

**AFFIDAVIT IN COMPLIANCE WITH SECTION 202.006
OF THE TEXAS PROPERTY CODE**

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THE STATE OF TEXAS §
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COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared Sarah Vultaggio, who, being by me duly sworn according to law, stated the following under oath:

“My name is Sarah Vultaggio. I am over twenty-one (21) years of age and fully competent to make this affidavit. I have personal knowledge of all facts stated herein, and they are all true and correct.

I am the attorney for Bellaire West Community Improvement Association, a Texas non-profit corporation (the “Association”) and I have been authorized by the Association’s Board of Directors to sign this Affidavit.

The Association is a “property owners’ association” as defined in Section 202.001(2) and Section 204.004 of the Texas Property Code.

Attached hereto are the originals of, or true and correct copies of, the following dedicatory instruments, including known amendments or supplements thereto, governing the Association, which instruments have not previously been recorded: 1) Architectural Control Committee Submittal Form and Procedures for Approval for Bellaire West Community Improvement Association; and 2) Guidelines for Display of Permitted Flags for Bellaire West Community Improvement Association. The document attached hereto is subject to being supplemented, amended or changed by the Association.

Dedicatory instruments of the Association that have already been filed in the Real Property Records are as follows:

- a. Certificate of Incorporation, Articles of Incorporation, Certificate of Amendment of Bellaire West Community Improvement Association, Articles of Amendment to the Articles of Incorporation of Bellaire West Property Owners Improvement Association and By-Laws; filed December 30, 1999 under Film Code No. 529-95-2514 et seq, and County Clerk’s File No. U153546 in the Official Public Records of Real Property of Harris County, Texas.
- b. Amended and Restated By-Laws of Bellaire West Community Improvement Association filed December 19, 2006 under County Clerk’s File No. 20060271352 in the Official Public Records of Real Property of Harris County, Texas.
- c. Certificate of Amendment to the Restrictions for Bellaire West, Section One (1), filed January 4, 1997 under County Clerk’s File No. S346657 in the Official Public Records of Real Property of Harris County, Texas.

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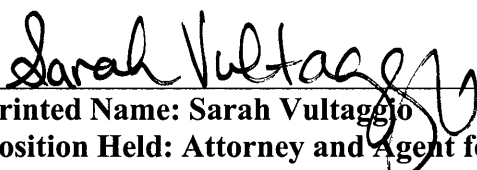
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- d. Restrictions, Covenants and Conditions filed of record on July 15, 1965 under Volume 5995, Page 383, et. Seq., of the Deed Records of Harris County, Texas, and recorded in Volume 129, Page 50, of the Map Records of Harris County, Texas.
- e. Certificate of Amendment to the Restrictions for Bellaire West, Section Two (2), filed March 11, 1997 under County Clerk's File No. S356789 in the Official Public Records of Real Property of Harris County, Texas. *lll*
- f. Restrictions, Covenants and Conditions filed of record on January 10, 1966 under Volume 6241, Page 215, et. Seq., of the Deed Records of Harris County, Texas, and recorded in Volume 135, Page 55, of the Map Records of Harris County, Texas.
- g. Certificate of Amendment to the Restrictions for Bellaire West, Section Three (3), filed March 11, 1997 under County Clerk's File No. S356790 in the Official Public Records of Real Property of Harris County, Texas. *lll*
- h. Restrictions, Covenants and Conditions filed of record on February 18, 1966 under Volume 6250, Page 428, et. Seq., of the Deed Records of Harris County, Texas, and recorded in Volume 135, Page 62, of the Map Records of Harris County, Texas.
- i. Certificate of Amendment to the Restrictions for Bellaire West, Section Four (4), filed March 4, 1997 under County Clerk's File No. S346658 in the Official Public Records of Real Property of Harris County, Texas. *lll*
- j. Restrictions, Covenants and Conditions filed of record on June 7, 1967 under Volume 6790, Page 240, et. Seq., of the Deed Records of Harris County, Texas, and recorded in Volume 147, Page 65, of the Map Records of Harris County, Texas.
- k. Certificate of Amendment to the Restrictions for Bellaire West, Section Five (5), filed March 4, 1997 under County Clerk's File No. S346659 in the Official Public Records of Real Property of Harris County, Texas. *lll*
- l. Restrictions, Covenants and Conditions filed of record on November 9, 1967 under Volume 6985, Page 158, et. Seq., of the Deed Records of Harris County, Texas, and recorded in Volume 148, Page 149, of the Map Records of Harris County, Texas.
- m. Certificate of Amendment to the Restrictions for Bellaire West, Section Six (6), filed March 4, 1997 under County Clerk's File No. S346660 in the Official Public Records of Real Property of Harris County, Texas. *lll*
- n. Restrictions, Covenants and Conditions filed of record on September 3, 1969 under Volume 7743, Page 437, et. Seq., of the Deed Records of Harris County, Texas, and recorded in Volume 151, Page 123, of the Map Records of Harris County, Texas.
- o. Certificate of Amendment to the Restrictions for Bellaire West, Section Seven (7), filed March 17, 1997 under County Clerk's File No. S356791 in the Official Public Records of Real Property of Harris County, Texas. *lll*

