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**ASSOCIATION OF GREEN TRAILS  
PHASE II HOMEOWNERS, INC.**

**AMENDED AND RESTATED  
ARCHITECTURAL GUIDELINES  
(INCLUDING FENCE GUIDELINES)**

**DECEMBER 2011**

*Stan Stewart*  
COUNTY CLERK  
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## 1. DEFINITIONS/GENERAL

- ◆ *Definitions.* In addition to the terms defined elsewhere in this document, the following terms used herein shall have the indicated meanings:
  - “ARC” means the Board, the Committee or the Association’s management company considering or acting with respect to any matter under the Deed Restrictions or these ARC Guidelines.
  - “ARC Guidelines” means this document, as same may hereafter be amended or supplemented from time to time.
  - “Association” means the Association of Green Trails Phase II Homeowners, Inc.
  - “Board” means the Board of Directors of the Association.
  - “Committee” means the Modifications Committee, as such term is defined in the Association’s Declaration of Covenants, Conditions and Restrictions.
  - “Deed Restrictions” means collectively (a) the “Declaration of Covenants, Conditions and Restrictions for Green Trails, Phase II” (Harris County Recordation No. 185-61-0323), (b) the First Amendment to item (a) (Harris County Recordation No. 097-70-0202), and (c) the various supplemental restrictions for each of the sections that are part of the Association.
  - “Dedicatory Instrument” shall have the meaning given to such term under Section 202.001 of the Texas Property Code or any successor statute.
- ◆ *Effective Date.* These ARC Guidelines shall become effective when they are recorded in the real property records of Harris County, Texas.
- ◆ *Nature of Document.* These ARC Guidelines represent an amendment, restatement, consolidation and replacement of the Association’s December 1999 Architectural Guidelines Related to Modifications and the Association’s October 12, 2004 Guidelines for Walls and Fences. These ARC Guidelines supplement the Deed Restrictions. Any form of ARC application adopted by the Committee or the Board from time to time is hereby incorporated herein.
- ◆ *Inconsistent Provisions.* In the event that any provision in any of the Deed Restrictions is inconsistent with these ARC Guidelines, the Deed Restriction provision shall govern. In the event that any applicable law, regulation, rule or ordinance is inconsistent with any provision of the Deed Restrictions and/or these ARC Guidelines, such law, regulation, rule or ordinance shall govern.
- ◆ *Grandfather Provision.* Any original construction or any modifications or improvements undertaken pursuant to and in compliance with an ARC application approved by the ARC prior to the effective date of these ARC Guidelines shall not be adversely affected by these ARC Guidelines; *provided that* any such modifications or improvements must be brought into compliance with these ARC Guidelines at the time they are modified, improved or replaced.
- ◆ *Maintenance Requirement.* All improvements, modifications or changes approved under the Deed Restrictions or these ARC Guidelines shall be maintained as required by the Deed Restrictions.

- ◆ *Management Company Authority.* The Committee or the Board is authorized to delegate to the Association's management company the power to review such types of ARC applications as shall be determined by the Board or the Committee, including the power to approve, conditionally approve or disapprove such applications, in each case upon such terms and conditions as shall be established by the Board or the Committee from time to time.
- ◆ *Fees; Deposit.* The Association shall be entitled to charge such fees and charges for review or processing of ARC applications as shall be determined by the Board or the Committee from time to time. The Association shall also be entitled to require a deposit (an amount determined by the Board from time to time) for ARC applications involving access over Association property.
- ◆ *Waivers; Additional Conditions.* The ARC may grant waivers with respect to any of the matters set forth in these ARC Guidelines or any of the Deed Restrictions under appropriate circumstances. Such waivers will be considered in a case-by-case basis. In determining whether or not to approve an ARC application, the ARC shall be entitled to consider the potential effect of an improvement (or any related use of or in respect of the improvement), modification or change on the neighborhood or neighboring residences. In addition to the requirements and conditions set forth in these ARC Guidelines and the Deed Restrictions, the ARC may impose additional requirements and conditions under appropriate circumstances, including the approval of residents that would be affected by a modification or improvement.
- ◆ *Compliance with Laws.* In addition to the requirements and conditions set forth under the Deed Restrictions and these ARC Guidelines, each improvement, modification or change to any lot or any structure or equipment on a lot shall comply with (a) all other Association Dedicatory Instruments, and (b) all applicable laws, regulations, rules and ordinances.

