

**SECOND SUPPLEMENTAL  
NOTICE OF DEDICATORY INSTRUMENTS  
FOR  
BEAR BRANCH VILLAGE COMMUNITY ASSOCIATION**

---

THE STATE OF TEXAS       §  
  §  
COUNTY OF HARRIS       §

The undersigned, being the authorized representative of Bear Branch Village Community Association, a property owners' association as defined in Section 202.001 of the Texas Property Code (the "Association"), hereby supplements the "Notice of Dedicatory Instruments for Bear Branch Village Community Association" and "First Supplemental Notice of Dedicatory Instruments for Bear Branch Village Community Association" ("Notice") recorded in the Official Public Records of Real Property of Harris County, Texas under Clerk's File Nos. 20120098048 and RP-2020-18495, which documents were filed for record for the purpose of complying with Section 202.006 of the Texas Property Code.

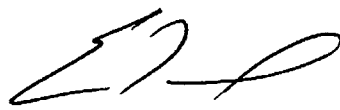
Additional Dedicatory Instruments. In addition to the Dedicatory Instruments identified in the Notice, the following document is a Dedicatory Instrument governing the Association.

- **Bear Branch Village Community Association Architectural Control Procedures and Guidelines.**

[The attached document was properly adopted in the open session of the May 19, 2020 meeting of the Association Board of Directors.]

This Second Supplemental Notice is being recorded in the Official Public Records of Real Property of Harris County, Texas for the purpose of complying with Section 202.006 of the Texas Property Code. I hereby certify that the information set forth in this Second Supplemental Notice is true and correct and the document attached to this Second Supplemental Notice is a true and correct copy of the original.

**BEAR BRANCH VILLAGE COMMUNITY ASSOCIATION**

By:   
Eric B. Tonsul, authorized representative

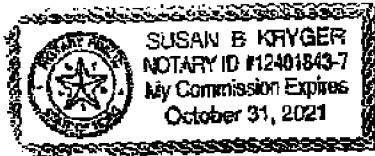
RP-2020-225979

THE STATE OF TEXAS       §  
  §  
COUNTY OF HARRIS       §

BEFORE ME, the undersigned notary public, on this 28<sup>th</sup> day of May, 2020 personally appeared Eric B. Tonsul, authorized representative of Bear Branch Village Community Association, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he execute expressed.



Notary Public in and for the State of Texas



Return to:  
Eric B. Tonsul  
ROBERTS MARKEL WEINBERG BUTLER HAILEY, PC  
2800 Post Oak Blvd., Suite 5777  
Houston, Texas 77056

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**BEAR BRANCH VILLAGE COMMUNITY ASSOCIATION  
ARCHITECTURAL CONTROL PROCEDURES AND GUIDELINES**

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## **A. PROGRAM FOR ARCHITECTURAL CONTROL**

### **1. Mission Statement for the Architectural Control**

- a) To encourage the continued improvement of Bear Branch Village homes
- b) To ensure such improvements are of suitable quality and harmonious with regard to each section's standards
- c) To enforce compliance regarding uses and conditions of resident's properties as set forth in the Protective Covenants

### **2. Authority for Architectural Control**

- a) Friendswood Development Company: Established Protective Covenants
- b) Bear Branch Village Community Association (through its Board of Directors): Appoints Architectural Control Committee Members
- c) Architectural Control Committee Chair: Implements Guidelines for Property Improvements and Uses and is the Managing Agent on behalf of the Bear Branch Village Community Association
- d) Architectural Control Committee: Completes an annual review of the guidelines and proposes changes to the board

### **3. Bear Branch Village Community Association (BBVCA)**

- a) BBVCA established by Friendswood with membership consisting of all homeowners.
- b) Regular election of Board of Directors ("Board") as set forth in BBVCA's Bylaws.
- c) Board appoints the Architectural Control Committee ("ACC") members on an annual basis, as set forth by these guidelines.

### **4. Friendswood and Architectural Control of Bear Branch Village (BBV)**

- a) Friendswood is the developer of Kingwood who established the Protective Covenants.
- b) Protective Covenants establish architectural controls for property improvements and uses.
- c) Friendswood assigned rights for architectural control to an ACC appointed annually by the Board of Directors of BBVCA.
- d) Friendswood also established "Minimum Construction Standards" applicable to all Kingwood homes.

