

SECRETARY'S CERTIFICATE OF FILING

I, Dylan Russell, certify that:

I am the duly qualified and acting secretary of Brightwater Homeowners Association, a duly organized and existing Texas non-profit corporation.

The attached instruments are true copies of unrecorded Dedicatory Instruments, as that term is defined by Section 202.001 of the Texas Property Code, pertaining to Brightwater Homeowners Association.

The attached instruments are being presented for recording in the Official Public Records of Real Property of ~~Harris County~~ <sup>Fort Bend</sup>, Texas, pursuant to Section 202.006 of the Texas Property Code.

Dated: July 27, 2012

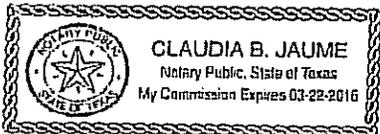
*Dylan Russell*  
Dylan Russell, Secretary  
Brightwater Homeowners Association

THE STATE OF TEXAS

COUNTY OF FORT BEND

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§  
§

This instrument was acknowledged before me on the 27<sup>th</sup> day of July, 2012, by Dylan Russell, Secretary of Brightwater Homeowners Association, a Texas non-profit corporation, on behalf of said corporation.



*Claudia B. Jaume*  
Notary Public in and for The State of Texas

AFTER RECORDING, RETURN TO:

Bartley & Spears, P.C.  
14811 St. Mary's Lane, Suite 270  
Houston, Texas 77079

BRIGHTWATER HOMEOWNERS ASSOCIATION, INC.  
ARCHITECTURAL CONTROL GUIDELINES FOR  
THE ARCHITECTURAL CONTROL COMMITTEE

---MODIFICATIONS---

AUGUST, 2007

MAY 15, 2012

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**BRIGHTWATER HOMEOWNERS ASSOCIATION, INC.**  
**ARCHITECTURAL CONTROL GUIDELINES**

**OVERVIEW**

**The Declaration**

A system of Architectural Control is created by the following Declarations of Covenants, Conditions and Restrictions

Southshore at Brightwater Section One	Vol. 1724, Page 123 Clerk's File No. 8537310
First Amendment for Southshore at Brightwater, Section One	Vol. 2153, Page 2169 Clerk's File No. 8946398
Lakeshore at Brightwater, Section One	Vol. 1722, Page 829 Clerk's File No. 8536979
Lakeshore at Brightwater, Section Two	Vol. 2250, Page 995 Clerk's File No. 9053975
Master Declaration for Lakes of Brightwater	Vol. 2616, Page 221 Clerk's File No. 9404682
First Amendment	Vol. 2616, Page 221 Clerk's File No. 9404682
Second Amendment	Vol. 2649, Page 1477 Clerk's File No. 9428242

\*All recording information refers to the Official Public Records of Fort Bend County, Texas.

All of the foregoing shall be collectively referred to as the "Declaration". Pursuant to a written instrument dated October 13, 1988, The Lakes, Limited (the original developer) assigned to the Brightwater Homeowners Association, all of the duties, powers and responsibilities of the Declarant, as described in the Southshore Declaration and the Lakeshore, Section One, Declaration. Pursuant to a written instrument dated June 1, 1994, Perry-Brightwater, Ltd. assigned to the Brightwater Homeowners Association the powers and responsibilities with respect to architectural control matters, after a home is sold by the builder to a homeowner. For all homes that have been sold by a builder, the Brightwater Homeowners Association assumes the position of "Declarant" as defined in the Declaration for the purpose of any modifications or changes to the residential structure.

### **Purpose and Objectives**

The purpose of these architectural guidelines is to preserve the natural setting and beauty of the properties, to establish and preserve a harmonious and aesthetically pleasing design for the Lakes of Brightwater and to protect and promote the value of the properties, subject to the restrictions set forth in the Declaration.

To preserve the architectural and aesthetic appearance of "The Lakes of Brightwater", no construction of improvements, or modifications, additions, or alterations to existing improvements, shall be commenced or maintained by any Owner, with respect to any other portion of the Properties, including, without limitation, the construction or installation of sidewalks, driveways, parking lots, mail boxes, decks, patios, courtyards, swimming pools, tennis courts, greenhouses, playhouses, awnings, walls, fences, exterior lights, garages, guest or servants' quarters, or other outbuildings, nor shall any exterior addition to or change or alteration therein be made (including, without limitation, painting or staining of any exterior surface), unless and until they shall have been submitted to and approved in writing by the Brightwater Homeowners Association as to the compliance of such plans and specifications with the Declaration and such design guidelines (the "Design Guidelines") as may be published by the Brightwater Homeowner's Association from time to time including the harmony of external design, location, and appearance in relation to surrounding structures and topography.

These Guidelines are intended to function as a summary of the Declaration and to comply with the requirements of the Declaration by establishing design guidelines for the Brightwater Homeowners Association, which has exclusive jurisdiction over modifications, additions, or alterations made to Residential Units. Any terms with the first letter capitalized are either defined in these Guidelines, or in the Declaration. The Architectural Control Committee (referred to in these Guidelines as the "ACC") consists of a Chairperson and several homeowner representatives from Brightwater. "Properties" shall mean all Lots and Common Facilities shown on each Subdivision Plat.

### **Application Procedure**

Applications should include a cover letter, together with the Application Form shown on the next page, explaining the proposed improvement(s). Attach two (2) copies of a detailed site plan. It is recommended that a copy of the survey received at closing be used so that relative distances and dimensions can be reviewed. Make sure to include all pertinent information, specifications, building permits, etc., and that a mailing address and phone number are also provided. All applications must be in writing. The ACC cannot respond to verbal or facsimile requests.

Mail your applications to: Crest Management Company, 16360 Park Ten Place Drive, Suite 310, Houston, Texas 77084, Telephone Number 281-579-0761. Do not send the application via telecopy (fax). Otherwise, if the application is mailed, call Crest Management Company within seven (7) days after the date of the application to verify that it was received. Do not assume it was received.

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

The ACC reserves the right to charge an application fee on a case by case basis, depending on the complexity of the requested improvement to pay for the services of an independent architect/land planner to review. Any costs or expenses which the ACC incurs in processing the Application shall be paid by the homeowner.

#### **Approvals/Disapprovals/Processing Period**

The ACC will respond in writing to all applications. Upon approval or disapproval, one (1) copy of the application will be marked and returned, along with an explanatory letter.

Please note that the ACC has thirty (30) calendar days from date of receipt of a complete application within which to respond. If additional information is required by the ACC, the thirty (30) day processing period will commence upon receipt of the additional information. Plans for the implementation of the proposed improvement(s) should allow for the time required to complete the approval process. However, every effort will be made to respond promptly.

In the event the ACC fails to indicate its approval or disapproval within the thirty (30) days after receipt of the required documents, approval will not be required and the related covenants set out in the Declaration shall be deemed to have been fully satisfied, provided that the proposed improvements are generally in harmony with the scheme of the development as set forth in the Declaration and these Guidelines and do not violate any of the covenants. However, failure to respond on the part of the ACC does not imply permission to encroach on an easement or building line.

If an application is not approved, the ACC will state in their letter why such approval was denied and what type of application changes, if any, would alter that decision. If an applicant wishes to discuss or appeal a decision made by the ACC, the chairman of the committee should be contacted for an appointment. The Board of Directors shall have the final authority over all actions taken by the ACC.

No ACC member can approve his/her own improvement.

Please note that ACC approval is required prior to the installation or construction of any improvement or change. If an improvement is made without ACC approval, the Board of Directors for Brightwater Homeowners Association, Inc. has the legal right to enforce its removal.

#### **Easements**

The ACC cannot approve any application if there is an encroachment on an easement until the homeowner provides a Consent for Encroachment, or resubmits revised plans. Any non-portable structure on an easement is considered permanent, and thus an encroachment. Homeowners must secure a Consent to Encroachment or a Release of Easement from all affected utility companies. If your plans show an encroachment, obtain your Consent for Encroachment before applying to the ACC, or your application will be rejected. If you have an aerial easement on your lot, the utility company may permit you to place a permanent structure in the easement, as long as the structure is not higher than the aerial easement. To be on the safe side, you should discuss it with them first.

Approval by the ACC of any encroachment of an easement shall not serve as an amendment or change of that easement and shall not create liability through the ACC; any encroachment upon such easement shall be at the sole risk and expense of the owner.

### **Variations**

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

### **Inspection**

All improvements are subject to inspection by the ACC.

### **Compliance/Non Compliance**

As stated earlier, these guidelines include all relevant stipulations from the Declaration, but also include many more supplementary details and restrictions that have been approved by the Board of Directors. Since the guidelines (with their additional restrictions) were released a few years after the Declaration, an equitable process must exist to ascertain compliance/noncompliance with both documents.

The Declaration was in existence prior to any home building in Brightwater. It is expected that all residents will comply with the restrictions and requirements specified in that document. This includes the requirement to file an application for approval to the ACC for all improvements, conditions or restrictions specified in the Declaration.

Home improvements built prior to the approval and adoption of these guidelines must, as stated above, comply with the restrictions of the Declaration, but will not be required to be in compliance with any of the additional restrictions or details which are not specified in the Declaration. Home improvements built subsequent to approval and adoption of these guidelines are expected to be in full compliance with all provisions of the most current release of these guidelines.

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

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

**Enforcement**

The Declaration provides, as follows:

The Association, or any Owner, shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, reservations, liens and charges now or hereinafter imposed by the provisions of this Declaration. Failure of the Association or any Owner to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter

**Complaints**

Homeowners are encouraged to help maintain the beauty of Brightwater. To this end, we all have an obligation to conform to the Declaration and architectural guidelines, and to ensure non-complying improvements get corrected. Should you have a complaint regarding a violation, write to the ACC. All complaints will be handled in the same manner discussed under Application Procedure.

**Controlling Documents**

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

\*\*\*\*\*GUIDELINES\*\*\*\*\*

**1.0 Buildings**

- 1.1 A "**building**" is defined as the main residence situated on a lot, and includes any bonafide additions such as a garage. It does not include any structure not attached such as a storage shed, gazebo or playhouse/fort.
- 1.2 A "**detached garage**" shall refer to a garage which is a free standing building and which does not share a common wall with the residence, although it may be connected to the residence by a covered walkway and may be architecturally treated so as to appear to be a part of the residence building rather than a separate structure.
- 1.3 No improvements shall be constructed on the Lots other than one single family residential dwelling, not to exceed two and a half stories in height, a detached garage, or an attached garage for no less than two (2) full size cars and bonafide servants quarters. The garage and servants quarters shall not exceed the main dwelling in height.
- 1.4 **Lot Coverage.** Maximum building site coverage (exclusive of patios, decks, terraces, swimming pools, driveways and sidewalks) is not to exceed fifty (50%) percent of Lot square footage.
- 1.5 **Location of Buildings:**

- (i) No building shall be located on any Lot nearer to the front Lot line or nearer to the side street line than the minimum building set back lines show on the Plat and the minimum setbacks required by Missouri City, Texas. No building shall be located nearer to a side, rear or interior Lot line allowed by Missouri City, Texas;
- (ii) No main residence building, detached garage, nor any part thereof shall encroach upon any utility easement or be built closer to a street or property line than a building or setback line; and
- (iii) Eaves, steps and open porches shall not be considered a part of the main residence building, provided, however that this shall not be construed to permit any portion of a building to encroach on any other Lot. For the purposes of this Declaration, the front of each Lot shall coincide with and be the property line having the smallest or shortest dimension abutting a street.

1.6 **Waterfront Property.** The following restrictions shall apply to portions of the Property abutting any Waterway (as defined in the Declaration):

- (i) No construction, filling or dredging shall be allowed within the boundaries of any lake, canal, or Waterway without the prior written approval of the Declarant.
- (ii) Neither the Association, nor any of their officers, directors, shareholders, agents or employees, shall be liable to any Owner or any occupant of a residence, or any person upon or using any Waterway for any personal injury, including death, property damage or any other claim caused by or resulting from the Waterway, or the use of any Waterway by any person, or the use of any facilities which are located or constructed in or upon or used in connection with such Waterway.
- (iii) No slips, excavations or dredging shall be made to any Waterway without the prior written approval of the Board of Directors.
- (iv) Nothing herein shall be interpreted to allow any use of a Waterway and it is expressly stipulated that all Waterways are excluded from the jurisdiction of the Brightwater Homeowners Association.
- (v) No piers or other construction shall be allowed on, or extending from, a bulkhead into a Waterway, but decks that are constructed on a Lot on top of the bulkhead that do not penetrate the vertical plane of the bulkhead shall be allowed subject to the approval of the plans for the same by the Board of Directors, and (b) the appropriate written Consent for Encroachment of the Bulkhead and Utility Easement. In Addition Decks must conform to the Guidelines outlines in Section 8 (Decks) and must be landscaped to prevent the appearance of a dock or pier.
- (vi) No boat trailers, travel trailers, inoperative automobiles, campers or vehicles of any kind shall be stored or constructed as to be visible from a Waterway except boats, canoes, or other watercraft that are fully constructed, properly maintained and kept in a good state of repair and are intended for use in the Waterway.
- (vii) Without the prior written approval of the Brightwater Homeowners Association, no trees or other deeply rooted vegetation shall be planted within ten (10') feet of

a bulkhead; no willow trees shall be planted within twenty-five (25') feet of a bulkhead; and no chemicals, fertilizers, or weed and insect poisons will be used within ten (10') feet of a Waterway.

- (viii) No structures except swimming pools including spas, hot tubs, and Jacuzzis and pool related landscaping structures, decks and fences shall be constructed on a Lot within sixteen (16') feet of a Waterway. No pump, swimming pool spa, hot tub or Jacuzzi shall draw water from, or discharge, or drain into a Waterway.
- (ix) No fence of any type (whether across a Lot or along either side of a Lot) shall be permitted within sixteen (16') feet of a Waterway except a steel picket fence or wrought iron not more than six (6') feet tall, and no vegetation or plants shall be permitted to grow more than six (6') feet tall along a fence within sixteen (16') feet of a Waterway. A wood fence may be placed beginning at a point which is sixteen (16') feet or more away from the Waterway.
- (x) The rear yards shall be fully sodded. The Lot Maintenance requirements in the Declaration shall apply to the rear yards. All playground equipment contained in the rear yards must also be maintained in a neat and attractive manner.
- (xi) The material used to maintain or repair a bulkhead must be similar to the existing material. If the bulkhead being maintained or repaired is currently a wood timbered bulkhead, the ACC Committee will determine if the maintenance/repair is so extensive as to require complete replacement. If complete replacement is required, see (xii) below. Any maintenance or repairs to a bulkhead must be approved in advance by the ACC.
- (xii) When constructing a new replacement bulkhead it must be constructed using structural vinyl sheet piling. It may be constructed "in place" or it may be constructed on the lake side of the existing old bulkhead. If it is constructed on the lake side of the old bulkhead, it cannot extend more than 18" past the existing bulkhead centerline and an Easement must be obtained from the Fort Bend County Municipal Utility District #42 prior to construction commencement. Any new replacement bulkhead must be approved in advance by the ACC.
- (xiii) No excessive concrete will be allowed on lots with waterway frontage. Walkways and enlarged patios will be subject to review and approval by the Committee.

1.7 **Garages.** Each Lot shall be served by an enclosed garage large enough to provide parking for a minimum of two (2) cars, but no more than three (3) cars. Garages may be attached, or detached, from the residence. In Brightwater Estates, no driveway shall be closer than three (3') feet from any side property Lot line. In all other areas, no driveway shall be closer than one foot (1') from any side property Lot line. Hook-in or front loaded garages are especially appropriate on sites where it is desirable to maintain view corridors for adjacent properties. Where a detached garage is placed at the front of a home, the garage door shall face the side lot line, which is the farthest away from the garage door, and the side of the detached garage will be treated like a front elevation. Each detached, or attached, garage will either face upon the front Lot line, the rear Lot line, or face upon a line drawn perpendicular to the front Lot line. Detached garages facing the side street

on corner Lots may face the street parallel to the side property line. Notwithstanding the foregoing, upon approval of the Declarant, any detached garage located more than sixty-five (65') feet from the front Lot line shall not be required to face upon said front line or line drawn perpendicular to the front Lot line. Driveway access will be provided from the front of all Lots, except that such access may be provided to corner Lots from a side street, but not from Brightwater Drive. For corner Lots with Brightwater Drive as one of the streets, the garage must be on the far side of the house from Brightwater Drive. Garages shall correspond in style, color and architecture to the main residence. Each Owner shall keep all doors to the private garage closed at all times except when persons or vehicles are going into, or out of, such garage. Garages shall be used only for passenger cars and other vehicles, including boats on trailers, which are of a type and size as will allow the door or doors of the garage to be shut completely with such vehicle or trailer inside. All driveways on Lots which have one side on Brightwater Drive shall be located on the side of the Lot farthest from Brightwater Drive, except for those Lots with a boundary on the radius of a cul-de-sac. Garage doors will only be accepted with applied custom wood siding or metal panels. No masonite, glass or plywood paneled doors will be accepted. Porte-cochere will be accepted only when the garage door is set back six (6') feet from the front corner of the living area of the house adjacent to the garage. The porte-cochere shall not extend more than two (2) feet from the front corner of the living area of the house adjacent to the garage.

