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Instrument Number: 4129

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NOTICE

Recorded On: January 11, 2017 03:10 PM

Number of Pages: 40

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" Examined and Charged as Follows: "

Total Recording: \$182.00

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\*\*\*\*\* THIS PAGE IS PART OF THE INSTRUMENT \*\*\*\*\*

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.

**File Information:**

Document Number: 4129  
Receipt Number: 20170111000436  
Recorded Date/Time: January 11, 2017 03:10 PM  
User: Brandy F  
Station: Station 25

**Record and Return To:**



STATE OF TEXAS  
COUNTY OF DENTON

I hereby certify that this instrument was FILED in the File Number sequence on the date/time printed hereon, and was duly RECORDED in the Official Records of Denton County, Texas.


Juli Luke  
County Clerk  
Denton County, TX

**NOTICE OF FILING FOR  
PROVIDENCE HOMEOWNERS ASSOCIATION, INC.**

STATE OF TEXAS       §  
                                  §  
COUNTY OF DENTON   §

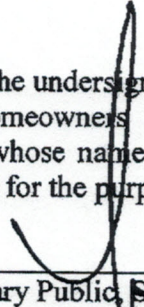
PROVIDENCE HOMEOWNERS ASSOCIATION, INC., a Texas nonprofit corporation (the "Association") is subject to the Residential Guidelines and Review Procedures for New Construction attached hereto as Exhibit A and incorporated herein for all purposes. Notice is hereby given to all persons with any interest in or claim to any parts of the property within the jurisdiction of the Association that said property is further subject to the First Amendment to the Residential Guidelines and Review Procedures for New Construction attached hereto as Exhibit B and incorporated herein for all purposes.

Thus signed and certified this 14<sup>th</sup> day of January, 2017.

  
\_\_\_\_\_  
Buck Benson, Counsel for Providence Homeowners Association, Inc.

STATE OF TEXAS       §  
                                  §  
COUNTY OF BEXAR   §

On this 14<sup>th</sup> day of January, 2017, before me, the undersigned notary public, personally appeared Buck Benson, Counsel for Providence Homeowners Association, Inc., a Texas nonprofit corporation, known to me to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purposes set forth therein.

  
\_\_\_\_\_  
Notary Public, State of Texas

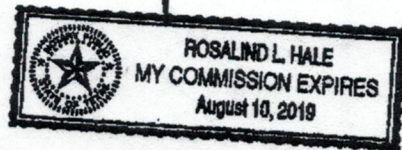




EXHIBIT A

RESIDENTIAL GUIDELINES AND REVIEW PROCEDURES NEW CONSTRUCTION

[ON FOLLOWING PAGE(S)]

EXHIBIT B

FIRST AMENDMENT TO THE RESIDENTIAL GUIDELINES AND REVIEW  
PROCEDURES NEW CONSTRUCTION

[ON FOLLOWING PAGE(S)]



**FIRST AMENDMENT TO THE RESIDENTIAL GUIDELINES AND REVIEW PROCEDURES NEW CONSTRUCTION**

WHEREAS, the Association is governed by those certain Declaration of Covenants, Conditions and Restrictions for Providence, recorded on or about June 12, 2002 in Volume 5105, Pages 2787 of the Official Public Records of Real Property of Denton County, Texas (together with its amendments and supplements, the "Declaration");

WHEREAS, in accordance with the Declaration, the Association is subject those certain Residential Guidelines and Review Procedures New Construction dated April 17, 2008 (the "Design Guidelines");

WHEREAS, pursuant to Section 3.4 of the Declaration, the Reviewer, as defined therein, may amend the Design Guidelines;

WHEREAS, the Reviewer has so voted to amend the Design Guidelines as detailed herein.

NOW, THEREFORE, the Association has amended the Design Guidelines as follows:

1. Landscaping. Subsection 3.1.2(4) of the Design Guidelines is hereby deleted in its entirety and restated to read as follows:

- (4) Trees - a minimum of one (1) three inch (3") caliper shade tree is required to be planted on each 40' lot in the front yard between the curb and sidewalk and a minimum of two (2) three inch (3") caliper shade trees are required to be planted on each 50' lot in the front yard between the curb and sidewalk. For all lots that have a side-yard adjacent to a street, a three inch (3") caliper tree shall be planted every thirty-five feet (35') of frontage on the side street and shall be planted on the side facing the street in accordance with the Landscape plan. See Planting Details. Homeowners may add trees, but must maintain mandatory plantings.

Subsection 3.1.2(7) is hereby added to the Design Guidelines to read as follows:

- (7) Maintenance - Owners shall maintain yards in a sanitary and attractive manner. Owners shall include adequate watering to lawns and vegetation and all lots shall have an automatic irrigation system. Owners shall promptly remove any dead vegetation. Owners shall edge the street curbs that run along boundary lines. Owners shall mow at regular intervals and grass is not permitted to be grown higher than six inches (6"). No vegetables shall be grown in any yard that faces street or is not screened by fencing. No xeriscape yards allowed unless approved by the ARC.



