

FIFTH SUPPLEMENTAL
NOTICE OF DEDICATORY INSTRUMENTS
FOR
ATASCOCITA COMMUNITY IMPROVEMENT ASSOCIATION

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

RECEIVED AUG 1 2012

The undersigned, being the authorized representative of Atascocita Community Improvement Association, a property owner's association as defined in Section 202.001 of the Texas Property Code (the "Association"), hereby supplements the "Affidavit for the Filing of Dedicatory Instruments for Atascocita Community Improvement Association" ("Notice") recorded in the Official Public Records of Real Property of Harris County, Texas on January 3, 2000 under Clerk's File No. U153832, the "First Supplemental Notice of Dedicatory Instruments for Atascocita Community Improvement Association" (the "First Supplemental Notice") recorded in the Official Public Records of Real Property of Harris County, Texas on January 6, 2006 under Clerk's File No. 2012914, the "Second Supplemental Notice of Dedicatory Instruments for Atascocita Community Improvement Association" (the "Second Supplemental Notice") recorded in the Official Public Records of Real Property of Harris County, Texas on August 9, 2011 under Clerk's File No. 20110331747, the "Third Supplemental Notice of Dedicatory Instruments for Atascocita Community Improvement Association" (the "Third Supplemental Notice") recorded in the Official Public Records of Real Property of Harris County, Texas on January 6, 2012 under Clerk's File No. 20120009036, and the "Fourth Supplemental Notice of Dedicatory Instruments for Atascocita Community Improvement Association" (the "Fourth Supplemental Notice") recorded in the Official Public Records of Real Property of Harris County, Texas on January 20, 2012 under Clerk's File No. 20120028618, which documents were filed for record for the purpose of complying with Section 202.006 of the Texas Property Code.

1. Additional Dedicatory Instruments. In addition to the Dedicatory Instruments identified in the Notice, the First Supplemental Notice, the Second Supplemental Notice, the Third Supplemental Notice, and the Fourth Supplemental Notice, the following document is a Dedicatory Instrument governing the Association:

- **Architectural Guidelines and Procedures for Pinehurst of Atascocita, Pines of Atascocita, Atascocita Shores, Golf Villas, Club Point, Ivy Point Pinehurst Estates (which instrument replaces and supersedes the Architectural Guidelines and Procedures for Pinehurst of Atascocita, Pines of Atascocita, Atascocita Shores, Golf Villas, Club Point, Ivy Point Pinehurst Estates recorded by virtue of the Second Supplemental Notice of Dedicatory Instruments)**

This Fifth Supplemental Notice is being recorded in the Official Public Records of Real Property of Harris County, Texas for the purpose of complying with Section 202.006 of the Texas Property Code. I hereby certify that the information set forth in this Fifth Supplemental Notice is true and correct and the Dedicatory Instrument attached hereto is a true and correct copy of the original.

FILED

2012 JUL 17 PM 3:29

Stan Stewart
COUNTY CLERK
HARRIS COUNTY, TEXAS

Rick S. Butler

Rick S. Butler, authorized agent of
Atascocita Community Improvement Association

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THE STATE OF TEXAS

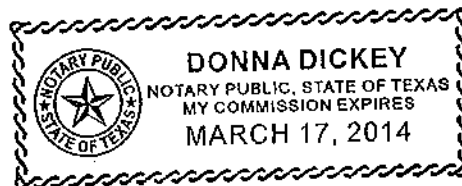
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COUNTY OF HARRIS

BEFORE ME, the undersigned notary public, on this day personally appeared Rick S. Butler, authorized agent of Atascocita Community Improvement Association, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and in the capacity therein expressed.

SUBSCRIBED AND SWORN TO BEFORE ME on this the 16th day of July, 2012, to certify which witness my hand and official seal.

