

SECOND AMENDED ARCHITECTURAL CONTROL COMMITTEE GUIDELINES
FOR ROOFING MATERIALS, STORAGE OF ITEMS,
PAINT, FURNITURE STATUES, AND LANDSCAPING,
FOR 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 purpose of architectural design is to keep the community attractive for the enjoyment of residents and for the protection of property values. The provisions of the Declaration of Covenants, Conditions and Restrictions of each section in the community (the "Declaration"), which are binding and run with the land as to each lot, and the Architectural Guidelines is to ensure that the improvements on the Lots are compatible with existing improvements and harmony with the improvements throughout the community. Furthermore, the Guidelines have been adopted to provide information about the type, color, quality of materials which may be used in construction of various kinds of improvements. Factors in rendering a decision on an application for approval will include conformity and harmony of external design, harmony and appeal of external colors, nature, kind, type and color of materials. No construction, painting or installation of any materials shall be permitted by any owner until they have received written approval from the Architectural Review Committee.

The Architectural Control Guidelines were amended by the Amended Architectural Control Guidelines, filed of record on February 10, 2009 under Harris County Clerk's File Number 20090051378. The Architectural Control Committee Guidelines have a provision which sets forth that the Architectural Control Committee Guidelines may be modified by a majority vote of the Board of Directors of the Association as specifically authorized by Texas Property Code Section 204.010 (a) (18) (B). The Board of Directors considered the following Second Amended Architectural Control Committee Guidelines after a quorum of Directors was obtained and it was adopted by unanimous consent to further modify the Architectural Control Committee Guidelines as set forth hereafter. The prior Architectural

Guidelines and Amended Guidelines remain unchanged and are ratified except for the matters set forth herein, which shall henceforth be amended to read as follows:

Roofing Materials

A sample of the proposed shingle to be placed on any existing roof shall be attached to and enclosed with an application for ARC approval. All roofing materials shall be required to be asphalt dimensional composition shingles Timberline type with a minimum manufacturer's guarantee of thirty (30) years year quality roofing materials and shall be of weathered wood color for harmony within the community as set forth in the applicable Declaration for each section of the community. In particular, a weathered wood product has pre-approval for use in the community. That products identified and listed herein are in compliance with this Guideline and will be approved but alternative brands of like color and materials may be submitted for approval:

Tamco

Weathered Wood

Oxford Grey

Natural Timber

GAF

Mission Brown

Weathered Wood

CertainTeed

Max Def Weathered Wood

No skylights, solar panels, roof ventilators or similar types of additions shall be permitted on the front of the roof ridge line and/or gable of the residence or other improvement.

Any other colors that do not adhere to the standard of weathered wood will be denied by the Board of Directors and the Board of Directors is the final authority on the definition of what constitutes a weathered wood and is specifically authorized to exercise its discretion in defining acceptable colors in harmony with weathered wood. Installation of any other color without approval is in violation of this Second Amended Architectural Control Committee Guidelines and the Declaration and shall subject the Owner to the enforcement procedures, including legal action, of the Association. All such enforcement action by the Board of Directors shall subject the Owner to the charges, costs and attorney's fees for such enforcement action and will be billed to their account with the Association and an Injunction issued whereby they are required to remove and/or replace the shingles with shingles approved by the Board of Directors.

Paint Colors

At least two (2) paint color samples or paint chips shall be included with any application for approval. The proposed location to be painted shall be stipulated on the application including the part of the house, garage or other improvement as well as any trim or accent color shall be noted. All paint colors for the exterior of structures shall be required to be muted earth tones to be in harmony with each other and with the colors of exterior brick and roofing colors on the structure as set forth in the applicable Declaration for each section of the community.

Any other colors that do not adhere to the standard of muted earth tones will be denied by the Board of Directors and the Board of Directors is the final authority on the definition of what constitutes a muted earth tone and is specifically authorized to exercise its discretion in defining acceptable colors in harmony with muted earth tones. Painting of structure on any property with any other color without approval is in violation of this Second

Amended Architectural Control Committee Guidelines and the Declaration and shall subject the Owner 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 and an Injunction issued whereby they are required to remove and/or replace the paint with paint colors that have been approved by the Board of Directors.

Statues, Bird Baths and Fountains

All statues, bird baths, fountains and any other structures or miscellaneous items to be placed in the front or side yards that are in public view require prior written application and written approval of the Architectural Control Committee of the Association before they are placed in public view. All such applications shall include copies of such descriptions, surveys, plot plans, elevations, drawings, construction plans, specifications and samples of materials and colors showing the nature, kind, shape, height, width, color and location of the proposed item. Approval shall be based upon the quality of materials and location, compliance with the Declaration, and if it will detract from the beauty, wholesomeness and attractiveness in the community.

Lawn Furniture, Garden Tools, Machinery and all Miscellaneous Items

All solid plastic or folding furniture of any material to be used in the front or side yard or on the porch of any Lot shall only be permitted to be present when in actual use. No such furniture is ever to be permitted to be stored or left on in public view when not in actual use and shall be removed immediately after each use and stored or placed out of public view so the same are never left unattended. All toys, garden tools, machinery, or

of any kind are never to be stored in public view in the front or side yard or driveway. All such items are to be stored out of public view unless in immediate use and promptly removed from public view after each use. No materials, equipment, or items of any type, decorative or otherwise, shall ever be stored in front of the garage doors on any Lot and the garage door shall be free of any obstruction at all times on any Lot.

Landscaping

All new landscaping requires prior written application and approval of the Architectural Control Committee of the Association. The owner of each Lot shall thereon keep solid sod grass in the front and side yards. All grass, shrubs, trees, flower pots and plants shall be maintained by the Owner of the Lot in a neat and attractive condition so that it does not appear to be unclean, unhealthy, unsightly or an unkempt condition at any time.

The Second Amended 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 the date it is recorded in the Real Property Records of Harris County, Texas.

EXECUTED this 14 day of May, 2015.

BIRNAM WOOD-FAIRFAX
HOMEOWNERS ASSOCIATION, INC.

By: 

DONALD E. ORAHOOD, PRESIDENT

BEFORE ME, the undersigned authority, on this day personally appeared, DONALD E. ORAHOOD, 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 14th day of May, 2015.

Melody Carrier
Notary Public- State of Texas



Return to:

O'Neal Law Firm
12337 Jones Rd., Suite 300 N
Houston, TX 77070

FILED

2015 MAY 18 AM 9:32

Stan Stewart
COUNTY CLERK
HARRIS COUNTY, TEXAS

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

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

MAY 18 2015



Stan Stewart
COUNTY CLERK
HARRIS COUNTY, TEXAS