

**DEDICATORY INSTRUMENT**

**FOR**

**NOTTINGHAM MAINTENANCE FUND, INC.**

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

That I am the President of Nottingham Maintenance Fund, Inc. (hereinafter the "Association") a Texas corporation;

That the attached document is a document that applies to the operation and utilization of property within Nottingham, a subdivision in Harris County, Texas;

That the property affected by this document is set out on the attached Exhibit A;

That the document which affects the use and operation of Nottingham is set out on the attached Exhibit B; and

That the attached document is a true and correct copy of the original.

IN WITNESS WHEREOF, I have hereunto subscribed my name this the 25<sup>th</sup> day of July, 2018.

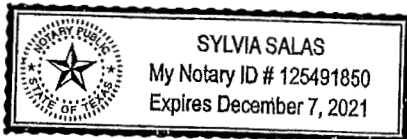
**NOTTINGHAM MAINTENANCE FUND, INC.**

Print Name: ERIC S. HERPIN  
Title: President

STATE OF TEXAS                   §  
   §  
COUNTY OF HARRIS           §

BEFORE ME the undersigned authority, on this day personally appeared ERIC JAN HERPIN, the President of the Nottingham Maintenance Fund, Inc. known to me to be the person whose name is subscribed to this document and, being by me first duly sworn, declared that s/he is the person who signed the this document in her/his representative capacity, and that the statements herein contained are true and correct.

Given under my hand and seal of office this the 25 day of July, 2018.



Sylvia Salas  
NOTARY PUBLIC – STATE OF TEXAS

RP-2018-344309

This document is being recorded as a COURTESY ONLY by Roberts Markel Weinberg Butler Hailey PC, without review and without liability, expressed or implied.

**EXHIBIT "A"**

**PROPERTY DESCRIPTION**

Nottingham, a subdivision located in Harris County, Texas and restricted by the Declaration of Covenants, Conditions and Restrictions for Nottingham, Section One (1) recorded under Harris County Clerk's File No. L523211, as same has been or may be amended from time to time, and any other property which has been or may be subsequently annexed thereto.

RP-2018-344309

**EXHIBIT "B"**

1. Deed Restriction Enforcement Committee Standards and Guidelines for Nottingham Sections One, Two, and Three

**After recording return to:**

Sipra S. Boyd  
Roberts Markel Weinberg Butler Hailey PC  
2800 Post Oak Blvd., Suite 5777  
Houston, Texas 77056

Our File no.: 3604-00001

RP-2018-344309

DEED RESTRICTION ENFORCEMENT COMMITTEE  
STANDARDS AND GUIDELINES  
FOR  
NOTTINGHAM SECTIONS ONE, TWO, AND THREE

**1. Article I – Purpose**

The Deed Restriction Enforcement Committee (“Committee”) was established by the Owners of Nottingham Sections One, Two, and Three as part of the Amended Declaration of Covenants, Conditions and Restrictions for Nottingham Section One (1), Two (2) and Three (3) (“Restrictions”) voted upon by the Owners as of October 21, 2012. The purpose of these amended restrictions are to enhance and protect the value, desirability and attractiveness of the Properties. In this regard, Article III Section 15 of the Restrictions, filed in the Official Public Records of Real Property of Harris County, Texas under County Clerk’s File Number 20120535067 provides:

No building shall be erected, placed, or altered on any Lot until the construction plans and specifications and a plot plan showing the location of the structure, have been approved in writing by the Board of Directors as to compliance with these covenants, conditions, and restrictions. A copy of the construction plans and specifications, and a plot plan, together with such other information as may be pertinent, shall be submitted to the Board of Directors prior to the commencement of construction. In the event the Board of Directors fails to approve or disapprove such plans and specifications within thirty (30) days after the receipt thereof, this Section shall be deemed to have been fully complied with and no further approval shall be required.

