

9  
Notice  
P  
OEHA, INC., A TEXAS NON-PROFIT CORPORATION  
AKA OAK ESTATES HOMEOWNERS ASSOCIATION

20R

POLICIES AND PROCEDURES CONCERNING CONSTRUCTION ACTIVITIES  
AS TO MAJOR PROJECTS

The undersigned duly authorized Officer of OEHA, INC., a Texas non-profit corporation, also known as OAK ESTATES HOMEOWNERS ASSOCIATION, ("Association"), does hereby certify, that at a duly called meeting of the Board of Directors held on March 13, 2014, the following policy establishing POLICIES AND PROCEDURES CONCERNING CONSTRUCTION ACTIVITIES AS TO MAJOR PROJECTS was adopted pursuant to the following resolutions duly made and duly approved by the Board of Directors:

WHEREAS, the subdivision/property subject to this Resolution(s) and policy are:

- (a) OAK ESTATES subdivision according to the map or plat thereof recorded in Volume 31, Page 67 of the Map Records of Harris County, Texas ("Oak Estates");
- (b) OAK ESTATES SECTION 2 according to the Map or Plat thereof recorded at Volume 35, Page 43 of the Map Records of Harris County, Texas ("Oak Estates Section; and
- (c) The lots adjacent to Oak Estates along the east side of Oak Estates Described as property "owned by others" on the map or plat of Oak Estates Recorded in Volume 31, Page 67 of the Map Records of Harris County, Texas, and more particularly described in the instrument adopting Oak Estates' Restrictions as applicable to said adjacent lots recorded at Volume 2318, Page 625 of the Deed Records of Harris County, Texas (the "Adjacent Lots")

(collectively, the "Subdivision"); and

WHEREAS, the restrictive covenants applicable to the subdivision are:

- (a) the Oak Estates Restrictions originally recorded at Volume 1992, Page 581 of the Deed Records of Harris County, Texas, (b) the Oak Estates Section 2 Restrictions originally recorded at Volume 2257, Page 52 of the Deed Records of Harris County, Texas; (c) the imposition and adoption of the Oak Estates Restrictions as made applicable to the Adjacent Lots by that certain instrument recorded at Volume 2318, Page 625 of the Deed Records of Harris County, Texas; (d) "Renewal of Oak Estates Deed Restrictions" recorded under County Clerk's File No. F044670 of the Real Property Records of Harris County, Texas; (e) "Renewal and Adoption of Restrictions of

1300 46 0031

Oak Estates, Oak Estates Section 2, and Adjacent Lots” recorded under County Clerk’s File No. M457661 of the Real Property Records of Harris County, Texas; and (f) “Modification, Addition, and Extension of Restrictive Covenants Pursuant to Texas Property Code Chapters 201 and 204” recorded under County Clerk’s File No. U149174 of the Real Property Records of Harris County, Texas (collectively, the “Restrictive Covenants”; and

**WHEREAS**, the Restrictive Covenants provide that “no improvements of any character shall be erected, or the erection thereof begun, or changes made in the design thereof after the original construction of any lot or homesite in the Oak Estates addition, until plans and specifications have been submitted to and approved in writing by Grantor or his nominee... such approval is to include but not be limited to exterior design, floor area, and the type of material to be used, and the colors to be applied to the exterior of the structure”; and

**WHEREAS**, the Association, acting by and through its Board of Directors, has acted as, and constitutes the “Architectural Control Committee” for the purpose of the review and consideration (for approval or disapproval) of plans and specifications for any improvements (including any new construction) or the changes in the design thereof after the original construction of any lot or homesite in the Subdivision, pursuant to the Restrictive Covenants; and

**WHEREAS**, the Association, acting by and through its Board of Directors, acting as the Architectural Control Committee, is responsible, among other responsibilities, for the architectural control and approval of any exterior addition or change or alteration of on any Lot or homesite located within the Subdivision; and

**WHEREAS**, pursuant to that certain “**Certificate of Corporate Resolutions of (the) Board of Directors (of) OEHA, Inc. aka OAK ESTATES HOMEOWNERS ASSOCIATION; ARCHITECTURAL PLANS: PLAN REVIEW POLICY**” filed for record on June 18, 2013, under County Clerk’s File No. 20130298248 of the Real Property Records of Harris County, Texas, the Board of Directors, acting as the Architectural Control Committee, adopted a policy establishing **REVIEW AND APPROVAL OF ARCHITECTURAL PLANS** (the “Architectural Plans and Plan Review Policy” herein), reference thereto being hereby made for all purposes; and

