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20120036057  
01/27/2012 RPI \$172.00

# DEED RESTRICTION RULES AND REGULATIONS

Grantor: **Westbank Homeowners Association, Inc.**

Grantees:

**SECTION ONE R/P (1 R/P), OF WESTBANK,**  
a subdivision in Harris County, Texas,  
as recorded in Volume 217, Page 76 of the Map Records of Harris County, TX

**SECTION TWO, OF WESTBANK,**  
A subdivision in Harris County, Texas,  
As recorded under the Clerk's File # E495367, Microfilm Code # 124-09-17115 & 16

**SECTION THREE (3) OF WESTBANK,**  
a subdivision in Harris County, Texas,  
As recorded in Volume 52, Page 66 of the Map Records of Harris County, TX

**SECTION FOUR (4) OF WESTBANK,**  
a subdivision in Harris County, Texas,  
As recorded in Volume 284, Page 148 of the Map Records of Harris County, TX

**SECTION FIVE (5) OF WESTBANK,**  
a subdivision in Harris County, Texas,  
As recorded in Volume 284, Page 149 of the Map Records of Harris County, TX

**THE STATE OF TEXAS §**

**COUNTY OF HARRIS §**

**BEFORE ME**, the undersigned authority, on this day personally appeared Paulann Alleman, President, Westbank Homeowners Association, Inc., who, being by me duly sworn according to law, stated the following under oath:

"My name is Paulann Alleman, I am fully competent to make this Affidavit. I have personal knowledge of the facts stated herein and they are all true and correct. I am the President of the Westbank Homeowners Association, Inc. (WHOA, herein and below), a Texas Non-Profit Corporation.

**AFTER RECORDING RETURN TO:**  
Westbank HOA  
PO Box 2298  
Spring, TX 77383-2298

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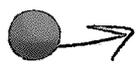
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RP 080-77-0278



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"The Association by and through its Board of Directors and also through a representative committee of homeowner WHOA members has published this "Deed Restrictions & Rules & Regulations" for the operation of the Carriage Lane Subdivision.

"As RESOLVED by the Board of Directors at its monthly meeting on September 19, 2011, I am filing of record in the Real Property Records of Harris County, Texas, this document containing all of the "Deed Restrictions & Rules & Regulations as created and published by the Board of Directors and a committee of homeowners. A copy of the Board's resolution to file these rules may be found in the WHOA's September 19, 2011, Minutes of the Regular Monthly Meeting of the Board of Directors of the WHOA.

"The following pages constitute a copy of the full color magazine style publication of the WHOA's "DEED RESTRICTIONS & RULES & REGULATIONS.

SIGNED on this the 12th day of November 2011.

*Paulann Alleman*  
Paulann Alleman, as  
President  
Westbank Homeowners Association, Inc. *PA*

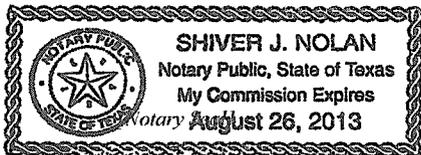
VERIFICATION

THE STATE OF TEXAS §

COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on thus day personally appeared Paulann Alleman, President of the Westbank Homeowners Association, Inc., a Texas Non-Profit Corporation who, after being duly sworn, stated under oath that she has read the above and foregoing Affidavit and that every factual statement contained therein is within her personal knowledge and is true and correct. I have identified Paulann Alleman by personal knowledge and by her Texas Drivers License.

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public of the State of Texas, on this the 12<sup>th</sup> day of November, 2011.



*Shiver J. Nolan*  
NOTARY PUBLIC  
IN AND FOR THE STATE OF TEXAS

AFTER RECORDING RETURN TO:  
Westbank HOA  
PO Box 2298  
Spring, TX 77383-2298

RP 080-77-0279

Westbank Homeowners Association, Inc.



**Deed Restrictions  
&  
Rules & Regulations**



**MANDATORY RULES AND REGULATIONS  
FOR ALL HOMES IN CARRIAGE LANE  
CARRIAGE LANE OWNERS AND RESIDENTS INFORMATION**

**COMPILED AND PUBLISHED BY:  
Synergy Management  
Services, Inc.**

**\$12.50**

Version 2011-1

**Front Cover**

0820-22-080  
RP 080-22-080

# Why New Rules and Regulations?

**HOUSTON CHRONICLE- Sunday, April 11, 2010 ANNUAL  
NEIGHBORHOOD PRICE TRENDS**

Subdivision	School district	Typical price range (\$1,000s)	2008 median price per sq. ft.	2009 median price per sq. ft.	Pct. change '08-'09	Avg. annual pct. ch. '04-'09	Loca- tion	Sales in 2009	Pct. new '08-'09	Pct. fore- clos- ures '08-'09	Homes in sub- divi- sion
Westador	Spring	\$92-\$154	\$44.15	\$44.25	0.2%	-2.1%	08	35	0%	35%	665
Westbank	Cy-Fair	\$54-\$97	\$54.93	\$45.70	-16.8%	-5.9%	18	29	0%	31%	1,262
Westbourne	Tomball	\$58-\$121	\$67.46	\$63.45	-5.9%	-2.1%	08	35	0%	22%	795
Westbranch	Cy-Fair	\$87-\$150	\$64.31	\$67.30	4.6%	-2.6%	18	24	0%	25%	952
Westbridge	Cy-Fair	\$139-\$178	\$67.32	\$66.86	-0.7%	-0.1%	08	10	0%	5%	251
Westbrook Lakes	Cy-Fair	\$150-\$197	\$67.43	\$72.74	7.9%	1.3%	08	11	0%	14%	292

Each year the Houston Chronicle publishes statistics about each subdivision in Harris County. It shows which subdivisions are doing well and which subdivisions are not doing well.

As you see in the chart above, **WESTBANK IS NOT DOING WELL!**

In the last FIVE YEARS the average home in Westbank has . . .

## LOST 16.8% OF ITS VALUE

A Westbank Home that was worth \$100,000 in 2004 is now worth \$83,200 And nearly \$6,000 of that loss was in 2009. 2010 & 2011 are looking no better.

Your homeowner's association, on YOUR BEHALF is trying its best to stop this dangerous and costly trend. One way that the WHOA is going to use is by the strict enforcement of all deed restrictions and these new RULES AND REGULATIONS.

The vast majority of Westbank Homeowners work very hard spending time and money to keep their property looking very nice. Unfortunately about 10% of Westbank Homeowners apparently just don't care what their homes look like. Unsightly homes **COST ALL WESTBANK HOMEOWNERS MONEY.** THE WHOA WANTS TO STOP THE SMALL NUMBER OF HOMEOWNERS FROM HURTING ALL OTHER HOMEOWNERS IN WESTBANK. THIS IS WHY THESE NEW RULES AND REGULATIONS HAVE BEEN BY REPRESENTATION, APPROVED BY THE MAJORITY OF HOMEOWNERS AND SENT TO EACH HOMEOWNER AND THEY WILL BE **STRICTLY ENFORCED.**

Inside Front Cover

RP 090-77-0281

# Westbank Homeowners Association, Inc.

## MISSION STATEMENT

1. To keep Carriage Lane property values at the highest possible level.
2. To fairly enforce all of the Carriage Lane Deed Restrictions.
3. WHOA believes that an owner's home is his "CASTLE," and that to the greatest extent possible each homeowner should be allowed to do with his property and act on his property as he wants to. *As long as it does not interfere with his neighbor's right to enjoy HIS "CASTLE."* When the actions or non-actions of a homeowner (or tenant) begin to disturb the neighbors or reduce the value of the neighbor's homes, then it is the mission of the WHOA to intervene and to stop the behavior that is causing the problem. WHOA first attempts to intervene in the least obtrusive manner possible, but if that fails WHOA will take the matter all the way to the District Courts of Harris County. It is not fair to any homeowner to allow other homeowners to disturb them or to reduce the value of their home.
4. WHOA strives to "work" with those homeowners, who from time to time have problems, to reach agreeable solutions, with both deed restriction violations and collection of fees. In order for WHOA to help, the homeowner must contact WHOA.
5. To diligently operate the Pool, Tennis Courts, Parks, Esplanades, and Neighborhood Security to best serve eligible residents and to maximize the beauty and values in Carriage Lane.
6. To respond to all homeowner questions in a prompt and courteous manner.
7. To fairly operate the ACC (Architectural Control Committee) and to promptly approve or disapprove all residents requests to make any modifications to the exterior of their homes or lot.
8. To allow any homeowner desiring to do so, to meet with WHOA Board of Directors to discuss and attempt to solve any problems or disagreements.
9. To efficiently collect all fees, dues, interest, and penalties, and to diligently control the spending of WHOA's funds.
10. To follow all of the Deed Restrictions and all applicable Local and State Laws.

# The Westbank Homeowners Association, Inc. (The WHOA)

The purpose of the Westbank Homeowners Association (WHOA) is to keep property values in Carriage Lane as high as they can be. High property values are in the best interest of every single homeowner in Carriage Lane. The WHOA also maintains and operates all of the "common areas" in Carriage Lane. Common areas include the four parks, the swimming pool, and the tennis courts. The WHOA also manages and maintains the 21 esplanades that are in the middle of West Rd.

All property owners in Carriage Lane are members of WHOA. Your membership in WHOA occurred when you purchased your home and membership is not optional. If you own a property in Carriage Lane you are a member. WHOA collects an annual fee from all property owners each year. These fees are used to pay for many things in the subdivision.

