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CORPORATE CERTIFICATE
DURANGO CREEK PROPERTY OWNERS ASSOCIATION

The undersigned certifies that he/she is the President of Durango Creek Property Owners Association (the "Association"). The Association is the property owners' association for Durango Creek Sections 1, 2, 3, and 4, a subdivision in Montgomery County, Texas, according to the map or plat thereof recorded in the Map Records of Montgomery County, Texas (the "Subdivision").

The Association is a Texas non-profit corporation, and a true and correct copy of the Architectural Control Guidelines and Regulations of Durango Creek Property Owners Association is attached to this certificate as Exhibit "A."

Signed this 9 day of November, 2011.

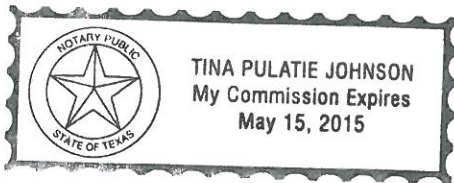
DURANGO CREEK PROPERTY OWNERS ASSOCIATION

By: 
Name: Michael B Stoecker
Title: President

STATE OF TEXAS §

COUNTY OF MONTGOMERY §

SWORN TO AND SUBSCRIBED BEFORE ME on the 9 day of November, 2011, by Michael B Stoecker [name], President [title] of DURANGO CREEK PROPERTY OWNERS ASSOCIATION, a Texas non-profit corporation, on behalf of said corporation.




NOTARY PUBLIC, State of Texas



THE STATE OF TEXAS §

COUNTY OF MONTGOMERY §

This instrument was acknowledged before me on the 9 day of November, 2011,
by Michael B Strecker [name], President [title] of DURANGO CREEK
PROPERTY OWNERS ASSOCIATION, a Texas non-profit corporation, on behalf of said corporation.



Tina Pulatie Johnson
NOTARY PUBLIC, State of Texas

AFTER RECORDING RETURN TO:

Bryan P. Fowler
The Fowler Law Firm
300 West Davis, Suite 510
Conroe, Texas 77301

**ARCHITECTURAL CONTROL GUIDELINES AND REGULATIONS
OF
DURANGO CREEK PROPERTY OWNERS ASSOCIATION**

WHEREAS, the property affected by these Architectural Control Guidelines and Regulations is subject to certain dedications, covenants and restrictions (the "Declaration") set out in instruments recorded in the Official Public Records of Real Property at Montgomery County, Texas as follows:

- **Section 1** - Clerk's File No. 2004-065106, Film Code No. 607-10-0065, *et seq.*;
- **Section 2** - Clerk's File No. 2005-103399, Film Code No. 915-10-2462, *et seq.*;
- **Section 3** - Clerk's File No. 2006-076463, Film Code No. 120-11-1768, *et seq.*;
- **Section 4** - Clerk's File No. 2007-088021, Film Code No. 402-11-0797, *et seq.*; and

WHEREAS, pursuant to the authority vested in Durango Creek Property Owners Association (the "Association") in the Declaration and as required by the TEXAS PROPERTY CODE, the Board of Directors of the Association (the "Board") has determined that, in order to provide clear and definitive guidance for maintaining the aesthetics and architectural harmony of the community, it is appropriate to adopt guidelines toward that end. Therefore, the Board hereby promulgates the following Architectural Control Guidelines and Regulations.

NOW, THEREFORE, BE IT RESOLVED that the following conditions and requirements are hereby established for Association Architectural Control Guidelines and Regulations:

GUIDELINES AND REGULATIONS

The following are guidelines adopted by the Architectural Control Committee (the "ACC") to specify their standards, requirements and thought process used in evaluating various exterior improvements. These guidelines may be amended from time-to-time as circumstances, conditions or opinions of the ACC dictate. The ACC has the right to deny approval for a similar improvement based on the proximity of a property to a main boulevard or the visual relativity of the site to the overall development. As an example, a home located on the perimeter of the development may be permitted to have a certain styled storage building, whereas on a main entry boulevard and depending on the configuration of the lot, this same item may not be approved. The intent being to maintain overall integrity within areas of higher visual impact.

It should be noted that the ACC approval is required prior to the installation or construction of the improvement or change. If an improvement is made without ACC approval, the Board of Directors has the legal right to enforce its removal.

The following guidelines shall be applicable to all properties under the jurisdiction of the Durango Creek Property Owners Association (the "Association").

