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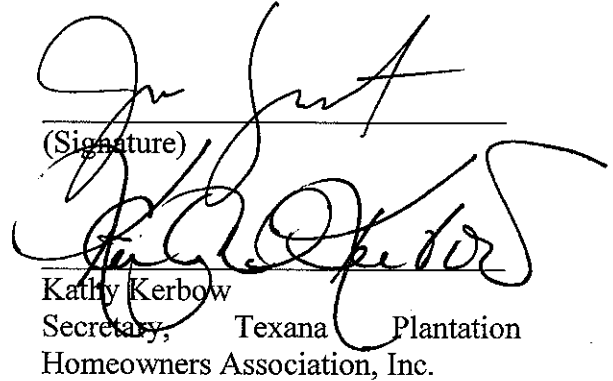


CERTIFICATION

I, the undersigned, am the duly elected and acting Secretary of TEXANA PLANTATION HOMEOWNERS ASSOCIATION, INC., a non-profit corporation, and I do hereby certify:

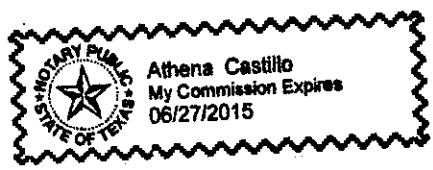
That the within and foregoing Builder/Owner Guidelines of Texana Plantation Homeowners Association, Inc., was properly adopted as of the 25th day of April, 2013, that same, in addition to the Declaration, By-Laws and amendments thereto, do now constitute the official documents of said corporation


IN WITNESS WHEREOF, I have executed this Builder/Owner Guidelines to be effective as of the 25th day of April, 2013.


(Signature)
Kathy Kerbow
Secretary, Texana Plantation Homeowners Association, Inc.

THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

This instrument was acknowledged before me, on the 25th day of April, 2012, by Kathy Kerbow, Secretary of Texana Plantation Homeowners Association, Inc., a Texas Non-Profit Corporation.




NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

TEXANA PLANTATION H.O.A.

Lot _____ Block _____ Section _____ Address _____

Revised 4-15-2013

6 pages

BUILDER/OWNER GUIDELINES

These Guidelines have been adopted by the Board of Directors of the Texana Plantation Homeowners Association (“TPHOA”).

BUILDERS MUST BE APPROVED BY BOARD OF DIRECTORS OF THE TPHOA PRIOR TO COMMENCING CONSTRUCTION. DO NOT MAKE ANY ASSUMPTIONS AS TO BUILDERS, APPROVED BUILDERS CHANGE FROM TIME TO TIME AND APPROVAL REMAINS AT THE SOLE DISCRETION OF THE TPHOA. APPROVAL IS IN NO WAY A WARRANTY OR ASSERTION BY THE TPHOA AS TO THE QUALIFICATIONS OF THE SELECTED BUILDER. IT IS ONLY A STATEMENT THAT THERE IS NO OBJECTION TO THE BUILDER AT THE TIME OF APPROVAL.

A GENERAL LIABILITY POLICY NAMING TEXANA PLANTATION HOA AS ADDITIONAL INSURED FOR NOT LESS THAN 1 MILLION DOLLARS MUST BE SUBMITTED PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION ACTIVITY ON ANY LOT IN TEXANA PLANTATION

1. Plan Submittals-A preliminary elevation should be submitted prior to proceeding with a full set of construction plans if there is any doubt the elevation may not be approved in TEXANA. There will be **NO** two identical elevations in Texana so make revisions prior to submittal. **2** sets of construction drawings with front, rear, and side elevations shown should be submitted. A site plan showing the location of the house on the lot and conforming to the **50** ft. front setback, **20** ft side setbacks and **30** ft rear building line should also accompany the plans when submitted. Remember that wherever possible the sanitary treatment systems should be alongside the house and **accessible** for inspections from the front (see III below). Brick, shingle styles and colors should be clearly shown and samples provided if requested. A check for **\$150** made payable to the TEXANA Plantation Homeowners Association must accompany the submittal of drawings for final approval.

