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**BUILDING GUIDELINES
FOR THE**

WESTGATE
HOMEOWNERS' ASSOCIATION, INC.

11-050-51-1077

Refer to the Declaration of Covenants Conditions, Restrictions and Easements for Westgate
Subdivision for additional references.

Table of Contents

Definitions	4
Overview	5
A. Application Procedure	6
1. Submission	6
2. Residential Plan Standards	6
3. Contractor/Owner Construction Requirements	7
4. Compliance Inspection	8
5. ARC and NCC Decisions	8
B. General Guidelines	9
C. Development Standards	9
1. Exterior Painting	9
2. Exterior Siding	10
3. Roofing Materials and Accessories	10
4. Front Yard Accessories	11
5. Outdoor Lighting	12
6. Driveways	12
7. Swimming Pools, Spas, Hot Tubs, and Ponds (Water Gardens)	12
8. Rear Yard Recreational Equipment	14
9. Basketball Goals	14
10. Arbors	15
11. Covered Patio Structures	16
12. Patio Enclosures	16
13. Sunrooms	17
14. Gazebos	17
15. Outbuildings	18
16. Solar Screens, Storm Doors, Window Films and Storm Windows	18
17. Perimeter Lot Fencing	19
18. Metal, Wrought Iron and Aluminum Fencing	19
19. Metal Driveway Gates	20
20. Wood Fencing	20
21. Front Yard School or Youth Affiliated Sports Signs	20
22. Walkways	21
23. Golf Ball Nets	21
24. Patios/Decks	22
25. Front Yard Planting Beds	22
26. Outdoor Carpeting	22
27. Doors and Windows	23
28. Birdhouses	23
29. Garage Conversions	23
30. Lawn Maintenance	23
D. Additional Criteria	24
E. Variances	24
APPENDIX "A" Property Managers	25
APPENDIX "B" Enforcement Regulation and Fining Policy	26
APPENDIX "C" Property Modification Request	29

Supplemental Architectural Modification Guidelines
FOR THE
WESTGATE HOMEOWNERS' ASSOCIATION, INC.

The undersigned, being all of the members of the Board of Directors, also acting as the Architectural Review Committee (ARC) of Westgate Homeowners' Association, Inc. does hereby certify that at meetings of the Board of Directors of the Association, were called and held, the following guidelines were unanimously made and adopted:

WHEREAS, the Association, acting through its Board of Directors, desire to exercise the authority granted to it by the provisions of the Declaration for Westgate Homeowners Association, Inc.; filed June 14, 1999, in the Official Records of Harris County, Texas. To maintain the harmonious and architectural design within the Development in accordance with the provisions of the Declaration; and

WHEREAS, the Declaration provides that no buildings, additions, modifications or improvements shall be erected, placed or performed on any Homesite until the construction plans and specifications including, but not limited to, the site plan, design development plan, exterior plan, signage plan, landscaping plan, and lighting plan have been submitted in duplicate to and approved in writing by the ARC as hereinafter provided; and

WHEREAS, the Declaration further provides that the ARC shall have the discretion to approve or disapprove plans and specifications for buildings, additions, improvements or modifications on the basis of color, quality and type of building materials and harmony of external design with existing structures; and

WHEREAS, the Board of Directors of the Association and the ARC desire to establish guidelines with respect to the type, quality and color of exterior additions and modifications on lots within Westgate so that harmonious exterior design within Westgate is consistently maintained.

NOW, THEREFORE, the Board of Directors of the Association and the ARC hereby adopt the following guidelines relating to the buildings, additions and modifications on lots within Westgate, which guidelines shall supplement the applicable restrictive covenants set forth in the Declaration:

Overview

The purpose of architectural design is to keep the development attractive for the enjoyment of residents and for the protection of property and property values. The Declaration authorizes the Board to establish rules, standards and procedures for orderly development which requires owners to obtain written approval from the ARC for any buildings, additions, improvements or other modifications to their property **PRIOR TO INSTALLATION. Improvements made without prior approval are subject to a fine and/or owners will be responsible for the Association's expenses and their own in the event the Association forces removal.** This is to ensure that the improvements and/or modifications comply with the provisions of the Declaration and the Architectural Modification Guidelines. The Board and the ARC have established these Guidelines in accordance with the authority granted to them by the provisions of the Declaration.

These Guidelines have been established to assure uniform and fair application of the Declaration and are intended to provide all owners with information about: the type, color, quality of materials which may be used in the construction of various kinds of improvements; the size and locations of such improvements; and information about the procedures used by the ARC in reviewing applications for proposed improvements. **These Guidelines apply during and after the original construction of the dwelling unit upon the property has been completed.**

The ARC reserves the authority to review and approve applications for buildings, additions, or improvements which are not explicitly described by these Guidelines and to consider additional guidelines in the review process whether published or not. The ARC may amend these Guidelines, as it deems necessary and appropriate, subject to approval by the Board.

All construction, alterations, improvements and modifications must be confirmed in writing and signed by the Board and/or the ARC prior to construction of the improvement. **No verbal approvals shall be granted.** Additionally, should the application be submitted after the construction, the ARC is not required to provide approval, and the unapproved change may be deemed to be a violation of the Declaration. The ARC shall endeavor to make its decision regarding your application within thirty (30) days after receipt by the ARC of the plans and all information required. In the event the ARC fails to approve such plans and specifications within thirty (30) days after the receipt thereof, they shall be deemed to be disapproved. No construction should begin prior to the approval. You may be subject to fines and/or may be required to remove unapproved improvements.

In the case of any conflict with the terms of the Declaration or these Guidelines, the terms of the Declaration and these Guidelines shall control in that order.

A. Application Procedure

1. **Submission:** All site or building construction, improvements, modification, alterations or additions thereto require approval in writing from the ARC prior to construction or placement. This covers new construction as well as, but not limited to, additions, fences, patios, storage buildings, play equipment, pools, walkways, driveway modifications and exterior painting. All applications for approval to site or building construction, improvements, modification, alterations or additions thereto shall be submitted to the ARC in writing by fully completing the application form currently in use by the ARC, a copy of which is attached hereto as Appendix "C", or such form as may hereafter be adopted by the ARC. Each application must be accompanied by TWO SETS of plans/specifications. The plans/specifications must be supported by the following information:

- a. Drawing(s) of the existing and proposed addition/modification showing the top, front, side, and rear exterior views; overall dimensions (length, width, height) of the modification; and the layout and dimensions of supporting structures;
- b. A copy of the existing lot survey including all **existing buildings** and structures **without the proposed modification**.
- c. A copy of the existing lot survey showing location of easements, existing buildings and structures **with the proposed location of the modification**, all measurements and applicable building set back lines;
- d. A description of all materials to be used including but not limited to, brick, siding, foundation, roofing, and paint;
- e. Color samples for all colors involved should be included. Provide two copies of each color sample or photographs.

