

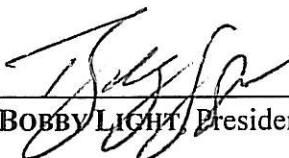
CORPORATE CERTIFICATE
POINT AQUARIUS PROPERTY OWNERS ASSOCIATION

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 **Rules, Regulations and Procedures for Construction Sites**.

Signed this 15 day of March, 2013.

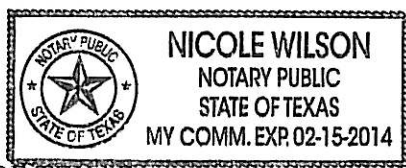
**POINT AQUARIUS PROPERTY OWNERS
ASSOCIATION**

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.

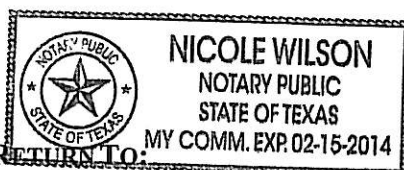


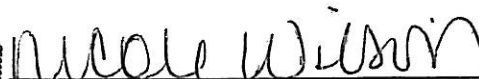

NOTARY PUBLIC, State of Texas

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.




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

RULES, REGULATIONS AND PROCEDURES FOR CONSTRUCTION SITES

WHEREAS, the property affected by these Rules, Regulations and Procedures for Construction Sites 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 bylaws of the Association, and as set out in the TEXAS PROPERTY CODE, the Board of Directors of the Association (the "Board") has determined that it is necessary to adopt rules, regulations and procedures in order to regulate the use, maintenance, repair, replacement, modification, and appearance of construction sites in the Point Aquarius Subdivisions (collectively the "Subdivision"); 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, to implement written architectural control guidelines for its own use, and to exercise all other powers necessary and proper for the governance and operation of the Association; and

WHEREAS, the Association hereby finds it necessary and desirable, in order set out a clear, concise, and a uniform set of rules, regulations and procedures for construction sites in the Subdivision;

NOW, THEREFORE, BE IT RESOLVED that the following conditions and requirements are hereby established as the Association's Rules, Regulations and Procedures for Construction Sites.

I. APPLICATION

These Rules, Regulations and Procedures (the "Rules") apply to any level of construction activity for new home construction to the extent that such activity is affected by their terms. Additionally, the Association reserves the right to apply these Rules, including but not limited to the Construction Permit and Refundable Deposit provisions, to any construction activity that impacts roads and other common areas to the same or similar degree as new home construction. Such construction includes, but is not limited to, swimming pool construction, major remodeling projects, and clearing of vacant lots.

II. CONSTRUCTION PERMIT

Submission of plans to, and approval by, the Architectural Control Committee (the "ACC") is required for new home construction prior to the commencement of any construction activity. Upon approval by the ACC, a construction permit will be issued and must be displayed and be visible from the street, at the construction site, at all times during the course of the construction. To cover the cost of processing and issuing the permit, a non-refundable Permit Fee (subject to change by board approval) must be paid by the property owner, contractor or builder, at the time the plans are submitted, before the permit will be issued, as set out in the Association's Schedule of Assessments, Fines, Fees, Deposits, and Other Charges.

The above Permit Fee amount may be adjusted from time to time, by the Board of Directors of the Association, in its sole discretion based upon a reasonable study as to the effect said construction has on Subdivision common areas and the needs of the subdivision.

III. REFUNDABLE DEPOSIT

In addition to the above-described Permit Fee, at the time the plans are submitted a minimum Construction Deposit shall be required of the property owner, contractor, or builder before any construction activity takes place, as set out in the Association's Schedule of Assessments, Fines, Fees, Deposits, and Other Charges. The Construction Deposit shall be used by the Association to pay for whatever measures the Association must take to remedy a violation of the Construction Site Requirements set forth in Section IV set out immediately below (including, but not limited to the repair of damaged streets, curbs/gutters, signs, or common areas and the clean-up of debris). The deposit may also be depleted for fines assessed by the Association according to the terms of Section V hereinbelow. The Construction Deposit amount shall not be construed as a maximum the Association is entitled to recover for damages, if any. Any amount not expended shall be refunded to the property owner, contractor, or builder upon completion of construction and final clean up.

The above Construction Deposit amount may be adjusted from time to time by the Board of Directors of the Association in its sole discretion, based on a reasonable study as to effect said construction has on the Subdivision common areas, and as the needs of the Association require.

