

*Part 2*

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**GUIDELINES FOR UNDERSTANDING  
THE  
PROTECTIVE COVENANTS**

**OF**

**ELM GROVE VILLAGE,  
SECTIONS ONE, TWO AND THREE**

*(As of October 8, 1999)*

*2/6*

*Hdel*  
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ANY PROVISIONS HEREIN IN VIOLATION OF  
OR USE OF THE DISCRIMINATION PROHIBITED BY  
COLOR, OR RACE IS UNLAWFUL UNDER  
THE FEDERAL LAW.

A CERTIFIED COPY

ATTEST: **AUG 06 1999**

BEVERLY B. KAUFMAN, Clerk  
Harris County, Texas

*Billy W. Gage*  
BILLY W. GAGE

526-25-1417

GUIDELINES FOR UNDERSTANDING THE PROTECTIVE COVENANTS  
of  
Elm Grove Village Sections One, Two and Three *lca*

The undersigned, being all of the members of the Board of Directors of Elm Grove Village Community Association, a Texas nonprofit corporation ("the Association") do now certify that at a meeting of the Board of Directors of the Association, duly called and held, the following interpretations were unanimously made and adopted:

WHEREAS, the Association, acting through its Board of Directors, desires to exercise the authority granted to it by the provisions of the Protective Covenants applicable to Elm Grove Village Sections One, Two and Three; and

WHEREAS, the Association believes that part of its authority includes the right to interpret the Protective Covenants, and the right to take any legally permissible and reasonable action to enforce the Protective Covenants; and

WHEREAS, the Protective Covenants provide residents of Elm Grove Village with restrictions regarding the use of their real estate property in the subdivision; and

WHEREAS, the Association believes in providing the residents of Elm Grove Village to the best of its duty and abilities, the clearest interpretation of the Protective Covenants

NOW, THEREFORE, the Board of Directors of the Association hereby adopts the following interpretations relating to the Protective Covenants.

Protective Covenant Guidelines

Page 1

ANY PROVISIONS HEREIN WHICH RESTRICT THE SALE, LEASE, MORTGAGE OR USE OF THE DESCRIBED REAL ESTATE ON THE BASIS OF RACE OR COLOR, OR RACE, IS INVALID AND UNENFORCEABLE UNDER THE FEDERAL LAW.

A CERTIFIED COPY

ATTEST: AUG 06 1999  
BEVERLY B. KAUFMAN, County Clerk  
Harris County, Texas

*Billy W. Gage*  
BILLY W. GAGE

526-25-1418

**PART ONE, SECTION ONE: Single Family Residence**

As used in the Protective Covenants, "single-family residence purposes" shall be deemed to specifically prohibit, but without limitation, the use of any lot for a duplex apartment, a garage apartment, any other apartment, or for any multi-family use or for any business, professional or other commercial activity of any type, unless such business professional or commercial activity is unobtrusive and merely incidental to the primary use of the lot and residential dwelling for residential purposes. (See also **PART I, SECTION 6, "Standard of Conduct of a Business, Professional or Commercial Activity on a Residential Lot."**) The term "single-family residence purposes" shall also be deemed to prohibit any type of group or family home or halfway house in which residential housing is provided for unrelated individuals, unless the use of that property for that purpose is specifically permitted by state or federal law. The term "single-family residence purposes" shall also be defined as: (a) one or more persons related by blood, marriage, or adoption, which may include only their children (including foster children and wards), their dependent brothers and sisters, their dependent parents and their dependent grandparents; (b) no more than two (2) unrelated persons living together in a single housekeeping unit and their children (including foster children and wards), their dependent brothers and sisters, their dependent parents and their dependent grandparents; and (c) in no event shall any residential dwelling be occupied by more persons than the product of the total number of bedrooms multiplied by two (2). No owner shall use or permit such owner's lot or residential dwelling to be used for any purpose that constitutes a public or private nuisance, which determination may be made by the Board of Directors of the Association in its sole discretion.

**PART ONE, SECTION EIGHT: Standard of Conduct Business, Professional or Commercial Activity on a Residential Lot**

Part I, Section 8 of the Elm Grove Village Protective Covenants prohibits the use of any lot for any purpose "not related to single-family residence purposes." The board of Directors, pursuant to the implementation of these guidelines, specifically prohibits any business, professional or other commercial activity from being conducted in or on any part of a residential lot or in any improvement thereon without the specific written approval of the Board of Directors. Written approval for the conduct of a business, professional or other commercial activity on a residential lot or on any part of a residential lot or in any improvement located thereon will be granted only if such business professional or commercial activity is and remains unobtrusive and merely incidental to the primary use of the lot and residential dwelling for residential purposes. Written approval for the conduct of a business may be revoked at any time by the Board of Directors if the commercial activity ceases to be unobtrusive or the lot ceases to be used primarily for residential purposes.

