

2004-007490

CERTIFICATION

I, the undersigned, pursuant to Texas Property Code §202.006 do hereby certify:

That I am the duly elected and acting Secretary of the Bentwater Property Owners Association, Inc., (hereinafter the "Association") a Texas corporation;

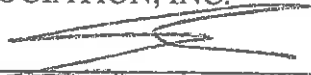
That the attached document is a document that applies to the operation and utilization of property within Bentwater, a subdivision in Montgomery County, Texas.

That the property affected by these documents is set out on the attached Exhibit "A".

That the documents which affect the use and operation of Bentwater are set out on the attached Exhibit "B".

That the attached documents are true and correct copies of the originals.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of said Association this the 20th day of NOVEMBER, 2003.


BENTWATER PROPERTY OWNERS
ASSOCIATION, INC.


DAVID REGENBAUM, Secretary

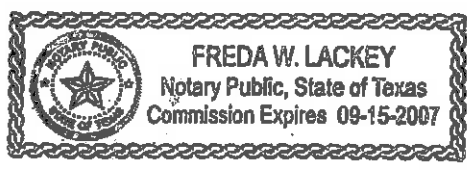
STATE OF TEXAS §
 §
COUNTY OF HARRIS §

BEFORE ME the undersigned authority, on this day personally appeared DAVID REGENBAUM, the Secretary of the Bentwater Property Owners Association, Inc., known to me to be the person whose name is subscribed to the foregoing document and, being by me first duly sworn, declared that s/he is the person who signed the foregoing document in her/his representative capacity, and that the statements therein contained are true and correct.

Given under my hand and seal of office this the 13th day of January, 2004.



NOTARY PUBLIC - STATE OF TEXAS



BENTWATER PROPERTY OWNERS ASSOCIATION, INC.

POLICY RESOLUTION: RULES ENFORCEMENT PROCEDURES

WHEREAS Article II, Section 1(b) of the Second Amended and Restated By-Laws of the Bentwater Property Owners Association, Inc. empowers THE Association to enforce all restrictions, covenants, easements, and liens provided in the Declarations; and

WHEREAS, Section 12 (a) of the Second Amended and Restated By-Laws of the Bentwater Property Owners Association, Inc. empowers the Board of Trustees to adopt and publish rules and regulations governing the use of the common area and facilities and the personal conduct of the Members and their Guests thereon, and to establish penalties for any infraction thereof; and

WHEREAS, there is a need to establish procedures for the equitable and uniform enforcement of the provisions of the recorded Covenants, Conditions, and Restrictions filed of record in the real property records of Montgomery, Texas affecting property located within Bentwater and the Rules and Regulations adopted by the Association;

NOW THEREFORE be it resolved that the Bentwater Property Owners Association, Inc., acting through its Board of Trustees, hereby adopts the following procedures:

1. On becoming aware of a violation, a letter shall be sent to the violator giving details of the violation and, excepting for those cases justifying immediate action by the Association, a reasonable time period during which the violation may be abated without further sanctions.
2. If the violation continues or is repeated within a period of six (6) months, The Association may give or cause to be given ten (10) days' written notice to the Unit Owner giving details of the violation and giving the Unit Owner an opportunity to be heard.
3. If the request for an opportunity to be heard is received by the Association from the Owner within thirty (30) days from the date of the written notice, a hearing shall be scheduled before the Board. Such hearing shall take place within thirty (30) days at the date and time set by the Board.
4. After an affirmative decision by the Board or after the expiration of the written notice, the Association may –
 - 4.1 Issue a warning notification, and/or
 - 4.2 Impose a fine in accordance with the attached schedule and/or
 - 4.3 Instruct the Association's attorney to send a letter of demand and, if necessary, proceed to file suit. Any legal expenses and fees incurred shall be assessed to the Owner, and/or
 - 4.4 Take such other action as may be appropriate.

5. Cases justifying immediate action shall include and shall not be limited to –
 - 5.1 Speeding. Speed limit signs are posted throughout Bentwater. Drivers who exceed the speed limit will be subject to fines in accordance with the attached schedule.
 - 5.2 Damage to Common Property. The cost of any damage caused to the Association' s Common Property will be assessed against the individual responsible for the damage.
6. Fines and damage assessments against an Owner will be assessed against the Owner's Lot. The Owner will be responsible for the actions of all residents, guests and invitees of the Owner and any fines or damage assessments against such residents, guests and invitees will also be assessed against the Owner' Lot.
7. In addition to the fines and damage assessments, violations by non-Owners may also result in the violator being denied access to Bentwater.

These procedures are in addition to any other remedies available to the Association.

As adopted at a joint meeting of the Board of Trustees and the Advisory Board of Trustees on October 5, 2001



David Regenbaum, Secretary

BENTWATER PROPERTY OWNERS ASSOCIATION, INC.

SCHEDULE OF FINES FOR VIOLATIONS OF THE DEDICATORY INSTRUMENTS

Pet violations,	1 st violation	-	\$ 50.00
	2 nd violation	-	\$ 100.00
	Subsequent violations	-	\$250.00
Parking violation,	1 st violation	-	\$ 50.00
	2 nd violation	-	\$ 100.00
	Subsequent violations	-	\$ 250.00
Noise violations,	1 st violation	-	\$ 50.00
	2 nd violation	-	\$ 100.00
	Subsequent violations	-	\$ 250.00
Golf cart violations,	1 st violation	-	\$ Warning
	2 nd violation	-	\$ 100.00
	Subsequent violations	-	\$ 500.00 + revocation of permit to use golf cart within Bentwater
Speeding,	1 st violation	-	\$ 50.00
	2 nd violation	-	\$ 100.00
	Subsequent violations	-	\$ 250.00
Other violations,	1 st violation	-	\$ 50.00
	2 nd violation	-	\$ 100.00
	Subsequent violations	-	\$ 250.00

The Bentwater Property Owners Association, Inc., through its Board of Trustees, is hereby authorized to impose lesser fines, no fine at all, or impose fines for other violations of the Declaration and Rules and Regulations of the Association as determined by the Board of Trustees in its sole and absolute discretion.

EXHIBIT "A"

PROPERTY DESCRIPTION

BENTWATER a subdivision of multiple sections located in Montgomery County, Texas, and any other subdivisions which are subsequently annexed thereto and made subject to the authority of the Association, which sections were originally encumbered by restrictive covenants filed of record in Montgomery County, Texas as follows:

Bentwater Section	Title of Document	Date Recorded	Montgomery Cty Clerk's File No.
1	Declaration of Covenants, Conditions and Restrictions Bentwater Section 1	05/29/87	8722563
1	Amendment to the Declaration of Covenants, Conditions and Restrictions Bentwater Section 1	03/10/88	8811534
2	Declaration of Covenants, Conditions and Restrictions Bentwater Section 2	07/12/88	8834614
3	Declaration of Covenants, Conditions and Restrictions Bentwater Section 3	05/29/87	8722564
4	Declaration of Covenants, Conditions and Restrictions Bentwater Section 4	08/27/87	8738871
5	Declaration of Covenants, Conditions and Restrictions Bentwater Section 5	05/29/87	8722562
6	Declaration of Covenants, Conditions and Restrictions Bentwater Section 6	05/10/88	8822514
6	Amendment to the Declaration of Covenants, Conditions and Restrictions Bentwater Section 6	05/23/88	8824802
7	Declaration of Covenants, Conditions and Restrictions Bentwater Section 7	06/26/89	8926721
8	Declaration of Covenants, Conditions and Restrictions Bentwater Section 8	03/31/89	8912912
9	Declaration of Covenants, Conditions and Restrictions Bentwater Section 9	07/12/88	8834615
10	Declaration of Covenants, Conditions and Restrictions Bentwater Section 10	03/31/89	8912913
11	Declaration of Covenants, Conditions and Restrictions Bentwater Section 11	03/31/89	8912915
12	Declaration of Covenants, Conditions and Restrictions Bentwater Section 12	06/08/89	8924315

14	Declaration of Covenants, Conditions and Restrictions Bentwater Section 14	03/31/89	8912914
15	Declaration of Covenants, Conditions and Restrictions Bentwater Section 15	12/13/90	9052693
16	Declaration of Covenants, Conditions and Restrictions Bentwater Section 16	10/21/94	9459171
17	Declaration of Covenants, Conditions and Restrictions Bentwater Section 17	06/08/89	8924314
18	Declaration of Covenants, Conditions and Restrictions Bentwater Section 18	04/10/90	9014194
19	Declaration of Covenants, Conditions and Restrictions Bentwater Section 19	04/10/90	9014195
20	Declaration of Covenants, Conditions and Restrictions Bentwater Section 20	07/26/90	9030659
21	Declaration of Covenants, Conditions and Restrictions Bentwater Section 21	06/21/90	9025193
22	Declaration of Covenants, Conditions and Restrictions Bentwater Section 22	04/10/90	9014196
23	Declaration of Covenants, Conditions and Restrictions Bentwater Section 23	09/12/90	9039161
24	Declaration of Covenants, Conditions and Restrictions Bentwater Section 24	08/15/90	9034285
25	Declaration of Covenants, Conditions and Restrictions Bentwater Section 25	04/22/91	9116594
25	Amendment to Declaration of Covenants, Conditions and Restrictions Bentwater Section 25	07/11/91	9130301
26	Declaration of Covenants, Conditions and Restrictions Bentwater Section 26	05/06/91	9119214
27	Declaration of Covenants, Conditions and Restrictions Bentwater Section 27	08/13/91	9133384
27	Amendment to Declaration of Covenants, Conditions and Restrictions Bentwater Section 27	08/13/91	9136221
28	Declaration of Covenants, Conditions and Restrictions Bentwater Section 28	02/22/95	9509527
29	Declaration of Covenants, Conditions and Restrictions Bentwater Section 29	03/07/91	9109356
30a	Declaration of Covenants, Conditions and Restrictions Bentwater Section 30a	05/29/92	9226016

31	Declaration of Covenants, Conditions and Restrictions Bentwater Section 31	04/06/93	9316558
32	Declaration of Covenants, Conditions and Restrictions Bentwater Section 32	05/29/92	9226017
33	Declaration of Covenants, Conditions and Restrictions Bentwater Section 33	05/29/92	9226015
34	Declaration of Covenants, Conditions and Restrictions Bentwater Section 34	10/12/95	9557197
35	Declaration of Covenants, Conditions and Restrictions Bentwater Section 35	04/06/93	9316559
36	Declaration of Covenants, Conditions and Restrictions Bentwater Section 36	02/22/95	9509526
37	Declaration of Covenants, Conditions and Restrictions Bentwater Section 37	01/22/93	9303553
37	Amendment to Declaration of Covenants, Conditions and Restrictions Bentwater Section 37	02/09/93	9306774
38	Declaration of Covenants, Conditions and Restrictions Bentwater Section 38	04/06/93	9316557
38	Amendment to Declaration of Covenants, Conditions and Restrictions Bentwater Section 38	05/21/93	9325726
39	Declaration of Covenants, Conditions and Restrictions Bentwater Section 39	04/15/94	9420835
39	Amendment to Declaration of Covenants, Conditions and Restrictions Bentwater Section 39	08/10/94	9445218
41	Declaration of Covenants, Conditions and Restrictions Bentwater Section 41	03/14/97	9714658
42	Declaration of Covenants, Conditions and Restrictions Bentwater Section 42	05/11/95	9525316
42	Amendment to Declaration of Covenants, Conditions and Restrictions Bentwater Section 42	12/21/98	Order #23 - Commissioner's Ct
44	Declaration of Covenants, Conditions and Restrictions Bentwater Section 44	07/14/94	9431718
44	Amendment to Declaration of Covenants, Conditions and Restrictions Bentwater Section 44	07/14/94	9439187
45	Declaration of Covenants, Conditions and Restrictions Bentwater Section 45	11/07/97	9772303
46	Declaration of Covenants, Conditions and Restrictions Bentwater Section 46	04/24/98	9828859

48	Declaration of Covenants, Conditions and Restrictions Bentwater Section 48	03/06/03	2003-025471
49	Declaration of Covenants, Conditions and Restrictions Bentwater Section 49	03/06/03	2003-025470
50	Declaration of Covenants, Conditions and Restrictions Bentwater Section 50	05/24/96	9631194
51	Declaration of Covenants, Conditions and Restrictions Bentwater Section 51	02/09/99	99009806
54	Declaration of Covenants, Conditions and Restrictions Bentwater Section 54	03/14/97	9714657
55	Declaration of Covenants, Conditions and Restrictions Bentwater Section 55	11/06/98	9888673
56	Declaration of Covenants, Conditions and Restrictions Bentwater Section 56	05/05/00	2000-037298
57	Declaration of Covenants, Conditions and Restrictions Bentwater Section 57	04/22/96	9623788
58	Declaration of Covenants, Conditions and Restrictions Bentwater Section 58	04/22/96	9623787
59	Declaration of Covenants, Conditions and Restrictions Bentwater Section 59	04/22/96	9623789
60	Declaration of Covenants, Conditions and Restrictions Bentwater Section 60	10/12/00	2000-087459
63	Declaration of Covenants, Conditions and Restrictions Bentwater Section 63	06/04/97	9733180
64	Declaration of Covenants, Conditions and Restrictions Bentwater Section 64	06/04/97	9733181
64	Amendment to Declaration of Covenants, Conditions and Restrictions Bentwater Section 64	12/06/99	99100717
65	Declaration of Covenants, Conditions and Restrictions Bentwater Section 65	02/26/98	9812705
66	Declaration of Covenants, Conditions and Restrictions Bentwater Section 66	06/05/98	9840772
67	Declaration of Covenants, Conditions and Restrictions Bentwater Section 67	03/30/01	2001-025329
68	Declaration of Covenants, Conditions and Restrictions Bentwater Section 68	05/08/98	9833009
70	Declaration of Covenants, Conditions and Restrictions Bentwater Section 70	04/26/01	2001-033865

EXHIBIT "B"

1. POLICY RESOLUTION: RULES ENFORCEMENT PROCEDURES

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 black-outs, additions and changes were present at the time the instrument was filed and recorded.

