

**AFFIDAVIT IN COMPLIANCE WITH SECTION 202.006**  
**OF TITLE 11 OF THE TEXAS PROPERTY CODE**

COPY

THE STATE OF TEXAS           §  
  §  
COUNTY OF Brazoria       §

**BEFORE ME**, the undersigned authority, on this day personally appeared Terrie Brown, being by me duly sworn to law, stated the following under oath:

“My name is Terrie Brown. I am fully competent to make this Affidavit. I have personal knowledge of the facts stated herein, and they are all true and correct.

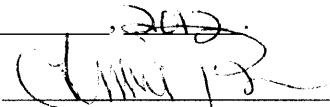
I am the Association Manager of Southwyck IV Homeowners Association, Inc., a Texas Non-Profit Corporation (the “Association”). I am also a custodian for the records for the Association and I have been authorized by the Association’s Board of Directors to sign this Affidavit.

The Association is a “property owners’ association” as that term is defined in Title 11 of the Texas Property Code. The Association’s jurisdiction includes, but may not be limited to Southwyck IV Homeowners Association, Inc. Section(s) 4, 7, 8, 9, per the maps or plats thereof heretofore recorded in the Map Records of Harris County, Texas.

Attached hereto are the originals of, or true and correct copies of, the following dedicatory instruments, including known amendments or supplements thereto, governing the Association, which instruments have not previously been recorded:

- |   |  |
|---|--|
| <u>          </u> Association’s Articles of Incorporation | <u>          </u> Association’s By-Laws                                    |
| <u>          </u> Association’s Rules & Regulations       | <u>          </u> Association’s Architectural Control Committee Guidelines |
| <u>          </u> Articles of Merger                      | <u>  X  </u> ACC Guidelines  |

The documents attached hereto are subject to being supplemented, amended or changed by the Association. Any questions regarding the dedicatory instruments of the Association may be directed to the Association at 7170 Cherry Park Drive, Houston, Texas 77095, telephone no. (281) 463-1777.”

**SIGNED** on this the 25 day of May, 2012.  


Printed Name: Terrie Brown


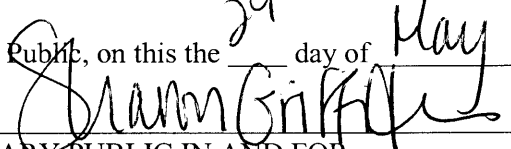
Position Held: Association Manager

**VERIFICATION**

THE STATE OF TEXAS           §  
  §  
COUNTY OF Harris       §

**BEFORE ME**, the undersigned authority, on this day personally appeared Terrie Brown, who, after being duly sworn, stated under oath that he/she has read the above and foregoing Affidavit and that every factual statement contained therein is within his/her personal knowledge and is true and correct

**SUBSCRIBED AND SWORN TO BEFORE ME**, A Notary Public, on this the 29 day of May, 2012.

  
  
\_\_\_\_\_  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS

## **ARCHITECTURAL CONTROL COMMITTEE REVIEW GUIDELINES**

### **Southwyck Section IV Homeowners Association, Inc**

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 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 any Lot improvements, appurtenances, or corporeal hereditaments until the construction plans and specifications describing the nature, kind, shape, height, materials and a 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 lot itself. Landscaping does not require ACC approval unless specifically referenced in the deed restrictions.

#### **PROCEDURE**

An "Architectural Review Form" 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 your Association's official website ([www.southwyck4.com](http://www.southwyck4.com)), or from your management company. The Architectural Control Committee cannot respond to verbal request for approval - all applications must be made in writing.

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

If an application is not approved, the Architectural Control Committee 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 Architectural control Committee, the Designated Representative should be contacted at a specified number.

