

**CORPORATE CERTIFICATE**  
**POINT AQUARIUS PROPERTY OWNERS ASSOCIATION**

The undersigned certifies that he is the President of Point Aquarius Property Owners Association (the "Association"). The Association is the property owners' association for Point Aquarius and Summerchase Section One, subdivisions in Montgomery County, Texas, according to the maps or plats thereof recorded in the Map Records of Montgomery County, Texas (the "Subdivision").

The Association is a Texas non-profit corporation, and attached to this certificate is a true and correct copy of the Point Aquarius Property Owners Association **Deed Restriction Enforcement Policy and Procedure**.

Signed this 15 day of March, 2013.

**POINT AQUARIUS PROPERTY OWNERS  
ASSOCIATION**

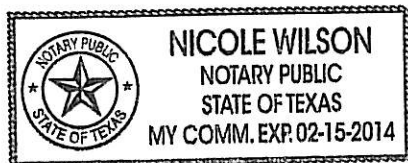
By: \_\_\_\_\_

Bobby Light, President

STATE OF TEXAS §

COUNTY OF MONTGOMERY §

SWORN TO AND SUBSCRIBED BEFORE ME on the 15 day of March, 2013, by **BOBBY LIGHT**, President of POINT AQUARIUS PROPERTY OWNERS ASSOCIATION, a Texas non-profit corporation.

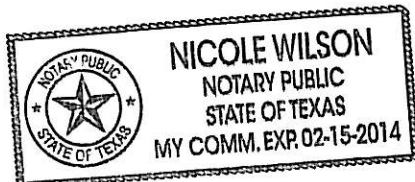


Nicole Wilson  
NOTARY PUBLIC, State of Texas

THE STATE OF TEXAS §

COUNTY OF MONTGOMERY §

This instrument was acknowledged before me on the 15 day of March, 2013, by **BOBBY LIGHT**, President of POINT AQUARIUS PROPERTY OWNERS ASSOCIATION, a Texas non-profit corporation, on behalf of said corporation.



Nicole Wilson  
NOTARY PUBLIC, State of Texas

**AFTER RECORDING RETURN TO:**

The Fowler Law Firm  
300 West Davis, Suite 510  
Conroe, Texas 77301

## POINT AQUARIUS PROPERTY OWNERS ASSOCIATION

### DEED RESTRICTION ENFORCEMENT POLICY AND PROCEDURE

**WHEREAS**, the property affected by this policy is subject to certain dedications, covenants and restrictions (the "Declaration") set out in instruments recorded in the Official Public Records of Real Property at Montgomery County, Texas, as follows:

- *Section One* – Clerk's File No. 267859; *Section One (Amendment)* – Clerk's File No. 273735; *Section One (Amendment)* – Clerk's File No. 289514; *Section One (Amendment)* – Clerk's File No. 289517; *Section One (Amendment)* – Clerk's File No. 363418; *Section Two* – Clerk's File No. 267860; *Section Two (Amendment)* – Clerk's File No. 363419; *Section Three* – Clerk's File No. 274519; *Section Three (Amendment)* – Clerk's File No. 363420; *Replat of Section Five (Amendment and Restatement)* – Clerk's File No. 9147286; *Section Six* – Clerk's File No. 291427; *Section Six (Amendment)* – Clerk's File No. 363423; *Section Seven* – Clerk's File No. 8931385; *Section Seven (First Amendment)* – Clerk's File No. 8947594; *Section Seven (Second Amendment)* – Clerk's File No. 9019239; *Section Eight* – Clerk's File No. 9021168; *Section Nine* – Clerk's File No. 9021170; *Partial Replat of Section One* – Clerk's File No. 9125463; *Partial Replat of Reserve of Section One (First Amendment)* – Clerk's File No. 9131033; *Section Ten (Amended and Restated)* – Clerk's File No. 9149702; *Summerchase Section One (Corrected Declaration)* – Clerk's File No. 2006-047887; and

**WHEREAS**, pursuant to the authority vested in Point Aquarius Property Owners Association (the "Association") in the Declaration and as required by the TEXAS PROPERTY CODE, the Board of Directors of the Association (the "Board") hereby promulgates the following Deed Restriction Enforcement Policy and Procedure; and

**WHEREAS**, TEXAS PROPERTY CODE Section 204.010 permits the Association, acting through its board of directors, to regulate the use, maintenance, repair, replacement, modification, and appearance of the Subdivision; and

**WHEREAS**, the Association finds it necessary and desirable, in order set out a clear, concise, and a uniform set of basic policies and procedures for the Board of Directors of the Association to adhere to in seeking to enforce the restrictive covenants set out in the Declarations;

**NOW, THEREFORE, BE IT RESOLVED** that the following policies and procedures are hereby established for Association regarding enforcement of restrictive covenants.

