




**CORPORATE CERTIFICATE  
HARBOR POINT ASSOCIATION, INC.**

The undersigned certifies that he is the Attorney-in-Fact for Harbor Point Association, Inc. (the "Association"). The Association is the property owners' association for Harbor Point, a subdivision in Montgomery County, Texas, according to the map or plat thereof recorded in the Map Records of Montgomery County, Texas (the "Subdivision").

The Association is a Texas non-profit corporation, and attached to this certificate is a true and correct copy of the **Building Guidelines and Architectural Control Guidelines and Regulations for Harbor Point Subdivision.**

Signed this 3<sup>rd</sup> day of November, 2014.

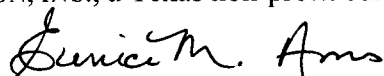
**HARBOR POINT ASSOCIATION, INC.**

By:   
**BRYAN P. FOWLER, Attorney-in-Fact**

STATE OF TEXAS §

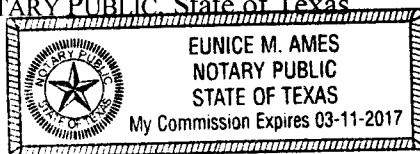
COUNTY OF MONTGOMERY §

SWORN TO AND SUBSCRIBED BEFORE ME on the 3<sup>rd</sup> day of November, 2014, by **BRYAN P. FOWLER, Attorney-in-Fact for HARBOR POINT ASSOCIATION, INC.,** a Texas non-profit corporation.


  
NOTARY PUBLIC, State of Texas

THE STATE OF TEXAS §

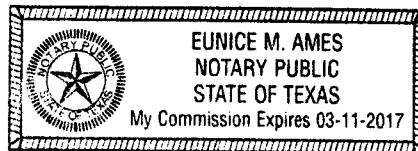
COUNTY OF MONTGOMERY §



This instrument was acknowledged before me on the 3<sup>rd</sup> day of November, 2014, by **BRYAN P. FOWLER, Attorney-in-Fact for HARBOR POINT ASSOCIATION, INC.,** a Texas non-profit corporation, on behalf of said corporation.

  
NOTARY PUBLIC, State of Texas

**AFTER RECORDING RETURN TO:**  
The Fowler Law Firm  
300 West Davis, Suite 510  
Conroe, Texas 77301



**Building Guidelines and Architectural Control  
Guidelines and Regulations  
for Harbor Point Subdivision**

This document contains the formalized building guidelines and procedures for any new construction or modification to any existing structure within Harbor Point Subdivision.

**Application Procedures**

1. The Owner shall contact a member of the Architectural Control Committee (ACC) to obtain two (2) copies of the Building Application and Building Guidelines.
2. Two sets of plans, two copies of the Building Application signed by both the Builder and the Owner, and a Builder's \$1,500 Compliance Deposit Check will be submitted to one of the ACC members for each project (new home, boat dock or boat dock cover, fence, alteration to existing property, etc.). For new homes, these plans will include floor plans, exterior elevation, exterior color scheme, and layout of home on lot showing building lines. For construction other than new homes, the ACC may, at its discretion, allow a smaller Building Compliance Deposit.
3. The ACC will usually meet on the Thursday following the day the plans and signed Building Application is submitted to review the plans for approval.
4. If approved, one set of the approved plans and one copy of the Building Application will be signed and returned and the Treasurer of the Harbor Point Homeowner's Association will deposit the Building Compliance Deposit check.
5. If the ACC approves the project but the agreements and/or representations made by the Owner or Builder are not complied with, the ACC will revoke and rescind its approval and all Compliance Deposit monies will be forfeited.
6. If rejected, the plans, Building Application and the Compliance Deposit check will be returned with an explanation of why the project was rejected.
7. Failure to secure ACC Building Application approval prior to beginning of construction will result in a \$1,000 non-refundable fine. No other Building Application will be approved until homeowner/builder is in compliance.