IV. CONSTRUCTION SITE REQUIREMENTS

1. No burning will be allowed at the construction site.
2. A portable human waste facility shall be placed on the construction site commencing with work start-up and removed at final clean up.
3. The construction site must be kept clean and orderly throughout construction and construction debris is to be safely and adequately accumulated and disposed of through the use of proper containers. A 30-yard roll off dumpster must be on site at the start of construction after foundation is poured, and shall be removed as part of the final clean up. The Association will not be responsible for any second party's unauthorized usage of dumping in a receptacle.
4. Streets and neighboring lots must be kept clean of dirt and debris. The placement of a fence around the construction site at the start will be required to eliminate any debris from leaving the site and entering onto adjacent or nearby streets or lots.
5. All measures necessary to prevent damage to streets, curbs/gutters, signs and common areas shall be employed.
6. Construction activity shall only be allowed Monday through Friday from 7:00 a.m. to 8:00 p.m., and on Saturday, Sunday and Association observed holidays, from 9:00 a.m. to 6:00 p.m.
7. A form survey must be approved and stamped by a licensed surveyor and submitted to the Association's managing agent prior to pouring a foundation.
8. Cement trucks shall be limited to a maximum of 9 cubic yards per truck load.
9. Curbs must be saw cut for all driveways.
10. Common areas must not be used for access to construction sites.
11. Streets must not be used for storage of materials or equipment.
12. All multi-vehicle garages should have a driveway width suitable to accommodate automobiles parking side by side.
13. Construction Permits must be posted in full view of the street.
14. A construction site compliance agreement must be signed and initialed at the time of the application process, acknowledging and agreeing to all conditions and requirements set forth by the association through these Rules.

V. ENFORCEMENT PROCEDURES

A. INSPECTION. The Association will conduct periodic inspections of the construction site during the course of the construction. If it is determined that a violation of one or more of the construction requirements set forth in Section IV is being or has been violated, the Association shall advise its managing agent to notify the property owner, contractor, or builder as set out in subsection "B" below.

B. NOTICE OF VIOLATION. The Association shall provide written notice of any violation to the property owner, contractor or builder, in accordance with Chapter 209 of the Texas Property Code, unless the property owner, contractor or builder has had a similar notice in the proceeding six (6) month period for the same violation that occurred on same or different property. Such notice shall also inform the property owner, contractor or builder of the date by which the property owner, contractor, or builder must bring the property into compliance with the construction site requirements and to remedy any damage resulting from the violation to eliminate violation deductions, as that term is defined herein. The notice shall inform the property owner, contractor, or builder that a "violation deduction" in an amount as set out in the Association's Schedule of Assessments, Fines, Fees, Deposits, and Other Charges will be assessed against the deposit required by Section III hereof, if the property is not brought into compliance by the date set out in the written notice. The notice shall inform the property owner, contractor or builder of the right to protest to the Board of Directors the finding of a violation, and/or the notice of violation, that he wishes to protest. The notices required by this subsection shall be delivered via certified mail, return receipt requested, and in any other method desired by the Association. Receipted hand delivery may be made to the person with apparent authority at the construction site; and such notice shall be binding on the property owner, contractor or builder. The owner will have thirty (30) days from the date the notice is received to request in writing, a hearing before the Board of Directors of the Association.

C. PROTEST HEARING. Once the property owner, contractor, or builder has notified, in writing to the Association's managing agent, of his or her desire for a hearing, a hearing date will be set.

VI. RECOVERY OF DAMAGES

Nothing in these Rules shall be construed to limit the Association to the recovery of fines and/or deposits described herein for violations of these Rules, the Association's bylaws, the Declarations, statutes, ordinances or common law relating to the construction activities or any other activities. The Association reserves the right to seek actual and consequential damages, including reasonable and necessary attorney's fees and costs for any infraction of the Declarations, bylaws, statutes, ordinances, or common law causes of action, including the right to seek injunctive relief when necessary.

VIII. JUDICIAL REMEDY

Notwithstanding the adoption of the Rules set forth herein, the Association reserves the right to enforce violations of any restriction, bylaws or rules and regulations in the appropriate court to the full extent allowed by the law.

These Rules, Regulations and Procedures for Construction Sites are effective upon recordation in the Public Records of Montgomery County, Texas, and supersede any rules, regulations, and procedures which may have previously been in effect. Except as affected by the TEXAS PROPERTY CODE and/or by these Rules, Regulations and Procedures, 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 Rules, Regulations and Procedures for Construction Sites 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 Rules, Regulations and Procedures for Construction Sites.

Signed this 14 day of March, 2013.

POINT AQUARIUS PROPERTY OWNERS
ASSOCIATION

By:


Bobby Light, President

Attest:


Secretary