

**DELANO CROSSING HOMEOWNERS ASSOCIATION, INC.**

**DESIGN GUIDELINES FOR**

**THE MODIFICATIONS COMMITTEE**

**April 20, 2007**

**OVERVIEW**

**The Declaration**

These Design Guidelines For The Modifications Committee of Delano Crossing Homeowners Association, Inc. have been adopted by the Board of Directors pursuant to that certain Declaration of Covenants, Conditions, Restrictions and Easements For Delano Crossing Townhomes, executed by Delano Crossing, Ltd., as Declarant, and recorded in the Real Property Records of Harris County, Texas (the "Declaration"), affecting and pertaining to that certain real property, being:

That certain property known as Delano Crossing Townhomes consisting of and located on the real property in Harris County, Texas, known as Delano Crossing Subdivision, a subdivision of a 0.8604 acre tract being a Replat of Lots 1-5, 11, & 12, Block 502, South Side Buffalo Bayou, City of Houston, Harris County, Texas, according to the map or plat thereof recorded under Harris County Clerk's File No. Z-478355 and under Film Code 602207 of the Map Records of Harris County, Texas (the "Property").

**Purpose and Objectives**

The purpose of these architectural guidelines is to preserve the natural setting and beauty of the Property, to establish and preserve a harmonious and aesthetically pleasing design for the Property and to protect and promote the value of the Property, subject to the restrictions set forth in the Declaration.

To preserve the architectural and aesthetic appearance of the Property, no construction of improvements, or modifications, additions, or alterations to existing improvements, shall be commenced or maintained by any Owner, with respect to any other portion of the Property, including, without limitation, the construction or installation of sidewalks, driveways, parking on Townhome Sites, mail boxes, decks, patios, courtyards, awnings, walls, fences, exterior lights, or garages, nor shall any exterior addition to or change or alteration therein be made (including, without limitation, painting or staining of any exterior surface), unless and until they shall have been submitted to and approved in writing by the Delano Crossing Homeowners Association, Inc. ("Association") as to the compliance of such plans and specifications with the Declaration and such design guidelines (the "Guidelines") as may be published by the Association from time to time

including the harmony of external design, location, and appearance in relation to surrounding structures and topography.

These Guidelines are intended to function as a summary of the Declaration and to comply with the requirements of the Declaration by establishing design guidelines for the Association, which has exclusive jurisdiction over modifications, additions or alterations made to Townhomes. Any terms with the first letter capitalized are either defined in these Guidelines or in the Declaration. The Modifications Committee is referred to in these Guidelines as the "MC". "Property" shall mean all Townhome Sites and Common Areas shown on the Subdivision Plat and as defined in the Declaration.

### **Application Procedure**

Applications should include a cover letter, together with the Application Form (available from JDH Property Management Company at the address and phone number stated in the following paragraph) explaining the proposed improvement(s). Attach two (2) copies of a detailed site plan. It is recommended that a copy of the survey received at closing be used so that relative distances and dimensions can be reviewed. Make sure to include all pertinent information, specifications, building permits, etc., and that a mailing address and phone number are also provided. All applications must be in writing. The MC cannot respond to verbal or facsimile requests.

Mail your applications to: JDH Property Management Company, 15201 East Freeway, Suite 108, Channelview, Texas 77530, telephone number (281) 457-5341. Do not send the application via fax. Call JDH Property Management Company within seven (7) days after the date of the application to verify that it was received. Do not assume it was received.

It is the responsibility of the applicant to make sure he or she has the most current guidelines before proceeding with any improvement. Check with any MC or Board member to see if the guidelines have been revised or amended.

The MC reserves the right to charge an application fee on a case by case basis, depending on the complexity of the requested improvement to pay for the services of an independent architect/land planner to review. Any costs or expenses which the MC incurs in processing the Application shall be paid by the homeowner.

### **Approvals/Disapprovals/Processing Period**

The MC will respond in writing to all applications. Upon approval or disapproval, one (1) copy of the application will be marked and returned, along with an explanatory letter.

Please note that the MC has forty-five (45) calendar days from date of receipt of a complete application within which to respond. If additional information is required by the MC, the forty-five (45) day processing period will commence upon receipt of the additional information. Plans for the implementation of the proposed improvement(s)

should allow for the time required to complete the approval process. However, every effort will be made to respond promptly.

