

**ASHFORD FOREST, SECTIONS I AND II CIVIC CLUB, INC.**  
**NEW CONSTRUCTION & MAJOR ADDITION REVIEW PROCESS GUIDELINES**

The following New Construction & Major Addition Review Process Guidelines (the “New Construction Guidelines”) apply to and encumber any and all lots within Ashford Forest, Sections I and II and are promulgated by the Board of Directors (the “Board”) of Ashford Forest, Sections I and II, Civic Club, Inc. (the “Civic Club”) pursuant to the specific authority granted thereto by Section 204.010 of the Texas Property Code. Section 204.010 of the Texas Property Code empowers the Civic Club acting through its Directors, to regulate the use, maintenance, repair, replacement, modification, and appearance of the subdivision, and additionally allows the Civic Club to implement written architectural control guidelines.

Additionally, pursuant to the specific authority granted in Article III of the Second Amended and Restated Restrictions for Ashford Forest Section I (the “Section I Restrictions”) recorded under clerk’s file number 20090425948 in the Real Property Records of Harris County, Texas and Article III of the First Amended and Restated Restriction for Ashford Forest Section II (the “Section II Restrictions”) recorded under clerk’s file number 20090425881 in the Real Property Records of Harris County, Texas (the Section I Restrictions and the Section II Restrictions shall hereinafter be collectively referred to as the “Restrictions”), and all current and future amendments thereto, the Board of the Civic Club hereby promulgates the following guidelines:

The New Construction Guidelines were developed to provide adequate checkpoints throughout the design and development phases, so that time and money are not wasted on plans and designs which are not deemed to be in harmony with existing structures, to the overall principles, nor in compliance with the Restriction or ACC Guidelines (as hereinafter defined), or which may be inappropriate or of improper configuration for the specific homesite setting. Therefore, it is extremely important that the steps of the review process be followed in their entirety, and in correct sequence. This process is designed to prevent misunderstandings and undue delays, provided each Owner adheres to the intended spirit of the restrictions and the Architectural Control and Design Guidelines (the “ACC Guidelines”) recorded under clerk’s file number 20070334472 in the Real Property Records of Harris County, Texas; namely, a site-sensitive and harmonious approach to the development of his or her homesite within the neighborhood of Ashford Forest.

## **PHASES**

1. **The Pre-Design Meeting:** Each homesite Owner along with their architect/builder may review their ideas and the natural characteristics of the homesite at a meeting attended by a minimum of 4 representatives of the Architectural Control Committee (the “ACC”) before any plans are prepared. The participating parties will review the New Construction Guidelines, the ACC Guidelines, Restrictions, submittal requirements, and review process steps. The Pre-Design Meeting is a mandatory meeting unless waived, in writing, by homesite owner. This is intended as an informational and advisory meeting and does not constitute approval of the project or any part of the project.

2. The Preliminary Submittal: The ACC will review conceptual plans to ensure conformance with including but not limited to: the Restrictions, the New Construction Guidelines, the ACC Guidelines as well as harmony and compatibility with the neighborhood before the Owner finalizes the design. Any decision rendered by the ACC at the Preliminary Submittal does not constitute approval of the project or any part of the project.

3. The Final Submittal: The ACC will review final construction documents to confirm that they are consistent with the previously approved preliminary plans and the New ACC Guidelines, the New Construction Guidelines, and the Restrictions. Final approval of the project plans is subject to receipt of all submittal requirements, required deposits, application fee, and pre construction conference/sign off on construction site rules.

4. The Pre-Construction Conference: Each builder/general contractor and homesite owner will review the construction regulations with the ACC Chairperson or designated member of ACC to ensure understanding of, and future compliance with, the ACC Guidelines and these New Construction Guidelines. The builder/general contract will submit its deposits to the Board and will sign off on the construction site rules. The Pre-Construction Conference is a mandatory meeting and final approval of the project plans is contingent upon the builder's/general contractor's attendance and sign off on the construction site rules.

5. Inspections: At any time during the construction, inspections of the improvements may be made by a representative of the Architectural Review Committee, to determine whether actual construction is/has been completed in strict compliance with the approved plans and Design Guide. Any construction requiring foundation work will be inspected after the forms are set, but prior to concrete being poured.

**CERTIFICATION**

I, the undersigned, do hereby certify:

That I am the duly elected and acting Secretary of the Ashford Forest, Sections I And II, Civic Club, Inc., a Texas non-profit corporation;

That the foregoing New Construction & Major Addition Review Process Guidelines were adopted by a majority of the Board of Directors on the \_\_\_\_ day of \_\_\_\_\_, 2011, at a duly held meeting at which a quorum was present.