## 2. SWIMMING POOLS/SPAS

- ◆ Above and in-ground pools may be allowed with ARC approval. The edge of the pool must be a minimum of five feet (5') from the side lot line and eight feet (8') from the rear lot line.
- ◆ All applications for the construction of a swimming pool/spa must include a plot plan showing the proposed location of the pool/spa in relation to the property lines, easements, building lines, existing structures and existing fences. The application should also include a timetable for construction.
- ◆ 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. Pool/spa decking which extends into any easement also requires such a written consent. Consents must be received prior to approval and included with the application.
- ◆ Pools and spas must be completely enclosed by a lot perimeter fence that meets these ARC Guidelines (which may consist of an existing fence). Any other fences around the pool must be at least four feet (4') high with no openings, holes or gaps larger than four inches measured in any direction. Lot perimeter fences with gates opening directly into the pool area must be equipped with self-closing and self-latching devices designed to keep, and capable of keeping, such gates securely closed at all times when not in actual use. Such latching devices shall be attached to the upper quarter of such gates or doors. The door of any permanent structure that provides access to the pool area need not be so equipped.
- ◆ During construction, the construction area must be barricaded and equipment and supplies are not permitted in the street.

- ◆ Pool pumps and equipment must be screened behind a fence and not be visible from a fronting or side street. They shall also not be placed in a location that is reasonably likely to disturb one or more nearby residents.

### 3. PATIO COVERS

- ◆ The standard, type, quality and color of the materials used in the construction of a patio cover must be harmonious with the standard, type, quality and color of the materials used in the construction of the main residence. Colors will be approved on a case-by-case basis.
- ◆ Fiberglass and aluminum patio covers will be reviewed on a case-by-case basis.
- ◆ The structure must be positioned on a lot behind the primary dwelling.
- ◆ In the event the selected roof material is corrugated, clear fiberglass or roof material other than standard shingles, the unfinished edges of the roof material must be framed to create a finished border.

### 4. BIRDHOUSES

- ◆ Birdhouses shall not be visible from the street in front of the lot nor may they be attached to any perimeter fence.
- ◆ Maximum dimensions for birdhouses shall be two feet (2') in width, two feet (2') in length and two feet (2') in height.
- ◆ No birdhouse shall be mounted on a pole exceeding twelve feet (12') in height.
- ◆ The materials, color and construction of the birdhouse must be harmonious with the home and other improvements on the lot.
- ◆ Only one birdhouse is permitted per lot.

### 5. SOLAR PANELS

- ◆ The term "Solar Energy Device" shall have the meaning set forth in Section 171.107 of the Texas Tax Code.
- ◆ Solar Energy Devices may be installed, subject to (a) prior ARC approval, and (b) the other requirements set forth in this Section.
- ◆ Solar Energy Devices shall only be permitted (a) on the roof of the home or another structure approved under a dedicatory instrument, or (b) in a fenced yard or patio owned and maintained by the property owner.
- ◆ All Solar Energy Devices shall (a) shall be located entirely on the owner's property, and (b) as installed, comply with all material warranties.
- ◆ In addition to the above requirements, roof-mounted Solar Energy Devices shall (a) not extend higher than or beyond the roof line, (b) be located to the rear of the roof ridge line and/or gable of any such structure so as to not be visible from the public street in front of the home (except as otherwise

approved by the ARC or permitted by Section 202.010(d)(5)(B) of the Texas Property Code), (c) conform to the slope of the roof, (d) have a top edge that is parallel to the roofline, and (e) have a frame, a support bracket, or visible piping and wiring that is in a silver, bronze or black tone commonly available in the marketplace.

- ◆ In addition to the above requirements, Solar Energy Devices located in a fenced yard or patio may not be taller than the fence line.
- ◆ The ARC may disapprove any placement of Solar Energy Devices that the ARC determines constitutes a condition that substantially interferes with the use and enjoyment of land by causing unreasonable discomfort or annoyance to persons of ordinary sensibilities. Such a determination may be rebutted by the applicant as provided in the last sentence of Section 202.010(e) of the Texas Property Code.

