



AFTER RECORDING RETURN TO:  
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AUSTIN, TEXAS 78701  
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# SUNTERRA

## FIRST AMENDMENT TO AMENDED AND RESTATED DESIGN GUIDELINES

*Harris and Waller Counties, Texas*

DECLARANT: ASTRO SUNTERRA, L.P., a Delaware limited partnership

Cross-reference to: (i) Sunterra Amended and Restated Master Covenant, recorded under Document No. RP-2023-3106, Official Public Records of Harris County, Texas, and Document No. 2300182 Office Public Records of Waller County, Texas; and (ii) Sunterra Amended and Restated Design Guidelines [Residential], recorded under Document No. RP-2023-67372, Official Public Records of Harris County, Texas, and Document No. 2302351 Official Public Records of Waller County, Texas.

**SUNTERRA**  
**FIRST AMENDMENT TO AMENDED AND RESTATED DESIGN GUIDELINES**

This First Amendment to Amended and Restated Design Guidelines for Sunterra (this “**Amendment**”) is hereby made by **ASTRO SUNTERRA, L.P.**, a Delaware limited partnership (the “**Declarant**”), and is as follows:

**RECITALS**

A. Declarant previously Recorded that certain (i) Sunterra Amended and Restated Master Covenant, recorded under Document No. RP-2023-3106, Official Public Records of Harris County, Texas, and Document No. 2300182 Official Public Records of Waller County, Texas; and (ii) Sunterra Amended and Restated Design Guidelines [Residential], recorded under Document No. RP-2023-67372, Official Public Records of Harris County, Texas, and Document No. 2302351 Official Public Records of Waller County, Texas.

B. Pursuant to *Section 6.4.2* of the Covenant, the Declarant, during the Development Period, may adopt, amend, modify, or supplement the Design Guidelines.

C. The Development Period begins on the date the Amended and Restated Master Covenant was Recorded and ends fifty (50) years thereafter. The Covenant was Recorded on January 4, 2023. Accordingly, the Development Period has not expired.

D. Declarant desires to amend and modify the Design Guidelines as set forth herein.

NOW, THEREFORE, the Declarant hereby amends and modifies the Design Guidelines as follows:

1. **Exhibit 1.2.** Exhibit 1.2 to the Amended and Restated Design Guidelines is hereby deleted in its entirety and replaced with a new Exhibit 1.2 attached hereto.

2. **Exhibit 1.2.A.** Exhibit 1.2.A to the Amended and Restated Design Guidelines is hereby deleted in its entirety and replaced with a new Exhibit 1.2.A attached hereto.

3. **Exhibit 1.2.B.** Exhibit 1.2.B to the Amended and Restated Design Guidelines is hereby deleted in its entirety and replaced with a new Exhibit 1.2.B attached hereto.

4. **3.2 Lot Coverage and Square Footage.** The first sentence of the third paragraph in Section 3.2 of the Amended and Restated Design Guidelines is hereby deleted in its entirety and is replaced with the following:

If a Homebuilder acquires more than one (1) Lot with the same width in a section, then that Homebuilder must ensure that the average of the square footages of the residential dwellings to be

constructed on those Lots is substantially equal to or above the average of the minimum and maximum square footages for residential dwellings for the applicable Lot width as listed in the Single Family Residential Dwelling Square Footage Table on Exhibit "3.2".

5. **3.4 Plan Spacing, Elevation and Repetition.** The first sentence of the fourth paragraph in Section 3.4 of the Amended and Restated Design Guidelines is hereby deleted in its entirety and is replaced with the following:

Except for 40' Lots per Exhibit "3.4", a two (2) Lot skip rule applies when building the same plan, with a different elevation, on same side or on both sides of the street.

6. **Exhibit "3.4"** Exhibit 3.4 of the Amended and Restated Design Guidelines is hereby deleted in its entirety and replaced with a new Exhibit 3.4 attached hereto

7. **Exhibit "3.6"** Exhibit 3.6 of the Amended and Restated Design Guidelines is hereby deleted in its entirety and replaced with a new Exhibit 3.6 attached hereto.

8. **3.7 Masonry Color Repetition.** Section 3.7 of the Amended and Restated Design Guidelines is hereby deleted in its entirety and replaced with the following:

A wide diversity of material types and colors is discouraged in favor of a more continuous theme creating a continuity of materials throughout the Community.

