

BOARD RESOLUTION OF
1829 BERING DRIVE COMMUNITY ASSOCIATION
Regarding Adoption of Amendment to Rule & Regulations

DATED: FEBRUARY 16, 2011

STATE OF TEXAS §
COUNTY OF HARRIS §

I, Amanda K Brady, Secretary of 1829 BERING DRIVE COMMUNITY ASSOCIATION (hereinafter referred to as the "Association"), do hereby certify that at a regular meeting of the Board of Directors of the Association, which was held on the 16th day of February, 2011, with a quorum present and remaining throughout, and being duly authorized to transact business, the following resolution regarding the adoption of amendments to the Rules & Regulations was duly proposed and unanimously approved.

WHEREAS, the Association is a Texas non-profit corporation governed by the Texas Property Code;

WHEREAS, the Rules, Regulations & General Information of the Association, attached hereto as Exhibit "A", adopted on June 19, 2008, and filed in the Real Property Records of Harris County, Texas on June 6, 2009, under RP-061-95-1524 to RP-061-95-1532;

WHEREAS, the Association's Board of Directors unanimously approved an amendment to the section titled "Parking" of the Rules, Regulations & General Information;

THEREFORE, the following language shall be removed from the Rules, Regulations & General Information of the Association:

"Parking

Resident vehicles are to be parked in their respective garages. If there is a third vehicle, it may be parked on the concrete apron in front of the garage entrance. Curb parking is for visitors. Residents may not curb park their vehicles without prior written approval from the Board and/or Management. Vehicles parked in designated "no parking" areas, such as in front of the fire hydrant or at the entry gate access area, will be subject to towing without prior notice. Garage doors should be kept closed unless loading/unloading or entering/exiting or working in the garage. Other violations will receive a first notice of warning. If the violation is continued, a \$50.00 fine will be imposed followed by towing of the vehicle with the cost being assessed to the owner. For specific Rules pertaining to automobiles, boats, trailers, motor homes and other vehicles, refer to Section 8, Declarations."

FILED FOR RECORD
8:00 AM

FEB 24 2011

Stan Stewart
County Clerk, Harris County, Texas

AND IN ITS STEAD, the following language shall be injected into the Rules, Regulations & General Information of the Association:

"Parking Regulations

I. Overview

Our goal is to provide our residents and visitors with a safe and orderly street. This is a challenge, since our visitor parking is very limited, and our drive is narrow. These clarified Regulations are designed to adhere to the Uniform Fire Code, which the City of Houston has adopted as its code. Please inform your visitors and contractors of the Regulations and the consequences of parking their vehicle in violation.

II. Owners/ Residents

- a. Residents are required to park within their garage enclosure, or on their apron driveway inside the yellow right of way line. This yellow line indicates the 20' right of way as defined by the Uniform Fire Code. Additional vehicles that cannot be accommodated either inside the garage or fully on the apron must be parked outside the subdivision.
- b. Temporary loading or unloading of vehicles while parked in the right of way is permitted; however, unattended vehicles that are encroaching the right of way are subject to immediate towing at the owners' expense.
- c. Residents may NOT park in the designated visitor area. No owner's or resident's vehicle of any kind shall be parked, stored or otherwise permitted to remain in the visitor parking area or on any other common area within the property, unless prior written consent of the Board is obtained. One warning will be issued. Subsequent violations will result in a \$50.00 fine and towing of the vehicle, the cost of the towing shall be the responsibility of the owner or resident.
- d. A maximum twenty-one (21) day grace period will be permitted from the date of occupancy to allow a new Owner/Resident reasonable time to allocate belongings within their residence and to ensure room for vehicles to be properly parked in their garage. Owners may park in the visitor parking areas during this time provided they request and receive a permit in advance from the Board through the Management Company.
- e. In certain circumstances, temporary parking for owners/residents in the visitor parking area may be granted by the Board by contacting the Management Company. The owner or resident must provide a written request to the

Management Company stating the reason for parking their vehicle in the visitor area. These reasons may include, but are not limited to, construction or remodeling that involves the garage as a staging area, move in, or move out. This type of permit will be issued for up to one week at a time. Extensions will be considered on an individual basis.

