

Harvest Bend
**THE
VILLAGE
ASSOCIATION, INC.**
ARCITECHTURAL CONTROL GUIDELINES

WHEREAS, HARVEST BEND THE VILLAGE Sections One through five, all Harris County Subdivisions (the "Subdivision") are under the jurisdiction of the HARVEST BEND, THE VILLAGE ASSOCIATION, INC., a Texas non-profit corporation (the "Association"); and

WHEREAS, the Subdivision is encumbered by the restrictive covenants contained in those certain instruments entitled "Declaration of Covenants, Conditions and Restrictions (Harvest Meadows, Section One and Two" (the "Section One and Two Declaration"); "Annexation Agreement and Declaration of Covenants Conditions and Restrictions for Harvest Bend, the Village, Section Three" (which instrument makes Sections One and Two Declaration applicable to Harvest Bend, The Village, Section Three); and "Declaration of Covenants, Conditions and Restrictions for Harvest Bend, The Village, Section Four" "First Amendment to Declaration of Covenants, Conditions and Restrictions for Harvest Bend The Village Section Four, a Harris County Subdivision" and "Annexation and Supplemental Declaration for Harvest Bend, the Village and Harvest Bend Section Five, a Harris County Subdivision" respectively filed of record in Official Public Records of Real Property under County Clerk's File Numbers H070444, J091227 and P202835; S505436 and S066959 (collectively referred to as the "Declaration").

WHEREAS, the Association is the designated property owners' association for the Subdivision;
and

WHEREAS, the Declarations provide:

No building, structure or improvements shall be constructed on any Lot, and no exterior alteration therein shall be made until the site Plan and the final working plans and specifications have been submitted To and approved in writing by the Committee ..); and

WHEREAS, the board of directors of the Association has assumed all the powers of the Committee recited in the Declarations and Section 204.011 of the Texas Property Code; and

WHEREAS: Section 204.010(a)(6) of the Texas Property code empowers the Association, acting through its Board of Directors, to "regulate the use, maintenance, repair, replacement, modification and appearance" of the Subdivision; and

WHEREAS; Section 204.010(a)(18)(A) of the Texas Property Code empowers the Association, acting through its Board of Directors, to implement written architectural control guidelines.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Association hereby adopts and implements the following Architectural Guidelines, which shall supplement the Declarations.

The Board of Directors of the Association has established the following outline of architectural guidelines in accordance with the authority granted to them by the Declarations and the Texas Property Code. The Guidelines are established to assure a uniform and fair interpretation of the Declarations and the power of the Association related to architectural control and regulation of the appearance of the Subdivision. The guidelines are intended to provide all lot owners in the Subdivision with information relating to i) the design, color, location and grade of materials which may be used in the construction of various kinds of

structures and improvements, ii) the size and location of such improvements and structures and iii) the procedure utilized by the Association with respect to applications for proposed improvements and structures and allocations thereto

These procedures and guidelines may be amended by the Board of directors of the Association from time to time as it deems necessary and appropriate as the needs of the Subdivision change.

1. Procedure

1.1 A "Request For Home Improvement Approval 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. One application is required for each individual improvement. Each individual improvement should have it's own start and completion dates. When applying for approval to paint, ensure the current color of your brick is stated on the application.

A. At the homeowner's option, a request form for an improvement that would require a building permit may be submitted to the Committee for preview prior to obtaining a building permit. The purpose for such an application would be to determine the general compliance and suitability of the request with the standards of the community. If the request would be approved except for the lack of the building permit, the request will be returned with the following notation "Denied-building permit required. Please resubmit with building permit-approval will be issued upon receipt of building permit provided that such building permit be submitted within a ninety day period of the date that the form was signed by the Committee." If the request would not be approved for any other reason, the form will be noted in accordance with section 1.4 below.

1.2 These forms are available from your management company. The Committee cannot respond to verbal request for approval - all applications must be in writing.

1.3 The Committee has thirty (30) days from date of receipt of an application in which to respond. If additional information is required by the Committee, the application(s) will be deemed denied, however, the application may be resubmitted along with the additional information requested.

1.4 In the event the Committee disapproves an application, the applicant may submit to the Committee a written request for reconsideration. The applicant may submit with the written request for reconsideration an explanation of additional or extenuating circumstances or any other additional information, which the applicant considers relevant to the original application. The Committee shall review the request for reconsideration and then notify the applicant in writing of its final decision within thirty (30) days from date of its receipt. In the event that the request for reconsideration is denied by the Committee, the applicant may submit to the Board a written request for reconsideration. The Board shall review the request for reconsideration at the next meeting of the Board next following the date upon which request is received and notify the applicant of the Board's decision. All decisions of the Board shall be final. During the period of appeal to the Committee and/or the Board, the decision of the Committee on the original application shall remain in effect; further, an appeal of a decision of the Committee shall not be considered a new application resulting in approval of the original application if a response to the request for reconsideration is not submitted by the Committee or the Board within thirty (30) days of the date of its receipt.

Guidelines

The following are guidelines adopted by the Committee to specify their standards, requirements, and thought processes used in evaluating an application. These guidelines are a supplement to and do not replace or change the deed restrictions. If there should be a discrepancy between these guidelines and the deed restrictions, the deed restrictions prevail. These guidelines may be amended from time to time as the circumstances, conditions, or opinions of the Committee dictate. It should be noted that each application is considered on its own merit and that the Committee may grant a variance from these guidelines and/or from certain provisions of the Declaration. It should also be noted that Committee approval is required prior to

the installation or construction of the improvement or change. If an improvement is made without Committee approval, the Board of Directors has the legal right to enforce its removal.

