

**ADDITIONAL DEDICATORY INSTRUMENT FOR
FONN VILLAS CIVIC ASSOCIATION, INC.**

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared Christopher J. Archambault who, being by me first duly sworn, states on oath the following:


My name is Christopher J. Archambault I am over twenty-one (21) years of age, of sound mind, capable of making this affidavit, authorized to make this affidavit, and personally acquainted with the facts herein stated:

I am the Attorney for FONN VILLAS CIVIC ASSOCIATION, INC. Pursuant with Section 202.006 of the Texas Property Code, the following documents are copies of the original official documents from the Association's files:

**FONN VILLAS CIVIC ASSOCIATION, INC.
MAJOR CONSTRUCTION GUIDELINES.
ADDENDUM TO GUIDELINES FOR ARCHITECTURAL AND NEIGHBORHOOD
STANDARDS.**

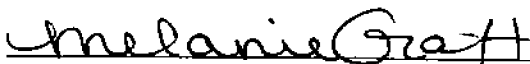
DATED this 28th day of June, 2021.

Fonn Villas Civic Association, Inc.,

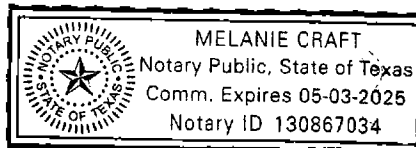
BY: 
Christopher J. Archambault, Attorney
(Printed Name)

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

THIS INSTRUMENT was **acknowledged** before me on this the 28th day of June, 2021 by the said Christopher J. Archambault, Attorney for Fonn Villas Civic Association, Inc., a Texas non-profit corporation, on behalf of said corporation.


Notary Public in and for the State of Texas

After Recording Return To:
Daughtry & Farine, P.C.
17044 El Camino Real
Houston, Texas 77058
ATTN: CJA/mc
(2100.0001)



RP-2021-362860

FONN VILLAS CIVIC ASSOCIATION, INC.

MAJOR CONSTRUCTION GUIDELINESAddendum to the Guidelines for Architectural and Neighborhood Standards**OVERVIEW**

Fonn Villas Restrictions (Restrictions) and Guidelines for Architectural and Neighborhood Standards (Guidelines) contribute to maintaining the residential character and property values of our neighborhood. The *Architectural Control Committee* (ACC), the *Architectural Standards Committee* (ASC), and the *Board of Directors* (BOD) of the Fonn Villas Civic Association, Inc. (FVCA) are charged with enforcing the requirements of these Restrictions and Guidelines.

NOTE: Terms in *Italics* in this Addendum to Guidelines are defined in the Restrictions or are references to terms used in the Guidelines.

The ACC's written approval is required prior to commencement of any ALTERATIONS in the Fonn Villas Subdivision to ensure compliance with the Restrictions and Guidelines in place at the time of submission of an Application.

NO external *Improvements* of ANY type shall be permitted to commence, including the tear down/demolition of an existing *Structure*, in whole or in part, unless and until ALL required Applications, plans, specifications, materials, deposits, and fees have been submitted to and approved in writing by the ACC.

Inasmuch as the neighborhood has reached an age which lends itself to a desire for existing and/or new Lot owner to make substantial changes to an existing *Structure(s)*, or to tear down an existing *Structure(s)* and construct a new *Structure(s)*. The Major Construction Guidelines define additional terms and processes and provide additional applications, agreements, and documentation for Major Construction. Major Construction is defined in Section 1.

The BOD has determined that in certain circumstances, it may be in the best interests of the neighborhood to hire the services of a professional architectural/engineering firm to consult on review, evaluation, and inspection with regard to plans for any major external *Improvements*.

RP-2021-362860

APPLICATION FOR MAJOR CONSTRUCTION PROCEDURE

1. Major Construction shall be defined as:
 - a) Demolition of an existing *Building*,
 - b) Construction of a new *Building(s)*,
 - c) Construction that either results in a change in the *Foot-Print* of an existing *Building(s)* or creates additional living or storage area above an existing *Building(s)*.

2. The Major Construction Flowchart, in Exhibit A, is provided to detail the application, approval, construction, and certification process

3. Application: The Application for Major Construction consists of the Lot Owner and Builder Information, the Required Materials Check List, General Information About the Building(s) and the Acknowledgement. The Lot owner must complete the Application for Major Construction in its entirety. The Lot owner is required to refer to Paragraph C of the existing Guidelines for criteria for completion of the application. The Application for Major Construction form may be obtained from the FVCA website (fonnvillas.org) or the ASC Chair.