- 1.8 **Masonry and roof requirements.** The exterior finish of each Residential Unit shall be at least seventy-five (75%) percent brick, stone or other masonry around the outside perimeters of the ground floor. However, in computing such percentage, the garage shall be excluded. The variety and number of primary exterior materials should be held to a minimum. The maximum number of exterior materials allowed is three. Stone veneer must complement the style of the architecture employed and conform to the color scheme of the immediate neighborhood. All Residential Units shall be roofed with either slate, tile, tarnished metal with standing seams or fiberglass or composition shingles. Composition shingles will be a minimum 240#, 25 year warranty type. The acceptable colors are black or weathered cedar shingles. Aluminum simulated shingle roofs and wooden shingles are not acceptable.
- 1.9 **Roof Penetrations.** Roof vents, utility penetrations, or other roof protrusions shall not be visible from the front street. Generally skylights should not be visible from the front street. An exception would be skylights that are part of the architectural style of the house and are used to enhance that style. In such cases, the Committee will determine their appropriateness
- 1.10 **Gutters and downspouts.** Gutters and downspouts, if used, should be strategically placed to minimize their visibility to the front street. Preferably, downspouts should occur only at the rear and sides of a home. Placement on the front elevation should be avoided as much as possible, but may be used to avoid water runoff at front entrances. Gutters and downspouts must match, or be very similar to the color of the surface to which they are attached. Downspouts must be installed vertically and in a simple configuration. All gutters and downspouts must be installed so water runoff does not adversely affect adjacent properties. It is recommended that downspouts be buried or hidden in plant materials at the point where extensions carry water away from the building. For safety reasons, water runoff should never be directed directly onto sidewalks.

## 2.0 Outbuildings

- 2.1 An "outbuilding" is defined as any structure which is not attached to the main structure. This definition does not include bonafide additions to the main residence or garages, but does include storage sheds, gazebos, and playhouse/forts. All outbuildings should only be constructed in the rear of the backyard.
- 2.2 The colors should match or blend with the predominant exterior colors of the main residence.
- 2.3 Materials should match those of the main residence in both size and color; however, the ACC will consider small prefabricated metal storage buildings providing the color blends with the main residence.
- 2.4 Storage sheds should have a peaked roof, no higher than ten (10') feet from the ground to the highest point, and a maximum of ten by twelve (10' x 12') feet of floor space. The structure must be kept a minimum of five (5') feet off any property line and distance from side fence will be determined based on visibility from the street in front of the lot. Location must also be far enough away from the fence to allow for drainage to occur entirely on the Owner's lot.
- 2.5 Any storage building placed on a concrete slab on top of a utility easement will require a letter of Consent to Encroach as it will not be considered portable. If a storage building is on a utility easement, but is not on a slab and can be moved, the ACC will consider it as portable.
- 2.6 No storage building can be built up against any side or rear wall of a home unless its maximum height is less than six (6') feet and it is not visible above the fence. It must also comply with all the other requirements for proper construction, size and location.
- 2.7 If the storage building is less than six (6') feet tall, it may be placed in side yard provided five (5') feet minimum set back is observed.
- 2.8 A playhouse/fort must not have a roof higher than ten (10') feet. If a fort has a platform, then the platform can be no higher than six (6') feet off the ground. Neither is it to be within five (5') feet of any property line and must be placed at the rear of the property, behind a fence or otherwise screened from public view from any Street abutting the Lot.
- 2.9 A freestanding gazebo must be at least six (6') feet away from the house. The gazebo, at the peak of the structure, must not be higher than ten (10') feet and must be five (5') feet away from any property line. If the roof is shingled, it must match the house shingles.
- 2.10 No tether pole, play net or any other recreational facility shall be erected on any Lot in a location that is visible from the front of the Lot or from the street abutting the Lot, except for basketball goals that are maintained in good condition.
- 2.11 A screened enclosure shall be no higher than twelve (12') feet and shall not create a domed or arched appearance.

## 3.0 Basketball Goals

- 3.1 Must be mounted on garage or placed on the side of the driveway, as far to the rear of property as possible.
- 3.2 Basketball goals may not be erected beyond the front building line.
- 3.3 If the backboard is mounted onto the roof by use of a mounting structure, the mounting structure must be painted to match the roof shingle color.
- 3.4 The basketball goal backboard, net and post must be maintained in usable condition and kept in acceptable appearance.
- 3.5 Basketball goals not maintained, will be required to be removed.
- 3.6 Only one basketball goal per lot will be permitted.
- 3.7 Portable goals that are commercially manufactured are allowed in accordance with the foregoing guidelines.
- 3.8 Must be located so that errant or stray basketballs do not allow play in adjacent neighbor's yards.

#### **4.0 Patio Covers**

- 4.1 Should be constructed of materials which complement the main structure.
- 4.2 Prefab covers made of aluminum may be approved providing they are of a color that substantially matches the house trim color. Unfinished aluminum will not receive ACC approval. All metal must be painted. Certain structures using wood framing may be allowed to go unpainted provided treated or insect resistant wood is used.
- 4.3 If attached to house, must be integrated into existing roof line (flush with eaves) and if it is to be shingled, shingles must match roof. Entire patio cover and posts should be trimmed out to match house. Supports must be brick, painted wood, or metal columns. No pipe is allowed.
- 4.4 At no time, however, shall a shingled roof be allowed with an unpainted frame. Frame will have to be painted to match trim of house whether treated or untreated wood is used.
- 4.5 Patio construction materials are as follows:
  - a. Painted aluminum (to match trim of house).
  - b. Painted wood (to match trim of house).
  - c. Treated wood or naturally rot and insect resistant woods (such as cedar and redwood) may be used. Staining or painting is not required. All other woods must be painted or stained to match trim of house.
  - d. Clear plastic, clear corrugated covers, or properly painted aluminum covers may

be permitted if the cover is screened from view from the street: All patio cover material i.e. corrugated aluminum, metal, wood, lattice, must be completely framed in so that no raw edges of material are visible.

- e. If canvas is used as roofing material on a patio cover, the structure must be located where it is not visible from the street. Also the canvas must be kept in quality condition or its removal will be requested by the ACC. The color of the canvas cover must be an earthtone (i.e. black, brown, tan beige or gray, no primary colors such as blues, reds, greens or yellows).
- 4.6 Patio covers may not encroach into any utility easement unless the utility companies involved have granted their written consent to such encroachment.
- 4.7 Patio covers must be situated on the lot to provide drainage solely onto the owner's Lot. If a proposed patio cover location is less than live (51) feet away from a side lot line, the ACC will require that it be guttered with downspouts if it is to be a solid cover.
- 4.8 Maximum height at the peak of the roof is twelve (12') feet.
- 4.9 For Screened enclosures, see Section 2.11.

### **5.0 Room Additions**

- 5.1 Exterior materials and colors should match the house as much as possible.
- 5.2 Detailed plans must be submitted to the ACC.
- 5.3 Room additions may not encroach into any utility easement unless the utility companies involved have granted their written consent to such encroachment.
- 5.4 On individual basis. Size and shape will depend on architectural style and layout of home, size of lot, and how well room addition integrates with existing home. Plans for room additions must show room size in proportion to room dimensions of the residence. Roof of addition must integrate with existing roof line so as to appear to have been part of the original house. Room additions cannot exceed one - third (1/3) of the remaining back yard, but may be denied for other reasons, e.g., structural integrity, architectural suitability, etc., even if it only uses one-third of the remaining yard.
- 5.5 Additions must comply with lot coverage restrictions as set forth in the Declaration.
- 5.6 Building permits as required by the municipalities (city, county, etc.) must be submitted with the application. In some instances, the ACC will grant approval with the provision that a copy of the permit must be received by the ACC within thirty (30) days of the approval letter and prior to construction beginning.
- 5.7 Balconies must also be approved prior to construction.

### **6.0 Exterior Painting**

- 6.1 Even if a homeowner intends to paint in accordance with an original color scheme, or to rebuild in accordance with original plans and specifications, an application must be submitted and no work begun until approved by the ACC.
- 6.2 Color changes must be approved by the ACC. Color of brick used in house and color of neighboring houses are considerations.
- 6.3 Exterior paints and stains for each residence shall be selected to complement or harmonize with the colors of the other materials with which they are used.
- 6.4 Wood siding and trim should generally stay within the earth tone color family (i.e. black, brown, tan, beige or gray, no primary colors such as blues, reds, greens or yellows). Soft and muted earthtone pastel colors are acceptable. The use of white is also permitted.
- 6.5 Extremely bold colors, primary colors, red, yellow, blue or green pastels are prohibited. The variety and number of exterior colors on each house should be held to a maximum of three, not inclusive of brick or front door color.
- 6.6 Front doors must be maintained. They may be stained, a natural wood color, or painted the same color as the house trim. Other paint colors may be approved on a case by case basis.

#### **7.0 Storm Windows and Storm Doors**

- 7.1 The frames of storm windows and storm doors must be of a color compatible with the exterior house colors and/or general use and appearance of the house. All storm doors must be a full glass door. No screen doors are allowed. Mechanical roll-down storm window boxes, if utilized, must match the window frame color of the house.

#### **8.0 Decks**

- 8.10 If wood is used, see Section 4.5c.
- 8.2 Decks may not encroach into any utility easement unless the utility companies involved have granted their written consent to such encroachment.
- 8.3 Decks should not be situated on a Lot if they pose a problem to the effective drainage of the Lot or a neighboring Lot.
- 8.4 Decks cannot be higher than eighteen (18") inches.
- 8.5 Decks may only be constructed in the backyard.
- 8.6 It is recommended that decks be built with support posts of sufficient size or detail so that knee braces are not required.
- 8.7 If a railing is required, a simple vertical picket or horizontal board railing built in a vertical plane is preferred. Other simple and straight forward designs are permitted.

- 8.8 If stairs are part of the deck design, the stair railing must match the deck rail. If possible, stairs should be included within the mass of either the deck or the house.

### **9.0 Swimming Pools and Spas**

- 9.1 No pool or spa of any type may encroach into any utility easement unless the utility companies involved have granted their written consent to such encroachment. Decking encroachment also requires a consent agreement. Consents must be received prior to approval.
- 9.2 Ideally, any pool or spa should be located at least five (5') feet from a side and rear lot line to maintain proper drainage on the Lot. However, a minimum of three (3') feet will be allowed in certain instances. The pool must meet all building line and easement restrictions on the recorded plat. All pools may only be constructed in the backyard.
- 9.3 All private swimming pools and spas shall be completely enclosed by a solid wood or wrought iron type fence enclosure, being not less than four (4) feet, nor more than eight (8') feet in height and having pickets spaced not more than three (3") inches apart. All openings to any such enclosure shall be closed with a self-closing and self-locking gate of the same construction and material as the fence. As a safety precaution, no external surface of the enclosure shall provide a handhold or foothold.
- 9.4 Above ground pools are not permitted. However, above ground spas, jacuzzis or hot tubs are allowed provided they are screened from public view by landscaping or a privacy fence; otherwise, must be part of a deck system or skirted.
- 9.5 Pools are to be drained to the street and into the storm drain system. They are not to be connected to, or drain into, the community's sewage drain system. Minimum white schedule - 40 PVC pipe is to be used for pool drain.
- 9.6 All new pools are required to be inspected for proper water connections and drains. Contact the area manager for Quail Valley Utility District, the operator of Fort Bend Municipal Utility District No. 42's water and sewage systems at telephone number 281-499-5539.
- 9.7 Yard drains must also be of white schedule - 40 PVC pipe.
- 9.8 If any pool or spa construction uses access to the backyard over or through: (1) a landscape area maintained by the Association; or (2) a sidewalk; then either the homeowner or pool contractor must deposit \$1,000 with the Association. The \$1,000 will be returned only: (1) if there is no damage to the landscape area or sidewalk; or (2) any damage is repaired to the satisfaction of the Association. The Association may retain all or any portion, of the \$1,000 deposit depending on the extent of the damage as determined by the Association.
- 9.9 For screened enclosures, see Section 2.11.
- 9.10 Where lots back up to an area that prohibits opaque fencing (i.e. waterfront lots) and a

pool/deck is desired, an additional opaque privacy screen may be used. If a privacy screen is used, it must set back sixteen feet (16') from the rear property line and should not be taller than six feet in height. The length of privacy fences may vary, but must never exceed thirty feet (30'). The privacy fence must be of masonry or wood construction with the finished side facing the public view.

- 9.11 All pools must be concealed from view of the front street and side street, if applicable, either by wood fence or dense shrubbery along wrought iron type fence.

#### **10.0 Solar Panels/Screens/Film**

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

#### **11.0 Antennas**

- 11.1 No exterior antennas of any type shall be erected, constructed, placed, or permitted to remain on any house, structure, improvement or building unless such antenna is located to the rear of the roof ridge line, gable or center line of the principal building.
- 11.2 Freestanding antennas including, without limitation, satellite dishes approved by the ACC must be located behind the rear wall or to the side of the main improvement or building structure and must be screened from view by installation of approved fencing or other screening devices.
- 11.3 No antennas, either freestanding or attached, shall be permitted to extend higher than the roof peak of the structure on which erected, nor shall be erected on a wooden pole.

- 11.4 Where possible, the homeowner is encouraged to place antenna inside the garage's attic space or the house's attic space.

### **12.0 Fences, Fence Extensions, Walls and Hedges**

With the exceptions cited below, any fence, wall or hedgerow intended for the purposes of privacy and/or security shall be no greater than six foot, six inches (6'6") in height and shall be no nearer to the front property line of the Lot which it serves than the building line which is closest to that property line, subject to the following exceptions:

- 12.1 All proposed fences must be approved by the ACC. See also Sections 1.6(ix) and 1.7.
- 12.2 Any painting, staining, or varnishing of fence must be approved by the ACC.
- 12.3 Any wall, fence or hedge erected on a lot shall pass ownership with title to the Lot and it shall be Owner's responsibility to maintain said wall, fence, or hedge thereafter.
- 12.4 Wing walls must be a minimum of three (3') feet back from the corner nearest the side Lot line, whether the material used in the wing wall is brick, wood or steel picket.
- 12.5 If wood fences are constructed so that reinforcing is visible on one side and not the other, then for all corner Lots, or Lots which are adjacent to a designated reserve area, the side with reinforcing visible shall face the interior of the Lot and the side without reinforcing visible shall face the perimeter of the Lot. All other wood fences shall be "good neighbor" fences (i.e. alternate every 6-8' the visible reinforcing),
- 12.6 A fence, wall or hedgerow intended to serve an aesthetic purpose may be located outside the limits defined by building lines on any street frontage of any Lot, provided that it does not exceed four (4') feet in height.
- 12.7 Fence, wall or hedge extension requests should be submitted by both neighbors sharing the side lot line and fence, wall or hedge except in the case of a corner Lot.
- 12.8 No fence, wall or hedge may extend so as to encroach across the recorded front building line, or the recorded front building line of an adjacent house, and may never extend beyond the actual front building line.
- 12.9 If both neighbors do not concur as to a proposed fence, wall or hedge extension, the ACC will examine the effect the extension will have on both properties. If one party will suffer detrimentally from the extension (e.g., an existing sight line will be blocked), the ACC will reject the application.
- 12.10 All corner fences and fences which face a restricted reserve must be installed picket side out.
- 12.11 Replacement or repairs of fences, walls or hedges must be made with similar materials and construction details as used in original fence, wall or hedge. Replacement with any other material must be approved by the ACC.

