

Briar Park Community Improvement Association, Inc.

**POLICY AND PROCEDURES FOR DEED RESTRICTION ENFORCEMENT**

As soon as practicable after Briar Park Community Improvement Association, Inc. (BPCIA) Or Graham Management (Management Company) becomes aware of a Deed Restriction Violation (DRV), a Notice of DRV will be sent to the homeowner:

1. BPCIA will send a first Notice of DRV via First Class Mail in the Format "First letter." BPCIA reserves the right to omit Step 1 and begin this Procedure with Step 2, should time be of the essence.
2. The second notice will be sent by Certified Mail in the Format "Final Notice."
  - A. In cases involving minor landscaping issues, such as yard mowing, weeding flowerbeds, trash removal, etc., the notice will allow 10 days for the homeowner to bring the lot into compliance with the Deed Restrictions. If within 10 days, no response has been received from the homeowner and no appeal hearing has been requested, a force mow or other enforcement action will be initiated by the Management Company or the DR Committee.
  - B. In cases involving minor repairs of structures, such as fence repair or power washing, 30 days' notice will be given.
  - C. Major construction or repairs to structures will be allowed up to 90 days to comply. The Management Company and/or the Deed Restriction Committee will determine the severity of the repairs for the purposes of this notice.
3. If no response or request for appeal has been received from the homeowner within the notice period of the Final Notice, the case will be sent to the BPCIA's attorney(s) for resolution. Further action will be taken on a timely basis, based on the Attorney's recommendation, and considering the facts of the case.

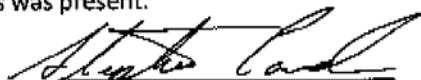
In cases involving homeowners who have received a Final Notice for a similar DRV within the preceding six months, enforcement action may be taken without additional notice.

In accordance with Texas Property Code, Title 11, 204.010 (10-12), if notice and an opportunity to be heard are given, BPCIA will collect reimbursement of actual attorney's fees and other reasonable costs incurred by BPCIA relating to violations of the subdivision's restrictions, bylaws and rules.

RP-2016-266784

CERTIFICATION

"I, the undersigned, being the Board President of Briar Park Community Association, Inc., hereby certifies that the foregoing Resolution was adopted by at least a majority of the Board of Directors of Briar Park Community Association, Inc. at an open Board meeting that was properly noticed to the owners and at which a quorum of the Board of Directors was present."



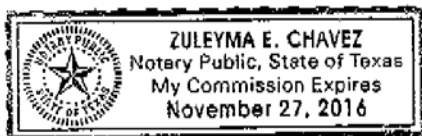
Print Name: STEPHEN COAD  
President

ACKNOWLEDGEMENT

STATE OF TEXAS                    §  
  §  
COUNTY OF HARRIS               §

BEFORE ME, the undersigned authority, on this day personally appeared Stephen Coad, the Board President of Briar Park Community Association, Inc. and known by me to be the person whose name is subscribed to the foregoing document and, being by me first duly sworn, declared that he/she is the person who signed the foregoing document in his/her representative capacity and that the statements contained therein are true and correct.

Given under my hand and seal of office this the 20<sup>th</sup> day of May, 2016.



Zuleyma E. Chavez  
Notary Public, State of Texas

RP-2016-266784

The Property affected by the foregoing Instrument is described as, to wit:

Briar Park, Section One, Clerk's File No. C772571;  
Briar Village, Section One, Clerk's File No. D162445;  
Briar Village, Section Two, Clerk's File No. D524953;  
Briar Village, Section One, Clerk's File No. E050902;  
Briar Village, Section Two, Clerk's File No. E326535; and  
Briarworth, Section One, Clerk's File No. E756459; along with any supplements,  
additions or replats thereof and any additional land annexed into to the jurisdiction of the  
Association (collectively the "Subdivision"); and

RP-2016-266784

RP-2016-266784  
# Pages 4  
06/21/2016 12:05 PM  
e-Filed & e-Recorded in the  
Official Public Records of  
HARRIS COUNTY  
STAN STANART  
COUNTY CLERK  
Fees \$24.00

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.



*Stan Stanart*

COUNTY CLERK  
HARRIS COUNTY, TEXAS

RP-2016-266784

**BRIAR PARK COMMUNITY IMPROVEMENT ASSOCIATION  
RESOLUTION REGARDING EXTERIOR MAINTENANCE GUIDELINES**

WHEREAS, Chapter 204, Section 204.010 of the Texas Property Code authorizes associations acting through their boards of directors to regulate the use, maintenance, repair, replacement, modification, and appearance of the subdivision; and,

WHEREAS, such rules are necessary to help maintain the attractiveness of the subdivision and thereby support property values of the subdivision;

WHEREAS, these Exterior Maintenance Guidelines apply to the operation and utilization of property within the Briar Park, Section One; Briar Village, Sections One, Two, Three and Four; and Briarworth, Section One subdivisions, additions in Harris County, Texas, according to the maps or plats thereof, recorded in the Map Records of Harris County, Texas as follows:

Briar Park, Section One, Clerk's File No. C772571;  
Briar Village, Section One, Clerk's File No. D162445;  
Briar Village, Section Two, Clerk's File No. D524953;  
Briar Village, Section Three, Clerk's File No. E050902;  
Briar Village, Section Four, Clerk's File No. E326535; and  
Briarworth, Section One, Clerk's File No. E756459.