Donna Dickey
Notary Public in and for the State of Texas



Return to:

✓
✓
Rick S. Butler
Butler | Hailey
8901 Gaylord Drive, Suite 100
Houston, Texas 77024-3042

218265

ARCHITECTURAL GUIDELINES AND PROCEDURES

FOR

**PINEHURST OF ATASCOCITA
PINES OF ATASCOCITA
ATASCOCITA SHORES
GOLF VILLAS
CLUB POINT
IVY POINT
PINEHURST ESTATES**

See

WHEREAS, the Atascocita Community Improvement Association, a Texas non-profit corporation (the "Association"), acting through its Board of Trustees and the Architectural Control Committee, desire to exercise the authority granted to it by the provisions of the Declaration of Covenants, Conditions and Restrictions applicable to the subdivisions referred to in these Architectural Guidelines and Procedures to maintain the harmonious and architectural design of the subdivisions in accordance with the provisions of the Declarations; and

WHEREAS, the Declarations expressly create the Architectural Control Committee (the "ACC") for the specific purposes set forth below; and

WHEREAS, the Declarations provide that no building, structure, fence, wall or other improvements shall be commenced erected, constructed, placed or maintained, or any exterior addition to or change or alteration made, on any Lot until the construction plans and specifications including, but not limited to site layout, building location, building materials, colors and elevation, have been submitted to and approved in writing by the ACC; and

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

WHEREAS, the Board of Trustees of the Association and the ACC desire to establish procedures for the submission and review of plans and specifications for proposed buildings, additions and improvements and guidelines with respect to the type, quality and color of exterior additions and improvements on the Lots within the subdivisions referred to in these Architectural Guidelines and Procedures so that a harmonious exterior design within the subdivisions is consistently maintained;

NOW THEREFORE, The Board of Trustees of the Association and the ACC hereby adopt the following Architectural Guidelines and Procedures with respect to Lots within the following subdivisions, which guidelines shall supplement the applicable restrictive covenants set forth in the Declarations:

PINEHURST OF ATASCOCITA
PINES OF ATASCOCITA
ATASCOCITA SHORES
GOLF VILLAS
CLUB POINT
IVY POINT
PINEHURST ESTATES

1. **PURPOSE.** To set forth procedures and guidelines for assuring that all construction on residential Lots within the subdivisions conforms to specifications set forth in the deed restrictions, to minimum construction standards, and to the design and overall character and aesthetics of the Properties.

2. **RESPONSIBILITY.** The Architectural Control Committee and its function established in the Declaration of Covenants and Restrictions for the various subdivisions within the Association was assigned by the Developer to the Association for all phases of architectural control.

The Board appoints members to the Committee and monitors the Committee's performance through the Trustee with responsibility for the ACC. The Manager provides the communication link between member property owners and the Committee and provides the administrative function for the Committee.

3. **APPROVAL OF PLANS.** No building, structure, fence, wall, or other improvements shall be commenced, erected, constructed, placed or maintained upon the Properties, nor shall any exterior addition to or change or alteration therein be made until the detailed plans and specifications therefore shall have been submitted to and approved in writing as to the compliance with minimum structural and mechanical standards, location and situation on the Lot, and as to harmony or external design or location in relation to property lines, building lines, easements, grades, surrounding structures, walks, and topography (including the orientation of the front and rear of any such building with respect to the Lot lines), by the Architectural Control Committee.

4. **ARCHITECTURAL CONTROL COMMITTEE AND SUBCOMMITTEE - PROJECT REVIEW.** The ACC is composed of five (5) members, each having a three (3) year term with no more than two (2) members' terms expiring in any one year. As each term expires, an appointment will be recommended to the Board. A replacement for any person who resigns will also require approval of the Board to finish out the term. The five committee members, along with the responsible Board member will select one of the Committee members to be the Chairman and two of the Committee members to comprise a subcommittee called the Project Review Committee ("P.R.C."), which is responsible for physical inspection and verification that residents and home builders have followed the plans submitted and approved by the ACC before, during and after construction. Inspections will be scheduled between the Chairman or P.R.C. member and the member.

5. ADMINISTRATIVE PROCEDURES.

A. Request Submission. Each property owner requesting ACC approval will submit a written request (ACC Submission Form) to the Manager.

