

**RULES AND REGULATIONS REGARDING CONSTRUCTION ACTIVITIES
FOR LAKEWOOD ON LAKE CONROE PROPERTY OWNERS ASSOCIATION, INC.**

STATE OF TEXAS §
 §
COUNTY OF MONTGOMERY §

WHEREAS, Lakewood on Lake Conroe Property Owners Association, Inc., a Texas nonprofit corporation (the "Association"), is the governing entity for Lakewood on Lake Conroe, a subdivision in Montgomery County, Texas, according to the map or plat thereof, recorded in the Plat Records of Montgomery County, Texas, under Clerk’s File No. 8813654, along with any additions, annexations, or replats thereto (the “Subdivision”); and

WHEREAS, the Subdivision is governed by the Declaration of Covenants, Conditions and Restrictions for Lakewood on Lake Conroe, recorded in the Real Property Records of Montgomery County, Texas, under Clerk’s File No. 8818992, along with any amendments, annexations, or supplements thereto (the “Declaration”); and

WHEREAS, Article XIII, Section 8.17, of the Declaration provides that the Association may adopt Rules and Regulations it deems necessary or desirable with respect to the interpretation and implementation of the Declaration, operation of the Association, and use of Lots; and

WHEREAS, Article III, Section 3.17, of the Declaration provides that nothing may be done on any Lot which may become an annoyance or nuisance to the Subdivision, and that activities in the Subdivision that are expressly prohibited include activities which may be offensive by reason of odor, fumes, dust, smoke, noise, vision, vibration or pollution; and

WHEREAS, §204.010(a)(6) of the Texas Property Code authorizes the Association, through its Board, to regulate the use, maintenance, repair, replacement, modification, and appearance of the Subdivision; and

WHEREAS, the Association finds that the occurrence of construction activities on certain days and at certain times is a use of the Subdivision and of Lots that is, or may become, an annoyance or nuisance, and that is, or may become, offensive by reason of odor, fumes, dust, smoke, noise, vision, vibration or pollution, even where the same activities may not be offensive on other days or at other times; and

WHEREAS, the Association find it necessary and desirable to adopt Rules and Regulations concerning construction activities at certain times of the day and on certain days; and

WHEREAS, this Dedicatory Instrument represents Restrictive Covenants as those terms are defined by Texas Property Code §202.001, et. seq, and the Association shall have and may exercise discretionary authority with respect to these Restrictive Covenants;

NOW THEREFORE, pursuant to the foregoing, and as evidenced by the certification hereto, the Association, through its Board of Trustees, hereby adopts, establishes and imposes on the Subdivision, the following Rules and Regulations, as follows:

1. "Overnight Hours," shall be defined as the period of time from six o'clock p.m. (6:00 p.m.) on a given day to seven o'clock a.m. (7:00 a.m.) the following day.
2. "Construction Activities," shall be defined as any activities, of any character, on a Lot or otherwise within the Subdivision that are directly or indirectly related to and carried out in furtherance of the construction, erection, placement, demolition or destruction, or modification to building or other improvement on a Lot, or to the Lot itself.
3. No Construction Activities may occur:
 - a. on a Federally recognized holiday;
 - i. Notwithstanding the foregoing, Owners may perform routine maintenance and small-scale modifications on or to the Owner's Lot (e.g. flower-bed landscaping, yard maintenance, minor maintenance/repairs to the exterior of the residence, fences, or other improvements on the Lot) on a Federally recognized holiday without the need for express authorization to do so, except that performing any Construction Activities during Overnight Hours on a Federally recognized holiday remains prohibited.
 - b. during Overnight Hours, from a given Sunday evening to the following Friday morning;
 - c. between seven o'clock a.m. (7:00 a.m.) on a given Saturday morning to six o'clock p.m. (6:00 p.m.) the following Sunday evening; or
 - i. Notwithstanding the foregoing, Owners may perform routine maintenance and small-scale modifications on or to the Owner's Lot (e.g. flower-bed landscaping, yard maintenance, minor maintenance/repairs to the exterior of the residence, fences, or other improvements on the Lot) between seven o'clock a.m. (7:00 a.m.) on a given Saturday morning to six o'clock p.m. (6:00 p.m.) the following Sunday evening without the need for express authorization to do so.
4. Notwithstanding the foregoing, Construction Activities may occur during some or all of the aforementioned time-frames, as the case may be, if and only if, express authorization has been granted by the Association. If such authorization has been granted by the Association, then Construction Activities may proceed only in such a manner and for so long as the Association has specifically granted in that case.
5. Performing Construction Activities in violation of this policy may subject Owners to fines as provided for in the Declaration and/or such other applicable policies or Rules and

regulations adopted by the Association concerning the levying of fines. At time of adoption, for purposes of levying fines, violation of these Rules and Regulations is categorized as an, "Offensive Activity," under the Lakewood On Lake Conroe Property Owners Association, Inc. Fine Policy, recorded in the Real Property Records of Montgomery County, Texas, under Clerk's File No. 2018080085. Violations of these Rules and Regulations are considered un-curable deed restriction violation, and Owners may be immediately subjected to fines without further notice or period to cure.

CERTIFICATION

“I the undersigned, being a Director of Lakewood on Lake Conroe Property Owners Association, Inc., hereby certify that the foregoing Rules and Regulations were approved by a majority of the Directors for Lakewood on Lake Conroe Property Owners Association, Inc. at an open meeting of the Board of Directors, properly noticed to the members at which a quorum of the Board of Directors was present.”

By: _____

Print Name: _____

Title: _____

ACKNOWLEDGEMENT

STATE OF TEXAS

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COUNTY OF MONTGOMERY

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BEFORE ME, the undersigned authority, on the day personally appeared the person whose name is subscribed to the foregoing document and being by me first duly sworn, declared that he is the person who signed the foregoing document in his representative capacity and that the statements contained therein are true and correct.

Given under my hand and seal of office this the ____ day of _____, 2021.

Notary Public, State of Texas