

HOOVER SLOVACEK LLP

A REGISTERED LIMITED LIABILITY PARTNERSHIP

ATTORNEYS AT LAW
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REPLY TO:
P.O. BOX 4547
HOUSTON, TEXAS 77210-4547

MARK K. KNOP

BOARD CERTIFIED-COMMERCIAL REAL ESTATE LAW
BOARD CERTIFIED-RESIDENTIAL REAL ESTATE LAW
TEXAS BOARD OF LEGAL SPECIALIZATION

knop@hooverslovacek.com

December 2, 2013

Mr. Greg Voinis
Sam Yager, Inc.
800 Bering Drive, Suite 225
Houston, Texas 77057

Re: Declaration of Annexation (Summer Lakes, Section 5) (the "Declaration")

Dear Greg:

Enclosed is the re-recorded Declaration to correct the error by not completing the execution date in the originally filed document. As you can see, it was re-recorded in the Real Property Records of Harris County, Texas, on November 27, 2013, under Clerk's File Number 2013148218.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

HOOVER SLOVACEK LLP


Mark K. Knop

MKK:tmj
Enclosures

2013148218
ELECTRONICALLY RECORDED
Official Public Records
11/27/2013 8:53 AM



Dianne Wilson
Dianne Wilson, County Clerk
Fort Bend County Texas
Pages: 9 Fee: \$ 59.00

2013143725
ELECTRONICALLY RECORDED
Official Public Records
11/14/2013 3:12 PM



Dianne Wilson
Dianne Wilson, County Clerk
Fort Bend County Texas
Pages: 9 Fee: \$ 59.00

THIS INSTRUMENT IS BEING RE-RECORDED AS THE DATE OF EXECUTION WAS INADVERTANTLY

NOT COMPLETED AT THE TIME OF THE INITIAL FILING.

DECLARATION OF ANNEXATION

(Summer Lakes, Section 5)

THE STATE OF TEXAS §
 §
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, and filed under Clerk's File No. 2004085296 in the Official Records of Real Property of Fort Bend County, Texas (the "Official Records"), as amended by: (i) Amendment to Declaration of Covenants, Conditions and Restrictions for Summer Lakes dated October 26, 2004, filed under Clerk's File No. 2004140039 in the Official Records; (ii) Second Amendment to Declaration of Covenants, Conditions and Restrictions for Summer Lakes dated June 22, 2005, filed under Clerk's File No. 2005075526 in the Official Records, and (iii) Third Amendment to Declaration of Covenants, Conditions and Restrictions for Summer Lakes dated October 5, 2006, filed under Clerk's File No. 2006131444 in the Official Records (as amended and supplemented, the "Declaration"), the single family residential lots within Summer Lakes, Section One (1) and Summer Lakes, Section Two (2), as more particularly described in the Declaration, were made subject to the covenants, conditions, restrictions, easements, charges and liens set forth in the Declaration; and

WHEREAS, by that certain Declaration of Annexation dated December 14, 2007, filed under Clerk's File No. 2007154043 in the Official Records, Summer Lakes, Section Three (3) was annexed into the jurisdiction of the Association and made subject to all of the provisions of the Declaration; and

WHEREAS, by that certain Declaration of Annexation dated April 21, 2008, filed under Clerk's File No. 2008042908 in the Official Records, Summer Lakes, Section Four (4) was annexed into the jurisdiction of the Association and made subject to all of the provisions of the Declaration; and

WHEREAS, Article II, Section 2 of the Declaration provides that the Summer Lakes Architectural Review Committee (the "ARC") may promulgate builder guidelines and set higher building criteria than contain in the Declaration (the "Higher Builder Guidelines"); and

WHEREAS, FORESTAR (USA) REAL ESTATE GROUP, INC., a Delaware corporation (successor by merger to Summer Creek Development, Ltd., a Texas limited partnership) (the "Declarant") is the current "Declarant" under the Declaration and is the owner of that certain tract of land (the "Annexed Property") which is in the general vicinity of the property encumbered by the Declaration, which such Annexed Property has been platted and subdivided as Summer Lakes, Section Five (5), a subdivision in Fort Bend County, Texas, according to the plat thereof filed under Clerk's File No. 2013117345 (see Exhibit "A") in the Official Records; and