## 6. BASKETBALL GOALS

- ◆ A net shall be maintained on the rim at all times. The net shall be replaced in the event that it becomes frayed or torn. Chain nets are not allowed.
- ◆ An orange/red or black steel or metal rim shall be affixed to the backboard at all times. The rim shall be repaired or, if necessary, replaced in the event that it becomes broken, bent or otherwise requires maintenance.
- ◆ The backboard must be clear acrylic, fiberglass painted gray or white or weatherproofed wood painted white or gray, with the exception of an orange/black/blue/red square outline above the rim and/or around the edge of the rim. The backboard shall be repainted, repaired or replaced in the event that the surface of the backboard becomes chipped or cracked or the backboard becomes warped or unaligned or otherwise requires maintenance.
- ◆ All mounting supports must be metal and painted black and/or similar dark tone. The pole and all mounting supports must in an attractive condition.
- ◆ With the exception of maintenance and repair, a basketball goal shall not be modified in any respect nor shall the location be changed from that approved by the ARC.
- ◆ Garage mounted basketball goals may be accepted in all sections and will be subject to the above requirements, as applicable.
- ◆ Pole-mounted basketball goals must be behind the building set back line of the lot and not closer to the street than half the distance from the front of the garage to the street. In the case of an attached garage, the pole-mounted basketball goal must not be closer to the street than half the distance from the front of the garage to the street; this also applies to detached garages on corner lots.
- ◆ Portable basketball goals must also conform to the above requirements, as applicable. No basketball goal may be placed adjacent to a street.

## 7. FENCES

- ◆ All fences must be level and plumb without the aid of ropes and props. Fence panels must be securely attached to fence posts and fence pickets must be securely attached to fence rails. Any

portion of a fence that faces a street or is otherwise visible to the public must have the fence pickets facing outward (on the side of the fence visible to the public)

- ◆ Broken, rotted or damaged fence pickets must be replaced with new pickets substantially identical in material and style to the existing pickets. Wooden fence and gate material must be kept in its natural state and may not be stained or painted (except for a clear preservative or other approved clear finish). Gates must have functional hinges and a latch and remain closed when not in use.
- ◆ No walls or fences shall be erected or maintained nearer to the front lot line than the front building line on such lot, or on corner lots nearer to the side lot line than the building setback line parallel to the side street as shown on the recorded plat. Fences must not interfere with the general harmony and external design of the neighborhood.
- ◆ All new or replacement walls and fencing shall be made of wood, ornamental metal, or brick, except as set forth herein. The use of brick shall generally only be to replace brick where it currently exists. The use of chain link fencing is prohibited.
- ◆ Several of the supplemental Deed Restrictions for individual sections of the Association mandate a specific height and or location for fences. These Restrictions shall remain in force and unaltered by these ARC Guidelines. In all other locations, all new or replacement wooden fences and gates shall be approximately 6 feet 6-inches (6' 6") in height (the term "replacement" shall include replacement of all or substantially all of the fence pickets in a run of fence). The 6-foot portion will be comprised of a standard "dog-eared" wooden cedar picket of a nominal 6-foot (6') height. The 6-inch height will be a horizontal treated rot board at the base. The treated rot board shall be a nominal 6-inch (6") width, except that twelve-inch (12") rot boards may, with ARC approval, be used in certain instances (such as a rot board that tapers from 6" to 12" in order to maintain a level fence line). No other base materials shall be allowed (e.g. treated or untreated pine pickets or untreated rot boards).
- ◆ Wooden fences built prior to September 2004 to a height greater or less than, 6 feet, 6-inches (6' 6"), with or without consent from the ARC, shall be brought into compliance with these guidelines when they are replaced.
- ◆ A new or replacement wooden fence height of 8 feet (8') will be considered on an individual basis with respect to side lot lines. Both neighbors must be in concurrence prior to submittal to the ARC. The written agreement between the neighbors shall be included with the submittal. The ARC will review these requests on a case by case basis.
- ◆ The height of all fences must be tapered over the last 5 feet (5') at the front and rear corners to match the most dominant or most public fence height (or as otherwise specified by the ARC).
- ◆ A new or replacement fence extending along a breezeway between a house and a detached garage is to be compliant with the materials portion of these guidelines. The height will be reviewed on a case by case basis by the ARC. No rot board is required on a wooden breezeway fence so long as the pickets are at least ½-inch above the ground.
- ◆ The fence must be capped if that is the style currently in place (e.g. on fences that abut Association reserves).
- ◆ Rear fence gates are permitted in order to access parks, retention channels and under other appropriate circumstances, *provided that* prior ARC approval is received. Any such gates that are adjacent to a park or that open to an area with a pool must be equipped with self-closing and self-latching devices

designed to keep, and capable of keeping, such gates securely closed at all times when not in actual use. Bridges or walkways to such gates may not interfere with the natural drainage (such as with respect to the retention channels). The pickets on the gate must be placed on the same side of the fence as is the case for the adjoining fence.

