

CERTIFICATION

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

I, the undersigned, pursuant to §202.006 of the Texas Property Code, do hereby certify, as follows:

- (1) I am an agent for Property Owners of Deer Creek (Pasadena) Association, Inc. a Texas non-profit corporation;
- (2) An Instrument titled: "Property Owners of Deer Creek (Pasadena) Association, Inc., Architectural Control Committee Guidelines", is attached hereto;
- (3) The property affected by the said Instrument is described as, to wit:

The subdivision of Deer Creek as recorded in the Map and Plat Records of Harris County, Texas, Clerk's File Number X572982, and Film Code No. 557006 along with any amendments, supplements and replats thereto.

- (4) The attached Instrument is a true and correct copy of the original.

IN WITNESS WHEREOF, I have hereunto subscribed my name on this the 29th day of June, 2016.

June

By: *[Signature]*
Luke P. Tollett, Attorney for
Property Owners of Deer Creek (Pasadena) Association, Inc.

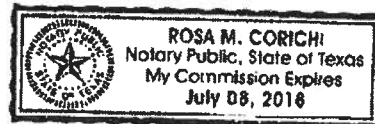
STATE OF TEXAS §
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BEFORE ME, the undersigned authority, on the day personally appeared the person whose name is subscribed to the foregoing document and declared that he signed the foregoing document in his representative capacity and that the statements contained therein are true and correct.

Given under my hand and seal of office this the 29th day of June, 2016.

Rosa M. Corichi
Notary Public, State of Texas

After recording return to:
HOLT & YOUNG, P.C.
9821 Katy Freeway, Suite 350
Houston, Texas 77024



RP-2016-328249

*BOA
APPROVED
1-10-12*

**PROPERTY OWNERS OF DEER CREEK (PASADENA) ASSOCIATION, INC.
ARCHITECTURAL CONTROL COMMITTEE**

GUIDELINES
Effective
October 18, 2011

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From time to time the Property Owners of Deer Creek (Pasadena) Association, Inc. may approve separate policies and guidelines in addition to those set out in the main body of the ACC Guidelines. This usually occurs in response to changes mandated by the Texas Legislature. Those separate policies and guidelines are recorded in the local property records and posted on the Property Owners of Deer Creek (Pasadena) Association, Inc. website.

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ARCHITECTURAL CONTROL COMMITTEE GUIDELINES

The Architectural Control Committee (ACC) was created to enhance property values by requiring conformity to certain standards of construction, visual appeal, uniformity, and design. The Covenants, Conditions and Restrictions (CCR's) provide that no building, fence, wall, structure, improvement, exterior appurtenance, or exterior corporeal hereditament, except landscaping (landscaping defined as "living plants, trees, shrubs, flowers, etc., and utilization of non-living material necessary for growth; i.e., bark, mulch, etc. Trellises, window boxes, arbors, and permanent brick borders must have Architectural Control Committee approval. Landscape timbers and bricks without mortar do not need Architectural Control Committee approval unless they exceed a height of two (2) feet"), shall be commenced, erected, placed, or altered on any Lot, nor shall any exterior addition to or change or alteration, other than landscaping, be made to the Lot, improvements, appurtenances, or corporeal hereditaments until the construction plans and specifications describing the nature, kind, shape, height, materials and plot plan showing the location of same, have been approved in writing.

It is the general purpose of the ACC to approve or disapprove applications made to it for proposed alterations, additions, or changes to be made to the exterior of the house and/or the lot itself. Landscaping does not require ACC approval unless specifically referenced in the deed restrictions.

Procedure

A "Request For Home Improvement Approval Form" (RFHIA) must be completed in its entirety and mailed to the address indicated at the top of the form. All pertinent information such as plans, specifications, building permits, locations indicated on a copy of the survey, etc. should be included with the application.

These forms are available from our management company. The ACC cannot respond to verbal request for approval - all applications must be made in writing.

The ACC has thirty (30) days from date of receipt of an application in which to respond. If additional information is required by the ACC, the application process will be extended accordingly. Plans for implementation of the proposed improvement(s) should allow for time required to complete the approval process.

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 Designated Representative should be contacted at a specified number.

