



Pendleton Harbor
Property Owners' Association, Inc.
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Pendleton Harbor Property Owners' Association, Inc.

Rules and Guidelines for Development and Construction and Other Restrictions

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Pendleton Harbor Property Owners' Association, Inc.

Rules and Guidelines For Development and Construction

SECTION 1- INTRODUCTION

Pendleton Harbor Property Owners' Association, Inc. Rules and Guidelines for Development and Construction

Date: _____

Subdivision: Pendleton Harbor Subdivision, as shown on the map or plat thereof in Sabine County, Texas.

Property Owners' Association: Pendleton Harbor Property Owners' Association, Inc. (herein "PHPOA").

Property Owners' Association's Address: 200 Sand Dollar Dr. Hemphill TX 75948.

Declaration of Covenants: The Protective Covenants, Restrictions and Lot Assessments described in the document filed in Vol. 360 Pg 420, Official Records of Sabine County, Texas, and as thereafter amended.

The PHPOA adopts these Rules and Guidelines, which will be enforceable on the recording of this document in the real property records of Sabine County. On violation of these Rules, owners may be subject to Penalties for Violation as described in Section 6.

These Rules and Guidelines establish criteria and procedures for development, design, and construction within the Subdivision. They are not an offer to sell, purchase, or list real estate, nor are they a warranty of any type. These Rules and Guidelines are binding on all owners of property within the Subdivision. Remedies for failure to comply are outlined in these Rules and Guidelines, in the Declaration of Covenants and by state law. These Rules and Guidelines do not supersede or duplicate the Declaration of Covenants, municipal, county, state, or federal regulations.

SECTION 2 - ARCHITECTURAL REVIEW COMMITTEE

The PHPOA has established an Architectural Review Committee, (ARC) as its agent to review and approve all construction activities or placement of any mobile/manufactured home/RV trailer/motor home, etc. on a lot. Building/Move-In Permits will be issued with consideration of these Rules and Guidelines, the Declaration of Covenants for subject property, aesthetics and current policy. The ARC is not responsible for the enforcement of the Declaration of Covenants and these Rules, building codes, structural details, accuracy of drawings and techniques of construction.

Prior to issuance of any Building/Move-In Permit, an owner shall submit to the ARC, site plans including a copy of the registered site survey with property lines, building plans and drainage plans (if applicable) for review and approval.

2-1 ARC Permitting and Approval: No dwelling, mobile/manufactured home, RV trailer, motor home, etc. shall be erected/placed on any lot until the deposit for the permit has been submitted and the site plans including a copy of the registered site survey with property lines, building plans and drainage plans (if applicable) have been approved in writing by PHPOA. PHPOA has delegated this review and approval task to the ARC. The ARC will utilize the following procedures:

- A. A lot owner must, prior to any construction or move-in activity, have a Building/Move-In Permit.
- B. Requirements for consideration of permit, include, at a minimum, the following:
 - 1. Approval from the Sabine River Authority – Texas, for any lakefront construction below or encroachment above the 172-foot line, if applicable.
 - 2. Approval for water service from the current licensed water utility company and a permit from Sabine River Authority – Texas for a septic system.
 - 3. The completed applicable working drawing to include:
 - a) Site Plan - Including:
 - i. Registered site survey with property lines.
 - ii. Setback lines - No residence, fence or structure of any type shall be located on any residential lot nearer to the front line than the minimum building setback line shown on the recorded plat of the subdivision.
 - a. Approximately 20 feet from setback line/easement.
 - b. Easements shall exist not only in the platted streets and roads, but also shall extend five (5) feet over onto the adjacent lots, as well as on the rear five (5) feet of each lot.
 - iii. Building outline including service yard and front and rear corners of adjacent buildings.
 - iv. Drives, parking areas, walks, patios, etc.

- v. Location and identification of special features such as drainage ditches, easements, retaining walls, etc.
- b) Drainage and Grading - It is the responsibility of the owner and the owner's agent to ensure that drainage is addressed. Because of the undulating nature of the terrain, which in many instances is quite sloped, the general contractor and/or builder must ensure that grading of the property and installation of any and all necessary culverts, swales, or French drains will divert the natural flow of excessive precipitation into the proper drainage channels and not onto adjacent properties or roadways. Culverts must meet PHPOA specifications of 15" minimum, certain circumstances will be cause for reconsideration.
- c) Fence Plan - Must show lot lines, easements, fence location, and any other feature.
- 4. Proof of ownership of Manufactured Homes, Mobile Homes, Travel Trailers, Recreational Vehicles if applicable.
- 5. Proof of ownership of Lot.
- 6. Fees as applicable.