- 12.12 No chain link fence type construction will be permitted on any Lot.
- 12.13 Fences must be maintained in good condition.
- 12.14 No fence shall be constructed so as to cross side building lines and join one or more houses. This provision is intended to prohibit the appearance of continuous fencing across the front of a Lot.
- 12.15 On a lot that has frontage on a water body, or Oyster Creek, metal/wrought iron fencing must be used along all rear yards and partially on side property lines (last sixteen feet (16') from rear property line). Metal/wrought iron fences in rear and partial side yards of water front lots and lots which back up to Oyster Creek must be at least four feet (4') in height and must be made of the same material for the same neighborhood section.
- 12.16 Metal/wrought iron fencing is designed to allow views through a lot from adjoining properties. These fences should be as unobtrusive as possible, blending into the neighborhood landscape and thus providing a uniform, open and consistent appearance along the green belts, water bodies and/or Oyster Creek.
- 12.17 The maximum height for metal/wrought iron fencing in other applications is six feet.
- 12.18 At the point where the metal/wrought iron or solid fencing on side yards of waterfront lots, or lots which back up to Oyster Creek, is to meet the fencing, the metal/wrought iron fence shall maintain its height and simply come up to the taller fence at that point. This metal/wrought iron fence, as mentioned previously, is required at the rear sixteen feet (16') of the side property line and all the rear property lines of waterfront lots, or lots which back up to Oyster Creek.
- 12.19 Where pedestrian gates are proposed, they must be constructed of a durable material which is compatible to its respective fence type. Where a metal fence is proposed, care should be taken to insure that the gate does not provide views into any unsightly areas. Such areas must be screened from public view.
- 12.20 The appearance of single family dwellings must be maintained. The removal of fences or any improvement or alteration that lends itself to a communal or compound appearance will not be permitted.

### **13.0 Decoration/Flag Poles/Burglar Bars**

- 13.1 On front lawns of Lots and on any portion of a Lot visible from any street there shall be no decorative appurtenances placed, such as sculptures, birdbaths, birdhouses, permanently affixed flag poles, fountains, or other decorative embellishments. Christmas, holiday or other festive decorations of a temporary nature are exceptions. Decorations must be removed within four (4) weeks after the calendar date of the holiday.
- 13.2 Burglar bars over windows are generally prohibited and must be submitted to the Committee for consideration. Approval must be granted prior to installation. Burglar bars and gates must be in harmony with the design of the home. If approved, any burglar bars must follow the paint guidelines in Section 4.5C. Interior burglar bars that are visible

from the street, must also be applied for.

- 13.3 House numbers may be placed on the house, but not on any type of freestanding structure in the front yard.
- 13.4 Permanently affixed flag poles are prohibited. For temporary use, bracket mounted flags, placed near the front entry of the home may be permitted.

#### **14.0 Exterior Lighting**

- 14.1 Additional exterior lighting should not be of a wattage or lumen count which will affect neighboring homes.
- 14.2 Exterior decorative lights, security lights or floodlights must be aimed so as not to shine onto a neighboring property. The fixture color and shielding should be compatible with the building. Conduits and wiring must be concealed.
- 14.3 Low voltage landscape lighting must receive ACC approval prior to installation.
- 14.4 Security, mercury vapor, or fluorescent lights, must be attached to the back of the house or the garage, so long as the light fixture is not visible from the street. Mercury vapor, fluorescent, and sodium halide are not permitted in back or side yard if there are neighboring houses. If none, a variance may be granted, or if affected neighbors approve.
- 14.5 Gas or electric post lights may be in front or back of house. Such lights must be no taller than eight feet (8') in height and the illumination must be a low wattage. The color of the post shall be selected to complement or harmonize with the colors of the other materials on the house. This means that the color should generally stay within the earth tone color family (i.e. black, brown, tan, beige or gray, no blues, reds or yellows). Soft and muted earthtone pastel colors are acceptable. The use of white is also permitted. Extremely bold colors, primary colors, yellow, blue or green pastels for the post are prohibited.
- 14.6 Exterior lights must not affect overall aesthetic appeal. The type, color and quality of all exterior site and house lighting must be consistent with other existing lights on the property and in the neighborhood of the respective house.
- 14.7 Colored lighting of any sort and the use of fluorescent and neon lighting is prohibited (except during recognized holiday seasons when such lighting is permitted). Mercury vapor lights, when used for special landscape lighting effects may be permitted as long as they are hidden from view and directed up at a tree or down from a tree. Conduits and wiring must remain concealed from view of the passerby.
- 14.8 Architectural accent lighting is also permissible, but must be from an incandescent source.
- 14.9 Proposed walkway lighting should be inconspicuous and of a bollard or dome light design. The lamp may be incandescent (100w maximum), quartz (75w maximum), metal halide (75w maximum), or fluorescent (25w maximum).

### **15.0 Wind Turbines**

15.1 No wind generators shall be erected or maintained on any Lot.

### **16.0 Outdoor Carpeting**

16.1 Can only be installed on rear porch area.

16.2 Colors must match or complement house trim color.

### **17.0 Gates & Gate Covers**

17.1 Full wooden panel to match trim of house or existing fence.

17.2 No chicken wire, chain link or lattice.

17.3 Wrought iron and simulated iron gates are permitted, but shall be painted black or the same color as the house trim.

17.4 Gates across driveways must be motorized and remote control operated. Vehicles shall not be parked overnight in the driveway between the gate and the street,

### **18.0 Bird Houses**

18.1 Maximum permitted height of fourteen (14') feet.

18.2 If mounted on a pole, must be unobtrusive and painted to match trim color of house.

18.3 Must be placed not closer than five (5') feet to any property line, and must be situated in the rear of the house.

18.4 Birdhouse and mounting structure must be maintained.

### **19.0 Landscaping**

19.1 General: Landscaping (defined as living plants, trees, shrubs, flowers, etc., and utilization of non-living material necessary for growth, e.g., bark, mulch, etc.) is generally not subject to ACC review and approval except in circumstances wherein such landscaping is intended to accomplish a structural objective, such as a hedge or a visual barrier, or is visually objectionable, not in harmony with the surrounding neighborhood, or is specifically referenced in the Declaration.

19.2 Trellises, window boxes, arbors, and permanent brick borders, must have ACC approval.

19.3 Landscape timbers and bricks without mortar do not need ACC approval unless they exceed a height of two (2') feet.

19.4 Landscape projects should take into account the effect on drainage from resident property

and adjacent properties.

- 19.5 No object or thing which obstructs sight lines at elevations between two (2') feet and six (6') feet above the surface of the streets within the triangular area formed by the intersecting street lines and a line connecting them at points twenty-five (25') feet from the intersection of the street lines or extensions thereof shall be placed, planted or permitted to remain on any corner Lots.
- 19.6 Artificial plants, trees, shrubs, flowers, etc. are not allowed as part of the landscaping.

#### **20.0 Swing Sets**

- 20.1 Maximum height of eight (8') feet.
- 20.2 Location will be considered for neighbors' privacy, but not closer than five (5') feet to any property line, and must be located to rear of house.

#### **21.0 Driveway Extensions/Sidewalks**

- 21.1 An application must be submitted for any driveway removal, addition or modification. Driveways, entry walks and sidewalks on each Lot may be constructed of concrete or any other finish approved by the ACC. If masonry material is approved, it must be compatible, not only with the home, but also with any other walkways or terraces on the lot.
- 21.2 Placement of sidewalks may vary in the distance from the curb in order to save trees, however, any variance is subject to approval of the ACC. All other placement, width, materials and finishes must be to Missouri City specifications and approved by the ACC.
- 21.3 Width of driveway between the front building line and the street shall not exceed twelve (12') feet. Exceptions will be made for corner lots with side-out garages. The minimum driveway width allowed is ten feet (10') except where applicable city/county codes require otherwise.
- 21.4 The driveway turnout shall be constructed to specifications of Missouri City and in such manner as to provide an attractive transitional radius from the curb and gutter into the driveway entrance and shall prevent escape of drainage water from the street onto any Lots.
- 21.5 Asphalt driveways and sidewalks are specifically prohibited.
- 21.6 Any concrete spilled, poured or washed on a street must be immediately removed leaving the street clean and unstained.
- 21.7 Driveways must be maintained.
- 21.8 Painting a topcoat on driveways and sidewalks is not permitted.
- 21.9 Gates across driveways must be motorized and remote control operated. Vehicles shall

not be parked overnight in the driveway between the gate and the street.

- 21.10 All detached garage driveways shall have a minimum three feet (3') side lot setback between the driveway and the adjacent side property line, so long as the distance between the garage and the improvements on the adjacent lot is at least ten feet (10').
- 21.11 If the garage is a front hook-in, or a front porte cochere (the garage faces the street but is set back seven feet (7') from the house) the driveway may be fifteen feet (15') wide.

## **22.0 Garage Conversions**

- 22.1 Conversions of garage for any reason are not permitted.
- 22.2 Aluminum, sheetmetal or fiberglass carports are not permitted.
- 22.3 Additional garages or carports are not permitted.
- 22.4 An application must be submitted for lean-to sheds, potting sheds or any other attachments to a garage. These attachments must meet the structural guidelines set forth in other sections of these Guidelines.

## **23.0 Window Air Conditioners**

- 23.1 No window or wall-type air conditioners shall be permitted to be used, erected, placed, or maintained on, or in, any building on any part of the Property.

## **24.0 Awnings/Window Shades**

- 24.1 Awnings are permitted on the side and rear windows of a house and must be of the same color as the house. Awnings on playhouses or used as patio covers must be of the same color as those on the house. In all cases, colors must match or complement the primary color of the house. The color selections of awnings must be in accordance with the Section 6 of these Guidelines. Once installed, awnings are to be maintained in excellent condition at all times. Awning frames must be painted to match the trim or the dominate color of the house or be painted black.
- 24.2 Metal and wooden slat-type exterior shades are not permitted on the front of the house. All exterior shades must be approved by the ACC prior to installation. The color selections of exterior shades must be in accordance with the Section 6 of these Guidelines. After installation, they must be kept in excellent condition at all times.

## **25.0 Signs, Advertisements, Billboards**

- 25.1 No signs, billboards, posters or advertising devices of any character advertising the Property for sale or rent, shall be erected or displayed to the public view on any Lot except for one (1) sign of not more than five (5) square feet and the top main area plus bottom hangar area combined shall not be greater than eight (8) square feet.

- 25.2 The Association, Declarant, or its assigns, shall have the right to remove any signs, advertisements, billboards, or structures placed on any Lot and, in doing so, shall not be subject to any liability for trespass, any other tort, or any civil or criminal liability in connection herewith or arising from such removal. The Association, Declarant, or its assigns, or any homebuilder authorized by Declarant, may maintain, as long as it owns any property within the Property, in, or upon such portion of the Property as Declarant may determine, such facilities as in its sole discretion may be necessary or convenient, including, but without limitation, offices, storage areas, model units and signs, and Declarant may use, and permit such builders (who are authorized by Declarant) to use residential structures, garages, or accessory building for sales offices and display purposes, but all rights of Declarant and of any builder acting with Declarant's permission under this sentence, shall be operative and in effect only during the construction and initial sales period within the Property.
- 25.3 Contractor signs, painter, and pool company signs are not permitted.
- 25.4 Lost pet signs are not permitted.
- 25.5 Signs which give notice of a home security system are permitted if placed at or near the front entrance and are no larger than 144 square inches. Window stickers which give notice of a home security system are also permitted.
- 25.6 The ACC shall have control over all the wording, design, appearance, size, quantity, and location of all signs. Except for sale or rental signs adhering to the standards of the first sentence of this Article, all signs within the Properties shall be subject to the prior written approval of the ACC.
- 25.7. Political signs may be erected upon a Lot by the Owner of such Lot advocating the election of one or more political candidates or the sponsorship of a political party, issue or proposal, provided that such signs shall not be erected more than ninety (90) days in advance of the election to which they pertain and shall be removed within ten (10) days after such election.

#### **26.0 Garage Sales**

- 26.1 Garage sales are highly discouraged because of aesthetic and security reasons.
- 26.2 Two signs may be erected, one at the entrance and one on the street which advertise garage sales.

#### **27.0 Storage of Building Materials**

- 27.1 Building materials placed on Lots prior to commencement of improvements must be kept in a neat, clean and orderly condition.
- 27.2 No materials may be placed on the street, or between the curb and the property line.

## **28.0 Temporary Structures**

- 28.1 No structure of a temporary character (sales structure, trailer, travel trailer, tent, shack, garage, barn, or other outbuildings) shall be used on any Lot at any time as a residence, either temporarily or permanently.
- 28.2 No trailer, camper, recreational vehicles, or similar vehicles shall at any time be parked in view from other properties, or connected to utilities situated within a Lot.
- 28.3 No dwelling previously constructed elsewhere may be moved onto any Lot in the subdivision controlled by these covenants.
- 28.4 This covenant specifically includes mobile homes, or the use of a mobile home, in which the axle and wheels have been removed and placed upon a concrete slab, which said mobile home is hereby specifically prohibited as a residence, either temporarily or permanently, and further, specifically includes a mobile home upon which wheels have been left attached.

## **RESIDENTIAL INSPECTION GUIDELINES**

### **A. Yards**

- 1. Notice to be sent when grass is over 6" to 8".
- 2. Notice to be sent for edging at the curb when there are more than five (5) grass streamers growing over the curb.
- 3. Notice to be sent for edging along driveway and sidewalks when grass lies over onto the driveway and/or sidewalk.
- 4. Notice is to be sent for weeding of plant beds when there are more than two (2) handfuls in one area.
- 5. Notice to be sent for the removal of plants when plant is brown and has no leaves. Replacement of plant should be within thirty (30) days after the removal of dead plant.
- 6. For rear yards abutting a Waterway, see Section 1.6(x).
- 7. Notice to be sent for dead trees to be removed when the tree is barren of leaves. There shall be no tree stumps remaining and all tree limbs and debris must be removed.

### **B. Landscaping**

- 1. Notice is to be sent when grass is dead and the yards need to be resodded with new grass.
- 2. When plants have been removed and the plant bed remains barren over thirty (30) days.
- 3. For rear yards abutting a Waterway, see Section 1.6(x).

### **C. Home Repairs**

- 1. Notice to make home repairs are to be sent when:

- A. Shutters are missing slats or shutters are hanging loose.
- B. Garage doors are dented and/or when garage door windows have been broken.
- C. Rain gutters are bent, sagging or hanging.
- D. Trim on home, fascia, or trim around windows is rotting.

#### **D. Home Painting**

- 1. Notice to paint the home should be sent when the following is occurring:
  - A. Paint is discoloring.
  - B. Wood is seen under coat of paint.
  - C. Paint is chipping off of home.
  - D. Mildew that possibly could be remedied by power washing.

#### **E. Basketball Goals**

- 1. Notice for maintenance of a basketball goal should be sent when:
  - A. Pole is rusted and needs to be painted.
  - B. Backboard has cracks or is extremely chipped warranting paint and/or replacement.
  - C. Nets must be replaced when the ball can no longer go through the net or when the net is completely missing.

#### **F. Toys**

- 1. Notice to remove toys when:
  - A. There are complaints from neighbors.
  - B. When there are more than two (2) large toys in yard or on driveway.
  - C. Remove toys when there are more than five (5) small toys in the yard or drive.

**NOTE:** Letters will only be generated if this is a continual occurrence on the property.

#### **G. Debris**

- 1. Notice is to be sent when the following occurs:
  - A. Wood or lumber is stored against the house and can be seen from the street.
  - B. Empty plant containers remain on the side of home or in driveway over thirty (30) days.
  - C. Old bicycles, tricycles (rusted) and toys that remain on side of home over thirty (30) days.
  - D. Bricks, sawhorses, paint cans (building materials) on side of home or in driveway for over thirty (30) days.

- E. Items in plastic trash bags that remain over thirty (30) days.
- F. Old trash cans used for lawn clippings that are not discarded within thirty (30) days.
- G. Plastic tarps and/or covers that remain in the same place over thirty (30) days.
- H. Lawn clippings that are not discarded on regular trash days and are left in public view.

#### **H. Trash Cans**

**NOTE:** In most communities, trash cans must be screened by a screening device or plants and are not to be left in public view.

- 1. Notice is to be sent when trash cans that remain on the side, front, or behind wrought iron fences remain in public view over ten (10) days.

#### **I. Mailboxes**

- 1. Notice is to be sent when the following occurs:
  - A. The mailbox is bent or smashed and in need of repair or replacement.
  - B. Door-on mailbox is missing.
  - C. When the mailbox is leaning over and not secured in the ground.
  - D. When brick mailboxes are deteriorating and bricks are missing.

#### **J. Decorative Appurtenances**

- 1. Notice is to be sent for maintenance of decorative appurtenances when the following occurs:
  - A. When paint is chipping and is in need of new paint.
  - B. When decorations are placed in the yard that do not concur with the scheme of the community.
  - C. When repair or replacement is needed.

#### **K. Miscellaneous**

- 1. Notice is to be sent when the following occurs:
  - A. Barbecue grills are left in the front of the home for over ten (10) days.