Guidelines

The following are guidelines adopted by the ACC to specify their standards, requirements, and thought processes used in evaluating an application. These guidelines will be amended from time to time as the circumstances, conditions, or opinions of the ACC dictate. It should be noted that each application is considered on its own merit and that the ACC may grant a variance from these guidelines if an extremely good reason is given. Granting variances is strongly discouraged as it reduces the enforceability of these guidelines and hurts the credibility of the ACC. The ACC cannot allow variances from the CCR's except where specifically stated in the CCR's. The CCR's can only be changed with a majority vote of the homeowners.

It should also be noted that ACC approval is required prior to the installation or construction of the improvement or change. If an improvement is made without ACC approval, the Board of Directors has the legal right to enforce its removal.

1.0 Outbuildings

1.1 No structure of a temporary character, whether trailer, basement, tent, shack, garage, barn or other outbuilding shall be maintained or used on any Lot at any time as a residence, or for any other purpose, with the exception of lawn storage or children's playhouses which have received Architectural Control Committee approval. This meaning of this statement is fully explained in the Appendix, however, to summarize; the only structures which are enclosed by walls and a roof (other than the main residence) that are allowed are storage sheds for lawn storage, playhouses, and forts. All others are prohibited such as workshops, barns, and greenhouses. Room additions (which must be attached to the main structure) are covered in section 5.0.

1.2 The ACC will consider the following:

- a. In order to severely limit an outbuilding's visibility from the front street; it must have a peaked roof no higher than six (6) feet if any part of it extends past the left or right side walls of the house. A maximum height of eight (8) feet is allowed if the outbuilding does not extend past the left or right sides of the house. Visibility from a side street or back street is not to be taken into consideration. The structure must be kept a minimum of three (3) feet off rear and side property lines. Its location must also be far enough away from fence to allow for drainage to occur entirely on the owner's lot.
- b. It is preferred that the floor space be 100 square feet or less, however, the ACC will approve up to 144 square feet. Its door cannot be a garage door and cannot exceed six (6) feet in width. There shall be no driveway adjacent to the outbuilding. If a Building Permit is required by the City of Pasadena, it should be submitted with request form. To obtain permit information, call (713) 475-5575 or visit the website at www.ci.pasadena.tx.us for more information.

- c. The colors should match or blend with the predominant exterior colors of the main residence and must be a muted color.
- d. Materials should match those of the main residence in both size and color; however, the ACC will approve small prefabricated metal storage buildings providing the color blends with the main residence.
- d. A storage building placed on a concrete slab on top of a utility easement will be portable.
- e. No storage can be built up against any side or rear wall of home unless its maximum height is less than six (6) feet. It must also comply with all the other requirements for proper construction, size and location.
- g. If a lot has a platform, then the platform can be no higher than four (4) feet off ground and centered in back yard to protect neighbor's privacy.
- h. If any outbuilding exceeds 100 square feet, a building permit is required by the City of Pasadena. Permits may be obtained by calling (713) 475-5575 or via the website at www.ci.pasadena.tx.us. Click on the Permits & Licenses tab. It will direct you to the building permit.
- i. When a building permit is required, it must be submitted to the ACC Committee along with the request form for prior approval.

2.0 Basketball Goals

- 2.1 The basketball backboard, net, and post must be maintained in excellent times.
- 2.2 If the backboard is mounted onto the roof by use of a small, triangular mounting structure, the mounting structure must be painted to match the shingle color.
- 2.3 Rims must be ten (10) feet in height.
- 2.4 Backboard must be regulation size and its color must not clash with the colors of the house. Beige, grey, clear, and white generally acceptable colors. Black is not acceptable.
- 2.5 Must be mounted on garage or placed a pole on the side of driveway.
- 2.6 Written approval of neighbors on both sides must be obtained.
- 2.7 If any complaints are received within six (6) months after installation, the basketball goal will be subject to immediate removal at the request of the ACC.
- 2.8 Portable basketball goals must be stored out of public view when not in use, i.e.: garage or behind fence.