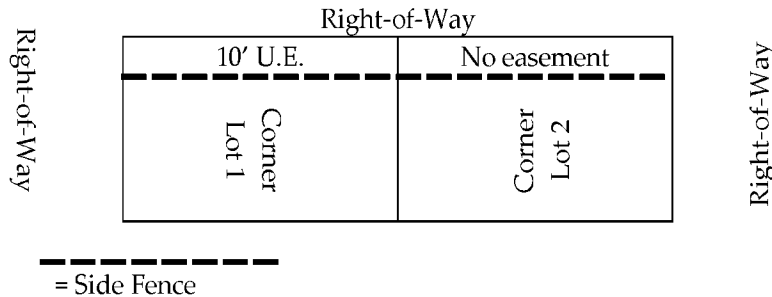
When considering repetition of masonry types and colors, one (1) Lot skip is required to use the same masonry color family (brown, gray, tan, white) on either side of the street, including painted brick.

9. **3.8 Paint Colors.** The first sentence of the first paragraph in Section 3.8 of the Amended and Restated Design Guidelines is deleted in its entirety.

10. **3.15.1(b).** Section 3.15.1(b) to the Amended and Restated Design Guidelines is hereby deleted in its entirety and replaced with the following:

For corner Lots, no side yard fence may be constructed within a utility easement or in such a manner as to prevent access to a utility easement. If there is no utility easement along the side boundary line of a corner Lot that is parallel to the right-of-way, the fence setback is five feet (5'). If such Lot backs up to another corner Lot, the side yard fences of such Lots along the right-of-

way must be constructed in a straight line. By way of example and not limitation:



11. **3.16 In-Residence Wiring and Technology.** Section 3.16 of the Amended and Restated Design Guidelines is hereby deleted in its entirety and replaced with the following:

At the initial build of each residential dwelling on a Lot, the Homebuilder must install certain wiring and connection centers that conform to the needs of bulk services agreements with the Sunterra Property Owners Association, Inc., the details of which are described in Exhibit "3.16" attached hereto.

12. **Exhibit 3.16.** Exhibit 3.16 of the Amended and Restated Design Guidelines is hereby deleted in its entirety and replaced with a new Exhibit 3.16 attached hereto.

13. **Exhibit 4.3.** Exhibit 4.3 of the Amended and Restated Design Guidelines is hereby deleted in its entirety and replaced with a new Exhibit 4.3 attached hereto.

14. **4.6 Shade Trees.** Section 4.6 of the Amended and Restated Design Guidelines is hereby deleted in its entirety and replaced with the following:

All Lots shall have a minimum of one (1) live oak tree planted in the front yard setback area, but not in the Right-of-Way or Utility easements. Any such tree must be a spaded truck tree and be a minimum of three (3) inches in caliper width and a minimum height of eight (8) feet as measured from the ground up after planting (root ball is not part of height measurement).

The minimum requirements for trees and shrubs are more particularly described on Exhibit "5" attached hereto and made a part hereof.

15. **Exhibit 5.** Exhibit 5 of the Amended and Restated Design Guidelines is hereby deleted in its entirety and replaced with a new Exhibit 5 attached hereto.

16. **Miscellaneous.** Any capitalized terms used and not otherwise defined herein shall have the meanings set forth in the Covenant or the Amended and Restated Design Guidelines, as applicable. Unless expressly modified by this Amendment, all other terms and provisions of the Amended and Restated Design Guidelines remain in full force and effect as written, and are hereby ratified and confirmed. If any terms and provisions of this Amendment are in conflict with the Amended and Restated Design Guidelines, the terms and provisions of this Amendment will control.

EXECUTED to be effective on the date this instrument is Recorded.

**DECLARANT:**

**ASTRO SUNTERRA, L.P.,**  
a Delaware limited partnership

By: ASTRO SUNTERRA GP, L.L.C., a Delaware limited liability company, its General Partner

By: [Signature]  
Printed Name: John Brian  
Title: Authorized Signatory

THE STATE OF Florida §  
§  
COUNTY OF Manatee §

This instrument was acknowledged before me this 28 day of June, 2023, by John Brian Authorized Signatory of ASTRO SUNTERRA GP, L.L.C., a Delaware limited liability company, General Partner of ASTRO SUNTERRA L.P., a Delaware limited partnership, on behalf of said company and limited partnership.