### **5. Architectural Control Guidelines**

- a) Guidelines have been established by the ACC and approved by the Board.
- b) Guidelines are intended to provide fair and uniform information for all BBV residents (homeowners and renters) regarding:
  - Quality of materials, harmony of external design, dimensions, and relative location of improvements
  - Conformance of improvements and property uses with the Protective Covenants and Friendswood's Minimum Construction Standards.
- c) The ACC reviews/approves all matters concerning improvements and conformance as set forth in the Guidelines.
- d) The ACC may use a managing agent to assist in administration of the Guidelines. Residents may contact the Management Company or ACC members regarding approvals, advice, and non-conformance issues.
- e) Association members may appeal decisions of the ACC to the Board, whose decision will be final.
- f) Guidelines will be maintained by the ACC and may be updated periodically upon approval by the Board. Notices of these updates may be given via the BBVCA newsletter or special notice to residents.

## **B. APPLICATION AND APPROVAL PROCESS**

### **1. Items Requiring/Not Requiring Prior Approval**

Prior approval is required for all additions, improvements, or changes to residents' real property and for color changes.

The following items do not require prior approval. However, should any of these actions result in the application of unsuitable materials or workmanship that is judged by the ACC to detract from the community, the ACC has the right to require they be replaced.

- Repair house/garage with the same exterior materials
- Installation of landscaping

### **2. Application Process**

Residents must submit a completed application form (Attachment A) to the ACC's managing agent.

The ACC has thirty (30) days from the date of receipt of a complete proposal to respond, after which, if there has been no response, the application is deemed to be accepted. The ACC and managing agent will endeavor to respond timely to facilitate a resident's planning and implementation process.

Any BBVCA resident has the right to appeal a decision of the ACC to the BBVCA Board of Directors, whose decision shall be final and binding.

### **3. Communication**

During construction, communicate with Kingwood Association Management if there is a need for use of a dumpster or trailer to avoid getting deed restriction violation letters.

## **C. SUITABLE MATERIAL QUALITY AND HARMONIOUS EXTERIORS**

The Architectural Control Program enforces the use of quality materials, harmonious external design, and Friendswood's Minimum Construction Standards. These stipulations are clearly stated in the Protective Covenants. The ACC has the duty to reject any addition, improvement, or change because of unsuitable material quality and/or inharmonious exterior design or color. The ACC can exercise this duty irrespective of an improvement or addition's compliance with the location guidelines.

Friendswood's Minimum Construction Standards: A copy is available from the ACC or from Friendswood's regional office. For home/garage additions or major improvements, the ACC recommends that a licensed building contractor is used and that they are knowledgeable and comply with these standards.

Harmonious Exteriors: The ACC recommends that professional design services be consulted for all improvements and exterior color changes.

## **D. ADDITIONS TO THE RESIDENCE/GARAGE**

### **1. General**

Includes a wide range of additions to the existing residence's framing plan, roof, or foundation, such as an extended living/bedroom, porch, balcony, portico, sunroom, deck, or other attached improvement. Also includes additions to the existing garage, such as a storage/work room, third car bay, or garage apartment.

Applications for additions must include the following items:

- Name, address, and business phone of the contractor/installer

- Detailed scale drawing/blueprint showing three-dimensional relationship (plan and elevations) of the addition to the existing structure
- Plot plan showing the addition in relation to all lot boundary lines, existing structures and/or improvements, setback lines, and easements
- Detailed material list

Additions shall comply with Friendswood's Minimum Construction Standards and are subject to setback, easement, height, and other requirements as set forth in the Protective Covenants. Copies of these documents are available from the ACC or the managing agent.

