

NOTICE
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**SECOND SUPPLEMENTAL
NOTICE OF DEDICATORY INSTRUMENTS
FOR
BRIARGROVE PARK PROPERTY OWNERS, INC.**

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

The undersigned, being the authorized representative of Briargrove Park Property Owners, Inc., a property owners' association as defined in Section 202.001 of the Texas Property Code (the "**Association**"), hereby supplements the "**Affidavit**" recorded in the Official Public Records of Real Property of Harris County, Texas on February 7, 2000 under Clerk's File No. U212262 and the "**First Notice of Dedicatory Instruments for Briargrove Park Property Owners, Inc.**" ("**First Supplemental Notice**") recorded in the Official Public Records of Real Property of Harris County, Texas on December 30, 2011 under Clerk's File No. 20110548176 which documents were filed for record for the purpose of complying with Section 202.006 of the Texas Property Code.

1. Additional Dedicatory Instrument. In addition to the Dedicatory Instruments identified in the Affidavit and the First Supplemental Notice, the following document is a Dedicatory Instrument governing the Association:

- **Architectural Guidelines for Briargrove Park**

This Second 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 Second Supplemental Notice is true and correct and the document attached to this Second Supplemental Notice is the original.

Executed on this 23RD day of July, 2015.

BRIARGROVE PARK PROPERTY OWNERS, INC.

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By: *Rick S. Butler*
Rick S. Butler, authorized representative

ER 071-98-1210

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

BEFORE ME, the undersigned notary public, on this day personally appeared Rick S. Butler, authorized representative of Briargrove Park Property Owners, Inc., 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 23rd day of July, 2015, to certify which witness my hand and official seal.



Notary Public in and for the State of Texas



Return to:
Rick S. Butler
Roberts Markel Weinberg Butler Hailey, P.C.
2800 Post Oak Blvd., Suite 5777
Houston, TX 77056

ER 071-98-1211

**ARCHITECTURAL GUIDELINES
BRIARGROVE PARK**

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STATE OF TEXAS §
 §
COUNTY OF HARRIS §

The undersigned, being the Vice President and Treasurer of Briargrove Park Property Owners, Inc., a Texas non-profit corporation (the "Association") does hereby certify that at a meeting of the Board of the Association (the "Board") duly called and held, on June 29, 2015, with at least a quorum of the Board being present and remaining throughout, and being duly authorized to transact business, the following architectural guidelines (these "Architectural Guidelines") were made and adopted by a majority of the members of the Board:

RECITALS:

1. The Association, acting through the Board, and the Architectural Control Committee (the "ACC"), desire to exercise the authority granted to them by the provisions of the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Briargrove Park Section I, II, III, IV, V, and VI ("Briargrove Park"), recorded on May 20, 2013, under Clerk's File No. 20130243715 and Film Code No. ER-044083-2085 of the Official Public Records of Real Property of Harris County, Texas (the "Declaration"), and Chapter 204 of the Texas Property Code, to maintain the harmonious and architectural design of the subdivision in accordance with the provisions of the Declaration;

2. The Declaration provides that no Improvement of any nature will be demolished, commenced, erected, installed, placed, moved onto, altered, modified, replaced, relocated, added on to, permitted to remain or maintained on any Lot or Residential Dwelling or other Improvement thereon, which affects the exterior appearance of any Lot or Residential Dwelling or other Improvement, unless the ACC has approved in writing plans and specifications therefor.

3. The Declaration further provides that the Board and the ACC will have the discretion to approve or disapprove plans and specifications for proposed Improvements on the basis of compliance with the provisions of the Declaration and these Architectural Guidelines;

4. The Board and the ACC desire to establish an outline of minimum acceptable standards to be followed by the Board and the ACC with respect to the exterior Improvements on Lots or Residential Dwellings or other Improvements thereon within Briargrove Park, so that a harmonious exterior design within Briargrove Park is consistently maintained.

NOW, THEREFORE, the Board of Directors of the Association hereby adopts the following Architectural Guidelines relating to Improvements on Lots or Residential Dwellings or other Improvements thereon within all sections of Briargrove Park:

**I.
DEFINITIONS**

Unless otherwise defined in these Architectural Guidelines, each capitalized term used herein will have the same meaning as such term has in the Declaration.

ER 071-98-1212

II.
APPLICATION PROCEDURES

2.1. OVERVIEW

The purpose of an architectural design review is to assure compliance with the Declaration on matters within the authority of the ACC. These Architectural Guidelines impose requirements that are intended to supplement the provisions of the Declaration on matters within the authority of the ACC and shall not eliminate, overrule, or change the provisions of the Declaration as to alter the letter or intent of the Declaration. In the event of any conflict between the Declaration and these Architectural Guidelines, the Declaration will control. However, provisions in the Declaration and these Architectural Guidelines shall be construed in an effort to harmonize the provisions and avoid conflicts. The Board has approved these Architectural Guidelines in accordance with the authority granted to it by the provisions of the Declaration and the Texas Property Code.

