

**WHITE OAK FOREST PROPERTY OWNERS ASSOCIATION  
ARCHITECTURAL CONTROL COMMITTEE POLICY**

STATE OF TEXAS

§

KNOW ALL PERSONS BY THESE PRESENTS:

COUNTY OF MONTGOMERY

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WHEREAS the White Oak Forest Property Owners Association ("Association") is charged with administering and enforcing those certain covenants, conditions and restrictions contained in the recorded Declarations for all the lots in the White Oak Forest Subdivision (referred to collectively as Declarations"); and

WHEREAS chapter 206 of the Texas Property Code was amended effective January 1, 2012 to include all instruments governing the administration or operation of a property owners' association; and

WHEREAS Architectural Control is authorized by the White Oak Forest Subdivision Declaration of Deed Restrictions, Sections IX and X filed as Document No. 7743503 in Montgomery County Deed Records; and

WHEREAS the Board of Directors ("Board") of the Association desires to establish a policy supplementing and providing more specificity to procedures consistent with the Sections above, and to provide clear and definite guidance to property owners as well as to the Architectural Control Committee (ACC) also known as the Architectural Control Authority.

NOW, THEREFORE the Board on September 21, 2014, obtained the approval of the ACC and duly adopted the *Architectural Control Committee Purpose and Authority, Information for White Oak Forest Property Owners*, attached as Exhibit "A", to describe the thought processes, standards, and requirements used in evaluating a Request Approval by the Architectural Control Committee. This Policy replaces and supersedes any prior Architectural Control Committee procedures which may have previously been in effect.

This Policy is effective upon recordation in the Public Records of Montgomery County and remains in full force and effect until a subsequent Architectural Control Committee Policy is duly approved and recorded. Property Owners are responsible for following the most current recorded Architectural Control Committee Policy. The provisions of this Policy are enforceable by White Oak Forest Property Owners Association and are neither all-inclusive nor intended to replace or supersede the Restrictions.

IN WITNESS WHEREOF,

I have hereunto subscribed by name on this 14<sup>th</sup> day of APRIL, 2015.

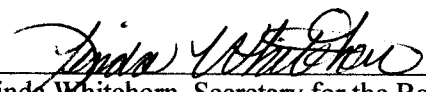
  
\_\_\_\_\_  
Linda Whitehorn, Secretary for the Board of  
White Oak Forest Property Owners Association

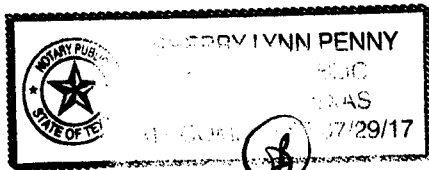
EXHIBIT "A" Attached (4 pages): *Architectural Control Committee Purpose and Authority  
Information for White Oak Forest Property Owners*

**STATE OF TEXAS**

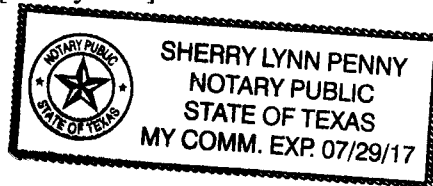
**COUNTY OF MONTGOMERY**

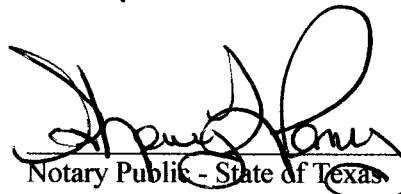
Before me, the undersigned authority, on this day personally appeared Linda Whitehorn, Secretary of White Oak Forest Property Owners Association, a Texas corporation, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledge to me that she has executed the same as the act of said corporation for the purpose and consideration therein expressed, and in the capacity therein stated.


Given under my hand and seal of this 14<sup>th</sup> day of April, 2015.



[Notary Seal]



  
Notary Public - State of Texas

  
Printed Name

My commission expires: 7/29/17

**AFTER RECORDING RETURN TO**

White Oak Forest Property Owners Association  
P.O. Box 1294  
Porter, TX 77365

## **EXHIBIT "A"**

### **Architectural Control Committee Authority and Purpose**

*Prior to making plans to build in White Oak Forest Subdivision, check Deed Restrictions, Article III and IX, and the Second Amendment, which amends Article III and adds Article XVII. These articles appear on pages 3 and 4 of this document.*

Before beginning work on any "primary or secondary building" in White Oak Forest Subdivision, plans and specifications must be submitted, in writing, and approved by the Architectural Control Committee (ACC).

The role of the ACC is described in WOFPOA Restrictions, Sections IX and X, recorded in Volume 103, Page 381, File No 7743503 in the Real Property Records of Montgomery County, Texas.

The Restrictions are on <https://gov.propertyinfo.com/tx-montgomery/default.aspx> and posted on [www.wofpoa.com](http://www.wofpoa.com).

#### **Applicability**

ACC authority extends to building plans for new construction of a residence. All out building structures, such as but not limited to, a garage, carport, canopy, greenhouse, barn, pole barn, shed, or utility building must be submitted and approved before construction begins. Any addition to an existing residence or out building also needs prior approval.

