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CERTIFICATION

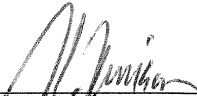
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STATE OF TEXAS §
 §
COUNTY OF HARRIS §

I, the undersigned, pursuant to §202.006 of the Texas Property Code, do hereby certify, as follows:

- (1) I am an Agent for BellaVita at Green Tee Homeowners Association, Inc. a Texas non-profit corporation;
- (2) An original instrument titled "ARCHITECTURAL GUIDELINES FOR BELLAVITA AT GREEN TEE HOMEOWNERS ASSOCIATION" is attached hereto as Exhibit "A";
- (3) The property affected by the said instrument is described in Exhibit "B" attached hereto.

IN WITNESS WHEREOF, I have subscribed my name on this the 18th day of JUNE, 2009.




J.C. Jamison, Agent for
BellaVita at Green Tee Homeowners Association

102

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on the day personally appeared J.C. Jamison, Agent for BellaVita at Green Tee Homeowners Association, and known by me to be the person whose name is subscribed to the foregoing document and being by me first duly sworn, declared that he is the person who signed the foregoing document in his representative capacity and that the statements contained therein are true and correct.

Given under my hand and seal of office this the 18 day of June, 2009


ALICIA CUEVA
Notary Public, State of Texas
My Commission Expires
April 17, 2013

NOTARY PUBLIC, STATE OF TEXAS

After recording return to:
HOLT & YOUNG, P.C.
11200 Richmond Ave., Suite 450
Houston, Texas 77082



JUL - 2 2009


County Clerk, Harris County, Texas



ARCHITECTURAL GUIDELINES

FOR

**BELLAVITA AT GREEN TEE HOMEOWNERS'
ASSOCIATION**

These Guidelines may be amended or repealed at any time by the BellaVita Board of Directors.

Exhibit

“A”

5-27-2009

**Architectural Guidelines
For
BellaVita at Green Tee Homeowners' Association**

These Architectural guidelines were developed by the BellaVita Homeowners' Association in accordance with the provision of the Declaration of Covenants, Conditions, and Restrictions for BellaVita at Green Tee Homeowners' Association, Inc. Article VI, Section 6 and Section 11 as well as other areas of that document which outline restrictions for use by homeowners.

Filed on this date with Harris County.

Approved 5/27/2009:

Ruth Southard
President, BellaVita Homeowners' Association

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Definitions

Terms used in this document have the following meanings:

Association	BellaVita at Green Tee Homeowners' Association
ARC	Architectural Review Committee of the Association
BellaVita	All sections of BellaVita under the jurisdiction of the Association
Board	The Board of Directors of the Association
Declaration	The Amended and Restated Declaration of Covenants, Conditions and Restrictions for BellaVita at Green Tee Homeowners' Association, Inc. filed on April 6, 2009 in the Official Public Records of Harris County, Texas.
Guidelines	Rules, standards and procedures established by the Board of Directors pertaining to buildings, additions or other modifications in BellaVita (see Article 1. paragraph. Q of The Declarations), BellaVita at Green Tee Homeowners' Association Improvement and Addition Guidelines dated May 1, 2003 and replaced with Architectural Guidelines for BellaVita at Green Tee Homeowners' Association on May 27, 2009 and as may be further supplemented and amended from time to time.
Managing Agent	Professional property management organization contracted and compensated by the Association to provide assistance to the Board. Managing Agent is identified in Appendix "A"
Master CCR's	Declaration of Protective Covenants for The Villas Master Association filed on January 24, 2001, in the Official Public Records of Harris County, Texas, as supplemented and amended from time to time.
Visible from Street:	Visible from any public or private street.

Address for Submission

BellaVita at Green Tee Homeowners' Association
Association Management Inc.-Houston
5295 Hollister
Houston, Texas 77040-6205

Overview

The purpose of architectural design guidelines is to keep BellaVita attractive for the enjoyment of residents and for the protection of property and property values. A home is often the most expensive item a person purchases. One of the joys of home ownership can be making improvements to alter or beautify the physical structure or property. However, homeowner deed restrictions determine what may or may not be done regarding most improvements. These Guidelines have been created to supplement the official homeowner association documents:

- Declaration of Protective Covenants for the Villas Master Association (Master CCRs)
- Declaration of Covenants, Conditions and Restrictions for BellaVita at Green Tee Homeowner's Association (Declaration)

These guidelines were developed to assure consistent application of the Declaration for all homeowners in BellaVita. They are intended to provide all owners in BellaVita with information about the:

- type, color, quality of materials which may be used in various kinds of improvements;
- size and locations of such improvements;
- procedure for submitting applications for improvements;
- procedure used by the ARC in reviewing applications for proposed improvements;
- procedure used by the homeowner in appealing decisions.

The Guidelines are not intended to stifle individual creativity but rather to stress and maintain community wide standards and harmony for the neighborhood.

The Declaration authorizes the Board and the ARC to establish rules, standards and procedures for the orderly development and maintenance of BellaVita and requires owners to obtain written approval from the Board, through the managing agent, for any buildings, additions or other modifications to their property **PRIOR TO INSTALLATION**. This document is designed to provide homeowners with information and procedures for obtaining approval for improvements.

The ARC and the BVHOA Board reserve the authority to review and approve applications for buildings, additions, or improvements which are not explicitly described by these Guidelines and to consider additional Rules in the review process. The Board of Directors may amend these Architectural Guidelines from time-to-time as it deems necessary and appropriate.

