



## SUMMER LAKES

# FIRST, SECOND AND THIRD AMENDMENTS TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

[www.summerlakescommunity.com](http://www.summerlakescommunity.com)

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Please Return To**  
800 BERING DRIVE, SUITE  
HOUSTON, TEXAS 77057  
(713) 783-0308 • FAX (713)

**AMENDMENT TO DECLARATION OF  
COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR SUMMER LAKES**

THE STATE OF TEXAS :  
: KNOW ALL PERSONS BY THESE PRESENTS:  
COUNTY OF FORT BEND :

WHEREAS, that certain Declaration of Covenants, Conditions and Restrictions for Summer Lakes dated July 12, 2004, executed by Summer Creek Development, Ltd., a Texas limited partnership (the "Declarant"), and filed under Clerk's File No. 2004085296 and recorded in the Official Records of Real Property of Fort Bend County, Texas (the "Declaration"), subjected the two (2) tracts of land being developed as the Summer Lakes, Section One (1) and Summer Lakes, Section Two (2) subdivisions in Fort Bend County, Texas to covenants, conditions, restrictions, easements, charges and liens as set forth in the Declaration; and

WHEREAS, Section 2 of Article X of the Declaration provides that it may be amended by the Declarant in certain circumstances specified therein; and

WHEREAS, Declarant wishes to amend the Declaration as hereinafter specified.

NOW, THEREFORE, for and in consideration of the recitals set forth above, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Declarant hereby amends the Declaration as follows:

1. The first recital paragraph on page one of the Declaration is amended to change the references to Exhibit "A" and Exhibit "B" which were erroneously omitted from the Declaration to the two (2) tracts of land which have been platted as Summer Lakes, Section One (1) and Summer Lakes, Section Two (2), subdivisions of land according to the plats thereof recorded as Plat Nos. 2004111175 and 2004111192, respectively, in the Plat Records of Fort Bend County, Texas.

2. Section 2 of Article VII of the Declaration is amended and restated to read as follows:

**"SECTION 2. LIVING AREA REQUIREMENTS.** The total living area of each single family dwelling, exclusive of open porches, garages, and carports or parking spaces shall be (i) not less than fifteen hundred (1,500) square feet nor more than twenty-seven hundred and fifty (2,750) square feet in the case of a residence located on a Fifty Foot Lot, (ii) not less than eighteen hundred (1,800) square feet nor more than three thousand (3,000) square feet in the case of a residence located on a Sixty Foot Lot, or (iii) not less than twenty-five hundred (2,500) square feet in



RESTRICT  
4 PGS  
2004140039

the case of a residence located on a Sixty-Five Foot Lot with no maximum.”

3. Except as expressly amended hereby, the Declaration is not affected hereby and the same is ratified as being in full force and effect.

EXECUTED this 26<sup>th</sup> day of October, 2004.

SUMMER CREEK DEVELOPMENT, LTD.,  
a Texas limited partnership

By: CL Texas I GP, LLC, a Georgia limited liability company, its sole general partner

By: *Wayne E. McDonald*  
Wayne E. McDonald  
Vice President

THE STATE OF TEXAS :  
:  
COUNTY OF TRAVIS :

This instrument was acknowledged before me on the 26<sup>th</sup> of October, 2004 by Wayne E. McDonald, Vice President of CL Texas I GP, LLC, a Georgia limited liability company which is the sole general partner of Summer Creek Development, Ltd., a Texas limited partnership, on behalf of said limited partnership.

(SEAL)



*Fern Westhead*  
Notary Public in and for  
the State of Texas

FERN Westhead  
Name printed or typed  
My commission expires: 11-07-2007



Ret:  
Sam Yager Incorporated  
800 Bering Drive Suite 225  
Houston, TX 77057

**FILED AND RECORDED**

OFFICIAL PUBLIC RECORDS

*Dr. Dianne Wilson*

2004 Nov 16 01:48 PM

2004140039

BSH \$11.00

Dianne Wilson, Ph.D. COUNTY CLERK

FT BEND COUNTY TEXAS

52  
15



**SECOND AMENDMENT TO DECLARATION OF  
COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR SUMMER LAKES**

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

WHEREAS, by that certain Declaration of Covenants, Conditions and Restrictions for Summer Lakes dated July 12, 2004, executed by Summer Creek Development, Ltd., a Texas limited partnership (the "Declarant"), and filed under Clerk's File No. 2004085296 and recorded in the Official Records of Real Property of Fort Bend County, Texas (the "Official Records"), as amended by First Amendment dated October 26, 2004 filed under Clerk's File No. 2004140939 and recorded in the Official Records (the "Declaration"), the single family residential lots within Summer Lakes, Section One (1) and Summer Lakes, Section Two (2), subdivisions of land according to the plats thereof recorded as Plat Nos. 2004111175 and 2004111192, respectively, in the Plat Records of Fort Bend County, Texas, were made subject to the covenants, conditions, restrictions, easements, charges and liens set forth in the Declaration; and