#### **DISCLAIMER**

*It should be noted that guidelines do change from time to time. The following should not be construed as the final guidelines without first checking with the Architectural Control Committee. This reduces the possibility of homeowners following obsolete guidelines in their home improvements.*

## GUIDELINES

The following are guidelines adopted by the Architectural Control Committee 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 Architectural Control committee dictate. It should be noted that each application is considered on its own merit and that the Architectural Control Committee may grant variance from these guidelines and/or from certain provisions of the Covenants, Conditions and Restrictions (Article III). It should be noted that Architectural Control Committee approval is required prior to the installation or construction of the improvement or change. **If an improvement is made without Architectural Control committee approval, the Board of Directors has the legal right to enforce its removal.**

Architectural Control Committee shall be noted by ACC in future notes.

### 1. Outbuildings/Play Structures

- 1.1 An “outbuilding” is defined as any structure which is not attached to the main structure. This definition does not include bon-a-fide additions to the main residence or garages, but does include **storage sheds, gazebos and playhouse/forts.**
- 1.2 The ACC will consider the following:
  - 1.2.1 The colors should match/blend with the predominant exterior colors of the main residence.
  - 1.2.2 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.
  - 1.2.3 It should have a peaked roof, no higher than nine (9) feet from the ground to the highest point and a maximum of 10’x 12’ floor space. Structure must be kept a minimum of three (3) feet off the rear property line, unless granted variance due to configuration of individual lot and distance from the side fence will be determined based on visibility from the street in front of the lot. At no time, however, will that distance from side fence be less than three (3) feet, regardless of visibility. Location must also be far enough away from fence to allow for drainage to occur entirely on the owner’s lot.
  - 1.2.4 Storage building placed on a concrete slab on top of a utility easement will require letters of consent to encroach. Consent letter shall be obtained directly from your electric provider. If a storage building is not on the utility easement, but on a slab, and can be moved, the ACC will consider it as portable.
  - 1.2.5 No storage building can be built up against any side or rear wall of home unless its maximum height is less than six (6) feet and it is not visible above the fence. It must also comply with all other requirements for proper construction, size, and location.
  - 1.2.6 If under six (6) feet, may be placed in side yard provided three (3) foot minimum is observed.

- 1.2.7 **Playhouse/fort** must be no higher than nine (9) feet maximum. If fort has a platform, then platform can be no higher than four (4) feet off the ground and centered in backyard to protect neighbor's privacy.
- 1.2.8 Gazebo- Freestanding- Must be at least six (6) feet away from house. Case by case reviews with a maximum height at peak of 11' and must be three feet (3) off side and back fence.

## **2. Basketball Goals**

- 2.1 The basketball goal backboard and net must be maintained in excellent condition at all times.
- 2.2 Backboard must be regulation size and color.
- 2.3 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.
- 2.4 If the backboard is mounted on a pole, pole can be no larger than 6" diameter and must be regulation height. Pole must be located behind front building set back line, on exterior side of driveway.
- 2.5 If any complaints are received within 6 months after installation, the basketball goal will be subject to immediate removal at the request of the ACC.
- 2.6 All Backboards must be either clear or white fiberglass.
- 2.7 Addendum: Portable basketball goals are allowed provided applicable guidelines above are met.

## **3. Patio Covers**

- 3.1 Should be constructed of materials which complement the main structure.
  - 3.2 Prefab covers made of aluminum may be approved - providing they are of an earth tone color – unfinished aluminum will not receive ACC approval. All metal must be painted.
  - 3.3 If attached to the house, 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.
  - 3.4 At no time, however, shall a shingled roof be allowed with an unpainted frame. Frame will have to be painted to match trim of the house whether treated or untreated wood is used.
  - 3.5 Patio Construction Materials are as follows:
    - 3.5.1 Painted aluminum (to match trim of house).
    - 3.5.2 Painted wood (to match trim of house)
    - 3.5.3 Natural pressure treated wood, such as cedar, fir, redwood, may be used. Treated pine must be painted or stained.
    - 3.5.4 Fiberglass is not acceptable as a construction material.
- General Note: All patio cover material, i.e. Corrugated aluminum, metal, wood, lattice, must be completely framed in so that no raw edges of material are visible.
- 3.5.5 If canvas is used as roofing material on a patio cover, it must be an earth tone color and the structure must be located where it is not visible from the street. 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.

