

AMEND
X

CREEKS AT AUGUSTA PINES HOMEOWNERS ASSOCIATION, INC.

REPLACEMENT SUPPLEMENTARY DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS
RETREAT AT AUGUSTA PINES SECTION 1- ESTATE SIDE

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 is in the process of establishing 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 estate side 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 – Estate Side"); and

WHEREAS, the Declarant executed that one certain Supplementary Declaration of Covenants, Conditions and Restrictions for Retreat at Augusta Pines Section 1 on April 10, 2015 under Harris County Clerk's File No. 20150146303 (the "Original Supplementary"); and

ER 070-92-0429

WHEREAS, the Declarant wishes to amend and revise certain terms in the Original Supplementary and has therefore created this Replacement Supplementary Declaration to amend, replace and supersede the Original Supplementary in its entirety; and

WHEREAS, this is a Supplemental Declaration for the Retreat at Augusta Pines Property – Estate Side and any and all Builders and Owners of Lots within such Retreat at Augusta Pines Property – Estate Side must comply with the 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 – Estate Side:

1. Square Footage Requirements:

On course 4000
Off course 3500

2. Height of Residence:

Three (3) story Maximum height restriction on all houses.

3. Elevations and Building Materials:

Elevation repeat: 4 houses between elevations.

Exterior Walls: Brick, Stone, Stucco or combination
Fireplaces: Brick, Stone, Stucco or combination
Roofing: Composition Shingles (min. 30 year warranty)
Driveways: Patterned Concrete or Brick Pavers, decorative in-turn approach with a border the remainder of the way

4. Setbacks:

Front Setback: 25' per plat
Rear Setback: 30'
Side Setback: 5'

5. Fencing:

Golf Course Frontage: 48' tubular steel rear and sides with gates (pre-approved design; Lot Fencing on all front facing fencing of the lot and side fencing to be 6' tubular steel (Furnished by developer; paid for by builder)

Non Golf Course: Lot fencing on all front facing fencing of the lot to be 6' tubular steel (furnished by developer; paid for by builder); 6' solid wood, capped with rot board on fencing between homes and rear fencing (unless perimeter fencing is otherwise)

ER 070-92-0430

6. Landscaping: Submit to ARC for approval.

Minimum of three 3" caliper native trees for front yard or two 4' caliper native trees for front yard

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

Planting beds:

Plants and plantings must be of a design and an amount commensurate with the home built on each lot, which is to be determined by the Builder and approved by the ARC.

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 to minimize visibility from the street.

(Note: all trees within 10' of the footprint of the house and/or house and pool are to be removed; all trees outside of the 10' footprint of the house and/or house and pool must remain and be protected during construction unless such trees are dead, damaged beyond repair or an obstruction for the approved placement of the driveway or sidewalk.)

7. 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:
Drees 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 – Estate Side.

This Replacement Supplementary Declaration replaces and supersedes the Original Supplementary in its entirety and may be amended from time to time in the same fashion and manner as the Declaration.

IN WITNESS WHEREOF, the undersigned, being the Declarant herein, has hereunto set its hand this 22ND day of JUNE, 2015.

Declarant:

2OR

SHADOW CREEK ESTATES, LTD, a Texas limited partnership,

By: Shadow Creek Estates GP, LLC
general partner

By: [Signature]
Name: JAKENT
Title: MEMBER

ER 070-92-0432

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on this 22 day of June, ~~2014~~ ²⁰¹⁵ by JAKENT, Member of Shadow Creek Estates, which is the general partner of Shadow Creek Estates, Ltd, a Texas limited partnership.

[Signature]
Notary Public, State of Texas

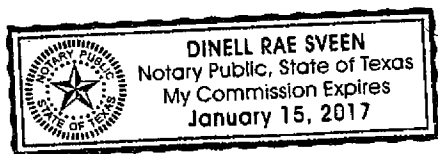


EXHIBIT "A"
(Legal Description)

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 the estate homes and specifically being all of the Blocks and Lots that are not Block 1, Lots 25-102 which are the patio homes.

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ER 070-92-0433

20150278840
Pages 6
06/26/2015 11:14 AM
e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
STAN STANART
COUNTY CLERK
Fees \$32.00

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

ER 070-92-0434