

**ADDITIONAL DEDICATORY INSTRUMENTS**  
**for**  
**BELLA VITA HOME OWNERS ASSOCIATION, INC.**

THE STATE OF TEXAS §

COUNTY OF MONTGOMERY §

BEFORE ME, the undersigned authority, on this day personally appeared JOHN KIEVIT, who, being by me first duly sworn, states on oath the following:

"My name is JOHN KIEVIT, I am over twenty-one (21) years of age, of sound mind, capable of making this affidavit, authorized to make this affidavit, and personally acquainted with the facts herein stated:

"I hereby certify that the BELLA VITA HOME OWNERS ASSOCIATION, INC., Architectural Review Committee Packet was approved at a meeting of the Board of Directors at which a quorum was present."

"I am the JOHN KIEVIT, of BELLA VITA HOME OWNERS ASSOCIATION, INC., and Pursuant with Section 202.006 of the Texas Property Code, the following documents are copies of the original official documents from the Association's files:

- 1. **Bella Vita Home Owners Association, Inc. Architectural Review Committee Packet**

DATED this 20 day of February, 2015.

BELLA VITA HOME OWNERS ASSOCIATION, INC.

BY: [Signature]

John Kievit  
(Printed Name and Office)

President

THE STATE OF TEXAS  
COUNTY OF MONTGOMERY

§  
§  
§

This instrument was acknowledged before me on the 20 day of FEBRUARY  
2015, by said JOHN KIEVIT of the BELLA VITA HOMEOWNERS  
ASSOCIATION, INC., a Texas non-profit corporation, on behalf of said corporation.

*Ronnda Jorgensen*  
Notary Public, in and for The State of Texas

After recording return to:

✓ Bella Vita HOA  
2251 N. Loop 336 W. Ste. C  
Conroe, Texas 77304



# Bella Vita Home Owner’s Association, Inc

## Architectural Review Committee Packet



### DEVELOPMENT AND CONSTRUCTION STANDARDS AND GUIDELINES (INCLUDING ARCHITECTURAL SITE AND LANDSCAPE STANDARDS) AND DESIGN REVIEW PROCEDURES FOR ALL SINGLE FAMILY CONSTRUCTION IN BELLA VITA ON LAKE CONROE

#### Applications and Construction Guidelines For

- New Home Construction Improvement
- Boat Slip and Bulkhead Construction Improvement
- “Other” Improvement

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# Bella Vita Home Owner's Association, Inc

## APPLICATION FOR REVIEW BY ARCHITECTURAL REVIEW COMMITTEE ("ARC")

### POLICY

The BVHOA Board of Directors (BoD) recognizes the need for and continued use of Committees which are essential, resident-staffed groups formed with specialized functionality and assigned duties and activities directed toward the betterment of the Bella Vita Subdivision. In that context, it follows then that all "Architectural Improvements" to properties within the Bella Vita Subdivision are to be overseen by an "Architectural Review Committee" (ARC) with two subcommittees: New Construction Committee (NCC) and Modifications Committee all established through BVHOA BoD Resolution. The ARC is to perform its duties and responsibilities as delineated in the official "Declaration of Covenants, Conditions and Restrictions of Bella Vita HOA, Inc," (DCCR).

Committee members are to be property owners, in good standing with the BVHOA, who volunteer to serve on the ARC. When placed on an official BoD meeting's agenda, after recognition and discussion, the committee members are appointed to serve open-ended terms, with their names recorded in the proceedings' minutes. In order to remain functional over time, the ARC is to be composed of not less than two (2), all current holders of Bella Vita property with the intention of building and living in the neighborhood. The conduct of ARC business is in a defined, organized fashion. All properly-submitted property-owner applications for improvement are to be promptly disposed by majority member votes that are duly recorded and reported out of the Committee. Timely written notification to the applicants, on the status of their improvement requests, is essential to a well-functioning ARC.

### BELLA VITA HOME OWNERS ASSOCIATION INC. (BVHOA) ARCHITECTURAL CONTROL

### PROCEDURE

The following are procedural steps for the application and review of requested property improvements in Bella Vita Neighborhood and their eventual approval or rejection.

**A.** Property Owners intending to implement an architectural improvement should obtain an application package, either in hard copy from the BVHOA Office or downloaded from the BVHOA Website (Ref: "Main Menu" entry labeled "Architectural Control" at: <http://www.spellc.com/bellevita.htm/>).

Bella Vita Neighborhood improvements are in one of three categories, with a tailored application package for each:

- New Home Construction Improvement (NHCI)
- Boat Slip and Bulkheading Construction Improvement (BSBHCI)
- "Other" Improvement (OI)

**B.** All improvements viewable from the street or lake must be requested via a complete, legible application form, properly signed, and be accompanied by the required deposits and fees (listed in the application), along with the documentation cited in the form as necessary for the ARC's review and approval. The ARC is not obligated to accept an application that is missing any of the listed items.

Architectural-improvement-request application forms should be submitted to the BVHOA Community Coordinator during normal business hours:

**Bella Vita HOA Inc.  
2251 N. Loop 336 W. Suite C  
Conroe, TX 77304  
Attn: Architectural Review Committee  
eleece@spellc.com**

ARC Packet – August 2014  
Previous versions obsolete

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Owner \_\_\_\_ Owner \_\_\_\_ Builder \_\_\_\_ \*\* Applicants' initials indicate understanding and acceptance.

