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Notice

**THIRD SUPPLEMENTAL  
NOTICE OF DEDICATORY INSTRUMENTS  
FOR  
ATASCOCITA COMMUNITY IMPROVEMENT ASSOCIATION**

STATE OF TEXAS           §  
  §  
COUNTY OF HARRIS       §

The undersigned, being the authorized representative of Atascocita Community Improvement Association, a property owner's association as defined in Section 202.001 of the Texas Property Code (the "Association"), hereby supplements the "Affidavit for the Filing of Dedicatory Instruments for Atascocita Community Improvement Association" ("Notice") recorded in the Official Public Records of Real Property of Harris County, Texas on January 3, 2000 under Clerk's File No. U153832, the "First Supplemental Notice of Dedicatory Instruments for Atascocita Community Improvement Association" (the "First Supplemental Notice") recorded in the Official Public Records of Real Property of Harris County, Texas on January 6, 2006 under Clerk's File No. Z012914, and the "Second Supplemental Notice of Dedicatory Instruments for Atascocita Community Improvement Association" (the "Second Supplemental Notice") recorded in the Official Public Records of Real Property of Harris County, Texas on August 9, 2011 under Clerk's File No. 20110331747, which documents were filed for record for the purpose of complying with Section 202.006 of the Texas Property Code.

1. Additional Dedicatory Instruments. In addition to the Dedicatory Instruments identified in the Notice, the First Supplemental Notice, and the Second Supplemental Notice, the following documents are Dedicatory Instruments governing the Association:
  - a. Policy for Awning Installations Adopted April 28, 1997
  - b. Policy for Driveway Extensions
  - c. Policy for Fences
  - d. Policy for "Open House" Signs
  - e. Policy for Exterior Repainting, Re-Bricking, or Re-Shingling of Structures in the Community
  - f. Policy for Pools, Spas, Jacuzzis
  - g. Requirements for Roofing Shingle Approval
  - h. Policy for Woodpiles Adopted January 9, 1991
  - i. Nuisance Policy
  - j. Video Dish Policy
  - k. Request for A.C.C. Approval Form
  - l. Information Form for Issuance of Pool Tags

This Third Supplemental Notice is being recorded in the Official Public Records of Real Property of Harris County, Texas for the purpose of complying with Section 202.006 of the Texas Property Code. I hereby certify that the information set forth in this Third Supplemental

Notice is true and correct and the Dedicatory Instruments attached hereto are either the originals or true and correct copies of the originals.

*Rick S. Butler*  
Rick S. Butler, authorized agent of  
Atascocita Community Improvement Association

*AL/ha*

THE STATE OF TEXAS           §  
  §  
COUNTY OF HARRIS           §

BEFORE ME, the undersigned notary public, on this day personally appeared Rick S. Butler, authorized agent of Atascocita Community Improvement Association, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and in the capacity therein expressed.

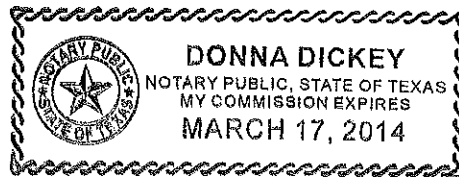
SUBSCRIBED AND SWORN TO BEFORE ME on this the 5<sup>th</sup> day of January, 2012, to certify which witness my hand and official seal.

*Donna Dickey*  
Notary Public in and for the State of Texas

Return to:

Rick S. Butler  
Butler | Hailey  
8901 Gaylord Drive, Suite 100  
Houston, Texas 77024-3042

209247



# Atascocita Community Improvement Association

## ACIA Policy for Awning Installations Adopted April 28, 1997

Each proposed installation is subject to approval by the Architectural Control Committee ("ACC"). Homeowners must complete an ACC Submission Form with the following items:

- A color photo showing the primary and trim colors of the house.
- A fabric sample in the color of the proposed awning.
- A written proposal prepared by the awning contractor.
- A sketch showing placement, design, and measurements.
- A listing of all materials to be used.

- Approval will cover the specific awnings listed in the submission; any awning not referenced in the initial request must be additionally submitted for approval.
- Approval will be on a case-by-case basis with consideration given to the architectural harmony with the existing house.
- Approval will be in accordance with the following specifications:

**Color.** Selection is limited to these colors: brown or earth tone, dark green, dark blue, dark burgundy, dark gray, or black. Colors specifically not acceptable: yellow, orange, pink, purple, white, other light or medium colors. Consideration will be given to the base color and trim color on the house. Solid color only . . . no two or three-tone patterns will be approved. If more than one awning is installed, all must be identical. No lettering, stripes, dots or other such designs will be approved.