## 2. Sunrooms

Sunrooms are additional rooms with glass-enclosed walls and ceilings. They are subject to Friendswood's Minimum Construction Standards and the Protective Covenants as well as the following guidelines:

- Sunrooms may be added to the rear of the residence only and shall not encroach on any setbacks or easements. Applications for additions to homes on cul-de-sac or corner lots will be considered on a case-by-case basis.
- Supporting structural members and tinted glass must be harmonious with the exterior color of the home. No metallic or direct reflecting glass will be permitted.
- The sunroom may not project beyond either side-facing plane of the residence.
- Sunrooms are only permitted as ground structures. The maximum height of the roof, measured from the concrete floor, may not exceed either 12 feet or the height of the eaves of the wall that the sunroom projects from, whichever is lower.
- If ceiling lighting is installed, it should be downward directed.
- Sunrooms may not have a turbine-type or forced fan roof ventilator installed. Natural draft and/or convection flow panels that open may be installed.
- Sunrooms may not have exposed air conditioning or heating ductwork installed within or to them.

## 3. Attached Decks and Deck/Patio Covers

Attached decks are permanent additions to the main building/garage and therefore shall conform to Friendswood's Minimum Construction Standards. No decks other than a second level balcony shall be constructed more than 3 feet above the ground.

### Attached Deck and Patio Covers:

- Roofed decks/patios shall be designed to conform to the existing residence's rooflines.
- Trellis covers shall be limited in height to 12 feet above the deck/patio flooring.
- Corrugated roofs shall not be permitted.

## 4. Skylights, Roof Additions, and Ventilators

No skylights, ventilators, or similar types of roof additions are permitted on the front of the roof ridge line and/or gable of the structure.

Roof stacks and ventilator pipes shall be painted to conform to the color of the roofing material.

## 5. Garages Additions

- No addition shall be built on an easement.
- All additions shall comply with Friendswood's Minimum Construction Standards.

- All exterior materials and colors, including roofing, shall match those of the existing garage.
- Special attention to preserving the privacy of adjoining neighbors shall be shown in the design of second story apartment above existing garages.
- Room-type air conditioners shall not be visible from the fronting street, nor be located so that the noise may be objectionable to an adjoining neighbor.
- Not to exceed the height of the Main Building; otherwise, additions should generally conform to the existing rooflines of the garage and the Main Building.

**6. Roof Replacements**

- Application for a new roof/roof replacement should include type/brand of shingle to be used, color of the shingle, shingle weight (or year grade), and felt weight.
- Suitable materials for replacement include standard fiberglass composition shingles and traditional slate. Wood/ cedar shingles, metal, or other materials are not permitted. Shingle color should be in keeping with the colors of the house and compatible with those of the neighborhood. Most traditional shingle colors are allowed.
- Other roofing materials: Material and color samples must be submitted to the ACC for review, and the committee's written approval must be obtained prior to installation.
- Garage, house, and outbuildings must all have the same roof.

**E. OUTBUILDINGS**

**1. General**

An "Outbuilding" is any structure that has a floor and/or walls and/or permanent roof but is not attached to the residence or detached garage. Outbuildings include sheds/storage units, gazebos, detached decks and patio covers, and children's play structures.

**2. Sheds and Storage Units**

- Shed shall not encroach upon a setback line or easement.
- Maximum exterior dimensions shall be 10 feet in length, 10 feet in width, and 8 feet in height.
- The standard type, quality, and color of the materials shall be the same as those of the garage. No metal sheds/storage units shall be permitted.

**3. Gazebos**

- A gazebo is a freestanding, open-framed structure with lattice-type walls, conical shaped (peaked) or flat arbor-type roofs, and circular or octagonal floor plan. Gazebos shall not be designed or serve as storage units.
- Dimensional Limits: Floor area shall be generally limited to 100 square feet (10 ft x 10 ft).
- Outfitting/Finishing:
  - Water and electricity must be installed according to the National Electrical Code and local building codes. All pipes and electrical conduits must be underground.
  - The gazebo's materials shall be harmonious with the standard, type, quality, and color of material used for the residence.
- Gazebos are subject to the same setback/easement guidelines as the Main Building/residence (i.e., gazebos must be located a minimum of 6 feet from all interior property lines and may not be located on an easement).
- If a gazebo is located on the rear portion of a lot, the lot must be enclosed by a maximum fence height of 6 feet, 6 inches (6'6").