(1) A substitute form is acceptable when the following information is provided (oral descriptions are not acceptable):

(a) Name, address, e-mail, telephone numbers, and legal description of the property.

(b) Copy of the plat of the property with the area of proposed work indicated on it. Architect's, engineer's or contractor's drawings are acceptable, as long as they are scaled, showing easements, setbacks, etc.

(c) Name, address and phone number of contractor(s), if any.

(d) Scheduled construction start date and scheduled completion date. All projects approved by the ACC must commence within ninety (90) days from the date the homeowner/builder was notified by letter of ACC approval. If the project has not started within the 90-day period, the ACC approval is no longer valid, and the homeowner/builder must resubmit the application. The Chairman of the ACC will review such resubmissions for approval, and the project must again meet the 90-day criterion.

All projects must be completed within 120 days from the date the project commenced.

(2) For minor or routine projects (e.g. fences, poured patios), the submission must include:

(a) Description of work: sketches and wording.

(b) Materials list.

(3) For complex or extensive plans (e.g. additions to residential structure, pools), the submission must include:

(a) Description of work; detailed plat and wording.

(b) Materials: detailed description or bill of materials.

(c) Completed ACC Major Project Submission Sheet.

B. Review Procedure ("Routing Flowchart")

- (1) The ACC request is received and logged by the Manager.
- (2) The Manager will send or deliver the request(s) within 3 business days to one of the three members of the ACC (Chairman should be the last to receive the request) who are not on the Project Review Committee.
- (3) Upon review and comment by an ACC member, the request will be sent or delivered by the member to the next member with notification to the Chairman. The ACC Chairman will be responsible to ensure that the project is reviewed in a timely manner and may call on a member of the P.R.C. to act as an alternate if one of the ACC members is not available. The Manager will send notification of new ACC requests to the Chairman of the ACC to facilitate this timely review.

The Chairman of the ACC and the Manager are hereby given the following authorities:

- (a) In the case of new roof requests, the Chairman or Manager may approve submissions which clearly meet the requirements of the deed restrictions and the related Board Policy without Committee approval, and may disapprove those submissions which do not meet such requirements; and
- (b) In the case of paint color requests, the Chairman or Manager may approve submissions which clearly match the pre-approved colors specified in the Association's paint color chart which is referenced herein as paragraph 6 A (2).
- (c) The Chairman may approve other submissions without Committee review where there is a clear potential for property damage to occur if action is not taken immediately, and where the written request clearly meets the requirements of the deed restrictions and the related Board Policy.
- (4) Upon review and comment by the final member of the ACC (the Chairman), the request will be sent or delivered to the Manager's office. A majority of the members must approve the request for it to be accepted. If any member should disapprove a plan, the Committee Chairman shall re-evaluate that particular project to determine why the member did not approve the request and to assure the project meets the ACC standards as established in the Declaration.
- (5) Upon its return, the Manager will log and tally the results of the review.
- (6) The Manager will advise the resident of the ACC's disposition by mail, (ACC Disposition letter) following any additional or special procedure prescribed by the Committee.
- (7) Those members selected as the Project Review Committee shall review the entire final approved package, including all drawings and forms.

(a) All major items referenced herein as paragraph 5 (A) (3) must be inspected by the two P.R.C. members, who shall alternate inspection projects given to them by the Chairman. It is envisioned that the first inspection be performed in the early stage of the project so as to make sure form boards or other such permanent structural parts of the project are as approved. Inspections thereafter to meet the extensiveness of the project. Committee members and the Chairman should use their own discretion in inspections before or during the construction phase.

(b) Projects such as those outlined in paragraph 5 (A) (2) should be inspected by the P.R.C. members within two (2) weeks from date of completion or not later than 120 days from approval date.

(c) Major and minor projects, as outlined above, will be inspected from the exterior of the residence only. All P.R.C. inspections will take place at the discretion of the ACC.