The Declaration requires Owners to obtain the prior written approval of the ACC for any proposed Improvements to their Property that affect the exterior appearance of the Lot, Residential Dwelling or other Improvement thereon, so as to ensure that all Improvements comply with the provisions of the Declaration and these Architectural Guidelines [§3.2.].

2.2. EFFECTIVE DATE; AMENDMENT OF GUIDELINES

A. Effective Date. These Architectural Guidelines will become effective upon (a) the approval in writing of these Architectural Guidelines by a majority of the members of the Board and (b) the recording of the approved Architectural Guidelines in the Official Public Records of Real Property of Harris County, Texas.

B. Amendment. These Architectural Guidelines may be amended upon the written approval of not less than a majority of the Board. The ACC may propose amendments to these Architectural Guidelines by submitting to the Board for its consideration any proposed changes that no less than a majority of all members of the ACC have approved. No amendment to these Architectural Guidelines will be effective until the Board has approved the amendment in writing as set forth above and recorded the amendment in the Official Public Records of Real Property of Harris County, Texas.

2.3. SUBMISSIONS

A. Applications. The ACC has the authority to review and approve written applications for all Improvements on Lots. The ACC must approve any demolition, commencement, erection, installation, placement, moving on to, alteration, modification, replacement, relocation, or addition to any Improvement on a Lot which affects the exterior of any Residential Dwelling or other Improvement thereon. All applications for approval must be submitted to the ACC in writing, together with the Required Submittal Materials, as set forth in the Declaration [§3.2.B.]. An application shall not be deemed to be submitted unless it is in writing and all Required Submittal Materials are included with the application; the ACC has no obligation to act on an application until it is properly submitted.

B. ACC Decisions. The ACC will consider each application and make its decision with regard to compliance with the provisions of the Declaration and these Architectural

Guidelines, all in accordance with the review process set forth in the Declaration [Art. 3] and these Architectural Guidelines. No ACC decision is final until approved or disapproved in writing by the ACC. If the ACC disapproves a proposed Improvement or modification of or addition to an existing Improvement on a Lot or delivers a Notice of Noncompliance to the Lot Owner, the Owner may appeal the ACC's decision to the Board in accordance with the procedures set forth in the Declaration.

2.4. GENERAL CRITERIA FOR CONSIDERING APPLICATIONS

The ACC is not obligated to commence its review of an application for a proposed Improvement until it has received the written application together with all Required Submittal Materials in accordance with the Declaration [§3.2.B.]. During the ACC's review of an application for a proposed Improvement, the ACC will consider, among others, the following factors:

- (a) adequacy and accuracy of the information provided, including failure to provide requested information;
- (b) compliance with the provisions of the Declaration and these Architectural Guidelines;
- (c) the type of exterior materials to be used in the construction of the proposed Improvements; and
- (d) the location of the proposed Improvement, including the relation of the proposed Improvement to applicable setbacks, easements, existing structures, and Footprint percentage requirements.

Under no circumstances will the approval of an application for a proposed Improvement constitute or be deemed to constitute a warranty or representation by the ACC to the applicant or any other person that the Improvement, as proposed or constructed, complies with any or all applicable statutes, ordinances, or building codes. Further, under no circumstances will the approval of a proposed Improvement constitute a warranty or representation by the ACC to the applicant or any other person that Improvement, as proposed or constructed, is adequately designed or that it is suitable for use for its intended purpose. It is the obligation of the applicant to assure compliance with all applicable statutes, ordinances and building codes and to assure that the Improvement is adequately designed and, if approved, properly constructed.

III. GENERAL CONSTRUCTION PROCEDURES

3.1. CONSTRUCTION GUIDELINES

A. Vehicle Parking. Under no circumstances may vehicles be parked in the driveway of another Lot or on any sidewalk of any Lot or in a manner that impedes or prevents access to other driveways or the street during demolition and/or construction.

B. Construction Debris. Owners will keep, or cause their contractors to keep, the job site on the Lot and all surrounding areas clean during the progress of demolition and/or construction. Trash and debris must be contained to prevent items from being windblown into a

street or onto another Lot. The street(s) adjacent to the Lot must be kept clean of dirt, mud, gravel, excess concrete (including spillage from concrete trucks), and other materials generated from the construction site. Any concrete which spills on pavements or curbs must be removed before it has set. Only one (1) dumpster may be placed on a Lot during the period of demolition and/or construction of a new Residential Dwelling or Major Addition. The dumpster and any trash container(s) must be located on a Lot within the applicable property lines. No dumpster or trash container(s) will be placed on a Lot more than seven (7) days prior to the date the demolition or construction work begins and must be removed from the Lot as soon as practicable, but in no event later than fifteen (15) days after Substantial Completion of the new Residential Dwelling or Major Addition. The dumpster and trash container(s) must be serviced (emptied) when full or when the dumpster contents are visible from the street. Upon completion of the construction, any unused materials and all construction equipment must be immediately removed from the Lot.

