

016-09-0951

THE STATE OF TEXAS §
THE COUNTY OF GALVESTON §

Affidavit

Before me, the undersigned authority, on this day personally appeared Michael P. Ross, Secretary of Bay Colony Pointe Homeowners' Association, Inc. (the "Association"), who, after being by me duly sworn, upon oath stated and said

"My name is Michael P. Ross. I am over eighteen (18) years of age, I have never been convicted of a crime, and I am fully competent to make this Affidavit, and have personal knowledge of the facts stated herein. I hereby further depose and say:

"Pursuant to Chapter 202.006 of the Texas Property Code, this Affidavit will formalize and record the following dedicatory documents for the Association previously not filed for record in the Public Records of Real Property of Galveston County, Texas. The property to which this Affidavit applies is described as follows:

"CERTAIN SUBDIVISION KNOWN AS BAY COLONY POINTE, SECTION TWO, AS REFLECTED ON THE PLATS RECORDED IN PLAT RECORD 18, MAPS 867 AND 868, OF THE MAP RECORDS OF GALVESTON COUNTY, TEXAS."

"CERTAIN SUBDIVISION KNOWN AS BAY COLONY POINTE, SECTION THREE, AS REFLECTED ON THE PLATS RECORDED IN PLAT RECORD 18, MAPS 828 AND 829, OF THE MAP RECORDS OF GALVESTON COUNTY, TEXAS."

"CERTAIN SUBDIVISION KNOWN AS BAY COLONY POINTE, SECTION ONE, AS REFLECTED ON THE PLATS RECORDED IN PLAT RECORD 18, MAPS 1019 AND 1020, OF THE MAP RECORDS OF GALVESTON COUNTY, TEXAS."


"CERTAIN SUBDIVISION KNOWN AS BAY COLONY POINTE, SECTION FOUR, AS REFLECTED ON THE PLATS RECORDED IN PLAT RECORD 18, MAPS 1097 AND 1098 OF THE MAP RECORDS OF GALVESTON COUNTY, TEXAS."

"The dedicatory instrument being filed of record are as follows:

Architectural Control Guidelines for the Bay Colony Pointe Homeowners' Association, Inc., dated August 30, 2001

"The above described document is, to the best of my knowledge and belief, a true and correct copy of the dedicatory documents applicable to the operation of the Association, and I am authorized to make this Affidavit in the capacity stated."

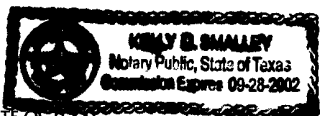
Further, the Affiant sayeth not.


Michael P. Ross

59

AFTER RECORDING, RETURN TO
EIKENBURG & STILES, PC
1021 MAIN STREET, SUITE 1900
HOUSTON, TX 77002-6803

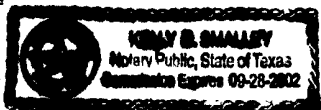
SWORN TO AND SUBSCRIBED BEFORE ME, on September 12th, 2001.



Kelly B. Smalley
Notary Public in and for the State of Texas

THE STATE OF TEXAS §
§
THE COUNTY OF HARRIS §

This instrument was acknowledged before me on Sept 12, 2001, by Michael P. Ross, Secretary of Bay Colony Pointe Homeowners' Association, Inc, on behalf of said corporation



Kelly B. Smalley
Notary Public in and for the State of Texas

AFTER RECORDING, RETURN TO:
Eikenburg & Stiles
1900 One City Centre
1021 Main Street
Houston, Texas 77002-6603

RECORDER'S MEMORANDUM
At the time of recordation, this instrument was found to be inadequate for the best photographic reproduction because of illegibility, carbon or photo copy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.

ARCHITECTURAL CONTROL GUIDELINES FOR THE

Bay Colony Pointe Homeowners Association, Inc.