**WHEREAS**, the Board of Directors, acting as the Architectural Control Committee, has deemed it necessary and desirable to adopt certain additional **POLICIES AND PROCEDURES CONCERNING CONSTRUCTION ACTIVITIES AS TO MAJOR PROJECTS** which shall supplement the existing Architectural Plans and Plan Review Policy, and which shall be applicable during the construction of any Major Project (as defined herein), after such Major Project (as defined herein) has received preliminary written certification and approval by the Association that the proposed plans for same comply with the applicable Restrictive Covenants;

**NOW THEREFORE, BE IT RESOLVED**, that the Board of Directors, hereby adopts the following policy which establishes a formal policy which establishes certain additional **POLICIES AND PROCEDURES CONCERNING CONSTRUCTION ACTIVITIES**

2013-06-18 14:08:32

**AS TO MAJOR PROJECTS** which shall supplement the existing Architectural Plans and Plan Review Policy, effective for all purposes upon the filing of record of this policy in the Real Property Records of Harris County, Texas as a "dedicatory instrument" pursuant to the requirements of Section 202.006 of the Texas Property Code;

**FURTHER RESOLVED**, that formal notice is hereby given to all existing present Owners of lots within the Subdivision and all prospective and/or future Owners of lots within the subdivision of the following certain additional **POLICIES AND PROCEDURES CONCERNING CONSTRUCTION ACTIVITIES AS TO MAJOR PROJECTS** which shall supplement the existing Architectural Plans and Plan Review Policy of the Association.

---

**POLICIES AND PROCEDURES CONCERNING CONSTRUCTION  
ACTIVITIES AS TO MAJOR PROJECTS**, which shall supplement the existing  
Architectural Plans and Plan Review Policy

---

1. The existing Architectural Plans and Plan Review Policy is hereby ratified and confirmed as being in full force and effect.
2. Pursuant to the existing Architectural Plans and Plan Review Policy of the Association, construction of any new structure (as defined in the Restrictive Covenants) or expansion of any existing structure in the Subdivision requires written certification of compliance and approval by the Association that the plans comply with all applicable Restrictive Covenants. Prior to the commencement of the construction of any new structure (as defined in the Restrictive Covenants) or expansion of any existing structure in the Subdivision, an Owner must obtain a written certification of compliance and approval by the Association in conformity with the existing Architectural Plans and Plan Review Policy.
3. These Policies and Procedures Concerning Construction Activities as to Major Projects shall be applicable in addition to the existing Policies and Procedures Concerning Construction activities, with respect to any Major Project. A "Major Project" shall consist of the construction of any new structure (as defined in the Restrictive Covenants) or expansion of any existing structure in the Subdivision which includes and/or involves the placement of any new or expanded foundation slabs, the construction of any new or modification of any building exterior, or the construction of any new or modification of any roof overhang.
4. Pursuant to the existing Architectural Plans and Plan Review Policy, as part of the original submission for the certification of compliance and approval by the Association, the Owner (or his/her/its representative) must submit, without limitation, a survey, site plan, all elevations, and a floor plan. As to any Major Project, the issuance of a written certification of compliance and approval as to such original submission plans shall be deemed a "preliminary

approval" only, and once received, the Owner may proceed with the construction of the work in conformity with the approved plans, subject to; (i) the provisions of the Restrictive Covenants, (ii) the Architectural Plans and Plan Review Policy, (iii) any other terms, provisions, and conditions set forth or shown in the written certification of compliance and approval, and (iv) IN ADDITION, the Owner (or his/her/its representatives) must comply with certain Mandatory Additional Requirements (hereinafter defined) during construction of the work.

5. The mandatory additional requirements set forth in this paragraph shall be required during the construction of any Major Project (the "Mandatory Additional Requirements" herein).

The following Mandatory Additional Requirements, setting forth certain additional information and submissions, shall be required during construction within the time frames indicated below. The certificates required must be originals. Submission of the items set forth in sub-paragraphs (a) through (h) below must be made to the architect designated by the Association as shown in the Association's website or as otherwise designated by the Association, with a copy to the Association's managing agent. The Owner shall be responsible for the payment of all fees and costs of compliance with these Policies and Procedures, including all fees and costs, if any, incurred by the architect, or any other third party consultant (i.e. surveyor) retained by the Association in reviewing any of the submissions required below. Payment of any additional fees shall be remitted in advance of any such review. Material changes in the design or construction from that reflected in the original plan submission (including the original survey, site plan, elevations, and floor plans) shall not be permitted without the prior written approval of the Association, acting through its architect. In the event that any of the submissions required below reflect any material change, modification, or alteration of/from/to the initial plans (including the survey, site plan, elevations, and floor plan) submitted in connection with the original application which was the subject of the written certification of compliance and approval, such prior written certification of compliance and approval shall be immediately revoked and withdrawn, and all construction work shall immediately cease pending re-submission and approval of any such changes. A material change shall include any overlap, extension, or encroachment, however minor, of any proposed improvement over any easement, or building set-back line.