The guidelines in this Section III regarding side setback lines are generally intended to refer to residences constructed according to the "Standard Residence Option" contained in Article VII, Section 7(a) of the "Amendment to Declaration of Covenants, Conditions and Restrictions, Harvest Meadows, Sections One and Two (A Residential Subdivision)" (the "First Amendment"). Owners of residences built according to the "Zero Lot Line Option" contained in Article VII, Section 7(b) of the First Amendment or the "Side Yard Concept Option" contained in Article VII, Section 7(c) of the First Amendment are subject to specific side set back restrictions that control over anything contained in these Guidelines to the contrary. The owner of any residence constructed according to the "Zero Lot Line Option" shall not attach anything to the Zero Lot Line wall facing onto the access easement nor shall either owner adjacent to the zero lot line place any structure in the access easement area, except for the fence allowed by the First Amendment. The owner of any residence constructed according to the "Side Yard Concept Option" shall not attach anything to the wall abutting the land maintenance easement nor shall either owner adjacent to the land maintenance area place any structure in the easement area, except for the fence allowed by the First Amendment.

1.0 Outbuildings

An ACC application must be submitted with elevation, street visibility, material and lighting.

1.1 Temporary buildings or structures shall not be permitted on any Lot and no structure of a temporary character, including trailers, motorhomes, tents, shacks, barns, or other outbuildings with the exception of a doghouse and/or a storage building shall be placed on any Lot located with the Subdivision (HARVEST BEND THE VILLAGE A., Inc. Amendment to Declarations Article VII, Section 9). This therefore only allows outbuildings (defined as any structure which is not attached to the main structure) that are storage sheds, playhouses, and forts, but prohibits all others such as workshops and barns. It is the position of the COMMITTEE that gazebos are not "temporary" structures and, therefore, are not prohibited by the Declarations. They are simply a fancy deck and cover and covered in section 2.0. Room additions (which must be attached to the main structure) are covered in section 4.0.

1.2 The Committee will consider the following:

A. Location on the lot:

- (1) The building must be positioned on the lot in a manner such that the greatest portion of said building as is possible is not visible from any street in the subdivision.
- (2) The building shall not encroach on the utility easement unless the utility companies involved have given their written consent to encroach. Consent to Encroach letters must accompany the Request for Improvement form.
- (3) If the lot is a zero lot line lot, the building may not be placed within the access easement (a five foot (5') easement extending the entire depth of the lot from front to back abutting and parallel to the Zero Lot Line wall.)
- (4) The building must be far enough away from fence lines to allow for drainage to occur entirely on the owner's lot.
- (5) The building must be far enough away from fence lines to allow for maintenance of the structure and the surrounding landscaping, pathways, etc. The Committee deems this distance to be a minimum of three feet (3').
- (6) Forts must be centrally located in the back yard area and must not be visible from the front street.

B. Size of the outbuilding:

- (1) Storage buildings - freestanding - the building may not exceed seven feet (7') in height measured at it's highest point and may not exceed ten feet (10') in width and eight feet (8') in length or eight feet (8') in width and ten feet (10') in length. The enclosed and roofed areas may not exceed 560 cubic feet.
- (2) Storage buildings - built up against the side of rear wall of the residence - the maximum height must be reduced to six feet (6') and must not be visible above the fence. Width and

length limitations are the same as for freestanding storage buildings. If, however, the building has direct entrance into the main residence, it shall be classified as a room addition and must meet the requirements outlined in Section 4.0.

- (3) Greenhouses shall be considered a specialized storage building – the size of greenhouses must meet the same requirements as storage buildings [see subsection (1) and (2) above].
- (4) Playhouses – the size of playhouses must meet the same requirements as storage buildings [see subsection (1) and (2) above].
- (5) Forts – must be freestanding and must not exceed nine feet (9') at its highest elevation. If the fort has a platform, then the platform can be no higher than four feet (4') off the ground. The maximum width shall be six feet (6') and the maximum length shall be eight feet (8'). The area beneath the fort cannot be enclosed.

C. Materials and Construction:

- (1) Storage Buildings – freestanding - materials should match those of the main residence in both size and color. However, small prefabricated metal storage buildings may be approved. The color of storage buildings should blend with the color of the main residence. This also includes roofing material. It should have a gable, hip or gambrel style roof.
- (2) Storage Buildings – built up against the side or rear wall of the residence - the materials, style and color must be such that the building appears to be an extension of the original building. The roof over an abutting storage building may be a shed, gable or hip style roof.
- (3) Greenhouses – glazing must meet safety standards and should be designed to withstand 90-mph wind force. Clear or frosted fiberglass panels may be used. All edges must be finished and completely framed so that no raw edges are visible. If frames are painted, the color should closely match the color of the residence. Unfinished metal frames are not allowed. The color of metal frames should blend with the color of the main residence. Wood such as redwood, cedar or treated wood may be used for frames. Wood frames may be stained or painted. The color is subject to the approval of the Committee.
- (4) Playhouses – while the color and materials of a playhouse need not match those of the main residence they should harmonize with the main residence.
- (5) Forts – construction and materials must have a neat appearance. Forts may not appear to have been constructed of scrap material. Wood such as redwood, cedar or treated wood may be used.