IN WITNESS WHEREOF, I have hereunto subscribed my name on this the \_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Print Name:

\_\_\_\_\_  
Secretary

STATE OF TEXAS                    §  
COUNTY OF HARRIS            §

BEFORE ME, on this day personally appeared \_\_\_\_\_, the Secretary of the Ashford Forest, Sections I And II, Civic Club, Inc., a Texas non-profit corporation known by me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that s/he executed the same for the purposes and consideration therein expressed and in the capacity therein and herein stated, and as the act and deed of said corporation.

Given under my hand and seal of office, this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Notary Public – State of Texas

After Recording, Return To:

Brady E. Ortego  
Roberts Markel  
2800 Post Oak Blvd., 57<sup>th</sup> Floor  
Houston, TX 77056

**RESOLUTION OF THE BOARD OF DIRECTORS TO ADOPT  
RULES, PROCEDURES AND DEPOSIT POLICY  
FOR CONSTRUCTION SITES**

WHEREAS, pursuant to the authority contained in the Second Amended Declaration of Covenants, Conditions and Restrictions for Ashford Forest Section I and First Amended Declaration of Covenants, Conditions and Restrictions for Ashford Forest Section II (collectively referred to as the "Declarations"), and further pursuant to the authority vested in the Ashford Forest, Section I and II, Civic Club, Inc. (the "Association"), contained in Article VIII of the Amended Bylaws of the Association; and

WHEREAS, in order to mitigate damage to common areas and to ensure that approved construction plans are complied with, experience has shown the need to address certain potential practices and conditions related to a construction site; and

WHEREAS, there is a desire for efficient, equitable means of ensuring the proper maintenance of all property in the Ashford Forest subdivision, Sections I and II ("Ashford Forest") by (1) providing a method of enforcement that avoids expensive and dilatory court action except as a last resort, and (2) not penalizing the entire membership through a raise in assessments in order to cover the cost of abating an isolated violation caused by an individual property owner or contractor, to cover the added wear and tear on the common areas caused by construction activities and/or to cover any expenses incurred related to the engagement of professionals with regard to the review of any plans; and

WHEREAS, this Rules, Procedures and Deposit Policy for Construction Sites in no way exempts or releases Owners from the obligation of complying with the provisions contained within the Architectural Control and Design Guidelines for Ashford Forest ("Guidelines") and the governing Declarations, as each may be amended from time to time, but instead serves to provide additional means of protection for the property owners within Ashford Forest.

NOW THEREFORE, The Board of Directors (the "Board") of the Ashford Forest, Section I and II, Civic Club, Inc. resolves to adopt the following Rules, Procedures and Deposit Policy for Construction Sites (hereinafter the "Rules and Procedures").

**I. APPLICATION.**

These Rules and Procedures apply to any level of construction activity for new construction to the extent that such activity is affected by their terms. Additionally, the Association reserves the right to apply these Rules and Procedures, including but not limited to the Construction Permit and Deposit provisions, to any construction activity that impacts common areas to the same or similar degree as new home construction. **Such construction includes, but is not limited to, major remodeling projects (any renovation that causes an increase in square footage or impervious cover, or any renovation that is deemed major at the sole discretion of the ACC committee).**

## **II. CONSTRUCTION PERMIT.**

Submission of plans to, and approval by, the Architectural Control Committee (the "ACC") is required for new construction prior to the commencement of any construction activity. Upon approval by the ACC, a construction permit will be issued and must be displayed in a weatherproof container, at the construction site at all times during the course of the construction. A non—refundable Permit Fee of \$500.00, **payable to AFCC Sec 1 & 2**, must be paid by the property owner, contractor or builder before the permit will be issued. Failure to obtain approval and/or deviating from approved plans will result in a fine of \$2000.00.

The above Permit Fee amount may be adjusted from time to time by the Board, in its sole discretion, based upon a reasonable study as to the effect said construction has on Ashford Forest common areas and the needs of the subdivision.

## **III. REFUNDABLE DEPOSIT.**

In addition to the above described Permit Fee, a Construction Deposit of \$2,000.00, **payable to AFCC Sec 1 & 2**, shall be required of the property owner, contractor, or builder before any construction activity takes place. The Construction Deposit shall be used by the Association to pay for whatever measures the Association must take to investigate, identify and/or remedy a violation of the Construction Site Requirements set forth in Section IV set out immediately below (including, but not limited to the repair of damaged streets, curbs, signs, or common areas and the clean-up of debris.) The deposit may also be depleted according to the terms of Section V herein. The Construction Deposit amount shall not serve as a maximum Ashford Forest is entitled to for damages, if any. Any amount not expended shall be refunded to the property owner, contractor, or builder upon completion of construction and final clean up.