("HOA")

ARCHITECTURAL CONTROL COMMITTEE

("ACC")

****THESE GUIDELINES ARE SUBJECT TO CHANGE AT ANYTIME.
PRINTED ON: August 30, 2001**

ARCHITECTURAL CONTROL GUIDELINES**OVERVIEW****The Declaration**

A system of Architectural Control is created by the Declaration of Covenants, Conditions and Restrictions for Bay Colony Pointe and Supplements and Amendments which have been duly recorded in the Official Public Records of Real Property for Galveston County, Texas, (collectively the "Declaration")

Purpose and Objectives

The purpose of architectural standards is set forth in the Declaration as follows

The Bay Colony Pointe Homeowners Association, Inc Architectural Control Committee ("ACC") has exclusive jurisdiction over all new and modification construction and currently consists of representatives of the developer.

These Architectural Control Guidelines ("Guidelines") are intended to function as a summary of the Declaration and to set out minimum construction standards pursuant to Article IV, Section 2 and Section 5 of the Declaration. These construction standards are the basis for the ACC which has exclusive jurisdiction over all new construction or modifications, additions, or alterations made to existing residential units.

Application Procedure

Applications should explain the proposed improvement(s) Attach a copy of a detailed site plan. It is recommended that a copy of the survey received at closing be used so that relative distances and dimensions can be reviewed Make sure to include all pertinent information and specifications along with a mailing address and phone number. All applications must be in writing The ACC cannot respond to verbal requests.

Mail your Modifications Application to:

**Bay Colony Pointe Homeowners Association, Inc.
c/o Principal Management Company
18333 Egret Bay Blvd., Suite 450
Houston, TX 77058
Telephone number: (281) 333-5173**

Mail your New Construction Application to:

**Bay Colony Pointe Homeowners Association, Inc.
c/o Todd and Sherman Land Development
P.O. Box 27267
Houston, TX 77227-7267**

It is the responsibility of the applicant to make sure he or she has the most current guidelines before proceeding with any improvement Check with any member of the ACC or Board Member to see if the guidelines have been reissued or amended.

Approvals/Disapprovals/Processing Period

The ACC will respond in writing to all applications

Please note that the ACC has fifteen (15) working days from date of receipt of a **complete** application within which to respond. If additional information is required by the ACC, the fifteen (15) working day processing period will commence upon receipt of the additional information. Plans for the implementation of the proposed improvement(s) should allow for the time required to complete the approval process. However, every effort will be made to respond promptly.

In the event the ACC fails to indicate its approval or disapproval in writing within the fifteen (15) working days after receipt of the required documents, the application will be deemed to be disapproved.

If an application is not approved for any reason other than the failure to approve within fifteen (15) days, the ACC will state in its letter why such approval was denied. If an applicant wishes to discuss or appeal a decision made by the ACC, the chairman of the committee should be contacted for an appointment.

Please note that the ACC approval is required **prior to** the installation or construction of any new improvement(s) or change(s). If an improvement is made without ACC approval, the Board of Directors of the Association has the legal right to enforce its removal.

Easements

The ACC cannot approve any application if there is an encroachment into an easement until the homeowner provides a Consent for Encroachment, or resubmits revised plans. Any non-portable structure in an easement is considered permanent, and thus an encroachment. Homeowners must secure a Consent to Encroachment or a Release of Easement from **all** affected utility companies. If proposed plans show an encroachment, a Consent for Encroachment must be obtained before applying to the ACC, or the application will be rejected. If there is an aerial easement on the lot, the utility company may permit placement of a permanent structure in the easement. It is the responsibility of the applicant to obtain a Consent for Encroachment.

Approval by the ACC of any encroachment into an easement shall not serve as an amendment or change of that easement and shall not create liability on the part of the ACC. Any encroachment into such easement shall be at the sole risk and expense of the Owner.

