

LT1-1-2011010448-1

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 ACC Submittal for Outbuildings.

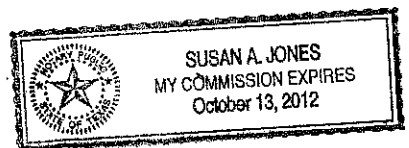
IN WITNESS WHEREOF, I have hereunto subscribed my name on this 25th day of January, 2011.

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

Gloria Lee, 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

LT2-7

MONTGOMERY TRACE PROPERTY OWNER'S ASSOCIATION

Architectural Control Committee

GUIDELINES AND MINIMUM REQUIREMENTS FOR ACC SUBMITTAL

OUTBUILDING

I. GUIDELINES

This section contains guidelines which are based on Outbuilding projects that have in the past been approved by the Architectural Control Committee. Owners are welcome to submit projects for any type of Outbuilding they wish, whether or not they are specifically addressed in this document, and such projects will be considered by the ACC. Approval of an Outbuilding is dependent on 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.

The term "outbuilding", shall be understood to apply to structures other than the residence and garage, which substantially improve the property, and which may be more commonly referred to as barns, shops, sheds, loafing sheds, greenhouses, gazebos, and spa or pool rooms, among others.

Under the provisions set forth in Article IV of the Declarations of Covenants, Conditions and Restrictions of Montgomery Trace Subdivision, no outbuildings, barns, livestock sheds, or other types of outbuildings will be approved prior to the construction of the primary residence.

- A. **Number of Outbuildings** - The actual number of outbuildings permitted on a lot(s) is subject to the final decision of the ACC. Special attention will be given to the size and overall appearance of the property as to harmony of design with existing structures, including not only structures on the owner's lot(s), but also structures on other lots in the surrounding area.
- B. **Location** - Refer to the Declaration of Covenants, Conditions and Restrictions of Montgomery Trace Subdivision, Article IV, Sections 9A and 9B for specific location restrictions. Further, no barn, shop, or loafing shed shall be located nearer than 25 feet from the primary residence.
- C. **Size** - Various sizes of outbuildings will be considered, but no outbuilding will be permitted which is larger than forty feet by sixty feet (40' x 60'). The ACC will consider the size of the lot and the size of the primary residence, among other items, when determining the size of proposed outbuildings. In general, the size of the footprint of the outbuilding shall not be greater than two-thirds (2/3) the size of the footprint of the primary residence plus attached garages. Eave wall height of an outbuilding shall be no higher than twelve (12) feet with the ridge wall height determined by the pitch of the roof.
- D. **Style**

1. The ACC will consider any proposed outbuilding design, but reserves the right to reject any style not found to be consistent with country estate living or which is not in harmony of design with existing structures in the surrounding area.
2. Outbuildings must be completely enclosed on all sides except as noted in Item I, D, 5 below.
3. Acceptable styles include, among others, a) horse barn styles with three (3) bays including the center bay with raised roof; and b) buildings with vertical walls and standard roof designs such as gambrel, hip, shed, or gabled.
4. Roof pitch shall be at least three over twelve (3: 12) rise over run.
5. Open-front, three (3) sided loafing sheds are acceptable for livestock only. Such three (3) sided sheds are not acceptable for the storage of machinery, motorized vehicles, equipment, etc.
6. Sketches of previously approved styles are attached for reference. The sketches may not be submitted alone for ACC approval.

E. Materials of Construction

1. Materials of construction shall be a) factory-coated metal i.e., baked-on-paint; b) masonry (brick, stucco, or stone); c) wood, d) painted HardiPlank, e) vinyl.
2. If wood is used, all exterior surfaces must be painted immediately after construction.
3. Galvanized, or galvanized-colored, corrugated exterior metal siding or roofing will not be approved.

F. Colors

1. The exterior colors chosen for outbuilding walls and trim shall be similar to the colors chosen for the exterior walls and trim of the primary residence. The ACC will consider a color scheme chosen for the exterior wall of the outbuilding where the front elevation of the primary residence consists of brick/stone as well as painted surfaces. The ACC favors the color chosen for the major portion of the front elevation of the residence for the exterior walls of the outbuilding. If more than one outbuilding is requested, it must be the same colors as the first outbuilding approved by the ACC.
2. The exterior color chosen for roof of the Outbuilding shall be similar to the exterior color of the roof of the primary residence.

II. MINIMUM REQUIREMENTS FOR ACC SUBMITTAL

This section contains the minimum requirements for the submittal of plans for an Outbuilding. Insufficient and/or improper information is the most common reason that requests are not approved, therefore owners are urged to carefully check that these minimum requirements have been met. Before starting this process, owners should first read the Covenants for their Section in Montgomery Trace.

A. Administrative Requirements

1. The adequacy of plans and drawings, and the completeness of a request for approval will be determined by the ACC at its sole discretion.
2. All requests, approvals and rejections must be in writing.
3. All plans and documents are to be submitted in duplicate so that an approved copy will be available to return to the owner. The ACC will always keep one copy of plans and documents, whether approved or rejected.

4. All submittals for ACC approval of an Outbuilding must be turned in only at the offices of the Association's property management company before the close of business on the Thursday immediately preceding the regular ACC meeting which is held on the 1st Thursday of each month.