4. Specific Submission Requirements: One (1) signed electronic copy of the Application for Major Construction (Exhibit B) must be emailed to the current ASC Chairman. A certified check for the requisite Major Construction Application Fee (Schedule A), payable to “Fonn Villas Civic Association, Inc.” must be mailed to the address listed at the top of the Application for Major Construction. Two (2) paper copies in large drawing format of the plans specified in the Required Materials Check List must be delivered to the ASC Chair at an agreed location and time. Plans and materials samples submitted to Fonn Villas will not be returned and shall remain the property of the ACC.

Complete and accurately-scaled plans should include all items as listed on the Required Materials Check List of the Application for Major Construction form. For new remodeling materials, it must state that new materials are harmonious with existing materials.

5. Application Fee and Secondary Application Fee: Applications deemed incomplete and resubmitted for consideration by the ACC will be subject to a Secondary Application Fee. All Application Fees are non-refundable. In cases where the Pre-existing Threshold Elevation of the first Residential Unit built on the Lot (Benchmark) was not measured prior to demolition of a pre-existing Residential Unit (a violation of the Guidelines), then a larger initial Application Fee is required and detailed in Schedule A. The Lot owner must consult with the ASC Chair to get a determination of how a substitute Pre-existing Threshold Elevation shall be calculated.

6. Application Sunset: Any approved Application for Major Construction or contingently approved Application for Major Construction shall expire if

RP-2021-362860

demolition/construction has not commenced after six (6) months from approval date. For any approved Application for Major Construction where there is a hiatus in the project of over six (6) months shall be deemed to have expired. If the Lot owner desires to commence demolition/construction after this six (6)-month period, the Lot owner is required to submit a new Application for Major Construction.

7. Construction Deposit: No construction may commence prior to receiving approval of the Application for Major Construction by the ACC, obtaining all necessary permits, and submitting an executed Construction Deposit Agreement (Exhibit D) together with a certified check in the amount of the applicable Construction Deposit Fee, payable to "Fonn Villas Civic Association, Inc.". The completed Construction Deposit Agreement can be emailed to the ASC Chair. The certified check must be mailed to the address listed at the top of the Application for Major Construction.
8. Incomplete Application: Any incomplete Application for Major Construction submitted to the ASC shall be returned to the Lot owner and marked as Disapproved. The Lot owner may cure any defect in the Application for Major Construction and the required documents/materials and resubmit. Only complete Applications for Major Construction will be forwarded to a Third-Party Reviewer. If, for any reason and at the sole discretion of the ASC and/or a Third-Party Reviewer, an Application for Major Construction is found to have any insufficiencies and therefore, has to be returned to the Lot owner and the Application for Major Construction is resubmitted by the Lot owner, a new 45-day approval period, as described in the Guidelines and in the Restrictions, shall be started at the re-submittal date. Cumulative time for prior reviews will be automatically voided.
9. Timeline: Upon receipt of an Application for Major Construction, including the Required Materials Check List and Application Fee, the 45-day approval period shall commence and the Application for Major Construction shall be handled according to the ASC/ACC Procedures.
10. General Construction Rules: The following are minimum requirements to be observed during the course of the construction period:
 - ❖ Demolition of an existing Structure must not physically impact adjacent Lots.
 - ❖ During a transition period that a *Lot* is without a *Residential Unit*, the Lot owner shall be required and obligated to properly and regularly maintain the *Lot*, and all vegetation and trees thereon.
 - ❖ Portable toilets must be placed as far from the street as possible while allowing for reasonable servicing requirement, and should be screened from public view to the greatest extent possible.
 - ❖ The construction site shall be fenced such that the lower levels of the *Structure(s)* cannot be seen from the street and a silt barrier shall be placed along the street curb(s) so that silt cannot flow into the street(s).
 - ❖ The street(s) and gutters adjoining the *Lot* shall be kept clean from all

debris, including but not limited to dirt, trash, and vegetation materials. Dumpsters must be located in the driveway and may not be placed in the street.