NOW THEREFORE, BE IT RESOLVED THAT the following Exterior Maintenance Guidelines, applicable to all sections in Briar Park Community Improvement Association, are hereby adopted:

**EXTERIOR MAINTENANCE GUIDELINES**

All improvements on a lot must be maintained in a state of good repair and shall not be allowed to deteriorate. Repairs shall include, but are not limited to, the following:


1. All painted surfaces must be clean and smooth with no discolored or bare areas or peeling paint, and all surfaces must be free of mildew.
2. All rotted and damaged wood must be replaced and any damaged brickwork repaired.
3. Gutters must be kept in good repair, not allowed to sag or hang down, and visible debris or foliage must be removed.
4. Roofs must be maintained in good repair with no missing, curling, or mismatched shingles.
5. All glass surfaces must be whole.
6. Garage doors must be undamaged, in good repair, and free of mildew.
7. Fences and gates must be kept in good repair, with no missing, broken or leaning pickets, and must be composed of materials consistent with the neighborhood.

RP-2016-373752

8. Sidewalks, driveways and curbs must be clean and in good repair. Seams must be kept free of weeds.
9. Lawns must be kept mowed, edged, and weed free, flowerbeds must be kept free of weeds, and shrubs and trees must be kept trimmed; tree stumps must be removed.
10. There shall be no storage of items or debris in public view.
11. Mailboxes must be maintained in good repair.
12. Trash cans shall be stored out of public view except on collection day.
13. No boats, trailers, campers, motorcycles, buses, tractors, recreational vehicles, inoperable vehicles, box trucks, flatbed trucks, stake-body trucks, 18-wheel tractor-trailer units, bobtail tractors, trucks exceeding 9000 pounds gross vehicle weight, or equipment or machinery of any kind, or similar items shall be stored on the property, visible from public view, for more than a 48-hour period.
14. Window air conditioning units are not allowed within public view.

Adopted this the 28<sup>th</sup> day of July, 2016, by a majority of the Board of Directors.

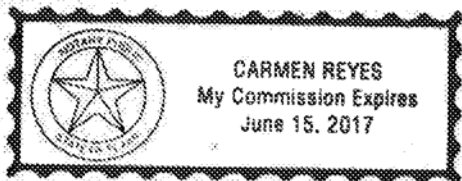
BRIAR PARK COMMUNITY  
IMPROVEMENT ASSOCIATION

  
President

THE STATE OF TEXAS

COUNTY OF HARRIS

This instrument was acknowledged before me, on the 28<sup>th</sup> day of July, 2016, by Stephen Coad, President of BRIAR PARK COMMUNITY IMPROVEMENT ASSOCIATION.



  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS

RP-2016-373752

BRIAR PARK COMMUNITY  
IMPROVEMENT ASSOCIATION

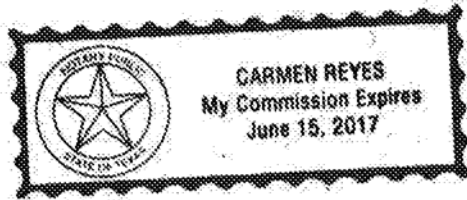


Secretary

THE STATE OF TEXAS

COUNTY OF HARRIS

This instrument was acknowledged before me, on the 28<sup>th</sup> day of  
July, 2016, by Hillary Roy, Secretary of BRIAR PARK  
COMMUNITY IMPROVEMENT ASSOCIATION.



NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS

RP-2016-373752

RP-2016-373752  
# Pages 4  
08/22/2016 03:37 PM  
e-Filed & e-Recorded in the  
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STAN STANART  
COUNTY CLERK  
Fees \$24.00

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.



*Stan Stanart*

COUNTY CLERK  
HARRIS COUNTY, TEXAS

RP-2016-373752



**AMENDMENT TO GUIDELINES RELATING TO RAIN BARRELS AND RAIN HARVEST-  
ING SYSTEMS, SOLAR ENERGY DEVICES, STORM AND ENERGY EFFICIENT SHIN-  
GLES, FLAGS AND RELIGIOUS ITEMS  
FOR  
BRIAR PARK COMMUNITY IMPROVEMENT ASSOCIATION, INC.**

WHEREAS, the Briar Park Community Improvement Association, Inc. (the "Association"), a Texas non-profit corporation, which is governed by its Board of Directors (the "Board"), is the governing entity of the Briar Park, Section One; Briar Village, Sections One, Two, Three and Four; and Briarworth, Section One subdivisions and authorized to enact this Policy; and

WHEREAS, this Amended Guidelines Relating to Rain Barrels and Rain Harvesting Systems, Solar Devices, Storm and Energy Efficient Shingles, Flags, and Religious Items applies to the operation and utilization of property within the Briar Park, Section One; Briar Village, Sections One, Two, Three and Four; and Briarworth, Section One subdivisions, additions in Harris County, Texas, according to the maps or plats thereof, recorded in the Map Records of Harris County, Texas as follows:

- Briar Park, Section One, Clerk's File No. C772571;
- Briar Village, Section One, Clerk's File No. D162445;
- Briar Village, Section Two, Clerk's File No. D524953;
- Briar Village, Section Three, Clerk's File No. E050902;
- Briar Village, Section Four, Clerk's File No. E326535; and
- Briarworth, Section One, Clerk's File No. E756459; along with any supplements, additions or replats thereof and any additional land annexed into to the jurisdiction of the Association (collectively the "Subdivision"); and

