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Notice  
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RP-2016-31669  
01/25/2016 RP1 \$56.00

### SECRETARY'S CERTIFICATE OF FILING

I, Christine Caulfield, certify that:

I am the duly qualified and acting secretary of Fonn Villas Civic Association, Inc. a duly organized and existing Texas non-profit corporation.

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see

The attached instrument(s) is/are true copies of the unrecorded Dedicatory Instruments, as that term is defined by Section 202.001 of the Texas Property Code, pertaining to Fonn Villas Civic Association, Inc.

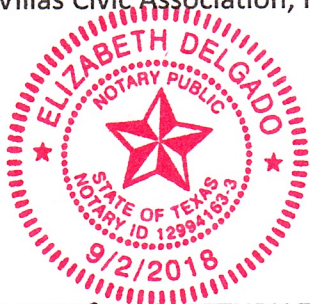
The attached instruments are being presented for recording in the Official Public Records of Real Property of Harris County, Texas, pursuant to Section 202.006 of the Texas Property Code.

Dated: 1/16/16

[Signature]  
Print Name: Christine Caulfield  
Secretary, Fonn Villas Civic Association, Inc.

THE STATE OF TEXAS  
COUNTY OF HARRIS

This instrument was acknowledged before me on the 16<sup>th</sup> day of January, 2016, by Christine Caulfield, Secretary of Fonn Villas Civic Association, Inc., a Texas non-profit corporation, on behalf of said corporation.



[Signature]  
Notary Public in and for the State of Texas

AFTER RECORDING, RETURN TO:

Lori E. Alderson  
1523 Avenue A  
Katy, Texas 77493

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PROCEDURES TO BE FOLLOWED BY  
THE "ARCHITECTURAL STANDARDS COMMITTEE" (ASC)  
AND  
THE "ARCHITECTURAL CONTROL COMMITTEE" (ACC)  
FOR THE ENFORCEMENT OF  
THE "FONN VILLAS RESTRICTIONS", THE "FONN VILLAS CIVIC  
ASSOCIATION, INC. GUIDELINES FOR ARCHITECTURAL AND  
NEIGHBORHOOD STANDARDS", & THE "MAJOR CONSTRUCTION:  
DEMOLITION, NEW CONSTRUCTION OF BUILDINGS, EXTERNAL HOME  
ADDITIONS AND REMODELING (ADDENDUM TO GUIDELINES)  
February 1, 2010, with addendum of March 1, 2010,  
as amended on March 5, 2012 & January, 2016

DEFINITIONS

The FONN VILLAS RESTRICTIONS will henceforth be referred to as RESTRICTIONS in these procedures.

The FONN VILLAS CIVIC ASSOCIATION, INC. GUIDELINES FOR ARCHITECTURAL AND NEIGHBORHOOD STANDARDS will henceforth be referred to as the GUIDELINES in these procedures.

The MAJOR CONSTRUCTION: DEMOLITION, NEW CONSTRUCTION OF BUILDINGS, EXTERNAL HOME ADDITION AND REMODELING (ADDENDUM TO GUIDELINES) will henceforth be referred to as ADDENDUM TO GUIDELINES in these procedures.

Any APPLICATION to the ARCHITECTURAL STANDARDS COMMITTEE will henceforth be referred to as APPLICATION in these procedures.

The APPLICATION FOR MAJOR CONSTRUCTION: DEMOLITION, NEW CONSTRUCTION OF BUILDINGS, EXTERNAL HOME ADDITION AND REMODELING will henceforth be referred to as APPLICATION in these procedures.

Non-compliance with the RESTRICTIONS and/or GUIDELINES will henceforth be referred to as VIOLATION(S) in these procedures.

Compliance with the RESTRICTIONS and/or GUIDELINES will henceforth be referred to as COMPLIANCE in these procedures.

Any homeowner(s) or property owner(s) in the FONN VILLAS SUBDIVISION, as defined in the BY-LAWS of the FONN VILLAS CIVIC ASSOCIATION, INC., ARTICLE 2.1, will henceforth be referred to as OWNER in these procedures.

