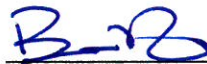


CORPORATE CERTIFICATE
COMMUNITY IMPROVEMENT ASSOCIATION OF SHADOW BAY, INC.

The undersigned certifies that he is the Attorney for COMMUNITY IMPROVEMENT ASSOCIATION OF SHADOW BAY, INC. (the "Association"). The Association is the property owners' association for Shadow Bay Section One, a subdivision in Montgomery County, Texas, according to the map or plat thereof recorded in the Map Records of Montgomery County, Texas.

The Association is a Texas nonprofit corporation, and attached to this certificate is a true and correct copy of the Association's **ARCHITECTURAL CONTROL GUIDELINES AND REGULATIONS**.

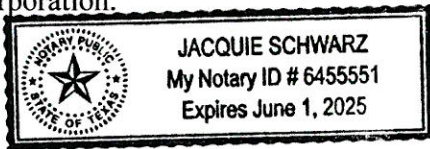
Signed this the 3rd day of August, 2022.



BRYAN P. FOWLER, Attorney

STATE OF TEXAS §
 §
COUNTY OF MONTGOMERY §

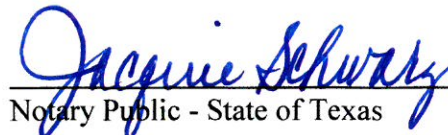
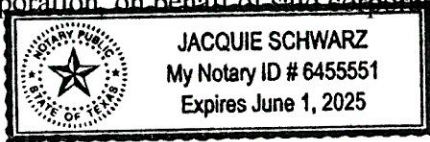
SWORN TO AND SUBSCRIBED BEFORE ME on the 3rd day of August, 2022, by **BRYAN P. FOWLER**, Attorney for COMMUNITY IMPROVEMENT ASSOCIATION OF SHADOW BAY, INC., a Texas nonprofit corporation.



Notary Public - State of Texas

STATE OF TEXAS §
 §
COUNTY OF MONTGOMERY §

This instrument was acknowledged before me on the 3rd day of August, 2022, by **BRYAN P. FOWLER**, Attorney for COMMUNITY IMPROVEMENT ASSOCIATION OF SHADOW BAY, INC., a Texas nonprofit corporation, on behalf of said corporation.



Notary Public - State of Texas

AFTER RECORDING RETURN TO:
BRYAN P. FOWLER
The Fowler Law Firm
505 West Davis
Conroe, Texas 77301

**ARCHITECTURAL CONTROL GUIDELINES AND REGULATIONS
OF
COMMUNITY IMPROVEMENT ASSOCIATION OF SHADOW BAY, INC.**

WHEREAS, the property affected by these Architectural Control Guidelines and Regulations is subject to certain dedications, covenants and restrictions (the “Declaration”) set out in instruments recorded in the Official Public Records of Real Property at Montgomery County, Texas, as follows:

- *Corrected Amendment of Restrictions* – Clerk's File No. 79-46156;
- *Partial Revision of Restrictions* – Clerk's File No. 81-11224;
- *Corrected Amendment of Restrictions* – Clerk's File No. 95-16125; and

WHEREAS, pursuant to the authority vested in Community Improvement Association of Shadow Bay, Inc. (the “Association”) in the Declaration and as required by the TEXAS PROPERTY CODE, the Board of Directors of the Association (the “Board”) has determined that, in order to provide clear and definitive guidance for maintaining the aesthetics and architectural harmony of the community, it is appropriate to adopt guidelines toward that end. Therefore, the Board hereby promulgates the following Architectural Control Guidelines and Regulations.

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

GUIDELINES AND REGULATIONS

The following are guidelines adopted by the Board to specify their standards, requirements and thought process used in evaluating various exterior improvements. These guidelines may be amended from time-to-time as circumstances, conditions or opinions of the Board dictate. The Architectural Control Committee of the Association (the “ACC”) has the right to deny approval for a similar improvement based on the proximity of a property to a main boulevard or the visual relativity of the site to the overall development. As an example, a home located on the perimeter of the development may be permitted to have a certain styled storage building, whereas on a main entry boulevard and depending on the configuration of the lot, this same item may not be approved. The intent being to maintain overall integrity within areas of higher visual impact.