Failure to include all applicable information will be cause to deny the request for permit.

C. After receipt of a complete Building/Move-In Permit application, the ARC will review the application and either accept and issue a Building/Move-In Permit, or deny the application, within 30 days of receipt. If the Application is not approved or denied within 30 days, then it shall be deemed "approved".

D. Submissions may be disapproved for purely aesthetic reasons deemed contrary to the goals and objectives of the ARC. ARC preliminary approvals are valid for a period of six (6) calendar months.

E. A Building/Move-In Permit shall be completed within six (6) months from the date of approval. In the event construction is not completed during this period, all construction must stop, and the plans must be resubmitted to the ARC, and must conform to the then current policy. A one-time 6-month extension to the original permit will be considered. The Building/Move-In Permit reimbursement will not be returned to the property owner and a new permit with another deposit will be required. If building/move-in cannot be completed in 12 months, the property owner could be fined \$100 per day until completion.

F. In no event will PHPOA or the ARC be responsible for any costs or expenses incurred by any owner, builder, their agents or to any other person whomsoever in complying with, or attempting to comply, with the requirements of this document.

G. Neither the ARC nor PHPOA will have any duty, responsibility, or liability to any owner, builder, their agents or to any other person whomsoever in respect to the exercise of its rights, or the failure to exercise its rights. The ARC may reject the plans based on any grounds or reason whatsoever, including purely aesthetic grounds, in its sole and absolute discretion. Owners and

builders agree to hold the ARC and PHPOA harmless from any actions, claims, damages, or costs arising from an ARC review of the plans.

H. Any change to the exterior of the residence, siding, driveway, garage, etc., must receive prior written approval from the ARC. Failure to comply may result in a fine being assessed.

DISCLAIMER OF ARC LIABILITY – Neither the PHPOA, ARC, nor any of their representatives, successors or assigns shall be liable for damages to anyone submitting plans for approval, or to any owner, builder, contractor, visitor or occupant of any of the property in the Subdivision by reason of mistake in judgment, negligence or non-feasance arising out of or in connection with the approval or disapproval of any plans or the failure to approve any plans. No ARC approval as provided herein shall be deemed to represent or imply that the proposed improvement, if constructed in accordance with the approved plans and specifications, will result in a properly designed and constructed improvement or that it will meet all applicable building codes, governmental or agency requirements. The issuance of Approval does not take the place of other governmental approvals or permits. All such approvals and permits are the responsibility of each lot owner.

SECTION 3 - DESIGN CRITERIA

The following are design criteria for construction in the Subdivision. These design parameters will provide the common thread to weave the fabric of an aesthetically pleasing residential community. The following criteria are subject to approval by the ARC.

3-1 Residential Purposes - No numbered lot in Units 1 through 14-A shall be used for other than residential purposes. No building shall be erected on any lot in Units 1 through 14-A other than one single-family dwelling.

“Residential Purpose” is herein defined to mean “for living purposes”, as distinguished from “for commercial purposes”.

Single Family Dwelling” is herein defined to mean construction designed for a single-family residence, as opposed to a duplex, apartment building or condominium designed to house multiple families or to be used for commercial purposes.

3-2 General Construction Design Criteria -

- A. The floor area of any dwelling on any residential lot shall not be less than 800 square feet, exclusive of garage, porch, patio, and basement.
- B. All lavatories, toilets and bath facilities shall be installed indoors, shall be connected with adequate grease traps, septic tanks, and field lines constructed to comply with the specifications of the state and local health authorities and shall be installed and functioning before the residence is occupied. No “outside” or surface toilets shall be permitted under any circumstances. No outhouse shall be permitted on any Lot of the subdivision. See Sect **4.4 Portable Toilets** for exceptions.
- C. All septic tanks must meet the standards of state authorities and, where applicable, the requirements of the Sabine River Authority, including a permit.
- D. Swimming Pools are permitted within setback lines in the rear of residences.
- E. Satellite dishes must be reviewed. The maximum allowable dish size is 24" in diameter.