These guidelines shall also encumber any future property which may be brought within the jurisdiction of the Association.

These guidelines supercede and take the place of any previous architectural control guidelines for the Association.

A. DISPLAY OF FLAGS:

1. These Guidelines apply to the display of ("Permitted Flags"):
 - a. the flag of the United States; and
 - b. the flag of the State of Texas; and
 - c. the official flag of any branch of the United States armed forces.
2. These Guidelines do not apply to any flags other than the Permitted Flags listed in Section 1 above including, but not limited to:
 - a. flags for schools, sports teams, businesses or foreign countries; or
 - b. flags with marketing, seasonal, historical, commemorative, nautical, political or religious themes; or
 - c. historical versions of flags permitted in section 1 above.
3. Permitted Flags may be displayed subject to these guidelines. Advance written approval of the ACC is required for any free-standing flagpole and any additional illumination associated with the display of Permitted Flags.
4. Permitted Flags must be displayed in a respectful manner in accordance with the current relevant federal, state or military code.
5. Permitted Flags must be displayed from a pole attached to a structure or to a free-standing pole. Permitted Flags may not be draped over or directly attached to structures. For example, a Permitted Flag may not be laid across a fence or stapled to a garage door.
6. Permitted Flags shall be no larger than three foot (3') by five foot (5') in size.
7. Only one Permitted Flag may be displayed on a flagpole attached to a structure. Up to two Permitted Flags may be displayed on an approved free-standing flagpole that is at least fourteen feet (14') tall.

8. Flagpoles must be constructed of permanent, long-lasting materials with an appropriate finish that is harmonious with the dwelling.
9. A flagpole attached to a structure may be up to six feet (6') long and must be securely attached with a bracket with an angle of 30 to 45 degrees down from vertical. The flagpole must be attached in such a manner as to not damage the structure. One attached flagpole is allowed on any portion of a structure facing a street and one attached flagpole is allowed on the rear or backyard portion of a structure. Brackets which accommodate multiple flagpoles are not allowed.
10. Free-standing flagpoles may be up to twenty feet (20') tall, including any ornamental caps. Free-standing flagpoles must be permanently installed in the ground according to manufacturer's instructions. One free-standing flagpole is allowed in the portion of the owner's property between the main residential dwelling and any street and one free-standing flagpole is allowed in the rear or backyard portion of a property.
11. Free-standing flagpoles may not be installed in any location described below:
 - a. in any location other than the Owner's property; or
 - b. within a ground utility easement or encroaching into an aerial easement; or
 - c. beyond the side or rear setback lines (for example, on a lot with a 10' side setback line, a flagpole may not be installed closer than 10' from the side property line); or
 - d. beyond half the distance of the front setback line (for example, on a lot with a 30' front setback line, a flagpole may not be installed closer than 15' from the front property line); or
 - e. closer to a dwelling on an adjacent lot than the height of the flagpole (for example, a 20' flagpole cannot be installed closer than 20' from an adjacent house).
12. Lighting may be installed to illuminate Permitted Flags if they will be displayed at night and if existing ambient lighting does not provide proper illumination. Flag lighting must:
 - a. be ground mounted in the vicinity of the flag; and
 - b. utilize a fixture that screens the bulb and directs light in the intended direction with minimal spillover; and
 - c. point towards the flag and face the main structure on the property or to the center of the property if there is no structure; and
 - d. provide illumination not to exceed the equivalent of a 60 watt incandescent bulb.

13. Flagpoles must not generate unreasonable noise levels which would disturb the quiet enjoyment of other residents. Each flagpole owner should take steps to reduce noise levels by using vinyl or plastic snap hooks, installing snap hook covers or securing a loose halyard (rope) around the flagpole with a flagpole clasp.
14. Flagpoles are allowed solely for the purpose of displaying Permitted Flags. If a flagpole is no longer used on a daily basis, it must be removed.
15. All flags and flagpoles must be maintained in good condition. Deteriorated flags must be removed and promptly replaced. Deteriorated or structurally unsafe flagpoles must be promptly repaired, replaced or removed.