- ❖ Construction hours shall be no earlier than 7:00 a.m. nor later than 6:00 p.m., Monday through Saturday. Work on public holidays is strongly discouraged.
- ❖ Parking of construction and worker's vehicles shall be limited to one side of the street. No vehicles shall be parked so as to block other property owner's driveways, allowing sufficient room for access to driveways, mail delivery, remote pick-up of trash barrels, and street transit of school buses, trash trucks, and emergency vehicles.
- ❖ Prior to commencement of any construction, Builder shall post one sign in front of the *Lot* with the following information on the sign:

In Case of Emergency
Please Call
(000) 111-2222

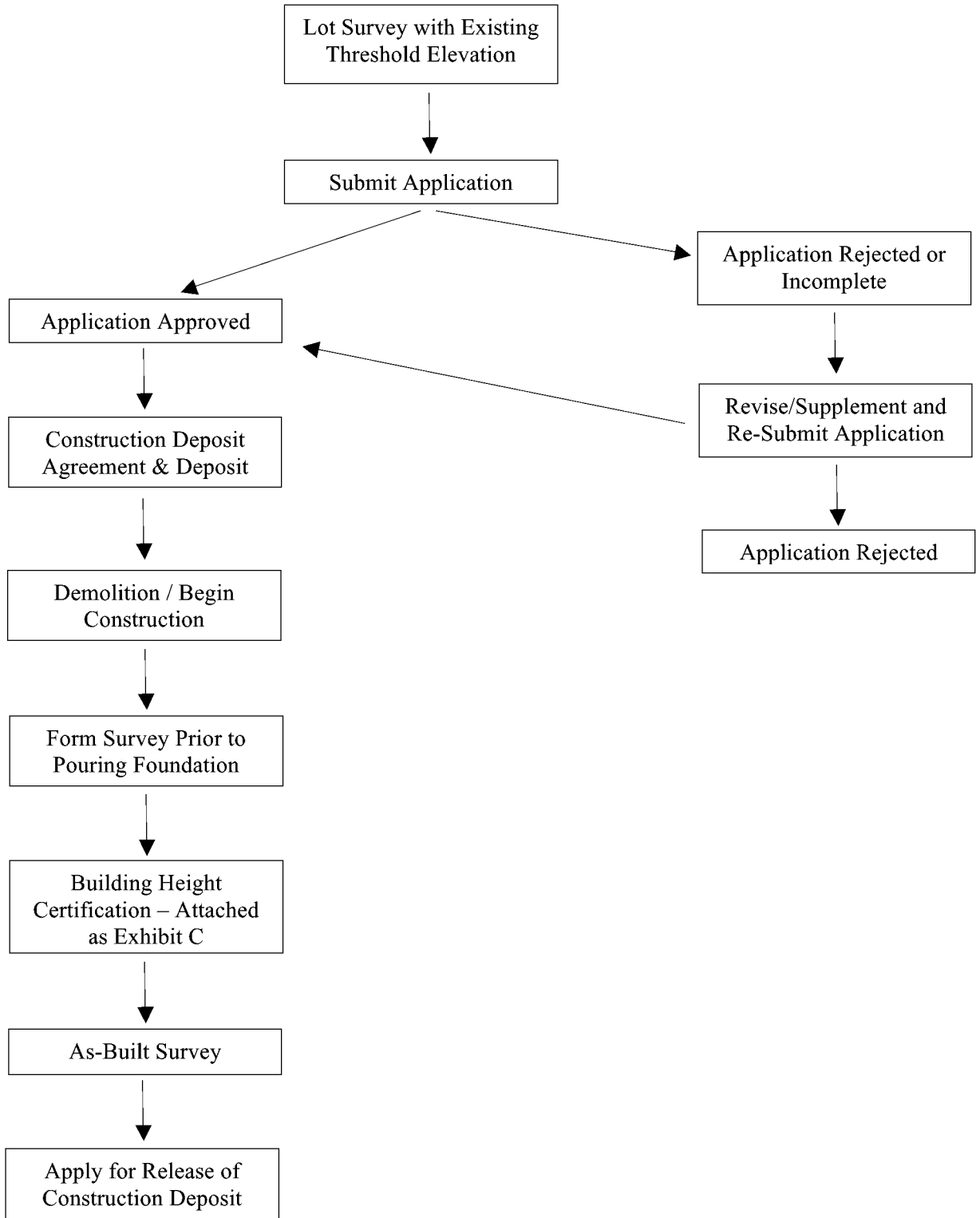
The sign shall measure no more than sixteen inches (16") by twenty-four inches (24"). The name of the Builder may also be shown on the sign. In addition, Builder must post in a location readily accessible by all employees and/or sub-contractors the rules and regulations included in the approved Application and/or this Addendum to Guidelines, written in both English and Spanish, including without limitation, the starting and ending work times and the parking regulations.

