



DOC #2019084861

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AMENDED DECLARATION OF RESTRICTIONS
OF
TRES COMMUNITY ASSOCIATION
AMENDED SEPTEMBER 1, 2019

WHEREAS, the property, Tres subdivision containing 63.611 acres of land situated in the Elijah Collard Survey, A-7 Montgomery County, Texas affected by these Deed Restrictions is subject to certain dedications, covenants and restrictions (the "Declaration") set out in instruments recorded in the Official Public Records of Montgomery County Texas as follows:

Clerk's Document No. 678-01-1136; Clerk's Document No. 97046466; Clerk's Document No. 9805013; Clerk's Document No. 9805015; Clerk's Document No. 99096979; Clerk's Document No. 2000003500; Clerk's Document No. 2000044726; Clerk's Document No. 2000050622; Clerk's Document No. 2000091888; Clerk's Document No. 2000101006.

WHEREAS, the Declaration established by the developer, Bill D'Amico, under Texas Property Code Section 201.011, vested authority in the Architectural Control Committee (the "ACC") to enforce and amend the Declaration by an instrument executed by a majority vote of the ACC members.

WHEREAS, the original Committee members were Bill D'Amico and Agnes Cecilia D'Amico.

WHEREAS, pursuant to the Declaration, Bill D' Amico and Agnes Cecilia D'Amico designated William Coffey as their successor ACC member.

WHEREAS, pursuant to the Declaration, William Coffey designated Bill D'Amico, Jr. as his successor ACC member.

WHEREAS, pursuant to the Declaration, Bill D'Amico, Jr. designated Don Schrock as his successor ACC member.

WHEREAS, pursuant to the Declaration, Don Schrock designated Ken Bitgood as his successor ACC member.

WHEREAS, pursuant to the Declaration, Ken Bitgood appointed Jennifer Cole and Paul Torretti as additional ACC members.

WHEREAS, required by the TEXAS PROPERTY CODE Section 204.011(d), the architectural control ACC authority over the entire subdivision vests in a civic association called Tres Community Association (the "Association").

NOW, THEREFORE, BE IT RESOLVED that the following conditions and requirements are hereby amended for the Tres Community Association Architectural Control Guidelines and Regulations:

GUIDELINES AND REGULATIONS

The following are guidelines amended and adopted by the Association to specify the standards, requirements and though process used in evaluating various exterior improvements. These guidelines may be amended from time-to-time as circumstances, conditions or opinions of the ACC dictate. The ACC has the right to deny approval for similar improvement based on the proximity of a property to a main street, road, boulevard or the visual relativity of the site to the overall development.

The ACC and assigns shall have the right to enforce, by any proceeding at law or in equity, all covenants, conditions, restrictions, easements, and reservations now or hereafter imposed by the provisions of this declaration. Failure to enforce any covenant or restriction herein contains shall in no event be deemed a waiver of the right to do so thereafter.

- A. The ACC may be expanded to include up to five members at the sole discretion of the ACC. Any change in the structure and membership of the ACC shall not be effective until reduced to writing and recorded in the real property records of Montgomery County, Texas.
 - a. In the event of death or resignation of any member of the ACC, the remaining member(s) shall have full authority to designate a successor.
- B. No tract shall be used except for residential purposes; provided that any tract may be used for the erection and operation of a sales office, construction office, or model home. The term "Residential Purposes" as used herein shall be held and constructed to exclude hospitals, clinics, duplex houses, apartment houses, boarding houses, hotels and to exclude commercial and professional uses. Whether from homes, residences or otherwise, and all such uses of said property are hereby expressly prohibited. No building shall be erected, altered, placed or permitted to remain on any tract other than one detached single-family dwelling not to exceed (3) stories in height. Together with a private garage or carport for not more than three (3) cars or servant's type quarters, which may be occupied by an integral part of the family occupying the main residence of the building site, or by servants employed on the premises; and a tool shed or workshop, attached or unattached to the residence building.
- C. No improvements of any nature shall be erected, placed or altered on any building plot on this tract until the plans, specifications and plot plans showing the location of such improvement, have been approved in writing as to conformity and harmony of external design with existing structures on this tract and as to location with respect to topography and finished ground elevation by the ACC.
 - a. In the event the ACC fails to approve or disapprove within Thirty (30) days after the receipt of the required plans and specifications, approval will not be required, and the related covenants set out herein shall be deemed to have been fully satisfied.