D. General:

- (1) Detailed plans and/or manufacturer's brochures must accompany the request form.
- (2) Color samples of materials to be used must accompany the request form.
- (3) A site plan showing the proposed location and all utility easements and building setbacks must accompany the request form.
- (4) Where applicable, building permits and Consent to Encroach letters must be submitted prior to approval.
- (5) All buildings must be maintained in a neat condition. The ASSOCIATION has the right to require the repair or removal of outbuildings that are not well maintained.
- (6) Outbuildings may not be habitable and must not be used as a residence, guest house, etc.

2.0 Patios, Decks and Gazebos

- 2.1 It is the opinion of the Committee that patios, decks and gazebos are not "temporary" structures.
- 2.2 Patios, decks and gazebos may not encroach into any utility easement unless companies involved have granted their written consent to such encroachment.
- 2.3 Patios, decks and gazebos should not be situated on the lot so that they may pose a problem to the effective drainage of the lot or neighboring lot.
- 2.4 Decks cannot be higher than eighteen inches (18") to ensure the privacy of neighbors.
- 2.5 Gazebos shall be freestanding and must be at least five feet (5') away from the residence. The deck of the gazebo shall not be higher than eighteen inches (18"). Gazebos shall have a maximum height of eleven feet (11') measured at the peak. In all other respects, the gazebo shall meet the requirements outlined in Section 3.0 for patio and deck covers.

- 2.6 If the lot is a zero lot line lot and an open court or patio or deck is constructed adjacent to and abutting the zero lot line wall, then the structure must be enclosed by either a wall or a wooden fence. The wall or fence must be constructed adjacent to and abutting the zero lot line. If the enclosure is a wall, it should have the appearance of an extension of the residence in both materials and style. If the enclosure is a wooden fence, it must be between six feet (6') and eight feet (8') in height and must otherwise conform to the requirements for fences as outlined in section 17.0.

3.0 Patio and Deck Covers

- 3.1 It is the opinion of the Committee that patio and deck covers are not "temporary" structures.

- 3.2 The Committee will consider the following:

A. Location on the Lot:

- (1) May not encroach into any utility easement unless the utility companies involved have granted their written consent to such encroachment.
- (2) If the lot is a zero lot line lot, the structure may not encroach into the access easement. The access easement is a five foot (5') easement extending the entire depth of the lot from front to back abutting and parallel to the Zero Lot Line wall. [See section (4) below for corner lot exception.]
- (3) If the lot is a standard residence option or side yard option lot, the structure may not extend nearer than five feet (5') from either side property line [See section (4) below for corner lot exception.].
- (4) On all corner lots no structure shall be erected nearer than ten feet (10') from the sideline abutting the street.
- (5) Patio and deck covers shall be situated on the lot such that drainage occurs solely onto the owner's lot. In some cases where the cover is solid (depending upon its location on the lot) this may require the installation of gutters and downspouts.

B. Size restrictions:

- (1) Patio and deck covers shall be limited to one story in height. To ensure the privacy of the neighbors, the roof deck cannot be used as an elevated sun deck.

C. Materials and Construction:

- (1) Wood such as cedar or redwood or treated wood. If the roof of the cover is shingled and the cover is attached to the residence, all exposed wood members should be painted to match the color of the residence. In all other cases the wood may be painted to match the color of the residence or stained or left to weather. Clear sealants may also be used. All colors are subject to Committee approval.
- (2) Colored or painted aluminum to blend with the trim color of the residence. Unfinished aluminum will not receive Committee approval.
- (3) Pipe may be used as a structural support only if the pipe is entirely enclosed by a wood or masonry surround.
- (4) Brick or brick veneer supports may be used provided that the brick matches the brick of the residence.
- (5) If shingles are used as a roofing material, they shall match the shingles of the residence. If the patio or deck cover abuts a one-story residence or a one-story portion of a two-story residence, the roofline of the patio or deck cover must be integrated into the existing roofline (flush with the eaves). If the patio or deck cover abuts a two-story wall of a two-story residence, the roofline of the cover shall be one story in elevation.
- (6) Fiberglass may be used as a roofing material. The color is subject to the approval of the Committee. In general colors such as tan, brown, beige or clear should be used. Edges of fiberglass must not be visible from the surrounding properties or from the street.
- (7) Fabric such as canvas may be used as a roof screening material provided that it is not visible from the street and that it is kept in good condition. Earth tone colors are recommended and are subject to Committee approval.

- (8) Lattice or screened walls are allowed. This does not change its classification. If, however, solid or glazed walls are used, the structure will be considered either a storage building (if it is freestanding) or a room addition (if it is attached to the residence). It must then meet the applicable requirements [see sections 1.0 and 4.0].
- (9) All patio and deck materials, i.e., fiberglass, corrugated aluminum, metal, wood, lattice, must be completely framed in so that no raw edges of material are visible.

D. General

- (1) Detailed plans must be submitted along with the request form.
- (2) Color samples of materials to be used must accompany the request form.
- (3) A site plan showing the proposed location and all utility easements and building setbacks must accompany the request form.
- (4) Where applicable, building permits and Consent to Encroach letters must be submitted prior to approval.
- (5) All portions of the cover must be maintained in a neat condition. The ASSOCIATION has the right to require the repair or removal of structures that are not well maintained.

