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January 27, 2012

Imperial Forest Homeowners Association, Inc.
c/o Ms. Heather Monteverde
Crest Management Company
P. O. Box 219320
Houston, Texas 77218-9320

Re: Guidelines to the Declaration of Covenants, Conditions and Restrictions

Dear Heather:

Enclosed please find the following original Guidelines in compliance with the new legislative changes for Imperial Forest Homeowners Association, Inc.:

1. Display of Certain Religious Items
2. Rainwater Recovery Systems
3. Solar Energy Devices
4. Roofing Materials
5. Display of Flags
6. Payment Plan Policy
7. Records Retention Policy
8. Records Production Policy

Please have the President review and sign the documents before a notary public and return them to this office for recordation in Harris County.

If you have any questions, please do not hesitate to call.

Sincerely,

MESSOCK & WALTON

By:


Bradley R. Walton

BRW:tl
Enclosures

IMPERIAL FOREST HOMEOWNERS ASSOCIATION, INC.

GUIDELINES FOR DISPLAY OF CERTAIN RELIGIOUS ITEMS

STATE OF TEXAS §
COUNTY OF HARRIS § KNOW ALL PERSONS BY THESE PRESENTS:
§

WHEREAS, IMPERIAL FOREST HOMEOWNERS ASSOCIATION, INC. (“Association”) is charged with administering and enforcing those certain covenants, conditions and restrictions contained in the recorded Declaration of Covenants, Conditions and Restrictions for Imperial Forest (referred to collectively as the "Declaration"); and

WHEREAS, § 202.018 of the TEXAS PROPERTY CODE was added effective June 17, 2011, regulating the display of certain religious items; and

WHEREAS, the Board of Directors of the Association has determined that in connection with maintaining the aesthetics and architectural harmony of the community, and to provide clear and definitive guidance regarding the display of certain religious items therein, it is appropriate for the Association to adopt guidelines regarding the display of certain religious items within the community.

NOW, THEREFORE, the Board has duly adopted the following *Guidelines for Display of Certain Religious Items* within the community.

1. A property owner or resident may display or attach one or more religious items to each or any entry to their dwelling. Such items may include anything related to any faith that is motivated by the resident's sincere religious belief or tradition.
2. Individually, or in combination with each other, the items at any entry may not exceed 25 square inches total in size.
3. The items may only be displayed on or attached to the entry door or frame and may not extend beyond the outside edge of the door frame.
4. To the extent allowed by the Texas and United States constitutions, any such displayed or affixed 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.

IMPERIAL FOREST HOMEOWNERS ASSOCIATION, INC.

GUIDELINES FOR RAINWATER RECOVERY SYSTEMS

STATE OF TEXAS §
COUNTY OF HARRIS § KNOW ALL PERSONS BY THESE PRESENTS:
§

WHEREAS, IMPERIAL FOREST HOMEOWNERS ASSOCIATION, INC. (“Association”) is charged with administering and enforcing those certain covenants, conditions and restrictions contained in the recorded Declaration of Covenants, Conditions and Restrictions for Imperial Forest (referred to collectively as the "Declaration"); and

WHEREAS, § 202.007(d) of the TEXAS PROPERTY CODE was added effective September 1, 2011, regulating rain barrels and rainwater harvesting systems (referred to collectively as Rainwater Recovery Systems); and

WHEREAS, the Board of Directors of the Association has determined that in connection with maintaining the aesthetics and architectural harmony of the community, and to provide clear and definitive guidance regarding the installation and maintenance of Rainwater Recovery Systems therein, it is appropriate for the Association to adopt guidelines regarding Rainwater Recovery Systems.

NOW, THEREFORE, the Board has duly adopted the following *Guidelines for Rainwater Recovery Systems* within the community.