(SEAL)

[Signature]  
Notary Public Signature

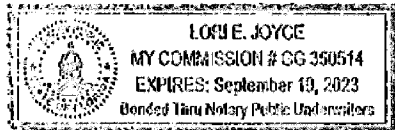
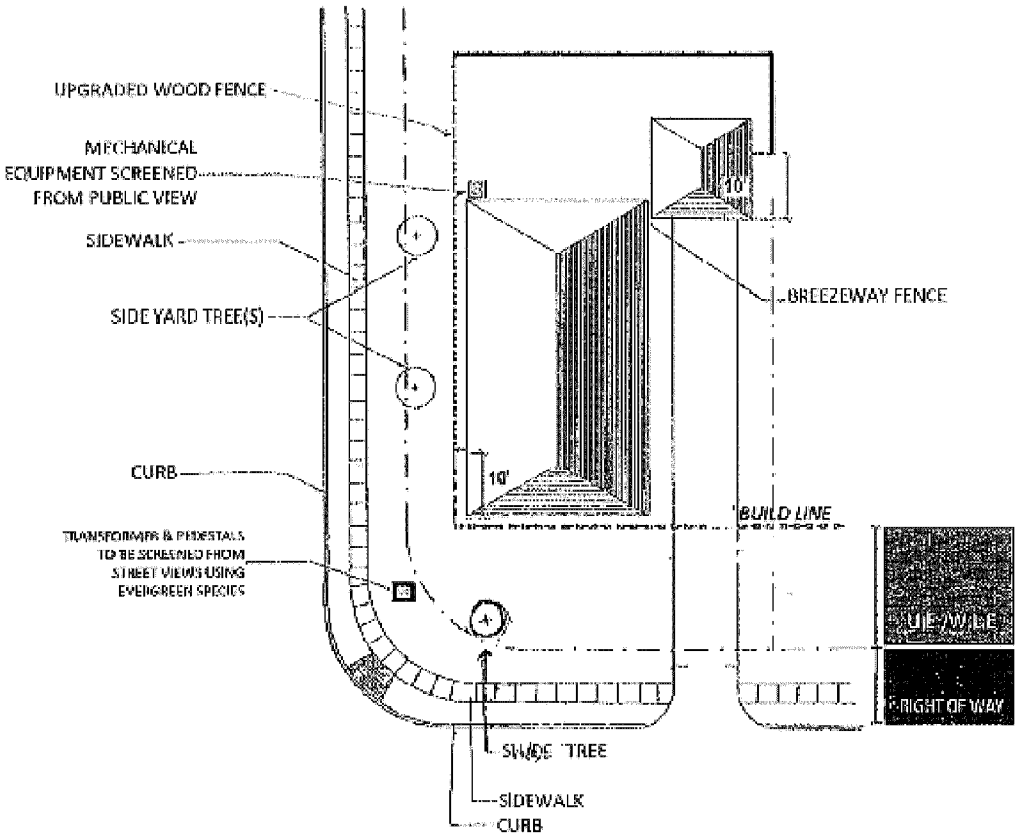


EXHIBIT "1.2"