## **IV. CONSTRUCTION SITE REQUIREMENTS**

1. The property owner should familiarize him/her self and the building team with the requirements of the Deed Restrictions, Architectural Control and Design Guidelines, construction site rules and enforcement procedures and confirm that he/she has the latest documents.
2. The general contractor shall provide a single protected area for all permits and records issued for the site. Fine of \$250.00 per occurrence.
3. No burning will be allowed at the construction site. Fine of \$250.00 per occurrence.
4. Sanitary Waste :A portable human waste facility approved by Ashford Forest Civic Club Board, shall be placed on the construction site commencing with work start-up and removed at final clean up. All portable waste facilities shall be screened from view from any adjacent private property or any public or private roadway with wooden picket privacy fencing, of a height not less than, or greater than, the height of the portable waste facility. Privacy fencing shall

be maintained in good repair (not allowed to sag, hang, etc). Each portable facility shall be serviced at least one time per week and proof of service posted with other records issued for the site. Portable facilities should be placed/located as discreetly as possible without impeding service access. Failure to erect portable human waste facility prior to commencement of construction will result in a fine of \$500.00. Failure to screen human waste facility from view, as indicated above, with appropriate privacy fencing will result in a fine of \$500.00. Failure to maintain said facility will result in a fine of \$250.00 per occurrence.

5. Drainage/Site Run off: All streets, adjacent lots, and public drainage areas must be protected from site run off with a silt fence. Said fence shall be maintained in good repair, at all times. Failure to erect a silt fence prior to commencement of modifications will result in a fine of \$500.00. Failure to maintain in good repair will result in fine of \$250.00, per occurrence.
6. The construction site must be kept clean and orderly throughout construction and construction debris is to be safely and adequately accumulated and disposed of through the use of proper containers. All trash debris, and litter must be picked up DAILY. Food waste and packaging must be placed in a sturdy container with a secure cover (not thrown in roll away dumpster). All debris from workers lunches will be placed in said container, each day. Any tracking of mud or debris must be cleaned daily. Dirt clumps deposited in the streets from vehicles leaving muddy job sites must be removed when the work is completed and may not remain longer than 12 hours. Fine of \$250.00 per violation.
7. Construction Debris: Construction debris such as plywood, excess lumber, bricks, etc shall be collected and stored in secure, roll-off type dumpster and be removed from the project site as soon as it is filled.. Fine of \$250.00 per violation.
8. Concrete Washout: All concrete washout from both trucks and mixers must occur within the building envelopes of the building site in a location where it will be concealed by a structure or covered by backfill. Washout in road right-of-ways, setbacks, adjacent properties, or anywhere outside the building envelope is STRICTLY PROHIBITED, and subject to minimum fine of \$500.00, per violation.
9. Material Storage and Deliveries- All building materials, equipment and machinery required in construction must be delivered to and remain within the building envelope. No trailers may be parked overnight, on the street for storage, etc.. Violation of the above will result in fine of \$250.00 per day/occurrence.

10. Tree Protection: All trees to be left on the site must have tree protection in place before ANY construction, including demolition, takes place. Tree protection shall consist of fencing at least forty (48) inches in height, which shall be placed at the drip line of the canopy of each tree to be preserved. Fencing shall be either metal hurricane variety with steel posts no greater than 8 feet apart or a wooden rail fence with vinyl construction attached with staples every 12 inches. An opening shall be left in each fence enclosure of not more than 18 inches to allow access for maintenance of grass and vegetation. No such tree protection shall be used to store materials or equipment. Fence must be maintained in good repair, and not allowed to sag, fall down. Failure to erect and maintain tree protection will result in a \$500 fine, per tree. Removal of tree(s) without ACC approval will result in fine of \$1000.00, per diameter inch, of each tree removed.
11. Noise Disturbance: at all times, loud and raucous noise emanating from any construction or delivery site whether in the form of broadcast or amplified music which is audible on any property other than the property from which it emanates is prohibited. Repeated violations (3 or more) (as determined by the ACC), of this provision will result in the total prohibition of any on site use of radio or audio equipment during construction and/or a fine of \$250 per violation.
12. On site parking for workers: All vehicles belonging to construction workers, superintendent, builder, etc shall be parked on the job site unless special approval by the ACC is received. The builder shall provide an all weather, temporary drive to minimize the tracking of dirt, mud etc., on to adjacent street or streets. Associated vehicles and trailers may not be parked in the street overnight. The intent being to prevent the parking of vehicles and trailers for use as long term storage facility. During very busy construction periods involving multiple trades, overflow vehicles may temporarily be parked along the edge of the roadway, along ONE SIDE ONLY to allow continual, unconstrained access by normal traffic and emergency vehicles. Violation will result in fine of \$250.00 per occurrence, per vehicle.
13. Construction signage: Temporary construction sign shall be limited to one sign per site not to exceed 3 square feet total surface area and 4 feet in height. It can be placed 2 weeks prior to commencement of construction and must be removed within two weeks of the issuance of a certificate of occupancy by the City of Houston, or immediately upon the passage of 21 calendar days without significant construction activity as deemed by the ACC. Construction signs must be maintained in good repair and not allowed to sag, lean, hang, etc.. Violations for pertaining to construction signage, as indicated above, will result in a \$250.00 fine, per occurrence.