2. Culverts-Minimum 20 foot wide, black corrugated PVC with approved end caps, reinforced with cement stabilized sand above the pipe. Either a 24”, 2-18”, or 1-18” culvert will be required depending on the depth of the ditch and the lot elevation There **MUST** be minimum of 6” of **3 sack** cement stabilized sand bedding under the pipe and the flow line of the pipe should be 3” below the flow line of the ditch. There **MUST** be a minimum of 6” of **3 sack** cement stabilized sand or concrete wash-out material around and on top of the pipe. It is the builder’s responsibility to make the final determination as to the correct quantity of material in excess of the minimum amounts based on anticipated loads. There must be a smooth transition between the driveway and the street over the pipe with no “bird baths”. Make sure the area between the end of the drive and the street drains well and does **NOT** hold water. The sides

ARC _____ Owner _____ Owner _____ Builder _____

of the culverts and all disturbed ditch areas must be turfed immediately after installation of the culvert to prevent erosion.

An approved installer should do this job. It is the builder's and owner's responsibility to make sure that drainage is not impeded after installation of the culverts, during construction or after construction is completed. **THIS SHOULD BE DONE BEFORE ANY OTHER CONSTRUCTION BEGINS!**

3. On-site sanitary treatment systems-A Clearstream brand or other TPHOA board approved extended aeration system with a chlorination treatment and an approved irrigation field is required. Any system other than a Clearstream must be submitted with all pertinent data for approval by the TPHOA board no less than 16 weeks prior to planned installation with a non-refundable \$500 engineering fee. Submittal does NOT guarantee approval.

The systems should be located ALONGSIDE the house whenever possible for access and not in backyards. Make sure the architect accommodates this system in the sewer layout within the house and the stub out is in an appropriate location. When submitting for plan review be sure and include an extra site plan locating the house on the lot. Please note that **ALL** sanitary treatment systems in TEXANA must be installed by an approved installer. You should allow **8** weeks to complete installation after returning the required paperwork!

4. Water taps should be coordinated through Municipal Operations, current operator for Ft. Bend WCID #3 Customer Service number 281-347-868650. The homes in TEXANA will require a minimum of a 1" tap, please accommodate for this in your plans. Whenever possible it is recommended that the tap be located near one of the side lot lines, not in the middle of the lot. Inspections will be conducted by Municipal Operations to ensure compliance.

5. Prior to commencing construction an address sign not less than 2ft high and 2 ft wide and not more than 3 ft high and 3 ft wide with the proper address must be placed at the front of the lot clearly visible for suppliers and subcontractors. No subcontractor signs are allowed. One Builder sign not less than 2 ft high and 2 ft wide and not more than 3 ft high and 3 ft wide with the name of the Builder and his phone number must be erected on a lot during construction. The Builder sign must be removed upon occupancy of the home.

6. Prior to commencing construction each of the suppliers and subcontractors must be sent a map with directions. An address plat can be provided to you for your convenience. The contractor will be issued a "building code" to allow entrance thru the gates of Texana.

7. Mailbox locations and design have been designated for each home site in TEXANA. The HOMEOWNER is responsible for paying for the cost of the mailbox. Each mailbox must be ordered through the management company for the TPHOA, allow at least 3 weeks for installation, the mailbox will not be ordered until requested to do so. The approximate cost of each mailbox is **\$235**. The actual cost will be deducted from the \$5000.00 construction deposit.

8. Chimneys must be brick, stone, or masonry. **NO SIDING OR STUCCO BOARD** on chimneys! All plumbing pipes, etc. extending above the roof line must be painted to match the shingle color.

ARC _____ Owner _____ Owner _____ Builder _____

9. Materials must be off-loaded **ON** the lot or driveway and not in the street, this includes concrete trucks. Wash out of concrete trucks must be done on the lot, **NOT** in roadside ditches, and hauled off during construction.

10. A dumpster for trash must be maintained on site at all times for materials such as paper, garbage, and materials that can blow and must be serviced regularly as needed. Other construction materials must be hauled off as needed and the lot must be kept neat. It is the builder's responsibility to make sure **NO** trash blows off the lot.

11. Employees of the builder and subcontractors must remain on the site at all times during work hours and not in common areas or on other lots

12. Construction hours within Texas are 7 am to 7 pm Monday thru Saturday. No deliveries of supplies will be allowed except during these times. Please advise your suppliers of these hours. Ongoing construction activity should cease and subcontractors should leave by 7 pm. It is the builder's responsibility to ensure these hours are adhered to. NO construction activity is allowed on Sundays. No construction is allowed on New Years day, Fourth of July, Thanksgiving Day, Labor Day, Memorial Day and Christmas Day. A fine of \$250 will be levied for the first infraction of construction activity outside of the allowed times. THERE WILL BE NO WARNINGS. SUBSEQUENT VIOLATIONS WILL INCUR FINES OF \$500 FOR EACH VIOLATION. FAILURE TO LEAVE A CONSTRUCTION SITE WITHIN FORTY FIVE MINUTES OF BEING TOLD TO DO SO WILL BE CONSIDERED ANOTHER VIOLATION. IT IS THE BUILDER'S AND OWNER'S RESPONSIBILITY TO PREVENT SUNDAY CONSTRUCTION ACTIVITY.

