

**AFFIDAVIT IN COMPLIANCE WITH SECTION 202.006
OF THE TEXAS PROPERTY CODE**

THE STATE OF TEXAS §
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared Sarah B. Gerdes, who, being by me duly sworn according to law, stated the following under oath:

“My name is Sarah B. Gerdes. I am over twenty-one (21) years of age and fully competent to make this affidavit. I have personal knowledge of all facts stated herein, and they are all true and correct.

I am the attorney for Kerry Glen II Council of Co-Owners, a Texas non-profit corporation (the “Association”), and I have been authorized by the Association’s Board of Directors to sign this Affidavit.

The Association is a “property owners’ association” as defined in Section 202.001(2) of the Texas Property Code.

Attached hereto are the originals of, or a true and correct copies of, the following dedicatory instruments, including known amendments or supplements thereto, governing the Association, which instruments have not previously been recorded: **Fine Policy, Leasing Rules and Regulations, Rules & Regulations, and Architectural Standards (Updated).**

The document attached hereto is subject to being supplemented, amended or changed by the Association.

Dedicatory instruments of the Association that have already been filed in the Real Property Records are as follows:

- 1.) Declaration of Condominium for Kerry Glen Condominium II recorded on December 30, 1977 in Volume 58, Page 94 of the Condominium Records of Harris County, Texas.
- 2.) First Amendment to Declaration of Condominium for Kerry Glen II recorded on May 24, 1978 under Clerk’s File No. F613379 in the Official Public Records of Harris County, Texas.
- 3.) Second Amendment to Declaration of Condominium for Kerry Glen II recorded on January 12, 1979 under Clerk’s File No. F926562 in the Official Public Records of Harris County, Texas.
- 4.) Third Amendment to Declaration of Condominium for Kerry Glen II recorded on June 4, 1980 under Clerk’s File No. G557643 in the Official Public Records of Harris County, Texas.
- 5.) Amendment to Declaration of Condominium for Kerry Glen II recorded August 29, 2014, under File No. 20140388547 in the Official Public Records of Real Property of Harris County, Texas.
- 6.) Fourth Amendment to Declaration of Condominium for Kerry Glen II recorded June 30, 2017, under File No. RP-2017-292041 in the Official Public Records of Real Property of Harris County, Texas.

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- 7.) Amendment to the By-Laws of Kerry Glen II Council of Co-Owners recorded on March 27, 2017, under File No. RP-2017-127120 in the Official Public Records of Harris County, Texas.
- 8.) Kerry Glen II Council of Co-Owners Resolution Adopting Updated Fine Policy and Collection and Payment Procedures recorded on April 26, 2017, under File No. RP-2017-178013 in the Official Public Records of Harris County, Texas.

SIGNED on this the 12th day of October 2021.



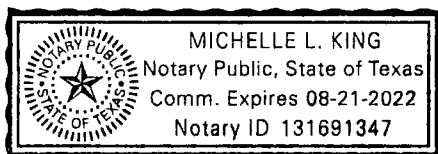
Printed Name: Sarah B. Gerdes
 Attorney/ Agent for Kerry Glen II Council of
 Co-Owners

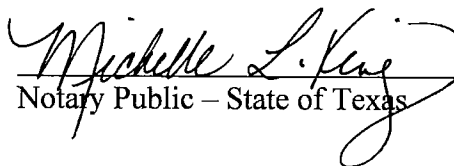
VERIFICATION

THE STATE OF TEXAS §
 COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared Sarah B. Gerdes, who, after being duly sworn stated under oath that she has read the above and foregoing Affidavit and that every factual statement contained therein is within her personal knowledge and is true and correct.

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public, on this the 12th day of October 2021.




 Notary Public – State of Texas

RECORDED BY:

ESG | SEARS
 BENNETT
 & GERDES, LLP
 6548 GREATWOOD PKWY.
 SUGAR LAND, TX 77479

RP-2021-588115

Kerry Glen II Council Of Co-Owners

RULES AND REGULATIONS

I. ARCHITECTURAL CONTROLS

- A. The Kerry Glen II Condominium Declaration and By-Laws restrict the owner or resident from making any structural changes to the interior or exterior of the unit, which affects any support walls.
- B. No changes of any kind should be made to the interior structure or utilities or exterior of the unit without written request and approval from the Board of Directors.
- C. A written request specifying the change or modification and describing the type and color of the materials to be used must be submitted to the Board of Directors prior to the commencement of any work.
- D. The Board of Directors may require the submission of any other documents or information, such as plans, specifications, building permits, etc., which it deems necessary and appropriate.
- E. No deviations from the approved change or modifications may be made by the owner without prior written consent of the Board of Directors.
- F. Any unauthorized change or addition may be removed at the direction of the Board of Directors.
- G. All costs incurred to remove the unauthorized change or addition shall be billed to and paid by the responsible owner.
- H. The Board of Directors has established architectural standards as the best options for the property and the individuals. These standards apply to both the interior and exterior of the property. Please review these standards before doing any modifications.