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#### 4. Children's Play Structures

- These structures include any combination of swing sets, play sets, climbing structures, slides, huts, or a raised play set. Placement must be in the back yard.
- Dimensional guidelines for children's play forts:
  - 8 feet in height
  - 8 feet in width
  - 20 feet in length
- Play forts are subject to the same setback/easement guidelines as the Main Building/residence to not encroach on adjoining neighbors' privacy (i.e., a minimum of 6 feet from all interior property lines). Play forts may not be located on easements.
- Play fort platforms may not be any higher than 6 ft off the ground.
- Erection of a play fort requires the lot be enclosed by a 6-foot fence (maximum 6 feet, 6 inches with rot board).

#### F. POOLS AND SPAS

- Application for construction of a pool or spa must include a plot plan showing its relation to all existing and proposed structures, property/setback lines, and easements. The application shall also include a construction schedule and the contractor's name, address, and telephone number.
- Construction of such units shall comply with Friendswood's Minimum Construction Standards and the National Electrical Code.
- Slides and diving boards will not exceed 6 feet above the ground.
- Decks and patios/deck covers constructed in conjunction with a pool or spa will conform to their respective guidelines as stated elsewhere.
- Pool equipment such as pumps and filters must be screened from view of the street and/or greenbelt and should not be located near a neighbor's bedroom.
- Aboveground pools are not allowed.

#### G. FENCES

- It is the intention of the ACC and the Board to enable owners to use standard-size pickets to construct fences. Fence pickets may be a maximum height of 6 feet. If desired, owners may install one 6-inch-wide rot board at the bottom of the pickets. The rot board must be installed at a natural grade level and may not impede drainage. Fences may not be installed forward of the Front Building Line. However, a landscaping fence not to exceed 2 feet may be installed in front of this line, subject to ACC approval.
- Fences situated parallel to the front lot line or a side street adjacent to a corner lot shall have its vertical pickets on the outside and installed so that no posts/rails are visible from the respective front or side street.
- Fence material shall be wood or wrought iron with vertical pickets. All gates shall be constructed with material consistent with either the fence material or the residence. Chain-link fences are not permitted.
- A perimeter wood fence (a fence defining the boundaries of a lot) may be stained with a clear stain but not painted.
- Non-perimeter fences, those not defining or separating lots, may be painted or stained to match the color of the house/garage. The primary example is a fence between the house and unattached garage, enclosing the back yard.
- All stained wooden fences and painted wrought-iron style fences shall be properly cleaned and maintained.

## H. DRIVEWAYS, WALKS, PATIO EXTENSIONS, AND LANDSCAPING

- These improvements are not subject to setback requirements.
- Driveways and walks may be extended into easement areas with the provision that drainage is not impeded and that suitable conduits be installed by the respective utility company under any driveway extension.
- Landscape improvements may be installed in easement areas if drainage is not impeded.
- The digging of dirt or the removal of any dirt from any lot is expressly prohibited except as necessary in conjunction with the landscaping of or construction on such lot.
- Prior approval is not required for other landscape improvements.
- For driveways/walk extensions, residents should review their lot survey/plat to find out if any utility (electric, telephone, natural gas, etc.) easements may be crossed. It is the resident's responsibility to obtain prior approval from the utility before ACC approval or installation of the improvement.
- Utilities have access to their easements at all times and are not liable for any damage to a resident's landscaping or improvements located in such easement. Typically, the utilities will contact residents before any major activity/repair involving easement access. For more information on easements, please refer to your Protective Covenants.

## I. EXTERIOR LIGHTING AND CAMERAS

### 1. Changes to Existing Lighting

- Outside lighting installed during or after original construction with the approval of the ACC may be replaced with a new fixture if the lumens of the new fixture do not exceed the lumens of the existing fixture up to 2250 lumens.
- Existing gas lighting may be converted to an electric bulb if (a) the bulb is a clear-glass type, (b) the output of the bulb does not exceed 1500 lumens, and (c) the lighting color is amber to bright white (below 3500 Kelvin).

### 2. New Lighting

#### a) Security Lighting

Location: Security lighting shall be located as follows:

- Mounted behind the back plane of the residence.
- No pole-mounted security lights, including sodium and mercury vapor, shall be permitted.
- No security fixture shall be allowed above the eaves of the residence or garage.
- Lights shall not be directed toward a neighbor's property.

Exceptions to these guidelines may be granted by the ACC if the design and location of the residence and/or garage on a lot warrant an exception.

