

MONTGOMERY TRACE PROPERTY OWNERS ASSOCIATION, INC.

MANAGING AGENT'S CERTIFICATE

I, the undersigned, do hereby certify:

(1) I am a manager with Chaparral Management Company, Inc., the managing agent for Montgomery Trace Property Owners Association, Inc., a Texas non-profit corporation (the "Association"), and,

(2) Attached hereto is a true and correct copy of the Guidelines and Minimum Requirements for New Residences, Garages & Carports of the Association.

IN WITNESS WHEREOF, I have hereunto subscribed my name on this 25th day of

January, 2011.

MONTGOMERY TRACE PROPERTY OWNERS ASSOCIATION, INC., acting by and through its managing agent, Chaparral Management Company, Inc.

Gloria Lee
Gloria Lee, Manager

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on this the 25th day of January, 2011 by Gloria Lee, Manager, with Chaparral Management Company, Inc., managing agent for Montgomery Trace Property Owners Association, Inc., a Texas non-profit corporation, on behalf of said corporation.



Susan A. Jones
Notary Public, State of Texas

When Recorded, Return to:
Hoover Slovacek LLP
P. O. Box 4547
Houston, TX 77210-4547



MONTGOMERY TRACE PROPERTY OWNER'S ASSOCIATION
Architectural Control Committee

GUIDELINES AND MINIMUM REQUIREMENTS

NEW RESIDENCES, GARAGES & CARPORTS

I. GUIDELINES

This section contains recommended guidelines which are based on New Residences that have in the past been approved by the Architectural Control Committee. **However, effective March 18, 2010 there are new home construction requirements for form and foundation inspections, garages and carports.**

Owners are welcome to submit projects for any type of residence they wish, whether or not they are specifically addressed in this document, and such projects will be considered by the ACC. Approval of new residences is dependent on the restrictions as set forth in the Declaration of Covenants, Conditions and Restrictions of Montgomery Trace Subdivision (hereinafter referred to as Covenants) for the section in which you intend to build and the ACC's judgment of the overall design and appearance, quality of design and materials, harmony of design with existing structures throughout all sections of the subdivision, and overall impact, both positive and negative, to the neighborhood.

Submitting a request with insufficient information is perhaps the most common reason that requests are not approved. In an effort to avoid this particular problem, property owners are urged to:

- 1) read the Covenants for the section in which you intend to build,
- 2) obtain copies of all the related guidelines as set forth in this document and
- 3) read this guideline on New Residences, Garages and Carports carefully.

The Covenants have different requirements on such matters as square footage, percentage of stone, brick or masonry on the front elevation, driveways etc. depending on which section you intend to build, therefore you should read these carefully.

II. REQUIREMENTS

Listed below are the requirements for submitting a Request for Approval for a new residence. Where possible you will be referred to existing documents which detail the required information. You may obtain copies of these guidelines from the Montgomery Trace website:

www.montgomerytracepoa.com or by calling Chaparral Management Company, 281,-537-0957.

You will be required to submit the following information in duplicate to the ACC as part of the approval process for your new residence:

1. **Plot Plan including details of:**
 - a. **Culvert**
 - b. **Permanent Driveway**
 - c. **Construction Driveway**
 - d. **Septic System**

2. **Floor plan showing square footage of the conditioned air of the living area.**
3. **Elevations for all sides of the residence**
4. **Samples and colors of materials to be used on all exterior surfaces.**

A. Existing Guidelines:

Guidelines are in place for the following: **Plot Plan Requirements, Culverts and Permanent Driveways and Construction Driveways.** Please refer to these documents when completing the request for these items.

B. Other Information:

1. Septic Plan

The septic system you intend to install on your property must meet the requirements of the Covenants. This information can be found under Article IV, Section 10 of the Covenants and the requirements differ by section number.

When preparing the plot plan, you must show the location of the tanks of septic system with a) at least two dimensions from the property lines to the tanks and b) include notes indicating whether the septic system is **aerobic or anaerobic.**

You should provide a copy of the sanitation report which provides all the information required in the Covenants including the type of system, the sprinkler system for surface disposal of effluents, and indication that an alarm system has been installed.