3.0 Patio Covers

- 3.1 Patio covers are only allowed in back of the house. They cannot extend past the left or right side walls of the house in order to severely limit their visibility from the front street. An exception to this rule is specifically allowed for patio homes whose patios are on the side of their houses.
- 3.2 Should be constructed of materials which complement the main structure.
- 3.3 Prefab covers made of aluminum may be approved providing they are of a muted color such as grey, brown, or beige. Unfinished aluminum will not receive ACC approval. All metal must be painted and certain structures using fiberglass roofing and wood frame may be allowed to go unpainted provided treated wood is used.
- 3.4 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 painted wooden or metal columns. No pipe is allowed. At no time, however, shall a shingled roof of a patio cover be allowed with an unpainted frame (this does not apply to deck covers which cover a wooden deck). The frame will have to be painted to match the trim of the house whether treated or untreated wood is used.
- 3.5 Acceptable patio construction materials are as follows:
 - a. Colored or painted aluminum to match the trim of the house.
 - b. Painted wood to match the trim of the house.
 - c. Wood such as cedar, fir, redwood, or pressure treated pine may be used.
 - d. Fiberglass is acceptable and muted colors such as tan, brown, beige, and clear may be used. No green or yellow is allowed. Edges of fiberglass must not be visible from surrounding properties or from the street. General Note: All patio cover material, i.e., fiberglass, 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, it must be a muted color and also, the canvas must be kept in quality condition or its removal will be requested by the HOA. No blues or greens allowed for residential use.
- 3.6 Patio covers may not encroach into any utility easement unless the utility companies involved have granted their written consent to such encroachment.
- 3.7 Patio covers must be situated on the lot to provide drainage solely into the owner's lot. If a proposed patio cover location is less than five (5) 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.

4.0 Decks, Deck Covers, & Gazebos

- 4.1 Decks, deck covers, and gazebos are not prohibited by as long as they are not fully enclosed by walls and a roof to resemble an outbuilding or addition.
- 4.2 They are only allowed in the back yard, however deck covers and gazebos cannot extend past the left or right side walls of the house in order to severely limit their visibility from the front street. Decks and gazebos can extend past the side walls as long as they are not visible from the front street.
- 4.3 Their floors cannot be higher than eighteen (18) inches, with the exception of pool decking. (Refer to Section 9.0)
- 4.4 Deck covers generally must comply with the patio cover guidelines; however, their frames do not have to be painted, even if they have a shingled roof, if the deck is not painted. If they are painted, the paint should match the house.
- 4.5 Decks, deck covers, and gazebos may not encroach into any utility easement unless companies involved have granted their written consent to such encroachment.
- 4.6 They should not be situated on the lot so that they may pose a problem to the effective drainage of the lot or neighboring lot.
- 4.7 Gazebos must also be at least six (6) feet away from house. Their maximum height at the peak is eleven (11) feet and they must be at least three (3) feet off side and back fence.

5.0 Room Additions

- 5.1 For a Single Family Detached house, it cannot be located nearer than twenty (20) feet to the front property line, nearer than ten (10) feet from the rear property line, nearer than five (5) feet to an interior side lot line, or nearer than ten (10) feet to an exterior lot line (on a corner lot). All room additions must comply with city ordinances. Contact the City of Pasadena at (713) 475-5575 for assistance.
- 5.2 Exterior materials and colors should match the house as much as possible.
- 5.3 Detailed plans must be submitted to the ACC.
- 5.4 Room additions may not encroach into any utility easement unless the utility companies involved have granted their written consent to such encroachment.

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- 5.5 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. Addition of a storage area or a greenhouse will not qualify as a bonafide room addition and will not be permitted. Plans for a room addition must show a room internally attached to main structure being of reasonable size which will then constitute a legitimate request for a room addition. Roof of addition must integrate with existing roof line so as to appear to have been part of the original home. Room additions cannot exceed one-third of the remaining back yard.
- 5.6 If building permit is required by the City of Pasadena, it must be submitted with the "RFHIA" form. In some instances, the ACC will grant approval with provision that a copy of the permit be received by the ACC within thirty (30) days of the approval letter. Refer to the city website at www.ci.pasadena.tx.us to obtain permit.