13. A temporary electric pole for use during construction can be ordered from Centerpoint through Richard Wagner at 281.341.4930.

14. **Landscape Guidelines** must be followed in order to comply with completion of a home and are available from the TPHOA. A Landscaping Plan must be **submitted** and **approved** prior to any irrigation or landscape work beginning. Evidence that landscaping is allocated for within a construction budget administered by a lending institution may be required; otherwise a landscape deposit may be required. All landscaping must be completed **within 60 days** after occupancy. All areas of disturbed soils without turf in the front and side yards of the homes must be fully sodded within 50 feet of the home (or to side lot lines if less than 50 feet). Ditch areas must be sodded on the sides in accordance with the Landscape Guidelines. All other disturbed areas must be either hydromulched or sodded. Sod must be placed over and around the culverts to prevent erosion and all disturbed soil in and around ditches should be sodded with the exception of a one foot strip along the flow line of the front drainage ditch. It is the owner's responsibility to re-grade the front and side drainage ditches to establish the existing approved grades prior to installing sod and landscaping. No irrigation is allowed in the drainage ditch areas. **NO Pine trees or ASH trees are permitted.**

Any fencing must be completed in accordance with the Landscape Guidelines and wood fencing **MUST** be **SEALED** immediately upon completion with a clear or natural tone sealer such as Thompson's Water Seal, Behr Natural Tone, Cuprinol at Sherwin Williams or equivalent. **NO** privacy fencing closer to the street than the home is allowed on corner lots, (see the Landscape Guidelines). Fencing location and

ARC _____ Owner _____ Owner _____ Builder _____

designs are defined in the Landscape Guidelines and must be adhered to during fence construction. Please ask for any clarification prior to construction.

The owner's deposit will not be refunded until landscaping is completed and meets the landscape guidelines. If the landscaping is not completed within the sixty day period, the entire balance of the deposit is subject to forfeit.

15. Lot lines adjacent to another lot or common areas should be identified with construction stakes to prevent ANY vehicles accessing these areas during construction. **After installation of the culvert(s) this must be the ONLY point of accessing the lot during construction.** As stated above, the culvert(s) must be installed prior to any other construction activity. DO NOT ALLOW subcontractors or suppliers to access the lot anywhere else except the culverts. Trespassing across common areas or other lots without prior written permission from the HOA or the applicable lot owner will require that the lot lines adjacent to common areas or other lots be outlined with orange construction net fencing before construction can proceed. **DO NOT INTRUDE** on adjacent properties!

16. All streets are privately owned by the Texana Plantation HOA. The speed limit is 20 MPH and shall not be exceeded. VIOLATORS MAY BE BANNED FROM TEXANA PALANTATION. Damage to streets by vehicles attending construction sites is the responsibility of the builder. Should trash, debris, concrete, dirt, mud, or other substances from construction sites be deposited on Texana streets or right-of-ways as a result of a builder's operations, the builder shall immediately remove same and restore the street or right-of-way to pre-damage condition. Should it become necessary for the HOA to contract for removal of same after notifying the builder, the builder will be billed cost plus an administrative fee of 20%. Driveways must be tied into the streets in accordance with Fort Bend County Specifications.

17. Each builder is responsible for providing a Porta Can, or equivalent, for the use of workers and having it serviced regularly.

18. A deposit of ~~\$5000.00~~ is required and is to be held in order to secure compliance with these Guidelines and to pay the cost of the mailbox which will be ordered and installed by the HOA. The cost of any work required by the HOA to maintain compliance of these Guidelines during construction will be deducted from this deposit. An inspection by a representative of the HOA will be done after completion of construction and a determination of any outstanding issues will be made. The builder and Owner will be notified and given 7 days to address these issues and schedule a re-inspection. The cost of any work required will be deducted from this deposit. Upon satisfactory completion of all issues and installation of completed approved landscaping, the deposit less any fines and costs and less the cost of the mailbox will be refunded to the Owner.

19. A construction fee of ~~\$300~~ and payable to Texana Plantation HOA, Inc. is due prior to start of construction. This helps pay for incidental damages to streets and common areas during construction.

20. **ALL** covenants and guidelines as stipulated in the recorded Deed Restrictions must be adhered to, if any questions please ask!