How to use the document:

The ARC developed this document as a useful tool for homeowners who desire to make exterior modifications to their home. Each specific modification listed contains rules and regulations related to that item, independent of whether the rule originates in the Declarations or the Guidelines. Throughout the document, text that is in *italics* represents text from one of the Declarations. These rules cannot be changed or amended by the ARC or the Board of Directors. The information is included in this document to facilitate the application process for the homeowner. This document is fairly complete, but it is not comprehensive. Some deed restrictions may appear only in the Declarations.

A. Application Procedure for Architectural Projects

1. Submissions:

No modifications may be started, constructed, erected, placed, maintained or made to any lot or property until complete plans and specifications have been submitted and approved in writing. This covers new construction as well as, but not limited to, additions, fences, patios, storage buildings, pools, walkways, driveway modifications and changes in house colors. All applications for approval to site or building construction, improvements, modification, alterations or additions shall be submitted to the Managing Agent in writing by fully completing the application form (Appendix "C"). Each application must be accompanied by *two sets of plans/specifications*. The plans/specifications must be supported by the following information:

- a. A copy of the existing lot survey including all existing buildings and structures without the proposed modification. [NOTE: Homeowners receive this document at closing.]
- b. A copy of the existing lot survey showing location of easements, existing buildings, and structures with the proposed location of the modification, all measurements and applicable building setback lines;
- c. Drawing(s) of the existing and proposed addition/modification showing the top, front, side, and rear exterior views; overall dimensions (length, width, height) of the modification; and the layout and dimensions of supporting structures;
- d. A description of all materials to be used including but not limited to, brick, siding, structure foundation, roofing material, and paint;
- e. Color samples for all colors involved must be included. One copy of each color sample or photographs will be accepted.
- f. Other information considered necessary for full evaluation including the impact on drainage for the property and neighboring properties.
- g. It is the owner's responsibility to determine all easements and setbacks that exist upon their property. No construction should occur within these easements or building setback lines. All building permits must be in effect at the time of construction. **If construction is not commenced within six (6) months of the approved application, a new application must be submitted.** All construction should be substantially complete within sixty (60) days from commencement.

The Board and the ARC reserve the right to request additional information deemed by it to be necessary to properly evaluate the application. In the event that the ARC and the Board request additional information and such information is not submitted by the applicant in a timely manner the application shall be invalid. However, the applicant may submit a new application with the requested information to the ARC for its review. The completed application form should be submitted to the Managing Agent with plans and specifications as indicated and signed by the property owner. Any questions pertaining to these standards may be directed to the Chairman of the ARC.

The application is considered submitted only upon actual receipt of the package by the Managing Agent. The Managing Agent will notify the homeowner when an application has been received. Approval/disapproval responses in writing are considered complete when given to or deposited in US mail.

2. Review Procedure

- a. The Board delegates to the Managing Agent the initial review of each application and authorizes the Managing Agent to make decisions on its behalf based on the following guidelines:

- (i) Any application that clearly meets all the requirements of the Guidelines and is in full compliance with the Declarations shall be approved. All others shall be disapproved.
 - (ii) An application may be approved pending the receipt of other permits or approvals that may be required from Harris County or other governmental entities. It is the responsibility of the owner to obtain all required City, County or other governmental permits.
 - (iii) If an application is disapproved because it does not clearly meet all the requirements of Guidelines and Declaration, the application is automatically routed to the ARC.
- b. *Any application that is not approved, disapproved, or rejected within sixty (60) days after receipt shall be conclusively presumed to have been denied.*
 - c. All decisions shall be conveyed in writing by the Managing Agent to the applicant and shall include a statement of the conditions under which the application is approved, if any, or the primary reason(s) for disapproval of the application. No verbal approvals shall be granted.
 - d. *Work must commence within thirty (30) days of receipt of approval.*
 - e. *Unless otherwise stated in a written response, all approved exterior changes, additions, or improvements shall be substantially complete within sixty (60) days of the date construction, installation or erection commenced.*

3. Appeal Procedure

- a. In the event the Managing Agent disapproves an application, the applicant may within thirty (30) days submit a written appeal to the ARC with any additional information the applicant considers relevant to the original application.
- b. The ARC shall have thirty (30) days to review the appeal and make a decision.
- c. The decision of a majority of the members of the ARC to approve or to disapprove an application shall be considered the decision of the ARC.
- d. All decisions by the ARC shall be conveyed in writing by the Managing Agent to the applicant and shall include a statement of the conditions under which the application is approved, if any, or the primary reason(s) for disapproval of the application. No verbal approvals shall be granted.
- e. Unless otherwise stated in the ARC's written response, all approved exterior changes, additions or improvements shall be completed within sixty (60) days of the date construction, installation or erection is commenced.
- f. In the event that the appeal is denied by the ARC, the applicant may, within thirty (30) days, submit a written appeal to the Board of Directors.
- g. The Board of Directors shall review the appeal at one of its next two (2) meetings following receipt of the appeal. All decisions of the Board of Directors shall be final.
- h. All decisions by the Board of Directors shall be conveyed in writing by the Managing Agent to the applicant and shall include a statement of the conditions under which the application is approved, if any, or the primary reason(s) for disapproval of the application. No verbal approvals shall be granted.
- i. Unless otherwise stated in the Board's written response, all approved exterior changes, additions or improvements shall be completed within sixty (60) days of the date construction, installation or erection is commenced.
- j. Status of Application during Appeal: During the appeal period, the decision on the original application shall remain in effect. Failure of the ARC or the Board of Directors to respond to a request for reconsideration within thirty (30) days of the

date of its receipt shall not automatically result in approval of the original application.