It should be noted that the ACC approval is required prior to the installation or construction of the improvement or change. If an improvement is made without ACC approval, the Board of Directors has the legal right to enforce its removal.

The following guidelines shall be applicable to all properties under the jurisdiction of the Association. These guidelines shall also encumber any future property which may be brought within the jurisdiction of the Association. These guidelines supercede and take the place of any previous architectural control guidelines for the Association.

A. DISPLAY OF FLAGS:

1. These Guidelines apply to the display of (“Permitted Flags”):
 - a. the flag of the United States; and
 - b. the flag of the State of Texas; and
 - c. the official flag of any branch of the United States armed forces; and
 - d. flags with religious themes.
2. These Guidelines do not apply to any flags other than the Permitted Flags listed in Section 1 above including, but not limited to:
 - a. flags for schools, sports teams, businesses or foreign countries; or
 - b. flags with marketing, seasonal, historical, commemorative, nautical, or political themes; or
 - c. historical versions of flags permitted in section 1 above.
3. Permitted Flags may be displayed subject to these guidelines. Advance written approval of the ACC is required for any free-standing flagpole and any additional illumination associated with the display of Permitted Flags.
4. Permitted Flags must be displayed in a respectful manner in accordance with the current relevant federal, state or military code.
5. Permitted Flags must be displayed from a pole attached to a structure or to a free-standing pole. Permitted Flags may not be draped over or directly attached to structures. For example, a Permitted Flag may not be laid across a fence or stapled to a garage door.
6. Permitted Flags shall be no larger than three foot (3’) by five foot (5’) in size.
7. Only one Permitted Flag may be displayed on a flagpole attached to a structure. Up to two Permitted Flags may be displayed on an approved free-standing flagpole that is at least fourteen feet (14’) tall.
8. Flagpoles must be constructed of permanent, long-lasting materials with an appropriate finish that is harmonious with the dwelling.
9. A flagpole attached to a structure may be up to six feet (6’) long and must be securely attached with a bracket with an angle of 30 to 45 degrees down from vertical. The flagpole must be attached in such a manner as to not damage the structure. One attached flagpole is allowed on any portion of a structure facing a street and one attached flagpole is allowed on the rear or backyard portion of a structure. Brackets which accommodate multiple flagpoles are not allowed.

10. Free-standing flagpoles may be up to twenty feet (20') tall, including any ornamental caps. Free-standing flagpoles must be permanently installed in the ground according to manufacturer's instructions. One free-standing flagpole is allowed in the portion of the owner's property between the main residential dwelling and any street and one free-standing flagpole is allowed in the rear or backyard portion of a property.
11. Free-standing flagpoles may not be installed in any location described below:
 - a. in any location other than the Owner's property; or
 - b. within a ground utility easement or encroaching into an aerial easement; or
 - c. beyond the side or rear setback lines (for example, on a lot with a 10' side setback line, a flagpole may not be installed closer than 10' from the side property line); or
 - d. beyond half the distance of the front setback line (for example, on a lot with a 30' front setback line, a flagpole may not be installed closer than 15' from the front property line); or
 - e. closer to a dwelling on an adjacent lot than the height of the flagpole (for example, a 20' flagpole cannot be installed closer than 20' from an adjacent house).
12. Lighting may be installed to illuminate Permitted Flags if they will be displayed at night and if existing ambient lighting does not provide proper illumination. Flag lighting must:
 - a. be ground mounted in the vicinity of the flag; and
 - b. utilize a fixture that screens the bulb and directs light in the intended direction with minimal spillover; and
 - c. point towards the flag and face the main structure on the property or to the center of the property if there is no structure; and
 - d. provide illumination not to exceed the equivalent of a 60 watt incandescent bulb.
13. Flagpoles must not generate unreasonable noise levels which would disturb the quiet enjoyment of other residents. Each flagpole owner should take steps to reduce noise levels by using vinyl or plastic snap hooks, installing snap hook covers or securing a loose halyard (rope) around the flagpole with a flagpole clasp.
14. Flagpoles are allowed solely for the purpose of displaying Permitted Flags. If a flagpole is no longer used on a daily basis, it must be removed.
15. All flags and flagpoles must be maintained in good condition. Deteriorated flags must be removed and promptly replaced. Deteriorated or structurally unsafe flagpoles must be promptly repaired, replaced or removed.