FILED FOR RECORD

2004 JAN 22 PM 1:14

Mark Turbell
COUNTY CLERK
MONTGOMERY COUNTY, TEXAS

STATE OF TEXAS
COUNTY OF MONTGOMERY

I hereby certify this instrument was filed in File Number Sequence on the date and at the time stamped herein by me and was duly RECORDED in the Official Public Records of Real Property at Montgomery County, Texas

JAN 22 2004



Mark Turbell

County Clerk
Montgomery County, Texas

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After recording return to:

Marc D. Markel
Roberts Markel Guerry, P.C.
2500 City West Blvd., Suite 1350
Houston, Texas 77042

RESOLUTION OF THE BOARD OF DIRECTORS
OF THE
BENTWATER® PROPERTY OWNERS ASSOCIATION, INC.

At a regular meeting of the Board of Directors of Bentwater® Property Owners Association, Inc., ("Association") said meeting being properly called and a quorum present, do hereby consent, pursuant to the Texas Business Organizations Code, to the adoption of the following resolutions:

WHEREAS, that the following be and is hereby adopted by the Association:

VACANT LOT MOWING POLICY RESOLUTION


Vacant lot owners pay for their own lot mowing that is performed by the Association via payment of their annual assessment fees.

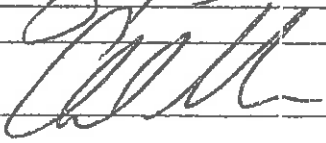
The Association assumes responsibility for lot mowing for new sections when the section is 51% sold out. The Developer maintains the section prior to that time.

WHEREAS, that this board resolution, in the form as presented for review by the Board of Directors, be and hereby, is approved, adopted and ratified in all respects.

IN WITNESS WHEREOF, the undersigned Directors of the Association have executed this Consent effective the 11th day of August, 2006.

Ratified by the Board of Directors on the 11th day
of August, 2006


_____, DIRECTOR


_____, DIRECTOR


_____, DIRECTOR

_____, DIRECTOR

CERTIFICATION

I, the undersigned, pursuant to Texas Property Code §202.006 do hereby certify:

That I am the duly elected and acting Secretary of the Bentwater Property Owners Association, Inc., (hereinafter the "Association") a Texas corporation;

That this document applies to the operation and utilization of property within Bentwater, a subdivision in Montgomery County, Texas.

WHEREAS, the board voted at a special meeting, held March 8, 2011, of the Board of Trustees of Bentwater® Property Owners Association, Inc., ("Association") said meeting being properly called and a quorum being present, pursuant to the Texas Business Organizations code, to the rescind the following portion of the policy resolution approved on October 5, 2001 and recorded in Montgomery County:

RULES ENFORCMENT PROCEDURES 5.1

5.1 Speeding. Speed limit signs are posted throughout Bentwater. Drivers who exceed the speed limit will be subject to fines in accordance with the attached schedule.

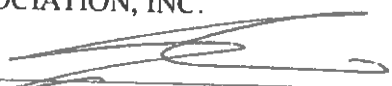
SCHEDULE OF FINES FOR VIOLATION OF THE DEDICATORY INSTRUMENTS

Speeding,	1 st violation	-	\$ 50.00
	2 nd violation	=	\$ 100.00
	Subsequent violations	-	\$ 250.00

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of said Association this the 13th day of May, 2011.

*Return to:
Bentwater POA
170 Hillsborough Dr W
Montgomery, TX 77356*

BENTWATER PROPERTY OWNERS ASSOCIATION, INC.

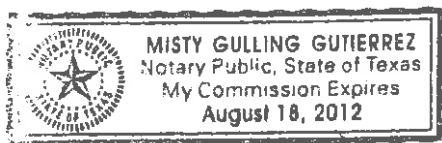


DAVID REGENBAUM, Secretary

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

BEFORE ME the undersigned authority, on this day personally appeared DAVID REGENBAUM, the Secretary of Bentwater Property Owners Association, Inc., known to me to be the person whose name is subscribed to the foregoing document and, being by me first duly sworn, declared that s/he is the person who signed the foregoing document in her/his representative capacity, and that the statements therein contained are true correct.

Given under my hand and seal of office this the 13th day of May, 2011



Misty Gulling Gutierrez

NOTARY PUBLIC - STATE OF TEXAS



FILED FOR RECORD

08/19/2011 2:03PM



COUNTY CLERK
MONTGOMERY COUNTY, TEXAS

STATE OF TEXAS
COUNTY OF MONTGOMERY

I hereby certify this instrument was filed in file number
sequence on the date and at the time stamped herein
by me and was duly RECORDED in the Official Public
Records of Montgomery County, Texas.

08/19/2011



County Clerk
Montgomery County, Texas

BENTWATER® PROPERTY OWNERS ASSOCIATION, INC.
COLLECTION POLICY AND PAYMENT PLAN GUIDELINES

STATE OF TEXAS §
 §
COUNTY OF MONTGOMERY §

WHEREAS, the property encumbered by this Collection Policy and Payment Plan Guidelines (“Guidelines”) is that property located in the Bentwater® subdivision and comprised of multiple sections in Montgomery County, Texas, and any other property which has been or may be made subject to the authority of Bentwater® Property Owners Association, Inc. (“Association”); and

WHEREAS, pursuant to Chapter 209 of the Texas Property Code, the Board of Directors (the “Board”) of the Association hereby adopts these Guidelines for the purposes of establishing a uniform and systematic procedure to collect assessments and other charges of the Association and identify the guidelines under which owners may request an alternative payment schedules for certain assessments; and

WHEREAS, the Board has determined that it is in the best interest of the Association to establish these Guidelines.

NOW, THEREFORE, BE IT RESOLVED THAT the Association does hereby adopt this Collection Policy and Payment Plan Guidelines, which shall run with the land and be binding on all owners and lots within the subdivision. These Guidelines replace any previously recorded or implemented guidelines that address the subjects contained herein.

I. COLLECTION POLICY

1. ASSESSMENT PERIOD

The Board has the duty of establishing and adopting an annual budget, in advance, for each fiscal year of the Association covering the estimated costs of operation of the Association during each calendar year.

2. NOTICE

The Board shall fix the amount of the annual assessment against each lot for the following year and shall provide notice to every owner subject to the assessment. An owner may not escape liability or be entitled to a deferral of interest, fines or collection costs with regard to delinquent assessments on the basis of such owner’s failure to receive notice, if such notice was sent via regular mail to the most recent address of the owner according to the records of Association. Each owner shall have the obligation to notify the Association in writing of any change in address which shall become effective five days after written notice has been received.

3. DUE DATE

All assessments are due on an annual basis, as determined by the Board for that assessment year. If any assessment due the Association is not paid on the date when due,

then such assessment shall become delinquent thirty (30) days after the due date. Charges disputed by an owner are considered delinquent until such time as they are paid in full.

4. INTEREST AND LATE FEES

If the assessment is not paid within thirty (30) days after the due date, the assessment shall bear late fees as determined by the Board, and interest from the due date at the rate set forth in the Declaration until the assessment is paid in full.

5. DELINQUENCY NOTIFICATION

The Association may cause to be sent the following notification(s) to delinquent owners:

a. PAST DUE NOTICE: In the event that an assessment account balance remains unpaid thirty (30) days from the due date, a Past Due Notice may be sent via regular mail to each owner with a delinquent account setting forth all assessments, late fees, interest and other amounts due. A charge may be added to each delinquent owner's account balance for administrative and postage costs related to the Payment Plan.

b. FINAL NOTICE: In the event there is a default on the Payment Plan, where an assessment account balance remains unpaid sixty (60) days or later from the due date, a Final Notice may be sent via certified mail to each delinquent owner. The Final Notice will set forth the following information and the result of failure to pay, including an explanation of:

1. AMOUNTS DUE: All delinquent assessments, interest and other amounts due;

2. HEARING: Owners shall be given notice and opportunity for a hearing before the Board. A hearing shall be granted if a written request for a hearing is received by the Association not more than thirty (30) days from the owner's receipt of the Final Notice.

If a hearing is requested within 30 days from receipt of the Final Notice, further collection procedures are suspended until the hearing process is completed. The Board shall set a hearing date not later than 30 days after receipt of owner's request for a hearing. Either party may request a postponement, which shall be granted for a period of not more than ten (10) days. Additional postponements may be granted by agreement of both parties. Further collection steps will be determined by the action of the Board;

3. COMMON AREA RIGHTS SUSPENSION: If a hearing is not requested within 30 days from receipt of the Final Notice, the owner's use of recreational facilities and common properties may be suspended;

4. REQUEST FOR PAYMENT PLAN: Owner has the right to an alternative payment schedule; and

5. MILITARY NOTICE: If the owner is serving on active military duty, the owner may have special rights or relief related to the enforcement action under federal law, including the Servicemembers Civil Relief Act.

c. NOTICE OF TURNOVER TO COLLECTION AGENT/ATTORNEY: If a hearing is not requested within 30 days from receipt of the Final Notice, member privileges will be suspended, the account may be sent to a collection agent and/or the Association's attorney for collection and any fees and expenses will be charged to the owner's assessment account. An owner may not be charged fees of a collection agent (as same is defined in Property Code §209.0064) or legal counsel unless the Association first provides written notice to the owner by certified mail, return receipt requested, that:

1. Specifies each delinquent amount and the total amount of the payment required to make the account current;
2. Describes the options the owner has to avoid having the account turned over to a collection agent or legal counsel, including information regarding availability of a payment plan through the Association; and
3. Provides a period of at least thirty (30) days for the owner to cure the delinquency before further collection action is taken.

6. REFERRAL OF ACCOUNT TO ASSOCIATION'S ATTORNEY

Upon referral of the account to the Association's attorney, the attorney is authorized to take whatever action is necessary, in consultation with the Board, including but not limited to: sending demand letters, filing a lawsuit against the delinquent owner for a money judgment, instituting an expedited foreclosure action; and, filing necessary claims, objections and motions in the bankruptcy court and monitoring the bankruptcy case in order to protect the Association's interests.

In the event the Association has determined to foreclose its lien provided in the Declaration, and to exercise the power of sale thereby granted, such foreclosure shall be accomplished pursuant to the requirements of Section 209.0092 of the Texas Property Code by first obtaining a court order in an application for expedited foreclosure under the rules adopted by the Supreme Court of Texas.

7. BANKRUPTCIES

Upon receipt of any notice of a bankruptcy of an owner, the account may be turned over to the Association's attorney so that the Association's interests may be protected.

8. REQUIRED ACTION

Nothing contained herein, not otherwise required by the Declaration or by law, shall require the Association to take any of the specific actions contained herein. The Board of the Association shall have the right, but not the obligation, to evaluate each delinquency on a case-by-case basis as in its best judgment deems reasonable.

PAYMENT PLAN

1. PAYMENT PLAN SCHEDULE

The Association hereby establishes a Payment Plan schedule by which an owner may make partial payments to the Association for delinquent regular or special assessments, or any other amount owed to the Association without accruing additional monetary penalties. Monetary penalties do not include interest or reasonable costs associated with administering the Payment Plan. The Payment Plan Schedule is as follows:

- a. The term for the Payment Plan is six (6) months;
- b. A Payment Plan shall require twenty percent (20%) of the delinquent amount to be paid at the inception of the Payment Plan, with the balance being due and payable in five (5) equal payments due on the first day of each month;
- c. Failure to pay the initial payment of twenty percent (20%) of the delinquent amount shall be considered a default of the Payment Plan;
- d. An owner, upon written request, may request a longer period of time;
- e. The Association is not required to honor the terms of a previous Payment Plan during the two (2) years following an owner's default under a previous Payment Plan.

2. APPLICATION OF PAYMENTS

- a. Except as provided in subsection (b) immediately below, a payment received by the Association shall be applied in the following order of priority:
 1. Any delinquent assessment;
 2. Any current assessment;
 3. Attorney's fees or third party collection costs incurred by the Association associated solely with assessments or other charge that can be the basis of foreclosure;
 4. Attorney's fees not subject to "3" above;
 5. Fines;
 6. Any other amount owed to the Association.


3. PAYMENTS RETURNED NON-SUFFICIENT FUNDS

An owner will be assessed a service charge for any check that is returned or Automatic Clearing House (ACH) debit that is not paid for any reason, including but not limited to Non-Sufficient Funds (NSF) or stop payment order. The amount of the service charge assessed will be the customary amount charged.

CERTIFICATION

I hereby certify that, as Secretary of the Bentwater® Property Owners Association, Inc., the foregoing Collection Policy and Payment Plan Guidelines were approved on the 11 day of November, 2011, at a meeting of the Board of Directors at which a quorum was present.

DATED, this the 11 day of November, 2011


Print Name: David Rigenbaum
Title: Secretary

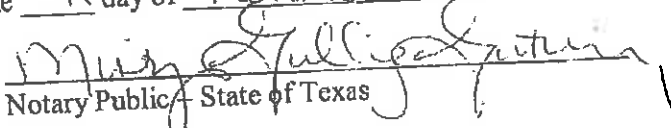
STATE OF TEXAS

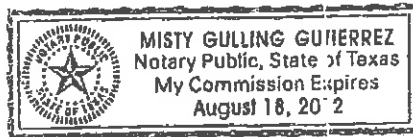
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COUNTY OF MONTGOMERY

BEFORE ME, on this day personally appeared David Rigenbaum, the Secretary of the Bentwater® Property Owners Association, Inc., known by me to be the person whose name is subscribed to this instrument, and acknowledged to me that s/he executed the same for the purposes herein expressed and in the capacity herein stated, and as the act and deed of said corporation.