4. Residential Plan Standards:

All plans and specifications shall be drafted in a professional manner. An architect or designer is not required, but recommended for easier interpretation and generally better design results. Our plan standards are as follows:

- a. Drawings: A site plan or lot survey to show the dimensions of the proposed construction or modification and distance from existing building and closest property line. Plan view (top view) and elevations (front, left, right, rear) must be drawn to architectural (i.e.: 1/8" = 1'0"), or engineering scale (i.e. 1/8" = 1'0")
- b. Specifications: List all specifications relating to project design, structural framing, and quality of exterior materials, colors, textures and shape.
- c. Basis of Approval: Approval of plans and specifications shall be based, among other things, on adequacy of site dimensions, structural design, conformity and harmony with external design and of location with neighboring structures and sites, and conformity to both the specific and general intent of the restrictions and surrounding properties. *Review and approval may be made solely on the basis of aesthetic considerations.*

5. Contractor/Owner Construction Requirements:

The property owner has contracted with their selected contractor to provide construction services. It is the property owner's responsibility to ensure the contractor is aware of and understands the requirements of the Declaration and these Guidelines. The owner and contractor acknowledge and accept the authority of the Homeowners' Association to require certain standards. The owner and contractor acknowledge and accept the authority of the Homeowners' Association to enforce adherence to these standards through fines or other legal action. The owner and contractor agree to abide by the following:

- a. The burning of construction material, debris and other scrap on the property or in BellaVita is strictly prohibited.
- b. The work site shall be kept clean daily. The property owner and the contractor are responsible for all trash and debris being picked up and removed promptly. No dumping within BellaVita is allowed.
- c. Contractors are responsible for keeping mud, dirt, etc. off of the roadway and meeting all E.P.A. requirements regarding movement of silt and other materials from construction site to drainage swales and/or adjacent properties. Contractors will be responsible for repair to any road, road right-of-way, shoulders, curbs, or drainage swales damaged during the course of construction.
- d. Dumping or cleaning of cement trucks or dumping of construction material is not allowed within BellaVita, common areas and right-of-way (i.e., ditches, streets, parks, or storm sewers and all easements).
- e. Design of common area and roadside and neighbor drainage swales must not be altered.
- f. Construction access is limited to Applicant's property. Any damage done to Homeowners' Association and/or neighboring property shall be restored to the original condition as determined by the Homeowners' Association and/or neighbor at the property owner's expense.
- g. No building materials or contractor's equipment shall be left on the street overnight.

- h. Construction work shall be limited to the time period 7am to 7pm on Monday through Saturday and 10 am to 5 pm on Sunday.

6. Compliance Inspection:

The Homeowners' Association MAY require site inspections including but not limited to:

- a. Periodic Inspection: If performed, will be to inspect for compliance of utility easement, drainage easements, flowage easements, and setbacks to inspect for compliance of all building requirements such as disposal of debris, burning of debris and all other requirements made by the contractor/owner.
- b. Final Inspection: A final inspection will be performed to review the site after completion of modification(s) to verify aesthetic condition of the addition/changes, verify compliance with the guidelines, and verify compliance with submitted plans and specifications. Included are but not limited to additions, pools, decking, walkways, painting, landscaping, and other items necessary to present an aesthetic condition on the lot. Final inspection shall not be relied upon by any person or entity as to the structural integrity, sufficiency, suitability, fitness, workmanship or quality of the design, construction of the improvements, compliance with the Declaration; and compliance with the Architectural Guidelines or any other matter. Neither the Board of Directors, Architectural Review Committee, Property Managers, nor any of their respective members, officers, directors, shareholders, employees or agents shall be liable because of the approval or non-approval of any modification.
- c. Non-compliance with Board approval: If for any reason a structure is deemed not to be in compliance with approved plans, the owner will be notified in writing. The HOA will require the cessation of construction until the item(s) in non-compliance are corrected. Be advised failure to submit to the ARC for approval prior to beginning construction, commencement of construction before approval is received or failure to install/build as approved may be subject to fines imposed on the property owner for non-compliance.

B. General Rules for Architectural Improvements:

The Board and the ARC shall consider the following factors upon the review of each application for all site or building construction, improvements, modifications, alterations or additions thereto:

- 1. The parent documents which govern the rules and regulations of this homeowners' association are:
 - a. Declaration of Protective Covenants for the Villas Master Association (Master CCRs)
 - b. Declaration of Covenants, Conditions and Restrictions for BellaVita at Green Tee Homeowners' Association (Declaration)
 - c. This document: Architectural Guidelines for BellaVita at Green Tee Homeowners' Association
- 2. All construction, improvements, modifications, alterations or additions must comply with the BellaVita Architectural Guidelines. If the Guidelines do not address a particular improvement, modification, alteration or addition then the construction, improvement, modification, alteration or addition is disapproved pending additional review by the ARC. Additional provisions of the Declaration may apply.

3. The quality of construction and materials, colors, exterior design (elevation), size (dimensions), and location must be harmonious with existing and other proposed structure and location with respect to topography and finished grade elevation, and must be in compliance with the provisions of the Declaration and with surrounding properties. All improvements must be complimentary to the home and conform with new construction standards applicable to the neighborhood.
4. The location of any improvement must not violate the building setback lines, utility or drainage easements as shown on the official recorded plat, nor obstruct driver's vision at street intersections, nor change the drainage path for any neighbor's lot.
5. Improvements that are intended for other than single-family residential purposes are not permitted.

NOTE: The Board will not grant permission to place a building over, under, upon or across any utility easement unless consent to encroach upon any utility easement is obtained in writing from the owner of the easement (i.e. utility companies) by the property owner.