WHEREAS, Article X of the Declaration provides that it may be amended as specified therein; and

WHEREAS, Declarant wishes to amend the Declaration as hereinafter specified.

NOW, THEREFORE, for and in consideration of the recitals set forth above, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Declarant hereby amends the Declaration as follows:

1. Section 2 of Article II of the Declaration is amended and restated to read as follows:

**"SECTION 2. ARCHITECTURAL REVIEW COMMITTEE.** There is hereby established the Summer Lakes Architectural Review Committee (sometimes hereinafter called the "ARC"), which shall have exclusive jurisdiction over all original construction on the Lots and over modifications, additions, or alterations made on or to the residences and other improvements on the Lots.

The ARC shall (i) adopt such builder guidelines (and amendments to such builder guidelines) as it determines to adopt, if any, from time to time for the construction of improvements on the Lots in the Properties and (ii) establish application and review procedures for plans and specifications for proposed improvements on the Lots in the Properties. In adopting builder guidelines, the ARC may set a higher standard on certain building

criteria than contained within this Declaration. In the event of a conflict between the requirements of the builder guidelines and this Declaration, the higher standard shall apply.

The ARC shall consist of three (3) members. The initial members of the ARC are Sam Yager, III, Gary J. Hannon and Justin Chapman. Until the date on which it has sold all of its Lots within the Properties, the Declarant shall have the right to appoint all members of the ARC as well as the right to remove any member at any time. There shall be no surrender of this right prior to that time, except by a written instrument executed by Declarant and recorded in the real property records of Fort Bend County, Texas. Following the expiration of such right, the Board of Directors shall have the right to appoint and remove the members of the ARC. The ARC is authorized, but not obligated, to retain the services of consulting architects, landscape architects, urban designers, engineers, inspectors, and/or attorneys in order to advise and assist the ARC in performing its functions set forth herein.

The Board of Directors shall have the right, but not the obligation, at any time after it obtains the right to appoint the members of the ARC, to create a separate committee known as the "Modifications Committee" to perform the obligations of the ARC hereinafter specified with respect to the review of plans for the alteration or modification of the improvements on a Lot after construction of the initial improvements. The Board shall also have the right to abolish such committee at any time. In the event such committee is created it shall consist of three (3) members appointed by the Board and the Board shall have the power to remove a member at any time. In the event a Modifications Committee is created, such committee shall have all of the duties and powers granted to the ARC in this Declaration with respect to the alteration or modification of improvements on a Lot in the Properties unless or until the Board determines there should no longer be two (2) separate committees and abolishes the Modifications Committee, in which event all such duties and powers shall thereafter be restored to the ARC."

2. Section 6 of Article VII of the Declaration is amended and restated to read as follows:

**"SECTION 6. ROOF PITCH; ROOF MATERIAL/ROOF STACKS.**  
Unless otherwise approved by the ARC in its sole discretion, the roof pitch of each residence shall have a minimum of six (6) feet of vertical rise for each twelve (12) feet of horizontal length as measured from eave to eave in a line parallel to the ground. Notwithstanding the foregoing, the ARC shall have the authority to approve roof pitches different from that

contained in the preceding sentence for structures it deems to be ancillary to the main dwelling, including but not limited to, eaves, overhangs for patios, and similar structures. The roofs of all buildings shall be constructed or covered with fiberglass shingles which are black or another color approved by the Architectural Review Committee and have a minimum 20 year manufacturer's guarantee. Any other type of roofing material shall be permitted only at the discretion of the Architectural Review Committee. Unless otherwise approved by the Architectural Review Committee, all roof stacks must be painted to match the roof color."

3. Except as expressly amended hereby, the Declaration is not affected hereby and the same is ratified as being in full force and effect.

EXECUTED this 22<sup>ND</sup> day of June, 2005.

