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AMEND  
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20090051378  
02/10/2009 RP2 \$24.00

**AMENDED ARCHITECTURAL CONTROL COMMITTEE GUIDELINES**

**OF**

**BIRNAM WOOD - FAIRFAX HOMEOWNERS ASSOCIATION, INC.**

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The Architectural Control Committee Guidelines of BIRNAM WOOD - FAIRFAX HOMEOWNERS ASSOCIATION, INC. (the "Association"), were prepared, adopted and filed by the Board of Directors of the Association on March 8, 1993, in the Real Property Records of Harris County, Texas under County Clerk's File Number P121863. The Architectural Control Committee Guidelines has a provision which sets forth that the Architectural Control Committee Guidelines may be amended by a majority vote of the Board of Directors of the Association. The Board of Directors considered the following Amended Architectural Control Committee Guidelines after a quorum of Directors was obtained and a motion was made to amend the Architectural Control Committee Guidelines. The Motion was duly seconded and approved by a majority vote of a quorum of Directors present to specifically amend the Architectural Control Committee Guidelines with respect to the issues as set forth hereafter:

**PORTABLE SWINGS AND OUTDOOR FURNITURE**

Swing sets require the prior written approval of the Board of Directors before being placed on the lot. Swing sets shall only be permitted in the rear yard and shall not be permitted to be placed within six (6) feet of the rear and side property line. Swing sets shall include but is not limited to such items as a swinging sofa, child's swing set, or other similar equipment. The Board of Directors is the final authority on the definition of what constitutes a swing set and is specifically authorized to exercise its discretion in defining a swing set. Any such swing set or similar equipment that is visible from the street is in violation of the Amended Architectural Control Committee Guidelines and shall be subject to the enforcement procedures, including legal action, of the Association. All such

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enforcement action by the Board of Directors shall subject the property owner to the charges, costs and attorney's fees for such enforcement action and will be billed to their account with the Association.

### **BASKETBALL GOALS**

Permanent basketball goals are permitted but must have the prior written approval of the Board of Directors of the Association.

1. Portable basketball goals are not permitted in the community and will not be approved for placement on any portion of or adjacent to any property in the community.
2. Only permanent basketball goals are permitted and the location of the basketball goal is preferred to be mounted on the roof of the garage on the property. It is also permitted to place a basketball goal on either side of a driveway provided the driveway is not immediately adjacent to the driveway of an adjacent property. Basketball goals on the sides of such driveways shall be located on the side of the driveway opposite the property boundary line which is adjacent to the driveway on the adjacent property. In any event, no basketball goal shall be permitted to be located any further from the garage on the property than twelve feet (12').
3. Basketball goals shall be constructed of commercial grade quality sturdy materials to withstand wind and weather conditions. The support brackets or poles should be painted black or of a color to blend into the background structures on the property.

Any basketball goal not in compliance with this provision is in violation of the Amended Architectural Control Committee Guidelines of the Association and shall be subject to the enforcement procedures, including legal action, of the Association. All such enforcement action by the Board of Directors shall subject the property owner to the

charges, costs and attorney's fees for such enforcement action and will be billed to their account with the Association.

The Architectural Control Committee Guidelines of the Association are hereby amended as set forth herein and hereafter shall be binding on the Association, its Members and all property in the community from adoption of the amendment from its effective date, after the same was moved, seconded and approved by a majority vote of a quorum of the Board of Directors of the Association.

EXECUTED this 27<sup>th</sup> day of December, 2008.

By: 

Printed Name: Donald E. Orshead

Title: Pres.

BEFORE ME, the undersigned authority, on this day personally appeared, Don Orshead the president of BIRNAM WOOD - FAIRFAX HOMEOWNERS ASSOCIATION, INC., known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein stated, on behalf of BIRNAM WOOD - FAIRFAX HOMEOWNERS ASSOCIATION, INC.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this 27<sup>th</sup> day of December, 2008.

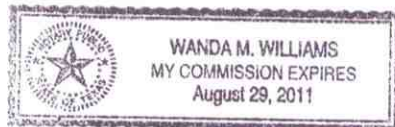
Wanda M. Williams

Notary Public- State of Texas

FILED FOR RECORD  
8:00 AM

FEB 10 2009

Donna L. Kuykendall  
County Clerk, Harris County, Texas



Ref  
ACMI  
12603 Loretta Rd., # 101  
Cypress, TX. 77429

RP 062-61-0307

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 on

FEB 10 2009



*Dorely B. Kaufman*

COUNTY CLERK  
HARRIS COUNTY, TEXAS