B. RAINWATER RECOVERY SYSTEMS:

1. Rainwater Recovery Systems may be installed with advance written approval of the ACC subject to these guidelines.
2. All such Systems must be installed on land owned by the property owner. No portion of the Systems may encroach on adjacent properties or common areas.
3. Other than gutters and downspouts conventionally attached to a dwelling or appurtenant structure, all components of the Systems, such as tanks, barrels, filters, pumps, motors, pressure tanks, pipes and hoses, must be substantially screened from public view from any street or common area. Screening may be accomplished by:
 - a. placement behind a solid fence, a structure or vegetation; or
 - b. by burying the tanks or barrels; or
 - c. by placing equipment in an outbuilding otherwise approved by the ACC.
4. A rain barrel may be placed in a location visible from public view from any street or common area only if the configuration of the guttering system on the structure precludes screening as described above with the following restrictions:
 - a. the barrel must not exceed 55 gallons; and
 - b. the barrel must be installed in close proximity to the structure on a level base with the guttering downspout leading directly to the barrel inlet at a substantially vertical angle; and
 - c. the barrel must be fully painted in a single color to blend with the adjacent home or vegetation; and
 - d. any hose attached to the barrel discharge must be neatly coiled and stored behind or beside the rain barrel in the least visible position when not in use.

5. Overflow lines from the Systems must not be directed onto or adversely affect adjacent properties or common areas.
6. Inlets, ports, vents and other openings must be sealed or protected with mesh to prevent children, animals and debris from entering the barrels, tanks or other storage devices. Open top storage containers are not allowed, however, where space allows and where appropriate, ACC approved ponds may be used for water storage.
7. Harvested water must be used and not allowed to become stagnant or a threat to health.
8. All Systems must be maintained in good repair. Unused Systems should be drained and disconnected from the gutters. Any unused Systems in public view must be removed from public view from any street or common area.

C. DISPLAY OF RELIGIOUS ITEMS:

1. A property owner or resident may display or attach one or more religious items to each or any entry to their dwelling. Such items may include any thing related to any faith that is motivated by the resident's sincere religious belief or tradition.
2. Individually or in combination with each other, the items at any entry may not exceed 25 square inches total in size.
3. The items may only be displayed on or attached to the entry door or frame and may not extend beyond the outside edge of the door frame.
4. To the extent allowed by the Texas state constitution and the United States constitution, any such displayed or affixed religious items may not:
 - a. threaten public health or safety; or
 - b. violate any law; or
 - c. contain language, graphics or any display that is patently offensive to a passerby.
5. Approval from the ACC is not required for displaying religious items in compliance with these guidelines.
6. As provided by Section 202.018 of the TEXAS PROPERTY CODE, the Association may remove any items displayed in violation of these guidelines.

D. ROOFING MATERIALS:

1. All buildings shall be roofed with composition shingles unless otherwise approved in writing by the ACC. Wood shingles are specifically prohibited for safety reasons.
2. Composition shingles must weigh at least 230 pounds per square and have a stated warranty of at least 25 years. Shingles must have a laminated design. Three-tab shingles are specifically prohibited except for use as a starter and cap rows.
3. Roof shingles must be dark brown or dark gray tones. Light brown, light gray, blue, green, red and white colors are not allowed.
4. Roof overlays are not allowed. Prior to roofing, all existing materials must be removed down to clean decking. Any damaged or deteriorated decking must be replaced.
5. Ridge vent are encouraged, to improve ventilation, reduce attic temperature and reduce cooling costs, but are not required.
6. All roof protrusions, such as vents, roof jacks, must be painted to match the shingles.
7. Subject to Section 8 below and with advance written approval from the ACC, an owner may install shingles (“Alternative Shingles”) which are designed primarily to:
 - a. be wind and hail resistant; or
 - b. provide heating or cooling efficiencies greater than traditional composition shingles; or
 - c. provide solar energy capture capabilities.
8. Once installed, any such Alternative Shingles must:
 - a. resemble the shingles used or authorized to be used on other structures within the Association; and
 - b. be more durable than and of equal or superior quality to the shingles used or authorized to be used on other structures within the Association; and
 - c. match the aesthetics of properties surrounding the owner’s property.

E. SOLAR ENERGY DEVICES:

1. These guidelines apply to solar energy devices (“Devices”) as defined in Section 171.107(a) of the Texas Tax Code. A solar energy device means a system or series of mechanisms designed primarily to provide heating or cooling or to produce electrical or mechanical power by collecting and transferring solar-generated energy. The term

includes a mechanical or chemical device that has the ability to store solar-generated energy for use in heating or cooling or in the production of power.