Variances

Each application is considered on its own merit and the ACC may grant a variance from these guidelines or the Declaration if, in the sole discretion of the ACC, the circumstances warrant. Variances will be granted in writing only and, when given, will become part of these guidelines to the extent of the particular lot(s) involved. Because a variance may have been granted in one instance does not mean that a variance for improvements of a similar nature need not be applied for.

Inspection

All construction, improvements, modifications, additions, or alterations are subject to inspection by the ACC.

Compliance/Non Compliance

These guidelines include all relevant requirements from the Declaration, but also include many more supplementary details and restrictions that have been approved by the Board of Directors.

The Declaration was in existence prior to any home building in any section of Bay Colony Pointe. It is expected that all residents of any section of Bay Colony Pointe, now existing or may be annexed in the future, will comply with the restrictions and requirements specified in that document. This includes the requirement

to file an application for approval to the ACC for all proposed construction or modification of improvements as specified in the Declaration.

Homeowners shall comply with all applicable restrictions and shall observe the application procedure for any improvements. A homeowner is not in compliance if: 1) an improvement was made that is/was prohibited at the time of the improvement; or, 2) an improvement was made and an application was not filed with the ACC or, 3) an improvement was made which specifications do not comply with an application filed with and approved by the ACC.

Unapproved and/or prohibited improvements are subject to removal or modification at the homeowners' expense, unless a variance is granted. Homeowners should apply to the ACC for approval of any outstanding unapproved improvements.

Enforcement

Upon any violation or attempt to violate any of the covenants, it shall be lawful for the Association or any other Lot Owner to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such covenant and either to prevent him or them from doing so or to recover damages or other dues for such violations. Failure by the Association or any Owner to enforce any covenant or restriction shall in no event be deemed as a waiver of the right to do so thereafter.

Complaints

Homeowners are encouraged to help maintain the beauty of Bay Colony Pointe. To this end, all have an obligation to conform to the Declaration and Architectural Guidelines, and to ensure non-complying improvements come into compliance. Should you have a complaint regarding a violation, write to the ACC. All complaints will be handled in the same manner discussed under Application Procedure.

Controlling Documents

In the event of a conflict between these Guidelines and the Declaration, the Declaration shall control.

1.0 Buildings

- 1.1 A **"building"** is defined as the main residence situated on a lot, and includes any bonafide additions such as a garage. It does not include any structure not attached such as a storage shed, gazebo or playhouse/fort
- 1.2 No improvements shall be constructed on the Lots except detached single family residential Living Units and attendant improvements
- 1.3 **Location of Buildings:** Pursuant to the Declaration, no residential Living Unit shall be located nearer than twenty (20') feet (20') to the front property line, ten (10') feet (10') to the rear property line and five feet (5') to any side property Lot line except in the case of corner lots where the residential Living Unit or garage shall be no closer than ten feet (10') to the side Lot line adjacent to the corner.
- 1.4 **Height.** No residence shall exceed a reasonable height required for two (2) stories of living space (above finished grade), not to exceed thirty-two feet (32') in height
- 1.5 **Walls/Fences.** Any fence, wall or hedgerow intended for the purposes of privacy and/or security shall be not less than six feet (6') nor greater than eight (8') feet in height and shall be no nearer to the front property line of the Lot which it serves than the building line which is closest to that property line. All fences must be maintained in accordance with Article VII, Section One of the Declaration
- 1.6 Any Lot that adjoins FM 646 must have an eight foot (8') high fence with columns at every point of intersection or every one hundred feet (100'), as specified by the ACC, and in accordance with the Specifications in Article VIII, Section 21 of the Declaration
- 1.7 **Garages.** Except as otherwise approved in writing by the ACC, or as otherwise specifically set for in the Declaration, each Residential Unit shall be served by an enclosed garage large enough to provide parking for minimum of one (1) car, but no more than three (3) cars. Garages may be attached or detached from the residence. Front loading garages must be at least twenty feet (20') from the front property line, consistent by Certificate of Variance. Side loaded garages must be at least ten feet (10') from the side property line of the Lot
- 1.8 **Masonry and roof requirements.** The exterior finish of each residential Living Unit shall be at least forty-five (45%) percent brick, stone or other masonry around the outside perimeter of the ground floor of the building. However, in computing such percentage, the garage shall be included. All residential Living Units shall be roofed with tile roof, composition shingles, or built-up roof, and no roof shall be composed of wooden shingles. The acceptable colors are Earthtone (i.e. black, brown, off-red, tan or gray, no blues, greens or yellows)