The ARC or the Board shall also consider the provisions of the Declaration and of applicable statutes, ordinances and building codes. However, approval of an application shall not be construed as a warranty or representation by the ARC, Managing Agent, or Board that the modification, addition or improvement, as proposed as built, complies with any or all applicable statutes, ordinances or building codes or as a warranty or representation by the ARC, Managing Agent, or the Board of the fitness, design or adequacy of the proposed construction.

C. Development Standards for Architectural Improvements:

1. Exterior Painting

Exterior surfaces of any residence, garage door, exterior doors, or other structures on any lot may be painted the same color and quality as the original paint. Different colors require ARC approval.

- a. The front door shall be maintained to the original configuration including color, material, and type of glass. No replacement door of a solid material without the window is allowed. The door glass shall not be replaced with any other type of material.
- b. A color sample or "paint chip" of the proposed exterior color(s) must be included with each application submitted to the ARC.
- c. A sample of the existing paint color must also be included with each application.
- d. Only colors consistent with BellaVita Standards will be approved. Refer to Appendix B, BellaVita Color Schemes.
- e. Brick may not be painted or stained.
- f. Harmonious Colors – The proposed colors must be harmonious with each other and with the colors of the exterior brick and roofing materials.
- g. Trim – Soffit, fascia board, window and door trim and rain gutters must also be harmonious colors.

2. Exterior Siding

When siding is replaced or added to any existing structure or new modifications on the lot, it must be of the same type, quality, size and color as the existing siding on the main residence. No siding will be allowed to be replaced unless it is identical to the siding already on the home.

- a. Thickness, visible width and spacing of siding must be consistent with that of the original exterior siding; each application submitted to the ARC shall include a 3" x 3" sample of the siding.
- b. Color of all siding (including siding that is not painted) must comply with the guidelines herein for painting.
- c. Exterior siding must be installed and maintained to avoid sagging, warping, algae, or irregular coloration; BellaVita at Green Tee HOA may require the homeowner (at homeowner's sole responsibility and expense) to repair or replace siding that fails to adhere to these guidelines.

3. Roofing Materials and Accessories:

Roofing materials used shall be of a premium grade asphalt composition shingle. A copy of the contractor's quote showing the shingle type, style, age rating and color must accompany the application. An alternative to the Contractor's quote would be a 2" X 2" square sample of the shingle submitted with the application.

- a. Materials and installation shall comply with hurricane wind requirements as established by local code authority having jurisdiction. Highly recommend that shingles are not installed using staples. Roofing nails are the preferred method of installation.
- b. Material: The proposed shingles shall be of an acceptable type, quality, and color that are harmonious with the residence. *Shingled roof shall have a minimum 20 year warranty.* The use of 225 pounds/square shingles is strongly recommended in hurricane prone areas.
- c. Accessories: All roof protrusions shall be located to the rear of the ridgeline and/or gable of any structure and shall not extend above the highest point of the structure. All roofing additions, wind turbines and vents (if any) must match the roofing material and/or color as closely as possible. The Board shall have the right to approve exceptions to the foregoing in cases where energy conservation and heating/cooling efficiency require solar panels, ventilators, or other such devices that, because of a particular roof design or orientation, cannot be hidden from public view.

4. Front Yard Art:

Yard art shall be permitted in the front yard under the following conditions:

- a. Location: Art must be an integral part of the landscaping and blend in with the existing shrubbery or trees. This includes the lot in front of the fence line and any side yards on corner lots.
- b. Size: Yard art shall not exceed thirty-six (36) inches in height. The exception is decorative landscape planters used for the display of *living* flowers or other approved landscape material. A maximum of three (3) pieces of yard art per yard will be allowed.
- c. Materials: Decorative accessories and landscape planters must be constructed of durable materials.
- d. Maintenance: All accessories shall be maintained in such a fashion as to not detract from the neighborhood. Landscape planters must be maintained with *living* landscape materials at all times.

- e. Traditional holiday decorations and lights may be displayed for two (2) months prior to and one (1) month after any commonly recognized holiday for which such lights are traditionally displayed.

5. Fountains:

Fountains are permitted under the following conditions:

- a. Fountains shall be permitted in the front yards, street side yards, rear yards, and courtyards of residential homes
- b. Fountains shall be limited in height to three (3) feet above the natural grade of the lot in front and side yards. Any fountain shall be of natural material, color and design, each of which is compatible with the overall architectural theme of BellaVita at Green Tee.
- c. Only one (1) fountain will be allowed per lot.
- d. Style, design, and location of fountain must be approved by the Architectural Review Committee.

6. Banners/Flags:

The Association encourages its residents to display the American flag at appropriate times with due respect to national standards. Flying the U.S. flag and the State of Texas flag does not require a submittal to the Architectural Review Committee. They may be flown at anytime as long as they are in compliance with this regulation.

- a. Maximum of two (2) 3' by 5' foot flags mounted on a flagpole attached to the front of the home are permitted.
- b. *There shall be no permanent stand alone flagpoles allowed on residential lots in BellaVita.* Temporary in-ground flags on poles placed by a service organization shall be permitted on certain holidays (such as President's Day, Memorial Day, Flag Day, July 4th, Patriot's Day and Veteran's Day). This is allowed for a reasonable number of days before and after the above listed holidays.
- c. Flags may not be used to advertise or promote any product or commercial enterprise. Flags for service organizations, schools, or universities may be flown on a temporary basis when appropriate.
- d. The flagstaff must be mounted to the home. The size of the pole shall be limited to six (6) feet in length and must not protrude above the first floor eave or plate line.
- e. Flags must not be mounted directly on exterior walls or doors or on fences.
- f. No clanging chains or otherwise noisy apparatus shall be attached to the flag.
- g. All flags must be maintained in good condition and should not be displayed on days when the weather is inclement. Flag etiquette must be followed at all times. Proper lighting is required for nighttime display of the U.S. flag.