II. INDIVIDUAL UNITS

A. Repairs

1. Due to the age and construction of the property, each time a resident needs to make a plumbing repair or improvement, which requires the water to be shut off, it affects the entire building or buildings and the same is true of air conditioning repairs.
2. To keep these inconveniences minimal, please schedule any non-emergency plumbing and HVAC work to be done on the first Wednesday of each month. Contact the property manager one week in advance, so she can make arrangements to have the water shut off and notify the other residents.
3. The cost of turning off the water for plumbing and HVAC repairs will be paid by the Association if the work is done on the first Wednesday of each month. The owner must pay for all costs associated with turning off the water if completed at another time.

B. Balconies and Patios

1. Only appropriate casual furniture normally used in patios and on balconies is allowed. Plants and flowers may also be kept in patios or balconies.
2. Plants in patio areas or on balconies must be maintained in a neat and attractive condition.
3. Balconies and patios may not be used as storage. Bicycles, coolers, weight equipment, dead plants and grills are not to be stored on balconies or in patios.
4. Articles of clothing, sheets, towels, pillows, rugs, etc., are not to be hung in patio areas, on balconies, over the railing or the fence enclosing a patio area or balcony, or anywhere else within the property.
5. The Houston Fire Code and these rules prohibit barbecuing on balconies and patios.

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RULES AND REGULATIONS

C. Windows

1. No signs of any type, (For Sale, Contractor, etc.) may be displayed in any window.
2. No foil or any other type of reflective material may be placed in or on any window with the exception of a clear film for energy conservation purposes.
3. The portion of a window covering that is visible from the street must be white or off-white in color.

III. NOISE LEVEL

- A. Residents are prohibited from making make loud or objectionable noises.
- B. Musical instruments, radios, stereos, televisions, loud speakers, and electronic devices must not disturb other residents.
- C. This includes the use of or playing of the above items on patios, balconies, in common areas and in the swimming pool area.

IV. COMMON AREAS

- A. Owners/residents may not place in the public halls, walkways, stairway landings or other common areas any furniture, packages, vehicles, plants, or objects of any kind.
- B. Public or common hallways, walkways and stairways shall not be obstructed or used for any purposes other than normal pedestrian traffic, unless otherwise approved in writing by the Board of Directors
- C. Play in common area corridors is prohibited at all times.

V. GARAGES/CARPORTS

- A. Residents are prohibited from storing items other than authorized vehicles in their assigned parking space(s).
- B. No items may be mounted in or on the parking area (i.e. basketball hoops, bike racks, tires, hoses, etc.)
- C. Notice to remove such items will be given. If these items are not removed within a specific period of time, the items will be removed without further notice.

VI. LANDSCAPING

- A. No plants, bushes, or trees may be planted or removed within the property without the prior written consent of the Board of Directors. Residents may not place potted plants or other planting material on exterior windows or patio ledges.

VII. GARBAGE

- A. Garbage should be wrapped, sealed in a bag, and placed inside the garbage can with the lid replaced.
- B. The contracted garbage company does not pick up anything other than what is in the garbage

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RULES AND REGULATIONS

cans.

- C. Furniture, moving boxes, and/or appliances are to be removed by the resident.

VIII. PARKING/AUTOMOBILES

- A. Vehicles will not be parked within the property in a manner which violates any signs prohibiting and restricting parking. Any vehicle which is parked within the property in violation of the rules will be towed pursuant to the Texas Towing Statue (Article 6071g-2 V.A.C.S.)
- B. Each unit has an assigned covered parking space(s), which is either underground or in a carport area. All residents must park in their assigned space(s). On street parking is limited and reserved for guests.
- C. Residents are responsible for assuring their guests comply with all parking rules and regulations.
- D. Trailers, boats, campers, motor homes, or recreational vehicles may not be parked on the property at any time.
- E. No repairs of any type, including changing of oil or rotation of tires, are allowed to be made within the property.
- F. All resident automobiles must register with the front gate to receive a vehicle sticker. Sticker is to be placed on the driver's side interior windshield for easy viewing by the gate attendant.