Given under my hand and seal this the 11 day of November, 2011.


Notary Public, State of Texas



After Recording Please Return To:
Stephanie L. Quade
Roberts Markel
2800 Post Oak Blvd., 57th Floor
Houston, TX 77056

E-FILED FOR RECORD
12/19/2011 1:26PM



COUNTY CLERK
MONTGOMERY COUNTY, TEXAS

STATE OF TEXAS
COUNTY OF MONTGOMERY

**I hereby certify this instrument was e-FILED in
file number sequence on the date and at the time
stamped herein by me and was duly e-RECORDED in
the Official Public Records of Montgomery County, Texas.**

12/19/2011



County Clerk
Montgomery County, Texas

BENTWATER® PROPERTY OWNERS ASSOCIATION, INC.
DISPLAY OF RELIGIOUS ITEMS POLICY

STATE OF TEXAS §
 §
COUNTY OF MONTGOMERY §

WHEREAS, the property encumbered by this Display of Religious Items Policy is that property located in the Bentwater® subdivision and comprised of multiple sections in Montgomery County, Texas, and any other property which has been or may be made subject to the authority of Bentwater® Property Owners Association, Inc. (“Association”).

NOW THEREFORE, pursuant to the authority granted in Section 202.018 of the Texas Property Code, the Board of Directors (the “Board”), hereby adopts this Display of Religious Items Policy (“Policy”), which shall run with the land and be binding on all owners and lots within the subdivision. This Policy replaces any previously recorded or implemented policy that addresses the subjects contained herein.

DISPLAY OF RELIGIOUS ITEMS

Owners and residents are generally permitted to display or affix one or more religious items on the entry to their dwelling, the display of which is motivated by the owner’s or resident’s sincere religious belief.

The display or affixing of a religious item on the entry to the owner’s or resident’s dwelling is prohibited under the following circumstances:

1. The item threatens the public health or safety;
2. The item violates a law;
3. The item contains language, graphics or any display that is patently offensive to a passerby;
4. The item is in a location other than the entry door or door frame or extends past the outer edge of the door frame of the owner’s or resident’s dwelling; and
5. The item, individually or in combination with other religious item(s) displayed or affixed on the entry door or door frame, has a total size of greater than 25 square inches.

The Association, pursuant to Section 202.018 of the Texas Property Code, may remove an item displayed in violation of this Policy.


This Policy in no way authorizes an owner or resident to use a material or color for an

entry door or door frame of the owner's or resident's dwelling or make an alteration to the entry door or door frame that is not authorized by the Declaration.

CERTIFICATE OF SECRETARY

I hereby certify that, as Secretary of the Bentwater® Property Owners Association, Inc., the foregoing Display of Religious Items Policy was approved on the 11th day of NOVEMBER, 2011, at a meeting of the Board of Directors at which a quorum was present.

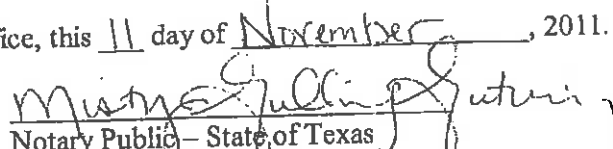
DATED this the 11th day of NOVEMBER, 2011.

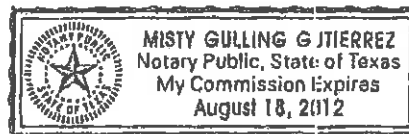

Print Name: DAVID REGENBAUM
Title: Secretary

STATE OF TEXAS §
 §
COUNTY OF MONTGOMERY §

BEFORE ME, on this day personally appeared David Regenbaum the Secretary of Bentwater® Property Owners Association, Inc., known by me to be the person whose name is subscribed to this instrument, and acknowledged to me that s/he executed the same for the purposes herein expressed and in the capacity herein stated, and as the act and deed of said corporation.

Given under my hand and seal of office, this 11 day of November, 2011.


Notary Public - State of Texas



After Recording Please Return To:
Stephanie L. Quade
Roberts Markel
2800 Post Oak Blvd., 57th Floor
Houston, TX 77056

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12/19/2011 12:33PM



COUNTY CLERK
MONTGOMERY COUNTY, TEXAS

STATE OF TEXAS
COUNTY OF MONTGOMERY

I hereby certify this instrument was e-FILED in
file number sequence on the date and at the time
stamped herein by me and was duly e-RECORDED in
the Official Public Records of Montgomery County, Texas.

12/19/2011



County Clerk
Montgomery County, Texas

BENTWATER® PROPERTY OWNERS ASSOCIATION, INC.
DOCUMENT RETENTION, ACCESS, PRODUCTION AND COPYING POLICY

STATE OF TEXAS §
 §
COUNTY OF MONTGOMERY §

WHEREAS, the property encumbered by this Document Retention, Access, Production and Copying Policy (“Policy”) is that property located in the Bentwater® subdivision and comprised of multiple sections in Montgomery County, Texas, and any other property which has been or may be made subject to the authority of Bentwater® Property Owners Association, Inc. (“Association”); and

WHEREAS, pursuant to Chapter 209 of the Texas Property Code, the Board of Directors (the “Board”) of the Association hereby adopts this Policy for the purposes of identifying the retention periods for the books, records, and/or other documents of the Association and prescribing the costs the Association will charge for the compilation, production and reproduction of information requested under Section 209.005 of the Texas Property Code; and

WHEREAS, the Board has determined that it is in the best interest of the Association to establish this Policy concerning the retention, production and copying of information, books, and records of the Association.

NOW, THEREFORE, BE IT RESOLVED THAT the Association does hereby adopt this Document Retention, Access, Production and Copying Policy, which shall run with the land and be binding on all owners and lots within the subdivision. This Policy shall become effective on January 1, 2012. After the effective date, this Policy shall replace any previously recorded or implemented policy that addresses the subjects contained herein.

1. ACCESS

The books and records of the Association, including financial records, shall be open to and reasonably available for examination by an owner, or a person designated in writing signed by the owner as the owner’s agent, attorney, or certified public accountant. An owner is entitled to obtain from the Association copies of information contained in the books and records. An owner, or the owner’s authorized representative, must submit a written request for access or information by certified mail, with sufficient detail describing the books and records requested, to the mailing address of the Association as reflected on the most current management certificate. The request must contain an election either to inspect the books and records before obtaining copies, or to have the Association forward copies of the requested books and records.

An attorney’s files and records relating to the Association, excluding invoices requested by an owner under Section 209.008(d) of the Texas Property Code are not records of the Association and are not subject to inspection by the owner, or production in a legal proceeding. If a document in an attorney’s files and records relating to the Association would be responsive

to a legally authorized request to inspect or copy Association documents, the document shall be produced by using the copy from the attorney's files and records if the Association has not maintained a separate copy of the document. Any document that constitutes attorney work product or that is privileged as an attorney-client privileged communication is not required to be produced.

The Association is not required to release or allow inspection of any books or records that identify the dedicatory instrument violation history of an owner, an owner's personal financial information, including records of payment/nonpayment of amounts due the Association, an owner's contact information other than the owner's address, or information related to an employee of the Association, including personnel files. Information may be released in an aggregate or summary manner that would not identify an individual owner. These records may be made available only with (i) the express written approval of the owner whose records are the subject of the request, or (ii) if a court of competent jurisdiction orders the release of the records.

If inspection is requested, the Association, on or before the tenth (10th) business day shall send written notice of dates during normal business hours that the owner may inspect the requested records to the extent the records are in the possession or control of the Association. The inspection shall take place at a mutually agreed upon time during normal business hours,

If copies are requested, the Association shall produce the requested records for the owner on or before the tenth (10th) business day after the date the Association receives the request except as otherwise provided herein. The Association may produce the requested records in hard copy, electronic, or other format reasonably available to the Association.

If the Association is unable to produce the records on or before the tenth (10th) business day, the Association shall give the owner notice that it is unable to produce the records within ten (10) business days, and state a date by which the information will be sent or made available for inspection, on a date not more than fifteen (15) business days after the date the notice is given.

Notwithstanding anything contained herein to the contrary, all records shall be produced subject to the terms of this Policy as set out below. The Association may require advance payment of estimated costs per its adopted policy.

2. CUSTODIAN OF RECORDS

The Secretary of the Board or other person designated by the Board, is the designated Custodian of the Records of Association. As such, the Secretary of the Board is responsible for overseeing compliance with this Policy. Any questions regarding this Policy shall be directed to the Custodian of the Records of the Association.

3. PROCEDURES FOR RESPONDING TO REQUEST FOR INFORMATION

All requests for information must comply with the requirements set forth hereinabove. The dated and signed, written request must state the specific information being requested.

Requests for information will **NOT** be approved when the information regards pending legal issues, unless specifically required by law; information of personnel matters such as

individual salaries; information about other members; information that is privileged or confidential.

4. COST OF COMPILING INFORMATION AND MAKING COPIES OF RECORDS

The costs of compiling information and making copies shall not exceed those set forth in 1 TAC §70.3. The following fee schedules and explanations comply with this code section.

The following are the costs of materials, labor, and overhead which shall be charged to the owner requesting. The Association may require advance payment of the estimated costs of compilation, production, and reproduction of the requested information. If the estimated costs are lesser or greater than the actual costs, the Association shall submit a final invoice to the owner on or before the 30th business day after the date the information is delivered. If the final invoice includes additional amounts due from the owner, the additional amounts, if not reimbursed to the Association before the 30th business day after the date the invoice is sent to the owner, may be added to the owner's account as an assessment. If the estimated costs exceeded the final invoice amount, the owner is entitled to a refund, and the refund shall be issued to the owner not later than the 30th business day after the date the invoice is sent to the owner.

4.1 Copy Charge:

- (1) Standard paper copy. The charge for paper copies reproduced by means of an office machine copier or a computer printer is \$.10 per page or part of a page. Each side that has recorded information is considered a page.
- (2) Nonstandard copy: covers materials onto which information is copied and does not reflect any additional charges, including labor that may be associated with a particular request. Charges for nonstandard copies are:
 - (A) Diskette - \$1.00
 - (B) Magnetic tape – actual cost
 - (C) Data cartridge – actual cost
 - (D) Tape cartridge – actual cost
 - (E) Rewritable & non-rewritable CD - \$1.00
 - (F) Digital video disc - \$3.00
 - (G) JAZ drive – actual cost
 - (H) Other electronic media – actual cost
 - (I) VHS video cassette - \$2.50
 - (J) Audio cassette - \$1.00
- (3) Oversize paper copy (e.g. 11 x 17, green bar, blue bar, not including maps and photographs using specialty paper - \$.50
- (4) Specialty paper (e.g. Mylar, blueprint, blueline, map, photographic) – actual cost

4.2 Labor Charge:

For locating, compiling, manipulating data, and reproducing public information, the following charges shall apply:

- (1) Labor charge - \$15.00/hour. This charge includes the actual time to locate, compile, manipulate data, and reproduce the requested information;

- (2) No labor charge to be billed for requests that are 50 or fewer pages of paper records, unless the documents to be copied are located in:
 - (A) Two or more separate buildings that are not physically connected with each other;
or
 - (B) A remote storage facility;
- (3) Labor charge may be charged when confidential information is mixed with public information in the same page, an attorney, legal assistant, or any other person who reviews the requested information, for time spent to redact, blackout, or otherwise obscure confidential information for requests of 50 or fewer pages.

4.3 Overhead Charge:

Whenever a labor charge is applicable to a request, the Association may include in the charges direct and indirect charges, in addition to the specific labor charge. This overhead charge would cover such costs as depreciation of capital assets, rent, maintenance and repair, utilities, and administrative overhead. If the Association chooses to recover such costs, the charge shall be made in accordance with the methodology described hereafter:

- (1) The overhead charge shall not be made for requests for copies of 50 or fewer pages of standard paper records unless the request also qualifies for a labor charge;
- (2) The overhead charge shall be computed at 20% of the charge made to cover any labor costs associated with a particular request.

4.4 Miscellaneous Supplies:

The actual cost of miscellaneous supplies, such as labels, boxes, and other supplies used to produce the requested information, may be added to the total charge. Related postal or shipping expenses which are necessary to transmit the reproduced information may be added to the total charge. If payment by credit card is accepted, if a transaction fee is charged by the credit card company, that fee may be added to the total charge.

5. DENIAL OF REQUESTED INFORMATION

If it is decided that a request for information is inappropriate or unapproved, the Board, or its designee, will notify the requesting member of that decision and the reason for it in a timely manner. The Board, or its designee, will inform the member, in writing of their right to appeal to the Board.

6. DOCUMENT RETENTION POLICY

This Section 6 provides for the future systematic review, retention, and destruction of documents received or created by the Association in connection with the transaction of the Association's business. This policy covers all records and documents, regardless of physical form, and contains guidelines for how long certain documents should be kept and how records should be destroyed. This Document Retention Policy shall be effective on January 1, 2012, and shall apply to records generated on or after January 1, 2012.

The Association retains specific documents for the time periods outlined in the attached Exhibit "A." Documents that may not be specifically listed will be retained for the time period of the documents most closely related to those listed in the schedule. Electronic documents will


be retained as if they were paper documents. Therefore, any electronic files that fall into one of the document types on the attached Exhibit "A" will be maintained for the identified time period.