14. Work hours: 7:30 a.m.-6:00 p.m. Monday-Friday. 8:00 a.m. to 6:00 pm on Saturday. No work allowed on Sundays or Holidays. Hours of work notices must be clearly and visibly posted in a weatherproof container. Notices must be in English and in Spanish. Violations of work hours are subject to fine of minimum of \$250 per occurrence.
15. A detailed topographic survey, consisting of shots not greater than 5 ft. apart, shall be provided of the pre-disturbed, existing, site condition. Survey should be reviewed and approved by ACC, PRIOR to any demolition or any changes to the lot. This survey shall certify existing drainage patterns and document deviation from standard back to front drainage patterns. Failure to submit a topographic survey of pre-disturbed lot, prior to construction will result in a fine of \$1000.00.
16. A form survey must be submitted to and approved by, the ACC, PRIOR to pouring of a foundation. The form survey shall document that existing drainage patterns are maintained. Failure to submit a form survey & obtain ACC approval of form survey prior to pouring slab of will result in a fine of \$1000.00.
17. Curbs must be saw cut for all driveways. Failure to saw cut curbs for all driveways will result in a fine of \$500.00.
18. Construction must be performed in accordance with the plans approved by the ACC. Failure to obtain approval and/or deviating from approved plans will result in a fine of \$2000.00.

## **V. ENFORCEMENT PROCEDURES.**

**A. INSPECTION.** A member or members of the ACC will conduct periodic inspections of the construction site during the course of the construction. If s/he determines that a violation of one or more of the construction requirements set forth in Section IV is being, or has been violated, then s/he will notify the chairman of the Construction Review Committee (the "Committee") who will immediately contact other members of the Committee and request that they inspect the construction site. If a majority of the Committee members agree that a violation has occurred, the Committee shall notify the property owner, contractor or builder as set out in subsection "B" below.

**B. NOTICE OF VIOLATION.** The manager shall provide written notice of the violation to the property owner, contractor or builder. Such notice shall also inform the property owner, contractor or builder of the date by which the property owner, contractor or builder must bring the property into compliance with the construction site requirements and to remedy any damage resulting from the

C. PROTEST HEARING. Once the property owner, contractor or builder has notified (in writing) the ACC of his/her desire for a hearing, a hearing date will be set with members of the ACC and the property owner, contractor or builder. Minutes of the protest hearing will be maintained. If the property owner, contractor or builder is not satisfied with the results of the protest hearing, s/he will be given an opportunity to address the Board upon written request for same.

Nothing in these Rules and Procedures shall be construed to limit Ashford Forest's recovery of damages to the fines and/or deposit described herein for violations of these rules, the bylaws, restrictive covenants, the Ashford Forest Architectural Control and Design Guidelines ("Guidelines"), statute, ordinance or common law, relating to construction activities or any other activities. Ashford Forest reserves the right to seek actual and consequential damages, including reasonable and necessary attorney's fees and costs, for any infraction of the restrictive covenants, bylaws, Guidelines, statute, ordinance, or common law causes of action.

Notwithstanding the adoption of the rules and procedures set forth herein, the Association reserves the right to enforce violations of any restriction, bylaw or rules and regulations in the appropriate court to the full extent allowed by law.

EXECUTED and SIGNED this the \_\_\_\_\_ day of \_\_\_\_\_, 2011.

Print Name:....., President

**CERTIFICATE OF SECRETARY**

I hereby certify as Secretary of Ashford Forest, Section I and II, Civic Club, Inc. that the foregoing resolution of the Board of Directors was approved on the \_\_\_\_ day of \_\_\_\_\_, 2011 at a properly noticed meeting of the Board of Directors at which a quorum was present.