It is the owner's responsibility to determine all easements and setbacks that exist upon their property. No construction should occur within these easements or building set back lines. All building permits must be in effect at the time of construction. **If construction is not commenced within six (6) months of the approved application, a new application must be submitted.** All construction should be completed within six (6) months from commencement.

The ARC reserves the right to request any additional information deemed by it to be necessary to properly evaluate the application. In the event that the ARC requests additional information and such information is not submitted by the applicant in a timely manner the application shall be invalid. However, the applicant may thereafter submit a new application with the requested information to the MC for its review. The completed application form shall be submitted to the Association office with plans and specifications as indicated, signed by the property owner. Any questions pertaining to these standards may be directed to the Property Managers.

2. **Residential Plan Standards:** All plans and specifications shall be drafted in a professional manner. An architect or designer is not required, but recommended for

easier interpretation and generally better design results. Our plan standards are as follows:

- a. Drawings: A site or lot survey to show the dimensions of the proposed construction or modification and distance from existing building and closest property line. Plan view (top view) and elevations (front, left, right, rear) must be drawn.
- b. Specifications: List all specifications relating to project design, structural framing, and quality of exterior materials, colors, textures and shape.
- c. Basis of Approval: Approval of plans and specifications shall be based, among other things, on adequacy of site dimensions, structural design, conformity and harmony with external design and of location with neighboring structures and sites, and conformity to both the specific and general intent of the restrictions and surrounding properties.

3. Contractor/Owner Construction Requirements: If the property owner has contracted with a contractor to provide construction services, it is the property owner's responsibility to ensure the contractor is aware of and understands the requirements of the Declaration and these Guidelines. The owner and contractor acknowledge and accept the authority of the Association to require certain standards. The owner and contractor acknowledge and accept the authority of the Association to enforce adherence to these standards through fines or other legal action. The owner and contractor agree to abide by the following:

- a. The burning of construction material, debris and other scrap inside the development is strictly prohibited.
- b. The work site shall be kept clean. The property owner and the contractor are responsible for all trash and debris being picked up and removed promptly. No dumping within the development is allowed.
- c. Contractors and owners are responsible for keeping mud, dirt, etc. off of the roadway and meeting all E.P.A. requirements regarding movement of silt and other materials from construction site to drainage swales and/or adjacent properties. Contractors will be responsible for repair to any road, road right-of-way, shoulders or drainage swales damaged during the course of construction.
- d. Dumping or cleaning of cement trucks or dumping of construction material **is not allowed** within common areas and right-of-way (*i.e.*, ditches, streets, parks, or storm sewers and all easements).
- e. Design of common area and roadside drainage swales must not be altered.
- f. Construction access is limited to Applicant's property. Any damage done to Association and/or neighboring property shall be restored to the original condition as determined by the Association and/or neighbor at the property owner's expense.

- g. No building materials or contractor's equipment shall be left on the street overnight. Traffic flow within the neighborhood may not be interrupted.

4. **Compliance Inspection:** The Association **MAY** require site inspections including but not limited to:

- a. **Periodic Inspection:** If performed, will be by the Association or Property Manager to inspect for compliance of utility easement, drainage easements, flowage easements, and setbacks to inspect for compliance of all building requirements such as disposal of debris, burning of debris and all other requirements made by the contractor/owner.
- b. **Final Inspection:** If performed, will be to review the site after completion of modification(s). Included are but not limited to additions, pools, decking, walkways, painting, landscaping, and other items necessary to present an aesthetic condition on the lot. Final inspection shall not be relied upon by any person or entity as to the structural integrity, sufficiency, suitability, fitness, workmanship or quality of the design, construction of the improvements, compliance with the Declaration, compliance with the Guidelines, compliance with the Residential Design Guidelines or any other matter. Neither the Board of Directors, ARC, Association, Property Managers, nor any of their respective members, officers, directors, shareholders, employees or agents shall be liable because of the approval or non-approval of any modification.
- c. **Non-compliance with ARC approval:** If for any reason a structure is deemed not to be in compliance with approved plans, the owner will be notified. The Association will require the cessation of construction until the item(s) in non-compliance are corrected. Be advised failure to submit to the ARC for approval prior to beginning construction, commencement of construction before approval is received or failure to install/build as approved may be subject to fines imposed on the property owner for non-compliance.
- d. Other permits or approvals may be required from the City, County or other governmental entities. It is the responsibility of the owner to obtain all required City, County or other governmental approval.

5. **ARC Decisions:** ARC members shall consider each application for compliance with the restrictive covenants of the Declaration and with these Guidelines. The decision of a majority of the members of the ARC necessary to approve or disapprove an application shall be considered the decision of the ARC. ARC decisions shall be conveyed, through the Property Manager's office, in writing, by regular mail to the owner and shall include a statement of the conditions under which the application is approved, if any, or the primary reason(s) for disapproving the application. **No verbal approvals shall be granted.** The ARC has the right to deny approval for a similar improvement based on the proximity of a property to a main boulevard or the visual relativity of the site to the overall development. As an example, a home located on the perimeter of the development may be permitted to have a certain styled storage building (with different height), whereas on a main entry boulevard and depending on

the configuration of the lot, this same item may not be approved; the intent being to maintain overall integrity within areas of higher visual impact.

B. General Guidelines: The ARC shall consider the following factors upon the review of each application for all site or building construction, improvements, modifications, alterations or additions thereto:

1. **All construction, improvements, modifications, alterations or additions must comply with CCR and the existing Guidelines and must be submitted for and approved by the ARC.**
2. The quality of construction and materials, colors, exterior design (elevation), size (dimensions), and location must be harmonious with existing and other proposed structures and location with respect to topography and finished grade elevation, and must be in compliance with the provisions of the Declaration and with surrounding properties. All improvements must be complimentary to the home and conform with new construction standards applicable to that neighborhood.
3. The location must not violate the building setback lines, utility or drainage easements as shown on the official recorded plat, nor obstruct drivers' vision at street intersections.
4. Improvements that are intended for other than single-family residential purposes are not permitted.

