

CLAYTON'S PARK COMMUNITY ASSOCIATION, INC.

REGULATION AND ENFORCEMENT OF COMMERCIAL VEHICLES AND PARKING

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

WHEREAS, Clayton's Park Community Association, Inc. (the "Association"), a Texas nonprofit corporation, is the governing entity for Clayton's Park, Section 1-6, and Clayton's Park East Sections 1 and 2, additions in Harris County, Texas, according to the maps or plats thereof, recorded in the Map Records of Harris County, Texas, under Clerk's Film Code Nos. 603188, 613230, 624123, 644300, 652092, 666075, 676714, and 680287, respectively, along with any amendments, and replats thereto, and any additional property which may be or come within the jurisdiction of the Association (the "Subdivision"); and

WHEREAS, the Subdivision is governed by various Declarations of Covenants, Conditions, and Restrictions, filed of record in the Real Property Records of Harris County, Texas, as more particularly described in the instrument recorded under Clerk's File No. RP-2019-309779, (collectively referred to herein as the "Declaration"); and

WHEREAS, the Declaration prohibits the parking or storage of vehicles on any lot, easement, right-of-way, or common area, except that passenger vehicles may be parked on a driveway of a lot, if they are in operating condition, have current license plats and inspection stickers, are in daily use on the streets and highways of Texas, and do not exceed six feet six inches in height, or seven feet six inches in width, or twenty-one feet in length; and

WHEREAS, Texas Property Code § 204.010(a)(6) authorizes the Association, through its board of directors, to regulate the use, maintenance, repair, replacement, modification, and appearance of the Subdivision; and

WHEREAS, due to instances of commercial vehicles being parked and stored on lots and on street right-of-ways, in a manner which violates the Declaration, creates a nuisance, annoyance, and threat to safety in the Subdivision, and is inconsistent with, contrary to and degrades the residential character of the Subdivision, the board of directors desires to regulate the use and appearance of the Subdivision, as well as put owners and prospective purchasers on notice of the provisions of the Declaration and the interpretation and implementation of the provisions relevant to commercial vehicles;

NOW THEREFORE, pursuant to the foregoing, and as evidenced by the Certification hereto, the Association, through its board of directors, hereby adopts, establishes and imposes on the Subdivision the following:

- 1) Each Owner shall be responsible for ensuring that Owner, their family, tenant(s), occupants(s), guest(s) and invitee(s) comply with the provisions of these Rules and Regulations. These Rules and Regulations apply to any vehicle, or item, whether owned or operated by an Owner, or their family tenant(s), occupants(s), guest(s) and invitee(s); enforcement against any such violating items shall be against the responsible Owner.

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2) COMMERCIAL VEHICLES PROHIBITED:

- a. "Commercial vehicles" include, without limitation, those vehicles designed for commercial, business, or industrial purposes, regardless of their actual use, and include busses, tow trucks, 18 wheelers, vehicles with more than 2 axels, ambulances, food vehicles, delivery vehicles, moving vehicles, mass transport vehicles and vehicles to which equipment for the performance of commercial work is affixed.
- b. Commercial vehicles are prohibited from being parked on any street within the Subdivision, on any driveway within the Subdivision, on any common area within the Subdivision, and on any lot within the Subdivision, except within a completely enclosed garage.
- c. An exception to (a) and (b) above is made for emergency vehicles responding to an emergency at a residence, as well as temporary parking for moving vehicles, and other commercial service vehicles that are actually performing a service at the Property, and not on a routine or regular basis, and not during time periods in which curbside access is required by trash pickup service.
- d. No vehicle which transports inflammatory, explosive, toxic, or illegal cargo may be kept in the Subdivision at any time.

3) REGULATION OF PASSENGER VEHICLES AND OTHER ITEMS:

- a. No vehicle with or without motor may be parked or stored on any part of any Lot, easement, street, right-of-way, or Common Area unless such vehicle is concealed from public view inside a garage provided the doors may be closed and secured or other approved enclosure, except passenger automobiles, passenger vans or pick-up trucks that: (1) are in operating condition; (2) have current license plates and inspection stickers; (3), are in daily use as motor vehicles on the streets and highways of the State of Texas; and (4) which do not exceed 6 feet 6 inches in height, or 7 feet 6 inches in width or 21 feet in length, and may be parked in the driveway on such Lot.
- b. Vehicles parked on the street shall be parked parallel to the curb, facing the direction of traffic flow on the street, shall be no farther than 18 inches from the street curb, shall not be parked in front of any driveway or mailbox of another resident, or within 5 feet from the curb of a fire hydrant location.
- c. No vehicle may be parked on the street in a manner which creates a nuisance or annoyance or hazard to drivers or pedestrians, or which inhibits vehicles from navigating the streets, such as at curbs where sightlines are limited or traffic is difficult to see, as determined in the sole and complete discretion of the board of directors.
- d. No boat, jet-ski, aircraft, horse trailer, trailer of any kind, motor home, camper, camper body or similar vehicle or equipment, or any other item, shall be parked on a common area, or, except for brief periods of time for actual loading/unloading: the street right-of-way, or driveway of a lot.

