

## NEW CASTLE AT TOWNE PLAZA HOMEOWNERS ASSOCIATION, INC.

8323 Southwest Freeway, Suite 330

Houston, Texas, 77074

(713) 772-4420

RULES AND REGULATIONS

These Rules and Regulations of New Castle at Towne Plaza Homeowners Association (the "Association") amend, restate and replace in their entirety any and all previously adopted rules and regulations of the Association. These Rules and Regulations are effective as of July 1, 2006.

**1. COMMON AREAS**

- A. **Accessibility for Emergency Personnel.** All hallways, walkways, stairwells, and landings must be easily accessible by emergency personnel in full gear at all times. No personal property may be stored on stairwells, landings, or common area.
- B. **Thrown Objects.** It is expressly forbidden to throw or intentionally drop anything from a balcony or any elevated surface. Cigar and Cigarette butts are included (see Fire Safety). In view of the potential danger and serious nature of such violation, the resident (or unit owner) will be subject to a fine (see Fine Schedule). In addition, the resident (or unit owner) will also be financially responsible for replacement or complete repairs should any damages occur.
- C. **Littering.** No littering of any kind. Residents using amenities are responsible for cleaning up after use. This includes pool areas, barbecue pits, laundry rooms, and trash collection sites. Paint & cleanup matter must never be left visible in grass, flowerbeds, landscaped gardens, or on drain grids, sidewalks, or parking lots. Used charcoal or any other waste shall not be dumped onto the ground or in any flowerbed or garden area. All trash including cigarette butts must be disposed of properly.
- D. **Outdoor Decorations and Plants.** Residents are not to decorate or place any objects on hallways, walkways, stairwells, landings, ceilings, doors, walls or floors in any common area which are not in accordance with these Rules and Regulations:

Residents may place a limited, reasonable number (to be determined by the board) of potted plants, chairs, benches, or other decorative items in the common area along the outside wall on either side of their door. The placement of items must look attractive and cannot extend beyond the length of that unit's wall. Guidelines for permissible items follow:

- (a) Chairs, benches, and other decorative items such as doormats, planters, must be designed for outside use and must blend harmoniously with the architectural style and general appearance of the property.
- (b) They must be maintained and kept in a neat and attractive condition.
- (c) The color(s) of any permissible item(s) should blend harmoniously with the property and shall not be bright or prominent from a distance so as not to detract from the general appearance of the property.
- (d) Potted plants must be kept in decorative containers such as ceramic, porcelain, clay, or a quality-plastic. The containers must also have matching drain pans to prevent water from spilling onto the common areas and courtyards below. No water overflow onto common areas is allowed.
- (e) Plant containers cannot exceed 16" in diameter and must be placed in a way that would not hinder emergency personnel in any way.
- (f) Plant containers must be located directly in front of the individual's unit unless previously approved by the association.
- (g) Handrail planters and flower boxes must be of a design that prevents water from spilling onto the common areas and courtyards below. They must also be securely attached to the railings.
- (h) All plants must be properly maintained (watered, fed, and pruned when needed).
2. **FLAGS & HOLIDAY DECOR.** Flags may be flown during appropriate holidays for a period of five (5) consecutive days. Christmas Holiday lighting and decorations may be displayed beginning the weekend of Thanksgiving and ending January 10<sup>th</sup>. For all other holidays, lighting and decorations may be displayed for a period of no longer than 14 days prior to and 5 days after the holiday.
3. **WINDOWS.** All interior window coverings whether draperies, blinds, shutters, shades, or any other type material that is visible from the exterior of any unit must be kept in a neat and attractive condition and must be white in color so as not to detract from the general appearance of the property. Natural colored wood blinds are acceptable though white is preferred. No paper, foil, tinting, or any other type of reflective material may be placed on or in any windows in a way that would be visible from outside. No signs, posters, offensive symbols, notices, or advertisement of any type shall be displayed from any window without the prior consent of the Association. Safety and Security related notices are permitted – as well as seasonal decorations. The Board shall

have the right at any time to remove or direct the removal of any item that the Board determines, in its reasonable, sole discretion, detracts from the general appearance of the property.

