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DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS FOR
THE RESERVE AT CYPRESS CREEK

After Recording Return To:
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**DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS FOR
THE RESERVE AT CYPRESS CREEK**

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STATE OF TEXAS :
:
COUNTY OF HARRIS :

THIS DECLARATION is made on the date hereinafter set forth by Beazer Homes Texas, L.P. a Delaware limited partnership and Pacific United, L.P., a Texas limited partnership hereinafter referred to collectively as "Declarant."

WITNESSETH:

WHEREAS, Declarant is the owner of certain property in Harris County, Texas known as The Reserve at Cypress Creek, a subdivision of 59.95 acres and containing 132 lots and 2 blocks out of the M. Eicholtz Survey, A-254, according to the map or plat thereof, filed on the 3rd day of July, 2002 under Clerk's File No. V 916686 and Film Code No. 516249 of the Plat Records of Harris County, Texas (the "Property"); and

WHEREAS, Declarant desires to develop the Property as a residential subdivision, and to provide and adopt a uniform plan of development including assessments, conditions, covenants, easements, reservations, and restrictions designed to govern, control and preserve the values and amenities of the Property for the development, improvement, sale, common welfare of the community, use and enjoyment of the Property as a residential subdivision; and

WHEREAS, Declarant desires to subject the Property, together with additional land as may hereinafter be made subject hereto, to the assessments, conditions, covenants, easements, reservations, and restrictions hereinafter set forth, for the benefit of the Property, additions thereto, and each Owner of any part thereof; and

WHEREAS, Declarant has deemed it desirable, for the efficient preservation of the amenities in said subdivision and enforcement of this Declaration, to create an Association (hereinafter defined) to which shall be delegated and assigned the power of administering and enforcing these assessments,

conditions, covenants, easements, reservations and restrictions, including levying, collecting and disbursing the assessments; and

WHEREAS, there has been or will be incorporated one or more non-profit corporations created under the laws of the State of Texas, including the first being The Reserve at Cypress Creek Community Association, Inc. whose directors have established By-Laws by which said Association shall be governed through its Board of Directors, for the purpose of exercising the functions aforesaid and any other duties as set out in the By-Laws and/or other Dedicatory Instruments as that term is defined in the Texas Property Code.

NOW, THEREFORE, Declarant hereby declares that the Property shall be developed, improved, sold, used and enjoyed in accordance with, and subject to the following plan of development, including the assessments, conditions, covenants, easements, reservations, and restrictions hereinafter set forth, all of which are hereby adopted for, and placed upon said Property and shall run with the Property and be binding on all parties, now and at anytime hereinafter, having or claiming any right, title or interest in the Property or any part thereof, their heirs, executors, administrators, successors and assigns, regardless of the source of, or the manner in which any such right, title or interest is or may be acquired, and shall inure to the benefit of each Owner of any part of the Property.

ARTICLE I. DEFINITIONS OF TERMS

The following words when used herein shall have the following meanings when capitalized (unless the context requires otherwise and the term is then not capitalized):

- A. "ARC" means the Architectural Review Committee established for the Property as set forth in Article VII, Section A.
- B. "Assessment" means the assessment levied against all Lots for the purposes set out in Article XII, Section C, or for any other charge authorized by this Declaration, the By-laws, or Rules and Regulations.
- C. "Architectural Guidelines" mean a publication of the ARC, if any, that may set forth various standards relating to exterior harmony of any and all improvements placed upon or constructed on any lot, which publication may be amended without notice to owners.