7. Park Benches:

Park benches, swings, or other seats at the front of the residence must be well maintained and the seat of the bench shall not exceed eighteen (18) inches above the natural grade of the lot. The style and color of park benches must be in harmony with the exterior design and color of the home and with the community. Style, color and location must be reviewed by the ARC. The definition of harmony will be determined by the ARC.

8. Porch Swings:

Porch swings must be well maintained with a color in harmony with the exterior color of the residence.

9. Hanging Baskets:

Hanging baskets visible from the street must be well maintained.

10. Hose Holders:

Vessels which hold hoses are permitted at the front spigot of the home. Because of the differences in the look of certain hose holders, it is suggested the resident use his/her most conservative judgment in shape and color when purchasing the hose holder. Hoses laying on the ground or wrapped around the spigot on the front or side of the home are not allowed.

11. Trellises:

All trellises must meet the criteria listed below:

- a. Must be in harmony with the exterior color of the home blending into the home or may be the color of the trim or shutters on the home. Each trellis must appear as though it was constructed specifically for the home.
- b. The trellis may be constructed of wrought iron, aluminum, engineered wood or materials which won't rust, rot or decay.
- c. Trellis may not lean against the home but must stand upright. The trellis may not be higher than seven (7) feet tall.
- d. Wires running from the ground to the eaves of the home with vines are not allowed.
- e. Trellises fall under the review of the ARC and must be submitted to the committee for approval.

12. Outdoor Lighting:

Outdoor lighting shall be installed in such a way to shield or minimize the amount of spill light on adjacent properties, homes or streets. All lights must be installed no higher than the first story plate line. The only exceptions are low voltage landscaping lights. Approval is needed for both front and rear yard lighting.

- a. Landscape Lighting: Lights must be located at ground level in flowerbeds and must illuminate white. Maximum height is eighteen (18) inches. Maximum wattage for landscape spotlights is 35 per light.

13. Driveways:

Under no circumstances will painted or stained driveways be permitted.

- a. The replacement of concrete driveways is to be a minimum four (4) inches thick reinforced with a minimum of 1.4 X 1.4 X 6 X 6 welded wire fabric (WWF) over a sand base. Recommended expansion joints where no slab is greater than ten (10) feet by ten (10) feet. County specifications regarding driveway cuts and curb returns at driveway openings shall be adhered to.
- b. Driveways may be a material consistent with the architectural character of the entire neighborhood. **Asphalt paving is prohibited.**
- c. Side extensions are permitted up to a maximum of 24 inches wide on each side but shall not exceed the lot line. Materials shall be cement or paver stone with sufficient base to be structurally sound for supporting a vehicle.

14. Walkways:

Walkways should be a complimentary component and should not compete visually with the house or landscape.

- a. A walkway must be at least three (3) feet in width and no more than five (5) feet in width unless a variance of this rule is granted by the Board.
- b. Walkways should be constructed of unit masonry, quarried stone, paver stone, or concrete. **Asphalt walkways are strictly prohibited.**
- c. Required Submittal Information: Along with the completed application, a copy of the lot survey by a professional land surveyor is required (the survey received at closing). A second survey (same as above) is required with the walkway imaged into the survey.

15. Swimming Pools, Spas, Hot tubs and Ponds (Water Gardens):

- a. Location: Pools or spas, including equipment, must be located in the back or side yard behind the fence. Backwash lines shall be terminated to the sewer.
- b. Height: Swimming pool appurtenances, such as rock waterfalls and slides must not exceed six (6) feet in height when measured from the natural ground. No portion of swimming pool accessories (slides, diving boards, waterfalls, raised beams, etc.) may exceed six (6) feet in height from natural ground or be visible above the top of the fence and must be screened with landscaping. Spa enclosures require application approval. Additional landscape screening may be required.
- c. Fencing/Screening: All private swimming pools and spas, including pool equipment, must be completely screened from view.
- d. Construction Access: Pool construction access routes must be clearly defined from the street to the pool excavation sight. Access must be granted by the appropriate entity and a written authorization must be submitted with the approval application prior to pool installation.
- e. Maintenance: All swimming Pools and spas must be properly maintained year-round. Proper area drainage to the front of the property must be maintained and pool run off/drainage must not affect neighboring properties. If area drains are routed to the street, the sidewalk and/or curb must be saw cut, broke out and properly replaced. Equipment must be maintained as to not cause a noise violation to adjacent neighbors.
- f. Prohibited Structures: Portable or permanent above ground swimming pools are strictly prohibited.
- g. Required Submittal Information: Along with the completed application, a copy of the lot survey by a professional land surveyor is required (the survey received at closing). A second copy of the survey is required with the pool imaged onto the survey. In addition, the pool plan sketch/detail, the location of the pool equipment, the filter type, drainage, access route information, detailed scope of work to be performed and contractor's name/phone number must be included.
- h. A \$3,000 deposit check is required with the submittal of the approval application to ensure that if the homeowner's contractor damages any common area or a neighbor's property, it is restored to the Association's and neighbor's satisfaction.

16. Basketball Goals:

BellaVita recommends and encourages the use of the basketball goal on the Clubhouse grounds. Individual basketball goals are not permitted.

17. Arbors, Pergolas, and Gazebos:

Arbors, Pergolas, and Gazebos shall be defined as an attached or free standing, opened framed structure whose purpose is to provide shade. Arbors, pergolas, and

gazebos shall not be used for any type of open storage. Arbors, pergolas, and gazebos must be maintained at all times.