\_\_\_\_\_  
Print Name: \_\_\_\_\_, Secretary

STATE OF TEXAS                   §  
   §  
COUNTY OF HARRIS           §

BEFORE ME, the undersigned authority, on this day personally appeared \_\_\_\_\_, the Secretary of the Ashford Forest, Section I and II, Civic Club, Inc. , known by me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that s/he executed the same for the purposes and consideration therein expressed and in the capacity therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Notary Public — State of Texas

After Recording, Return To:

Brady E. Ortego  
Roberts Markel P.C.  
2800 Post Oak Blvd., 57<sup>th</sup> Floor  
Houston, Texas 77056

## **AFCC Architectural Control Submission Checklist**

### **New Construction and Major Additions/Remodels**

*Please have all the information requested PRIOR to submitting plans for review  
Incomplete submissions will **not** be reviewed and/or approved. Please contact ACC chairperson  
in advance, for assistance, if necessary*

*Please submit the following:*

*Topographic survey of pre disturbed lot (applicable where footprint of home is changing)*

*2- sets of site plans and specifications*

*3- elevation drawings, one of which is colored, architectural rendering of front elevation. If your project is deemed a major addition & does not include changes to the front elevation, the requirement of colored architectural rendering may be waived with ACC approval.*

*2-Floor plan showing total square footage of all floors and location & size of all doors and windows.*

*2- copies of cut sheet*

*Samples, photos, etc as required. Please note-physical samples of all cladding materials and paint colors are required.*

*Application fee payable to AFCC Sec 1 & 2 (\$250 for major addition, \$500 for brand new home) Final Approval contingent upon sign off by homeowner and contractor/builder contingent upon mandatory meeting between homeowner, builder and contractor where acknowledgment document will be signed stating that lot owner and contractor/builder have received, read, understand and agree to abide by, Site Rules and Deposit Policy.*

*Final approval subject to receipt of builder/lot owner deposit of \$2000. Check Payable to AFCC.*

#### **TO BE FURNISHED BY APPLICANT**

##### **SITE PLANS-2 copies**

*Site plan-2 copies and should also reflect and document the following:*

- 1. Property boundaries and dimensions*
- 2. Footprint of house, garage, porches, decks, accessory structures of any kind (accessory structures will require separate approval), driveways, walk, patios, etc*
- 3. Existing trees to be remain*
- 4. Convey existing trees to be removed (tree removal requires prior approval by ACC)*
- 5. Existing and finished grades shown*
- 6. Total lot square footage*
- 7. Front, side and rear setback*
- 8. Easements shown*
- 9. Location of driveways, walks, patios, etc. -location of ALL impermeable surfaces.*
- 10. Location of hvac unit*
- 11. Proposed location of utilities shown.*
- 12. Proposed fences and gates (fences and gates require separate approval)*
- 13. Roof overhangs shown*
- 14. Impervious lot coverage-show % and calculation*

##### **ELEVATION DRAWINGS-3**

*Please submit **1**, 8 1/2 X11 detailed, **colored, architectural rendering** of front, exterior elevation and **2 elevation drawings** of all elevations. Elevations shall be provided of ALL sides of the proposed new or renovated structure(s) at a scale matching the scale of the plans. Elevations should clearly show or indicate all proposed building materials, finishes, & dimensions sufficient to establish overall*

building height and width and any pertinent dimensions that will clearly convey the design intent. Where an addition is being proposed (unless plans include changes to the existing structure or cladding) the existing structure shall be shown in lesser detail but at the same scale. The colored architectural rendering shall accurately depict the color selections for the exterior cladding material to be used. **Elevation drawings should include the following detail:**

- 1.Siding/Cladding types
- 2.Exposed Foundation from final grade 3, Trim and fascia detail
- 4.Roof material
- 5.Any skylight locations
- 6.All exterior doors and garage
- 7.Window locations
- 8.Entry porch
- 9.Decks, patios, walkways, driveway
- 10.Chimney and B-vents
11. Building height
12. Total buidling square footage (include garage and any roofed porches & decks
13. Roof Pitch
14. % of brick coverage/cladding (51% of cladding material on front elevation and 51% overall should be BRICK) Non-brick masonry does **not** count towards the 51% brick requirement. All doors, windows, roof areas, and dormers shall be excluded when calculating the percentages of exterior brick. The garage shall be excluded when calculating the percentage of brick on the exterior of the residential dwelling.

#### FLOOR PLAN-2

- 1.Total sqaure footage of each floor
- 2.Location and size of doors and windows

*Please turn in your plans and materials submissions to ACC Chairperson, in person:*  
Please consult website or neighborhood directory to determine ACC Chairperson.