B. RAINWATER RECOVERY SYSTEMS:

1. Rainwater Recovery Systems may be installed with advance written approval of the ACC subject to these guidelines.
2. All such Systems must be installed on land owned by the property owner. No portion of the Systems may encroach on adjacent properties or common areas.
3. Other than gutters and downspouts conventionally attached to a dwelling or appurtenant structure, all components of the Systems, such as tanks, barrels, filters, pumps, motors, pressure tanks, pipes and hoses, must be substantially screened from public view from any street or common area. Screening may be accomplished by:
 - a. placement behind a solid fence, a structure or vegetation; or
 - b. by burying the tanks or barrels; or
 - c. by placing equipment in an outbuilding otherwise approved by the ACC.
4. A rain barrel may be placed in a location visible from public view from any street or common area only if the configuration of the guttering system on the structure precludes screening as described above with the following restrictions:
 - a. the barrel must not exceed 55 gallons; and
 - b. the barrel must be installed in close proximity to the structure on a level base with the guttering downspout leading directly to the barrel inlet at a substantially vertical angle; and
 - c. the barrel must be fully painted in a single color to blend with the adjacent home or vegetation; and
 - d. any hose attached to the barrel discharge must be neatly coiled and stored behind or beside the rain barrel in the least visible position when not in use.
5. Overflow lines from the Systems must not be directed onto or adversely affect adjacent properties or common areas.
6. Inlets, ports, vents and other openings must be sealed or protected with mesh to prevent children, animals and debris from entering the barrels, tanks or other storage devices. Open top storage containers are not allowed, however, where space allows and where appropriate, ACC approved ponds may be used for water storage.
7. Harvested water must be used and not allowed to become stagnant or a threat to health.
8. All Systems must be maintained in good repair. Unused Systems should be drained and disconnected from the gutters. Any unused Systems in public view must be removed from public view from any street or common area.

C. DISPLAY OF RELIGIOUS ITEMS:

1. A property owner or resident may display religious items on their property or residence related to any faith that is motivated by the resident's sincere religious belief or tradition.
2. To the extent allowed by the Texas state constitution and the United States constitution, any such displayed or affixed religious items may not:
 - a. threaten public health or safety; or
 - b. violate any law other than a law prohibiting the display of religious speech;
 - c. contain language, graphics or any display that is patently offensive to a passerby for reasons other than religious content;
 - d. be installed on common areas or common elements;
 - e. violate any applicable building line, right-of-way, setback or easement; or
 - f. be attached to a traffic control device, street lamp, fire hydrant, or utility sign, pole, or fixture.
3. Approval from the ACC is not required for displaying religious items in compliance with these guidelines.
4. As provided by Section 202.018 of the TEXAS PROPERTY CODE, the Association may remove any items displayed in violation of these guidelines.

D. ROOFING MATERIALS:

1. All buildings shall be roofed with composition shingles unless otherwise approved in writing by the ACC. Wood shingles are specifically prohibited for safety reasons.
2. Composition shingles must weigh at least 230 pounds per square and have a stated warranty of at least 25 years. Shingles must have a laminated design. Three-tab shingles are specifically prohibited except for use as a starter and cap rows.
3. Roof shingles must be in colors approved by the ACC.
4. Roof overlays are not allowed. Prior to roofing, all existing materials must be removed down to clean decking. Any damaged or deteriorated decking must be replaced.
5. Ridge vent are encouraged, to improve ventilation, reduce attic temperature and reduce cooling costs, but are not required.
6. All roof protrusions, such as vents, roofjacks, must be painted to match the shingles.
7. Subject to Section 8 below and with advance written approval from the ACC, an owner may install shingles ("Alternative Shingles") which are designed primarily to:

- a. be wind and hail resistant; or
 - b. provide heating or cooling efficiencies greater than traditional composition shingles; or
 - c. provide solar energy capture capabilities.
8. Once installed, any such Alternative Shingles must:
- a. resemble the shingles used or authorized to be used on other structures within the Association; and
 - b. be more durable than and of equal or superior quality to the shingles used or authorized to be used on other structures within the Association; and
 - c. match the aesthetics of properties surrounding the owner's property.

