

DEDICATORY DOCUMENTS

OF

WALDEN ON LAKE CONROE COMMUNITY IMPROVEMENT ASSOCIATION, INC.

BEFORE ME, the undersigned authority, on this day personally appeared the below named person, who, being by me first duly sworn, states the following:

My name is Susan Rash. I am over 21 years of age and of sound mind. I am capable of making, and am authorized to make this affidavit. I am personally acquainted with the facts herein stated. I am the agent and General Manager of Walden on Lake Conroe Community Improvement Association, Inc. Pursuant to the Texas Property Code, Section 202.006, the following document is the original, or a true and correct copy of the original, of the governing instruments of the Association:

Walden on Lake Conroe Board Policy – Revision to the Exterior Home Maintenance Policy

Walden on Lake Conroe Board Policy – Slab Height Requirements Policy

Walden on Lake Conroe Board Policy – Revision to the Pet Policy

Walden on Lake Conroe Board Policy – Revision to the ACC Review Fee Policy

Walden on Lake Conroe Board Policy – Drainage Plan Policy – New Home Construction

WITNESS MY HAND, to this document this 4<sup>th</sup> day December, 2015.

Walden on Lake Conroe Community Improvement Association, Inc., a Texas non-profit corporation

BY: Susan Rash  
Agent and General Manager

Print Name: SUSAN RASH

THE STATE OF TEXAS  
COUNTY OF MONTGOMERY

THIS affidavit was acknowledged before me on the 4<sup>th</sup> day of December, 2015 by Susan Rash, who stated that she is the Agent and General Manager for Walden on Lake Conroe Community Improvement Association, Inc.



Cynthia Keasling  
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

AFTER RECORDING, RETURN TO:  
Susan Rash, General Manager  
Walden on Lake Conroe  
Community Improvement Association, Inc.  
13301 Walden Rd.  
Montgomery, TX  
Phone: (936) 582-1622

**Walden on Lake Conroe Community Improvement Association, Inc.  
Exterior Home Maintenance Guidelines Policy**

**I. General:**

**WHEREAS, the Board of Trustees of the Association is obligated to interpret and enforce the deed restrictions to protect the integrity of the Community as a whole; and to insure the preservation of the image and character of Walden. In all cases, if there is a conflict with Texas State Statutes or building codes, the statute or code will take precedent over the Policy. This Policy shall not conflict in anyway with the Deed Restrictions but otherwise will apply, as allowed to amplify and clarify existing rules.**

**WHEREAS, the Texas Business Organizations Code, Nonprofit Corporations law, governing Walden on Lake Conroe Community Improvement Association, Inc., ('the Association'), under Chapter 22, authorizes the Association to exercise all powers reasonable and necessary for the governance and operation of the Association;**

**WHEREAS, the Association's Board of Trustees has determined that the adoption, modification and/or extension of certain policies, procedures, rules and/or guidelines are necessary and desirable for the fair, efficient, consistent, uniform and cost effective management of the Association, and that such action would serve the best interest of the Association and the community governed thereby;**

**WHEREAS, the Association's Board of Trustees has determined that certain policies, rules and guidelines are necessary and desirable to enhance and protect the value and attractiveness of the Walden on Lake Conroe community and prevent nuisances and/or hazardous conditions within and/or adjacent to the Walden on Lake Conroe community;**

**WHEREAS, the Association's Board of Trustees has determined that it is in the best interest of the Association, and in the best interest of the Walden on Lake Conroe Community to continue utilizing the following policies and/or guidelines.**

**NOW, THEREFORE, BE IT RESOLVED that the following Exterior Maintenance Guidelines Policy, which are comprised of certain rules and guidelines regarding the upkeep, appearance, exterior condition, repair and maintenance of houses and lots within the Walden on Lake Conroe community, are hereby adopted, and in all respects ratified on behalf of the Association, to continue in effect until such time as they are duly and properly modified.**

**II. Purpose:**

**Under the authority of Texas Property Code §204.010(a)(6) & (a)(18)(A) and Walden's Restrictions which specifically require that property is maintained in a**

neat, attractive, healthful, and sanitary condition, this policy is set out to clarify and define specific requirements for achieving those results.