**New Home Construction**

1. Each interior residential structure will contain at least 1500 square feet and each waterfront residential structure will contain at least 1800 square feet. This is exclusive of the area of attached porches, garages, servant's quarters or other exterior appurtenances or appendages.

2. Each residential structure will contain an attached or detached garage, which shall accommodate at last two automobiles.
3. Only new construction material, except for used brick, shall be utilized in constructing any structure on a lot.
4. All homes shall be landscaped. This includes leveling, putting down topsoil and planting grass and at least eight (8) 5-gallon shrubs.
5. All homes will be at least 75% ACC approved brick or stucco exterior. Your brick choice, defined by size, manufacturer, color, etc. must be approved by the ACC board as submitted on the Building Application form and must be a different color from the house next door.
6. If any portion of a residential structure is desired to extend outside the defined building lines and the ACC agrees, final approval of the construction will not be granted until the Owner or Builder provides to the ACC a written Application from the neighbors on either side of the lot affected.
7. The exterior color scheme must be significantly different from adjacent homes and the general color scheme must be aesthetically acceptable to the ACC.
8. A portable toilet will be placed on the property before any construction begins and retained on the property for the duration of the building process.
9. A temporary plastic construction fence will be installed on the property boundary(s) before construction begins and will remain throughout the construction.
10. A temporary electrical will be installed by the Builder prior to construction and will be maintained until the permanent connection to the house is made.
11. The Stanley Lake M.U.D. will not allow water and sewer connections to be made without the submittal of a copy of the ACC approved plans or approved Harbor Point Building Application.
12. A trash receptacle will be maintained for construction debris, paper, lunch wrappings, drink containers, etc. which may be blown onto adjacent properties. The Builder will be responsible for assuring that it is so used and will see that the trash is properly disposed of.
13. The building site will be cleaned at least once each week with all trash and waste building materials removed.
14. The weeds and grass on the lot are not to exceed a height of 12 inches (one foot), and will be mowed as needed during the construction.

15. If the building crew or any delivery vehicle or crew causes street or curb damage, the Builder will be responsible to work with the County Commissioner to fix the damage or will have it fixed.
16. If the building crew or any delivery vehicle or crew does any damage to other property, the Builder will be responsible for correcting this damage, including ruts and damaged trees or shrubs. Failure to correct any problem in a timely manner will cause forfeiture of the Building Compliance deposit. In this instance, the Builder will be responsible for any expenses incurred by the Homeowner's Association to correct the problem, including any legal expenses.
17. If a butane/propane tank is installed on the building site, it will be buried according to published guidelines for such tank burial and will be no closer than 55 feet from any bulkhead.
18. All vehicles belonging to work crew will either be parked on the lot where the construction is occurring or on the same side of the street. No vehicle will block a driveway or be parked on a neighbor's driveway without obtaining permission from the property owner. No overnight parking of trailers or equipment will be allowed.
19. The Builder will ensure that he, his work crew, subcontractors, or other people he has on the building site conduct themselves in a gentlemanly manner, with no loud abusive language and will assure that radios or other worker entertainment items will be played at a level so as not to disturb any neighbors.
20. The external structure, including driveway, sidewalk(s), painting, brickwork, roofing, landscaping, etc., will be completed within six (6) months from the beginning date of construction. The interior will be completed within nine (9) months from the beginning of construction
21. The grading of the lot will not be altered so as to divert water onto adjacent property.
22. No new residence may be occupied until the exterior construction is completed.
23. All work performed must meet the requirements of the Standard Building Code and the National Electrical Code. All concrete poured must contain at least 4.5 sacks of cement per cubic yard of concrete.
24. Builders/Realtors signs must be removed upon move-in.

### **Roofing Materials**

1. All buildings shall be roofed with composition shingles unless otherwise approved in writing by the ACC. Wood shingles are specifically prohibited for safety reasons.