# Bella Vita Home Owner's Association, Inc

## New-Home or Major Improvement Construction Application

**No Mobilization shall commence on any Lot prior to Plans and Specifications being submitted to and Approved by the ARC**

Legal Description: Block: \_\_\_\_\_ Lot: \_\_\_\_\_

Home Owner: \_\_\_\_\_ General Contractor: \_\_\_\_\_

Address: \_\_\_\_\_ Address: \_\_\_\_\_

Email: \_\_\_\_\_ Email: \_\_\_\_\_

Phone \_\_\_\_\_ Office Phone: \_\_\_\_\_

Mobile \_\_\_\_\_ Mobile: \_\_\_\_\_

Proposed Improvements:

Proposed Start Date: \_\_\_\_\_

Required Completion Date: \_\_\_\_\_

(New Homes are to be completed Twelve Months After Proposed Start Date)  
Includes Home and Landscaping

The Undersigned ("Home Owner(s)") hereby request Bella Vita on Lake Conroe Architectural Review Committee ("ARC") approval to construct the improvements described above in accordance with the Plans and Specifications submitted with this application. Home Owner(s) represent and agree as follows:

- Home Owner(s) and Contractor have received, carefully read, fully understand and agree to fully comply with the requirements set forth in the Declaration of Covenants, Conditions, and Restrictions of Bella Vita on Lake Conroe and the Construction Regulations and Specifications and the Construction Rules and Guidelines.

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- Home Owner(s) understands and agrees that if the Committee approves this application, the plans, and specifications and the agreements, representations, plans and specifications made or submitted by the Home Owner(s) are not complied with, the Committee will revoke and rescind its approval of the application, the plans, and specifications, or any part thereof, and may order cease and desist of construction until a new application, plans and specifications are submitted by the Home Owner(s) and approved by the Committee.
- Each Application made to the Committee must be accompanied by a COMPLETE set of the following documents along with required Deposits and Fees dictated in the Construction Regulations and Specifications Document:

Signed Application for Review by ARC.

Two (2) Sets of Plans and Specifications for **ALL** proposed construction. The following is a list of the minimum required for your plans to be considered by the ARC for approval:

1. **Site Plans** showing the location and dimensions of the proposed improvement
2. **Elevation Drawings** of **ALL** exterior sides of the structure.
3. A complete set of **Floor Plans**
4. An original complete set of **Foundation Plans** stamped by an engineer registered and licensed by the state of Texas. These plans should include the following:
  - a. Reference to Lot number
  - b. Cross Section of **All** Beams
  - c. Pile locations and dimensions (if required)
5. A complete set of **Framing Plans** including at a minimum the following:
  - a. Wall Sections Showing Details of Construction
  - b. Ceiling and floor joist size, directions, and spacing
  - c. Building Section(s) showing structural details and materials required to clarify construction.
6. A complete set of **Electrical Plans**
7. A complete set of **Landscape, Drainage, and Sprinkler System Plans**
8. A complete set of **Color Samples of Exterior**
  - a. Exterior Paint Colors, Brick Sample and Roofing Material Sample
9. A complete set of **Swimming Pool Plans including** as a minimum (if applicable):
  - a. Site Plan show location and dimensions of pool related to other improvements
  - b. Plumbing Plan
  - c. Excavation Disposal Plan
  - d. Plans showing dead man's post support for bulkhead

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- d. Plans showing dead man’s post support for bulkhead
- 10. A complete list of **Contractors** provided on **Gate Access form** for entry code.
- 11. An Acknowledgement of Construction Guidelines initialed.
- 12. Construction Access Agreement Form

NOTE: APPLICATIONS, PLANS, OR SPECIFICATIONS WITH ANY MISSING DATA LISTED ABOVE OR AS LISTED OR REQUIRED UNDER THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF BELLA VITA ON LAKE CONROE WILL BE CONSIDERED INCOMPLETE WITHOUT NOTICE TO THE HOME OWNER(S) AND INCOMPLETE APPLICATIONS AND WILL NOT BE CONSIDERED FOR APPROVAL. ANY FAILURE OF THE ARCHITECTURAL REVIEW COMMITTEE TO ACT ON INCOMPLETE APPLICATIONS, PLANS, OR SPECIFICATIONS SHALL NOT CONSTITUTE APPROVAL. ANY FAILURE OF THE ARCHITECTURAL REVIEW COMMITTEE TO ACT ON ANY APPLICATIONS, PLANS, OR SPECIFICATIONS INCONSISTENT WITH OR IN VIOLATION OF THE DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS OR BELLA VITA ON LAKE CONROE SHALL NOT CONSTITUTE APPROVAL.

SPECIAL NOTICES:

The **Community Reserve Fund** is applied to New-Home Construction Applications. Applicants are additionally responsible for any damage to “adjacent” properties and the roadway and curbs immediate to the construction site, when caused by construction activities. **Failure by builder to adequately maintain cleanliness and repair of “adjacent” property and to repair a damaged local roadway will result in forfeiture of deposits listed in this application** to the level of BVHOA estimated repair costs. Pre-construction “adjacent” properties and roadway photos will be available on file for reference.

The sixty (60) day review period allowed to the ARC does not commence until a completed application and all required documents defined herein are received.

By submitting this application for improvement, Home Owner(s) grants full access to the Bella Vita Board of Directors or any representative of the Bella Vita Board of Directors full access to the site of the improvement project for the sole purposes of ensuring that the improvement project is executed under the submitted Plans and Specifications as well as within the rules and regulations defined in the Declaration of Covenants, Conditions and Restrictions of Bella Vita on Lake Conroe and the Construction Regulations and Specification.

**In addition to the requirements of the Deed Restrictions and Architectural Review Committee, the County requires a building permit for all residential and commercial buildings constructed in the County of Montgomery. Also, the San Jacinto River Authority requires permits, in addition to those required by the County and the Committee for all construction of bulkheads, docks, piers, etc. on lake front lots.**

Home Owner(s) are fully responsible for coordination with any and all utility companies. The Bella Vita Home Owners Board and the Architectural Review Committee are not associated with any utility

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companies and do not coordinate or participate in any communications between the Home Owner(s) and the utility companies.