WHEREAS, these amended guidelines amend the Amended Guidelines Relating to Rain Barrels and Rain Harvesting Systems, Solar Devices, Storm and Energy Efficient Shingles, Flags, and Religious Items filed of record beginning at Harris County Clerk's Film Code page RP-081-12-1589; and

WHEREAS, the Board of Directors of the Association desires to amend the regulations pertaining to flags and political as follows;

NOW THEREFORE, the Board of Directors of the Association hereby adopts the following amended guidelines:

**I. Paragraph 5.4(a) entitled "Flagpoles", previously read:**

- a. Not more than one (1) freestanding flagpole or flagpole attached to the residential dwelling or garage (on a permanent or temporary basis) is permitted on a Lot

**is hereby amended to read:**

- a. One (1) freestanding flagpole and two (2) flagpoles attached to the residential dwelling, garage or tree (on a permanent or temporary basis) are permitted on a Lot.

**II. A new Section 7. entitled “Political Signs”, is added as follows:**

The allowable display on the owner's property of one or more signs advertising a political candidate or ballot item for an election shall be:

(1) on or after the 120th day before the date of the election to which the sign relates; or

(2) before the 10th day after that election date; and

(3) the Architectural Control Committee shall have authority over the displays and hereby imposes the following in accordance with this section:

a. No more than two (2) displays per political candidate or ballot item shall be located on a property

b. Displays shall not exceed four (4) feet by 6 (six) feet in size

c. Displays shall not be accompanied by music or other sounds or by streamers deemed distracting to motorists

d. Displays shall not contain profane language or have offensive images

e. Displays must leave no marks, residue or other discernible feature on the property after removal

f. A property owners' association may remove a sign displayed in violation of a restrictive covenant permitted by this section

The Association, through its Board of Directors, shall have and may exercise discretionary authority concerning the restrictive covenants contained herein.

CERTIFICATION

“I, the undersigned, being the President of the Briar Park Community Improvement Association, Inc., hereby certify that the foregoing amendment to guidelines was adopted by at least a majority of the Association Board of Directors at a duly noticed board meeting open to the members at which a quorum was present”

By: Diane C. McConnon President

Print name: Diane McConnon



**GUIDELINES RELATING TO RAIN BARRELS AND RAIN HARVESTING SYSTEMS,  
SOLAR ENERGY DEVICES, STORM AND ENERGY EFFICIENT SHINGLES,  
FLAGS, AND RELIGIOUS ITEMS**

*for*  
**BRIAR PARK COMMUNITY IMPROVEMENT ASSOCIATION, INC.**

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THE STATE OF TEXAS     §  
  §  
COUNTY OF HARRIS     §

I, Brian Butler, Secretary of Briar Park Community Improvement Association, Inc. (the "Association"), do hereby certify that at a joint meeting of the Board of Directors of the Association (the "Board") and the Association's Architectural Control Committee ("ACC") duly called and held on the 22<sup>nd</sup> day of December, 2011, with at least a quorum of the Board and ACC being present and remaining throughout, and being duly authorized to transact business, the following "Guidelines Relating to Rain Barrels and Rain Harvesting Systems, Solar Energy Devices, Storm and Energy Efficient Shingles, Flags, and Religious Items" was duly approved by a majority vote of the members of both the Board and ACC in attendance:

**RECITALS:**

1. Chapter 202 of the Texas Property Code was amended to add sections relating to rain barrels and rain harvesting systems, solar energy devices, storm and energy efficient shingles, flags, and religious items.
2. The amendments relating to solar energy devices, storm and energy efficient shingles, flags and religious items became effective on June 17, 2011 and the amendments relating to rain barrels and rain harvesting systems became effective on September 1, 2011.
3. The Board of Directors of the Association and the Association's Architectural Control Committee desires to adopt guidelines relating to rain barrels and rain harvesting systems, solar energy devices, storm and energy efficient shingles, flags, and religious items consistent with the applicable provisions in Chapter 202 of the Texas Property Code.

**GUIDELINES:**

**Section 1. Definitions.** Capitalized terms used in these Guidelines have the following meanings:

- 1.1. **ACC** - The Architectural Control Committee for Briar Park Community Improvement Association, Inc.
- 1.2. **Briar Park** - The residential development located in Harris County, Texas comprised of Briar Park, Section One (1), Briar Village, Sections One (1), Two (2) and Three (3), and Briarworth, Section One (1).

PP 091-12-1589

RP 081-12-1530

- 1.3. **Dedicatory Instrument (or dedicatory instrument)** - Each document governing the establishment, maintenance or operation of the properties within Briar Park, as more particularly defined in Section 202.001 of the Texas Property Code.
- 1.4. **Guidelines** - These Guidelines Relating to Rain Barrels and Rain Harvesting Systems, Solar Energy Devices, Storm and Energy Efficient Shingles, Flags, and Religious Items for Briar Park Community Improvement Association, Inc.
- 1.5. **Restrictions** - Briar Park, Section One (1), Briar Village, Sections One (1), Two (2) and Three (3), and Briarworth, Section One (1), recorded in the Official Public Records of Real Property of Harris County, Texas under Clerk's File No. C867415, D273636, D562878, EO66666, and E390506, respectively, as subsequently amended.