- 3.5.6 Patio covers may not encroach into any utility easement unless the utility companies involved have granted their written consent to such encroachment.
- 3.5.7 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 side lot line, the ACC will require that it be guttered with downspouts if it is to be a solid cover.

#### **4. Room Additions**

- 4.1 Exterior materials and colors should match the house as much as possible
- 4.2 Detailed plans must be submitted to the ACC.
- 4.3 Room additions may not encroach into any utility easement unless the utility companies involved have granted their written consent to such encroachment.
- 4.4 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 will not qualify as a bon-a-fide room addition and will not be permitted. Plans for room addition must show a room of reasonable size to 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, but may be denied for other reasons, i.e., Structural integrity, architectural suitability, etc. even if it does only use one-third of the remaining yard.
- 4.5 Building permits are the responsibility of the homeowner and must be submitted with the Architectural Request Form. In some instances, the ACC will grant approval with the provision that a copy of the permit must be received by the ACC within thirty (30) days of the approval letter.

#### **5. Exterior Painting**

- 5.1 Earth tone colors were most often used when homes were constructed. In general, an earth tone color should receive ACC approval.
- 5.2 Other earth tone blend colors will be considered. The color of neighboring homes will be taken into consideration along with the applicant's house brick and exterior features.

#### **6. Storm Windows/Screen Doors**

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

#### **7. Decks**

- 7.1 Decks may not encroach into any utility easement unless the utility companies involved have granted their written consent to such encroachment
- 7.2 Decks should not be situated on the lot so that they may pose a problem to the effective drainage of the lot or neighboring lot
- 7.3 Decks cannot be higher than 18"
- 7.4 Paint should match the house.
- 7.5 Only exterior grade materials may be used.

## 8. Swimming Pools and Spas

- 8.1 No pool or spa of any type may encroach into any utility easement unless the utility companies have granted their written consent to such encroachment. Decking also requires consent agreement. Consents must be received prior to approval. NOTE: Consent letter should be obtained directly from your local utility provider.
- 8.2 Ideally any pool or spa 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 circumstances.
- 8.3 Above ground pools will receive special consideration. Above ground pool is acceptable provided it is not over four (4) feet in height. Decking around pool cannot be over 18" above ground so to ensure privacy of neighbors. If there is a walkway around pool, it cannot be wider than two (2) feet nor higher than the wall of the pool. Railings for walkway cannot be visible above the six (6) foot fence. It must also be three (3) feet to five (5) feet from the side and rear fence.
- 8.4 Pool enclosures will be reviewed on an individual basis and height should not exceed 12 feet. Committee finds screened enclosure acceptable provided adequate tree planting is installed as per ACC recommendations for screening.

## 9. Regulation of solar Energy Devices

*Section 202.010 of the Texas Property Code provides for the regulation of solar energy devices by a property owners' association;*

9.1 A solar energy device shall not be permitted that:

- a. as adjudicated by a court either threatens the public health or safety; or violates a law;
- b. is located on property owned or maintained by the Association;
- c. is located on property owned in common by the members of the Association;
- d. is located in an area on the property owner's property other than:
  - i. on the roof of the home or of another structure allowed by the ACC Committee; or
  - ii. in a fenced yard or patio owned and maintained by the property owner;
- e. if mounted on the roof of the home:
  - i. extends higher than or beyond the roofline;
  - ii. is located in an area other an area designated by the Association, unless the alternate location increases the estimated annual energy production of the device, as determined by using a publicly available modeling tool provided by the National Renewable Energy Laboratory, by more than ten percent (10%) above the energy production of the device if located in an area designated by the Association;
  - iii. does not conform to the slope of the roof and has top edge that is no parallel to the roofline; or
  - iv. has a frame, a support bracket, or visible piping or wiring that is not in a silver, bronze, or black tone commonly available in the marketplace;
- f. if located in a fenced yard or patio, is taller than the fence line;
- g. as installed, voids material warranties; or
- h. was installed without prior approval by the ACC.