- D. Except as may be authorized in writing by the ACC, no portion of any building shall be located nearer than 15' to the closest utility easement line that runs adjacent to and follows the road for easement for "Lake Conroe Drive."
- E. No noxious or offensive trade or activity of loud noises (including loud radio, T.V., stereo fixed or mobile) shall be carried upon this tract nor shall anything be done thereon, which may become an annoyance or nuisance to the neighborhood.
- F. No trailer, basement, tent, shack, garage, barn, stable, or other out-building erected on this tract or any mobile unit including vans and motor-homes shall at any time be used as a residence temporarily or permanently, nor will any structure of a temporary character be used as a residence.
- G. Unless otherwise specified in previously filed deed restrictions, no residential structure erected upon this tract shall have less than one and one-half acre dedicated for and used as the residential homesite and shall consist of not more than the one-family dwelling establishment, not to supersede existing deed restrictions. No building on this tract shall be erected upon any building site, nor any building altered, placed or permitted to remain on such site other than one detached one-family dwelling, together with housing space for usual family requirements, such as garage, household laundry, storage, or servant's quarters. The covered part of the dwelling proper, exclusive of garage, shall contain not less than two thousand (2000) square feet on one-story dwelling, and shall contain not less than two thousand, four hundred (2,400) square feet on two story dwellings, not to supersede existing deed restrictions. Said square foot areas shall be measured exclusive of open porches, garages and servant's quarters. Garages may be built attached to or separate from the dwelling proper.
- a. All buildings shall have either concrete slabs of solid beam foundations and no concrete block or brick pier foundations shall be used with void spaces between piers along the front sides of building unit. All buildings shall be constructed with brick or stone or a combination of the two covering at least sixty (60%) per cent of the outside wall area. Except that at the sole options of the ACC, an exception may be made that would be in keeping with the overall intentions of these restrictions. No building shall be erected off the premises and moved from other premises onto this tract and all building or units shall be constructed on said premises. In the event of a multi-story dwelling unit, the ground floor area, exclusive of open porches and garages, shall be not less than one thousand, five hundred (1,500) net square feet, not to supersede existing deed restrictions.
 - b. No garage or carport shall face and open to "Lake Conroe Drive" at less than a ninety-degree angle except that at the sole option of the ACC, an exception may be made that would be keeping with the overall intentions of these restrictions.
- H. All roads and driveways off "Lake Conroe Drive" are to be finished concrete, not to supersede existing deed restrictions, from "Lake Conroe Drive", however the ACC may

approve variations from such construction requirements.

- I. No housing for garage, servant's quarters, or other service function of the dwelling establishment shall be erected or placed upon any building site until construction of the dwelling proper has been started and is actually underway. All builders must be of good standing in their profession, must be known to do quality work and plans must be approved by the ACC. If needed, owners are to allow a five-foot easement on side lines of this tract for underground utilities. All residences must be completed within one year of commencement of work.
- J. At all times those areas of "Lake Conroe Drive" easement right-of-way and utility easements shall be maintained from encumbrances by personal or private property or parking of passenger vehicles and service vehicles relating to this tract during and after construction of any improvements on this tract. No campers, boats, trailers, motor homes, recreational vehicles of any type or non-running vehicles are to be parked or stored within view of "Lake Conroe Drive", nor in the front of any residence.
- K. No animals, livestock, horses, or poultry of any kind shall be raised, bred, or kept on the property except that dogs, cats, or other common household pets may be kept, provided that they are not kept, bred, or maintained for commercial purposes, not to supersede existing deed restrictions. All improvements for animals must be approved in writing by the ACC. Common household pets must be kept on the tract or on a leash at all times. Horses and school sponsored or 4h club projects may be allowed with ACC approval, provided there is not more than an aggregate total of one per first two acres and one per each additional acre thereafter and providing pastures, paddocks, barns, pens, stables, and all improvements for keeping animals.
- L. No spiritous, vinous, or malt liquors, illegal or prescription drugs, or medicated bitters capable of producing intoxication or addiction, shall ever be sold or offered for sale on any residential tract out of and including this total tract. Nor shall said premises or any part thereof be used for violation of the laws of the state of Texas, the Unites States, the police, health, sanitary, building of fire code regulation, San Jacinto River Authority, or instruction relating to or affecting the use, occupancy or possession of any of this tract.
- M. No signs consisting of advertising display or devises of any type or kind shall be in public view on this tract, except for builder's signs during the construction and sales period only, or to advertise a house for sale. In which latter case, one installation on the building site of not more than five (5) square feet of sign space shall be the maximum allowable.
- N. No oil drilling, oil development operations, oil refining, quarrying or mining operations of any kind shall be permitted upon this tract, no shall oil wells, tanks, tunnels, mineral excavations or shafts be permitted. No derrick or other structure designed for use in boring for oil or natural gas shall be erected, maintained or permitted upon this tract.
- O. No portion of this tract shall be used, or maintained as a camping ground for rubbish, trash, garbage or other wastes; rubbish, trash, garbage or other wastes shall not be kept

except in sanitary containers for frequent removal by the owner from this tract. All incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition. In no case shall any of the above be located within thirty (30) feet, not to supersede existing deed restrictions, of any jointly owned property line within the 63+ acre tract nor be visible from Lake Conroe Drive.