WHEREAS, Article X, Section 7 of the Declaration gives the Declarant the right as the owner of the real property to be annexed or, if not the owner, with the consent of the owner of the real property to be annexed, to annex additional property into the jurisdiction of the Summer Lakes Homeowners Association, Inc., a Texas non-profit corporation (the "Association"), and to subject such annexed property to the provisions of the Declaration; and

WHEREAS, Declarant desires to annex the Annexed Property into the jurisdiction of the Association and to subject the Annexed Property to all of the provisions of the Declaration (including the ability of the ARC to promulgate Higher Builder Guidelines) and to subject such Annexed Property to the additional covenants, conditions and restrictions set forth in this Declaration of Annexation.

NOW, THEREFORE, the Declarant hereby annexes the Annexed Property into the authority and jurisdiction of the Association and declares that the Annexed Property shall be a portion of the Properties (as defined in the Declaration) and shall be subject to all of those certain assessments, conditions, covenants, easements, reservations, restrictions and liens set forth in the Declaration (including the ability of the ARC to promulgate Higher Builder Guidelines), as it may be hereafter amended, which shall run with the land and be binding on all parties having any right, title, or interest in the Annexed Property or any part thereof, their heirs, successors, and assigns, and which shall inure to the benefit of each owner thereof with the following additional restrictions and modifications which shall apply only to the Annexed Property:

1. Article IV, Section 6 of the Declaration is revised to read as follows:

SECTION 6. RATES OF ASSESSMENT. Subject to the further provisions hereof, both annual and special assessments on all Lots shall be fixed at uniform rates and all Lots in the Properties shall commence to bear their assessment simultaneously; provided, however, Lots owned by the Declarant shall not be assessed. Lots owned by a Builder shall be assessed at the full rate. The assessment for an individual Lot, within a calendar year, shall change as the ownership of such Lot passes from the Declarant, and the assessment for such Lot shall be prorated according to the applicable rate during each type of ownership. There shall also be no assessments on any Lots owned by the Declarant or any portion of the Properties which has not been platted into Lots.

2. Article VII, Section 2 of the Declaration is revised to read as follows:

SECTION 2. LIVING AREA REQUIREMENTS. The minimum and maximum total living area of each single family dwelling, exclusive of open porches, garages, and carports or parking spaces shall be determined by the ARC or as may be set forth in architectural guidelines promulgated by the ARC from time to time.

3. Article VII, Section 1 of the Declaration is revised to read as follows:

SECTION 1. TYPE OF RESIDENCE. Unless otherwise approved by the ARC, only one (1) detached single family residence not more than two (2) stories in height shall be built or permitted on each Lot and each residence shall have a garage capable of housing

a minimum of two (2) and a maximum of three (3) automobiles. The minimum exterior wall area coverages on each side and the materials which are permitted on each side of the residence on each Lot shall be in conformance with the ARC's builder guidelines as same may be amended from time to time. All structures shall be of new construction and no structure shall be moved from another location onto any Lot. All residences must be kept in good repair and must be painted when necessary to preserve their attractiveness. No garage may be converted to use for any other purpose and garages used by a Builder for sales and other purposes must be converted back to a garage before occupancy of the residence by the homebuyer.

- 4. Article VII, Section 6 of the Declaration is revised to read as follows:

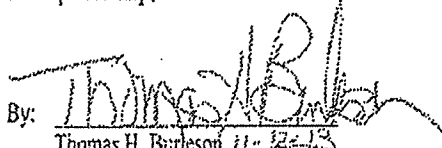
SECTION 6. ROOF PITCH; ROOF MATERIAL; ROOF STACKS. The ARC shall have the authority to approve roof pitches of the homes. The ARC, at its sole and absolute discretion, may choose to allow different roof pitches for structures it deems to be ancillary to the main dwelling, including but not limited to, 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 ARC and have a minimum manufacturer's guarantee as required by the ARC. Any other type of roofing material shall be permitted only at the discretion of the ARC. Unless otherwise approved by the Architectural Review Committee, all roof stacks must be painted to match the roof color of the residence.