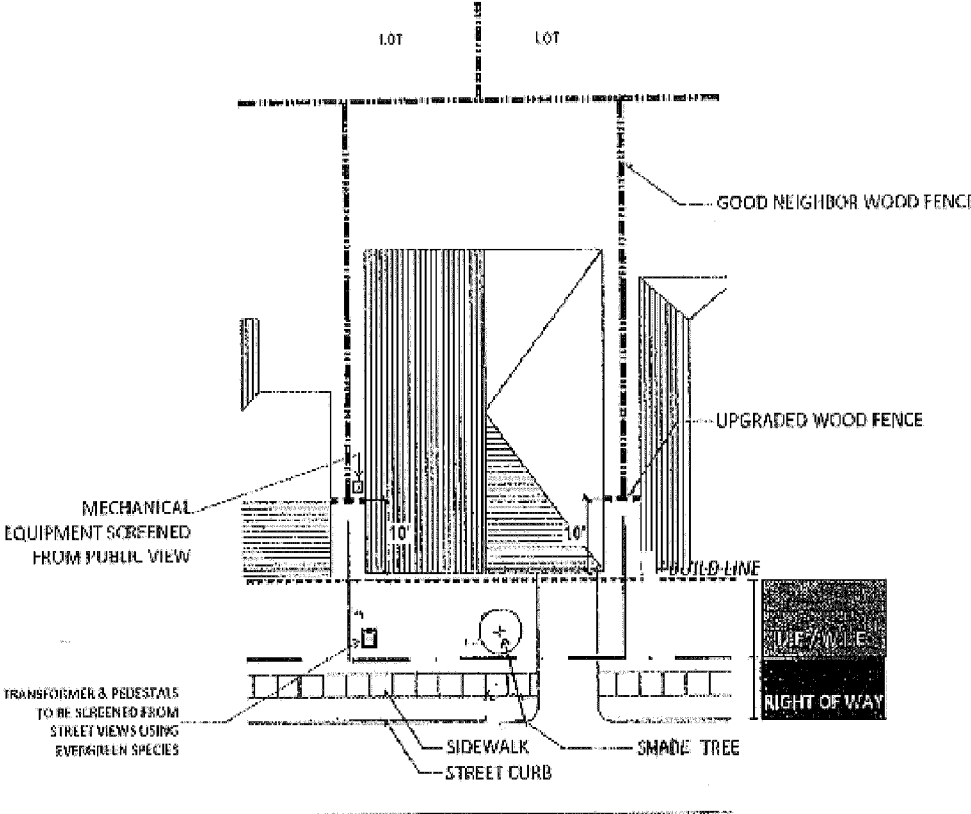


Typical Corner Lot

LANDSCAPE SUBMITTALS WILL BE FORWARDED TO THE ASSOCIATION FOR THEIR RECORDS.

Location:	Quantity:	Name:	Size:
Street			
Front Yard			
Side Yard			

EXHIBIT "1.2.A"



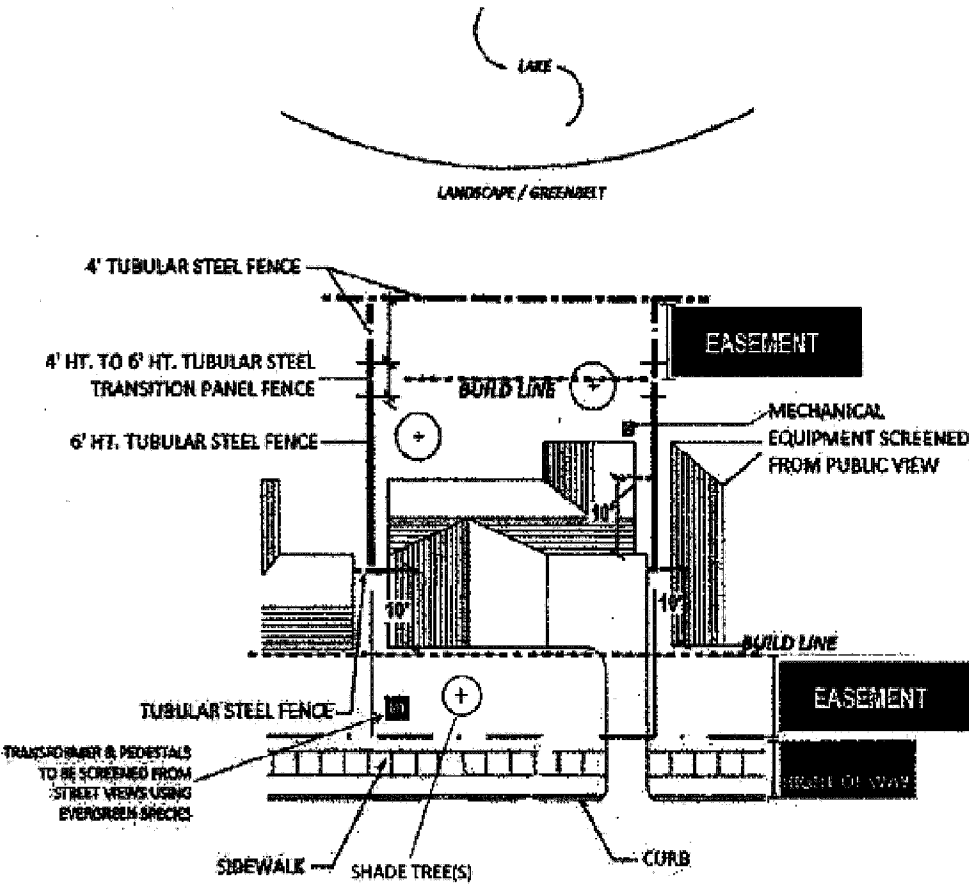
Typical Interior Lot

LANDSCAPE SUBMITTALS WILL BE FORWARDED TO THE ASSOCIATION FOR THEIR RECORDS.

Location:	Quantity:	Name:	Size:
Street			
Front Yard			



EXHIBIT "1.2.B"



Typical Lake Lot

LANDSCAPE SUBMITTALS WILL BE FORWARDED TO THE ASSOCIATION FOR THEIR RECORDS.