- a. If attached to the home: It must either match the primary or trim color of the home. It may not be closer than five (5) feet to the fence. It may not encroach upon any building lines or easements. It may not be higher than the fascia on the home.
- b. If free-standing: All materials must match those of the main residence in type, quality and color. It may not encroach upon any building lines or easements. The area of the base may not exceed one hundred (100) square feet and the peak of a gazebo roof may not exceed ten (10) feet in height from ground to top. Additional landscape screening may be required.
- c. Material: Supporting structural members must be constructed of materials resistant to decay such as engineered wood such as Trex or embossed architectural aluminum painted the same color as the trim on the home. The roof of the structure can consist of wood slats. Hurricane strapping at the base and roof is required.

18. Patio Decks:

Patio decks are restricted to the rear or side yard.

- a. Materials: All above ground structures shall be made of either weather resistant wood, engineered wood, masonry or concrete. In all cases, the design and materials must complement the house design.
- b. Hurricane strapping at the base is required.

19. Covered Patio Structures and Awnings:

Covered patio structures are considered to be additions to the rear or side of the residence that have no enclosure walls. Attached patio structures must be painted to match the primary color of the home or the trim.

- a. Material: The standard, type, quality and color of the materials used in the construction of a patio cover must be harmonious with the standard, type, quality and color of the materials used in construction of the main residence (brick or Hardie siding). The roof of all patio covers, other than arbor, pergola or open trellis types, must be sloped and covered with shingles meeting the roofing guidelines set forth herein. **Corrugated fiberglass, plastic, or metal roofs for patio covers shall not be permitted under any circumstances.** Hurricane strapping at the base and roof is required. All patio covers must be adequately supported and constructed of sturdy materials so that the patio cover has no visible sagging or warping. Additional landscape screening may be required. Supports must be painted wood, treated wood or metal columns. No pipe is allowed.
- b. Dimensions: The top of the patio cover at its lowest point shall not be higher than nine (9) feet from the ground level (typical first floor plate height). The patio cover roof shall provide an attractive slope with a minimum 4/12 roof pitch away from the home, at an angle that does not exceed that of the roof of the residence. Flat roof patio covers are not permitted.
- c. Awnings: A retractable awning is allowed as long as the color is complementary to the house. Awnings must be well-maintained.

20. Patio Enclosures:

A patio enclosure is any patio cover that has exterior walls.

- a. **Material:** The standard, type, quality and color of the materials used in the construction of patio enclosures must be harmonious with the standard, type quality and color of the materials used in the construction of the main residence (i.e. brick home, enclosure must be brick to match the home). The slope of the patio enclosure roof is to match the slope of the house and must be shingled to match the existing roof and in compliance with the roofing guidelines set forth herein. **Corrugated fiberglass, plastic, or metal roofs for patio enclosures shall not be permitted under any circumstances.** Hurricane strapping at the base and roof is required. The exterior color of the walls, doors, windowsills, beams, frames or other visible supports must match the exterior color of the residence. Covered patio enclosures must be maintained at all times. Additional landscape screening may be required.
- b. **Dimensions:** The lowest point of the patio cover shall never exceed nine (9) feet from ground level (typical first floor plate height). The patio enclosure roof shall provide an attractive slope with a minimum 4/12 roof pitch away from the house, at an angle that does not exceed that of the roof of residence. Flat roof patio enclosures are not permitted.
- c. **Prohibited accessories:** No air conditioning or heating duct work may be installed on the exterior. No air conditioning window units are permitted.

21. Outbuildings:

Outbuildings are any type of structure detached from the residence used for any purpose, such as but not limited to, storage shed, storage container, workshop, tool shed, children's playhouse, greenhouse, or dog house.

Outbuildings must meet the following guidelines:

- a. **Location:** They are restricted to the rear and side yard. They cannot be placed in utility easements or in setback areas as defined on the lot plat.
- b. **Size:** Storage buildings may not exceed 100 square feet in area and those that are visible to common areas, other homes, or to streets may not exceed six feet (6') in height.
- c. **Material:** The standard, type, quality, and color of the materials used in the construction of an outbuilding must be harmonious with the standard, type, quality and color of the materials used in construction of the main residence. Prefabricated (Rubbermaid type) storage containers may be allowed provided they are not visible to common areas, other homes, or streets.
- d. **Screening:** Landscape screening may be required.
- e. **Submission:** When submitting the "Request for Home Improvement Approval", a drawing of the storage building on a copy of the original plat must be attached. This drawing must show the overall dimensions (height, width, and length) and location on the lot.
- f. They must satisfy the city, county, and state requirements for a secure foundation to protect adjacent property in a storm.

22. Antennas and satellite dishes:

For details regarding antennas and satellite dishes, see the Declarations, Article VI, Section 7.

23. Solar Screens, Storm Doors, Window Films and Storm Windows:

- a. Solar screens may be installed on all windows on the front, side or back of the house. An acceptable material for solar screening is a heavy gauge vinyl mesh that is available in a color harmonious to the exterior. The mesh must be

enclosed and framed. The mounting of the solar screen should not detract from the overall appearance of the house.

- b. Only full view storm doors may be installed. The suggested material for storm doors is aluminum. Window film placed on storm doors must follow the window film guidelines.
- c. Window film may be installed on the front, side, or back of the home. Absolutely no mirrored, fully reflective bronze or any other colored film is allowed on any windows.
- d. Storm windows must be architecturally consistent with the architecture of the house.
- e. Hurricane window protection materials are left to homeowner discretion. Temporary opaque shutters must be removed within a reasonable amount of time of the storms passing.

24. Fencing:

Fencing must be in accordance with the Architectural Guidelines.