#### b) Landscape Lighting

- Exterior landscape lighting shall be permitted with the ACC's approval so long as the lighting is located along walkways and within flowerbeds, shrubs, and/or trees.
- Pole-mounted landscape and/or decorative lighting shall also be permitted with ACC approval so long as the pole does not extend more than 7 feet above ground, the light fixture is not situated more than 6 feet above the ground, and the light is neither sodium vapor nor mercury vapor.

#### c) Gas Lights

Two gas lights per lot shall be permitted with the ACC's approval if the gas lighting color is white.

Annoyances: All new lighting approved by the ACC shall be subject to a 90-day trial period upon installation to assure that the lighting is not objectionable to surrounding residents. The 90-day period shall commence on the date of installation of the lighting. If, at the end of the 90-day period, the ACC determines that the lighting is not unreasonable, offensive, or an annoyance to surrounding residents, the ACC's approval shall be final; otherwise, the lighting shall be removed or modified in accordance with the decision of the ACC.

### **3. Cameras**

Cameras may not look onto neighbor property without written permission.

## **J. PAINTING AND AWNINGS**

### **1. Application Process**

- a) For painting (including repainting with same color) existing residence and garage: 2 color samples or paint chips shall be submitted for the principle color ("field"), trim (soffit, fascia board, window, and door trim), and accents (shutters, window hoods, side panel of doors and windows, and the exterior surfaces of doors).
  - b) For painting new additions or improvements: 2 color samples or paint chips shall be submitted for approval.
  - c) For awnings: an elevation plan showing the windows to receive awnings together with a color sample shall be submitted for approval.
2. Paint colors and awning plans shall be in harmony with the immediate neighborhood. As previously above, the ACC strongly suggests that professional design services be consulted for exterior color changes and awnings.

## **K. SATELLITE DISHES AND ANTENNAE**

### **1. Satellite Dishes**

- A satellite dish antenna may be attached to the house; however, the dish antenna's location shall be restricted to the rear of the house or to the rear of the roof ridgeline, gable, or centerline of the residence so as to be hidden from public sight. It shall not be visible from any point in the street in front of the lot or, if a corner lot, any point in the side street.
- The color of a satellite dish antenna shall be harmonious with the color of the house and improvements on the lot. No cable or wiring shall be visible from the street in front of the lot or any side street.
- Variance can be obtained for reception issues.

### **2. Antennas**

Television antennas may be attached to the house; however, the antenna's location shall be restricted to the rear of the house or to the rear of the roof ridgeline, gable, or centerline of the residence so as to be hidden from public sight.

## **L. MISCELLANEOUS**

### **1. Basketball Goals**

- An application for approval to erect a basketball goal must include either a plot plan or a to-scale drawing depicting the location of the goal and its relationship to the adjoining neighbor's property.
- In the case of a pole-mounted goal, the plan or drawing should include the neighbor's amenities and a neighbor's written consent, if applicable. If lighting is provided for the basketball area, it must comply with existing security lighting guidelines.
- The homeowner must maintain the basketball goal in its original approved condition, including the rim and the net.

2. **Birdbaths** shall not exceed 5 feet in height.
3. **Benches and tables** in the front of the residence or exposed to public view shall be decorative and harmonious with the residence. Picnic tables and seasonal patio furniture shall not be allowed in public view.
4. **Statuary and fountains** shall be of modest scale, decorative, and harmonious with the residence.
5. **Barbeque pits** cannot be in view from the front of the house.

