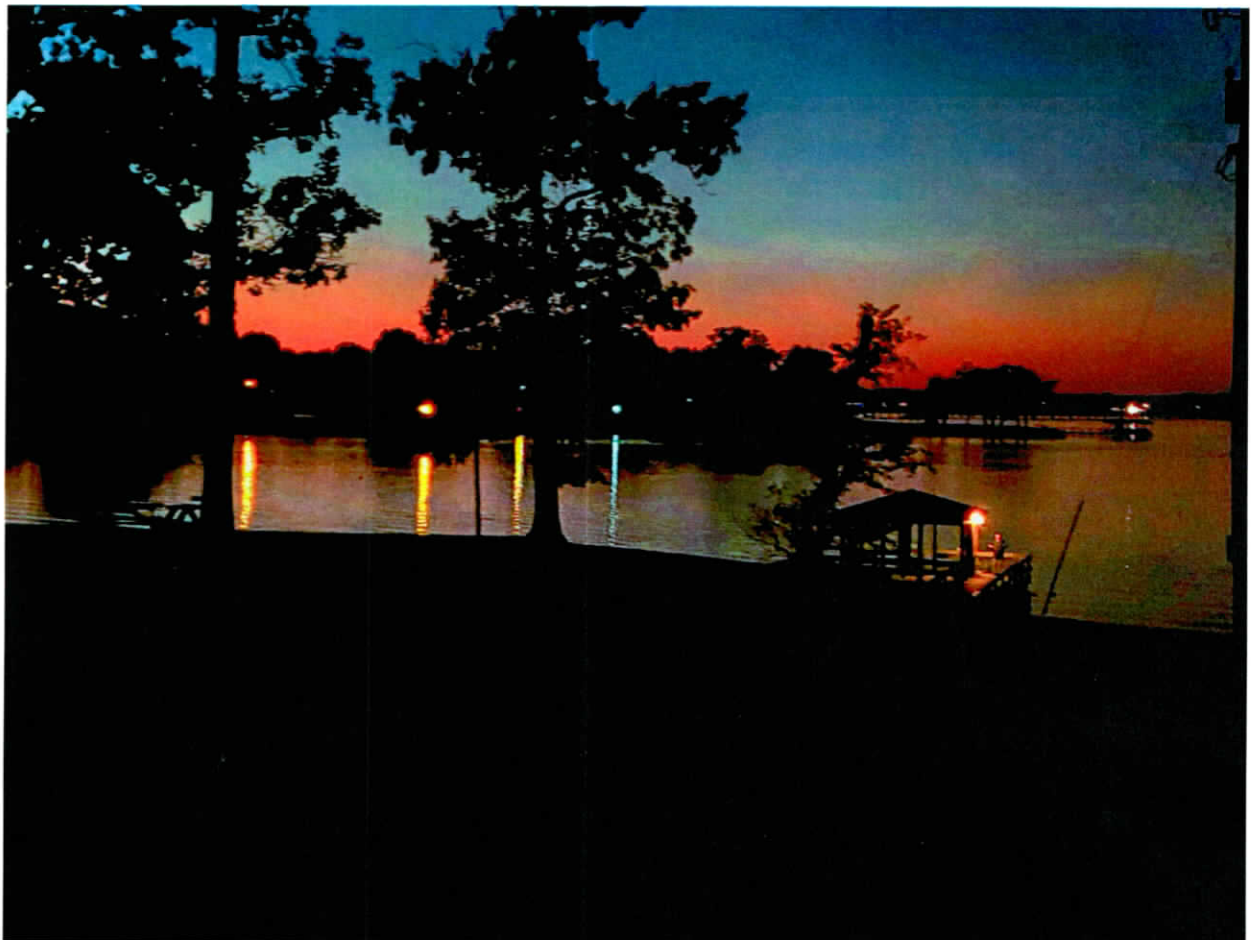


A BRIEF GUIDE TO THE CHANGES
IN THE REVISED DEED RESTRICTIONS
FOR SECTIONS A, D, E, F, G H, & I
HV OF FORK OWNERS ASSOCIATION



Paragraph 1; change Architectural review board from developer to three members, appointed by the Board of Directors. Eliminates ARA control by the developer.

Makes appointments a 1-year term. Appointed at the annual membership meeting each year, this coincides with all other officer appointments.