In the event the MC fails to indicate its approval or disapproval within forty-five (45) days after receipt of the required documents, approval will not be required and the related covenants set out in the Declaration shall be deemed to have been fully satisfied, provided that the proposed improvements are generally in harmony with the scheme of the development as set forth in the Declaration and these Guidelines and do not violate any of the covenants. However, failure to respond on the part of the MC does not imply permission to encroach on an easement or building line.

If an application is not approved, the MC will state in its letter why such approval was denied and what type of application changes, if any, would alter that decision. If an applicant wishes to discuss or appeal a decision made by the MC, the chairman of the committee should be contacted for an appointment. The Board of Directors shall have the final authority over all actions taken by the MC.

No MC member can approve his/her own improvement.

Please note that MC approval **is** required **prior to** the installation or construction of any improvement or change. If an improvement is made without MC approval, the Board of Directors for the Association has the legal right to enforce its removal.

### **Easements**

The MC cannot approve any application if there is an encroachment on an easement until the homeowner provides a Consent for Encroachment, or resubmits revised plans. Any non-portable structure on an easement is considered permanent, and thus an encroachment. Homeowners must secure a Consent to Encroachment or a Release of Easement from all affected utility companies. If your plans show an encroachment, obtain your Consent for Encroachment before applying to the MC, or your application will be rejected. If you have an aerial easement on your Townhome Site, the utility company may permit you to place a permanent structure in the easement, as long as the structure is not higher than the aerial easement. To be on the safe side, you should discuss it with the utility company first.

Approval by the MC of any encroachment of an easement shall not serve as an amendment or change of that easement and shall not create liability through the MC. Any encroachment upon such easement shall be at the sole risk and expense of the homeowner.

### **Variances**

Each application is considered on its own merit and the MC may grant a variance from these guidelines or the Declaration if, in the sole discretion of the MC, the circumstances warrant. Variances will be granted in writing only and, when given, will become part of

these guidelines to the extent of the particular Townhome Site(s) involved. Because a variance may have been granted in one instance does not mean that improvements of a similar nature need not be applied for. Unless the guidelines are amended and reissued, applications for improvements must be submitted, regardless of any variances previously granted.

### **Inspection**

All improvements are subject to inspection by the MC.

### **Compliance/Non-Compliance**

As stated earlier, these Guidelines include all relevant stipulations from the Declaration, but also include supplementary details and restrictions that have been approved by the Board of Directors.

The Declaration was in existence prior to the sale of any Townhome on the Properties. It is expected that all residents will comply with the restrictions and requirements specified in that document. This includes the requirement to file an application for approval to the MC for all improvements, conditions or restrictions specified in the Declaration.

Owners shall comply with all applicable restrictions and shall observe the filing requirements for any improvements. An Owner is not in compliance if: 1) an improvement was made that is/was prohibited at the time of the improvement; or, 2) an improvement was made and an application was not filed with the MC.

Unapproved and/or prohibited improvements are subject to removal or modification at the Townhome owner's expense, unless a variance is granted. Owners should apply to the MC for any outstanding unapproved improvements.

### **Enforcement**

The Declaration provides for the right to bring a proceeding at law or in equity against any person or persons violating or attempting to violate the Declaration, and enjoin such party or parties from doing so or to cause such breach to be remedied or to recover damages resulting from such breach. The failure of the Association or any Owner to enforce any covenant in the Declaration or these Guidelines contained shall in no event be deemed a waiver of the right to do so thereafter.

### **Complaints**

Owners are encouraged to help maintain the beauty of the Property. To this end, we all have an obligation to conform to the Declaration and architectural guidelines and to ensure non-complying Improvements get corrected. Should you have a complaint regarding a violation, write to the MC. All complaints will be handled in the same manner discussed under Application Procedure.

## Controlling Documents

In the event of a conflict between these Guidelines and the Declaration, the Declaration shall control.