(8) After inspection by the P.R.C., the appropriate committee member will initial the Routing Form and return it to the ACC Chairman who will log the results and forward the inspection review to the Manager. The Manager will record the results of the inspection by the P.R.C. on an ACC Log Sheet and file the routing form in the appropriate Property File. The Manager will maintain a file of all construction verification forms in the office and will inform the responsible Board member of those residents or builders who do not follow construction plans as originally submitted to the ACC

(9) Disapproved requests where construction is initiated, or approved requests which have been deviated from, will become deed restriction violations, and will be handled by deed restriction enforcement procedures. This policy pertains to all sections of the Declaration of Covenants and Restrictions within the jurisdiction of the Atascocita C.I.A.

C. Final Determination. In instances where compliance with architectural control procedures and decisions cannot be achieved, the matter shall be referred to the Board for determination of whether or not legal action should be initiated.

6. ACC APPROVAL REQUIREMENTS. The requirements for ACC approval are contained in the Declaration for each section of the properties. In addition, the following requirements have been adopted to provide further clarification.

A. Bricks, shingles, exterior colors.

(1) As used in the Declaration of Covenants, Conditions and Restrictions of the Atascocita C.I.A. communities, the phrase, "No building shall be erected, placed or altered", the term "altered" shall be interpreted to include repainting, re-bricking, or re-shingling in any color, regardless of how closely the new paint, brick, or shingle matches the pre-existing paint, brick, or shingle.

(2) No repainting, re-bricking, or re-shingling, regardless of whether or not the new paint, brick, or shingle matches the pre-existing paint, brick, or shingle, shall be permitted without the prior written approval of the ACC

(3) Each repaint, re-brick, or re-roof will be reviewed on a case-by-case basis as to aesthetic harmony with the community.

B. Painting. Color samples or "paint chips" of the proposed exterior colors must be submitted with an application to the ACC for written approval.

(1) If the existing exterior color of the main body of a house, garage or other permitted improvement on a Lot, as well as any trim or accent color does not meet the exterior color scheme as outlined below, then this standard must be met when all or a portion of the existing exterior structure is painted.

(2) If the existing exterior color scheme is to be changed: the ACC has established a chart depicting acceptable earth-tone or pastel colors and shades of earth-tone and pastel colors for the exteriors of homes and other permitted improvements on Lots within the subdivision. The paint chart will be maintained in the Manager's office. Each color sample or paint chip shall be compared to the colors and shades of colors set forth on the color chart to assure that each approved color is harmonious with the style and architecture of the dwelling and with the color scheme established for the subdivision. Each exterior color must be an acceptable shade of an earth-tone or pastel color. As used in these guidelines, "earth-tone" shall mean acceptable shades of beige, brown, gray and White, and "pastel" shall mean acceptable shades of yellow, blue, and green as shown on the ACC's color chart. The following additional guidelines shall also apply:

(a) Principal Colors of Dwellings. The principal color of the dwelling and garage situated on a Lot, including the garage door, must be a muted earth-tone or pastel.

(b) Trim, soffit, fascia board and window trim must also be an earth-tone or pastel color, and may be lighter or deeper shades of trim color than the principal color of the dwelling or garage.

(c) Accents. Shutters, window hoods and the exterior surfaces of doors may be painted any acceptable earth-tone or pastel color, including trim colors and certain acceptable shades of dark green, black, blue-gray, rust, or dark blue. Window hoods may also be painted in a copper tone metallic based paint.

C. Shingles. (see new policy) *This Roof Shingle Policy was originally adopted April 8, 1993, and it was revised September 28, 1998.* Due to advances in technology since the time of the drafting of the deed restrictions, and whereas current manufacturers of roofing materials are choosing to no longer specify nor to publish shingle weight specifications, the Board of Trustees has adopted the following revised minimum requirements for approval of proposed roofing materials by the ACC. The proposed single must either: (1) have a minimum shingle weight of 240 lbs. for fiberglass composition shingles; or (2) meet or exceed the "ASTM standard D3462" for tear strength (ASTM representing the American Society for Testing and Materials, with

the D3462 standard requiring a minimum 1,700-gram tear strength as tested by an Elmendorf Tear Tester). In any case, the proposed shingle must carry a minimum 25-year warranty, and it must not be "3-tab" in construction.