- P. Fences on the front and sides of each property must conform to the three (3) rail white polyvinyl chloride "PVC" fencing similar to existing in properties in the subdivision. Under no circumstances may any form of barbed wire fencing be used on this tract. Each property owner is responsible for maintaining their vinyl fencing including repair and appearance. No outside clothing line shall be constructed or maintained on any tract within sight of "Lake Conroe Drive".
- Q. No single-family dwelling shall be occupied for residence purposes unless the exterior and interior of such dwelling is entirely finished to the extent required by the ACC, whose approval in writing is required before any residence which is not entirely completed shall be occupied.
- R. Firearms discharge are expressly prohibited.
- S. No sight-line limitations may be created by new plants or fences or other new obstructions or any existing obstructions which obstruct sight lines at elevations between two and six feet above roadways, within the triangular area formed by any roadway any points twenty-five feet from the intersection. No tree should remain within such distances, unless the foliage line is maintained at sufficient height to prevent obstruction of sight lines.
- T. Invalidity of any one of these covenants or restrictions by judgment or court order shall in no way affect any other provision, and all other provisions shall remain in full force and effect.
- U. The covenants, conditions, restrictions, and easements of this declaration shall run with and bind the property and shall inure to the benefit of and be enforceable by any property owner within the said 63+ acre tract and unless amended as provided herein, shall be effective for a term of twenty years from the date this declaration is recorded, after which time said covenants, conditions and restrictions shall be automatically extended for successive periods of ten years. The covenants, conditions, restrictions and easements of the declaration may be amended by an instrument executed by a majority vote of the ACC of the 63+ acre tract. No amendment shall be effective until recorded in the deed records of Montgomery County, Texas.

This instrument may be signed in counterparts, each of which shall be deemed an original but all of which shall constitute one and the same instrument.

Signed this 12 day of SEPTEMBER, 2019.

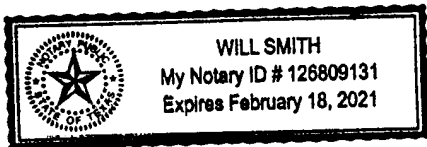


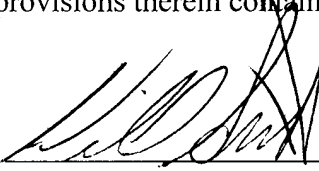
KEN BITGOOD, ACC Member

STATE OF TEXAS §

COUNTY OF MONTGOMERY §

KEN BITGOOD, personally appeared before me, and being first duly sworn declared that he signed this instrument in the capacity designated, if any, and further states that he has read the above instrument and agrees to the provisions therein contained.





Notary Public, State of Texas

Return to:
Paul Torretti
9342 Lake Conroe Dr.
Conroe, TX 77304

Signed this 12 day of September, 2019.

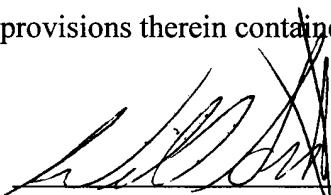


PAUL TORRETTI, ACC Member

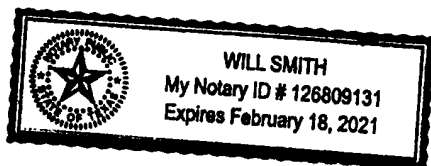
STATE OF TEXAS §

COUNTY OF MONTGOMERY §

PAUL TORRETTI, personally appeared before me, and being first duly sworn declared that he signed this instrument in the capacity designated, if any, and further states that he has read the above instrument and agrees to the provisions therein contained.



Notary Public, State of Texas



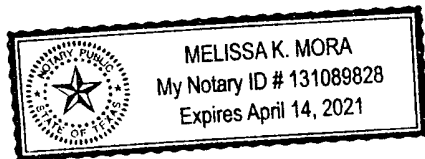
Signed this 11 day of September, 2019.

Jennifer Cole

JENNIFER COLE, ACC
Member

STATE OF TEXAS §
COUNTY OF MONTGOMERY §

JENNIFER COLE, personally appeared before me, and being first duly sworn declared that she signed this instrument in the capacity designated, if any, and further states that she has read the above instrument and agrees to the provisions therein contained.



Melissa K. Mora

Notary Public, State of Texas

Signed this 11 day of September, 2019.

FILED FOR RECORD
09/12/2019 09:13AM



COUNTY CLERK
MONTGOMERY COUNTY, TEXAS

STATE OF TEXAS,
COUNTY OF MONTGOMERY

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

09/12/2019



County Clerk
Montgomery County, Texas