residential unit known as Cresta Bella Unit 9B Enclave; and

WHEREAS, Declarant caused to be recorded that Supplemental Declaration of Protective Covenants, Conditions, Restrictions Cresta Bella, Unit 4B Enclave, recorded on February 4, 2019 as Document No. 20190019695 in the Official Public Records of Bexar County, Texas; and

WHEREAS, Declarant caused to be recorded in Document No. 20190126486 in Volume 20001, Pages 1194-1195 of the Deed and Plat Records of Bexar County, Texas, that certain subdivision plat, Plat No. 170456 establishing the residential unit known as Cresta Bella Unit 6B Enclave; and

WHEREAS, Declarant caused to be recorded that Supplemental Declaration of Protective Covenants, Conditions, Restrictions Cresta Bella, Unit 6B Enclave, recorded on July 11, 2019 as Document No. 20190132931 in the Official Public Records of Bexar County, Texas; and

WHEREAS, ASSIGNOR no longer desires to retain the maintenance obligations and rights associated therewith for the Property as the Declarant under the Declaration and desires to transfer the rights and maintenance obligations to ASSIGNEE;

WHEREAS, ASSIGNEE agrees to accept responsibility for the maintenance of Common Facilities and all areas designated to be maintained by the Association as provided for in the Master Declaration.

NOW, THEREFORE, for and in consideration of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, receipt and sufficiency of which are hereby acknowledged, ASSIGNOR and ASSIGNEE hereby agree as follows:

1. Assignment of Declarant Maintenance Obligations. ASSIGNOR hereby assigns unto ASSIGNEE any and all maintenance obligations and rights associated therewith for the Common Areas, Common Facilities and all areas designated to be maintained by the Association under the Declaration. Accordingly, from and after the date hereof, ASSIGNEE shall have all the maintenance obligations and rights associated therewith of the Declarant under the Declaration.

2. Assumption. ASSIGNEE hereby assumes and covenants to perform all maintenance duties and obligations of the Declarant hereafter arising or accruing under or pursuant to the Declaration.

3. Binding Effect. This Assignment shall be binding upon and inure to the benefit of ASSIGNEE and ASSIGNOR and their respective successors and assigns. This is the entire agreement between the parties and cannot be changed or modified without the written approval of the parties hereto.

4. Counterparts. This Assignment may be executed in multiple counterparts, each of which shall be deemed an original, and all of which when taken together shall constitute one and the same instrument.

5. Governing Law. This Assignment shall be governed by, and construed under, the laws of the State of Texas.

IN WITNESS WHEREOF, ASSIGNOR and ASSIGNEE have caused this instrument to be executed to be effective as of the date first set forth above.

ASSIGNOR:

242 CRESTA BELLA, LTD.,
a Texas limited partnership

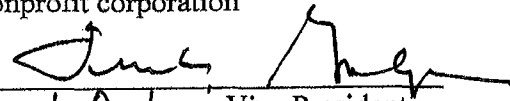
By:


Dan Hull, Manager

ASSIGNEE:

CRESTA BELLA HOMEOWNERS ASSOCIATION, INC.,
a Texas nonprofit corporation

By:


Frank Bolegna Vice President

STATE OF TEXAS §

COUNTY OF Bexar §

This instrument was acknowledged before me on the 26th day of December 2019 by Dan Hull, Manager of **242 CRESTA BELLA, LTD.**, a Texas limited partnership.

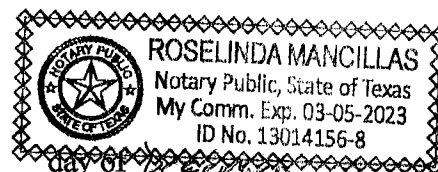
Rose Mancillas
Notary Public, State of Texas

^{OHIO}
STATE OF TEXAS §

COUNTY OF Lorain §

This instrument was acknowledged before me on the 23rd day of December 2019 by Frank Bolognino, Vice President of **CRESTA BELLA HOMEOWNERS ASSOCIATION, INC.**, a Texas nonprofit corporation.

[Signature]
Notary Public, State of Texas



AFTER RECORDING, RETURN TO:

MICHAEL B. THURMAN
THURMAN & PHILLIPS, P.C.
4093 De Zavala Road
Shavano Park, Texas 78249



MARA REITZEL DAVIDUK
Notary Public, State of Ohio
My Comm. Expires May 24, 2021

File Information

**eFILED IN THE OFFICIAL PUBLIC eRECORDS OF BEXAR COUNTY
LUCY ADAME-CLARK, BEXAR COUNTY CLERK**

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Recorded Date: December 30, 2019
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Any provision herein which restricts the sale or use of the described real property because of race is invalid and unenforceable under Federal law

STATE OF TEXAS, COUNTY OF BEXAR

I hereby Certify that this instrument was eFILED in File Number Sequence on this date and at the time stamped hereon by me and was duly eRECORDED in the Official Public Record of Bexar County, Texas on: 12/30/2019 10:05 AM



Lucy Adame-Clark
Lucy Adame-Clark
Bexar County Clerk