**Fabric.** Must have a minimum rated life of five years. Minimum weight: canvas fabric, 9.25 oz. per sq. yd.; polyester laminated fabric, 16 oz. per sq. yd. Specific fabrics which are not approved: vinyl woven fabric, any tarp-like material, plastic material, banner fabric, cotton, flannel, or boat cover fabric. No corrugated plastic, wood or metal covering will be approved.

**Frame.** The frame can be constructed of galvanized steel tubing or aluminum tubing. Visible down supports must be of rot resistant wood (4" by 4" minimum size), or painted 2" x 2" square aluminum or steel tubing, or ornamental iron or brick (must be same brick as on house). The frame must be covered at all times; the fabric portion is not to be removed during winter months.

**Other.** Only a permanently fixed installation will be approved; no roll-up awnings or RV types will be approved. Awnings must be attached to a permanent structure, i.e. homes, decks, patios. Awnings may not be used as a pool cover. Any side or front drop valance must be fixed if its length exceeds 6 inches. Design must be approved for ninety (90) mile per hour wind, minimum standard.

# Atascocita Community Improvement Association

## A.C.I.A. Policy for Driveway Extensions

The following is an excerpt from the Association's Policy and Procedure Manual, Policy No. 240, officially first adopted by the Association in April of 1989, establishing requirements for Architectural Control Committee approval of Driveway Extensions and Modifications.

Driveway Additions. Additions to existing driveways may be approved when such addition is not installed in the area between the front corners of the existing building. Further, any addition shall:

- (1) not be located within 3 feet of an interior lot line;
- (2) match the quality and appearance of the existing driveway; and
- (3) blend with the existing driveway curvature; right angles should be avoided or hidden.

Pebble, brick or stone may be approved based on appearance. Circular driveways will be judged on a case-by-case basis.

This policy shall in no way be interpreted to allow the violation of any of the covenants and restrictions as they relate to the parking or storage of vehicles or material on any Lot.

All construction projects which affect the harmony and/or external design of surrounding grades, shall, once completed, be final graded to meet the harmony and/or external design of the surrounding grades. Such final grade shall not unreasonably cause water to be directed away from and onto adjoining lots causing flooding or standing water. It is the intent that adjacent lots not be disturbed from drainage or run-off conditions that existed prior to adjacent construction.

## Atascocita C.I.A. Policy for Fences

*This Policy was officially first adopted by the Association in April of 1989, establishing requirements for Architectural Control Committee approval of fences in the communities.*

In order to avoid the creation of alley ways and to ensure conformity with the external design of the subdivision, the Board of Trustees of the A.C.I.A. has adopted the following policy:

I. With regard to the location of fences on lots:

No portion of a fence shall be situated on a lot nearer to the street than the front building line. All side and rear fences shall be situated on the side or rear property lines. No side or rear fence shall be set back from the property line. All permitted side or rear fences must be six (6) feet in height unless otherwise approved in writing by the A.C.C.

II. With regard to the location of fences on golf course lots (*this portion of the policy was revised on May 24, 1999*):

A. This fence policy is intended to meet two objectives:

- 1) permit the homeowner to enclose swimming pools, protect pets and children, and provide for privacy from the street, and
- 2) maintain a view of the golf course for other homeowners along the course and preserve the appearance of the overall landscape from the golf course.

B. To meet both of these objectives, fences parallel to and extending from the lot lines adjoining the golf course are permitted, subject to the following:

- 1) The portion of any fence that is adjacent and parallel to the golf course, or located on a side property line not adjacent to another lot, must be constructed of ornamental metal.
- 2) The portion of any fence extending from the golf course toward a building line must be constructed of ornamental metal, beginning at the golf course, for the greater of:
  - a. two-thirds of the distance from the property line adjacent and parallel to the golf course to the rear building line of the "foremost neighboring building." The foremost neighboring building is the building whose rear building line is furthest from the golf course of either (i) the homeowner's building closest to the fence line, or (ii) the building on the adjacent property closest to the fence line; or
  - b. the first twenty-four (24) feet. If the total length of this portion of the fence is less than twenty-four feet, then the entire portion must be constructed of ornamental metal.

Exceptions may be granted by the Architectural Control Committee if either of the rules above would extend the ornamental metal portion of the fence forward beyond the rear

building line of (i) the homeowner's building nearest the fence line, or (ii) the building on the adjacent property closest to the fence line. The overall intent of this policy will be the primary guide for granting any exceptions.