**The ACC Guidelines are subject to change and modifications as the needs of the community change. Such modifications will be adopted by a majority vote of the Board, at a duly constituted meeting of the Board.**



BRIGHTWATER HOMEOWNERS ASSOCIATION, INC.  
GUIDELINES FOR DISPLAY OF FLAGS

STATE OF TEXAS

COUNTY OF FORT BEND

WHEREAS, Brightwater Homeowners Association, Inc. (<sup>Et Bend Co.</sup>"Association") is charged with administering and enforcing those certain covenants, conditions and restrictions contained in the recorded Declarations for the various sections of the community (referred to collectively as "Declarations"); and

WHEREAS, Chapter 202 of the Texas Property Code was amended effective June 20, 2011, to add Section 202.011 ("Section 202.011") thereto regarding the display of flags; and

WHEREAS, the Board of Directors of the Association ("Board") has determined that in connection with maintaining the aesthetics and architectural harmony of the community, and to provide clear and definitive guidance regarding the display of flags therein, it is appropriate for the Association to adopt guidelines regarding the display of flags.

NOW, THEREFORE, the Board has duly adopted the following *Guidelines for Display of Flags* within the community.

1. These Guidelines apply to the display of ("Permitted Flags"):
  - a. the flag of the United States; and
  - b. the flag of the State of Texas; and
  - c. the official flag of any branch of the United States armed forces.
2. These Guidelines do not apply to any flags other than the Permitted Flags listed in Section 1 above including, but not limited to:
  - a. flags for schools, sports teams, businesses or foreign countries; or
  - b. flags with marketing, seasonal, historical, commemorative, nautical, political or religious themes; or
  - c. historical versions of flags permitted in Section 1 above.
3. Permitted Flags may be displayed subject to these guidelines. Advance written approval of the Association is required for any free-standing flagpole and any additional illumination associated with the display of Permitted Flags.

4. Permitted Flags must be displayed in a respectful manner in accordance with the current relevant federal, state or military code.
5. Permitted Flags must be displayed from a pole attached to a structure or to a free-standing pole. Permitted Flags may not be draped over or directly attached to structures. For example, a Permitted Flag may not be laid across a fence or stapled to a garage door.
6. Permitted Flags shall be no larger than three foot (3') by five foot (5') in size.
7. Only one Permitted Flag may be displayed on a flagpole attached to a structure. Up to two Permitted Flags may be displayed on an approved free-standing flagpole that is at least fourteen feet (14') tall.
8. Flagpoles must be constructed of permanent, long-lasting materials with an appropriate finish that is harmonious with the dwelling.
9. A flagpole attached to a structure may be up to six feet (6') long and must be securely attached with a bracket with an angle of 30 to 45 degrees down from vertical. The flagpole must be attached in such a manner as to not damage the structure. One attached flagpole is allowed on any portion of a structure facing a street and one attached flagpole is allowed on the rear or backyard portion of a structure. Brackets which accommodate multiple flagpoles are not allowed.
10. Free-standing flagpoles may be up to twenty feet (20') tall, including any ornamental caps. Free-standing flagpoles must be permanently installed in the ground according to manufacturer's instructions. One free-standing flagpole is allowed in the portion of the owner's property between the main residential dwelling and any street and one free-standing flagpole is allowed in the rear or backyard portion of a property.
11. Free-standing flagpoles may not be installed in any location described below:
  - a. in any location other than the Owner's property; or
  - b. within a ground utility easement or encroaching into an aerial easement; or
  - c. beyond the side or rear setback lines; or
  - d. beyond half the distance of the front setback line (for example, on a lot with a 30' front setback line, a flagpole may not be installed closer than 15' from the front property line); or closer to a dwelling on an adjacent lot than the height of the flagpole (for example, a 20' flagpole cannot be installed closer than 20' from an adjacent house).

12. Lighting may be installed to illuminate Permitted Flags if they will be displayed at night and if existing ambient lighting does not provide proper illumination. Flag lighting must:
  - a. be ground mounted in the vicinity of the flag; and
  - b. utilize a fixture that screens the bulb and directs light in the intended direction with minimal spillover; and
  - c. point towards the flag and face the main structure on the property or to the center of the property if there is no structure; and
  - d. provide illumination not to exceed the equivalent of a 60 watt incandescent bulb.
13. Flagpoles must not generate unreasonable noise levels which would disturb the quiet enjoyment of other residents. Each flagpole owner should take steps to reduce noise levels by using vinyl or plastic snap hooks, installing snap hook covers or securing a loose halyard (rope) around the flagpole with a flagpole clasp.
14. Flagpoles are allowed solely for the purpose of displaying Permitted Flags. If a flagpole is no longer used on a daily basis, it must be removed.
15. All flags and flagpoles must be maintained in good condition. Deteriorated flags must be removed and promptly replaced. Deteriorated or structurally unsafe flagpoles must be promptly repaired, replaced or removed.

The guidelines are effective upon adoption and recordation in the Public Records of FORT BEND County, Texas and supersede any guidelines for display of flags which may have previously been in effect. Except as affected by Section 202.011 and/or by these guidelines, all other provisions contained in the Declarations or any other dedicatory instruments of the Association shall remain in full force and effect.

Approved and adopted by the Board on this 20 day of Dec, 2011.

  
Board Member

  
Board Member

  
Board Member

\_\_\_\_\_  
Board Member





BRIGHTWATER HOMEOWNERS ASSOCIATION, INC.  
GUIDELINES FOR RAINWATER RECOVERY SYSTEMS

STATE OF TEXAS

COUNTY OF FORT BEND

Ft Bend Co.

WHEREAS, Brightwater Homeowners Association, Inc. ("Association") is charged with administering and enforcing those certain covenants, conditions and restrictions contained in the recorded Declarations for the various sections of the community (referred to collectively as "Declarations"); and

WHEREAS, Chapter 202 of the Texas Property Code was amended effective September 1, 2011, to amend Section 202.007(d) ("Section 202.007") thereto dealing with rain barrels and rainwater harvesting systems (referred to collectively as "Rainwater Recovery Systems" or "Systems"); and

WHEREAS, the Board of Directors of the Association ("Board") has determined that in connection with maintaining the aesthetics and architectural harmony of the community, and to provide clear and definitive guidance regarding the installation and maintenance of Rainwater Recovery Systems therein, it is appropriate for the Association to adopt guidelines regarding Rainwater Recovery Systems.

NOW, THEREFORE, the Board has duly adopted the following *Guidelines for Rainwater Recovery Systems* within the community.

1. Rainwater Recovery Systems may be installed with advance written approval of the Association subject to these guidelines.
2. All such Systems must be installed on land owned by the property owner. No portion of the Systems may encroach on adjacent properties or common areas.
3. Other than gutters and downspouts conventionally attached to a dwelling or appurtenant structure, all components of the Systems, such as tanks, barrels, filters, pumps, motors, pressure tanks, pipes and hoses, must be substantially screened from public view from any street or common area. Screening may be accomplished by:
  - a. placement behind a solid fence, a structure or vegetation; or
  - b. by burying the tanks or barrels; or
  - c. by placing equipment in an outbuilding otherwise approved by the Association.

4. A rain barrel may be placed in a location visible from public view from any street or common area only if the configuration of the guttering system on the structure precludes screening as described above with the following restrictions:
  - a. the barrel must not exceed 55 gallons;
  - b. the barrel must be installed in close proximity to the structure on a level base with the guttering downspout leading directly to the barrel inlet at a substantially vertical angle; and
  - c. the barrel must be fully painted in a single color to blend with the adjacent home or vegetation; and
  - d. any hose attached to the barrel discharge must be neatly coiled and stored behind or beside the rain barrel in the least visible position when not in use
5. Overflow lines from the Systems must not be directed onto or adversely affect adjacent properties or common areas.
6. Inlets, ports, vents and other openings must be sealed or protected with mesh to prevent children, animals and debris from entering the barrels, tanks or other storage devices. Open top storage containers are not allowed, however, where space allows and where appropriate, Association approved ponds may be used for water storage.
7. Harvested water must be used and not allowed to become stagnant or a threat to health.
8. All Systems must be maintained in good repair. Unused Systems should be drained and disconnected from the gutters. Any unused Systems in public view must be removed from public view from any street or common area.

The guidelines are effective upon adoption and recordation in the Public Records of Fort Bend County, Texas and supersede any guidelines for rainwater recovery systems which may have previously been in effect. Except as affected by Section 202.007 and/or by these guidelines, all other provisions contained in the Declarations or any other dedicatory instruments of the Association shall remain in full force and effect.

Approved and adopted by the Board on this 20 day of December, 2011.

  
Board Member

  
Board Member

  
Board Member

\_\_\_\_\_  
Board Member





BRIGHTWATER HOMEOWNERS ASSOCIATION, INC.  
GUIDELINES FOR DISPLAY OF CERTAIN RELIGIOUS ITEMS

STATE OF TEXAS

COUNTY OF FORT BEND

Ft Bend Co.

WHEREAS, Brightwater Homeowners Association, Inc. ("Association") is charged with administering and enforcing those certain covenants, conditions and restrictions contained in the recorded Declarations for the various sections of the community (referred to collectively as "Declarations"); and

WHEREAS, Chapter 202 of the Texas Property Code was amended effective June 20, 2011, to add Section 202.018 ("Section 202.018") thereto dealing with the regulation of display of certain religious item; and

WHEREAS, the Board of Directors of the Association ("Board") has determined that in connection with maintaining the aesthetics and architectural harmony of the community, and to provide clear and definitive guidance regarding the display of certain religious items therein, it is appropriate for the Association to adopt guidelines regarding the display of certain religious items within the community.

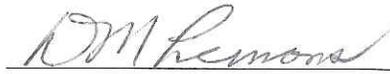
NOW, THEREFORE, the Board has duly adopted the following *Guidelines for Display of Certain Religious items* within the community.

1. A property owner or resident may display or attach one or more religious items to each or any entry to their dwelling. Such items may include anything related to any faith that is motivated by the resident's sincere religious belief or tradition.
2. Individually or in combination with each other, the items at any entry may not exceed 25 square inches total in size.
3. The items may only be displayed on or attached to the entry door or frame and may not extend beyond the outside edge of the door frame.
4. To the extent allowed by the Texas state constitution and the United States constitution, any such displayed or affixed religious items may not:
  - a. threaten public health or safety;
  - b. or violate any law; or
  - c. Contain language, graphics or any display that is patently offensive to a passerby.

5. Approval from the Association is not required for displaying religious items in compliance with these guidelines.
6. The Association may remove any items displayed in violation of these guidelines.

The guidelines are effective upon adoption and recordation in the Public Records of Fort Bend County, Texas and supersede any guidelines for certain religious items which may have previously been in effect. Except as affected by Section 202.018 and/or by these guidelines, all other provisions contained in the Declarations or any other dedicatory instruments of the Association shall remain in full force and effect.

Approved and adopted by the Board on this 30 day of Dec., 2011.

  
Board Member

  
Board Member

  
Board Member

  
Board Member





BRIGHTWATER HOMEOWNERS ASSOCIATION, INC.  
GUIDELINES FOR ROOFING MATERIALS

STATE OF TEXAS

COUNTY OF FORT BEND

*Fl Bend Co.*

WHEREAS, Brightwater Homeowners Association, Inc. ("Association") is charged with administering and enforcing those certain covenants, conditions and restrictions contained in the recorded Declarations for the various sections of the community (referred to collectively as "Declarations"); and

WHEREAS, Chapter 202 of the Texas Property Code was amended effective June 20, 2011, to add Section 202.011 ("Section 202.011") thereto dealing with the regulation of roofing materials; and

WHEREAS, the Board of Directors of the Association ("Board") has determined that in connection with maintaining the aesthetics and architectural harmony of the community, and to provide clear and definitive guidance regarding roofing materials therein, it is appropriate for the Association to adopt guidelines regarding roofing materials within the community.

NOW, THEREFORE, the Board has duly adopted the following *Guidelines for Roofing Materials* within the community.

1. All buildings shall be roofed with composition shingles unless otherwise approved in writing by the Association. Wood shingles are specifically prohibited.
2. Composition shingles must weigh at least 230 pounds per square and have a stated warranty of at least 25 years. Shingles must have a laminated design. Three-tab shingles are specifically prohibited except for use as a starter and cap rows.
3. Acceptable colors are weathered cedar shingle color. Tile and built up roofs must be earthtone in color (i.e. black, brown, tan or gray, no blues, reds or yellows).
4. Ridge vents are encouraged, to improve ventilation, reduce attic temperature and reduce cooling costs, but are not required.
5. All roof protrusions, such as vents, roof jacks, must be painted to match the shingles.
6. Subject to Section 7 below and with advance written approval from the Association, an owner may install shingles ("Alternative Shingles") which are designed primarily to:

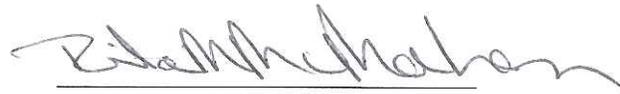
- a. provide heating or cooling efficiencies greater than traditional composition shingles; or
  - b. provide solar energy capture capabilities; or
  - c. provide greater resistance and to wind and hail damage.
7. Once installed, any such Alternative Shingles must:
- a. resemble the shingles used or authorized to be used on other structures within the Association;
  - b. be more durable than and of equal or superior quality to the shingles used or authorized to be used on other structures within the Association; and
  - c. match the aesthetics of properties surrounding the owner's property.

The guidelines are effective upon adoption and recordation in the Public Records of Fort Bend County, Texas and supersede any guidelines for roofing materials which may have previously been in effect. Except as affected by Section 202.011 and/or by these guidelines, all other provisions contained in the Declarations or any other dedicatory instruments of the Association shall remain in full force and effect.

Approved and adopted by the Board on this 20 day of DEC, 2011.

  
Board Member

  
Board Member

  
Board Member

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Board Member





BRIGHTWATER HOMEOWNERS ASSOCIATION, INC.  
GUIDELINES FOR SOLAR ENERGY DEVICES

STATE OF TEXAS

COUNTY OF FORT BEND

*Et Bend Co.*

WHEREAS, Brightwater Homeowners Association, Inc. ("Association") is charged with administering and enforcing those certain covenants, conditions and restrictions contained in the recorded Declarations for the various sections of the community (referred to collectively as "Declarations"); and

WHEREAS, Chapter 202 of the Texas Property Code was amended effective June 20, 2011, to add Section 202.010 ("Section 202.010") thereto dealing with the regulation of solar energy devices; and

WHEREAS, the Board of Directors of the Association ("Board") has determined that in connection with maintaining the aesthetics and architectural harmony of the community, and to provide clear and definitive guidance regarding solar energy devices therein, it is appropriate for the Association to adopt guidelines regarding solar energy devices within the community.

NOW, THEREFORE, the Board has duly adopted the following *Guidelines for Solar Energy Devices* within the community.

1. These guidelines apply to solar energy devices ("Devices") as defined in Section 171.107(a) of the Texas Tax Code. A solar energy device means 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 energy. 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.
2. Such Devices may only be installed with advance written approval of the Association; subject to these guidelines.
3. Any such Device must be installed on land or structures owned by the property owner. No portion of the Devices may encroach on adjacent properties or common areas.
4. Such Devices may only be installed in the following locations:
  - a. on the roof of the main residential dwelling; or

- b. on the roof of any other approved structure; or
- c. within a fenced yard or patio.

5. For Devices mounted on a roof, the Device must:

- a. have no portion of the Device higher than the roof section to which it is attached.

The guidelines are effective upon adoption and recordation in the Public Records of Fort Bend County, Texas and supersede any guidelines for solar energy devices which may have previously been in effect. Except as affected by Section 202.010 and/or by these guidelines, all other provisions contained in the Declarations or any other dedicatory instruments of the Association shall remain in full force and effect.

Approved and adopted by the Board on this 20 day of DEC, 2011.

  
Board Member

  
Board Member

  
Board Member

\_\_\_\_\_  
Board Member

SECRETARY'S CERTIFICATE OF FILING

I, Kathy Renfrow certify that:

I am the duly qualified and acting secretary of Brightwater Homeowners Association, Inc., a duly organized and existing Texas non-profit corporation.

The attached instruments are true copies of unrecorded Dedicatory Instruments, as that term is defined by Section 202.001 of the Texas Property Code, pertaining to Brightwater Homeowners Association, Inc..

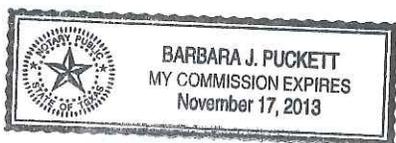
The attached instruments are being presented for recording in the Official Public Records of Real Property of FORT BEND County, Texas, pursuant to Section 202.006 of the Texas Property Code.

Dated: Dec. 20 2011

Kathy Renfrow  
Kathy Renfrow, Secretary  
Brightwater Homeowners Association, Inc.

