

ANNEXATION  
OF  
ROCK CREEK, SECTION TWELVE (12)

STATE OF TEXAS           §  
  §  
COUNTY OF HARRIS       §

WHEREAS, R Creek, L.P., as Declarant, caused that certain instrument entitled "Declaration of Covenants, Conditions and Restrictions for Rock Creek" (the "Declaration") to be recorded in the Official Public Records of Real Property of Harris County, Texas on January 21, 2000 under Clerk's File No. U187543, which Declaration imposes various covenants, conditions, and restrictions upon the following real property:

All of Rock Creek, Section One (1), a subdivision in Harris County, Texas according to the map or plat thereof recorded under Film Code No. 435082 of the Map Records of Harris County, Texas;

and

WHEREAS, the Declaration was amended by instrument entitled "First Amendment to Declaration of Covenants, Conditions and Restrictions for Rock Creek" and recorded in the Official Public Records of Real Property of Harris County, Texas on April 25, 2000 under Clerk's File No. U350986; and

WHEREAS, the Declaration was further amended by instrument entitled "Second Amendment to Declaration of Covenants, Conditions, and Restrictions for Rock Creek" and recorded in the Official Public Records of Real Property of Harris County, Texas on November 10, 2000 under Clerk's File No. U728355; and

WHEREAS, the Declaration, as amended, provides that additional land may be annexed and subjected to the provisions of the Declaration by Declarant, without the consent of the Lot Owners, within twenty (20) years of the date that the Declaration is recorded by filing for record an annexation instrument in the Official Public Records of Real Property of Harris County, Texas; and

WHEREAS, additional land was previously annexed and subjected to the provisions of the Declaration by that certain instrument entitled "Annexation of Rock Creek, Section Two (2)" recorded in the Official Public Records of Real Property of Harris County, Texas on September 20, 2001 under Clerk's File No. V313660; and

WHEREAS, additional land was previously annexed and subjected to the provisions of the Declaration by that certain instrument entitled "Annexation of Rock Creek, Section Three (3)" recorded in the Official Public Records of Real Property of Harris County, Texas on May 30, 2002 under Clerk's File No. V775760; and

4  
INDEX  
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WHEREAS, additional land was previously annexed and subjected to the provisions of the Declaration by that certain instrument entitled "Annexation of Rock Creek, Section Five (5)" recorded in the Official Public Records of Real Property of Harris County, Texas on December 3, 2002 under Clerk's File No. W260891; and

WHEREAS, the "Annexation of Rock Creek, Section Five (5)" was previously amended and replaced in its entirety by that certain instrument entitled "Amended Annexation of Rock Creek, Section Five (5)" recorded in the Official Public Records of Real Property of Harris County, Texas on March 4, 2003 under Clerk's File No. W471605; and

WHEREAS, additional land was previously annexed and subjected to the provisions of the Declaration by that certain instrument entitled "Annexation of Rock Creek, Section Four (4)" recorded in the Official Public Records of Real Property of Harris County, Texas on September 4, 2003 under Clerk's File No. W990966; and

WHEREAS, additional land was previously annexed and subjected to the provisions of the Declaration by that certain instrument entitled "Annexation of Rock Creek, Section Seven (7)" recorded in the Official Public Records of Real Property of Harris County, Texas on April 23, 2004 under Clerk's File No. X557214; and

WHEREAS, additional land was previously annexed and subjected to the provisions of the Declaration by that certain instrument entitled "Annexation of Rock Creek, Section Eight (8)" recorded in the Official Public Records of Real Property of Harris County, Texas on August 9, 2005 under Clerk's File No. Y678391; and

WHEREAS, additional land was previously annexed and subjected to the provisions of the Declaration by that certain instrument entitled "Annexation of Rock Creek, Section Nine (9)" recorded in the Official Public Records of Real Property of Harris County, Texas on November 22, 2005 under Clerk's File No. Y917783; and

WHEREAS, additional land was previously annexed and subjected to the provisions of the Declaration by that certain instrument entitled "Annexation of Rock Creek, Section Six (6)" recorded in the Official Public Records of Real Property of Harris County, Texas on April 18, 2006 under Clerk's File No. Z236849; and

WHEREAS, additional land was previously annexed and subjected to the provisions of the Declaration by that certain instrument entitled "Annexation of Rock Creek, Section Ten (10)" recorded in the Official Public Records of Real Property of Harris County, Texas on April 18, 2006 under Clerk's File No. Z236846; and

WHEREAS, additional land was previously annexed and subjected to the provisions of the Declaration by that certain instrument entitled "Annexation of Rock Creek, Section Eleven (11)" recorded in the Official Public Records of Real Property of Harris County, Texas on May 16, 2006 under Clerk's File No. Z303824; and

WHEREAS, Declarant desires to annex the following additional land (the "Additional Land") and subject the Additional Land to the provisions of the Declaration, as well as the jurisdiction of Rock Creek Community Association, Inc. (the "Association"):

All of Rock Creek, Section Twelve (12), a subdivision in Harris County, Texas according to the map or plat thereof recorded under Film Code No. 623249 of the Map Records of Harris County, Texas.