#### M. PROHIBITED PROPERTY USES AND CONDITIONS

1. **Listing of Non-Conforming Uses and Conditions:** The following property uses and conditions are not in conformance with the Protective Covenants. It is the ACC's duty to enforce the Protective Covenants through a series of notices and legal action as described in the following.
  - Any activity not related to single-family residence purposes, such as commercial activities, multi-family uses, and community aid functions.
  - Noxious or offensive activity of any sort.
  - Any action or improvement/addition/change that may be or become an annoyance or nuisance to the neighborhood. Nuisance dogs and uncontrolled pets clearly fall under this category and may be in non-compliance.
  - Temporary structure, trailer, basement, tent, shack, garage, barn, or other outbuilding may not be used as a residence.
  - Parking of permanent or semi-permanent storage of boats, trailers, recreational vehicles, buses, inoperative vehicles, camping rigs off trucks, or boat rigging or similar items on any public street, right-of-way, or on and/or beside driveways. Storage of such vehicles or items must be screened from public view either within the garage or behind a solid fence. No parking is allowed on grass.
  - Animals, livestock, or poultry of any kind shall not be raised, bred, or kept on any lot except dogs, cats, or other common household pets if they are not kept, bred, or maintained for commercial purposes or in unreasonable numbers. All animals or pets must be leashed or restrained within an adequate enclosure. No animals or fowl may be kept on the property that results in an annoyance or are obnoxious to residents in the vicinity.
  - Drying of clothes in public view is prohibited. The owners or occupants of any lots at the intersection of streets or adjacent to parks, playgrounds, or other facilities where the back yard or portion of the lot is visible to the public shall construct and maintain a drying yard or other suitable enclosure to screen drying clothes from public view.
  - Unmaintained properties: All lots shall be kept at all times in a sanitary, healthful, attractive, and safe condition, and the owner or occupant of all lots shall keep all weeds treated, grass cut, and dead trees removed and shall in no event use any lot for storage of material and equipment except for normal residential requirements or incident to construction of improvements thereon as herein permitted, or permit the accumulation of garbage, trash, or rubbish of any kind thereon, and shall not burn any garbage, trash, leaves, or rubbish except by use of an incinerator approved by Friendswood, its successors, or assigns, and then only during such conditions as permitted by law. All yard equipment or storage piles shall be kept screened by a service yard or other similar facility as herein otherwise provided so as to conceal them from view of neighboring lots, streets, or other property. Woodpiles shall be neatly maintained.
  - Commercial signs, advertisements, billboards, or advertising structures of any kind displayed in public view on any portion of the properties or on any lot are not permitted except for one sign for each building site may be installed with a maximum dimension of 24 inches and a maximum area

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of 576 square inches advertising the property for sale or rent, except signs used by Friendswood, its successor, or assigns, to advertise the property during the construction and sales period. Friendswood or its assignee shall have the right to remove any such sign, advertisement, or billboard or structure placed on said lots, and in doing so shall not be subject to any liability for trespass or other tort in connection with or arising from such removal.

**2. Resolution of Non-Conformance**

- The ACC carries out periodic inspections of the community and also responds to notices provided by residents. Residents are expected to properly identify themselves; otherwise, the ACC is not inclined to act on an anonymous notice. The ACC reviews all notices of potential non-conformance and judges whether non-conformance exists.
- Should non-conformance exist, the ACC will instruct the Managing Agent to send out a first and possible second notice to the subject residence/association member to inform them of the situation and request their removal of the condition/use within a 14-calendar-day period of time.
- Should non-conformance persist after the first and second notices have been given, the ACC, with the approval of the Board of Directors, may undertake legal action. The costs of such legal action will be assessed to the subject residence.

**N. HOLIDAY DECORATIONS**

- Christmas decorations must be removed by February 1<sup>st</sup>.
- Other holiday decorations must be removed 2 weeks after holiday.

**O. TREE REMOVAL**

No trees shall be removed without approval from the Board. Trees can be removed for the following reasons: to provide room for construction of improvements or to remove dead or unsightly trees.

**P. LANDSCAPING**

Areas with no grass shall be xeriscaped or hardscaped.

**Q. A/C UNITS**

No A/C units shall be installed in windows in the front of the house.

**R. TRASH CANS**

Trash cans must not be visible from the road except on trash days. Only yard debris and heavy trash shall be brought to the street for pick up.

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# Pages 14  
05/28/2020 02:50 PM  
e-Filed & e-Recorded in the  
Official Public Records of  
HARRIS COUNTY  
DIANE TRAUTMAN  
COUNTY CLERK  
Fees \$66.00

RECORDERS MEMORANDUM

This instrument was received and recorded electronically and any blackouts, additions or changes were present at the time the instrument was filed and recorded.

Any provision herein which restricts the sale, rental, or use of the described real property because of color or race is invalid and unenforceable under federal law.

THE STATE OF TEXAS  
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me; and was duly RECORDED in the Official Public Records of Real Property of Harris County, Texas.



*Diane Trautman*

COUNTY CLERK  
HARRIS COUNTY, TEXAS

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