Furthermore Article VII of the Restrictions provides:

To assist the Deed Restriction Enforcement Committee in conducting its work, the Board of Trustees will adopt standards and guidelines, which must be filed of record in the Official Public Records of Real Property of Harris County, Texas. Such Guidelines as may be amended by the Board of Directors shall have the same force and effect as if stated in this Declaration.

**2. Article II – Definitions**

- 2.1. Addition** – An extension or increase in floor area or height of a building or structure.
- 2.2. Alteration** – Any construction or renovation to an existing structure other than a repair or addition.
- 2.3. Area** - See Square Footage
- 2.4. Application** – A form or forms provided by the Board for the purpose of transmitting information about an addition, alteration, repair, or new construction project.
- 2.5. Association** – Nottingham Maintenance Fund, Inc. (dba Nottingham Civic Association), a non-profit corporation, its successors and assigns.
- 2.6. Board** – The Board of Directors of the Nottingham Maintenance Fund, Inc.
- 2.7. Committee** – The Deed Review Enforcement Committee
- 2.8. Construction Completion** – Construction shall be considered complete upon the receipt of the Certificate of Occupancy or Compliance. Lacking a building permit, the construction shall be considered complete upon the final approval of the Committee.

RP-2018-344309

- 2.9. **Construction, Existing** – Any buildings or structures located on a lot, prior to application for Addition, Alteration, or Repair.
- 2.10. **Construction, New** – Any newly proposed building or structure located on a site including tear downs to the existing foundation and rebuilding on the existing foundation.
- 2.11. **Outbuilding** – Any structure of a permanent or temporary character which is not attached to the residence together with the garage. This definition includes, for example, lawn storage buildings, sheds, greenhouses, and gazebos.
- 2.12. **Repair** – The reconstruction or renewal of any part of an existing building for the purpose of its maintenance.
- 2.13. **Square Footage** – An area of a house that is measured and calculated in accordance with the ANSI Z765-2003 “Square Footage-Method for Calculating” standard.

### 3. Article III – Approval Process

#### 3.1. Application

All applications for Committee approval (“Applications”) to make any alterations, placements, or new construction or additions to any Lot must be submitted in writing to the Association’s managing agent on behalf of the Board of Directors (“Board”) of the Nottingham Maintenance Fund, Inc. (“Association”). Applications should use the application form found on the Association website. When no managing agent is in place, application shall be made directly to the Board Director serving on the Committee. The application shall be made prior to the commencement of construction and shall include a copy of the construction plans, specifications, and plot plan, together with such other information as may be deemed pertinent, including for example, building permit requirements. The Committee will not respond to verbal requests for approval. If an improvement is made without Committee approval, the Board has the right to enforce its removal.

#### 3.2. Application Documentation

- 3.2.1. **Application form.** All new Applications shall be accompanied by an application form that shall be published on the Association’s website.
- 3.2.2. **Electronic drawings.** All new construction shall include an electronic full-sized, scaled set of architectural drawings including a scaled plot plan showing all impermeable construction.
- 3.2.3. **Survey.** An updated survey shall be provided and shall include the Baseline Elevation information showing the elevation at the two or three points outlined in Article I Section 5 of the Restrictions.
- 3.2.4. **Elevation drawings.** The elevation drawings shall reference the Baseline Elevation determined by the licensed Surveyor.
- 3.2.5. **Landscaping plan.** A landscaping plan or details on the plot plan shall be provided to show the permeable percentage of the lot coverage as outlined in Article III Section 16 of the Restrictions is met.
- 3.2.6. **Paper drawings.** Paper plans, specifications, and plot plans will be considered acceptable for additions, modifications, and repair work. Paper plans may be submitted for new construction but they must also be accompanied by electronic drawings of the plans, specification, and plot plans.