In terms of the value of properties in Carriage Lane, one of the most important duties of the WHOA is enforcing the deed restrictions. **THE APPEARANCE OF THE SUBDIVISION IS THE SINGLE LARGEST FACTOR IN DETERMINING THE VALUE OF THE HOMES IN CARRIAGE LANE.** When you purchased your property in Carriage Lane you agreed to follow all of the deed restrictions and rules that cover the property you bought. The deed restrictions were written in the early 70's and have been kept up to date by the WHOA's Board of Directors.

Everyone can agree that if your neighbor were to park his vehicles in his yard, have broken garage windows, or a garage door that would not close properly, had trash cans and garbage bags sitting on the driveway all of the time, had a wrecked car in his driveway and a blue tarp on the roof, that neighbor and his home would actually be costing you money, lots of money. That house would lower the value of your property. While this example is extreme, it does illustrate why the WHOA in the best interest of all homeowners must enforce all of the deed restrictions and rules and regulations.

After distribution of this document all of the Deed Restrictions and The Rules and Regulations described here will be

## **STRICTLY ENFORCED.**

All of the rules and regulations published in this document have been reviewed by the WHOA's attorneys, who have indicated to the WHOA that all such rules and regulations are enforceable in any court of law. The attorney's opinion letter is included herein for your information.

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# WHY ISN'T IT THE CARRIAGE LANE HOMEOWNERS ASSOCIATION ?

## Why "Westbank" HOA in "Carriage Lane"?

In 1974, when the developers planned to build the subdivision, they named the subdivision, "Westbank." They even filed the deed restrictions under the name Westbank and created the Westbank Homeowners Association. But in that same time period and after the Westbank HOA papers had been filed with the county, a war broke out in the Middle East. The war was primarily concentrated on the "Westbank" in Israel.

The developers then decided that Westbank would not be a good name for a new subdivision, so they changed the name of the subdivision to Carriage Lane. But, all of the papers had already been filed, using the name "Westbank." It would have been very expensive to re-file the papers under the name of Carriage Lane, so the developers just left it as the Westbank Homeowners Association, the HOA for the Carriage Lane Subdivision.

**NOW YOU KNOW!**



RP 000-77-0286

# SELECTED ARTICLES AND SECTIONS FROM THE WESTBANK HOA'S DEED RESTRICTIONS

Note: Black, *italicized* type below is an actual reprint from the Deed Restrictions. Blue type indicates how the WHOA and the ACC interpret those Articles or Sections

## *Article VI - Exterior Maintenance*

*In the event an owner of any Lot in the Properties shall fail to maintain the premises and the Improvements situated thereon in a manner satisfactory to the Board of Directors, the Association, after approval by two-thirds (2/3) vote of the Board of Directors, shall have the right, through its agents and employees, to enter upon said parcel and to repair, maintain, and restore the Lot and exterior of the buildings and any other improvements erected thereon. The costs of such exterior maintenance shall be added to and become part of the assessment to which such Lot is subject.*

The Association has the right to go onto your property and mow and edge the grass, or even to make repairs to the exterior of your home or to your fence. **The Association DOES NOT WANT TO MAINTAIN YOUR HOME. The Association's contractors may and probably will CHARGE MORE THAN YOUR CONTRACTOR WOULD.** Additionally, there are administrative fees that will be charged. If an owner refuses to maintain his property the Association WILL mow and edge the yard. The Association MAY make repairs to the exterior of your home or your fences. All of these amounts will be charged to your homeowner's account. The Association will send a letter (first class or certified) giving you notice of the situation and giving you an reasonable period of time to remedy the maintenance problem on your own. **YOU WILL SAVE MONEY DOING IT YOURSELF.**

## *Article VII – Use Restrictions*

**1. Said Lots shall be used for residential purposes only and no building shall be erected, altered, placed or permitted to remain on any Lot other than one detached single-family dwelling not to exceed two stories in height AND [EMPHASIS ADDED] a private garage for not more than three (3) cars.**

**A. ONLY SINGLE FAMILIES MAY LIVE IN ANY CARRIAGE LANE HOME.** You may not have more than one family living in a Carriage Lane Home. You may not live in your house and rent out any part of your home or lot.

**B. You cannot run a business from your home unless it is specifically allowed by Federal or State Law.** You may not have business trucks (unless it will fit completely in your garage), trailers or other equipment in your driveway or in front of your house even overnight. Licensed daycare centers are allowed.

**C. All homes MUST HAVE a garage.** This means that if you want to remodel your garage and turn it into an extra room, you must keep the appearance of a garage door. Most people converting their garage into a room just sheetrock behind the garage door, so that from the outside it looks as if the home has a garage.

5. *Easement for the installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat. No utility company, water district political subdivision or other authorized entity using the easements herein referred to shall be liable for any damage done by them or their assigns, agents, employees, or servants, to shrubbery, trees or flowers or other property of the owner situated on the land covered by said easements.*

A. All of the homes in Carriage Lane have utility easements. An easement means that while the property is your property which you must maintain, you cannot prevent a utility company from entering on to your property and digging or inspecting *their* easement on your property. EXAMPLE: Most, but not all easements are located along the back fence. Usually the easement extends 5 to 8 feet from the fence towards your home. The electric company, the phone company, the cable company, and the water district for underground cables and pipes use the easement. If you have bushes up against your back fence, the easement owners could remove all of your bushes if necessary to place their pipes or wires underground. They would not be responsible for the replacement or replanting of any of your bushes. They don't need your permission to do so. If you had a storage building or slab or any other object, which is in the way of the easement, they may remove, tear down, or destroy the items in their way and YOU WILL BE RESPONSIBLE FOR ALL COSTS INVOLVED. THEY WILL NOT REPLACE OR REPAIR DAMAGES TO ANY ITEMS IN THEIR WAY.

6. *No Noxious or offensive activity shall be carried on upon any Lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.*

A. This rule means that if you are doing something on your property and it is offending your neighbors then you must stop doing whatever is causing the nuisance or annoyance.

The following is a list of some common nuisances that are not allowed in Carriage Lane. Additional items may be added to this list without additional notice to you. If you are doing any thing that is a reasonable nuisance to your neighbors it may be added to this list.

1. No loud music or constantly barking dogs.
2. No foul or bad odors from pet waste or any other cause.
3. No visible maintenance problems may exist on your property.
4. No items shall be allowed to collect water, which may become a breeding ground for mosquitoes.
5. You may not have anything in your yard including long grass or unkempt bushes that would encourage rats or snakes.
6. Your backyard may not be used as a junkyard, auto salvage yard or storage facility.
7. Trash, trash cans, garbage, and garbage bags may not be stored in the public view except that they may be placed on the curb on trash day or the evening before to be removed from public view at the end of garbage pick up day. Put your trashcans in your garage or place them behind a fence so as not to be visible to the public.
8. No blocking the view from your or a neighbor's driveway with bushes over 2 feet high within 12 feet of the street.

9. No vehicles may be parked in the grass or dirt in any yard that is in the public view.

7. *No structure of a temporary character, trailer, basement, tent shack, garage, barn or other outbuilding shall be used on any lot at any time as a residence, either temporarily or permanently.*

A. You cannot allow anyone to live on your property except in your house. You may not have guests or family staying in a camper, or trailer at your home. You may not have people living in your garage or in any other building on your property except the house.

8. *No lot shall be used or maintained as a dumping ground for rubbish or trash and no garbage or other waste shall be kept except in sanitary containers.*

A. You may not store garbage except in trashcans or garbage bags. All trash, brush, tree limbs and construction materials must be stored out of the public view, and must properly disposed of as soon as possible. You may not store "junk" in your backyard. No wrecked autos, no tires, and no construction materials.

9. *No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot except that dogs, cats or other house-type pets may be kept provided that they are not kept, bred or maintained for any commercial purposes, not to exceed a total of three (3) adult animals.*

A. You may not continuously breed animals of any kind for sale.

B. NO POULTRY of any kind.

C. No farm animals of any kind.

D. You cannot have a total of more than THREE cats, dogs, or other animals.

10. *No shrub or tree planting which obstructs sight lines at elevations between 2 and 6 feet above the roadway shall be planted or permitted to remain on any corner lot within the triangular area formed by the street property line and a line connecting them at points 25 feet from the Intersection of the street property lines extended. The same sight line limitations shall apply to any lot within 10 feet from the intersection of a street property line with the edge of a driveway or alley pavement. No tree shall be permitted to remain within such distances of such intersections unless the foliage line is maintained at sufficient height to prevent obstructions of such sight lines.*

This provision simply means that no bushes or tree limbs may obstruct the view of drivers at any intersection in Carriage Lane. Tree branches may not obstruct any traffic signs and should be trimmed so as not to touch a large truck or a moving van when it is going through the intersection. Bushes higher than two feet tall may not be grown at or near the corner of an intersection. It is also a violation of Carriage Lane rule # 6 above for any house to block the view from any neighbors driveway with bushes over 2 feet high. There must be a clear area 12 feet from the street along the edge of all driveways to allow the safe coming and going from driveways.

11. *No truck, bus or trailer shall be left parked in the street in front of any lot except for construction and repair equipment while a house or houses are being built or repaired in the immediate vicinity, and no truck, bus, boat or trailer shall be parked on the driveway or any portion of the lot exposed to public view.*

**NOTE:** In the early seventies when these deed restrictions were written it was uncommon for homeowners to own larger pickups so the developers of Carriage Lane wrote the deed restrictions so that no trucks (including pick up trucks) could be parked in front of or in the driveway of any home. Your Board of Directors realizes that times have changed and now many homeowners own pickup trucks. Therefore any pickup truck that can fit into the home's garage and that is in day to day use will be allowed to park in front of or in the driveways of Carriage Lane homes, but not on the grass or yard in the public view.