Metal or tile roofs will be considered by the ACC

D. Fences. *This Fence Policy was originally adopted by the Association in April of 1989.* In order to avoid the creation of alley ways and to ensure conformity with the external design of the subdivision, the Board of Trustees of the Atascocita C.I.A. adopted the following policy:

(1) With regard to the location of fences on lots:

No portion of a fence shall be situated on a lot nearer to the street than the front lot line than the walls of the dwelling situated on such lots which are nearest to such front lot line. All side and rear fences shall be situated on the side or rear property lines. No side or rear fence shall be set back from the property line. All permitted side or rear fences must be six (6) feet in height plus rot board unless otherwise approved in writing by the ACC (some sections allow up to (8) feet in height)

(2) With regard to the location of fences on the golf course lots (*this portion of the policy was revised on May 24, 1999*):

(a) This fence policy is intended to meet two objectives:

- (i) Permit the homeowner to enclose swimming pools, protect pets and children, and provide for privacy from the street, and
- (ii) Maintain a view of the golf course for other homeowners along the course and preserve the appearance of the overall landscape from the golf course.

(b) To meet both of these objectives, fences perpendicular to and parallel with, any lot line adjoining the golf course is permissible, subject to the following:

- (i) The portion of any fence that is adjacent and parallel to the golf course, or located on a side property line not adjacent to another lot, must be constructed of black ornamental metal.
- (ii) The portion of any fence extending from the golf course toward a building line must be constructed of black ornamental metal, beginning at the golf course, for the greater of:
 - a. Two-thirds of the distance from the property line adjacent and parallel to the golf course to the rear building line of the "foremost neighboring building". The foremost neighboring building is the building whose rear building line is furthest from the golf course of either (i) the homeowner's building closest to the fence line, or (ii) the building on the adjacent property closest to the fence line; or
 - b. The first twenty-four (24) feet. If the total length of this portion of the fence is less than twenty-four feet, then the entire portion must be constructed of black ornamental metal.

Exceptions may be granted by the Architectural Control Committee if either of the rules above would extend the black ornamental metal portion of the fence forward beyond the rear building line of (i) the homeowners building nearest the fence line, or (ii) the building on the adjacent property closest to the fence line. The overall intent of this policy will be the primary guide for granting any exceptions.

- (3) Any black ornamental metal portion of fence shall not be less than four (4) feet nor greater than five (5) feet in height. Spacing between the pickets shall not be less than three (3) inches nor greater than six (6) inches.
- (4) All other portions of fence must meet the current requirements of the ACIA policies.
- (5) All existing fences which do not meet these requirements must be constructed to meet these requirements when all or a portion of the fence is repaired or replaced. No fence or other temporary or permanent structure shall be constructed in such a manner as to obstruct or impede the drainage of water from adjoining properties or cause water to flow onto an adjacent lot.
- (6) Each new or replaced fence under this policy must be separately reviewed and approved by the Architectural Control Committee to ensure that the fences complement and are compatible with the overall character and aesthetics of the surrounding homes and the community.

E. Portable Toilets. All contractors for new home construction are required to provide portable restroom facilities for their workers during the construction phase of a home.

F. Satellite Dishes. Whereas, pursuant to the Federal Telecommunications Act of 1996, the Association will not place unreasonable restrictions on the installation of small video dishes, nonetheless, it is clear that installation of video dishes in certain areas of residential properties negatively impacts the look and the property values of the entire community. It is considered a visual nuisance for any video dish to be installed on the front face of any building or further than the walls of the dwelling situated on such lot which are nearest to the front lot line when any other location is available for line-of-sight reception.

G. Finishing of Attic Rooms and Dormer Windows. Third stories, excluded by the deed restrictions, are defined by the roof line which shall not exceed thirty-five (35) feet in height. Finishing of the attic rooms above the 2nd story and dormer windows, when designed as part of new construction, may be approved by the ACC if, in the judgment of the ACC, the two-story appearance of the home is not violated and the aesthetic harmony of the subdivision is maintained.