1. Rainwater Recovery Systems may be installed with the advance written approval of the Architectural Review Committee subject to these guidelines.
2. All such Systems must be installed on land owned by the property owner. No portion of the Systems may encroach on adjacent properties or common areas.
3. Other than gutters and downspouts conventionally attached to a dwelling or appurtenant structure, all components of the Systems, such as tanks, barrels, filters, pumps, motors, pressure tanks, pipes and hoses, must be substantially screened from public view from any street or common area. Screening may be accomplished by:
 - a. placement behind a solid fence, a structure or vegetation; or
 - b. by burying the tanks or barrels; or
 - c. by placing equipment in an outbuilding otherwise approved by Architectural Review Committee.
4. A rain barrel may be placed in a location visible from public view from any street or common area only if the configuration of the guttering system on the structure precludes

screening as described above with the following restrictions:

- a. the barrel must not exceed 55 gallons; and
- b. the barrel must be installed in close proximity to the structure on a level base with the guttering downspout leading directly to the barrel inlet at a substantially vertical angle; and
- c. the barrel must be fully painted in a single color to blend with the adjacent home or vegetation; and
- d. any hose attached to the barrel discharge must be neatly coiled and stored behind or beside the rain barrel in the least visible position when not in use.

5. Overflow lines from the Systems must not be directed onto or adversely affect adjacent properties or common areas.

6. Inlets, ports, vents and other openings must be sealed or protected with mesh to prevent children, animals and debris from entering the barrels, tanks or other storage devices. Open top storage containers are not allowed, however, where space allows and where appropriate, Architectural Review Committee approved ponds may be used for water storage.

7. Harvested water must be used and not allowed to become stagnant or a threat to health.

8. All Systems must be maintained in good repair. Unused Systems should be drained and disconnected from the gutters. Any unused Systems in public view must be removed from public view from any street or common area.

The guidelines are effective upon recordation in the Public Records of Harris County, and supersede any guidelines for rainwater recovery systems which may have previously been in effect. Except as affected by Section 202.007 and/or by these guidelines, all other provisions contained in the Declaration or any other dedicatory instruments of the Association shall remain in full force and effect.

Approved and adopted by the Board on this ____ day of _____, 2012.

IMPERIAL FOREST HOMEOWNERS
ASSOCIATION, INC.

By: _____
President

IMPERIAL FOREST HOMEOWNERS ASSOCIATION, INC.

GUIDELINES FOR SOLAR ENERGY DEVICES

STATE OF TEXAS §
COUNTY OF HARRIS § KNOW ALL PERSONS BY THESE PRESENTS:
§

WHEREAS, IMPERIAL FOREST HOMEOWNERS ASSOCIATION, INC. (Association) is charged with administering and enforcing those certain covenants, conditions and restrictions contained in the recorded Declaration of Covenants, Conditions and Restrictions for Imperial Forest (referred to collectively as the "Declaration"); and

WHEREAS, § 202.010 of the TEXAS PROPERTY CODE was added effective June 17, 2011, regulating solar energy devices; and

WHEREAS, the Board of Directors of the Association has determined that in connection with maintaining the aesthetics and architectural harmony of the community, and to provide clear and definitive guidance regarding solar energy devices therein, it is appropriate for the Association to adopt guidelines regarding solar energy devices within the community.

NOW, THEREFORE, the Board has duly adopted the following *Guidelines for Solar Energy Devices* within the community.

1. These guidelines apply to solar energy devices as defined in § 171.107(a) of the TEXAS TAX CODE. A solar energy device means a system or series of mechanisms designed primarily to provide heating or cooling or to produce electrical or mechanical power by collecting and transferring solar-generated energy. The term includes a mechanical or chemical device that has the ability to store solar-generated energy for use in heating or cooling or in the production of power.

2. Such Devices may only be installed with advance written approval of the Architectural Review Committee; subject to these guidelines.

3. Any such Device must be installed on land or structures owned by the property owner. No portion of the Devices may encroach on adjacent properties or common areas.

4. Such Devices may only be installed in the following locations:

- a. on the roof of the main residential dwelling; or
- b. on the roof of any other approved structure; or
- c. within a fenced yard or patio.