**Section 2. Rain Barrels and Rain Harvesting Systems.** Section 202.007 of the Texas Property Code provides that a property owners' association may not enforce a provision in a dedicatory instrument that prohibits or restricts a property Owner from installing rain barrels or a rain harvesting system on the property Owner's Lot. However, Section 202.007 of the Texas Property Code further provides that a property owners' association is not required to permit a rain barrel or rainwater harvesting system to be installed on a Lot in particular circumstances or restricted from regulating rain barrels and rain harvesting devices in specified manners.

The following Guidelines shall be applicable to rain barrels and rain harvesting systems in Briar Park:

- 2.1. **ACC Approval.** In order to confirm the proposed rain barrel or rain harvesting device is in compliance with these Guidelines, Owners are encouraged to apply to the ACC for prior approval. The Association may require an Owner to remove a rain barrel or rain harvesting device that does not comply with requirements of these Guidelines.
- 2.2. **Location.** A rain barrel or rain harvesting system is not permitted on a Lot between the front of the residential dwelling on the Lot and an adjacent street.
- 2.3. **Color and Display.** A rain barrel or rain harvesting system is not permitted:
  - a. unless the color of the rain barrel or rain harvesting system is consistent with the color scheme of the residential dwelling on the Owner's Lot; or
  - b. if the rain barrel or rain harvesting system displays any language or other content that is not typically displayed by the rain barrel or rain harvesting system as it is manufactured.
- 2.4. **Regulations If Visible.** If a rain barrel or rain harvesting system is located on the side of the residential dwelling on the Lot or at any other location on the Lot that is visible from a street, another Lot, or a common area, the rain barrel or rain harvesting system must comply with the following regulations:
  - a. Rain Barrel:
    - (i) Size: A maximum height of forty-two (42) inches and a maximum capacity of fifty (50) gallons.

- (ii) Type: A rain barrel that has the appearance of an authentic barrel and is either entirely round or has a flat back to fit flush against a wall. A rain barrel must have a manufactured top or cap to prevent or deter the breeding of mosquitoes.
- (iii) Materials: Wood, metal, polyethylene or plastic resin designed to look like an authentic barrel in brown or other earthtone color.
- (iv) Screening: The rain barrel must be screened with evergreen landscaping to minimize its visibility from a street, another Lot, and common area, unless otherwise approved in writing by the ACC.
- (v) Downspout: The downspout which provides water to the rain barrel must be the same color and material as the gutters on the residential dwelling. Further, the downspout must be vertical and attached to the wall against which the rain barrel is located.

- b. Rain Harvesting System: A rain harvesting system must collect and store the water underground. The portion of a rain harvesting system that is above-ground must appear to be a landscape or water feature. The above-ground portion of the rain harvesting system shall not extend above the surface of the ground by more than thirty-six (36) inches. The above-ground portion of the rain harvesting system must be screened with evergreen landscaping to minimize visibility from a street, another Lot, and common area, unless otherwise approved in writing by the ACC.

Provided that, the regulations in this Section 2.4 shall be applicable only to the extent that they do not prohibit the economic installation of the rain barrel or rain harvesting system on the Lot and there is a reasonably sufficient area on the Lot in which to install the rain barrel or rain harvesting system.

**Section 3. Solar Energy Devices.** Section 202.010 of the Texas Property Code provides that a property owners' association may not enforce a provision in a dedicatory instrument that prohibits or restricts a property Owner from installing a solar energy device except as otherwise provided therein. As used in Section 202.010 of the Texas Property Code, "solar energy device" has the meaning assigned by Section 171.107 of the Tax Code, which defines the term as "a system or series of mechanisms designed primarily to provide heating or cooling or to produce electrical or mechanical power by collecting and transferring solar generated power". The term includes a mechanical or chemical device that has the ability to store solar-generated energy for use in heating or cooling or in the production of power.

The following Guidelines shall be applicable to solar energy devices in Briar Park:

- 3.1. **ACC Approval.** The installation of a solar energy device requires the prior written approval of the ACC. Provided that, the ACC may not withhold approval if these Guidelines are met or exceeded, unless the ACC determines in writing that placement of the device as proposed constitutes a condition that substantially interferes with the use and enjoyment of land by causing unreasonable discomfort or annoyance to persons of ordinary sensibilities. The written approval of the proposed placement of the device by all Owners of property adjoining the Lot in

question constitutes prima facie evidence that substantial interference does not exist.

- 3.2. **Location.** A solar energy device is not permitted anywhere on a Lot except on the roof of the residential dwelling or other permitted structure on the Lot or in a fenced yard or patio within the Lot.
- 3.3. **Devices Mounted on a Roof.** A solar energy device mounted on the roof of the residential dwelling or other permitted structure on a Lot:
- a. shall not extend higher than or beyond the roofline;
  - b. shall conform to the slope of the roof and have a top edge that is parallel to the roofline;
  - c. shall have frames, support brackets and/or visible piping or wiring that are silver, bronze or black tone, as commonly available in the marketplace; and
  - d. shall be located on the roof as designated by the ACC unless an alternate location increases the estimated annual energy production of the device by more than ten percent (10%) above the energy production of the device if located in the area designated by the ACC. For determining estimated annual energy production, the parties shall use a publicly available modeling tool provided by the National Renewable Energy Laboratory.
- 3.4. **Visibility.** A solar energy device located in a fenced yard or patio shall not be taller than or extend above the fence enclosing the yard or patio.
- 3.5. **Warranties.** A solar energy device shall not be installed on a Lot in a manner that voids material warranties.
- 3.6. **Limitations.** A solar energy device is not permitted on a Lot if, as adjudicated by a court, it threatens the public health or safety or violates a law.

