

CERTIFICATION

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 The Villas Master Association, Inc. a Texas non-profit corporation;

(2) An Instrument titled: "Parking and Towing Enforcement Guidelines for Villa D'Este" is attached hereto;

(3) The property affected by the said Instrument is described as, to wit:

Villa D'Este, Sections 1 and 2, additions in Harris County, Texas, according to the maps or plats thereof, recorded in the Map Records of Harris County, Texas under Clerk's File Nos. U938437 and Z302141, along with any amendments, supplements and replats thereto.

(4) The attached Instrument is a true and correct copy of the original;

IN WITNESS WHEREOF, I have subscribed my name on this 24th day of February, 2016.

By: *[Signature]*
Luke P. Tollett, Agent for The Villas Master Association, Inc.

STATE OF TEXAS §
 §
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BEFORE ME, the undersigned authority, on the day personally appeared Luke P. Tollett, Agent for The Villas Master Association, Inc., 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 24th day of February, 2016.
[Signature]
Notary Public, State of Texas

After recording return to:
HOLT & YOUNG, P.C.
9421 Katy Freeway, Ste. 350
Houston, Texas 77024



RP-2016-76796

VILLA MASTERS HOMEOWNERS ASSOCIATION
PARKING AND TOWING ENFORCEMENT GUIDELINES
FOR VILLA D'ESTE

I. PURPOSE AND APPLICATION

These Parking and Towing Guidelines have been developed for the Villa Masters Homeowners Association. These guidelines are specific to the Villa D'Este Subdivision and applies to all owners, residents, tenants, guests and invitees within the community. All vehicles located, whether standing or parked, within the Villa D'Este community are subject to laws of the State of Texas, City of Pearland and to the rules set in these guidelines. Owners and residents are responsible for the actions of their tenants, guests and invitees. Any vehicle in violation of the aforementioned state, county, and community rules shall be subject to towing and/or ticketing.

II. DEFINITIONS

The following items have been defined to simplify these regulations. These definitions are intended to be consistent with the definitions found in the Covenants.

A. Vehicle Definitions

1. Commercial Vehicle

- a. Any vehicle deemed commercial by the City of Pearland or that falls in the below criteria:
 - 1. with a rated carrying capacity of 1,500 pounds (3/4 ton) or more;
 - 2. regardless of capacity, which displays advertising lettered thereon;
 - 3. which is licensed as a "for hire" vehicle.
- b. any vehicle that has visible commercial equipment attached to the exterior of the vehicle (i.e. ladders, pipes);\
- c. any private or public school or church bus or van.

2. Recreational Vehicle

- a. any boat, jet ski, or other water vehicle;
- b. any trailer or fifth-wheel trailer;
- c. any vehicle that exceeds seven feet in height, nine feet in width, or eighteen feet in length;
- d. any mobile home, motor home or self-contained camper;
- e. any pop-up camp/tent trailer or other similar recreation oriented, portable, or transportable facility or conveyance;
- f. dune buggies;
- g. any vehicle which would not normally be used for daily transportation or which is not licensed for use on the Texas highways.

3. Junk Vehicle

A vehicle that is disabled, inoperable, or unable to be driven on private or public roads.

4. Abandoned Vehicle

A vehicle that is not parked on private property is presumed abandoned if it has been in a specific location for four (4) days without being moved and if it lacks either: (1) a current license plate, or (2) a

valid state inspection certificate or decal.

5. Parked Vehicle

A vehicle that is brought to a stop with the engine off.

6. Standing Vehicle

A vehicle that is brought to a stop with the engine still on.

B. Streets and Other Parking Area Definitions

1. Private Individual Driveways

Paved driveways located on an individual owner's lot leading to the individual owner's garage.