5. Devices mounted on a roof must:

- a. have no portion of the Device extend higher than or beyond the roofline of

IMPERIAL FOREST HOMEOWNERS ASSOCIATION, INC.

GUIDELINES FOR ROOFING MATERIALS

STATE OF TEXAS §
COUNTY OF HARRIS § KNOW ALL PERSONS BY THESE PRESENTS:
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WHEREAS, IMPERIAL FOREST HOMEOWNERS ASSOCIATION, INC. ("Association") is charged with administering and enforcing those certain covenants, conditions and restrictions contained in the recorded Declaration of Covenants, Conditions and Restrictions for Imperial Forest (referred to collectively as the "Declaration"); and

WHEREAS, § 202.011 of the TEXAS PROPERTY CODE was added effective June 17, 2011, regulating certain roofing materials; and

WHEREAS, the Board of Directors of the Association has determined that in connection with maintaining the aesthetics and architectural harmony of the community, and to provide clear and definitive guidance regarding roofing materials therein, it is appropriate for the Association to adopt guidelines regarding roofing materials within the community.

NOW, THEREFORE, the Board has duly adopted the following *Guidelines for Roofing Materials* within the community.

1. All buildings shall be roofed with composition shingles unless otherwise approved in writing by the Architectural Review Committee. Wood shingles are prohibited.
2. Acceptable colors are earthtone such as black, brown, tan or gray. Blues, reds or yellows are prohibited.
3. Ridge vent are encouraged, to improve ventilation, reduce attic temperature and reduce cooling costs, but are not required.
4. All roof protrusions, such as vents, roof jacks, must be painted to match the shingles.
5. With advance written approval from the Architectural Review Committee, an owner may install shingles ("Alternate Shingles") which are designed primarily to:
 - a. be wind and hail resistant;
 - b. provide heating or cooling efficiencies greater than traditional composition shingles; or
 - c. provide solar energy capture capabilities.

IMPERIAL FOREST HOMEOWNERS ASSOCIATION, INC.

GUIDELINES FOR DISPLAY OF FLAGS

STATE OF TEXAS §
COUNTY OF HARRIS § KNOW ALL PERSONS BY THESE PRESENTS:
§

WHEREAS, IMPERIAL FOREST HOMEOWNERS ASSOCIATION, INC. ("Association") is charged with administering and enforcing those certain covenants, conditions and restrictions contained in the recorded Declaration of Covenants, Conditions and Restrictions for Imperial Forest (referred to collectively as the "Declaration"); and

WHEREAS, § 202.011 of the TEXAS PROPERTY CODE was added effective June 17, 2011, regulating the display of flags; and

WHEREAS, the Board of Directors of the Association has determined that in connection with maintaining the aesthetics and architectural harmony of the community, and to provide clear and definitive guidance regarding the display of flags therein, it is appropriate for the Association to adopt guidelines regarding the display of flags.

NOW, THEREFORE, the Board has duly adopted the following *Guidelines for Display of Flags* within the community.

1. These Guidelines apply to the display of ("Permitted Flags"):
 - a. the flag of the United States;
 - b. the flag of the State of Texas; and
 - c. the official flag of any branch of the United States armed forces.

2. These Guidelines do not apply to any flags other than the Permitted Flags listed in Section 1 above including, but not limited to:
 - a. flags for schools, sports teams, businesses or foreign countries; or
 - b. flags with marketing, seasonal, historical, commemorative, nautical, political or religious themes; or
 - c. historical versions of flags permitted in Section 1 above.

3. Permitted Flags may be displayed subject to these guidelines. Advance written approval of the Architectural Review Committee is required for any free-standing flagpole and any additional illumination associated with the display of Permitted Flags.

4. Permitted Flags must be displayed in a respectful manner in accordance with the current relevant federal, state or military code.

5. Permitted Flags must be displayed from a pole attached to a structure or to a free-standing pole. Permitted Flags may not be draped over or directly attached to structures. For example, a Permitted Flag may not be laid across a fence or stapled to a garage door.

