


**CORPORATE CERTIFICATE**  
**BELLA VITA HOMEOWNERS ASSOCIATION, INC.**

The undersigned certifies that he is the President of Bella Vita Homeowners Association, Inc. (the "Association"). The Association is the property owners' association for Bella Vita, Section 1, a subdivision in Montgomery County, Texas, according to the map or plat thereof recorded in the Map Records of Montgomery County, Texas (the "Subdivision").

The Association is a Texas non-profit corporation, and attached to this certificate is a true and correct copy of the **Architectural Review Committee Packet of Bella Vita Homeowners Association, Inc.**

Signed this 21<sup>st</sup> day of February, 2013.

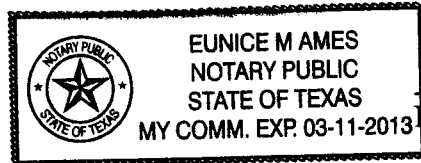
**BELLA VITA HOMEOWNERS ASSOCIATION, INC.**

By:   
JOHN KIEVIT, President

STATE OF TEXAS §

COUNTY OF MONTGOMERY §

SWORN TO AND SUBSCRIBED BEFORE ME on the 21<sup>st</sup> day of February, 2013, by JOHN KIEVIT, President of BELLA VITA HOMEOWNERS ASSOCIATION, INC., a Texas non-profit corporation, on behalf of said corporation.



  
NOTARY PUBLIC, State of Texas

THE STATE OF TEXAS §

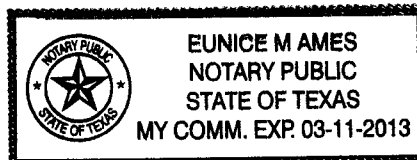
COUNTY OF MONTGOMERY §

This instrument was acknowledged before me on the 21<sup>st</sup> day of February, 2013, by JOHN KIEVIT, President of BELLA VITA HOMEOWNERS ASSOCIATION, INC., a Texas non-profit corporation, on behalf of said corporation.

  
NOTARY PUBLIC, State of Texas

**AFTER RECORDING RETURN TO:**

Bryan P. Fowler  
The Fowler Law Firm  
300 West Davis, Suite 510  
Conroe, Texas 77301



# **ARCHITECTURAL REVIEW COMMITTEE PACKET**

**BELLA VITA HOMEOWNERS ASSOCIATION, INC.**

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

Legal Description:	Block: _____	Lot: _____	
Home Owner:	_____	General Contractor:	_____
Address:	_____	Address:	_____
	_____		_____
Phone	_____	Office Phone:	_____
Mobile	_____	Mobile:	_____

Proposed Improvements:

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

Required Completion Date: \_\_\_\_\_ (Six Months After Proposed Start Date)

The Undersigned ("Home Owner(s)") hereby request Bella Vita on Lake Conroe Architectural Review Committee ("Committee") 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.

- 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 any required Deposits or Fees dictated in the Construction Regulations and Specifications Document:
  - Sign 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 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
- 10. A complete list of **Contractors** provided on **Gate Access form** for entry code.
- 11. An Acknowledgement of Construction Guidelines initialed.

**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, CONDITONS, AND RESTRICTIONS OR BELLA VITA ON LAKE CONROE SHALL NOT CONSTITUE APPROVAL.**

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

**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:** \_\_\_\_\_

# BELLA VITA HOMEOWNERS ASSOCIATION, INC.

## CONSTRUCTION REGULATIONS, SPECIFICATIONS AND OTHER GUIDELINES

### 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 based on the discretion of the HOA Board of Directors. Any item noted as a FEE is non-refundable.

## New Construction

### 1. **Improvement Deposit - (\$2,500.00) SEPARATE CHECK REFUNDABLE**

For new construction a one thousand two hundred and fifty dollar (\$1,250.00) 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. **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.

### 5. **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.

The total fees and deposits required for new construction without water front improvements is \$2,450.00

The total fees and deposits required for new construction with water front improvements is \$2,500.00.



## **Minor Repairs and Modifications**

### **1. Improvement Deposit – (\$500.00) 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.

### **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.

## **C. 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:

- Excessive dirt in the street
- Use of dirt for access over the road curbs
- No protective construction fencing and erosion control/silt fencing
- Accessing or using adjacent or other lots without acquiring written authorization from the Home Owner
- Failure to complete construction within the two hundred and seventy (270) 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 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.

### **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.

### **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 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.

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.

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.

### **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 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 HOMEOWNERS ASSOCIATION, INC.

## Landscape Regulations and Specifications

### 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 place in the ground on any lot until the following conditions are met:

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

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 HOMEOWNERS ASSOCIATION, INC.

## Boat Slip and Bulkheading Application

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

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

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

TYPE OF IMPROVEMENT: BULKHEAD  BOATSLIP

**PROPERTY:**

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

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

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

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

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

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

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

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

**NOTE: IF THERE ARE ANY POA DUES, FEES, OR FINES OUTSTANDING, THEY MUST BE PAID TO START THE APPLICATION PROCESS.**

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 **must** be centered on lot, 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.

In addition to the requirements of the Deed Restrictions and Architectural Review Committee, San Jacinto River Authority requires permits for all construction of bulkheads, docks, piers, boat sheds etc. on lake front lots.



**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 HOMEOWNERS ASSOCIATION, INC.**  
**REQUEST FOR 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  
[helen@sppellc.com](mailto:helen@sppellc.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 replatting such adjacent Lots. If adjacent Lots are replatted 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 replat is recorded in the plat records of Montgomery County, Texas. If adjacent Lots are not replatted 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 replatted 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 replatting, 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 replatting 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 HOMEOWNERS ASSOCIATION, INC.

### Acknowledgement of Construction Guidelines for Bella Vita

The Association in an effort to maintain the highest standards and consideration of the residents and Community living in BellaVita, would like to remind the Builders of the Guidelines for Construction.

Please see the below guidelines and initial that you acknowledge all requirements for construction out at Bella Vita HOA.

\_\_\_\_\_ Construction hours are from Monday thru Saturday 8am to 7pm. Sundays prohibited. All Workers must be clear of jobsite by 7:00pm every day!!! Fines or Fees will be issued to any contractor in violation, against Construction Deposit. (Please see Fine and Fee policy for Bella Vita)

\_\_\_\_\_ Construction sites should be maintained clean and materials stored in an orderly manner.

\_\_\_\_\_ Please take measures to prevent and clean-up excessive dirt in the street and curbs.

\_\_\_\_\_ All sites must have construction fencing and erosion/silt fencing during the building process.

\_\_\_\_\_ No accessing or using adjacent or other lots for storing Construction material without acquiring written authorization from the HOA/Home owner.

\_\_\_\_\_ All construction debris MUST be contained in a construction containers.

\_\_\_\_\_ Port-A-Can facilities must be available at all job sites and kept maintained.

\_\_\_\_\_ All Builders MUST request a gate code from Management Company and use for their contractors only.(Note these codes will be changed on a Monthly basis)

In order to avoid any penalties and fines we want to be assured all Builder's are in acknowledgement and understand the guidelines. This form must be initialed and submitted with ARC packet or return either by fax at 936-521-6901 or email to our Management Company at Helen@sppellc.com.

The Community would like to thank you for your consideration, and look forward to an established community.

Very Sincerely,  
John Kievit  
President of the Board of Director's for  
Bella Vita HOA

# 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)

<u>Information to Be Supplied by Property Owner</u>		
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: \_\_\_\_\_

**FILED FOR RECORD**

02/21/2013 3:53PM




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 Montgomery County, Texas.

**02/21/2013**



County Clerk  
Montgomery County, Texas