

**WEST OAKS HOMEOWNERS' ASSOCIATION**

**ARCHITECTURAL GUIDELINES**

**Basketball Goals – (amended 9/99)**

1. All basketball goals must be approved in writing by the Architectural Control Committee.
2. No basketball goals may be mounted on the house or garage.
3. Permanent or portable basketball goals may be installed / used next to the driveway at a point at least 50% back from the front building line of the house, and at least 35 feet from the back of the curb, or in the enclosed portion of the backyard, unless otherwise approved in writing by the Architectural Control Committee. Permanent goals must be pole mounted and encased in concrete.
4. Poles must be black, backboards must be fiberglass, and may be white, black or clear. Goals, including the pole, backboard and net, must be maintained at all times. Bright or fluorescent colors will not be allowed. Stabilizing supports for portable goals must be completely enclosed. Counterweights (such as trashcans, cinder blocks, etc.) will not be allowed.
5. Violations associated with the guidelines listed above will result in no more than 2 written notices from the Homeowners Association, and will subsequently be turned over to the Association's attorney. Cost of said enforcement will be at the violating owner's expense.

**Patio Covers –**

Patio covers must be substantially attached to the house, the roof must be shingled to match the house, and the columns must be brick. All exterior materials and colors must match or blend with the design of the home.

**Porte Cocheres – (amended 8/04)**

Construction of porte cocheres on homes with detached garages; the porte cochere must be built behind the building line, be constructed of the same type, quality, and materials as the home, and the Homeowner must submit plans to the ARC for written approval prior to construction. No carports of any kind will be permitted on lots with attached garages.

**Security Signs – (amended 9/99)**

1. A single sign advertising the presence of a security system may be placed in the flowerbed against the house, immediately adjacent to the front door, at ground level.

2. The sign may not exceed 64 square inches in size.
3. No more than one security sign per lot will be allowed in public view.
4. A single window sticker may be used in lieu of a yard sign.

#### **Storage Buildings – (1997)**

Freestanding buildings are prohibited by the deed restrictions. A storage building has to be attached to the garage or house, and has to be constructed of the same material as the house, i.e. roof must be shingled to match the house, siding or brick must be the same, and paint colors must be the same as that on the house.

#### **Storm doors – (1999)**

Storm doors may be installed on front doors with architectural approval. They must have full pane glass and a trim compatible with the home door or window trim. Frame colors that will typically be approved include black, bronze, white or gray.

#### **Trees – (amended 1999)**

Two Oak trees are required in the front yard of all lots. Smaller, 60' cul-de-sac lots that cannot accommodate two large, spreading trees may substitute a Crepe Myrtle, Sweet Gum, or Bradford pear in addition to the Oak.

#### **Vehicles greater than ¾ ton – (1999)**

Given industry changes that have made common the use of personal vehicles that exceed ¾ ton in size, and subject to the other requirements in Article VIII, Section 4 of the Declaration and Covenants, personal vehicles larger than ¾ ton will be permitted in the subdivision as long as they are not commercial in nature. This amendment is intended to allow the use of common passenger vans and trucks now manufactured in the 1 ton range, and is not intended to allow for trailers, mobile homes, recreational vehicles, or mini-buses.

#### **Wrought Iron Fencing – (1999)**

Arched wrought iron driveway gates will be allowed up to eight feet in height. The rest of the fence must be six feet tall. Wrought iron fencing will be black.

#### **Wrought Iron Fencing – (2002)**

Wrought Iron fences and gates must be located at or behind the front plane of the home.

### **Benches – (5/2004)**

The Board approved concrete or wood benches on the front lawns with the condition that they not be placed closer than 10 feet from the front sidewalk. All benches must be approved by the ARC Committee prior to placement on the lawns.

### ***Further Amendments Revised 11/2004***

Covered structures (trellises, arbors, gazebos and patio covers) – approval required prior to construction.

Trellises, arbors, gazebos, patio coverings and similar structures are acceptable so long as they are made of materials that match the main residence in type, quality, and color, do not exceed eight (8) feet in height, and do not exceed 250 square feet in roof area. Shingles, compatible to existing residence roof, or wood trelliswork will be considered. Treated wood or other materials compatible with existing residence structure may be used. No portion of a structure shall be made of metal, fiberglass, or corrugated tin. Structures must be approved by the ARC Committee prior to construction.

If one (1) full side of the covered structure is permanently attached to the house (or interior yard side of the garage), the structure may exceed the eight (8) foot height limitation, but must be attached below the eaves of the house.

Other covered structures that provide shade and/or shelter made of canvas, nylon, or other fiber materials are not acceptable if over six (6) feet in height. The exception to this ruling is that they may be used for very brief periods (not be exceed two (2) days) for special events, but may only be used in the fenced portion of the lot. These include tents, awnings, canvas gazebos, etc.

