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Amend
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20070613048
10/09/2007 RPI \$32.00

SECOND AMENDMENT
to
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
for
AUBURN LAKES RESERVE

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

WHEREAS, PERAMCO, INC., a Florida corporation, (the "Declarant") was the sole record owner of that certain property known as Auburn Lakes Reserve, Section One (1), a subdivision located in Harris County, Texas according to the map or plat recorded under County Clerk's File Number 20060087620 of the Map Records of Harris County, Texas (the "Property");

WHEREAS, Declarant by that certain instrument entitled "Declaration of Covenants, Conditions and Restrictions for Auburn Lakes Reserve" filed of record in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File No. 20060120160 and re-filed under County Clerk's File No. 20060162866 (the "Declaration"), imposed on the Property all those certain covenants, conditions, restrictions, and easements set forth therein;

WHEREAS, the Declaration was amended by that certain instrument entitled "First Amendment to Declaration of Covenants, Conditions and Restrictions for Auburn Lakes Reserve" filed of record in the Official Public Records of Real Property of Harris County, Texas under County Clerk's File No. 20070234119 (the Declaration as amended hereinafter still referred to as the "Declaration");

WHEREAS by that certain instrument entitled "Annexation and Supplemental Declaration of Covenants, Conditions and Restrictions for Auburn Lakes Reserve, Section Two (2), A Subdivision in Harris County, Texas" filed of record in the Official Public Records of Real Property of Harris County, Texas under County Clerk's File No. *(signature)*

20070526885, Declarant did restrict Auburn Lakes Reserve, Section Two (2), a subdivision in Harris County, Texas according to the map or plat thereof recorded County Clerk's File No. 20070379873 of the Map Records of Harris County, Texas to the Declaration and annex it into the Property (the term "Property" hereinafter including Auburn Lakes Reserve, Section Two (2));

WHEREAS, Article VIII, Section 8.1 of the Declaration provides that the terms of the Declaration can be amended by the Declarant without the joinder of any other party as long as Declarant owns a Lot and the amendment to the Declaration is not inconsistent with the residential character of the Property; and

WHEREAS, the Declarant still owns a Lot and this amendment is not inconsistent with the residential character of the Property.

NOW, THEREFORE, the Declarant hereby amends the Declaration as it applies to all of the Property as follows:

1. Article II, Section 2.5.1 of the Declaration 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 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 Northcrest Drive, West Rayford Road and Auburn Terrace 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 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.

The fence on the rear and side Lot lines of the Lots that abut Auburn Lakes Recreation Center Reserve according to the map or plat thereof as recorded under Z310962 of the Map Records of Harris County Texas ("Reserve Lots") must conform to the following guidelines ("Reserve Fence(s)"). The portion of the Reserve Fence on the rear Lot lines of Reserve Lots must be black tubular fencing no more than four foot (4') height, and shall have pickets at a four inch (4") on center interval spacing; four foot (4') black tubular gates, approved in advance by the Architectural Control Committee, will also be allowed. With the exception of the western side Lot line of Lot One (1) and the most southern portion of the side Lot line of Lot Thirteen

(13), both in Block One (1) of Auburn Lakes Reserve, Section One (1) (upon which side Lot lines the fences shall be apart of the Subdivision Perimeter Fence), the wooden fence on the side Lot line of the Reserve Lots must commence tapering down to the four foot (4') tubular fencing on the rear Lot line a distance of ten feet (10') from the rear Lot line. Reserve Fences must be consistent and comply with uniform specifications adopted by the Architectural Control Committee. Once installed, any changes to the Reserve Fences must be approved by the Architectural Control Committee. The portion of the Reserve Fences on the rear Lot lines of the Reserve Lots must be maintained by the Owners of the Reserve Lots upon which rear Lot lines the Reserve Fence is located.

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

The amendment of the Declaration set forth above shall be deemed to be a part of and shall be interpreted in accordance with the Declaration. All provisions of the Declaration not amended hereby are hereby ratified and confirmed in each and every particular, and shall continue in full force and effect pursuant to the terms of the Declaration.

IN WITNESS WHEREOF, the undersigned for the purpose of acknowledging its consent and approval to the amendment of the Declaration Declarant has executed this instrument as of the date set forth below to be effective upon filing of record in the Official Public Records of Real Property of Harris County, Texas.

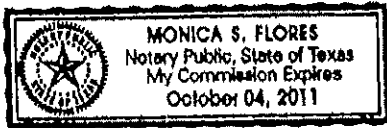
Executed on the 2nd day of October, 2007.

By: PERAMCO, INC.,
a Florida corporation

By: [Signature]
Gonzalo Velaochaga, Vice President

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on the 2nd day of October, 2007, by Gonzalo Velaschaga, Vice President of Peramco, Inc., a Florida corporation, for the consideration and in the capacities stated herein.



[Signature]
Notary Public in and for the State of Texas

Return to: ✓
Peramco, Inc.
10497 Town & Country Way, Suite 430
Houston, Texas 77024

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ANY INSTRUMENT WHICH APPLICABLE LAWS OR THE STATE, FEDERAL, OR STATE OF TEXAS, OR ANY OF THE FOREGOING REAL PROPERTY BECAUSE OF COLOR OR PLACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.
THE STATE OF TEXAS
COUNTY OF HARRIS
I hereby certify that this instrument was FILED in the number Sequence on the date and at the place stated by me, and was duly RECORDED in the Official Public Records of Real Property of Harris County, Texas on

[Signature]
COUNTY CLERK
HARRIS COUNTY, TEXAS
2007 OCT - 9 PM 12:45
FILED

OCT - 9 2007



[Signature]
COUNTY CLERK
HARRIS COUNTY, TEXAS