A. No buses, trailers, campers, motor homes, or boats shall be parked on the street or in the driveway or on any visible portion of any lot in Carriage Lane, except for when it is being loaded or unloaded for a maximum of two days.

### *Article IX – General Provisions*

*Section 1. Enforcement. The Association, or any Owner, shall have the right to enforce by any proceedings at law or in equity, all restrictions, conditions, covenants, reservations, liens and charges now or hereafter imposed by the provisions of this Declaration. Failure by the Association or by any owner to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.*

It is expensive to hire attorneys to enforce the deed restrictions. Your Association has only limited funds available for enforcing the deed restrictions. While all attorney's enforcement fees are recoverable from the offending homeowner, the Association must pay large fees in advance. The Association must prioritize which violators to legally pursue first to force them to stop their violation(s). Obviously the Association goes after the most serious violations first. If the Association is not pursuing a violation that affects you, you may file your own lawsuit. Please contact the Association before filing this type of lawsuit as we may be able to help prepare evidence or even file the suit in the name of the Association. The Association may file a lawsuit at anytime and enforce any deed restriction even if the violation has existed for a long time.

**State Law gives the Board of Directors the authority to write enforceable rules for property owners so long as the rules are consistent with the Deed Restrictions.**

*Sec. 204.010. POWERS OF PROPERTY OWNERS' ASSOCIATION. (a) Unless otherwise provided by the restrictions or the association's articles of incorporation or bylaws, the property owners' association, acting through its board of directors or trustees, may:*

*(6) regulate the use, maintenance, repair, replacement, modification, and appearance of the subdivision;*

*(18) if the restrictions vest the architectural control authority in the property owners' association or if the authority is vested in the property owners' association under Section 204.011:*

*(A) implement written architectural control guidelines for its own use or record the guidelines in the real property records of the applicable county; and*

*(B) modify the guidelines as the needs of the subdivision change;*

**The Board of Directors has retained an attorney to review this entire document and to issue to the WHOA his legal opinion as to the ability of the WHOA to write and enforce the rules, regulations and fines contained herein. A copy of that opinion is included at the end of this publication.**

# Westbank Rules and Regulations

The following rules and regulations may be enforced by the WHOA against any homeowner in violation of them. The rules below are not exclusive as from time to time additional rules may be added if or when the WHOA Board of Directors determines that circumstances in Carriage Lane have changed or when new issues appear that affect Carriage Lane homes or properties.

## A. Fences

a. **Pickets.** All fences situated parallel to the front lot line or parallel to a side street adjacent to a corner lot shall be constructed with pickets on the outside so that no posts or rails are visible from the street in front of the lot or from the side street.

b. **Gates.** All gates shall be constructed with materials consistent with either the fence material or wrought iron material, black in color. Any other color must be approved by the ACC.

### c. Color and Materials.

i. **Wooden Fences.** No wooden fence may be painted, stained or varnished. A "clear" wood preservative or sealant may be used.

ii. **Chain Link and Wire Fences.** Chain link and wire fences are not permitted, except to enclose a swimming pool and only if the chain link or wire fence is not visible from any street or from any neighbor's yard.

d. **Setback Lines.** Fences may not be constructed on a lot forward of any applicable setback line, unless approved in writing by the ACC.

e. **Maintenance of Fences.** All fences shall be properly maintained and portions replaced as originally constructed.

f. **Height.** Fences or walls located on interior side of rear lot lines shall not exceed 8 feet in height. Fences bordering on West Road, the flood control ditch, parks, or on the subdivision perimeter may be 8 ½ feet tall. All heights may have up to an additional six inches of rot board at the bottom.

## B. OUTBUILDINGS

a. **General Rules.** For the purposes of these guidelines, an "outbuilding" is defined as any structure, which is not attached to the main residence. This definition does not include additions to the main residence or garage, but does include gazebos, storage sheds, play structure, and play apparatus. Outbuildings shall not exceed 10 feet high if they are placed within 15 feet of any property line. Otherwise outbuildings may not exceed 12 feet in height. The approval of the length and width of any utility building will depend upon the size of the lot in relation to the proposed utility building, as well as the placement of the proposed utility building on the lot provided they meet the other standards set forth in these guidelines. If the outbuilding has a platform (this will include decks of any kind), the platform can be no higher than four feet (4') and must be centered in the back yard to protect neighbor's privacy. The standard type, quality and color of materials used in the construction of outbuildings shall be harmonious with those of the main residence on the lot. Provided, however, the ACC may approve small prefabricated metal or plastic or

wood storage buildings, which are (1) a color that blends with the main residence. An outbuilding shall be located in the rear portion of the lot, but may not be located on the rear utility easement unless the outbuilding is moveable or the utility company has provided prior written consent. Outbuilding locations must also conform to the building front and side setback restrictions. No outbuilding may be placed or built against any wall of the main residence. NO outbuilding may be located on a lot such that it impedes drainage from the lot or causes water to flow onto an adjacent lot. Further, if an outbuilding is to be constructed or placed on a lot, the lot must be enclosed by at least a six (6') fence. Gazebos shall be considered to be "outbuildings." Children's Play Structures shall also be subject to all of the guidelines for "outbuildings."

### C. PATIO COVERS

The standard, type, quality and color of the materials used in the construction of a patio cover must be harmonious with the standard, type, quality and color of the materials used in construction of the main residence. Prefab covers made of aluminum may be approved provided they are consistent with the exterior paint of the house. Unfinished aluminum will not receive ACC approval. All metal must be painted and certain structures using fiberglass roofing and wood frames may be allowed to remain unpainted, provided that treated pine must be painted or stained. If attached to the residence, a patio cover must be integrated into existing roof line (flush with eaves), and if shingled, shingles must match the roof. Entire patio cover and posts should be trimmed out to match the house. Fiberglass roofs are acceptable and earth tone colors such as tan, brown, beige, or clear may be used. All patio cover materials, i.e., fiberglass, corrugated aluminum, metal, wood, lattice, must be completely framed in so that no raw edges of the material are visible. Patio covers may not encroach into any utility easement unless the utility companies involved have granted their written consent to such encroachment. Patio covers must be situated on the lot to provide drainage solely into the owner's lot.

### D. CARPORTS

Carports and awnings are not allowed on the front or side of a residence, unless concealed from the view of the street in front or at the side of the residence.

### E. DECKS

All decks must be approved by the ACC with respect to location and the standard, type, color and quality of the materials used in construction. Appropriate fences may be required by the ACC if any portions of a proposed deck would otherwise be visible from the street or from an adjacent lot. No deck shall impede drainage on the lot or cause water to flow on an adjacent lot.

### F. EXTERIOR LIGHTING

Directional lights or floodlights must be aimed so as not to shine in the windows of neighboring homes or oncoming vehicles. Electric light poles installed in front yards must be black with a maximum height of six feet (6'). All new lighting, which is approved by the ACC, shall be subject to a ninety (90) day trial period to assure that the lighting is not objectionable to surrounding residents. If, at the end of the ninety-day period, the ACC determines that the lighting is not unreasonable, offensive, or an annoyance to surrounding residents, the ACC's approval shall be final; otherwise the lighting shall be removed or modified in accordance with the decision of the ACC.

### G. EXTERIOR PAINTING

Color samples or "paint chips" of the proposed color of exterior paint used for additions or on the main house, must be submitted to the ACC for approval. ACC approval must be obtained for any changes in the color scheme of any property. Exterior color must be in harmony with the color scheme of the surrounding homes. No house should "STAND OUT" to a reasonable person due to its color. As far as paint and exterior colors are concerned, care should be taken to "blend in" with other neighboring homes. Exterior paint must be maintained in good condition at all times. Exteriors of homes shall not be allowed to build up mold or mildew that is visible to the street or neighbors. Mold and mildew should be cleaned off of the home as soon as possible.

## H. ROOFING MATERIALS AND ADDITIONS

a. **MATERIALS.** A sample of the proposed shingle to be placed on any existing roof or any new improvement must be attached to each application submitted to the ACC, if requested by the ACC. Brand names and descriptions may be adequate for approval, at the sole discretion of the ACC. The color of any proposed shingle must be harmonious with the color scheme established in the subdivision. No green or white shingles will be allowed by the ACC.

b. **ROOFING ADDITIONS.** No solar panels or similar types of additions shall be permitted on the front of the roof ridge line and/ or gable of a structure.

## I. SOLAR FILM AND WINDOW COVERINGS

Any color film applied to windows must receive prior ACC approval and must be made of non-reflective type materials. Aluminum foil is not approved as a window covering. Any shades, shutters, blinds, whether on the inside or outside of the house must be kept in good condition if they are visible to neighbors or the public.

## J. BASKETBALL GOALS

a. **PERMANENTLY MOUNTED.** Permanently mounted basketball goals must be mounted on the garage roof in an acceptable and harmoniously fashion. Permanent goals may also be mounted on black metal poles, but may not be in a position where a ball missing the goal would be likely to hit a neighbor's house or car or land on the neighbor's property. Permanent goals may not be any nearer than 20 feet from any street.

b. **PORTABLE GOALS.** Portable basketball goals may not be left in the public view when not in actual use. Playing basketball in the street can only occur if no traffic is blocked or inconvenienced by the players. Goals must be set up where a ball going over the goal will not land on any other neighbor's property. Any basketball playing in the street is subject to all of the county and state laws governing use of the roadways and may be enforced by any law enforcement official. These rules shall not allow any person to violate state or local laws. Residents are responsible for learning all applicable laws before proceeding with the temporary placement of basketball goals.