### **III. Policy:**

#### **EXTERIOR MAINTENANCE GUIDELINES**

All improvements on a lot must be maintained in a state of good repair and shall not be allowed to deteriorate. All improvements on a lot must be maintained in a state of good repair and shall not be allowed to deteriorate. Repairs and maintenance shall include, but not be limited to, the following:

1. All painted surfaces must be clean and smooth with no discolored or bare areas or peeling paint, and all surfaces must be free of mildew.
2. All rotted and damaged wood must be replaced and any damaged brickwork repaired.
3. Gutters must be kept in good repair and not allowed to sag or hang down, and must be kept free of debris and all plant growth.
4. Holiday lights must be removed from the house by January 15 of each year.
5. Roofs must be maintained in good repair with no missing or curling shingles.
6. All glass surfaces must be whole, with no broken or cracked windows.
7. Garage doors must be undamaged and in good repair.
8. Fences and gates must be kept in good repair.
9. Sidewalks, driveways and curbs must be clean and undamaged. Seams must be kept free of weeds.
10. Lawns must be kept mowed, edged, and weed free; flower beds must be kept free of weeds; and shrubs and trees must be kept trimmed.
11. There shall be no storage of clutter and debris in public view.
12. Mailboxes must be maintained in good repair.
13. Trash cans shall be stored out of public view except on collection day.
14. All doors must be undamaged and in good repair. Only low-chroma paint may be used, or the doors must be in a natural wood color (See <http://munsell.com/about-munsell-color/how-color-notation-works/munsell-chroma/>)
15. All screens must be whole and undamaged.
16. Shrubs and trees on patios must be kept trimmed and not allowed to become unkempt.

This Policy is effective upon recordation in the Public Records of Montgomery County and supplements the Deed Restrictions and Design Guidelines regarding exterior home maintenance. Except as affected by this Policy, all other provisions contained in the Deed Restrictions or any other dedicatory instruments of the WCIA shall remain in full force and effect.

**Walden on Lake Conroe Community Improvement Association, Inc.**  
**Architectural Control Committee**  
**Slab Height Requirements Policy**

**I. Purpose:**

The restrictions for each platted section of Walden on Lake Conroe specifically state that natural drainage of lots shall not be impaired. Recently the San Jacinto River Authority recommended that new lots are improved to the level of 207 ft. above sea level, and while this change is not required, some builders in Walden are building up the pad under the house above that of the neighboring homes, creating a need for a retaining wall or other changes to accommodate the increased drainage from the now heightened pad.

**II. Policy:**

- A. Builders must provide the elevations of any existing homes directly behind or to each side of the house they are proposing to build. The drainage plans for the new home should indicate the pad height of the new home, and provide for appropriate drainage plans, considering the pad height of any neighboring homes, in order to refrain from increasing the drainage on the neighboring home.
- B. Builders must provide a definitive reason for a “to be constructed” slab height to be (1) more than one foot higher or lower than those adjacent to it or (2) if there is more than a two foot difference in the heights of existing slabs on either side of it, that the new slab be at a median level between them, or 207 foot elevation whichever is the higher.
- C. If the new slab is more than 6 inches above the existing slabs of the neighboring homes, the builder is to provide a detailed water flow plan, to include French drains, guttering of eaves, retaining walls, and subsurface drainage as appropriate.
- D. Once the pad is complete, and prior to forming, the builder must have the pad checked for 95% compaction and submit a copy of the test results to the WCIA. If these test results are not received by the WCIA, **the foundation deposit will not be refunded** until the results are submitted which show at least 95% compaction.

This Policy is effective upon recordation in the Public Records of Montgomery County and supplements the Deed Restrictions and Design Guidelines. Except as affected by this Policy, all other provisions contained in the Deed Restrictions, the Design Guidelines or any other dedicatory instruments of the WCIA shall remain in full force and effect.