2. Fences. Subsection 3.1.4(3) of the Design Guidelines is hereby amended to add the following:

No lattice work on top of white vinyl fences is allowed. All fences must be maintained in a neat and attractive manner at all times. Fences that are damaged, leaning or otherwise not in good repair shall be immediately repaired.

3. Mailboxes and Satellite Dishes. Subsection 3.1.5 of the Design Guidelines is hereby amended to add the following:

Mailboxes should be standardized throughout Providence, painted the consistent dark green color, and contain a brass address block. Satellite dishes should be located in a manner that minimizes visibility from the street or neighbors.

4. Street Parking. Subsection 3.1.6(1) of the Design Guidelines is hereby amended to add the following:

Any and all issues related to parking on the public streets should be referred to the Town of Providence Village as the HOA does not own the streets.

5. Animals. Subsection 3.1.7 of the Design Guidelines is hereby amended to add the following:

Homeowners are responsible for the removal of their pets' wastes from any homeowner property or HOA property. No animals or livestock shall be raised, bred or kept on any property. Livestock means all animals besides those normally kept as household pets and includes, but is not limited to, cows, goats, live poultry, chickens, pigs, horses, and other barnyard animals. Pets may not make objectionable noise. Pets shall be kept on a leash at all times. No more than four (4) household pets are permitted for each home.

6. Outbuildings. Subsection 3.1.11 of the Design Guidelines is hereby amended to add the following:

All outbuildings require ARC approval and must not be visible from any front or side street unless prior approval has been received from the ARC. Playhouses, dog houses, greenhouses, gazebos and buildings for lawn maintenance equipment are approved, if they are in compliance with the Declaration.

7. Air Conditioning Units. Subsection 3.1.14 of the Design Guidelines is hereby amended to add the following:



Air conditioning units may not be installed on the ground in front or a residence or on the side of a residence in view of the street. Window air conditioning units are not permitted under any circumstances.

8. Trash. Subsection 3.1.15 of the Design Guidelines is hereby amended to add the following:

At no time may a trash container be visible from the front of the home or street. Storage locations of trash containers for front facing driveways may include placement in the garage or on the side of the home completely screened from view of the street. Storage locations of trash containers for rear-facing driveways may include placement in the garage or pull up to the side of the exterior of the home completely screened from view of the street. No trash container shall be left at the curb of the street or the curb of the alleyway other than on removal day. Trash containers shall be placed for collection no earlier than 6:00 pm the day prior to the day of scheduled collection and shall not remain at the alley-side collection point after 12:00 midnight of the scheduled collection day.

9. Paint. Subsection 3.2.2 of the Design Guidelines is hereby revised to add the following to the last paragraph:

An ARC application is required when a house, siding, doors, shutters, or trim is to be painted a different color than the existing color. An application is not required when the new paint is the same color as the original paint. An ARC application is required for any exterior improvements.

10. Windows. Subsection 3.2.5 of the Design Guidelines is hereby amended to add the following to the last paragraph:

Flashing around windows shall be painted to match the paint on the trim.

11. Recreational Vehicle Parking. Subsection 3.2.6 of the Design Guidelines is hereby amended to add the following:

Recreational vehicles such as RVs, campers, boats, trailers, etc. are to be stored/parked in the rear driveway, and in lots without a rear driveway which have front facing driveways, all recreational vehicles must be parked within an enclosed garage. These vehicles may be parked in the driveway or on the street for a maximum time period of up to twenty-four (24) hours for the purpose of loading in preparation for a trip, or unloading when returning. In



consideration of neighbors, these vehicles should not block mailboxes or obstruct the view at intersections.

12. Solar Collectors. Subsection 3.2.7(3) of the Design Guidelines is hereby amended to add the following:

Solar Collectors can represent a large visual impact on a structure due to their size. Therefore, it is important to properly integrate the collector into the design of the house to properly conceal it. Solar collectors should not be placed on the front side (street side) of the roof or be visible from the street, unless required by law. All trim should be painted to match the background color of the roof or house trim to conceal it. All pipe work must be concealed. All solar collectors require an application to the ARC that includes a site plan and elevations of the house showing the proposed location and appearance of the collector, and details must be included to show how the collector edges will meet the roof.

13. Clothes Drying. Subsection 3.2.13 is hereby added to the Design Guidelines to read as follows:

### **3.2.13 Clothes Drying**

Clothes drying is not permitted in public view.

14. Firewood Racks. Subsection 3.2.14 is hereby added to the Design Guidelines to read as follows:

### **3.2.14 Firewood Racks**

Firewood Racks must be stacked neatly, screened from public view, and shall be maintained so as to not harbor rats, rodents or other vermin.

15. Recreational Equipment. Subsection 3.2.15 is hereby added to the Design Guidelines to read as follows:

### **3.2.15 Recreational Equipment**

Play/recreational equipment must be located in the back/fenced yard and shall be located so as to have minimum visual impact on adjacent properties and streets. Equipment placement (including pool pump equipment) must be screened from public view. Awnings, coverings or banners of play equipment must be maintained in a neat and attractive condition; worn awnings, coverings or banners must be replaced immediately. Awnings, coverings or banners should be in muted browns or forest green



and not primary colors. Basketball goals should not be stored on a street, sidewalk, or any other public right-of-way such as a cul-de-sac.

