

# CORPORATE CERTIFICATE POINT AQUARIUS PROPERTY OWNERS ASSOCIATION

The undersigned certifies that he is the President of Point Aquarius Property Owners Association (the "Association"). The Association is the property owners' association for Point Aquarius and Summerchase Section One, subdivisions in Montgomery County, Texas, according to the maps or plats thereof recorded in the Map Records of Montgomery County, Texas (the "Subdivision").

The Association is a Texas non-profit corporation, and attached to this certificate is a true and correct copy of the Point Aquarius Property Owners Association **Rules and Regulations**.

Signed this 15<sup>th</sup> day of March, 2013.

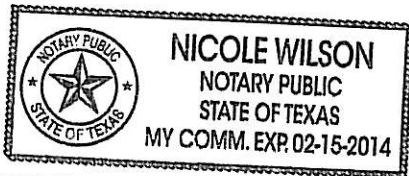
POINT AQUARIUS PROPERTY OWNERS  
ASSOCIATION

By: *[Signature]*  
BOBBY LIGHT, President

STATE OF TEXAS §

COUNTY OF MONTGOMERY §

SWORN TO AND SUBSCRIBED BEFORE ME on the 15<sup>th</sup> day of March, 2013, by BOBBY LIGHT, President of POINT AQUARIUS PROPERTY OWNERS ASSOCIATION, a Texas non-profit corporation.

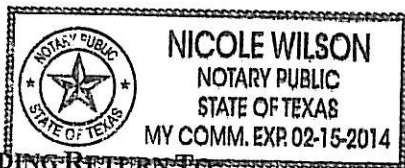


*Nicole Wilson*  
NOTARY PUBLIC, State of Texas

THE STATE OF TEXAS §

COUNTY OF MONTGOMERY §

This instrument was acknowledged before me on the 15<sup>th</sup> day of March, 2013, by BOBBY LIGHT, President of POINT AQUARIUS PROPERTY OWNERS ASSOCIATION, a Texas non-profit corporation, on behalf of said corporation.



*Nicole Wilson*  
NOTARY PUBLIC, State of Texas

~~AFTER RECORDING RETURN TO:~~

The Fowler Law Firm  
300 West Davis, Suite 510  
Conroe, Texas 77301

# POINT AQUARIUS PROPERTY OWNERS ASSOCIATION

## RULES AND REGULATIONS

**WHEREAS**, the property affected by these Rules and Regulations is subject to certain dedications, covenants and restrictions (the "Declaration") set out in instruments recorded in the Official Public Records of Real Property at Montgomery County, Texas, as follows:

- *Section One* – Clerk's File No. 267859; *Section One (Amendment)* – Clerk's File No. 273735; *Section One (Amendment)* – Clerk's File No. 289514; *Section One (Amendment)* – Clerk's File No. 289517; *Section One (Amendment)* – Clerk's File No. 363418; *Section Two* – Clerk's File No. 267860; *Section Two (Amendment)* – Clerk's File No. 363419; *Section Three* – Clerk's File No. 274519; *Section Three (Amendment)* – Clerk's File No. 363420; *Replat of Section Five (Amendment and Restatement)* – Clerk's File No. 9147286; *Section Six* – Clerk's File No. 291427; *Section Six (Amendment)* – Clerk's File No. 363423; *Section Seven* – Clerk's File No. 8931385; *Section Seven (First Amendment)* – Clerk's File No. 8947594; *Section Seven (Second Amendment)* – Clerk's File No. 9019239; *Section Eight* – Clerk's File No. 9021168; *Section Nine* – Clerk's File No. 9021170; *Partial Replat of Section One* – Clerk's File No. 9125463; *Partial Replat of Reserve of Section One (First Amendment)* – Clerk's File No. 9131033; *Section Ten (Amended and Restated)* – Clerk's File No. 9149702; *Summerchase Section One (Corrected Declaration)* – Clerk's File No. 2006-047887; and

**WHEREAS**, pursuant to the authority vested in Point Aquarius Property Owners Association (the "Association") in the Declaration and bylaws of the Association, and as set out in the TEXAS PROPERTY CODE, the Board of Directors of the Association (the "Board") has determined that, in order to regulate the use, maintenance, repair, replacement, modification, and appearance of the Point Aquarius Subdivisions (collectively the "Subdivision"); and