THE STATE OF TEXAS           §  
  §  
COUNTY OF FORT BEND       §

This instrument was acknowledged before me on the 20<sup>th</sup> day of December, 2011, by Kathy Renfrow - Sec, President of Brightwater Homeowners Association, Inc., a Texas non-profit corporation, on behalf of said corporation.



Barbara J. Puckett  
Notary Public in and for The State of Texas

AFTER RECORDING, RETURN TO:

Bartley & Spears, P.C.  
14811 St. Mary's Lane, Suite 270  
Houston, Texas 77079

W:\mnessa\Guidelines\Brightwater Homeowners Association, Inc.

**FILED AND RECORDED**

OFFICIAL PUBLIC RECORDS

Dianne Wilson

2012 Jan 10 11:55 AM

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CAK \$23.00

Dianne Wilson COUNTY CLERK  
FT BEND COUNTY TEXAS

AS PER ORIGINAL



BRIGHTWATER HOMEOWNERS ASSOCIATION, INC.  
OPEN RECORDS POLICY RESOLUTION

STATE OF TEXAS

COUNTY OF FORT BEND

*Fl Bend Co.*

WHEREAS, Brightwater Homeowners Association, Inc. ("Association") is charged with administering and enforcing those certain covenants, conditions and restrictions contained in the recorded Declarations for the various sections of the community (referred to collectively as "Declarations"); and

WHEREAS, Chapter 209 of the Texas Property Code was amended effective January 1, 2012, to amend Section 209.005 ("Section 209.005") thereto regarding owner access to Association documents and records ("Records"); and

WHEREAS, the Board of Directors of the Association ("Board") desires to establish a policy for records production consistent with Section 209.005 and to provide clear and definitive guidance to property owners.

NOW, THEREFORE, the Board has duly adopted the following *Open Records Policy Resolution*.

1. Association Records shall be reasonably available to every owner. An owner may also provide access to Records to any other person (such as an attorney or CPA) they designate in writing as their agent for this purpose. To ensure a written designation is actually from the owner, the owner must include a copy of his/her photo ID or have the designation notarized.
2. An owner, or their agent as described in Section 1, must submit a written request for access to or copies of Records. The letter must:
  - a. be sent by certified mail to the Association's address as reflected in its most recent Management Certificate filed in the County public records; and
  - b. contain sufficient detail to identify the specific Records being requested; and
  - c. indicate whether the owner or agent seeks only to inspect the Records or if the specified Records should be forwarded by the Association. If to be forwarded, the letter must indicate the format, delivery method and address:
    - i. format: electronic files, compact disk or paper copies
    - ii. delivery method: email, certified mail or pick-up

3. Within ten (10) business days of receipt of the request specified in Section 2 above, the Association shall provide:
  - a. the requested Records, if copies were requested and any required advance payment had been made; or
  - b. a written notice that the Records are available and offer dates and times when the Records may be inspected by the owner or their agent during normal business hours at the office of the Association; or
  - c. a written notice that the requested Records are available for delivery once a payment of the cost to produce the records is made and stating the cost thereof; or
  - d. a written notice that a request for delivery does not contain sufficient information to specify the Records desired, the format, the delivery method and the delivery address; or
  - e. a written notice that the requested Records cannot be produced within ten (10) business days but will be available within fifteen (15) additional business days from the date of the notice and payment of the cost to produce the records is made and stating the cost thereof.
4. The following Association Records are not available for inspection by owners or their agents:
  - a. the financial records associated with an individual owner; and
  - b. deed restriction violation details for an individual owner; and
  - c. personal information, including contact information other than an address for an individual owner; and
  - d. attorney files and records in the possession of the attorney; and
  - e. Attorney-client privileged information in the possession of the Association.
5. Association Records may be maintained in paper format or in an electronic format. If a request is made to inspect Records and certain Records are maintained in electronic format, the owner or their agent will be given access to equipment to view the electronic records. Association shall not be required to transfer such electronic records to paper format unless the owner or their agent agrees to pay the cost of producing such copies.
6. If an owner or their agent inspecting Records requests copies of certain Records during the inspection, Association shall provide them promptly, if possible, but no

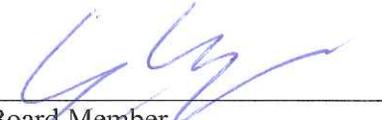
later than ten (10) business days after the inspection or payment of costs, whichever is later.

7. The owner is responsible for all costs associated with a request under this Policy, including but not limited to copies, postage, supplies, labor, overhead and third party. Fees (such as archive document retrieval fees from off-site storage locations) as listed below:
  - a. black and white 8.5 x11 single sided copies ... \$0.10 each
  - b. black and white 8.5 x11 double sided copies ... \$0.20 each
  - c. color 8.5 x11 single sided copies ... \$0.50 each
  - d. color 8.5 x11 double sided copies ... \$1.00 each
  - e. PDF images of documents ... \$0.10 per page
  - f. compact disk ... \$1.00 each
  - g. labor and overhead ... \$18.00 per hour
  - h. mailing supplies ... \$1.00 per mailing
  - i. postage ... at cost
  - j. other supplies ... at cost
  - k. third party fees ... at cost
8. Any costs associated with a Records request must be paid in advance of delivery by the owner or their agent. An owner who makes a request for Records and subsequently declines to accept delivery will be liable for payment of all costs under this Policy.
9. If the final invoice for costs incurred by the Association includes additional amounts and these amounts are not paid within thirty (30) days of the date of the invoice, the unpaid balance will be added to the owners account as an assessment under the Declaration.
10. All costs associated with fulfilling the request under this Policy will be paid by the Association's Managing Agent. All fees paid to the Association under this Policy will be reimbursed to the Associations' Managing Agent or paid directly to the Association's Managing Agent.

This Policy is effective upon adoption and recordation in the Public Records of Fort Bend County, Texas and supersedes any policy regarding open records which may have previously been in effect. Except as affected by Section 209.005 and/or by this Policy, all other provisions contained in the Declarations or any other dedicatory instruments of the Association shall remain in full force and effect.

Approved and adopted by the Board on this 20 day of DEC, 2011.

  
Board Member

  
Board Member

  
Board Member

\_\_\_\_\_  
Board Member

SECRETARY'S CERTIFICATE OF FILING

I, Kathy Renfrow, certify that:

I am the duly qualified and acting secretary of Brightwater Homeowners Association, Inc., a duly organized and existing Texas non-profit corporation.

The attached instruments are true copies of unrecorded Dedicatory Instruments, as that term is defined by Section 202.001 of the Texas Property Code, pertaining to Brightwater Homeowners Association, Inc..

The attached instruments are being presented for recording in the Official Public Records of Real Property of Fort Bend County, Texas, pursuant to Section 202.006 of the Texas Property Code.

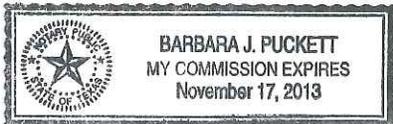
Dated: Dec 20 2011

Kathy Renfrow  
Kathy Renfrow, Secretary  
Brightwater Homeowners Association, Inc.

THE STATE OF TEXAS           §  
  §  
COUNTY OF FORT BEND       §

This instrument was acknowledged before me on the 20<sup>th</sup> day of December, 2011, by Kathy Renfrow - Sec, ~~President~~ of Brightwater Homeowners Association, Inc., a Texas non-profit corporation, on behalf of said corporation.

Barbara J. Puckett  
Notary Public in and for The State of Texas



AS PER ORIGINAL

AFTER RECORDING, RETURN TO:

Bartley & Spears, P.C.  
14811 St. Mary's Lane, Suite 270  
Houston, Texas 77079

W:\mnessa\Guidelines\Brightwater Homeowners Association, Inc.

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dianne Wilson

2012 Jan 10 11:55 AM

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CAK \$31.00

Dianne Wilson COUNTY CLERK

FT BEND COUNTY TEXAS



BRIGHTWATER HOMEOWNERS ASSOCIATION, INC.  
PAYMENT PLAN POLICY RESOLUTION

STATE OF TEXAS

COUNTY OF FORT BEND

WHEREAS, Brightwater Homeowners Association, Inc. ("Association") is charged with administering and enforcing those certain covenants, conditions and restrictions contained in the recorded Declarations for the various sections of the community (referred to collectively as "Declarations"); and

*Et Bend Co.*

WHEREAS, Chapter 209 of the Texas Property Code was amended effective January 1, 2012, to add Section 209.0062 ("Section 209.0062") thereto regarding alternative payment schedules for assessments ("Payment Plans"); and

WHEREAS, the Board of Directors of the Association ("Board") desires to establish a policy for Payment Plans consistent with Section 209.0062 and to provide clear and definitive guidance to owners.

NOW, THEREFORE, the Board has duly adopted the following *Payment Plan Policy Resolution*.

1. Subject to Section 11 below, owners are entitled to make partial payments for delinquent amounts owed to the Association under a Payment Plan in compliance with this Policy.
2. Late fees, penalties and delinquent collection related fees will be not be added to the owner's account while the Payment Plan is active. The Association may impose a fee for administering a Payment Plan. Such fee, if any, will be listed on the Payment Plan form and may change from time-to-time. Interest will continue to accrue during a Payment Plan as allowed under the Declarations.
3. All Payment Plans must be in writing on the form provided by the Association and signed by the Owner.
4. A Payment Plan becomes effective upon:
  - a. receipt of a fully completed and signed Payment Plan form; and
  - b. receipt of the first payment under the plan; and
  - c. acceptance by the Association as compliant with this Policy

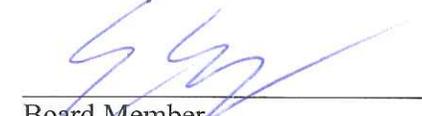
5. A Payment Plan may be as short as three (3) months and as long as eighteen (18) months based on the guidelines below. The durations listed below are provided as guidelines to assist owners in submitting a Request for Payment Plan.
  - a. Total balance up to 2 times annual assessment ... up to 6 months
  - b. Total balance up to 3 times annual assessment ... up to 12 months
  - c. Total balance greater than 3 times annual assessment ... up to 18 months
6. A Payment Plan must include sequential monthly payments. The total of all proposed payments must equal the current balance plus Payment Plan administrative fees, if any, plus all accrued interest.
7. If an owner requests a Payment Plan that will extend into the next assessment cycle, the owner will be required to pay future assessments by the due date in addition to the payments specified in the Payment Plan.
8. If an owner defaults on the terms of the Payment Plan, the Payment Plan will be voided. The Association will provide written notice to the owner that the Payment Plan has been voided. It is considered a default of the Payment Plan, if the owner:
  - a. fails to return a signed Payment Plan form with the initial payment; or
  - b. misses a payment due in a calendar month; or
  - c. makes a payment for less than the agreed upon amount; or
  - d. fails to pay a future assessment by the due date in a Payment Plan which spans additional assessment cycles.
9. On a case-by-case basis, the Association may agree, but has no obligation, to reinstate a voided Payment Plan once during the original duration of the Payment Plan if all missed payments are made up at the time the owner submits a written request for reinstatement.
10. If a Payment Plan is voided, the full amount due by the owner shall immediately become due. The Association will resume the process for collecting amounts owed using all remedies available under the Declarations and Texas law.
11. The Association has no obligation to accept a Payment Plan from any owner who has defaulted on the terms of a Payment Plan within the last two calendar (2) years.

The guidelines are effective upon adoption and recordation in the Public Records of Fort Bend County, Texas and supersede any guidelines for payment plans which may have previously been in effect. Except as affected by Section 202.011 and/or by these guidelines, all other provisions

contained in the Declarations or any other dedicatory instruments of the Association shall remain in full force and effect.

Approved and adopted by the Board on this 20 day of Dec, 2011.

  
Board Member

  
Board Member

  
Board Member

\_\_\_\_\_  
Board Member

SECRETARY'S CERTIFICATE OF FILING

I, Kathy Renfrow, certify that:

I am the duly qualified and acting secretary of Brightwater Homeowners Association, Inc., a duly organized and existing Texas non-profit corporation.

The attached instruments are true copies of unrecorded Dedicatory Instruments, as that term is defined by Section 202.001 of the Texas Property Code, pertaining to Brightwater Homeowners Association, Inc..

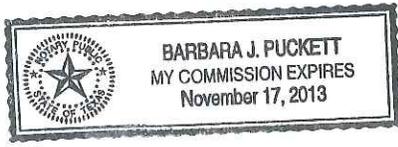
The attached instruments are being presented for recording in the Official Public Records of Real Property of Fort Bend County, Texas, pursuant to Section 202.006 of the Texas Property Code.

Dated: Dec 20 2011 Kathy Renfrow, Secretary  
Kathy Renfrow, Secretary  
Brightwater Homeowners Association, Inc.

THE STATE OF TEXAS           §  
  §  
COUNTY OF FORT BEND       §

This instrument was acknowledged before me on the 20<sup>th</sup> day of December, 2011, by Kathy Renfrow - Sec, ~~President~~ of Brightwater Homeowners Association, Inc., a Texas non-profit corporation, on behalf of said corporation.

Barbara J. Puckett  
Notary Public in and for The State of Texas



AS PER ORIGINAL

AFTER RECORDING, RETURN TO:  
  
Bartley & Spears, P.C.  
14811 St. Mary's Lane, Suite 270  
Houston, Texas 77079

**FILED AND RECORDED**  
OFFICIAL PUBLIC RECORDS  
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Dianne Wilson COUNTY CLERK  
FT BEND COUNTY TEXAS



BRIGHTWATER HOMEOWNERS ASSOCIATION, INC.  
GUIDELINES FOR RAINWATER RECOVERY SYSTEMS

STATE OF TEXAS

COUNTY OF FORT BEND

*Ft Bend Co.*

WHEREAS, Brightwater Homeowners Association, Inc. ("Association") is charged with administering and enforcing those certain covenants, conditions and restrictions contained in the recorded Declarations for the various sections of the community (referred to collectively as "Declarations"); and

WHEREAS, Chapter 202 of the Texas Property Code was amended effective September 1, 2011, to amend Section 202.007(d) ("Section 202.007") thereto dealing with rain barrels and rainwater harvesting systems (referred to collectively as "Rainwater Recovery Systems" or "Systems"); and

WHEREAS, the Board of Directors of the Association ("Board") has determined that in connection with maintaining the aesthetics and architectural harmony of the community, and to provide clear and definitive guidance regarding the installation and maintenance of Rainwater Recovery Systems therein, it is appropriate for the Association to adopt guidelines regarding Rainwater Recovery Systems.

NOW, THEREFORE, the Board has duly adopted the following *Guidelines for Rainwater Recovery Systems* within the community.

1. Rainwater Recovery Systems may be installed with advance written approval of the Association subject to these guidelines.
2. All such Systems must be installed on land owned by the property owner. No portion of the Systems may encroach on adjacent properties or common areas.
3. Other than gutters and downspouts conventionally attached to a dwelling or appurtenant structure, all components of the Systems, such as tanks, barrels, filters, pumps, motors, pressure tanks, pipes and hoses, must be substantially screened from public view from any street or common area. Screening may be accomplished by:
  - a. placement behind a solid fence, a structure or vegetation; or
  - b. by burying the tanks or barrels; or
  - c. by placing equipment in an outbuilding otherwise approved by the Association.

4. A rain barrel may be placed in a location visible from public view from any street or common area only if the configuration of the guttering system on the structure precludes screening as described above with the following restrictions:
  - a. the barrel must not exceed 55 gallons;
  - b. the barrel must be installed in close proximity to the structure on a level base with the guttering downspout leading directly to the barrel inlet at a substantially vertical angle; and
  - c. the barrel must be fully painted in a single color to blend with the adjacent home or vegetation; and
  - d. any hose attached to the barrel discharge must be neatly coiled and stored behind or beside the rain barrel in the least visible position when not in use
5. Overflow lines from the Systems must not be directed onto or adversely affect adjacent properties or common areas.
6. Inlets, ports, vents and other openings must be sealed or protected with mesh to prevent children, animals and debris from entering the barrels, tanks or other storage devices. Open top storage containers are not allowed, however, where space allows and where appropriate, Association approved ponds may be used for water storage.
7. Harvested water must be used and not allowed to become stagnant or a threat to health.
8. All Systems must be maintained in good repair. Unused Systems should be drained and disconnected from the gutters. Any unused Systems in public view must be removed from public view from any street or common area.

The guidelines are effective upon adoption and recordation in the Public Records of Fort Bend County, Texas and supersede any guidelines for rainwater recovery systems which may have previously been in effect. Except as affected by Section 202.007 and/or by these guidelines, all other provisions contained in the Declarations or any other dedicatory instruments of the Association shall remain in full force and effect.

Approved and adopted by the Board on this 20 day of December, 2011.