Location:	Quantity:	Name:	Size:
Street			
Front Yard			
Rear Yard			

**EXHIBIT "3.4"****PLAN SPACING AND REPETITION**

<b>PLAN &amp; ELEVATION</b>	<b>STREET SIDE</b>	<b>65' - Duplex</b>	<b>40'</b>	<b>45'</b>	<b>50'</b>	<b>55'</b>
Same	Same	3	3	3	3	3
Different	Same	2	1	2	2	2
Same	Opposite	2	2	2	2	2
Different	Opposite	2	1	2	2	2

**EXHIBIT "3.6"****SUNTERRA - MINIMUM MASONRY REQUIREMENTS BY LOT CONDITION**

(excluding eaves, fascia, windows and doors)

**Typical Lots** – those **not** backing or siding to the community's main spine roads, an entrance to a section, a primary entrance access road within a section, or adjacent to an entry monument (corner lots or entry open space), reserve/lake/waterways interior to the community and Lots backing to the community's main spine and off-site perimeter roads shall have the following minimum masonry requirement:

One Story Home	Minimum % Masonry
1st story-Front	65%
1st story-Total Sides and Rear	60%

Two Story Home	Minimum % Masonry
Front-Total Both Stories	65%
Sides and Rear-Total Both Stories	60%

**High Visibility Lots** – those backing or siding to the community's main spine roads, an entrance to a section, a primary entrance access road within a section, or adjacent to an entry monument (corner lots or entry open space), reserve/lake/waterways interior to the community and Lots backing to the community's main spine and off-site perimeter roads shall have the following minimum masonry requirement:

One Story Home	Minimum % Masonry
1st story-Front	72%
1st story-Sides and Rear	100%

Two Story Home	Minimum % Masonry
Front-Total Both Stories	72%
1st story-Sides and Rear	100%
2nd story-Rear	72%

**EXHIBIT "3.16"****IN-RESIDENCE WIRING AND TECHNOLOGY STANDARDS**

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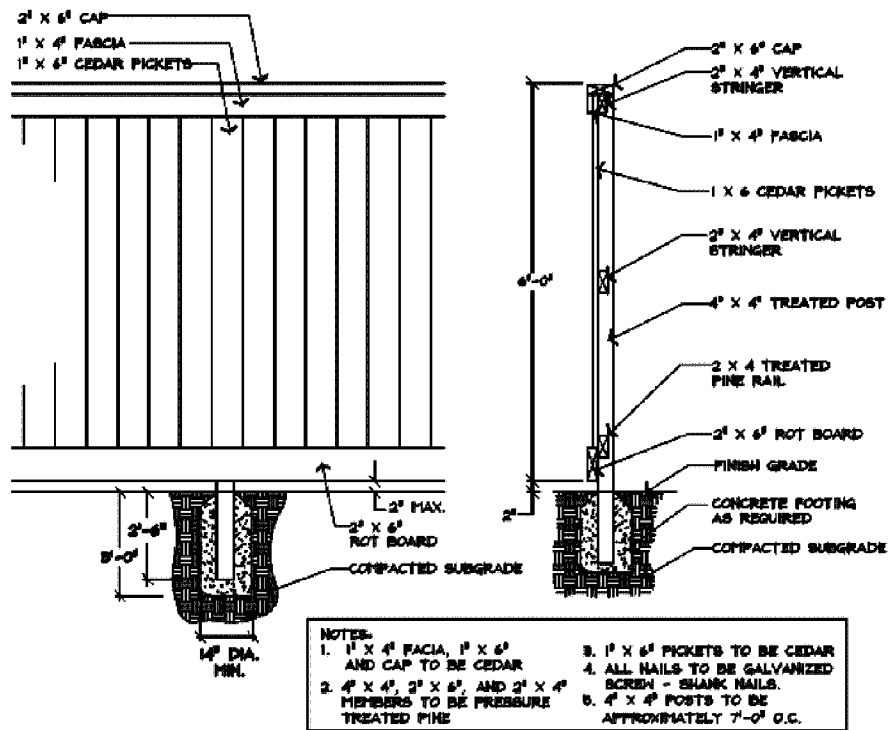
**Sunterra Residential Wiring Requirements****Builder of each residence is responsible to perform the requirements listed below****In-Residence Wiring:**

