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**ANNEXATION AND SUPPLEMENTAL DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS**
for
**AUBURN LAKES RETREAT, SECTION FOUR (4)
A SUBDIVISION IN HARRIS COUNTY, TEXAS**

THE STATE OF TEXAS §
 § KNOW ALL PERSONS BY THESE PRESENTS:
COUNTY OF HARRIS §

WHEREAS, by that certain instrument entitled "Declaration of Covenants, Conditions and Restrictions for Auburn Lakes Retreat" dated August 4, 2006 and executed by Peramco, Inc., a Florida corporation ("Declarant"), which was filed of record in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File No. Z506141 (the "Declaration"), Declarant did subject all of the property in:

Auburn Lakes Retreat, Section One (1), a subdivision in Harris County, Texas according to the map or plat thereof recorded under Harris County Clerk's File No. Z310990 and Film Code No. 600173 of the Map Records of Harris County, Texas.

to those certain easements, covenants, restrictions and conditions described in the Declaration;


WHEREAS, the Declaration was amended by that certain instrument entitled "First Amendment to Declaration of Covenants, Conditions and Restrictions for Auburn Lakes Retreat" filed of record in the Official Public Records of Real Property of Harris County, Texas under County Clerk's File No. 20070722660 (the Declaration as amended hereinafter still referred to as the "Declaration");

WHEREAS, Article VIII, Section 8.3 of the Declaration entitled "**ANNEXATION**" provides:

SECTION 8.3. ANNEXATION. Additional land may be annexed and subjected to the provisions of this Declaration by Declarant, without the consent of the Members, within ten (10) years of the date that this Declaration is recorded in the Official Public Records of Real Property of Harris County, Texas. Thereafter, additional land may be annexed and subjected to the provisions of this Declaration only with the consent of not less than two-thirds (2/3) of the Members of the Association present and voting, in person or by proxy, at a meeting of the Members called for that

purpose at which a quorum is present. The annexation of additional land shall be effective upon filing of record an annexation instrument in the Official Public Records of Real Property of Harris County, Texas. Provided that, no land made subject to this Declaration shall be deannexed within ten (10) years of the date this Declaration is recorded without the written consent of Declarant. Additionally, the Declarant, its successors and assigns, shall have the right to create a master association, which may include other homeowners associations and other properties (the "Master Association"), and place the Association within the jurisdiction of such Master Association.

WHEREAS, Declarant is the owner of all that certain property known as Auburn Lakes Retreat, Section Four (4), a subdivision in Harris County, Texas according to the map or plat thereof recorded under Film Code No. 642161 of the Map Records of Harris County, Texas ("Auburn Lakes Retreat, Section Four (4)"); and

WHEREAS, Declarant desires Auburn Lakes Retreat, Section Four (4) to be annexed into Auburn Lakes Homeowners Association, Inc. (the "Association") pursuant to the terms of Article VIII, Section 8.3 of the Declaration as evidenced by the signatures below. 

NOW, THEREFORE, Auburn Lakes Retreat, Section Four (4) is hereby annexed into the jurisdiction of the Association and subjected to all those certain easements, covenants, restrictions and conditions described in the Declaration, as amended, which shall run with Auburn Lakes Retreat, Section Four (4) and be binding on all subsequent purchasers thereof, save and except the following provisions of the Declaration, which provisions of the Declaration as to Auburn Lakes Retreat, Section Four (4), shall be amended as follows:

1. Article I, Section 1.16 of the Declaration entitled "**NEIGHBORHOOD**" now includes Auburn Lakes Retreat, Section Four (4) as the third Neighborhood subject to the Declaration.
2. Article II, Section 2.5.1 of the Declaration as to Auburn Lakes, Section Four (4) is amended to read as follows:

2.5.1. LOCATION AND MATERIALS. No fence or wall shall be located nearer to the front property line of a Lot than five feet (5') behind the front of the Residential Dwelling. No fence or wall shall be located nearer to the side street adjacent to a

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corner Lot than the side wall of the Residential Dwelling or the front of a side entry garage, as applicable. No hedge or pergola that serves as a fence or wall shall be allowed to grow more than four feet (4') in height; provided that, all of the provisions in this Section 2.5 relating to the existence and location of a fence or wall shall be applicable to a hedge or pergola that serves as a fence or wall. Except as otherwise provided in this Section, each fence constructed on a Lot shall be a solid cedar wood fence which can be no taller than the Subdivision Perimeter Fence defined below and which must be constructed in accordance with the following specifications, as approved by the Architectural Control Committee: four inch (4") by four inch (4") treated wood or steel posts; and one inch (1") by six inch (6") number two (2) or better D. E. cedar pickets. Additionally, the fences constructed on the common property line of two (2) adjacent Lots must be of the type commonly referred to as a "Good Neighbor" fence.

The fence on Lots along the perimeter of the Subdivision adjacent to New Auburn Drive ("Subdivision Perimeter Fence") shall be built by the Builder or Owner of the Lot prior to the completion of the Residential Dwelling and thereafter maintained in accordance with Section 2.5.1. The following Lots will have the Subdivision Perimeter Fence located on the portion of the Lot adjacent to the right-of-way or reserves, as applicable, adjacent to New Auburn Drive:

- Auburn Lakes Retreat, Section Four (4): Lots One (1), Twenty (20), Twenty-One (21), Twenty-Eight (28), Twenty-Nine (29) and Thirty-Eight (38) in Block One (1).

The Subdivision Perimeter Fence must be a solid wood fence, which is approximately six feet (6'), seven inches (7") in height and constructed in accordance with the following specifications: (i) four inch (4") by four inch (4") by six feet (6') seven inches (7") treated wood or steel posts which are six feet (6') seven inches (7") on center, (ii) one inch (1") by six inch (6") by six foot (6') number two (2) or better D. E. cedar pickets, (iii) topped by a two inch (2") by four inch (4") horizontal cap rail, (iv) with a two inch (2") by one inch (1") trim board attached to the upper side of the pickets, and (v) a six inch (6") by two inch (2") rot board located at the bottom. The six feet (6') pickets must sit on top of the six inch (6") side of the rot board. No Owner may ever alter the Subdivision Perimeter Fence in any way.

In no event shall any fence or portion thereof be constructed of chain link or wire.

This document has been filed with the County Clerk of Harris County, Texas, and was duly RECORDED, in the Official Public Records of Real Property of Harris County, Texas.



SEP 23 2011

Stan Stewart
COUNTY CLERK
HARRIS COUNTY, TEXAS

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COUNTY CLERK
HARRIS COUNTY, TEXAS