The Custodian of the Records of Association is responsible for the ongoing process of identifying the Association's records which have met the required retention period and overseeing their destruction. Destruction of any physical documents will be accomplished by shredding. Destruction of any electronic records of the Association shall be made via a reasonable attempt to remove the electronic records from all known electronic locations and/or repositories.

CERTIFICATE OF SECRETARY

I hereby certify that, as Secretary of the Bentwater® Property Owners Association, Inc., the foregoing Document Retention, Access, Production and Copying Policy was approved on the 11 day of November, 2011, at a meeting of the Board of Directors at which a quorum was present.

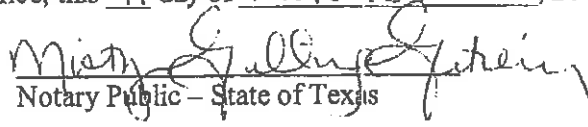
DATED this the 11 day of November, 2011.


Print Name: David Regenbaum
Title: Secretary

STATE OF TEXAS §
 §
COUNTY OF MONTGOMERY §

BEFORE ME, on this day personally appeared David Regenbaum the Secretary of the Bentwater® Property Owners Association, Inc., known by me to be the person whose name is subscribed to this instrument, and acknowledged to me that s/he executed the same for the purposes herein expressed and in the capacity herein stated, and as the act and deed of said corporation.

Given under my hand and seal of office, this 11 day of November, 2011.


Notary Public - State of Texas

After Recording Return To:
Stephanie Quade
Roberts Markel
2800 Post Oak Blvd., 57th Floor
Houston, TX 77056

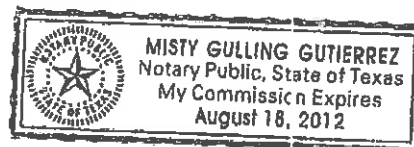


EXHIBIT "A"
DOCUMENT RETENTION POLICY

DOCUMENT TYPE	DEFINED	TIME PERIOD	EXCEPTION
Account Records of Current Owners	Member assessment records	Five (5) years	Unless period of ownership exceeds five (5) years, then retain last five (5) years.
Audit Records	Independent Audit Records	Seven (7) years	
Bylaws	And all amendments	Permanently	
Certificate of Formation	And all amendments	Permanently	
Contracts	Final contracts between the Association and another entity.	Later of completion of performance or expiration of the contract term plus four (4) years	
Financial Books & Records	Year End Financial Records and supporting documents	Seven (7) years	
Minutes of Board & Owners Meetings	Board minutes and written consents in lieu of a meeting; Annual member meetings; Executive session meeting minutes	Indefinitely	
Restrictive Covenants	And all amendments	Permanently	
Tax Returns	Federal and State Income, Franchise Tax Returns and supporting documentation	Seven (7) years	

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COUNTY CLERK
MONTGOMERY COUNTY, TEXAS

STATE OF TEXAS
COUNTY OF MONTGOMERY

**I hereby certify this instrument was e-FILED in
file number sequence on the date and at the time
stamped herein by me and was duly e-RECORDED in
the Official Public Records of Montgomery County, Texas.**

12/19/2011



County Clerk
Montgomery County, Texas



**RESOLUTION ADOPTED
OF THE
BOARD OF TRUSTEES
OF
BENTWATER® PROPERTY OWNERS ASSOCIATION, INC.**

At a regular meeting, held August 8, 2008, of the Board of Trustees of Bentwater® Property Owners Association, Inc., (“Association”) said meeting being properly called and a quorum being present, do hereby consent, pursuant to the Texas Business Organizations code, to the adoption of the following resolution:

**FIREWORKS
ZERO TOLERANCE PROGRAM**

For the collective and individual safety of all, approve a zero tolerance program that applies to any and all individuals discharging fireworks of any type and size within the Bentwater subdivision with the exception of a professional fireworks company employed by Bentwater Yacht & Country Club and to establish fines by the Bentwater Property Owners Association, Inc. (POA) as follows:

First Violation	\$300 fine
Second and each additional violation:	\$1,000 fine
Fine period:	One year

IDENTIFICATION PROGRAM

To establish a fireworks identification program with POA volunteers in patrolling the community during holidays for the express purpose of identifying persons igniting fireworks.

EDUCATION PROGRAM

To provide education and communication to Bentwater property owners regarding the Fireworks Resolution.

CERTIFICATE OF SECRETARY

I hereby certify that as secretary of Bentwater® Property Owners Association, Inc. that the foregoing resolution of the Board of Trustees was approved at a properly called meeting of the Board of Trustees at which a quorum was present.



David Regenbaum, Secretary

Return To:
Bentwater® Property Owners Association, Inc.
170 Hillsborough Drive West
Montgomery, TX 77356

CERTIFICATION

I hereby certify that, as Secretary of Bentwater® Property Owners Association, Inc., the foregoing Fireworks Policy Resolution to be the original document executed on August 8, 2008.

DATED, this the 11th day of MAY, 2012



David Regenbaum
Secretary

STATE OF TEXAS

§
§
§

COUNTY OF MONTGOMERY

BEFORE ME, on this day personally appeared David Regenbaum, the Secretary of the Bentwater® Property Owners Association, Inc., known by me to be the person whose name is subscribed to this instrument, and acknowledged to me that s/he executed the same for the purposes herein expressed and in the capacity herein stated, and as the act and deed of said corporation.

Give under my hand and seal this the 11th day of May, 2012.





Notary Public - State of Texas

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05/31/2012 10:35AM



COUNTY CLERK
MONTGOMERY COUNTY, TEXAS

STATE OF TEXAS
COUNTY OF MONTGOMERY

I hereby certify this instrument was filed in file number
sequence on the date and at the time stamped herein
by me and was duly RECORDED in the Official Public
Records of Montgomery County, Texas.

05/31/2012



County Clerk
Montgomery County, Texas

BENTWATER® PROPERTY OWNERS ASSOCIATION, INC.
FLAG DISPLAY POLICY

STATE OF TEXAS §
 §
COUNTY OF MONTGOMERY §

WHEREAS, the property encumbered by this Flag Display Policy is that property located in the Bentwater® subdivision and comprised of multiple sections in Montgomery County, Texas, and any other property which has been or may be made subject to the authority of Bentwater® Property Owners Association, Inc. (“Association”); and

WHEREAS, any reference made herein to approval by the Architectural Control Committee (“ACC”), means prior written approval by the ACC.

NOW THEREFORE, pursuant to the authority granted in Section 202.011 of the Texas Property Code, the Board of Directors (the “Board”), hereby adopts this Flag Display Policy (“Policy”), which shall run with the land and be binding on all owners and lots within the subdivision. This Policy replaces any previously recorded or implemented policy that addresses the subjects contained herein.

I. FLAG DISPLAY

The display of flags is permitted under the following parameters:

1. Owners may have a total of one (1) flagpole per lot. Flags must be attached to a flagpole in order to be displayed;
2. Any of the following flags may be displayed on the single permitted flagpole:
 - a. U.S. flag;
 - b. Texas flag; or
 - c. An official or replica flag of a branch of the US armed forces
3. The U.S. flag must be displayed in accordance with federal law, and the Texas flag must be displayed in accordance with Texas state law;
4. Flagpoles may be either freestanding or mounted to the dwelling, under the following parameters:
 - a. Freestanding flagpoles must be located in the backyard and may not be taller than twenty feet (20’) when measured from the ground level (including the pole ornamentation).
 - b. Flagpoles no greater than five feet (5’) in length may be attached to the front or back of a dwelling.

5. All flagpoles must be constructed of permanent, long-lasting materials, with a finish appropriate to the materials used in the construction of the flagpole and harmonious with the dwelling;
6. No flagpole can be placed within an easement on the owner's lot, or in a location that encroaches on a setback on the owner's lot;
7. All flags and flagpoles must be properly maintained at all times, including, but not limited to, immediate replacement of faded, frayed or torn flags and replacement of poles that are scratched, bent, rusted, faded, leaning or damaged in any way;
8. If evening display of the flag is desired, the flag may be lit from the base of the flagpole (maximum of two bulbs) with a total of no more than 150 watts. The light must shine directly up at the flag, and cannot cause any type of light spillover onto adjoining properties. All exterior lighting must be submitted to the ACC for prior approval;
9. Flagpoles mounted to a dwelling or garage must be removed from view when no flag is displayed;
10. The size of the flag must be appropriate for the length of the flagpole;
11. Flagpole halyards must not make noise under any conditions. Halyards must be securely fastened at all times;
12. Freestanding flagpoles must be mounted on an appropriate footing;
13. All flagpoles must be installed per the manufacturer's guidelines;
14. Owners are prohibited from locating a flag or flagpole on property owned or maintained by the Association; and
15. Owners are prohibited from locating a flag or flagpole on property owned in common by the members of the Association.

II. ACC APPROVAL

Flagpoles mounted to a dwelling do not require approval from the ACC, provided the terms of this Policy are complied with. Any installation of a flagpole to a dwelling not in compliance with this Flag Display Policy will be considered a deed restriction violation.


Freestanding flagpoles require submission of a completed application to the ACC with a site plan showing the proposed location of the improvement, along with pictures showing the location of the modification and the manufacturer's brochures or sample of material, if applicable. The color of the materials being used in relation to house color, the visibility from public streets and neighboring properties/common areas and any noise created are of specific concern. Any installation not in compliance with this Policy will be considered a deed restriction violation.

This Flag Display Policy does not apply to property that is owned or maintained by the Association.

CERTIFICATE OF SECRETARY

I hereby certify that, as Secretary of the Bentwater® Property Owners Association, Inc., the foregoing Flag Display Policy was approved on the 11 day of November, 2011, at a meeting of the Board of Directors at which a quorum was present.

DATED, this the 11 day of November, 2011


Print Name: David Regenbaum
Title: Secretary

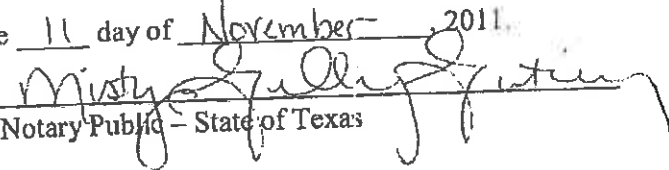
STATE OF TEXAS

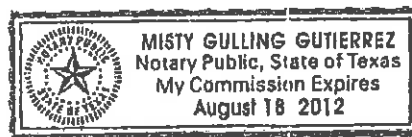
§
§
§

COUNTY OF MONTGOMERY

BEFORE ME, on this day personally appeared David Regenbaum, the Secretary of the Bentwater® Property Owners Association, Inc., known by me to be the person whose name is subscribed to this instrument, and acknowledged to me that s/he executed the same for the purposes herein expressed and in the capacity herein stated, and as the act and deed of said corporation.

Given under my hand and seal this the 11 day of November, 2011.


Notary Public - State of Texas



After Recording, Return To:
Stephanie Quade
Roberts Markel
2800 Post Oak Blvd., 57th Floor
Houston, TX 77056

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COUNTY CLERK
MONTGOMERY COUNTY, TEXAS

STATE OF TEXAS
COUNTY OF MONTGOMERY

**I hereby certify this instrument was e-FILED in
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stamped herein by me and was duly e-RECORDED in
the Official Public Records of Montgomery County, Texas.**

12/19/2011



County Clerk
Montgomery County, Texas

BENTWATER® PROPERTY OWNERS ASSOCIATION, INC.
RAIN BARREL POLICY

STATE OF TEXAS §
 §
COUNTY OF MONTGOMERY §

WHEREAS, the property encumbered by this Rain Barrel Policy is that property located in the Bentwater® subdivision and comprised of multiple sections in Montgomery County, Texas, and any other property which has been or may be made subject to the authority of Bentwater® Property Owners Association, Inc. (“Association”); and

WHEREAS, any reference made herein to approval by the Architectural Control Committee (“ACC”), means prior written approval by the ACC.

NOW THEREFORE, pursuant to the authority granted in Section 202.007(d) of the Texas Property Code, the Board of Directors (the “Board”), hereby adopts this Rain Barrel Policy (“Policy”), which shall run with the land and be binding on all owners and lots within the subdivision. This Policy replaces any previously recorded or implemented policy that addresses the subjects contained herein.

An application must be submitted for review by the ACC, and formal written approval from the ACC shall be required before installation may begin.

I. RAIN BARRELS

A. Prohibited Rainwater Harvesting Systems/Rain Barrels

Rainwater harvesting systems or rain barrels (collectively referred to herein as “Rain Barrels”) are prohibited in the following circumstances:

1. Rain Barrels that are located on property owned by the Association;
2. Rain Barrels that are located on property that is owned in common by the members of the Association;
3. Rain Barrels that are located between the front of the owner’s home and an adjoining or adjacent street;
4. Rain Barrels that are of a color not consistent with the color scheme of the home; and
5. Rain Barrels that display language or content other than the manufacturer’s typical display.

B. Rain Barrels Located in Area Visible from a Street, Lot, or Common Area:

Rain Barrels that are located on the side of a house or at any other location that is visible from a street, another lot, or a common area must comply with the following:

1. Rain Barrels must have adequate screening, as determined by the ACC;
2. Only commercial and professional grade Rain Barrels are permitted;
3. All Rain Barrels must be fully enclosed and have a proper screen or filter to prevent mosquito breeding and harboring; and
4. Rain Barrels may not create unsanitary conditions or be of nuisance to any neighboring properties.

II. ACC APPROVAL

Applicant's submission of plans must include a completed application for ACC review and a site plan showing the proposed location of the improvement, along with pictures showing the location of the modification and the manufacturer's brochures or sample of material, if applicable. The color of the materials being used in relation to the house color, the visibility from public streets and neighboring properties/common areas and any noise created are of specific concern to the Association and the ACC.