### \*\*\*\*\*GUIDELINES\*\*\*\*\*

#### 1.0 Townhomes

- 1.1 **Roof requirements.** All Townhomes will be roofed with composition shingles. Any roof replacement shall require MC approval. Aluminum simulated shingle roofs and wooden shingles are not acceptable. Any roof replacement shall require MC approval.
- 1.2 **Roof Penetrations.** Roof vents, utility penetrations, or other roof protrusions shall not be visible from Delano Street. Generally skylights should not be visible from Delano Street. An exception would be skylights that are part of the architectural style of the Townhome and are used to enhance that style. In such cases, the MC will determine their appropriateness.
- 1.3 **Gutters and downspouts.** Repairs and/or replacements of gutters and downspouts shall be completed to match original installation including, but not limited to, style, color, material and locations. It is recommended that downspouts be buried or hidden in plant materials at the point where extensions carry water away from the building.

#### 2.0 Outbuildings

- 2.1 An "outbuilding" is defined as any structure which is not attached to the main structure. This definition does not include bona fide additions to the main residence or garages, but does include storage sheds, gazebos, and playhouses/forts.. No outbuildings shall be constructed on the Property.

#### 3.0 Basketball Goals

- 3.1 Basketball goals are not permitted

#### 4.0 Patio Covers

- 4.1 Patio covers are not permitted

#### 5.0 Exterior Painting

- 5.1 Even if an owner intends to paint in accordance with an original color scheme, or

to rebuild in accordance with original plans and specifications, an application must be submitted and no work begun until approved by the MC.

- 5.2 No color changes shall be made to the exterior of any Townhome.
- 5.3 Exterior paints and stains for each Townhome shall match original colors.
- 5.4 Front doors must be maintained. Stain and/or paint, as applicable, must match original finish of all exterior doors. Any changes to the stain or paint color must be approved by the MC.

#### **6.0 Storm Windows and Storm Doors**

- 6.1 Storm windows and storm doors are not permitted. No screen doors are allowed.

#### **7.0 Solar Panels/Screens/Film**

- 7.1 Solar Panels are not permitted.
- 7.2 Parabolic solar collectors are not allowed.
- 7.3 Solar window screens are not allowed.
- 7.4 Solar (reflective) window films are not allowed. Certain window tinting may be permitted. The window tinting must not be so dark as to obstruct visibility from the outside.

#### **8.0 Antennae**

- 8.1 MC approval of a "dish antenna" is not required, provided that any "dish antenna" must not be visible from any street. Antennae and/or masts are not permitted. As used herein, a "dish antenna" means an antenna that is one meter (39.37") or less in diameter, designed to: (a) receive direct broadcast satellite service, including direct-to-home satellite service; (b) receive or transmit fixed wireless signals via satellite; (c) to receive video programming services via wireless cable, or (d) to transmit fixed wireless signals other than via satellite.
- 8.2 All antennas other than those described in 8.1 above must be approved by the MC, and must not be located upon any portion of a Townhome Site visible from any street abutting the Townhome. Where possible, the homeowner is encouraged to place the antenna inside the Townhome's attic space.

#### **9.0 Fences, Fence Extensions, Walls and Hedges**

- 9.1 Only replacements or repairs of originally installed fences, walls or hedges are permitted. All replacements or repairs must be made with same materials and

construction details as used in original fence, wall or hedge.

#### **10.0 Decorations/Flag Poles**

- 10.1 On any portion of a Townhome Site visible from any street there shall be no decorative appurtenances placed, such as sculptures, birdbaths, birdhouses, permanently affixed flag poles, fountains, or other decorative embellishments. Christmas, holiday or other festive decorations of a temporary nature are exceptions. Decorations must be removed within four (4) weeks after the calendar date of the holiday.
- 10.2 Burglar bars over windows are prohibited.
- 10.3 Any repairs or replacements of Townhome address numbers must match original installation including, but not limited to, style, color, material and locations..
- 10.4 Permanently affixed flag poles are prohibited. For temporary use, bracket mounted flags, placed near the front entry of the Townhome, may be permitted.

#### **11.0 Exterior Lighting**

- 11.1 Additional exterior lighting should not be of a wattage or lumen count which will affect neighboring Townhomes.
- 11.2 Exterior decorative lights, security lights or floodlights must be aimed so as not to shine onto a neighboring property. The fixture color and shielding should be compatible with the building. Conduits and wiring must be concealed.
- 11.3 Low voltage landscape lighting must receive MC approval prior to installation.
- 11.4 Exterior lights must not affect overall aesthetic appeal. The type, color and quality of all exterior site and Townhome lighting must be consistent with other existing lights on the Property and in the neighborhood of the respective Townhome.
- 11.5 Colored lighting of any sort and the use of fluorescent and neon lighting is prohibited (except during recognized holiday seasons when such lighting is permitted).
- 11.6 Architectural accent lighting is permissible, but must be from an incandescent source.
- 11.7 Any changes or modifications to original exterior lighting must be approved by the MC.