## K. DECORATIONS

On any portion of a lot visible from any street, there shall be no decorative appurtenances, such as sculptures, birdbaths, birdhouses, fountains, or other decorative embellishments placed thereon without the prior approval of the ACC. Identifying numbers may be placed on the residence, but not on any type of

freestanding structures except mailboxes. Holiday decorations will be permitted for a period of ONE MONTH prior to the holiday and for 30 days after the holiday.

**L. LANDSCAPING**

Trellises, window boxes and arbors must be maintained and harmonious with the surroundings. ACC approval should be obtained for any permanent flowerbed borders.

**M. ANTENNAS AND SATELLITE DISHES**

All antennas or satellite dishes must be higher than 5 feet (5') above any roofline. Satellite dishes larger than the common Dish Network or Direct TV dishes then in use are not allowed. In every instance all antennas and satellite dishes must be installed in the least visible portion of the home or lot where reception may be obtained. To avoid having to move an antenna or satellite dish ACC approval should be obtained.

**N. BROKEN WINDOWS AND DOORS**

All broken glass or doors must be replaced within 72 hours of breakage or after the end of any storm or other Act of God, which may have caused the door or window to become broken. Unoccupied homes must be secured within 24 hours after occupants or owners leave the premises.

**O. DIRTY PAINT AND/OR MILDEW OR MOLD ON HOUSES**

Homeowners shall keep up the appearance of their homes by promptly cleaning or pressure washing surfaces to remove dirt, graffiti, mold, or mildew, which negatively affects the appearance of the house or property.

**P. YARD AND LAWN APPEARANCE**

Grass must be kept mowed and edged on a regular basis during the growing season and on an "as needed" basis during the winter and fall. Care should be taken to make sure that no grass hangs over the curbs, or grows from driveway expansion joints. Flowerbeds should be well maintained or removed. All grass clippings, leaves, etc. should be properly disposed of. Do not blow or wash clippings or leaves into the nearest storm drain. To do so is illegal, it clogs up the drains, which may make the street susceptible to flooding during rainstorms. In the event that a homeowner fails to properly and regularly maintain his yard and lawn appearance, the WHOA may have its contractors mow, edge and/or weed eat the property (after notice to the owner). When the WHOA performs this maintenance ALL COSTS will be assessed against the property. The prices the WHOA charges for maintenance services may be more than you could hire your own contractor to do the same job. If you receive a certified letter regarding mowing, edging and weed eating your yard, please be aware that the letter is EFFECTIVE FOR SIX MONTHS. This means that the WHOA can have your yard maintained at anytime during that six month period WITHOUT ANY FURTHER NOTICE TO YOU. TAKE CARE OF YOUR YARD. YARDS ARE THE VERY FIRST THING ANY PROSPECTIVE BUYER SEES WHEN DRIVING THROUGH THE SUBDIVISION.

**Q. GUTTERS**

All rain gutters must be in good repair and condition. All rain gutters must be painted to match the portion of the house to which they are attached.

**R. MAILBOXES**

HP 080-22-0294

Each Carriage Lane must have a Post Office Approved mail box in a proper place on the property. Mailboxes must be maintained to have a good appearance and service function.

**S. INOPERABLE VEHICLES**

ANY vehicle that is not LEGALLY entitled to use the public roads may not be stored in the public view in a driveway or on the street. Vehicles without current licenses and/or inspection stickers ARE LEGALLY INOPERABLE (even if they run fine). Any vehicle that cannot be driven due to wreck, non-working engine, flat tire(s) or any other reason, mechanical or otherwise is an inoperable vehicle and may not be stored or parked in the public view on the driveway or in the street. No vehicles, operable or inoperable may be stored or parked in the driveway or on the street if they are not in day to day use. If you need to store a car, use a storage facility or your garage.

**T. BARBEQUE PITS**

Barbecue pits may not be stored in the public view. If you use your BBQ pit in the front of your house, you must remove it from public view as soon as it is cool enough to do so (NO MORE THAN 24 HRS AFTER USE).

RE 080-22-0295

# PROBLEM PROPERTIES

The vast majority of Carriage Lane homeowners take very good care of their homes. Most homeowners take the time and effort and spend the necessary money to keep their homes up and to maintain the home's, "curb appeal." Good curb appeal increases (or at least does not diminish) property values in Carriage Lane.

There are a few property owners who just don't seem to care. They live in the houses that have obvious maintenance problems. Siding may be rotten or even missing. Mildew may cover the house. The yards may be unattended to, desperately needing to be mowed and edged. Cars may be parked on the grass in the yards. Garbage and debris may be in the yard or visible at the side of the house. Broken garage windows or even broken garage doors may be present. These problems exist in homes that are both rented and owner occupied.

A small number of "bad" homes also have a strong tendency to have repeat problems. If it is not one violation it is another. These are the homes that really drag down everyone's property values. These are also the homes that the Association wants to CLEAN UP for the benefit of our "good" homeowners.

The WHOA has considered numerous methods of "encouraging" this small number of owners to keep their properties up to the standards shown by the other Carriage Lane homes. It cost the WHOA and YOU money to continually have to deal with the few repeat offenders. These are the same homes that just ignore Deed Restriction notices. This forces the WHOA to spend large sums of money to take these individuals to Court. This can be a lengthy process during which the other "good" homeowners continue to suffer.

The WHOA has instituted a system of FINING violating homeowners for continual violations of the same type. Fines are easy to avoid in that anyone who may be fined will have first received certified notice regarding the potential of a future fine.

1. Every letter the WHOA sends out contains a statement that any recipient should call the management company and discuss the issues involved. If a homeowner desires to do so, they may have a private meeting with the Board of Directors. If a particular violator has issues that make correction of deed restrictions difficult, the WHOA will try to work with those homeowners to get rid of the problems in a manner that can be realistically done by the homeowners.

2. The people most likely to be fined are the homeowners who ignore our notice letters. With fines the WHOA will not have to spend the WHOA's (and YOUR) money to continuously pursue the same violators for the same violations. FINES WILL BE ASSESSED. This will "hit offenders in the pocketbook" which will perhaps (and historically it does) get their act together and add to rather than detracting from the property values in Carriage Lane. Example: A homeowner may not want to spend the money to store a trailer off premises. With fines being assessed, an offsite storage facility suddenly becomes the least expensive manner of dealing with trailer ownership.

3. Because of 1 and 2 above, when a homeowner is assessed a fine,

**IT WILL BE ENTIRELY THEIR OWN FAULT.**

RP 080-22-0296

## NEW – FINES FOR DEED RESTRICTION VIOLATIONS

For a very long time the WHOA has had great difficulty in fairly enforcing some deed restrictions. In order to optimize the quality of the neighborhood, the WHOA is going to take advantage of some relatively new State Laws that allow the additions of fines to a homeowner's WHOA account in the following manner:

First, the WHOA will send you notice of the violation. This notice will be sent by both Certified Mail and by First Class Mail. The notice will give you at least 30 days to cure the violation or to set up a meeting with the WHOA Board of Directors to discuss your side of the situation. No fines will be added to your account until the 30 day notice period has expired. State Law says that no additional Certified Mail notice is required for a six-month period from the first notice letter for "violations that are substantially similar" to the violation previously noticed. The WHOA therefore can assess fines for any similar violations occurring during the six month period following the date of the first notice letter.

[Example:] A Carriage Lane house has a trailer in the driveway and a certified notice letter is sent to the owner telling him he may not have a trailer that is in the public view. During the next neighborhood Deed Restriction drive through the trailer is gone. However a week later the trailer is back in the driveway. As this is a "substantially similar violation within six months of the notice letter," the Association may assess a fine against the homeowner. The fine is then legally collectible in the same manner as any maintenance fees owed to the WHOA.

The Schedule of Fines now set by the WHOA is printed below. Fine amounts may be increased or decreased at the discretion of the Board and after 30 days notice to the affected homeowner. Additional violations may be added to the list of fines below, provided that 30 days notice of such fine is given to the affected homeowner.

The WHOA hopes that a structure of Fines for Violations will markedly improve the "curb appeal" of the neighborhood. **PLEASE BE AWARE THAT STATE LAW ALLOWS FOR A FINE OF \$200.00 PER DAY FOR EACH DAY OF ANY DEED RESTRICTION VIOLATION.** The violations and the fines set by the WHOA are not that much per day, but in the case of continued violations even with fines being assessed, the WHOA may take any Deed Restriction Violator to Court and at that time ask the Court to fine the violator a total of \$200.00 per day for each day that the violation was in existence. The WHOA is starting "Fines for Violations," with the goal of curtailing certain Deed Restriction Violators (who have a tendency to repeat violations over and over) in the least expensive manner for the homeowner, but in a manner that will hopefully stop the violation in the fastest manner possible which is the goal. The only other option that the WHOA has to stop repeat violators is to hire an attorney and take the violator to Court. In the Court suit the WHOA can and does ask the Court to assess "civil damages" (a fine) in the amount of up to \$200.00 per day. Hopefully the new fines will eliminate the recurring problems after being assessed once or twice against a homeowner. That is a lot better than a \$2,000.00+ lawsuit plus fines of up to \$200.00 per day.

**THE WHOA SENDS ITS NOTICE LETTERS BY CERTIFIED AND FIRST CLASS MAIL. LEGALLY, WHEN THE WHOA ADDRESSES THE CERTIFIED MAIL LETTER TO THE ADDRESS OF RECORD OF THE PROPERTY OWNER, AND ATTACHES PROPER POSTAGE TO THE LETTER –THE OWNER IS LEGALLY DEEMED TO HAVE RECEIVED THE NOTICE WHETHER IT WAS ACTUALLY PICKED UP BY THE ADDRESSEE OR NOT.** The only difference between picking up a notice letter and not picking it up, is if you pick up the letter at least you will know what you have received notice about. If you don't pick it up, you have **STILL BEEN LEGALLY NOTICED**, you just won't know what you have been noticed about.