- 9.2. The ACC shall not withhold approval of a solar energy device if it meets the provisions of this policy unless the ACC Committee determines in writing that placement of the device as proposed by the owner constitutes a condition that substantially interferes with the use and enjoyment of land by causing unreasonable discomfort or annoyance to persons of ordinary sensibilities. For purposes of making this determination, the written approval of the proposed placement of the device by all property owners of adjoining property constitutes prima facie evidence that such a condition does not exist.
- a. Solar screens allowed on windows in appropriate approved colors
  - b. Colors and manufacturers must be acceptable to ACC for both screens and panels
  - c. Solar film must be non-reflective

## **10. Satellite Dishes**

- 10.1 Dish cannot be visible from a fronting or side street.

## **11. Fence and Fence Extensions**

- 11.1 Case by case
- 11.2 No higher than eight feet (8') and granted on limited basis only. Consents from all affected neighbors must be submitted in order to be considered for height extension.
- 11.3 No painting, staining or varnishing of fence
- 11.4 Cedar Only
- 11.5 No split rail fences or decorative fencing permitted to front other than those constructed by builders for use at model homes
- 11.6 Fence extension requests should be submitted by both neighbors sharing the side lot line and fence, except in the case of a corner lot.
- 11.7 No fence may extend so as to encroach across the front building line.
- 11.8 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.
- 11.9 Only fence extensions which will be installed picket side out shall be considered by the ACC.
- 11.10 Replacement or repairs must be made with similar materials and construction details as used in original fence.

## **12. Decorations**

- 12.1 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 specific items have been approved in writing by the Architectural Control Committee on a case by case basis (see 19 below regarding bird houses).
- 12.2 Benches and gates will be reviewed on an individual basis.
- 12.3 House numbers may be placed on house or mailbox, but not on any type of freestanding structure in front yard.

**13. Exterior Lighting**

- 13.1 Additional exterior lighting should not be of a wattage or lumen count which will affect neighboring homes.
- 13.2 Directional lights or flood lights must be aimed so as not to shine in the windows of neighboring homes.
- 13.3 Low voltage landscape lighting, *should receive ACC approval.*
- 13.4 Security, mercury vapor, or fluorescent lights must be attached to the front of the house preferably garage. Mercury vapor, fluorescent and sodium halide are not permitted in back or side yard.
- 13.5 Yard lights may be gas or electric. Single lamp only. Maximum height 6'. May be in front or back. Gas or electric lights must be black, brown or white, depending on color of house and determination of suitable color will be the decision of the ACC.

**14. Mailboxes**

- 14.1 In subdivision where communal mailboxes are not in use, changes or improvements made to the initial mailbox will require ACC Approval.
- 14.2 Bricked mailbox stands should receive approval providing the brick matches the house, the stand is appropriate in size and design and will meet U.S. Post Office requirements. A specific sketch should be included with the application.
- 14.3 In subdivisions or sections of subdivisions which use the communal mailboxes, applications for the installation of individual mailboxes will be disapproved.

**15. 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 to be painted to match the shingle color.

**16. Outdoor Carpeting**

- 16.1 Can only be installed on back porch area, no walkways, etc
- 16.2 Earth tone colors acceptable
- 16.3 Specifically no green or blue carpet

**17. Burglar Bars not permitted**

**18. Birdhouses**

- 18.1 Maximum preferred height 12'
- 18.2 Mounted on 2" diameter metal pipe painted white or black
- 18.3 Must be placed toward the middle of the back yard

**19. Landscaping**

- 19.1 Timbers, bricks, stones, (use native Texas stone) flowerbed borders, landscape lights, trellises and sprinklers
- 19.2 Must complement style and architecture of home and conform to color scheme of immediate neighborhood



**20. Antennas**

- 20.1 Back side of house, lower than roof line and must not be visible from the street
- 20.2 If lot backs onto vacant property and can be seen from entrance to subdivision or adjacent road, screening will be required planting of trees or lattice structure for satellite dish can be modified for this purpose.
- 20.3 Not allowed on corner lot if visible from front or side street, regardless of screening

**21. Swing Sets**

- 21.1 Maximum height of eight feet (8')
- 21.2 Location will be considered for neighbor's privacy.