C. Sanitation. One (1) portable toilet is permitted on a Lot only during the construction of a new Residential Dwelling or Major Addition. Port-a-cans must be kept neat, maintained in proper working order and serviced with reasonable regularity. The portable toilet must be located as far back from the street as possible consistent with servicing requirements. The portable toilet must be screened from view from the street and neighboring properties to the extent possible. A portable toilet shall not be moved on to a Lot more than seven (7) days prior to the date demolition work or construction of the new Residential Dwelling or Major Addition commences.

D. Building Materials. No building materials of any kind or character shall be placed on a Lot prior to the issuance by the ACC of written approval of the proposed Improvement and not more than thirty (30) days before construction of the Improvement is to commence. Building materials, trucks and other materials or equipment permitted to be placed on a Lot must be placed within the property lines of the Lot. No building materials or equipment may be kept or stored in the street.

E. Trees.

(i) No tree shall be cut down or removed from a Lot without the prior written approval of the ACC of the site development plans, which is a Required Submittal Material as provided in the Declaration [§3.2.B.(iii)]. The requirement that trees be shown on the site plan is set forth in the Declaration [§3.2.B.(iii)]; the plans must show the location of trees to be protected during demolition and construction work and any additional or replacement trees to be planted to comply with the two (2) or three (3) tree requirement per Lot as set forth in the Declaration [§2.7.].

(ii) Trees that will remain on a Lot during demolition and construction of a new Residential Dwelling or garage or a Major Addition or major modification to an existing Residential Dwelling or garage, as well as trees on any adjacent Lot that may be affected by the demolition or construction work, must be protected during such demolition and construction from damage by the erection of temporary construction barriers. The construction barriers must be constructed of wood, chain link or plastic and must be at least four feet (4') in height with lateral supports around the trunk of at least four feet (4'). Such barricades must be erected prior to any demolition and construction materials or equipment being delivered to or moved on to the Lot or any construction activity being commenced. To minimize the risk of damage to a tree, no construction

debris, materials or equipment may be placed or stored around the base of the tree or within the protective construction barrier. The protective barricades must remain in place during all construction activity and may not be removed until Substantial Completion of the Residential Dwelling or other Improvement. No person may remove any portion of any protective fence for any period of time contrary to the provisions of this paragraph.

F. Soil Erosion. Contractors must take appropriate measures to prevent soil erosion and provide a drainage plan pursuant to the Declaration [§3.2.B.(iv)].

G. Emergency Contact Number. Prior to the commencement of demolition or construction, Contractors (i) must provide the Association office with the contractor's name, telephone number, mailing address, email address and name of a contact person and (ii) prominently display on the front part of the Lot one (1) sign identifying an emergency contact telephone number stating "In Case of Emergency Call (xxx)-xxx-xxxx".

H. Construction Office/Trailer. One (1) construction office or trailer may be placed on a Lot during the period of demolition and/or construction of a new Residential Dwelling or Major Addition. No construction office or trailer shall be placed on a Lot more than seven (7) days prior to the date the demolition or construction work begins. A construction office or trailer must be removed from the Lot as soon as practicable, but in no event later than fifteen (15) days after Substantial Completion of the new Residential Dwelling or Major Addition.

I. Construction Hours. No demolition or construction shall (i) commence prior to 7:00 a.m. or continue past 8:00 p.m., Monday through Friday, (ii) commence prior to 8:00 a.m. or continue past 6:00 p.m. on a Saturday, or (iii) commence prior to 12:00 p.m. or continue past 6:00 p.m. on a Sunday. The permissible hours for demolition or construction work are applicable to staging activities associated with the commencement of work and clean-up activities associated with the completion of work.

IV. EXTERIOR ADDITIONS AND MODIFICATIONS

4.1. ACCESSORY BUILDINGS AND STRUCTURES

A. Accessory Building or Structure. For purposes of these Architectural Guidelines, an accessory building or accessory structure has the same meaning as set forth in Section 2.3.N of the Declaration.

B. General Rules.

(i) Excluding gazebos and children's play structures, only one (1) accessory building or structure is permitted on a Lot.

(ii) Excluding gazebos and children's play structures, accessory buildings shall have (a) a maximum height of thirteen feet (13') measured from the floor of the building to the highest point of the roof and a maximum plate height of eight feet (8'), and (b) a foundation that is consistent with the provisions applicable to foundations for Residential Dwellings set forth in the Declaration [§2.3.F.(i)]. The total number of square feet within an accessory building may not exceed an amount equal to five percent (5%) of the total number of square feet within the Lot on which the accessory building is located.

(iii) The standard, type, quality and color of the materials used in the construction of an accessory building must be harmonious with the standard, type, quality and color of the materials used in the construction of the Residential Dwelling on the Lot. The exterior materials on an accessory building must comply with the exterior material requirements for Residential Dwellings as set forth in the Declaration [§2.3.].