- ◆ New or replacement gates and fences crossing a driveway shall not be any closer to the street than the front corner of the house or the neighbor's house; whichever is furthest from the street. An accurate sketch delineating compliance with these conditions must be included with the application. Only ornamental metal may be used for fencing and gates in these locations.
- ◆ ARC approval must be obtained prior to attaching any vines or other vegetation to a fence, or planting any vegetation designed to grow on a fence, or attaching a trellis or other apparatus to a fence. Fences covered by vines or to which other vegetation is attached must nonetheless be maintained in good condition.
- ◆ The ARC may require alteration, modification or removal of all or portion of fencing that does not comply with these guidelines or the ARC application, as approved. Such modifications include substitution of compliant pickets or rot boards for non-compliant ones, turning or removal of painted or stained pickets, replacement of non-tapered pickets, the replacement of non-cedar pickets, and installation of a rot board, either by moving or sawing off a portion of the newly-installed pickets.

#### 8. PAINTED CONCRETE

- ◆ No concrete that is visible from any street, whether a driveway, sidewalk, patio or other improvement, shall be painted or stained any color.
- ◆ Concrete that is not visible from any street may be painted or stained only with ARC approval.

#### 9. SCREEN DOORS/SOLAR SCREENS

- ◆ Screen doors and solar screens must be compatible with the home's exterior and must receive ARC approval, which will be determined on a case-by-case basis.

#### 10. STORM DOORS/WINDOWS

- ◆ Storm doors/windows will be acceptable, *provided that* they are compatible with the color of the exterior of the house.

#### 11. YARD DECORATIONS

- ◆ All decorative accessories, modifications and additions, such as sculptures, birdbaths, birdhouses, fountains, benches, and swings placed on the lot, whether or not visible from the street, require ARC approval, which will be determined on a case-by-case basis.

#### 12. BURGLAR BARS

- ◆ Burglar bars must be on the inside of windows and match the color of the window pane decorator strips.
- ◆ Other burglar bars will be reviewed on a case-by-case basis depending on their visibility, location and other relevant factors.

### 13. OUTDOOR CARPETING

- ◆ Outdoor carpeting can only be installed on a backyard patio or similar area; it is not allowed on walkways or other areas that are visible from a street.
- ◆ Only earth tone colors will be permitted for outdoor carpeting.
- ◆ ARC approval will be determined on a case-by-case basis.

### 14. OUTDOOR PLAY EQUIPMENT

- ◆ Outdoor play equipment may not exceed 10 feet (10') in height, with the deck height not to exceed 5 feet (5').
- ◆ Outdoor play equipment must be made of metal or treated/weather-resistant wood. If the material is painted, the color must receive ARC approval.
- ◆ Playhouses shall have roofs of a single color that is harmonious with the main residence and other structures on the lot.
- ◆ Outdoor play equipment may not be placed within a rear or side easement. If no rear easement exists, said equipment shall not be nearer to the rear fence line than ten feet (10'), nor closer to the side property line than the side wall of the dwelling.
- ◆ The equipment must be maintained within a fenced perimeter.

### 15. AWNINGS

- ◆ Awnings that are visible from the street in front of the lot shall not be permitted. Awnings on the rear portion of a lot must be one (1) color and harmonious with the color of the house. ARC approval will be determined on a case-by-case basis.

### 16. ANTENNAE

- ◆ Satellite dish and other antennae shall be permitted, *provided that* they are screened from public view, and comply with the Deed Restrictions and any other conditions imposed by the ARC.

### 17. MAILBOXES (Forest and Enclave)

- ◆ Only the Forest and Enclave sections currently have individual home mailboxes. Forest and Enclave mailboxes must be replaced with the same type, style, color, etc. of current mailboxes.

### 18. DRIVEWAYS

- ◆ Driveways shall not be wider than two car widths in front of the building line (or narrower under appropriate circumstances).
- ◆ Driveways shall be no wider behind the front building line than is needed to provide adequate, straight-in access to the garage door(s) except for original construction or under other appropriate circumstances.

- ◆ Circular (or semicircular) driveways may be permitted in appropriate circumstances, subject to proper placement, complementary landscaping modifications and other relevant conditions. Circular driveways will not be permitted for the purpose of additional resident parking.
- ◆ The cracks between cement driveway sections shall be kept free of significant vegetation.
- ◆ Only brushed concrete driveways are permitted. Stained, painted or stamped concrete is not permitted.

**19. LANDSCAPING**

- ◆ The portion of a lot's yard that is visible to the public must be predominately natural grass
- ◆ Artificial grass may be permitted in that portion of the lot's yard that is not visible to the public, subject to satisfaction of appropriate quality, color and other conditions. A sample of the proposed artificial grass must be furnished with the ARC application.
- ◆ Landscaping must compliment the style and architecture of the home and be proportionate in scale and height to the structure.
- ◆ Landscaping shall not interfere with the natural drainage of the lot or neighboring lots.