IX. PETS

- A. Dogs, cats, or other household pets are limited to two (2) animals per unit.
- B. Pet weight not to exceed thirty (30) pounds when animal is fully grown. **This means a pet exceeding the 30 pound weight limit cannot live in or visit the property.**
- C. No livestock or poultry of any kind are to be raised, bred, or kept in any residence unit or in the common areas.
- D. No animal may be left unattended or kenneled on a patio or balcony. These areas should not be used as pet facilities.
- E. Pet owners must comply with city ordinance and leash laws. This requires animals out of the residence to be restrained or on a leash at all times.
- F. Residents are to walk their pets along perimeter areas and are required to pick up and dispose of excrement.

X. POOL – SWIM AT YOUR OWN RISK

- A. Pool hours are Monday thru Sunday 8:00 AM to 10:00 PM.
- B. There is no diving at any time.
- C. There is no lifeguard on duty.
- D. Children 12 years of age and under must be accompanied by an adult.
- E. Pets are not permitted in the pool or pool enclosure. This is prohibited by City Ordinance. If the pool has to be drained and cleaned in accordance with the City Health Codes because a pet is found in the restricted area, the owner of the pet will be responsible for this expense.

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- F. No glass containers, running, boisterous conduct or loud music is permitted.
- G. Pool furniture is not to be put in the water or abused.
- H. Swimmers should be dressed in proper swimming attire only.
- I. Guest should be accompanied by a resident.
- J. Gates should be secured upon entering and leaving the pool area.
- K. In case of an emergency, use pool phone to dial 911.

XI. GARAGE OR ESTATE SALES

- A. Garage sales or estate sales are prohibited on the property at any time.

XII. ENFORCEMENT AND FINES

A. Enforcement

- 1. The Board of Directors shall have the power to adopt, publish, and distribute Rules & Regulations to govern the activities of the residents of Kerry Glen II.
- 2. Residents should report violations of rules to the management company who will immediately investigate the report and take appropriate action following completion of the investigation.
- 3. All violations of the Rules and Regulations of the Association shall be verified by a member of the Board of Directors of the Association or management.
- 4. Upon verification of a violation of the rules, the Association shall, through the management company, forward written notice to the owner who violated or whose guest violated the rules.
- 5. If a rule is violated by a tenant or guest of a tenant, written notice shall also be forwarded to the tenant.

B. Notices

- 1. All notices of violations shall be forwarded to the appropriate owner at the most current mailing address provided by the owner to the management company.
 - a) The notice shall describe the violation.
 - b) The notice shall state a reasonable period to correct the violation.
 - c) The notice shall notify the owner that a fine will be levied if the violation is not corrected within the stated period of time or reoccurs within 12 months. The owner has the right to provide information as to why compliance is not possible within the specified period.

C. Fines & Payment of Fines

- 1. Upon levying the fine, the management company shall give written notice to the owner within thirty (30) days. The amount of the fine to be levied against an owner for the violation of a any of the Rules & Regulations, Declaration, By-Laws, Guidelines, and Board Resolutions shall be those amounts defined by the currently effective Fine Policy.
- 2. If a violation continues to exist after the period given in the notice to correct the violation or reoccurs within 12 months, an additional fine in the amount of \$5.00 will apply against the owner for each day the violation continues to exist.
- 3. Any payment of fines, whether the account is current or delinquent, shall be applied

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consistent with the Payment Application Guidelines

XIII. RESIDENCY

- A. Kerry Glen II homeowners are required to provide the management company with the following information in accordance with Section 82.114 of the new Texas Uniform Condominium Act not later than the 30th day after the date of acquiring an interest in a unit. The unit owner shall provide the management company with:
 - 1. Owner's mailing address, telephone number, and driver's license number.
 - 2. Name and address of the holder of any lien against the unit and any loan number.
 - 3. Name and telephone number of any person residing in the unit other than the unit owner.
 - 4. Name, address, and telephone number of any person managing the unit as agent for the owner.
- B. Notice is required within thirty (30) days of the date that any of the owner/lease information changes.
- C. Owners who lease rather than reside in their units are responsible for compliance of the Rules & Regulations by their tenants. The Association will send a letter and copy of the Rules and Regulations to the tenant when notified of a change.

XIV. LEASING

- A. The leasing or occupation of any residence unit by a party other than the owner shall be subject to the Leasing Rules & Regulations of the Kerry Glen II Council of Co-Owners.
- B. Refer to Leasing Rules and Regulations for further regulations.

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Pages 22
10/12/2021 02:40 PM
e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
TENESHIA HUDSPETH
COUNTY CLERK
Fees \$98.00

RECORDERS MEMORANDUM

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

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

THE STATE OF TEXAS
COUNTY OF HARRIS

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



Teneshia Hudspeth
COUNTY CLERK
HARRIS COUNTY, TEXAS

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