NOTE: The ARC will not grant permission to place a building over, under, upon or across any utility easement unless consent to encroach upon any utility easement is obtained in writing from the owner of the easement (*i.e.* utility companies) by the property owner:

The ARC shall also consider the provisions of the Declaration and of applicable statutes, ordinances and building codes. However, approval of an application shall not be construed as a warranty or representation by the ARC that the modification, addition or improvement, as proposed as built, complies with any or all applicable statutes, ordinances or building codes, or as a warranty or representation by the ARC of the fitness, design or adequacy of the proposed construction.

C. Development Standards

1. Exterior Painting

No exterior surface of any residence, garage or other structures on any lot shall be painted a color different from the original ARC approved color without prior approval of the ARC. Two (2) of each color sample or "paint chip" of the proposed exterior color(s) must be included with each application submitted to the MC. A sample of the existing paint color must also be included with each application. Only colors consistent with the development (earth tones) will be approved. Garage doors must be painted the lightest color in the palette except where the palette includes white in which case the garage door may be painted either white or the next lightest color in the palette. **Brick**

on the home, sidewalk, and driveway may not be painted or stained. The following additional guidelines shall also apply:

- a. Harmonious Colors – The proposed colors must be harmonious with each other and with the colors of the exterior brick and roofing materials.
- b. Trim – Soffit, fascia boards, window and door trim and rain gutters must also be harmonious colors; however, the shades of trim color may be shaded to compliment (lighter/darker) the principal color of the residence or garage.
- c. Gutters – When rain gutters are painted, their color must match the color of the fascia board trim. When "maintenance free" gutters are installed or replaced, their color must match (as closely as possible) the fascia board trim.

2. Exterior Siding

Wood siding may be either horizontal or vertical lap type. The use of diagonal siding is strongly discouraged but may be allowed by special consent of the ARC. When siding is replaced or added to any existing structure or new modifications on the lot, it must be of the same type, quality, size and color as the existing siding on the main residence (unless all exterior siding is being replaced at one time).

If all exterior siding is being replaced at one time, the type of siding may be changed to any of the following acceptable materials: wood, wood product or hardiboard. **Vinyl, vinyl coated aluminum or vinyl coated steel are not allowed.** The following guidelines apply to replacement or additional exterior siding:

- a. Thickness, visible width and spacing of siding must be submitted with the application to the MC and shall include a full width sample of the siding that is at least three inches (3") in length.
- b. Color of all siding (including siding that is not painted) must comply with the guidelines herein for painting.
- c. Exterior siding must be installed and maintained to avoid sagging, warping or irregular coloration; the Association may require the homeowner (at homeowner's sole responsibility and expense) to repair or replace siding that fails to adhere to these guidelines.

3. Roofing Materials and Accessories:

Roofing materials used shall be of a premium grade. Wood shingles are strictly prohibited. A copy of the contractors quote showing the shingle type, age rating and color must accompany the application. An alternative to the contractors quote would be a 2"X2" square sample of the shingle submitted with the application.

- a. Material: The proposed shingles shall be of an acceptable type, quality and color that are harmonious with the residence and applicable to that specific neighborhood. Shingles shall have a minimum 25-year warranty.

- b. Accessories: All roof protrusions shall be located to the rear of the ridgeline and/or gable of any structure and shall not extend above the highest point of the structure. All roofing additions, wind turbines and vents (if any) must match the roofing material and/or color as closely as possible. The ARC shall have the right to approve exceptions to the foregoing in cases where energy conservation and heating/cooling efficiency require ventilators that, because of a particular roof design, cannot be hidden from public view.

4. Front Yard Accessories:

Front yard accessories shall be permitted under the following conditions:

- a. Location: Accessories must be an integral part of the landscaping and blend in with the existing shrubbery or trees. This includes the lot in front of the fence line and any side yards on corner lots.
- b. Size: Yard accessories are not to exceed eighteen (18) inches in height. The exception is decorative landscape planters used for the display of living flowers or other approved landscape material.
- c. Materials: Decorative accessories and landscape planters must be constructed of precast concrete, marble, painted cast aluminum terra cotta, or other durable material. Wooden barrels, plastic, fiberglass, and other non-durable materials, are not acceptable materials for landscape planters or decorative accessories. Birdbaths may not be used as planters.
- d. Maintenance: All accessories shall be maintained in such a fashion as to not detract from the neighborhood. Landscape planters must be maintained with living landscape materials at all times.
- e. Only One Of Each Of The Following Accessories Will Be Permitted: Freestanding flagpoles, park benches, chairs, bird baths, or decorative fountains. More than one of any of these accessories is prohibited.
- f. Traditional holiday decoration lights may be displayed for two (2) months prior to and one (1) month after any commonly recognized holiday for which such lights are traditionally displayed.
- g. Banners/Flagpoles: Maximum of one (1) six (6) foot banner or flag mounted on a flagpole attached to the front of the home is permitted.
- h. Flags not mounted on a flagpole attached to the front of the house, including high school spirit flags, are not permitted unless the flag is the United States of America flag placed throughout the Development on certain holidays.

5. Outdoor Lighting:

Outdoor lighting shall be installed in such a way to shield or minimize the amount of spill light on adjacent properties, homes or streets. All lights must be installed at the rear of the home or garage no higher than the first story plate line. The only exceptions are low voltage landscaping lights or decorative fixtures of an understated design which complements the architectural style of the residence. Exterior lights located on the second story of a home are prohibited. Be advised approval is needed for both front and rear yard lighting. Exterior fixtures, exclusive of landscape lighting, is four (4) unless otherwise approved.

- a. Landscape Lighting: Lights must be located at ground level in flowerbeds and must luminate white. Maximum height is eighteen (18) inches. Maximum wattage 35. Maximum number is twelve (12) unless otherwise approved.
- b. Fixtures: All fixtures must be Underwriter Laboratories (UL) approved and may be of the following type: Incandescent can not exceed 150-watts; Gas can not exceed the equivalent amount of light produced by a 100-watt incandescent fixture; High Pressure Sodium can not exceed 35-watts.

6. Driveways:

Under no circumstances will painted or stained driveways be permitted.

- a. Driveway Extensions: Driveway extensions may not extend beyond the front elevation of the home or behind the front of the garage. A minimum of a two (2) foot greenbelt must be maintained between the extension and the fence line.
- b. The replacement of concrete driveways is to be a minimum four (4) inches thick over a sand base. Governmental specifications regarding driveway cuts and curb returns at driveway openings shall be adhered to.
- c. Driveways may be a material consistent with the architectural character of the entire neighborhood. ***Asphalt paving is prohibited.***

7. Swimming Pools, Spas, Hot Tubs, and Ponds (Water Gardens):

Swimming pools, spas, ponds, hot tubs, and other ancillary structures are restricted to the rear yard and must adhere to the following guidelines. Bathhouses must follow the guidelines for outbuildings. Pool enclosures are not allowed.