6.0 Prefabricated Sunrooms & Solariums

- 6.1 For a Single Family Detached house, it cannot be located nearer than twenty (20) feet to the front property line, nearer than ten (10) feet from the rear property line, nearer than five (5) feet to an interior side lot line, or nearer than ten (10) feet to an exterior lot line (on a corner lot). All sunrooms and/or solariums must comply with City of Pasadena ordinances. Refer to the city website at www.ci.pasadena.tx.us for permit assistance.
- 6.2 It must be attached to the back of the house and it must not extend past the left or right side walls of the house in order to severely limit its visibility from the front street. If it is not attached to the house, then it must be denied.
- 6.3 May not encroach into any utility easement unless the utility companies involved have granted their written consent to such encroachment.
- 6.4 Its height cannot exceed eleven (11) feet.
- 6.5 Exterior materials and colors should match the house as much as possible.
- 6.6 All aluminum should be painted. No mill finish allowed.
- 6.7 Detailed plans must be submitted to the ACC along with building permit, if required by the City of Pasadena.

7.0 Exterior Painting

- 7.1 All paint colors must be muted (not vivid) grays, browns, or beiges, including grays, browns, or beiges which have slight tints of other colors such as blue, red, yellow, or green.
- 7.2 The applicant's brick color and roof color must be taken into consideration.

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8.0 Storm Windows and Storm/Screen Doors

- 8.1 Providing the frames and screens of these are of a color compatible with the exterior house colors, storm windows and storm or screen doors should receive ACC approval.

9.0 Swimming Pools, Spas, and Enclosures

- 9.1 No pool, spa, or pool enclosure of any type may encroach into any utility easement unless the utility companies involved have granted their written consent to such encroachment. Decking also requires consent agreement. Consents must be received prior to approval.
- 9.2 Ideally, any pool, spa, or pool enclosure should be located at least five (5) feet from a side and rear lot line to maintain proper drainage on lot. However, a minimum of three (3) feet will be allowed in certain instances. They are only allowed in back of the house.
- 9.3 Above ground pools will receive special consideration. Above ground pool acceptable provided it is not over four (4) feet in height. Decking around pool cannot be over forty-eight (48) inches above ground so to ensure privacy of neighbors. If there is a walkway around pool, it cannot be wider than two (2) feet or higher than the wall of the pool. Railings for walkway cannot be visible above the six (6) foot fence. It must be three (3) feet to five (5) feet from the side and rear fences.
- 9.4 Pool and spa enclosures cannot extend past the left or right side walls of the house in order to severely limit their visibility from the front street. Their height cannot exceed eleven (11) feet. Exterior materials and colors should match the house as much as possible. All aluminum should be painted. No mill finish allowed. Detailed plans must be submitted to the ACC.
- 9.5 All swimming pools, spas and/or enclosures must comply with City of Pasadena ordinances, if any.

10.0 Solar Energy Devices, Solar Panels, Screens, & Films

- 10.1 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.
- 10.2 Such Devices may only be installed with advance written approval of the Property Owners of Deer Creek (Pasadena) Association Inc. Architectural Control Committee subject to these guidelines.
- 10.3 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.

- 10.4 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.
- 10.5 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; and have no portion of the Device extend beyond the perimeter boundary of the roof section to which it is attached; and
 - b. conform to the slope of the roof; and
 - c. be aligned so the top edge of the Device is parallel to the roof ridge line for the roof section to which it is attached; and
 - d. have a frame, brackets and visible piping or wiring that is a color to match the roof shingles or a silver, bronze or black tone commonly available in the marketplace; and
 - e. be located in a position on the roof which is least visible from any street or common area, so long as such location does not reduce estimated annual energy production more than 10% over alternative roof locations (as determined by a publicly available modeling tool provided by the National Renewable Energy Laboratory [www.nrel.gov] or equivalent entity).
- 10.6 For Devices located in a fenced yard or patio, no portion of the Device may extend above the top of the fence. If the fence is not a solid fence which blocks view of the Device, the Association may require the Device be placed in a location behind a structure or otherwise require visual screening. The Association may consider installation of Devices on properties without a fenced yard if there is adequate screening from public view from any street or common area.
- 10.7 All Devices must be installed in compliance with manufacturer's instruction and in a manner which does not void material warranties. Licensed craftsmen must be used where required by law. Permits must be obtained where required by law.
- 10.8 Installed Devices may not:
- a. threaten public health or safety; or
 - b. violate any law; or
 - c. substantially interfere with the use and enjoyment of land by causing unreasonable discomfort or annoyance to any adjoining property owner.
- 10.9 All Devices must be maintained in good repair. Unused or inoperable Devices must be removed.
- 10.10 The ACC will approve solar panels which are unobtrusive and which blend in with the roof shingle color.
- 10.11 Parabolic solar collectors which are not mounted so as to be flush with the roof will not be approved.