If, for any reason, there appears to be a conflict between these procedures and the RESTRICTION and/or GUIDELINES, the RESTRICTIONS and/or GUIDELINES shall govern.

### PURPOSE AND OBJECTIVES

The purpose of these procedures is to provide a tool for the ASC & ACC in handling all Applications and in dealing with Violations in order to endeavor that all properties are in Compliance and that FVCA handles all such matters in a consistent and uniform manner over the years.

### GENERAL

- 1) The Architectural Control Committee (ACC) is composed of the Officers of the Fonn Villas Civic Association: President, Vice-President, Treasurer, Secretary, Sergeant-at-Arms, Parliamentarian, and the Chair-person of the Architectural Standards Committee (ASC) (see Restrictions Definitions 1 & Guidelines paragraph B.)

- 2) The Chair-person of the ACC is the President of the FVCA (see Restrictions Definition 1 & Guidelines paragraph B.).
- 3) The ASC will be composed of a Chair-person and other members as the ACC deems appropriate from time to time (see Restrictions Definition 2 & Guidelines paragraph B.).
- 4) All members of the ASC & the ACC must be very familiar with the Restrictions, the Guidelines, and these procedures.
- 5) All of the actions called for in these procedures are intended to be in keeping with the Guidelines, paragraphs A - J.
- 6) Information that is discovered regarding the change of ownership of any Fonn Villas property should be passed on to the Secretary.

#### APPLICATIONS

- 1) The Application process is fully described in the Guidelines, paragraph C. and the Addendum to Guidelines for Major Construction.
- 2) All Applications must be submitted to the ASC on the prescribed applicable Application Forms which are available from the Chairperson of the ASC, the FVCA web site ([www.FonnVillas.org](http://www.FonnVillas.org)), and the Guidelines that are duly recorded in Harris County, Texas.
- 3) The ASC & ACC must always be cognizant of the 45-day clock for approval or disapproval of any correctly completed Application as prescribed in paragraph b. of the Restrictions and amplified in paragraph C. 4. & E. of the Guidelines.
- 4) All documents and materials sent and received by the ASC and/or ACC shall be dated as to when sent and when received so as to correctly monitor the 45-day approval/disapproval period and in order to track modifications made to Applications and accompanying documents.
- 5) Applications for routine modifications and alterations to the exterior of improvements on a property shall be reviewed and approved/disapproved by the ASC. However, if the ASC feels that the ACC needs to review a specific situation, the matter shall be forwarded to the ACC.

- 6) All new construction, either additions, partial rebuilds, or demolitions and total rebuilds shall be submitted to the ASC and handled according to the Addendum to Guidelines for Major Construction.
- 7) All Applications are to be completed and submitted ONLY by the Owner of the property. In no event will an Application be accepted that has been completed by a contractor, tenant, or other individual residing in the property. An Owner is permitted to attach any and all relevant contractor documents to the Application as may be deemed necessary to describe the proposed work. In the event that an Application is received having been completed or submitted by someone other than the Owner, a letter should immediately be sent to the Owner advising that the Application is DENIED, and inviting the Owner to resubmit the Application in order for it to be reconsidered.
- 8) The Owner of any incomplete Application should have that Application returned as conditionally disapproved as soon as practical after receipt and preliminary review reveals that it is deficient in any manner, advising the Owner of the deficiency, and requesting the submission of the missing information or documents in order to complete the proper review of the Application. The 45-day period for approval shall not begin to run until after all requisite documents and information has been submitted by the Owner.
- 9) At no time will it be appropriate for any member of the ACC or ASC to discuss the content of and/or decisions regarding any Application with any contractor or agent of the Owner unless a meeting has been scheduled, at which meeting shall be present the Owner, contractor and/or agent of the Owner, and at least two members of the ASC and/or ACC.
- 10) Any modification to any original Application must be resubmitted by the Owner to the ASC, in writing, with the 45-day review process starting over upon the date of receipt of resubmission.
- 11) Any change to any originally approved Application proposal by the Owner requires that the Owner submit an additional Application covering the changes proposed and the 45-day review process shall start again.