2. Composition shingles must weigh at least 230 pounds per square and have a stated warranty of at least 25 years. Shingles must have a laminated design. Three-tab shingles are specifically prohibited except for use as a starter and cap rows.
3. Roof shingles must be dark brown or dark gray tones. Light brown, light gray, blue, green, red and white colors are not allowed.
4. Roof overlays are not allowed. Prior to roofing, all existing materials must be removed down to clean decking. Any damaged or deteriorated decking must be replaced.
5. Ridge vent are encouraged, to improve ventilation, reduce attic temperature and reduce cooling costs, but are not required.
6. All roof protrusions, such as vents, roof jacks, must be painted to match the shingles.
7. Subject to Section 8 below and with advance written approval from the ACC, an owner may install shingles (“Alternative Shingles”) which are designed primarily to:
  - a. be wind and hail resistant; or
  - b. provide heating or cooling efficiencies greater than traditional composition shingles; or
  - c. provide solar energy capture capabilities.
8. Once installed, any such Alternative Shingles must:
  - a. resemble the shingles used or authorized to be used on other structures within the Association; and
  - b. be more durable than and of equal or superior quality to the shingles used or authorized to be used on other structures within the Association; and
  - c. match the aesthetics of properties surrounding the owner’s property.

### **Alterations to Existing Home**

Alterations to existing home include any structural changes, painting, installing new roof, etc. No permit is required when painting the structure the same color or installing a new roof of the same material and color.

1. As applicable, any guidelines for new home construction as provided above will be adhered to.
2. No garage shall be changed, altered or reconstructed or otherwise converted for any purpose inconsistent with the garaging of automobiles except after a new garage is constructed which will then garage at least two vehicles.

3. All work will be completed within six (6) months after construction begins.

#### **Boat Docks/Boat Dock Covers**

1. All plans for boat docks must meet the basic requirements as published by the San Jacinto River Authority.
2. All at docks and boat dock covers must be approval by the ACC prior to construction. (See Deed Restrictions dated October 1996, Article II, Section 10).
3. Two styles of boat dock covers are permitted. The arched cover, with or without the sliding section, built of conduit and usually covered with green fabric or a wooden structure with open sides. See an ACC member for specifics on both styles.
4. The San Jacinto River Authority will not approve any boat dock plans without the prior written approval of the ACC.

#### **Miscellaneous Construction**

1. If an external storage building is approved by the ACC, it must be placed within a fence so that it cannot be seen from the street or adjoining lots.
2. If a butane/propane gas tank is installed, it must be buried according to published guidelines for such tank burials and will be no closer than 55 feet from any bulkhead.

#### **Rainwater Recovery Systems**

1. Rainwater Recovery Systems may be installed with advance written approval of the ACC 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 the ACC.
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, ACC 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.

### **Solar Energy Devices**

1. These guidelines apply to solar energy devices (“Devices”) as defined in Section 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 ACC 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. For Devices mounted on a roof, the Device must:
- a. have no portion of the Device higher than the roof section to which it is attached; and
  - b. have no portion of the Device extend beyond the perimeter boundary of the roof section to which it is attached; and
  - c. conform to the slope of the roof; and
  - d. be aligned so the top edge of the Device is parallel to the roof ridge line for the roof section to which it is attached; and
  - e. have a frame, brackets and visible piping or wiring that is a color to match the roof shingles or a silver, bronze or black tone commonly available in the marketplace; and
  - f. be located in a position on the roof which is least visible from any street or common area, so long as such location does not reduce estimated annual energy production more than 10% over alternative roof locations (as determined by a publically available modeling tool provided by the National Renewable Energy Laboratory [[www.nrel.gov](http://www.nrel.gov)] or equivalent entity).
6. For Devices located in a fenced yard or patio, no portion of the Device may extend above the top of the fence. If the fence is not a solid fence which blocks view of the Device, the Association may require the Device be placed in a location behind a structure or otherwise require visual screening. The Association may consider installation of Devices on properties without a fenced yard if there is adequate screening from public view from any street or common area.
7. All Devices must be installed in compliance with manufacturer's instruction and in a manner which does not void material warranties. Licensed craftsmen must be used where required by law. Permits must be obtained where required by law.
8. Installed Devices may not:
- a. threaten public health or safety; or
  - b. violate any law; or
  - c. substantially interfere with the use and enjoyment of land by causing unreasonable discomfort or annoyance to any adjoining property owner.
9. All Devices must be maintained in good repair. Unused or inoperable Devices must be removed.