IN WITNESS WHEREOF this Declaration of Annexation is executed the 12 day of November, 2013.

It is expressly agreed and understood that the individual executing this document on behalf of the of the Declarant is acting in his representative capacity only and solely as a representative of the of the Declarant and any liability resulting hereunder based upon the actions of such individual, including but not limited to, the breach of any warranty, covenant, representation and/or provision contained herein, if any, shall be that of the Declarant and not that of such individual.

DECLARANT:

FORESTAR (USA) REAL ESTATE GROUP, INC., a Delaware corporation (successor by merger to Summer Creek Development, Ltd., a Texas limited partnership)

By: 
Thomas H. Burleson, 11-12-13
Executive Vice President

STATE OF TEXAS

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201
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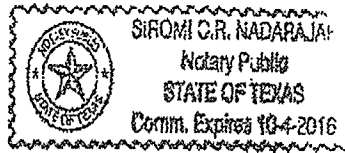
COUNTY OF DALLAS

This instrument was acknowledged before me on July 12, 2013, by Thomas H. Burleson, Executive, Vice President, of Forestar (USA) Real Estate Group, Inc., a Delaware corporation, on behalf of said corporation.

Siromi C.R. Nadarajah
NOTARY PUBLIC, State of Texas

AFTER RECORDING RETURN TO:

Mark K. Knop
Hoover Slovacek LLP
5847 San Felipe, Suite 2200
Houston, TX 77057



LIENHOLDER'S CONSENT AND SUBORDINATION
TO DECLARATION OF ANNEXATION

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

That Texas Capital Bank, National Association, the owner and holder of that certain promissory note dated May 29, 2013 in the original principal amount of \$ 2,719,973 , executed by Declarant, secured by a deed of trust lien on all or a portion of the Annexed Property as evidenced by deed of trust instrument filed under County Clerk's File No. 2013070120 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 Declaration as applicable to the Annexed Property pursuant to the foregoing Declaration of Annexation.

EXECUTED the 19th day of October, 2013.

LIENHOLDER:

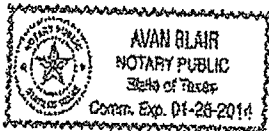
TEXAS CAPITAL BANK, NATIONAL ASSOCIATION

By: [Signature]
Name: Jerry Schilke
Title: Senior Vice President

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on the 19th day of October, 2013 by Jerry Schilke, SVP of Texas Capital Bank, National Association, on behalf of said entity.

[Seal]



[Signature]
Notary Public--State of Texas

EXHIBIT "A"

APPENDIX

SECTION 1
The Commission has the honor to acknowledge the receipt of your letter of the 10th inst. and in reply to advise you that the same has been forwarded to the appropriate authorities for their consideration.

SECTION 2
In compliance with the provisions of the Act, the Commission has caused a study to be made of the premises described in your letter and has caused the same to be surveyed and plans to be prepared therefor.

SECTION 3
The Commission has the honor to advise you that the same has been forwarded to the appropriate authorities for their consideration.

SECTION 4
The Commission has the honor to advise you that the same has been forwarded to the appropriate authorities for their consideration.

SECTION 5
The Commission has the honor to advise you that the same has been forwarded to the appropriate authorities for their consideration.

SECTION 6
The Commission has the honor to advise you that the same has been forwarded to the appropriate authorities for their consideration.

SECTION 7
The Commission has the honor to advise you that the same has been forwarded to the appropriate authorities for their consideration.

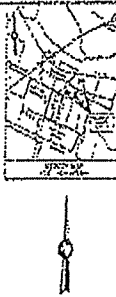
SECTION 8
The Commission has the honor to advise you that the same has been forwarded to the appropriate authorities for their consideration.


SECTION 9
The Commission has the honor to advise you that the same has been forwarded to the appropriate authorities for their consideration.