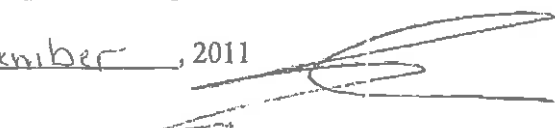
Any installation not in compliance with this Policy will be considered a deed restriction violation.

This Rain Barrel Policy does not apply to property that is owned or maintained by the Association.

CERTIFICATION

I hereby certify that, as Secretary of the Bentwater® Property Owners Association, Inc., the foregoing Rain Barrel Policy was approved on the 11 day of November, 2011, at a meeting of the Board of Directors at which a quorum was present.

DATED, this the 11 day of November, 2011

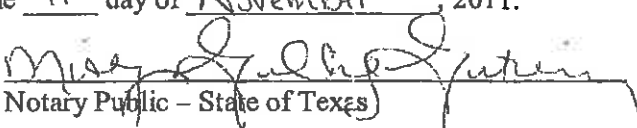


Print Name: David Regenbaum
Title: Secretary

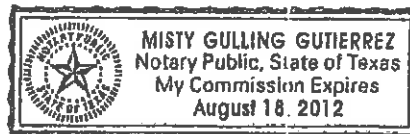
STATE OF TEXAS §
 §
COUNTY OF MONTGOMERY §

BEFORE ME, on this day personally appeared David Regenbaum, the Secretary of the Bentwater® Property Owners Association, Inc., known by me to be the person whose name is subscribed to this instrument, and acknowledged to me that s/he executed the same for the purposes herein expressed and in the capacity herein stated, and as the act and deed of said corporation.

Given under my hand and seal this the 11 day of November, 2011.



Notary Public - State of Texas



After Recording Please Return To:
Stephanie L. Quade
Roberts Markel
2800 Post Oak Blvd., 57th Floor
Houston, TX 77056

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COUNTY CLERK
MONTGOMERY COUNTY, TEXAS

STATE OF TEXAS
COUNTY OF MONTGOMERY

I hereby certify this instrument was e-FILED in
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stamped herein by me and was duly e-RECORDED in
the Official Public Records of Montgomery County, Texas.

12/19/2011



County Clerk
Montgomery County, Texas

BENTWATER® PROPERTY OWNERS ASSOCIATION, INC.
SOLAR DEVICES POLICY

STATE OF TEXAS §
 §
COUNTY OF MONTGOMERY §

WHEREAS, the property encumbered by this Solar Devices Policy is that property located in the Bentwater® subdivision and comprised of multiple sections in Montgomery County, Texas, and any other property which has been or may be made subject to the authority of Bentwater® Property Owners Association, Inc. (“Association”); and

WHEREAS, any reference made herein to approval by the Architectural Control Committee (“ACC”), means prior written approval by the ACC.

NOW THEREFORE, pursuant to the authority granted in Section 202.010 and 202.011 of the Texas Property Code, the Board of Directors (the “Board”), hereby adopts this Solar Devices Policy (“Policy”), which shall run with the land and be binding on all owners and lots within the subdivision. This Policy replaces any previously recorded or implemented policy that addresses the subjects contained herein.

An application must be submitted for review by the ACC, and formal written approval from the ACC shall be required before installation may begin.

I. SOLAR DEVICES POLICY

A. Prohibited Solar Panels

Solar Panels, as referred to herein, shall be defined as set forth in the Texas Tax Code, §171.107. Solar Panels are prohibited in the following circumstances:

1. It has been adjudicated by a court that the Solar Panels are a threat to public health or safety, or violate a law;
2. Solar Panels that are located on property owned or maintained by the Association;
3. Solar Panels that are located on property that is owned in common by the members;
4. Solar Panels that are located on the owner’s property, other than:
 - a. On the roof of the dwelling or another permitted structure;
 - b. In a fenced yard or patio owned & maintained by the owner;
5. Roof-mounted Solar Panels that extend higher than or beyond the roofline;

6. Subject to Item 7 below, if roof mounted, is mounted in an area other than the back of the home;
7. Roof-mounted Solar Panels that are located in an area *other* than an area designated by the Association, unless the alternate location increases the estimated annual energy production by more than 10% above the area designated by the Association (as determined by a publicly available modeling tool provided by the National Renewable Energy Laboratory);
8. Roof-mounted Solar Panels that do not conform to the slope of the roof and have a top edge that is not parallel to the roofline;
9. Roof-mounted Solar Panels having frames, support brackets, or visible piping or wiring containing colors other than silver, bronze, or black tones;
10. Solar Panels located in a fenced yard or patio that are taller than the fence;
11. Solar Panels that, as installed, void material warranties; and
12. Solar Panels that were installed without prior approval by the Association or ACC.

If the proposed Solar Panels do not fall within one of the above-prohibited categories, the Association or ACC may not withhold approval of the installation of Solar Panels unless the Association or ACC determines in writing that placement of the Solar Panels, as proposed by the owner, constitutes a condition that substantially interferes with the use and enjoyment of land by causing unreasonable discomfort or annoyance to a person of ordinary sensibilities. The written approval of the owner's proposed location by all owners of adjoining property constitutes prima facie evidence that such a condition does not exist.

B. Permitted Roofing Materials

Pursuant to Texas Property Code §202.011, the installation of the following roofing materials is permitted:

1. Wind or hail resistant roofing materials;
2. Materials that provide heating and cooling efficiencies greater than those provided by customary composite shingles; or
3. Materials that provide solar generation capabilities.

The above-enumerated acceptable materials, when installed, must:

1. Resemble the shingles used or otherwise are authorized for use within the subdivision;
2. Be more durable than, and are of equal or superior quality to, the shingles authorized for use within the subdivision; and
3. Match the aesthetics of the property surrounding the owner's property.

E-FILED FOR RECORD
12/19/2011 12:33PM

Mark Tumbull

COUNTY CLERK
MONTGOMERY COUNTY, TEXAS

STATE OF TEXAS
COUNTY OF MONTGOMERY

**I hereby certify this instrument was e-FILED in
file number sequence on the date and at the time
stamped herein by me and was duly e-RECORDED in
the Official Public Records of Montgomery County, Texas.**

12/19/2011



Mark Tumbull

County Clerk
Montgomery County, Texas

POLICY OF THE ARCHITECTURAL CONTROL COMMITTEE
OF THE
BENTWATER® PROPERTY OWNERS ASSOCIATION, INC.

At a regular meeting of the Architectural Control Committee of Bentwater® Property Owners Association, Inc., ("Association") said meeting being properly called and a quorum present, do hereby consent, pursuant to the Bentwater Declaration of Covenants, Conditions and Restrictions, to the adoption of the following resolutions:


WHEREAS, that the following be and is hereby adopted by the Committee:

PLAYGROUND EQUIPMENT AND TRAMPOLINE POLICY RESOLUTION


All playground equipment and trampolines must be reviewed and approved by the Architectural Control Committee prior to installation on any Lot in Bentwater. Playground equipment and trampolines will be reviewed on a case-by-case basis with consideration given, but not limited to, the size and location of the Lot and the color, size, and placement of the playground equipment and trampoline on the Lot. All playground equipment must be wood-tone and accessories and trampolines dark brown or dark green in color and fully screened from public or neighbor's view.

WHEREAS, that this resolution, in the form as presented for review by the Architectural Control Committee, be and hereby, is approved, adopted and ratified as a policy in all respects.

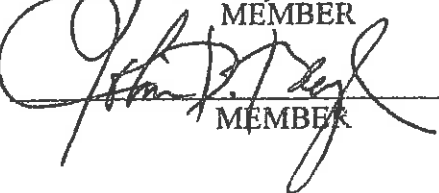
IN WITNESS WHEREOF, the undersigned Members of the Architectural Control Committee have executed this policy effective the 3rd day of March, 2007.



MEMBER



MEMBER



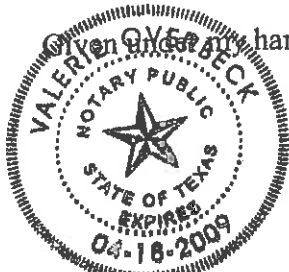
MEMBER

STATE OF TEXAS

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COUNTY OF Montgomery

BEFORE ME, on this day personally appeared Kimberly Morisak, a Member of the Architectural Control Committee of the Bentwater® Property Owners Association, Inc. known by me to be the person whose name is subscribed to the forgoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein and herein stated, and as the act deed of said corporation.

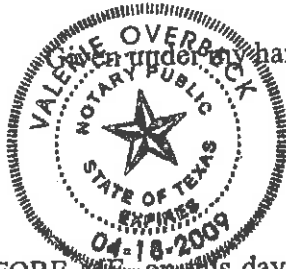


Given under my hand and seal of office, this 10th day of May, 2007.

Valerie Overbeck

Notary Public – State of Texas

BEFORE ME, on this day personally appeared Terry S. Williams, a Member of the Architectural Control Committee of the Bentwater® Property Owners Association, Inc. known by me to be the person whose name is subscribed to the forgoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein and herein stated, and as the act deed of said corporation.



Given under my hand and seal of office, this 10th day of May, 2007.

Valerie Overbeck

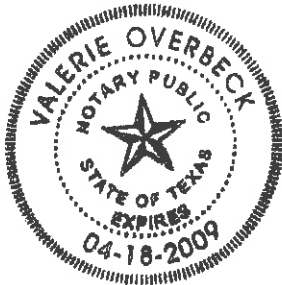
Notary Public – State of Texas

BEFORE ME, on this day personally appeared John D. Bleyl, a Member of the Architectural Control Committee of the Bentwater® Property Owners Association, Inc. known by me to be the person whose name is subscribed to the forgoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein and herein stated, and as the act deed of said corporation.

Given under my hand and seal of office, this 10th day of May, 2007.

Valerie Overbeck

Notary Public – State of Texas



POLICY OF THE ARCHITECTURAL CONTROL COMMITTEE
OF THE
BENTWATER® PROPERTY OWNERS ASSOCIATION, INC.

At a regular meeting of the Architectural Control Committee of Bentwater® Property Owners Association, Inc., ("Association") said meeting being properly called and a quorum present, do hereby consent, pursuant to the Bentwater Declaration of Covenants, Conditions and Restrictions, to the adoption of the following policy:

WHEREAS, that the following be and is hereby adopted by the Association:

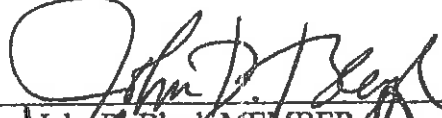
TREE REMOVAL POLICY RESOLUTION

The removal of any tree of any type and size located five feet (5') or more outside the foundation and driveway on any lot in Bentwater must be reviewed and approved in writing by the Architectural Control Committee prior to removal. Failure to secure written approval of the Committee prior to removal of any tree of any type and size located outside the setback line on any lot may result in a fine of Two Thousand Five Hundred Dollars (\$2500.00) for each tree removed without approval.


The application for removal of a tree should include an aerial view of the lot prior to any trees being removed, two (2) site plans with the location, types and sizes of the trees to remain being noted on the plan as well as photographs of the lot reflecting all trees over 4 inches (4) in diameter to remain. The trees to be removed must be tagged prior to application.

WHEREAS, that this policy resolution, in the form as presented for review by the Architectural Control Committee, be and hereby, is approved, adopted and ratified in all respects.

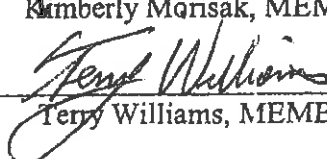
IN WITNESS WHEREOF, the undersigned Members of the Architectural Control Committee have executed this Consent effective the 12th day of April, 2007.



John D. Bleyl, MEMBER



Kimberly Morisak, MEMBER



Terry Williams, MEMBER

STATE OF TEXAS

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COUNTY OF Montgomery

BEFORE ME, on this day personally appeared John D. Bleyl, a Member of the Architectural Control Committee of the Bentwater® Property Owners Association, Inc. known by me to be the person whose name is subscribed to the forgoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein and herein stated, and as the act deed of said corporation.



Given under my hand and seal of office, this 10th day of May, 2007.

Valerie Overbeck

Notary Public - State of Texas

BEFORE ME, on this day personally appeared Kimberly Morrisak, a Member of the Architectural Control Committee of the Bentwater® Property Owners Association, Inc. known by me to be the person whose name is subscribed to the forgoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein and herein stated, and as the act deed of said corporation.



Given under my hand and seal of office, this 10th day of May, 2007.

Valerie Overbeck

Notary Public - State of Texas

BEFORE ME, on this day personally appeared Terry S. Williams, a Member of the Architectural Control Committee of the Bentwater® Property Owners Association, Inc. known by me to be the person whose name is subscribed to the forgoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein and herein stated, and as the act deed of said corporation.

Given under my hand and seal of office, this 10th day of May, 2007.

Valerie Overbeck

Notary Public - State of Texas



FILED FOR RECORD

05/31/2012 10:35AM

Mark Tumbull

COUNTY CLERK
MONTGOMERY COUNTY, TEXAS

STATE OF TEXAS
COUNTY OF MONTGOMERY

I hereby certify this instrument was filed in file number
sequence on the date and at the time stamped herein
by me and was duly RECORDED in the Official Public
Records of Montgomery County, Texas.