NOTE: By this Addendum to Guidelines this signage constitutes a valid temporary exception to the Guidelines provision 18.5.

SCHEDULE A **MAJOR CONSTRUCTION APPLICATION FEES**

- I. New Residential Unit Construction:
 - a. Initial Application Fee - \$750.00
 - b. Secondary Application Fee - \$250.00
- II. New Residential Unit Construction ABSENT the benchmark:
 - a. Initial Application Fee - \$1,500.00
 - b. Secondary Application Fee - \$250.00
- III. Additions to existing building(s):
 - a. Initial Application Fee - \$400.00
 - b. Secondary Application Fee - \$100.00

MAJOR CONSTRUCTION FLOWCHART
Exhibit A



RP-2021-362860

EXHIBIT B

APPLICATION FOR MAJOR CONSTRUCTION

Submit your completed Application to:

Fonn Villas Civic Association, Inc.
c/o *Architectural Standards Committee Chair*
P.O. Box 97007
Houston, Texas 77279-9007

One (1) signed electronic copy of the Application for Major Construction (Exhibit B) must be emailed to the current ASC Chairman. A certified check for the requisite Major Construction Application Fee (Schedule A), payable to "Fonn Villas Civic Association, Inc." must be mailed to the address listed at the top of the Application for Major Construction. Two (2) paper copies in large drawing format of the plans specified in the Required Materials Check List must be delivered to the ASC Chair at an agreed location and time. Plans and materials samples submitted to Fonn Villas will not be returned and shall remain the property of the ACC.

Complete and accurately scaled plans should include all items as listed on the Required Materials Check List of the Application for Major Construction form. For new remodeling materials, it must state that new materials are harmonious with existing materials.

Every effort will be made to provide timely response to applications. In all cases the ACC will approve or disapprove within 45 days of receipt of the Application for Major Construction. Please note that if any of the requested documents are missing, are deemed insufficient, or additional information is requested by the ASC, the application will be delayed accordingly with a new start date set for the 45-day approval period upon receipt of the new Application for Major Construction re-submittal to the ASC. The ASC will NOT respond to verbal requests for approval or as to the status of the application process. Once construction commences, if changes are made without prior approval of the ACC, the ACC reserves the right to stop construction and to require the Lot owner to remove or modify any unauthorized/unapproved *Improvement*.

LOT OWNER AND BUILDER INFORMATION

Lot Owner Name(s): _____

Subject/Property Address: _____

Owner's Mailing Address: _____

Home Phone: _____ Cell Phone: _____

E-mail Address: _____

Builder 's Name: _____

Builder's Address: _____

Builder's Office Phone: _____ Builder's Cell Phone: _____

Builder's Email Address: _____

Received by: _____

Date: _____

RP-2021-362860

REQUIRED MATERIALS CHECK LIST

- Signed original of the** Application for Major Construction (4 Pages)
- Cut sheet examples for brick, stone, siding, paint, shingles, other roofing
- Application Fee payable to *FVCA*: (\$_____)
- Signed original of the Construction Deposit Agreement (Exhibit D).
- Construction Deposit payable to *FVCA*: (\$_____)
- Survey of the *Lot* executed by a licensed professional land surveyor. The survey must include the square footage of the *Lot*, the *Benchmark*, all existing *Improvements*, topography and the location and size of all trees.
- Site Plan of all proposed *Improvements* including and not limited to *Building(s)*, driveway, sidewalk(s), patio(s), decking, fence, pool, and removed and replaced trees.
- Floor plans
- Elevations drawing of all sides of the proposed *Structure(s)*. The drawing must include the height of the *Building(s)*, the height of the drip edge of the highest roof eave, the elevation of the *new Finished Floor Elevation* relative to the *Benchmark*.
- Foundation Plan – Structural drawings including details.
- Roof Plan
- Drainage plan prepared and sealed by a Professional Engineer, licensed in the state of Texas.
- Exterior lighting* plan (if any).