- a. Wrought Iron Fencing
 - (i) For those lots where such fencing is required the fencing height is to be consistent with the original height before replacement and must be painted black.
 - (ii) The metal pickets must be a maximum of four (4) inches on center.
 - (iii) Black bottom portion "puppy bars" are permitted.
- b. Wood Fencing:
 - (i) Fence sides visible to the public and common areas must be the "finished" side of the fence.
 - (ii) Maximum height of any fence will be six (6) feet.
 - (iii) Lattice fencing is not permitted.
 - (iv) Posts shall be a maximum of eight (8) feet apart and installed to a minimum of 24". [Recommendation: Putting concrete around the base of the 4X 4 post will build a stronger, longer lasting fence.]
 - (v) No front yard fencing is allowed.
 - (vi) Wood fences may not be altered in any form or fashion to incorporate any artistic design, cutouts, wagon wheels, etc.
 - (vii) To prevent inconsistent color matches with the fences throughout the community, painting and varnishing of the wood is not permitted.
 - (viii) Wooden fences may be sealed with a clear preservative. Prior to sealing a fence, the wood must either be pressure washed or chemically cleaned. See Appendix B.
 - (ix) Decorations may be mounted to the fence under the following conditions:
 - (a) Item must be harmonious with the surroundings.
 - (b) Item must be securely mounted.
 - (x) Wooden gates may not exceed forty two (42) inches in width. Minimum gate width is 36". This allows mowing personnel access to back yards. No double gates will be allowed.
 - (xi) Prohibited Fencing: Vinyl, chain link, lattice and wire fencing shall not be permitted.

25. Lake Lots:

Lots along the lake shall retain the wrought iron fence as provided by the Declarant and homeowner may not replace it with any other type of fencing material. These residences also have additional restriction as follows:

- a. Pools, spas, and hot tubs are not allowed.
- b. Outbuildings are not allowed on these lots.
- c. Storage containers of a generally commercial type, designed for outside usage for garden implements, not to exceed 36 inches tall are permitted on lake lots provided that they are directly next to the residence at the rear or side of the property, behind the front fence and screened from general view by landscaping at the sides. They require submission for approval.

26. Generators:

- a. A portable electrical generator is permitted for emergency use without prior approval.
- b. Permanent generators shall be placed at the side or rear of the residence behind the front fence. On lots with wrought iron fencing, it shall be screened from view by landscaping.

27. Signs:

- a. Political signs shall be permitted under the following conditions:
 - (i) All signs must be ground-mounted within the owner's property lines.
 - (ii) Signs are to be no larger than 24" x 36".
 - (iii) Signs are to be of wood, cardboard or plastic material.
 - (iv) One political sign per candidate or ballot item is permitted on each lot.
 - (v) All signs must be erected no earlier than 90 days before an election and removed within 10 days of the election.
- b. Refer to Master CCRs and the BellaVita Declaration for information on all other signs.

28. Zero Lot Lines:

- a. *Emergency exit gates from adjacent zero lot line properties must maintain a free and unobstructed means of escape from the gate through the side gate back to the effected property or to a public right of way. Do not landscape or install any improvements that obstruct this gate or means of exit.*

[NOTE:] Because the code requires a means of exit to an open outside area or a public right of way through windows or doors from bedrooms, the emergency exit gate must be maintained as a legal means of egress. Blocking this gate is a violation of the City of Pearland code according to the City of Pearland Fire Marshal and could lead to fines if blocked.

- b. Flowerbeds built along the zero lot line of the adjacent house shall be prepared such that the soil and mulch do not cover the weepholes.

29. Garage Conversions

Conversions are not permitted. No garage shall be enclosed or modified so as to reduce its capacity for parking vehicles.

30. Common Areas/Ground Owned by the HOA

- a. Residents desiring to place property on Common Areas must make application to the ARC.
- b. All property placed in Common Areas must be approved by the Board of Directors of BellaVita at Green Tee HOA.
- c. Property may include but not be limited to: Park Benches, Tables, and chairs.
- d. Property purchased by the Residents and put in common areas shall be donated to and become the property of the HOA.
- e. Residents shall provide to the Board of the HOA, copies of product information and sales receipts

D. Variances:

Variances to the Architectural Guidelines may be granted at the sole discretion of the Board of Directors of BellaVita. No Variance shall be granted unless the general purposes and intent of the Declaration and Guidelines are maintained.

Any variance granted shall only be applicable to the specific site and conditions for which the variance was granted, and shall not modify or change any design standards as they apply to other sites or conditions. All variances must be confirmed in writing and signed by the Board or its designated representatives prior to construction of the improvement. No verbal variances shall be granted.

E. Special Circumstances:

Acts of Nature constitute a special circumstance and will be handled on a case by case basis.

APPENDIX "A"

Managing Agent
Association Management, Inc.-Houston
5295 Hollister
Houston, Texas 77040-6205
Phone: 713-932-1122
Fax: 713-932-6059

Property Manager: Kristin Jovel
Company E-mail: kbanner@amitx.com
Web: www.amitx.com

APPENDIX "B"

Color palette

The following specific products are provided as a Community-wide standard. Equivalent products are acceptable.

Exterior Colors: Products below are for color reference only.

Sherwin Williams Sandbar
Monarch Chamois (MK2278)
Monarch Driftwood (MK2252)

Fence Products:

Pickets 1x6 Cedar, lumber grade #1 or #2
Posts 4x4 Treated Yellow Pine, Lumber Grade #2, treated Grade .40; CPF
Rails 2x4 Treated Yellow Pine, Lumber Grade #3, Treatment Grade .25 cpf

Fence Sealant:

Sherwin Williams #A18Y50500
Thompson's Water Seal

APPENDIX "C"

REQUEST FOR HOME IMPROVEMENT APPROVAL FORM

This form is available in the resident section of the BellaVita website (www.club-bellavita.org) under FORMS.