(iv) Except as otherwise provided in the Declaration and these Architectural Guidelines, the slope of the roof of an accessory building must comply with the minimum and maximum pitch requirements for Residential Dwellings set forth in the Declaration [§2.4.C.]. The roof of an accessory building must conform to the requirements for roofing materials set forth in the Declaration [§2.3.H.] and these Architectural Guidelines and must be compatible with the color and type of materials used in the construction of the Residential Dwelling.

(v) No accessory building shall be located nearer to a property line than the applicable building setback set forth in the Declaration [§2.4.D.]. No accessory building shall be located on a utility easement (excluding the aerial easement), or on a drainage easement. No accessory building shall be located on a Lot in any manner that causes water to flow onto an adjacent Lot.

C. Gazebos.

(i) For the purposes hereof, a gazebo is defined as a freestanding, open framed structure with lattice-type walls.

(ii) The area of the footprint of a gazebo shall not exceed one hundred (100) square feet. No gazebo may exceed ten feet (10') in height, measured from the ground to (a) the top of the roof peak or cone for a peaked or cone-shaped roofed gazebo or (b) the top of the roof for a flat lattice roofed gazebo.

(iii) The ACC may approve peaked or cone-shaped roofed gazebos and flat lattice (arbor type) roofed gazebos provided they comply with the other requirements set forth for gazebos in the Declaration and these Architectural Guidelines. All gazebos must have a permanent roof with materials that comply with the roofing material requirements set forth in the Declaration [§2.3.H.] and these Architectural Guidelines. Louvered or trellis style gazebo roofs may be allowed, but only as approved in writing by the ACC as to design and materials. Plastic roof materials are not permitted under any circumstances.

(iv) All pipes and cables servicing the gazebo must be underground.

(v) No gazebo shall be located nearer to a property line than the applicable building setback for the ground floor of the Residential Dwelling on the Lot as set forth in the Declaration [§2.4.D.] or the width of an applicable utility easement, whichever distance is greater. No gazebo shall be located on a utility easement (excluding the aerial easement) or on a drainage easement. No gazebo shall be located on a Lot in a manner that causes water to flow onto an adjacent Lot.

(vi) A gazebo shall not be used for the storage of any items.

D. Children's Play Structures.

(i) For the purposes hereof, a children's play structure means any type of children's swing set, play set, climbing structure, slide, raised play structure, and play fort. A maximum of two (2) children's play structures are permitted on a Lot. Each children's play structure must be located in the rear yard of the Lot.

(ii) The maximum height of a children's play structure shall not exceed ten feet (10'), measured from the ground to the highest point of the roof of the structure.

(iii) No children's play structure shall be located nearer to a property line than five feet (5'). Provided that, the ACC shall have the authority to require a children's play structure to be located farther from a property line than five feet (5') when deemed necessary to minimize visibility from an adjacent Lot and/or noise. No stationary play structure shall be located on a utility easement (excluding the aerial easement) or on a drainage easement. No children's play structure shall be located on a Lot in a manner that causes water to flow to an adjacent Lot.

E. Tree Houses. Tree houses must be located in the rear yard of the Lot. A tree house in the front or side yard of a Lot is prohibited.

F. Gymnastic Equipment. The provisions in D, above, relating to children's play structures, are applicable to all types of gymnastic equipment.

4.2. DORMERS

A. Approval. The ACC has the authority, in its reasonable, good faith discretion, to determine, among other things, the size, location, roof pitch, and materials used in the construction of a dormer. No dormer shall be constructed on a Residential Dwelling without the prior written approval of the ACC.

B. Maximum Width; Location.

(i) Dormers are permitted only on the upper floor of a Residential Dwelling.

(ii) No vertical wall of a dormer shall be stacked on top of any first floor wall without the horizontal interruption of a minimum eighteen inch (18") roof overhang for a 1-1/2 story Residential Dwelling.

(iii) The aggregate width of all dormers on a particular elevation of a Residential Dwelling shall be limited to a maximum of seventy-five percent (75%) of the overall width of the first floor wall of the Residential Dwelling on the same elevation. No dormer shall be nearer to the outermost edge of such first floor wall than a distance that is equal to twelve and one-half percent (12½%) of the overall width of the first floor wall of the Residential Dwelling on the elevation on which the dormer is located.

(iv) No dormer may extend above the ridge line of the portion of the roof of the Residential Dwelling on which the dormer is located.

(v) All dormers are subject to the required deed restriction setbacks and shall be included when calculating the percentage of brick, stone and masonry required on a Residential Dwelling and attached garage under Section 2.3.F of the Declaration.

(vi) The slope of the roof of a dormer must comply with the minimum and maximum pitch requirements for Residential Dwellings as set forth in the Declaration [§2.4.C.]. Provided that, small dormers may have a different roof pitch as deemed appropriate by the ACC, in its sole discretion, and if approved in writing by the ACC.