- 12) The ASC/ACC should ascertain that the construction, modifications, etc. performed by the Owner following approval of an Application has been done in Compliance with the approved Application, Restrictions, and Guidelines. If not, then the Owner is in Violation.
- 13) It should be noted from paragraph E. of the Guidelines that only the ACC and/or the Board of Directors has the power to grant a variance and variances can only be granted to the Guidelines. A variance can never be granted to the Restrictions. Procedures for seeking a variance are covered in paragraph F. of the Guidelines.
- 14) Suggested Timeline for the review of Major Construction Applications:
- \* The ASC shall keep all members of the ACC informed as to the status of each active Major Construction Application along with status with regards to the 45-day approval period:
    - 1) Application received,
    - 2) Application sent to Third-Party Reviewer,
    - 3) Application returned from Third-Party Reviewer & their assessment,
    - 4) Application ready for ACC review with recommendation for approval or disapproval,
    - 5) Receipt of the Form Survey,
    - 6) Receipt of the Height Certification,
    - 7) Receipt of the As-Built Survey, and
    - 8) Any violations of the Construction Deposit Agreement that would result any in forfeiture.
  - \* Upon receipt of a Major Construction Application being Day 1, by about the end of Day 4 the ASC shall conduct a preliminary check to determine if the Application is complete, and if not, return it to the

Owner(s) to rectify said Application. If the Application is complete, the ASC will determine whether the proposed construction is of such degree so as to be outsourced to a Third-Party Reviewer and forward accordingly or, in the event that the proposed construction does not require outsourcing, the ASC shall determine that the Application is to be reviewed by the ACC, provided that the proposed construction complies with the Guidelines and the Restrictions in place at the time of submission of an Application.

- \* In the event that the Application is referred to a Third-Party Reviewer, by about Day 7 the ASC shall deliver the completed Application with all supporting materials to the Third-Party Reviewer.
- \* By about Day 9 Third-Party Reviewer shall confirm that the Application and all required documents, materials, etc. have been submitted in order to permit its acceptance by them to initiate the detailed review and notify the ASC of such acceptance in writing;
  - \* In the event that the Application is deficient in any manner, Third-Party Reviewer shall immediately notify the ASC with specific details of insufficiency;
  - \* By about Day 15 the ASC shall issue written notice to Owner(s) of all insufficiencies from Third-Party Reviewer and inform Owner(s) that the 45-day approval period has terminated;
  - \* In the event an Application is disapproved, Owner(s) shall be permitted to either resubmit new document(s) to cure any insufficiency and/or to supplement any existing documents as recommended by Third-Party Reviewer. Upon re-submittal by the Owner(s), a new 45-day approval period will begin at Day 1;

- \* By about Day 29 or as soon as is practical, and to the extent that Third-Party Reviewer is in receipt with the original submission of all required documents and materials to complete its review, Third-Party Reviewer shall render their final assessment of the Application to the ASC;
- \* By about Day 36 the ASC shall convene a meeting of the ACC to review the final assessment of the Third-Party Reviewer and the chair of the ACC shall sign the approved Application or the disapproved Application.
- \* By about Day 40 the ASC will return the approved or disapproved Application to the Owner(s).

## REPORTS

- 1) The ASC should submit a monthly written status report to the Chairperson of the ACC on all new Applications and known active or unresolved Violations.
- 2) Oral presentations to the regular monthly meetings of the Board of Directors should only be of a general statistical nature.
- 3) THERE SHOULD BE ABSOLUTELY NO DISCUSSION OF SPECIFIC PROPERTIES THAT ARE DEEMED TO BE IN VIOLATION OF THE RESTRICTIONS OR GUIDELINES AT THE REGULAR OPEN MEETINGS OF THE BOARD OF DIRECTORS. This type of property specific reporting shall be confined to the meetings of the ACC or to Executive Sessions of the Board of Directors, and if appropriate, with the Owner having been placed on the agenda of the ACC or Executive Session in advance. All information relating to the specific property must be treated as CONFIDENTIAL by all ACC and/or Board members.
- 4) When a specific case is completed, all hard copy documents and materials relating to the business of that case should be placed in the Fonn Villas Civic Association Historical Property Records that should be maintained by the ASC.
- 5) The hard copy of each case (application or violation) shall be converted to computerized form (i.e. scanned into PDF format) and, therefore, be



available to the ASC and ACC (i.e. through Flash Drive transfer), with the exception of large plats and plans that will only be maintained in hard copy.