# SCHEDULE OF VIOLATIONS AND FINES

The following fines may be assessed on up to a weekly basis for as long as a Deed Restriction Violation exists, during the six month period following the date of the first Certified Mail notice of the violation.

## VIOLATION

**FINE**  
(EACH  
OCCURRENCE)

Boat in the public view	\$50.00
Trailer in the public view	\$50.00
Truck larger than 1- ton pick up in the public view	\$50.00
Inoperable Vehicle OR Auto Parts in the public view	\$50.00
Stored Vehicle(s) in the public view (operable vehicle that does not move)	\$50.00
Trash, Debris or Appliances in the public view (except at curb on trash day)	\$50.00
Trash cans - Trash Bags in public view (except at curb on trash day or the evening before)	\$25.00
Broken Windows visible to the public view	\$25.00
Broken Garage Doors	\$50.00
Home Exterior Maintenance Issues	\$50.00
Animals/Poultry Not Allowed under Deed Restrictions	\$50.00
Backyard is Health Hazard see State Health Statutes	\$50.00
Portable Basket Ball Goal in public view (unless being used at the time)	\$50.00
Vehicles Parked in the Yard or on the grass	\$50.00
Holiday Decorations left in the public view longer than 30 days after holiday	\$25.00
Fences or Gates needing repairs or replacement	\$50.00
Barbecue Pits stored in the public view	\$50.00

Upon assessment of a Fine an invoice will be mailed to the owner at their address of record and no further fine for the same violation will be made for 7 days after the letter is mailed. The letter is a convenience not a legal notice and will be mailed by First Class Mail.

### FAILURE TO MOW EDGE, OR WEED EAT

Repeat violators will have their yards maintained **WITHOUT FURTHER NOTICE** for the first six month period following the first notice of violation.

**BE ADVISED, ONCE THE ASSOCIATIONS CONTRACTOR ARRIVES TO MOW OR MAINTAIN YOUR PROPERTY YOU WILL BE CHARGED FOR THE SERVICE WHETHER YOU ALLOW THEM TO FINISH OR NOT.**

**\$50.00 FINE or**

**UP TO \$50.00 FINE AND ALL COSTS OF WHOA performing maintenance services for you**

*The WHOA reserves the right to change, modify, omit, or add additional fines and/or violations.*

RP 080-77-0298

# WHAT IS THE ACC AND WHY DO I HAVE TO GET ACC APPROVAL TO MAKE CHANGES TO MY PROPERTY?

ACC is short for Architectural Control Committee. The job of the ACC committee is to review any changes that any homeowner wants to make to the appearance of their property. This includes any change that anyone can see from the street or from your yard or backyard. You need to get ACC approval for anything that changes the way your property looks, front, sides and back.

Most ACC Forms (the form used to get approval of a change or addition) are approved quickly. Some however may violate the rules and cannot be approved. When the ACC cannot approve your request, they will tell you why. You can either adapt your project to the rules or you should not do it. In the event that ACC approval is not obtained or a rejection is ignored and the project is done anyway, the ACC through its attorneys may have you **REMOVE THE PROJECT ENTIRELY**. All of these changes will be **AT YOUR EXPENSE**. The ACC can make you change colors, shingles, building materials, room additions (even removing them completely), patios, anything that can be seen on the outside of your house, all at your expense, if not approved before the project is begun.

When you get approval for a project, you should keep the Approved ACC Form in a very safe place in case in the future any ACC Board were to challenge that you got approval for a particular project. In major changes, such as the addition of a room, it is highly suggested that you file the ACC form with the Harris County Real Property Records Division so that your "proof of approval" will be on record, forever. That way you or any future owner of your property can prove that the proper permission was granted for the changes to your property.

The ACC is charged with keeping the neighborhood looking its best. Remember there are other homeowners in Carriage Lane and what you do to your property can affect the value of all of the other homes in Carriage Lane. The ACC wants houses to look nice, but not to stand out from all of the other houses due to colors or other "changes." Carriage Lane is not zoned, so without the ACC, a homeowner could open a business or even a gas station in their yard. The ACC makes every effort to approve what a homeowner wants to do, as they believe that you are the "King" of your house and property. The ACC however will disapprove any changes that it believes may reduce the value of any surrounding homes, as that isn't fair to the "Kings" of those properties.

Sample ACC Form follows:

# WESTBANK HOMEOWNERS ASSOCIATION, INC. (WHOA) ARCHITECTURAL CONTROL COMMITTEE (ACC) APPROVAL REQUEST

THE APPLICABLE DEED RESTRICTIONS REQUIRE THAT ALL IMPROVEMENTS OR MODIFICATIONS TO PROPERTY THAT ALTER THE EXISTING ARCHITECTURAL PLAN OR COLOR SCHEME OF THE PROPERTY MUST BE APPROVED BY THE ARCHITECTURAL CONTROL COMMITTEE (ACC) BEFORE WORK COMMENCES.

Owner's Name: \_\_\_\_\_ Phone Number \_\_\_\_\_

Property Address: \_\_\_\_\_ E-mail address: \_\_\_\_\_

Briefly describe the improvements you wish

You may attach plans, sketches, pictures, bids, etc. Please include samples of all paint

Who will perform the construction? \_\_\_\_\_

Construction start date: \_\_\_\_\_ **ALL IMPROVEMENTS MUST BE COMPLETED WITHIN 90 DAYS.**

**I understand that the WHOA ACC will act upon this request as soon as possible. I understand that I may have to remove, undo, or change any modifications that occur prior to receiving ACC approval.**

Homeowner's Signature \_\_\_\_\_ Date \_\_\_\_\_

If you have any questions regarding this ACC Approval Form, please direct them to Synergy Management Services, Inc. Synergy Management Services, Inc. may be reached by phone at (281) 631-9808 or by fax at (281) 631-9810. For fastest service e-mail form to [ggg123@swbell.net](mailto:ggg123@swbell.net) or mail completed form to:

**WESTBANK HOA**  
c/o Synergy Mgmt. Services  
4606 FM 1960 West Suite 308  
Houston, TX 77069-4615

For Office Use Only	Date Received:
<input type="checkbox"/> <b>Approved</b>	Chairman ACC <span style="float: right;">Date:</span>
<input type="checkbox"/> <b>Disapprove</b>	President WHOA <span style="float: right;">Date:</span>

# POOL RULES

All Carriage Lane Homeowners and/or their tenants are eligible to use the Carriage Lane Pool provided that the WHOA's books indicate that the property owner (member) is in good standing. Good standing means that the homeowner does not owe the WHOA any money and that there are no deed restriction violations on the subject property. Any resident, guest, or tenant may be evicted from or denied use of the pool by the lifeguards or the front desk manager, at their discretion for safety reasons, or for giving false information on pool use forms. You may register for yourself and other members of your household to use the pool, by going to the pool, filling out a form giving the names and other information about the swimmers in your house. You must have an emergency contact that does "not live with you." You must also bring identification such as a driver's license or utility bill that contains your name and the Carriage Lane property address where you live. Any resident or owner giving false information on pool registration forms may be denied pool use for the entire swim season.

1. Lifeguards and Gate Manager are in charge at all times.
2. Children under 12 must be accompanied by a registered babysitter or a resident adult.
3. Everyone must register at the desk before entering the pool.
4. Residents must be present when guests use pool.  
Residents will be responsible for guests at all times.  
GUEST FEE \$2.00 per person – Westbank residents MAY NOT BE GUESTS.
5. No running or horseplay, especially on the deck.
6. Profanity is not acceptable at any time.
7. Proper SWIM SUITS ONLY. NO CUTOFFS, NO T-SHIRTS – NO GYM SHORTS – Pool manager is the final say on acceptable swim wear.
8. No overly rough play in the water or on the deck.
9. No inner tubes or other floats and water toys in crowded pool. Permission for floats and other toys should be obtained from the lifeguards.
10. No glass containers, or electrical appliances in pool area.
11. No food, gum, or candy in pool area.

12. No alcoholic beverages allowed on premises at any time.
13. Please shower off suntan oils before entering water.
14. No loitering in breezeway.
15. No pets allowed in fenced area.
16. **LIFEGUARDS DO NOT SUPERVISE THE BABY POOL.** Parents or guardians are totally responsible for supervising children in the baby pool. No diapers in baby pool, except "swim diapers."



# TENNIS COURT RULES

Our two tennis courts are a great amenity for the subdivision. Whether you play tennis or not, the tennis courts are adding value to your home. Many subdivisions do not have tennis courts and for some prospective buyers the tennis courts could be the motivating factor in purchasing a home in Carriage Lane. All buyers when entering the subdivision get to see the pool and tennis court facilities as they first drive in. Compared to other subdivisions our recreation facilities are excellent and very well maintained. The tennis courts however, do cost the WHOA money for maintenance and operation. Most of the money spent on the tennis courts are necessary because of vandalism or criminal mischief. If you see individuals who appear to be abusing the tennis courts, please call the sheriff.