  
Board Member

  
Board Member

  
Board Member

\_\_\_\_\_  
Board Member

SECRETARY'S CERTIFICATE OF FILING

I, Kathy Renfrow, certify that:

I am the duly qualified and acting secretary of Brightwater Homeowners Association, Inc., a duly organized and existing Texas non-profit corporation.

The attached instruments are true copies of unrecorded Dedicatory Instruments, as that term is defined by Section 202.001 of the Texas Property Code, pertaining to Brightwater Homeowners Association, Inc..

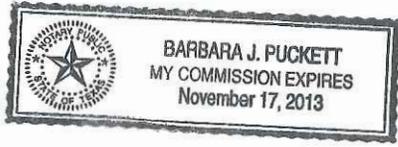
The attached instruments are being presented for recording in the Official Public Records of Real Property of Fort Bend County, Texas, pursuant to Section 202.006 of the Texas Property Code.

Dated: Dec 20 2011 Kathy Renfrow  
Kathy Renfrow, Secretary  
Brightwater Homeowners Association, Inc.

THE STATE OF TEXAS §  
§  
COUNTY OF FORT BEND §

This instrument was acknowledged before me on the 20<sup>th</sup> day of December, 2011, by Kathy Renfrow - Sec, President of Brightwater Homeowners Association, Inc., a Texas non-profit corporation, on behalf of said corporation.

Barbara J. Puckett  
Notary Public in and for The State of Texas



AFTER RECORDING, RETURN TO:  
Bartley & Spears, P.C.  
14811 St. Mary's Lane, Suite 270  
Houston, Texas 77079

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS  
Dianne Wilson  
2012 Jan 10 11:55 AM 2012003285  
CAK \$27.00  
Dianne Wilson COUNTY CLERK  
FT BEND COUNTY TEXAS

AS PER ORIGINAL



BRIGHTWATER HOMEOWNERS ASSOCIATION, INC.  
RECORD RETENTION POLICY RESOLUTION

STATE OF TEXAS

COUNTY OF FORT BEND

*Et Bend Co.*

WHEREAS, Brightwater Homeowners Association, Inc. ("Association") is charged with administering and enforcing those certain covenants, conditions and restrictions contained in the recorded Declarations for the various sections of the community (referred to collectively as "Declarations"); and

WHEREAS, Chapter 209 of the Texas Property Code was amended effective January 1, 2012, to add Section 209.005(m) ("Section 209.005") thereto regarding retention of Association documents and records ("Documents"); and

WHEREAS, the Board of Directors of the Association ("Board") desires to establish a policy for document retention consistent with Section 209.005 and to provide clear and definitive guidance to Owners.

NOW, THEREFORE, the Board has duly adopted the following *Record Retention Policy Resolution*.

1. Association Documents may be maintained in paper format or in an electronic format this can be readily transferred to paper.
2. Association Documents shall be retained for the durations listed below:
  - a. certificate of formation or articles of incorporation, bylaws, restrictive covenants, other dedicatory instruments and any amendments to same shall be retained permanently; and
  - b. financial books and records, including annual budgets, reserve studies, monthly financial statements and bank statements, shall be retained for seven (7) years; and
  - c. account records of current owners shall be retained for five (5) years; and
  - d. account records of former owners shall be retained for one (1) year after they no longer have an ownership interest in the property; and
  - e. contracts with a term of one year or more shall be retained for four (4) years after the expiration of the contract term; and
  - f. minutes of meetings of the owners and the Board shall be retained for seven (7) years after the date of the meeting; and

- g. tax returns and audit records shall be retained for seven (7) years after the last date of the return or audit year; and
- h. decisions of the of the Board regarding applications, variances, waivers or related matters associated with individual properties shall be retained for five (5) years from the decision date; and
- i. Any Documents not described above may be retained for the duration deemed to be useful to the purpose of the Association, in the discretion of the Board, its attorney or its managing agent.
- j. Upon expiration of the retention period listed above, the Documents and may be destroyed, discarded, deleted, purged or otherwise eliminated.

This Policy is effective upon adoption and recordation in the Public Records of FORT BEND County, Texas and supersedes any policy regarding record retention which may have previously been in effect. Except as affected by Section 209.005 and/or by this Policy, all other provisions contained in the Declarations or any other dedicatory instruments of the Association shall remain in full force and effect.

Approved and adopted by the Board on this 20 day of DEC, 2011.

  
Board Member

  
Board Member

  
Board Member

\_\_\_\_\_  
Board Member

SECRETARY'S CERTIFICATE OF FILING

I, Kathy Renfrow, certify that:

I am the duly qualified and acting secretary of Brightwater Homeowners Association, Inc., a duly organized and existing Texas non-profit corporation.

The attached instruments are true copies of unrecorded Dedicatory Instruments, as that term is defined by Section 202.001 of the Texas Property Code, pertaining to Brightwater Homeowners Association, Inc..

The attached instruments are being presented for recording in the Official Public Records of Real Property of Fort Bend County, Texas, pursuant to Section 202.006 of the Texas Property Code.

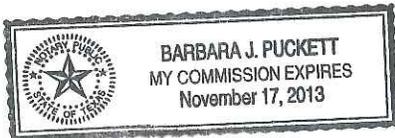
Dated: 12-20-2011

Kathy Renfrow  
Kathy Renfrow, Secretary  
Brightwater Homeowners Association, Inc.

THE STATE OF TEXAS           §  
  §  
COUNTY OF FORT BEND       §

This instrument was acknowledged before me on the 20<sup>th</sup> day of December, 2011, by Kathy Renfrow-Sec, ~~President~~ of Brightwater Homeowners Association, Inc., a Texas non-profit corporation, on behalf of said corporation.

Barbara J. Puckett  
Notary Public in and for The State of Texas



AS PER ORIGINAL

AFTER RECORDING, RETURN TO:  
  
Bartley & Spears, P.C.  
14811 St. Mary's Lane, Suite 270  
Houston, Texas 77079

**FILED AND RECORDED**  
  
OFFICIAL PUBLIC RECORDS  
Dianne Wilson  
2012 Jan 10 11:55 AM      2012003287  
CAK \$23.00  
Dianne Wilson COUNTY CLERK  
FT BEND COUNTY TEXAS

BRIGHTWATER HOMEOWNERS ASSOCIATION, INC.  
GUIDELINES FOR DISPLAY OF CERTAIN RELIGIOUS ITEMS

STATE OF TEXAS

COUNTY OF FORT BEND

WHEREAS, Brightwater Homeowners Association, Inc. ("Association") is charged with administering and enforcing those certain covenants, conditions and restrictions contained in the recorded Declarations for the various sections of the community (referred to collectively as "Declarations"); and

WHEREAS, Chapter 202 of the Texas Property Code was amended effective June 20, 2011, to add Section 202.018 ("Section 202.018") thereto dealing with the regulation of display of certain religious item; and

WHEREAS, the Board of Directors of the Association ("Board") has determined that in connection with maintaining the aesthetics and architectural harmony of the community, and to provide clear and definitive guidance regarding the display of certain religious items therein, it is appropriate for the Association to adopt guidelines regarding the display of certain religious items within the community.

NOW, THEREFORE, the Board has duly adopted the following *Guidelines for Display of Certain Religious items* within the community.

1. A property owner or resident may display or attach one or more religious items to each or any entry to their dwelling. Such items may include anything related to any faith that is motivated by the resident's sincere religious belief or tradition.
2. Individually or in combination with each other, the items at any entry may not exceed 25 square inches total in size.
3. The items may only be displayed on or attached to the entry door or frame and may not extend beyond the outside edge of the door frame.
4. To the extent allowed by the Texas state constitution and the United States constitution, any such displayed or affixed religious items may not:
  - a. threaten public health or safety;
  - b. or violate any law; or
  - c. Contain language, graphics or any display that is patently offensive to a passerby.

5. Approval from the Association is not required for displaying religious items in compliance with these guidelines.
6. The Association may remove any items displayed in violation of these guidelines.

The guidelines are effective upon adoption and recordation in the Public Records of Fort Bend County, Texas and supersede any guidelines for certain religious items which may have previously been in effect. Except as affected by Section 202.018 and/or by these guidelines, all other provisions contained in the Declarations or any other dedicatory instruments of the Association shall remain in full force and effect.

Approved and adopted by the Board on this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Board Member

\_\_\_\_\_  
Board Member

\_\_\_\_\_  
Board Member

\_\_\_\_\_  
Board Member

**SECRETARY'S CERTIFICATE OF FILING**

I, \_\_\_\_\_, certify that:

I am the duly qualified and acting secretary of Brightwater Homeowners Association, Inc., a duly organized and existing Texas non-profit corporation.

The attached instruments are true copies of unrecorded Dedicatory Instruments, as that term is defined by Section 202.001 of the Texas Property Code, pertaining to Brightwater Homeowners Association, Inc..

The attached instruments are being presented for recording in the Official Public Records of Real Property of Fort Bend County, Texas, pursuant to Section 202.006 of the Texas Property Code.

Dated: \_\_\_\_\_

\_\_\_\_\_, Secretary  
Brightwater Homeowners Association, Inc.

THE STATE OF TEXAS            §  
  §  
COUNTY OF FORT BEND       §

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2011, by \_\_\_\_\_, President of Brightwater Homeowners Association, Inc., a Texas non-profit corporation, on behalf of said corporation.

\_\_\_\_\_  
Notary Public in and for The State of Texas

AFTER RECORDING, RETURN TO:

Bartley & Spears, P.C.  
14811 St. Mary's Lane, Suite 270  
Houston, Texas 77079

BRIGHTWATER HOMEOWNERS ASSOCIATION, INC.  
GUIDELINES FOR RAINWATER RECOVERY SYSTEMS

STATE OF TEXAS

COUNTY OF FORT BEND

WHEREAS, Brightwater Homeowners Association, Inc. ("Association") is charged with administering and enforcing those certain covenants, conditions and restrictions contained in the recorded Declarations for the various sections of the community (referred to collectively as "Declarations"); and

WHEREAS, Chapter 202 of the Texas Property Code was amended effective September 1, 2011, to amend Section 202.007(d) ("Section 202.007") thereto dealing with rain barrels and rainwater harvesting systems (referred to collectively as "Rainwater Recovery Systems" or "Systems"); and

WHEREAS, the Board of Directors of the Association ("Board") has determined that in connection with maintaining the aesthetics and architectural harmony of the community, and to provide clear and definitive guidance regarding the installation and maintenance of Rainwater Recovery Systems therein, it is appropriate for the Association to adopt guidelines regarding Rainwater Recovery Systems.

NOW, THEREFORE, the Board has duly adopted the following *Guidelines for Rainwater Recovery Systems* within the community.

1. Rainwater Recovery Systems may be installed with advance written approval of the Association subject to these guidelines.
2. All such Systems must be installed on land owned by the property owner. No portion of the Systems may encroach on adjacent properties or common areas.
3. Other than gutters and downspouts conventionally attached to a dwelling or appurtenant structure, all components of the Systems, such as tanks, barrels, filters, pumps, motors, pressure tanks, pipes and hoses, must be substantially screened from public view from any street or common area. Screening may be accomplished by:
  - a. placement behind a solid fence, a structure or vegetation; or
  - b. by burying the tanks or barrels; or
  - c. by placing equipment in an outbuilding otherwise approved by the Association.

4. A rain barrel may be placed in a location visible from public view from any street or common area only if the configuration of the guttering system on the structure precludes screening as described above with the following restrictions:
  - a. the barrel must not exceed 55 gallons;
  - b. the barrel must be installed in close proximity to the structure on a level base with the guttering downspout leading directly to the barrel inlet at a substantially vertical angle; and
  - c. the barrel must be fully painted in a single color to blend with the adjacent home or vegetation; and
  - d. any hose attached to the barrel discharge must be neatly coiled and stored behind or beside the rain barrel in the least visible position when not in use
5. Overflow lines from the Systems must not be directed onto or adversely affect adjacent properties or common areas.
6. Inlets, ports, vents and other openings must be sealed or protected with mesh to prevent children, animals and debris from entering the barrels, tanks or other storage devices. Open top storage containers are not allowed, however, where space allows and where appropriate, Association approved ponds may be used for water storage.
7. Harvested water must be used and not allowed to become stagnant or a threat to health.
8. All Systems must be maintained in good repair. Unused Systems should be drained and disconnected from the gutters. Any unused Systems in public view must be removed from public view from any street or common area.

The guidelines are effective upon adoption and recordation in the Public Records of Fort Bend County, Texas and supersede any guidelines for rainwater recovery systems which may have previously been in effect. Except as affected by Section 202.007 and/or by these guidelines, all other provisions contained in the Declarations or any other dedicatory instruments of the Association shall remain in full force and effect.

Approved and adopted by the Board on this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Board Member

\_\_\_\_\_  
Board Member

\_\_\_\_\_  
Board Member

\_\_\_\_\_  
Board Member

**SECRETARY'S CERTIFICATE OF FILING**

I, \_\_\_\_\_, certify that:

I am the duly qualified and acting secretary of Brightwater Homeowners Association, Inc., a duly organized and existing Texas non-profit corporation.

The attached instruments are true copies of unrecorded Dedicatory Instruments, as that term is defined by Section 202.001 of the Texas Property Code, pertaining to Brightwater Homeowners Association, Inc..

The attached instruments are being presented for recording in the Official Public Records of Real Property of Fort Bend County, Texas, pursuant to Section 202.006 of the Texas Property Code.

Dated: \_\_\_\_\_

\_\_\_\_\_, Secretary  
Brightwater Homeowners Association, Inc.

THE STATE OF TEXAS            §  
  §  
COUNTY OF FORT BEND        §

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2011, by \_\_\_\_\_, President of Brightwater Homeowners Association, Inc., a Texas non-profit corporation, on behalf of said corporation.

\_\_\_\_\_  
Notary Public in and for The State of Texas

AFTER RECORDING, RETURN TO:

Bartley & Spears, P.C.  
14811 St. Mary's Lane, Suite 270  
Houston, Texas 77079

BRIGHTWATER HOMEOWNERS ASSOCIATION, INC.  
GUIDELINES FOR SOLAR ENERGY DEVICES

STATE OF TEXAS

COUNTY OF FORT BEND

WHEREAS, Brightwater Homeowners Association, Inc. ("Association") is charged with administering and enforcing those certain covenants, conditions and restrictions contained in the recorded Declarations for the various sections of the community (referred to collectively as "Declarations"); and

WHEREAS, Chapter 202 of the Texas Property Code was amended effective June 20, 2011, to add Section 202.010 ("Section 202.010") thereto dealing with the regulation of solar energy devices; and

WHEREAS, the Board of Directors of the Association ("Board") has determined that in connection with maintaining the aesthetics and architectural harmony of the community, and to provide clear and definitive guidance regarding solar energy devices therein, it is appropriate for the Association to adopt guidelines regarding solar energy devices within the community.

NOW, THEREFORE, the Board has duly adopted the following *Guidelines for Solar Energy Devices* within the community.

1. These guidelines apply to solar energy devices ("Devices") as defined in Section 171.107(a) of the Texas Tax Code. A solar energy device means 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 energy. 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.
2. Such Devices may only be installed with advance written approval of the Association; subject to these guidelines.
3. Any such Device must be installed on land or structures owned by the property owner. No portion of the Devices may encroach on adjacent properties or common areas.
4. Such Devices may only be installed in the following locations:
  - a. on the roof of the main residential dwelling; or

- b. on the roof of any other approved structure; or
- c. within a fenced yard or patio.

5. For Devices mounted on a roof, the Device must:

- a. have no portion of the Device higher than the roof section to which it is attached.

The guidelines are effective upon adoption and recordation in the Public Records of Fort Bend County, Texas and supersede any guidelines for solar energy devices which may have previously been in effect. Except as affected by Section 202.010 and/or by these guidelines, all other provisions contained in the Declarations or any other dedicatory instruments of the Association shall remain in full force and effect.

Approved and adopted by the Board on this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Board Member

\_\_\_\_\_  
Board Member

\_\_\_\_\_  
Board Member

\_\_\_\_\_  
Board Member

**SECRETARY'S CERTIFICATE OF FILING**

I, \_\_\_\_\_, certify that:

I am the duly qualified and acting secretary of Brightwater Homeowners Association, Inc., a duly organized and existing Texas non-profit corporation.

The attached instruments are true copies of unrecorded Dedicatory Instruments, as that term is defined by Section 202.001 of the Texas Property Code, pertaining to Brightwater Homeowners Association, Inc..

The attached instruments are being presented for recording in the Official Public Records of Real Property of FORT BEND County, Texas, pursuant to Section 202.006 of the Texas Property Code.

Dated: \_\_\_\_\_

\_\_\_\_\_, Secretary  
Brightwater Homeowners Association, Inc.