3-3 Garages and Accessory Buildings - Building/Move-In Permit Required

- A. Any garage shall be constructed at the same time or subsequent to the construction of the dwelling it is intended to serve. ARC approval is required prior to construction of any accessory building, including garages, sheds or permanently installed playhouses.
- B. Garage or carport shall not be prefabricated unless otherwise approved by the ARC.
- C. Boat Houses and Docks - waterfront lot owners may construct boat houses and docks upon receipt of approval from the Sabine River Authority.

3-4 Fencing-

- A. All fences, walls and barrier devices shall require ARC approval prior to construction or installation.
- B. No double walls or fences on common property lines will be permitted.

C. Only open fencing will be permitted to extend beyond the front face of the exterior wall that contains the primary residence's front entrance. Any fencing beyond the wall of the resident's front entrance shall require approval by the ARC.

D. Any fences, whether constructed by the owner or the builder, shall be well repaired and maintained. In the event a fence or wall is damaged or destroyed, the owner shall repair or recondition the same at the owner's expense within a reasonable time.

3-5 Driveways -

A. A minimum of a 15" culvert must be installed for driveway access (certain circumstances will be cause for reconsideration). Dips in the driveway cannot be used instead of a culvert. Culverts must meet ARC Guidelines.

B. Ditches cannot be filled with dirt, rock, sand, leaves, limbs or anything that will interrupt the purpose of the ditch. Burning debris, leaves, limbs, etc. in ditches will not be allowed.

C. Driveway cannot be used to drain water from the property into a road. Water should be diverted from the driveway to the ditch or property and not to the road.

D. Where there is the potential of the road draining water into an owner's property, owner should be aware of this problem when designing the house and driveway.

3-6 Removal of Trees and Soil - Tree/Brush Removal Permit Required. No soil or trees shall be removed from any lot for any commercial use. Cutting of trees shall be limited to the extent necessary for residential construction, clear cutting is not allowed.

3-7 Set Back Lines - No residence, fence, or structure of any type shall be located on any residential lot nearer to the front line than the minimum building set-back line shown on the recorded plat of the subdivision. For the purposes hereof, eaves, steps and open porches or patios shall not be considered as part of the building.

3-8 Prohibited Structures:

A. Temporary Structures- No structure of a temporary character shall be placed in Units 1 through 14-A at any time, or used as a residence, either temporary or permanently. This includes without limitation tents, shacks, and portable buildings. Prefabricated storage buildings subject for approval.

B. Mobile Homes and Manufactured Homes are allowed in Unit 6, 15 and 16, where such homes are allowed by recorded designation. No Mobile Homes or Manufactured Homes shall be placed in Units 1 through 14-A or used as a residence, either temporary or permanently.

C. Travel Trailers, Motor Homes and other Recreational/Camping Vehicles – Other than in Unit 18 where they are specifically allowed, no Travel Trailers, Motor Homes, or other Recreational/Camping Vehicles shall be placed in Units 1 through 14-A either for storage, or to be used as a residence either temporarily or permanently.

SECTION 4--- RULES AND REGULATIONS GOVERNING CONSTRUCTION

4-1 ARC Approval Absolutely no construction or remodeling should occur prior to ARC approval as described in Section 2.

4-2 Site Clearing. Site clearing for construction is not permitted without first obtaining ARC Approval and pertinent permits.

4-3 Trash Receptacles- Each construction site must have a suitable trash receptacle. Building sites must be cleared of litter each day and stored in the trash receptacle for removal when full. Trash receptacles must remain covered at all times in order to prevent the trash from scattering in case of wind. The dumping of construction trash is not permitted. All demolition and construction spoils must be disposed of offsite at proper locations.

4-4 Portable Toilets- Each construction site must be furnished with at least one (1) portable toilet prior to any on-site construction. These toilets will be placed in an inconspicuous location, with the door facing away from any view from the adjacent street or residence. Clean and sanitary conditions are required for all toilets.

4-5 Contractor Signs- The ARC only allows one construction site sign, at a maximum of one square foot, to be used on all construction sites. The ARC only allows the general contractor's name/logo to be incorporated into this sign. Once the building is complete the sign must be removed.

4-6 Construction Hours- Daily working hours for each construction site shall be 7:00AM to 7:00PM Monday through Saturday. No construction work shall be permitted on Sunday or published Holidays. No construction that involves high noise levels shall be permitted prior to 8:00AM or after 6:00PM. The ARC may in special circumstances provide variances to these hours, so long as it can be shown the variance shall not create a disturbance to neighbors.

