

TANGLEWOOD
POLICY MANUAL

Whereas, the Board of Directors (the “**Board**”) of Tanglewood Homes Association, Inc. (“**THA**”) has met on this 16th day of June, 1997, to confirm certain policies of the Board relating to the interpretation and enforcement of the restrictive covenants, conditions and deed restrictions (“**Restrictions**”) applicable to the various Sections (each, a “**Section**” and collectively, the “**Sections**”) of Tanglewood, including the recorded deed restrictions referred to in Schedule 1 attached hereto, and which are policies adopted and generally followed by the Board in the past and are desirable for the future; and

Whereas, THA is the successor to Tanglewood Corporation and affiliated entities including, but not limited to, Airtex, Inc., Lawndale Terrace Corporation, San Felipe Post Oak Corporation, Westheimer Post Oak Corporation, Lawndale Plaza Company, Pine Forest Corporation, and Longwoods Corporation, for the purpose of general supervision and enforcement of the Restrictions in Tanglewood; and

Whereas, the Restrictions are intended to be for the purpose of creating and carrying out a uniform plan for the improvement of the property within designated Sections in Tanglewood as a high-quality restricted residential neighborhood and which constitute covenants running with the land, and impose certain limitations on the use of, and construction upon, all land located in the Sections in Tanglewood; and

Whereas, by the terms of the Restrictions, THA has a legal and equitable right to enforce the Restrictions; and

Whereas, the Restrictions were imposed upon all the lots within the designated Sections of Tanglewood by documents recorded in the real property records of Harris County, Texas, and are incorporated by reference into deeds from the original developers of the respective Sections of Tanglewood to the original purchasers of lots in Tanglewood, and such Restrictions are presently in full force and effect with respect to all of the lots in Tanglewood except with respect to one restriction concerning race which is void under the Constitution of the United States of America and is no longer a part of the Restrictions; and

Whereas, by virtue of the express terms of the Restrictions, the Board has **"the right to modify the restrictions with respect to location of setback or sideline restrictions of any of the improvements, and the direction which they shall face, to such extent as it deems [such modification to be] in the best interest of the Addition as a whole"**; and

Whereas, the Board also has the right and power, by virtue of the authority given in Section 204.010(a)(18) of the Texas Property Code, to **"(A) implement written architectural control guidelines for its own use or record the guidelines in the real property records of the applicable county; and (B) modify the guidelines as the needs of subdivision change"**; and

Whereas, the Board has determined that it is in the interests of the residents of Tanglewood that certain policies be restated and reaffirmed for each separate Section of Tanglewood and, to the fullest extent possible, all Sections in Tanglewood so that owners, contractors, lenders and other parties will have a clear understanding of these policies which are based on the applicable deed restrictions and architectural control guidelines for the various Sections of Tanglewood.

Now, therefore, the Board of THA does hereby adopt and/or restate and reaffirm the following policies for interpretation, application and enforcement of the Restrictions relating to each of the various Sections of Tanglewood and for architectural control guidelines for such Sections:

	<u>Page</u>
Policy Relating to General Information on All Construction in Tanglewood	3
Policy Relating to Fences, Walls and Hedges	7
Policy Relating to Height Limitations and Outbuilding Setbacks	10
Policy Relating to Attached/Detached Garages	12
Policy Relating to Approval Of Miscellaneous Types Of Improvements	14
Policy Relating to Swimming Pools, Pool Equipment, and Pool Enclosures or Structures	16
Policy Relating to Existing Encroachments	18
Policies Relating to Collection of Funds Due For Assessments and Charges by the Association	19
Policy Relating to Non-Residential Use of Property.	21
Policy Relating to Porte Cocheres	22

The Board has adopted the policies herein pursuant to the terms of the Restrictions and the authority vested in the Board, including the authority conferred upon the Board by the Restrictions.

It is the intent of the Board to enforce the Restrictions, including those portions of the Restrictions affected by these policies. It is the intent of THA to enforce the Restrictions regarding each area for which a policy is adopted. The purpose of the policies is not to change or ignore the Restrictions; rather, the policies set out the standards generally used by THA's Board in deciding how and when to exercise its express authority to give written consent for construction which varies from the Restrictions (referred to as a "**variance**"). Construction pursuant to a variance is not a violation of the Restrictions if THA gives such written consent.

Each policy stated or referred to herein shall apply and be given the maximum effect legally possible. If any stated policy is ever determined to be unenforceable for any reason or in any circumstances, the remaining policies shall continue to apply and remain in full force and effect. Furthermore, these policies may be amended or supplemented from time to time as deemed appropriate, but these policies shall remain in force except as expressly modified or amended.

Policy Relating to General Information on All Construction in Tanglewood

Restrictive covenants (also known as deed restrictions) contribute to maintaining the high property values and residential character of Tanglewood and assuring the proper setback of improvements from the property lines.