4.0 Room Additions

4.1 See Article VII Architectural Restrictions - Amendment to Declarations for HARVEST BEND THE VILLAGE for detailed information.

4.2 Room additions shall meet or exceed all FHA standards.

4.3 The Committee shall consider the following:

A. Location:

- (1) In accordance with Article VII Section 7 – Amendment to Declarations for HARVEST BEND THE VILLAGE, no building (including room additions) shall be located nearer to the front lot line or nearer to the side street than the minimum setback lines shown on the recorded plat.
- (2) The room addition shall not encroach on any utility easement.
- (3) The room addition shall not encroach upon another lot.
- (4) If the lot is a zero lot line lot, the addition may abut the zero lot line but may not extend nearer to the opposite side property line than the zero lot line access easement. The access easement is a five foot (5') easement extending the entire depth of the lot from front to back abutting and parallel to the Zero Lot Line wall. [See section (6) below for corner lot exception.] If the room addition abuts the zero lot line, the zero lot line wall must be solid with no penetrations. This restriction also applies to sunrooms and solariums that abut the zero lot line.
- (5) If the lot is a standard residence option or side yard option lot, the structure may not extend nearer than five feet (5') from either side property line [See section (6) below for corner lot exception.]
- (6) On all corner lots no structure shall be erected nearer than ten feet (10') from the sideline abutting the street.
- (7) Drainage shall occur solely onto the owner's lot. In some cases this may require the installation of gutters and downspouts.

B. Size restrictions:

- (1) Room additions (including any previous room additions) cannot reduce the original surface area of the back yard by more than one-third.
- (2) The resulting structure cannot exceed two-stories in height

C. Materials and Construction:

- (1) Exterior materials and colors, i.e., siding, brick, roofing, should match the residence. Prefabricated sunrooms or solariums are an exception.
- (2) The style, size and shape should be well integrated with the existing residence.
- (3) The roofline should integrate with the existing roofline so as to appear to have been part of the original residence. It is highly recommended that "hurricane clips" be installed on the rafters of any new construction.

- (4) The foundation must be adequately designed to reduce the risk of differential settlement between the foundation of the addition and the existing residence. It is highly recommended that the owner secure professional services for the design and placement of the foundation (including soil preparation). No room addition shall utilize a patio slab for its foundation.
- (5) For safety reasons, it is highly recommended that the owner secure professional services for the installation of plumbing, gas and/or electrical services.

D. General

- (1) Detailed plans must be submitted along with the request form.
- (2) Color samples of materials to be used must accompany the request form.
- (3) A site plan showing the proposed location and all utility easements and building setbacks must accompany the request form.
- (4) Where applicable, building permits must be submitted prior to approval.
- (5) All structures must be well maintained. The ASSOCIATION has the right to require repairs, etc. in accordance with the deed restrictions.

5.0 Garage Conversions, Carports, Detached Garages

- 5.1 Each residence shall have an attached or detached garage for one (1) or more, but not more than three (3) cars [Article VII Section 1 – Amendment to Declarations – HARVEST BEND THE VILLAGE].
- 5.2 It is the opinion of the Committee that converting the garage space into living space is not allowed unless an attached or detached garage addition is made.
- 5.3 Carports are not permitted.
- 5.4 Due to the size of the lots, detached garages are limited to corner lots
- 5.5 The Committee shall consider the following:
 - A. Location:
 - (1) Garages shall face the front of the lot – except that the Committee may approve the garage of a corner lot to face the side street.
 - (2) Garages shall be located on the lot in a manner consistent with the setback and other restrictions of the residence. [See section 4.0-Room Additions for an overview.]
 - B. Size restrictions:
 - (1) No garage shall exceed in height the dwelling to which it is appurtenant.
 - (2) Detached garages may not exceed one-story in elevation.
 - (3) The garage addition may not reduce the original back yard area by more than one third.
 - C. Materials and Construction:
 - (1) Materials, construction, style and colors of the garage shall match the residence.
 - (2) Detached garages may not contain or be used as habitable space.
 - D. General
 - (1) Detailed plans must be submitted along with the request form.
 - (2) Color samples of materials to be used must accompany the request form.
 - (3) A site plan showing the proposed location and all utility easements and building setbacks must accompany the request form.
 - (4) Where applicable, building permits must be submitted prior to approval.
 - (5) All structures must be well maintained. The ASSOCIATION has the right to require repairs, etc. in accordance with the deed restrictions.
 - (6) Driveways can not be removed from the front yard – except in the case of a corner lot with a garage facing the side street. In this case there must be a driveway from the garage to the side street. [See section 18.0 for driveway expansions.]

6.0 Exterior Painting

- 6.1 An ACC application must be submitted along with a color swatch of the color(s) of paint to be used. The application must also indicate the locations for each paint color, i.e., main siding color, trim color, accent color. At the applicant's option, a single color may be used for all the

painted surfaces or a second color may be used for the trim. An optional third color may be used as an accent color. The indications for location for an accent color must be specific, i.e. front door, shutters, etc. All colors and combination of colors are subject to Committee approval.