2. Such Devices may only be installed with advance written approval of the ACC subject to these guidelines.
3. Any such Device must be installed on land or structures owned by the property owner. No portion of the Devices may encroach on adjacent properties or common areas.
4. Such Devices may only be installed in the following locations:
 - a. on the roof of the main residential dwelling; or
 - b. on the roof of any other approved structure; or
 - c. within a fenced yard or patio.
5. For Devices mounted on a roof, the Device must:
 - a. have no portion of the Device higher than the roof section to which it is attached; and
 - b. have no portion of the Device extend beyond the perimeter boundary of the roof section to which it is attached; and
 - c. conform to the slope of the roof; and
 - d. be aligned so the top edge of the Device is parallel to the roof ridge line for the roof section to which it is attached; and
 - e. have a frame, brackets and visible piping or wiring that is a color to match the roof shingles or a silver, bronze or black tone commonly available in the marketplace; and
 - f. be located in a position on the roof which is least visible from any street or common area, so long as such location does not reduce estimated annual energy production more than 10% over alternative roof locations (as determined by a publically available modeling tool provided by the National Renewable Energy Laboratory [www.nrel.gov] or equivalent entity).
6. For Devices located in a fenced yard or patio, no portion of the Device may extend above the top of the fence. If the fence is not a solid fence which blocks view of the Device, the Association may require the Device be placed in a location behind a structure or otherwise require visual screening. The Association may consider installation of Devices on properties without a fenced yard if there is adequate screening from public view from any street or common area.

7. All Devices must be installed in compliance with manufacturer's instruction and in a manner which does not void material warranties. Licensed craftsmen must be used where required by law. Permits must be obtained where required by law.
8. Installed Devices may not:
 - a. threaten public health or safety; or
 - b. violate any law; or
 - c. substantially interfere with the use and enjoyment of land by causing unreasonable discomfort or annoyance to any adjoining property owner.
9. All Devices must be maintained in good repair. Unused or inoperable Devices must be removed.

These guidelines are effective upon recordation in the Public Records of Montgomery County, Texas, and supersede any guidelines which may have previously been in effect. Except as affected by the TEXAS PROPERTY CODE and/or by these guidelines, all other provisions contained in the Declarations or any other dedicatory instruments of the Association shall remain in full force and effect.

This is to certify that the foregoing Architectural Control Guidelines and Regulations was adopted by the Board of Directors by unanimous consent, effective as of President, 2011, until such date as it may be modified, rescinded or revoked.

The Board of Directors hereby approves and authorizes the above Policy.

Signed this 9 day of November, 2011.

**DURANGO CREEK PROPERTY OWNERS
ASSOCIATION**

By: 

Name: Michael B Stoecker

Title: _____

DURANGO CREEK PROPERTY OWNERS ASSOCIATION

ARCHITECTURAL CONTROL COMMITTEE BUILDING/IMPROVEMENT APPLICATION

DATE: _____

A. LEGAL DESCRIPTION: SECTION _____ BLOCK _____ LOT _____
PROPERTY ADDRESS: _____

B. PROPERTY OWNER: _____
OWNER MAILING ADDRESS (if different from above): _____

PHONE: _____

C. BUILDER/CONTRACTOR: _____
ADDRESS: _____

PHONE: _____

D. IMPROVEMENT SQUARE FOOTAGE: _____

E. EXTERIOR MATERIALS: _____

F. EXTERIOR COLORS (PAINT AND/OR BRICK): _____

G. START DATE: _____ COMPLETION DATE: _____

H. LIST BUILDING SET BACK LINES, WHICH AFFECT THE LOT:
SIDE (RIGHT): _____ FT. / SIDE (LEFT): _____ FT. / FRONT: _____ FT. / BACK: _____ FT.

I. DESCRIPTION OF IMPROVEMENTS AND COMMENTS: _____

By signing below, Owner(s) authorizes the Architectural Control Committee (ACC) or its agents to enter upon and inspect the above for the purpose of ascertaining whether thereon is in compliance with the recorded deed Restrictions and this Application. If approved, neither the ACC nor its agents shall be guilty of trespass by reason of such entry for inspections. By signing below, Owner(s) agrees to comply with the minimum architectural standards for subdivision construction and as such standards are Covenants, which are part of the Restrictions.

