

ANNEXATION
OF
ROCK CREEK, SECTION EIGHT (8)

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STATE OF TEXAS §
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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)"

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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, 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, 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 Eight (8), a subdivision in Harris County, Texas according to the map or plat thereof recorded under Film Code No. 585216 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 any provision in the Declaration, the Builder Guidelines or the Architectural Guidelines to the contrary, the following provision shall be applicable to the Additional Land:

1. Declarant shall erect fencing on or adjacent to the side (south) property lines of Lot 20, Block 1, and Lot 8, Block 2, Rock Creek, Section Eight (8). Declarant hereby reserves for itself and the Association a perpetual easement upon and across Lot 20, Block 1, and Lot 8, Block 2, Rock Creek, Section Eight (8), for the purposes of erecting, maintaining, repairing and replacing the fencing along the side (south) property lines of such Lots. The area subject to the easement shall be five (5) feet in width and shall extend across the entire width of each Lot adjacent to the side (south) property line. No Owner of either of these Lots shall have the authority to remove or in any way alter any portion of the fence on or adjacent to the Lot erected by Declarant (or thereafter replaced by Declarant or the Association). The Association shall be responsible for maintaining and repairing the fencing.

2. Under no circumstances shall there be driveway access to Lot 20, Block, 1, or Lot 8, Block 2, Rock Creek, Section Eight (8), from Louetta Road.

3. Notwithstanding the front building setback shown on the plat for Rock Creek, Section Eight (8), the Residential Dwelling to be constructed on each of the Lots set forth below shall not be located nearer to the front property line of the Lot than forty (40) feet:

Lots 17 through 20, inclusive, Block One (1), and Lots 7 and 8, Block Two (2).

4. No trees or underbrush shall be removed from the following Lots without the prior written approval of Declarant:

Lots 17 through 20, inclusive, Block One (1), and Lots 7 and 8, Block Two (2).

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

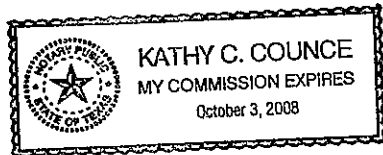
Handwritten initials

By: *[Signature]*
Fred F. Caldwell, Authorized Agent

STATE OF TEXAS §
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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 3rd day of August, 2005.



Kathy C. Counce
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

AUG - 9 2005



Dorely E. Kayman
COUNTY CLERK
HARRIS COUNTY, TEXAS

Handwritten notes:
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FILED
COUNTY CLERK
HARRIS COUNTY, TEXAS