B. Drawing and Plan Requirements

1. Plot Plan

- a. A neat, legible, accurate, and scalable Plot Plan which strictly complies with Guidelines and Minimum Requirements for ACC Submittal – Plot Plan must accompany all project requests for an Outbuilding. All existing improvements (residence/garage, driveways, fencing, etc.) on the property must appear on the Plot Plan.
- b. A scalable outline (footprint) of the proposed Outbuilding must be shown on the Plot Plan along with complete dimensions to locate the structure. Outbuildings may not be located closer than ten feet (10') to any side property line. No part of the proposed Outbuilding, including the overhang of eaves, may encroach any applicable set back line or easement.

2. Outbuilding Plan Requirements

- a. The ACC, at its sole discretion, shall determine whether Outbuilding plans have been submitted with sufficient details to enable the ACC to determine if the proposed structure is architecturally compatible and in harmony of external design with existing structures, not only on owner's property, but also in all other Sections of Montgomery Trace.
- b. Completely dimensioned floor plans and front, side and rear elevation plans must be provided. Side wall eave height and overall maximum height must be included.
- c. The plans shall clearly show how exterior trim work will be applied. High quality photographs and/or manufacturers color brochures may be used for this specific purpose.
- d. The plans shall include notes which clearly describe the size and type of all doors and windows on the structure.
- e. Drawings and plans must show what is actually going to be built in the field and must be sufficiently clear so that interpretation by the ACC can be accomplished without written and/or verbal explanation by the owner, designer or builder.

C. Requirements for Describing Colors of Exterior Surfaces and Roofing

1. The guidelines contained in Item I, F, 1 – 5 above will be strictly applied by the ACC.
2. Manufacturer's color chips must be provided for all exterior surfaces including, siding, trim, and doors. Color chips should be attached to the elevation drawings along with clear notes to indicate what color is to be used on which exterior surface.
3. Owners must submit only the "1st Choice" of colors for exterior surfaces. Multiple choices of colors and/or color palettes will not be approved.

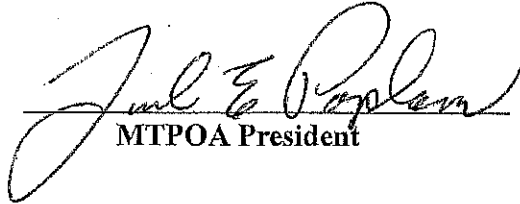
III. GET HELP BEFORE SUBMITTING PLANS

- 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 be happy to schedule a meeting to pre-review the submittal package for completeness so that errors and omissions can be corrected before the plans are submitted.

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

APPROVED:

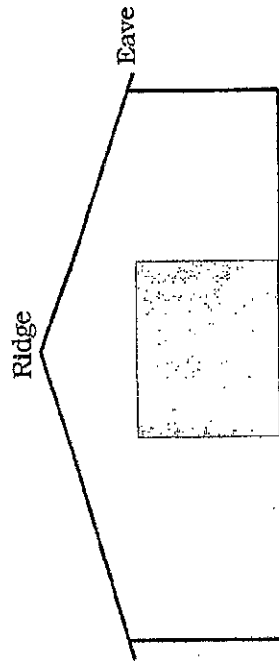

MTPOA President

DATE: _____

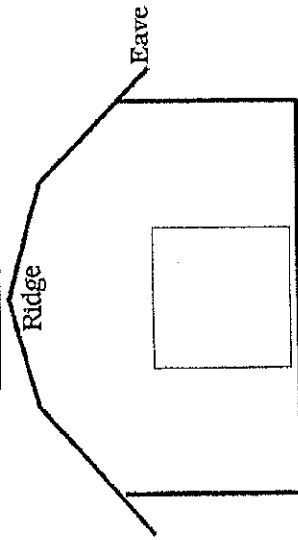
Attachment - One (1) Sheet - Montgomery Trace Approved Outbuilding Designs

MONTGOMERY TRACE
APPROVED OUTBUILDING DESIGNS

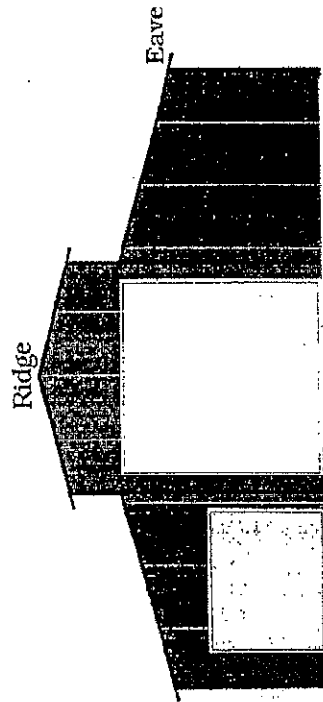
Design #1
Hip Roof



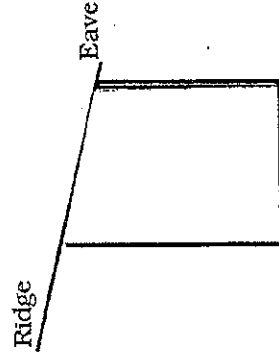
Design #2
Gambrel Roof



Design #3
Classic Barn



Design #4
Open-sided
Livestock Shed



c:/bfiles/mttrace/cons/outbldg.cdr

FILED FOR RECORD

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
TEXAS BOARD OF LEGAL SPECIALIZATION

HOOVER SLOVACEK LLP

A REGISTERED LIMITED LIABILITY PARTNERSHIP

ATTORNEYS AT LAW
SAN FELIPE PLAZA
5847 SAN FELIPE, SUITE 2200
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FAX (713) 977-5395

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