**Applicants are strongly encouraged to engage the services of professional tradesmen or licensed inspectors to validate the design and actual fabrication of the improvement (or its functional parts) during the course of construction and at completion.**

**If this application is disapproved by the ARC, the applicant may appeal to the BVHOA Board of Directors. All decisions of the BVHOA Board of Directors are indisputably final.**

**I HAVE READ AND FULLY UNDERSTAND THIS DOCUMENT AND AGREE TO ABIDE BY ALL SPECIFICATIONS ABOVE**

Executed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Home Owner(s):

Print Name: \_\_\_\_\_ Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_ Signature: \_\_\_\_\_

**PLEASE DO NOT WRITE BELOW THIS LINE:**

---

**This Application and the Plans and Specifications Submitted with have been:**

**Approved**

**Denied**

**Conditionally Approved based on:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**By:**

Print Name: \_\_\_\_\_ Signature: \_\_\_\_\_

Title: \_\_\_\_\_ Date: \_\_\_\_\_



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## Boat Slip / Bulkhead Construction Improvement

No Mobilization shall commence on any Lot prior to Plans and Specifications being submitted to and Approved by the ARC

DATE: \_\_\_\_\_

LEGAL DESCRIPTION: - SECTION: \_\_\_\_\_ BLOCK: \_\_\_\_\_ LOT: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

TYPE OF IMPROVEMENT: BULKHEAD  BOATSLIP

**PROPERTY:**

OWNER: \_\_\_\_\_

CONTRACTOR NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

PHONE: \_\_\_\_\_

PHONE: \_\_\_\_\_

FAX: \_\_\_\_\_

FAX: \_\_\_\_\_

PROPOSED COMMENCEMENT DATE: \_\_\_\_\_

REQUIRED COMPLETION DATE: \_\_\_\_\_

The undersigned Owner and Builder ("Applicants") hereby request the Bella Vita Architectural Review Committee ("Committee") approval to construct the improvements described above in accordance with the Plans and Specifications submitted with this Application. Applicants represent and agree as follows:

- a) Each application made to the Committee shall be accompanied by:
  - i) Site plan of the lot showing the location and dimensions of all structures and appurtenances.
  - ii) Please note: Boat slip may not exceed seven feet (7') in height above pier. This must be noted on site plan and sketch.
- b) Applicants have read and understand the Deed Restrictions applicable to the above described property and the applicable Construction Regulations and Specifications and state that the improvements will be made in compliance with such Deed Restrictions and Construction Regulations and Specifications.
- c) Applicants understand and agree that if the Committee approves this application and the agreements or representations made by the Applicants are not complied with, the Committee will revoke and rescind its approval of this Application, and the Compliance Deposit will be forfeited.
- d) **In addition to the requirements of the Deed Restrictions and Architectural Review Committee, San Jacinto River Authority ("SJRA") requires permits for all construction of bulkheads, docks, piers, boat sheds etc. on lake front lots.**

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Please submit the following documents to the SJRA permitting office prior to beginning construction on your structure:

1. Applicant must complete the application as thoroughly as possible (Residential Application MUST be filled out as the owner of the property)
2. A set of plans (drawn to scale) and specifications of the structures location and measurements (please see the Drawing Examples page)
3. HOA/POA/ACC approval if required by the homeowner's subdivision and SJRA

If application and plans are in order, and all other requirements have been met, an approval letter and invoice will be forwarded to the homeowner. Upon receipt of the prescribed fee, a construction permit will be issued to the homeowner to begin construction of their structure. The construction permit must be displayed at all times during construction.

*\* No new construction or alterations to facilities may be made without authorization from SJRA.*

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## Bella Vita Adjacent Property Access Agreement Form

Date: \_\_\_\_\_

Project: \_\_\_\_\_ at the residence of: \_\_\_\_\_

Owner: \_\_\_\_\_ Legal: \_\_\_\_\_

Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Neighboring property owned by: \_\_\_\_\_

Address: \_\_\_\_\_ Phone: \_\_\_\_\_

*Permission is requested to be allowed sufficient access for construction.*

Accompanying the submittal of this request, the requesting homeowner/contractor must submit a deposit of \$2,000.00 to cover any damages incurred.

By signing this agreement, I hereby grant permission to:

Company/Contractor: \_\_\_\_\_

To use my property for temporary access to \_\_\_\_\_. I am also aware that the Owner/Customer, for whom the construction is being done, will assume all responsibility for damages, if any, during the normal course of construction.

Neighbor's Signature: \_\_\_\_\_

I do hereby agree to assume all responsibility for any damages that may occur during the normal course of construction of the \_\_\_\_\_ to both my own and my neighbor's property.

Owner's/Customer's Signature: \_\_\_\_\_

Contractor Signature: \_\_\_\_\_

Deposit Received: \_\_\_\_\_ Check# \_\_\_\_\_

# Bella Vita Home Owner's Association, Inc

## CONSTRUCTION REGULATIONS, SPECIFICATIONS AND OTHER GUIDELINES

### FAILURE TO COMPLY WITH REGULATIONS, SPECIFICATIONS AND GUIDELINES COULD RESULT IN FORFEITURE OF DEPOSITS

#### A. ARCHITECTURAL REVIEW COMMITTEE APPROVAL

Prior Architectural Review Committee (ARC) approval in writing is required for:

- the construction of a new residence;
- additions to an existing residence;
- and/or proposed improvements or other alterations to the exterior of the property.

Prior to submitting plans for new construction, proposed alterations, additions, improvements and/or remodeling, the Home Owner is to secure a copy of these Construction Regulations, Specifications and other Guidelines, and a copy of the Deed Restrictions for Bella Vita on Lake Conroe. The designer, builder and Home Owner must review this information and sign the Construction Application verifying that they have read these documents and agree to execute the project within the regulations and specifications defined therein.