- 6.2 It is the opinion of the Committee that an approval application must be made for any new construction and for the painting or repainting of any existing construction. An application is required even if the same color is being used. Except that repainting small areas of repaired surfaces with the same color does not require an application. In order to be considered a small repair, the surface of the repair work may not exceed 64 square feet (the equivalent of two sheets of plywood or 128 lineal feet of 6" trim).
- 6.3 The Association has the right to adopt a palette of acceptable colors as a guideline, which will be kept on file with the managing agent.
- 6.4 Predominant colors should be of a subdued saturation level. In general, earth tone colors should receive Committee approval.
- 6.5 Other colors will be considered. The color of neighboring homes will be taken into consideration along with the brick features and architectural style of the residence.
- 6.6 The value of predominant colors may range from light to dark. Where the main siding color is a dark value, it is recommended that the trim color be lighter in value.
- 6.7 On a case by case basis, the Committee may approve the limited use of a bright intense hue as an accent color only. In this case, the applicant must submit specific locations for the use of the accent color. Approval (if granted) will be limited to the specific locations indicated and shall not be construed as a general acceptance of the hue for the use in other areas.
- 6.8 The main siding color must be a single unified color. Different colors may not be used for different sides of the same structure. Where repair work has been done, the paint of the repaired surfaces must closely match the color of the surrounding existing surfaces. If the homeowner is unable to closely match the existing color, he or she may be required by the Association to repaint the entire surface and will be required to submit an application along with paint swatches for repainting.
- 6.9 Murals, stripes, etc. will not be approved.
- 6.10 It is not recommended that brick surfaces be painted and in general will not be approved.
- 6.11 If a non-approved color has been placed on a new addition or existing structure the Association has the right to require the owner to change the color to an approved color.

7.0 Roofing

- 7.1 The external roofing materials of any residence shall meet or exceed all FHA standards and shall be of a color approved by the Architectural Control Committee prior to its installation. [Article VII Section 5 Subsection (a) of the Amendment to Declarations - HARVEST BEND THE VILLAGE]
- 7.2 Composition shingles will be generally accepted. It is highly recommended that mildew resistant shingles be used. High quality shingles are recommended. However, the applicant should confer with a roofing contractor prior to using thirty-year shingles. These shingles are heavier and may require that the roof deck be replaced with a thicker deck to prevent excessive sagging of the deck between supports.
- 7.3 Due to the fire risk involved, wood shake shingles will not be approved. Similarly, thatched roofing will not be permitted (even on gazebos).
- 7.4 Corrugated metal roofing will not be approved. However, standing seam roofing may be approved on a case by case basis.
- 7.5 In general, heavy roofing materials such as clay tile or natural slate are not recommended. The weight of these materials may require that the building rafters, etc. be replaced or strengthened.
- 7.6 Other types of roofing materials may be considered on a case by case basis. The applicant is encouraged to check with his or her insurance company about insurance rate reductions for certain types of roofing materials. It is the applicant's responsibility to weigh the savings in insurance premiums against the cost of such roofing materials.

8.0 Storm Windows and Storm/Screen Doors

- 8.1 Provided that the frames and screens of these are a color compatible with the exterior house colors, storm windows and storm or screen doors should receive Committee approval.
- 8.2 Solar screens should receive Committee approval.

9.0 Window Shades/Awnings

- 9.1 The installation of canvas awnings will not be permitted on windows 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 that backs onto a street, canvas awnings will not be permitted at all. Corner lots can be held separately accountable.
- 9.2 Committee approval of location, style and color of awnings is required. Awnings must be kept in excellent condition at all times or will be subject to immediate removal upon notification by the Association of their unacceptable condition.
- 9.3 Awnings will still be allowed for use on playhouses and patio covers, provided they also comply with the above mentioned requirements for proper location and color.
- 9.4 On a case by case basis, metal and wooden slat-type shades may be allowed by the Committee if they are deemed necessary for reduction of solar exposure. The specific window locations must be indicated on the request form. If approved, the installation is limited to the specific window locations indicated and shall not be construed as general approval for the installation of the shades on other windows. At no time, however, will they be allowed on windows on the fronts of homes.
- 9.5 Solar film must be non-reflective type.
- 9.6 Foil may not be used as window coverings.
- 9.7 Bed sheets are not permitted as window coverings unless manufactured in a manner comparable to other "curtains" and standard window coverings. Except that bed sheets may be permitted as temporary coverings (limited to six weeks) for new residents until standard window coverings can be made or purchased.

10.0 Window Air Conditioners

- 10.1 At its discretion, the Committee may permit window or wall type air conditioners if such units will not be visible from any street and are located at an elevation below the fence line.

11.0 Wind Turbines

- 11.1 Where possible wind Turbines should be mounted in the rear portion of the roof so that they are not visible from the front or above the roofline.
- 11.2 Preferably wind turbines should either be a color that will blend with the shingle color or be painted to match the shingle color. Unfinished aluminum may be permitted at the Committee's option.
- 11.3 Wind turbines should be kept in good repair. The Association has the right to require the repair or replacement of turbines that are not well maintained. This includes the painting of rusted turbines and/or repainting of turbines with peeling paint.

12.0 Solar Panels

- 12.1 The Committee will approve solar panels which are unobtrusive and which blend in with the roof shingle color.
- 12.2 Parabolic solar collectors that are not mounted so as to be flush with the roof will not be approved.
- 12.3 Preferably solar panel frames should be bronze or black in color. Generally, these colors are less obtrusive against the shingle color. All unfinished aluminum must be painted the color of the shingles.
- 12.4 No solar panel should be mounted so that it extends above the roofline.

