

**SECOND SUPPLEMENTAL DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
CREEKMONT
(ANNEXING 73.431 ACRES OVERALL
LOCATED NORTH OF STATE HWY 6)**

THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND§

This Second Supplemental Declaration of Covenants, Conditions and Restrictions for Creekmont (Annexing 73.431 Acres Overall Located North of State Hwy 6) is made effective the 21st day of September, 2009, by Perry Homes, LLC, a Texas limited liability company, successor by merger to Perry Homes, a Joint Venture ("Declarant").

WHEREAS, Declarant executed and filed that certain Declaration of Covenants, Conditions and Restrictions for Creekmont, recorded under Clerk's File No. 2006041050 in the Official Records of Fort Bend County, Texas; and executed and filed that certain First Supplemental Declaration of Covenants, Conditions and Restrictions for Creekmont, recorded under Clerk's File No. 2007026283, in the Official Records of Fort Bend County, Texas; and executed and filed that certain First Amendment to Declaration of Covenants, Conditions and Restrictions for Creekmont, recorded under Clerk's File No. 2009036280, in the Official Records of Fort Bend County, Texas (the "Declaration"); and,

WHEREAS, Declarant desires to annex the additional property described in Exhibit "A" (a metes and bounds description of 60.184 acres) and Exhibit "B" (a metes and bounds description of 13.247 acres) attached hereto (collective referred to as the "Additional Property"), and to thereby extend the coverage, plan and concept of the Declaration to such real property (73.431 acres overall located North of State Hwy 6) in accordance with Article XI of the Declaration.

NOW THEREFORE, Declarant does hereby supplement the Declaration as follows:

1. The Additional Property is hereby annexed pursuant to Article XI of the Declaration.
2. The coverage, plan and concept of the Declaration are hereby extended to the Additional Property.
3. The Additional Property is annexed into the jurisdiction of the Creekmont Community Association, Inc.
4. The Additional Property shall hereinafter be a portion of the "Property" as such term is defined in Article I of the Declaration.
5. Except as set forth in this instrument, the Declaration is not otherwise affected and remains in full force and effect.

Executed this 21st day of September, 2009.

DECLARANT:

Perry Homes, LLC, a Texas limited liability company,
successor by merger to Perry Homes, a Joint Venture

By: Gerald W. Noteboom
Gerald W. Noteboom
Senior Executive Vice President

ACKNOWLEDGMENT

THE STATE OF TEXAS §
§
COUNTY OF HARRIS §

This instrument was acknowledged before me on this the 21st day of September, 2009 by Gerald W. Noteboom, Senior Executive Vice President of PERRY HOMES, LLC, a Texas limited liability company, successor by merger to PERRY HOMES, a Joint Venture.



Seal Showing Name and
Commission Expiration

Merrilee J. Zedan
Notary Public in and for the
State of Texas

AFTER RECORDING RETURN TO:

S. Bradley Todes
Perry Homes, LLC
P.O. Box 34306
Houston, Texas 77234

EXHIBIT "A"

KELLY R. KALUZA & ASSOCIATES, INC.

**Consulting Engineers & Surveyors
3014 Avenue I, Rosenberg, Texas 77471
(281) 341-0808 ■ FAX (281) 341-6333**

March 1, 2004

A FIELD NOTE DESCRIPTION of 60.184 Acres of Land being a portion of the SPS Pelican Partners, L.P. 78.635 Acre Tract of Land (Fort Bend County Clerk's File No. 2001041951) being out of Lot No. 4, Block No. 15, Lots No. 1, 2, 3 and 4, Block No. 16, Lot No. 4, Block No. 18, Lots No. 1 and 2, Block No. 19, and Lots No. 1 and 2, Block No. 20 of the Cochran and McCluer Land Company Subdivision (Volume 51, Pages 307 and 308; Volume 58, Pages 75 and 76; Deed Records of Fort Bend County, Texas) being in the Moses Shipman Survey, Abstract No. 86, Fort Bend County, Texas.

BEGINNING at a 5/8 inch diameter iron rod by railroad cross-tie found for the most Southerly Southwest corner of Reserve "A" - 99.856 Acre Tract of Fort Bend Independent School District High School #7 Subdivision (Slides No. 1578A, 1578B and 1579A; Plat Records of Fort Bend County, Texas); Said corner being the Northeast corner of the original Florence Barrington 40 foot strip (Volume 437, Page 91; Deed Records of Fort Bend County, Texas) and being the most Westerly Northwest corner of this 60.184 Acre Tract;

THENCE; North 87 Degrees, 35 Minutes, 0 Seconds East - 1618.00 feet (reference bearing) along the Southerly line of said 99.856 Acre Tract to a 3/4 inch inside diameter iron pipe found for interior corner of this tract; Said corner being the Southeast corner of said 99.856 Acre Tract;

