

**SECOND AMENDMENT TO  
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR  
GRAYSTONE HILLS**

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THE STATE OF TEXAS           §  
  §  
COUNTY OF MONTGOMERY   §

WHEREAS, Savannah Development, Ltd., a Texas limited partnership, as Declarant, caused that certain instrument entitled "Declaration of Covenants, Conditions and Restrictions for Graystone Hills" (the "Declaration") to be recorded in the Official Public Records of Real Property of Montgomery County, Texas on August 8, 2006 under Clerk's File No. 2006-091233, which instrument imposes various covenants, conditions restrictions, liens and charges upon the following real property:

Graystone Hills, Section One (1), a subdivision in Montgomery County, Texas according to the map or plat thereof recorded in Cabinet Z, Sheet 407, of the Map Records of Montgomery County, Texas,

and

Graystone Hills, Section Two (2), a subdivision in Montgomery County, Texas according to the map or plat thereof recorded in Cabinet Z, Sheets 405 and 406, of the Map Records of Montgomery County, Texas

and,

WHEREAS, Section 8.1 of the Declaration grants to Declarant, for a period of ten (10) years from the date the Declaration is recorded, the authority to amend the Declaration, without the joinder or consent of any other party, so long as an amendment does not adversely affect substantive rights of the Lot Owners; and

WHEREAS, the Declaration was previously amended by that certain instrument entitled "First Amendment to Declaration of Covenants, Conditions and Restrictions for Graystone Hills" recorded in the Official Public Records of Real Property of Montgomery County, Texas under Clerk's File No. 2007-017820; and

WHEREAS, Declarant desires to further amend the Declaration in a manner that does not adversely affect substantive rights of the Lot Owners;

NOW, THEREFORE, pursuant to the authority granted to it by the provisions of the Declaration, Declarant hereby amends the Declaration as follows:

1. Section 2.3O of the Declaration is hereby amended to read as follows:

O. **PLAY STRUCTURES.** One (1) free-standing play structure is permitted on a Lot with the prior written approval of the Architectural Review Committee; provided that, in no event shall a permitted play structure exceed twelve (12) feet in height, measured from the ground to the highest point of the play structure, and in no event shall a platform of a play structure extend above the ground by more than five (5) feet. The canopy on a play structure, if any, shall be a solid color approved in writing by the Architectural Review Committee; a multi-colored canopy is not permitted. A play structure on a Lot must be located within the rear yard of the Lot and in accordance with the applicable side and rear building setbacks. Provided that, Declarant, as long as there is Class B Membership in the Association, and, thereafter, the Architectural Review Committee, shall have the authority to require a play structure on a Lot adjacent to Common Area to be located farther from the rear or side property line than the applicable building setbacks to minimize the visibility of the play structure. Provided further that, a play structure on a corner Lot shall not be located nearer to the side property line adjacent to the side street than twenty (20) feet. A free standing play structure shall not be deemed to be an accessory building for purposes of Section 2.3A of this Declaration.

2. Section 2.3T of the Declaration is hereby amended to read as follows:

T. **EXTERIOR COLORS.** The color(s) of paint and color impregnation proposed to be used on the exterior of the Residential Dwelling or other Improvement on a Lot must be approved in writing by the Architectural Review Committee prior to application. The Owner of a Lot is required to submit to the Architectural Review Committee a request for approval of the proposed paint color(s), together with paint samples. The Architectural Review Committee shall have the authority to disapprove a proposed paint color if the color is not compatible with colors commonly used on the exteriors of Residential Dwellings and Improvements in the Subdivision, or if two (2) or more colors proposed to be used on a Residential Dwelling or other Improvement on a Lot are not compatible with each other. Exterior colors are required to be earthtone colors. Iridescent colors or tones considered

by the Architectural Review Committee to be brilliant or extremely bold are prohibited. Further, yellow, blue and green pastels and primary colors are prohibited.

3. Section 2.5A of the Declaration is hereby amended to read as follows:

A. **FENCES.** No fence or wall on a Lot shall be constructed of chain link or wire. No fence or wall shall be located nearer to the front plane of the Residential Dwelling on the Lot than ten (10) feet. No fence or wall shall be located nearer to the side street adjacent to a corner Lot than the plane of the side wall of the Residential Dwelling adjacent to the side street. No fence or wall shall exceed a height of six (6) feet; provided that, a fence not exceeding eight (8) feet in height is permitted along the rear property line of a perimeter Lot (i.e., a Lot adjacent to the land that is not within the boundaries of the Subdivision). All of the provisions in this Section relating to the existence and location of a fence or wall shall be applicable to a hedge or pergola that serves as a fence or wall. The type of materials utilized for (including the color thereof) and the location of all fences and walls must be approved in writing by the Architectural Review Committee prior to construction. No wood fences shall be painted or stained without the prior written approval of the Architectural Review Committee.

Except as amended herein, the provisions of the Declaration remain in full force and effect.

All capitalized terms used herein have the same meanings as that ascribed to them in the Declaration.