GENERAL INFORMATION ABOUT THE BUILDING(S)

Number of stories in *Residential Unit* _____

Area Calculations:

Lot size _____ SF

Residential unit foot print _____ SF

Related Quarters foot print _____ SF

Garage foot print _____ SF

Porte-co-chere foot print _____ SF
(if living space is above or could be converted to living space)

Patio(s) foot print (if living space is above, could be converted to living space, or it is a part of the foundation slab) _____ SF

Covered porches foot print _____ SF

Total foot print _____ SF

Foot print / Lot size = _____ %

Number of 12 inch or greater diameter trees to be removed: _____

Pre-Existing Threshold Elevation: _____

New FFE: _____

Highest Roof Ridge: _____

Highest Roof Eave: _____

Color/Finish and Material Description: (Samples should be attached)

Brick/stone, etc. % coverage: _____

Siding - type, spec, paint color: _____

Trim, Fascia, Soffit - Type, paint color: _____

Roofing - Brand specs, color: _____

Fence - height, material, color: _____

RP-2021-362860

ACKNOWLEDGEMENT

I/we submit this Application for Major Construction with supporting documentation, attachments including certified check for applicable Application Fee, and agree to abide by the terms of the Major **Construction Guidelines: (Addendum to Guidelines)**. I/we agree to not begin demolition and construction until after receipt of written approval from the *FVCA's* ACC, completion of the Construction Deposit Agreement including the associated fees, and to notify the ASC Chair upon completion of 1) *foundation slab* Forms, 2) Framework of *Buildings*, and 3) final completion of all *Structures*.

NOTE: For the purposes of this agreement, email between designated email addresses shall serve as written notifications and communications.

Signature of Applicant(s): _____ Date: _____

Designated email address: _____

Name of ASC Chair: _____

Designated email address: _____

Resubmission Date: _____

Contingent Approval (pending receipt of an Executed Construction Deposit Agreement only):

Contingent Approval _____ Date: _____

Signature: _____

Chair of the ACC
Fonn Villas Civic Association, Inc.

Final Approved: _____ Date: _____

Signature: _____

Chair of the ACC
Fonn Villas Civic Association, Inc.

Project: Disapproved: _____ Date: _____

Signature: _____

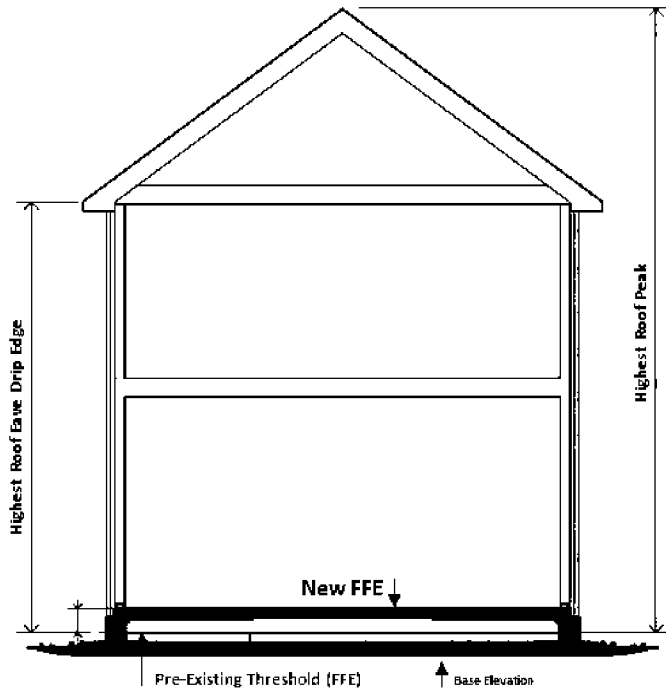
Chair of the ACC (or ASC Chair)
Fonn Villas Civic Association, Inc.

APPROVAL OF THIS APPLICATION BY THE ASC, ACC, OR THE BOARD OF DIRECTORS DOES NOT CONSTITUTE A REPRESENTATION OF THE ADEQUACY OR SAFETY OF THE DESIGN OR COMPLIANCE WITH CODES OR OTHER LEGAL REQUIREMENTS AND ALL SUCH LEGAL REQUIREMENTS MUST BE COMPLIED WITH.

