

ANNEXATION  
OF  
ROCK CREEK, SECTION FOUR (4)

W990966  
09/04/03 300245812

\$19.00

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

*Handwritten:* 19  
B

U350986-429

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

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, 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 Four (4), a subdivision in Harris County, Texas according to the map or plat thereof recorded under Film Code No. 538239 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. **LAKE and LAKE LOTS:** Restricted Reserve "B" in Rock Creek, Section Four (4), is designated as a Lake or Lake Area so that all references in the Declaration, as amended, to Lake and/or Lake Area shall include Restricted Reserve "B" in Rock Creek, Section Four (4). Lots One (1) through Twelve (12), inclusive, Block Four (4), Rock Creek, Section Four (4), are designated as Lake Lots so that all references in the Declaration, as amended, to Lake Lot or Lake Lots shall include Lots One (1) through Twelve (12), inclusive, Block Four (4), Rock Creek, Section Four (4).

2. **FENCES ON LAKE LOTS:** On each Lake Lot in Rock Creek, Section Four (4), an unadorned, black wrought iron fence is required along each side property line from the rear property line to the rear of the Residential Dwelling. The cost of the wrought iron fencing erected on the side property line of two (2) adjacent Lake Lots shall be borne equally by the Builders of the Residential Dwellings on the two (2) Lake Lots. Thereafter, the costs incurred to repair or replace



any wrought iron fencing on the side property line of two (2) adjacent Lake Lots shall be borne equally by the Owners of such Lake Lots. A fence along the rear property line of a Lake Lot is not required; provided that, if a fence is to be erected along the rear property line of a Lake Lot, the fence must be an unadorned, black wrought iron fence and it must extend along the entirety of the rear property line and connect the wrought iron fence along each side property line. Each wrought iron fence (along a side property line and along the rear property line) shall be not more than four (4) feet in height and shall have pickets at a four (4) inch on center interval spacing, unless otherwise approved in writing by the Architectural Review Committee. All other provisions in the Declaration, the Builder Guidelines, and the Architectural Guidelines, to the extent not inconsistent with the provisions of this paragraph, shall be applicable to fencing on Lake Lots in Rock Creek, Section Four (4).

3. **DRIVEWAYS:** The driveway on each Lot in Rock Creek, Section Four (4), 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 Four (4), shall not be located nearer to the side property line of that Lot than two (2) feet.

4. **DRIVEWAY ACCESS TO FOREST PASS LANE:** Driveway access to Forest Pass Lane from the following Lots in Rock Creek, Section Four (4), is prohibited without a written variance executed by the Architectural Review Committee and recorded in the Official Public Records of Real Property of Harris County, Texas:

Lots 7, 8 and 20 in Block 2  
Lots 1, 8 and 9 in Block 3

5. **WINDOWS:** Vinyl clad double pane windows are not required in Residential Dwellings on Lots in Rock Creek, Section Four (4); however, vinyl clad double pane windows are



intended to be the standard type of window in Residential Dwellings on Lots in Rock Creek, Section Four (4), and therefore, the use of vinyl clad double pane windows is strongly encouraged.

In the event of a conflict between the provisions of this Annexation document and the provisions of the Declaration, the Builder Guidelines and/or the Architectural Guidelines, the provisions of this Annexation document shall prevail.

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

*CW*

By:

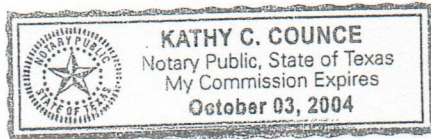


Fred F. Caldwell, Authorized Agent

STATE OF TEXAS           §  
  §  
COUNTY OF HARRIS       §

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 4th day of September, 2003.



Kathy C. Counce  
Notary Public in and for the State of Texas

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

*✓*

**JOINDER OF LIENHOLDER**

Coastal Banc SSB, being the owner and holder of an existing mortgage and lien upon and against the real property described in the foregoing Annexation of Rock Creek, Section Four (4) (the "Annexation") or some portion thereof, and defined as the "Additional Land" in said Annexation, as such Mortgagee and Lienholder, does hereby consent to and join in said Annexation, thereby subjecting the Additional Land to the provisions of the Declaration of Covenants, Conditions and Restrictions for Rock Creek (the "Declaration").

This consent and joinder shall not be construed or operate as a release of said mortgage or lien owned and held by the undersigned, or any part thereof, but the undersigned agrees that its said mortgage and lien shall hereafter be upon and against the Lots and all appurtenances thereto, subject to the provisions of the Annexation and Declaration hereby agreed to.

SIGNED AND ATTESTED by the undersigned officers of Coastal Banc SSB, heretofore authorized, this the 3rd day of September, 2003.

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

SEP - 4 2003

Coastal Banc SSB



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

By: *Michael J. Peery*  
Title: Michael J. Peery  
Sr. Vice President

ATTEST:

By: *Lewis Kaufman*  
Print Name: LEWIS KAUFMAN  
Its: ASST SECRETARY

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

2003 SEP - 4 PM 3:06

FILED