### **Fences**

1. On interior lots, wood, brick, a combination of wood and brick, wrought iron or a combination of wrought iron and brick, either 4 feet or 6 feet high will be allowed. Chain link fences are not allowed.
2. On waterfront lots, only wrought iron or combinations of wrought iron and brick fencing, either 4 feet or 6 feet high will be allowed. Chain link fences are not allowed.
3. All fence plans must be approved by the ACC and approval will be based on aesthetics and obstruction of the neighbor's view.

### **Building Set-Backs**

1. Refer to plat due to several variances.

### **Display of Flags**

1. These Guidelines apply to the display of ("Permitted Flags"):
  - a. the flag of the United States; and
  - 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 ACC 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
  - d. provide illumination not to exceed the equivalent of a 60 watt incandescent bulb.
13. 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.
14. Flagpoles are allowed solely for the purpose of displaying Permitted Flags. If a flagpole is no longer used on a daily basis, it must be removed.
15. 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.

#### **Display of Religious Items**

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 any thing 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 state constitution and the United States constitution, any such displayed or affixed religious items may not:
  - a. threaten public health or safety; or
  - b. violate any law; or
  - c. contain language, graphics or any display that is patently offensive to a passerby.
5. Approval from the ACC is not required for displaying religious items in compliance with these guidelines.
6. As provided by Section 202.018 of the TEXAS PROPERTY CODE, the Association may remove any items displayed in violation of these guidelines.

**Refunding the Builder's Compliance Deposit Monies**

1. At the completion of the project, if the Builder has kept the building site in clean order as described in the Guidelines, restored any damage to any other property as well as any street or curb damage caused by work or workers associated with the project, and met the building schedules as provided by the Deed Restrictions, the balance of the Compliance Deposit will be returned. Expense incurred by the ACC to enforce these guidelines will be charged back to the Builder or Owner as appropriate.
2. New home construction will not be declared completed for purposes of refunding the Building Compliance Deposit until the landscaping has been completed. This includes leveling, putting down topsoil and planting grass and at least eight (8) 5-gallon shrubs.
3. Failure to correct any problem in a timely manner will cause forfeiture of the Compliance Deposit.

This is to certify that the foregoing Building Guidelines and Architectural Control Guidelines and Regulations for Harbor Point Subdivision was adopted by the Board of Directors, with approval of the Architectural Control Committee, effective as of the date herein, until such date as it may be modified, rescinded or revoked.

The Board of Directors hereby approves and authorizes the above guidelines and regulations.

Signed this 23 day of July, 2014.

**HARBOR POINT ASSOCIATION, INC.**

By: Nathan Perkins  
NATHAN PERKINS, President

**HARBOR POINT ASSOCIATION, INC.  
ARCHITECTURAL CONTROL COMMITTEE**

By: Sheryl Noble  
Name: Sheryl Noble  
Title: ACC Chairman

**FILED FOR RECORD**

11/03/2014 4:04PM

*Mark Tumbull*

COUNTY CLERK  
MONTGOMERY COUNTY, TEXAS

STATE OF TEXAS  
COUNTY OF MONTGOMERY

I hereby certify this instrument was filed in file number  
sequence on the date and at the time stamped herein  
by me and was duly RECORDED in the Official Public  
Records of Montgomery County, Texas.

**11/03/2014**



*Mark Tumbull*

County Clerk  
Montgomery County, Texas