**20. OUTBUILDINGS**

- ◆ An outbuilding is any structure (other than outdoor play equipment) that is not attached to the main house structure, except for detached garages. This includes, but is not limited to, all storage sheds, gazebos and spas, etc.
- ◆ The standard, type, quality and color of the materials used in construction shall be harmonious with the standard, type, quality and color of the materials used in construction of the main residence on the lot; *provided that* shingles and paint shall match that of the residence. Small, prefabricated metal storage buildings are allowed subject to compatibility with the main residence and other appropriate conditions.
- ◆ Outbuildings shall not exceed eight feet (8') in height, with a maximum floor space of ten feet by 12 feet (10' x 12'), except as approved on a case-by-case basis.
- ◆ All outbuildings must be within an enclosed, fenced back yard.
- ◆ Outbuildings shall be placed on the lot so as not to be visible from the street in front of the lot and may not be closer to the rear lot line than eight feet (8'), nor to the side lot line than five feet (5') or aligned with the side wall of residence structure, whichever is greater.
- ◆ The roofline of an outbuilding shall also conform to the roofline of the residential structure except as otherwise permitted under appropriate circumstances.
- ◆ Outbuildings shall not interfere with the natural drainage of the lot or neighboring lots.
- ◆ Any outbuilding installed in an easement shall be subject to all of the rights and privileges of utility providers and other relevant parties (notwithstanding approval of the ARC application).

## **21. DECKS/PATIOS/SIDEWALKS**

- ◆ Decks, patios and sidewalks shall be constructed of materials that are harmonious with the main residence and related improvements and accessories.
- ◆ Patios and sidewalks visible to the public may be constructed of brick, concrete pavers, natural stone or stamped concrete, subject to satisfaction of appropriate quality, color and other conditions. A sample of the materials to be used must be furnished with the ARC application. Stained or painted concrete may not be used for patios or sidewalks visible to the public.
- ◆ Decks, patios and sidewalks shall not encroach into any utility easement unless the utility companies involved have granted their written consent to such encroachment, and a copy of said consent is attached to the application.
- ◆ Decks, patios and sidewalks shall not be situated on the lot so that they interfere with the natural drainage of the lot or neighboring lots.
- ◆ Decks, patios and sidewalks relating to above-ground pools shall not be higher than 18" above grade, except as approved on a case-by-case basis.

## **22. EXTERIOR LIGHTING**

- ◆ Any additions or modifications to exterior lighting require ARC approval.
- ◆ Exterior lighting shall be white light, and shall not be of an intensity or direction that is annoying to neighboring homes or pedestrian or vehicular traffic. Mercury vapor lighting shall not be permitted.
- ◆ Directional lights or floodlights must be aimed so as not to shine directly into the windows of neighboring homes.
- ◆ Yard lights may be gas or electric. If electric, the bulb may not exceed 100 watts, and must be of clear glass type. The maximum acceptable height is six feet (6'), and the pole must be black, brown or white, depending on its harmony with the existing residence, as determined by the ARC.

## **23. ROOM ADDITIONS**

- ◆ All room additions require detailed design and construction plans to include lot survey showing the exact location.
- ◆ The type, quality and color of materials used in construction shall be harmonious with the type, quality and color of the materials used in construction of the main residence on the lot. Shingles, siding, bricks and paint being utilized shall match that of the existing residence. All such improvements must be to building code standards, and must be architecturally compatible with the original and neighboring homes.
- ◆ Room additions shall not be placed within existing easements or encroach over any building line.

**24. EXTERIOR PAINT**

- ◆ ARC approval is required before any exterior painting may be done, including when the existing color(s) will be re-used. A color sample or paint chip, verifying the color(s) being used, shall be submitted with the application
- ◆ A color sample or paint chip of the proposed exterior color of any addition or improvement must be attached to each application submitted to the ARC. Further, the existing exterior color of a house, garage or other improvement on a lot shall not be changed without first submitting an application with a color sample or paint chip to the ARC for approval.
- ◆ Paint colors shall be generally earth tone and shall not be brilliant or bright colors. Each color sample or paint chip shall be compared to the colors and shades of colors to assure that each approved color is harmonious with the color scheme established for the Association.
- ◆ The doors of a garage on a lot shall always be painted either the principal color or the trim color of the residential dwelling.

**25. SIDING/GUTTERS**

- ◆ The standard, type, color and quality of siding/gutter materials used shall be harmonious with the standard, type, color and quality of the materials of the main residence on the lot throughout the subdivision.
- ◆ Siding must be painted to match the existing siding of the residence on the lot.
- ◆ Gutters must be painted to match the existing color of the residence and must be installed to prevent water shed across or onto any other lot.