**3.3. Alternate approval process.**

**3.3.1. For items not needing pre-approval.**

With the intent of simplifying the approval process for what are thought to be trivial cases (which would otherwise require an Application and approval under Section 3.1), the approval process is modified for certain limited items listed below in this section. Listed items exactly meeting the description, do not require an Application to be submitted and approved prior to construction, erection, placement, modification, alteration, or improvement provided the installation/construction materials/appearance/upkeep otherwise meets the Declaration and these guidelines. Completion is required within 180 days of the beginning of construction, erection, placement, modification, alteration, or improvement. Owners accept the responsibility of compliance with the Declaration and these guidelines when using the alternate approval process and agree to bear the responsibility and cost of bringing items to compliance within a reasonable amount of time determined by the ACC if lack of compliance is later determined. Owners unwilling to accept the conditions of the alternate approval or who are unsure of whether or not an alternate approval applies, must submit an Application and seek approval as required by Section 3.1 of these Guidelines. The Committee may elect to require approval and reinstate Section 3.1, of the Guideline process for any listed item in a subsequent set of guidelines. The lack of requirement for application and prior approval does not preclude the Board of Trustees from enforcing the Guidelines against any item that is in violation of the Guidelines or Deed Restrictions.

**3.3.2. General Description of items in this category.**

- 3.3.2.1. Repairs using materials of the same appearance and color for maintaining property in its current state – repairs do not include any changes to appearance, any modifications, or any other improvements;
- 3.3.2.2. Interior work to a residence provided the interior work does not violate the Guidelines or Deed Restrictions – interior work is any work inside of a residence that cannot be seen from outside the residence;
- 3.3.2.3. Buried, drip and/or similar irrigation or sprinkler systems;
- 3.3.2.4. The addition of live plants or mulches of natural organic origin, including soil covered by such plants or mulches or the removal or trimming of live or dead plants and removal of any mulch – mulches of inorganic materials such as dirt, pebbles, and rocks and man- made organic materials such as polyethylene are not considered of natural organic origin. Planting beds must be maintained free of weeds and the plants in a healthy, thriving condition. The installation must insure that such improvements do not cause the surface water drainage on your Lot to drain onto an adjoining Lot in an amount more than the drainage amount prior to the improvement or alteration, or collect near the foundation of the Dwelling;
- 3.3.2.5. Window and/or door replacement with a new or upgraded style – this does not include windows or doors i) where none existed; ii) that would

- offer a view to a neighbor's lot that had not been offered before or; iii) changing windows or doors whose style was dictated by a previous approval;
- 3.3.2.6. Exterior painting provided the colors are either i) the existing color, or ii) an "earthtone" color
- 3.3.2.7. Exterior lighting. However, any lighting that infringes on adjacent or nearby properties would be subject to removal or modification at the Owner's expense.
- 3.3.2.8. Installation of one play structure and/or arbor or pergola located in the rear of the yard that are in compliance with Article III Section 6 of the Restrictions.
- 3.3.2.9. Installation of one lawn storage building located in the rear of the yard that is in compliance with Article III Section 6 of the Restrictions.
- 3.3.2.10. Installation of patios and decks located behind the front building line or side building line if lot is located on a corner in accordance with Section 4.3.
- 3.3.2.11. Installation of backyard outdoor kitchens not otherwise infringing on the rear building line.
- 3.3.2.12. Installation of swimming pools, spas, Jacuzzis that are in compliance with the City of Houston Residential Pool requirements and the rear building line.
- 3.3.2.13. Installation of antennas installed in accordance with Section 4.1.
- 3.3.2.14. Replacement of existing driveways in the exact same location of the to be replaced driveway (except for minor variances to comply with current city building codes) and consistent with the requirements of Section 4.4.
- 3.3.2.15. Replacement of fencing in the exact same location and in the same height as the to be replaced fence. Replacement fences shall be in the same style and material as the to be replaced fence or in a similar style and material commonly used in the Association.
- 3.3.2.16. Replacement of roofs with an identical shingle as the to be replaced roof or with a shingle similar to those commonly used in the Association.
- 3.3.2.17. Installation of basketball goals consistent with the requirements of Section 4.2.