# Walden on Lake Conroe Community Improvement Association, Inc.

## Pet Policy

### I. Purpose:

One of the reasons Walden on Lake Conroe is a special place to live is that all property is subject to Deed Restrictions. The intent is to:

- 1.) Provide for a uniform plan to preserve the image and character of the subdivision;
- 2.) Maintain the overall quality of life that has been achieved;
- 3.) Encourage sensitivity between neighbors so that all may reside in harmony;
- 4.) Uphold and enhance property values;
- 5.) Prevent the deterioration of these desirable qualities;
- 6.) Encourage responsible pet ownership.

### II. Deed Restrictions

The covenants recorded in Montgomery County Deed Records for each of the platted sections of Walden on Lake Conroe contain similar language under the heading of Article III. USE RESTRICTIONS, subtitle, Pets:

“No horses, cows, hogs, poultry or livestock of any kind (other than house pets or reasonable kind and number) may be kept on any lot. Should such pets become a nuisance in the opinion of the Declarants, they must be removed from the premises and the subdivision. No pets are to run at large.”

### III. Definitions:

Reasonable. Fair, proper, just, moderate, tolerable, suitable under the circumstances. Fit as appropriate to the end in view. Rational, governed by reason. Not immoderate or excessive.

Kind. The genus or generic class; Description.

House pet(s). Animal(s) belonging to the house and/or family. Domestic, but not intended to include animals normally considered raised or used on a farm. It is not intended to include animals normally living in the wild, but raised domestically in captivity or fur bearing animals raised in captivity.

Nuisance. That activity which arises from unreasonable, unwarranted or unlawful use by a person of his own property; obstruction to the right of another. Producing such material annoyance, inconvenience and discomfort that will presume resulting damage. That which annoys and disturbs

one in possession of his property, rendering its ordinary use physically uncomfortable to him; e.g. odors, or noise. An offensive annoying , unpleasant or obnoxious thing or practice; a cause or source of annoyance especially a continuing or repeated invasion or disturbance of another's rights.

Declarants. The Board of Trustees of The Walden on Lake Conroe Community Improvement Association, Inc.

Pets at Large. Pets which are not contained within the owner's property; free, unrestrained, not under control.

#### IV. Rules

A. No animals, whether livestock, wildlife, bees, poultry, or even household pets shall be raised, bred or maintained on any lot for commercial purposes.

B. No Animals other than dogs, cats or other normal household pets of reasonable and limited number or specie may be kept on any lot.

C. No owner shall allow his pet to become a nuisance or threat to other owners, guests or neighbors.

D. No owner shall allow his pet, whether dog, cat or other domestic pet under his ownership control to leave such owner's lot unless leashed or under firm personal control and accompanied by a responsible member of the owner's family.

E. Owners shall at all times conform to the Montgomery County Health Department's Animal Restraint and Rabies Control Ordinance.

F. Owners wishing to report a complaint against another owner's pet shall be required to do so in writing by filing a Pet Grievance Form. Three complaints in writing are indicative that there is a serious issue that must be addressed.

G. Grievances shall be reviewed by association management and if appropriate, referred to the Association's Pet Committee for review. The Pet Committee shall make recommendations to the W.C.I.A. Board of Trustees regarding serious corrective action such as legal process.

**Walden on Lake Conroe Community Improvement Association, Inc.  
Architectural Control Committee  
Review Fee Policy**

**I. Purpose:**

The Walden on Lake Conroe Community Improvement Association guides the community's development through the administration of the Architectural Control Committee and by enforcement of deed restrictions, Board policies and the design guidelines. The image, quality of life and the highly desirable overall character of Walden are, in part, the result of this process. Maintaining these values is important to all Walden property owners. The deed restrictions, Board policies and design guidelines will become increasingly important as the community grows and matures, if standards are to be maintained. The fee structure set for various phases of the review and project completion process are intended to reimburse the association for out-of-pocket review costs, but also to ensure certain standards relating to building locations, completion of landscaping, etc.