Protective Covenant Guidelines

Page 2

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A CERTIFIED COPY

ATTEST: AUG 06 1999  
BEVERLY B. KAUFMAN, County Clerk  
Harris County, Texas

Billy W. Gage  
BILLY W. GAGE

Deputy

**Generally Prohibited Businesses, Professions or Commercial Activities**

A residential lot and the improvements thereon must be used primarily for residential purposes. Without limitation, a business, professional or commercial activity will be prohibited if any one of the following conditions exists:

1. The street address of the business, professional or commercial activity is, or has been, advertised in a public medium (newspaper, radio, television, yellow pages, trade journals, etc.).
2. Thirty (30) percent or more of the floor space of the residential dwelling unit, including the floor space of the garage is, used for business, professional or commercial activity (office space, storage of materials, equipment, merchandise or supplies).
3. The business, professional or commercial activity employs persons not living at that location but who work at, or travel to the residential lot in connection with the activity.
4. Clients, customers or other persons travel to the residential lot in connection with the activity.
5. The business, professional or commercial activity causes noise, dust, light, vibration, odor or pollutants, which emanate onto any adjacent residential lot or in any way constitutes a nuisance to adjacent residential lot owners.
6. The business, professional or commercial activity causes or results in trucks with a capacity greater than one ton, tractor trailer cabs or trailers, or other commercial vehicles, equipment or supplies being openly stored upon said residential lot.
7. Signs, placards, or other written or graphic devices displaying the name or identity of the business, professional or commercial activity (including signs painted on or attached to any vehicle) located on said lot in a manner so that same is visible from any public or private street.
8. The business, professional or commercial activity is conducted upon any portion of the lot, which is visible from a public or private street.
9. The property is used for a garage, yard, moving, estate or rummage sale.

The above list is not meant to be all-inclusive. Any business, professional or commercial activity, which infringes upon the residential character of the surrounding neighborhood, will be prohibited. Residents engaging in any activity relating to the conduct of a business, professional or commercial activity must notify the Board of Directors regarding the activity.

**PART ONE, SECTION NINE: Semi-Permanent Storage**

ANY PROVISIONS HEREIN WHICH ATTEMPT TO RESTRICT OR LIMIT THE RIGHTS OF ANY PERSON OR ENTITY ON THE BASIS OF RACE, COLOR, OR RACE IS DEEMED NULL AND VOID TO THE EXTENT THAT SUCH PROVISIONS VIOLATE THE FEDERAL LAW.

A CERTIFIED COPY

ATTEST: AUG 06 1999

BEVERLY B. KAUFMAN, County Clerk  
Harris County, Texas

*Billy W. Gage*  
BILLY W. GAGE

526-25-1420

Pursuant to Part I Section 9 of the Protective Covenants, the term "semi-permanent storage" shall be interpreted to permit the temporary parking of boats and recreational vehicles occasionally stored on the property for the purpose of maintenance, loading, or cleaning for a period not to exceed 48 hours.

**PART ONE, SECTION TEN: Animals**

Pursuant to Part I, Section 10, no animal may be maintained on any lot, which is of a breed that is commonly recognized as being dangerous or vicious. The Board shall have the authority to determine, in its sole and absolute discretion, whether, for the purposes of this paragraph, a particular animal or bird is a generally recognized house or yard pet, or a nuisance, or whether the number of animals or birds kept on any lot is reasonable, and its determination shall be final. No structure for the care, housing or confinement of any animal or bird shall be maintained so as to be visible from any street in the subdivision.

**PART ONE, SECTION FOURTEEN: Sanitary, Healthful and Attractive Condition**

Pursuant to Part I, Section 14 of the Elm Grove Village Protective Covenants all lots are to be kept at all times in a "...sanitary, healthful and attractive condition..." The following list includes, but is not limited to, conditions that violate Part I, Section 14 of the Elm Grove Village Protective Covenants:

**Landscaping:**

1. Grass or weeds that are allowed to grow in excess of six (6) inches tall.
2. Shrubs or hedges that are allowed to exceed eight (8) feet in height.
3. Shrubs may not block windows visible from the street.
4. Shrubs or hedges that are not shaped or trimmed.
5. Grass that is not edged where it runs into concrete (i.e., curbs, driveway, or sidewalk).
6. Flower beds that are not weeded.
7. Lawns that show neglect due to lack of water.
8. Driveways that have grass growing in the expansion joints.
9. Dead plants or trees.