2. Private Roads

Paved roads/courts owned and maintained by the Villa D'Este Homeowners Association. All state and county laws and city laws are enforced by the Pearland Police and by the Fire Marshall on these private roads. Community rules are enforced by the HOA on these private roads. The private roads are:

All Streets inside the Villa D'Este Neighborhood Community

3. Public Roads

Paved roads owned and managed by Texas Department of Transportation (TXDOT). All state and county and city laws are enforced by the Pearland Police and Fire Marshall on these public roads.

C. Other Definitions

1. Common Property

All real property and improvements thereon owned or leased by the Association and available for the use and enjoyment of the Members.

2. Fire Lanes

All areas designated as fire lanes by the Pearland Fire Marshal, marked with signs and/or yellow or red striping.

3. Owner

The record holder of the title to any Lot in Villa D'Este community, whether one or more persons.

4. Resident

Anyone who resides in Homes governed by the Villa Masters Homeowners Association, whether owner, renter, etc., of the residence.

5. Private Property

All real property owned by private individuals and not commonly owned by the Villa Masters Homeowners Association nor owned by the state of Texas or City or Pearland.

6. Good Standing

The status of any Villa Masters owner or resident who is not in violation of the Declaration, By- Laws, or Rules and Regulations of the Association and whose Homeowners Association dues are up to date.

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III. PARKING RULES

A. General Parking Rules

1. Vehicles shall park only in paved locations that are intended for parking (including lined parking spaces, driveways, and public road curbsides). Vehicles must be in accordance with the specific regulations governing such parking locations.
2. It is prohibited to park any motor vehicle on a sidewalk or on any non-paved common area or on any non-paved private property.
3. No vehicles may be parked on private roads between the hours of midnight and 5 AM.
4. Any vehicle parked in a fire lane is subject to ticketing/towing by Pearland city officials.
5. All owners are responsible for notifying any present resident, guest or invitee on their property of the parking restrictions in the community. Owners of units whose residents, guests or invitees violate these guidelines shall be held liable for any damages to the community caused directly or indirectly by the violation.
6. It is strictly prohibited to double park at any time, day or night.
7. Parking spaces are not to be used for storage.
8. No motorized vehicles shall be driven on non-paved common area, except such vehicles as are authorized by the Association, County, or State as needed to maintain, repair or improve the common area.
9. It is prohibited to abandon a vehicle on common property or on a private or public road.
10. It is prohibited to park vehicles with expired license plates, and/or state inspection decals on common property (including private roads).

B. Recreational Vehicle Parking Rules

It is prohibited to park/store recreational vehicles in open view on driveways, Reserved/Visitor/Open parking spaces, common areas, or on private roads. Recreational vehicles must be parked/stored out of site within the resident's property when not in use. Active loading and unloading is allowed during daylight hours.

C. Commercial Vehicle Parking Rules

1. Residents who own commercial vehicles must meet the following criteria in order to park their commercial vehicle within the community:
 - a. the commercial vehicle must not exceed 18 feet bumper to bumper;
 - b. any signage must be completely covered;
 - c. the signage cover must be the same color as the vehicle background;
 - d. the signage cover must not be unreasonably large or unreasonably configured;
 - e. the signage cover must be approved by the HOA Board;
 - f. the commercial vehicle must not meet any of the criteria of a recreational vehicle;
2. Unless owned by a resident meeting the criteria stated in Number C.1 above, no commercial vehicle may be parked in any location within the bounds of the community, including paved and unpaved common areas, paved and unpaved private property, except when in use for business purposes.
3. Unless owned by a resident meeting the criteria stated in Number C.1 above, no commercial vehicle shall remain parked within the bounds of the community overnight.
4. During normal daytime business hours, a commercial vehicle which has been contracted to provide a

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service within the community may park in a private driveway, or private street.