2. Floor Plan

The square footage of the conditioned air of the living area of the residence you plan to build must meet the requirements of the Covenants for your section of Montgomery Trace. This information can be found under Article IV, Section 2 of the Covenants and the requirements differ by section number.

A floor plan showing all dimensions of the proposed residence shall be provided and drawn at a scale of $\frac{1}{4}$ inch = 1 foot. First floor and second floor plans must be included with the total square feet of the air conditioned living area clearly shown.

3. Elevations

Front, Sides and Rear elevation drawings must be included in your request. The type of exterior construction materials to be used should be clearly shown on all elevation drawings. Notes should be included to indicate where masonry, wood, Hardiplank, roofing shingles, etc. will be used. We encourage all property owners to include some type of masonry, stone or brick on the front elevation; it is a requirement in some sections of Montgomery Trace.

The property owner must provide samples of the materials and colors of masonry, wood, Hardiplank siding and trim, roof shingles and other materials which will be used on the exterior of the residence and garage. Samples include paint chips/samples, color brochures of roofing shingles, masonry and stone all of which are readily available from supply houses and material suppliers. Photo copies of materials and color copies downloaded from the Internet do not accurately reflect the materials/colors and will not be considered.

C. Overall Design

Property owners may choose any exterior design style for the residence and garage and submit this to the ACC. The ACC will evaluate the project on the basis of the overall design and appearance, quality of design and materials, harmony of design with existing structures throughout all sections of the subdivision, and overall impact, both positive and negative to the neighborhood.

Property owners may be asked to modify their original design or include additional architectural elements, such as brick and stone, if the ACC determines that the proposed residence is not in harmony with existing structures throughout all sections of the subdivision.

D. Garages:

1. Garage structures, attached or detached, should be compatible with the architectural style of the primary residence .
2. No part of the detached garage may be higher than the peak of the roof of the primary residence.
3. Detached garages and carports should be located behind the most forward plane of the residence.
4. Attached Garages:
 - a. Garages which are attached to the primary residence should be positioned behind the most forward plane of the residence.
 - b. Garage doors on attached garages should open to the side, not to the front property line.
 - c. In the case where the garage doors face the front property line, the ratio of the linear measurement of the garage to the linear measurement of the residence plus the garage should be less than 33%. All measurements are done along the most forward plane of the residence. Example: The linear measurement of the front of the garage is 20 feet. The linear measurement of the front of the residence plus the garage is 70 feet. The ratio is 28.5%, which is less than 33%. (Calculation = 20 feet divided by 70 feet)
 - d. If the ratio is greater than 33%, the property owner will be asked to change the front elevation in such a way as to meet these requirements.

E. Carports

Generally, carports will not be permitted unless they are an integral part of the residence and fall under the roof line of the residence. The carport should be constructed of the same materials as the residence and garage whether attached or detached. An example of such a design is a porte-cochere.

Flat roof carports constructed of metal, aluminum, wood, or other materials will not be approved. Carports will be reviewed on the basis of size, location and aesthetics.

F. "Dried-In" Requirement

The Covenants provide that a new residence be "dried-in" within six (6) months of the beginning of construction. The beginning of construction is defined as the date work commences on foundation forms. "Dried-in" means a completed exterior which is impermeable to the rain. It includes a roof, siding (vinyl, wood, stucco, brick or composite), windows and doors.