6. Permitted Flags shall be no larger than three foot (3') by five foot (5') in size.

7. Only one Permitted Flag may be displayed on a flagpole attached to a structure. Up to two Permitted Flags may be displayed on an approved free-standing flagpole that is at least fourteen feet (14') tall.

8. Flagpoles must be constructed of permanent, long-lasting materials with an appropriate finish that is harmonious with the dwelling.

9. A flagpole attached to a structure may be up to six feet (6') long and must be securely attached with a bracket with an angle of 30 to 45 degrees down from vertical. The flagpole must be attached in such a manner as to not damage the structure. One attached flagpole is allowed on any portion of a structure facing a street and one attached flagpole is allowed on the rear or backyard portion of a structure. Brackets which accommodate multiple flagpoles are not allowed.

10. Free-standing flagpoles may be up to twenty feet (20') tall, including any ornamental caps. Free-standing flagpoles must be permanently installed in the ground according to manufacturer's instructions. One free-standing flagpole is allowed in the portion of the owner's property between the main residential dwelling and any street and one free-standing flagpole is allowed in the rear or backyard portion of a property.

11. Free-standing flagpoles may not be installed in any location described below:

- a. in any location other than the Owner's property; or
- b. within a ground utility easement or encroaching into an aerial easement; or
- c. beyond the side or rear setback lines (for example, on a lot with a 10' side setback line, a flagpole may not be installed closer than 10' from the side property line); or
- d. beyond half the distance of the front setback line (for example, on a lot with a 30' front setback line, a flagpole may not be installed closer than 15' from the front property line); or
- e. closer to a dwelling on an adjacent lot than the height of the flagpole (for example, a 20' flagpole cannot be installed closer than 20' from an adjacent house).

12. Lighting may be installed to illuminate Permitted Flags if they will be displayed at night and if existing ambient lighting does not provide proper illumination. Flag lighting must:

- a. be ground mounted in the vicinity of the flag; and
- b. utilize a fixture that screens the bulb and directs light in the intended direction with minimal spillover; and
- c. point towards the flag and face the main structure on the property or to the center of the property if there is no structure; and

IMPERIAL FOREST HOMEOWNERS ASSOCIATION, INC.

PAYMENT PLAN POLICY

STATE OF TEXAS §
COUNTY OF HARRIS §

KNOW ALL PERSONS BY THESE PRESENTS:

WHEREAS, IMPERIAL FOREST HOMEOWNERS ASSOCIATION, INC. ("Association") is charged with administering and enforcing those certain covenants, conditions and restrictions contained in the recorded Declaration of Covenants, Conditions and Restrictions for Imperial Forest (referred to collectively as the "Declaration"); and

WHEREAS, § 209.0062 of the TEXAS PROPERTY CODE was added effective January 1, 2012, regarding alternative payment schedules for assessments ("Payment Plans"); and

WHEREAS, the Board of Directors of the Association desires to establish a policy for Payment Plans consistent with § 209.0062 and to provide clear and definitive guidance to owners.

NOW, THEREFORE, the Board has duly adopted the following *Payment Plan Policy*.

1. Subject to Section 12 below, owners are entitled to pay for delinquent amounts owed to the Association under a Payment Plan in compliance with this Policy.

2. Late fees, penalties and delinquent collection related fees will be not be added to the owner's account while the Payment Plan is active. The Association may assess a fee for administering a Payment Plan. Such fee will be listed on the Payment Plan form and may be amended from time-to-time. Interest will continue to accrue during a Payment Plan pursuant to the Declaration. The Association may provide an estimate of the amount of interest that will accrue under any proposed plan.

3. All Payment Plans must be in writing on the form provided by the Association and signed by the owner.

4. The Payment Plan becomes effective and is designated as "active" upon:

- a. receipt of a fully completed and signed Payment Plan form;
- b. receipt of the first payment under the plan; and
- c. acceptance by the Association as compliant with this Policy.

5. A Payment Plan may be not less than three (3) months and not more than eighteen (18) months based on the guidelines below. The durations listed below are provided as guidelines to assist owners in submitting a Payment Plan.