**II. Policy:**

**A. Design Review Fee Structure: New Home Plans**

A compliance deposit will be required for each new home plan submitted for review. One complete set of construction drawings presented in a professional manner will be required. Upon submission, the set of drawings will remain in the possession of the association. Drawings required are as follows:

1. All exterior elevations;
2. Property survey;
3. Floor plan(s);
4. Electrical plan;
5. Foundation plan;
6. Site plan;
7. Roof plan;
8. Drainage plan;
9. Typical detail sheet.

All plans are to include sufficient detail such as dimensions, scale, square footage or other appropriate information.

**B. Fees**

The compliance deposit for new home construction will be applied as follows:

\$1500.00 Non-refundable fee for architectural review.

\$1000.00 Refundable deposit, with exception of the inspection fee, upon satisfactory completion of site clearing and all requirements contained in the Tree Preservation Policy.

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\$1000.00 Refundable deposit upon review of satisfactory engineered foundation plan, soil report, forms survey with no encroachments and engineer's affidavit, *Ref: Foundation Policy.*

\$1440.00 Refundable deposit upon satisfactory site conditions throughout construction period, repair of any broken curbs and acceptable installation of approved drainage plan and landscaping plan, *Ref: Drainage Plan Policy and Landscape Specification Policy. The Refundable deposit will be forfeited should the home be occupied prior to the Occupancy Certificate being issued to the builder/owner.*

\$1000.00 Refundable deposit upon satisfactory submission of a drainage plan prepared by a civil engineer, and receipt of final inspection showing completion of and compliance with the submitted plan.

\$ 60.00 Non-refundable to the extent professional inspectors are paid by Walden C.I.A. to insure satisfactory compliance with Tree Inspections.

\$6000.00 Total Compliance Deposit

Builders who have not constructed new homes in Walden would have to submit a "Letter of Credit" from a bank or other financial institution payable to Walden on Lake Conroe Community Improvement Association (WCIA) in an amount that will allow the WCIA to complete the project if it is abandoned by the builder. Once the builder has constructed enough homes to show good faith of completion, the "Letter of Credit" will no longer be necessary.

Builders who build simultaneously on multiple sites within Walden may inquire about filing a Multi-site Compliance Agreement in lieu of the refundable deposits. Any builder who has a Multi-site Compliance Agreement and does not obtain a Certificate of Occupancy prior to the home being occupied will lose \$2,440 of any deposit per incident. The General Manager, in their complete discretion, has the ability to reinstate the \$2,440 loss in unusual circumstances.

### C. Remodeling and Reconstruction Plans

A combined review fee and security deposit will be required for each remodeling or reconstruction project.

If the project is 750 square feet or more, all of the requirements under paragraph A, New Home Plans, will need to be met, including drawings, processes, inspections and fees. If the project is less than 750 square feet, but requires an engineered foundation, the requirements under paragraph A, including drawings, processes, inspections and deposits may be modified by guidelines issued by the ACC. The ACC review fee in this instance shall be \$750. If the project does not require an engineered foundation and is less than 750 square feet, the requirements under paragraph A, including drawings, processes,



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inspections and deposits may be modified by guidelines issued by the ACC. There shall be no ACC review fee in this instance.

#### **D. Forms/Slab Survey**

The Architectural Control Committee requires the submission of a forms/slab survey for its review. The obvious intent of this requirement is to ensure prior to pouring of the slab, the proposed building will be located on the lot as approved and required by the applicable restrictions and plot requirements. The survey should be submitted to the Architectural Control Committee within ten (10) days of the slab being poured verifying that there are no encroachments or violations to building location restrictions. The actual minimum slab elevation must be noted on the survey to qualify for all deposit refund.

#### **E. Maintaining the Construction Site**

The Architectural Control Committee requires that safety fencing be installed along both side and rear lot lines on all lots under construction. The fence height should be four feet (4') with either steel "T" posts every eight feet (8) or wooden stakes every four feet (4) to secure the fencing material. The fence must be maintained in a neat and orderly manner throughout the construction phase. Silt fencing shall be installed on the side of any construction project where the property slopes to the street or an existing home until the drainage plan has been put into effect.