4-7 Conduct during Construction-

A. After clearing, all lots will be required to have some type of construction fencing (the orange plastic type, or silt fencing where needed) along the sides and rear property lines to contain blowing trash and such from adjoining property.

B. Builders are reminded of the requirement to keep sites clean. A trash receptacle is required for every site. No stockpiling of dirt or debris is allowed on an active building site or on a lot owned by the builder. The street R.O.W. is also to be maintained.

C. The following practices are prohibited during construction:

1. Maintenance of any vehicle or equipment on the site.
2. Allowing concrete suppliers and contractors to clean their equipment other than at locations included in the approved site plan.
3. Removing any rocks, plant material, topsoil, or similar items from any property of others including construction sites, except in accordance with ARC approvals.
4. Discharging any type of firearms on the property or creating any other unduly loud or offensive noises.

5. Using disposal methods or units other than those approved by the ARC.
6. Careless disposition of cigarettes and other flammable material. At least one 10-pound ABD-rated dry chemical fire extinguisher shall be available in a conspicuous place on the construction site at all times.
7. Careless treatment of removal of any plant materials not approved for removal by the ARC.
8. Allowing excessive dust or noise on the construction site. Radios and other audio equipment will not be allowed to play at levels that are disruptive to the neighbors.
9. No pets, particularly dogs, may be brought into the subdivision by construction personnel. In the event thereof, the Association, the ARC, or the Developer shall have the right to refuse to permit the builder or subcontractor involved to continue work on the project, or to take such other action as may be permitted by law, the Declaration of Covenants, or Architectural Guidelines.

4-8 Drainage- No activity shall occur on any lot prior to, during or following construction, which would impede natural drainage. No grading, scraping, excavation or other rearranging or puncturing of the surface of any lot shall be commenced which will or may tend to interfere with, encroach upon or alter, disturb, or damage any surface or subsurface utility lines, pipe, well or easement. No activity or improvement shall direct drainage so as to negatively impact adjacent lots, or other existing improvements, however, natural water flow shall not be impeded and may in some circumstances flow across one or more adjacent properties due to severe elevation differences. Prior to commencement of ground disturbing activity, the owner or approved builder shall call Texas811 (dial 811) to locate any and all utilities. Water run-off and control for each lot is the responsibility of the builder/property owner.

4-9 Damage to PHPOA Property- The property owner is liable for any and all damages to POA property, including roads and ditches, caused by the contracted work.

SECTION 5- REGULATIONS FOR MOBILE HOMES, MANUFACTURED HOMES, TRAVEL TRAILERS, MOTOR HOMES, AND OTHER RECREATIONAL VEHICLES

5-1 Definitions

- A. "Manufactured home" or "manufactured housing" means a HUD-code manufactured home or a mobile home.
- B. "Mobile home" means a structure; built on a permanent chassis; designed for use as a dwelling with or without a permanent foundation; and transportable in one or more sections.

5-2 Licensing and Titling

- A. All Manufactured homes and Mobile Homes must be titled to the owner of the Lot it is to be located on, as shown by a Texas Department of Housing issued Statement of Ownership.
- B. All Travel Trailers, Motor Homes and other Recreational Vehicles shall be titled to the owner of the Lot on which they may be located, as shown by a state of Texas Certificate of Title.

5-3 Utilities

- A. All Mobile Homes, Manufactured Homes, Travel Trailers, Motor Homes and other recreational vehicles shall be connected to electrical, water and sewage facilities, and shall not utilize generators, water storage tanks or sewage storage onsite.

5-4 Other

- A. No Mobile Homes, Manufactured Homes, Travel Trailers, Motor Homes and other recreational vehicles shall be located on any lot without first obtaining Approval from the ARC permitting such use.

SECTION 6- OTHER RULES AND REGULATIONS FOR PROPERTY OWNERS

6-1 Water issues- The pumping of water from any lakes or ponds is prohibited, except by special permit in writing granted by the SRA-Texas. No water well shall be drilled upon any lot so long as water for domestic use shall otherwise be available to the lot from the current water utility company.

6-2 Pets- No animals, except dogs, cats, or other household pets may be kept on any lot except by permission of PHPOA.

