

CREEKS AT AUGUSTA PINES HOMEOWNERS ASSOCIATION, INC.

AMENDED SUPPLEMENTARY DECLARATION OF  
COVENANTS, CONDITIONS AND RESTRICTIONS  
RETREAT AT AUGUSTA PINES – PATIO PORTION

STATE OF TEXAS                    §  
  §    KNOW ALL MEN BY THESE PRESENTS THAT  
COUNTY OF HARRIS            §

WHEREAS, under date of September 5, 2006, SHADOW CREEK ESTATES, LTD, ("Declarant"), as the owner of certain land created that certain subdivision known as the CREEKS AT AUGUSTA PINES, by the execution and recordation of that certain Declaration of Covenants, Conditions and Restrictions for the Creeks at Augusta Pines recorded under Clerk's File No. 20060021221 of the Real Property Records of Harris County, as amended by instrument recorded under Harris County Clerk’s File No. 20110143460 (the "Declaration"); Texas; and

WHEREAS, by the terms of said Declaration, land subject to the Declaration is placed within the jurisdiction of the Creeks of Augusta Pines Homeowners Association, Inc. (the "Association"); and

WHEREAS, by the terms of said Declaration, the Declarant may establish Rules that among other matters, will govern as design/architectural guidelines, and which may, as part of such design/architectural guidelines, establish a list of approved Builders (custom or production Builders) that may be revised from time to time as circumstances warrant and which may be different for different neighborhoods; and

WHEREAS, the Declaration further calls out that Declarant may establish different neighborhoods within the Community of the Creeks at Augusta Pines, which neighborhoods may have different marketing names and may also have different guidelines for the Builders building Residences therein, which would be set forth by the execution and recordation of a Supplemental Declaration for each such neighborhood; and

WHEREAS, Declarant has previously established the neighborhood of Retreat at Augusta Pines, being approximately 37.709 acres in Harris County, Texas; the plat for which Retreat at Augusta Pines has been recorded in the Map Records of Harris County and which contains 112 lots, 2 blocks and 6 reserves; and

WHEREAS, the real property that is platted as the patio portion of Retreat at Augusta Pines is more particularly described on Exhibit “A” attached hereto and made a part hereof (the “Retreat at Augusta Pines Property – Patio Portion”); and

WHEREAS, a Supplemental Declaration for the Retreat at Augusta Pines Property – Patio Portion was executed by the Declarant on November 15, 2014, and was joined by RH of Texas Limited Partnership, building as Ryland Homes, on July 29, 2105, to acknowledge the terms and conditions thereof, which was recorded under Harris County Clerk’s File No. 20150363693; and

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WHEREAS, the Declarant and CalAtlantic Homes of Texas, Inc., as the successor in interest to Ryland Homes as Builder, wish to amend that Supplemental Declaration in certain respects; and

WHEREAS, this is an Amended Supplemental Declaration for the Retreat at Augusta Pines Property – Patio Portion and any and all Builders and Owners of Lots within such Retreat at Augusta Pines Property – Patio Portion must comply with the amended terms hereof;

NOW, THEREFORE, pursuant to the power reserved in the Declaration, Declarant does hereby declare that the following must be complied with for any and all improvements to any Lots within the Retreat at Augusta Pines Property – Patio Portion:

1. Square Footage Requirements:

1 Story:

Minimum 2000 sq ft

Maximum 3200 sq ft

2 Story:

Minimum 2300 sq ft

Maximum 4000 sq ft

2. Height of Residence:

35 ft. (2) story Maximum height restriction on all houses.

3. Elevations and Elevation Related Materials:

Elevation repeat: 2 homes between elevations.

The same floor plan cannot be repeated next to each other regardless of elevation.

Masonry or stone on front elevations should return around a corner a minimum of 2'.

Interior sides facing a street or corner must be brick, stone or stucco.

One story homes must be all brick, stucco, stone or a combination of these materials.

Chimneys must be masonry (or stucco board in not on an exterior wall); chimney caps required.

4. Setbacks:

Front: 10' (Front load garages can be located at 20' setback)

(Side load garages can be located at 10' setback)

Front Setback on cul-de-sac lots: 10'

Rear: 10'

Side: 7' setback opposite the side of the home that is on the lot line (zero lot line) for zero lot line patio homes and 5' side setback for traditional homes and non-zero lot line patio homes

Corner Setback: 10'

5. Garage Doors:

Garage doors must be cedar wood, wood veneer or decorative metal.

The 3rd bay of a 3 car garage must be set back 1.5' from the other two doors.

Driveways must be a minimum of 12' in width (20' in width for 3 car garage facing the street) and have a 12" border of integral colored concrete, exposed pebble aggregate, patterned concrete or masonry pavers when plain concrete is used.

6. Fencing:

6' tubular steel fence front returns for all lots

6' solid wood, "good neighbor" between homes

6' solid wood, "good neighbor", capped on side facing street on corner lot.

7. Landscaping: Submit to ARC for approval.

Minimum of one 3" caliper native trees for front yard

Minimum of one 2 ½" caliper native trees in rear yards that back up to public views.

Minimum of one 2 ½" caliper native trees on corner or entry lots. These trees are to be planted on the side yard.

Planting beds:

Planting beds should complement the architecture and shall completely wrap the front and around each corner of a home, with a minimum radius of four feet (4').

Beds shall vary in width and shall average six feet (6").