Paragraph 3; changes original wording about used structures being prohibited on any lot and allows previously approved structures already in the subdivision to be relocated within the subdivision. Allowing the relocation of carports and sheds, such moves were prohibited in the past.

Also changes restrictions on metal roofs to allow metal that is designed for roof or siding.

Paragraph 4; A change was made to the requirement for skirting or under pinning structures, allowing for sheds that are on runners or skids will not have to be skirted, only structures with exposed piers.

Paragraph 5; Clarifying that culverts are a fixed improvement and are controlled by the building permit process. This was a common area policy that had been set by the Board of Directors in the past, now will become a regulation. Also stipulates that driveway access across the ditch area is a limited easement granted for access to the property. Although this is a common law it was never stated in the original documents.

Paragraph 6; First change is to set the building permit fee at 4/10ths of 1 percent or \$40.00 minimum. This will amount to \$40.00 per \$10,000 project cost. The building permit money has always been for the road fund; this increase is a basic change to accommodate increased costs of road patching materials. And specifies that all money collected for building materials goes into the road fund operational account.

The second change is to add that all construction is subject to inspection during all phases of the project. Stating that these inspections are only to make sure that the modification, addition, or new structure follows the deed restrictions. This inspection is not for safety or building codes.

Paragraph 7; The addition of wording to specify that the 10-foot setback is for the front of the property, and the front of the property on a corner lot is the side of the property that is along the street that the 9-1-1 address is assigned to. Any lot that is subject to a 9-1-1 address requires a 10-foot setback even if it is an adjoining lot going through to the next street. The 9-1-1 address is set up by and controlled by the emergency management for the state.

A second change is to specify that portions of a structure or recreational vehicle cannot overhang onto or above the utility easement.

Paragraph 8; The further definition of allowable pets is put in place to prohibit certain animals that may be pets but are not “common” pets and can become a problem for all residents if not properly cared for.

Additional wording describing that dogs must be under control of the owners not just on a leash. This will give the Board a chance to set a penalty for unrestrained dogs.

A third addition sets the rule regarding commercial breeding into the deed restrictions, helping to prevent puppy mills and other breeding of animals.

Paragraph 9; Additional wording allows the use of firearms for personal or public safety. The old wording prohibited all shooting of firearms.

Paragraph 10; Original recreational vehicle approval was based on the appearance of the recreational vehicle, which can be up to the person looking at the recreational vehicle. Language was added that defines the basics of good repair and appearance.

The next two minor changes allow the Architectural Review Authority to deny entrance of a recreational vehicle before it comes into the subdivision. This will save time trying to reject an RV that is already in the subdivision. The fee is allowed to go up to \$25.00 for the annual permit. (Note that without the requirement for an annual permit it is nearly impossible for the Association to get an RV removed without spending a few thousand dollars on court costs to get a deteriorating RV out.)

A third change is related to manufactured homes and changes the restriction from 5 years to 10 years upon approval by the Architectural Review Authority.

Wording was added to stipulate that the square footage of a residence is the living space covered by heat and a/c.

A final change to paragraph 10 restricts the number of recreational vehicles on a lot to 2 RVs. This change is intended to prevent overcrowding and to prevent a lot from being used as an RV park.

Paragraph 11a; This sub paragraph was added to define when and why an employee or representative of the Association might enter an owner’s property via the easements granted or for permit inspection. This sub paragraph stipulates that the entry must be for emergencies or emergency maintenance.

Paragraph 12; Changes were made to eliminate the developers’ right to use lots or properties for anything other than a single-family dwelling from this time on. The current multi-family buildings, formerly the timeshare condos are grandfathered by law to be used for this purpose. Changes in this paragraph protect the status of the subdivision.

Paragraph 13; Wording was added to require both water and sewer for occupied structures and RV’s that are occupied full time. The old wording was just sewer which meant that

some folks without water were still living in houses and RV's without having a working sewer hookup and allowing their sewage to go onto the ground.

Paragraph 14; Language was added to use state code for the definition of refuse, rubbish, and trash. The old statement allowed one person to define it one-way and another person to define it another way. The second part of the old regulation was about inoperative cars; this was further defined to include old inoperative boats and machinery that is setting on lots in the subdivision.

Paragraph 15; This paragraph was added to give protection to all residents against illegal activity, also uses state code to define nuisances. Giving current rules and policies a firm definition to be able to have some enforcement.