**26. ROOFING/SKY LIGHTS**

- ◆ A sample of the proposed shingle to be placed on any existing roof or any new improvement must be attached to the ARC application.
- ◆ Shingle colors must be weathered wood or gray. Shingle type and quality must comply with this section and otherwise meet the standards established by the ARC from time to time.
- ◆ All composition shingles used on the roof of a home must have at least a 20-year manufacturer's warranty.
- ◆ No skylights or similar types of additions shall be permitted on the front of the roof ridge line and/or gable of a structure.
- ◆ Shingles that are designed primarily to (a) be wind and hail resistant, (b) provide heating and cooling efficiencies greater than those provided by customary composite shingles, or (c) provide solar generating capabilities shall be permitted; *provided that* they (x) resemble shingles that are otherwise authorized by the ARC, (y) are more durable than and are of equal or superior quality to the shingles described in (x), and (z) match the aesthetics of the surrounding property.

**27. [RESERVED]**

## 28. FLAGS AND FLAGPOLES

- ◆ As used in this section, the term “Governmental Flags” means (a) the flag of the United States of America, (b) the flag of the State of Texas, or (c) official or replica flags of any branch of the United States armed forces. As used in this section, the term “Decorative Flags” means flags representing or commemorating (a) an elementary or secondary school or an institution of higher learning, (b) a national, state or religious holiday, (c) a holiday or other season, (d) a sports team, (e) or such other matters as may be approved by the ARC from time to time. As used in this section, the term “Permitted Flags” shall mean Governmental Flags and Decorative Flags.
- ◆ Flags may be displayed subject to the guidelines in this section. Advance written approval of the ARC is required for any flagpole, whether attached to a structure or free-standing, and any related illumination.
- ◆ Permitted Flags must be displayed in a respectful manner in accordance with all relevant federal, state or military laws, regulations, rules or other requirements.
- ◆ Permitted Flags must be displayed from a pole attached to a structure or from a free-standing pole. Flagpoles that not free-standing shall only be attached to permanent structures (i.e. the residence or garage) and not trees, fences, temporary buildings or similar items. Flags may not be draped over or directly attached to structures, fences, trees, etc.
- ◆ Up to two flagpoles are permitted per lot, one of which may be a free-standing; *provided that* (a) free-standing flagpoles are only permitted in rear yards, and (b) only one flagpole is permitted on the portion(s) of the lot that face(s) a street and only one flagpole is permitted on the rear or backyard portion of a lot.
- ◆ Poles attached to a structure may not be longer than 6 feet (6'), including any ornamental cap, and free-standing poles may not be higher than twenty feet (20'), including any ornamental cap.
- ◆ Permitted Flags shall be of a size appropriate to the flag pole on which they will be flown and the placement of the flagpole, but shall in no case be larger than five feet by three feet (5' x 3') in size.
- ◆ Only one Permitted Flag may be displayed on a flagpole attached to a structure. Up to two Governmental Flags may be displayed on an approved free-standing flagpole; *provided that* the flags being flown are appropriate to the length of the flag pole. Decorative Flags may not be flown on free-standing flagpoles.
- ◆ A flagpole attached to a structure must be securely attached with a bracket with an angle of 30 to 45 degrees down from vertical, and the bracket must be at least five feet (5') above ground level. Brackets which accommodate multiple flagpoles are not allowed.
- ◆ Flagpoles must be constructed of long-lasting materials with an appropriate finish that is harmonious with the main residence.
- ◆ Free-standing flagpoles must be permanently installed in the ground according to manufacturer's instructions. Free-standing flagpoles may not be installed (a) in any location other than on the lot, and (b) within a ground utility easement or encroaching into an aerial easement.
- ◆ Lighting may be installed to illuminate Permitted Flags if they will be displayed at night and if existing lighting does not provide proper illumination. Flag lighting must (a) be ground mounted in

the vicinity of the flag, (b) utilize a fixture that screens the bulb and directs light in the intended direction with minimal spillover, (c) point towards the flag(s) and face the main structure on the lot, and (d) provide illumination not to exceed the equivalent of a 60-watt incandescent bulb.

- ◆ 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.
- ◆ Flagpoles are allowed solely for the purpose of displaying Permitted Flags. If a flagpole is no longer used on a regular basis, it must be removed.
- ◆ 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. WINDOW COVERINGS**

- ◆ Mirrored or silver reflective window coverings will not be allowed. All others will be reviewed on a case-by-case basis.

#### **30. GARAGES**

- ◆ Garages must be capable of housing a minimum of two (2) full size vehicles at all times.
- ◆ Improvements with respect to a garage may be approved under appropriate circumstances such as compatibility with nearby structures and the neighborhood. No improvement or overhang may encroach over a building line or within any utility easement.