- 10.12 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 shingles.
- 10.13 No solar panel should be mounted so that it extends above the roof line.
- 10.14 The ACC would prefer to have solar panels mounted on the front roof of a house rather than mounted on stands to the side or back roof.
- 10.15 Solar screens whose colors blend with the colors of the house are allowed on windows.
- 10.16 Colors and manufacturers must be acceptable to ACC for both screens and panels.
- 10.17 Solar film must be non-reflective type.

11.0 Satellite Dishes

- 11.1 No satellite dish of any kind which is visible from any ground location off of the Lot shall be maintained on any portion of any Lot unless such satellite dish is adequately screened from view. All satellite dishes must meet federal regulations. Wires must be secured as to not be visible. No ACC application is required.
- 11.2 Must not be placed on any utility easement without consent-to-encroach letter.

12.0 Fence and Fence Extensions

- 12.1 No side or rear fence, wall, or hedge shall be more than seven (7) feet high. All fences must be constructed of wood at least six (6) feet in height.
- 12.2 The front fence must be six (6) feet tall. The rear or side fence can be no higher than eight (8) feet.
- 12.3 No painting or varnishing of fence. Painting and varnishing requires prior ACC approval.
- 12.4 Cedar only.
- 12.5 No split rail fences or decorative fencing permitted to front.
- 12.6 No fence may extend "nearer the front Lot line than the plane of the front exterior wall of the residential structure on such lot.
- 12.7 Consents from all affected neighbors must be submitted in order to be considered for fence extensions, height extensions, or when changing the side of the fence the pickets are on.

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- 12.8 If both neighbors do not concur as to a proposed fence extension, the ACC will examine the effect the fence extension will have on both properties. If one party will suffer detrimentally from the extension (i.e., will totally enclose a bay window), the ACC will reject the application.
- 12.9 Replacement or repairs of fence must be made with similar materials and construction details as used in the original fence.
- 12.10 Chain link fences are prohibited in Deer Creek subdivision.

13.0 Decorations

- 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, fountains, or other decorative embellishments, unless such items have been approved in writing by the ACC, however any decorations will be reviewed on an individual basis.
- 13.2 Benches and gates will be reviewed on an individual basis.

14.0 Exterior Lighting

- 14.1 Additional exterior lighting should not be of a height, wattage or lumen count which will affect neighboring homes. Mercury vapor, fluorescent and sodium halite lights are not permitted in the back or side of the yard.
- 14.2 Directional lights or floodlights must be aimed so as not to shine in the windows of neighboring homes.
- 14.3 Flags may be illuminated only in compliance with the provisions listed in 30.0. Flags.

15.0 Wind Turbines

- 15.1 Wind turbines should be mounted in the rear portion of the roof so that they are not visible from the front or above the roof line.
- 15.2 The wind turbines preferably should either be a color which will blend with the shingle color instead of unfinished aluminum or be painted to match the shingle color.
- 15.3 All wind turbines must receive ACC approval prior to installation.

16.0 Outdoor Carpeting

- 16.1 Can only be installed on porch area - no walkways, etc.

- 16.2 Muted colors such as grey, brown, and beige are acceptable even if slightly tinted otherwise.
- 16.3 Specifically no green or blue carpet.
- 16.4 Outdoor carpeting must not be visible from the front of the home.

17.0 Burglar Bars

- 17.1 Burglar bars are prohibited in Deer Creek subdivision.

18.0 Birdhouses

- 18.1 Maximum height twelve (12) feet.
- 18.2 Mounted on two-inch diameter metal pipe painted white or black.
- 18.3 Should be placed towards the middle of the back yard.