12.5 Solar screens are allowed on windows.

12.6 The Committee must approve colors and manufacturers for screens and/or panels.

13.0 Satellite Dishes and Antennas

13.10 Antennas and Satellite Dishes

13.10.1 Definitions.

- (a). **Antenna.** Any device used for the receipt of video programming services, including direct broadcast satellite (DBS), television broadcast, and multipoint distribution service (MDS). A reception antenna that has limited transmission capability designed for the viewer to select or use video programming is a reception antenna provided that it meets FCC standards for radio frequency emission. A mast, cabling, supports, guy wires, conduits, wiring, fasteners, or other accessories necessary for the proper installation, maintenance, and use of a reception antenna shall be considered part of the antenna.
- (b). **Mast.** Structure to which an antenna is attached that raises the antenna height.
- (c). **Transmission-only-antenna.** Any antenna used solely to transmit radio, television, cellular, or other signals.
- (d). **Telecommunication signal.** Signals received by DBS, television broadcast, and MDS antennas.

13.10.2 Antenna Installation.

(a). Antenna and Size Type.

- 1. DBS antennas that are thirty nine inches or less in diameter may be installed, subject to the remainder of this Section 3.10.2. DBS antennas larger than thirty nine inches are prohibited.
- 2. MDS antennas thirty nine inches or less in diameter may be installed, subject to the remainder of this Section 3.10.2. MDS antennas larger than thirty nine inches are prohibited.
- 3. Antennas designed to receive television broadcast signals may be installed, subject to the remainder of this Section 3.10.2.
- 4. Installation of transmission-only-antennas are prohibited, unless approved by the Board of Directors.
- 5. All antennas not covered by the FCC rules are prohibited.

(b). Location.

- 1. Antennas shall be installed solely on the property owned by the owner.
- 2. Antennas shall not encroach upon any other owner's property.

3. Antennas shall be located in a place shielded from view from the street or from other lots to the maximum extent possible; provided, however, that nothing in this rule would require installation in a location from which an acceptable quality signal may not be received.

(c). Installation.

1. Antennas or masts may not extend above a fence on the owner's property, unless an acceptable quality signal may not be received from this location.
2. Antennas situated on the ground, which must be installed so that they are visible from any street or from other property in order to receive an acceptable quality signal, must be camouflaged by landscaping or fencing of reasonable cost.
3. Antennas, masts and wiring, which must be installed on a structure so that they are visible from any street or other property in order to receive an acceptable quality signal and which cannot be camouflaged by landscaping or fencing of reasonable cost, must be painted to match the color of the structure to which they are installed. *(Association residents are advised to make sure that paint will not degrade the signal.)*
4. Antennas shall be no longer nor installed higher than is absolutely necessary for reception of an acceptable-quality signal.
5. All installations shall be completed so that installations do not damage the common area of the Association or the property of any other owner.
6. In order to prevent electrical and fire damage, antennas shall be permanently and effectively grounded.
7. Antennas must be secured so that they do not jeopardize the soundness or safety or any other owner's structure or the safety of any person at or near antennas, including damage from wind velocity.
8. Antennas shall be installed and secured in a manner that complies with all applicable city, county and state laws and regulations, and manufacturer's instructions. The owner, prior to installation, shall provide the Association with a copy of any applicable governmental permit.

(d). Maintenance.

1. Owners shall not permit their antennas to fall into disrepair or to become safety hazards.
2. Owners shall be responsible for repainting or replacement if the exterior surface of antennas deteriorates.

13.10.3 Number of Antennas.

- (a). No more than one antenna of each provider may be installed by an owner.

13.10.4 Mast Installation.

- (a). Mast height may be no higher than absolutely necessary to receive acceptable quality signals.
- (b). Masts that extend 12 feet or less beyond the roofline may be installed subject to the antenna installation guidelines contained in Section 3.10.2 of these Guidelines and the notification process in this Section 3.10.6 of these Guidelines. Masts that extend more than 12 feet above the roofline must be approved by the Committee before installation due to safety concerns posed by wind loads and the risk of falling antennas and masts. Any application for a mast longer than 12 feet must include a detailed description of the structure and anchorage of the antenna and the mast, as well as an explanation of the necessity for a mast higher than 12 feet. If this installation will pose a safety hazard to other residents, then the Association may prohibit such installation.
- (c). Masts must be painted an appropriate color to match their surroundings.
- (d). Masts installed on a roof shall not be installed nearer to the owner's property line than the total height of the mast and antenna structure above the roof. The purpose of this regulation is to protect persons and property that would be damaged if the mast were to fall during a storm or from other causes.
- (e). Masts shall not be installed nearer to electric power lines than the total height of the masts and antenna structure above the roof. The purpose of this regulation is to avoid damage to electric power lines if the masts should fall in a storm or from other causes.
- (f). Masts shall not encroach upon any other owner's property.