**22. Driveways Extensions/Sidewalks**

- 22.1 Case by case.
- 22.2 No closer than 3' to property line and sometimes up to 5'. 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 36" wide and centered between house and property line. 30" wide is the recommended width for the standard five (5) foot side yard.

**23. Garage Conversions, Carports, Detached Garages**

- 22.1 Conversions are permitted provided there are no exterior changes to garage
- 22.2 Detached garages are permitted on a very limited basis and can only be used to store additional vehicles.
- 22.3 Detached garages are not permitted on standard size lot.
- 22.4 Carports are not allowed.
- 22.3 Driveways can never be removed from front yard even if alternate garage is built.

**24. Window Air Conditioners**

- 24.1 Must not be visible from street and must be below fence line

**25. 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 house on an interior lot and not visible at all from the street. On a corner lot or lot that backs onto a street, canvas awnings will not be permitted at all. When allowed, they must be earth tone 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 will still be allowed for use on playhouses and covers, provided they also comply with above mentioned requirements for proper location and 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. At no time, however, will they be allowed on windows on the fronts of homes.

**26. Greenhouses**

26.1 Only greenhouse subject to ACC approval will be those constructed of clear glass or Plexiglas panels. No fiberglass will be allowed.

**27. Junk Vehicles** : defined as (HB 1376) “.. a junked vehicle is one that (1) displays an expired license plate or invalid inspection certificate; and (2) is wrecked, dismantled or partially dismantled, or discarded; or is inoperable for more than 72 hours on public property or for more than 30 consecutive days on private property”

Automobiles, boats, motor cycles, recreational vehicles...of any kind must be maintained in good working order with current state tags and license or shall be removed from the property. Re-building or repair should be done in an area where the auto is not viewed from the street.

**Storage is not permitted except inside the garage.**

**28. Regulation of composting Devices, Rain Barrels, Rainwater Harvesting Devices and irrigation Systems**

Section 202.007 of the Texas Property Code provides for the relation of composting devices, rain barrels, rainwater harvesting devices, and irrigation systems by a property owners’ association;

1. General Provisions

- a. Subject to written approval from the ACC, an owner or resident may:
  - i. implement measures promoting solid-waste composting of vegetation, including grass clippings, leaves, or brush, or leaving grass clippings uncollected on grass;
  - ii. install rain barrels or a rain water harvesting system; or
  - iii. implement efficient irrigation systems, including underground drip or other drip systems.
- b. If an owner or resident is planting new turf, the ACC must approve such turf in writing in order to encourage or require water-conserving turf.

2. Composting Devices

- a. The ACC shall regulate the size, type, shielding, and materials, for or the location of a composting device so long as it does not prohibit the economic installation of the device on the owner’s lot where there is reasonably sufficient area to install the device.
- b. This policy does not require the ACC to permit a device as described in this policy to be installed in or on property:
  - i. owned by the Association;
  - ii. owned in common by the members of the Association; or
  - iii. in an area other than the fenced yard or patio of a property owner.

3. Irrigation Systems

The ACC shall regulate:

- i. the installation of efficient irrigation systems, including establishing visibility limitations for aesthetic purposes.

- ii. the installation or use of gravel, rocks, or cacti.