- a. Location: No portion of the pool structure may encroach onto the utility easement without written consent from the utility companies involved. Subject to above mentioned approval, decking may encroach onto the easement with homeowner awareness that utility company policy may require access to that area; the homeowner could be responsible for removal and/or will be responsible for replacement of the deck located in the easement. Pool decks

may extend beyond the established side setback lines so long as an adequate area (minimum two (2) feet) remains between decking and rear and/or side fence lines to ensure proper drainage and to provide a greenbelt.

- b. Height: Swimming pool appurtenances, such as rock waterfalls and slides must not exceed six (6) feet in height when measured from the natural ground. Pool decking may not exceed twelve (12) inches in height above natural grade. **No portion of swimming pool accessories (slides, diving boards, waterfalls, raised beams, etc.) may exceed six (6) feet in height from natural ground or be visible above the top of the fence and must be screened with landscaping.** Above ground spas must not exceed four (4) feet in height and any decking surrounding the structure must not exceed that height. Additional landscape screening may be required.
- c. Fencing/Screening: All private swimming pools and spas shall be completely enclosed by a six (6) foot high wood yard fence, five (5) feet for yards with wrought iron, and a self-closing, self-latching gate. The gate must be constructed of the same material as the fence, per the Guidelines. Pool equipment must be immediately screened from the street in the front by the rear yard fence (wood) or solid landscaping and from visible common areas by landscaping. Maintain a twenty four (24) inch greenbelt between pool equipment and/or pool deck and fence and/or property line.
- d. Construction Access: Pool construction access routes are on either side of the home (within the lot fence lines) via homeowner's property only. Access routes must be clearly defined from the street to the pool excavation sight. **Access through any Association property is prohibited.** The Association will not approve access through non-association rights of way. Access must be granted by the appropriate entity and a written authorization and policies must be supplied to the Association prior to pool installation.
- e. Maintenance: All swimming pools and spas must be properly maintained year-round to comply with all County and State regulations. Pool backwash lines are to be tied into the sanitary sewer per the utility district/city requirements. Proper area drainage to the front of the property must be maintained and pool run off/drainage must not affect neighboring properties. If area drains are routed to the street, the sidewalk and/or curb must be saw cut, broke out and properly replaced. If tunneling under common sidewalks, properly compacted backfill must be installed to avoid future settlement of sidewalks crossed. Equipment must be maintained as to not cause a noise violation to adjacent neighbors. Pools must be inspected as required by the appropriate utility district/city operator for the neighborhood.
- f. Prohibited Structures: Portable or permanent above ground swimming pools are strictly prohibited.
- g. Required Submittal Information: Along with the completed application, a copy of the lot survey by a professional land surveyor is required (the survey received at closing). A second survey (same as above) is required with the

pool imaged onto the survey. In addition, the pool plan sketch/detail, the location of the pool equipment, the filter type, drainage, access route information, detailed scope of work to be performed and contractor's name/phone number must be included.

8. Rear Yard Recreational Equipment:

For the purpose hereof, rear yard recreational equipment shall include, but is not limited to any type of children's play houses, play sets, climbing structures, slides, raised play forts, swing sets, trampolines, etc. Such structures are not totally enclosed. Enclosed structures are to follow the Outbuilding Guidelines as set forth in Paragraph 15 of these Guidelines.

- a. Location: Recreational equipment shall be located in the rear yard so it is screened from public and private view to the maximum extent possible by permanent structures (such as the house, garage or wood fences) or landscaping. All rear yard recreational equipment must be a minimum of five (5) feet from the side fence lines and eight (8) feet from the rear fence line. Corner lots however must maintain a minimum of eight (8) feet from the side and rear fence line. Additional landscape screening may be required.
- b. Size: Play structures and swing sets must not exceed one hundred twenty (120) square feet in size. The maximum allowable height for playground equipment is twelve (12) feet including flags, etc. No portion of any piece of rear yard equipment shall exceed this height limit. Standing platforms shall not exceed six (6) feet above natural ground.
- c. Enclosed playhouses must not exceed eight (8) feet in height when measured from the natural ground and one hundred twenty (120) square feet in size. Enclosed play houses must follow the guidelines for outbuildings.
- d. Materials: Playhouses and play structures must be constructed of materials resistant to decay, such as pressure-treated yellow pine, redwood, cedar or painted treated wood, to be in harmony with the existing residence. Swing sets, trampolines, etc. may be constructed of metal. Tarp roofs, awnings, or covers must be rainbow or earth tone colors. Safety netting on trampolines must be black, white or neutral in color.
- e. Maintenance: All playhouses, play structures, swing sets and trampolines, etc. shall be maintained in such a fashion as to not detract from the neighborhood, such as, but not limited to: for playhouses and play structures, replacement of torn or discolored tarps or covers: for swing sets, painting of any rusted or discolored parts, replacement of torn or detached safety nets on trampolines.
- f. Permanent skateboard ramp type structures are not allowed. Portable skateboard ramps must be stored away from public view when not in use.

9. Basketball Goals:

Under no circumstances will permanent basketball goals be permitted.

Guidelines for placement portable basketball goals must be adhered to. Full size basketball and sports courts are not permitted in the rear yard. Be advised that only one (single pole) basketball goal per family/residence is permitted.

- a. Maintenance: All goal supports, backboards, rims and nets must be well maintained at all times.
- b. Portable basketball goals in the front yard must be maintained in an upright position at all times or stored out of site.
- c. Height: Basketball goal (rim) must not exceed ten (10) feet in height when measured from the natural ground. Rear yard basketball goals must be adjustable and poles lowered when not in use. Backboards must not exceed regulation size (1/2" x 42" x 72").
- d. Lighting: Under no circumstances will lighting specifically for a backyard basketball goal be allowed. All lighting must remain attached to the home or garage or landscape and within the Residential Guidelines prescribed in Paragraph 5 of these Guidelines.