4. **SIGNAGE.** No signs, posters, symbols, notices, or advertisement of any kind shall be posted on the grounds within the property boundaries of the Condominium complex without the prior written consent of the Association, including all common and limited common areas. The posting of signs, notices, or flyers of any kind is not permitted on vehicles. However, "For Sale" signs are allowed on vehicles. Contact Creative Management for notices to be placed into the bulletin boards.
- 4A. **POLITICAL SIGNS.** The foregoing prohibition as to signs is not applicable to political signs as set forth herein. The display of political signs shall be permitted in accordance with Section 202.009 of the Texas Property Code as it currently exists or as same may be amended or modified. The display of political signs advertising a candidate or ballot item for election may be displayed for ninety (90) days before an election or ten (10) days after an election. Political signs cannot be displayed or placed in the Common Elements. Political signs must be ground mounted. Only one (1) sign for each candidate or ballot item is allowed. Political signs that contain roofing material, siding, paving materials, flora, one or more balloons or lights, or any other similar building, landscaping, or nonstandard decorative component are prohibited. Political signs that are attached in any way to plant material, a traffic control device, a light, a trailer, a vehicle, or any other existing structure or object are prohibited. Political signs that threaten public health or safety are prohibited. Political signs larger than four feet by six feet are prohibited. Political signs that violate the law are prohibited. Political signs that contain language, graphics, or any display that would be offensive to the ordinary person are prohibited. Political signs accompanied by music or other sounds or by streamers or is otherwise distracting to motorists are prohibited.
5. **PATIOS & BALCONIES.** Patios and balconies should be kept neat in appearance at all times. For those desiring to have an awning, there is a pre-approved awning design available from the Board.

Patios that do not comply with regulations will be brought to compliance at the discretion of the Board and all reasonable maintenance, labor and repairs will be at the resident's (or unit owner's) expense. Specific rules follow:

- (a) No pets shall be kenneled on patios or balconies.
  - (b) No excessive accumulation of leaves or debris shall remain longer than 30 days.
  - (c) Due to sanitation and rodent concerns, no trash, garbage, or pet waste will be allowed on patios at any time.
  - (d) No installation of unit numbers is allowed other than those provided by New Castle Condominiums.
  - (e) On balconies open to public view, storage cabinets and shelving must be enclosed and must not detract from the general appearance of the property.
  - (f) Any patio furniture and decorative items of choice must not detract from the general appearance of the property.
  - (g) No articles of clothes, blankets, or materials of any type may be draped or hung on any balcony, patio, or common area fence.
  - (h) No storage building or large, unattractive object visible from outside a unit's fence is allowed. Allowable objects must be stored in a neat & orderly manner.
  - (i) Hot tubs and/or spas are not permitted in the patio areas.
6. **NOISE.** Residents shall exercise extreme care at all times to avoid making loud or objectionable noises. Consideration for others must be taken regarding the use of musical instruments, stereos, televisions, etc. in a manner that may disturb or tend to disturb your neighbors. All residents must comply with the City ordinance stating no disturbing noise from 10:00 p.m. – 7:00 a.m.
  7. **ILLEGAL ACTIVITY.** No unit shall be used in a manner that may interfere with the enjoyment and safety of residents in adjoining units. Nor shall any offensive, or immoral or illegal activity be committed in or on any unit or on any part of the common elements of New Castle at Towne Plaza. (See By-Laws of New Castle at Towne Plaza Homeowners Association, Inc. on page 12c for more details).
  8. **FIRE SAFETY.** All City of Houston Fire Codes are strictly enforced.
    - (a) No out-door, open flame barbecue pits, or cookers of any type shall be used within 10 feet from any building. (City of Houston Fire Code 307.5) Open flame, barbecue pits are provided for resident's use at both pools.
    - (b) No flammable or combustible liquids (including those for sale) shall be stored near exits, stairs, or any other areas normally used for the exit of people or which could be used for emergency exits in case of fire. This includes motorcycles and any apparatus or engine using flammable or combustible liquid as fuel. (City of Houston Fire Code 7902.5.5)
    - (c) Parking in fire lane is prohibited. Towing is enforced. (City of Houston Fire Code 902.2.4.1.1)
    - (d) The throwing of Cigars and Cigarette butts onto the ground or into any garden or open drain is strictly forbidden. They must be fully extinguished and discarded in the same manner as trash.