4.3. PATIO/DECK COVERS

A. Approval. No patio/deck cover shall be constructed on a Lot without the prior written approval of the ACC.

B. Materials. The standard, type and color of the materials used in the construction of a patio/deck cover on a Lot must be harmonious with the standard, type and color of the materials used in the construction of the Residential Dwelling on that Lot; provided that, in all instances corrugated roofs for patio/deck covers and aluminum patio/deck covers are prohibited. If siding is used on a patio/deck cover, the siding must be of the same type and color as the siding on the Residential Dwelling. Roofing materials on a patio/deck cover must comply with the requirements for roofing materials set forth in the Declaration [§2.3.H.] and these Architectural Guidelines. Louvered or trellis style patio cover/deck roofs may be allowed, but only as approved in writing by the ACC as to design and materials.

C. Location. No patio/deck cover shall be located on a utility easement (excluding the aerial easement) or on a drainage easement. No patio/deck cover shall be located nearer to a property line than the building setback. No patio/deck cover shall be located on a Lot in a manner that obstructs or impairs drainage or causes water to flow onto an adjacent Lot. A patio/deck cover shall be located only on the rear or side of a Residential Dwelling, unless otherwise approved in writing by the ACC.

D. Attachment. Patio/deck covers which are attached to the Residential Dwelling must be securely attached at a height not less than seven feet (7') or more than twelve feet (12') from the ground. Patio/deck covers which are attached to a detached garage or breezeway must be securely attached below the eaves of each structure at a height of not less than seven feet (7') nor more than nine feet (9') from the ground.

E. Roof. The roof of a patio/deck cover (other than arbor or trellis type) must be covered with the same material as the roof of the Residential Dwelling and otherwise comply with the roofing requirements set forth in these Architectural Guidelines. Attached patio/deck covers must have a minimum pitch of 1 inch (1") per 12 inches (12") of projection. The ACC may approve a flat roof with a modified membrane type roofing material, provided that the color and appearance of the roof is the same or substantially similar to the roof of the Residential Dwelling.

4.4. PATIO ENCLOSURES

A. Definition. A "Patio Enclosure" is a patio area that is enclosed by exterior walls and/or screens (other than "Sunrooms" as defined in these Architectural Guidelines) and a roof.

All structural components of a Patio Enclosure, including roofing materials, are subject to the provisions of the Architectural Guidelines pertaining to "patio covers".

B. Construction. The standard, type, quality, and color of the materials used in the construction of a Patio Enclosure on a Lot must be harmonious with the standard, type, quality, and color of the materials used in the construction of the Residential Dwelling on that Lot. Exterior walls of a Patio Enclosure must be constructed of brick or siding which is of the same type, quality, and color as the materials on the exterior of the Residential Dwelling on the Lot. Aluminum siding is prohibited. A screen within a Patio Enclosure must be the same color as the screen in the windows in the Residential Dwelling. The exterior color of doors, sills, beams, frames, or other visible supports must match the exterior colors of the Residential Dwelling or the color of existing window frames.

4.5. SUNROOMS

A "Sunroom" is a room with glass-enclosed walls or a glass ceiling. A Sunroom must comply with the specifications set forth below.

A. A Sunroom is permitted only at the rear of a Residential Dwelling. Applications for sunrooms on cul-de-sac Lots and corner Lots where the rear of the Residential Dwelling faces a street will be considered on a case-by-case basis.

B. Supporting structural members of a Sunroom must be of a color and shade similar to and harmonious with the exterior color of the Residential Dwelling. Glass must be tinted in a shade compatible with the exterior of the Residential Dwelling. No metallic or direct reflecting style shading/tinting of the glass will be permitted. Prior to installation, an applicant may be required to submit for review and approval by the ACC actual samples of the glass with the proposed shading/tinting material applied to the glass.

C. The ground floor of the sunroom must be of reinforced concrete slab construction.

D. Only safety glass will be permitted for the panes. No fiberglass, plexiglas, plastic, acrylic, mesh, or other materials will be allowed.

E. The roof of a sunroom must have a minimum pitch of 1 inch (1") per 12 inches (12") of projection.

F. Sunrooms are only permitted as ground structures. The maximum height of the roof, measured from the top of the concrete floor, may not exceed either twelve feet (12') or the height of the eaves of the wall that the sunroom projects from, whichever is lower.

G. Natural draft/convection flow panels that open may be installed.

H. A Sunroom may not have exposed air-conditioning or heating ductwork. No ductwork shall be visible from the exterior of a Sunroom. Vents must be attached to the Residential Dwelling.

4.6. DECKS

No deck shall be located on a Lot on a utility easement (excluding the aerial easement) or on a drainage easement. No deck shall be located on a Lot in a manner that causes water to flow on an adjacent Lot. No deck shall extend more than two feet (2') above the top of the foundation of the Residential Dwelling. The location of a deck must comply with all applicable building setbacks.

4.7. EXTERIOR LIGHTING

A. Security Lighting. Incandescent, reflector, down-directed or flood lights are preferred over the radial light style or mercury vapor lights, sodium vapor lights or quartz light. All wiring must be installed within walls or otherwise in a manner so that the wiring is not visible from the exterior of the Residential Dwelling.