- p. Restrictions, Covenants and Conditions filed of record on November 9, 1967 under Volume 6986, Page 315, et. Seq., of the Deed Records of Harris County, Texas, and recorded in Volume 149, Page 1, of the Map Records of Harris County, Texas.
- q. Certificate of Amendment to the Restrictions for Bellaire West, Section Eight (8), filed March 11, 1997 under County Clerk's File No. S356792 in the Official Public Records of Real Property of Harris County, Texas. *llc*
- r. Restrictions, Covenants and Conditions filed of record on December 12, 1968 under Volume 7440, Page 463, et. Seq., of the Deed Records of Harris County, Texas, and recorded in Volume 155, Page 62, of the Map Records of Harris County, Texas.
- s. Restated and Amended Declaration of Covenants, Conditions and Restrictions for Bellaire West, Sections One (1) Through Eight (8), Subdivisions in Harris County, Texas, filed August 10, 2004, under County Clerk's File No. X834620 and Film Code Number 590-33-2617 et. seq.
- t. Notice Relating to Restated and Amended Declaration of Covenants, Conditions and Restrictions for Bellaire West, Sections One (1) Through Eight (8), Subdivisions in Harris County, Texas, filed August 27, 2004, under County Clerk's File No. X875552 and Film Code Number 591-40-0684 et. seq.
- u. Certificate of Amendment of the Bylaws of Bellaire West Improvement Association Amendment IX, filed August 20, 2004 under County Clerk's File No. X858034 in the Official Public Records of Real Property of Harris County, Texas.
- v. Certificate of Amendment of the Bylaws of Bellaire West Improvement Association Amendment VII, filed April 26, 2002 under County Clerk's File No. V755760 in the Official Public Records of Real Property of Harris County, Texas.
- w. Certificate of Amendment of the Bylaws of Bellaire West Improvement Association Amendment VIII, filed August 20, 2004 under County Clerk's File No. X858030 in the Official Public Records of Real Property of Harris County, Texas.
- x. Certificate of Amendment of the Bylaws of Bellaire West Improvement Association Amendment X, filed August 20, 2004 under County Clerk's File No. X858036 in the Official Public Records of Real Property of Harris County, Texas.
- y. Certificate of Amendment to the Bylaws of Bellaire West Community Improvement Association, filed November 12, 2007 under County Clerk's File No. 20070676330 in the Official Public Records of Real Property of Harris County, Texas.
- z. Management Certificate for Bellaire West Community Improvement Association, filed November 3, 2009 under County Clerk's File No. 20090499708 in the Official Public Records of Real Property of Harris County, Texas.
- aa. Bellaire West Community Improvement Association Board Resolution Regarding the Board's Approval and Adoption of a Fine Policy, filed May 3, 2011 under County Clerk's File No. 20110176953 in the Official Public Records of Real Property of Harris County, Texas.

- bb. Bellaire West Community Improvement Association Payment Plan Policy, filed December 13, 2011 under County Clerk's File No. 20110519205 in the Official Public Records of Real Property of Harris County, Texas.
- cc. Bellaire West Community Improvement Association Assessment Collection Policy, filed December 13, 2011 under County Clerk's File No. 20110519208 in the Official Public Records of Real Property of Harris County, Texas.
- dd. Bellaire West Community Improvement Association Document Retention Policy, filed December 13, 2011 under County Clerk's File No. 20110519210 in the Official Public Records of Real Property of Harris County, Texas.
- ee. Bellaire West Community Improvement Association Records Production and Copying Policy, filed December 13, 2011 under County Clerk's File No. 20110519218 in the Official Public Records of Real Property of Harris County, Texas.
- ff. Bellaire West Community Improvement Association Guidelines for Rainwater Recovery Systems, filed December 13, 2011 under County Clerk's File No. 20110519213 in the Official Public Records of Real Property of Harris County, Texas.
- gg. Bellaire West Community Improvement Association Guidelines for Display of Certain Religious Items, filed December 13, 2011 under County Clerk's File No. 20110519224 in the Official Public Records of Real Property of Harris County, Texas.
- hh. Bellaire West Community Improvement Association Guidelines for Solar Energy Devices, filed December 13, 2011 under County Clerk's File No. 20110519225 in the Official Public Records of Real Property of Harris County, Texas.
- ii. Bellaire West Community Improvement Association Guidelines for Roofing Materials, filed December 20, 2011 under County Clerk's File No. 20110530441 in the Official Public Records of Real Property of Harris County, Texas.