## **12.0 Wind Turbines**

12.1 No wind generators shall be erected or maintained on any Townhome Site.

## **13.0 Outdoor Carpeting**

13.1 No outdoor carpeting shall be installed on any outdoor surface visible from the street or neighbors.

## **14.0 Gates & Gate Covers**

14.1 Repairs and/or replacements of gates and gate covers must original installation including, but not limited to, style, color, material and locations.

14.2 No chicken wire, chain link or lattice.

14.3 Wrought iron and simulated iron gates are permitted, but shall be painted black

## **15.0 Birdhouses**

15.1 If mounted on a pole, must be unobtrusive and painted to match trim color of Townhome.

15.3 Must be placed not closer than five (5') feet to any property line, and must be situated in the rear of the Townhome.

15.4 Birdhouses and mounting structure must be maintained.

## **16.0 Landscaping**

16.1 General: Original landscaping is not to be modified except upon MC review and approval.

16.2 Trellises, window boxes, arbors, and permanent brick borders, must have MC approval.

16.3 Landscaping must take into account the effect on drainage from resident property and adjacent properties.

16.4 Artificial plants, trees, shrubs, flowers, etc. are not allowed as part of the landscaping.

## **17.0 Swing Sets**

17.1 No swing sets shall be permitted.



## **18.0 Driveway Extensions/Sidewalks**

- 18.1 General: Original driveways and sidewalks are not to be modified.
- 18.2 Asphalt driveways and sidewalks are specifically prohibited.
- 18.3 Any concrete spilled, poured or washed on a street or driveway must be immediately removed leaving the street or driveway clean and unstained.
- 18.4 Driveways must be maintained.
- 18.5 Painting a topcoat on driveways and sidewalks is not permitted.

## **19.0 Garage Conversions**

- 19.1 Conversions of garage for any reason are not permitted.
- 19.2 Aluminum, sheet metal or fiberglass carports are not permitted.
- 19.3 Additional garages or carports are not permitted.

## **20.0 Window Air Conditioners**

- 20.1 No window or wall-type air conditioners shall be permitted to be used, erected, placed, or maintained on, or in, any Townhome.

## **21.0 Awnings/Window Shades**

- 21.1 Awnings are not permitted.
- 21.2 Metal and wooden slat-type exterior shades are not permitted.

## **22.0 Signs, Advertisements, Billboards**

- 22.1 No sign, emblem, billboard, poster or advertising device of any character are permitted except as described in the Declaration.
- 22.3 Contractor signs and painter signs are not permitted.
- 22.4 Lost pet signs are not permitted.
- 22.5 The MC shall have control over all the wording, design, appearance, size, quantity, and location of all signs. Except "For Sale" signs adhering to the standards of the Declaration, all signs within the Properties shall be subject to the prior written approval of the MC.

22.6 The Association, Declarant, or its assigns, shall have the right to remove any signs, advertisements, billboards, or structures placed on any Townhome Site and, in doing so, shall not be subject to any liability for trespass, any other tort, or any civil or criminal liability in connection therewith or arising from such removal. The Association, Declarant, or its assigns, may maintain, as long as it owns any Townhome Site within the Property, in, or upon such portion of the Property as Declarant may determine, such facilities as in its sole discretion may be necessary or convenient, including, but without limitation, offices, storage areas, model units and signs, and Declarant may use, and permit such builders (who are authorized by Declarant) to use residential structures, garages, or accessory building for sales offices and display purposes, but all rights of Declarant and of any builder acting with Declarant's permission under this sentence, shall be operative and in effect only during the construction and initial sales period within the Property.

### **23.0 Garage Sales**

23.1 Garage sales are prohibited because of aesthetic and security reasons.

### **24.0 Storage of Building Materials**

24.1 Except in connection with Declarant's original construction on the Property or in connection with repair, replacement or maintenance on a Townhome Site, no materials may be store outside a Dwelling Unit or enclosed garage space or placed on the Access Easement or which interferes with any Access Elements.