2.0 Outbuildings

- 2.1 An **"Outbuilding"** is defined as any structure which is not attached to the main structure. This definition does not include bonafide additions to the main residence or garages, but does include storage sheds, gazebos, and playhouse/forts
- 2.2 The colors should match or blend with the predominant exterior colors of the main residence.

- 2.3 Materials should match those of the main residence in both size and color, however, the ACC will consider small prefabricated storage buildings providing the color blends with the main residence or is unobtrusive
- 2.4 Storage sheds should have a roof no higher than nine feet (9') from the ground to the highest point, and a maximum of one hundred and twenty (10'x12') square feet of floor space. The structure must be kept a minimum of five feet (5') off any property line and the distance from a side fence will be determined based on visibility from the street in front or on the side of the Lot. Location must also be far enough away from the fence to not adversely affect drainage on the owner's Lot, and may not affect the neighboring Lot
- 2.5 Any storage building placed on a concrete slab on top of a utility easement will require a Letter of Consent to Encroach as it will be considered permanent. If a storage building is on a utility easement, but is not on a slab and can be moved, the ACC will consider it portable
- 2.6 If the storage building is under six feet (6'), it may be placed in the side yard behind a fence.
- 2.7 A playhouse/fort must not have a roof higher than twelve feet (12'). The fort must be in the rear of the property, at least five feet (5') behind a fence.
- 2.8 A freestanding gazebo must be at least six feet (6') away from the residential Living Unit. Approval will be granted on a case-by-case basis. The gazebo, at the peak of the structure, must not be higher than eleven feet (11') and must be five feet (5') away from any property line. If the roof is shingled, it must match the residential Living Unit shingles.

3.0 Basketball Goals

- 3.1 Only portable style basketball goals shall be allowed. No installation of a basket ball goal or back board or net may be attached to the residential Living Unit or garage
- 3.2 Must be placed on the side of the driveway and no closer to the street than ten feet (10').
- 3.3 The basketball goal backboard, net and post must be maintained in usable condition and kept in acceptable appearance
- 3.4 Basketball goals not maintained in an acceptable appearance, will be required to be removed
- 3.5 Only one basketball goal with post or portable basketball goal per lot will be permitted.

4.0 Patio Covers

- 4.1 Should be constructed of materials which complement the main structure
- 4.2 *Prefabricated covers made of aluminum may be approved providing they are of a color that substantially matches the house trim color. Unfinished aluminum will not receive ACC approval. All Metal must be painted. Certain structures using wood framing may be allowed to go unpainted provided treated or insect resistant wood is used.*
- 4.3 If attached to house, patio covers must be integrated into existing roof line (flush with eaves) and if it is to be shingled, shingles must match roof. Entire patio cover and posts should be trimmed to match house. Supports must be brick, painted wood or metal columns. Pipe is not allowed