**WHEREAS**, TEXAS PROPERTY CODE Section 204.010 permits the Association, acting through its board of directors, to regulate the use, maintenance, repair, replacement, modification, and appearance of the Subdivision, to adopt and amend rules regulating the collection of assessments and application of payments, to implement written architectural control guidelines for its own use, and to exercise all other powers necessary and proper for the governance and operation of the Association; and

**WHEREAS**, the Association hereby finds it necessary and desirable, in order set out a clear, concise, and a uniform set of rules and regulations concerning a variety of governance issues, to adopt these guidelines;

**NOW, THEREFORE, BE IT RESOLVED** that the following conditions and requirements are hereby established for the Association's Rules and Regulations.

## **I. PARKING**

All automobiles, boats on trailers, vans, trucks, (loaded or unloaded), recreational vehicles ("RV's"), campers, golf carts, all terrain vehicles ("ATV's"), tractors, etc. (herein referred to as "Vehicles") parked within the Subdivision shall be maintained in a manner such that the appearance of the "Vehicles" does not detract from the marketability and appearance of the Subdivision.

"Vehicles" must be parked on the driveway or an approved concrete surface of a lot associated with a residence (herein referred to as a "Homesite"). The exception to the above sentence being in Section 5, [see Deed Restrictions for Section 5, Part IV, Paragraph 13]. The Board of Directors has determined it a nuisance and therefore a deed restriction violation when any "Vehicle" is parked on a lot without a residence (herein referred to as a "Lot") or not on the driveway or approved concrete surface of any Homesite.

No "Vehicle" may be parked in Common Areas, Association property or other common property, except in parking lots.

No parking in streets is permitted except on a temporary basis in Sections 1 Replat, 7, 8, and 9 of the Subdivision.

## **II. STORAGE**

All automobiles, boats on trailers, vans, trucks, (loaded or unloaded), recreational vehicles ("RV's"), campers, golf carts, all terrain vehicles ("ATV's"), tractors, etc. (herein referred to as "Vehicles") stored within the Subdivision shall be maintained in a manner such that the appearance of the "Vehicles" does not detract from the marketability and appearance of the Subdivision.

## **III. LOT & RESIDENCE MAINTENANCE**

"Homesites" shall be kept at all times in a neat, attractive, healthful and sanitary condition. The owner or occupant of all "Homesites" shall keep yards mowed on a regular basis.

"Lots" are required to be kept free of underbrush, weeds, tall grass, or any other unsightly or offensive growth or accumulation of trash, garbage or unsightly deposits of any nature. "Lots" shall be mowed on a regular basis to maintain a neat and attractive appearance.

Owners of any improvements in the subdivision shall not allow such improvements to fall into disrepair and shall paint, repair, or restore said improvements when necessary.

Trash, garbage or other waste shall only be kept in sanitary containers and be disposed of regularly.

Garbage, trash or any other refuse shall not be dumped on any "Lot" or Common Areas. Dumping on any Common Area or "Lot" shall result in a fine as set out in the Association's Schedule of Assessments, Fines, Fees, Deposits, and Other Charges. Unauthorized use of the

Association's garbage carts shall result in a fine as set out in the Association's Schedule of Assessments, Fines, Fees, Deposits, and Other Charges.

#### **IV. ARCHITECTURAL CONTROL COMMITTEE APPROVAL FOR IMPROVEMENTS**

The Architectural Control Committee (herein referred to as "ACC") shall approve all buildings and improvements to any "Lot" or "Homesite", including but not limited to the following standards: storage buildings, driveways, fences, patio covers, curbs, swimming pools, spas and hot tubs. The following are guidelines for planning an improvement:

A. **STORAGE BUILDINGS.** Said buildings shall be placed on a poured cement slab foundation no less than the external dimensions of the floor. Exterior walls and roof must match the residence and/or garage. Placement of the storage building cannot encroach on building lines or easements.

B. **FENCES.** Chain link fences are NOT allowed. All fences must be constructed of wood, metal or masonry. Vinyl and wire mesh decorative fences are allowed depending upon material strength and finished look. Fences may be constructed in the utility easements at the owner's risk. No chain link dog runs or kennels are allowed.

C. **PATIO COVERS.** Materials must match existing house roofing materials. No metal or tin roof finished materials will be allowed unless it matches the house's existing roof material.