THENCE; North 1 Degree, 18 Minutes, 40 Seconds East - 543.77 feet along the Easterly line of said 99.856 Acre Tract to a 5/8 inch diameter iron rod found for the most Northerly Northwest corner of this tract; Said corner being the most Northerly Northwest corner of said 78.635 Acre Tract and being the most Northerly Northwest corner of a call 100 Acre Tract (Volume 147, Page 150; Deed Records of Fort Bend County, Texas);

THENCE; North 89 Degrees, 16 Minutes, 40 Seconds East - 791.09 feet along the most Northerly line of said call 100 Acre Tract being along a Southerly line of a call 209.0566 Acre Tract (Fort Bend County Clerk's File No. 1999042726) to a 5/8 inch diameter iron rod with plastic cap set for the most Northerly Northeast corner of this tract; Said corner being the Northeast corner of said call 100 Acre Tract, being an interior corner of said call 209.0566 Acre Tract and being the Northeast corner of said 78.635 Acre Tract;

THENCE; South 1 Degree, 3 Minutes, 44 Seconds East - 1620.40 feet along the Easterly line of said 78.635 Acre Tract being along the Easterly line of said call 100 Acre Tract and along a Westerly line of said call 209.0566 Acre Tract to a 3/4 inch inside diameter iron pipe found for the Northwest corner of a 13.247 Acre Tract; Said corner being the Northwest corner of a call 18.56 Acre Tract (Fort Bend County Clerk's File No. 9608674);

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THENCE; South 1 Degree, 20 Minutes, 50 Seconds East - 658.79 feet along the Westerly line of said call 13.247 Acre Tract being along the Westerly line of said call 16.56 Acre Tract to a point for the most Easterly Southeast corner of this tract; Said corner being the Northeast corner of a 0.637 Acre tract and bears North 1 Degree, 20 Minutes, 50 Seconds West - 1.00 feet from a railroad iron found for reference;

THENCE; South 88 Degrees, 39 Minutes, 10 Seconds West - 28.00 feet to a point for the Northwest corner of said 0.637 Acre Tract;

THENCE; Southwesterly, along a non-tangent curve to the right the radius point bearing North 78 Degrees, 49 Minutes, 57 Seconds West, with the following curve data:

Delta: 19 Degrees, 0 Minutes, 0 Seconds
Radius: 800.00 feet
Length: 265.29 feet
Tangent: 133.87 feet
Chord: South 20 Degrees, 40 Minutes, 3 Seconds West - 264.08 feet to a point for corner;

THENCE; South 20 Degrees, 5 Minutes, 25 Seconds East - 64.21 feet to a point for the most Southerly corner of this tract; Said corner bears North 58 Degrees, 45 Minutes, 0 Seconds West - 126.24 feet from a railroad crossile found in the Northeasterly right-of-way line of State Highway No. 6 (225 feet wide) for the Southeast corner of said 78.635 Acre Tract;

THENCE; North 58 Degrees, 45 Minutes, 0 Seconds West - 200.00 feet along the Southwesterly line of said 78.635 Acre Tract being along the Northeasterly right-of-way line of said State Highway No. 6 to a point for corner;

THENCE; North 82 Degrees, 35 Minutes, 25 Seconds East - 63.83 feet leaving the Northeasterly right-of-way line of said State Highway No. 6 to a point for corner;

THENCE; Northeasterly, along a non-tangent curve to the left the radius point bearing North 59 Degrees, 58 Minutes, 3 Seconds West with the following curve data:

Delta: 19 Degrees, 18 Minutes, 11 Seconds
Radius: 700.00 feet
Length: 235.42 feet
Tangent: 118.83 feet
Chord: North 20 Degrees, 23 Minutes, 52 Seconds East - 234.32 feet to a point for corner;

THENCE; North 53 Degrees, 52 Minutes, 25 Seconds West - 941.13 feet to a point for corner;

THENCE; North 58 Degrees, 45 Minutes, 0 Minutes West - 280.00 feet to a point for corner;

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- THENCE;** South 31 Degrees, 15 Minutes, 0 Seconds West - 310.00 feet to a point for corner;
- THENCE;** South 20 Degrees, 5 Minutes, 25 Seconds East - 64.03 feet to a point for corner;
- THENCE;** North 58 Degrees, 45 Minutes, 0 Seconds West - 220.00 feet along the Northeasterly right-of-way line of said State Highway No. 6 to a point for corner; Said corner bears South 58 Degrees, 45 Minutes, 0 Seconds East - 1170.95 feet from a 5/8 inch diameter iron rod found in the Northeasterly right-of-way line of said State Highway No. 6 for the Southwest corner of said 78.635 Acre Tract;
- THENCE;** North 82 Degrees, 35 Minutes, 25 Seconds East - 64.03 feet leaving the Northeasterly right-of-way line of said State Highway No. 6 to a point for corner;
- THENCE;** North 31 Degrees, 15 Minutes, 0 Seconds East - 310.00 feet to a point for corner;
- THENCE;** North 58 Degrees, 45 Minutes, 0 Seconds West - 300.00 feet to a point for corner;
- THENCE;** North 64 Degrees, 44 Minutes, 22 Seconds West - 766.68 feet to a point for corner;
- THENCE;** South 87 Degrees, 35 Minutes, 0 Seconds West - 279.08 feet to a point for the Southwest corner of this tract; Said corner being in the Westerly line of said 78.635 Acre Tract and bears North 1 Degree, 22 Minutes, 57 Seconds West - 136.90 feet from said 5/8 inch diameter iron rod found for the Southwest corner of said 78.635 Acre Tract;
- THENCE;** North 1 Degree, 22 Minutes, 57 Seconds West - 300.05 feet along the most Westerly line of said call 100 Acre Tract, along the most Westerly line of said 78.635 Acre Tract and along the Easterly line of said original Florence Barrington 40 foot strip to the **PLACE OF BEGINNING** and containing 60.184 Acres of Land.