There are a number of documents on file in the THA office which contain Restrictions applicable to over 1,200 properties in Tanglewood. Interested parties should contact the THA office for the specific Restrictions concerning a particular property. In addition, the original deeds on most lots from Tanglewood Corporation and/or affiliated entity (THA's predecessors) state that **"no improvements of any character shall be erected, or the erection thereof begun, or change made in the exterior design thereof after original construction, on this property, until plans and specifications have been submitted to and approved in writing by Tanglewood Corporation (or affiliated entity)."**

Accordingly, all exterior improvements or changes to property in Tanglewood must receive written approval from the Deed Restriction Committee (the "**DRC**"), a committee appointed by the Board to oversee and administer Tanglewood's deed restrictions, prior to commencement of any work. This includes, without limitation, room additions to any residence, garage, servant's quarters, or outbuildings; new structures of any kind; fencing; carports; bay windows; satellite antennas; chimneys; air conditioning equipment; pools, pool equipment and pool enclosures; water features; pergolas; trellis work, arbors, gazebos and green houses; canopies; cabanas and other improvements.

All applicants must submit one full and complete set of plans to the THA office. The THA office is currently located at 5757 Woodway, Suite 160, Houston, Texas 77057-1590. The plans must contain a site plan showing the location of any improvements (including air conditioning units, fences (with fence height above existing ground or grade level denoted), swimming pool equipment, and any ancillary structure(s) not part of the house or garage) to be constructed relative to the property and the building setback lines. If the plans are for construction of a fence only, a copy of a certified survey may be used in lieu of the site plan with the location and height of the fence clearly depicted on the survey.

Plans are processed as they are received. It normally takes a minimum of ten (10) days to process and approve construction plans. Plans are reviewed and acted on by three (3) members of the DRC. The applicant will be notified when the plans are approved and must sign the approval letter to acknowledge receipt of the conditions related to the approval. Where applicable, the contractor will also be required to acknowledge the approval letter.

In the event it is determined by the DRC that plans submitted for approval do not comply with the Tanglewood deed restrictions and any related policies and guidelines adopted or implemented by the Board, the applicant shall have the right to request a variance. A variance request must be submitted to the Tanglewood office a minimum of ten (10) days prior to a scheduled Board meeting. The applicant may request to appear before the Board to present his/her case why a variance should be granted. All variances must be approved by the Board at a regularly constituted meeting. The Board meets once each month to consider variance requests and to conduct corporation business. Within a reasonable time after acting on a variance request, the Board will give written notice of its decision to each applicant requesting a variance. While the Board will consider the merits and appropriateness of each variance request on a case-by-case basis, it is the preference of the Board to

minimize the number of variances granted within Tanglewood. Any variance given will apply for the life of the improvements for which the variance is granted and so long as there is no physical change to the exterior of the improvements for which such variance is granted. If improvements for which a variance is granted are modified, changed or restored following damage in a manner which differs from the improvements for which the variance was originally granted, including any changes which require a City of Houston building permit or approval by the THA, a new variance request must be submitted to the Board for approval.

It is the intent of THA to apply the Restrictions and the policy standards adopted by the Board, in a manner that is not arbitrary, capricious or discriminatory. Variances will not be granted or denied on the basis of the homeowner's social or political status, level of fame or celebrity, age, race, gender, religion, national origin or any other personal factor. Rather, THA's emphasis is focused on the location of the property and the effect of the requested variance on maintaining Tanglewood as "a high class restricted district," as stated in the Restrictions.

For any plans involving construction of a structure (not including replacement of a driveway or parking area) requiring a poured foundation, a certified foundation form survey is required to be submitted three (3) days before any concrete is poured. The survey must confirm the placement of improvements in accordance with the plans approved by the DRC. A final written approval will be issued to the applicant acknowledging compliance with the location of the structure(s) depicted on the approved plans. The Board reserves the right, however, to suspend, revoke or deny any approval that is based on inaccurate or conflicting information.

All approvals granted for improvements will expire six (6) months after issuance if construction of the approved improvements has not commenced. A six (6) month extension may be obtained if a written request is submitted confirming there have been no changes in the plans previously approved. Otherwise, new plans must be submitted. The construction period shall not exceed eighteen (18) months from the date of commencement to completion unless written approval is obtained from THA. The completion of the project includes all initial landscaping, driveways and sidewalks.

The Board cannot stress strongly enough the need for all applicants or their designated contractors to provide responsible supervision at their respective construction sites to assure compliance with all applicable Restrictions, policies, ordinances and rules. The following rules and regulations (which will be contained in an initial approval letter), plus any applicable additional or supplemental rules and regulations adopted from time to time shall, where applicable, apply to every construction site:

- (a) City of Houston Noise Ordinance 93-77, effective January 20, 1993, provides that construction work may take place on any day of the week. Between the hours of 7:00 a.m. to 8:00 p.m., the noise level shall not exceed 75 db(A), which, in the event of a complaint, would be measured by a Houston Police Department officer responding to the complaint. No construction work should be conducted between 8:00 p.m. and 7:00 a.m.

