



Property Owners Assoc., Inc.
15816 Malibu East
Willis, TX 77318

BEFORE YOU BUILD!
**REQUIREMENTS OF CAPE MALIBU
PROPERTY OWNERS ASSOCIATION**

(Please initial box on the left as you have completed each requirement)

Compliance with the deed "Restrictions and Covenants" of Cape Malibu is necessary. Please study the attached copy carefully since there are specific restrictions which will affect your construction plans regarding land use, easements, building sites, location on lot, building type and size, sequence of building, temporary structures, water and sanitary systems, and other provisions designed for safe-guarding and enhancing the value of your investment.

Cape Malibu highly values the natural environment, as such, it is expected that your architectural plans identifies on your lot plot, existing trees, with greater than a 8 inch diameter, and indicates the minimum number of trees that will be needed to be removed for Construction of your new home.

You must furnish the Architectural Control Committee (ACC) with a copy of a recent Certified Survey. Your lot corners must be clearly marked for inspection by the Committee.

You must have the San Jacinto River Authority septic permit before starting construction. The current procedure for obtaining one is; (a) Contact a Registered Sanitarian or a Professional Engineer to perform a site evaluation, (b) The person selected must design a system based upon the site evaluation, (c) Submit an application with the site survey and system plan attached. The San Jacinto River Authority will issue a permit. The names of Registered Sanitarians, Professional Engineers and Licensed installers are available in the office of the River Authority. **The CMPOA Architectural Control Committee prefers aerobic type systems with any exception to be reviewed by the CMPOA BOARD.**

You must obtain a permit from the San Jacinto River Authority for the construction of a boat dock. The current procedure for obtaining one is (a) Contact a Registered Marine Construction or a Professional Engineer to perform a site evaluation, (b) The person selected must design the dock based upon current SJRA regulations and size limits, and be compliant with Cape Malibu Architectural guidelines. (c) Submit an application with dock building plan, plot layout and an approval letter from the ACC. The San Jacinto River Authority will issue a permit. There is an annul license fee required for the dock.

You must obtain an irrigation license from the SJAC giving the rights to pump water from the Lake to water your lawn. This license requires an annual fee.

To obtain permission to build a bulkhead on your lot requires a permit issued by the U. S. Corp of Engineers located in Galveston. There is no fee required at this time but the Corp. is required to make an onsite inspection of the area before a permit will be issued. This means that some time is required to obtain the license.

Submit two copies of your plans, including the plot plan, construction specifications, plans of septic system, and a **non-refundable (if the plans are approved) deposit of \$400.00** (make check out to CMPOA; this is to cover the cost of any repair due to damage from construction equipment or delivery vehicles), to the Architectural Control Committee Chairman at least thirty days before anticipated ground-breaking. **Your house plan, plot plan, bulkhead and boat dock (if applicable) plus septic layout must be professionally drawn or equivalent.** One copy will be kept in CMPOA files and the other returned to you with notation of approval or with specified modifications if such are needed. **Please submit all required documents together at one time.**

Apply to Cape Malibu Water Supply Corporation (CMWSC) for a water tap at least thirty days before water is needed. At that time you must sign an agreement permitting inspection of the plumbing facilities to prevent any possible unknown cross-connections or sources of contamination. Following construction and before occupancy the Operator for a fee must perform a Customer Service Inspection. If any backflow preventers are installed, including lawn sprinkler systems, the new owner must have the unit tested by a State Licensed technician with a copy of the report sent to the Operator. All backflow preventers must be tested every three years by a licensed inspector selected by the owner. **An independent Operator manages CMWSC activities.**

Certain requirements are not detailed in the Deed Restrictions. The Architectural Control Committee will not approve wood shingle roofs. Also, all exterior construction, house, garage and any other building, including painting, must be completed within twelve months after plan approval by the ACC.