Paragraph 16; This paragraph changes the maximum grass height before a violation is issued. The old measurement of 12 inches caused a lot of issues with appearance and made it extremely difficult to mow when the grass and vegetation reached 12 inches. The new violation height will be 7 inches for all grass and vegetation. This change also gives the association the right, after notification to specifically enter the property to mow overgrown vegetation.

Paragraph 17; This paragraph is added to establish the steps to enforcing a violation of the deed restrictions. This paragraph is established in keeping with the current property code 209.006 and 209.007 establishing notification of the violation, how a violation may be cured. Authorizing fines for failure to cure a violation. Establishing how fines may be collected and giving the Association the right to recover legal costs involved in enforcing any of the declared deed restrictions.

This will actually make it possible for the Association to enforce some deed restrictions that have continued violations resulting in thousands of dollars in court costs that take money away from much needed areas like upkeep and maintenance of roads, ditches, and amenities.

Paragraph 18; Changes to paragraph 18 sets a description of how the impact fee is assessed against a property and establishes that even the developer is responsible for impact fees on property that he/they might have within the subdivision. Previously these terms were only stated in the by-laws and because of developer rights of the original deed restrictions the developer was not forced to pay the impact fee. That has been fixed by this change.

The second change in this paragraph is the establishment of a due date for assessments each month and the right to apply late fees in addition to interest rates if approved by board policy.

Paragraph 19; The big change in this paragraph is the change to the lien structure applied to the property when financing is done. Under the old lien structure, the Association was

the secondary or junior lien in all cases. That meant that the Association could not collect when a bank or other financial institution foreclosed on a property. By making this change the Association is assured of collecting past due assessments (dues) when a property is foreclosed on by a finance company or a bank. A bank or mortgage company can get a variance, but only if they agree to keep the assessments current during the loan period.

Paragraph 20; The only change is to give the Board of Directors control over establishing streets and alleys. This was under developer control previously.

Paragraph 21; Language was added to prevent any oil, gas, or mineral exploration and to prevent the erection of derricks or other structures related to mineral exploration. Since the landowners do not control the mineral rights and we believe those rights are still held by the original developer it was agreed that something needed to be written into the deed restrictions to prevent unsightly mining or oil well work from happening on the surface of the subdivision.

Paragraph 22: Under the original deed restrictions, the developer is exempt from violations even when a property he/they control is a mess. The changes made to this paragraph insure that even the developer can be subject to enforcement of all deed restrictions.

Paragraph 23; This paragraph is added to strengthen the Board of Directors management of the Association. The Articles of Incorporation directed that the business of the Association would be managed by the Board, the deed restrictions failed to give the Board authority over how that was to be accomplished and what responsibilities it assigned to the Board of Directors. This paragraph is the same as the directive written into the by-laws with the exception that it authorizes the Board of Directors to set rules and schedule fines for violations of rules in all areas of the subdivision. Currently that authority only covers rules and fines on common areas. This paragraph also establishes that the Board of Directors can seek loans for certain improvements and restricts the use of loans to specific uses, so that the Board cannot borrow money to build a new building or establish a new amenity, but they can when necessary borrow money to repair or rebuild an existing amenity.

Paragraph 25; This paragraph was added to establish that the Board of Directors must set a reasonable speed limit for all subdivision streets/roads. And must coordinate a method of enforcement for such speed limits.

Additionally, this paragraph establishes that each property owner/member is responsible for their own safety and security, the Association has no security or law enforcement authority to furnish protection to the residents within the subdivision.

Paragraph 26; This paragraph was added to protect each property owner from having a neighbor redirect drainage or water flow that might inhibit the use of adjoining lots or

otherwise cause damage to adjoining lots. This paragraph is in keeping with Texas Water Code Section 11.086 and offers protection to each individual owner/member.

Paragraph 27; This paragraph is added to protect the Association and its individual members from liability for accidents or injuries occurring on common areas particularly where negligence on the part of the Association is not a factor in the accident and or injury. A commonsense statement that protects all owners' officers and members from unknown risk.

Paragraph 28; The only change here is the first date at which these deed restrictions can be amended. This is to help prevent frivolous changes and amendments that would affect only portions of the subdivision or benefit individual members.

Paragraphs 29 & 30; All changes in these two paragraphs are to limit the developer and give authority to the Board of Directors that was originally held by the developer.