**Section 4. Storm and Energy Efficient Shingles.** Section 202.011 of the Texas Property Code provides that a property owners' association may not enforce a provision in a dedicatory instrument that prohibits or restricts a property Owner from installing shingles that:

- a. are designed to:
  - (i) be wind and hail resistant;
  - (ii) provide heating and cooling efficiencies greater than those provided by customary composition shingles; or
  - (iii) provide solar generation capabilities; and
- b. when installed:
  - (i) resemble the shingles used or otherwise authorized for use on property in the subdivision;

(ii) are more durable than and are of equal or superior quality to the shingles described below; and

(iii) match the aesthetics of the property surrounding the Owner's property.

4.1. **ACC Approval.** In order to confirm the proposed shingles conform to the foregoing Guidelines, Owners are encouraged to apply to the ACC for prior approval. The Association may require an Owner to remove shingles that do not comply with these Guidelines.

4.2. **Regulations.** When installed, storm and energy efficient shingles must resemble, be more durable than, and be of equal or superior quality to the types of shingles otherwise required or authorized for use in Briar Park. In addition, the storm or energy efficient shingles must match the aesthetics of the Lots surrounding the Lot in question.

**Section 5. Flags.** Section 202.011 of the Texas Property Code provides that a property owners' association may not enforce a provision in a dedicatory instrument that prohibits, restricts, or has the effect of prohibiting or restricting a flag of the United States of America, the flag of the State of Texas, or an official or replica flag of any branch of the United States armed forces, except as otherwise provided therein.

The following Guidelines shall be applicable to flagpoles and the three (3) types of flags listed in Section 202.011 of the Texas Property Code:

5.1. **ACC Approval.** A flagpole that does not comply with all setbacks, above-ground flagpole stands and/or footings, and illumination under Section 5.6 must be approved by the ACC. Additionally, in order to confirm a proposed flagpole otherwise conforms to the following standards, Owners are encouraged to apply to the ACC for prior approval. The Association may require an Owner to remove flagpoles, flagpole footings, or flags that do not comply with these Guidelines.

5.2. **Flag of the United States.** The flag of the United States must be displayed in accordance with applicable provisions of 4 U.S.C. Sections 5-10, which address, among other things, the time and occasions for display, the position and manner of display, and respect for the flag.

5.3. **Flag of the State of Texas.** The flag of the State of Texas must be displayed in accordance with applicable provisions of Chapter 3100 of the Texas Government Code, which address, among other things, the orientation of the flag on a flagpole or flagstaff, the display of the flag with the flag of the United States, and the display of the flag outdoors.

5.4. **Flagpoles.**

a. Not more than one (1) freestanding flagpole or flagpole attached to the residential dwelling or garage (on a permanent or temporary basis) is permitted on a Lot.

b. A freestanding flagpole shall not exceed twenty (20) feet in height, measured from the ground to the highest point of the flagpole.



- c. A flagpole attached to the residential dwelling or garage shall not exceed six (6) feet in length.
- d. A flagpole, whether freestanding or attached to the residential dwelling or garage, must be constructed of permanent, long-lasting materials with a finish appropriate to materials used in the construction of the flagpole and harmonious with the residential dwelling on the Lot on which it is located.
- e. A flagpole shall not be located in an easement or encroach into an easement.
- f. A freestanding flagpole shall not be located nearer to a property line of the Lot than the applicable setbacks as either shown on the recorded plat or as set forth in the Restrictions. Provided, with the prior written approval of the ACC, a freestanding flagpole may be located up to five feet (5') in front of the front building setback line for a Lot. Any above-ground stands and/or footings also require the prior written approval of the ACC in accordance with Section 5.1.
- g. A flagpole must be maintained in good condition; a deteriorated or structurally unsafe flagpole must be repaired, replaced or removed.
- h. An Owner is prohibited from locating a flagpole on property owned or maintained by the Association.
- i. A freestanding flagpole must be installed in accordance with the manufacturer's guidelines and specifications.
- j. If the footing and/or stand for a freestanding flagpole extends above the surface of the ground, the ACC may require the installation of landscaping to screen the stand and/or footing from view.

**5.5. Flags.**

- a. Only the three (3) types of flags addressed in this Section shall be displayed on a freestanding flagpole. Other types of flags may be displayed on a wall-mounted flagpole as otherwise provided in architectural guidelines adopted by the Association or as otherwise permitted by the Association.
- b. Not more than two (2) of the permitted types of flags shall be displayed on a flagpole at any given time.
- c. The maximum dimensions of a displayed flag on a freestanding flagpole that is less than fifteen (15) feet in height or on a flagpole attached to the residential dwelling or garage shall be three (3) feet by five (5) feet.
- d. The maximum dimensions of a displayed flag on a freestanding flagpole that is fifteen (15) feet in height or greater is four (4) feet by six (6) feet.
- e. A displayed flag must be maintained in good condition; a deteriorated flag must be replaced or removed.
- f. A flag must be displayed on a flagpole. A flag shall not be attached to the wall of the residential dwelling or other structure on a lot or a fence, or be displayed in a window of the residential dwelling or other structure on a lot.