1. When entering or leaving the tennis courts please make sure that the gate is securely locked.
2. Tennis shoes or sneakers must be worn. Street shoes, bare feet and stocking feet are strictly prohibited.
3. The tennis court shall be used for no purpose other than to play tennis. No lawn chairs, skateboards, skates, or bikes shall be allowed at anytime on the tennis court surface or inside the fenced area.
4. No more than four (4) players allowed on a court at anytime.
5. No food or glass containers on the court at anytime.
6. Proper tennis etiquette must be used at all times.
  - No obscenities
  - Do not go onto or behind court when play is in progress
  - No throwing of tennis rackets
  - Do not sit or lean on the net
7. Do not climb on or over the fence
8. Courts are for residents of Carriage Lane and their guest(s) ONLY. Resident must be present when guest(s) use court(s).
9. Courts are "First Come, First Served."
10. Lights must be turned off by players when they leave the court.

**Call 713 937-0306 for information about tennis court keys.**

RP 080-27-0303

# Westbank Homeowners Association, Inc.

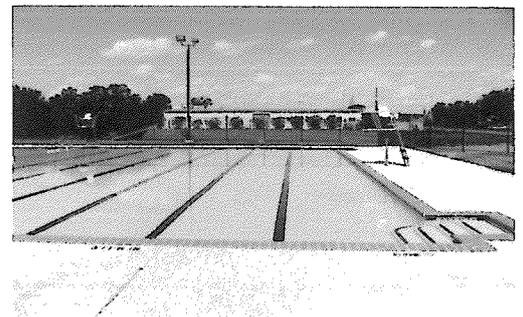
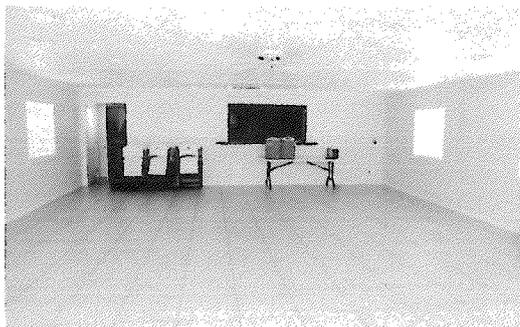
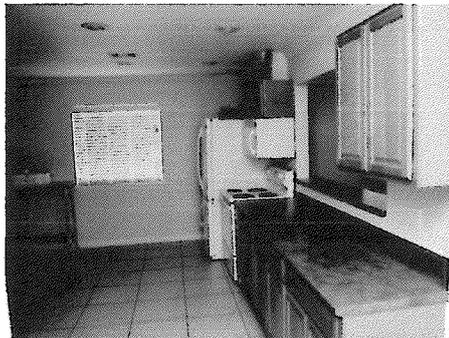
## RENT THE CLUBHOUSE

### RENT THE CLUBHOUSE

The WHOA spent considerable time and money remodeling the Carriage Lane Clubhouse. The clubhouse is located by the swimming pool at 8303 West Rd.

The newly remodeled clubhouse may be rented by any Carriage Lane Resident whose WHOA accounts are in good standing. The facility has tables and chairs for 72 people. It has a full and very modern kitchen with a serving counter into the main room of the clubhouse. The clubhouse is wired so that you can hook your music source into the "sound system."

The Clubhouse is a great place to have your parties. You can easily entertain 72 friends, and best of all, your house will be clean and undamaged when you get home.



RP 060-77-0304

# CLUBHOUSE RULES

The Clubhouse rents to Carriage Lane Residents ONLY for \$300.00 per 8 hour event. There is also a \$600.00 security deposit. Most renters write two checks one for the \$300.00 rental fee, which is deposited immediately. The second check for the \$600.00 deposit is then paper clipped to your "Rental Agreement." It will be shredded as long as the clubhouse is totally cleaned up, not damaged, and all of the furniture and other supplied items are left in the clubhouse. Damages in excess of the security deposit will be added to your homeowner's account.

1. Reservations can not be made more than six (6) weeks in advance unless PAID IN ADVANCE.
2. To rent the Clubhouse, you need to make a reservation by calling 713-937-0306 to check on availability for your chosen date. Reservations are on a first come, first served basis. **A \$50.00 reservation fee is required for the Association to reserve a particular date and time for you. The \$50.00 reservation fee will count toward the \$300.00 rental fee, unless you fail to use the facility as reserved for you.** If you reserve the clubhouse and then are not going to have your event, please let us know as soon as possible so that we can again have the clubhouse available on that date for other residents that may want to use it.
3. Your deposit will be returned after inspection of the facility by a WHOA Board Member to ascertain that it has been completely cleaned up; no supplied items are missing; all furniture & kitchen supplies has been put up in the closet or cabinets; and that there is no physical damage to the facility. To aid in a speedy "clubhouse checkout," please use the checklist below.
4. **YOU MUST BE TOTALLY CLEANED UP AND READY TO LEAVE THE FACILITY BEFORE 12:00 MIDNIGHT.**
5. You may serve alcoholic beverages (inside of the clubhouse only), but only to adults legally able to drink alcohol. The WHOA may require you to hire up to two Sheriffs/Security guards for some parties, particularly those parties with drinking and young people present.
6. The clubhouse is a **NO SMOKING AT ANYTIME FACILITY.** Guest that wish to smoke may smoke in the atrium. Cigarettes should be disposed of properly.
7. Keys to the clubhouse and to the Atrium are **NOT PROVIDED** to renters. A Board member or other designee will open the facility for you and perform a "walk-through" of the facility with you. Don't make the "Door Opener" wait, please be at the clubhouse at the start of your **RESERVATION TIME** (as listed in your contract). Make sure you get the "door openers" phone number so you may call him to check you out and lock up if you finish and want to leave earlier than previously planned.
8. A responsible adult **MUST BE AT THE CLUBHOUSE AT ALL TIMES BETWEEN THE TIME THE FACILITY IS OPENED FOR YOUR PARTY AND THE TIME THE CLUBHOUSE IS AGAIN LOCKED UP.** Renters are totally responsible for anything that happens to the clubhouse during the hours their event is scheduled or until the building is checked out and locked by a Board Member.
9. All decorating and all cleanup must happen on the **DAY OF YOUR EVENT ONLY.** You will not be allowed to enter the facility the day before or the day after to decorate or to clean up.
10. Decorations may not be attached with nails or by any other method that will leave a hole or any other damage after the decorations are removed.
11. No **GLASS** containers of any sort may be removed from the clubhouse not even to the atrium or outside of the clubhouse. No **WET BATHING SUITS** allowed in the clubhouse.
12. Reservations on a regular basis may be approved, but shall be secondary to single occasion events. This rule does not apply to official board meetings. If the use of the facility is requested by a homeowner for **A ONE TIME** event three days prior to the date of the repetitive event, the regular use or event must be rescheduled, cancelled or had at another location.
13. The clubhouse may be available to residents (only) for recurring events such as scout meetings. Check with the clubhouse manager (713-397-0306) for more information and perhaps special pricing.

14. . Clubhouse rental does NOT INCLUDE use of the Pool. Pool use will require a \$2.00 guest fee for any person not a member in good standing. In the event your event is going to have 15 – 20 swimmers you may be required to hire additional lifeguards. Pool may be rented after public hours, but arrangement must be made with the pool management company.



## MONTHLY DIRECTORS MEETINGS

Currently the monthly Board of Directors Meetings (which are open to all Carriage Lane owners or residents) are being held on the **THIRD MONDAY OF EACH MONTH AT THE ASSOCIATION CLUBHOUSE. THE MEETINGS BEGIN AT 7:30.** The time date and place of the Director's Meetings is subject to change at the discretion of the Board of Directors. Please call 713-937-0306 to make sure the meetings are still being held on the Third Monday of each month. Members of the Association desiring to speak directly to any director may call the management company at 713-937-0306 and leave their name and phone number. A director will then call the member back at a time convenient to the director. Remember that all of your directors are volunteers, receive no pay for being directors, and all have busy lives and schedules. Your call will be returned as soon as possible. Directors phone numbers will **NOT BE GIVEN OUT TO MEMBERS UNLESS A DIRECTOR CHOSSES TO DO SO THEMSELVES.**

# CLUBHOUSE CLEANUP CHECKLIST

- KITCHEN IS CLEAN !**
- Clean all utensils that are in the kitchen; put them where you found them
  - Clean sinks
  - Clean drain boards and stainless steel tables
  - Clean stoves, ovens, and microwave – MAKE SURE STOVES/OVENS ARE OFF
  - Clean and empty refrigerator and freezer
  - Rinse and place all clubhouse dishes and utensils in the dishwasher. Turn it on.
    - Bag and remove all trash and garbage from the clubhouse. **YOU MUST TAKE YOUR TRASH WITH YOU FOR DISPOSAL OFF PREMISES.**
  - Sweep, and mop the floors – if floor is sticky – MOP IT AGAIN!
- KITCHEN RESTROOM IS CLEAN**
  - Flush and clean toilet
  - Clean sink and mirror
  - Clean walls and doors
  - Sweep and mop floor
- MAIN CLUBHOUSE ROOM**
  - Clean all tables and chairs – if sticky – Clean again!
  - Replace tables and chairs into closet – missing chairs \$75, tables \$150
  - Remove all decorations from the facility. Make sure no evidence of décor remains
  - Close all shades, clean if necessary – MAKE SURE WINDOWS ARE LOCKED
  - Clean front doors if necessary
  - Sweep entire room
  - Mop entire room – if floor is sticky – MOP IT AGAIN!
- AIR CONDITIONER AND HEATER**
  - If unit is set on “Cool” set at 85 degrees and set on “auto”
  - If unit is set to “Heat” set to 65 degrees and set on “auto”
- SWEEP AND CLEAN ATRIUM IF NECESSARY**
- CHECK AND CLEAN PUBLIC RESTROOMS IN THE ATRIUM** if necessary
- IF YOUR PARTY SPREADS OUTSIDE OF THE CLUBHOUSE INTO THE YARD**
  - Make sure that all trash is bagged and removed
  - All furniture or other items from the clubhouse are returned to the clubhouse