SECTION 10
The Commission has the honor to advise you that the same has been forwarded to the appropriate authorities for their consideration.

SECTION 11
The Commission has the honor to advise you that the same has been forwarded to the appropriate authorities for their consideration.

SECTION 12
The Commission has the honor to advise you that the same has been forwarded to the appropriate authorities for their consideration.





SUMMER LAKES
SECTION FIVE

JOHN A. SANDERSON, DISTRICT ENGINEER

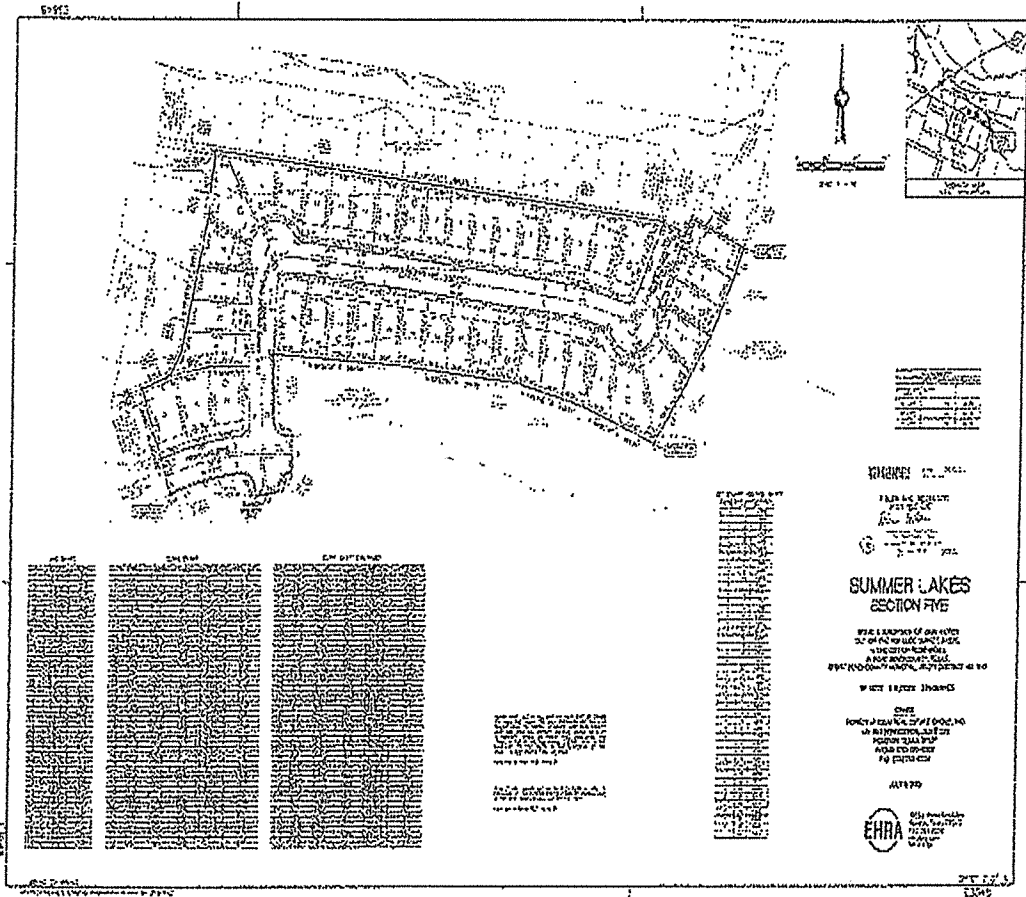
ALICE B. SANDERSON, DISTRICT ENGINEER

JOHN A. SANDERSON, DISTRICT ENGINEER

ALICE B. SANDERSON, DISTRICT ENGINEER

JOHN A. SANDERSON, DISTRICT ENGINEER

ALICE B. SANDERSON, DISTRICT ENGINEER



ENGINEER: [Illegible]
 ARCHITECT: [Illegible]
 SUMMER LAKES
 SECTION FIVE
 JUL 1979
 EHRA