05/31/2012



Mark Tumbull

County Clerk
Montgomery County, Texas



BENTWATER
BUILDER/OWNER CONSTRUCTION RULES
2000

1. Approved builder's sign must be placed in front of building site with required information displayed. No other sign, advertisement, billboard or advertising structure of any kind may be erected or maintained on any lot in the subdivision.
2. A construction fence or netting must be placed along each property line (sides and rear) prior to starting construction to protect the adjacent lot(s), golf course, etc. Also an erosion control barrier shall be installed, if necessary, along each property line (sides and rear) to prevent fill dirt and debris from washing onto the adjacent lots, golf course, etc. during heavy rainstorms.
3. All builders must place temporary restroom and a dumpster or wire bin for construction trash and a drum or large trash can on the lot for incidental trash (drink containers, eating refuse, garbage, etc.).
4. All building sites are to be kept clean and materials stored in an orderly manner. Burning is strictly prohibited on any lot in Bentwater. All trash and debris must be hauled outside the subdivision. No trash, material or excess dirt is allowed in the street. Any such trash, materials or excess dirt (including dirt tracked onto the street) or fill inadvertently spilling or getting into the street shall be removed, without delay, on a daily basis. Grass and weeds must be kept trimmed during construction.
5. All builders must provide an area located on the lot for concrete trucks to wash out and direct all drivers to comply. The depositing of ANY concrete material on adjacent lots, street right-of-ways, etc. may result in forfeiture of the entire building deposit.
6. No Owner or Contractor may enter into an adjacent lot for any purpose during or after construction unless same Owner also owns such adjacent lot.
7. All concrete curbs that are chipped, cracked or broken along the street frontage must be repaired by the Builder/Owner.
8. All building sites may be visited on a daily basis and if any building site is found to be in violation of the above rules, the Association may, but shall not be obliged, to clean up the site and will assess the builder an administration fee of \$100.00 plus the actual cost of \$15.00 per man hour. These charges will be deducted from the deposit of \$1,000.00 received from the Builder and if the amounts charged exceed the deposit, the balance will be assessed against the Owner.

As amended at a joint meeting of the Board of Trustees and Advisory Board of Trustees held on September 8, 2000.


David Regenbaum, Secretary

Return To:
Bentwater®Property Owners Association, Inc
170 Hillsborough Drive West
Montgomery, TX 77356

CERTIFICATION

I hereby certify that, as Secretary of Bentwater® Property Owners Association, Inc., the foregoing BUILDER/OWNER CONSTRUCTION RULES 2000 Policy to be the original document executed on September 8, 2000.

DATED, this the 11th day of MAY, 2012



David Regenbaum
Secretary

STATE OF TEXAS

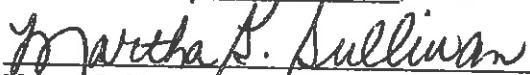
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COUNTY OF MONTGOMERY

BEFORE ME, on this day personally appeared David Regenbaum, the Secretary of the Bentwater® Property Owners Association, Inc., known by me to be the person whose name is subscribed to this instrument, and acknowledged to me that s/he executed the same for the purposes herein expressed and in the capacity herein stated, and as the act and deed of said corporation.

Give under my hand and seal this the 11th day of May, 2012.





Notary Public -- State of Texas

FILED FOR RECORD

05/31/2012 10:35AM



COUNTY CLERK
MONTGOMERY COUNTY, TEXAS

STATE OF TEXAS
COUNTY OF MONTGOMERY

I hereby certify this instrument was filed in file number
sequence on the date and at the time stamped herein
by me and was duly RECORDED in the Official Public
Records of Montgomery County, Texas.

05/31/2012



County Clerk
Montgomery County, Texas



BENTWATER RULES FOR GOLF CART PERMIT AND OPERATION

The Bentwater Property Owners Association adopted the following rules and regulations on November 1, 1999 for operating a golf cart on Bentwater Subdivision streets. The rules were amended on July 20, 2001 by the addition of rules 7,8, and 9.

Pursuant to the Declaration of Covenants, Conditions and Restrictions for Bentwater, the Bentwater Property Owners Association (the "Association") may adopt and enforce Rules and Regulations, fines, and enforcement provisions with respect to the use of any Common Area Property. Each member must comply with such Rules and Regulations and must see that any Member's related users comply with such Rules and Regulations. A Member's Related Users are those individuals who are operating the Member's Golf Cart with or without the knowledge and/or permission of the Member. By a duly adopted Resolution of the Board of Directors of the Bentwater Property Owners Association, Inc., the following Rules pertaining to the use of Golf Carts within the Bentwater subdivision have been adopted and will be effective as of March 1, 2000. The additional rules 7,8, and 9 are effective September 1, 2001.

1. Golf Carts with a current permit issued by the Bentwater Country Club may only be operated by individuals holding a current driver's license valid in the State of Texas.
2. Golf Carts are required to display an emblem of the type required by the State of Texas, on the back of the cart that identifies the cart as a "SLOW MOVING VEHICLE".
3. Any violation of the rules set out herein shall result in a sanction by the Board of one or more of the following:
 - a. Warning issued by the Board of a violation
 - b. Fines charged to the property Owner for the violation as follows:
 1. First Violation \$100.00
 2. Second Violation \$500.00
 - c. If the Owner continues to violate these Rules, and/or any other Rules and Regulations promulgated by the Association and any of the restrictive covenants contained within the Declaration, after the imposition of one or more fines as set out above, the Association may then revoke the permit and the Owner or his Related Users may not use the Golf Cart on any portion of the Common Areas (including the streets) during and for up to sixty (60) days following any breach of these rules; or in the case of continued violations after an initial suspension – permanent prohibition of the right to use a Golf Cart on the streets within Bentwater.
4. Before the Board may invoke the remedies provided above, it shall give notice of the alleged violation to the Owner, and shall afford the Owner a hearing at the next regularly scheduled Board meeting. Failure to attend such hearing will be a waiver of any right to object to the imposition of any of the remedies provided herein. If, after the hearing, a violation is found to have occurred, the Board's right to proceed with the listed remedies shall become absolute. Each day a violation continues shall be deemed a separate violation.

CERTIFICATION

I hereby certify that, as Secretary of Bentwater® Property Owners Association, Inc., the foregoing BENTWATER RULES FOR GOLF CART PERMIT AND OPERATION to be the original document executed on July 20, 2001.

DATED, this the 11th day of MAY, 2012



David Regenbaum
Secretary

STATE OF TEXAS

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COUNTY OF MONTGOMERY

BEFORE ME, on this day personally appeared David Regenbaum, the Secretary of the Bentwater® Property Owners Association, Inc., known by me to be the person whose name is subscribed to this instrument, and acknowledged to me that s/he executed the same for the purposes herein expressed and in the capacity herein stated, and as the act and deed of said corporation.

Give under my hand and seal this the 11th day of May, 2012.





Notary Public - State of Texas

FILED FOR RECORD

05/31/2012 10:35AM

Mark Jumball

COUNTY CLERK
MONTGOMERY COUNTY, TEXAS

STATE OF TEXAS

COUNTY OF MONTGOMERY

I hereby certify this instrument was filed in file number
sequence on the date and at the time stamped herein
by me and was duly RECORDED in the Official Public
Records of Montgomery County, Texas.

05/31/2012



Mark Jumball

County Clerk
Montgomery County, Texas

**RESOLUTION ADOPTED
OF THE
BOARD OF TRUSTEES
OF
BENTWATER® PROPERTY OWNERS ASSOCIATION, INC.**

At a regular meeting, held August 14, 2009, of the Board of Trustees of Bentwater® Property Owners Association, Inc., ("Association") said meeting being properly called and a quorum being present do hereby consent, pursuant to the Texas Business Organizations code, to the adoption of the following resolution:

FORCE MOWING FEE

When an Owner fails to adequately maintain his/her property by mowing and edging the lawn and removal of debris resulting in the Association authorizing the maintenance to be performed pursuant to the Bentwater Declaration of Covenants, Conditions and Restrictions Section 3.23 which states,

- a) *All Lots shall be kept at all times in a neat, attractive, healthful and sanitary condition, and the Owner or occupant of all Lots shall keep all weeds and grass thereon cut and shall in no event use any Lot for storage of materials or equipment except for normal residential requirements or incident to construction of improvements thereon as herein permitted, or permit the accumulation of garbage, trash or rubbish of any kind thereon, and shall not burn any garbage, trash or rubbish. All yard equipment or storage piles shall be kept screened by a service yard or other similar facility as herein otherwise provided, so as to conceal them from view of neighboring Lots, streets or other property.*
- b) *In the event of any default by the Owner or other occupant of any Lot in observing the above requirements or the requirements of Section 3.08, which default is continuing after ten (10) days written notice thereof to the Owner or occupant, as applicable, the Declarant or the Association or their designated agents may, without liability to the Owner, Contractor or any occupants of the Lot in trespass or otherwise, enter upon (and/or authorize one or*

more others to enter upon) said Lot, cut, or cause to be cut, such weeds and grass and remove, or cause to be removed, such garbage, trash and rubbish or do any other thing necessary to secure compliance with this Declaration, so as to place said Lot in a neat, attractive, healthful and sanitary condition, and may charge the Owner, Builder or occupant of such Lot for the cost of such work and associated materials. Payment thereof shall be collected by adding the charges to the Maintenance Charge (secured by a Vendor's Lien, as described in Section 6.03) and shall be payable on the first day of the next calendar month with the regular monthly Maintenance Charge payment.

by an outside contractor, an administrative charge in addition to the cost to maintain the Owner's property, will be added to such Owner's account as follows:

Per Occurrence \$100 Administrative Charge

CERTIFICATE OF SECRETARY

I hereby certify that as secretary of Bentwater® Property Owners Association, Inc. that the foregoing resolution of the Board of Trustees was approved at a properly called meeting of the Board of Trustees at which a quorum was present.



David Regenbaum, Secretary

Return To:
Bentwater® Property Owners Association, Inc
170 Hillsborough Drive West
Montgomery, TX 77356

CERTIFICATION

I hereby certify that, as Secretary of Bentwater® Property Owners Association, Inc., the foregoing Force Mowing Fee Resolution to be the original document executed on August 14, 2009.

DATED, this the 11th day of MAY, 2012



David Regenbaum
Secretary

STATE OF TEXAS

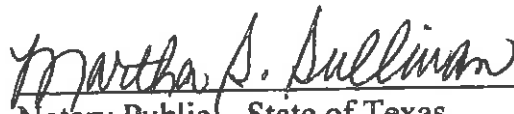
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COUNTY OF MONTGOMERY

BEFORE ME, on this day personally appeared David Regenbaum, the Secretary of the Bentwater® Property Owners Association, Inc., known by me to be the person whose name is subscribed to this instrument, and acknowledged to me that s/he executed the same for the purposes herein expressed and in the capacity herein stated, and as the act and deed of said corporation.

Give under my hand and seal this the 11th day of May, 2012.





Notary Public - State of Texas

FILED FOR RECORD

05/31/2012 10:35AM



COUNTY CLERK
MONTGOMERY COUNTY, TEXAS

STATE OF TEXAS
COUNTY OF MONTGOMERY

I hereby certify this instrument was filed in file number
sequence on the date and at the time stamped herein
by me and was duly RECORDED in the Official Public
Records of Montgomery County, Texas.

05/31/2012



County Clerk
Montgomery County, Texas



BENTWATER PROPERTY OWNERS ASSOCIATION

POLICY RESOLUTION: PINE BARK BEETLES

WHEREAS, Pine trees are an integral part of the beauty that is Bentwater; and

WHEREAS, Pine Bark Beetles are a nuisance and potentially endanger the trees in the neighborhood; and

WHEREAS, the Board of Trustees and the Property Owners Association Advisory Board of Trustees of Bentwater Property Owners Association are extremely concerned about an outbreak of Pine Bank Beetles within Bentwater; and

WHEREAS, the most effective method to deal with the outbreak of Pine Bank Beetles is to remove infested trees as soon as possible; and

WHEREAS, the Board of Trustees and the Advisory Board of Trustees consider the outbreak of Pine Bank Beetles to be an emergency.

NOW THEREFORE the Board of Trustees and the Advisory Board of Trustees of Bentwater Property Owners Association recognize that an emergency situation exists and hereby authorize the management of the Association in its discretion to enter onto any vacant lots within Bentwater to remove infested trees so as to limit the spread of Pine Bank Beetles. Any costs incurred in so doing may be charged back to the Owner of the lot after notice and opportunity to be heard.

ATTEST TO:

DATE:

EauG Spee

December 8, 2000

Return To:
Bentwater Property Owners Association, Inc.
170 Hillsborough Drive West
Montgomery, TX 77356

CERTIFICATION

I hereby certify that, as Secretary of Bentwater® Property Owners Association, Inc., the foregoing Pine Bark Beetles Policy Resolution to be the original document executed on December 8, 2000.

DATED, this the 11th day of MAY, 2012



David Regenbaum
Secretary

STATE OF TEXAS

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COUNTY OF MONTGOMERY

BEFORE ME, on this day personally appeared David Regenbaum, the Secretary of the Bentwater® Property Owners Association, Inc., known by me to be the person whose name is subscribed to this instrument, and acknowledged to me that s/he executed the same for the purposes herein expressed and in the capacity herein stated, and as the act and deed of said corporation.

Give under my hand and seal this the 11th day of May, 2012.





Notary Public - State of Texas

FILED FOR RECORD

05/31/2012 10:35AM



COUNTY CLERK
MONTGOMERY COUNTY, TEXAS

STATE OF TEXAS
COUNTY OF MONTGOMERY

I hereby certify this instrument was filed in file number
sequence on the date and at the time stamped herein
by me and was duly RECORDED in the Official Public
Records of Montgomery County, Texas.

05/31/2012




County Clerk
Montgomery County, Texas

CERTIFICATION

I hereby certify that, as Secretary of the Bentwater® Property Owners Association, Inc., the foregoing Late Fee Policy was approved on the 11th day of May, 2012, at a meeting of the Board of Directors at which a quorum was present.