13.10.5 Notification Process.

- (a). Any owner desiring to install an antenna and/or mast must complete a notification form and submit it to the Board of Directors c/o the Association's managing agent. If the installation complies with Section 3.10.2 of these Guidelines, the installation may begin immediately.
- (b). If the installation does not comply with Section 3.10.2 of these Guidelines, owners and the Board must establish a mutually convenient time to meet to discuss installation methods. In order for the Board of Directors to approve an installation not in compliance with Section 3.10.2, the owner must provide proof to the Board of Directors (either by virtue of a personal inspection of the owner's property and/or a document in a form acceptable to the Board of Directors) that a quality acceptable signal cannot be obtained on the owner's lot from a location that complies with Section 3.10.2.

13.10.6 Installation By Tenants.

- (a). Tenants may install antennas and/or masts in accordance with these Guidelines with written permission of their landlord. A copy of this permission must be furnished with the notification statement.

13.10.7 Enforcement.

- (a). If these rules are violated, the Association may bring action for declaratory relief with the FCC or any court of competent jurisdiction after notice and an opportunity to be heard. To the extent permitted by law, the Association shall be entitled to reasonable attorney fees, costs, and expenses incurred in the enforcement of this policy.
- (b). If antenna installation poses a serious, immediate safety hazard, the Association may seek injunctive relief to prohibit or seek removal of the installation.

14.0 Outdoor Carpeting

- 14.1 The installation of outdoor carpeting is subject to the approval of the Committee.
- 14.2 Outdoor carpeting can only be installed on porch areas – no walkways, etc.
- 14.3 Outdoor carpeting should be of a subdued color. Specifically no bright green or blue carpet. Colors swatches must be included with the application.
- 14.4 Visibility of the carpet from street will be considered.

15.0 Exterior Lighting

- 15.1 Additional exterior lighting should not be of wattage or lumen count that will affect neighboring homes.
- 15.2 Directional lights or floodlights must be aimed so as not to shine in the windows of neighboring homes.
- 15.3 Low voltage landscape lighting should receive Committee approval.
- 15.4 Yard lights may be gas or electric with a maximum height of six feet (6'). They may be located in the front or back. Gas or electric yard lights must be black, brown, or white, depending on color the house. The Committee must approve the color.

16.0 Fence and Fence Extensions

- 16.1 All fences shall be constructed of wood or masonry and shall be of sound and attractive construction and shall be a height between six feet (6') and eight feet (8') unless otherwise approved by the Committee [Article VII – Section 3 Amendment to Declarations – HARVEST BEND, THE VILLAGE, ASSOCIATION, INC.].
- 16.2 Neither chain link nor wrought iron fences shall be placed on Lots except as enclosures of swimming pools where not visible from public thoroughfare or street.
- 16.3 No split rail fences or similar decorative fencing will be permitted to the front of the lot other than those constructed for use at model homes.
- 16.4 Brick used for masonry fences should match the brick used on the residence.
- 16.5 Brick used for support posts of wooden fences should match the brick used on the residence.
- 16.6 Wood fences shall be constructed of cedar, redwood or treated wood pickets and rails. Wooden support posts should be of cedar, redwood or treated wood. The Committee may consider the use of metal supports on a case by case basis provided that the supports are not visible to the front of the house or to the neighboring properties.
- 16.7 All wood fences visible from the street must be installed picket side out.
- 16.8 Repairs of fence should be made with similar materials and construction details as the original fence.
- 16.9 Replacement of the fence should be made with similar materials and construction as the original fence. However, the Committee recommends that the applicant consider the installation of a horizontal "rot" board at the base of wooden fences. This construction detail may increase the number of years that the fence pickets remain in a sound and attractive condition.

- 16.10 Clear water proofing or sealant may be used. However, biohazardous coatings such as creosote may not be used. Committee approval is required for variance from the natural color of wooden fences.
- 16.11 All fences visible from the front of house must be the same style, material and elevation regardless of extension.
- 16.12 No fence or wall may be placed or altered on any lot nearer to the street line on the front of the house than the minimum building setback lines as shown on the Subdivision Plat
- 16.13 On corner lots, fencing will be permitted to be located on the side property line provided that the location of the fence does not interfere with traffic sight lines at street intersections.
- 16.14 Fence extensions will be considered on a case by case basis.
- 16.15 Requests for height extensions for fences separating adjoining properties must include the consent of all affected neighbors in order to be considered by the Committee.
- 16.16 In cases where the applicant is unable to contact the owner of the adjacent property (i.e., the adjacent property is owned by an absentee landlord), the Committee will determine whether or not the fence extension would adversely affect the value of the adjacent property. If in the opinion of the Committee the adjacent property owner would not suffer detrimentally from the extension, the Committee may approve the proposed extension without a letter of consent from the absentee owner.
- 16.17 In cases where all involved neighbors do not concur to a proposed fence extension, the Committee shall refer the request to the Board of Directors to examine the proposal. If any of the parties would suffer detrimentally from the extension (i.e., will totally enclose a bay window), the application will not be approved.

17.0 Driveway Expansions/Sidewalks

- 17.1 Each lot shall have a driveway from the garage to the adjoining street.
- 17.2 Driveway expansions may be considered on a case by case basis.
- 17.3 The driveway plus driveway expansion may not exceed eighteen feet (18') in width and cannot reduce the original landscaping area of the front lot by more than fifty percent.
- 17.4 Driveway expansions on zero lot line lots may extend up to the zero lot line but cannot encroach onto the adjacent property.
- 17.5 Driveway expansions on standard residence option lots can extend no nearer to side property lines than three feet (3') and in some cases five feet (5').
- 17.6 The location of driveway expansions cannot be detrimental to the drainage of the lot or the adjacent lot.
- 17.7 Each lot shall have a sidewalk four feet (4') wide no further than five feet (5') from the back of the street curb along the entire front of the lot. In addition a four foot (4') wide walk shall be constructed no further than five feet (5') from the back of the street curb along the entire side of all corner lots. It is the owner's responsibility to maintain these walks.
- 17.8 The recommended width of sidewalks located in the side yard is thirty inches (30"). This width may be increased to five feet (5') - the turning radius of a wheelchair - provided that the sidewalk does not encroach upon the adjacent lot and does not interfere with the drainage of either lot.