10. Arbor:

An "Arbor" shall be defined as an attached or free standing, open framed flat roof structure whose purpose is to provide shade. (Arbors shall not be used for any type of open storage)

- a. Location: Arbors must be located in the rear yard and must be a minimum of five (5) feet from side fence lines and eight (8) feet from the rear fence line. Corner lots however must maintain a minimum of eight (8) feet from the side and rear fence line. Arbors must not encroach on any utility or drainage easement and must not interfere with drainage or cause water to flow onto any adjacent lot. Any lights attached to the structure must be positioned so that light does not spill over onto adjacent lots. Arbor must be maintained at all times.
- b. Material: Supporting structural members must be constructed of materials resistant to decay, such as redwood, cedar and/or treated wood. Wood embossed architectural aluminum must be painted a color and shade similar to and harmonious with the exterior of the residence. Roof of arbor can consist of lattice or wood slats. Additional landscape screening may be required.
- c. Dimensions: The maximum height of an arbor shall not exceed ten (10) feet measured from the natural ground. The total size of the arbor shall not exceed 15% of the rear yard.

11. Covered Patio Structures:

Covered patio structures are considered to be additions to the rear of the residence that have no enclosure walls. Attached patio structures must be painted to match the primary color of the home or trim.

- a. Location: Covered patio structures must not encroach on any utility or drainage easement, nor shall it violate the building setback lines applicable to the residential dwelling on any lot. Covered patio structures must not interfere with drainage or cause water to flow onto any adjacent lot. Covered patio structures may not be used for any type of storage. Covered patio structure must be maintained at all times.
- b. Material: The standard, type, quality and color of the materials used in the construction of a patio cover must be harmonious with the standard, type, quality and color of the materials used in construction of the main residence (wood and/or brick). The roof of all patio covers, other than arbor or open trellis types, must be sloped and covered with shingles meeting the roofing guidelines set forth herein. **Corrugated roofs for patio covers shall not be permitted under any circumstances.** All patio covers must be adequately supported and constructed of sturdy materials so that the patio cover has no visible sagging or warping. Additional landscape screening may be required. Supports must be painted wood, treated wood or metal columns. No pipe is allowed.
- c. Dimensions: The top of the patio cover at its lowest point shall not be higher than nine (9) feet from ground level (typical first floor plate height). The patio cover roof shall provide an attractive slope with a minimum 4/12 roof pitch away from the home, at an angle that does not exceed that of the roof of the residence. Flat roof patio covers are not permitted. No patio cover shall protrude from the sides of the residence. Patio covers may not encroach the building line.

12. Patio Enclosures:

A "patio enclosure" is any patio cover that has exterior walls (other than "sunrooms").

- a. Location: Patio enclosures must not encroach on any utility or drainage easement, nor shall it violate the building setback lines applicable to the residential dwelling on any lot. Patio enclosures must not interfere with drainage or cause water to flow onto any adjacent lot.
- b. Material: The standard, type, quality and color of the materials used in the construction of patio enclosures must be harmonious with the standard, type, quality and color of the materials used in construction of the main residence. (i.e. brick home, enclosure must be brick to match home) The patio enclosure roof must be shingled to match the existing roof and in compliance with the roofing guidelines set forth herein. **Corrugated roofs for patio enclosures shall not be permitted under any circumstances.** The exterior color of the walls, doors, windowsills, beams, frames or other visible supports must match

the exterior color of the residence. Covered patio enclosures must be maintained at all times. Additional landscape screening may be required.

- c. Dimensions: The lowest point of the patio cover shall never exceed nine (9) feet from ground level (typical first floor plate height). The patio enclosure roof shall provide an attractive slope with a minimum 4/12 roof pitch away from the house, at an angle that does not exceed that of the roof of the residence. Flat roof patio enclosures are not permitted. No patio cover shall protrude from the sides of the residence. Patio covers may not encroach the building line.

13. Sunrooms:

A "sunroom" is defined as a patio enclosure constructed with glass walls and/or glass roofing.

- a. Location: Sunrooms must not encroach on any utility or drainage easement, nor shall it violate the building setback lines applicable to the residential dwelling on any lot. Sunrooms must not interfere with drainage or cause water to flow onto any adjacent lot.
- b. Material: Supporting structural members must be of a color and shade similar to and harmonious with the exterior of the residence. Glass must be tinted in a shade compatible with the exterior of the residence. No metallic or direct reflecting style shading/tinting of the glass will be permitted. Applicants may be required to submit actual samples of the glass with the proposed shading/tinting material applied for approval. Additional landscape screening may be required.
- c. Prohibited Accessories: No sunroom shall have exposed air conditioning or heating duct work installed on the exterior thereof. Vents must be attached to the main residence. No ductwork shall be visible. Window coverings are not required; however, only interior covering will be permitted; there shall be no exterior coverings of the sun room glass permitted.

14. Gazebos:

A "gazebo" shall be defined as a free standing, open framed structure whose purpose shall not be for any type of open storage.

- a. Gazebos must be located in the rear yard and must be a minimum of five (5) feet from side fence lines and eight (8) feet from the rear fence line. Corner lots however must maintain a minimum of eight (8) feet from the side and rear fence line. No Gazebo may encroach the utility easement without written consent from the utility companies' involved. Any lights attached to the structure must be positioned so that light does not spill over onto adjacent lots. Gazebo must be maintained at all times.
- b. Material: Supporting structural members must be constructed of materials resistant to decay, such as pressure-treated yellow pine, redwood, cedar or

treated wood painted a color and shade similar to and harmonious with the exterior of the residence. Roofs must match the material used on the main residence. Additional landscape screening may be required.

- c. Dimensions: The maximum height of a gazebo shall not exceed eight (8) feet measured from the natural ground to the highest point. The roof must be a minimum of a 4/12 pitch and not exceed the pitch of the roof on the home. The maximum height of the walking area (deck) shall be no greater than twelve (12) inches measured from the natural ground. The total size of the gazebo shall not exceed 10% of the rear yard.

15. Outbuildings:

Outbuildings (*i.e.*, tool or storage shed, enclosed playhouses, and other exterior buildings) are to have an exterior that architecturally compliments the exterior of the main dwelling. The roof of an outbuilding shall conform to the provisions relating to roofing materials.