Owner's Signature: (REQUIRED) _____ Date: _____ Builders Signature: (REQUIRED, if applicable) Date: _____
PLAN REVIEW for ACC Use Only

APPROVED; Subject to: _____

NOT APPROVED; Reason: _____

Chairman _____ Member _____ Date _____

Durango Creek Property Owners Association

ARCHITECTURAL CONTROL COMMITTEE
BUILDING/IMPROVEMENT APPLICATION

APPLICATION FEE SCHEDULE

NEW CONSTRUCTION

Home Construction Application fee \$1000.00
*Submit current property survey
*Non-refundable application fee of (\$100.00)
*Form survey required before slab poured and final survey at end of construction.

VIOLATION FEE (PER OCCURANCE, NON-REFUNDABLE)

STARTING CONSTRUCTION BEFORE ACC APPROVAL AND NON-COMPLIANCE WILL BE SUBJECT TO FINES

Building without ACC Approval	\$ 50.00
Unattended fire	\$ 250.00
Cement waste left in ditch or roadway	\$ 100.00
No dumpster or uncontained trash	\$ 50.00
No port-a-potty	\$ 50.00

ACKNOWLEDGED AND AGREED:

Owner's Signature: _____ Date: _____

Co-Owner's Signature: _____ Date: _____

Builder's/Contractor's Signature: _____ Date: _____

DURANGO CREEK PROPERTY OWNERS ASSOCIATION

ARCHITECTURAL CONTROL COMMITTEE

GENERAL IMPROVEMENTS CHECKLIST

Pool, Spa, Fence, Pergola, Cabana, New Roof, Patio, Deck Gazebo, Landscape, Exterior Paint

(NOTE: IF THERE ARE ANY POA DUES, FEES, OR OUTSTANDING BALANCE, THEY MUST BE PAID IN FULL TO START THE APPLICATION PROCESS.)

Submitted Project: _____

Recvd. From: _____

Address: _____

Legal Address: Section _____ Block _____ Lot _____

Contractor: _____

_____ COMPLETED APPLICATION. Both pages completed and signed.

_____ SITE PLAN. (Top view) Showing the location and dimensions of all structures and appurtenances.

The above items were received by _____ at the POA office on _____.

Durango Creek New Home Application Check List

Received from: _____

NOTE: IF THERE ARE ANY POA DUES, FEES, OR FINES OUTSTANDING, THEY MUST BE PAID TO START THE APPLICATION PROCESS

_____ **BUILDING APPLICATION** All pages completed and signed.

_____ **MONTGOMERY COUNTY BUILDING PERMIT (Copy okay) MUST BE LEGIBLE with ENGINEERED AEROBIC SEPTIC PLAN – with SEAL and SIGNATURE**

_____ **SITE PLAN** showing the location and dimensions of all structures and appurtenances – must be to scale and reference all building lines, utility easements and drainage easements, original signature and stamp.

_____ **PAYMENT** check copies of fees and deposits made payable to DURANGO CREEK PROPERTY OWNERS ASSOCIATION

_____ **HOUSE CONSTRUCTION PLANS** one complete set - **CULVERTS HAVE TO BE AT LEAST 18" IN DIAMETER**

_____ **BUILDER'S RESUME**

These items were received by **DURANGO CREEK PROPERTY OWNERS ASSOCIATION** at the POA office on _____, **2010**

Durango Creek Property Owners Association

Date

Owner

Address

City, St. Zip

HOME IMPROVEMENT REQUEST

Dear

Thank you for submitting the Home Improvement Request described below. After careful consideration, the Architectural Control Committee (ACC) has made the decision listed below.

Request:

Decision:

Conditions:

The approval or lack of disapproval by the ACC shall not be deemed to constitute any warranty or representation by the ACC, including, without limitation, any warranty or representation or any liability relating to the fitness, design, adequacy of drawings, adequacy of the proposed construction or compliance thereof with applicable statutes, codes, regulations or any deed restrictions other than those promulgated by the Association. Neither the ACC nor its members or agents shall be liable to any person under any theory or under any circumstances in connection with either the approval or disapproval of any project or plans. The property owner is responsible for complying with all city or county requirements for this property and these plans, securing permits and obtaining any waivers of easements, as needed.

Please feel free to contact our office if you have any questions.

Sincerely,

Architectural Control Committee (ACC)

DCPOA Property file

2251 N Loop 336 W. Ste. C.
Conroe, TX. 77304
936.521.6900 o 936.521.6901 f

FILED FOR RECORD

01/12/2012 9:50AM



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.

01/12/2012



County Clerk
Montgomery County, Texas