III. Visitors

- a. *Definition:* A "visitor" as that term is used in these Regulations is an individual other than an owner or resident of 1829 Bering Drive who is in the community for the purpose of visiting a specific owner/resident for a cumulative period of less than a week. Each visitor may park one (1) vehicle within the visitor parking area in accordance with these rules, subject to availability.
- b. The property has limited visitor parking spaces located in the common areas which provide short-term parking. visitors may park within the marked visitor spaces.
- c. Visitors may also park on the apron or in the garage of the resident they are visiting, but must park inside the yellow right-of-way line.
- d. After the cumulative period of one week in any six (6) month time frame, the visitor changes status to "short term resident". For the purposes of these Regulations, one day is defined as any 8 hours within a 24-hour period of time. One week is defined as seven (7) such "days", or a cumulative period of sixty (60) hours in any six (6) month period, no matter how accumulated.
- e. Any vehicle parked in visitor's parking for over one cumulative week per 6 month period will receive one warning. Subsequent violations will result in a \$50.00 fine and towing of the vehicle, the of which shall be assessed to the owner or resident.
- f. The limited visitor parking will not accommodate oversized vehicles. These vehicles must be parked outside the subdivision.

IV. Short Term Residents

- a. *Definition:* A person or persons residing and parking a vehicle in our community for over one week in any 6 month time frame. For the purposes of these Regulations, one day is defined as any 8 hours in within a 24-hour period of time. One week is defined as 7 such "days", or a cumulative period of sixty (60) hours in any six (6) month period, no matter how accumulated.
- b. Short term residents are required to park in the garage or on the apron of

their host, fully within the yellow line.

c. In certain circumstances, extended parking for short term residents in the visitor parking area may be granted by the Board by contacting the Management Company. The owner or resident must provide a written request to the Management Company stating the reason for the extended parking. This request must also include the short-term resident's name, contact phone number, permanent address, vehicle license number, and expected departure date. These circumstances may include but are not limited to: family members visiting, students home on break, or in-home medical assistance. The permit must be displayed in the vehicle's front windshield at all times while parked in the visitor area. This type of permit will be issued for up to one month at a time. Extensions will be considered on an individual basis.

d. Any short term resident parked in visitor's parking without a permit will receive one warning. Subsequent violations will result in a \$50.00 fine and towing of the vehicle, the cost of which shall be assessed to the owner or resident.

e. Vehicles parked on the apron but outside the yellow line are subject to towing/fining without notice. A \$50 fine will be assessed to the owner or resident. A courtesy warning may be issued, but is not required.

V. Contractors

a. *Definition:* For the purposes of these parking Regulations, a contractor is a person or persons hired to perform work by an owner, resident, or the Management Company with a vehicle or vehicles inside the property. When hired by an owner or resident, contractors shall be considered agents of said owner or resident.

b. Contractors that can complete their required work in less than a week may park in the visitor parking.

c. Contractor parking in the visitor area for over one week requires Board approval and a permit issued by the Management Company. The name, permanent address, license number of the vehicle and expected completion date must be provided to the Management Company. The permit must be displayed in the vehicle's front windshield at all times while parked in the visitor area. This type of permit will be issued for up to one month at a time. Extensions will be considered on an individual basis.

d. Temporary loading or unloading of contractors' vehicles while parked in the right of way is permitted; however, unattended vehicles which are

encroaching the right of way are subject to towing at the owners'/residents' expense. A courtesy warning may be issued, but is not required.

- e. Any contractor parked in visitor's parking for over one week will receive one warning accompanied by a request to contact the Management Office. Subsequent violations will result in a \$50.00 fine and towing of the vehicle, the cost assessed to the owner or resident. As with any vehicle, a contractor's vehicle parked in any no parking area is subject to towing/fining without notice, the cost assessed to the owner or resident.