E. SOLAR ENERGY DEVICES:

1. These guidelines apply to solar energy devices ("Devices") as defined in Section 171.107(a) of the Texas Tax Code. A solar energy device means a system or series of mechanisms designed primarily to provide heating or cooling or to produce electrical or mechanical power by collecting and transferring solar-generated energy. The term includes a mechanical or chemical device that has the ability to store solar-generated energy for use in heating or cooling or in the production of power.
2. Such Devices may only be installed with advance written approval of the ACC subject to these guidelines.
3. Any such Device must be installed on land or structures owned by the property owner. No portion of the Devices may encroach on adjacent properties or common areas.
4. Such Devices may only be installed in the following locations:
 - a. on the roof of the main residential dwelling; or
 - b. on the roof of any other approved structure; or
 - c. within a fenced yard or patio.
5. For Devices mounted on a roof, the Device must:
 - a. have no portion of the Device higher than the roof section to which it is attached; and
 - b. have no portion of the Device extend beyond the perimeter boundary of the roof section to which it is attached; and
 - c. conform to the slope of the roof; and
 - d. be aligned so the top edge of the Device is parallel to the roof ridge line for the roof section to which it is attached; and

- e. have a frame, brackets and visible piping or wiring that is a color to match the roof shingles or a silver, bronze or black tone commonly available in the marketplace; and
 - f. be located in a position on the roof which is least visible from any street or common area, so long as such location does not reduce estimated annual energy production more than 10% over alternative roof locations (as determined by a publically available modeling tool provided by the National Renewable Energy Laboratory [www.nrel.gov] or equivalent entity).
6. For Devices located in a fenced yard or patio, no portion of the Device may extend above the top of the fence. If the fence is not a solid fence which blocks view of the Device, the Association may require the Device be placed in a location view behind a structure or otherwise require visual screening. The Association may consider installation of Devices on properties without a fenced yard if there is adequate screening from public view from any street or common area.
7. All Devices must be installed in compliance with manufacturer's instruction and in a manner which does not void material warranties. Licensed craftsmen must be used where required by law. Permits must be obtained where required by law.
8. Installed Devices may not:
- a. threaten public health or safety; or
 - b. violate any law; or
 - c. substantially interfere with the use and enjoyment of land by causing unreasonable discomfort or annoyance to any adjoining property owner.
9. All Devices must be maintained in good repair. Unused or inoperable Devices must be removed.

F. SECURITY MEASURES POLICY:

1. Before any security measure contemplated by Section 202.023(a) of the Texas Property Code ("Code") is constructed or otherwise erected on a Lot, an ACC application must be submitted to the Association and approved in writing in accordance with the Declaration. The following information must be included with the application:
- a. Type of security measure;
 - b. Location of proposed security measure;
 - c. General purpose of proposed security measure; and
 - d. Proposed construction plans and/or site plan.
2. Type of Fencing. The Code authorizes the Association to regulate the type of security measure fencing that an Owner may install on a Lot.

- a. Security measure fencing generally
 - i. Security measure fencing cannot contain decorative elements and embellishments (whether part of the fence construction or are add-on decorative elements/embellishments). This prohibition includes, but is not limited to, prohibiting finials (of any shape or design), fleur de lis, points, spears (of any shape or design), and gate toppers of any type.
 - ii. No vines or vegetation shall be allowed to grow on security measure fencing.
- b. Security measure fencing forward of the residential structure on a Lot as depicted on the applicable Lot survey:
 - i. Must be metal fencing (either steel, wrought iron, or aluminum) measuring no more than four feet (4') in height. The ACC shall have the discretion to approve any other type of metal security measure fencing, however, the follow types of metal fencing are prohibited and will not be approved: (1) stamped metal fencing (including gates); (2) metal panel fencing; and (3) solid metal fencing. It is the intent of this Policy that all security measure fencing forward of the front building line on a Lot have the appearance of what is commonly called "wrought iron fencing";
 - ii. Must consist of straight horizontal rails and straight vertical bars and/or posts;
 - iii. Must be black or any color approved by the ACC (including gates);
 - iv. Security measure fencing bars shall be ½ ", 4" on center with 1" top and bottom rails. All framing must be on the inside (i.e., the residence side) of the security measure fencing;
 - v. Any driveway or pedestrian gates on security measure fencing must be of the same material as the fencing and swing inward and related fence motors/equipment must be kept screened from view with evergreen shrubs or in such other manner approved in writing by the ACC;
 - vi. When security measure fencing meets a wood fence, the security measure fencing may not be attached to the wood fence. The security measure fencing shall be terminated with a two-inch (2") square metal post (either steel, wrought iron, or aluminum) adjacent to the wood post/wood fencing; and
 - vii. Chain link, brick, concrete, barbed wire, vinyl, wood and stone security measure fencing is expressly prohibited and will not be approved by the ACC.
 - viii. On corner lots, no security measure fencing shall be placed in the Visibility Triangle. The Visibility Triangle is the triangular area adjacent to the intersection of any street established by measuring a distance of 15 feet from the point of intersection of two streets along the right-of-way of each of the intersecting streets and connecting the ends of each measured distance (See illustration below).