The construction application review time is sixty (60) days from the date of the submission of a complete application with complete plans, and complete specifications. **APPLICATIONS, PLANS, AND SPECIFICATIONS WITH ANY MISSING DATA AS LISTED IN THE APPLICATION OR AS LISTED OR REQUIRED UNDER THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF BELLA VITA ON LAKE CONROE WILL BE CONSIDERED INCOMPLETE WITHOUT NOTICE TO THE HOME OWNER. INCOMPLETE APPLICATIONS, PLANS AND SPECIFICATIONS WILL NOT BE CONSIDERED FOR APPROVAL. ANY FAILURE OF THE ARCHITECTURAL CONTROL COMMITTEE TO ACT ON INCOMPLETE APPLICATIONS, PLANS, OR SPECIFICATIONS SHALL NOT CONSTITUTE APPROVAL. ANY FAILURE OF THE ARCHITECTURAL REVIEW COMMITTEE TO ACT ON ANY APPLICATIONS, PLANS, OR SPECIFICATIONS INCONSISTENT WITH OR IN VIOLATION OF THE DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS OR THESE GUIDELINES SHALL NOT CONSTITUTE APPROVAL. ANY COMMENCEMENT OF MOBILIZATION, SITE CLEARING OR CONSTRUCTION PRIOR TO ANY WRITTEN APPROVAL FROM THE ARC WILL RESULT IN A DAILY FINE OF \$100.00.**

#### B. DEFINITION OF APPLICATION DEPOSITS AND FEES

Accompanying the submittal of the Construction Application, the Home Owner must include payment for the following deposits and fees.

In this section any item noted as a deposit is fully or partially refundable as determined by the HOA Board of Directors. Any item noted as a "fee" is non-refundable.

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## New-Home Construction

### **1. Improvement Construction and Clean-up Compliance Deposit - (\$2,500.00) SEPARATE CHECK REFUNDABLE**

For new construction a two thousand five hundred dollar (\$2,500.00) deposit is required to ensure that proper execution and clean-up of the work site and repairs to damages incurred to HOA and other stakeholder assets are repaired throughout the execution of the entire project.

In the event that repairs for damages or clean up services are required by the HOA as a direct result of the Home Owner's contractor(s) or person(s) executing work on the improvement project, the HOA will institute a process to immediately address the issue. A member of the ARC will contact the Home Owner via telephone and or written notification immediately upon discovery. In this notification, the Home Owner will be provided with a detailed description of the issue, the required corrective action and a reasonable time frame required to perform the corrective action prior to the HOA performing the corrective action and deducting the cost from their Improvement Deposit.

In the event that the cumulative value of all HOA required clean up and damage repairs are expended prior to the completion of the improvement project, the HOA will require an additional deposit from the Home Owner of one thousand two hundred and fifty dollars (\$1,250.00) be submitted to insure any possible future clean up or damage repairs that may be required for the remaining duration of the improvement project. Should the Home Owner refuse to provide this additional deposit, a Certificate of Non-compliance will be filed with the county until such deposit is provided.

### **2. Road Fee – (\$1,000.00) SEPARATE CHECK NON-REFUNDABLE**

This road fee will be deposited into the ARC account that has been established by the HOA for future road improvements.

### **3. Processing Fee – (\$250.00) NON-REFUNDABLE**

A processing fee of two hundred and fifty dollars (\$250.00) is required for all new residential construction.

### **4. Community Reserve Fee - (\$1.00 per Sq. Ft.) NON-REFUNDABLE**

- a. Total Foundation +2nd, 3rd Floor air-conditioned space
- b. *Note:* Total foundation = Living areas + Porches + Garage + Patio
- c. Total Square Footage \_\_\_\_\_ X \$1.00 = \$ \_\_\_\_\_

### **5. Architectural Plan Review Fee – (\$200.00) NON-REFUNDABLE**

A fee will be charged to review all documents required under the Check List for Application for Approval by ARC, document BV-ARC-CA-001.

### **6. Water Front Improvement Fee - (\$50.00) NON-REFUNDABLE**

Water front lots with water front improvements that are submitted at the time the new construction application is submitted to the ARC for review will require an additional fifty dollar (\$50.00) fee. Water front improvements submitted for review independent of the new construction application will be subject to the fees as defined in the Minor Repairs and Modifications section of this document.

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## Boat Slip and Bulk heading Construction Improvement

### **1. Improvement Deposit – (\$1,000.00) SEPARATE CHECK REFUNDABLE**

For new construction and/or modifications to existing Boat Slips and/or Bulk heading a one thousand dollar (\$1,000.00) deposit is required to ensure that proper clean-up of the work site and repairs to damage incurred to HOA and other stakeholder assets are repaired throughout the execution of the entire project.

In the event that repairs for damages or cleanup services are required by the HOA as a direct result of the Home Owner's contractor(s) or person(s) executing work on the improvement project, the HOA will institute a process to immediately address the issue. A member of the ARC will contact the Home Owner via telephone and/or written notification immediately upon discovery. In this notification, the Home Owner will be provided with a detailed description of the issue, the required corrective action and reasonable time frame to perform the corrective action prior to the HOA performing the corrective action and deducting the cost from their Improvement Deposit.

In the event that the cumulative value of all HOA required clean up and damage repairs are expended prior to the completion of the improvement project, the HOA will require an additional deposit from the Home Owner of two hundred dollars (\$1,000) be submitted to insure any possible future clean up or damage repairs that may be required for the remaining duration of the improvement project. Should the Home Owner refuse to provide this additional deposit, a Certificate of Non-compliance will be filed with the county until such deposit is provided.

## **“Other” Improvement (Minor Repairs and Modifications)**

### **1. Improvement Deposit – (\$200.00) SEPARATE CHECK REFUNDABLE**

For minor repairs and/or modifications to existing residences a two hundred dollar (\$200.00) deposit is required to ensure that proper clean-up of the work site and repairs to damage incurred to HOA and other stakeholder assets are repaired throughout the execution of the entire project.

In the event that repairs for damages or cleanup services are required by the HOA as a direct result of the Home Owner's contractor(s) or person(s) executing work on the improvement project, the HOA will institute a process to immediately address the issue. A member of the ARC will contact the Home Owner via telephone and/or written notification immediately upon discovery. In this notification, the Home Owner will be provided with a detailed description of the issue, the required corrective action and reasonable time frame to perform the corrective action prior to the HOA performing the corrective action and deducting the cost from their Improvement Deposit.

