

**BIRNAM WOOD-FAIRFAX HOMEOWNERS ASSOCIATION, INC.  
ARCHITECTURAL CONTROL COMMITTEE (A.C.C.) GUIDELINES**

THE STATE OF TEXAS           X  
                                  X  
COUNTY OF HARRIS           X

WHEREAS, a Declaration of Covenants, Conditions and Restrictions was recorded at Clerk's File Number D510816 on January 28, 1972 in the Real Property Records of Harris County, Texas for Birnam Wood, Section One according to the map or plat thereof recorded in Volume 174, Page 96 of the Map Records of Harris County, Texas; and,

WHEREAS, an Annexation was recorded at Clerk's File Number E390232 on March 20, 1975 in the Real Property Records of Harris County, Texas for Birnam Wood, Section Two according to the map or plat thereof recorded in Volume 205, Page 84 whereby Birnam Wood, Section Two was annexed to Birnam Wood, Section One and all of the property comprising Birnam Wood, Section Two was held, sold and conveyed subject to the easements, restrictions, covenants and conditions contained in the Declaration of Covenants, Conditions and Restrictions for Birnam Wood, Section One; and,

WHEREAS, a Declaration of Covenants, Conditions and Restrictions was recorded at Clerks File Number D510815 on January 28, 1972 in the Real Property Records of Harris County, Texas for Fairfax, Section One, according to the map or plat thereof recorded in Volume 174, Page 89 of the Map Records of Harris County, Texas; and

WHEREAS, an Annexation was recorded at Clerk's File Number E390233 on March 20, 1975 in the Real Property Records of Harris County, Texas for Fairfax, Section Two according to the map or plat thereof recorded in Volume 211, Page 48, whereby Fairfax, Section Two was annexed to Fairfax, Section One and all of the property comprising Fairfax, Section Two was held, sold and conveyed subject to the easements, restrictions, covenants, conditions contained in the Declaration of Covenants, Conditions and Restrictions for Fairfax, Section One; (all collectively referred to herein as the "Declaration") and,

WHEREAS, Birnam Wood-Fairfax Homeowners Association, Inc. is the successor non-profit corporation after the merger of Birnam Wood Homeowners Association, Inc. and Fairfax Homeowners Association, Inc.; and,

ANY PROVISIONS HEREIN WHICH RESTRICT THE SALE, RENTAL  
OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF  
COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER  
THE FEDERAL LAW.

A CERTIFIED COPY

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ATTEST: OCT 14 2004  
BEVERLY B. KAUFMAN, County Clerk  
Harris County, Texas

Chavonda A. Royer Deputy  
CHAVONDA A. ROYER

WHEREAS, the Declaration states that the Board of Directors of Birnam Wood-Fairfax Homeowners Association, Inc. shall function as the Architectural Control Committee for the properties within their jurisdiction; and,

WHEREAS, Article V. of the Declaration of Covenants, Conditions and Restrictions of Birnam Wood, Section One and Fairfax Section One states that "No building, fence, wall or other structure shall be commenced, erected or maintained upon the Properties, nor shall any exterior addition to or change or alteration therein be made until the plans and specifications showing the nature, kind, shape, height, materials and location of the same shall have been submitted to and approved in writing as to harmony of external design and location in relation to surrounding structures and topography by the Board of Directors of the Association, or by an architectural committee composed of three (3) or more representatives appointed by the Board. In the event said Board, or its designated committee, fails to approve or disapprove such design and location within thirty (30) days after said plans and specifications have been submitted to it, approval will not be required and this Article will be deemed to have been fully complied with."

WHEREAS, there is a need for the Architectural Control Committee to establish guidelines so that the Board of Directors can act upon written requests in a fair and consistent manner.

BE IT RESOLVED, that the Board of Directors of Birnam Wood-Fairfax Homeowners Association, Inc. does hereby adopt the following guidelines and standards to be used in the review of all additions or alteration to structures on the lots. The Declaration requires all such additions or alteration to be submitted to the Board of Directors prior to commencement of the proposed addition or alteration on the lot by the owner and/or resident.

#### ADMINISTRATIVE

1. The Board of Directors will consider only written requests for architectural changes. Requests should be submitted by the homeowner on an approved form available from the management company.
2. If an architectural change request is rejected, the homeowner may within thirty (30) days after notice of rejection, request the committee to reconsider its position and must provide any additional information needed to clarify any questions the committee may have.
3. In the event said Board, or its designated committee, fails to approve or disapprove such design and location within thirty (30) days after said plans and

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specifications have been submitted to it, approval will not be required and this Article will be deemed to have been fully complied with.