**IF EVERY RENTER LEAVES THE CLUBHOUSE CLEANER AND NEATER THAN WHEN THEY STARTED THEIR EVENT, THEN EVERY FUTURE RENTER WILL FIND THE FACILITY CLEAN AND READY TO GO FOR A GREAT PARTY!**

RF 080-27-0307

# WHAT MY MAINTENANCE FEES PAY FOR

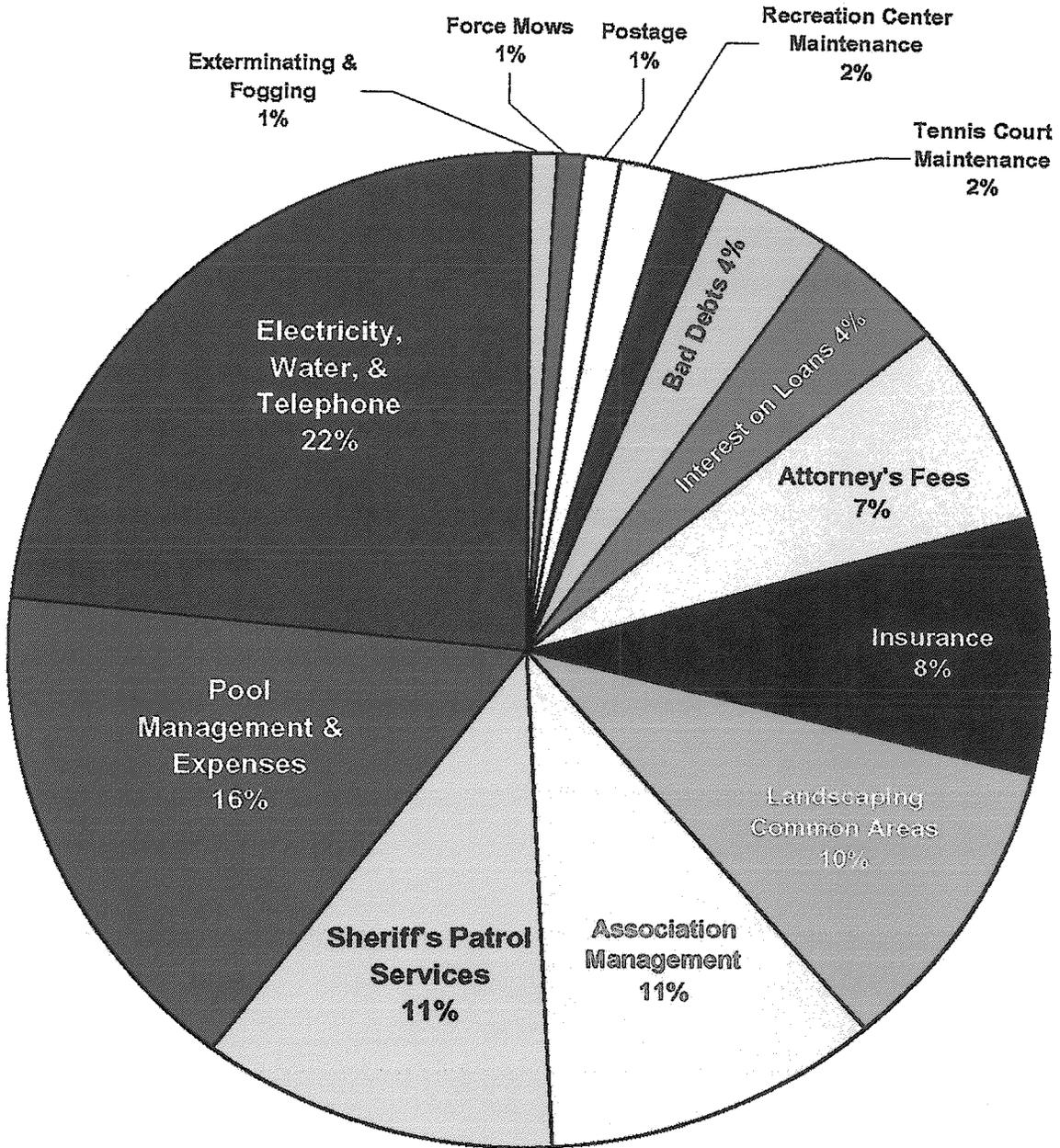
The Westbank Homeowners Association, Inc., Board of Directors wants you to know how your fees are used. When you purchased your home, you agreed to be a member of the Association and to pay annual maintenance fees. These fees are used by your Association to pay for the cost of running and maintaining Carriage Lane. You can learn exactly how and why your fees are used, by attending the monthly meetings of your Association's Board of Directors, held on the Third Monday of each month, at the Clubhouse. The clubhouse is located at 8303 West Rd. Meetings start at 7:30 p.m.

Some of the items your fees pay for:

The Swimming Pool and its operation	Annual meetings required by the deed restrictions
The Tennis Courts and their maintenance	Enforcement of the deed restrictions, which maximizes the property values of all homes in "Carriage Lane."
Maintenance of four parks owned by members	Neighborhood newsletters
Planting and maintenance of 21 very visible esplanades	Annual independent CPA audits of the Associations accounting records
The Clubhouse and playground facilities	Emergency notification systems to inform homeowners in case of a neighborhood, city, or national emergency
The electricity that powers all of the streetlights and lights in our parks.	Regular inspections of the neighborhood to keep it looking nice to keep our property values high
Part of the cost of three sheriff security patrol contracts with Harris County	Management of the Association, such as accounting, billing and answering members questions
Water for the pools, parks, esplanades and clubhouse	Mosquito fogging of the neighborhood to reduce disease
Insurance to cover homeowners in the event someone is hurt at the pool or other commonly owned facilities	Communication with Harris County and other officials to insure that Carriage Lane receives its fair share of county taxes and maintenance
Community Day Events – such as free hotdog day at the pool & National Night Out.	Holiday Decoration Contests and Easter Egg hunts and children's Christmas Craft Days

# WHERE YOUR FEES GO

The pie chart below shows what your fees go to pay. You can see what portion of every dollar goes to. Example: Of each dollar you pay, 22¢ goes for Electricity, Water, and Telephone; 10¢ of each dollar goes for landscaping of our common areas which includes all of the esplanades.



The Association pays 25% of the \$138,357.00 paid each year for the Sheriff's Patrol Services. The other 75% is paid by our MUD District, MUD # 6.

Chart is based upon 2009 actual expenses

6060-22-080 IN  
RP 080-77-0309

# WHAT IS THE PROBLEM ?



**NO PARKING IN THE GRASS OR THE YARD.  
FINE \$50.00 ANYTIME IN THE NEXT SIX  
MONTHS AFTER FIRST NOTICE TO  
OWNER.**



**MOW, EDGE AND WEED EAT. Or the  
WHOA will do so at your expense. WHOA will  
maintain you yard anytime after first notice for  
owner to do so for the next six months.**



**NO TRAILERS IN DRIVEWAY, YARD OR IN  
FRONT OF HOUSE.  
FINE \$50.00 Anytime NEXT six months after  
first notice to owner.**



**GUTTERS MUST BE IN GOOD REPAIR.  
MOLD AND MILDEW SHOULD BE  
PROMPTLY REMOVED.**



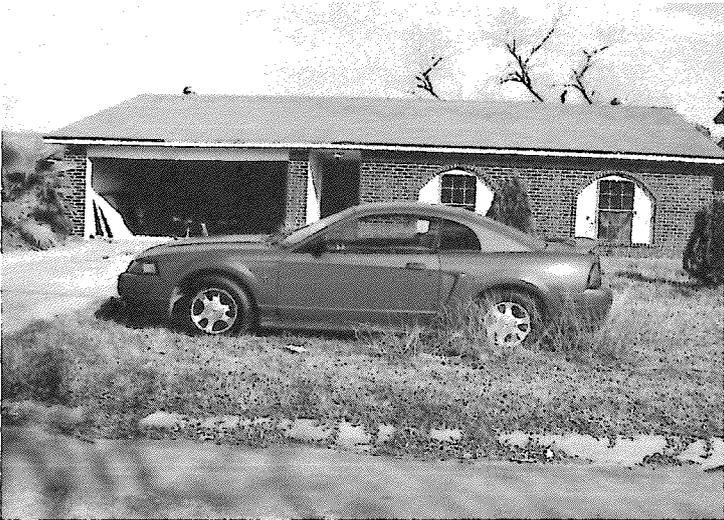
# WHAT IS THE PROBLEM ?