- (b) Parking of vehicles is restricted to the side of the street where the construction is taking place to allow for emergency vehicle access. Under no circumstances should vehicles be parked in other property owners' driveways or parked in such a manner that would block other driveways. All illegal parking will be reported and vehicles will be towed at the owner's expense
- (c) All construction debris and other trash must be moved from the site at least once per week. No trash should be left exposed that could be windblown onto adjacent property. Under no circumstances should storm sewer inlets be used to discard any trash or debris. The street will be kept clean of mud, excess concrete (including spillage from concrete trucks) and other materials generated from the construction site. THA shall have the right to have building sites and streets cleaned at the property owner's expense, if necessary.
- (d) Port-a-cans must be kept neat and maintained in proper working order. These temporary facilities must be located as far back from the street as possible consistent with servicing requirements. Port-a-cans must be screened from view from the street and neighboring properties to the extent possible. Contractors must install a flush toilet as soon as plumbing is connected and then remove the port-a-can.
- (e) Building materials, trucks and other material or equipment may **NOT** be placed upon or parked on any easement area between the front property line and the street nor shall such material or equipment be placed in the street. City of Houston Building Code 40-7 declares unlawful any obstructions and/or encroachments in City right-of-way.
- (f) Trees on the construction site should be protected from damage. Temporary wood, chain link or plastic barricades should be erected around the drip line to protect trees, and should identify the area as a "**Tree Protection Zone.**" No signage or promotional identification of any architect, contractor, lender or others involved in construction shall be permitted on a lot. No vehicles, heavy equipment or building material should be permitted in the tree protection zone. A copy of the pamphlet "**Protecting Trees During Construction**" is provided by THA to contractors and property owners, where applicable, with each letter approving plans for new construction.

- (g) It is against the law to alter the drainage on any Tanglewood lot in a manner that redirects the drainage from one owner's property to an adjoining property. Section 11.086 of the Texas Water Code provides, in part, as follows:

" (a) No person may divert or impound the natural flow of surface waters in this state, or permit a diversion or impounding by him to continue, in a manner that damages the property of another by the overflow of the water diverted or impounded.

(b) A person whose property is injured by an overflow of water caused by an unlawful diversion or impounding has remedies at law and in equity and may recover damages occasioned by the overflow."

In the case of new construction, particularly when the lot elevation is changed in connection with new home construction, the owner and contractor should provide for the proper drainage of the lot so that it does not adversely impact any contiguous property.

Any questions regarding the Restrictions, policies, rules or regulations during construction should be directed to the THA office.

Policy Relating to Fences, Walls and Hedges

A. General Statement of Policy and Purpose.

Front fences, hedges and walls are addressed in the restrictions applicable to the various Sections of Tanglewood. In most instances, the Restrictions prohibit fences, hedges and walls nearer to any street than is permitted for the residence, except with the written consent of THA (as the successor to Tanglewood Corporation and/or affiliated entities). The policies relating to fences, walls and hedges relate primarily to fence height and front fences proposed to be constructed in locations which are nearer to the street than is permitted for the residence. Since the Restrictions generally consider hedges to be fences, the policies regarding fences also apply to hedges. Certain policies described herein also apply to side and rear fences and walls.

All plans for fencing, hedges and walls on any portion of a property must have prior written approval of the Board, or the DRC on behalf of the Board.

The purpose of the Restrictions against fences, hedges and walls in front of a building setback line is to promote an open, spacious view within the neighborhood, which is conducive to higher property values in contrast to a closed, walled neighborhood.

In the Restrictions, a “**fence, wall or hedge**” is referenced in the Sections discussing placement relative to setback lines. Thus a hedge is construed to be a fence. For the purposes of evaluating requests for approval, THA uses a standard dictionary definition for a “**hedge**”: “a fence or barrier formed by bushes set close together; barrier or boundary.” In particular, plants intended as and constituting landscaping or decoration as opposed to a barrier to access to or visibility of the property will not be considered a hedge.

A low wall that is at the grade of the property and built for the purpose of preventing soil erosion is a “**retaining wall**” and is generally allowed as long as its purpose is to prevent soil erosion, and it does not obstruct the view of the house or form a barrier.

If a fence, wall or hedge variance is requested, the Board will consider the following factors when granting a variance:

- (1) Lots facing or adjoining major thoroughfares; the level of traffic; noise factors; and proximity to commercial property.
- (2) Security conditions caused by the location of the lot or other non-residential factors.
- (3) Special conditions unique to a particular lot.
- (4) Aesthetic appearance of the fence, wall or hedge when viewed from the street.

B. Specific Policies Regarding Fences.

The Board of the THA has adopted the following policies relating to fences, walls and hedges:

- (1) Requests for approval of fences higher than the six-foot (6') height limitation will be favorably considered; however, fencing may not in any case exceed eight feet (8') in height measured from natural ground level.
- (2) Fencing variances may be granted for fences closer to the street than allowed for the house for properties backing up or siding on major thoroughfares, as herein defined.
- (3) Fencing variances may be granted for fences closer to the street than allowed for the house for properties facing San Felipe.
- (4) The following criteria must be met as a condition to granting a fence variance on major thoroughfares:
 - (a) Fences, walls and hedges shall not exceed a height of eight feet (8') as measured from natural ground level to the highest point on the fence. In cases where the natural ground level is uneven, the Board may select a point on the property as the base grade for the purpose of determining the height of the fence.
 - (b) All plans for fences, walls and hedges on any portion of a property must have prior written approval of the Board of THA.
 - (c) The Board has designated the following streets as major thoroughfares:

Chimney Rock
Post Oak Drive
Sage
San Felipe Road
Woodway
 - (d) Fencing closer to the street than allowed for the house will be approved only if there is no Tanglewood house or lot which faces the fencing closer to the street than allowed for a home (*e.g.*, west property line fences for homes on the east side of Chimney Rock south of Woodway should not be allowed closer to the street than allowed for the house since Tanglewood homes west of Chimney Rock generally face to the east).
- (5) Earthen berms along the front of a property will be allowed as long as the berm (including any ground cover or other planting on the berm) does not exceed two and one-half feet (2.5') in height measured from natural ground level to the highest point of the berm.

