

CREEKS AT AUGUSTA PINES HOMEOWNERS ASSOCIATION, INC.

**REPLACEMENT SUPPLEMENTARY DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS
AUGUSTA CREEK SECTION ONE (1) THE ESTATES**

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

THIS REPLACEMENT SUPPLEMENTARY DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR AUGUSTA CREEK SECTION ONE (1) HEREBY SUPERSEDES AND REPLACES, IN ITS ENTIRETY, THAT ONE CERTAIN SUPPLEMENTARY DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR AUGUSTA CREEK SECTION ONE(1) THAT WAS ORIGINALLY RECORDED AS PART OF THE DECLARATION RECORDED UNDER HARRIS COUNTY CLERK'S FILE NO. 20060021221 AND THEN RECORDED AS A SEPARATE DOCUMENT UNDER HARRIS COUNTY CLERK'S FILE NO.20060072164.

WHEREAS, under date of September 5, 2006, SHADOW CREEK ESTATES, LTD, ("Declarant"), as the owner of certain land created that certain subdivision known as the CREEKS AT AUGUSTA PINES, by the execution and recordation of that certain Declaration of Covenants, Conditions and Restrictions for the Creeks at Augusta Pines recorded under Clerk's File No. 20060021221 of the Real Property Records of Harris County; Texas, as amended by instrument recorded under Harris County Clerk's File No. 20110143460(the "Declaration"); and

WHEREAS, by the terms of said Declaration, land subject to the Declaration is placed within the jurisdiction of the Creeks of Augusta Pines Homeowners Association, Inc. (the "Association"); and

WHEREAS, by the terms of said Declaration, the Declarant may establish Rules that among other matters, will govern as design/architectural guidelines, and which may, as part of such design/architectural guidelines, establish a list of approved Builders (custom or production Builders) that may be revised from time to time as circumstances warrant and which may be different for different neighborhoods; and

WHEREAS, the Declaration further calls out that Declarant may establish different neighborhoods within the Community of the Creeks at Augusta Pines, which neighborhoods may have different marketing names and may also have different guidelines for the Builders building Residences therein, which would be set forth by the execution and recordation of a Supplemental Declaration for each such neighborhood; and

WHEREAS, Declarant has established the neighborhood of Augusta Creek Section One (1), being approximately 22.489 acres in Harris County, Texas; the plat for which was recorded under Film Code Z447600 of the Map Records of Harris County; containing 43 lots, 1 block and 3 reserves; and

WHEREAS, this is a Replacement Supplemental Declaration for Augusta Creek Section One (1) and any and all Builders and Owners of Lots within such Augusta Creek Section One (1) must comply with the terms hereof;

NOW, THEREFORE, pursuant to the power reserved in the Declaration, Declarant does hereby declare that the following must be complied with for any and all improvements to any Lots within Augusta Creek Section One (1):

1. Square Footage Requirements:
 - On Course: 3500 SF
 - Off Course : 4000 SF
2. Height of Residence:
 - Three (3) story maximum height restrictions on all houses.
3. Building Materials:
 - Exterior Walls: Brick, Stone, Stucco or combination
 - Fireplaces: Brick, Stone, Stucco
 - Roofing: Composition shingles (min. 40yr warranty)
 - Driveways: Patterned Concrete or Brick Pavers 25ft min. from street on driveway (min.)
4. Setbacks:
 - Front: 25' per plat
 - Rear: 30'
 - Sides: 5' and 5'
5. Fencing:
 - Golf Course Frontage: 48" Wrought Iron rear and sides with gates (pre-approved desing); Lot fencing on Lots facing Front of Lot: 6' Wrought Iron. (furnished by Developer; paid for by Builder)
6. Landscaping:
 - Submit to ARC for approval. (Note: all trees within 10' of the footprint of the house and/or house and pool are to be removed; all trees outside of the 10' footprint of the house and/or house and pool must remain and be protected during construction unless such trees are dead, damaged beyond repair or an obstruction for the approved placement of the driveway or sidewalk.)
7. Exterior Lighting:
 - None required by submit to ARC before any are installed.
8. Architectural Review Committee ("ARC"):
 - Alan Kent, Larry Williams, Allison Kent
9. Walks, Pools, Patios, Pool Decks:
 - Tile, Slate, Cool Deck, Patterned Concrete, Pea Gravel
10. Approved Builders:

Brickland, Cannon, Flair, Frontier

The Requirements set forth herein do not replace or amend the architectural approval process set forth in the Declaration; any improvement constructed or modified must obtain the architectural approval as set forth therein.

Nothing herein contained is intended or shall be construed to amend the Declaration other than to specify terms and provisions of the Declaration which are applicable to specific lots and land within Augusta Creeks Section One (1).

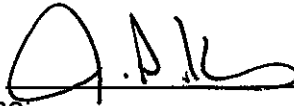
This Replacement Supplementary Declaration may be amended from time to time in the same fashion and manner as the Declaration.

IN WITNESS WHEREOF, the undersigned, being the Declarant herein, has hereunto set its hand and seal this _____ day of _____, 2012.

Declarant:

SHADOW CREEK ESTATES, LTD, a Texas limited partnership,

By: Shadow Creek Estates GP, LLC
general partner

By:  _____
Name: _____
Title: _____

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on this _____ day of _____, 2012 by _____ of _____, which is the general partner of Shadow Creek Estates, Ltd, a Texas limited partnership.

Notary Public, State of Texas