The mean elevation of the normal pool of Lake Conroe is 201 feet M. S. L. (mean sea level). The 100-year floodplain of Lake Conroe is 203 feet M. S. L. The San Jacinto River Authority has an easement to raise the level of Lake Conroe to 207 feet M. S. L. Finished floor elevations should be built at least 207 feet M. S. L. for lake front lots.

Should there be a conflict between the requirements to build a house with a slab at 207 M. S. L. elevation and the height restrictions in paragraph 1, the ACC can approve (with Board Agreement) an exception to the height restrictions.

One of the outstanding features of Cape Malibu is the dense growth of trees throughout the subdivision. To maintain this pleasant environment CMPOA expects all owners, when building, to keep as many trees standing as possible to enrich the property values of the homes. **Any trees over five (5") inches in diameter on CMPOA street right-of-way (sixty (60) feet wide) must not be**

removed without Architectural Control Committee approval. This applies to all trees including those, which may block access to a driveway. Approval will not be unreasonably withheld.

No cutting of trees, eight (8") inches in diameter or larger, is allowed before building plans have been approved by the ARCHITECTURAL CONTROL COMMITTEE except for dead trees and/or to prevent danger to adjacent structures or roadways.



Driveway culverts, **when needed**, should have a minimum diameter of eighteen (18") inches. Smaller diameter culverts, but not smaller than 12 inches in diameter, may be approved by the ACC when the change of elevation across the entire lot is small. Also driveways should be designed to divert storm runoff away from garages and other openings to the house.



Construction materials and debris must be kept picked up during construction. Excess cement must not be discharged by the cement contractor on the roadside or on vacant lots inside Cape Malibu. Portable Toilets are required to be on the premises of any home construction until the plumbing facilities are operable in the house. Please inform your contractor of these requirements. Infractions not timely remedied by the Contractor will be cleaned up by CMPOA and charged to the Owner.



A meeting with the General Contractor, the property owner, and a member of the Architectural Control Committee should be held before final approval.

RECOMMENDATIONS OF CAPE MALIBU PROPERTY OWNERS ASSOCIATION

Signs allowed by the Restrictions and Covenants are not to be attached to trees.

The ACC will not approve any plans when an owner is past due on account with CMPOA.

Before starting construction you must obtain a building permit from the Montgomery County Engineering Permit Department. This document is to be displayed during construction. A letter, obtained from the Water Operator, stating that potable water will be provided by Cape Malibu Water Supply Corp. is required for the building permit.

Obtain a General Warranty Deed on your property before building. Do not build if you only have a "Contract for Deed" since you do not own the lot and liens maybe placed on it through no fault of yours.

Treat the ground for termites before pouring your foundation.

Please return signed copy to the Architectural Control Committee.

Your signature below represents acceptance of these requirements.

David R. Stewart

Signature of Property Owner Required by CMPOA

This document was reviewed and approved by the Board of Directors at the regular meeting on June 3, 2003.

Cape Malibu Property Owners Association

By: David R. Stewart
David Stewart, President

ACKNOWLEDGEMENT

STATE OF TEXAS

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COUNTY OF MONTGOMERY

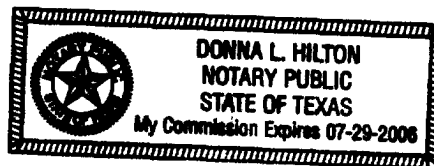
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This instrument was acknowledged before me on 6/17/, 2003, David Stewart, president of Cape Malibu Property Owners Assoc, Inc., a Texas non-profit corporation.

Donna L. Hilton

Notary Public in and for
The State of Texas



FILED FOR RECORD

2003 JUN 18 AM 11:04

Mark Tubball
COUNTY CLERK
MONTGOMERY COUNTY, TEXAS

STATE OF TEXAS
COUNTY OF MONTGOMERY

I hereby certify this instrument was filed in File Number Sequence on the date and at the time stamped herein by me and was duly RECORDED in the Official Public Records of Real Property at Montgomery County, Texas.

JUN 18 2003



Mark Tubball
County Clerk
Montgomery County, Texas