16. Maintenance. Subsection 3.2.16 is hereby added to the Design Guidelines to read as follows:

### **3.2.16 Maintenance**

Owners shall maintain the exterior of their homes, fencing, walls and any other improvements on their lots in good condition. Owners shall repair/replace worn and rotten parts. Owners shall regularly repaint all painted surfaces. Owners should not allow any exterior portions of any improvement deteriorate in an unattractive manner.

17. Decoration and Lawn Ornaments. Subsection 3.2.17 is hereby added to the Design Guidelines to read as follows:

### **3.2.17 Decoration and Lawn Ornaments**

Temporary decorations for holidays and special occasions do not require a formal ARC application. Temporary holiday and special occasion signs (e.g. birth announcements) may be displayed for a period not to exceed thirty (30) days before or thirty (30) days after the holiday or event. After the period of use, all temporary decorations shall be removed. Seasonal decorations (e.g. spring, summer and autumn door wreaths) are exempt from the previous time guideline; however, homeowners the door décor must be in good condition and appropriate to the season.

Yard/lawn ornaments (e.g. statuary, ceramic animals, religious figurines, crystal balls, wind chimes, bird feeders, wind catchers, spirit flags, etc.) shall not exceed five (5) in number and no one item shall be larger than twelve inches (12") tall. Any lawn ornament or embellishment above twelve inches (12") tall must be approved by the ARC if it is to be placed in the front or side yard (such as bird baths, benches, fountains, wishing wells, trellises and anything else of a decorative nature).

18. Storage Pods and Temporary Garbage Dumpsters. Subsection 3.2.18 is hereby added to the Design Guidelines to read as follows:

### **3.2.18 Storage Pods and Temporary Garbage Dumpsters**

Storage pods (mobile storage units, sheds/compartments) and temporary garbage dumpsters maybe placed on the lot for a period



of up to seven (7) days and must be removed from the lot promptly thereafter. Such items should be placed on the driveway of the lot and must be approved by the ARC if it is necessary to place it in front of the home on the street.

19. Flags/Flagpoles. Subsection 3.2.19 is hereby added to the Design Guidelines to read as follows:

### **3.2.19 Flags/Flagpoles**

Flagpoles must be approved by the ARC. All flags and flagpoles shall be kept in sound condition and good repair at all times. Permanent, freestanding flagpoles mounted in front lawn or landscape shall not exceed twenty feet (20') in height and shall be maintained in a vertical alignment. Freestanding flagpoles shall be set in a concrete footing at least two feet (2') deep. Flagpoles shall be of a silver finish and shall be weatherproof or surface protected as required to prevent peeling, flaking or deterioration. Flag size shall be proportional with the pole size – the maximum flag size shall be four feet by six feet (4' x 6'). Flagpole top ornament should be specified in the ARC approval request (e.g. ball type, eagle, star, etc.) House-mounted flagpoles shall be securely fastened off the front façade of the residence or fencing.

20. Signs. Section 3.3 of the Design Guidelines is hereby amended to add the following:

“Spirit” signs that announce the involvement of teenagers/children in athletics or school programs may be posted near the front of the home in the flower beds. “Political” signs of tasteful design that do not exceed six square feet (6 sq. ft.) may be posted ninety (90) days before an election and must be removed within ten (10) days after. No more than one sign for each candidate or ballot item will be permitted. “Company advertisement” signs for businesses that provided work for the resident (e.g. fence company, painter, pool company, etc.) may be posted while the work is being done and up to seven (7) days after completion. One security and one no soliciting sign, no larger than one square foot (1 sq. ft.) each are permitted.

21. Violation Process and Fines. Subsection 4.9 is hereby added to the Design Guidelines to read as follows:

### **4.9 Violation Process and Fines**

Upon inspection of a violation hereof, a “Friendly Reminder” may be sent to the home address and official billing address, should they differ, giving the owner seven (7) days to cure the violation.



Upon reinspection of a violation a "Second Notice" may be sent to the home address and officially billing address, should they differ, giving the owner seven (7) days to cure the violation. Upon reinspection of a violation a "Final Notice" may be sent regular mail and certified mail as required by the Texas Residential Owners Protection Act. The final notice may require the violation be cured within fourteen (14) days. Upon expiration of the "Final Notice" cure period, the owner may be subject to the HOA curing the violation (e.g. mowing the yard, trimming the tree, removal of dead plant material, etc.) and charging the owner for such action(s) and the owner may be subject to fines. Any expense charged to an owner in response to the HOA curing his or her violation may also include a \$25.00 administration fee. Owners subject to fines for violations that the HOA cannot cure may be charged \$50.00. Each additional violation hereof may result in a \$100.00 fine until corrective action is taken.