- 4 4 At no time, shall a shingled roof be allowed with an unpainted frame. Frame must be painted to match trim of house whether treated or untreated wood is used
- 4 5 Patio construction materials are as follows
- a. Painted aluminum (to match trim of house)
 - b. Painted wood (to match trim of house)
 - c. Treated wood or naturally rot and insect resistant woods (such as cedar and redwood) may be used. Staining or painting is not required. All other woods must be painted or stained to match trim of house
- General note: All patio cover material, i.e., corrugated aluminum, metal, wood, lattice, must be completely framed in so that no raw edges of material are visible
- d. If canvas is used as roofing material on a patio cover, the structure must be located where it is not visible from the street. Also, the canvas must be kept in quality condition or its removal will be requested by the ACC. The color of the canvas cover must be an Earthtone (i.e. black, brown, tan, beige, muted red or gray, no bright colors such as blues, reds, greens or yellows)
- 4 6 Patio covers may not encroach into any utility easement unless the utility companies involved have granted their written consent to such encroachment.
- 4 7 Patio covers must be situated on the lot to provide drainage solely onto the owner's lot. If a proposed patio cover location is less than five feet (5') away from a side lot line, the ACC will require that it be guttered with down spouts if it is to be a solid cover.
- 4 8 Maximum height at the peak of the roof is twelve (12') feet.

5.0 Room Additions

- 5 1 Exterior materials and colors should match the house.
- 5 2 Detailed plans must be submitted to the ACC.
- 5 3 Room additions may not encroach into any utility easement unless the utility companies involved have granted their written consent to such encroachment
- 5 4 ACC approval will depend on architectural style and layout of home, size of lot, and how well room addition integrates with existing home. Plans for room additions must show room size in proportion to room dimensions of the residence. Roof of addition must integrate with existing roofline so as to appear to have been part of the original house
- 5 5 Building permits as required by all of the requisite governmental jurisdictions (city, county, etc.) must be submitted with the application. In some instances, the ACC will grant approval with the provision that a copy of the permit must be received by the ACC within thirty (30) days of the approval letter and prior to construction beginning
- 5 6 Balconies must also be approved prior to construction

6.0 Exterior Painting

- 6.1 Every home should maintain an earth-tone color scheme harmonious with the community. If a homeowner intends to re-paint in accordance with an original color scheme, or to rebuild in accordance with original plans and specifications, an application must be submitted and no work begun until approved by the ACC.
- 6.2 Color changes must be approved by the ACC. Color of brick used on the house and color of neighboring houses are considerations.
- 6.3 Exterior paints and stains for each residence shall be selected to complement or harmonize with the colors of the other materials with which they are used.
- 6.4 Wood siding and trim should generally stay within the Earthtone color family (i.e. black, brown, tan, beige, muted red or gray, no primary colors such as blues, reds, or yellows). Soft and muted Earthtone colors are acceptable. The use of white is also permitted. A color sample must be submitted to the ACC for approval before painting or staining may begin. The ACC retains the right to define the color shades as acceptable or not.
- 6.5 Extremely bold colors, primary colors, yellow, blue, green, or pastels are prohibited.
- 6.6 Front doors must be maintained. They may be stained, a natural wood color, or painted the same color as the house trim. Other paint colors may be approved on a case by case basis.

7.0 Storm Windows and Storm Doors

- 7.1 The frames of storm windows and storm doors must be of a color compatible with the exterior house colors and/or general use and appearance of the house. No Screen doors are allowed on the front of the home.
- 7.2 A brochure picture showing the style of the door will be required for submittal with an ACC Form.
- 7.2.1 Storm doors without screen panels will be considered on the front of the home.
- 7.2.2 Storm doors with screen panels will be considered on the back door.
- 7.2.3 Solar screens will be allowed on windows, provided the screen material and color are complimentary to the color of the house.
- 7.2.4 Solar film (window tinting) must be a non-reflective type. Materials and color samples must be submitted for approval.

8.0 Decks

- 8.1 If wood is used it must be stained or sealed, to complement the house. Wood such as cedar, fir, or redwood may remain unpainted. Treated pine must be painted or stained.
- 8.2 Decks may not encroach into any utility easement unless the utility companies involved have granted their written consent to such encroachment.
- 8.3 Decks should not be situated on a Lot if they pose a problem to the effective drainage of the Lot or a neighboring Lot.