- 3) Any ornamental metal portion of fence shall not be less than four (4) feet nor greater than six (6) feet in height. Spacing between the pickets shall not be less than three (3) inches nor greater than six (6) inches.
- 4) If the portion of any fence extending from the golf course toward a building line is to be longer than the ornamental metal section defined in (b), then the forward section may be constructed of ornamental metal or of wood. If this section is of wood, it must be constructed in harmony with the ornamental metal section by graduating the pickets of either section to match the height of the other (for example, if the ornamental metal fence is 4 feet high, and the wooden "privacy" fence is 6 feet high, either the wooden pickets should be stepped down in height or the metal pickets should be stepped up to meet the other section's height). This graduation should take place evenly over a length of fence of between four (4) feet and eight (8) feet.
- 5) All other portions of fence must meet the current requirements of the ACIA policies.
- 6) Fences may be allowed to be positioned inside the lot line perimeter provided that no alley-way of less than five (5) feet in width is created by this positioning.
- 7) All existing fences which do not meet these requirements must be constructed to meet these requirements when all or a portion of the fence is repaired or replaced. No fence or other temporary or permanent structure shall be constructed in such a manner as to obstruct or impede the drainage of water from adjoining properties or cause water to flow onto an adjacent lot.
- 8) Each new or replaced fence under this policy must be separately reviewed and approved by the Architectural Control Committee to ensure that the fences complement and are compatible with the overall character and aesthetics of the surrounding homes and the community.

# Atascocita Community Improvement Association

## Policy for "Open House" Signs

Owners may place or cause to have placed signs advertising "Open Houses" (only) under the following conditions:

- 1) Signs may be displayed on Sundays between the hours of 12 Noon and 6 p.m. only.
- 2) Signs shall be professionally printed and shall only display the words "Open House" and measure no more than 2 square feet surface area.
- 3) Additional "attention grabbers" such as balloons, banners, streamers, etc. are specifically prohibited.
- 4) One single sign is permitted on the property being advertised (in addition to the permitted "For Sale" sign).
- 5) A second sign is permitted on the Common Areas of the main subdivision streets (West Lake Houston Parkway, Atascocita Shores Drive, Pinehurst Trails Drive and Pine Echo Drive) pointing to the side street on which the "Open House" is located. However, irrespective of the number of "Open Houses" on a given side street, no more than one sign is permitted on the main street pointing to that side street.
- 6) A single sign advertising the existence of one or more "Open Houses" in a given area is permitted at the following locations :
  - a) F.M. 1960 and Atascocita Shores Drive (south side)
  - b) F.M. 1960 and Atascocita Shores Drive (north side)
  - c) F.M. 1960 and Pine Echo Lane
  - d) F.M. 1960 and Pinehurst Trails Drive (north side)
  - e) F.M. 1960 and West Lake Houston Parkway (north side)

No other exceptions to the "sign" Deed Restriction are permitted unless specifically approved by the Board of Trustees of the Atascocita C.I.A.

# Atascocita Community Improvement Association

## Policy for Exterior Repainting, Re-Bricking, or Re-Shingling of Structures in the Community

Recognizing the responsibility of the Association's Architectural Control Committee, as provided in the Declaration of Covenants, Conditions and Restrictions for Atascocita C.I.A., to control the exterior design and color of structures in the community;

And recognizing that the Association may not always have historical documentation for what colors previously existed, or were previously ACC-approved, on residences and appurtenant structures, in the community;

On February 14, 1996, the Board of Trustees of the Atascocita Community Improvement Association adopted the following policy with regard to repainting of structures in the community:

- (1) As used in the Declaration of Covenants, Conditions and Restrictions of the Atascocita CIA communities, the phrase "No building shall be erected, placed or altered", the term "altered" shall be interpreted to include repainting, re-bricking, or re-shingling in any color, regardless of how closely the new paint, brick, or shingle matches the pre-existing paint, brick, or shingle.
- (2) No repainting, re-bricking, or re-shingling, regardless of whether or not the new paint, brick, or shingle matches the pre-existing paint, brick, or shingle, shall be permitted without the prior written approval of the Architectural Control Committee.
- (3) Each repaint, re-brick, or re-roof will be reviewed on a case-by-case basis as to aesthetic harmony with the community.

# Atascocita Community Improvement Association

## A.C.I.A. Policy for Pools, Spas, Jacuzzis

The following is an excerpt from the Association's Policy and Procedure Manual, Policy No. 240, officially first adopted by the Association in April of 1989, and most recently revised August 12, 1992, establishing requirements for Architectural Control Committee approval of Pools, Spas, and Jacuzzis.