B. Post Lighting. The number and location of post lights required on a Lot are set forth in the Declaration [§2.3.G.]. Post lights may be gas, electric or solar or such other type as approved by the ACC in writing prior to the installation, replacement or relocation of the post light. Post lights must be a minimum of eight feet (8') in height and a maximum of ten feet (10') in height, measured from grade. A post light may be located no further from the curb than six feet (6').

4.8. WINDOW TREATMENTS

Awnings. An awning requires the prior written approval of the ACC as to location, design, size, materials and color. An awning on the front of a Residential Dwelling is discouraged and will be permitted only with the prior written approval of the ACC based upon the proposed design, size, materials and color of the awning.

4.9. BASKETBALL GOALS

A. A permanent basketball goal must be mounted either on the garage wall or on the garage roof with the backboard parallel to the street accessed by the driveway, or on a rigid steel or aluminum pole.

B. No basketball goal (permanently installed or portable) shall be located on a Lot nearer to the front property line of the Lot than the front building setback or, in the case of a corner Lot, nearer to the side property line adjacent to the side street than the side building setback.

4.10. FLAGPOLES

An in-ground flagpole requires the prior written approval of the ACC. No in-ground flagpole shall exceed a height of twenty feet (20'), measured from grade at the base of the flagpole to the highest point of the flagpole. An in-ground flagpole must be located on a Lot within all applicable building setbacks. Only one (1) in-ground flagpole is permitted on a Lot. Illumination for a flagpole requires the prior written approval of the ACC.

4.11. GARAGES

A. Facing the Front Street. As required in the Declaration [§2.4.D.(iii)], no attached or detached garage that faces the street in front of a Lot may be located nearer to the front of the Residential Dwelling than thirty (30) feet, measured from (i) the wall of the garage nearest to the front setback line of the Lot and (ii) the front wall of the Residential Dwelling nearest to the front set back line of the Lot. For purposes of this provision and measuring the thirty (30) foot distance described above, the front wall of the Residential Dwelling shall be the farthest forward portion of such front wall that rests on the foundation (slab) of the first floor of the Residential Dwelling and shall exclude any porch, steps, dormer, upper floor or balcony of the Residential Dwelling that may extend forward of such first floor foundation.

B. Facing the Side Street. The garage on a corner Lot shall not be located nearer to the side property line adjacent to the side street than the building setback line shown on the Plat. The garage on a corner Lot must be located far enough back on a Lot such that a vehicle parked in front of, but not in, the garage will not extend over the sidewalk adjacent to the side street or the portion of the driveway where the sidewalk would have been located had the driveway not been installed.

4.12. SOLAR ENERGY DEVICES

The installation of a solar energy device requires the prior written approval of the ACC. Provided that, the ACC may not withhold approval if provisions in this Section are met or exceeded, unless the ACC determines in writing that placement of the device as proposed constitutes a condition that substantially interferes with the use and enjoyment of land by causing unreasonable discomfort or annoyance to persons of ordinary sensibilities. The written approval of the proposed placement of the device by all Owners of property adjoining the Lot in question constitutes prima facie evidence that substantial interference does not exist.

A solar energy device is not permitted anywhere on a Lot except on the roof of the Residential Dwelling or other permitted structure on the Lot or in a fenced yard or patio within the Lot.

A solar energy device mounted on the roof of the Residential Dwelling or other permitted structure on a Lot:

- a. shall not extend higher than or beyond the roofline of the portion of the roof where the device is located;
- b. shall conform to the slope of the roof and have a top edge that is parallel to the roofline;
- c. shall have frames, support brackets and/or visible piping or wiring that are silver, bronze or black tone, as commonly available in the marketplace; and
- d. shall be located on the roof as designated by the ACC unless an alternate location increases the estimated annual energy production of the device by more than ten percent (10%) above the energy production of the device if located in the area designated by the ACC. For determining estimated annual energy production, the parties shall use a publicly available modeling tool provided by the National Renewable Energy Laboratory.

A solar energy device located in a fenced yard or patio shall not be taller than or extend above the fence enclosing the yard or patio.


4.13. MECHANICAL EQUIPMENT

All types of mechanical equipment, including, without limitation, air-conditioning units, pool equipment, meters, energy equipment, filtration equipment and similar devices that are otherwise visible from the street in front of the Lot or, in the case of a corner Lot, the side street adjacent to the Lot, must at all times be completely screened from view by a solid fence approved by the ACC or by evergreen plant materials approved by the ACC.

ADOPTED on the date set forth opposite each name to become effective upon recording in the Official Public Records of Real Property of Harris County, Texas.

BOARD OF DIRECTORS
Briargrove Park Property Owners, Inc.

Date: 7-22-15

By: 
Printed Name: Susan A. Stanton
Title: Vice President and Treasurer

ER 071-98-1223

20150326450
Pages 15
07/23/2015 11:15 AM
e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
STAN STANART
COUNTY CLERK
Fees \$68.00

RECORDERS MEMORANDUM

This instrument was received and recorded electronically and any blackouts, additions or changes were present at the time the instrument was filed and recorded.