- c. All security measure fencing must be installed per the manufacturer's specifications and all electric gates must be installed by a licensed electrician in accordance with all applicable codes and applicable governmental regulations.
 - d. The ACC shall have the discretion to determine any additional types of approvable or prohibited security measure fencing.
 - e. If the proposed security measure fencing is located on one or more shared Lot lines with adjacent Lot(s) ("Affected Lots"), all Owners of record of the Affected Lots must sign the ACC application evidencing their consent to the security measure fencing before the requesting Owner ("Requesting Owner") submits the ACC application to the ACC. In the event that the Affected Lot Owner(s) refuse to sign the ACC application as required by this section, the Affected Lot Owner(s) and Requesting Owner hereby acknowledge and agree that the Association shall have no obligation to participate in the resolution of any resulting dispute in accordance with this Policy.
3. Location. A security measure may be installed only on an Owner's Lot, and may not be located on, nor encroach on, another Lot, street right-of-way, Association Common Area, or any other property owned or maintained by the Association. No fence shall be installed in any manner that would prevent someone from accessing property that they have a right to use/access.
4. Disputes; Disclaimer; Indemnity. Security measures, including but not limited to, security cameras and security lights shall not be permitted to be installed in a manner that the security measure is aimed/directed at an adjacent property which would result in an invasion of privacy, or cause a nuisance to a neighboring Owner or resident. In the event of a dispute between Owners or residents regarding security measure fencing, or a dispute between Owners or residents regarding the aim or direction of a security camera or security light, the Association shall have no obligation to participate in the resolution of the dispute. The dispute shall be resolved solely by and between the Owners or residents.

EACH OWNER AND OCCUPANT OF A LOT WITHIN THE PROPERTY ACKNOWLEDGES AND UNDERSTANDS THAT THE ASSOCIATION, INCLUDING ITS DIRECTORS, OFFICERS, MANAGERS, AGENTS, EMPLOYEES AND THE ACC, ARE NOT INSURERS AND THAT EACH OWNER AND OCCUPANT OF ANY DWELLING AND/OR LOT THAT HAS A SECURITY MEASURE THAT HAS BEEN OR WILL BE INSTALLED PURSUANT TO THIS POLICY ASSUMES ALL RISKS FOR LOSS OR DAMAGE TO PERSONS, TO DWELLINGS AND IMPROVEMENTS AND TO THE CONTENTS OF DWELLINGS AND IMPROVEMENTS, AND FURTHER ACKNOWLEDGES THAT THE ASSOCIATION, INCLUDING ITS DIRECTORS, OFFICERS, MANAGERS, AGENTS, EMPLOYEES AND THE ACC, HAVE MADE NO REPRESENTATIONS OR WARRANTIES NOR HAS ANY OWNER OR OCCUPANT RELIED UPON ANY REPRESENTATIONS OR WARRANTIES, EXPRESSED OR IMPLIED, INCLUDING ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR ANY PARTICULAR PURPOSE, RELATIVE TO ANY SECURITY MEASURE THAT MAY BE APPROVED BY THE ACC PURSUANT TO THIS POLICY.