8.4 Decks or flooring cannot be higher than eighteen (18") inches

9.0 Swimming Pools and Spas

- 9.1 No pool or spa of any type may encroach into any utility easement unless the utility companies involved have granted their written consent to such encroachment. Pool or spa decking encroachment also requires a consent agreement. Consents must be received prior to approval.
- 9.2 Ideally, any pool or spa should be located at least five feet (5') from a side and rear Lot line to maintain proper drainage on the Lot. However, a minimum of three feet (3') will be allowed in certain instances. The pool must meet all building line and easement restrictions on the recorded plat.
- 9.3 All private swimming pools and spas shall be completely enclosed by a fence pursuant to local regulations.
- 9.4 Above ground pools must meet all of the above requirements and must be maintained and in excellent condition.
- 9.5 Pools are to be drained to the street and into the storm drain system. They are not to be connected to, or drain into, the community's sewage drain system. Minimum White Schedule 40 PVC pipe is to be used for pool drain.
- 9.6 All new pools are required to be inspected for proper water connections and drains.
- 9.7 Yard drains must also be of White Schedule 40 PVC pipe.

10.0 Solar Panels/Screens/Film

- 10.1 The ACC will only approve solar panels which are unobtrusive and which blend in with the roof shingle color.
- 10.2 Parabolic solar collectors which are not mounted so as to be flush with the roof will not be approved.
- 10.3 Solar panel frames should be bronze or black in color in order to best blend in with the shingles. All unfinished aluminum must be painted the color of the roof shingles.
- 10.4 No solar panel should be mounted so that it extends above the roofline.
- 10.5 Solar panels may not be visible from the street.
- 10.6 Solar panels mounted on stands are not permitted.
- 10.7 Solar screens are allowed on windows only if they blend with the brick and roof color.
- 10.8 Colors and manufacturers must be acceptable to ACC for other screens and panels.
- 10.9 Solar window film must be non-reflective type.
- 10.10 Samples of window film must accompany each application.

11.0 Antennas/Satellite Dish

- 11.1 Satellite dishes of more than one (1) meter (39 37 inches) will be considered on a case by a case basis **provided it is not visible from a public street**
- 11.2 Satellite dishes of one (1) meter (39 37 inches) or less is permitted, provided it complies with the following specifications:
- An antenna or satellite dish must be located to the rear one-half (1/2) of the Lot and to the extent feasible, an antenna or satellite dish, including its base and anchoring structure, shall not extend above the roof line of the house located on the Lot and shall not be visible from the frontage street or any adjoining street and shall not be constructed or place or permitted to remain on any utility easement or other easement or right-of-way located on any Lot. An antenna or satellite dish must be securely mounted to a base, so as to be able to withstand the effect of high winds or other extraordinary weather conditions, however, no guy wires or similar mounting apparatus will be allowed
- No advertising slogans, logos, banner, signs or any other printing or illustration whatsoever shall be permitted upon or be attached to an antenna or satellite dish. All antennas and satellite dishes must be white, black, brown or gray in color, or painted to match the house.
- No more than one (1) antenna or satellite dish shall be allowed per receiver device

12.0 Fences, Fence Extensions, Walls and Hedges

- 12.1 All proposed fences must be approved by the ACC
- 12.2 Any painting, staining, or varnishing of fence must be approved by the ACC
- 12.3 Fence, wall or hedge extension requests should be submitted by both neighbors sharing the side Lot line and fence, wall or hedge except in the case of a corner Lot
- 12.4 No fence, wall or hedge may extend so as encroach across the recorded front building line, or the recorded front building line of an adjacent house, and may never extend beyond the actual front building line
- 12.5 All corner fences and fences which face a restricted reserve must be installed picket side out from the Lot (posts and supports facing interior of Lot).
- 12.6 Replacement or repairs of fences, walls or hedges must be made with similar materials and construction details as used in original fence, wall or hedge Replacement with any other material must be approved by the ACC.
- 12.7 No chain link fence type construction will be permitted on any Lot.
- 12.8 Fences must be maintained and repaired as deemed necessary by the ACC
- 12.9 All lots backing up to FM 646 shall have an eight foot (8') capped cedar fence with rot boards along the rear property line Wooden columns must be placed every one hundred feet (100') and at every angle point. All lots backing up to Bay Sky or Bay Creek Drive shall have a six foot (6') capped cedar fence with rot boards along the rear property line Wooden columns must be placed every one hundred fifty feet (150') and at every angle point