#### **REQUIRED SUBMITTAL and SUBMISSION DEADLINES:**

As to those items shown below requiring submissions: such item must be submitted to the Association's architect (with copies to the Association and its managing agent); and each such item must be approved in writing (written approval either by the architect, or the Association, or the Association's managing agent) before the commencement of construction or work begins related to such item. After submission of each item, the Owner shall not proceed with further work or construction until such written approval is provided.

- 2025-04-08 09:54:00
- (a) Copy of the plans that are stamped "Approved" by the City of Houston (COH) Permit Department, including a copy of the application containing the affidavit/representation by Owner that the proposed work is in compliance with the Restrictive Covenants. This must be submitted and approved prior to the commencement of construction. The Association shall use its reasonable efforts to review such submission item and either approve or disapprove same within seven (7) days after submission; however, the failure to respond within seven (7) days shall be deemed disapproval.
  - (b) Site plan illustrating the size, color and location of the on-site office or trailer, if any (no signs, names, logos, or other graphics whatsoever are allowed on the office or trailer). This must be submitted and approved before placing the office or trailer on the lot or tract. The Association shall use its reasonable efforts to review such submission item and either approve or disapprove same within seven (7) days after submission; however, the failure to respond within seven (7) days shall be deemed disapproval..
  - (c) Certified Foundation Form Survey. This must be submitted and approved before placing concrete. The Association shall use its reasonable efforts to review such submission item and either approve or disapprove same within seven (7) days after submission; however, the failure to respond within seven (7) days shall be deemed disapproval.
  - (d) Certified Slab Survey. This must be submitted and approved before framing or other work atop the slab is commenced. The Association shall use its reasonable efforts to review such submission item and either approve or disapprove same within seven (7) days after submission; however, the failure to respond within seven (7) days shall be deemed disapproval.
  - (e) Elevation Certificate. This must be submitted upon completion of the highest framing and approved before installing any roof decking. The Association shall use its reasonable efforts to review such submission item and either approve or disapprove same within seven (7) days after submission; however, the failure to respond within seven (7) days shall be deemed disapproval.
  - (f) Notice to the Association to view a mock-up of the approved exterior façade materials (including roofing materials), if such a mock-up was required as a condition set forth in the written certification of compliance and approval. If a mock-up was required as a condition set forth in the written certification of compliance and approval, the mock-up must be approved by a Board of Directors representative during the construction and before the installation of such exterior materials, and final approval of the mock-up shall be required before

such materials may be installed. The Notice to review any such required mock-up shall be given and approved before final ordering of any material reflected in the mock-up. The Association shall use its reasonable efforts to review such submission item and either approve or disapprove same within seven (7) days after submission; however, the failure to respond within seven (7) days shall be deemed disapproval.

- (g) As-built Final Completion Survey Certificate showing the location of all the Improvements including, without limitation: street entrances, residence, garage and other outbuildings, pools and pool equipment, air conditioning units, generators, location and height of fences and/or gates in compliance with the written certification of compliance and approval. The survey must show all such improvements and their location with respect to existing property lines, easements, and building set-backs; and shall show, with respect to the residence and any garage, the location/placement of any exterior building surface and the roof overhang. The As-built Final Completion Survey Certificate must be provided after the improvements are completed and prior to sale or occupancy.
- (h) Standard survey stakes must be maintained at each corner of the lot or tract to facilitate field inspections.

6. Compliance with the requirements and limitations on construction activity set forth in this Paragraph shall be required during the construction of any Major Project, and the Owner of each lot or homesite shall be responsible for assuring compliance.

(a) General Requirements and Parameters

- (i) No construction work, mobilization, demolition, temporary or permanent utility work, stockpiling materials or other related activity may commence until the Association issues its written approval to begin construction. The placement of a construction office or trailer or equipment on the lot or homesite, the commencement of demolition or clearing and the installation of any site fencing or construction utilities are considered commencement of construction.
- (ii) No construction trailer or office shall be moved on-site without the Association's prior written approval to begin construction, and a separate written approval of a site plan illustrating the size, color, and location of the construction office or trailer, if any. The Owner shall submit the trailer/office site plan at least three (3) business days before the date requested for placement. No signs, names, logos, or other graphics whatsoever are allowed on the office or trailer. The construction trailer or office shall be removed from the site

HP 090-94-0036

within ten (10) days after the date of Substantial Completion of the improvements.