RP-2021-362860

EXHIBIT C

**Fonn Villas
HEIGHT CERTIFICATION**



PROJECT BENCHMARK: _____

LOCATION OF BENCHMARK:

- Top of Curb Nail in Power Pole
 Nail in Street Other _____

STEPS TO DETERMINE HEIGHTS OF STRUCTURE

1. Determine height of PRE-EXISTING THRESHOLD (FFE) prior to demolition of first residence built on lot.
2. When foundation forms are erected determine the NEW HOUSE FFE and distance from the PRE-EXISTING THRESHOLD (FFE).
3. When roof framing reaches highest point determine distance from PRE-EXISTING THRESHOLD (FFE) to HIGHEST ROOF PEAK and from the PRE-EXISTING THRESHOLD (FFE) to the ROOF EAVE DRIP EDGE.

ELEVATIONS

- A. Project Benchmark Elevation _____
- B. Pre-Existing Threshold Elevation (FFE) _____
- C. New House Finished Floor Elevation (FFE) _____
- D. Eave Elevation _____
- E. Highest Roof Peak Elevation _____
- E – B = Maximum Roof Height (34') Per Guidelines _____
- D – B = Maximum Eave Height (24') Per Guidelines _____
- C – B = Maximum New FFE/Pre-Existing FFE Per Guidelines (18 inches) _____

Property Address _____

Lot _____ Block _____ Section _____

Subdivision _____

| |
|-----------------------------|
| _____ Surveyor Signature |
| _____ Date |

RP-2021-362860

EXHIBIT D
CONSTRUCTION DEPOSIT AGREEMENT

Fonn Villas Civic Association, Inc. (FVCA) requires a deposit (Deposit) from the Builder (Builder) for the construction of any Major Construction project, as defined in the Addendum to Guidelines for Architectural and Neighborhood Standards (Guidelines). The execution of this "Construction Deposit Agreement" is a condition of the acceptance by the FVCA, through its Architectural Controls Committee (ACC) and its Architectural Standards Committee (ASC), of an Application for Major Construction by the Lot owner. This executed agreement is one of the "Required Materials Check List" of that Application for Major Construction. Under no circumstances shall any construction be commenced prior to the final approval of the Application for Major Construction by FVCA.

PROPERTY ADDRESS: _____

LOT OWNER: _____

BUILDER: _____

Contact: _____

Address: _____

City, Zip: _____

Tel. No: _____

Fax No: _____

E-mail: _____

PROJECT: *New Residential Unit* construction []
 Major addition to existing *Building(s)* []

PLANS FOR PROJECT: Architect/Designer: _____

Reference or Project Number: _____

For and in consideration of the mutual covenants set forth in this Agreement, the Lot Owner and BUILDER hereby agree as follows:

1. BUILDER agrees to submit to FVCA, upon execution of this Agreement, a certified check in the amount of the applicable deposit:

New Residential Unit construction: \$7,500.

 Addition to existing *Building*: \$4,000.

No interest on the Deposit shall be paid to the Builder.