13.0 Decorations

- 13 1 Lawn furniture, including but not limited to benches, lawn chairs, lawn tables etc., must be kept in like new condition and standing upright at all times.
- 13 2 Bird baths or water fountains must be kept in like new condition, have only one level and are not to exceed three feet (3') in height
- 13.3 Ornamental electrical or post-style gas lights will be permitted, one (1) per yard It must be kept in like new condition and not to exceed eight feet (8') in height
- 13 4 All other lawn ornaments must not exceed three feet (3') in height and must be placed in and be in harmony with the landscaping and must be kept in like new condition.
- 13 5 Seasonal decorations are allowed and must be removed within four (4) weeks of the holiday

14.0 Exterior Lighting

- 14.1 *Additional exterior lighting should not be a wattage or lumen count which will adversely affect neighboring homes*
- 14.2 Exterior floodlights must be aimed so as not to shine onto a neighboring property
- 14 3 Low voltage landscape lighting must receive ACC approval prior to installation
- 14.4 Security, mercury vapors, florescent or halogen lights, may be attached to the back of the house or the garage, so long as the light fixture is not visible from the street. Mercury vapor, florescent, halogen, and sodium halite are not permitted in back or side yard if there are neighboring houses. If none, a variance may be granted, or if affected neighbors approve
- 14 5 Exterior lights must be clear and not affect overall aesthetic appeal, with exception of yellow insect deterrent lights..

15.0 Wind Turbines

- 15 1 Wind turbine vents must be mounted in the rear portion of the roof so that they are not visible from the front
- 15 2 The wind turbine vents must be a color which will blend with the shingle color, or be painted to match the shingle color

16.0 Gates & Gate Covers

- 16 1 Shall have full wooden panel to match trim of house or existing fence.
- 16.2 No chicken wire, chain links or lattice shall be allowed on any gates or fences
- 16 3 Wrought iron and simulated iron gates are permitted, but shall be painted black or the same color as the house trim

17.0 Burglar Bars and Gates

- 17.1 Burglar Bars and/or Gates must be installed inside window frames and doorframe
 17.2 Burglar Bars and/or Gates shall be painted to match exterior trim, other colors require ACC Approval
 17.3 Design and/or black bar spacing must be approved prior to installation.

18.0 Birdhouses

- 18.1 Maximum permitted height of fourteen (14') feet.
 18.2 If mounted on a pole, must be unobtrusive and painted to match trim color of house or white.
 18.3 Must be placed not closer than five (5') feet to any property line, and must be situated in the rear of the house.
 18.4 Birdhouse and mounting structure must be maintained.

19.0 Landscaping

- 19.1 General Landscaping (defined as living plants, trees, shrubs, flowers, etc , and utilization of non-living material necessary for growth, e.g., bark, mulch, etc.) is generally subject to ACC review and approval. The ACC is specifically empowered to determine what is visually objectionable and not in harmony with the surrounding neighborhood with regard to landscaping.
 19.2 Trellises, window boxes, arbors, and permanent brick borders that can be seen in public view must have ACC approval.
 19.3 The installation of landscaping must not interfere with the existing flow of drainage from adjacent areas
 19.4 There shall be a minimum of two (2) trees placed in the front yard of every home and one (1) tree placed in the rear yard.