19.0 Landscaping

- 19.1 Trellises, window boxes, arbors, and permanent brick borders [i.e. with mortar] must have ACC approval.
- 19.2 Landscape timbers and bricks without mortar do not need ACC approval unless they exceed 2' in height.
- 19.3 Must complement style and architecture of home and conform to color scheme of immediate neighborhood to be approved.
- 19.4 Living plants, trees, shrubs, flowers, etc., and utilization of non-living material necessary for growth; i.e. bark, mulch, etc." do not need ACC approval. Placement of said plants may not affect neighbors.
- 19.5 No hedge in excess of three (3) feet in height ... shall be erected or maintained nearer to the front Lot line than the plane of the front exterior wall of the residential structure on such Lot. No side or rear fence, wall, or hedge shall be more than eight (8) feet high.
- 19.6 No object or thing [including landscaping and plants] which obstructs site [sight] lines at elevations between two (2) feet and eight (8) feet above the roadways within the triangular area formed by the intersecting street property lines and a line connecting them at points ten (10) feet from the intersection of the street property lines or extension thereof shall be placed, planted or permitted to remain on any corner lots.

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20.0 Antennas

- 20.1 All antennas must meet federal regulations. They must be installed on the back side of house, lower than roof line and must not be visible from the front side of the lot.
- 20.2 If a lot backs onto vacant property and can be seen from entrance to subdivision or adjacent road, screening will be required. Trees can be used as an effective screen.
- 20.3 Antennas are not allowed on corner lot if visible from front or side of street regardless of screening.

21.0 Swing Sets

- 21.1 In order to severely limit a swing set's visibility from the front street; it must be no higher than six (6) feet if any part of it extends past the left or right side walls of the house. A maximum height of eight (8) feet is allowed if the swing set does not extend past the left or right sides of the house. Visibility from a side street or back street is not to be taken into consideration.
- 21.2 Swing sets are permitted in the backyard only. NO EXCEPTIONS.

22.0 Driveway Extensions & Sidewalks

- 22.1 Driveways, extensions and/or sidewalks will be reviewed on a case by case basis.
- 22.2 No closer than three (3) feet to property line and sometimes up to five (5) feet. Driveway extensions can extend no nearer to side property line than three (3) feet and five (5) feet in certain instances.
- 22.3 All sidewalks in the side yard must be no greater than thirty-six (36) inches wide. Thirty (30) inches wide is the recommended width for the standard five (5) foot side yard.

23.0 Garage Conversions, Carports, Detached Garages

- 23.1 Conversions of attached garages are permitted provided there are no exterior changes to the garage (i.e. the converted garage must still look like a garage and have a garage door). Raw construction materials must not be visible from the front view of the home.
- 23.2 Detached garages, other than existing structures built by K B Homes, are not permitted.
- 23.3 Driveways can never be removed from the front yard.
- 23.4 All garage conversions, carports and detached garages must receive ACC approval prior to construction. If a City of Pasadena permit is required, it also must be submitted with ACC application. Please call (713) 475-5575 for additional permit information.

24.0 Window Air Conditioners

24.1 Must not be visible from any street and must be below the fence line.

25.0 Window Shades/Awnings

- 25.1 Canvas awnings will not be permitted to be installed on windows to reduce solar exposure unless they are on the back side of the house on an interior lot and not visible at all from the street. On a corner lot or a lot that backs onto a street, canvas awnings will not be permitted at all. When allowed, they must be muted colors, no blues, greens, etc., and must be kept in excellent condition at all times or will be subject to immediate removal upon notification by the HOA of their unacceptable condition.
- 25.2 Awnings are permitted for use on playhouses and patio covers, provided they also comply with home color
- 25.3 Metal and wooden slat-type shades may be allowed by the ACC, if they are deemed necessary in reduction of solar exposure and installation on appropriate windows will be determined by the ACC. Windows shades and awnings are permitted in the back of the home only.