- (6) Hedges will be allowed in front of the side setback line of corner lots and the front line of other lots as long as the hedge does not exceed three and one-half feet (3.5') in height measured from natural ground level to the highest point of any part of the hedge. Any such hedges that are allowed must be maintained so that the height never exceeds three and one-half feet (3.5'). If any hedge is allowed to exceed three and one-half feet (3.5') in height, the hedge will be a violation of the restrictions and must either be removed or trimmed to the proper height.
- (7) Only residential fencing materials such as brick, wrought iron, wood, stucco, painted or stamped concrete or a combination of such materials may be used to construct fences in Tanglewood. No chain link fence shall be erected, placed or maintained on any property in a location that is (i) visible from any street or (ii) is on or immediately adjacent to a property line so that it is visible to adjoining property owners. Interior chain link fencing for such things as a dog kennel for a pet will be allowed as long as the fencing is not visible to adjoining property owners. Barbed wire, razor wire, or any other comparable or non-residential material may not be used in any manner for fencing material in Tanglewood.
- (8) Double fencing (*i.e.*, two separate fences along the same property, boundary or other line) is discouraged. Where possible, property owners are encouraged to cooperate with adjoining property owners to construct a single fence in order to provide material and height uniformity in a manner that is visually attractive to all parties. The Board encourages adjoining owners to give priority to double sided wood fences or finishing both sides of stucco fences instead of constructing two separate fences.

Policy Relating to Height Limitation and Outbuilding Setbacks

A. General Statement of Policy and Purpose.

The Board of THA has adopted a policy concerning the maximum height of improvements in each Section within the Tanglewood Subdivision. The purpose of this policy is not to change or ignore the Restrictions; rather, it is to set out the standards to be used by THA's Board in approving construction plans submitted for approval.

When the original Restrictions were approved or imposed on property in Tanglewood, detached garages/outbuildings were typically limited to one-story. However, as the value of land has increased in Tanglewood, the demand for multi-story garages and outbuildings has increased dramatically. Because the side and rear garage or outbuilding setback lines are typically less than the side and rear setback lines for the house, the construction of a multi-story structure within a few feet of an adjoining property may negatively impact the privacy of the adjoining property owner.

The primary purpose of the policy regarding height limitations is to preserve the uniformity of construction in Tanglewood and to protect the privacy of adjoining property owners.

B. Specific Policies Regarding Height Limitations and Out-Building Setbacks

The Board of THA has adopted the following policies regarding maximum height limitations and setbacks for multi-story garages or outbuildings:

- (1) No plans for construction of a residence or related outbuilding shall be approved if the structure exceeds thirty-eight feet (38') in height as measured from normal, pre-construction grade level to the highest point of any of the roof (but excluding any chimney).
- (2) In the event a detached garage or outbuilding exceeds one story or a maximum height of twenty feet (20') measured from normal, pre-construction grade level to the highest point of any of the roof, the side and rear building setback lines shall become the same as the side and rear setback lines for the house while observing the front setback line for a detached garage/outbuilding. The building setback lines for a detached garage or outbuilding may be used for the first story if the second story is offset and does not encroach into the side or rear setback lines for the house. For purposes of the Restrictions and this policy, a garage is considered detached if there are no common house and garage walls (and roofs) that would allow passage from the house to the garage without going outside space which is fully enclosed. A carport is considered the same as a garage. A "breezeway" which is not fully enclosed may connect the garage/outbuilding and house without the house and garage/outbuilding being considered attached as long as there is a clear, structural

separation between the house and the garage/outbuilding. In order to be considered a “**breezeway**,” the connection between the house and garage/outbuilding may not be fully enclosed nor may there be any entryway directly from the house to the garage/outbuilding at any level.

- (3) To protect the privacy of adjoining property owners, no windows or other visual openings will be allowed above the first story along the back or side of a structure that is on or in close proximity to the side or rear setback lines for houses in situations where the windows or visual openings are visible to an adjoining back yard or landscaped area.

Policy Relating to Attached/Detached Garages

A. General Statement of Policy and Purpose

The Board has determined to adopt a policy concerning attached and detached garages in each Section of Tanglewood. The purpose of this policy is not to change or ignore these Restrictions; rather, it is to set out the standards to be used by THA's Board in approving construction plans submitted for approval.