NOW, THEREFORE, Declarant hereby annexes the Additional Land and subjects the Additional Land to all of the covenants, conditions and restrictions set forth in the Declaration and all amendments thereto. All provisions of the Declaration, as amended, shall apply to the Additional Land with the same force and effect as if the Additional Land was originally included in the property subject to the Declaration, including the provisions relating to the payment of annual maintenance charges and assessments to the Association. The Additional Land shall be developed, improved, sold, used and enjoyed in accordance with and subject to the provisions of the Declaration, as previously or hereafter amended; the Builder Guidelines for Rock Creek recorded in the Official Public Records of Real Property of Harris County, Texas on January 25, 2000 under Clerk's File No. U192989 and amended by instrument recorded on December 8, 2000 under Clerk's File No. U773895; and the Architectural Guidelines for Rock Creek recorded in the Official Public Records of Real Property of Harris County, Texas on February 8, 2000 under Clerk's File No. U216691 and amended by instruments recorded on August 11, 2000 under Clerk's File No. U561483, on December 8, 2000 under Clerk's File No. U773896, and on September 20, 2001 under Clerk's File No. V313659. All provisions of the Declaration, as amended, shall run with the Additional Land and be binding on all parties who may now or hereafter have or claim any right, title or interest in the Additional Land or any part thereof, and on the heirs, executors, administrators, successors and assigns of such parties, regardless of the source of or the manner in which any such right, title or interest is or may be acquired.

However, notwithstanding anything in the Declaration, the Builder Guidelines, or the Architectural Guidelines to the contrary, the following provisions shall be applicable to the Additional Land:

1. **DRIVEWAYS:** The driveway on each Lot in Rock Creek, Section Twelve (12), shall be constructed with patterned concrete approved by the Architectural Review committee. The areas in which patterned concrete is required include the first sixteen (16) feet of the driveway, commencing from the inside edge of the curb adjacent to the driveway, and a one (1) foot border along the edges of the driveway. Patterned concrete may be used in other areas of a driveway on a Lot if approved in writing by the Architectural Review Committee. The outside edge of a driveway on a Lot in Rock Creek, Section Twelve (12), shall not be located nearer to the property line of that Lot than two (2) feet.

2. **WINDOWS:** Vinyl clad double pane windows are not required in Residential Dwellings on Lots in Rock Creek, Section Twelve (12), however, vinyl clad double pane windows are intended to be the standard type of window in Residential Dwellings on Lots in Rock Creek, Section Twelve (12), and therefore, the use of vinyl clad double pane windows is strongly encouraged.

Executed on the date set forth below to become effective upon recording in the Official Public Records of Real Property of Harris County, Texas.

R Creek, L.P., a Texas limited partnership,  
By: Caldwell Watson Management Company,  
L.L.C., its General Partner

*Jo*

By: *Peter O. Barnhart*  
Peter Barnhart, authorized agent

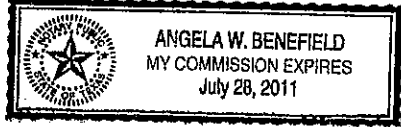
RECORDER'S MEMORANDUM:  
At the time of recordation, this instrument was found to be inadequate for the best photographic reproduction because of illegibility, carbon or photo copy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.

STATE OF TEXAS           §  
  §  
COUNTY OF HARRIS       §

*Peter O. Barnhart*

BEFORE ME, a notary public, on this day personally appeared ~~Fred F. Caldwell~~, authorized agent of Caldwell Watson Management Company, L.L.C., General Partner of R Creek, L.P., a Texas limited partnership, known to me to be the person whose name is subscribed to the foregoing document and, being by me first duly sworn, declared that he executed this document for the purposes and in the capacity herein expressed.

Given under my hand and seal of office this 15 day of July, 2008.



*Angela W. Benefield*  
Notary Public in and for the State of Texas

Return to:  
Rick S. Butler  
Butler & Hailey, P.C.  
1616 S. Voss, Suite 500  
Houston, Texas 77057

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 on

JUL 29 2008



*Beverly B. Kayman*  
COUNTY CLERK  
HARRIS COUNTY, TEXAS

2008 JUL 29 PM 1:30  
FILED  
Beverly B. Kayman  
COUNTY CLERK  
HARRIS COUNTY, TEXAS

RP 058-67-2182