SIGNED on this the 21st day of December, 2011.


Printed Name: Sarah Vultaggio
Position Held: Attorney and Agent for Bellaire
West Community Improvement Association

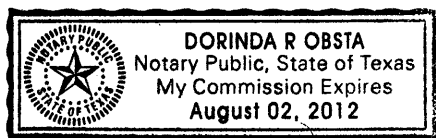
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VERIFICATION

THE STATE OF TEXAS §
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COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared Sarah Vultaggio, who, after being duly sworn stated under oath that she has read the above and foregoing Affidavit and that every factual statement contained therein is within his personal knowledge and is true and correct.

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public, on this the 21st day of December, 2011.



Dorinda R. Obsta

Notary Public – State of Texas

RETURN TO:
Sears & Bennett, LLP
Attorney at Law
9700 Richmond Avenue, Suite 222
Houston, Texas 77042

***Bellaire West Community
Improvement Association, Inc.***

**ARCHITECTURAL CONTROL COMMITTEE
PROCEDURES FOR APPROVAL**

The Architectural Control Committee (ACC) of the Bellaire West Community Improvement Association is charged with the responsibility of protecting the environmental integrity of the subdivision in accordance with the provision of the Deed Restrictions for all sections of Bellaire West. Before any building, fence, wall, or other structure or improvement of any nature is placed, constructed, erected, or maintained on any Lot, and before any exterior addition to, or change or alteration thereto, is made, the construction plans and specifications must be submitted to, and approved in writing by the ACC. The ACC's review focuses on (a) conformity and harmony of external design and location in relation to the surrounding structures and topography, (b) quality of workmanship and materials, and (c) conformity to the Restrictions and Architectural Guidelines.

All Lot Owners (and their leaseholders or renters should the Lot's structures be leased or rented) should have a copy of the Bellaire West Deed Restrictions. They can be obtained from the management company for a small fee.

Any plans and specifications submitted to the ACC must include the following required documents and information:

1. Completed and signed "Architectural Control Committee Submittal Form". Such form is attached to this document.
2. A site plan showing the location, with dimensions, of the improvement/alteration in relation to existing structures and lot lines. The site plan should also show, with dimensions, the orientation of the improvement/alteration with respect to streets, walks, minimum set-back lines, easements, and any neighboring structures. The survey or plat you received when you bought the property can be used for this purpose.
3. An elevation plan showing the nature, shape, height, and widths of the improvement/alteration (with dimensions).
4. A list or description of the material to be used.
5. Construction plans and specifications concerning any mechanical, electrical, or plumbing improvements/alterations to be made, if appropriate.
6. The name, contract, and phone number of the contractor to be used. If you are going to do the work yourself, include a description of your experience and/or credentials that qualify you to do the work.

Bellaire West Community Improvement Association, Inc.

About the Application

1. Sufficient detail should be provided to enable the Committee to clearly understand the improvement/alteration. Dimensions that accurately locate the improvement/alteration on the Lot are particularly important. The more detail that is provided, the sooner the design review can be completed and approval given.
2. Documents that are larger than legal size paper (8-1/2 x 14) are to be submitted in duplicate. The ACC does not have the facilities to copy documents larger than legal size paper, and two complete sets are needed: one set for the Committee files and one set to be returned to you with the ACC's decision of approval (or disapproval) affixed.

About the Review

1. The committee may contract consultants to assist in the review of the applications for design approval. Such consultants may contact you regarding detail design consideration.
2. The ACC conducts its meetings once a month, or as necessary. Submitted "Architectural Control Committee Submittal Form" applications are reviewed at this time.
3. It is prudent to obtain ACC approval before obtaining any city construction permits.
4. In emergency situations such as needed repairs or replacement for damage caused by wind storm, lightning, hurricane or other catastrophic event, the chairman of the ACC shall have single power of application approval for the following maintenance and/or repair or replacement, provided the maintenance and/or repair or replacement is of the same or better quality than the original, and that it complies with all restrictions and architectural guidelines. Such approval can be oral, with documentation such as plans and details and applications submitted at a later date.
5. Approval by the ACC does not waive your requirements to comply with any federal, state, county or local laws, ordinances, or statutes.
6. **APPROVED EXTERIOR PAINT COLORS:** Samples available at...
Sherwin-Williams, 11060 Bissonnet St Houston, TX 77099... (281) 530-0075, **Home Depot**, 6800 W Sam Houston Pky S Houston, TX 77072... (281) 498-6445

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BELLAIRE WEST COMMUNITY IMPROVEMENT ASSOCIATION
GUIDELINES FOR DISPLAY OF PERMITTED FLAGS