Swimming Pools, Spas, or Jacuzzis. An application for the construction of a swimming pool, spa, or jacuzzi must include a plot plan showing the proposed location of the swimming pool, spa, or jacuzzi in relation to the property lines, building lines, existing structures and existing or proposed fences. The application shall also include a timetable for the construction of the pool, spa, or jacuzzi. No swimming pool shall be approved unless the area in which the pool is to be located is either enclosed by a six foot (6') fence constructed of wood or of wrought iron or if on a golf course, the lot will have a fence meeting the standards as outlined in policy 240-90-04, 240.6(c) to be constructed in conjunction with the swimming pool, and there is a drainage system below the ground. Spas and jacuzzis must also have an adequate drainage system as deemed appropriate by the ACC according to the size of the spa or jacuzzi. During construction, the pool area shall be enclosed with a temporary fence or barrier, unless a fence already exists. If a portion of an existing fence is removed during construction, a temporary fence or barrier must be erected to fully enclose the area in which construction is taking place. Further, no building materials shall be kept or stored in the street overnight. Excavated material shall either be used on site or immediately removed from the premises by the pool contractor. The construction of all swimming pools must be in compliance with the national electric code to include the installation of a ground fault circuit interrupter. No swimming pools may be enclosed with screens nor be constructed in a manner to impede drainage on a lot or to cause water to flow on an adjacent lot. Above-ground swimming pools will not be approved.

It is the intent and at the discretion of the ACC that a pool, spa, or jacuzzi shall be compatible with and compliment the design and overall character and esthetics of the community.

**Atascocita Community Improvement Association**  
**c/o Community Asset Management, Inc.**  
**7702 F.M. 1960-E., Ste. 302**  
**Humble, TX 77346**

**Requirements for Roofing Shingle Approval**

(Roof Shingle Policy originally adopted April 8, 1993, and revised September 28, 1998)

**WHEREAS**, the deed restrictions for the Atascocita C.I.A. communities specify that roofing materials must meet certain requirements in order to be approved for use in the A.C.I.A. communities;

**AND WHEREAS**, due to advances in technology since the time of the drafting of the deed restrictions, said requirements may no longer be valid;

**AND WHEREAS**, current manufacturers of roofing materials are choosing to no longer specify nor to publish shingle weight specifications;

**NOW THEREFORE** the Board of Trustees of the Atascocita C.I.A. has adopted the following revised minimum requirements for approval of proposed roofing materials by the Architectural Control Committee for the A.C.I.A.:

*The proposed shingle must either: (1) have a minimum shingle weight of 240-lbs for fiberglass composition shingles; or (2) meet or exceed the "ASTM standard D3462" for tear strength (ASTM representing the American Society for Testing and Materials, with the D3462 standard requiring a minimum 1,700-gram tear strength as tested by an Elmendorf Tear Tester). In any case, the proposed shingle must carry minimum 25-year warranty, and it must not be "3-tab" in construction.*

## **Atascocita Community Improvement Association**

### **A.C.I.A. Policy for Woodpiles Adopted January 9, 1991**

The Board of Trustees of the Atascocita C.I.A. recognizes that virtually every home in our community comes equipped with a wood burning fireplace. Characteristically, there is the necessity for a woodpile. The Board further recognizes that, however unsightly, woodpiles are excluded from the proscriptions in the Deed Restrictions against the storage of construction materials and other debris on properties in the community. The Board also recognizes that the multiplicity of architectural configurations of the homes in the community dictates against the establishment of a site-specific policy for the location of stacked woodpiles.

Therefore, the policy of the Board with respect to the location of woodpiles on properties in the community shall be as follows:

- A. The overriding consideration in the location of a woodpile on any property in the community is that it should be placed in the most unobtrusive and secluded location on the property as possible.
- B. The preferred location for a stacked woodpile is to the rear of the residential structure(s), but specifically away from the rear property line.
- C. Woodpiles shall not be visible from the street in front of the residence.

**Atascocita Community Improvement Association**  
**c/o Community Asset Management, Inc.**  
**9802 F.M. 1960 Bypass-W., Ste. 210**  
**Humble, TX 77338**

**Nuisance Policy**

Adopted \_\_\_\_\_, 2011

Definition: A Nuisance shall be defined as a noxious or offensive activity. According to Article IX, Section 4 of the Declaration of Covenants and Restrictions for the properties within the jurisdiction of the Atascocita C.I.A. (the "CC&Rs"), no noxious or offensive activity shall be carried on or permitted upon any Lot or upon the Common Properties, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood or to other Owners.