26.0 Roofs

- 26.1 All buildings shall be roofed with composition shingles unless otherwise approved in writing by the Property Owners of Deer Creek (Pasadena) Association, Inc. Architectural Control Committee Wood shingles are specifically prohibited for safety reasons.
- 26.2 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.
- 26.3 Roof shingles must be dark brown or dark gray tones or light brown or light gray. Blue, green, red and white colors are not allowed.
- 26.4 Roof overlays are not allowed. Prior to roofing, all existing materials must be removed down to clean decking. Any damaged or deteriorated decking must be replaced.
- 26.5 Ridge vent are encouraged, to improve ventilation, reduce attic temperature and reduce cooling costs, but are not required.
- 26.6 All roof protrusions, such as vents, roof jacks, must be painted to match the shingles.
- 26.7 Subject to Section 8 below and with advance written approval from the Property Owners of Deer Creek (Pasadena) Association, Inc. Architectural Control Committee, an owner may install shingles ("Alternative Shingles") which are designed primarily to:
- a. be wind and hail resistant; or
 - b. provide heating or cooling efficiencies greater than traditional composition shingles; or
 - c. provide solar energy capture capabilities.
- 26.8 Once installed, any such Alternative Shingles must:
- a. resemble the shingles used or authorized to be used on other structures within

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the Association; and

- 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.

26.9 All roof colors must be muted (not vivid) grays, browns, or beiges, or black.

26.10 The roof color must blend or accent the applicant's brick color and paint color.

26.11 Roofing materials other than composite asphalt shingles may be used, such as aluminum, however, these must have the appearance of composite shingles in order to remain consistent with the neighborhood.

27.0 Rainwater Harvesting Systems

1. Rainwater Recovery Systems may be installed with advance written approval of the Property Owners of Deer Creek (Pasadena) Association, Inc. Architectural Control Committee 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 Property Owners of Deer Creek (Pasadena) Association, Inc. Architectural Control Committee.
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; and
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
 - b. the barrel must be fully painted in a single color to blend with the adjacent home or vegetation; and
 - c. 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

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space allows and where appropriate, Property Owners of Deer Creek (Pasadena) Association, Inc. Architectural Control Committee 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.

28.0 Flags

1. These Guidelines apply to the display of ("Permitted Flags"):
 - 1.1. the flag of the United States; and
 - 1.2. the flag of the State of Texas; and
 - 1.3. 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:
 - 2.1. flags for schools, sports teams, businesses or foreign countries; or
 - 2.2. flags with marketing, seasonal, historical, commemorative, nautical, political or religious themes; or
 - 2.3. historical versions of flags permitted in section 1 above.
3. Permitted Flags may be displayed subject to these guidelines. Advance written approval of the Property Owners of Deer Creek (Pasadena) Association, Inc. Architectural Control Committee 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:
 - 11.1. in any location other than the Owner's property; or
 - 11.2. within a ground utility easement or encroaching into an aerial easement; or
 - 11.3. beyond the side or rear setback lines (for example, on a lot with a 10' side setback line, a flagpole may not be installed closer than 10' from the side property line); or
 - 11.4. 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
 - 11.5. 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:
 - 12.1. be ground mounted in the vicinity of the flag; and
 - 12.2. utilize a fixture that screens the bulb and directs light in the intended direction with minimal spillover; and
 - 12.3. 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
 - 12.4. 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.

29.0 Display of Religious Items

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; or
 - b. violate any law; or
 - c. contain language, graphics or any display that is patently offensive to a passerby.
5. Approval from the Property Owners of Deer Creek (Pasadena) Association, Inc. or the Property Owners of Deer Creek (Pasadena) Association, Inc. Architectural Control Committee 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.

Appendix - Definitions

No structure of a temporary character, whether trailer, basement, tent, shack, garage, barn or other outbuilding shall be maintained or used on any Lot at any time as a residence, or for any other purpose, with the exception of lawn storage or children's playhouses which have received Architectural Control Committee approval; ... " Since this statement has a large impact on what is and is not allowed in Property Owners of Deer Creek (Pasadena) Association, Inc., its definition has been recorded here to make sure the ACC fully understands and enforces it.

In order to understand this statement, the key words must first be understood. Webster's

Third International Dictionary defines these as follows:

Structure-something constructed or built; esp: a building of imposing size: edifice.

Temporary - existing or continuing for a limited time.

Out-building - a detached building, subordinate and accessory to a main building.