SUMMER CREEK DEVELOPMENT, LTD.,  
a Texas limited partnership

By: CL Texas GP, LLC, a Georgia limited  
liability company, its sole general  
partner

By:

  
\_\_\_\_\_  
Wayne E. McDonald,  
Vice President

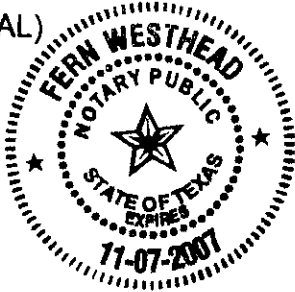


THE STATE OF TEXAS  
COUNTY OF TRAVIS

§  
§  
§

This instrument was acknowledged before me on June 22, 2005 by Wayne E. McDonald, Vice President of CL Texas GP, LLC, a Georgia limited liability company which is the general partner of Summer Creek Development, Ltd., a Texas limited partnership, on behalf of said limited partnership.

(SEAL)



*Fern Westhead*

Notary Public in and for  
the State of Texas

*Fern Westhead*

Name printed or typed

My commission expires: 11/7/2007

**LIENHOLDER'S CONSENT AND SUBORDINATION TO SECOND  
AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND  
RESTRICTIONS FOR SUMMER LAKES**

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

That First Continental Investment Co., Ltd., the owner and holder of that certain promissory note dated July 2, 2004 in the original principal amount of \$7,464,000.00, executed by Declarant, secured by a deed of trust lien on all or a portion of the property subject to the foregoing Declaration, as evidenced by deed of trust instrument filed under County Clerk's File No. 2004080880 and recorded in the Official Public Records of Real Property of Fort Bend County, Texas, executes this instrument to subordinate the lien of such deed of trust to the foregoing Declaration of Covenants, Conditions and Restrictions for Summer Lakes.

EXECUTED the 23<sup>rd</sup> day of June, 2005.

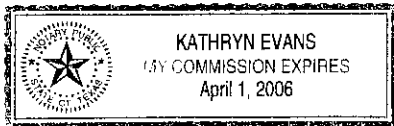
FIRST CONTINENTAL INVESTMENT CO., LTD.

By: *John M. Bonner*  
John M. Bonner, President

THE STATE OF TEXAS   §  
                                  §  
COUNTY OF HARRIS   §

The foregoing instrument was acknowledged before me on the 23<sup>rd</sup> day of June, 2005 by John M. Bonner, President of First Continental Investment Co., Ltd., a Texas limited partnership, on behalf of said limited partnership.

(SEAL)



*Kathryn Evans*  
Notary Public State of Texas

**FILED AND RECORDED**

OFFICIAL PUBLIC RECORDS

*Dr. Dianne Wilson*

2005 Jun 28 12:54 PM

2005075526

TD \$15.00

Dianne Wilson, Ph.D. COUNTY CLERK  
FT BEND COUNTY TEXAS

Rel: Summer Creek  
800 Baring #225  
Houston Tx 77057

**FORT BEND COUNTY CLERK  
301 JACKSON, SUITE 101  
RICHMOND TX 77469-3108  
(281)341-8652**

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Customer: SUMMER CREEK

Page 1 of 1

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Receipt #: 06/28/2005 36704

Report Date: 06/28/2005 12:53 PM

Clerk: TD

Department: OFFICIAL PUBLIC REC Work Station: REG13

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Gf Number	Book	Page	Date Received	Instrument #	Description	Pages	Amount
SUMMER LAKES	0	0	06/28/2005 12:54:48	2005075526	AMENDMENT	5	\$15.00
<b>Total:</b>							<b>\$15.00</b>



**THIRD AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR SUMMER LAKES**

THE STATE OF TEXAS           §  
  §  
COUNTY OF FORT BEND       §

WHEREAS, Summer Creek Development, Ltd., a Texas limited partnership (the "Declarant") executed that certain Declaration of Covenants, Conditions and Restrictions for Summer Lakes dated July 12, 2004 (the "Declaration") as filed under Clerk's File No. 2004085296 and recorded in the Official Records of Real Property of Fort Bend County, Texas (the "Official Records") which such Declaration contains certain covenants, conditions, restrictions, easements, charges and liens against certain property as more particularly described in such Declaration;

WHEREAS, the Declaration has been amended pursuant to (i) that certain Amendment dated October 26, 2004 as filed under Clerk's File No. 2004140039 of the Official Records and (ii) that certain Second Amendment dated June 22, 2005 as filed under Clerk's File No. 2005075526 of the Official Records;

WHEREAS, Section 2 of Article X of the Declaration provides that it may be amended by the Declarant in certain circumstances specified therein; and

WHEREAS, Declarant wishes to amend the Declaration as hereinafter specified.