### **Construction Materials –**

Certain building materials are considered unacceptable for exterior use. Other materials may be used for specific applications only. General guidelines are as follows:

1. Brick: Generally acceptable. Painted brick is not permitted.
2. Aluminum: Acceptable for rain gutters and window framing. Aluminum siding (that simulates wood) may be used to replace original wood composition siding if the color is acceptable. All aluminum items, regardless of their application, must be painted a color compatible with the home on which it is installed.

3. Fiberglass: Generally unacceptable for all applications.
4. Vinyl/Plastic Siding: As with aluminum, vinyl or plastic siding may be used to replace original wood or composition siding so long as it is made to look like wood siding (texture, form and color will be the acceptance criteria). Most other uses of plastic are unacceptable.

#### **Exterior Maintenance Guidelines –**

All improvements on a lot must be maintained in a state of good repair and shall not be allowed to deteriorate. Repairs shall include, but not be limited to, the following:

1. All painted surfaces must be clean and smooth with no bare areas or peeling paint, and all surfaces must be free of mildew.
2. All rotted and damaged wood must be replaced and any damaged brickwork repaired.
3. Gutters must be kept in good repair and not allowed to sag or hang down.
4. Roofs must be maintained in good repair with no missing or curling shingles.
5. All glass surfaces must be whole.
6. Garage doors must be undamaged and in good repair.
7. Fences and gates must be kept in good repair.
8. Sidewalks, driveways and curbs must be clean and undamaged. Seams must be kept free of weeds. Concrete repairs or overlays will be of similar color to original construction. Tinted concrete applications will not be allowed.
9. Repairs should be completed within thirty (30) days of notification.
10. Lawns must be kept mowed, edged, and weed free, flowerbeds must be kept free of weeds, and shrubs and trees must be kept trimmed.
11. There shall be no storage of clutter and debris in public view.

#### **Painting –**

All homes in West Oaks and West Oaks Village have some painted areas (such as trim and wood siding areas). While this falls under the Declaration of Covenants Conditions and Restrictions, no attempt will be made to control painting activities in cases where the Owner is repainting with the same color as originally used. If the Owner wishes to paint an area that has not been previously painted or wishes to change the color, approval by the Architectural Review Committee will be required. Owners may change the paint used on their home if it falls within the established color scheme or band originally used to paint the homes in the Association and is approved by the ARC as compatible with both the individual home and the neighborhood. Applications to paint an area that has not been previously painted or to change the color MUST include a color sample or paint chip and a reasonable color photograph displaying the home's brick color.

Colors selected to paint the wood, trim, shutters and gutter areas of homes and garages will be limited. Owners may choose to repaint using the same color as applied during initial construction. Shutters may be painted in a contrasting color if it falls within the established color

scheme or band originally used to paint the homes in the Association and approved by the ARC as compatible with the neighborhood.

There can be no painted breezeways.

Trellis structures attached to the main residence must either be painted the same color as the predominant paint color of the home or remain natural. In either case, such improvements must be maintained in good condition.

Brick painting is not permitted.

Entrance Doors – The entrance door(s) at the front of the residence is to be stained and maintained at or near the original stain color. Doors are to be properly maintained when the effects of the weather (sun, rain, etc.) are evident. Painted doors (black, red, or otherwise) are not permitted. Storm doors are allowed subject to applicable guidelines.

Entrance Doors - Rear, Side, Garage: The entrance doors at the rear and side(s) of the residence and garage are to be painted the exterior color of the house and are to be properly maintained. Storm doors or screened doors are permitted on the rear door(s) of the residence.

#### **Pools –**

In general, in-ground pools, ground-level decks and ground-level patios are acceptable so long as they do not have decks higher than three (3) feet above ground level, are made of approved materials, and are constructed in a manner that will not impede drainage or divert water to an adjacent lot. Spas are acceptable as long as accompanying decking does not exceed three (3) feet in height from ground level. Above ground pools exceeding three (3) feet in height above ground level will not be permitted.

### **POLICY RESOLUTION SUMMARY:**

**Resolution: Metal storage buildings & metal patio covers - (passed December 1, 1997):**

Any metal storage buildings and metal patio covers/awnings installed in the subdivision without written Architectural Control Committee approval are in violation of the deed restrictions, and must bring said addition in compliance with the deed restrictions as follows, in default of which said addition must be taken down and removed from the residence:

Any storage building must be attached to the house or garage, must be constructed of comparable materials as the house and garage, and the roof must be a composition roof.

Resolution: Movable Basketball goals/courts- (passed December 1, 1997)

Movable basketball goals/courts must be stored at the rear of a homeowners' residence when not in use, and that for any violations, the Homeowners' Association will write a letter to the residence in violation giving them three to five days to remedy the situation, and that if after the expiration of three to five days the movable basketball goal/court has not been moved to the rear of the residence, the Homeowners' Association shall have the right to remove the movable basketball goal/court and dispose of same.