- a. Location: Outbuildings shall be located in the rear yard, behind the primary dwelling, so they are screened from public and private view to the maximum extent possible by land or permanent structures (such as the house, garage or wood fences). Outbuildings must be located in the rear yard and must be a minimum of five (5) feet from side fence lines and eight (8) feet from the rear fence line. Corner lots however must maintain a minimum of eight (8) feet from the side and rear fence line. No outbuildings shall be approved for construction on easements, or may impede the drainage on the lot or cause water to flow to an adjacent lot. **All structures** must be maintained at all times.
- b. Size: Outbuildings shall not exceed eight (8) feet in height when measured from the natural ground to roof peak (this includes any blocks or decking) and must not exceed one hundred twenty (120) square feet of floor space.
- c. Material: The standard, type, quality and color of the materials used in the construction of an outbuilding must be harmonious with the standard, type, quality and color of the materials used in construction of the main residence. The roof must be peaked and have a minimum 4/12 roof pitch match and not exceed the pitch of the roof on the home. The structure must be constructed of composition shingles closely matching the existing shingle color on the home. Prefabricated (Rubbermaid type) storage buildings may be allowed provided the color blends with the house and the roof is painted to match the roof of the house. Corrugated roofs for out-buildings shall not be permitted under any circumstances. Additional landscape screening may be required.

16. Solar Screens, Storm Doors, Window Films and Storm Windows:

- a. Solar screens may be installed on all windows on the front, side or back of the house. No solar screens may be installed unless 20 X 30 mesh or a maximum 80% UV rated screens are used. An acceptable material for solar screening is a heavy gauge vinyl mesh that is available in brown, dark gray or black.

Reflective materials will not be allowed. The mesh must be enclosed and framed in aluminum that is compatible with the overall color scheme of the contiguous surface of the window on which it is installed. The mounting of the solar screen should not detract from the overall appearance of the house.

- b. For the front of homes, only full view storm doors may be installed and must be harmonious to the home. Door visibility should not be screened except for the frame. For a corner lot house, only full view storm doors may be installed on the side visible from public view. Storm doors may be installed on the side or back of the house if it is not a corner lot and the door is not visible from public view. The suggested material for storm doors is aluminum. The frame must match the door trim on which it is installed. The mounting of the storm doors should not detract from the overall appearance of the house. Window film placed on storm doors must follow the window film guidelines.
- c. Window film may be installed on the front, side, or back of the home. No window film is allowed unless the visible light reflected is 35% or less. The only acceptable colors for window film are gray, charcoal or crystal/light silver clear film. **Absolutely no mirrored, fully reflective bronze or any other colored film is allowed on any windows.**
- d. Storm windows must have divided light characteristics and be architecturally consistent with the architecture of the house. All storm window frames must match the window trim of the house. Rolling shutters are not acceptable.
- e. Maintenance: All solar screens, window film, storm doors and storm windows must be maintained in such fashion that they do not detract from the neighborhood.

17. Perimeter Lot Fencing:

Fencing must be in accordance with the Residential Design Guidelines.

- a. Fence Sealant, Paints or Stains: In order to prevent inconsistent color matches with the fences throughout the community, the application of any sealant, paints or stains is prohibited on lot fencing inside the development, except for non-tinted sealants. Evidence that any sealant to be used is non-tinted must be submitted to the ACC prior to application of the sealant to any fencing. The active home builder may choose to install pre-stained fencing in future sections creating uniformity in those sections.
- b. All fence pickets must be replaced with pickets that match the original pickets so that the fences maintain a harmonious and consistent appearance throughout the community.
- c. Prohibited Fencing: Vinyl, chain link, lattice and wire fencing shall not be permitted.

18. **Metal, Wrought Iron and Aluminum Fencing:**

For those lots where such fencing is required the fencing height is to be consistent with the original height before replacement and must be painted black, unless otherwise approved by the ARC. The metal pickets must be a maximum of four (4) inches on center. No decorative elements, other than spear tops, are permitted unless specifically approved by the ARC. Bottom portion "puppy bars" are permitted. If metal fencing is used to enclose a pool, all applicable city/county laws must be followed.

19. **Metal Driveway Gates:**

Metal driveway gates will only be permitted, on home sites with detached garages, provided the gate is set back ten (10) feet from the front building line. All gate equipment must be located inside the gate and screened from view. Gates must open into the property and cannot swing out toward the street. No initials, symbols or decorative elements may be incorporated into the fence or gate without specific approval. Wooden driveway gates are not permitted. Metal gates must be painted black unless otherwise approved by the MC.

20. **Wood Fencing**

Where wood fencing is acceptable, the following standards are recommended:

- a. Fence sides visible to the public must be the "finished" side. Maximum height of any fence, regardless of construction material will be six (6) feet. **Lattice fencing is not permitted.** All internal privacy fences shall be a minimum of two rails. Posts shall be a maximum of eight (8) feet apart. No front yard fencing is allowed. Side yard neighboring fences should align with each other and be no closer than ten (10) feet set back from the front building line. All fencing visible from the street or common area shall have all pickets nailed on the street side or common area side of the fence so that no rails or posts show when viewed from the street or common area; unless "good neighbor" fencing is permitted. Additional or replacement fencing should conform to existing type of fencing on street/neighborhoods.
- b. Pickets must match the original size 1X4 or 1x6 and match the original material, Lumber Grade #1 or #2 (no wane, rot, holes, spike or soft knots) Posts 4x4 Treated Yellow Pine, Lumber Grade #2, treated Grade .40 cpf Rails 2x4 Treated Yellow Pine, Lumber Grade #3, Treatment Grade .25 cpf.
- c. Wood fences may not be altered in any form or fashion to incorporate any artistic design, cutouts, wagon wheels, etc. No painting, staining or varnishing of wood will be permitted.
- d. Wooden gates may not exceed forty two (42) inches in width. No double gates will be allowed.
- e. No gates into common areas or to a side street for corner lots will be permitted.

21. Front Yard School or Youth Affiliated Sports Signs:

Front yard school or youth affiliated sports signs shall be permitted under the following conditions:

- a. Location: Signs must be located in the landscaping beds and blend in with the existing shrubbery or trees.
- b. Size: Signs are to be no larger than 36" x 36" and may not exceed four (4) feet in height above natural ground.
- c. Materials: Signs are to be of wood, plastic or metal and must not be flags or banners as determined by the ARC, in its sole discretion.
- d. Maintenance: All accessories shall be maintained in such a fashion as to not detract from the neighborhood.
- e. Prohibited Signs: Signs should be in good taste, and shall not be obnoxious to the eye or cause embarrassment, discomfort, and/or annoyance. Signs should have no telephone numbers or commercial advertisements.
- f. There shall be no more than one sign per child under the age of eighteen that resides in the dwelling.
- g. Signs may not be displayed more than ten (10) days in any calendar month and for more than three (3) months per calendar year.