The Restrictions for all Sections of Tanglewood contain the following provision:

If garage, servants' house, or other outbuilding is made an integral part of the residence, or is connected thereto, in a manner approved by [THA (successor to Tanglewood Corporation, et al.)] upon submission of plans and specifications, the setback distances from the front and side line of lot will then automatically become identical with those stipulated for the residence itself. When the garage is situated as aforesaid, garage doors shall not open toward the street except with the written consent of [THA].

The definition of a “**detached**” garage or outbuilding used by the Board is a structure that is not connected to the house by any common wall(s). An "attached" garage or outbuilding is a structure that is connected to the house by both common wall(s) and roof or a fully enclosed walkway or similar structural connection. When a “breezeway” connecting the garage/outbuilding to the house is permitted, the garage/outbuilding will not be considered attached to the house as long as there is a clear, structural separation between the house and the garage/outbuilding. In order to be considered a “**breezeway**,” the connection between the house and garage/outbuilding may not be fully enclosed nor may there be any common wall or entryway directly from the house to the garage/outbuilding at any level. A carport is considered the same as a garage.

The Board has determined that one primary purpose of the provision in the Restrictions quoted above is to prevent an open garage from being located so close to a street that it might be visually offensive to other Tanglewood residents. However, in certain circumstances, the “spirit” of the Restrictions applicable to detached garages/outbuilding may be met without literal compliance with the Restrictions.

The purpose of this policy regarding attached and detached garages is to clarify the definition of attached and detached garages in Tanglewood used to interpret and apply the Restrictions and to establish the conditions upon which the Board will approve an attached garage with garage doors facing the street.

B. Specific Policies Regarding Attached/Detached Garages/Outbuildings

The Board of THA has adopted the following policies regarding attached/detached garages/outbuildings:

- (1) The applicable definitions for attached and detached garages and outbuildings are set forth above.
- (2) For new residential construction, the garage may be attached to the house with the garage doors facing the street if the location of the garage complies with the existing front setback line for a detached garage/outbuilding and the side and rear setback lines for the house. However, the building setback lines for a detached garage or outbuilding may be used for the first story if the second story is offset and does not encroach into the side and rear setback lines for the house. Multi-story garages must comply with the “Policy Relating to Height Limitations and Outbuilding Setbacks”.
- (3) An existing detached garage with garage doors facing the street may be attached to the house (by an enclosed passageway, for example) or a new garage may be added to an existing house if such garage complies with the setback lines for a detached garage/outbuilding. When a new garage is constructed that is attached to the house, the height of the garage may not exceed one story or a maximum height of twenty feet (20’) measured from normal, pre-construction grade level to the highest point of any part of the roof, excluding chimneys.
- (4) In order to satisfy the requirement that garages, servant's quarters and outbuildings must have the same material and color comparability to that of the house, the materials and colors used in the garage, servants quarters or outbuilding must be the same and used in substantially the same ratio as that used in the house. Outbuildings such as a carport constructed out of aluminum or other material not predominantly used in constructing the house will not be approved. Storage sheds, greenhouses and similar outbuildings, while not meeting the material and color requirements of the house, will be favorably considered for approval if the structure (i) complies with setback lines for the house and (ii) does not exceed the height of the fence separating the property of the owner from adjoining property or the Board determines that such improvements are located so as not to be visually offensive to adjoining residents.
- (5) A second story may be added to an existing detached garage only if the setback lines for the house are observed for the second story and the requirements stipulated in (4) above are followed.

- (6) A detached garage and/or outbuilding connected to the house by a passageway, breezeway, archway, porte cochere (as defined hereinafter) or other connection that is not fully enclosed will be allowed without complying with the setback lines for a detached garage providing there are no garage doors facing the street, the separation of the house and the garage or outbuilding is clearly evident from the street (without any wall or other solid visual obstruction) and the detached garage and/or outbuilding complies with all applicable setback lines for the house. The separation between the house and garage/outbuilding must be visually evident at all times. The house may be connected to the garage/outbuilding above the passageway, archway, porte cochere or similar connection.

Policy Relating to Approval of Miscellaneous Types of Improvements

A. General Statement of Policy and Purpose.

The Board has determined to adopt a policy concerning miscellaneous types of improvements in the Tanglewood Subdivision. The purpose of this policy is not to change or ignore the Restrictions; rather, it is to set out the standards to be used by THA's Board in approving construction plans submitted for approval.

There are a number of improvements not specifically addressed in the Restrictions that require approval by the Board. These include, but are not limited to, air conditioning equipment; porches; bay windows; satellite antennas; chimneys; water features; pergolas; trellis work, arbors, gazebos and green houses; canopies; cabanas; swing sets and playground equipment and similar improvements. In all cases, the Board is concerned that the visual impact of or noise levels associated with these improvements may be offensive to other Tanglewood residents.

The purpose of the policy regarding miscellaneous improvements is to establish the requirements for approving improvements not specifically referenced or separately identified in the Restrictions.