The site should be maintained throughout the construction to include daily pick-up of trash with no less than weekly removal of trash and construction debris. It is recommended that a commercial dumpster be placed on-site to contain all trash and that regular pick-up service be scheduled. Should the site not be maintained properly and the builder not comply with requests to clean it up, the Deed Restriction Officer will order a contract service to clean the lot and the cost deducted from the owner's deposit.

The Architectural Control Committee requires that a portable toilet facility be provided for construction workers.

This Policy is effective upon recordation in the Public Records of Montgomery County, and supersedes any Policy for Architectural Control Committee Fees which may have previously been in effect. Except as affected by this Policy, all other provisions contained in the Deed Restrictions or any other dedicatory instruments of the WCIA shall remain in full force and effect.

**Walden on Lake Conroe Community Improvement Association, Inc.**  
**Architectural Control Committee**  
**Drainage Plan Policy – New Home Construction**

**I. Purpose:**

The restrictions for each platted section of Walden on Lake Conroe specifically state that natural drainage of lots shall not be impaired. Drainage shall be the sole responsibility of the owner and governmental bodies, not the WCIA or the ACC. However, any construction on a lot such as a foundation for a new home will impede natural sheet flow to some extent. Therefore, it is incumbent upon each new owner and/or new home builder to provide for appropriate drainage improvements during construction and as part of final grade and landscaping installation to ensure that drainage is handled correctly in relation to the improvements to be constructed.

**II. Policy:**

- A. A drainage plan must be submitted as part of the construction drawings to be reviewed by the Architectural Control Committee for each new home site. This drainage plan must meet the requirements of Walden's dedicatory instruments including its Deed Restrictions and Board policies. This drainage plan must be prepared by an inspector using a zip-level which measures the grades of surfaces, and which will determine if the drainage is done correctly. Walden's dedicatory instruments, including Deed Restrictions and Board policies require all water that is displaced from the new home must be drained from the lot to the street or to the lake, or to a drainage easement, but never onto another lot. This plan must be inspected by an inspector, who is licensed as a Texas Real Estate Commission ("TREC") Professional Inspector, using the zip-level process.
- B. Surface drainage shall be diverted to the most appropriate storm sewer conveyance or other approved point of collection so as to not create a hazard, pooling, hindrance or nuisance of any kind. Lots shall be graded so as to drain surface water away from foundation walls as required by Section R401.3 of the International Residential Code for One and Two-Family Dwellings (IRC).
- C. Foundation drainage shall also comply with the requirements of Section R405 of the IRC.
- D. Final grade improvements such as gentle swells or improved slope may be employed to direct any surface flow to the street or lake.
- E. Subsurface improvements such as French drains, or perforated or non-perforated drain pipes are encouraged where appropriate for draining gutters

and downspouts, landscaped areas, and berms which slope away from slab perimeters.

- F. Drainage plans must include information regarding gutter installation and consideration for flow from resulting use of downspouts.
- G. Driveways and other paving must be sloped to adequately drain to the abutting street.

### **III. Drainage Plan Security Deposit**

- A. A security deposit shall be required to ensure compliance with this Policy, and shall only be refunded after the final inspection by the TREC Professional Inspector who shall submit evidence that the final drainage plan meets the requirements of this Policy.

This Policy is effective upon recordation in the Public Records of Montgomery County and supplements the Deed Restrictions and Design Guidelines. Except as affected by this Policy, all other provisions contained in the Deed Restrictions, the Design Guidelines or any other dedicatory instruments of the WCIA shall remain in full force and effect.

**FILED FOR RECORD**

12/28/2015 3:00PM

*Mark Tumbull*

COUNTY CLERK  
MONTGOMERY COUNTY, TEXAS

STATE OF TEXAS  
COUNTY OF MONTGOMERY

I hereby certify this instrument was filed in file number  
sequence on the date and at the time stamped herein  
by me and was duly RECORDED in the Official Public  
Records of Montgomery County, Texas.

**12/28/2015**



*Mark Tumbull*

County Clerk  
Montgomery County, Texas