**NO CAMPERS, FIFTH WHEELS, POP-UPS IN THE PUBLIC VIEW - EXCEPT FOR LOADING AND UNLOADING.**



**ALL TRASH MUST BE PROPERLY BUNDLED IN EASILY HANDLED BOUND BUNDLES. GARBAGE CANS MUST BE REMOVED FROM PUBLIC VIEW AFTER TRASH DAY**



**NO PARKING IN GRASS OR YARD (FINE \$50.00). MOW EDGE AND WEED EAT (or the WHOA will do it for you for the six month period after your first notice to maintain your yard. (OUR CONTRACTORS WILL COST MORE THAN YOURS! KEEP GARAGE DOORS CLOSED UNLESS ENTERING OR EXITING**

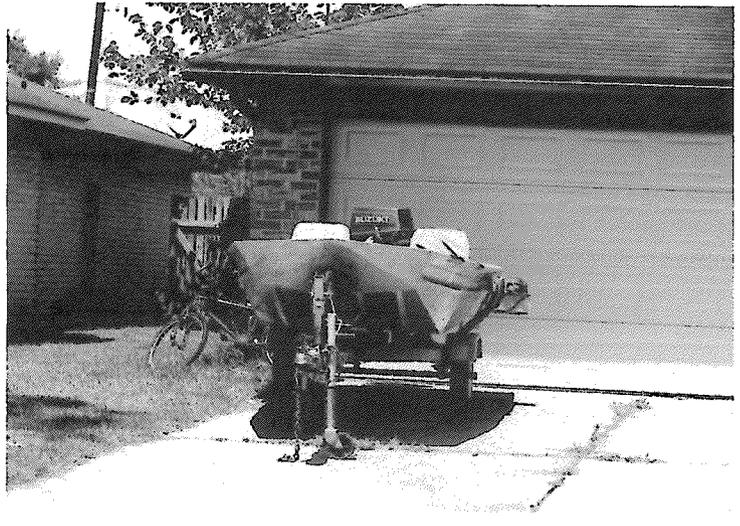


**ALL GRAFITTI MUST BE REMOVED AS QUICKLY AS POSSIBLE.**

# WHAT IS THE PROBLEM ?



**KEEP YARD MOWED AND EDGED, INCLUDING DRIVEWAYS, EXPANSION JOINTS AND CURBS  
REMOVE ALL CUT LIMBS TREES AND OTHER DEBRIS FROM THE PUBLIC VIEW.**



**NO BOATS IN PUBLIC VIEW. FINE \$50.00 FOR EACH OFFENCE WITHIN 6 MONTHS OF FIRST NOTICE TO REMOVE BOAT FROM THE PUBLIC VIEW. BOATS MAY BE LOADED AND UNLOADED BUT ONLY FOR ONE DAY.**



**NO INOPERABLE CARS – NO WORKING ON CARS FOR LONGER THAN ONE DAY. VEHICLES WITHOUT LICENSE OR INSPECTION STICKERS ARE INOPERABLE AND MAY NOT BE STORED IN THE PUBLIC VIEW. FINE \$50.00 FOR EACH OFFENCE WITHIN 6 MONTHS OF FIRST NOTICE TO REMOVE FROM THE PUBLIC VIEW.**



**NO RUNNING BUSINESSES OUT OF ANY CARRIAGE LANE HOME. NO STORAGE OF ANY BUSINESS TRAILERS, PRODUCTS, OR WORK MATERIAL IN THE PUBLIC VIEW.**

150-21-080-11

# WHAT IS THE PROBLEM ?



**KEEP SIDING, FASCIA, WOODWORK AND SOFFITS IN GOOD REPAIR AND WELL PAINTED. NO ROTTEN WOOD OR UNPAINTED WOOD**



**NO BARBEQUE PITS LARGE OR SMALL IN THE PUBLIC VIEW**



**NO CHILDRENS PLAY EQUIPMENT IN THE PUBLIC VIEW**

## HOW FINES WILL WORK

1. **FIRST YOU CAUSE THE PROBLEM** by having a deed restriction violation on your property.
2. We send you a Certified Letter giving you 30 days to eliminate the violation.
3. After the 30 day period, if the violation still exists **OR COMES TO EXIST AGAIN** within 6 months from the date of the Certified Letter, **YOU MAY BE FINED.**
4. After you are fined, and 7 days after **WE MAIL** the invoice for your fine to your address of record,
5. **YOU MAY BE FINED AGAIN !!!**
6. And so on, and so on. Until we decide to just take you to Court and have you **ORDERED** to eliminate the violation **AND** to pay all of the fines.

RP 080-77-0314

# WESTBANK HOMEOWNERS ASSOCIATION

## INFORMATION YOU MAY FIND USEFUL

### EMERGENCY - FIRE - SHERIFF - EMS 911

Adult Protective Services	1-800-252-5400
Aid to Victims of Domestic Abuse	(713) 224-9911
Burlington Northern Santa Fe	(281) 517-6222
Carriage Lane Clubhouse Rental	(713) 937-0306
Center Point Energy - Outages - Emergencies	(800) 332-7143
Children's Protective Services	(713) 664-5701
Contact Crisis Hotline	(713) 228-1505
Harris County Animal Control	(713) 999-3191
Harris County Animal Control - Emergency	(713) 755-5000
Harris County Community Assistance	(281) 353-8424
Harris County Municipal Utility District #6	(713) 405-1750
Harris County Sheriff's Department Dispatch	(713) 221-6000
Harris County Sheriff's District One Substation	(281) 376-2997
Harris County Sheriff's District One Storefront	(281) 537-9492
Harris County Social Services	(713) 696-7900
Public Health & Environmental Services	(713) 920-2831
Rape Crisis Hotline	(713) 528-7273
Street Lights Out - CenterPointEnergy.com/outage	← e-mail
Synergy Management (Westbank HOA)	(281) 631-9808
Texas Dept. of Human Services	(713) 692-3236
Tommy Miles Trash Service	(281) 445-7651
Westbank (Carriage Lane) Homeowners Association	(713) 937-0306

#### Addresses you may need:

Synergy Management - 4606 FM 1960 West, Suite 308, Houston, TX 77069

E-mail to Synergy gets fastest response! Use your address in subject line. ggg123@swbell.net

Tommy Miles Trash Service, 2209 Hampton, Houston, TX 77088

# CARRIAGE LANE EMERGENCY NOTICE SYSTEM

The Westbank Board of Directors, consistent with recommendations from the Department of Homeland Security, has created a system to deliver important and emergency information to Carriage Lane Homeowners. In the event that an emergency with the potential to affect the health or safety of Carriage Lane Residents occurs, the Association will place "Emergency Warning Signs" near all of the entrances and exits to and from Carriage Lane. These signs will be highlighted with blinking yellow lights. The signs have the Carriage Lane Emergency Website address on them and all residents are encouraged to go to the website to learn about the emergency or other news of importance to all residents. The Carriage Lane Emergency Website is

<http://www.carriagelane.net> .



RP 080-77-0316

# LEGAL OPINION ON ENFORCEABILITY

**Thomas Garth, III**

**Attorney at Law**

4606 F.M. 1960 West, Suite 308

Houston, TX 77069-4612

281-631-9808 ♦ Fax 281-631-9810

May 4, 2011

Westbank Homeowners Association, Inc.  
c/o Synergy Management  
4606 FM 1960 West, Suite 308  
Houston, TX 77069-4615

**RE: Requested Legal Opinion on Enforceability of the WHOA's new  
RULES & REGULATIONS**

Dear Directors:

I have been asked to review the Association's publication, Deed Restrictions & Rules & Regulations and to render a legal opinion as to the enforceability of the Rules & Regulations. Further, I have been asked to opine on the legal ability of the Directors and/or a Committee of Homeowners to create, publish and enforce the new Rules & Regulations. I thank the Directors for this opportunity to provide you with my legal opinion.

The Westbank Homeowners Association by and thru its Board of Directors or a Committee thereof, absolutely has the right and in fact the duty to provide rules and regulations for the neighborhood. This duty is referenced in both the Association's Deed Restrictions as well as in the Texas Property Code § 204.010. Both expressions give the Association the power to adopt and enforce Rules and Regulations to "regulate the use, maintenance, and appearance of the Subdivision and further, to "modify the guidelines as the needs of the subdivision change." There is no conflict between the Deed Restrictions and the Rules and Regulations.

It is my legal opinion that the Association will have no problem enforcing any and/or all of the rules and regulations, fines, or Architectural Control guidelines as expressed in the Association's publication. I must compliment you and the responsible committee(s) for providing your homeowners with an easily understandable and complete list of Rules and Regulations. No homeowner can say that they did not know (or have the opportunity to know) what Rules and Regulations the Homeowners Association will and should be enforced in the best interest of all of the residents of the Carriage Lane Subdivision.

Thank you again for this opportunity to provide you with this legal opinion.

Sincerely,



Thomas Garth, III

**RECORDER'S MEMORANDUM:**

At the time of recordation, this instrument was found to be inadequate for the best photographic reproduction because of illegibility, carbon or photo copy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.

## ACKNOWLEDGEMENTS

The Westbank Homeowners Association and its Board of Directors wish to express their heartfelt thanks to the following Carriage Lane Homeowners who were Rules and Regulations Committee Members creating these Rules and Regulations. Thanks also to those who reviewed for errors and typos in both the English and Spanish Versions.

David Alleman  
Gerald Alleman  
Paulann Alleman  
Betty Biggom  
Anita Carrizales  
Michael Carrizales  
Elsa Cisneros  
Mark Cisneros  
Kenneth Hargrove  
Shariel Hargrove  
Evelyn Holditch  
Virginia Hurlbut  
Shiver Nolan  
Rober Parks  
Brenda Phillips  
George Phillips  
Beth Phillips  
James Phillips  
Maria Raines  
JoAnn Thacker

*Spanish Translation:*

**Heriberto Ortega**

*Coordination and  
Publication:*

**Tom Garth and  
Synergy Management  
Services, Inc.**

RP 080-77-0318

FILED

2012 JAN 27 AM 10:20

*Stan Stewart*  
COUNTY CLERK  
HARRIS COUNTY, TEXAS

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS UNLAWFUL AND UNENFORCEABLE UNDER FEDERAL LAW.  
THE STATE OF TEXAS  
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in File Number [blank] 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.

JAN 27 2012



*Stan Stewart*  
COUNTY CLERK  
HARRIS COUNTY, TEXAS