In the event that the cumulative value of all HOA required clean up and damage repairs are expended prior to the completion of the improvement project, the HOA will require an additional deposit from the Home Owner of two hundred dollars (\$200) be submitted to insure any possible future clean up or damage repairs that may be required for the remaining duration of the improvement project. Should the Home Owner refuse to provide this additional deposit, a Certificate of Non-compliance will be filed with the county until such deposit is provided.

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## 2. Processing Fee – (\$50.00) SEPARATE CHECK NON-REFUNDABLE

A processing fee of fifty dollars (\$50.00) is required for all minor repairs and/or modifications to existing residences.

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## CONSTRUCTION RULES AND GUIDELINES

### Violation of Construction Regulations and Specifications

Violation of this document or the Declaration of Covenants, Conditions and Restrictions of Bella Vita on Lake Conroe may result in a one hundred dollar (\$100.00) per day and/or per incident fine assessed by the Board of Directors of the HOA. Typical violations that may result in this fee being assessed are as follows:

- Construction trash and debris not cleaned up (must have port-A-can and Dumpster on site before construction starts)
- Excessive dirt in the street
- Use of dirt for access over the road curbs
- No protective construction fencing and erosion control/silt fencing
- Over-grown grass
- Accessing or using adjacent or other lots without acquiring written authorization from the Home Owner
- Failure to complete Home construction within the three hundred and sixty (360) day allowed construction duration.

Any additional time and expenses required by the ARC or HOA Board of Directors for addressing the builder guidelines after the initial review and for addressing violations during construction will be deducted from the Improvement Deposit. **A twenty-five dollar (\$25) fee will be assessed for every written notification of a violation.** This amount is in addition to any other fees or expenses incurred as a result of the violation.

### Clearing and Tree Removal

No brush cutting and/or tree removal work may be performed on any lot until the following conditions are met:

1. Home Owner has shown the location of the lot boundary lines and easement lines.
2. Home Owner has shown the location of the proposed residence, garage (if detached), Porte Cochere (if applicable) and drive by or other improvement means of "string lines" or other approved means on the property.
3. Home Owner has marked the trees to be removed.
4. Home Owner has written approval to proceed with improvement project from the ARC.

No trees shall be cut or removed except to provide room for construction of improvements or to remove dead, diseased or unsightly trees.

It is the ARC's position that Home Owners who violate this restrictive covenant should be held accountable for the damage they cause to the Subdivision. Therefore, the ARC hereby gives notice that it intends to demand payment of damages from Home Owners who violate the foregoing Construction Rules and Guidelines. The construction deposit entitled "Improvement Deposit" as described herein will be used to cover such damages as described in this section. The value of the monetary obligation that will



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be assessed for such damage to trees not planned for removal will be set by the ARC with approval by the HOA Board of Directors.

Following an inspection of this activity by a representative of the ARC and a determination by such representative of whether the residence and improvements, including access of garage and porte cochere are in harmony with the existing structures, the ARC will advise the Home Owner if construction can commence. The Home Owner shall be held accountable for all damage to trees not scheduled for removal during the tree removal work. Tree protection shall be maintained during tree removal and construction as directed by the ARC.

**Foundations**

All foundations must be designed by a licensed Professional Engineering Licensed in the State of Texas. The Engineer's license must be current with the Texas Board of Professional Engineers. The finished slab elevation for all structures shall be above 207 feet mean sea level, and also shall be above the 100 year flood plain as established by Commissioner's Court of Montgomery County, Texas, the Montgomery County Engineers Office, and other applicable governmental authorities. All residential foundations/slabs for all Lots in the Properties must be a minimum of twelve (12) inches above finished grade of the Lot at the foundation perimeter.

**Codes and Standards**

All improvement projects must comply with the current codes and standards defined in the Southern Standard Building Code, International Residential Code, the National Electrical Code and any specific codes defined by Montgomery County, San Jacinto River Authority or the State of Texas.

**Site Clearing and Maintenance**

All building sites shall be kept clean and materials stored in an orderly manner. BURNING of any items is strictly prohibited on any lot in Bella Vita on Lake Conroe.

The storage or placement of any construction materials on adjacent lots is strictly prohibited unless adjacent lot is owned by the person performing the improvements or a letter is submitted to ARC from adjacent lot owner allowing construction access and storage to the person performing the improvements.

During site clearing and construction, access to each lot shall be limited to the proposed location of the driveway. THE PLACEMENT OF DIRT TO BRIDGE OVER CURBS IS STRICTLY PROHIBITED. Only timber is allowed for this purpose and must be removed between periods when access to the lot by construction equipment is not required. The streets must be kept free of excess dirt and construction debris.

**Garbage Containment**

Construction debris containers must be provided for the retention of all construction materials including CONTRACTOR REFRESHMENT OR FOOD CONTAINERS. ALL construction debris MUST be contained in such containers.

Garbage containers, at a minimum, must be on site prior to striping of foundation forming materials.

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## **Port-A-Cans**

Port-A-Can facilities must be available at all job sites prior to the start of site clearing. These facilities must be maintained at all times in a clean and sanitary condition during the site clearing and construction of the improvements. Failure to comply with this requirement will constitute cause for the ARC and HOA to file a Certificate of Non-compliance due to un-sanitary conditions.

## **Job Site Access**

The permitted working times are from 8:00 AM to 7:00 PM Monday through Saturday. No construction activity may be conducted on Sundays. ALL WORKERS MUST BE CLEAR OF JOBSITE BY 7:00 PM EVERY WORK DAY. Please ensure that your builder is aware of these requirements.

All vehicles are to observe a thirty (30) mile per hour maximum speed limit.