“Household Pet” is herein defined to mean dogs, cats, or other indoor pets. “Other Indoor Pet” does not include livestock, chickens, poultry, turkeys, peacocks, rabbits, domesticated wild animals.

Animals are required to be on a leash when outside unless contained by a fence. Pet owners are responsible for collecting animal waste and disposing of it properly. The owner of a dog commits an offense if that dog goes uncontrolled by the owner upon the premises of another without the consent of the owner of the premises or other person authorized to give consent, or goes uncontrolled by the owner upon a highway, public road, street or any other place open to the public generally.

6-3 Outside Fires- Lot owners must contain outside fires under close supervision.

6-4 Firearms- Federal, state, county and municipal governments regulate the use of firearms. Sabine County allows the use of firearms in rural areas. With this said, if you have a concern about firearms being fired within the POA, dial 911 to report. The PHPOA is not responsible for the enforcement of these laws.

6-5 Debris- Each lot shall be kept clean and free of all trash, garbage, and debris at all times.

6-6 Signs- All commercial or political advertising and “For Sale” signs are specifically prohibited. This does not prohibit real estate sales signs, placed by owner or licensed realtor on a temporary basis to facilitate a sale of the property on which it is located.

6-7 Noxious Activities- No noxious or offensive activity shall be carried out upon any lot, nor shall anything be done thereon which may be or become a nuisance. The speeding or reckless/careless driving of vehicles, including motor bikes, side x sides, Razors, 4 wheelers or any other mode of transportation, over Subdivision streets is prohibited. The posted speed limit in the PHPOA subdivision is 20 miles per hour. All vehicles shall remain on the roads.

SECTION 7- FEES, ASSESSMENTS AND FINES

7-1 PHPOA Fees, Assessments and Fines: PHPOA may from time to time set the amount of Fees, Assessments and Fines to be paid. Before purchasing a Lot, or commencing construction, please contact PHPOA for a current schedule of such financial obligations, which apply to all owners of lots in the Subdivision.

All such financial obligations should be paid by cash, check or money order tendered to the PHPOA offices at 200 Sand Dollar Dr. Hemphill, TX 75948.

7-2 PHPOA Enforcement- PHPOA reserves the right, but not the duty, to enforce the Declaration and these rules and guidelines. As permitted by State Law, PHPOA may assert a lien upon the lot of each owner, second and inferior to the lien for taxes and to any recorded deed of trust, mortgage or other security instrument now existing or hereafter created, to secure the payment of the fines, fees and assessments, payable as set out above, including any and all court costs and reasonable attorney's fees incurred in connection with collection of the same.

No sale, transfer, lease or other disposition of any lot shall be consummated unless and until the purchaser or transferee has notified PHPOA. At the same time, the new owner must apply and be accepted for water service, as well as membership in PHPOA. This restriction shall not apply, however, to a lending institution which may bid on any lot at a foreclosure sale, nor shall it apply upon the death of any owner to a transfer by will or intestacy pursuant to the laws of the State of Texas.

If a numbered lot which has been sold shall be acquired by someone who has not been approved for membership in PHPOA or if such an owner ceases to be a member of PHPOA, nonetheless, such lot owner shall be obligated and he hereby agrees that he will pay such portion of the specific expenses required and expended by PHPOA solely for the maintenance of the parks, roads, lanes, and other recreational facilities and the furnishing of security protection (if available) that he would otherwise be required to pay if he was then in fact a member of PHPOA, as determined by the accountant for PHPOA.

CERTIFICATE OF RESOLUTION: These Rules and Guidelines were adopted by the Board of Directors at a duly noticed meeting on October 12, 2023.

Pendleton Harbor Property Owners' Association,
Inc., a Texas nonprofit corporation

By:


JIM BAUGH, Secretary PHPOA

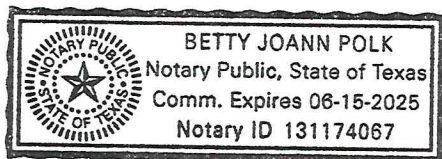
STATE OF TEXAS

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COUNTY OF SABINE

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This instrument was acknowledged before me on January 5, 2024, by Jim Baugh Secretary of Pendleton Harbor Property Owners' Association, Inc., a Texas nonprofit corporation on behalf of said corporation.




Notary Public

My commission expires: 06-15-2025