BELLAVITA AT GREEN TEE HOMEOWNERS' ASSOCIATION

REQUEST FOR HOME IMPROVEMENT APPROVAL

In an effort to provide and protect each individual Homeowners' rights and values, it is required that any homeowner or group of owners considering improvements and/or changes to their home or property submit this form to the Managing Agent prior to installation. If any change is made that has not been approved, the association has the right to ask the homeowner to remove the improvement(s) and/or change(s) from the property.

Please Note: Contractors cannot submit applications on the homeowner's behalf.

Please fill out this form in COMPLETE detail.

DATE: _____

OWNER'S NAME: _____

MAILING ADDRESS: _____

ADDRESS WHERE CONSTRUCTION IS TO BE PERFORMED: _____

PHONE: (HOME) _____ OTHER: _____

TYPE OF IMPROVEMENT/CHANGE PROPOSED:

PAINTING: (All samples must be submitted)

Color of Brick: _____

Color to be used for:

Main portion of house (including garage door) _____

Trim (soffit, fascia boards, window trim) _____

Accents (shutters, window hoods, doors) _____

STRUCTURES:

If you are building/installing a structure (including storage buildings) with walls and a roof, you must include an elevation drawing showing the dimensions of the structure, including the height.

If you are building a pool, a \$3,000.00 deposit is required with the application.

Request for Home Improvement – page 2

Failure to submit the lot survey, color samples, material samples, plans or any other necessary information will result in the application being returned to the homeowner for the additional information. Incomplete applications cannot be processed and will be deemed denied until all required information is received.

I understand that the Association will act on this request as quickly as possible and contact me regarding their decision. I agree not to begin property improvements/changes until the Managing Agent notifies me of the approval.

I understand and agree that it is the duty of the Owner and any contractor or consultant employed by the Owner to determine that the proposed improvement is structurally, mechanically, and otherwise safe, and that it is designed and will be constructed in accordance with the Covenants and Restrictions applicable to the lot. I agree that neither the association, nor any Director, Officer, Committee, Managing Agent, or member or employee thereof (the "Indemnified Parties"), shall be liable for damages or otherwise because of the approval or non-approval of this application or any facet thereof. I hereby release, indemnify, and hold harmless the Indemnified Parties from any claim, liability, damage, suit and attorney's fees arising out of any action or omission of any of the Indemnified parties with regard to this application and in regard to the design plan review, construction or inspection of the proposed improvements, including any claims, liability, damages, suits and attorney's fees resulting from the negligent acts of one or more of the Indemnified Parties.

Printed name of Homeowner

Proposed construction start date

Signature of Homeowner

Proposed completion date

SUBMIT FORM TO:

Association Management, Inc. – Houston
5295 Hollister St.
Houston, TX 77040

PLEASE NOTE: THE MANAGING AGENT HAS THIRTY (30) DAYS FROM THE DATE THE APPLICATION IS RECEIVED TO REVIEW APPLICATIONS.



Request for Home Improvement -- Pools

If installing a pool, please complete and submit this page with the Request for Home Improvement form.

- A. Equipment Location _____
- B. Backwash to Sewer _____
- C. Easement Lines _____
- D. Trees to be Removed _____
- E. Existing 6' Fence with Self-Latching gate ____ Yes ____ No
- F. Color of Deck _____
- G. Pool Drain – Re-circulates Back to Pool ____ Yes ____ No
- H. Area Drains to street ____ Yes ____ No (This will drain rainwater only.)
- I. Access _____
- J. Distance from edge of pool to each lot line _____
- K. Type of coping _____
- L. Type of filter _____
- M. Fence Work to be Done _____
- N. Equipment Location _____
- O. A Deposit Check of \$3,000 must accompany this application _____
- P. All Equipment, Deck, Coping and Pool are below 6' Fence that surrounds backyard. ____ Yes ____ No
- Q. Sliding Board _____
- R. Location of Backwash _____
- S. Location of Sewer _____
- T. A Lot plan showing Easements, Existing Improvements, Proposed Pool, Deck and Equipment must accompany this application.

Exhibit "B"

PROPERTY DESCRIPTION

157
100
BellaVita at Green Tee, Section One (1), a subdivision in Harris County, Texas, according to the map or plat thereof recorded under Clerk's File No. U404467, in the Real Property Records of Harris County, Texas;

100
BellaVita at Green Tee, Section Two (2), a subdivision in Harris County, Texas, according to the map or plat thereof recorded under Clerk's File No. V343320, in the Real Property Records of Harris County, Texas

100
BellaVita at Green Tee, Section Three (3), a subdivision in Harris County, Texas, according to the map or plat thereof recorded under Clerk's File No. W173156, in the Real Property Records of Harris County, Texas

100
BellaVita at Green Tee, Section Four (4), a subdivision in Harris County, Texas, according to the map or plat thereof recorded under Clerk's File No. X817492, in the Real Property Records of Harris County, Texas

100
BellaVita at Green Tee, Section Five (5), a subdivision in Harris County, Texas, according to the map or plat thereof recorded under Clerk's File No. Z096717, in the Real Property Records of 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 specified herein by me, and was duly RECORDED, in the Official Public Records of Real Property of Harris County, Texas on

JUL -2 2009



Beverly B. Kaufman
COUNTY CLERK
HARRIS COUNTY, TEXAS

**Exhibit
"B"**