NOW, THEREFORE, for and in consideration of the recitals set forth above, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Declarant hereby amends the Declaration as follows:

1. Section 4(b) of Article VI of the Declaration is amended and restated to read as follows:

"(b) Other Vehicles. No mobile home trailers, recreational vehicles, trailers or boats shall be parked, kept or stored on the Properties, except that a mobile home trailer, recreational vehicle, trailer or boat may be parked in the garage on a Lot so long as the garage door closes completely and the mobile home trailer, recreational vehicle, trailer or boat is out of view from any Street and all neighboring Lots while in a storage position."

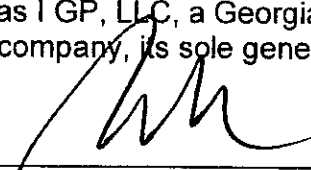
2. Except as expressly amended hereby, the Declaration is not affected hereby and the same is ratified as being in full force and effect.

EXECUTED this 5<sup>th</sup> day of OCTOBER, 2006.

**DECLARANT:**

SUMMER CREEK DEVELOPMENT, LTD.,  
a Texas limited partnership

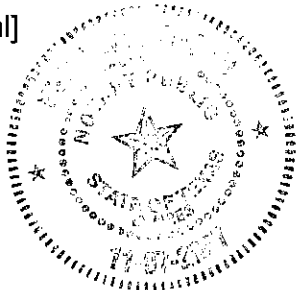
By: CL Texas I GP, LLC, a Georgia limited liability company, its sole general partner

By:   
Wayne E. McDonald  
Sr. Vice President

THE STATE OF TEXAS §  
  §  
COUNTY OF TRAVIS §

This instrument was acknowledged before me on the 5<sup>th</sup> day of October, 2006 by Wayne E. McDonald, Sr. Vice President of CL Texas I GP, LLC, a Georgia limited liability company, which is the general partner of Summer Creek Development, Ltd., a Texas limited partnership, on behalf of said limited partnership.

[Seal]



  
Notary Public—State of Texas

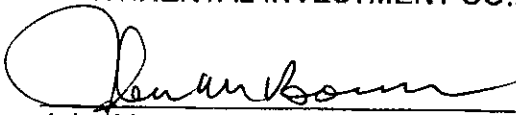
**LIENHOLDER'S CONSENT AND SUBORDINATION TO THIRD  
AMENDMENT TO DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS FOR SUMMER LAKES**

THE STATE OF TEXAS   §  
                                  §  
                                  §  
COUNTY OF HARRIS   §

First Continental Investment Co., Ltd., the owner and holder of that certain promissory note dated July 2, 2004 in the original principal amount of \$7,464,000.00, executed by Declarant, secured by a deed of trust lien on all or a portion of the property subject to the foregoing Declaration, as evidenced by deed of trust instrument filed under County Clerk's File No. 2004080880 and recorded in the Official Public Records of Real Property of Fort Bend County, Texas, executes this instrument to subordinate the lien of such deed of trust to the foregoing Third Amendment to the Declaration of Covenants, Conditions and Restrictions for Summer Lakes.

EXECUTED the 12<sup>th</sup> day of October, 2006.

FIRST CONTINENTAL INVESTMENT CO., LTD.

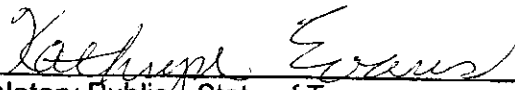
By:   
John M. Bonner, President

THE STATE OF TEXAS   §  
                                  §  
                                  §  
COUNTY OF HARRIS   §

The foregoing instrument was acknowledged before me on the 12<sup>th</sup> day of October, 2006 by John M. Bonner, President of First Continental Investment Co., Ltd., a Texas limited partnership, on behalf of said limited partnership.

[Seal]



  
Notary Public - State of Texas

RETURNED AT COUNTER TO:  
Mr. Jim Barse  
Hot Shot Delivery  
800 Bering #225 Houston TX  
76571

**FILED AND RECORDED**

OFFICIAL PUBLIC RECORDS



2006 Oct 19 12:14 PM

2006131444

VAG \$17.00

Dianne Wilson, Ph.D. COUNTY CLERK

FT BEND COUNTY TEXAS