- 5.6. **Illumination.** Illumination of a flag is permitted but the lighting must be in-ground and have a maximum of 150 watts. High intensity lighting such as mercury vapor, high pressure sodium, or metal halide is not permitted. The lighting is required to be compatible with exterior lighting within the subdivision and appropriate for a residential neighborhood. Lighting used to illuminate a flag shall be positioned in a manner so that the lighting is not directed toward an adjacent Lot or a street adjacent to the Lot and does not otherwise unreasonably affect an adjacent Lot.
- 5.7. **Noise.** An external halyard on a flagpole is required to be securely affixed to the flagpole so that it is not moved by the wind and thereby permitted to clang against the flagpole.

**Section 6. Religious Items.** Section 202.018 of the Texas Property Code provides that a property owners' association may not enforce or adopt a restrictive covenant that prohibits a property Owner or resident from displaying or affixing on the entry to the Owner's or resident's dwelling one or more religious items, the display of which is motivated by the Owner's or resident's sincere religious belief, except as otherwise provided therein. Section 202.001(4) of the Texas Property Code defines "restrictive covenant" to mean any covenant, condition, or restriction contained in a dedicatory instrument.

The following Guidelines shall be applicable to the display of religious items in Briar Park:

- 6.1. **ACC Approval.** As authorized by the Restrictions and, therefore, allowed by Section 202.018(c) of the Texas Property Code, any alteration to the entry door or door frame must first be approved by the ACC.
- 6.2. **Location.** Except as otherwise provided in this Section, a religious item is not permitted anywhere on a Lot except on the entry door or door frame of the residential dwelling. A religious item shall not extend past the outer edge of the door frame.
- 6.3. **Size.** The religious item(s), individually or in combination with each other religious item displayed or affixed on the entry door or door frame, shall not have a total size of greater than twenty-five (25) square inches.
- 6.4. **Content.** A religious item shall not contain language, graphics, or any display that is patently offensive to persons of ordinary sensibilities.
- 6.5. **Limitation.** A religious item shall not be displayed or affixed on an entry door or door frame if it threatens the public health or safety or violates a law.
- 6.6. **Color of Entry Door and Door Frame.** An Owner or resident is not permitted to use a color for an entry door or door frame of the Owner's or resident's residential dwelling or change the color of an entry door or door frame that is not authorized by the ACC.
- 6.7. **Other.** Notwithstanding the above provisions: (i) the ACC shall have the authority to allow a religious statue, such as by way of example and not in limitation, a statue of St. Francis of Assisi or other religious item in a landscape bed or other portion of a Lot, and (ii) these Guidelines shall not prohibit or apply to temporary seasonal decorations related to religious holidays.

I hereby certify that I am the duly elected, qualified and acting Secretary of the Association and that the foregoing Guidelines Relating to Rain Barrels and Rain Harvesting Systems, Solar Energy Devices, Storm and Energy Efficient Shingles, Flags, and Religious Items was approved by a majority vote of the Board of Directors and ACC as set forth above and now appears in the books and records of the Association, to be effective upon recording in the Official Public Records of Real Property of Harris County, Texas.

TO CERTIFY which witness my hand this the 16<sup>th</sup> day of February, 2012.

**BRIAR PARK COMMUNITY IMPROVEMENT  
ASSOCIATION, INC.**

By:

*[Signature]*  
Brian Butler, Secretary

THE STATE OF TEXAS    §  
                                     §  
COUNTY OF HARRIS    §

BEFORE ME, the undersigned notary public, on this 16<sup>th</sup> day of February, 2012 personally appeared Brian Butler, Secretary of Briar Park Community Improvement Association, Inc., known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and in the capacity therein expressed.

*[Signature]*  
Notary Public in and for the State of Texas



Return to:

Rick S. Butler  
Butler | Hailey  
8901 Gaylord, Suite 100  
Houston, Texas 77024

204258

RP 001-12-1596

*Amend*

**AMENDMENTS TO COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR**

**BRIAR PARK, SECTION ONE (1), BRIAR VILLAGE, SECTIONS ONE (1) THROUGH FOUR (4),  
AND BRIARWORTH, SECTION ONE (1)**

SEP 08 2006

*600*

THE STATE OF TEXAS §  
  §  
COUNTY OF HARRIS §

WHEREAS, Westheimer Development Company, a Texas corporation, Vaughn Eugene Counts, Rebecca Holder Counts, Charles K. Abernathy, Jean Abernathy, William B. Morgan, Anna D. Morgan, Alfred C. Estes, Jr., Jerry Ann Estes, Kenneth G. Reasons and Carolyn Reasons caused that certain instrument to be recorded on February 24, 1969, in Volume 7520, Page 1, et seq. of the Deed Records of Harris County, Texas, which instrument imposes various covenants, conditions and restrictions upon the following real property:

Lots One (1) through Ten (10), both inclusive, Block One (1); Lots One (1) through Twenty-Four (24), both inclusive, Block Two (2); Lots One (1) through Thirty-Seven (37), both inclusive, Block Three (3); Lots One (1) through Twenty-Four (24), both inclusive, Block Four (4); Lots One (1) through Forty-Four (44), both inclusive, Block Five (5); Lots One (1) through Twenty-Four (24), both inclusive, Block Six (6); Lots One (1) through Seventeen (17), both inclusive, Block Seven (7), and Lots One (1) through Nine (9), both inclusive, Block Eight (8), all in Briar Park, Section One (1), a subdivision in Harris County, Texas, according to the Map or Plat thereof recorded at Volume 155, Page 118, Map Records of Harris County, Texas