THE STATE OF TEXAS            §  
  §  
COUNTY OF FORT BEND        §

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2011, by \_\_\_\_\_, President of Brightwater Homeowners Association, Inc., a Texas non-profit corporation, on behalf of said corporation.

\_\_\_\_\_  
Notary Public in and for The State of Texas

AFTER RECORDING, RETURN TO:

Bartley & Spears, P.C.  
14811 St. Mary's Lane, Suite 270  
Houston, Texas 77079

BRIGHTWATER HOMEOWNERS ASSOCIATION, INC.  
GUIDELINES FOR ROOFING MATERIALS

STATE OF TEXAS

COUNTY OF FORT BEND

WHEREAS, Brightwater Homeowners Association, Inc. ("Association") is charged with administering and enforcing those certain covenants, conditions and restrictions contained in the recorded Declarations for the various sections of the community (referred to collectively as "Declarations"); and

WHEREAS, Chapter 202 of the Texas Property Code was amended effective June 20, 2011, to add Section 202.011 ("Section 202.011") thereto dealing with the regulation of roofing materials; and

WHEREAS, the Board of Directors of the Association ("Board") has determined that in connection with maintaining the aesthetics and architectural harmony of the community, and to provide clear and definitive guidance regarding roofing materials therein, it is appropriate for the Association to adopt guidelines regarding roofing materials within the community.

NOW, THEREFORE, the Board has duly adopted the following *Guidelines for Roofing Materials* within the community.

1. All buildings shall be roofed with composition shingles unless otherwise approved in writing by the Association. Wood shingles are specifically prohibited.
2. Composition shingles must weigh at least 230 pounds per square and have a stated warranty of at least 25 years. Shingles must have a laminated design. Three-tab shingles are specifically prohibited except for use as a starter and cap rows.
3. Acceptable colors are\_\_\_\_\_. Tile and built up roofs must be earthtone in color (i.e. black, brown, tan or gray, no blues, reds or yellows).
4. Ridge vents are encouraged, to improve ventilation, reduce attic temperature and reduce cooling costs, but are not required.
5. All roof protrusions, such as vents, roof jacks, must be painted to match the shingles.
6. Subject to Section 7 below and with advance written approval from the Association, an owner may install shingles ("Alternative Shingles") which are designed primarily to:

- a. provide heating or cooling efficiencies greater than traditional composition shingles; or
  - b. provide solar energy capture capabilities; or
  - c. provide greater resistance and to wind and hail damage.
7. Once installed, any such Alternative Shingles must:
- a. resemble the shingles used or authorized to be used on other structures within the Association;
  - b. be more durable than and of equal or superior quality to the shingles used or authorized to be used on other structures within the Association; and
  - c. match the aesthetics of properties surrounding the owner's property.

The guidelines are effective upon adoption and recordation in the Public Records of Fort Bend County, Texas and supersede any guidelines for roofing materials which may have previously been in effect. Except as affected by Section 202.011 and/or by these guidelines, all other provisions contained in the Declarations or any other dedicatory instruments of the Association shall remain in full force and effect.

Approved and adopted by the Board on this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Board Member

\_\_\_\_\_  
Board Member

\_\_\_\_\_  
Board Member

\_\_\_\_\_  
Board Member

**SECRETARY'S CERTIFICATE OF FILING**

I, \_\_\_\_\_, certify that:

I am the duly qualified and acting secretary of Brightwater Homeowners Association, Inc., a duly organized and existing Texas non-profit corporation.

The attached instruments are true copies of unrecorded Dedicatory Instruments, as that term is defined by Section 202.001 of the Texas Property Code, pertaining to Brightwater Homeowners Association, Inc..

The attached instruments are being presented for recording in the Official Public Records of Real Property of FORT BEND County, Texas, pursuant to Section 202.006 of the Texas Property Code.

Dated: \_\_\_\_\_

\_\_\_\_\_, Secretary  
Brightwater Homeowners Association, Inc.

THE STATE OF TEXAS           §  
  §  
COUNTY OF FORT BEND       §

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2011, by \_\_\_\_\_, President of Brightwater Homeowners Association, Inc., a Texas non-profit corporation, on behalf of said corporation.

\_\_\_\_\_  
Notary Public in and for The State of Texas

AFTER RECORDING, RETURN TO:

Bartley & Spears, P.C.  
14811 St. Mary's Lane, Suite 270  
Houston, Texas 77079

BRIGHTWATER HOMEOWNERS ASSOCIATION, INC.  
GUIDELINES FOR DISPLAY OF FLAGS

STATE OF TEXAS

COUNTY OF FORT BEND

WHEREAS, Brightwater Homeowners Association, Inc. ("Association") is charged with administering and enforcing those certain covenants, conditions and restrictions contained in the recorded Declarations for the various sections of the community (referred to collectively as "Declarations"); and

WHEREAS, Chapter 202 of the Texas Property Code was amended effective June 20, 2011, to add Section 202.011 ("Section 202.011") thereto regarding the display of flags; and

WHEREAS, the Board of Directors of the Association ("Board") has determined that in connection with maintaining the aesthetics and architectural harmony of the community, and to provide clear and definitive guidance regarding the display of flags therein, it is appropriate for the Association to adopt guidelines regarding the display of flags.

NOW, THEREFORE, the Board has duly adopted the following *Guidelines for Display of Flags* within the community.

1. These Guidelines apply to the display of ("Permitted Flags"):
  - a. the flag of the United States; and
  - b. the flag of the State of Texas; and
  - c. the official flag of any branch of the United States armed forces.
2. These Guidelines do not apply to any flags other than the Permitted Flags listed in Section 1 above including, but not limited to:
  - a. flags for schools, sports teams, businesses or foreign countries; or
  - b. flags with marketing, seasonal, historical, commemorative, nautical, political or religious themes; or
  - c. historical versions of flags permitted in Section 1 above.
3. Permitted Flags may be displayed subject to these guidelines. Advance written approval of the Association is required for any free-standing flagpole and any additional illumination associated with the display of Permitted Flags.

4. Permitted Flags must be displayed in a respectful manner in accordance with the current relevant federal, state or military code.
5. Permitted Flags must be displayed from a pole attached to a structure or to a free-standing pole. Permitted Flags may not be draped over or directly attached to structures. For example, a Permitted Flag may not be laid across a fence or stapled to a garage door.
6. Permitted Flags shall be no larger than three foot (3') by five foot (5') in size.
7. Only one Permitted Flag may be displayed on a flagpole attached to a structure. Up to two Permitted Flags may be displayed on an approved free-standing flagpole that is at least fourteen feet (14') tall.
8. Flagpoles must be constructed of permanent, long-lasting materials with an appropriate finish that is harmonious with the dwelling.
9. A flagpole attached to a structure may be up to six feet (6') long and must be securely attached with a bracket with an angle of 30 to 45 degrees down from vertical. The flagpole must be attached in such a manner as to not damage the structure. One attached flagpole is allowed on any portion of a structure facing a street and one attached flagpole is allowed on the rear or backyard portion of a structure. Brackets which accommodate multiple flagpoles are not allowed.
10. Free-standing flagpoles may be up to twenty feet (20') tall, including any ornamental caps. Free-standing flagpoles must be permanently installed in the ground according to manufacturer's instructions. One free-standing flagpole is allowed in the portion of the owner's property between the main residential dwelling and any street and one free-standing flagpole is allowed in the rear or backyard portion of a property.
11. Free-standing flagpoles may not be installed in any location described below:
  - a. in any location other than the Owner's property; or
  - b. within a ground utility easement or encroaching into an aerial easement; or
  - c. beyond the side or rear setback lines; or
  - d. beyond half the distance of the front setback line (for example, on a lot with a 30' front setback line, a flagpole may not be installed closer than 15' from the front property line); or closer to a dwelling on an adjacent lot than the height of the flagpole (for example, a 20' flagpole cannot be installed closer than 20' from an adjacent house).

12. Lighting may be installed to illuminate Permitted Flags if they will be displayed at night and if existing ambient lighting does not provide proper illumination. Flag lighting must:
  - a. be ground mounted in the vicinity of the flag; and
  - b. utilize a fixture that screens the bulb and directs light in the intended direction with minimal spillover; and
  - c. point towards the flag and face the main structure on the property or to the center of the property if there is no structure; and
  - d. provide illumination not to exceed the equivalent of a 60 watt incandescent bulb.
13. Flagpoles must not generate unreasonable noise levels which would disturb the quiet enjoyment of other residents. Each flagpole owner should take steps to reduce noise levels by using vinyl or plastic snap hooks, installing snap hook covers or securing a loose halyard (rope) around the flagpole with a flagpole clasp.
14. Flagpoles are allowed solely for the purpose of displaying Permitted Flags. If a flagpole is no longer used on a daily basis, it must be removed.
15. All flags and flagpoles must be maintained in good condition. Deteriorated flags must be removed and promptly replaced. Deteriorated or structurally unsafe flagpoles must be promptly repaired, replaced or removed.

The guidelines are effective upon adoption and recordation in the Public Records of FORT BEND County, Texas and supersede any guidelines for display of flags which may have previously been in effect. Except as affected by Section 202.011 and/or by these guidelines, all other provisions contained in the Declarations or any other dedicatory instruments of the Association shall remain in full force and effect.

Approved and adopted by the Board on this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Board Member

\_\_\_\_\_  
Board Member

\_\_\_\_\_  
Board Member

\_\_\_\_\_  
Board Member

**SECRETARY'S CERTIFICATE OF FILING**

I, \_\_\_\_\_, certify that:

I am the duly qualified and acting secretary of Brightwater Homeowners Association, Inc., a duly organized and existing Texas non-profit corporation.

The attached instruments are true copies of unrecorded Dedicatory Instruments, as that term is defined by Section 202.001 of the Texas Property Code, pertaining to Brightwater Homeowners Association, Inc..

The attached instruments are being presented for recording in the Official Public Records of Real Property of Fort Bend County, Texas, pursuant to Section 202.006 of the Texas Property Code.

Dated: \_\_\_\_\_

\_\_\_\_\_, Secretary  
Brightwater Homeowners Association, Inc.

THE STATE OF TEXAS           §  
  §  
COUNTY OF FORT BEND       §

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2011, by \_\_\_\_\_, President of Brightwater Homeowners Association, Inc., a Texas non-profit corporation, on behalf of said corporation.

\_\_\_\_\_  
Notary Public in and for The State of Texas

AFTER RECORDING, RETURN TO:

Bartley & Spears, P.C.  
14811 St. Mary's Lane, Suite 270  
Houston, Texas 77079

BRIGHTWATER HOMEOWNERS ASSOCIATION, INC.  
PAYMENT PLAN POLICY RESOLUTION

STATE OF TEXAS

COUNTY OF FORT BEND

WHEREAS, Brightwater Homeowners Association, Inc. ("Association") is charged with administering and enforcing those certain covenants, conditions and restrictions contained in the recorded Declarations for the various sections of the community (referred to collectively as "Declarations"); and

WHEREAS, Chapter 209 of the Texas Property Code was amended effective January 1, 2012, to add Section 209.0062 ("Section 209.0062") thereto regarding alternative payment schedules for assessments ("Payment Plans"); and

WHEREAS, the Board of Directors of the Association ("Board") desires to establish a policy for Payment Plans consistent with Section 209.0062 and to provide clear and definitive guidance to owners.

NOW, THEREFORE, the Board has duly adopted the following *Payment Plan Policy Resolution*.

1. Subject to Section 12 below, owners are entitled to make partial payments for delinquent amounts owed to the Association under a Payment Plan in compliance with this Policy.
2. Late fees, penalties and delinquent collection related fees will be not be added to the owner's account while the Payment Plan is active. The Association may impose a fee for administering a Payment Plan. Such fee, if any, will be listed on the Payment Plan form and may change from time-to-time. Interest will continue to accrue during a Payment Plan as allowed under the Declarations.
3. All Payment Plans must be in writing on the form provided by the Association and signed by the Owner.
4. A Payment Plan becomes effective upon:
  - a. receipt of a fully completed and signed Payment Plan form; and
  - b. receipt of the first payment under the plan; and
  - c. acceptance by the Association as compliant with this Policy

5. A Payment Plan may be as short as three (3) months and as long as eighteen (18) months based on the guidelines below. The durations listed below are provided as guidelines to assist owners in submitting a Request for Payment Plan.
  - a. Total balance up to 2 times annual assessment ... up to 6 months
  - b. Total balance up to 3 times annual assessment ... up to 12 months
  - c. Total balance greater than 3 times annual assessment ... up to 18 months
6. A Payment Plan must include sequential monthly payments. The total of all proposed payments must equal the current balance plus Payment Plan administrative fees, if any, plus all accrued interest.
7. If an owner requests a Payment Plan that will extend into the next assessment cycle, the owner will be required to pay future assessments by the due date in addition to the payments specified in the Payment Plan.
8. If an owner defaults on the terms of the Payment Plan, the Payment Plan will be voided. The Association will provide written notice to the owner that the Payment Plan has been voided. It is considered a default of the Payment Plan, if the owner:
  - a. fails to return a signed Payment Plan form with the initial payment; or
  - b. misses a payment due in a calendar month; or
  - c. makes a payment for less than the agreed upon amount; or
  - d. fails to pay a future assessment by the due date in a Payment Plan which spans additional assessment cycles.
9. On a case-by-case basis, the Association may agree, but has no obligation, to reinstate a voided Payment Plan once during the original duration of the Payment Plan if all missed payments are made up at the time the owner submits a written request for reinstatement.
10. If a Payment Plan is voided, the full amount due by the owner shall immediately become due. The Association will resume the process for collecting amounts owed using all remedies available under the Declarations and Texas law.
11. The Association has no obligation to accept a Payment Plan from any owner who has defaulted on the terms of a Payment Plan within the last two calendar (2) years.

The guidelines are effective upon adoption and recordation in the Public Records of Fort Bend County, Texas and supersede any guidelines for payment plans which may have previously been in effect. Except as affected by Section 202.011 and/or by these guidelines, all other provisions

contained in the Declarations or any other dedicatory instruments of the Association shall remain in full force and effect.

Approved and adopted by the Board on this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Board Member

\_\_\_\_\_  
Board Member

\_\_\_\_\_  
Board Member

\_\_\_\_\_  
Board Member

**SECRETARY'S CERTIFICATE OF FILING**

I, \_\_\_\_\_, certify that:

I am the duly qualified and acting secretary of Brightwater Homeowners Association, Inc., a duly organized and existing Texas non-profit corporation.

The attached instruments are true copies of unrecorded Dedicatory Instruments, as that term is defined by Section 202.001 of the Texas Property Code, pertaining to Brightwater Homeowners Association, Inc..

The attached instruments are being presented for recording in the Official Public Records of Real Property of Fort Bend County, Texas, pursuant to Section 202.006 of the Texas Property Code.

Dated: \_\_\_\_\_

\_\_\_\_\_, Secretary  
Brightwater Homeowners Association, Inc.

THE STATE OF TEXAS           §  
  §  
COUNTY OF FORT BEND       §

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2011, by \_\_\_\_\_, President of Brightwater Homeowners Association, Inc., a Texas non-profit corporation, on behalf of said corporation.

\_\_\_\_\_  
Notary Public in and for The State of Texas

AFTER RECORDING, RETURN TO:

Bartley & Spears, P.C.  
14811 St. Mary's Lane, Suite 270  
Houston, Texas 77079

BRIGHTWATER HOMEOWNERS ASSOCIATION, INC.  
RECORD RETENTION POLICY RESOLUTION

STATE OF TEXAS

COUNTY OF FORT BEND

WHEREAS, Brightwater Homeowners Association, Inc. ("Association") is charged with administering and enforcing those certain covenants, conditions and restrictions contained in the recorded Declarations for the various sections of the community (referred to collectively as "Declarations"); and

WHEREAS, Chapter 209 of the Texas Property Code was amended effective January 1, 2012, to add Section 209.005(m) ("Section 209.005") thereto regarding retention of Association documents and records ("Documents"); and

WHEREAS, the Board of Directors of the Association ("Board") desires to establish a policy for document retention consistent with Section 209.005 and to provide clear and definitive guidance to Owners.

NOW, THEREFORE, the Board has duly adopted the following *Record Retention Policy Resolution*.