## **I. VIOLATION NOTICE AND HEARING PROCEDURE**

Pursuant to the Declarations and the bylaws of Point Aquarius Property Owners Association (the "Association"), as recorded in the Real Property Records of Montgomery County, Texas (hereinafter the "Bylaws"), the Board of Directors (hereinafter the "Board") of the Association is vested with the authority to enforce the restrictive covenants contained in the Declarations.

Upon violation of any of the restrictive covenants set out in the Declaration, the Board, or its managing agent, shall provide the owner of the property, at least one written notice describing the violation, and setting forth a reasonable time within which the owner must bring the property into compliance. The Board shall give the Owner a reasonable period of time to cure the violation and avoid further enforcement activity by the Association, unless the Owner was given notice and opportunity to cure a similar violation within the previous six months.

The Board shall inform the Owner that the Owner may request in writing a hearing before the Board, on or before the 30th day after the date the Owner receives the notice.

If a hearing is requested by the Owner, the Board shall hold a hearing within 30 days from the date of receipt of the Owner's request for a hearing. The Board will notify the Owner of the date, time and place of the hearing not later than the 10th day before the hearing. If a postponement of the hearing is requested by either the Board or the Owner, such postponement must be granted for a period of not more than 10 days. Any additional postponements may be granted by agreement of the parties. In the event of an affirmation, or after the expiration of the written notice, the Association, through the Board, is hereby authorized to impose fines or, if violation is a parking issue, authorize towing of the vehicle, or the Board may turn the matter over to the Association's attorney for legal action, and charge the Owner with any legal fees incurred by the Association's attorney in seeking enforcement of the Declaration.

For violations of the Declaration, the Association, through the Board, may levy fines as set forth in this Policy below. The Board is authorized to levy and impose the fines set out herein for violation of the Declaration, any rules and regulations of the Association, the Association's Bylaws, or any other dedicatory instruments of the Association, as determined by the Board in its sole and absolute discretion.

Hearings will be conducted as required by law. The Owner seeking a hearing shall be given 15 minutes to present their case, unless provided additional time as determined by the Board. The Board will notify the Owner of the results of the hearing, in writing, and if compliance is still requested a new compliance date.

## **II. LEVY OF FINE AND FINE AMOUNTS**

The Board is hereby authorized to impose fines or, if violation is a parking issue, authorize towing of the vehicle, or the Board may turn the matter over to the Association's attorney for legal action, and charge the Owner with any legal fees incurred by the Association's attorney in seeking enforcement of the Declaration.

Fine amounts for violations of the Declaration or other Association dedicatory instruments are set out in the Associations Schedule of Assessments, Fines, Fees, Deposits, and Other Charges which is filed for record in the Real Property Records of Montgomery County, Texas.

After a six-month period of receiving no additional violations for an Owner, the fine amount shall will revert back to a First Violation.

Nothing herein shall be construed to limit the Board's right to exercise any and all remedies available to the Board in its efforts to enforce the Declaration or other dedicatory instruments of the Association. Specifically, and without limitation, the Board is authorized to file a lawsuit in a court of competent jurisdiction to seek an injunction for any violation of the Declaration, and/or the dedicatory instruments of the Association, as permitted by law. **Notices required under this Policy shall not be required if Texas law does not otherwise require such notices.**

This Policy is effective upon recordation in the Public Records of Montgomery County, Texas, and supersedes any policy regarding deed restriction enforcement policies and procedures which may have previously been in effect. Except as affected by the TEXAS PROPERTY CODE and/or by this Policy, all other provisions contained in the Declarations or any other dedicatory instruments of the Association shall remain in full force and effect.


This is to certify that the foregoing Deed Restriction Enforcement Policy and Procedure was adopted by the Board of Directors until such date as it may be modified, rescinded or revoked.

The Board of Directors hereby adopts, approves and authorizes the above Deed Restriction Enforcement Policy and Procedure.

Signed this 14 day of March, 2013.

POINT AQUARIUS PROPERTY OWNERS  
ASSOCIATION

By:

  
Bobby Light, President

Attest:

  
Secretary