Authority: According to Article IX, Section 4 of the CC&Rs, the Board of Trustees of the Association shall have the sole and exclusive discretion to determine what constitutes a nuisance or annoyance.

Scope: At any meeting of the Board of Trustees, the Board may take action to rule on a case-by-case basis as to whether any certain noxious or offensive activity shall be determined to be or become a nuisance or annoyance to the community.

Limitation: A Nuisance, from the perspective of the Association, shall be an incident involving more than two (2) Lot Owners. Any dispute generated between two (2) Owners shall be deemed by the Association as a private property matter and shall be the responsibility of the respective parties to remedy.



**Request for A.C.C. Approval**  
**Atascocita Community Improvement Association**  
9802 F.M. 1960 Bypass W., Suite 210  
Humble, TX 77338  
(281) 852-1155 fax (281) 852-9111

1. Please provide the information requested below, and attach this sheet to your plans.
2. Re-roofing submissions require shingle weight and color to be specified; re-painting submissions must be accompanied by "paint chip" samples.
3. A sketch of the location of the proposed work should be made on a photocopy of the plat of your property (re-roofing or re-painting projects do not require sketches). Scaled architect's, engineer's or contractor's drawings may be used as an alternative if lot lines, easements and building set-back lines are shown. Note: All permitted side or rear fences must be six (6) feet in height unless otherwise approved in writing by the A.C.C. Your request must note any deviation from the standard.
4. The original copy of all submitted plans will be retained by the Committee.
5. Your plans will be reviewed as soon as possible. The Committee is required to act on the plans within 30 days, but the review process rarely takes that long.

NAME: \_\_\_\_\_

PROPERTY ADDRESS: \_\_\_\_\_

OFF-SITE MAILING ADDRESS: \_\_\_\_\_

HOME TELEPHONE: \_\_\_\_ - \_\_\_\_ - \_\_\_\_ SEC: \_\_\_\_ BLK: \_\_\_\_ LOT: \_\_\_\_

MODIFICATION FOR WHICH APPROVAL IS REQUESTED:

\_\_\_\_\_  
\_\_\_\_\_

NAME OF CONTRACTOR (if any): \_\_\_\_\_

PHONE: \_\_\_\_\_ ADDRESS: \_\_\_\_\_

PROPOSED CONSTRUCTION START DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_

Your project must start within 90 days from the date of approval, or you must resubmit for approval.

PROPOSED COMPLETION DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_

All projects must be completed within 120 days from the date the project commenced.

**Please Note:** Approval of plans submitted will be contingent upon the right of the Project Review Committee (PRC) to make an exterior inspection of the property to assure the improvements and/or addition are constructed in accordance with the plans approved by the Architectural Control Committee. Your signature on this form gives your consent to have the property inspected by the PRC.

SIGNATURE OF APPLICANT: \_\_\_\_\_ DATE: \_\_\_\_\_

Stan Starnat  
COUNTY CLERK  
HARRIS COUNTY TEXAS

2012 JAN - 6 PM 3: 36

FILED

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**Year 2011**  
**Information Form for Issuance of Pool Tags**  
**Atascocita Community Improvement Association**

**Property owner information (head of household):**

Name \_\_\_\_\_ Alternate Contact \_\_\_\_\_  
 Home Phone \_\_\_\_\_ Alternate's Phone \_\_\_\_\_  
 Your Property Address \_\_\_\_\_

**Tag Holders Information:**

**Tenant** \_\_\_\_\_ **Owner** \_\_\_\_\_

Name _____	Age _____
Name _____	Age _____
Name _____	Age _____
Name _____	Age _____
Name _____	Age _____
Name _____	Age _____
Name _____	Age _____

Tag No.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Directions:** This form must be accompanied by \$7.50 for each tag (maximum \$30.00 per household). **Checks must be made payable to ACIA**, and mailed to CAM, 9802 F.M. 1960 Bypass W., #210, Humble, TX 77338. Pool tags will be mailed to you. The Board of Trustees of the Atascocita C.I.A. has specified that tags may only be issued to property owners whose maintenance fees are current. If you need information about your maintenance fees, please call 281-852-1155.

During most hours when the pool is closed to the public, the pool may be rented by members of the Association for private parties (advance payment for lifeguards and deposit is required). For details in this regard, please call DS Recreational Management at (281) 443-4665.

**RECORDER'S MEMORANDUM:**  
 At the time of recordation, this instrument was found to be inadequate for the best photographic reproduction because of illegibility, carbon or photo copy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.

154-152-1544

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

JAN - 6 2012



*Stan Stewart*  
COUNTY CLERK  
HARRIS COUNTY, TEXAS