- Supply and install UL approved ON-Q ENP3050NA (or equal) 30" Structured Wiring Box (SWB)
- SWB shall NOT be located on any outside wall or in garage area
- Provide a non-GFI 20 amp electrical circuit with dual gang duplex outlets in the base of the SWB including gang box, receptacles and cover plate.
- Provide 36" service tails inside SWB for in unit CAT 6 cabling per outlet
- All cables shall be bundled and labeled inside SWB.
- Builder will provide one ¾" flex conduit with pull string from SWB to the exterior NID location for each home, not closer than 12" from meter/power conduit location.
- In-Residence Wiring: Minimum Category 6 (or better) CM rated 4 pair Telephone/Network unshielded twisted pair 24 AWG (UTP) cables. A minimum of 2 TV/Video and/or Internet/Data locations shall have a CAT 6 or greater connection.
- All cabling used will be UL listed, installed in accordance with industry standards and in compliance with all applicable permitting and code requirements.
- All cables shall be "Home Run" from SWB to outlets.
- No daisy chain wiring, kinks or splices
- Terminate all wall plate CAT 6 locations using standard TIA-568-B wiring specifications.
- Leave 12" service tails at all outlet locations.

**Service Conduit Requirements:**

- Operator is responsible for installation of one ¾" service conduit with pull string from nearest service vault location to the outside of each residence when the secondary electrical service is installed.
- Operator will contract with builder or GC to install the service conduit via joint trench
- Location of the service conduits to be determined by operator and builder of each home
- Dig to conduit at property line and extend service conduit with no kinks per dry utility plans
- Provide a minimum of 24" backfill cover over service conduit.
- Do not backfill service conduit trench with large rocks or debris.
- Provide a gradual sweep and 4' conduit tail at NID location of each home.
- Tie pull string to new conduit at house exterior and connect other end with existing conduit
- Install coupler with PVC Cement/Duct Tape coupler both ends of conduit

If you have questions, please contact your Hotwire Project Manager  
 Chris Smiley at 954-278-0182 / [christopher.smiley@hotwirecommunication.com](mailto:christopher.smiley@hotwirecommunication.com)

**EXHIBIT 4.3****6'-0" UPRGRADE WOOD FENCE**

04/23/2018

HTS

**EXHIBIT "5"**  
**MINIMUM LANDSCAPE REQUIREMENTS**

	Front Yard (plant bed must extend min 5' from home)				
	Front/Shade Live Oak *	2nd Tree **	Large shrubs	Small shrubs	Other
	3-4" caliper/8' tall	4" caliper/10' tall	15 gallon	3 gallon	1 gallon
<b>55' Lot and Smaller</b>					
Interior Lot	1		1	10	20
Corner Lot	1		1	10	20
Lake Lot	1		1	10	20
<b>56'-69' Lot</b>					
Interior Lot	1	1	2	15	25
Corner Lot	1	1	2	15	25
Lake Lot	1	1	2	15	25

\* Spaded "Truck Tree"

\*\* 2nd Tree in Front Yard to be from Section 4.7 preferred plant list, including ornamental

	Side Yard (Plantings must be on street side of side yard fence)			
	Side Yard Live Oak*	Tree	Medium shrubs	Small shrubs
	2 1/2" caliper/8' tall	4" caliper/10' tall	5 gallon	3 gallon
<b>50' Lot and Smaller</b>				
All Corner Lots	2		3	15

\*One tree every 50' within 15' of a side street lot line (in side yard setback and in a ROW)

	Rear Yard (plant bed must be extend 5' from home)		
	Tree *	Large shrubs	Small shrubs**
	4" caliper/10' tall	15 gallon	3 gallon
<b>50' Lot and Smaller</b>			
All Lake Lots	2	2	15

\* From Section 4.7 Preferred Plant List - trees permitted only in the rear of Lot

\*\* Foundation Screening

## FILED AND RECORDED

**Instrument Number: 2307378**

Filing and Recording Date: 06/28/2023 12:03:24 PM Pages: 15 Recording Fee: \$68.00

I hereby certify that this instrument was FILED on the date and time stamped hereon by me and was duly RECORDED in the OFFICIAL PUBLIC RECORDS of Waller County,



A handwritten signature in black ink that reads "Debbie Hollan".

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Debbie Hollan, County Clerk  
Waller County, Texas

ANY PROVISION CONTAINED IN ANY DOCUMENT WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE REAL PROPERTY DESCRIBED THEREIN BECAUSE OF RACE OR COLOR IS INVALID UNDER FEDERAL LAW AND IS UNENFORCEABLE.

simplifile, Deputy

Returned To:  
WINSTEAD PC - AUSTIN  
401 CONGRESS AVENUE, SUITE 21  
AUSTIN, TX 78701