#### OUTBUILDING

1. Approval of outbuildings will be made on an individual basis.
2. The color of an outbuilding shall be the exact color and similar material of the house and the surrounding neighborhood and shall be examined on an individual basis for approval by the committee. Approval of the color of an outbuilding shall not be unreasonably withheld.
3. Samples of materials to be used and paint chips are required before the application will be processed.
4. Drawings, including front and side elevations, are required of any building and must show height, square feet, and a plat plan depicting where it will be placed on the lot inside the building lines on the lot.
5. All outbuildings shall be screened from view by the permanent structures (ie. house, garage, or fence) on the lot so that it is not visible from the side, front or rear of the property to the maximum extent possible as determined by the Board of Directors.
6. All outbuildings shall be no more than one story in height and will not be permitted to adversely affect the drainage of the lot it is placed on or that of surrounding properties.

#### PLAYHOUSES

Shall meet the requirements of all other outbuildings except for the following exceptions.

1. Playhouses shall be permitted to be constructed of wood resistant to decay and shall not be permitted to exceed one hundred twenty (120) square feet or thirteen (13) feet in height.

#### ROOM ADDITIONS

1. A request for a room addition to an existing residence shall be reviewed on an individual basis.
2. Requests shall be accompanied with detailed plans, including front and side elevations, plat plan depicting all lot and setback lines, building materials, painting requirements and time tables for construction.
3. "The construction of any residence will involve the use of not less than 51 percent brick veneer around the outside perimeter of the building", as stated in the

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*Chavonda A. Royer* Deputy  
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Declaration of Covenants, Conditions and Restrictions for Birnam Wood, Section One and Fairfax Section One at Article VII, Paragraph 2.

4. All exterior materials, siding or brick veneer shall be of such quality and texture as to enhance the overall appearance of the residence and shall match exactly the existing residence.
5. Roof shingles shall be of a uniform design and color throughout the residence.
6. If more than 60 days is required for completion of construction, additional time may be requested by the homeowner in writing stating the reasons for the delay.

#### PATIO COVERS, DECKS AND GAZEBOS

1. Approval of patio covers will be made on an individual basis. Drawings are required with height and square foot dimensions.
2. Patio covers will be constructed only in the area of the patio. Approval of materials to be used is required.
3. Maximum height of patio covers and gazebos shall be twelve (12) feet.
4. Construction of patio covers and gazebos shall be of weather resistant wood and if painted it shall be painted to match the color of the house.
5. If a roof is placed on the patio cover or gazebo, it shall match the shingles on the roof of the house on the lot. Metal or Fiberglass roofs are not permitted.

#### PAINTING

1. The colors and scheme to be used in painting a residence shall be consistent with the overall appearance of the subdivision and shall be earth tones and shall blend harmoniously with the structure being painted including particularly the brick on the structure.
2. Samples of the paint shall be submitted with the request for architectural approval indicating where it will be placed on the structure.
3. In the event that the residence is to be re-painted the same colors as those originally used, samples will be nonetheless necessary to insure compliance prior to the house being painted.

#### GUTTERS

The addition or replacement of gutters to a house must be approved by the Board of Directors.

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CHAVONDA A. ROYER

1. If a house has gutters, it must be a color consistent with the harmony of the residence or the trim thereon and shall be kept in good repair as required by the Declaration.

MAILBOXES

1. Any changes to the mailbox structure must be approved by the Board of Directors.
2. Approval of the mailbox request shall not be unreasonably withheld.

FENCES

1. A request for a fence or replacement of the fence shall be reviewed on an individual basis but shall be required to be non-painted wood material and a height of five feet, six inches (5'6") to six feet (6').

WINDOW AIR CONDITIONERS

1. Window or wall-type air conditioners shall be permitted to be used, erected, placed or maintained on any building provided it is not visible from the side, front ~~corner~~ of the property.

STORM DOORS AND WINDOWS

1. Storm doors and windows will be permitted provided they are in harmony with the residence or the trim thereon and shall be kept in good repair.
2. Request for storm doors and windows will be considered on an individual basis and all applications shall describe and be accompanied by samples of colors, materials, and location.