RP-2021-362860

2. Builder agrees to complete this construction Project in a timely manner and in accordance with the approved Application and this Agreement. Notwithstanding the approval of the Application, Builder also agrees to complete this Project in accordance with the Fonn Villas Restrictions (Restrictions) and Guidelines for Architectural and Neighborhood Standards (Guidelines). It is Builder's responsibility to notify the Association promptly of any conflict between the approved Application and the Restrictions or the Guidelines. Upon determining the existence of any such conflict, the Builder shall be required to refrain from continuing the Project until the conflict is resolved to the satisfaction of the FVCA.
3. Prior to commencement of construction, Builder must give written notice to all property Lot owners adjacent to the project Lot and the Lot owner of property directly across the street, as well as the Lot owner of the Lots on either side of the Lot immediately across the street of (a) the date construction will commence, and (b) emergency telephone number(s) of the Builder and/or the Builder's superintendent in charge of construction at the site. For corner lots, the owners across both the main and side street must be notified. Builder must provide the FVCA's ASC Chair with copies of the notification letters to each applicable property Lot owner prior to commencing construction. Builder should obtain from the FVCA the names and addresses of all owners to be notified. Builder and Lot owner shall rely on the information provided by the FVCA and shall not be required to make an independent investigation of Deed Records or other information as to actual Lot owner of such lots.
4. Upon completion of the foundation slab forms and before pouring the foundation slab, Builder shall provide the ASC Chair with a "Form Survey" executed by a licensed professional land surveyor showing the location of *the Improvements* to be constructed for the Project prior to proceeding with pouring the foundation slab. The ASC Chair shall have five (5) business days from the date of receipt of a "Form Survey" to object in writing to the location or height of the foundation slab. If the "Form Survey" shows that the foundation slab would not be in compliance with the approved Application for Major Construction and Restrictions, Lot owner agrees to have the Builder modify the foundation slab forms such that the foundation slab will be in compliance with the approved Application and Restrictions. After modification, Builder shall provide a new "Form Survey" to the ASC Chair for approval.
5. Once the framing of the roof is completed, Builder shall provide the ASC Chair a written "Height Certification" issued by a licensed professional land surveyor, architect or engineer verifying compliance with the height limitation of the approved Application and Guidelines. All measurements shall be from the *Benchmark* elevation, as required by the Guidelines, and as provided to the ASC Chair upon the submission of the Application. The ASC Chair shall have five (5) business days from the date of receipt of a "Height Certification" to object in writing to the height of the *Structure(s)*. If the height of a *Structure(s)* exceeds the height limitation of the approved Application for Major Construction and Guidelines, Lot owner agrees to have the Builder modify the *structure(s)* to comply with the height limitation of the approved Application for Major Construction and Guidelines prior to proceeding with further construction. Upon completing the necessary modification, Builder shall provide a new "Height Certification" to the ASC Chair for approval. The Fonn Villas specific "Height Certification" form is in Exhibit C.
6. Upon completion of all of the *Structure(s)*, Builder shall submit to the ASC Chair an "As-Built Survey". The ASC Chair shall have five (5) business days from the date of receipt of

an "As-Built Survey" to object in writing to any non-compliance issues. Lot owner and Builder shall take action to remedy all *Improvements* deemed by the ACC, in its sole discretion, to be out of compliance with the approved Application for Major Construction, the Guidelines, or Restrictions. Upon completion of any necessary remediation, Builder shall provide a new "As-Built Survey" to the ASC Chair for approval. Variances cannot be granted by the ACC in order to accomplish this compliance. Variances can only be granted SUBSEQUENT to filing an Application and PRIOR to the initiation of any demolition and/or construction as set out in the Guidelines.

7. The Deposit shall be held by the Association to assure compliance with this Agreement. Builder acknowledges that the Restrictions and Guidelines include rules and regulations relating to construction including, by way of example and not in limitation, employee/subcontractor vehicle parking, starting and ending times for construction work, and maintenance of the construction site. A violation of any of the rules or regulations set forth in either the Restrictions or the Guidelines may result in a written notice to Builder. Any violation of the same rules or regulations after written notice is given to Builder may result in the forfeiture of a portion of the Deposit as set out in "Failure to Follow Rules and Regulations" (Schedule A, Section 2) attached to this Agreement.
8. All or any portion of the Deposit may be forfeited by Builder for violations of this Agreement, or other violations of the Restrictions and/or Guidelines than those addressed in paragraph 7 above. A schedule of the forfeitures for the other types of violations is set forth in "Forfeiture Schedule " (Schedule A, Section 1). No prior notice is required for a forfeiture resulting from a violation set forth in "Forfeiture Schedule".
9. The Deposit shall be refunded to Builder as follows:
 - a. In the case of a new *Residential Unit* construction, within thirty (30) days of the date of receipt by the FVCA of a written notice by the Builder that the Project is substantially complete. For purposes of this subparagraph, the date of substantial completion of a new *Residential Unit* shall be the date on which the new *Residential Unit* may be occupied.
 - b. In the case of a major addition to an existing *Building*, within thirty (30) days of the date of receipt by the FVCA of a written notice from the Builder that the addition has been substantially completed. For purposes of this subparagraph the date of substantial completion of any addition shall be the date on which the addition may be used for its intended purpose.
 - c. The date the FVCA receives written notice from the Builder shall not initiate the timetable for issuing a refund if, within thirty (30) days of the date of receipt of the written notice, the FVCA, acting reasonably and in good faith, determines that the *Building(s)* cannot be occupied or used for its intended purpose. In that event, the Builder shall be required to issue a new written notice of substantial completion.
 - d. If the FVCA determines that there are deviations from the approved Application for Major Construction or non-compliance with the Restrictions or Guidelines, the Deposit shall not be refunded until all deviations are brought into compliance with the approved Application for Major Construction, the Restrictions, and Guidelines.