D. **CURBS.** Must be saw cut for driveway and walkway construction.

E. **SWIMMING POOLS.** Above ground swimming pools are not allowed. The following requirements for pools are by way of illustration and not limitation: 1) the pool surface, deck and all mechanical and electrical equipment must be adequately screened from public view with a combination of trees, hedges, walls or fences. This is especially important if the property is surrounded by a wrought iron fence or is on a common area or on Lake Conroe. 2) The pool cannot encroach on building or set back lines. 3) Pool decks may extend beyond the building lines, but must allow adequate room for landscaping and fencing. 4) The pool must not cause drainage of any kind onto adjacent properties. This drainage can come from either the pool itself or from excessive run off due to the reduction of green space in the yard that can absorb water.

F. **SPAS and HOT TUBS.** Spas or hot tubs may be in-ground or self-contained above ground models. Spas and hot tubs must meet the same location and drainage requirements as required for pools. Spas and hot tubs must also follow all of the same submission and material specifications, as those required for pools. Spas and hot tubs shall be located in the rear or side yard so that they are completely screened from public view.

Requests for "ACC" approval must be submitted, **IN WRITING**, to the Association's managing agent. If there are any questions with regard to needing "ACC" approval, consult the Association's managing agent before proceeding with construction.

Requests for approval of residences, garages and other buildings and/or improvements must be submitted with: 1) two (2) complete set of plans, 2) a property survey by a licensed surveyor showing the legal description of the property easements, set back lines, building lines and complete dimensions, 3) scale plot plan with proposed improvements located by dimensions and including building lines, set back lines, easements, driveways, walkways, drainage and any planned boat house or fencing, 4) floor plan with all dimensions complete including door swings, window locations, porches, garages, etc. plus the square footage area of the living area and the total square footage of the residence, 5) elevation of front, rear and side elevations showing materials of construction, windows, vents and roof lines, 6) a *concrete* foundation plan indicating materials, strengths, beams, reinforcing steel, slopes and slab elevation.

A "Form Survey" is required prior to the pouring of any foundation.

#### V. COMMUNITY SWIMMING POOLS

Swimming pools are closed October through March, subject to Board approval.

The pools are open April through September, Tuesday through Sunday, subject to Board approval. The pools are closed Mondays for maintenance. Hours of operation are 8:00 AM to 10:00 PM.

Pool rules and regulations are posted at each pool. Violation of pool rules and regulations shall result in a fine as set out in the Association's Schedule of Assessments, Fines, Fees, Deposits, and Other Charges, and/or suspension of pool privileges.

#### VI. TENNIS and BASKETBALL COURTS

The hours of operation for the Tennis and Basketball Courts are 6:00 AM to 10:00 PM daily. The court lights are programmed to shut off at 10:00 PM.

The tennis courts are to be used for tennis only. NO other activity such as roller skating, skate boarding bicycles, baseball, etc. is allowed. Additional regulations concerning the Tennis Courts are posted on site.

#### VII. CLUBHOUSE

Reservations for private use must be made through the Association's managing agent. Please refer to the Community Center Lease Agreement, General Rules & Regulations & Rules with Fine Schedule.

#### VIII. COMMON AREAS

No privately owned permanent structures, fencing, etc. are permitted on any common areas.

No Vehicles, ATVs or golf carts are allowed to be operated on any commons area not designated as streets or parking areas. Parking around the Section 7 Marina Pavilion and Dock A & B are permitted.

Littering, including not cleaning up after dogs and other pets, on common areas, shall result in a fine as set out in the Association's Schedule of Assessments, Fines, Fees, Deposits, and Other Charges.

These Rules and Regulations are effective upon recordation in the Public Records of Montgomery County, Texas, and supersede any rules and regulations which may have previously been in effect. Except as affected by the TEXAS PROPERTY CODE and/or by these Rules and Regulations, all other provisions contained in the Declarations or any other dedicatory instruments of the Association shall remain in full force and effect.

This is to certify that the foregoing Rules and Regulations was adopted by the Board of Directors until such date as it may be modified, rescinded or revoked.

The Board of Directors hereby adopts, approves and authorizes the above Rules and Regulations.

Signed this 14 day of March, 2013.

POINT AQUARIUS PROPERTY OWNERS  
ASSOCIATION

By:

  
BOBBY LIGHT, President

Attest:

  
Secretary