9. **PETS.** It is the responsibility of each pet owner to avoid actions by their pet that would be deemed unsafe, unsanitary, offensive, or destructive by any neighbors in our community. See Fine Schedule for violations of the following:
- (a) Pets should be walked on the exterior of the property and should never be allowed to walk or wander through flowerbeds or landscaped gardens.
  - (b) For health reasons, pets are not allowed in the pool or inside the fenced pool areas.
  - (c) Do not allow your pet to urinate or defecate within the pool areas and surrounding courtyards, in flowerbeds and landscaped gardens, or near the Newcastle Condominiums sign. This also includes all hallways, sidewalks, elevators, stairwells, and laundry rooms. Should your pet foul these areas, you are responsible for cleaning it up.
  - (d) If your pet's defecation can be seen or stepped in, you are responsible for cleaning it up.
  - (e) Pet owners are financially responsible for damages to property and landscaping caused by their pets. Fines and replacement costs for labor, materials and plants will apply.
  - (f) All cats & dogs must be tagged and must be on leashes as required by city ordinance, county code.
  - (g) No more than two pets are allowed per unit. The weight limit of a single pet (or two pets combined) shall not exceed forty pounds.
  - (h) No pet shall be housed, kenneled, or tethered unattended on any patio, balcony, or any part of the limited or common areas of the property.
  - (i) No pet shall be allowed to defecate, bark, or create any type of a nuisance on the patios and balconies.
  - (j) No animals, mammals, birds, fish, reptiles, amphibians, or other similar animals may be raised, bred, kept, or otherwise used for commercial purposes in any unit.

10. **SWIMMING POOLS.** The swimming pools located in each phase of the property are there for all of us to enjoy. Please make use of them while keeping safety and consideration of others in mind. The following rules are posted at each pool:

- (a) No lifeguard on duty. Swim at your own risk.
- (b) No running, diving, or rough play allowed.
- (c) No shouting or loud music allowed.
- (d) No breakable containers inside fenced pool area.
- (e) No trash or belongings are to be left in or around the pool. Please tidy up before leaving.
- (f) Cigarette butts must be fully extinguished and disposed of in appropriate containers.
- (g) No pets allowed in pool or inside fenced pool area.
- (h) No cut-offs or diapers allowed in pool - regulation swimwear only.
- (i) Children under 2 must wear leak-proof swimwear.
- (j) Children under 12 must be accompanied by an adult accepting responsibility for that child.
- (k) All guests must be accompanied by a resident.
- (l) No forced entry of gates or jumping fence allowed.
- (m) Pool gates must remain closed after entering and exiting in accordance with the city of Houston code ordinance.
- (n) Pool closed at 10:00 p.m. every night - no swimming or congregating after hours.

11. **PARKING AREAS.** Residents have assigned parking spaces identified with painted numbers. If an unauthorized vehicle is parked in your assigned space, you may call the pre-authorized towing service and have that vehicle removed. (The name and phone number of the pre-authorized towing service is posted at the driveway entrance). Only the resident of the assigned space may authorize the tow. All charges by the towing service are the responsibility of the owner of the vehicle in violation. Parking area rules follow:

- (a) Drive cautiously through the parking areas. Maximum speed limit is 10 mph.
- (b) Only one (1) vehicle may be parked in each parking space. Motor cycles may not be parked in the same space with another vehicle.
- (c) No boats, trailers, campers, commercial, or recreational vehicles are allowed in visitor or assigned spaces.
- (d) Vehicles parked improperly (over lines, diagonally, blocking vehicles) will be towed without notice.
- (e) Vehicles blocking access to the garbage collection areas will be towed immediately.
- (f) No vehicle shall be parked on the sidewalks. Vehicles parked on sidewalks will be towed with out notice.
- (g) No vehicle repair or maintenance is to be done in the parking lots, garage, or common areas.
- (h) Vehicles may not be stored on the property.
- (i) Vehicles that are excessively dusty or have flat tires will be considered to be in storage and will be towed.
- (j) Vehicles parked in designated zones will be towed without notice. Except during natural disaster.
- (k) Motorcycles may not be parked or stored on patio areas. (See Fire Safety).

12. ENFORCEMENT.

- (a) All violations of the Rules of the Association shall be verified by a member of the Board of the Association, the Association's managing agent, or may be substantiated by a written report by one or more owner or residents at the property. Upon verification of a violation of the rules, or based upon a satisfactory written report(s) of owner or residents, the Association shall, through its managing agent, forward written notice of the violation(s) to (i) if the unit is occupied by the owner, to the owner; and (ii) if the unit is occupied by a tenant, to owner and tenant. All notices of violations to be forwarded to the owner shall be sent to the most current mailing address provided to the Association by such owner. The notice shall (1) describe the violation; (2) state a reasonable period of time within which the violation must be cured and avoid a fine or other enforcement action; and (3) notify the owner that a fine will be levied against the owner unless the violation is cured within the stated period of time. The owner of the unit shall be responsible for the fine notwithstanding that the violation was caused by a tenant or guest. The notice shall further set forth the amount of the fine to be levied and indicate how frequently the fine will be levied if the violation of the rules continues to exist. Not later than the thirtieth (30<sup>th</sup>) day after the date of such notice, the owner may request a hearing before the Board to contest the fine. Provided however, the opportunity to cure the violation and avoid the fine need not be given if the owner was give notice and an opportunity to cure a similar violation within the preceding twelve (12) months. Upon levying the fine, the Association shall be given written notice to the owner not later than the 30<sup>th</sup> day after the date of the levy.
- (b) The amount of the fine to be levied against an owner for the first violation of a rule shall be fifty dollars (\$50.00). The amount of the fine to be levied against an owner for the second violation of a rule shall be seventy-five dollars (\$75.00). The amount of the fine to be levied against an owner for the third and subsequent violations of a rule shall be one hundred dollars (\$100.00). Fines shall be collected in the same manner as assessments.
- (c) Owners shall be liable to the Association for violations of these Rules by the owner, an occupant of the owner's unit (whether tenant, resident, or the owner's/resident's/tenant's family, guests, employees, agents, or invitees), and for all costs incurred by the Association to obtain compliance, including attorneys fees, whether or not suit is filed.
- (d) In addition to the foregoing, in the event these rules are violated, the Association may bring in action at law for declaratory and/or injunctive relief with any court of competent jurisdiction; or seek any other remedy allowed by law. In any event, the Association shall be entitled to seek and collect reasonable attorneys fees, costs, and expenses incurred in the enforcement of these Rules.

OFFICE OF  
BEVERLY B. KAUFMAN  
COUNTY CLERK, HARRIS COUNTY, TEXAS

CONDOMINIUM RECORDS OF COUNTY CLERK

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ASSOCIATION RULES AND REGULATIONS

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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.

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 on

July 19, 2006



*Beverly B. Kaufman*

COUNTY CLERK  
HARRIS COUNTY, TEXAS

RECORDER'S MEMORANDUM:  
At the time of recordation, this instrument was  
found to be inadequate for the best photographic  
reproduction because of illegibility, carbon or  
photo copy, discolored paper, etc. All blockouts,  
additions and changes were present at the time  
the instrument was filed and recorded.