RP-2021-362860

10. Builder acknowledges that the Deposit is required to be paid in an effort to assure compliance with the provisions of this Agreement, the Restrictions and the Guidelines, but that the forfeiture of all or any portion of the Deposit shall be in addition to, not in lieu of, all other remedies available to the Association for violations of this Agreement, the Restrictions and/or the Guidelines. The FVCA expressly reserves all remedies for non-compliance with the provisions of this Agreement, the Restrictions and/or the Guidelines, whether or not all or any portion of the Deposit is forfeited.
11. The parties agree that all disputes, claims or controversies arising out of or relating to this Construction Deposit Agreement shall first be mediated by a mediator who is a member of the Association of Attorney-Mediators.

Notwithstanding the foregoing, the provisions of this paragraph shall not be applicable to a suit for injunctive relief initiated by the FVCA based upon the contention that the construction of an *Improvement* is proceeding in violation of this Agreement, the Restrictions, and/or the Guidelines.

NOTE: For the purposes of this agreement, email between designated email addresses shall serve as written notifications and communications.

EXECUTED on the date(s) set forth below; to be effective when executed by both parties.

FONN VILLAS CIVIC ASSOCIATION, INC.

Date: _____ Sign: _____
Print Name: _____
Title: _____
Email Address: _____

BUILDER

Date: _____ Builder Name: _____
Sign: _____
Print Name: _____
Email Address: _____

OWNER

Date: _____ Sign: _____
Print Name: _____
Email Address: _____

FOR ASSOCIATION USE ONLY

Deposit:

Received on: _____; By: _____

Received From (Name and Company Name): _____

Certified Check: _____ (Check No.)

Amount: _____

Refund Amount: _____

Check No. _____

Delivered to: _____; Date: _____; or

Mailed to: _____; Date: _____.

RP-2021-362860

SCHEDULE A

Construction Deposit Agreement
Section 1 Forfeiture Schedule

Failure to Obtain Approval and/or Deviating from Approved Plans

| | |
|--|---------------------------------|
| Improvements not in approved location with no encroachments | \$1,000 each occurrence |
| Improvements not in approved location and with encroachments (including height violation) | \$2,500 each occurrence |
| Failure to provide <i>benchmark</i> elevation prior to commencing construction | \$1,000 |
| Failure to submit "Form Survey" prior to <i>pouring foundation slab</i> | \$2,000 |
| Failure to submit "Height Certification" at the completion of framing | \$2,000 |
| Failure to complete construction within twelve (12) month period unless approval is granted in writing to extend construction period | \$400 for each additional month |
| Failure to provide the "As-Built Survey" | \$2,000 |
| Failure to notify all adjoining property owners as stipulated | \$500 |

RP-2021-362860

Fonn Villas Civic Association, Inc.

Schedule A

Construction Deposit Agreement

Section 2

Failure to follow rules and regulations

One written warning will be given for failure to observe each of the following rules and regulations. After the first warning is given, Builder will forfeit an amount equal to \$300 for the second violation, \$400 for the third violation, \$500 for the fourth violation, increasing by \$100 for each subsequent violation for each written notice given for failure to observe any of the rules and regulations listed below.

- Failure to observe starting and ending times for project work.
- Failure to observe stipulated parking requirement for all vehicles.
- Failure to maintain clean work site, which includes keeping grass and weeds cut
- Failure to keep streets and gutters clean from all debris.
- Failure to service portable toilet facility and to locate it in designated areas.
- Failure to screen portable toilet facility.
- Failure to locate dumpster in driveway.
- Failure to maintain required screening fence and silt barrier.
- Failure to display in an unobstructed location at the front of the property an "in case of emergency" sign in the standardized format or the improper posting of more than one sign.
- Failure to post the rules and regulations stipulated in the approval letter, in both English and Spanish, in a place that every employee/sub-contractor will see, including, but not limited to, the prescribed starting and ending times for construction activity and the requirement to park on one side of the street.

RP-2021-362860

RP-2021-362860
Pages 19
06/29/2021 09:17 AM
e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
TENESHIA HUDSPETH
COUNTY CLERK
Fees \$86.00

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.



Teneshia Hudspeth
COUNTY CLERK
HARRIS COUNTY, TEXAS

RP-2021-362860