

**AGREEMENT OF WITHDRAWAL AND AMENDMENT TO
THE DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS OF
SOUTH POINTE PHASE I
A SUBDIVISION IN THE CITY OF TEMPLE,
BELL COUNTY, TEXAS**

STATE OF TEXAS §

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF BELL §

THIS AGREEMENT OF WITHDRAWAL AND AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS OF SOUTH POINTE PHASE I (“Agreement of Withdrawal”) is made by and between Kiella Development, Inc., a Texas corporation (“Kiella”), and Case Opportunity Fund, LLC, a Texas limited liability company (“Case”), for the purposes herein set forth as follows:

PREAMBLE AND DECLARATION

WHEREAS, Kiella is the developer of real property commonly known as South Pointe Phase I, a subdivision in the City of Temple, Bell County, Texas, according to the plat of record in Plat Year 2017, Number 159, Plat Records of Bell County, Texas, such property being hereinafter called the “Subdivision”;

WHEREAS, the Subdivision is subject to that certain Declaration of Covenants, Conditions, Restrictions of South Pointe Homeowners’ Association, a Texas nonprofit property owners’ association, and of South Pointe Phase I, a subdivision in the City of Temple, Bell County, Texas (the “Declaration”);

WHEREAS, Case is the owner of the following lots within the Subdivision: Lots 1-14, Block 6, inclusive, and Lots 1-22, Block 7, inclusive (the “Case Lots”), being the same lots identified as the “Private Street Lots” in the Declaration;

WHEREAS, the Subdivision contains a Private Street (as defined in the Declaration and labeled on the Subdivision Plat as “Alley A” and “Alley B”) for the benefit and the burden of the Case Lots;

WHEREAS, the Subdivision contains common areas identified on the Subdivision Plat as “Tract B Common Area” and “Tract C Common Area”, which are adjacent to the Case Lots;

WHEREAS, Kiella, as the Declarant of the Declaration and pursuant to Article XVII of the Declaration, has the authority to amend the Declaration;

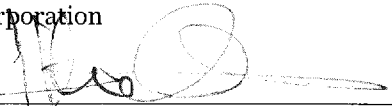
WHEREAS, Kiella and Case desire to withdraw the Case Lots, the Private Street, the Tract B Common Area, and the Tract C Common Area (the “Withdrawn Property”) so that the Withdrawn Property is no longer subject to the Declaration or governance by South Pointe Homeowners’ Association, a Texas nonprofit property owners’ association (the “HOA”);

NOW, THEREFORE, Kiella and Case agree that (i) the Withdrawn Property is withdrawn and shall hereafter not be subject to the jurisdiction, restrictions, or assessments of the HOA, all as provided in the Declaration, (ii) the Declaration is hereby amended to withdraw the Withdrawn Property so that such property shall no longer be subject to the terms and conditions of the Declaration, (iii) by separate document, Kiella will convey the Private Street, the Tract B Common Area and Tract C Common Area of the Subdivision to Case, and (iv) Case hereby assumes all obligations for insurance, taxes, maintenance, and repairs of the Withdrawn Property and the HOA is hereby released of any obligation related to the same.

IN WITNESS WHEREOF, the parties have executed this Agreement of Withdrawal to be effective on 1st day of January 2023.

KIELLA:

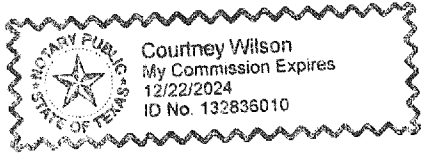
KIELLA DEVELOPMENT, INC.,
A Texas corporation

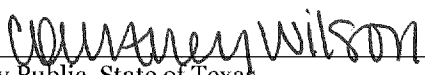
By: 
John Kiella, President

(Acknowledgment)

STATE OF TEXAS
COUNTY OF BELL

This instrument was acknowledged before me on February 10, 2023, by JOHN KIELLA, in his capacity as President of KIELLA DEVELOPMENT, INC., a Texas corporation, on behalf of said corporation.




Notary Public, State of Texas

CASE:

CASE OPPORTUNITY FUND, LLC,
A Texas limited liability company

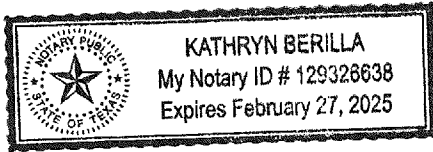
By: [Signature]
Name: Doug French
Title: Manager

(Acknowledgment)

STATE OF TEXAS
COUNTY OF BRAZOS

This instrument was acknowledged before me on February 7, 2023, by Doug French, in his or her capacity as Manager of CASE OPPORTUNITY FUND, LLC, a Texas limited liability company, on behalf of said company.

Kathryn Berilla
Notary Public, State of Texas



PREPARED IN THE LAW OFFICE OF:
BAIRD, CREWS, SCHILLER & WHITAKER, P. C.
ATTN: JULI A. BRYAN/tcf
15 North Main Street
Temple, TX 76501
www.bcswlaw.com



Bell County
Shelley Coston
County Clerk
Belton, Texas 76513

Instrument Number: 2023006255

As

WITHDRAWAL

Recorded On: February 16, 2023

Parties: KIELLA DEVELOPMENT INC

To CASE OPPORTUNITY FUND LLC

Comment:

Billable Pages: 3

Number of Pages: 4

(Parties listed above are for Clerks' reference only)

**** Examined and Charged as Follows ****

CLERKS RMF:	\$5.00
COURT HOUSE SECURITY:	\$1.00
RECORDING:	\$13.00
Total Fees:	\$19.00

***** DO NOT REMOVE. THIS PAGE IS PART OF THE INSTRUMENT *****

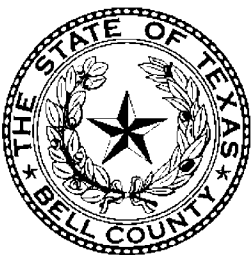
Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

File Information

Instrument Number: 2023006255
Receipt Number: 329904
Recorded Date/Time: 02/16/2023 10:28:09 AM
User / Station: busbyas - BCCCD0735

Record and Return To:

Baird Crews Schiller and Whitaker PC
15 N MAIN ST
TEMPLE, TX 76501-7629



I hereby certify that this instrument was filed on the date and time stamped hereon and was duly recorded in the Real Property Records in Bell County, Texas

Shelley Coston
Bell County Clerk