IV. GUIDELINE ENFORCEMENT

A. General

1. The designee for the administration of these guidelines is:

FirstService Residential (FSR)
12234 Shadow Creek Parkway
Bldg 3 Suite 112
Pearland, TX 77584

713-932-1122

2. The Managing Agent is designated the right to administer or enforce any provision of these guidelines.
3. Upon the consent and request of the disputants, the Managing Agent will act to fairly adjudicate or arbitrate disputes that may arise among owners or residents related to the administration and enforcement of these guidelines.
4. The Managing Agent is designated the right to tow vehicles in any named violation in these guidelines.
5. Invalidation of any of these paragraphs or sections by judgment or court order shall in no way affect any other provisions that shall remain in full force and effect.
6. It is the responsibility of all owners to comply with these guidelines and to instruct their residents, tenants, guests, and invitees to do so also.
7. Owners and residents may report violations of the policy to either the Managing Agent (HOA Office) or the Pearland Police or Fire Marshall Department as appropriate (see section B below- "Determining Violations").

B. Determining Violations

1. The following violations should be reported directly to the Pearland Police at (281) 997-4100 or Fire Department (281) 997-5851:
- a. Vehicles parked in fire lanes;
 - b. Vehicles blocking fire hydrants.
2. Vehicle violations that are NOT fire lane/fire hydrant violations (as listed under Number B.1 above) can be determined to be in violation only by contracted professionals hired by the Villa Masters Association.

The contracted professional will record the following information:

- a. vehicle's make
- b. vehicle's model vehicle's color vehicle's license plate number
- c. vehicle's location
- d. nature of violation
- e. date and time of violation
- f. any other related information

C. Vehicle Violation Penalties

1. Fire Lane/Fire Hydrant Violation Penalties
These vehicles are subject to immediate ticketing and/or towing by Pearland Police and/or Fire Marshal at the expense and risk of the vehicle owner.

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2. Public Thoroughfare Violation Penalties

These vehicles are subject to immediate ticketing and/or towing by Pearland Police at the expense and risk of the vehicle owner.

3. All Other Parking Rules Violation Penalties

When a vehicle is parked in violation of the Parking Rules, the Association will (1) place a warning notice directly on the vehicle. If the occurrence happens again in the same half year cycle period a second (2) violation notice will be placed on the vehicle and the Villa Masters Homeowners Association will send the owner of the vehicle a warning letter. The warning letter is a final notice that the vehicle in violation will be towed if it is found to be in violation within the same half year period. Any vehicle which has received a notice of violation may be towed without warning if it is ever again parked in violation in the same half year period.

Half year periods are defined as follows:

- January 1 – End of June: First Half Year Period
- July 1 – End of December: Second Half Year Period

4. Other Vehicle Violation Penalties

These "other" violations include but are not limited to: recreational vehicle violations, commercial vehicle violations, abandoned/junk vehicle violations, and vehicles with expired license plates, and/or state inspection decals.

v.

VI. TOWING CONTRACTOR & FEES

HP Auto Wrecker
3412 Lockheed Street
Pearland, TX 77581

281-997-8697 phone
281-484-3000 storage

Per Tow \$175.00
Impound Fee \$20.00 (Taxable)

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**Storage Daily Rate \$20.00 (Taxable)
Notification after 24 hours \$50.00
Law Enforcement Fee at 10th day \$50.00

If you come outside to claim/move vehicle as we have it hooked up already, there will be a \$125.00 drop fee associated with releasing your vehicle on scene.

When a vehicle is impounded, you will need to call ahead to make an appointment for picking it up. The registered owner must be present with a valid driver's license or government issued id to claim. If the owner is not available, please call for other options.

HP Auto Wrecker accepts most major credit cards and cash. **NO CHECKS.** Please make sure to call ahead for charges as they do not give change.

VII. REPORTING

1. Each Half Year Period the Violations will be removed and the recording process will start over.
2. Any Resident may call FSR to determine how many violations are recorded for their owned vehicles at any time.
3. The HOA management designee, First Service Residential, will report any tow to law enforcement agency as required by law within 1 hour after authorizing the tow.

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Pages 8
02/25/2016 10:33 AM
e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
STAN STANART
COUNTY CLERK
Fees \$40.00

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.



Stan Stanart

COUNTY CLERK
HARRIS COUNTY, TEXAS