21. In the event of a violation of these Guidelines, the Board of Directors of the HOA shall have the right to impose a fine on the Owner of the applicable lot in accordance with the following procedures:

ARC _____ Owner _____ Owner _____ Builder _____

a. Policy. The HOA uses fines to discourage violations of these Guidelines and to encourage present and future compliance when a violation does occur -- not to punish violators or generate revenue for the HOA.

b. Owners Liable. An Owner is liable for fines levied by the HOA for violations of these Guidelines whether the Owner commits the violation or the builder of such Owner commits the violation. Regardless of who commits the violation, the HOA will direct its communications to the Owner, although the HOA may also send copies of its notices to the actual violator.

c. Violation Notice. Before levying a fine, the HOA will give the Owner a written violation notice and an opportunity for a hearing. The HOA's written violation notice will contain the following items: (a) the date of the violation notice is mailed or prepared; (b) a description of the violation; (c) a reference to the rule being violated; (d) a description of the action required to cure the violation; (e) the amount of the fine; (f) a statement that not later than the 30th day after the date of the violation notice, the Owner may request a hearing before the Board to contest the fine; and (g) the date the fine attaches or begins accruing.

d. New Violation. If the Owner was not given notice and a reasonable opportunity to cure a similar violation within the preceding 12 months, the notice will state a specific date by which the violation must be cured to avoid the fine, if the violation is ongoing or continuous. If the violation is not ongoing, but is instead sporadic or periodic, the notice must state that any future violation of the same rule may result in the levy of a fine.

e. Repeat Violation. In the case of a repeat violation, the notice will state that, because the Owner was given notice and a reasonable opportunity to cure a similar violation within the preceding 12 months, the fine attaches from the date of the violation notice.

f. Right to Hearing. An Owner may request in writing a hearing by the Board regarding the alleged breach of these Guidelines. The Board has 10 days after receiving the Owner's request for a hearing to give the Owner notice of the time, place and date of the hearing. The hearing must be scheduled for a date within 45 days from the date the HOA receives the Owner's request and should be scheduled to provide a reasonable opportunity for both the Board and the Owner to attend. The Owner's request for a hearing suspends only the levy of a fine. The hearing will be held in a closed or executive session of the Board. At the hearing the Board will consider the facts and circumstances surrounding the violation and the Owner may attend in person, or may be represented by another person or written communication.

g. Committee of Board. The Board may appoint a committee comprised solely of directors, and having at least three members, to serve as the Board at violation hearings. The Board will be bound by the decision of the Board committee. Such a committee may be appointed on an ad hoc basis.

h. Levy of Fine. Within 30 days after levying the fine, the HOA must give the Owner notice of the levied fine. If the fine is levied at the hearing at which the Owner is actually present, the notice requirement will be satisfied if the Board announces its decision to the Owner at the hearing; otherwise, the notice must be in writing.

ARC _____ Owner _____ Owner _____ Builder _____

i. Amount. The HOA may set fine amounts on a case by case basis, provided the fine is reasonable in light of the nature, frequency, and effects of the violation. The HOA may establish a schedule of fines for certain types of violations. The amount and cumulative total of a fine must be reasonable in comparison to the violation and should be uniform for similar violations of the same provision of these Guidelines.

j. Type of Levy. If the violation is ongoing or continuous, the fine may be levied on a periodic basis beginning on the start date. If the violation is not ongoing, but is instead sporadic or periodic, the fine may be levied on a per occurrence basis.

k. Collection of Fines. The HOA is not entitled to collect a fine from an Owner to whom it has not given notice either by hand delivery or mail and an opportunity to be heard.

22. Completion Date of Construction. It is the responsibility of the Owner to ensure that all construction must be completed within 10 (ten) months of the date the slab is poured. Unless the HOA board has approved an extension to that date the Owner will be fined \$2,000 per week or any portion thereof. Owner _____ Owner _____ Builder _____

23. These Builder Guidelines have been read, reviewed, and agreed to by both the Owner(s) and Builder and acknowledged by signatures below.

 Owner Date
 Name _____

 Owner Date
 Name _____

 TPHA Date
 Name _____

 Builder Date
 Company _____

Ret.
 Principal Management
 25301 Borough Park Dr Ste 108
 The Woodlands TX 77380

FILED AND RECORDED
 OFFICIAL PUBLIC RECORDS

Dianne Wilson

Dianne Wilson, County Clerk
 Fort Bend County, Texas

April 29, 2013 02:33:09 PM

FEE: \$35.00 DA
 MISC

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