- a. Total balance up to 2 times annual assessment: up to 4 months

- b. Total balance up to 3 times annual assessment: up to 8 months
- c. Total balance greater than 3 times annual assessment: up to 12 months

6. On a case-by-case basis and upon request of the owner, the Board may approve more than one Payment Plan to be executed in sequence to assist the owner in paying the amount owed. The individual Payment Plans may not exceed eighteen (18) months.

7. A Payment Plan must include sequential monthly payments. The total of all proposed payments must equal the current balance plus Payment Plan administrative fees, if any, and the estimated accrued interest.

8. If an owner requests a Payment Plan that will extend into the next assessment cycle, the owner will be required to pay future assessments by the due date in addition to the payments specified in the Payment Plan.

9. If an owner defaults on the terms of the Payment Plan, the Payment Plan will be revoked. The Association will provide written notice to the owner that the Payment Plan has been revoked. It is considered a default of the Payment Plan, if the owner:

- a. fails to return a signed Payment Plan form with the initial payment; or
- b. fails to make a payment due in a calendar month; or
- c. makes a payment for less than the agreed upon amount; or
- d. fails to pay a future assessment that accrues during the term of a Payment Plan.

10. In the absolute discretion of the Association, the Association may waive default under items b, c or d above if the owner corrects the default within seven (7) days. The Association has no obligation to provide a courtesy notice to the owner of the missed or short payment.

11. If a Payment Plan is revoked, the full amount due by the owner shall immediately become due. The Association will resume the process for collecting amounts owed using all remedies available under the Declaration and the law.

12. Payment Plans are not available to any owner who has defaulted on the terms of a Payment Plan within the last two (2) years.

The guidelines are effective upon recordation in the Public Records of Harris County, and supersede any guidelines for payment plan policy which may have previously been in effect. Except as affected by Section 202.011 and/or by these guidelines, all other provisions contained in the Declaration or any other dedicatory instruments of the Association shall remain in full force and effect.

IMPERIAL FOREST HOMEOWNERS ASSOCIATION, INC.

RECORDS RETENTION POLICY

STATE OF TEXAS §
COUNTY OF HARRIS § KNOW ALL PERSONS BY THESE PRESENTS:
§

WHEREAS, IMPERIAL FOREST HOMEOWNERS ASSOCIATION, INC.; ("Association") is charged with administering and enforcing those certain covenants, conditions and restrictions contained in the recorded Declaration of Covenants, Conditions and Restrictions for Imperial Forest (referred to collectively as the "Declaration"); and

WHEREAS, § 209.005(m) of the TEXAS PROPERTY CODE was added effective January 1, 2012, regarding retention of Association documents and records; and

WHEREAS, the Board of Directors of the Association desires to establish a policy of record retention consistent with § 209.005 and to provide clear and definitive guidance to owners.

NOW, THEREFORE, the Board has duly adopted the following *Records Retention Policy*.

1. Association Records may be maintained in paper format or in an electronic format that can be readily transferred to paper.
2. Association Records shall be retained for the durations listed below:
 - a. certificate of formation or articles of incorporation, bylaws, restrictive covenants, other dedicatory instruments and any amendments to same shall be retained permanently; and
 - b. financial books and records, including annual budgets, reserve studies, monthly financial statements and bank statements, shall be retained for seven (7) years; and
 - c. account records of current owners shall be retained for five (5) years; and
 - d. contracts with a term of one year or more shall be retained for four (4) years after the expiration of the contract term; and
 - e. minutes of meetings of the owners and the Board shall be retained for seven (7) years after the date of the meeting; and
 - f. tax returns and CPA audit records shall be retained for seven (7) years after the last date of the return or audit year; and
 - g. decisions of the of the Board regarding applications, variances, waivers or related matters associated with individual properties shall be retained for seven (7) years from the decision date; and
 - h. decisions of the of the Board regarding applications, variances, waivers or related matters associated with individual properties shall be retained for seven (7) years from the decision date.