DATED, this the 7th day of JUNE, 2012



Print Name: DAVID REGENBAUM

Title: Secretary

STATE OF TEXAS

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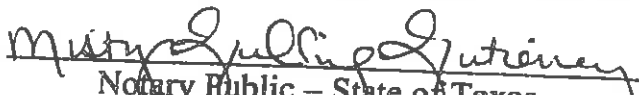
COUNTY OF MONTGOMERY

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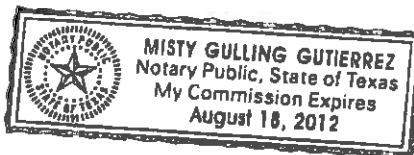
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BEFORE ME, on this day personally appeared David Regenbaum, the Secretary of the Bentwater® Property Owners Association, Inc., known by me to be the person whose name is subscribed to this instrument, and acknowledged to me that s/he executed the same for the purposes herein expressed and in the capacity herein stated, and as the act and deed of said corporation.

Given under my hand and seal this the 7th day of June 2012.


Notary Public - State of Texas

After Recording, Return To:
Bentwater Property Owners Association
170 Hillsborough Dr W
Montgomery, TX 77356



FILED FOR RECORD

06/19/2012 12:11PM



COUNTY CLERK
MONTGOMERY COUNTY, TEXAS

STATE OF TEXAS
COUNTY OF MONTGOMERY

I hereby certify this instrument was filed in file number
sequence on the date and at the time stamped herein
by me and was duly RECORDED in the Official Public
Records of Montgomery County, Texas.

06/19/2012



County Clerk
Montgomery County, Texas

PI145-2012085627-7

POLICY OF THE ARCHITECTURAL CONTROL COMMITTEE
OF THE
BENTWATER® PROPERTY OWNERS ASSOCIATION, INC.

At meeting of the Architectural Control Committee of Bentwater® Property Owners Association, Inc. ("Association") a regular said meeting being properly called and a quorum present, do hereby consent, pursuant to the Bentwater Declaration of Covenants, Conditions and Restrictions, to the adoption of the following resolutions:


WHEREAS, that the following be and is hereby adopted by the Committee:

DOCKS, BOAT SLIPS AND BOAT HOUSE POLICY RESOLUTION

All boathouse submittals to the Architectural Control Committee on any improved waterfront homesite must adhere to the attached pre-determined plan noted as Construction of Piers, Docks, Boat Slip and Boat Houses with the height of the canopy not to exceed the maximum of six (6') feet.

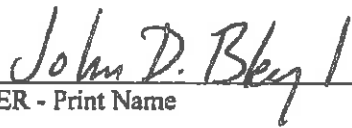
WHEREAS, that this resolution, in the form as presented for review by the Architectural Control Committee, be and hereby, is approved, adopted and ratified as a policy in all respects.

IN WITNESS WHEREOF, the undersigned Members of the Architectural Control Committee have executed this policy effective the 10th day of May, 2012.


MEMBER - Signature


MEMBER - Print Name


MEMBER - Signature


MEMBER - Print Name


MEMBER - Signature


MEMBER - Print Name

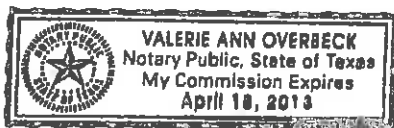
STATE OF TEXAS

COUNTY OF Montgomery

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§

BEFORE ME, on this day personally appeared KIMBERLY MORSE, Member of the Architectural Control Committee of the Bentwater® Property Owners Association, Inc. known by me to be the person whose name is subscribed to the forgoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein and herein stated, and as the act deed of said corporation.

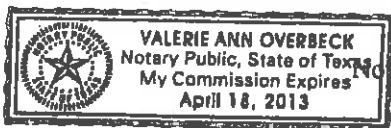
Given under my hand and seal of office, this 15th day of June, 2012..



Valerie Ann Overbeck
Notary Public - State of Texas

BEFORE ME, on this day personally appeared John D. Bleyl, a Member of the Architectural Control Committee of the Bentwater® Property Owners Association, Inc. known by me to be the person whose name is subscribed to the forgoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein and herein stated, and as the act deed of said corporation.

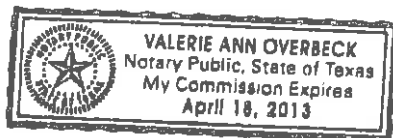
Given under my hand and seal of office, this 22nd day of June, 2012.



Valerie Ann Overbeck
Notary Public - State of Texas

BEFORE ME, on this day personally appeared Terry Williams, a Member of the Architectural Control Committee of the Bentwater® Property Owners Association, Inc. known by me to be the person whose name is subscribed to the forgoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein and herein stated, and as the act deed of said corporation.

Given under my hand and seal of office, this 28th day of June, 2012.



Valerie Ann Overbeck
Notary Public - State of Texas

BIB 1027 (7-1-06)

BUILDING IN BENTWATER®

BOAT DOCK PREDETERMINED PLAN

PURSUANT TO BENTWATER DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS

Side Setback requirements: Five (5) feet on each side

Maximum Lineal Feet Piers and Deck: 50

Predetermined Plan: Two Boat Slips – 18 lf each
Jet Ski Lift –
Walkway #1 – 4 lf
Walkway #2 – 6 lf
Walkway #3 (Includes stairway area) – 9-1/2 lf

Signature of Property Owner

Date signed

Print Name

Signature of Builder

Date signed

Print Name



BENTWATER

CONSTRUCTION OF PIERS, DOCKS, BOAT SLIPS AND BOAT HOUSES

GENERAL NOTES

1. The Architectural Control Committee ("Committee") will consider two (2) basic designs for piers, docks, boat slips and boat houses for lots that abut Lake Conroe. The types of plans submitted must be the following:

- a. Low Profile Type (Griff Lift)
- b. Boat House Type

2. The Committee reserves the right to amend any part of this program and the acceptable construction standards as promulgated from time to time by the Committee.

3. Predetermined plans are illustration purposes only in connection with the design of piers, docks, boat slips and boat houses. It will be the lot owner's responsibility to have proper drawings prepared illustrating structural members, grade, size, wood treatment and other engineering design aspects needed for Architectural Approval Submittals. Strict compliance with the predetermined plans is not to be considered a guaranty to the lot owner of the safety or structural soundness of the piers, docks, boat slips or boat houses.

4. Home owners must acquire Architectural Approval from the Committee and secure a Permit from San Jacinto River Authority before commencing construction. As provided in the Bentwater Restrictions, no member of the Committee, the Property Owners Association, Board of Directors of the Property Owners Association or Developer shall be liable for any loss, damage or injury arising out of or in any connection with the performance of the duties of the Committee, except to the extent caused by the willful misconduct or bad faith of the party to be held liable. The Committee's approval of the proposed improvements shall be made in accordance with the provisions of the Bentwater Restrictions.

SPECIFICATIONS

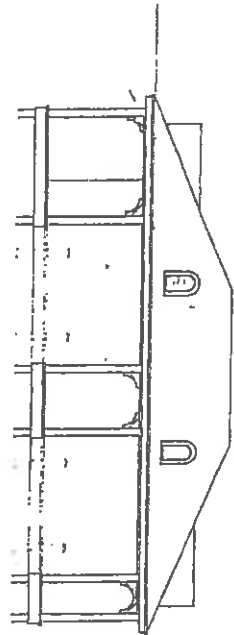
1. All shingles to be composition, self sealing, 300# BAF Enhanced Timberline or equal, Weathered Wood Blend Color.

2. Finish color to be Eggshell or Ivory, reference color of Bentwater Yacht Club.

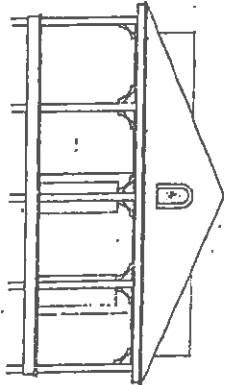
3. All exterior materials must be a smooth milled material. No rough materials will be approved unless covered.

4. All exposed wood deck materials shall be 2" x 6" #1 Southern Yellow Pine and all structural wood materials shall be #2 Southern Yellow Pine or better. All non-water materials shall be treated .40 p.c.f. (CCA). All water contact materials shall be treated .60 p.c.f (CCA).

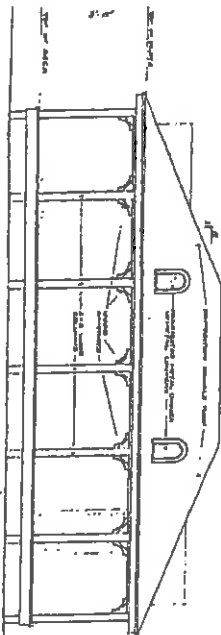
5. All metal accessories to dock structures shall be hot dipped galvanized after fabrication. All metal bolts shall be galvanized with galvanized nuts and washers.



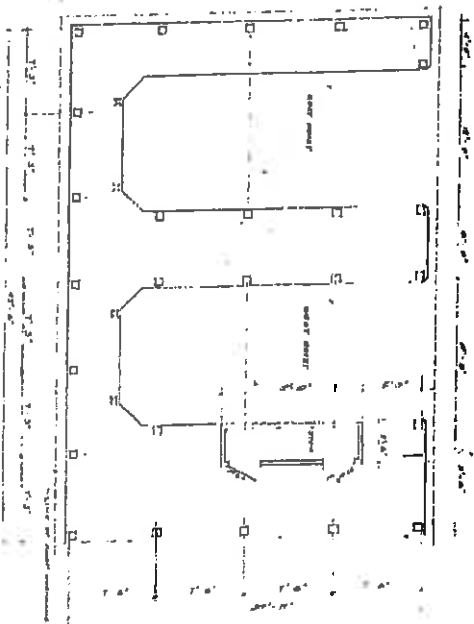
2 LAKE SIDE ELEVATION



3 END ELEVATION
SCALE: 1/4" = 1'-0"
BOTH SIDES AND SHEDS



4 SUGAR SIDE ELEVATION



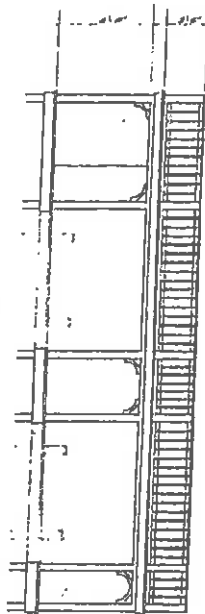
1 PRIVATE PIER 'A' PLAN 'A'

PRIVATE PIER 'A'

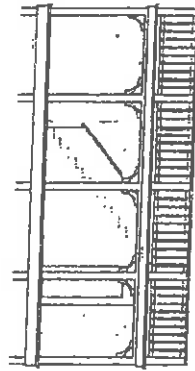
004 1/16/14

CONSTRUCTION

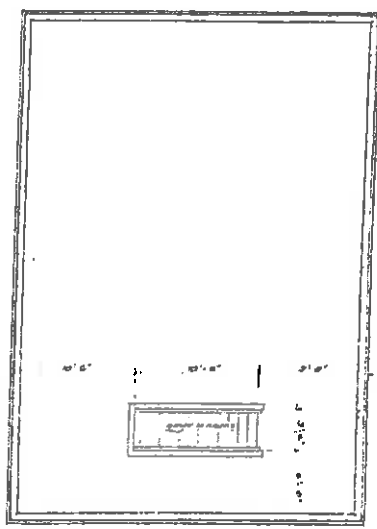
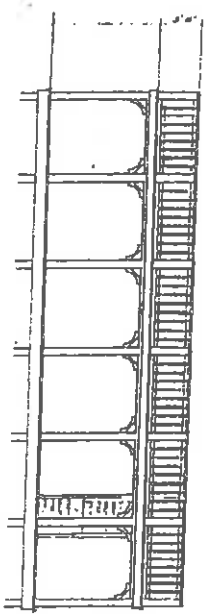
0041



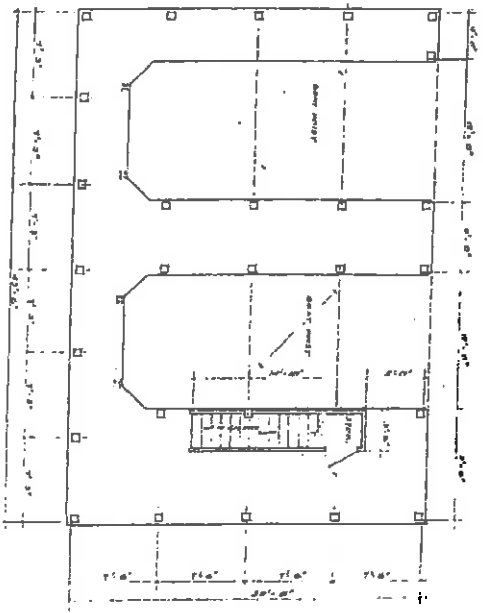
3 LAKE SIDE ELEVATION



4 END ELEVATION
SOUTH SIDE AND WEST SIDE



2 UPPER DECK PLAN



1 PRIVATE PIER - PLAN 'B'

Return To
Berkshire Property Owners Association, Inc.

PRIVATE PIER "B"

Return To:
Berkshire Property Owners Association, Inc.
170 Wilberforce Drive West
Montgomery, TX 77363

LWR
associates
LANDSCAPE ARCHITECTS & PLANNERS

170 Wilberforce Drive West
Montgomery, TX 77363
Tel: 281-485-1111
Fax: 281-485-1112

FILED FOR RECORD
07/12/2012 2:48PM

Mark Tumbull
COUNTY CLERK
MONTGOMERY COUNTY, TEXAS

STATE OF TEXAS
COUNTY OF MONTGOMERY
I hereby certify this instrument was filed in file number
sequence on the date and at the time stamped herein
by me and was duly RECORDED in the Official Public
Records of Montgomery County, Texas.