(such instrument being hereafter referred to as the "Briar Park Section One Restrictions");

and,

WHEREAS, the Briar Park Section One Restrictions were amended by that certain instrument entitled "Amended Deed Restrictions Briar Park, Section One" recorded in the Real Property Records of Harris County, Texas on March 3, 1977 under Clerk's File No. F059876; and

WHEREAS, the Briar Park Section One Restrictions allow for amendments at any time by an instrument signed by a majority of the then owners of the lots and duly recorded; and

WHEREAS, Briar Village Venture, acting by and through First Realty Investment Co., Inc., caused that certain instrument to be recorded in the Real Property Records of Harris County, Texas on February 24, 1971 under Clerk's File No. D273636, which instrument imposes various covenants, conditions and restrictions upon the following real property:

Briar Village, Section One (1), a subdivision in Harris County, Texas according to the map or plat thereof recorded in Volume 170, Page 90, of the Map Records of Harris County, Texas

(such instrument being hereafter referred to as the "Briar Village Section One Restrictions");

and,

COPY

RECORDED

WHEREAS, the Briar Village Section One Restrictions were amended by that certain instrument entitled "Amendments to Briar Village, Section I Residential Restrictions" recorded in the Real Property Records of Harris County, Texas on April 28, 1971 under Clerk's File No. D314814; and

WHEREAS, the Briar Village Section One Restrictions were further amended by that certain instrument entitled "Amended Deed Restrictions Briar Village, Section One" and recorded in the Real Property Records of Harris County, Texas on March 2, 1977 under Clerk's File No. F059874; and

WHEREAS, the Briar Village Section One Restrictions allow for amendments at any time by an instrument approved by a simple majority of the then owners and duly recorded; and

WHEREAS, Briar Village Venture, acting by and through First General Realty Corporation, caused that certain instrument entitled "Restrictions" to be recorded in the Real Property Records of Harris County, Texas on April 7, 1972 under Clerk's File No. D562678, which instrument imposes various covenants, conditions and restrictions upon the following real property:

Briar Village, Section Two (2), a subdivision in Harris County, Texas according to the map or plat thereof recorded in Volume 188, Page 42, of the Map Records of Harris County, Texas

(such instrument being hereafter referred to as the "Briar Village Section Two Restrictions"), and

WHEREAS, the Briar Village Section Two Restrictions were amended by that certain instrument entitled "Amended Deed Restrictions Briar Village, Section Two" and recorded in the Real Property Records of Harris County, Texas on March 2, 1977 under Clerk's File No. F059875; and

WHEREAS, the Briar Village Section Two Restrictions allow for amendments at any time by an instrument approved by a simple majority of the then owners and duly recorded; and

WHEREAS, Briar Village Venture, acting by and through First General Realty Corporation, caused that certain instrument entitled "Restrictions" to be recorded in the Real Property Records of Harris County, Texas on January 22, 1974 under Clerk's File No. E066666, which instrument imposes various covenants, conditions and restrictions upon the following real property:

Briar Village, Section Three (3), a subdivision in Harris County, Texas according to the map or plat thereof recorded in Volume 213, Page 26, of the Map Records of Harris County, Texas

(such instrument being hereafter referred to as the "Briar Village Section Three Restrictions"); and

WHEREAS, the Briar Village Section Three Restrictions were amended by that certain instrument entitled "Amended Deed Restrictions Briar Village, Section Three" recorded in the Real Property Records of Harris County, Texas on March 2, 1977 under Clerk's File No. F059873; and

WHEREAS, the Briar Village Section Three Restrictions allow for amendments at any time by an instrument approved by a simple majority of the then owners and duly recorded; and

WHEREAS, Briar Village Venture, acting by and through First General Realty Corporation, caused that certain instrument entitled "Restrictions" to be recorded in the Real Property Records of Harris County, Texas on March 20, 1975 under Clerk's File No. E390506, which instrument imposes various covenants, conditions and restrictions upon the following real property:

PP 026-26-1991

Briar Village, Section Four (4), a subdivision in Harris County, Texas according to the map or plat thereof recorded in Volume 222, Page 11, of the Map Records of Harris County Texas

(such instrument being hereafter referred to as the "Briar Village Section Four Restrictions"); and

WHEREAS, the Briar Village Section Four Restrictions allow for amendments at any time by an instrument approved by a simple majority of the then owners and duly recorded; and

WHEREAS, Marvily Corporation caused that certain instrument to be recorded in the Real Property Records of Harris County, Texas on May 17, 1976 under Clerk's File No. E765670, which instrument imposed various covenants, conditions and restrictions upon the following real property:

Briarworth, Section One (1), a subdivision in Harris County, Texas according to the map or plat thereof recorded in Volume 236, Page 22, of the Map Records of Harris County, Texas

(such instrument being hereafter referred to as the "Briarworth Section One Restrictions"); and

WHEREAS, the Briarworth Section One Restrictions were amended by that certain instrument entitled "Amendment of Restrictions Briarworth, Section One (1)" duly recorded in the Real Property Records of Harris County, Texas on September 28, 1977 under Clerk's File No. F315011; and