- (iii) The date of Substantial Completion is the date when the construction work is sufficiently complete in accordance with the construction documents so that the Owner can occupy or utilize the improvements for its intended use, as further defined by AIA Document A201-2007.
- (iv) A trash/refuse dumpster or equivalent container satisfactory to the Association for the placement of construction refuse shall be required, and shall be placed on the lot or homesite, which shall be designed and maintained so as to prevent trash and debris from being visible and from blowing out. Such dumpster or container shall be regularly emptied and maintained, and located in the most unobtrusive, accessible location.
- (v) One (1) port-a-can shall be permitted. The port-a-can: cannot be onsite more than seven (7) days before construction commences; must be located as far from the front property line as possible while still enabling regular servicing; must be screened from view from adjacent streets or neighbors; must be regularly serviced; and must be removed within ten (10) days of Substantial Completion.
- (vi) Unless waived in writing by the Association (or its architect or managing agent), prior to the commencement of construction, the Owner shall install or have installed temporary construction fencing containing screening material, at least six feet (6') in height, surrounding the front and perimeter sides of the lot for the purpose of screening the construction activity from view of adjacent streets and neighboring lots.
- (vii) At all times during the course of construction, the lot/homesite, including the adjacent sidewalks, must be maintained and kept in a clean and neat condition, free and clear of debris and trash, with the yard mowed and kept free of weeds and the sidewalks kept free of weeds. Any building or construction materials placed or stored onsite during the construction must be kept in a neat manner and shall not obstruct any sidewalk or street.

(b) Work Hours and Activity

- (i) Construction work is not permitted on any weekday that is not a holiday before 7:00 AM or after dusk or 7:00 PM, whichever is earlier. Construction work is not permitted at any time on a Sunday, or on a Saturday or holiday before 9:00 AM or after dusk or 6:00 PM, whichever is earlier. The term "construction

1300-94-0037

work" in this section means both interior and exterior construction activities. Construction work includes actual construction work and staging activities including, without limitation, gathering of workmen, parking of delivery vehicles, delivering, loading and unloading materials, consumables, machinery and equipment or operating any machinery. Notwithstanding the foregoing, interior construction work that is not noisy (interior painting for example) and which does not involve noisy staging activity or other exterior activity, is permitted between the hours of 9:00 AM and 6:00 PM within the interior of a residential dwelling or other improvement on any day on which construction work is otherwise prohibited.

- (ii) Until the construction of the structure is fully enclosed, workmen may not play radios or other audio equipment. After the construction of the structure is fully enclosed, workman may play radios or other audio equipment inside the structure, provided that no audio can be heard from the exterior of the structure at a volume that disturbs neighbors.

- 7. The Restrictive Covenants, the existing Architectural Plans and Plan Review Policy, these Policies and Procedures Concerning Construction Activities, and/or any terms, provisions or conditions set forth in the written certification of compliance and approval provide or may impose reasonable limitations on the length of time within which construction of improvements must commence and be completed.

In addition to the foregoing, and in any event, any improvements visible from an adjacent street shall not be permitted to exist in an incomplete state without ongoing and meaningful construction, once construction starts.

Further, in addition to the foregoing, and in any event, the Association expects that construction must commence promptly after issuance of the certification of compliance and approval by the Association; and once commenced the Owner shall diligently proceed with the completion of the improvements and shall not permit construction to be stopped, interrupted or abandoned for any substantial period of time, and construction shall be diligently and continuously pursued through final completion of all improvements. Periods of inactivity for more than thirty (30) days shall not be permitted absent circumstances the Association, acting through its Board of Directors, shall determine constitutes an event of force majeure.



OEHA, INC., a Texas non-profit corporation

By: *[Signature]*  
(Signature)

RIC SAALWACHTER  
(Name Printed)

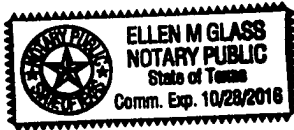
Its: PRESIDENT

STATE OF TEXAS

§  
§  
§

COUNTY OF HARRIS

This instrument was acknowledged before me on this 13 day of March 2014, by Ric Saalwachter, President of OEHA, INC., a Texas corporation, on behalf of said corporation.



*[Signature]*  
Notary Public - State of Texas

RECORD AND RETURN TO:  
Frank, Elmore, Lievens,  
Chesney & Turet, L.L.P.  
Attn: Richard C. Lievens  
9225 Katy Freeway Suite 250  
Houston, Texas 77024

2014-03-13 10:04:00 AM

HP 090-94-0840

FILED FOR RECORD  
8:00 AM

MAR 24 2014

*Stan Stewart*  
County Clerk, Harris County, Texas

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

MAR 24 2014



*Stan Stewart*  
COUNTY CLERK  
HARRIS COUNTY, TEXAS