IMPERIAL FOREST HOMEOWNERS ASSOCIATION, INC.

RECORDS PRODUCTION POLICY

STATE OF TEXAS §
COUNTY OF HARRIS § KNOW ALL PERSONS BY THESE PRESENTS:
§

WHEREAS, IMPERIAL FOREST HOMEOWNERS ASSOCIATION, INC.; ("Association") is charged with administering and enforcing those certain covenants, conditions and restrictions contained in the recorded Declaration of Covenants, Conditions and Restrictions for Imperial Forest (referred to collectively as the "Declaration"); and

WHEREAS, § 209.005 of the TEXAS PROPERTY CODE was amended effective January 1, 2012, regarding owner access to Association documents and records ("Records"); and

WHEREAS, the Board of Directors of the Association desires to establish a policy for records production consistent with § 209.005 and to provide clear and definitive guidance to property owners.

NOW, THEREFORE, the Board has duly adopted the following *Records Production Policy*.

1. Association Records shall be reasonably available to every owner. An owner may also provide access to Records to any other person (such as an attorney, CPA or agent) they designate in writing as their proxy for this purpose. To ensure a written proxy is actually from the owner, the owner must include a copy of his/her photo ID or have the proxy notarized.

2. An owner, or their proxy as described in section 1, must submit a written request for access to or copies of Records. The letter must:

- a. be sent by certified mail to the Association's address as reflected in its most recent Management Certificate filed in the County public records;
- b. contain sufficient detail to identify the specific Records being requested; and
- c. indicate whether the owner or proxy would like to inspect the Records before possibly obtaining copies or if copies of the specified Records should be forwarded. If forwarded, the letter must indicate the format, delivery method and address:
 - i. format: electronic files, compact disk or paper copies
 - ii. delivery method: email, certified mail or pick-up

3. Within ten (10) business days of receipt of the request specified in Section 2 above, the Association shall provide:

- a. the requested Records, if copies were requested and any required advance payment had been made; or
- b. a written notice that the Records are available and offer dates and times when the Records may be inspected by the owner or their proxy during normal business hours at the office of the Association; or
- c. a written notice that the requested Records are available for delivery once a payment of the cost to produce the records is made and stating the cost thereof; or
- d. a written notice that a request for delivery does not contain sufficient information to specify the Records desired, the format, the delivery method and the delivery address; or
- e. a written notice that the requested Records cannot be produced within ten (10) business days but will be available within fifteen (15) additional business days from the date of the notice and payment of the cost to produce the records is made and stating the cost thereof.

4. The following Association Records are not available for inspection by owners or their proxies:

- a. the financial records associated with an individual owner; and
- b. deed restriction violation details for an individual owner; and
- c. personal information, including contact information other than an address for an individual owner; and
- d. attorney files and records relating to the association.

5. The information in a, b and c above will be released if the Association receives express written approval from the owner whose records are the subject of the request for inspection.

6. Association Records may be maintained in paper format or in an electronic format.

7. If a request is made to inspect Records and certain Records are maintained in electronic format, the owner or their proxy will be given access to equipment to view the electronic records. Association shall not be required to transfer such electronic records to paper format unless the owner or their proxy agrees to pay the cost of producing such copies.

8. If an owner or their proxy inspecting Records requests copies of certain Records during the inspection, Association shall provide them promptly, if possible, but no later than ten (10) business days after the inspection or payment of costs, whichever is later.

9. The owner is responsible for all costs associated with a request under this Policy, including but not limited to copies, postage, supplies, labor, overhead and third party. Fees (such as archive document retrieval fees from off-site storage locations) as listed below:

- a. black and white 8.5"x11" single sided copies ... \$0.25 each
- b. black and white 8.5"x11" double sided copies ... \$0.50 each
- c. color 8.5"x11" single sided copies ... \$2.00 each
- d. color 8.5"x11" double sided copies ... \$4.00 each
- e. PDF images of documents ... \$0.25 per page
- f. compact disk ... \$2.00 each