**Resolution: Increase in maintenance Assessment Fees - (passed December 1, 1998)**

The maintenance fees for Homeowners in West Oaks and West Oaks Village be increased from \$180.00 per year to the original amount mentioned in the deed restrictions, or the amount of \$240.00 per year, and that the builder/developer rate be increased from \$90.00 to \$120.00 per year, beginning in the year 1998; and that the increase be prorated as of March 1, 1998.

**Resolution: Rules Enforcement Procedure - (passed April 9, 2002)**

1. On becoming aware of a violation, a letter shall be sent to the violator giving details of the violation and, excepting for those cases justifying immediate action by the Association, a reasonable time period during which the violation may be abated without further sanctions.
2. If the violation continues or is repeated within a period of six (6) months, The Association may give or cause to be given ten (10) days' written notice to the Owner. Said notice will state that violation must be brought into compliance.
3. After an affirmative decision by the Board or after the expiration of the written notice, the Association may –
  - 3.1 Impose a fine in accordance with the attached schedule, and/or
  - 3.2 Instruct the Association's attorney to send a letter of demand and, if necessary, proceed to file suit. Any legal expenses and fees incurred shall be assessed to the Owner, and/or
  - 3.3 Issue a warning notification, and/or
  - 3.4 Take such other action as may be appropriate.

4. If the request for an opportunity to be heard is received by the Association from Owner within thirty (30) days from the date of the written notice, a hearing shall be scheduled before the Board. Such hearing shall take place within thirty (30) days at the date and time set by the Board. A Mediator must be hired at the cost of the homeowner for the above hearing to be held.
5. Cases justifying immediate action shall include and shall not be limited to –
  - 5.1 Damage to Common Property. The cost of any damage caused to the Association's Common Property will be assessed against the lot owner (residents, guests and invitees) responsible for the damage.
6. Fines and damage assessments against an Owner will be assessed against the Owner's Lot. The Owner will be responsible for the actions of all residents, guests and invitees of the Owner and any fines or damage assessments against such residents, guests and invitees will also be assessed against the Owner's Lot.

WEST OAKS HOMEOWNERS' ASSOCIATION, INC.

SCHEDULE OF FINES FOR VIOLATIONS OF THE DEDICATORY INSTRUMENTS

Pet violations,	1 <sup>st</sup> Occurrence	-	\$ 50.00
	2 <sup>nd</sup> Occurrence	-	\$ 100.00
	Subsequent Occurrences	-	\$ 250.00
Noise violations,	1 <sup>st</sup> Occurrence	-	\$ 50.00
	2 <sup>nd</sup> Occurrence	-	\$ 100.00
	Subsequent Occurrences	-	\$ 250.00
Other violations,	1 <sup>st</sup> Occurrence	-	\$ 25.00 PER DAY
	2 <sup>nd</sup> Occurrence	-	\$ 50.00 PER DAY
	3 <sup>rd</sup> Occurrence	-	\$ 100.00 PER DAY
	Each Additional Occurrence	-	\$ 100.00 PER DAY

The West Oaks Homeowners' Association, Inc., through its Board of Trustees, is hereby authorized to impose lesser fines, no fine at all, or impose fines for other violations of the Declaration and Rules and Regulations of the Association as determined by the Board of Trustees in its sole and absolute discretion.

**EXHIBIT "B"**

**PROPERTY DESCRIPTION**

The subdivision is recorded with the Map and Plat Records of Brazoria County, Texas, as follows:

- (a) West Oaks, Section One-A, under Volume 19, Page 55;
- (b) West Oaks, Section One-B, under Volume 19, Page 151;
- (c) West Oaks, Section Two-A, under Volume 19, Page 265;
- (d) West Oaks, Section Two-B, under Volume 19, Page 279;
- (e) West Oaks, Section 3, under Volume 19, Page 631 and Volume 19, Page 771 and Volume 20, Page 83;
- (f) West Oaks, Section Four-A, under Volume 20, Page 175;
- (g) West Oaks, Section Four-B, under Volume 20, Page 177;
- (h) West Oaks Village, Section One-A, under Volume 19, Page 437;
- (i) West Oaks Village, Section One-B, under Volume 19, Page 489;
- (j) West Oaks Village, Section 2, under Volume 20, Page 43;
- (k) West Oaks Village, Section 3, under Volume 20, Page 371; and
- (l) West Oaks Village, Section 4, under Volume 22, Page 57.

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12/09/2004 2:50PM  
Official Records of  
BRAZORIA COUNTY  
JOYCE HUDMAN  
COUNTY CLERK  
Fees \$30.00

*Joyce Hudman*