6) The computer organization hierarchy is as follows:

Folder (ASC)

Folder (street, i.e. Taylorcrest)

Folder (address, i.e. Taylorcrest 12719)

Folder (ACC Applications)

Folder (Violations)

This should provide easy access to any specific property with all documents relating to that property filed in date order.

#### PROCEDURES FOR HANDLING VIOLATIONS

- 1) Compliance/Non-Compliance is covered in paragraph D. of the Guidelines. Enforcement of the Restrictions and Guidelines is covered in paragraph H. of the Guidelines.
- 2) The Fonn Villas neighborhood should routinely be inspected by the ASC at least once a quarter for Violations. A note of any Violations should be made along with any pertinent digital photographs with the automatic "date stamp" on the photo image to document the Violation.
- 3) An initial friendly Violation Notice letter (see form letter attached) should be sent to the Owner by the ASC and, when possible, accompanied by a personal communication with the Owner:
  - a) Describe the problem causing the property to be in Violation, including digital photos with "date stamp" illustrating the Violation, if necessary.
  - b) Quote the specific provisions of the Restrictions and/or Guidelines that are being violated. Always cite the Restriction that is violated first if both Restrictions and Guidelines are involved.
  - c) State whether or not an Application needs to be sent to the ASC seeking approval from the ASC/ACC for the work needed to bring the property into Compliance.

- d) This letter should request that the Owner bring the property into Compliance within 15 days, respond to the ASC within that timeframe with a schedule for completing the required work to bring the property into Compliance, or respond to the ASC stating why additional time is necessary for the Owner to comply.
  - e) All violation notices should be issued in compliance with the applicable statutory requirements effective at that time.
- 4) Absent Compliance or a response within the 15 days, the chairperson of the ACC should send a more strongly worded Second Violation Notice letter to the Owner detailing the Violation and curative measures necessary to bring the property into Compliance. This Violation Second Notice letter shall give the Owner another 15 days to bring the property into Compliance or respond, as outlined above, to the ACC.
  - 5) Given no satisfactory response to the Second Violation Notice letter, the Chairperson of the ASC shall prepare for the Chairperson of the ACC or to whomever the ACC designates, a "Property Code" letter to be sent by certified mail, return receipt requested and also by regular mail. Said "Property Code" letter shall afford the Owner a 30-day period within which to bring the property into Compliance or to request a hearing before the ACC.
  - 6) Absent any response to the "Property Code" Letter or the property being brought into Compliance by the Owner within this 30-day period, ACC will turn the matter over to the FVCA Attorney for further action.
  - 7) On a case by case basis, the ACC and the FVCA Attorney will decide what further action(s) is/ are appropriate, which may include, but not necessarily be limited to:
    - a. Prepare and record a Notice of Non-Compliance;
    - b. Forward a special letter to the offending Owner together with a copy of the recorded Notice of Non-Compliance;
    - c. Prepare and record a Release of Notice of Non-Compliance (upon confirmation that the Violation(s) has/have been cured and Owner

has reimbursed FVCA for the cost of all charges related to the Notice and Release);

- d. Prepare and file suit in Justice Court alleging a breach of contract; or
- e. Prepare and file suit for injunctive relief (suit would seek to recover an injunction against the Owner as well as attorney's fees, court costs, and civil damages).

FILED FOR RECORD  
8:00 AM

JAN 25 2016

*Stan Stewart*  
County Clerk, Harris County, Texas

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL  
PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.  
THE STATE OF TEXAS  
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time  
stamped hereon by me, and was duly RECORDED, in the Official Public Records of Real Property of Harris  
County, Texas

JAN 25 2016



*Stan Stewart*  
COUNTY CLERK  
HARRIS COUNTY, TEXAS