20.0 Swing Sets

- 20.1 Maximum height of eight (8') feet, unless part of a play fort, exceptions considered on an individual basis.
 20.2 Location will be considered for neighbors' privacy, but not closer than five (5') feet to any property line, and must be located to rear of house

21.0 Driveway Extensions/Sidewalks

- 21.1 An application must be submitted for any driveway removal, addition or modification
 21.2 Width of driveway between the front building line and the street shall not exceed sixteen (16') feet. Exceptions will be made for corner lots with side-out garages, with the approval of the ACC or New Construction Application

- 21.3 Driveway appearance and structure must be maintained in a manner acceptable to the Association
- 21.4 Painting a topcoat on driveways and sidewalks is not permitted
- 21.5 Sidewalks must be four (4') feet in width

22.0 Garages

- 22.1 Conversions of garage to living areas are not permitted
- 22.2 Carports are not permitted
- 22.3 An application must be submitted for lean-to sheds, potting sheds or any other attachments to a garage. These attachments must meet the structural guidelines set forth in other sections of these Guidelines

23.0 Awnings/Window Shades

- 23.1 Awnings are permitted on the side and rear windows of a house and must be of the same color of the house. Awnings on playhouses or used as patio covers must be of the same color as those on the house. In all cases, colors must match or complement the predominant color of the house. The color selections of awnings must be in accordance with the Section 6 of these Guidelines. Once installed, awnings are to be maintained in excellent condition at all times. Canvas awnings are allowed and must be maintained in "like-new" condition
- 23.2 Metal and wooden slat-type exterior shades are not permitted on the front of the house. All exterior shades must be approved by the ACC prior to installation. The color selections of exterior shades must be in accordance with the Section 6 of these Guidelines. After installation, they must be kept in excellent condition at all times.

24.0 Signs, Advertisements, Billboards

- 24.1 No signs, billboards, posters or advertising devices of any character shall be erected or displayed to the public view on any Lot except for one (1) sign of not more than six (6) square feet (i.e., 2' x 3') advertising the property is for sale.
- 24.2 Election signs will be permitted 14 days before and 1 day after elections are held.
- 24.3 Permanent or semi-permanent flagpoles are not permitted. Bracket mounted flags, placed near the front entry of the home, may be permitted
- 24.4 Signs which give notice of a home security system are permitted if placed at or near the front entrance and are not larger than 144 square inches (i.e., 12" x 12"). Window stickers which give notices of a home security system are also permitted

25.0 Garage Sales

- 25.1 Garage Sales will be coordinated by a Garage Sale Committee, consisting of 3 member residents, adhering to the established guidelines

- 25.2 Garage Sales will be permitted only twice a year, for a maximum of three days, on the second weekend of the month, held on a Friday, Saturday, and/or Sunday, between the hours of 7:00 a.m. and 5 00 p.m.
- 25.3 The date of the garage sale events will be determined by the Garage Sale Committee
- 25.4 Subject to the Association's approval of funds spent, Garage Sale Advertising will be limited to one (1) common sign or banner for the entire Sub-section community and/or local newspaper. No other Garage Sale Signs placed on the Sub-division entrance by individuals will be allowed.
- 25.5 Individuals may advertise one (1) sign not greater than six square feet (i.e., 2' x 3') located in their yard during the established hours and days determined by the Garage Sale Committee

26.0 Mail Boxes

- 26.1 All Mail Boxes installed or replaced must conform to the specified ACC Mailbox Standard in Art VIII, Section 12

27.0 Window Air Conditioners

- 27.1 Window air conditioners are not permitted, except on the rear of the house that is enclosed within a fenced perimeter

AFTER RECORDING, RETURN TO

EIKENBURG & STILES, PC
1021 MAIN STREET, SUITE 1900
HOUSTON, TX 77002-6003

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS OF REAL PROPERTY



2001 SEP 28 09:23 AM 2001050585
HOOD_P \$39.00
Patricia Ritchie, COUNTY CLERK
GALVESTON, TEXAS