22. Walkways:

Walkways should be a complimentary component and should not compete visually with the house and/or landscape.

- a. A walkway must be at least three (3) feet in width and no more than five (5) feet in width.
- b. Walkways should be constructed of unit masonry, quarried stone or concrete. **Asphalt walkways are strictly prohibited.**
- c. Where a walkway parallels the front, side or rear elevation of a house, a planting area (a minimum two (2) feet in width) must be maintained between the house and walkway. In such cases, the planting area shall be planted with an appropriate ground cover. A minimum of two (2) feet in width must be maintained between the walkway and property line.
- d. Required Submittal Information: Along with the completed application, a copy of the lot survey by a professional land surveyor is required (the survey received at closing). A second survey (same as above) is required with the walkway imaged onto the survey.

- e. Adding additional sidewalk other than what was originally built with the home will not be approved unless there is a special needs situation.

23. Golf Ball Nets:

Golf Ball Nets will be considered on an individual basis and should be a complimentary component to the home and should not compete visually with the house.

- a. Steel poles must not exceed eight (8) feet in height and must be painted to compliment the home and must be fully screened for least visibility. Additional landscape screening may be required.
- b. Nets must be earth tone in color.
- c. Maintenance: All nets and poles shall be maintained in such a fashion as to not detract from the neighborhood. Repairs must be made when needed.

24. Patio/Decks:

- a. Location: Ground level decks may not exceed twelve (12) inches in height above natural grade and may not encroach on any easement nor extend beyond the building line.
- b. Materials: All above ground structures shall be made of either weather resistant wood or of masonry; metal or vinyl are not permissible for upper level decks. If wood is used on the improvement, it must be weather-resistant such as cedar or wolmanized pine. It may be painted to match the house colors, stained a natural wood color, treated with a substantially clear wood preservative or left raw to weather naturally. If masonry is used, either bricks or stucco that matches the house or concrete may be used. In all cases, the design and materials must complement the house design. On upper level decks, both the stairway and deck require railings for safety.
- c. Maintenance: All decks shall be maintained in such a fashion as to not detract from the neighborhood.

25. Front Yard Planting Beds:

Planting beds may not exceed twenty-five (25%) percent of the front yard and must be proportionate in appearance. Placement of additional beds will reviewed on a case by case basis.

- a. Corner bed planting is not permitted. Isolated planting between the sidewalk and street is not permitted.
- b. Maintenance: Plant beds must be maintained in such a fashion as to not detract from the neighborhood which includes pruning and weeding.

26. Outdoor Carpeting:

- a. May only be installed on porch area at the rear of the home – no walkways, etc.
- b. Earth tone colors are acceptable.

27. Doors and Windows:

- a. "Burglar bars," steel or wrought iron bars, or similar fixtures, whether designed for decorative, security or other purposes, may not be installed on the exterior of any windows or doors of any dwelling.
- b. No signs, numerals or other writing may be written on or placed in the doors, windows or exterior walls of any dwelling.

28. Birdhouse:

- a. Maximum of one (1) per lot may not exceed ten (10) feet in height and must be placed toward the middle of back yard and not visible from the fronting street.
- b. Must be mounted on a two (2) inch diameter metal pipe painted white or black.

29. Garage Conversions:

Conversions are not permitted. No garage shall be enclosed, modified or otherwise used so as to reduce its capacity for parking vehicles.

30. Lawn Maintenance:

Grass, vegetation and weeds on each Homesite shall be cut as often as necessary to maintain the same in a neat and attractive condition. Grass growing onto or over sidewalks, driveways, and curbs shall be presumed to be unattractive.

In the event any Owner of any Homesite within the Property fails to maintain the landscaping grass or vegetation of a Homesite in a manner satisfactory to the Board of Directors of the Association, after ten (10) days' notice to the Owners of the Homesite setting forth the action intended to be taken by the Association and after approval by a two-thirds (2/3) vote of the Board of Directors, shall have the right but not the obligation, through its agent, contractors, and/or employees, to enter upon said Homesite or Building Site and to maintain, cut, trim and/or restore such landscaping, grass or vegetaion.

D. Additional Criteria:

- a. Each lot shall be graded so that storm water will drain from the rear property line through the side yard and front yard to the abutting street and not across adjacent lots.

- b. All approved modifications to a lot must be maintained to the standards of the Builder Guidelines and the Declaration of Protective Covenants.

E. Variances:

Variances to the design standards and development criteria may be granted at the sole discretion of the ARC or its designated representatives. No variance shall be granted unless the general purposes and intent of the Declaration and design standards are maintained. Any variance granted shall only be applicable to the specific site and conditions for which the variance was granted, and shall not modify or change any design standards as they apply to other sites or conditions. All variances must be confirmed in writing and signed by the ARC or its designated representatives prior to construction of the improvement. No verbal variances shall be granted.

RR-DEB-1100

APPENDIX "A"

Property Managers

Property-Managers for Westgate:

VanMor Properties, Inc.
8711 Highway 6 North, Ste. 270
Houston, Texas 77095

Phone: 832-593-7300
Fax: 832-593-7301

**BOARD OF DIRECTORS
WESTGATE HOMEOWNERS' ASSOCIATION, INC.**

Date: _____, 2007 Print Name: _____

Signature: _____

Date: _____, 2007 Print Name: _____

Signature: _____

Date: _____, 2007 Print Name: _____

Signature: _____

APPENDIX "B"

Fines

WESTGATE HOMEOWNERS' ASSOCIATION, INC.

Enforcement Regulations and Fining Policy ("Policy")
pertaining to the Architectural Approval Process

- a. Violations. This Policy applies to the below-mentioned violations of the Association's architectural review process contained in the Declaration, the Builder Guidelines, and the other governing documents (referred to herein collectively as the "Governing Documents"). An action is initiated under this Policy when either the Association's management company or a member of the Board of Directors notes a violation. The management company is also authorized to send any and all of the notices described in this Policy. The applicable violations are as follows:
- a. Initiating, undertaking, or continuing construction of any improvement and/or landscaping, including any site-preparation work or any other activity regulated under the architectural approval process contained in the Governing documents, prior to submitting an application to the ARC, together with all of the required information, including samples and a lot survey showing placement, if applicable.
 - b. Initiating, undertaking, or continuing construction of any improvement and/or landscaping, including any site-preparation work or other activity regulated under the architectural approval process contained in the Governing documents, prior to obtaining the written approval of the ARC. (Any such activity constitutes a violation, even if an application has been submitted to the ARC, unless and until the ARC has issued a written approval of such application.)
 - c. Installing, constructing, or completing construction of any improvement and/or landscaping regulated under the architectural approval process contained in the Governing Documents, in a manner which is not in accordance with the approved application. The failure to allow the Association to undertake any compliance inspection provided for in the Governing Documents shall also constitute a violation hereunder.
- b. Occupants, Guests, and Invitees. The Association is authorized to pursue the applicable remedies provided for herein as to any owner in violation, and/or as to any tenant or occupant in violation. The owner is also responsible for insuring the compliance of his or her tenants and occupants. If the Association deems it to be appropriate, the Association is authorized to send any notice provided for hereunder to any tenant or occupant.