As such, dormer windows should:

- (1) not extend above the horizon of the main roofline;
- (2) not break the continuity of the second story eaves;
- (3) not provide an outdoor access;

- (4) not be accompanied by a porch or exterior stairway;
- (5) blend with the main roof line; and
- (6) maintain a two-story appearance from all exterior views of the home.

H. Driveway Additions. Additions to existing driveways may be approved when such addition is not installed in the area between the front corners of the existing building. Further, any addition shall:

- (1) not be located within 5 feet of an interior lot line, unless connecting to a detached garage 65 feet from the property line closest to the front elevation of the garage in which case it may then be within 3 feet of an interior lot line and
- (2) match the quality and appearance of the existing driveway; and
- (3) blend with the existing driveway curvature; right angles should be avoided or hidden.
- (4) must not encroach any easement without the expressed written permission of the owner of said easement. This written permission must be submitted with the request.

Pebble, brick, stamped stained concrete or stone may be approved based on appearance. Circular driveways will be judged on a case-by-case basis.

This policy shall in no way be interpreted to allow the violation of any of the covenants and restrictions as they relate to the parking or storage of vehicles or material on any Lot.

- I. All construction projects which affect the harmony and/or external design of surrounding grades, shall, once completed, be final graded to meet the harmony and/or external design of the surrounding grades. Such final grade shall not unreasonably cause water to be directed away from and onto adjoining lots causing flooding or standing water. It is the intent that adjacent lots not be disturbed from drainage or run-off conditions that did not exist prior to adjacent construction.

J. Easements

1. The Architectural Review Committee (ACC), ACIA Board of Trustees, nor the Management Company cannot approve any activity involving an encroachment on an easement until the homeowner provides a Consent for Encroachment from all easement grantees. Any non-portable structure on an easement, other than landscaping or fencing, 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 the homeowner plans show an encroachment, they must obtain Consent for Encroachment before applying to the ACC, or the application will be rejected. If there is an aerial easement on the 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. The homeowner should discuss all possible issues with the easement grantee(s) first to be on the safe side.

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

K. Generators

1. Generators used for emergency standby power only. Only Natural Gas fueled generators will be allowed to be permanently installed (no propane, diesel or gasoline generators).
 - a. Generator must not be installed near neighbor's bedrooms and must not encroach any easements without consent. The generator must be anchored to a 4" concrete slab.
 - b. Unit will be programmed so that the test mode only occurs during the day between 10:00 a. m. and 4:00 p. m. The only time the generator is allowed to function in operational mode is when the electrical utility power is out, due to power outage or natural disaster.

L. Lighting

1. All exterior lighting on a lot, other than porch lights, breezeway lights and standard types of patio lights must be approved in writing by the ACC. Exterior lighting should not be of a wattage which will affect neighboring homes. No exterior lighting shall be directed toward another lot or unreasonably illuminate beyond the boundary of the lot where the lighting fixture is situated. The Architectural Control Committee shall have the authority to determine whether exterior lighting is directed toward another lot or unreasonably illuminates beyond the boundaries of a lot and it's reasonable, good faith determination shall be conclusive and binding.

2. Gas or electric post lights may be in front or back of the house. Such lights must be no taller than eight feet (8') in height and the illumination must be of 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 earth tone 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.

3. Seasonal or holiday decorations may be displayed on a lot or residential dwelling or other improvement on a lot for a period of thirty days (30) days before and (30) days after the holiday to which the holiday decorations relate.

Q. Awnings

Each proposed installation is subject to approval by the Architectural Control Committee ("ACC"). Homeowners must complete an ACC Submission Form with the following items:

A color photo showing the primary and trim colors of the house. A fabric sample in the color of the proposed awning.

A written proposal prepared by the awning contractor.

A sketch showing placement, design, and measurements. A listing of all materials to be used.

Approval will cover the specific awnings listed in the submission; any awning not referenced in the initial request must be additionally submitted for approval.