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.



Stan Stanart

COUNTY CLERK
HARRIS COUNTY, TEXAS

ER 071-98-1224

**FOURTH SUPPLEMENTAL
NOTICE OF DEDICATORY INSTRUMENTS**
for
BRIARGROVE PARK PROPERTY OWNERS, INC.

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

The undersigned, being the authorized representative of Briargrove Park Property Owners, Inc. (the "**Association**"), a property owners' association as defined in Section 202.001 of the Texas Property Code, hereby supplements the "**Affidavit**" recorded in the Official Public Records of Real Property of Harris County, Texas on February 7, 2000 under Clerk's File No. U212262, the "**First Supplemental Notice of Dedicatory Instruments for Briargrove Park Property Owners, Inc.**" ("**First Supplemental Notice**") recorded in the Official Public Records of Real Property of Harris County, Texas on December 30, 2011 under Clerk's File No. 20110548176, the "**Second Supplemental Notice of Dedicatory Instruments for Briargrove Park Property Owners, Inc.**" ("**Second Supplemental Notice**") and the "**Third Supplemental Notice of Dedicatory Instruments for Briargrove Park Property Owners, Inc.**" ("**Third Supplemental Notice**") recorded in the Official Public Records of Real Property of Harris County, Texas on June 14, 2018 under Clerk's File No. 2018-263521, which documents were filed for record for the purpose of complying with Section 202.006 of the Texas Property Code.

1. Restrictive Covenants. In addition to the description of the documents imposing restrictive covenants on the Property contained in the Affidavit, the First Supplemental Notice, the Second Supplemental Notice and the Third Supplemental Notice, the following documents likewise impose restrictive covenants and the title and recording information for such documents are as follows:
 - a. Documents:
 - (1) Correction of Notice Relating to Amended and Restated Declaration of Covenants, Conditions and Restrictions for Briargrove Park, Sections I Through VI.
 - (2) First Amendment to Amended and Restated Declaration of Covenants, Conditions and Restrictions for Briargrove Park, Section I Through VI.
 - b. Recording Information:
 - (1) Harris County Clerk's File No. 2018-318436.
 - (2) Harris County Clerk's File No. 2018-384829.
2. Additional Dedicatory Instrument. In addition to the Dedicatory Instruments identified in the Affidavit, the First Supplemental Notice, the Second Supplemental Notice and the Third Supplemental Notice, the following document is a Dedicatory Instrument governing the Association:

RP-2018-391106

a. First Amendment to Architectural Guidelines for Briargrove Park.

This Fourth 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 Fourth Supplemental Notice is true and correct and the document attached to this Fourth Supplemental Notice is the original.

Executed on this 24th day of August, 2018.

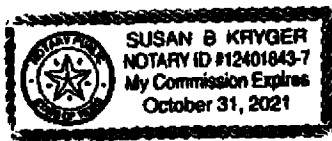
BRIARGROVE PARK PROPERTY OWNERS, INC.

By: 
Jane W. Janecek, authorized representative

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

BEFORE ME, the undersigned notary public, on this 24th day of August, 2018, personally appeared Jane W. Janecek, authorized representative of Briargrove Park Property Owners, Inc., known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purpose and in the capacity therein expressed.


Notary Public in and for the State of Texas



RP-2018-391106

**FIRST AMENDMENT
to
ARCHITECTURAL GUIDELINES
for
BRIARGROVE PARK**

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

The undersigned, being the Board President of Briargrove Park Property Owners, Inc., a Texas non-profit corporation ("Association") does hereby certify that at a meeting of the Board of the Association ("Board") duly called and held, on July 17, 2018, with at least a quorum of the Board being present and remaining throughout, and being duly authorized to transact business, the following First Amendment to Architectural Guidelines ("First Amendment") was made and adopted by a majority of the members of the Board:

RECITALS

WHEREAS, the Association, acting through the Board and the Architectural Control Committee ("ACC"), desires to exercise the authority granted to them by the provisions of the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Briargrove Park Section I, II, III, IV, V, and VI ("Briargrove Park"), recorded on May 20, 2013, under Clerk's File No. 20130243715 and Film Code No. ER-044083-2085 of the Official Public Records of Real Property of Harris County, Texas ("Declaration"), and Chapter 204 of the Texas Property Code, to maintain the harmonious and architectural design of the subdivision in accordance with the provisions of the Declaration;

WHEREAS, The Board of Directors adopted Architectural Guidelines for Briargrove Park, which were recorded under Clerk's File No. 20150326450 and Film Code No. ER-071-98-1210 of the Official Public Records of Harris County, Texas ("Guidelines"); and

WHEREAS, pursuant to Section 2.2.B. of the Guidelines, the Guidelines may be amended upon the written approval of not less than a majority of the Board; and

WHEREAS, the Board of Directors finds it is in the best interest of the Members to adopt this First Amendment; and

NOW, THEREFORE, the Board of Directors of the Association hereby adopts the following architectural guidelines relating to Improvements on Lots or Residential Dwellings or

RP-2018-391106

other Improvements thereon within all sections of Briargrove Park. Except as amended herein, all provisions of the Guidelines remain in full force and effect.