#### 4. Rain Barrels and Rainwater Harvesting

- a. This policy does not require the ACC to permit a rain barrel or rainwater harvesting system to be installed in or on property if:
  - i. the property is:
    - 1. owned by the Association;
    - 2. owned in common by the members of the Association
    - 3. located between the front of the property owner's home and an adjoining or adjacent street; or
  - ii. the barrel or system:
    - 1. is of a color other than a color consistent with the color scheme of the property owner's home; or
    - 2. displays any language or other content that is not typically displayed by such a barrel or system as it is manufactured;
- b. The ACC shall regulate the size, type, and shielding of, and the materials used in the construction of, a rain barrel, rainwater harvesting device, or other appurtenance that is located on the side of a house or an any other location that is visible from a street, another lot, or a common area so long as:
  - i. it does not prohibit the economic installation of the device or appurtenance on the property owner's property; and
  - ii. there is a reasonably sufficient area on the property owner's property in which to install the device or appurtenance.

#### **29. Regulation of Certain Roofing Materials**

*Section 202.011 of the Texas Property Code provides for the regulation of certain roofing materials by a property owners' association;*

- 1. Subject to written approval from the ACC, an owner may install shingles on the roof of the owner's property that:
  - a. are designed primarily to:
    - iii. be wind and hail resistant;
    - iv. provide heating and cooling efficiencies greater than those provided by customary composite shingles; or
    - v. provide solar generation capabilities; and
  - b. when installed:
    - vi. resemble the shingles used or otherwise authorized for use on property in the subdivision;
    - vii. are more durable than and are of equal or superior quality to the shingles described by paragraph i.
    - viii. match the aesthetics of the property surrounding the owner's property.

#### **30. Regulation of Flag Display**

*Section 202.011 of the Texas Property Code provides for the regulation of flag display by a property owners' association;*

- 30.1. The flag of the United States shall be displayed in accordance with 4 U.S.C. Sections 5-10
- 30.2. The flag of the State of Texas shall be displayed in accordance with Chapter 3100, Government Code
- 30.3. flagpole attached to a dwelling or a freestanding flagpole shall be constructed of permanent, long-lasting material, with a finish appropriate to the materials used in the construction of the flagpole and harmonious with the dwelling.
- 30.4. The display of a flag, or the location and construction of the supporting flagpole shall comply with applicable zoning ordinances, easements, and setbacks of record.
- 30.5. The display of a flag, or the location and construction of the supporting flagpole shall be closer to the front building line than the front lot line; and shall be no closer than five (5) feet of the side building line. \*
- 30.6. A displayed flag and the flagpole on which it is flown shall be maintained in good condition and any deteriorated flag or deteriorated or structurally unsafe flagpole shall be repaired, replaced, or removed.
- 30.7. Only one flagpole shall be constructed and maintained per lot that is not more than 20 feet in height.
- 30.8. The size of the flag shall be no larger than 3'x5'.
- 30.9. The size, location and intensity of any lights used to illuminate a displayed flag shall not be disruptive to neighbors as determined by Guideline # 13 of this document.
- 30.10. No owner shall display a flag or flagpole on property that is owned or maintained by the Association or owned in common by the members of the Association.

**31. Political Signs (Reference: Property Code 202.009)**

- 31.1 Political signs shall be permitted 90 days before an election
- 31.2 Signs must be removed within 15 days after an election
- 31.3 One sign per candidate is permitted
- 31.4 Sign must be ground mounted, not to exceed five (5) sq feet in size

**32. Trash pick-up is on Tuesday and Friday.**

- 31.1 Trash should not be placed out before 6pm the night before pick-up.

**33 Holiday Decorations**

- 33.1 Holiday decorations shall be removed within 30 days after each holiday
- 33.2 Offensive language or graphics on any item is not acceptable

**34. Regulation of Display of Certain Religious Items**

*Section 202.018 of the Texas Property Code provides for the regulation of display of certain religious items by a property owners' association*

- 34.1 An owner or resident may display a religious item by affixing it to the entry of the owner's or resident's dwelling which is motivated by the owner's or resident's sincere religious belief.
- 34.2 The owner or resident shall not display or affix a religious item on the entry to the owner's or resident's dwelling that:
  - a. threatens the public health or safety;
  - b. violates a law;