#### **ACC Membership**

The ACC consists of three (3) White Oak Forest Subdivision property owners, given the responsibility, power and authority to grant or withhold approval for building design and materials to be used in construction.

#### **Purpose**

The purpose of the ACC is to evaluate plans by determining architectural suitability for White Oak Forest Subdivision and conformity to its Deed Restrictions. Their authority is exercised in order to determine that lots are used for the purpose described in the Deed Restrictions and to achieve the harmonizing and aesthetically attractive development of the neighborhood. The ACC reviews building plans and considers the type and quality of materials as well as the harmony of external design with existing and proposed structures.

To protect the overall aesthetics of the neighborhood and to preserve the value of all properties within White Oak Forest Subdivision, the White Oak Forest Board is responsible for authorizing, if necessary, any legal action as a consequence of a property owner's failure to obtain ACC building approval or as the result of building construction that differs from approved plans.

#### **Information Needed by the ACC**

Written submission for building approval must contain the following information:

- Address of the property on which the improvement is requested
- Property owner's name, phone number, e-mail address, and mailing address
- Purpose of the proposed structure and signature of resident making the request
- Builder plans and specifications that include a drawing or photograph and dimensions, as well as the type of construction materials, foundation, exterior materials and the paint color
- For plans and specifications on larger than legal size paper, please submit 2 copies; one copy, along with an acceptance or rejection letter, will be returned to the property owner, and one copy will be retained in WOFPOA's records

Submission for New Home construction must include:

- Square feet of living area
- A plot plan showing the distance from the road right-of-way as well as the distance from the side and rear property lines

A submission for an Outbuilding or an addition to an Existing Building can be a simple sketch but must include:

- The proposed structure's location in relation to existing buildings
- The distance from the road right-of-way, and the side/rear property lines

### **Method for Submitting a Request**

The ACC is allowed twenty (20) days to review plans and reply to your request. Please be aware that plans received by mail will use the postal stamp date and not the date indicated on your letter.

To document your submission request date, use one of the following three methods:

E-mail: [secretary@wofpoa.com](mailto:secretary@wofpoa.com)

Mail: WOFPOA, P.O. Box 1294 Porter, TX 77365

WOFPOA Voice Mail: 281-548-6767 to make arrangements for submitting the Request

### **Review Process**

The Architectural Control Committee is solely responsible for approving or withholding approval of building plans. Any oral statement by an individual Committee member does not constitute authorization, but only reflects the individual's current impression which could change after further evaluation of the building plan by the Committee.

The function of the White Oak Forest Board is to assist the ACC in fulfilling their responsibility. To that end, the Board documents the date a request is submitted, maintains a record of submitted information, and also provides the required written approval or disapproval.

The ACC understands a property owner's desire for a prompt response, and will reply within the twenty (20) days allowed. However, be aware that the ACC, as well as the White Oak Forest Board, is a volunteer group of property owners within White Oak Forest Subdivision. The promptness of their response could be affected by personal issues related to their family, work, or travel. Should the ACC fail to disapprove **submitted plans** within (20) days from submission, (as outlined above), such plans will be deemed to have been approved.

Approved Plans will be signed by at least two (2) ACC members, marked with the approval date, and returned to the resident with an approval letter. A copy of submitted plans will be placed in WOFPOA records. Upon approval of a project, the Board President, using the recommendation of the ACC, if it is provided, will appoint a Special Officer for the project to periodically make observations to verify that construction conforms to the approved plans.

Plans not approved will be returned with the reason they were rejected and/or suggestions for changes that could result in the plan's approval.

### **Property Owner's Responsibility**

- Do not begin construction or other work on the submitted project until written approval is received
- Obtain approval for a new residence's water tap comes from Porter Municipal Utility District which may require a Certificate of Compliance from the City of Houston
- Obtain a permit for Sewer from Porter Special Utility District
- Obtain a Montgomery County Development Permit. The County office is located in Conroe, Texas. Details are on the County's website Permitting Development page. <http://www.mctx.org/index.html>
- Properties located entirely or partly in a Flood Plain require a County Flood Plain Development Permit.
- Post building permits on the property before construction begins
- Conform to any county, state, federal or any other agency's building codes and/or ordinances
- Submit a new Approval Request to the ACC for proposed modifications to the exterior or for other additions to a previously approved plan
- Complete the exterior portion of any residence on or before twelve months (12) from the beginning date of construction

**NOTE:** ACC approval does not constitute compliance with the requirement for a Montgomery County Building Permit and does not constitute a waiver for modification of any building code.

### **General Note**

Information in this document is meant to summarize and supplement the architectural and designs standards set forth in the previously filed Articles of Incorporation, By-Laws, Deed Restrictions and Amendments. In the event of a conflict those filed documents shall control.