**Fixtures:**

1. A lighting fixture that shows any signs of damage or wear (i.e., rust or fading paint).
2. A basketball goal, portable or not, placed outside the guidelines (i.e., on the street, in the drive or on the grass at the curb).
3. Any mailbox that does not stand erect; shows signs of rust or need of paint; is bent out of its natural shape or does not stand erect.
4. A fence that has missing, broken or rotten pickets.

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COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER  
THE FEDERAL LAW.

A CERTIFIED COPY

ATTEST: AUG 06 1999

BEVERLY B. KAUFMAN, County Clerk  
Harris County, Texas

*Adrienne*

Property

526-25-1421

**House:**

1. A house that the color shows signs of fading or mold.
2. Broken window(s).
3. Window(s) that have sheets or foil in them (including garage windows).
4. A house that has a window A/C unit visible from the street.
5. A stopped-up drain gutters or gutters not firmly attached to the house.
6. Any rotten or missing siding.
7. Broken garage doors.
8. A roof that shows visible deterioration.

**Trash Receptacles:**

No trash receptacle may be visible from the street at any time other than the day of collection.

**Signs:**

No signs whatsoever (including but not limited to commercial, political and similar signs) shall be erected or maintained on any lot if visible from any street in the subdivision except:

1. Street signs and other signs as may be required by law
2. One (1) temporary open house sign is allowed in front of the residence on the day of the open house only. Size: no more than six (6) square feet overall.
3. One (1) temporary (not exceeding school year) school sign is allowed in the planting beds of a residence not farther than three (3) feet from the outside wall of the house, unless otherwise noted and approved by the Board. Maximum size allowed 42 inches in height and 18 inches in width.
4. Association Signs: Signs supplied by the Association are allowed in the planting bed of the residence not farther than three (3) feet from the outside wall of the house.
5. Not more than two (2) political signs having a face area not larger than four (4) square feet each for a period of time commencing three (3) weeks before the corresponding election day and ending two (2) days after the election day, unless otherwise provided by law.

ANY PROVISIONS HEREIN WHICH RESTRICT THE SALE, RENTAL OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER THE FEDERAL LAW.

A CERTIFIED COPY  
AUG 06 1999

ATTEST:  
BEVERLY B. KAUFMAN, County Clerk  
Harris County, Texas

Billy W. Gage, Deputy  
BILLY W. GAGE

526-25-1421A

ELM GROVE VILLAGE  
COMMUNITY ASSOCIATION

E. Gejten  
E. Gejten, President

M. Boothard  
M. Boothard, Vice President

P. J. Jennings  
P. J. Jennings, Secy/Treas.

J. Bitley  
J. Bitley

F. Colon  
F. Colon

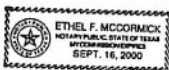
J. Drennon  
J. Drennon

P. Gurn  
P. Gurn

B. Sadler  
B. Sadler

B. Shilcutt  
B. Shilcutt

SUBSCRIBED AND SWORN TO before me on January 6, 1999.



Ethel F. McCormick  
Notary Public in and for  
The State of Texas

Ethel F. McCormick  
Printed Name of Notary

My Commission Expires: 9-16-2000

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OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF  
COLOR, OR RACE, IS INVALID AND UNENFORCEABLE UNDER  
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ATTEST: AUG 06 1999  
BEVERLY B. KAUFMAN, County Clerk  
Harris County, Texas

Billy W. Gage  
BILLY W. GAGE, Deputy

526-25-1422

ALL PROVISIONS HEREIN WHICH RESTRICT, DISCRIMINATE, OR  
IMPOSE A BURDEN ON THE BASIS OF SEX OR RACE, OR ANY OTHER  
PROVISIONS WHICH RESTRICT, DISCRIMINATE, OR IMPOSE A BURDEN ON  
THE BASIS OF COLOR OR RACE, IS INVALID AND VOID TO THE EXTENT OF SUCH  
RESTRICTION, DISCRIMINATION, OR BURDEN.

NOTED & FILED WITH THE COUNTY CLERK OF HARRIS COUNTY, TEXAS  
ON JUN 15 1999 AT 10:00 AM.

JUN 15 1999



*Beverly D. Kaufman*  
COUNTY CLERK  
HARRIS COUNTY TEXAS

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IMPOSE A BURDEN ON THE BASIS OF SEX OR RACE, OR ANY OTHER  
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A CERTIFIED COPY  
AUG 06 1999

ATTEST:  
BEVERLY D. KAUFMAN, County Clerk  
Harris County, Texas

*Bill W. Gage*  
DEPUTY CLERK