24.2 Building materials must be kept in a neat, clean and orderly condition.

### **25.0 Temporary Structures**

25.1 No structure of a temporary character (sales structure, trailer, travel trailer, tent, shack, garage, barn, or other outbuildings) shall be used on any Townhome Site at any time as a residence, either temporarily or permanently.

25.2 No trailer, camper, recreational vehicles, or similar vehicles shall at any time be parked on the Property or connected to utilities situated within a Townhome Site.

## **RESIDENTIAL INSPECTION GUIDELINES**

### **A. Townhome Repairs**

Notice to make home repairs are to be sent when:

1. Garage doors are dented and/or when garage door windows have been broken.

2. Rain gutters are bent, sagging or hanging.
3. Trim on Townhome, fascia, or trim around windows is rotting.

### **B. Townhome Painting**

Notice to paint should be sent when the following is occurring:

1. Paint is discoloring.
2. Wood is seen under coat of paint.
3. Paint is chipping off of Townhome.
4. Mildew that possibly could be remedied by power washing.

### **C. Toys**

Notice to remove toys should be sent when:

1. There are complaints from neighbors.
2. When there are more than two (2) large toys in yard or on driveway.

**NOTE: Letters will only be generated if this is a continual occurrence on the property.**

### **D. Debris**

Notice is to be sent when the following occurs:

1. Wood or lumber is stored against the Townhome and can be seen from the street.
2. Empty plant containers remain on the side of Townhome or in driveway over thirty (30) days.
3. Old bicycles, tricycles (rusted) and toys that remain on side of Townhome over thirty (30) days.
4. Bricks, sawhorses, paint cans (building materials) on side of Townhome or in driveway for over thirty (30) days.
5. Items in plastic trash bags that remain over thirty (30) days.
6. Old trash cans used for lawn clippings that are not discarded within thirty (30) days.
7. Plastic tarps and/or covers that remain in the same place over thirty (30) days.
8. Lawn clippings that are not discarded on regular trash days and are left in public view.

### **E. Trash Cans**

Notice is to be sent when trash cans that remain on the side, front, or behind wrought iron fences remain in public view over ten (10) days.

**F. Decorative Appurtenances**

Notice is to be sent for maintenance of decorative appurtenances when the following occurs:

1. When paint is chipping and is in need of new paint.
2. When decorations are placed in the yard that do not concur with the scheme of the community.
3. When repair or replacement is needed.

**Corporate Secretary's Certificate**

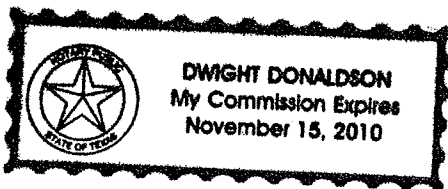
I, Tim F. Naizer, Secretary and Treasurer of the Delano Crossing Homeowners Association, Inc. ("Association"), hereby certify that the foregoing document is an original or true and correct copy of the Design Guidelines of the Modifications Committee of the Association.

By: Tim F. Naizer  
Tim F. Naizer, Secretary & Treasurer

**ACKNOWLEDGMENT**

THE STATE OF TEXAS    §  
  §  
COUNTY OF FORT BEND §

This instrument was acknowledged before me on this the 20th day of MARCH, 2007, by Tim F. Naizer, Secretary and Treasurer of Delano Crossing Homeowners Association, Inc., a Texas non-profit corporation, on behalf of said non-profit corporation.



[Signature]  
Notary Public, State of Texas

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05/01/2007 08:09:50 AM  
e-Filed & e-Recorded in the  
Official Public Records of  
HARRIS COUNTY  
BEVERLY KAUFMAN  
COUNTY CLERK  
Fees 156.00

RECORDERS MEMORANDUM  
This instrument was received and recorded electronically  
and any blackouts, additions or changes were present  
at the time the instrument was filed and recorded.

Any provision herein which restricts the sale, rental, or  
use of the described real property because of color or  
race is invalid and unenforceable under federal law.  
THE STATE OF TEXAS  
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in  
File Number Sequence on the date and at the time stamped  
hereon by me; and was duly RECORDED in the Official  
Public Records of Real Property of Harris County, Texas.



*Beverly Kaufman*  
COUNTY CLERK  
HARRIS COUNTY, TEXAS