B. Specific Policies Regarding Miscellaneous Improvements.

The Board of THA has adopted the following policies regarding miscellaneous improvements:

- (1) Air conditioning and related or comparable equipment is considered a structural improvement and therefore must comply with all applicable setback lines or applicable exceptions within these policies. Air conditioning units or other equipment that otherwise might be visible from any street must be fenced or screened so as not to be visible to other Tanglewood residents from the street.
- (2) Air conditioning and related or comparable equipment that has previously been approved for a location which does not comply with setback lines of a lot shall be "grandfathered" and may be replaced in the same location in the future. If any such equipment can be relocated to comply with all setback lines at a minimal additional expense to the property owner, the Board will encourage the property owner to relocate such equipment at the time of replacement.
- (3) Porches, including "stoops" at the entryway to a house, are considered part of the structure and therefore must comply with all applicable setback lines. A maximum of two steps will be allowed in the front setback area **if** the steps are not attached to the structure. Steps along a sidewalk necessary because of the contour of the land are not considered part of the structure and will be allowed.
- (4) Bay window(s) or other extensions added to an existing structure are considered part of the structure and therefore must comply with all applicable setback lines.

- (5) Ground installed satellite antennas must be located on the property in a manner which complies with the building setbacks for houses and must be located on the property so the antenna is not visually offensive to adjoining property owners. Satellite antennas must be installed at the rear of the house, below the roof line, so they are not visible from any street. For satellite antennas not attached to the house, such antennas must be located in areas that would be allowed for air conditioning, pool or similar equipment.
- (6) Chimneys added to an existing structure are considered part of the structure and therefore must comply with all applicable setback lines.
- (7) Pergolas, trellis work and arbors are generally viewed to be part of the landscaping. However, none of these structures may be located in the side or rear setback areas for the house unless specifically approved by THA. The location of any such structure(s) may not be visually offensive to other Tanglewood residents.
- (8) Gazebos, cabanas and related structures must contain roofing, materials and material color to match those used in the house. These structures must comply with the building setback lines for houses. (See Specific Policies Regarding Attached/Detached Garages/Outbuildings for discussion on conformity of materials and colors matching the house.)
- (9) In many circumstances, children's swing sets, playground equipment, playhouses and/or comparable structures, and installed (or fixed in place) recreational equipment of any kind (such as trampolines, basketball goals or similar equipment), may constitute improvements under the Restrictions and, as such, require approval before being installed. Any such items which constitute improvements must comply with the applicable house setback requirements. Furthermore, for any such items complying with the house setback requirements, particularly those located on the side area of a corner lot or in front of a house, the Board strongly encourages the property owner to locate any such recreational equipment improvements in a location that is visually screened from other Tanglewood residents to maintain the visual image of a high class restricted district. The foregoing shall not prohibit decorative or similar swings (such as a single rope swing) hanging from trees or decorative park benches, which are not permanent improvements.

Policy Relating to Swimming Pools, Pool Equipment and Pool Enclosures or Structures

A. General Statement of Policy and Purpose.

The Board has determined to adopt a policy concerning the approval to construct swimming pools, including any related equipment and structures, in the Tanglewood Subdivision. The purpose of this policy is not to change or ignore the Restrictions; rather, it is to set out the standards to be used by THA's Board in approving construction plans submitted for approval.

The purpose of the policy regarding swimming pools, pool equipment and pool enclosures is to establish and clarify the requirements for approving the construction of swimming pools and any related equipment and structures not specifically referenced in the Restrictions for Tanglewood.

In some Sections of the Restrictions, reference is made to swimming pools being considered the same as a house with respect to building setback lines. For purposes of uniformity, the Board considers the house setback lines to be applicable to swimming pools in all Sections of Tanglewood. Pool equipment is considered part of the pool and therefore subject to the same building setback lines as the pool. A pool enclosure is considered a structure and therefore subject to the same building setback lines as the swimming pool. In the case of any pool enclosure, the Board is concerned that the visual impact of the enclosure will be offensive to adjacent property owners. In addition, the Board has determined that a pool enclosure will not, in most cases, comply with the Restrictions' requirement that the materials and color of the pool enclosure or structure match that of the house.

B. Specific Policies Regarding Swimming Pools, Equipment and Enclosures.

The Board has adopted the following policies relating to swimming pools, pool equipment and pool enclosures or structures:

- (1) Swimming pools shall not be located nearer to property lines than the distance established as building setback lines for houses. For purposes of measuring distance from property lines, the swimming pool cavity is defined as the structure. The area around the edge of the pool, commonly called decking, is not considered part of the structure and therefore may extend into the building setback area provided such decking is at grade level.
- (2) Swimming pool equipment is considered part of the pool and therefore must comply with all applicable house setback lines. Swimming pool equipment that otherwise might be visible from any street must be properly screened so it is not visible to other Tanglewood residents.

- (3) Swimming pool or comparable equipment that has previously been approved for a location which does not comply with setback lines of a lot shall be "grandfathered" and may be replaced in the same location in the future. If any such equipment can be relocated to comply with all house setback lines at a minimal additional expense to the property owner, the Board will encourage the property owner to relocate such equipment at the time of replacement.
- (4) In general, pool enclosures will not be approved unless (a) the enclosure is not visible to any adjoining property owner or (b) the pool enclosure is adjacent to a major thoroughfare as defined in the "Policy Relating to Fences, Walls and Hedges" and no Tanglewood home faces the property line along which the primary portion of the pool enclosure is to be constructed. If a pool enclosure is approved, it must comply with all applicable house setback lines.