#### **31. CARPORTS**

- ◆ Porte cocheres and carports will be considered on a case-by-case basis.

#### **32. WATER FILTRATION SYSTEMS**

- ◆ Water systems such as soft water or treatment systems must be installed out of sight from the fronting and any side street and screened from public view.

#### **33. TREE REMOVAL**

- ◆ No tree shall be removed from any lot without approval, except as may be required on an emergency basis in connection with storm damage or other extraordinary event
- ◆ The ARC will generally require the replacement of any tree that has been removed. ARC approval shall be required of the type, size and location of the replacement tree.

#### **34. RAINWATER RECOVERY SYSTEMS**

- ◆ Rainwater recovery systems may be installed on a lot, subject to these ARC Guidelines and approval of the ARC.

- ◆ Any such system must be installed solely on land owned by the property owner. No portion of the systems may encroach on adjacent properties or common areas.
- ◆ Such systems may only be installed in rear or side yards that are screened from public view except as otherwise provided by Section 202.007(d)(7)(a) and (b) of the Texas Property Code. Other than gutters and downspouts conventionally attached to a residence or appurtenant structure, all components of the system – such as tanks, barrels, filters, pumps, motors, pressure tanks, pipes and hoses – must be screened from public view. Screening may be accomplished by (a) placement behind a solid fence, a structure or vegetation, (b) burying the tanks or barrels, or (c) placing the equipment in an outbuilding otherwise approved by the ARC.
- ◆ The type, quality and color of such system and its components shall be harmonious with the type, quality and color of the materials used in construction of the main residence on the lot. No language may be displayed on such system or any of its components that is not typically displayed on such system or component as it is manufactured.
- ◆ Overflow lines must not be directed onto or adversely affect adjacent properties or common areas.
- ◆ Inlets, ports, vents and other openings must be sealed or protected with secured mesh so as to prevent children, animals and debris from entering the barrels, tanks or other storage devices. Open top storage containers are not allowed.
- ◆ Harvested water must be used and not allowed to become stagnant or a threat to health. Unused systems shall be drained and disconnected from the gutters.

### 35. RELIGIOUS DISPLAYS

- ◆ One or more religious items may be attached to each entry to a main residence, *provided that* (a) prior ARC approval is obtained, (b) the item(s) to be displayed are motivated by the owner's or resident's sincere religious belief, and (c) compliance with the other guidelines set forth in this section.
- ◆ Either individually, or in combination with each other, the item(s) at any entry may not exceed a total size of 25 square inches.
- ◆ The item(s) 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.
- ◆ The type, quality and color of such religious items shall be harmonious with the type, quality and color of the materials used in construction of the main residence on the lot.
- ◆ Any such displayed or attached religious items may not (a) threaten public health or safety, (b) violate any law, or (c) contain language, graphics or any display that is patently offensive to a passerby.
- ◆ The Association may require a property owner to remove a religious item that violates this section.

December 16, 2011

THE BOARD OF DIRECTORS OF THE ASSOCIATION  
OF GREEN TRAILS PHASE II HOMEOWNERS, INC.

ASSOCIATION OF GREEN TRAILS PHASE II HOMEOWNERS, INC.

DOCUMENT PRODUCTION AND COPYING POLICY  
(December 2011)

WHEREAS, the Texas Legislature has adopted legislation adding various provisions to Section 209.005 of the Texas Property Code relating to the production of records by property owners associations (as such provisions now exist or are hereafter modified, the "Record Production Provisions"); and

WHEREAS, the Record Production Provisions include Section 209.005(i) ("Section 209.005(i)"), which requires property owners associations to adopt a records production and copying policy that prescribes the costs that will be charged for compiling, producing and reproducing the information requested: and

WHEREAS, the Board of Directors (the "Board") of the Association of Green Trails Phase II Homeowners, Inc. (the "Association") desires to adopt a policy for retention of Documents (as defined below) that is consistent with Section 209.005(i);

NOW, THEREFORE, the Board hereby adopts the following Document Production and Copying Policy (the "Policy"):