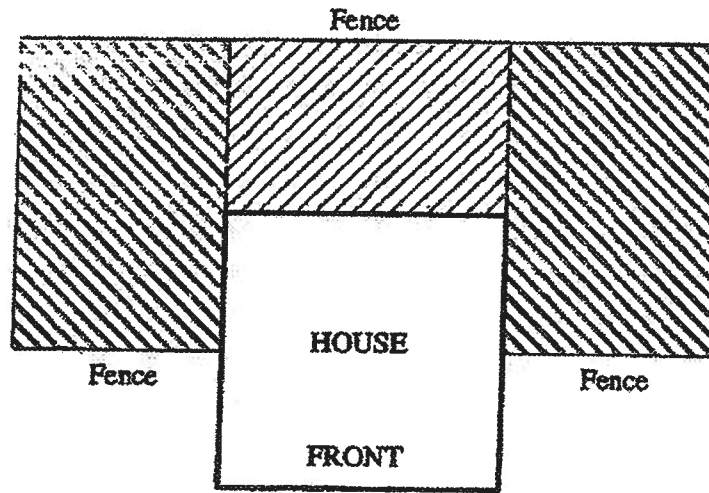
Building - a constructed edifice designed to stand more or less permanently, covering a space of land, usually covered by a roof and more or less completely enclosed by walls, and serving as a dwelling, storehouse, factory, shelter for animals, or other useful structure - distinguished from structures not designed for occupancy (as fences or monuments) and from structures not intended for use in one place (as boats or trailers) even though subject to occupancy.



So according to Webster's, the word 'structure' could mean anything built, or it could mean only a 'building'. If the former definition is used, then Section 7 would be prohibiting any temporary thing built and used for any purpose which would include decks, patio covers, fences, outdoor grills, pools, antennas, satellite dishes, and even automobiles! It then becomes obvious that the latter definition is meant (i.e. a 'building'). Therefore, a "*structure of a temporary character*" means any 'building' other than the permanent main residence, which is actually the same definition as 'outbuilding' (i.e. something covered by a roof and completely enclosed by walls which is detached from the main residence). Outbuildings' such as a "*trailer [trailerhome], tent, shack, garage, barn or other outbuilding*". Therefore, the only 'outbuildings' allowed in Deer Creek subdivision are lawn storage sheds and children's playhouses, which could include forts. All other 'outbuildings' are prohibited such as workshops, barns, and greenhouses. This definition does not prohibit decks, deck covers, patio covers, gazebos, and the like since these are not 'buildings' as long as they are not enclosed by walls and a roof.

Side Walls of the House

When an improvement's guidelines talks about extending past the left or right side walls or the house, it means the following:

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-  Extends Past The Left or Right Side Walls of the House.
-  Does Not Extend Past the Left Or Right Side Walls of the House.

The main purpose is to severely limit the improvement's visibility from the front street, thus keeping the uncluttered appearance of our neighborhood. The consequences of not following these guidelines are severe, because if the ACC allows something normal in the backyard, like a storage shed, to be visible from the front street, then it would be forced to allow something 'abnormal', like an eight (8) foot glow-in-the-dark statue of Adolf Hitler, to also be visible. (The ACC would be hard pressed to convince the statue owner that someone else's old storage shed looks better his piece of 'artwork'.) This would lead to a serious question of what is normal and what is not. So, by following these location guidelines, the ACC severely limits the visibility from the front street of all improvements, and therefore, eliminates this problem.

In general, an acceptable location is defined as anywhere in the backyard for anything that is six (6) feet tall or less (i.e. hidden by the fence), subject to all the other rules for that type tall, they must be placed behind the main house and must not extend past the side walls of the house.

The ACC uses this side-wall-of-the-house rule, instead of just stating that the improvement must not be visible from the front street, because of its simplicity of approval and enforcement. Visibility from the front street depends on many factors such as distance to the neighboring houses, depth of the back yard, relative height of the fence to the street and of the backyard to the fence, as well as the height of the improvements and its location on the survey. The only way to assure that an improvement would not be visible would be to build it and move it until it is not visible, which of course would be a disaster for many improvements. It would also bring up the issue of visible to who, a six foot person or a five foot person? The side-wall rule only requires the height of the improvement and its location on the survey to determine if the improvement is acceptable. So the end result of using the side-wall rule is slightly increased visibility from the street, but a much simpler rule to use.

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e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
STAN STANART
COUNTY CLERK
Fees \$100.00

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.



Stan Stanart

COUNTY CLERK
HARRIS COUNTY, TEXAS