Policy Relating to Existing Encroachments

A. General Statement of Policy and Purpose.

The Board has determined to adopt a policy concerning the approval of encroachments that violate building setback lines in the various Sections of Tanglewood. The purpose of this policy is not to change or ignore the Restrictions; rather, it is to set out the standards to be used by THA's Board in approving construction plans submitted for approval. The purpose of the policy regarding encroachments is to establish guidelines for consenting to an existing encroachment that is discovered on a property located in Tanglewood.

From time to time, construction errors are made when a house and/or related structure are built resulting in an encroachment being created that violates building setback lines. While the Board strongly enforces building setback lines, it does not want to impose an undue hardship on a property owner when an encroachment is discovered, particularly when the then current property owner was not the owner when the encroachment was created. Many of these encroachments are relatively minor in nature and involve distances of less than one foot (1'). In all cases, the Board is concerned with the impact of any encroachment on the integrity of the Restrictions. Where possible, the Board will grant a consent to encroachment for a term of the life of the encroaching improvements and with the proviso or express condition that the encroachment may have to be eliminated or a new variance requested and approved when any construction involving the encroachment is commenced if that construction results in a change in the nature, appearance or use of encroaching improvements, including any construction which would require either a City of Houston building permit or approval by the Board pursuant to the Restrictions.

B. Specific Policies Regarding Consents to Encroachments.

The Board of THA has adopted the following policy relating to existing encroachments:

If all of the following circumstances exist, the Board will consent to the encroachment and will not require its removal (during the continued existence of such improvements and encroachment);

- (1) No records can be located in the THA files or provided by the owner that indicate a notice of encroachment or violation was issued for the subject property and the encroachment for which a consent is requested;
- (2) The encroachment was not recently constructed by the current property owner; and
- (3) The property owner agrees the Board may require the owner to (i) correct the encroachment or petition the Board for a new variance when construction impacting the encroachment and requiring a City of Houston building permit or Board approval under the Restrictions is commenced and (ii) agree in writing that the consent to encroachment by THA is not a waiver of the Restrictions.

Policies Relating to Collection of Funds Due For Assessments

and Charges by the Association

A. General Statement of Policy and Purpose.

The primary source of revenue for THA is the annual maintenance/service fee assessed to each property owner. Funding the operations of THA is based on the timely collection of the annual fees from each property owner. Therefore, it is imperative that all property assessments be paid in a timely manner to enable THA to meet its financial obligations. The Texas Property Code (“**Code**”) grants property owners' associations a statutory cause of action to collect assessments for common expenses from property owners. The Code also provides for the imposition of interest, late charges and, if necessary, returned check charges for late payment of assessments.

B. Specific Policies Regarding Payment of Annual Assessments.

The Board has adopted the following policies relating to the payment of assessments:

- (1) All assessments are payable on or before January 31 of the year for which the assessment is unpaid. Unless otherwise agreed or waived by the Board, beginning with the assessment for the year 1998, assessments unpaid on February 1 of the year of the assessment shall bear interest at the rate of 10% per annum from February 1 of the year of the assessment until paid, to the fullest extent permitted by the Code and/or the Restrictions. If the annual maintenance fee or assessment remains unpaid after March 1, a demand letter will be sent to the owner inviting the owner to appear before the Board to discuss the unpaid maintenance fees in accordance with Section 204.010 of the Code. This action is intended to comply with the notice requirement of the Code which will enable the THA to collect attorney's fees in case legal action or any other collection effort is necessary after notice and an opportunity to be heard.
- (2) No construction plans submitted for approval shall be considered by the Board until all assessments are paid in full for the property on which the improvements are planned to be constructed.
- (3) The property owner's right to vote on any matter considered by the THA will be suspended (and the owner shall have no right to vote) until all assessments are paid in full for the property for which the assessment or charge is imposed.

- (4) With respect to Tanglewood properties where THA holds a prior and superior maintenance charge lien, the THA will, on request, agree to give sixty (60) days notice and opportunity to cure to lenders holding deed of trust or mortgage liens on Tanglewood property. Such lenders to whom the THA has given a "60 day notice letter" will be notified if assessments are unpaid after March 1 of the year of the assessment. If the annual maintenance fee or assessment remains unpaid sixty (60) days after notification to the lender, a demand letter will be sent to the owner inviting the owner and lender to appear before the Board to discuss the unpaid maintenance fees in accordance with Section 204.010 of the Code. This action is intended to comply with the notice requirement of the Code which will enable the Board to collect attorney's fees in case legal action or any other collection effort is necessary after notice and an opportunity to be heard.

C. Specific Policies Regarding Certain Charges by THA.

The Board has adopted the following policies relating to the payout of certain charges for services:

- (1) THA will charge a fee for changing its books and records for any transfer of a lot in Tanglewood and for issuing a 60-day letter to Lenders. The amount of the charge can be established by the Board from time to time. Currently, the transfer fee and/or 60-day letter charge is \$50.00.
- (2) It is not the policy of THA to provide copies of deed restrictions or THA articles of incorporation and other documents to prospective buyers of Tanglewood property or realtors representing lawyers or sellers of Tanglewood property. If such copies are requested, the party making the request will be informed that such documentation is available at the THA office and may be picked up at the THA office upon payment of the fee established from time to time by the Board. Currently, the charge is based on an amount equal to \$0.15 per page for the document to be copied.