WHEREAS, the Briarworth Section One Restrictions were further amended by the certain instrument entitled "Amended Restrictions Briarworth, Section One (1)" recorded in the Real Property Records of Harris County Texas on August 18, 1980 under Clerk's File No. G641846; and

WHEREAS, the Briarworth Section One Restrictions allow for amendments at any time by an instrument approved by a simple majority of the then owners and duly recorded; and

WHEREAS, the undersigned, being not less than a majority of the owners of lots in Briar Park, Section One (1), Briar Village, Sections One (1) through Four (4), and Briarworth, Section One (1), desire to further amend the Briar Park Section One Restrictions, the Briar Village Section One Restrictions, the Briar Village Section Two Restrictions, the Briar Village Section Three Restrictions, the Briar Village Section Four Restrictions, and the Briarworth Section One Restrictions;

NOW THEREFORE, the undersigned being not less than a majority of the owners lots in Briar Park, Section One (1), Briar Village, Sections One (1) through Four (4), and Briarworth, Section One (1), hereby amend the Briar Park Section One Restrictions, the Briar Village Section One Restrictions, the Briar Village Section Two Restrictions, the Briar Village Section Three Restrictions, the Briar Village Section Four Restrictions and the Briarworth Section One Restrictions, as follows:

Paragraph 13 is hereby added to the section in the Briar Park Section One Restrictions entitled "Restrictions, Covenants and Conditions" to read as follows:

13. Fences. Except as otherwise expressly provided in this paragraph, no fence on a lot shall exceed a height of eight (8) feet, measured from the top of the slab of the residential dwelling on the lot to the highest point of the fence. A fence on the rear property line of a lot that is adjacent to property not within Briar Park, Section One, Briar Village, Sections One (1) through Four (4), or Briarworth, Section One (1), may exceed eight (8) feet in height, but not more than ten (10) feet in

height, measured from the top of the slab of the residential dwelling on the lot to the highest point of the fence. Chain link fences are prohibited. This paragraph shall not be construed to require a fence that exists on a lot as of the effective date of this instrument and that is shorter than the maximum permissible height [such as, by way of example, a six (6) foot fence] to be modified or replaced.

Paragraph 12 in the Briar Village Section One Restrictions, the Briar Village Section Two Restrictions, the Briar Village Section Three Restrictions, the Briar Village Section Four Restrictions, and the Briarworth Section One Restrictions is hereby amended to read as follows:

12. Fences. Except as otherwise expressly provided in this paragraph, no fence on a lot shall exceed a height of eight (8) feet, measured from the top of the slab of the residential dwelling on the lot to the highest point of the fence. A fence on the rear property line of a lot that is adjacent to property not within Briar Park, Section One, Briar Village, Sections One (1) through Four (4), or Briarworth, Section One (1), may exceed eight (8) feet in height, but not more than ten (10) feet in height, measured from the top of the slab of the residential dwelling on the lot to the highest point of the fence. Chain link fences are prohibited. This paragraph shall not be construed to require a fence that exists on a lot as of the effective date of this instrument and that is shorter than the maximum permissible height [such as, by way of example, a six (6) foot fence] to be modified or replaced.

Except as amended by the provisions of this instrument, all provisions in the Briar Park Section One Restrictions, the Briar Village Section One Restrictions, the Briar Village Section Two Restrictions, the Briar Village Section Three Restrictions, the Briar Village Section Four Restrictions and the Briarworth Section One Restrictions, as previously amended, remain in full force and effect.

Executed on the dates set forth in the attached consent forms, to be effective upon recording in the Official Public Records of Real Property of Harris County, Texas.

Return to:

Rick S. Butler  
Butler & Hailey, P.C.  
1616 S. Voss Road, Suite 500  
Houston, Texas 77057

2006 AUG 15 PM 3:45  
COUNTY CLERK  
HARRIS COUNTY, TEXAS

FILED

PP 026-26-1993

**CERTIFICATE**

THE STATE OF TEXAS

§  
§  
§

COUNTY OF HARRIS

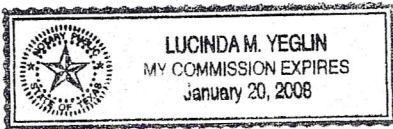
BEFORE ME, the undersigned authority, on this day personally appeared Charles Mark-Gonz, President of Briar Park Community Improvement Association, Inc., known to me to be the person whose name is subscribed below, who, upon oath, did depose and state as follows:

My name is Charles Mark-Gonz I am the President of Briar Park Community Improvement Association, Inc., (the "Association"). I am over the age of twenty-one (21) years, I have never been convicted of a crime and I am fully competent to make this affidavit. Attached hereto are consent forms executed by the owners of properties in Briar Park, Section One (1), Briar Village, Sections One (1) through Four (4), and Briarworth, Section One (1). I certify that the attached consent forms represent the written agreement of not less than a majority of the owners in each of such sections to amend the covenants, conditions and restrictions applicable to the property in each of such sections. This certification is based upon the ownership records of the Association.

Charles Mark-Gonz  
President, \_\_\_\_\_ of 480

Briar Park Community Improvement Association, Inc.

Given under my hand and seal of office this 13 day of June, 2006.



Lucinda M. Yeglin  
Notary Public, State of Texas

RP 026-26-1994