## **Concrete Washout**

Concrete trucks are to wash the residual from their trucks onto the lot where the concrete is installed. It is the Home Owner's responsibility to ensure that all concrete washout materials are removed prior to completion of construction.

## **Alcohol and Drug Use**

The Bella Vita Home Owners Association and Architectural Review Committee have a zero tolerance for the consumption or use of Alcohol or illegal drugs by workers on an improvement project approved by the ARC. If any worker is observed to be in violation of this Alcohol and Drug Use policy, local law enforcement will be called.

## **Proof of Insurance**

The Home Owner will be required, upon request, to provide the ARC with proof of liability insurance on the Building Contractor prior to the start of site clearing or improvement construction. Bella Vita Home Owner Association is not responsible for accidents or injury of any nature in which contractor personnel are involved. The Bella Vita Home Owner Association, Inc. holds the Home Owner and General Building Contractor responsible for any and all damage incurred to Bella Vita on Lake Conroe Home Owner Association assets by Home Owner and General Building Contractor, subcontractors, suppliers or any other entity under the management or control of the Home Owner and or General Building Contractor.

## **Signage**

One (1) sign is allowed on construction site or improved lot no larger than six (6) square feet in size.

One (1) General Contractor sign is allowed at the construction site while the improvements are under construction. Prior to installation of the sign, the Contractor must get approval from the ARC for the size, appearance and installation of the sign.

Absolutely no signs are allowed on un-improved lots.

# Bella Vita Home Owner's Association, Inc

At such time that the home is offered or listed by real estate company or other "For Sale", the Contractor sign must be removed from the premises prior to installation of "For Sale" or real estate company signage.

No signs are to be posted to trees. All signs are to be double posts or as otherwise directed by the ARC.

Immediately after Home Owner takes possession of property, Contractor and Realtor's signage must be removed.

No subcontractor sign is allowed advertising work done at the location. This includes but is not limited to the following: landscaping, pool builders, roofers, deck builders, etc.

By the authority of the Declaration of Covenants, Conditions and Restrictions of Bella Vita on Lake Conroe, the Architectural Review Committee has the right to remove any and all un-authorized signs.

## **Construction Fencing Policy**

Protective fencing is required on the side and back property lines as well as around trees to be saved during construction on every lot.

Silt fencing must be installed on road frontage at the curb, sides and back where slope is toward the road in front, toward the lake and or bulk head in back, and toward neighboring lots on sides. An allowance is made for site access in the future location of the drive way. This access is to be no more than fifteen (15) feet in width. Protective fencing is not required on sides that require silt fencing.

These protective fences must be in place upon completion of site clearing and prior to the start of foundation work.

## **Display of Flags**

These Guidelines apply to the display of: a. the flag of the United States; b. the flag of the State of Texas; and c. the official flag of any branch of the United States armed forces ("Permitted Flags"):

Permitted Flags may be displayed subject to these guidelines. Advance written approval of the ARC is required for the display of Permitted Flags. Permitted Flags shall be no larger than three foot (3=) by five foot (5=) in size. Permitted Flags shall only be permitted on the side of a home on a lot, and with prior written approval of the ARC.

## **Rainwater Recovery Systems**

Rainwater Recovery Systems may be installed with advance written approval of the ARC subject to these guidelines. 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.

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 shall be accomplished by burying the tanks or barrels. Overflow lines from the Systems must not be directed onto or adversely affect adjacent properties or common areas. Inlets, ports, vents and other openings must be

# Bella Vita Home Owner's Association, Inc

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.

## **Solar Energy Devices**

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. Such Devices may only be installed with advance written approval of the ARC subject to these guidelines. 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.

Such Devices must not be visible from any location within the Subdivision.

## **Declaration of Covenants, Conditions and Restrictions of Bella Vita on Lake Conroe**

It is the Home Owner's responsibility to ensure that the improvements made to the property comply with all Covenants, Conditions and Restrictions of Bella Vita on Lake Conroe, these Construction Regulations, Specifications and other Guidelines, and any amendments thereto. Any failure of the Home Owner's or General Contractor to comply with all the Covenants, Conditions and Restrictions of Bella Vita on Lake Conroe, these Construction Regulations, Specifications and other Guidelines and any amendments thereto may result in any remedy permitted by law, including the filing of a Certificate of Non-compliance in the Real Property Records of Montgomery County and all deposits paid by the Home Owner to the Home Owners Association related to the improvement at issue may be forfeited.

# Bella Vita Home Owner's Association, Inc

## BELLA VITA HOMEOWNERS ASSOCIATION, INC.

### LANDSCAPING GUIDELINES

#### Violation of Landscaping Regulations and Specifications

**Violation of this document or the Declaration of Covenants, Conditions and Restrictions of Bella Vita on Lake Conroe may result in a one hundred dollar (\$100.00) per day and/or per incident fine assessed by the Board of Directors of the HOA.** Typical violations that may result in this fee being assessed are as follows:

- Trees and shrubbery that do not meet minimum requirements as set forth in the Declaration of Covenants, Conditions and Restrictions of Bella Vita on Lake Conroe under Article VI, Architectural Restrictions, Section 12.
- The use of trees, shrubbery and plants that are not listed on the approved landscaping materials list, attached hereto and made a part hereof.
- Accessing or using adjacent or other lots without acquiring written authorization from the Home Owner

Any additional time and expenses required by the Architectural Review Committee ("ARC") or HOA Board of Directors for addressing the landscaping guidelines after the initial review and for addressing violations during landscaping will be deducted from the Improvement Deposit. **A twenty-five dollar (\$25) fee will be assessed for every written notification of a violation.** This amount is in addition to any other fees or expenses incurred as a result of the violation.

#### Landscaping

No tree, shrubbery or plant may be placed in the ground on any lot until the following conditions are met:

1. Home Owner has shown the location of the lot boundary lines and easement lines.
2. Home Owner has marked the location of the proposed landscaping sites on the property.
3. Home Owner has written approval to proceed with improvement project from the ARC.