- c. contains language, graphics, or any display that is patently offensive to a passerby;
  - d. is in a location other than the entry door or door frame or extends past the outer edge of the door frame of the owner's or resident's dwelling; or
  - e. individually or in combination with each other religious item displayed or affixed on the entry door or door frame has a total size of greater than twenty (25) square inches.
- 34.3 The policy does not authorize an owner or resident to use a material or color for an entry door or door frame of the owner's or resident's dwelling or make an alteration to the entry door or door frame without written approval from the ACC.
- 34.4 The Association may remove an item displayed in violation of a restrictive covenant permitted by this policy.
- 34.5 ACC shall determine if the religious item is in violation of either sections "2a" through "2d" above or section "4" above.

### **35. Exterior Maintenance Guidelines**

All improvements on a lot must be maintained in a state of good repair and shall not be allowed to deteriorate

Repairs shall include, but not be limited to, the following:35.1

- 35.1 All painted surfaces must be clean and smooth with no bare areas or peeling paint, and all surfaces must be free of mildew.
- 35.2 All rotted and damaged wood must be replaced and any damaged brickwork repaired.
- 35.3 Gutters must be kept in good repair and not allowed to sag or hang down.
- 35.4 Roofs must be maintained in good repair with no missing or curling shingles.
- 35.5 All glass surfaces must be whole.
- 35.6 Garage doors must be undamaged and in good repair.
- 35.7 Fences and gates must be kept in good repair.
- 35.8 Sidewalks, driveways and curbs must be clean and undamaged. Seams must be kept free of weeds.
- 35.9 Lawns must be kept mowed, edged, and weed free, flower beds must be kept free of weeds, and shrubs and trees must be kept trimmed.
- 35.10 There shall be no storage of clutter and debris in public view.
- 35.11 Mailboxes (as it applies to Edgewater Estates Subdivision) must be maintained in good repair.

### **36. Lot Maintenance**

*The Board of Directors finds that regular lot maintenance contributes significantly to the good appearance and property value of homes in the Southwyck, Section IV subdivision. The Board of Directors further finds that the Declaration of Covenants, Conditions, and Restrictions in effect for SOUTHWYCK, SECTION IV [Article III, Section13] permits the Board of Directors to enforce regular lot maintenance as follows: after ten (10) days written notice to the lot owner, the Village Association may have its agents or employees enter a lot and perform such maintenance as is needed to restore the lot to a neat, attractive and sanitary condition. The Association may submit a charge for the cost of such maintenance to the lot owner. If the lot owner fails to pay such charge within 15 days from the*

*date mailed, the amount charged may be added to the annual maintenance charge and be included in the Association's foreclosable lien. (Article VII, Section 2)*

*The Board of Directors resolves effective immediately, to begin enforcement of lot maintenance in accord with the terms of the Declaration of Covenants, Conditions, and Restrictions set forth above.*

### 37. Metal Roof Guidelines

- 1) Metal roofs must be painted, and the color scheme must be of similar color to non-metal (asphalt shingle) roofs in the neighborhood. Colors that will be considered include browns, certain gray tones, bronze and slate. Colors will be approved individually. Unpainted metal surfaces or colors such as silver, white, red, etc... will not be approved.
- 2) Roofing material should be of high quality steel and paint and have a minimum 20 year warranty to ensure long lasting good appearance. Materials such as Galvalume© or other aluminum-zinc alloy coated steels should be used if possible. Metal thickness should be a minimum of 24 gauge for good appearance over the lifetime of the roof.
- 3) Metal roofs should not be installed over existing asphalt roof shingles.
- 4) Roofing finish should include no exposed screws or fasteners. Concealed fastener systems should be used.
- 5) Dented or damaged panels are not allowed.
- 6) Per Article IV, Section V of the Declaration these are subject to approval by the Southwyck Master Association Architectural Control Committee and serve as minimum guideline that the committees shall not be bound thereby. All metal roof applications will be approved on a case-by-case basis.