- D. "Association" means THE RESERVE AT CYPRESS CREEK COMMUNITY ASSOCIATION, INC., a Texas non-profit corporation, its successors, assigns, or replacements which has jurisdiction over all properties located within the land encumbered under this Declaration, as same may be amended from time to time as additional property is annexed into The Reserve at Cypress Creek, as allowed under this Declaration.
- E. "Board" means the duly elected Board of Directors of the Association as provided within the By-laws.
- F. "Builder" means an individual or entity that purchases multiple Lots from the Declarant for the purpose of constructing Dwellings thereon, which Dwellings will be offered for sale to purchasers. "Builder" shall not include an individual or entity constructing additions onto a Dwelling already in existence, performing repairs or maintenance or re-constructing or replacing a Dwelling after demolition or destruction, either partial or complete.
- G. "Building Guidelines" means general guidelines, if any, as to construction types and aesthetics as set by the ARC, which may be changed without notice to the Owners.
- H. "By-Laws" means the By-Laws of The Reserve at Cypress Creek Community Association, Inc., as they may be amended from time to time.
- I. "Common Area" means all real property owned in fee or held in easement by the Association for the common use and enjoyment of the Owners and shall include areas designated by Declarant to be conveyed by deed or easement to the Association.
- J. "Declarant" means Beazer Homes Texas, L.P. its successors and assigns, as may be evidenced by a written instrument recorded in the public records of the Harris County Clerk's office and Pacific United, L.P., a Texas limited partnership its successors and assigns, as may be evidenced by a written instrument recorded in the public records of the Harris County Clerk's office..
- K. "Declaration" means this Declaration of Covenants, Conditions, and Restrictions for The Reserve at Cypress Creek or any other property brought under the control of this document, or any supplemental declaration and/or amendment thereto.
- L. "Dwelling" means a structure or structures intended for residential use.

- M. "Homesite" means one or more Lots upon which a single family Dwelling may be erected subject to this Declaration.
- N. "Lake-front Lot" shall mean any Lot and any other Lots so designated by Declarant in this Declaration and/or in a subsequent filing; even if a common area is between the Lot and the lake.
- O. "Lot" means a parcel of Property as defined by the recorded plat and/or any replat thereof as one lot in the Map Records of Harris County, Texas, and encumbered by this Declaration. Homesites may be comprised of more than one Lot; each such Lot will be subject to the rights and duties of membership in the Association. There shall be an assessment due for each Lot owned as defined by the then plat of record.
- P. "Member" means an Owner, as defined in this article, who is in good standing per Article IV, Section B, "Membership."
- Q. "Owner" means an owner of any portion of the Property. Persons or entities holding title only as a lienholder shall not be an Owner for purposes of this Declaration.
- R. "Property" means all of the property subject to this Declaration as same may be amended and/or supplemented from time to time as additional property is annexed into The Reserve at Cypress Creek as allowed under this Declaration.
- S. "Recreational Sites" means Common Area Property that is set aside for use as recreational facilities, reserves, or green space and is encumbered by this Declaration, a recorded plat, or both.
- T. "Special Assessment" means an assessment levied under Article XII, Section D for a specific purpose.
- U. "The Reserve at Cypress Creek " and/or "The Reserve" means The Reserve at Cypress Creek Subdivision, located in Houston, Harris County, Texas. The Reserve at Cypress Creek Subdivision is more particularly described on the Plat recorded under Clerk's File No. V 916686 and Film Code No. 516249, of the Plat Records of Harris County, Texas, which may be amended and/or supplemented as additional land is annexed into the subdivision by the recording of a Supplemental Declaration.

ARTICLE II. PURPOSE AND INTENT

The Reserve at Cypress Creek, as initially planned, is intended to be a residential development that is planned to feature residential uses and provide for the common welfare of the community.

This Declaration shall serve as the means by which design, maintenance and use of the Property and Eligible Property anticipated to be a part of The Reserve at Cypress Creek will be established.

ARTICLE III. PROPERTY SUBJECT TO RESTRICTIONS

A. Property Initially Encumbered

The Property that is initially encumbered by this Declaration and is therefore a part of The Reserves at Cypress Creek Subdivision is more particularly described on the map or plat thereof, filed under Clerk's File No. V 916686 and Film Code No. 516249, of the Official Public Records of Real Property of Harris County, Texas. Owners of Property are Members of the Association and have executed this Declaration.

B. Annexation of Additional Property

Without the joinder of any other Owners or Members, the Declarant reserves the exclusive right for the twenty-five (25) years following the execution of this Declaration to annex any additional property. So long as there is Class "B" Membership, no additional property may be annexed without the prior approval of the Department of Housing and Urban Development and/or Department of Veterans Affairs. Such annexation shall be accomplished by the execution and filing for record of a Supplemental Declaration setting forth the land being annexed and/or the specific restrictions relating to such property, if different, provided the maintenance fee provision shall be uniform as to all Lots.

The right of the Declarant to annex land under this Section shall pass to the Association upon the expiration of the twenty-five (25) year term granted above or upon the termination of Class "B" Membership pursuant to Article IV, Section C, whichever occurs first.