## White Oak Forest POA Deed Restrictions

### Article III

All numbered lots in White Oak Forest shall be used for residential purposes only. No noxious or offensive trades or activities shall be conducted on any of the lots in said development, nor shall anything be done thereon which will cause a nuisance or be offensive to residents of usual sensitivities in the area. No lot shall be used or occupied for any vicious or immoral purpose, nor for any use or purpose in violation of the laws of the local, State or Federal governments. No animals shall be raised or maintained on the property in such manner or with such lack of care as to cause offensive odors or noises or so as to otherwise be a nuisance or annoyance to persons of ordinary sensitivity; nor shall animals be raised or maintained for commercial exploitation.

### Article IX

No residence shall be built or maintained on any lot in said development having less than Sixteen Hundred (1600) square feet of living area, exclusive of garages and open porches. Residences (exclusive of garages and out buildings), situated on lots 1 thru 52 shall be built at least fifty (50) feet from the right-of-way line of the dedicated roadway on which the lot fronts. Residences (exclusive of garages and out buildings), situated on lots 53 thru 82 shall be built at least 30 feet from the right-of-way line of the dedicated roadway on which the lot fronts, and in this connection, a corner lot is deemed to front on the right-of-way adjacent to the lot line having the shortest dimension, save and except lot 35. Residences (exclusive of garages and out buildings), situated on all lots shall be built at least fifteen (15) feet from side lot lines and twenty (20) feet from rear lot line. The exterior of each residence shall be finished and, if of a material other than brick, stone, or other material not commonly decorated or painted, shall be painted with at least two coats of paint. No tent, trailer, bus, mobile home, basement, shack, barn, portable structure, or other outbuildings shall at any time be used as a residence, either temporarily or permanently. All outbuildings shall be located to the rear of the residence except that garages may be attached to the residence. Purchaser shall submit to and obtain approval of the Architectural Control Authority (as hereinafter provided and defined) of any plans and specifications for primary or secondary buildings, before commencement of work, to determine architectural suitability and conformity with restrictions. Approval shall be granted or withheld based on matters of compliance with the provisions of this instrument, quality of materials, harmony of external design with existing and proposed structures and location with respect to topography and finished grade elevation. Should the Architectural Control Authority not disapprove plans so submitted within twenty (20) days from submission, such plans will be deemed to have been approved. When construction of any improvement is begun, it shall be completed with reasonable diligence and no construction material or equipment shall be stored on the property except as construction is begun and continued with reasonable diligence. In this connection it is agreed and understood that the erection of the exterior portion of any residence shall be completed on or before twelve months (12) from the inception date of construction. Only one main residence and one secondary residence (for guests or servants) shall ever be built or maintained on any lot or building site. Provided, however, that more than one main residence may be built on a lot or building site if the plot plan and architectural plans are first approved in writing by the Architectural Control Authority. This provision shall not be construed to permit re-subdivision of a tract as herein prohibited. The moving of used buildings onto any building site in the development is prohibited unless such building is first inspected and approved in writing by the Architectural Control Authority.

*Note: "To the rear of the residence" has been applied as meaning behind the back line of the house.*

**SECOND AMENDMENT  
to Deed Restrictions**

Article III of the Restrictions is hereby amended to clarify the types of residential structures that may be built upon Lots within the Subdivision, and shall read as follows:

Each Lot shall be used for single family residential purposes only. Only one single family dwelling an attached or detached garage and approved outbuildings shall be allowed on each Lot. The term "single family dwelling" as used herein, shall be deemed to specifically prohibit, by way of illustration but without limitation, the use of any Lot for a duplex apartment, or any other dwelling for any multi-family use. No dwelling shall be advertised or used as a hotel, tourist court, tourist cottage, or as a place of abode for transient persons. No noxious or offensive activities of any kind shall be conducted upon any Lot, nor shall anything be done thereon that shall constitute or be a nuisance or annoyance to any residents of usual sensitivities. No animals shall be raised or maintained on the property in a manner so as to cause offensive odors or noises or so as to otherwise be a nuisance or annoyance to persons of ordinary sensitivities. No animals shall be raised, or maintained for commercial purposes.

Article XVII is hereby added to the Restriction to read as follows:

Except as provided in this Article, no motor vehicles shall be parked or stored on any part of any Lot, easement, or common area unless such vehicles do not exceed six feet six inches in height, or seven feet six inches in width or twenty-one feet in length except passenger automobiles, passenger vans, motorcycles, pick-up trucks, or pick-up trucks with attached bed campers, that are in operating condition, having current license plates and inspection stickers, and are used as motor vehicles on the streets and highways of the State of Texas. Recreational vehicles and trailered boats may be parked upon a Lot so long as the Lot upon which the recreational vehicle or trailered boat is parked is occupied by a single family dwelling, is owned by the resident, and such vehicles are parked behind the said dwelling.

No other motorized or non-motorized vehicles, trailer, boat, marine craft, hovercraft, aircraft, machinery or equipment of any kind may be parked or stored, on any part of any lot, easement, right-of-way, or common area or in the street adjacent to such lot, easement, right-of-way, or common area unless such object is concealed from public view or is parked behind a residential dwelling.

**FILED FOR RECORD**

04/15/2015 11:59AM

*Mark Turnbull*

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.

**04/15/2015**



*Mark Turnbull*

County Clerk  
Montgomery County, Texas