1. As used herein the following terms shall have the indicated meanings: (a) the term "Document Request" shall mean a request for Documents by an Owner or Owner Representative pursuant to the Record Production Provisions, (b) the term "Documents" shall mean any books, record or documents of the Association to which an Owner or Owner Representative is entitled under the Record Production Provisions, (c) the term "Owner" shall have the same meaning as assigned to such term in the "Declaration of Covenants, Conditions and Restrictions for Green Trails, Phase" (Harris County Recordation No. 185-61-0323), and (d) the term "Owner Representative" shall mean any person that the Owner has duly authorized to act with respect to a Document Request (and the Association shall be entitled to request and receive from the Owner appropriate documentation evidencing that the Owner has duly authorized the Owner Representative to act on Owner's behalf; "Evidence of Authority").
2. Any Document Request shall satisfy the requirements of Section 209.005(e) of the Texas Property Code and other applicable Record Production Provisions. If the records are to be delivered to the Owner or Owner Representative, the Document Request shall include instructions regarding delivery format (e.g. compact disk, electronic files or paper copies), delivery method (e.g. electronic mail; express, certified or regular mail; or pick-up), and the delivery address. If a Document Request is submitted by an Owner Representative, it must be accompanied by Evidence of Authority.
3. A Document Request will be processed by the Association and its representatives in accordance with the Record Production Provisions.
4. An Owner or Owner Representative may not obtain or inspect the following Association records or documents, except as otherwise provided by the Record Production Provisions:
  - a. Financial information or records associated with one or more individual owners;
  - b. Deed restriction violation details for one or more individual owners;
  - c. Personal information, including contact information other than an address for one or more individual owners;
  - d. Attorney files and records in the possession of the attorney; or
  - e. Attorney-client privileged information in the possession of the Association.

5. The Owner is responsible for all costs associated with a Document Request, including but not limited to copies, postage, supplies, labor, overhead and third party cost and expenses, the costs of converting electronic Documents to paper, or the costs of transferring Documents from one electronic medium to another. The Association will require advance payment for the estimated costs related to the compilation, production, and reproduction of the Documents. The actual, final costs of a Document Request shall be handled in the manner specified in Section 200.005(i). The Owner is responsible for the costs of a Document Request irrespective of whether or not the Owner or Owner Representative accepts delivery of the Documents.
6. The costs for a Document Request shall be (a) as specified in Title 1, Part 3, Chapter 70, Rule 70.3 of the Texas Administrative Code, as such provision now exists and may hereafter be amended, modified or superseded (with the Association being permitted to charge any overhead or other additional charge permitted under Rule 70.3), or (b) such greater amount(s) as the Association may hereafter be permitted to charge and are reflected in a schedule adopted by the Board (which shall be furnished to the Owner or Owner Representative upon request).
7. The requirements of this Policy shall be deemed waived with respect to routine Document Requests by Owners. An officer or authorized representative of the Association may also waive the requirements of this Policy in other appropriate instances.
8. If any provision of this Policy is determined to be unenforceable, such determination shall not affect any of the provisions of this Policy, and the unenforceable provision shall be deemed to have been modified to the extent necessary to render it enforceable.
9. This Policy shall become effective when it is recorded in the real property records of Harris County, Texas.

Dated: December 16, 2011

THE BOARD OF DIRECTORS OF THE ASSOCIATION  
OF GREEN TRAILS PHASE II HOMEOWNERS, INC.

**PRESIDENT'S CERTIFICATE OF FILING**

I, Bernard L. Birkel, certify that:

I am the duly qualified and acting President of Association of Green Trails Phase II Homeowners, Inc., a duly organized and existing Texas non-profit corporation (the "Association").

The attached instruments are true copies of unrecorded Dedicatory Instruments (as that term is defined under Section 202.001 of the Texas Property Code) pertaining to the Association.

The attached instruments are being presented for recording in the Official Public Records of Real Property of Harris County, Texas, pursuant to Section 202.006 of the Texas Property Code.

Dated: December 19, 2011

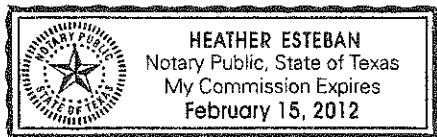
**ASSOCIATION OF GREEN TRAILS PHASE II HOMEOWNERS, INC.**

*102*

\_\_\_\_\_  
Bernard L. Birkel, President

THE STATE OF TEXAS       §  
  §  
COUNTY OF HARRIS       §

This instrument was acknowledged before me on the 19th day of December 2011 by Bernard L. Birkel, the President of Association of Green Trails Phase II Homeowners, Inc., a Texas non-profit corporation, on behalf of said corporation.



\_\_\_\_\_  
Notary Public in and for The State of Texas

AFTER RECORDING, RETURN TO:  
Bartley & Spears, P.C.  
14811 St. Mary's Lane, Suite 270  
Houston, Texas 77079

*✓*

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

DEC 30 2011



*Stuart*  
COUNTY CLERK  
HARRIS COUNTY, TEXAS