CHRISTMAS/HOLIDAY SEASON OUTDOOR LIGHTING/ORNAMENTS

1. No Board of Director approval will be needed for Christmas decorations placed up on exterior of a lot if they are displayed between November 15 and January 15.
2. If decorations are displayed on a lot prior to or after the approved dates, it shall be deemed in contravention of these guidelines.

SATELLITE DISH

The addition of a satellite dish or similar equipment or structure as an improvement to a lot shall require the prior approval of the Board of Directors.

1. Satellite dishes shall be confined to the rear of the lot and shall not be permitted to be placed so that it is visible from public view from the front of a lot or the side of a lot and shall not extend above the fence height permitted on the lot.

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2. Satellite dishes may be screened from public view with a screening device that has the prior approval of the Board of Directors.

#### ROOFS

Replacement of the roof on the house, garage or other structure on a lot requires the prior approval of the Board of Directors.

1. The color of the roof material shall be in harmony with the house it is placed upon with particular attention given to the brick and wood color of the house. Preference is given to earth tones.
2. Material for the shingles shall be fiberglass or asphalt and shall be required to be of uniform color and design for all structures on the lot.
3. The application shall contain a sample of the materials to be used and the procedure to be utilized for replacement of the roof.

#### SWING SETS

Swing sets require the prior approval of the Board of Directors before placed on a lot.

1. 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 lines.

#### BASKETBALL GOALS

Basketball goals are permitted but must have the prior approval of the Board of Directors.

1. 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 lot boundary line which is adjacent to the driveway on the adjacent lot. In any event, no basketball goal shall be permitted to be located any further from the garage on the lot than twelve (12) feet.
2. 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 with the structures on the lot.

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CHAVONDA A. ROYER Deputy

GENERAL CONDITIONS

1. All modifications or additions to existing structures must be completed within sixty (60) days of the time they are begun unless otherwise specifically agreed to by the Board of Directors. If not completed within the time allotted, the Board of Directors shall proceed against the homeowner as a violation of the Deed Restrictions.
2. All additions or modifications must be made in a superior and workmanlike manner in order to enhance the overall appearance of Birnam Wood-Fairfax subdivision.
3. Any additions or modifications which would meet these guidelines and standards, but which are erected in a deficient manner and which detract from the overall appearance of the subdivision as determined by the Board of Directors as stipulated to in Article VI of the Declaration shall be deemed to have been erected in contravention to the approval of the Board of Directors and shall proceed as if a violation of the Declaration.
4. THESE GUIDELINES HAVE BEEN ESTABLISHED IN ACCORDANCE WITH THE APPLICABLE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS. IF THERE IS A CONTRADICTION BETWEEN THE TERMS OF THESE GUIDELINES AND THE DECLARATION, THE DECLARATION SHALL PREVAIL.

AMENDMENT

These guidelines may be amended by a majority vote of the Board of Directors of Birnam Wood-Fairfax Homeowners Association, Inc. If amended, a written document shall be prepared which sets forth the changes and indicates the date such changes were approved.

ADOPTED by the Board of Directors of Birnam Wood-Fairfax Homeowners Association, Inc. on this 27th day of January, 1992. *dd*

BIRNAM WOOD-FAIRFAX HOMEOWNERS ASSOCIATION, INC. /0

By: Delores Damelio  
DELORES DAMELIO, PRESIDENT

BEFORE ME, the undersigned authority, on this day personally appeared DELORES DAMELIO, 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.

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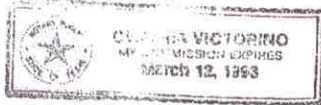
OCT 14 2004

ATTEST:  
BEVERLY B. KAUFMAN, County Clerk  
Harris County, Texas

Chavonda A. Royer Deputy  
CHAVONDA A. ROYER

121-50-2949

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this 27<sup>th</sup> day of January, 1992.  
dd 1993  
Cynthia Victorino  
Notary Public State of Texas  
Printed Name: Cynthia Victorino  
My Commission Expires: March 12, 1993



Return to:  
Michael R. O'Neal  
11250 West Rd Suite L  
Houston TX  
77065

FILED FOR RECORD  
8:30 A.M.

MAR 8 1993

Quita Rodchenko  
County Clerk, Harris County, Texas

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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

MAR 8 1993



Quita Rodchenko  
COUNTY CLERK,  
HARRIS COUNTY, TEXAS

RECORDED'S MEMORANDUM  
ALL BLACKOUTS, ADDITIONS AND CHANGES  
WERE PRESENT AT THE TIME THE INSTRUMENT  
WAS FILED AND RECORDED.

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