C. Tim Griffith

C. Tim Griffith, R.P.L.S. No. 4349



EXHIBIT "B"

KELLY R. KALUZA & ASSOCIATES, INC.

Consulting Engineers & Surveyors
3014 Avenue L, Rosenberg, Texas 77471
(281) 341-0808 • FAX (281) 341-6333

July 22, 2003

A FIELD NOTE DESCRIPTION of 13.247 Acres of Land being the Westerly portion of a call 16.56 Acre Tract (Fort Bend County Clerk's File No. 9608874) being a portion of Blocks 20 and 23 of the Cochran and McCluer Land Company Subdivision (Volume 51, Pages 307 and 308; Volume 58, Pages 75 and 76; Deed Records of Fort Bend County, Texas) being in the Moses Shipman Survey, Abstract No. 86, Fort Bend County, Texas. The reference bearing for this description is the most Southerly East line of a 78.635 Acre Tract (Tract 1, Fort Bend County Clerk's File No. 2001041951) being South 1 Degree, 20 Minutes, 50 Seconds East as monumented on the ground.

BEGINNING at a 3/4 inch diameter iron pipe found for the Northwest corner of said call 16.56 Acre Tract in the East line of said 78.635 Acre Tract; Said corner bears North 1 Degree, 20 minutes, 50 Seconds West - 932.43 feet from a railroad cross tie found in the Northeasterly right-of-way line of State Highway No. 6 (225 feet wide) for the Southeast corner of said 78.635 Acre Tract; Said beginning corner being in the Southerly right-of-way line of Raab Road (called 45 feet wide - not open) and being the Northwest corner of this tract;

THENCE; North 89 Degrees, 34 Minutes, 40 Seconds East - 387.38 feet along the Northerly line of said call 16.56 Acre Tract, along the Southerly right-of-way line of said Raab Road and along a Southerly line of a call 209.0586 Acre Tract (Fort Bend County Clerk's File No. 1999042726) to a 1/2 inch iron rod found for the Northeast corner of this tract; Said corner being the Northwest corner of a call 3.138 Acre Tract (Volume 1391, Page 43; Official Records of Fort Bend County, Texas);

THENCE; Southeasterly, along the Westerly line of said call 3.138 Acre Tract with the following courses and distances:

South 68 Degrees, 30 Minutes, 18 Seconds East, at 539.60 feet pass 0.28 feet Southwest of a 1/2 inch diameter iron rod found for reference, in all 539.76 feet to a point for corner;

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Along a tangent curve to the right with the following curve data:

Delta: 87 Degrees, 50 Minutes, 2 Seconds
Radius: 110.00 feet
Length: 188.83 feet
Tangent: 105.92 feet
Chord: South 24 Degrees, 35 Minutes, 17 Seconds East
- 152.80 feet to a 1/2 inch diameter iron rod
found for corner;

South 19 Degrees, 19 Minutes, 44 Seconds West, at 373.33 feet pass
a 1/2 inch diameter iron rod found for reference, in all 379.44 feet to
a point for the Southeast corner of this tract; Said corner bears South
88 Degrees, 45 Minutes 56 Seconds West - 1.59 feet from a one inch
diameter iron pipe found for reference;

THENCE; South 88 Degrees, 45 Minutes, 56 Second West, at 809.70 feet pass a 3/4
inch diameter iron pipe found for reference, in all 811.00 feet along the
Southerly line of said call 16.58 Acre Tract and along the Northerly line of a
call 8.587 Acre Tract (Volume 1852, Page 2033; Official Records of Fort
Bend County, Texas) to a point for the Southwest corner of this tract; Said
corner bears North 1 Degree, 20 Minutes, 50 Seconds West - 1.00 feet from
a railroad iron found for reference;

THENCE; North 1 Degree, 20 Minutes, 50 Seconds West - 709.40 feet along the
Westerly line of said call 16.58 Acre Tract and along the most Southerly East
line of said 78.835 Acre Tract to the PLACE OF BEGINNING and containing
13.247 Acres of Land.

C. Tim Griffith
C. Tim Griffith, R.P.L.S. No. 4349