AMENDMENTS

1. Article II Application Procedures, Section 2.3. Submissions, A. Applications, is amended and restated to read as follows:

2.3. SUBMISSIONS

A. Applications. The ACC has the authority to review and approve written applications for all Improvements on Lots. The ACC must approve any demolition, commencement, erection, installation, placement, moving on to, alteration, modification, replacement, relocation, or addition to any Improvement on a Lot which affects the exterior of any Residential Dwelling or other Improvement thereon. All applications for approval must be submitted to the ACC in writing or electronically, together with the Required Submittal Materials, as set forth in the Declaration [§3.2.B.]. If the Owner chooses to submit the plans electronically rather than via paper copies, the electronic submission must be submitted in a PDF format, and the PDF must be produced directly from the program used to create the document. An application shall not be deemed to be submitted unless and all Required Submittal Materials are included with the application; the ACC has no obligation to act on an application until it is properly submitted.

2. Article V, Residential Dwelling, is added to the Guidelines and reads as follows:

5.1. FOUNDATION

All Residential Dwellings, garages, and other permanent structures must be built on either a concrete slab-on-grade foundation or raised floor foundation as provided herein, except as required by applicable law to be otherwise built on an alternate base or foundation.

A. Residential Dwellings constructed on Lots within the FEMA designated 500-year flood zone, OR as identified by the following Lot numbers may be constructed on either a concrete slab-on-grade foundation or a raised floor foundation:

Briargrove Park Section I:
Lots 618 - 619, Block 22

Lots 716 - 730, Block 26
Lots 731 - 760, Block 27
Lots 761 - 789, Block 28
Lots 790 - 802, Block 29
Lots 803 - 814, Block 30
Lots 826 - 852, 853A, 854A, 855-874, and 911 - 915, Block 31
Lots 875 - 890, Block 32

B. A Residential Dwelling constructed on a Lot not listed above in Section 5.1.A. must be constructed on a concrete slab-on-grade foundation.

5.2. RAISED FLOOR FOUNDATION

A. Elevation of First Finished Floor.

(i) The elevation of the top of the first finished floor of a Residential Dwelling must not exceed one hundred eight (108) inches above Base Flood Elevation (BFE) for the Lot as documented in an Elevation Certificate of the US Department of Homeland Security, Federal Emergency Management Agency (FEMA), or National Flood Insurance Program (NFIP).

(ii) In conjunction with construction of any raised floor foundation, submission of an Elevation Certificate of the US Department of Homeland Security, Federal Emergency Management Agency (FEMA), or National Flood Insurance Program (NFIP), and a topographic survey by a licensed surveyor must also be included in the Required Submittal Materials provided to the Architectural Control Committee pursuant to Article III, Section 3.2.

(iii) Any area of the crawlspace used for purposes other than access to utilities and infrastructure must have a floor, other than dirt, that is suitable for the intended use. Under no circumstances may the crawlspace be used as living space.

B. Stairs.

(i) Stairs are subject to all rules in the Declaration concerning Exterior, including but not limited to material and exterior material computation.

(ii) Stairs may extend no more than five (5) feet in front of the building line.

(iii) Posts, balusters, and pickets for handrails and guardrails that extend in front of the primary house structure shall afford significant transparency. No component shall be constructed of dimensional framing lumber, synthetic wood, vinyl, fiberglass or PVC. Painted ornamental metal or prefinished aluminum components are acceptable.

C. Skirt.

(i) The full perimeter of raised floor foundations must be skirted.

(ii) On any side that faces the street, materials used for a skirt must be visually consistent with first floor exterior materials as set forth in the Declaration.

(iii) When materials used for a skirt are masonry, they must be true masonry unit; that is, brick or true stone. Concrete block or split-face concrete block must not be used.

(iv) Cast stone elements are acceptable as accents, such as for openings in foundation walls and foundation enclosures. On homes with first finished floor sixty (60) inches or more above BFE, cast stone or masonry pattern accents are strongly encouraged at line of floor level to create a horizontal band effect.

ADOPTED on the date set forth below to become effective upon recording in the Official Public Records of Real Property of Harris County, Texas.

BOARD OF DIRECTORS
Briargrove Park Property Owners, Inc.

Date: 08-23-18

By: Kaylan Ceballero
Printed Name: Kaylan Ceballero
Title: President

RP-2018-391106
Pages 7
08/27/2018 11:37 AM
e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
STAN STANART
COUNTY CLERK
Fees \$36.00

RECORDERS MEMORANDUM

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THE STATE OF TEXAS
COUNTY OF HARRIS

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Stan Stanart

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HARRIS COUNTY, TEXAS

RP-2018-391106