Policy Relating to Non-Residential Use of Property

A. General Statement of Policy and Purpose.

The Board has determined to adopt a policy confirming the prohibition of non-residential uses of property in the Tanglewood Subdivision. The purpose of this policy is not to change or ignore the Restrictions; rather, it is to restate and clarify what constitutes non-residential use of property in Tanglewood.

A primary purpose and objective of the THA is to maintain and enhance the appearance and reputation of Tanglewood as a residential neighborhood of distinction and excellence. The prevention and avoidance of commercial uses of property within Tanglewood in accordance with the Restrictions will further and advance these valid purposes and desires of the THA and the homeowners of Tanglewood.

B. Specific Policies Regarding Non-Residential Use of Property.

The Board of THA has adopted the following policy relating to the commercial or non-residential use of property within Tanglewood:

- (1) Tanglewood properties may only be used for single-family residential purposes.
- (2) Business or commercial use of any Tanglewood property is prohibited.
- (3) Auctions, estate, garage or yard sales of any kind are prohibited.
- (4) Garages or outbuildings shall not be used as living quarters, except by immediate family members of the single family occupying the property, servants or employees employed to work on the premises in connection with the residential use of the property by a single family.
- (5) The traditions of Tanglewood are an essential part of its heritage, atmosphere and environment. Indeed, some activities are embodied in the restrictions themselves. Accordingly, fund-raising events of a social nature for friends and neighbors at residences for charitable, civic or political purposes are not deemed to be nonresidential or commercial use of property. Approval of any activity is conditioned on their being no signs, retail or wholesale sales or solicitations on the premises of any residence in Tanglewood unless specifically approved by THA.
- (6) The prohibited activities set out in this policy are illustrative only and are not intended as a complete list of such activities. Moreover, nothing in this policy shall directly or by inference constitute or be constituted as a waiver or modification of the Restrictions or any portion thereof.

Policy Relating to Porte Cocheres

A. General Statement of Policy and Purpose.

The Board has determined to adopt a policy concerning porte cocheres in the Tanglewood Subdivision. The purpose of this policy is not to change or ignore these Restrictions; rather, it is to set out the standards to be used by THA's Board in approving construction plans submitted for approval.

The Board has found that through the years, architects, contractors, property owners and others differ in what constitutes a porte cochere. The definition of a "**porte cochere**" used by the Board is a structure completely open at both ends serving as a passageway to another part of the property, which is often the garage area or a parking area for vehicles. The porte cochere is typically located on the side of a house and generally serves a "sheltered drop off" entry area into the residence.

The purpose of the policy regarding porte cocheres is to clarify its definition and to establish the requirements for approving porte cocheres in Tanglewood.

B. Specific Policies Regarding Porte Cocheres.

The Board of THA has adopted the following policy regarding porte cocheres.

- (1) Porte cocheres must be completely open at both ends of the structure in a manner that will enable an automobile to pass through the porte cochere area to access another part of the property. A porte cochere may not be enclosed in such a manner that it becomes, or might reasonably be mistaken for, a garage or carport. An area described as a porte cochere on building plans submitted for approval will be evaluated based on the definition used herein and will not be approved if the area is in reality a garage or carport.
- (2) Porte cocheres are considered part of the house and therefore must observe the same setback lines as the house.
- (3) Storage of personal property and articles within a porte cochere or on or along the sides of a porte cochere is not allowed unless the porte cochere is located in a manner which complies with the setback requirements for a detached garage (without any variance).

SCHEDULE 1

<u>Section</u>	<u>LOCATION OF APPLICABLE RESTRICTIONS</u>
1	Vol. 1882, Page 112 Deed Records
2	Vol. 1976, Page 502 Deed Records
3	Vol. 2043, Page 389 Deed Records
4	Vol. 2098, Page 731 Deed Records
4A	Vol. 2511, Page 702 Deed Records
5	Vol. 2110, Page 180 Deed Records
6	Vol. 2189, page 179 Deed Records
7	Vol. 2260, Page 613 Deed Records
8	Vol. 2283, Page 361 Deed Records
9	Vol. 2457, Page 451 Deed Records
10	Vol. 2602, Page 209 Deed Records
11	Vol. 2815, Page 608 Deed Records
11A	Vol. 3796, Page 536 Deed Records
11B	Vol. 6309, Page 334 Deed Records
12	Vol. 3094, Page 612 Deed Records
13	Vol. 3242, Page 428 Deed Records
14	Vol. 3401, Page 424 Deed Records
15	Vol. 3668, Page 638 Deed Records
16	Vol. 3694, Page 641 Deed Records
17	Vol. 5676, Page 460 Deed Records
17A	Vol. 8125, Page 246 Deed Records
18	Clerk's File No., D509324 Deed Records
19	Clerk's File No., E837336 Deed Records