07/12/2012



Mark Tumbull
County Clerk
Montgomery County, Texas



POLICY OF THE ARCHITECTURAL CONTROL COMMITTEE
OF THE
BENTWATER® PROPERTY OWNERS ASSOCIATION, INC.

At meeting of the Architectural Control Committee of Bentwater® Property Owners Association, Inc. ("Association") a regular said meeting being properly called and a quorum present, do hereby consent, pursuant to the Bentwater Declaration of Covenants, Conditions and Restrictions, to the adoption of the following resolutions:

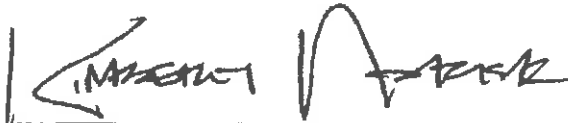
WHEREAS, that the following be and is hereby adopted by the Committee:

HOUSE NUMBER POLICY RESOLUTION

All submittals to the Architectural Control Committee on any improved homesite must be accompanied by an application to place a house number on the subject house that is clear and visible from the street day and night to be installed prior to occupancy.

WHEREAS, that this resolution, in the form as presented for review by the Architectural Control Committee, be and hereby, is approved, adopted and ratified as a policy in all respects.

IN WITNESS WHEREOF, the undersigned Members of the Architectural Control Committee have executed this policy effective the 11th day of May, 2012.


MEMBER - Signature

KIMBERLY MORISAK
MEMBER - Print Name


MEMBER - Signature

John D Bley
MEMBER - Print Name


MEMBER - Signature

Terry Williams
MEMBER - Print Name

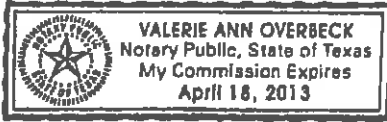
STATE OF TEXAS

§
§
§

COUNTY OF Montgomery

BEFORE ME, on this day personally appeared KIMBERLY MORISAKA, Member of the Architectural Control Committee of the Bentwater® Property Owners Association, Inc. known by me to be the person whose name is subscribed to the forgoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein and herein stated, and as the act deed of said corporation.

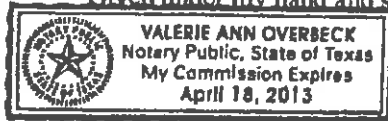
Given under my hand and seal of office, this 15th day of June, 2012..



Valerie Ann Overbeck
Notary Public - State of Texas

BEFORE ME, on this day personally appeared John D Bleyl, a Member of the Architectural Control Committee of the Bentwater® Property Owners Association, Inc. known by me to be the person whose name is subscribed to the forgoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein and herein stated, and as the act deed of said corporation.

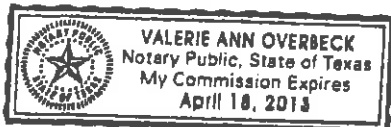
Given under my hand and seal of office, this 2nd day of June, 2012.



Valerie Ann Overbeck
Notary Public - State of Texas

BEFORE ME, on this day personally appeared Terry Williams, a Member of the Architectural Control Committee of the Bentwater® Property Owners Association, Inc. known by me to be the person whose name is subscribed to the forgoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein and herein stated, and as the act deed of said corporation.

Given under my hand and seal of office, this 28th day of June, 2012.



Valerie Ann Overbeck
Notary Public - State of Texas

Return To:
Bentwater® Property Owners Association, Inc
170 Hillborough Drive West
Montgomery, TX 77358

FILED FOR RECORD

07/12/2012 2:48PM



COUNTY CLERK
MONTGOMERY COUNTY TEXAS

STATE OF TEXAS
COUNTY OF MONTGOMERY

I hereby certify this instrument was filed in file number
sequence on the date and at the time stamped herein
by me and was duly RECORDED in the Official Public
Records of Montgomery County, Texas.

07/12/2012



County Clerk
Montgomery County, Texas



BENTWATER® PROPERTY OWNERS ASSOCIATION, INC.

POLICY RESOLUTION - SCHEDULE OF FINES

CERTIFICATION OF SECRETARY

As Secretary of the Bentwater® Property Owners Association, Inc., I hereby certify that the attached Schedule of Fines for Violations of the Dedicatory Instruments was adopted on the 16th day of May, 2014, at a meeting of the Board of Directors at which a quorum was present.

DATED, this the 31st day of July, 2014

Print Name: David Regenbaum
Title: Secretary

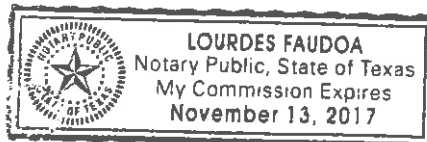
STATE OF TEXAS §
 §
COUNTY OF HARRIS §

BEFORE ME, on this day personally appeared David Regenbaum, the Secretary of the Bentwater® Property Owners Association, Inc., known to me to be the person whose name is subscribed to this instrument, and acknowledged to me that he executed the same for the purposes herein expressed and in the capacity herein stated, and as the act and deed of said corporation.

Given under my hand and seal this the 31st day of July, 2014.

Notary Public - State of Texas

After Recording Please Return To:
Lourdes Faudoa
FirstService Residential
5295 Hollister Road
Houston, TX 77040



Bentwater POA Schedule of Fines for Violations of the Dedicatory Instruments

July 1, 2014 – June 30, 2015

The Bentwater Property Owners Association, Inc., through its Board of Trustees, is hereby authorized to impose lesser fines, no fines at all, or impose fines for other violations of the Declaration and Rules and Regulations of the Association as determined by the Board of Trustees in its sole and absolute discretion.

Pet Violations

- 1st Violation - \$75
- 2nd Violation - \$150
- Subsequent Violations - \$250

Noise Violations

- 1st Violation - \$75
- 2nd Violation - \$150
- Subsequent Violations - \$250

Firework Violations

- 1st Violation - \$300
- 2nd Violation - \$1000

Other Violations

- 1st Violation - \$75
- 2nd Violation - \$150
- Subsequent Violations - \$250

Golf Cart Violations

- 1st Violation - \$150
- 2nd Violation - \$500
- Subsequent Violations - \$500
- revocation of Bentwater golf cart permit

Parking Violations

- 1st Violation \$75
- 2nd Violation \$150
- Subsequent Violations - \$250

Construction Violations

- 1st Violation - \$250
- 2nd Violation - \$500
- Subsequent Violations - \$1000

Tree Violations

- 1st Violation - \$75 per tree
- 2nd Violation - \$150 & Subsequent Violations \$250

*All fines are subject to an additional administrative processing fee of \$25.

FILED FOR RECORD

04/02/2015 9:58AM

Mark Turnbull

COUNTY CLERK
MONTGOMERY COUNTY TEXAS

STATE OF TEXAS
COUNTY OF MONTGOMERY

I hereby certify this instrument was filed in file number
sequence on the date and at the time stamped herein
by me and was duly RECORDED in the Official Public
Records of Montgomery County, Texas.

04/02/2015



Mark Turnbull

County Clerk
Montgomery County, Texas

lit

Bentwaters POA
Attn: Gen. Beiriger
176 Hillsborough Dr West
Montgomery Jx 77356



BENTWATER® PROPERTY OWNERS ASSOCIATION, INC.

POLICY RESOLUTION – SIGNAGE DISPLAY

RECEIVED
JAN 28 2015

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

BY:

WHEREAS, the property encumbered by this Signage Policy is that property located in the Bentwater® subdivision and comprised of multiple sections in Montgomery County, Texas, and any other property which has been or may be made subject to the authority of Bentwater® Property Owners Association, Inc. ("Association"); and

WHEREAS, any reference made herein to approval by the Architectural Control Committee ("ACC"), means prior written approval by the ACC.

NOW THEREFORE, pursuant to the authority granted in Section 204.010(a)(6) of the Texas Property Code, the Board of Directors (the "Board"), hereby adopts this Signage Display Policy ("Policy"), which shall run with the land and be binding on all owners and lots within the subdivision.

This Policy replaces any previously recorded or implemented policy that addresses the subjects contained herein.

I. Home Security Signs.

No home security signs shall be permitted on any Lot except for a limited number of small, inconspicuous, discretely placed signs for the purpose of warning of the presence of a home security system. Each sign shall be from a professional security company and shall not exceed one (1) square foot in area. One (1) sign shall be allowed in the front yard and one (1) shall be allowed within the rear yard of the Lot. Each sign may be mounted on a stake or a wall of the residential dwelling or garage. If stake mounted, the top of the sign shall not exceed two (2) feet from the ground level when installed and must be no further than three (3) feet away from the residential dwelling or garage. Home security signs must be an acceptable color which is harmonious with the surrounding structure and landscaping. Acceptable colors for security signs include earth tones, white, black, or dark shades of red, blue or green. The text and overall appearance of the signs must be acceptable and must primarily provide a security warning without prominent advertising of any business. Signs must be maintained in good condition and the Association may require removal of signs which have deteriorated. In addition to (or instead of) signs, home security warning decals may be displayed on first floor windows or doors, provided that each decal is not larger than three (3) inches wide by four (4) inches tall. Not more than one decal may be displayed per window or door; provided the decals do not otherwise violate these Architectural Guidelines.

2. School Organization Signs

One (1) temporary school sign is permitted in the planting beds of a residential dwelling not farther than three (3) feet from the outside wall of the residential dwelling, unless otherwise approved by the ACC. The maximum size permitted is 24" by 18". The sign may be displayed for a period of not more than sixty (60) days not more than twice per calendar year. A request to the ACC must be made should additional signs be required due to the number of students living in the home or if an extension of the display period is requested.

3. College Banners

One (1) temporary banner consisting of the registered logo of a College within the United States of America is permitted in the planting beds of a residential dwelling not farther than three (3) feet from the outside wall of the residential dwelling, unless otherwise approved by the ACC. The maximum size permitted is 36" by 60". The banner may be displayed for a period of not more than sixty (60) days not more than twice per calendar year. A request to the ACC must be made should a resident wish to exceed these guidelines or if an extension of the display period is requested.

4. Political Signs

Notwithstanding the provisions in the Declarations the following restrictions apply to signs advertising a political candidate or ballot item for elections, as regulated by Section 202.009 of the Texas Property Code ("Political Signs"). No Political Sign may be placed on an Owner's Lot prior to the ninetieth (90th) day before the date of the election to which the sign relates, or remain on an Owner's Lot subsequent to the tenth (10th) day after the election date. No more than one (1) Political Sign is allowed per political candidate or ballot item. No Political Sign may: contain roofing material, siding, paving, materials, flora, one (1) or more balloons or lights, or any other similar building, landscaping, or nonstandard decorative component; be attached in any way to plant material, a traffic control device, a light, a trailer, a vehicle, or any other existing structure or object; include the painting of architectural surfaces; threaten the public health or safety; be larger than four feet (4') by six feet (6'); violate a law; contain language, graphics, or any display that would be offensive to the ordinary person; or be accompanied by music, other sounds, by streamers or is otherwise distracting to motorists.

5. Commercial Signs.

No Commercial signage of whatsoever nature shall be displayed on the Property.

6. Flags

The United States flag, the Texas flag, and an official or replica flag of a branch of the United States armed forces may be displayed in accordance with the Amended Flag Display Policy Resolution adopted by the Board of Directors of the Association on November 9, 2012. No other flags may be displayed on the property.

7. Yard Art

No yard art of any kind may be kept, placed, or mounted, to any fence, any house, or upon any Lot so as to be visible from public view without prior written approval of the ACC. Except as specifically referred to in this resolution, yard art includes by way of illustration,

but is not limited to, the following: statues, figurines, fountains, birdbaths, swings, hammocks, benches, decorative rocks, banners, flags, and signs. Inclusion of these examples does not infer approval of one or more of these items or any combination thereof for any specific application.

ACC APPROVAL


Signage displayed in accordance with this Policy does not require approval from the ACC, provided the terms of this Policy are complied with. Any display of signage not in compliance with this Policy will be considered a deed restriction violation.

This Signage Display Policy does not apply to property that is owned or maintained by the Association.

CERTIFICATION OF SECRETARY

As Secretary of the Bentwater® Property Owners Association, Inc., I hereby certify that the foregoing Signage Display Policy was approved on the 14th day of November, 2014, at a meeting of the Board of Directors at which a quorum was present.

DATED, this the 18th day of December, 2014



Print Name: David Regenbaum
Title: Secretary

STATE OF TEXAS §

COUNTY OF HARRIS §

BEFORE ME, on this day personally appeared David Regenbaum, the Secretary of the Bentwater® Property Owners Association, Inc., known to me to be the person whose name is subscribed to this instrument, and acknowledged to me that he executed the same for the purposes herein expressed and in the capacity herein stated, and as the act and deed of said corporation.

Given under my hand and seal this the 18th day of December, 2014.



Notary Public - State of Texas

After Recording Please Return To:

Lourdes Faudoa
FirstService Residential
5295 Hollister Road
Houston, TX 77010



FILED FOR RECORD

01/20/2015 9:09AM



COUNTY CLERK
MONTGOMERY COUNTY, TEXAS

STATE OF TEXAS

COUNTY OF MONTGOMERY

I hereby certify this instrument was filed in file number sequence on the date and at the time stamped herein by me and was duly RECORDED in the Official Public Records of Montgomery County, Texas.

01/20/2015



County Clerk
Montgomery County Texas