#### Xeriscaping

Drought-resistant landscaping or water-conserving natural turf will be allowed if the following conditions are met:

1. A detailed plan for the design installation, including but not limited to, the name or type of plants and/or materials to be used and the planned location of the installation is submitted
2. Proposed landscaping plan must remain in harmony with the overall appearance and aesthetics of the subdivision, while still promoting water conservation
3. Synthetic or artificial turf is prohibited

# Bella Vita Home Owner's Association, Inc

It is the ARC's position that Home Owners who violate this restrictive covenant should be held accountable for the damage they cause to the Subdivision. Therefore, the ARC hereby gives notice that it intends to demand payment of damages from Home Owners who violate the foregoing Landscaping Rules and Guidelines. The construction deposit entitled "Improvement Deposit" as described herein will be used to cover such damages as described in this section. The value of the monetary obligation that will be assessed for failure to adhere to these Landscaping Rules and Regulations will be set by the ARC with approval by the HOA Board of Directors.

Following an inspection of this activity by a representative of the ARC and a determination by such representative of whether the landscaping plans are in harmony with the existing structures, the ARC will advise the Home Owner if landscaping can commence. The Home Owner shall be held accountable for all damage caused by landscaping contractor.

## **Proof of Insurance**

The Home Owner will be required, upon request, to provide the ARC with proof of liability insurance on the Landscaping Contractor prior to the start of site landscaping. Bella Vita Home Owner Association is not responsible for accidents or injury of any nature in which contractor personnel are involved. The Bella Vita Home Owner Association holds the Home Owner and General Landscaping Contractor responsible for any and all damage incurred to Bella Vita on Lake Conroe Home Owner Association assets by Home Owner and General Landscaping Contractor, subcontractors, suppliers or any other entity under the management or control of the Home Owner and or General Landscaping Contractor.

No subcontractor sign is allowed advertising work done at the location. This includes but is not limited to the following: landscaping, pool builders, deck builders, etc.

Absolutely no signs are allowed on un-improved lots.

By the authority of the Declaration of Covenants, Conditions and Restrictions of Bella Vita on Lake Conroe, the Architectural Review Committee has the right to remove any and all un-authorized signs.

## **Declaration of Covenants, Conditions and Restrictions of Bella Vita on Lake Conroe**

It is the Home Owner's responsibility to ensure that the improvements made to the property comply with all Covenants, Conditions and Restrictions of Bella Vita on Lake Conroe, these Construction Regulations and Specifications and any amendments thereto. Any failure of the Home Owner's or General Landscaping Contractor to comply with all the Covenants, Conditions and Restrictions of Bella Vita on Lake Conroe, these Landscaping Regulations and Specifications and any amendments thereto may result in the filing of a Certificate of Non-compliance in the Real Property Records of Montgomery County and all deposits paid by the Home Owner to the Home Owners Association related to the improvement at issue may be forfeited.

# Bella Vita Home Owner's Association, Inc

## EROSION CONTROL REQUIREMENTS

### FOR RESIDENTIAL BULKHEADING AND BOAT SLIP CONSTRUCTION

All property owners will be responsible to maintain all erosion caused by this construction. Property owners are responsible for removing or leveling all excess dirt left on the property after construction is completed. Property owners will be required to maintain proper Erosion Control Management. This includes either properly installed sod or properly installed erosion control blankets with silt fencing and grass seed. The property owner shall also repair any damage to asphalt and ditch crossing used to access property. Failure by the property owner to perform the work described above within 15 business days of the date of the H.O.A. approval letter will result in a fine. Bella Vita H.O.A. will not be held liable for any damages caused by this construction activity.

**By signing below I have read and agreed to the conditions described above.**

\_\_\_\_\_  
Contractor Company Name (printed)

\_\_\_\_\_  
Property Owner Name (printed)

\_\_\_\_\_  
Contractor Name (printed)

\_\_\_\_\_  
Property Owner Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Contractor Signature

\_\_\_\_\_  
Date

# Bella Vita Home Owner's Association, Inc

## Composite Building Site Approval

Please complete this request for Composite Building Site Approval and forward it to the Association's Property Management Company, either by mail, fax or email:

Stanley & Payne Property Executives, LLC  
2251 N Loop 336 W, Ste. C, Conroe, TX 77304  
Phone: 936-521-6900 Fax: 936-521-6901  
eleece@sppelc.com

Legal Description: BV Section \_\_\_\_\_ Block \_\_\_\_\_ Lot(s) \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

Physical Address of Composite Building Site: \_\_\_\_\_

Property Owner(s) name (s) \_\_\_\_\_

Phone: \_\_\_\_\_ 2<sup>nd</sup> phone: \_\_\_\_\_ Email: \_\_\_\_\_

### **Bella Vita Declarations- Article I, Definitions, Section 6**

“Lot” shall mean and refer to any of the numbered lots shown on a recorded plat of the Properties intended for the construction of a residence, excluding all reserve tracts shown on a plat. The Owner of one or more adjacent Lots shall have the right to consolidate such Lots into a single Lot by re-platting such adjacent Lots. If adjacent Lots are re-platted as a single Lot, they shall be considered as a single Lot for the purpose of assessments levied by the Association pursuant to this Declaration and voting at the time the re-plat is recorded in the plat records of Montgomery County, Texas. If adjacent Lots are not re-platted as a single Lot, assessments by the Association and voting shall continue based on the number of Lots shown on the original plat.

**ACKNOWLEDGEMENT REGARDING MEMBERSHIP MAINTENANCE CHARGES AND VOTING RIGHTS:** I understand that a composite building site, if re-platted as required by the Bella Vita Declarations, that the resulting lot is considered one (1) lot for purposes of maintenance charge and that, according to the Bella Vita Declarations-Article III, Voting Rights, Section 4, Class A Members shall be entitled to one (1) vote for each Lot owned within the Properties. By combining lots by way of re-platting, I am reducing the number of votes I am eligible to cast in Bella Vita Association elections.