G. Forms and Foundations Inspection

1. This procedure applies only to new construction of residences.
2. Two (2) inspections will be required for each residence.
 - a. Forms inspection –an inspection of the foundation forms is required to confirm that the foundation forms have been placed in accordance with the dimensional location approved by the ACC. An inspection report prepared by a licensed inspector indicating that the location of the forms is correct must be submitted to Chaparral Management before the concrete is placed.
 - b. Foundation inspection—once the concrete is placed, a second inspection of the concrete foundation is required. This inspection report must also be submitted to Chaparral management before the framing can commence.
 - c. Failure to comply with these inspections will cause the Montgomery Trace Property Owners' Association Board of Directors to secure the issuance of a cease and desist order whereby all construction of the residence is halted until such inspections of the foundation are made and it is found that the foundation was placed according to ACC approved plans.
 - d. In the event that the actual placement of the foundation as shown on the required survey is within the setback lines established for the property but differs in placement from that which was approved by the ACC, the property owner must resubmit a corrected plot plan to the ACC showing that the placement of the foundation agrees in all respects with the survey. The corrected plot plan must be received by the ACC before the Property Owner's Responsibility Deposit is refunded.
3. The cost of the inspection and selection of the inspector will be the responsibility of the property owner/builder. The inspector must be licensed with the appropriate authorities.

III ADMINISTRATIVE REQUIREMENTS

- A. The adequacy of plans and drawings, and the completeness of a request for approval will be determined by the ACC at its sole discretion.
- B. All requests, approvals and rejections must be in writing.
- C. All plans and documents are to be submitted in duplicate. The ACC will always keep one copy of plans and documents, whether approved or rejected.
- D. All submittals for ACC approval for a New Residence must be submitted only to the Association's property management company before the close of business on the last Thursday of the month.

IV. GET HELP BEFORE SUBMITTING PLANS

- A. Once plans are turned in to the property management company, only minor changes are permitted during the ACC meeting. Accordingly, the plans should be reviewed for completeness by an ACC liaison BEFORE they are submitted.
- B. Owners should contact Chaparral Management Company, the Association's property management company at 281-537-0957 to obtain the name and telephone number of the ACC Liaison assigned to their section of Montgomery Trace.

C. The ACC Liaison will schedule a meeting with you to pre-review the submittal package for completeness so that errors and omissions can be corrected before the plans are submitted.

These Guidelines for New Residences, Garages and Carports are hereby approved and adopted by the Montgomery Trace Property Owners Association's Board of Directors on the date indicated below.

Jack Popham

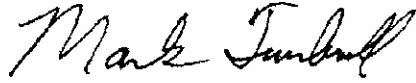
APPROVED: _____

DATE: October 7, 2010

Jack Popham, President
Montgomery Trace Property Owners' Association

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02/03/2011 4:11PM

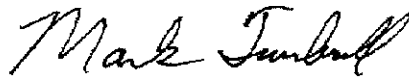


COUNTY CLERK
MONTGOMERY COUNTY, TEXAS

STATE OF TEXAS
COUNTY OF MONTGOMERY

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

02/03/2011



County Clerk
Montgomery County, Texas

ROBERT T. ALEXANDER, P.C.
PARTNER
BOARD CERTIFIED-COMMERCIAL REAL ESTATE LAW
BOARD CERTIFIED-RESIDENTIAL REAL ESTATE LAW
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HOOVER SLOVACEK LLP

A REGISTERED LIMITED LIABILITY PARTNERSHIP

ATTORNEYS AT LAW
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RECEIVED BY CHAPARRAL
MANAGEMENT CO. REPLY TO:
P.O. BOX 4547
HOUSTON, TEXAS 77210-4547
FEB 16 2011

February 14, 2011

Ms. Gloria Lee, Manager
Chaparral Management Company, Inc.
P. O. Box 681007
Houston Texas 77268-1007

RE: Montgomery Trace Property Owners Association, Inc.

Dear Ms. Lee:

Enclosed please find the original Managing Agent's Certificate pertaining to the Guidelines and Minimum Requirements for New Residences, Garages & Carports and the original Managing Agent's Certificate pertaining to the Guidelines and Minimum Requirements for ACC Submittal for Outbuildings.

As you can see, these documents have now been recorded in the Office of the County Clerk of Montgomery County, Texas, as required by the Texas Property Code. Please retain these original recorded documents in the Association's permanent file concerning this matter. We have retained a copy of the recorded documents for our file.

This matter should now be concluded. However, if you have any questions concerning the above or if I may be of any further assistance, please do not hesitate to contact me.

Sincerely,

HOOVER SLOVACEK LLP



Tina Bartley
Legal Assistant to Robert T. Alexander

RTA:tab\722973
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Enclosures