G. PERMANENT STANDBY ELECTRIC GENERATORS:

1. Before a Generator is to be installed on a lot, a ACC application must be submitted to the Association and approved in wiring in accordance with the Declaration.
2. Generator must be fully enclosed in an integral manufacturer-supplied sound attenuating enclosure.
3. Rated of generating capacity of not less than seven kilowatts.
4. All electrical, plumbing, and fuel line connections to be installed only by licensed contactors and to be installed in accordance with applicable governmental health, safety, electrical, plumbing, and building codes.
5. Generator is not to be located in front yard. 6. Generator must be screened if
 - (A) visible from the street faced by the dwelling;
 - (B) located in an unfenced side or rear yard of a residence and is visible either from an adjoining residence or from adjoining property owned by the property owners' association; or
 - (C) located in a side or rear yard fenced by a wrought iron or residential aluminum fence and is visible through the fence either from an adjoining residence or from adjoining property owned by the property owners' association.
7. Consistent with the manufacturer's recommendations, for the periodic testing of a standby electric generator must be done between the hours of 8 AM to 8 PM.
8. A Standby Electric Generator shall not be used to generate all or substantially all of the electrical power to a residence, except when utility-generated electrical power to the residence is not available or is intermittent due to causes other than nonpayment for utility service to the residence.
9. If a propane or fuel tank is needed to be added it must meet all codes, standards and located on the side or rear of property out of public view.

H. COLOR POLICY:

1. Approval. No exterior surface of any residence, garage, or other structures or improvement on any lot shall be painted or repainted without first obtaining prior WRITTEN approval from the Architectural Control Committee ("ACC"). This applies to existing, as well as new construction and whether the proposed colors are the same or different from the existing colors. Color samples or paint chips of the proposed exterior color(s) must be attached to each application submitted to the ACC.
2. Harmonious Colors. The proposed colors must be harmonious with each other and with brick, other material, and roofing materials. The ACC maintains a color palette depicting examples of the acceptable colors at Sherwin Williams. You do not have to buy your paint from Sherwin Williams. The color samples or paint chips shall be compared to the colors and shades of colors set forth on the color palette to assure that

each approved color is harmonious with the color scheme established for the subdivision.

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

1. All painted surfaces must be clean and smooth with no excessively faded, bare, or peeling paint. All color changes must be approved in writing by ACC.
2. All rotted and damaged wood, bricks, stucco, and mortar must be promptly repaired or replaced.
3. Rain gutters must be kept clean, in good repair and not allowed to sag, or hang down.
4. Roofs must be maintained in good repair with no missing or damaged shingles.
5. All window glass shall not be broken or cracked.
6. Garage doors must be in good repair.
7. Fences and gates must be keep in good repair.
8. Walkways and driveways must be in good repair and must be kept free of weeds and grass.9. Laws must be kept mowed and edged, flowerbeds must be kept free of grass and weeds, and shrubs and trees must be kept trimmed. Dead trees and stumps must be promptly removed.
10. There shall be no storage of clutter and debris in public view. Barbecue pits, smokers, portable pools, patio furniture, and other items deemed offensive by the ACC Committee must be kept out of pubic view.
11. Window coverings such as but not limited to aluminum foil, blankets, rugs, cardboard, flags, or any item not deemed appropriate window coverings will not be allowed. Shades, blinds, and such must be in good shape.

These guidelines supercede and replace, in their entirety, any previous architectural control guidelines adopted by the Association. These guidelines are effective upon recordation in the Public Records of Montgomery County, Texas, and supersede any guidelines which may have previously been in effect. Except as affected by the TEXAS PROPERTY CODE and/or by these guidelines, all other provisions contained in the Declarations or any other dedicatory instruments of the Association shall remain in full force and effect.

This is to certify that the foregoing Architectural Control Guidelines and Regulations was adopted by the Board of Directors, effective as of August 2nd, 2022, until such date as it may be modified, rescinded or revoked.

The Board of Directors hereby approves and authorizes the above Policy.

Signed on this the 2nd day of August, 2022.

**COMMUNITY IMPROVEMENT ASSOCIATION
OF SHADOW BAY, INC.**

Larry Thrasher
Larry Thrasher (Aug 2, 2022 14:40 CDT)

President

**ARCHITECTURAL CONTROL COMMITTEE
FOR COMMUNITY IMPROVEMENT
ASSOCIATION OF SHADOW BAY, INC.**

By: Shadow Bay CAI

Name: *Robert Grimmer*
Robert Grimmer (Aug 3, 2022 13:00 CDT)

Title: ACC President