I further understand if home construction is permitted by the Bella Vita Architectural Review Committee on adjacent lots, without re-platting such lots, each lot is considered one (1) lot for purposes of maintenance charge and that, according to the Bella Vita Declarations-Article III, Voting Rights, Section 4, Class A Members shall be entitled to one (1) vote for each Lot owned within the Properties. By not replatting the adjacent lots, I am not reducing the voting rights attributable to each lot, but I am also required to pay maintenance charges attributable to each lot.

Property Owner(s) Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Bella Vita ARC Approval: \_\_\_\_\_ Date: \_\_\_\_\_

After completing the Request for Composite Building Site Approval, please mail, fax, or deliver to the BV HOA community manager at: 2251 N. Loop 336W Ste. C, Conroe, TX 77304.



# Bella Vita Home Owner's Association, Inc

## Development and Construction Standards and Guidelines

The following standards and guidelines shall apply to all construction, excavating, tree removal, landscaping or any other change to the grounds of a single-family home site (lot) within the Bella Vita community.

**A. Start of Construction.** No lot clearing, equipment or Construction preparation will be permitted until all required governmental permits are obtained and formal written approval of the ARC has been granted.

**B. Site Requirements.** All sites must have a Dumpster, Port-A-Can, construction fencing and erosion/silt fencing during the building process.

**C. Construction Hours.** Construction working hours shall be from 8:00 am to 7:00 pm, Monday through Saturday, except on certain holidays. No Construction work on Sunday. Additional hours may be provided upon approval of the ARC.

**D. Site Clean-Up.** All construction sites must be maintained in a neat and orderly fashion. Grass must be trimmed and not overgrown. Trash from construction work will be contained in a trash dumpster or suitable method that will assure constant containment and stockpiling of the trash until removal from the site. The Builder is responsible for trash that blows off the site and shall retrieve such trash immediately. There will be no stockpiling or dumping on adjacent lots or on streets. Trash not removed will be removed by the HOA and billed to the responsible Builder. Contractors will use only the utilities provided on the immediate site on which they are working.

**E. Builder's Signage.** During construction, one standard sign approved by the HOA shall be allowed within the front set-back of the lot to help sub-contractors and others locate the particular lot within the development. This sign must be removed upon issuance of the Certificate of Occupancy unless the home was built for sale. The builder sign must be removed if a Sale/Available sign is posted. **NO SIGN PERMITTED ON AN UN-IMPROVED LOT.**

**F. Construction Damage.** Any damage to property including streets and curbs, Gates, drainage inlets, street lights, street markers, mailboxes, walls, etc., may, at the HOA election, be repaired and billed to the Builder.

**G. Construction Spillages.** Operators of vehicles are requested to see that they do not spill any damaging material while within the Bella Vita community. If spillage of a load occurs, operators are responsible for cleaning up. Clean-ups done by the HOA will be billed to the Builder. Please report any spills as soon as possible.

**H. Telephone/Cable TV Lines.** If any telephone, cable television, electrical, water, etc. lines are cut, it is the contractor's responsibility to report the accident to the Builder and HOA within 30 minutes.

**I. Construction Site Appearance.** All personnel working in the Bella Vita community are to keep all areas in which they work free of discarded materials such as lunch bags and odd materials. Objects should not be thrown out of cars and trucks. NO parking of vehicles, or use in any way of adjacent properties without written approval from the HOA/Owner.

# Bella Vita Home Owner's Association, Inc

**J. Loud Noises Levels.** Loud radios or noise will not be allowed within the Bella Vita community. This is distracting and discomforting to property owners. Normal radio levels are acceptable. Do not mount speakers on vehicles or outside of homes under construction.

# Bella Vita Home Owner's Association, Inc

BELLA VITA HOMEOWNERS ASSOCIATION, INC.

## REQUEST FOR REFUND OF ARC DEPOSIT BY PROPERTY OWNER

Please complete this request for refund form and forward it to the Association's Property Management Company, either by mail, fax or email:

Stanley & Payne Property Executives, LLC  
2251 N Loop 336 W, Ste. C  
Conroe, TX 77304  
Phone: 936-521-6900  
Fax: 936-521-6901  
[anne@sppellc.com](mailto:anne@sppellc.com)

### Information to Be Supplied by Property Owner

Lot Description: Section \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_

Name of Property Owner: \_\_\_\_\_

Contact Information: \_\_\_\_\_

Address

City

Zip

Telephone and Email

1. Has all construction activity on the residence been completed? YES or NO
2. Has ALL construction trash and debris been removed from the property? YES or NO

Request Submitted by: \_\_\_\_\_ on \_\_\_\_\_, \_\_\_\_\_  
Property Owner Date

Request Approved by: \_\_\_\_\_ on \_\_\_\_\_, \_\_\_\_\_  
Architectural Review Committee Date

Refund of the Building Deposit will be mailed within thirty (30) days from the date this request is approved by the Architectural Review Committee.

Amount of Original Deposit \$ \_\_\_\_\_

Amount of Approved Refund \$ \_\_\_\_\_

Check # \_\_\_\_\_ Date: \_\_\_\_\_

ARC Packet – August 2014 25 of 25  
Previous versions obsolete

Owner \_\_\_\_\_ Owner \_\_\_\_\_ Builder \_\_\_\_\_ \*\* Applicants' initials indicate understanding and acceptance.

**FILED FOR RECORD**

02/25/2015 1:58PM



COUNTY CLERK  
MONTGOMERY COUNTY, TEXAS

**RECORDER'S MEMORANDUM:**  
At the time of recordation, this instrument was found to be inadequate for the best photographic reproduction because of the illegibility, carbon or photo copy, discolored paper, etc. All black-outs, additions and changes were present at the time the instrument was filed and recorded.

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.

**02/25/2015**



County Clerk  
Montgomery County, Texas