18.0 Swimming Pools, Spas, and Pool Enclosures

- 18.1 No pool or spa 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.
- 18.2 Ideally, any pool or spa should be located at least five feet (5') from a side and rear lot line to maintain proper drainage on lot. However, a minimum of three feet (3') will be allowed in certain instances.
- 18.3 Above ground pools will receive special consideration. An above ground pool is acceptable provided it is not over four feet (4') in height. Decking around pool cannot be over eighteen inches (18") above ground so to ensure privacy of neighbors.

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- 18.4 Pool enclosures will be reviewed on an individual basis. Committee finds screened enclosures acceptable providing adequate tree planting is installed as per Committee recommendations for screening.
- 18.5 Pools and spas have special safety risks and the owner must exercise due diligence to provide adequate safety features. These features may be special fences, locked gates, pool or spa covers, alarms etc. The owner should consult with his or her insurance company about child and other safety requirements.
- 18.6 The structural, mechanical and water quality aspects of the pool and/or spa must be maintained in a safe and healthful condition. The Association has the right to require the repair or removal of a pool or spa that is a health or safety hazard.

19.0 Basketball Goals

- 19.1 The basketball backboard, net, and post must be maintained in excellent condition at all times.
- 19.2 If the backboard is mounted on the roof by use of a small, triangular mounting structure, the mounting structure must be painted to match the shingle color.
- 19.3 Backboard must be regulation size and color of white, clear, gray or beige.
- 19.4 Must be placed where the backboard is facing the driveway and be physically located between the front sidewalk and the front structure line.
- 19.5 Portable style backboards may be approved. These backboards must not be stored on or next to the street.

20.0 Swing Sets

- 20.1 Maximum height of eight feet (8').
- 20.2 Location will be considered for neighbors privacy. For play gym sets and forts see Outbuilding Sect. 1.0.
- 20.3 Swing sets and play gym sets must be well maintained.

21.0 Landscaping

- 21.1 Trellises, window boxes, arbors, and permanent brick borders (i.e. with mortar) must have Committee approval.
- 21.2 Landscape timbers and bricks without mortar do not need approval of the Committee unless they exceed two feet (2') in height.
- 21.3 Landscaping must complement the style and architecture of the home and conform to the color scheme of the immediate neighborhood to be approved.
- 21.4 Living plants, trees, shrubs, flowers, etc., and utilization of non-living material necessary for growth; i.e. bark, mulch, etc. do not need approval of the Committee.
- 21.5 No hedge in excess of eight feet (8') 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 the Lot. No side or rear fence, wall or hedge shall be more than eight feet (8') high. The height of a hedge can neither interfere with the sight lines of approaching traffic nor with the sight lines of traffic entering the street from either the lot or the adjacent lot.
- 21.6 No object or thing (including landscaping and plants) which obstructs sight lines at elevations between two feet (2') and eight feet (8') above the roadways within the triangular area formed by the intersecting street property lines and a line connecting them at points ten feet (10') from the intersection of the street property lines or extension thereof shall be placed, planted or permitted to remain on any corner lots.
- 21.7 Landscaping of the backyard does not require approval of the Committee. However, the backyard must be maintained in a neat, attractive manner the same as the front yard. The Association shall have the right to enter the backyard and remove any weeds or other materials that might cause rat infestation.

22.0 Birdhouses

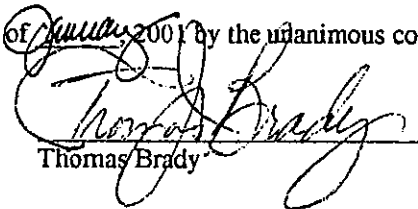
- 22.1 The maximum preferred height of bird houses is twelve feet (12')
22.2 Birdhouses must be of a reasonably small size and cannot be excessive in number.
22.3 Birdhouses must be attractively maintained.

23.0 Decorations

- 23.1 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 the Committee has approved such items in writing.
23.2 Benches and gates will be reviewed on an individual basis.
23.3 House numbers may be placed on the house, but not on any type of freestanding structure in the front yard.
23.4 Lawn decorations will be allowed for any holiday three weeks prior and three weeks after that holiday.

This document was reviewed and approved this 10th day of January 2001 by the unanimous consent of the following Board of Directors:


Steve Kirkpatrick


Thomas Brady


Mark Solomon



Jackson Suddath

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 the Number Sequence on the date and at the time stamped herein by me; and was duly RECORDED in the Official Public Records of Real Property of Harris County, Texas on

JAN 22 2002




COUNTY CLERK
HARRIS COUNTY, TEXAS


BUTLER & HAILEY, P.C.
1616 S. VOGES RD., SUITE 500
HOUSTON, TEXAS 77057

RECORDER'S MEMORANDUM

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