

LAKEWOOD PARK TWO HOMEOWNERS ASSOCIATION, INC.  
ARCHITECTURAL CONTROL COMMITTEE

**POLICIES AND PROCEDURES**

WHEREAS, pursuant to Article IV, Section 5 of the Declaration of Covenants, Conditions and Restrictions for Lakewood Park, Section Two, recorded June 27, 1984 at Clerk's File No. J574637, Official Records of Real Property, Harris County, Texas (said declaration and any amendments thereto referred to as the "Declaration"), the duties and powers of the Architectural Control Committee (the "ACC") were assumed by the Board of Directors of Lakewood Park Two Homeowners Association (the "Association") on or about May 8, 1994;

WHEREAS, pursuant to Chapter 204 of the Texas Property Code and the Declaration, the Board is authorized to implement and modify architectural control guidelines;

WHEREAS the Board of Directors of the Association (the "Board") has granted certain duties and powers to the ACC to enforce the deed restrictions and policies of the Association and to implement and modify architectural control guidelines;

WHEREAS, The President of the Board on or about March 22, 2005, requested that certain Policies and Procedures be adopted for future reference and be incorporated into the Directors' Manual of the Association and be distributed to all homeowners once recorded with Harris County;

NOW THEREFORE, the ACC hereby adopts the following policies and procedures:

**Request for ACC Approval:**

Pursuant to Article IV of the Declaration, before any building shall be erected, placed or altered on any Lot, the owner must comply with the approval procedures as set out in the Declaration. The ACC has discretion as to the form and detail required in the submission of such plans, specifications and plot plans.

An application in compliance with the requirements of the Declaration must be submitted to the ACC by a homeowner when planning to alter any improvement on the owner's property. If approved by the ACC, an approved, signed and dated copy will be given to the homeowner and the original form placed in the homeowner's file. If the changes are not approved by the ACC, the homeowner will be notified, given a copy of the unapproved, signed and dated form, and the original placed in the homeowner's file.

### **Enforcement of Deed Restrictions:**

The Association shall engage an “Administrative Assistant” whose duties include, but are not limited to: make a listing of all addresses for those involved in the Walk-throughs and to send the necessary violation notices.

Beginning in January of 2006, a member or members of the ACC will make inspections, (hereinafter referred to as “Walk-throughs”), of the real property subject to the Declaration (the “Neighborhood”) every other month on a rotating basis through November, eliminating the month of December, for a total of six Walk-throughs per calendar year. The specific dates of the Walk-throughs during those months shall be at the discretion of the member(s) scheduled to conduct said Walk-throughs. The rotation schedule may be changed at any time according to the availability of the ACC members.

Enforcement of the provisions of the Declaration by the ACC is not in any way limited by the proposed schedule of Walk-throughs, and any deed restriction violation(s) observed in the interim of the six (6) scheduled Walk-throughs per year shall be recorded by any observing ACC member, and notice and enforcement procedures as set out herein shall be followed. For the remainder of 2005, a Walk-through shall be conducted in early November.

Prior to a Walk-through by an ACC member, the Administrative Assistant shall send to the inspecting ACC member an entire listing by streets and addresses of all homes in the Neighborhood with prior violations noted for the purpose of recording observed new or continued deed restriction violations. Upon completion of the Walk-through, the inspecting ACC member shall then send the listing back to the Administrative Assistant with notations of violations for the purpose of directing notification letters of the violation(s) accordingly. Any deviation from the scheduled Walk-throughs and sending of letters shall be at the discretion of the ACC Chairman. Upon completion of the mailing of said letters, a copy of each letter shall be given to the Chairman of the ACC for the purpose of filing same in the files of the homeowners.

### **Notification and Enforcement Procedures:**

1. Once a violation has been reported to the ACC, a letter shall be sent via United States first class mail to the owner of record for the property alerting said owner of the violation(s) and demanding that the violation(s) be remedied within thirty (30) days of the date of the letter (the “First Notice”).
2. If the ACC has received no response and/or the owner has not complied with demands of the First Notice within thirty (30) days of the date of the First Notice, a second notice of violation shall be sent to the owner of record via United States first class mail to the owner of record for the property alerting said owner of the violation(s) and demanding that the violation(s) be remedied within thirty (30) days of the date of the letter (the “Second Notice”).

3. If the ACC has received no response and/or the owner has not complied with demands of the Second Notice within thirty (30) days of the date of the Second Notice, a third notice of violation shall be sent to the owner of record via certified mail return receipt requested and United States first class mail, demanding that the violation(s) be remedied, and notifying the owner that, within thirty (30) days of the date of said third notice, he or she is entitled to an opportunity to cure the violation(s) or request a hearing before the Board or a committee chosen by the Board by submitting a request in writing to the President of the Board. (the "Third Notice")
4. If a written request for a hearing is made within the allotted time, the Board or a committee chosen by the Board will schedule a hearing within thirty (30) days of receipt of the request and will provide the owner notice of the date, time and place of hearing not later than ten (10) days before the hearing date.
5. If the owner does not cure the violation(s) or send a written request for a hearing within thirty (30) days of the date of the Third Notice, the ACC shall notify the Board, and the Board shall refer the matter to its attorney. Thereafter all legal fees and reasonable costs incurred by the Association will be charged to the owner and assessed against the owner's property. The Association will seek reimbursement from the owner for any attorneys fees or costs incurred after the appropriate date.

A copy of any correspondence, including e-mails, from homeowners regarding violation notices received shall be placed in the homeowners' files as well as a copy of any response to same from an ACC member. Dated notations shall be made of any phone calls from homeowners to an ACC member regarding violation notices received. When an ACC member personally visits a homeowner at the homeowner's request to discuss any observed violation(s) for clarification purposes, a dated notation of the results of such visit shall be put in the homeowner's file.

If any pictures are taken by an ACC member of a homeowner's residence as proof of violation of deed restrictions, the picture shall be dated and placed in the homeowner's file.

In the event of a difference of opinion by members of the ACC regarding an ACC-related issue, a vote shall be taken by those members, with the majority ruling, for the resolution of such issue. In the event of a tie vote, the Board President shall be asked to cast the deciding vote.

An ACC member or his representative shall give a verbal or written updated report on the activities of the ACC to the Board at each Board of Directors' meeting when appropriate and available.

The ACC shall report to the Board any unusual occurrences of violations which may require the attention of the Board for resolution.

The ACC shall furnish the Board, as soon as possible, any information pertaining to the ACC requested by the Board.

The ACC shall notify the Board of the results of any meetings held by the ACC.

Adopted by the Architectural Control Committee of Lakewood Park, Section Two on the \_\_\_\_\_ day of \_\_\_\_\_, 2006.

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Jim Nipper, Chairman,  
Architectural Control Committee  
Lakewood Park Two Homeowners Association, Inc.

Approved by:

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Don Ahrens, President, Board of Directors  
Lakewood Park Two Homeowners Association, Inc.