Approval will be on a case-by-case basis with consideration given to the architectural harmony with the existing house,

Approval will be in accordance with the following specifications:

Color. Selection is limited to these colors: brown or earth tone, dark green, dark blue, dark burgundy, dark gray, or black. Colors specifically not acceptable: yellow, orange, pink, purple, white, other light or medium colors. Consideration will be given to the base color and trim color on the house. Solid color only, no two or three-tone patterns will be approved. If more than one awning is installed, all must be identical. No lettering, stripes, dots or other such designs will be approved.

Fabric. Must have a minimum rated life of five years. Minimum weight: canvas fabric, 9.25 oz. per sq. yd.; polyester laminated fabric, 16 oz. per sq. yd. Specific fabrics which are not approved: vinyl woven fabric, any tarp-like material, plastic material, banner fabric, cotton, flannel, or boat cover fabric. No corrugated plastic, wood or metal covering will be approved.

Frame. The frame can be constructed of galvanized steel tubing or aluminum tubing. Visible down supports must be of rot resistant wood (4" by 4" minimum size), or painted 2" x 2" square aluminum or steel tubing, or ornamental iron or brick (must be same brick as on house). The frame must be covered at all times; the fabric portion is not to be removed during winter months.

Other. Only a permanently fixed installation will be approved; no roll-up awnings or RV types will be approved. Awnings must be attached to a permanent structure, i.e. homes, decks, patios. Awnings may not be used as a pool cover. Any side or front drop valance must be fixed if its length exceeds 6 inches. Design must be approved for ninety (90) mile per hour wind, minimum standard..

R. Swimming, Pools, Spas, or Jacuzzis.

1. An application for the construction of a swimming pool, spa, or Jacuzzi must include a plot plan showing the proposed location of the swimming pool, spa, or Jacuzzi in relation to the property lines, building lines, existing structures and existing or proposed fences. The application shall also include a timetable for the construction of the pool, spa, or Jacuzzi. No swimming pool shall be approved unless the area in which the pool is to be Located is either enclosed by a six foot (6') fence constructed of wood or of wrought iron or if on the golf course, the lot will have a fence meeting the standards as outlined in the fence policy to be constructed in conjunction with the swimming pool, there is a drainage system below the ground. Spas and Jacuzzis must also have an adequate drainage system as deemed appropriate by the ACC according to the size of the spa or Jacuzzi.

2. During construction, the pool area shall be enclosed with a temporary fence or barrier, unless a fence already exists. If a portion of an existing fence is removed during construction, a temporary fence or barrier must be erected to fully enclose the area in which construction is taking place. Further, no building materials shall be kept or stored in the street overnight. Excavated material shall either be used on site or immediately removed from the premises by the pool contractor. The construction of all swimming pools must be in compliance with the national electric code to include the installation of a ground fault circuit interrupter. No swimming pools may be enclosed with

screens nor be constructed in a manner to impede drainage on a lot or to cause water to flow on an adjacent lot. Above-ground swimming pools will not be approved.

3. It is the intent and at the discretion of the ACC that a pool, spa, or Jacuzzi shall be compatible with and compliment the design and overall character and esthetics of the community.

7. ACC Dispute Resolution. If a property owner desires to dispute a decision of the ACC, the property owner must submit a written request for a Dispute Resolution meeting to the Manager within fourteen (14) days of the date of receipt of the ACC's decision. The Manager and Chairman of the ACC will then arrange a time and location for a meeting between the property owner and three (3) members of the ACC to consider the property owner's dispute. After the meeting, the Manager will notify the property owner in writing of the ACC's final decision. In accordance with historical procedure, the property owner has a right to appeal the final decision of the ACC to the Board of Directors. A written notice of appeal which describes the basis of the dispute must be submitted in writing to the Manager within fourteen (14) days of the date the property owner receives notice of the ACC's final decision. The Board will then arrange a time and location for a meeting between the Board and the property owner to consider the property owner's appeal. The Board's decision on the appeal shall be final. During the pendency of the appeal to the Board, the decision of the ACC shall remain in effect.

EXHIBITS. The following exhibits are forms which have been adopted by the Association and which are in use at the time of the adoption of this instrument. While their purpose is substantially set, the actual form of the exhibits is subject to nominal change from time-to-time.