**3.4. Application Approval**

- 3.4.1. **Approval timeline.** The ACC has thirty (30) days from the date of receipt by the Committee to either approve or disapprove the related construction plans and specifications. The date of receipt will be considered the date the complete set of required documentation is submitted to the managing agent.
- 3.4.2. **Additional information.** If additional information is required by the Committee, the Application will be considered incomplete and denied pending the Committee's receipt of the requested information. The Committee has thirty (30) days from the receipt of the requested information to respond. This will allow the Committee the opportunity to meet and review the information.

- 3.4.3. **Failure to respond.** In the event that the construction plans and specifications are submitted to the Committee and the Committee fails to either approve or disapprove an Application within the allotted time, then the Approval requirements of the Restrictions Article III Section 15 shall have been met.
- 3.4.4. **Building permit.** Upon approval of the plans by the Committee, a copy of the City of Houston Building Permit shall be submitted to the managing agent prior to commencement of construction for all construction requiring a permit.
- 3.4.5. **Disapproved plans.** In the event such plans are disapproved, the Owner requesting such plans can present their plans, specifications, and plot plans at the next scheduled meeting of the Board for approval. The decision of the Board in this regard shall be final and conclusive. An affirmative vote of the majority of the Directors shall be required for approval.

### 3.5. Construction Approval

- 3.5.1. At the completion of construction, notification of completion shall be given to the Committee for Committee/Board approval of the completed work.
- 3.5.2. A copy of the completed Certificate of Occupancy or Certificate of Compliance provided by the City of Houston Building Department shall be provided to the Committee.
- 3.5.3. The Committee reserves the right to conduct an inspection of the completed construction to verify compliance with these Guidelines and the Restrictions.
- 3.5.4. The Owner accepts the responsibility of compliance with the Restrictions and these guidelines and agrees to bear the responsibility and cost of bringing items to compliance if lack of compliance is found either through the normal approval process or the alternate approval process.

## 4. Article IV – Guideline Requirements

### 4.1. Antennas

- 4.1.1. Satellite dishes shall be located in the rear/back side of the property, cannot extend so as to be visible from any street or from ground elevation from any other Lot, and cannot be on a utility easement without a Consent to Encroach letter.
- 4.1.2. Parabolic dish antennas less than 39 inches in diameter having a matte finish, such as those used for digital satellite reception may be mounted such that they are visible from streets or other lots provided they are not visible from the street on which the house is addressed, nor visible from the side street in the case of corner lots.
- 4.1.3. Antennas, satellite dishes, and parabolic dish antennas conforming to Sections 4.1a and b of these guidelines, do not require prior approval from the Committee. If an acceptable quality signal cannot be received from the locations set forth in Sections 4.1a or b of these guidelines, please provide the Committee with a written explanation with these guidelines from the provider of why it must be located not in compliance.
- 4.1.4. All other antennas, whether for transmission or reception, are permitted only with prior written approval of the Committee.

### 4.2. Basketball Goals

- 4.2.1. The basketball goals shall be mounted on a garage or placed on the side of the driveway no nearer to the street than the front line of the residence. Consideration



must be taken into account for the location of windows, doors, and outdoor living areas when locating the basketball goal.

- 4.2.2. Posts, supports, backboards, and nets must be maintained in playing condition and good appearance at all times. The homeowner may be required to remove the basketball goal if this is not complied with.

4.3. Decks

- 4.3.1. No decks shall encroach into any utility easement unless the utility companies involved have granted their written consent to such encroachment. Written consents shall be received prior to approval.
- 4.3.2. No decks shall impede drainage on the Lot or cause water to flow on an adjacent Lot.
- 4.3.3. No decks other than a second level balcony attached to the main residence shall be constructed more than eighteen inches above ground level.

4.4. Driveways

- 4.4.1. Driveways and front walks are to be constructed of standard concrete, patterned and colored concrete, exposed aggregate concrete, unit paving of brick or concrete, and cement-based overlays. The color shall that of natural concrete or be an earth tone in harmony with the colors of the home. Asphalt, dirt or loose stone driveways or front walks are not permitted. Front walks are those walks from the street curb to the residence and may also be flag or cut stone.

