

BEFORE YOU BUILD!

REQUIREMENTS OF CAPE MALIBU PROPERTY OWNERS ASSOCIATION

(Please initial box on the left as you have completed each requirement)

Compliance with the deed "Restrictions and Covenants" of Cape Malibu is necessary. Please study the attached copy carefully since there are specific restrictions which will affect your construction plans regarding land use, easements, building sites, location on lot, building type and size, sequence of building, temporary structures, water and sanitary systems, and other provisions designed for safe-guarding and enhancing the value of your investment.

You must furnish the Architectural Control Committee with a copy of a recent Certified Survey. Your lot corners must be clearly marked for inspection by the Committee.

You must have the San Jacinto River Authority septic permit before starting construction. The current procedure for obtaining one is; (a) Contact a Registered Sanitarian or a Professional Engineer to perform a site evaluation, (b) The person selected must design a system based upon the site evaluation, (c) Submit an application with the site survey and system plan attached. The San Jacinto River Authority will issue a permit. The names of Registered Sanitarians, Professional Engineers and Licensed installers are available in the office of the River Authority. **The CMPOA Architectural Control Committee prefers aerobic type systems with any exception to be reviewed by the CMPOA BOARD.**

Submit two copies of your plans, including the plot plan, construction specifications, plans of septic system, and a **non-refundable (if the plans are approved) deposit of \$400.00** (make check out to CMPOA; this is to cover the cost of road repair due to damage from construction equipment or delivery vehicles), to the Architectural Control Committee Chairman at least thirty days before anticipated ground-breaking. **Your house plans, plot plan, and septic layout must be professionally drawn.** One copy will be kept in CMPOA files and the other returned to you with notation of approval or with specified modifications if such are needed. **Please submit all required documents together at one time.**

Apply to **Cape Malibu Water Supply Corporation (CMWSC)** for a water tap at least thirty days before water is needed. At that time you must sign an agreement permitting inspection of the plumbing facilities to prevent any possible unknown cross-connections or water sources. **The CMWSC is managed by an independent Operator.**

BEFORE YOU BUILD continued.



Certain requirements are not detailed in the Deed Restrictions. The Architectural Control Committee will not approve wood shingle roofs. Also, all exterior construction, including painting, must be completed within twelve months after beginning construction of the foundation.

The mean elevation of the normal pool of Lake Conroe is 201 feet M. S. L. (mean sea level). The 100 year floodplain of Lake Conroe is 203 feet M. S. L. The San Jacinto River Authority has an easement to raise the level of Lake Conroe to 207 feet M. S. L. Finished floor elevations should be built at least 207 feet M. S. L. for lake front lots.

One of the outstanding features of Cape Malibu is the dense growth of trees throughout the subdivision. To maintain this pleasant environment CMPOA encourages all owners, when building, to keep as many trees standing as possible to enrich the property values of the homes. **Any trees over five (5") inches in diameter on CMPOA street right-of-way (sixty (60) feet wide) must not be removed without Architectural Control Committee approval.** This applies to all trees including those, which may block access to a driveway. Approval will not be unreasonably withheld.

No cutting of trees, eight (8") inches in diameter or larger, is allowed before building plans have been approved by the ARCHITECTURAL CONTROL COMMITTEE except for dead trees and/or to prevent danger to adjacent structures or roadways.



To conform to Montgomery County standards driveway culverts, when needed, must have a minimum diameter of eighteen (18") inches. Smaller diameter culverts, but not smaller than 12 inches in diameter, may be approved by the ACC when the change of elevation across the entire lot is small. Also driveways should be designed to divert storm runoff away from garages and other openings to the house.



Construction materials and debris must be kept picked up during construction. Excess cement must not be discharged by the cement contractor on the roadside or on vacant lots inside Cape Malibu. Portable Toilets are required to be on the premises of any home construction until the plumbing facilities are operable in the house. Please inform your contractor of these requirements.



Please inform your contractor that CMPOA does not allow trucks with a bed length of greater than 25 feet to enter the subdivision. This restriction includes trucks with semi-trailers. Contact the Architectural Control Committee if your contractor cannot comply with this restriction.



A meeting with the General Contractor, the property owner, and the Chairman of the Architectural Control Committee must be held before final approval.

RECOMMENDATIONS OF CAPE MALIBU PROPERTY OWNERS ASSOCIATION

Signs allowed by the Restrictions and Covenants are not to be attached to trees.

Before starting construction you must obtain a building permit from the Montgomery County Engineering Permit Department. This document is to be displayed during construction.

Obtain a General Warranty Deed on your property before building. Do not build if you only have a "Contract for Deed" since you do not own the lot and liens maybe placed on it through no fault of yours.

Treat the ground for termites before pouring your foundation.

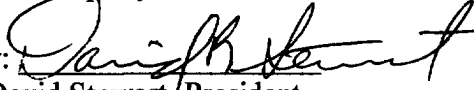
Please return signed copy to the Architectural Control Committee.

Your signature below represents acceptance of these requirements.

Signature of Property Owner Required by CMPOA

This document was reviewed and approved by the Board of Directors at the regular meeting on November 6, 2001.

Cape Malibu Property Owners Association

By: 
David Stewart, President

ACKNOWLEDGEMENT

STATE OF TEXAS

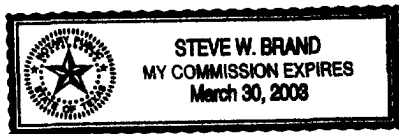
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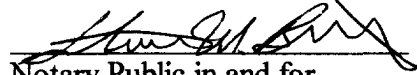
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COUNTY OF MONTGOMERY

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This instrument was acknowledged before me on Nov. 14, 2001, David Stewart, president of Cape Malibu Property Owners Assoc, Inc., a Texas non-profit corporation.




Notary Public in and for
The State of Texas

My commission expires: _____

FILED FOR RECORD

2001 NOV 15 AM 11:04

Mark Turball
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

NOV 15 2001



Mark Turball
County Clerk
Montgomery County, Texas