Request for ACC Approval

Sterling Association Services, Inc.
562 Kingwood Drive Suite 13
Kingwood, TX 77339
(281) 678-4500 fax (281) 598-4487

1. Please provide the information requested below, and attach this sheet to your plans.
2. Re-roofing submissions require shingle weight and color to be specified; re-painting submissions must be accompanied by "paint chip" samples.
3. A sketch of the location of the proposed work should be made on a photocopy of the plat of your property (reroofing or re-painting projects do not require sketches). Scaled architecture's, engineer's or contractor's drawings may be used as an alternative if lot lines, easements and building set-back lines are shown. The original copy of all submitted plans will be retained by the Committee.
4. Your plans will be reviewed as soon as possible. The Committee is required to act on the plans within 30 days of receipt by the ACC, but the review process rarely takes that long.

NAME: _____

PROPERTY ADDRESS: _____

OFF-SITE MAILING ADDRESS: _____

HOME TELEPHONE: _____ -- _____ - _____ SEC: _____ BLK: _____ LOT: _____

E-MAIL ADDRESS: _____

MODIFICATION FOR WHICH APPROVAL IS REQUESTED:

NAME OF CONTRACTOR (if any):

PHONE: _____ ADDRESS: _____

PROPOSED CONSTRUCTION START DATE: / ____ / ____ / ____

Your project must start within 90 days from the date of approval, or you must resubmit for approval

PROPOSED COMPLETION DATE: ____ / ____ / ____

All projects must be completed within 120 days from the date the project commenced.

Please Note: Approval of plans submitted will be contingent upon the right of the Project Review Committee (P.R.C.) to make an exterior inspection of the property to assure the improvements and/or addition are constructed in accordance with the plans approved by the Architectural Control Committee. Your signature on this form gives your consent to have the property inspected by the P.R.C. at the P.R.C.'s or ACC's discretion before, during and after construction.

SIGNATURE OF APPLICANT: _____ DATE: ____ / ____ / ____

ACC Major Project Submission Sheet
(for new construction or major modifications)

Atascocita Community Improvement Association
c/o Sterling Association Services.

1. ____ Have you received and read the applicable Deed Restrictions? (Yes/No)
2. ____ Have you included a plot plan showing location of the project? (Yes/No)
3. ____ Have you conformed with the following ACIA Policy? (Yes/No)

All construction projects which affect the harmony and/or external design of surrounding grades, shall, once completed, be final graded to meet the harmony and/or external design of the surrounding grades. Such final grade shall not unreasonably cause water to be directed away from and onto adjoining lots causing flooding or standing water. It is the intent that adjacent lots not be disturbed from drainage or run-off conditions that existed prior to adjacent construction.

**** The following responses apply only to New Home construction ****

Foundation Parameters

4. ____ What is the square footage of the exterior area, excluding the area of attached garages, porches, servant's quarters, or other appurtenances or appendages?
5. ____ What is the slab elevation? You may attach a copy of a Slab Elevation Certificate or a Harris County Building Permit in lieu of providing this figure.

Exterior

6. ____ % What percentage of the exterior of the home is brick / masonry?
7. ____ Have you attached paint chips to this application? (Yes/No) **Note:** if exterior color is not specified at this time, you must gain approval for house color by separate ACC submission prior to painting.
8. Please provide the following information regarding roof installation:
____ Roof Type _____ Color _____ Shingle Warranty _____
Please note that "3-tab" shingles are disallowed in this community.

**CONTRACTORS MUST PROVIDE PORTABLE RESTROOM FACILITIES ON THE
JOB SITE FOR THEIR EMPLOYEES.**

Name

Date

Current Address

Phone

RECORDER'S MEMORANDUM:
At the time of recordation, this instrument was found to be inadequate for the best photographic reproduction because of illegibility, carbon or photo copy, discolored paper, etc. All blockouts, additions and 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

JUL 17 2012



Stan Stewart
COUNTY CLERK
HARRIS COUNTY, TEXAS