1. Association Documents may be maintained in paper format or in an electronic format this can be readily transferred to paper.
2. Association Documents shall be retained for the durations listed below:
  - a. certificate of formation or articles of incorporation, bylaws, restrictive covenants, other dedicatory instruments and any amendments to same shall be retained permanently; and
  - b. financial books and records, including annual budgets, reserve studies, monthly financial statements and bank statements, shall be retained for seven (7) years; and
  - c. account records of current owners shall be retained for five (5) years; and
  - d. account records of former owners shall be retained for one (1) year after they no longer have an ownership interest in the property; and
  - e. contracts with a term of one year or more shall be retained for four (4) years after the expiration of the contract term; and
  - f. minutes of meetings of the owners and the Board shall be retained for seven (7) years after the date of the meeting; and

- g. tax returns and audit records shall be retained for seven (7) years after the last date of the return or audit year; and
- h. decisions of the of the Board regarding applications, variances, waivers or related matters associated with individual properties shall be retained for five (5) years from the decision date; and
- i. Any Documents not described above may be retained for the duration deemed to be useful to the purpose of the Association, in the discretion of the Board, its attorney or its managing agent.
- j. Upon expiration of the retention period listed above, the Documents and may be destroyed, discarded, deleted, purged or otherwise eliminated.

This Policy is effective upon adoption and recordation in the Public Records of FORT BEND County, Texas and supersedes any policy regarding record retention which may have previously been in effect. Except as affected by Section 209.005 and/or by this Policy, all other provisions contained in the Declarations or any other dedicatory instruments of the Association shall remain in full force and effect.

Approved and adopted by the Board on this \_\_\_\_\_ day of \_\_\_\_\_ 2011.

\_\_\_\_\_  
Board Member

\_\_\_\_\_  
Board Member

\_\_\_\_\_  
Board Member

\_\_\_\_\_  
Board Member

**SECRETARY'S CERTIFICATE OF FILING**

I, \_\_\_\_\_, certify that:

I am the duly qualified and acting secretary of Brightwater Homeowners Association, Inc., a duly organized and existing Texas non-profit corporation.

The attached instruments are true copies of unrecorded Dedicatory Instruments, as that term is defined by Section 202.001 of the Texas Property Code, pertaining to Brightwater Homeowners Association, Inc..

The attached instruments are being presented for recording in the Official Public Records of Real Property of Fort Bend County, Texas, pursuant to Section 202.006 of the Texas Property Code.

Dated: \_\_\_\_\_

\_\_\_\_\_, Secretary  
Brightwater Homeowners Association, Inc.

THE STATE OF TEXAS           §  
  §  
COUNTY OF FORT BEND       §

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2011, by \_\_\_\_\_, President of Brightwater Homeowners Association, Inc., a Texas non-profit corporation, on behalf of said corporation.

\_\_\_\_\_  
Notary Public in and for The State of Texas

AFTER RECORDING, RETURN TO:

Bartley & Spears, P.C.  
14811 St. Mary's Lane, Suite 270  
Houston, Texas 77079

BRIGHTWATER HOMEOWNERS ASSOCIATION, INC.  
OPEN RECORDS POLICY RESOLUTION

STATE OF TEXAS

COUNTY OF FORT BEND

WHEREAS, Brightwater Homeowners Association, Inc. ("Association") is charged with administering and enforcing those certain covenants, conditions and restrictions contained in the recorded Declarations for the various sections of the community (referred to collectively as "Declarations"); and

WHEREAS, Chapter 209 of the Texas Property Code was amended effective January 1, 2012, to amend Section 209.005 ("Section 209.005") thereto regarding owner access to Association documents and records ("Records"); and

WHEREAS, the Board of Directors of the Association ("Board") desires to establish a policy for records production consistent with Section 209.005 and to provide clear and definitive guidance to property owners.

NOW, THEREFORE, the Board has duly adopted the following *Open Records Policy Resolution*.

1. Association Records shall be reasonably available to every owner. An owner may also provide access to Records to any other person (such as an attorney or CPA) they designate in writing as their agent for this purpose. To ensure a written designation is actually from the owner, the owner must include a copy of his/her photo ID or have the designation notarized.
2. An owner, or their agent as described in Section 1, must submit a written request for access to or copies of Records. The letter must:
  - a. be sent by certified mail to the Association's address as reflected in its most recent Management Certificate filed in the County public records; and
  - b. contain sufficient detail to identify the specific Records being requested; and
  - c. indicate whether the owner or agent seeks only to inspect the Records or if the specified Records should be forwarded by the Association. If to be forwarded, the letter must indicate the format, delivery method and address:
    - i. format: electronic files, compact disk or paper copies
    - ii. delivery method: email, certified mail or pick-up

3. Within ten (10) business days of receipt of the request specified in Section 2 above, the Association shall provide:
  - a. the requested Records, if copies were requested and any required advance payment had been made; or
  - b. a written notice that the Records are available and offer dates and times when the Records may be inspected by the owner or their agent during normal business hours at the office of the Association; or
  - c. a written notice that the requested Records are available for delivery once a payment of the cost to produce the records is made and stating the cost thereof; or
  - d. a written notice that a request for delivery does not contain sufficient information to specify the Records desired, the format, the delivery method and the delivery address; or
  - e. a written notice that the requested Records cannot be produced within ten (10) business days but will be available within fifteen (15) additional business days from the date of the notice and payment of the cost to produce the records is made and stating the cost thereof.
4. The following Association Records are not available for inspection by owners or their agents:
  - a. the financial records associated with an individual owner; and
  - b. deed restriction violation details for an individual owner; and
  - c. personal information, including contact information other than an address for an individual owner; and
  - d. attorney files and records in the possession of the attorney; and
  - e. Attorney-client privileged information in the possession of the Association.
5. Association Records may be maintained in paper format or in an electronic format. If a request is made to inspect Records and certain Records are maintained in electronic format, the owner or their agent will be given access to equipment to view the electronic records. Association shall not be required to transfer such electronic records to paper format unless the owner or their agent agrees to pay the cost of producing such copies.
6. If an owner or their agent inspecting Records requests copies of certain Records during the inspection, Association shall provide them promptly, if possible, but no

later than ten (10) business days after the inspection or payment of costs, whichever is later.

7. The owner is responsible for all costs associated with a request under this Policy, including but not limited to copies, postage, supplies, labor, overhead and third party. Fees (such as archive document retrieval fees from off-site storage locations) as listed below:
  - a. black and white 8.5 x11 single sided copies ... \$0.10 each
  - b. black and white 8.5 x11 double sided copies ... \$0.20 each
  - c. color 8.5 x11 single sided copies ... \$0.50 each
  - d. color 8.5 x11 double sided copies ... \$1.00 each
  - e. PDF images of documents ... \$0.10 per page
  - f. compact disk ... \$1.00 each
  - g. labor and overhead ... \$18.00 per hour
  - h. mailing supplies ... \$1.00 per mailing
  - i. postage ... at cost
  - j. other supplies ... at cost
  - k. third party fees ... at cost
8. Any costs associated with a Records request must be paid in advance of delivery by the owner or their agent. An owner who makes a request for Records and subsequently declines to accept delivery will be liable for payment of all costs under this Policy.
9. If the final invoice for costs incurred by the Association includes additional amounts and these amounts are not paid within thirty (30) days of the date of the invoice, the unpaid balance will be added to the owners account as an assessment under the Declaration.
10. All costs associated with fulfilling the request under this Policy will be paid by the Association's Managing Agent. All fees paid to the Association under this Policy will be reimbursed to the Associations' Managing Agent or paid directly to the Association's Managing Agent.

This Policy is effective upon adoption and recordation in the Public Records of Fort Bend County, Texas and supersedes any policy regarding open records which may have previously been in effect. Except as affected by Section 209.005 and/or by this Policy, all other provisions contained in the Declarations or any other dedicatory instruments of the Association shall remain in full force and effect.

Approved and adopted by the Board on this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Board Member

\_\_\_\_\_  
Board Member

\_\_\_\_\_  
Board Member

\_\_\_\_\_  
Board Member

**SECRETARY'S CERTIFICATE OF FILING**

I, \_\_\_\_\_, certify that:

I am the duly qualified and acting secretary of Brightwater Homeowners Association, Inc., a duly organized and existing Texas non-profit corporation.

The attached instruments are true copies of unrecorded Dedicatory Instruments, as that term is defined by Section 202.001 of the Texas Property Code, pertaining to Brightwater Homeowners Association, Inc..

The attached instruments are being presented for recording in the Official Public Records of Real Property of Fort Bend County, Texas, pursuant to Section 202.006 of the Texas Property Code.

Dated: \_\_\_\_\_

\_\_\_\_\_, Secretary  
Brightwater Homeowners Association, Inc.

THE STATE OF TEXAS           §  
  §  
COUNTY OF FORT BEND       §

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2011, by \_\_\_\_\_, President of Brightwater Homeowners Association, Inc., a Texas non-profit corporation, on behalf of said corporation.

\_\_\_\_\_  
Notary Public in and for The State of Texas

AFTER RECORDING, RETURN TO:

Bartley & Spears, P.C.  
14811 St. Mary's Lane, Suite 270  
Houston, Texas 77079



**POOL RULES POLICY**  
*for*  
**BRIGHTWATER HOMEOWNERS ASSOCIATION**

THE STATE OF TEXAS     §  
  §  
COUNTY OF FORT BEND   §

I, Kathy Renzow, Secretary of Brightwater Homeowners Association Et. Bend Co. (the "Association"), do hereby certify that at a meeting of the Board of Directors of the Association (the "Board") duly called and held on the 20 day of December, 2011, with at least a quorum of the board members being present and remaining throughout, and being duly authorized to transact business, the following Pool Rules Policy was duly approved by a majority vote of the members of the Board:

**RECITALS:**

1. Chapter 202 of the Texas Property Code was amended to add Section 202.006 (a) to require property owners' associations to file all dedicatory instruments in the real property records of each county in which the property to which the dedicatory instruments relate is located, and (b) A dedicatory instrument has no effect until the instrument is filed in accordance with this section.
2. The new law relating to dedicatory instruments becomes effective on January 1, 2012.
3. The Board of Directors of the Association desires to adopt pool rules consistent with the provisions of Section 202.006 of the Texas Property Code.

**POLICY:**

It is the policy of the Association to enforce the following pool rules:

- (a) The pool is for the use of Lakes of Brightwater residents in good standing with the Association. There is a **limit of 2 guests per household** unless prior arrangements have been made. A guest is a non-resident of Brightwater.
- (b) Pool tags are required at all times. Residents and guests must sign in upon entering the pool area.
- (c) Children under the age of 10 **MUST** be accompanied by an adult or responsible person 16 years or older. Proof of age may be required.
- (d) Residents are responsible for their children and guests at all times. Parents will be held completely responsible for any damage or vandalism committed by their children.
- (e) **No glass containers or breakables** will be allowed in the pool area.
- (f) **No alcohol will be allowed in the pool area. No smoking is permitted in the pool area.**
- (g) Children must be completely out of the water during the hourly 10 minute adult swim. Only persons 18 years of age or older are allowed in the pool at this time.
- (h) Only non-swimming children five years of age or younger may use the wading pool.

- (i) Squirt guns of any type are **NOT** permitted in the pool area.
- (j) If the pool is crowded the lifeguards will require the removal of flotation devices until the pool situation improves. Only single flotation devices may be used in the pool.
- (k) No bicycles, skateboards, roller skates, etc. will be permitted in the pool area. Bicycles must be put in the bike rack by the Tennis Courts not parked in front of the Clubhouse.
- (l) No diving in the shallow end of the pool.
- (m) Only one person is allowed on the board at one time.
- (n) There is no swimming in the deep end when the diving board is open.
- (o) Children under the age of two must wear rubber pants in the pool and wading pool.
- (p) Proper swimming attire is required.
- (q) No running, pushing, dunking or roughhousing is permitted.
- (r) Everyone must be considerate with actions, language and radios.
- (s) No playing with the lifeguard equipment. The pump room and guard room is off-limits to all but the lifeguards.
- (t) Lifeguards may remove anyone from the pool area who is disobeying the rules and/or endangering the safety of him/herself or any other person.
- (u) Only inflatable beach balls will be allowed in the pool or pool area. If the pool area is crowded the lifeguards may require the removal of beach balls until the situation improves.
- (v) **POOL HOURS:**

Tuesday & Friday	11:00 A.M. to 9:00 P.M.
Sunday, Wednesday, Thursday & Saturday	10:00 A.M. to 8:00 P.M.
Monday	Closed unless it is a holiday

TO CERTIFY which witness my hand this the 20 day of December, 2011.

**BRIGHTWATER HOMEOWNERS ASSOCIATION**

By: Kathy Renfrow

Printed: Kathy Renfrow

Its: Secretary

THE STATE OF TEXAS §

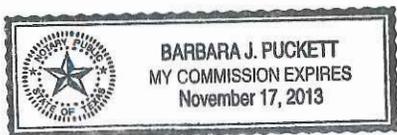
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COUNTY OF FORT BEND §

BEFORE ME, the undersigned notary public, on this 20<sup>th</sup> day of December 2011 personally appeared Kathy Renfrow, Secretary of Brightwater Homeowners Association, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same for the purpose and in the capacity therein expressed.

Notary Public in and for the State of Texas

*Barbara J. Puckett*



**FILED AND RECORDED**

OFFICIAL PUBLIC RECORDS

*Dianne Wilson*

2012 Jan 10 11:55 AM

2012003291

CAK \$15.00

Dianne Wilson COUNTY CLERK

FT BEND COUNTY TEXAS



**TENNIS COURT RULES POLICY**  
*for*  
**BRIGHTWATER HOMEOWNERS ASSOCIATION**

THE STATE OF TEXAS     §  
  §  
COUNTY OF FORT BEND   §

I, Kathy Reafrow, Secretary of Brightwater Homeowners Association Ft. Bend Co. (the "Association"), do hereby certify that at a meeting of the Board of Directors of the Association (the "Board") duly called and held on the 20 day of December, 2011, with at least a quorum of the board members being present and remaining throughout, and being duly authorized to transact business, the following Tennis Court Rules Policy was duly approved by a majority vote of the members of the Board:

**RECITALS:**

1. Chapter 202 of the Texas Property Code was amended to add Section 202.006 (a) to require property owners' associations to file all dedicatory instruments in the real property records of each county in which the property to which the dedicatory instruments relate is located, and (b) A dedicatory instrument has no effect until the instrument is filed in accordance with this section.
2. The new law relating to dedicatory instruments becomes effective on January 1, 2012.
3. The Board of Directors of the Association desires to adopt rules consistent with the provisions of Section 202.006 of the Texas Property Code.

**POLICY:**

It is the policy of the Association to enforce the following Tennis Court rules:

- (a) Use of the tennis courts shall be restricted to Lakes of Brightwater residents and their guests.
- (b) Under no circumstances should more than four (4) players utilize a single court at any time.
- (c) All players utilizing courts must select a time to play and sign up for that time on the court posted sign up sheet.
- (d) Court reservations can be made by signing up no earlier than twenty-four (24) hours in advance of the time desired to play.
- (e) A reserved court becomes an open court if the person reserving fails to claim it within 10 minutes of the scheduled time.
- (f) Limit play to three (3) days per week with no day being consecutive.
- (g) Maximum of 1 ½ hours of reserved time per family per day.
- (h) Playing time is limited to:
  - Doubles:     1 ½ hours
  - Singles:     1 hour
- (i) Regulation tennis attire, including a shirt and regulation court shoes must be worn at all times.

- (j) Tennis courts are restricted to tennis activities only. No other activities will be permitted.
- (k) Good sportsmanship is expected at all times. Please refrain from using profanity and loud outbursts.
- (l) Portable radios, tape players, or any other device that distracts play are not permitted in the area of the courts.
- (m) Courts are to be locked upon entering and leaving. If lights are on, please turn off when leaving, if no one else is waiting to play.
- (n) Courts are to be kept clean and debris free, and glass containers of any type are prohibited.
- (o) No person, especially children, other than the players and/or instructors shall be allowed within the court enclosure.
- (p) No skateboards, skates, or bicycles are allowed inside the tennis courts.

TO CERTIFY which witness my hand this the 20 day of Dec, 2011.

**BRIGHTWATER HOMEOWNERS ASSOCIATION**

By: Kathy Renfrow

Printed: Kathy Renfrow

Its: Secretary

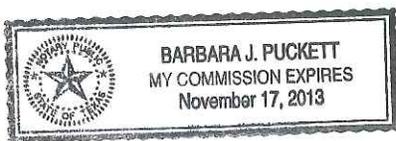
THE STATE OF TEXAS §

§

COUNTY OF FORT BEND §

BEFORE ME, the undersigned notary public, on this 20<sup>th</sup> day of December, 2011 personally appeared Kathy Renfrow, Secretary of Brightwater Homeowners Association, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same for the purpose and in the capacity therein expressed.

Notary Public in and for the State of Texas



*Barbara J. Puckett*

**FILED AND RECORDED**

OFFICIAL PUBLIC RECORDS

*Dianne Wilson*

2012 Jan 10 11:55 AM

2012003289

CAK \$15.00

Dianne Wilson COUNTY CLERK

FT BEND COUNTY TEXAS