VI. No Parking Areas/Improperly Parked Vehicles

- a. Fire zones are marked in red, and no parking at any time is allowed in this area. Vehicle will be towed immediately. This includes vehicles encroaching but not fully parked in the marked red zone. Violations by owners or residents will include a \$50 fine in addition to the towing charge.
- b. Yellow curbing also denotes a no parking zone. Vehicle may be towed at anytime. A courtesy warning may be issued. Violations by owners or residents will include a \$50 fine in addition to the towing charge.
- c. An unattended vehicle (including owners, contractors, visitors, delivery vehicles) parked in the street or blocking another residents' garage or gate access is also in violation. Vehicle may be towed at any time. A courtesy warning may be issued, but is not required. Violations by owners or residents will include a \$50 fine in addition to the towing charge.
- d. Vehicles parked in the right of way outside the yellow lines, thereby restricting the passage to less than 20 feet, may be towed at any time. A courtesy warning may be issued, but is not required. This includes residents not fully parked on their apron, and visitors not fully inside the marked visitor spot. Violations by owners or residents will include a \$50 fine in addition to the towing charge.

VII. Obtaining Permits and Waivers

- a. In order to obtain a permit for any of the circumstances outlined above, resident is required to contact the Management Company. Please outline your situation clearly and provide specific dates for the required permit. If Board approval is required, the Management Company will communicate the request in a timely manner and the Board will respond likewise."

IT IS, HEREBY, RESOLVED that the Board of Directors of the Association unanimously adopts this formal resolution for the purpose of adopting amendments to Rules, Regulations & General Information of the Association and for filing in the Real Property Records of Harris County, Texas.

Dated: February 16, 2011 Amanda K Brady
Secretary

STATE OF TEXAS §
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COUNTY OF HARRIS §
ACKNOWLEDGMENT

This instrument was acknowledged before me on the 16th day of February, 2011, by Amanda K Brady, as secretary of 1829 BERING DRIVE COMMUNITY ASSOCIATION, on behalf of said corporation. *for power*



Delia Segoviano Cooney
Notary Public in and for the State of Texas

Dated: February 16, 2011 Joe Mirsky
Board Member

STATE OF TEXAS §
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COUNTY OF HARRIS §
ACKNOWLEDGMENT

This instrument was acknowledged before me on the 16th day of February, 2011, by Joe Mirsky, as board member of 1829 BERING DRIVE COMMUNITY ASSOCIATION, on behalf of said corporation.



Delia Segoviano Cooney
Notary Public in and for the State of Texas

2011 FEB 24 10:47:22

Dated: February 16th, 2011

Cheryl Adams Palmer
Board Member

STATE OF TEXAS §
COUNTY OF HARRIS §

ACKNOWLEDGMENT

This instrument was acknowledged before me on the 16th day of February, 2011, by Cheryl Adams Palmer, as board member of 1829 BERING DRIVE COMMUNITY ASSOCIATION, on behalf of said corporation.



Delia Segoviano Cooney
Notary Public in and for the State of Texas

Dated: February 16, 2011

Pierre Herzendorf
Board Member

STATE OF TEXAS §
COUNTY OF HARRIS §

ACKNOWLEDGMENT

This instrument was acknowledged before me on the 16 day of February, 2011, by Pierre Herzendorf, as board member of 1829 BERING DRIVE COMMUNITY ASSOCIATION, on behalf of said corporation.



Delia Segoviano Cooney
Notary Public in and for the State of Texas

AFTER RECORDING, RETURN TO:
Lambright & Associates
5851 San Felipe, Suite 860
Houston, Texas 77056

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.
THE STATE OF TEXAS
COUNTY OF HARRIS
I hereby certify that 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 of Harris County, Texas.

FEB 24 2011



Stan Stewart
COUNTY CLERK
HARRIS COUNTY, TEXAS

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