STATE OF TEXAS
COUNTY OF HARRIS

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KNOW ALL PERSONS BY THESE PRESENTS:

WHEREAS, Bellaire West Community Improvement Association (the "Association") is charged with administering and enforcing those certain covenants, conditions and restrictions contained in the recorded Deed Restrictions for the Bellaire West Subdivision (hereafter collectively referred to as the "Deed Restrictions"); and

WHEREAS, Chapter 202 of the Texas Property Code was amended effective June 17, 2011, to add Section 202.011 ("Section 202.011") thereto regarding the display of flags; and

WHEREAS, the Board of Directors of the Association (the "Board") has determined that in connection with maintaining the aesthetics and architectural harmony of the community, and to provide clear and definitive guidance regarding the display of flags therein, it is appropriate for the Association to adopt guidelines regarding the display of flags.

NOW, THEREFORE, the Board has duly adopted the following *Guidelines for Display of Flags* within the community.

1. These Guidelines apply to the display of ("Permitted Flags"):
 - 1.1. the flag of the United States; and
 - 1.2. the flag of the State of Texas; and
 - 1.3. 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:
 - 2.1. flags for schools, sports teams, businesses or foreign countries; or
 - 2.2. flags with marketing, seasonal, historical, commemorative, nautical, political or religious themes; or
 - 2.3. historical versions of flags permitted in Section 1 above.
3. Advance written approval of the Architectural Control Committee is required prior to displaying any flag other than the Permitted Flags identified above.
4. An Non-Permitted Flags may not be displayed without the Board's approval.
5. Permitted Flags may be displayed subject to these guidelines. Advance written approval of the Architectural Control Committee is required for any free-standing flagpole and any additional illumination associated with the display of Permitted Flags.
6. Permitted Flags must be displayed in a respectful manner in accordance with the current relevant federal, state or military code.
7. 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

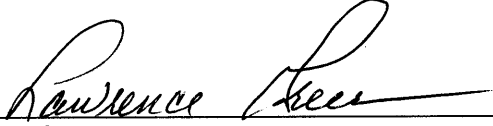
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- structures. For example, a Permitted Flag may not be laid across a fence or stapled to a garage door.
8. Permitted Flags shall be no larger than three foot (3') by five foot (5') in size.
 9. Only one Permitted Flag may be displayed on a flagpole 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.
 10. Flagpoles must be constructed of permanent, long-lasting materials with an appropriate finish that is harmonious with the dwelling.
 11. 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.
 12. 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.
 13. Free-standing flagpoles may not be installed in any location described below:
 - 13.1. in any location other than the Owner's property; or
 - 13.2. within a ground utility easement or encroaching into an aerial easement; or
 - 13.3. 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
 - 13.4. 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
 - 13.5. 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).
 14. 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:
 - 14.1. be ground mounted in the vicinity of the flag; and
 - 14.2. utilize a fixture that screens the bulb and directs light in the intended direction with minimal spillover; and
 - 14.3. 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
 - 14.4. provide illumination not to exceed the equivalent of a 60 watt incandescent bulb.

- 15. 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.
- 16. 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.
- 17. 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.

The guidelines are effective upon recordation in the Public Records of Harris County, and supersede any guidelines for display of flags which may have previously been in effect. Except as affected by Section 202.007(d) and/or by these guidelines, all other provisions contained in the Deed Restrictions or any other dedicatory instruments of the Association shall remain in full force and effect.

Approved and adopted by the Board on this 20th day of December 2011.

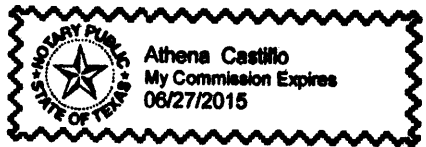



 Lawrence Greer
 President
 Bellaire West Community Improvement Association

STATE OF TEXAS §
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 COUNTY OF HARRIS §

Before me, the undersigned authority, on this day personally appeared Lawrence Greer, President of Bellaire West Community Improvement Association, a Texas corporation, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that he had executed he same as the act of said corporation for the purpose and consideration therein expressed, and in the capacity therein stated.

Given under my hand and seal of office this 20th day of December, 2011.





 Notary Public, State of Texas

AFTER RECORDING RETURN TO:

SEARS & BENNETT, LLP
9700 RICHMOND AVENUE, SUITE 222
HOUSTON, TEXAS 77042
TELEPHONE: (713) 782-1788
WWW.SEARSFIRM.COM

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Stan Stewart
COUNTY CLERK
HARRIS COUNTY, TEXAS

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.
THE STATE OF TEXAS
COUNTY OF HARRIS
I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me; and was duly RECORDED, in the Official Public Records of Real Property of Harris County, Texas.

JAN - 5 2012



Stan Stewart
COUNTY CLERK
HARRIS COUNTY, TEXAS