4) PRIVATE STREET AND COMMON AREA REGULATIONS AND TOWING:

- a. Violation of the foregoing, and violation of any provision of the Declaration regarding the curbside parking and storing of vehicles and other items on the Subdivision private streets, or common areas, may result in the violating vehicle or other item being towed at the expense of the vehicle owner, with or without notice as required by law.
- b. The Association shall contract with a tow company, properly insured against liability related to the towing, that has a telephone number answered 24 hours a day, and erect the appropriate lawful signage to enable immediate towing.
- c. No Vehicle may be towed except at the direction of a member of the Board of Directors, the Association's managing agent, or any other person designated by the Board of Directors in writing.
- d. Owners may report violations to the Board of Directors, or the Association's managing agent, or any other person designated by the Board of Directors in writing.
- e. In advance of towing, the Association may, but is not obligated to, place "warning" stickers on any vehicle parked in violation of these Rules and Regulations.
- f. This Policy constitutes a general practice, the Association reserves the right to provide additional notices, to delay towing, or institute other lawful actions, for unique circumstances as determined in the sole discretion of the Board of Directors.

5) The Association's Board of Directors shall have the sole and complete discretion and authority to determine whether a vehicle or other item is in violation of any of the foregoing regulations and/or the Declaration.

6) ENFORCEMENT: As more specifically provided in Article VIII of the Declaration, if a violation continues without resolution, the Association shall have the right to undertake any action authorized by the Declaration and/or applicable law, including, but not limited to:

- a. Initiating a lawsuit against the violating Lot Owner for injunctive relief, along with a judgment for costs, attorney's fees and expenses, statutory penalties, and any other charges.
- b. Seeking immediate temporary injunctive relief to require an Owner cease violating the Declaration and/or Rules and Regulations while a lawsuit is pending.
- c. An Owner's right to use any common area, recreational facility or any other Association property shall be suspended upon sending the appropriate statutory notice under Section 209.006 of the Texas Property Code.
- d. Initiating self-help actions as related to the removal of items from private streets and common areas.

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- e. In any judgment for injunctive relief, or in a separate action, seek an order of foreclosure of the violating Owner's Lot, for the amounts awarded in the lawsuit, as provided for in Article VIII of the Declaration.
- f. All amounts incurred by the Association in enforcing the Declaration and these Rules and Regulations are hereby levied against the responsible Owner's Lot, as provided for in Article VIII of the Declaration.
- g. All levies constituting a lien on a Lot may be evidenced by the filing of a Notice of Lien in the Public Real Property Records of Harris County.
- h. All violations, enforcement actions, levies, charges, assessments, and other matters relevant to this policy may be indicated on any Resale Certificate or Estoppel Certificate, or any other request for information by a potential purchaser, or seller of a Lot as provided by Chapter 207 of the Texas Property Code.
- i. In the event a Resale Certificate is not requested by a purchaser, any sale of a Lot shall not affect the enforceability, collectability or lien status of any enforcement matter, levy or charge on the Lot, or as to the new or prior Lot Owner.

CERTIFICATION

"I, the undersigned, being a Director of Clayton's Park Community Association, Inc., hereby certify that the foregoing instrument was approved by the vote of at least a majority of the Association Board of Directors at a duly noticed open meeting of the Board of Directors, at which a quorum of the Board was present."

By: Jose E. Soto

Print Name: Jose E Soto

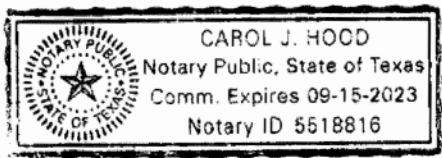
Title: HOA BOARD PRESIDENT

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day, personally appeared Jose Soto, a Director of Clayton's Park Community Association, the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same as the act of the Association for the purpose and consideration therein expressed and in the capacity therein stated, and that the statements therein are true and correct.

Given under my hand and seal of office this 25th day of June, 2020.

Carol J. Hood
Notary Public, State of Texas



E-Recorded By:
HOLT & YOUNG, P.C.
9821 Katy Freeway, Ste. 350
Houston, Texas 77024

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Pages 5
08/10/2020 03:02 PM
e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
CHRIS HOLLINS
COUNTY CLERK
Fees \$30.00

RECORDERS MEMORANDUM

This instrument was received and recorded electronically and any blackouts, additions or changes were present at the time the instrument was filed and recorded.

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 hereon by me; and was duly RECORDED in the Official Public Records of Real Property of Harris County, Texas.



A handwritten signature in black ink, appearing to read "Chris Hollins", written over a horizontal line.

COUNTY CLERK
HARRIS COUNTY, TEXAS

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