4.5. Exterior lighting

- 4.5.1. Exterior security lighting is encouraged to be recessed into the roof soffit with the illumination directed downward. If security lighting is directional, it must be aimed so the illumination stays within the boundary of the applicant’s Lot. The light source shall not be greater than 100 watts.

4.6. Siding

- 4.6.1. Aluminum, vinyl or other siding not identical to existing approved or grandfathered siding may be permitted with written approval. The siding must approximate the appearance of painted wood such that it would be difficult for a layman to determine the siding composition from the street and the color must meet the earth tone color guidelines. Metallic siding will not be permitted. Existing brick may not be covered. Owners must submit a sample of proposed siding with the application.

5. Article IV – Construction

5.1. Working hours

- 5.1.1. **Working hours.** Working hours for all outdoor construction activities shall be 7:30am to 8:00pm Monday through Saturday.
- 5.1.2. **Interior activities.** Interior construction activities can occur at any time as long as it does not affect anything on the exterior that requires approval through the review process and does not create noise beyond the property outside of the hours indicated above.

5.2. Site cleanliness

- 5.2.1. **Construction materials.** Materials used in the course of construction may be stored on site as provided for in Article III Section 10. All construction materials must be removed within one (1) week of construction completion or as required by Section 5.2.5.

- 5.2.2. **Dirt.** Dirt from site construction activities must be kept out of the street.
- 5.2.3. **Trash.** Trash must be kept in covered dumpsters or containers. Trash must be picked up from the site on a daily basis.
- 5.2.4. **Construction dumpsters.** Dumpsters shall be emptied on a weekly basis or other frequent basis to ensure that trash materials do not overflow the dumpsters.
- 5.2.5. **Tropical storms.** Upon issuance by the National Weather Service of a Tropical Storm Warning, Hurricane Watch or Hurricane Warning for Harris County, the Owner and/or Contractor shall immediately make provisions to remove all loose construction material, removal of all debris from the site, dismantling and removal of any Temporary Structures allowed by Section 5.3, and securing all current construction materials that may pose a wind-borne debris hazard to other surrounding properties.

**5.3. Materials**

- 5.3.1. All construction materials shall be new.
- 5.3.2. Use of older materials will only be allowed upon specific approval by the Committee.

**5.4. Temporary Structures**

- 5.4.1. Article III Section 6 of the Restrictions shall be in effect during construction activities. No temporary structure shall be erected except as provided for in Section 5.4.2. No temporary structure may be used as a residence, either temporarily or permanently.
- 5.4.2. **Portable toilet.** One portable toilet facility may be placed on the site for the benefit of the construction workers. The toilet must be screened on all sides with wood or other material as approved by the Committee. Effluent from the toilet must be removed on a weekly basis.

**5.5. Expectations of construction workers**

- 5.5.1. **Use of adjacent properties.** Construction workers shall not use adjacent properties for any activity, including temporary storage of materials, rest or break activities, parking, and temporary utilities including water or electricity.
- 5.5.2. **Parking.** Workers shall not block the driveways of adjacent properties. Parking shall be on the street and in accordance with the parking laws of the City of Houston. Construction vehicle parking is restricted to the side of the street on which the construction is taking place.

**5.6. Signage**

- 5.6.1. **Construction advertising.** Signage for the purpose of advertisement of construction workers activities shall be limited to a single sign in accordance with the size limitations set forth in Article III Section 11 of the Restrictions.
- 5.6.2. **Sign removal.** Construction signage must be removed at construction completion.

RP-2018-344309  
# Pages 11  
07/31/2018 09:00 AM  
e-Filed & e-Recorded in the  
Official Public Records of  
HARRIS COUNTY  
STAN STANART  
COUNTY CLERK  
Fees \$52.00

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

RP-2018-344309