

**VARIANCE FROM DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS OF WELLBORN SETTLEMENT HOA**

THIS VARIANCE FROM DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF WELLBORN SETTLEMENT (this "*Variance*") is executed by the undersigned members of the **Architectural Committee** (the "*AC*") of Wellborn Settlement HOA, a Texas non-profit corporation (the "*Association*"), to be effective as of September 14, 2023 (the "*Effective Date*").

RECITALS

A. TDG Management, L.P. a Texas limited partnership developed a Subdivision in the City of College Station, Texas known as Wellborn Settlement Subdivision (the "*Subdivision*"), according to the map or plat thereof recorded in the Official Records of Brazos County, Texas.

B. TDG Management, L.P., as declarant, has executed that certain Declaration of Covenants, Conditions and Restrictions of Wellborn Settlement HOA (the "*Declaration*"), recorded as Document No. 1511700, in Volume 18840, Page 104, of the Official Public Records of Brazos County, Texas.

C. Pursuant to Section 6.15 of the Declaration, the AC may grant variances from compliance with any provisions of the Declaration, when such variance is justified under the terms of the Declaration.

D. TDG Management, L.P. and the AC wishes to grant a variance to all Lots in the Subdivision from certain terms and provisions of the Declaration, as set forth herein, and the AC has agreed to grant such variance.

NOW, THEREFORE, in consideration of the premises, the sum of TEN AND NO/100 DOLLARS (\$10.00), and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the AC hereby declares as follows:

1. **Recitals; Capitalized Terms.** The recitals above are incorporated into this Variance for all purposes. Capitalized terms used in this Variance and not otherwise defined herein shall have the meaning set forth in the Declaration.

2. **Set-Back Requirements.** No Lot owner shall be obligated to comply with the setback requirements set forth in Section 4.03 of the Declaration. Instead, all Lot owners and their successors in title shall only be obligated to comply with the setback requirements, if any, imposed by the City of College Station, Texas, on all lots in the Subdivision.

3. **Binding Effect.** The terms and provisions of this Variance shall run with the all Lots in the Subdivision and shall be binding on the AC, the Association, and their respective successors and assigns, and shall inure to the benefit of all Lot owners in the Subdivision and all parties hereafter having any right, title, or interest in or any Lots in the Subdivision or any part thereof, and their respective heirs, successors, and assigns.

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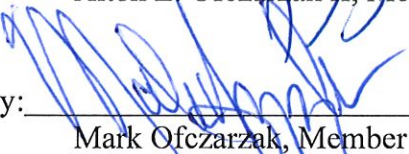
4. **Applicable Law.** This Variance shall be governed by and construed in accordance with the laws of the State of Texas and the laws of the United States of America applicable to transactions in Texas.

5. **Recording.** This Variance shall be recorded in the Official Public Records of Brazos County, Texas.

IN WITNESS WHEREOF, the undersigned has executed this Variance as of the date of the acknowledgment set forth below, to be effective as of Effective Date.

ARCHITECTURAL COMMITTEE (AC):

By: 
Alton E. Ofczarzak II, Member

By: 
Mark Ofczarzak, Member

By: 
Teresa Shivener, Member

TDG MANAGEMENT, L.P.
(A TEXAS LIMITED PARTNERSHIP)

BY: TDG MANAGER, L.L.C.
(A TEXAS LIMITED LIABILITY COMPANY)
ITS GENERAL PARTNER

By: 
Alton E. Ofczarzak II,
Managing Member

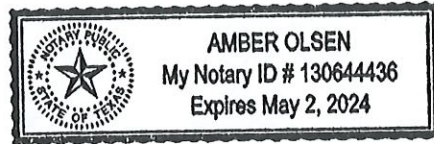
ACKNOWLEDGEMENTS

STATE OF TEXAS §
 §
COUNTY OF Brazos §

January This instrument was acknowledged before me, the undersigned authority, this 8 day of ~~December~~, 2023, by Alton E. Ofczarzak II, Mark Ofczarzak, and Teresa Shivener, Members of the Architectural Committee for Wellborn Settlement HOA, a Texas non-profit corporation, on behalf of said committee.

[SEAL]

Amber Olsen
Notary Public ★ State of Texas

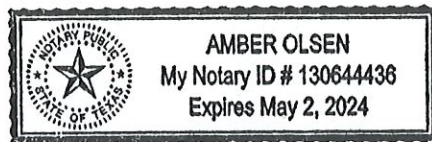


STATE OF TEXAS §
 §
COUNTY OF Brazos §

January This instrument was acknowledged before me, the undersigned authority, this 8 day of ~~December~~, 2023, by Alton E. Ofczarzak II, Managing Member of TDG Manager, L.L.C., a Texas limited liability company, as General Partner of TDG Management, L.P., a Texas limited partnership, on behalf of TDG Manager, L.L.C., a Texas limited liability company and said partnership.

[SEAL]

Amber Olsen
Notary Public ★ State of Texas



After Recording, Please Return To:
Jay Don Watson
WATSON LAW FIRM, LLP
1450 Copperfield Parkway, Ste 300
College Station, Texas 77845

February 23, 2024

I, Mark Ofczarzak, resign from the Architectural Committee of Wellborn Settlement HOA.



A handwritten signature in red ink, appearing to read 'Mark Ofczarzak', is written over a horizontal black line.

Mark Ofczarzak



A handwritten date '2-23-2024' in red ink is written over a horizontal black line.

Date

**Brazos County
Karen McQueen
County Clerk**

Instrument Number: 1522648
Volume : 19070
ERecordings - Real Property

Recorded On: February 27, 2024 09:03 AM

Number of Pages: 5

" Examined and Charged as Follows: "

Total Recording: \$41.00

******* 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: 1522648
Receipt Number: 20240227000004
Recorded Date/Time: February 27, 2024 09:03 AM
User: Thao C
Station: CCLERK01

Record and Return To:

Simplifile
5072 NORTH 300 WEST
PROVO UT 84604



STATE OF TEXAS
COUNTY OF BRAZOS

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 Public Records of Brazos County, Texas.

Karen McQueen
County Clerk
Brazos County, TX