c. Initial Notice. The Association shall send one (1) or more notices ("Initial Notice") by regular mail advising the owner of the violation and requesting that the violation be cured. However, if the Association decides that the violation requires accelerated handling, the Association is entitled to dispense with sending the owner any Initial Notice. All notices described in this Policy shall be sent to the owner at the owner's last known address, as shown on the records of the Association. The owner must deliver a written request to the Association or its management company, if the owner wants the Association to change the owner's address as shown on the Association's records.

d. Chapter 209 Notice. If the violation is not cured pursuant to the Initial Notice (or if the Association has decided not to send any Initial Notice), the Association shall send a notice to the owner by certified mail, return receipt requested, describing the violation and demanding that the violation be cured. The Chapter 209 Notice will allow the owner a reasonable period to cure the violation ("Cure Period") and avoid the Association levying a fine and/or pursuing legal action, unless the owner has previously been given notice and a reasonable opportunity to cure a similar violation within the preceding six (6) months. The Chapter 209 Notice will inform the owner that the owner has a period of 30 days from receipt of such notice to make a written request for a hearing before the Board regarding the violation. The Chapter 209 Notice will inform the owner that if the violation is not cured and the owner does not request a hearing within such thirty (30) day period, the Association intends to levy a fine against the owner and/or pursue legal action against the owner. If the Association pursues legal action against the Owner, the owner will be responsible for the attorneys' fees and other costs the Association may incur, and such fees and costs will be charged to the owner's account.

If the Association has given the owner notice and a reasonable opportunity to cure a similar violation within the preceding six (6) months, or if the Association files a suit seeking expedited relief in the form of a temporary restraining order or a temporary injunction, the Association shall not be required to send the owner a Chapter 209 Notice.

e. Hearing. If the owner makes a timely written request for a hearing, a notice shall be sent to the owner informing the owner as to the date, time, and place for the hearing before the Board. The hearing will be conducted in accordance with such rules and procedures as may be deemed appropriate by the Board. The hearing shall take place, even if the owner does not attend the hearing.

f. Remedies. If the owner does not make a written request for a hearing before the Board within the above-described 30-day timeframe (and if the violation has not been cured), the Association may thereafter pursue its remedies. If a hearing is conducted pursuant to a proper request, the Association may pursue its remedies regarding an uncured violation after the conclusion of the hearing, unless the Association has made an agreement to the contrary. Such remedies include levying a fine and/or turning the matter over to an attorney for legal action. Even if the Association levies a fine against the owner, the Association nonetheless reserves the right to turn the matter over to an attorney for legal action. If this becomes necessary,

it is contemplated that the Association will instruct the attorney to pursue the Association's legal remedies, including filing suit.

- g. Fines. If the violations identified in a Chapter 209 Notice are not cured within the Cure Period provided, fines will be levied and shall accrue at a rate of \$100.00 per week of the violations' continued existence after the Cure Period.
- h. Lien. Any fine levied by the Association as a result of a violation will be charged to an owner's account. Further, any attorneys' fees and costs incurred in connection with a violation will similarly be charged to the owner's account.
- i. Miscellaneous. The Association will not send any notice to the owner, tenant, or occupant in a situation in which the Association seeks expedited relief in the form of a temporary restraining order or a temporary injunction. In such situations, the Association reserves its rights to file suit and seek such relief from the court without any prior notice to the owner, tenant, and/or occupant.

APPENDIX "C"

ARCHITECTURAL REVIEW APPLICATION (ARC) REQUEST FOR HOME IMPROVEMENT

I understand that the ARC Committee will act on this request as quickly as possible and will advise me of their decision in writing. I agree not to begin the proposed project until the ARC Committee notifies me of their approval and/or conditions of approval. If construction has already begun, I will cease construction until approval has been granted.

SUBDIVISION

PRINT NAME

WORK PHONE NUMBER

ADDRESS

HOME PHONE NUMBER

CITY

ZIP CODE

TYPE OF IMPROVEMENT/CHANGE

- Storage Building, Pool, Basketball Goal, Patio, Spa, Solar Screens, Patio Cover, Roof, Burglar Bars, Gazebo, Room Addition, Fence, Greenhouse, Sidewalk, Paint, Deck, Siding, Play Structure, Driveway, Major Landscaping, Other

HEIGHT: (FROM GROUND TO HIGHEST POINT) LENGTH: WIDTH:

MATERIALS: COLOR OF STRUCTURE:

ROOF MATERIAL: ROOF COLOR:

A LOT SURVEY OR TO-SCALE DRAWING SHOWING THE PROPERTY LINES, RESIDENTIAL BUILDING, EASEMENTS, FENCES, ETC. IS REQUIRED FOR ALL ADDITIONS TO THE PROPERTY OR HOME (I.E. BUILDINGS, DECKS, PATIOS, SIDEWALKS, DRIVEWAYS, PLAY STRUCTURES, BASKETBALL GOALS, POOLS, SPAS, ETC.)

** If you are building a structure with walls or a roof you must provide an elevation drawing. ** For improvements such as painting, siding, burglar bars, solar screens, etc., provide the color.

Signature of Owner Date

DO NOT WRITE BELOW THIS LINE

Application Approval: Conditions: Application Denied:

*** Approvals are valid for a period of 90 days. Any approved projects must be completed within the 90 day period. Failure to begin or complete the project will result in the need to reapply. ***

Signature of ACC Chairman/Date Signature of ACC Member/Date

COMPLETE APPLICATION AND MAIL TO: VANMOR PROPERTIES, INC. 8711 HWY. 6 NORTH, SUITE 270, HOUSTON, TX 77095 PHONE: 832-593-7300 FAX: 832-593-7301

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2008-05-24 11:03:39

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 on

OCT 20 2008



Dorely B. Kaufman

COUNTY CLERK
HARRIS COUNTY, TEXAS