Curvilinear beds are encouraged.

All planting will be mulched with two inches (2") of mulch. Rock or gravel of any size or color is not recommended for use as mulch, unless specifically approved by the ARC committee.

Edging: edging is strongly encouraged for maintenance purposes and to define the shape of planting beds.

Border plants such as Monkey Grass or Liriope are strongly encouraged. Stone may be laid flat as accent or edging material.

Unacceptable edging includes plastic, wire, railroad ties, pre-cast concrete borders and other materials not in character with the desired landscape effect.

**Shrub/Ground Cover:**

Shrubs shall be deer resistant one (1), five (5) and fifteen (15) gallon container grown stock, planted approximately twenty four inches (24") on center depending on the variety.

The number of plant species should be kept to a minimum and plant arrangement should be in layers with the larger material planted in the rear of planting beds and the smaller one gallon species placed on the front edge of the planting beds.

A minimum of thirty (30) one (1) gallon, thirty five (35) five (5) gallon and three (3) fifteen (15) gallon shrubs are required for front yards.

Lots backing up to the lake shall have foundation planting consisting of a minimum of fifteen (15) one (1) gallon shrubs.

**Lawn:**

Front, side and rear yards shall be solid sod.

Hydro seeding of lawns is prohibited.

Irrigation: a timer controlled irrigation system is required for the front and back yard. A/C and pool equipment to be screened with vegetation so as not to be visible from the street.

8. Exterior lighting: None required: but submit to ARC before any are installed.

9. Architectural Review Committee ("ARC"):

J. Alan Kent, Duane Islet and Vanessa Kent Stroberg (Maison Property Management, LLC)

10. Approved Builders:  
CalAtlantic Homes, as the successor in interest to Ryland Homes

The Requirements set forth herein do not replace or amend the architectural approval process set forth in the Declaration; any improvement constructed or modified must obtain the architectural approval as set forth therein.

Nothing herein contained is intended or shall be construed to amend the Declaration other than to specify terms and provisions of the Declaration which are applicable to specific lots and land within the Retreat at Augusta Pines Property – Patio Portion.

This Amended Supplementary Declaration may be amended from time to time in the same fashion and manner as the Declaration. This Amended Supplemental Declaration is also executed by CalAtlantic Homes as successor interest to Ryland Homes to acknowledge the requirements.

IN WITNESS WHEREOF, the undersigned, being the Declarant herein, has hereunto set its hand this 31<sup>st</sup> day of March, 2017.

**Declarant:**

SHADOW CREEK ESTATES, LTD, a Texas limited partnership,

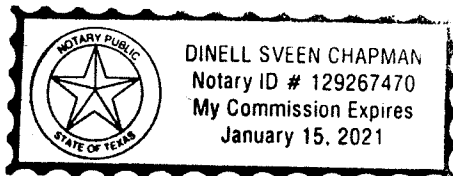
By: Shadow Creek Estates GP, LLC  
general partner

By: [Signature]  
Name: J. Alan Kent  
Title: Manager

STATE OF TEXAS           §  
  §  
COUNTY OF HARRIS    §

This instrument was acknowledged before me on this 31<sup>st</sup> day of March, 2017 by J. Alan Kent, Manager of Shadow Creek Estates, Ltd which is the general partner of Shadow Creek Estates, Ltd, a Texas limited partnership.

[Signature]  
Notary Public, State of Texas



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JOINDER

Executed this 29 day of March, 2017, also by the undersigned, as owner of the real property being subjected hereto, not as Declarant nor as the developer thereof but only in order to subject such real property to the terms, provisions and conditions of this Amended Supplemental Declaration.

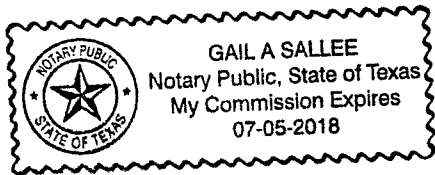
CalAtlantic Homes of Texas, Inc.,  
a Delaware corporation

By: *Ernest Loeb*  
Name: ERNEST LOEB  
Title: V.P.

THE STATE OF TEXAS                   §  
   §  
COUNTY OF HARRIS                   §

This instrument was acknowledged before me on the 29 day of March, 2017, by *Ernest Loeb V.P.* of CalAtlantic Homes of Texas, Inc., a Delaware corporation, on behalf of such corporation.

*Gail A. Sallee*  
Notary Public, State of TEXAS



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EXHIBIT "A"  
(Legal Description)

A portion of Retreat at Augusta Pines, a subdivision of approximately 37.709 acres in Harris County, Texas; the plat for which was recorded under Film Code 665268 of the Map Records of Harris County, Harris Clerk's File No. 20140300370; being the portion for patio homes and specifically being Block 1, Lots 25-102.

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# Pages 8  
04/05/2017 08:48 AM  
e-Filed & e-Recorded in the  
Official Public Records of  
HARRIS COUNTY  
STAN STANART  
COUNTY CLERK  
Fees \$40.00

RECORDERS MEMORANDUM

This instrument was received and recorded electronically and any blackouts, additions or changes were present at the time the instrument was filed and recorded.

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.

THE STATE OF TEXAS  
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me; and was duly RECORDED in the Official Public Records of Real Property of Harris County, Texas.



*Stan Stanart*

COUNTY CLERK  
HARRIS COUNTY, TEXAS

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