

DEERFIELD VILLAGE COMMUNITY ASSOCIATION, INC.

4045 Deerfield Village Drive * Houston, TX 77084

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ASSOCIATION'S POLICIES/GUIDELINES REGARDING NON-PERIMETER

FENCES

(Recorded Pursuant to Section 202.006, Title 11, Texas Property Code)

- I. The name of the Subdivision(s) is/are DEERFIELD VILLAGE and DEERFIELD VILLAGE PATIO HOMES (together sometimes referred to herein as "Deerfield Village").
- II. The name of the Association is DEERFIELD VILLAGE COMMUNITY ASSOCIATION, INC. (a Texas Non-Profit Corporation, sometimes referred to herein as the "Association").
- III. The recording data (i.e., Map or Plat reference) for each Section of the Subdivision, recorded in the Map or Plat Records of Harris County, Texas, is as follows:

Deerfield Village, Section One	-	Clerk's File No. E565236;
Deerfield Village, Section Two	-	Clerk's File No. E824180;
Deerfield Village, Section Three	-	Clerk's File No. G961226;
Deerfield Village, Section Four	-	Clerk's File No. F761973;
Deerfield Village, Section Five	-	Clerk's File No. J123883;
Deerfield Village, Section Six	-	Clerk's File No. M276167;
Deerfield Village, Section Eight	-	Clerk's File No. L792807;
Deerfield Village Patio Homes, Section One	-	Clerk's File No. E807466;
Deerfield Village Patio Homes, Section Two	-	Clerk's File No. H029605; and
Deerfield Village Patio Homes, Section Three	-	Clerk's File No. J551385.

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- IV. The recording data for the Protective Covenants or Declarations (i.e., Deed Restrictions) for each Section of the Subdivision, recorded in the Official Public Records of Real Property of Harris County, Texas, is as follows:

Deerfield Village, Section One	-	Volume 229, Page 1;
Deerfield Village, Section Two	-	Volume 237, Page 44;
Deerfield Village, Section Three	-	Volume 256, Page 31;
Deerfield Village, Section Three Replat	-	Volume 290, Page 50;
Deerfield Village, Section Four	-	Volume 257, Page 13;
Deerfield Village, Section Five	-	Volume 306, Page 136;
Deerfield Village, Section Six	-	Volume 343, Page 40;
Deerfield Village, Section Eight	-	Volume 308, Page 146;
Deerfield Village Patio Homes, Section One	-	Volume 235, Page 124;
Deerfield Village Patio Homes, Section Two	-	Volume 243, Page 142; and
Deerfield Village Patio Homes, Section Three	-	Volume 243, page 149.

- V. **BACKGROUND/CONDITIONAL VARIANCE:** The Architectural Control Committee ("ACC") is appointed by the Deerfield Village Community Association, Inc.'s Board of Trustees (the "Board"). The Board may serve as the ACC. Section 1, Paragraph 11, 2nd sentence of the Protective Covenants provides: "*No side or rear fence, wall or hedge shall be more than six (6) feet high.*" In the recent past the ACC has allowed individual variances for adding a six (6) inch rot board, making the total fence height six (6) feet, six (6) inches as measured from the ground. It has also allowed a 2" end cap for attractiveness, for a total height of six (6) feet, eight (8) inches as measured from the ground. The Board wishes to clarify these issues with a variance (subject to the Lot owner seeking and obtaining the advance written approval of the ACC) to address the height and construction of non-perimeter fences and gates, including Driveway gates.
- VI. **DEFINITION: "Non-perimeter fences and gates"** means any and all fences and gates located on Lots or properties within the boundaries of each of the ten (10) Subdivision maps or plats described in paragraph "III" herein above, except the following: a) fences and gates located on any Common Area; b) fences and gates owned by the Association; and c) Subdivision perimeter fences and gates facing any of the following roads or streets: (i) Clay Road; (ii) Barker Cypress Road; (iii) Kieth Harrow Blvd.; and/or (iv) Windsong Trail.
- VII. **POLICIES/GUIDELINES REGARDING NON-PERIMETER FENCE STRUCTURES APPLICABLE ONLY TO LOTS IN SECTIONS ONE (1), TWO (2), THREE (3), FOUR (4), FIVE (5), SIX (6) AND EIGHT (8):** The following Association Policies/Guidelines were approved by at least a majority vote of the Board of Directors of Deerfield Village Community Association, Inc. (the "Board") at a duly called Meeting of the Board held on the 7th day of October 2019, at which Meeting a quorum was present:

The Current ACC Variance regarding Non-Perimeter fence structures is as follows:

"No side or rear fence with an end cap shall exceed eighty (80) inches in height as measured from the existing ground. This maximum measurement shall be made where the fence adjoins the house; if necessary, the fence shall be adjusted accordingly so it does not exceed eighty (80) inches in height at any point on the property. No side or rear fence without an end cap shall exceed seventy-eight (78) inches in height as measured from the existing ground. This maximum measurement shall be made where the fence adjoins the house; if necessary, the fence shall be adjusted accordingly so it does not exceed seventy-eight (78) inches in height at any point on the property. Rot Boards can be six (6) or twelve (12) inch at the bottom, provided it does not exceed the maximum height of seventy-eight (78) inches or eighty (80) inches if an end cap is used. Posts should be four (4) by four (4) or six (6) by six (6) and be pressure treated wood. Galvanized posts are allowed but must not be seen from the street or common area. Pickets must be cedar or pressure treated wood and installed on the street or common area side, so rails are not seen in any way from the street or common areas. Wrought iron fences are allowed but must use wrought iron posts and cannot be higher than the wood fence it connects with. Residents shall follow the existing contour of the lot and cannot change the elevation, although some trenching or fill-in may be necessary to level the fence, not to adversely affect drainage. Residents shall document any existing topographical deviations on their lot on the request for architectural approval."

Policy Guidelines:

Height of Fence:

- With an end cap – 80 inches maximum

- Without an end cap or a wrought iron fence – 78 inches maximum
- Base line of the maximum height is to be made where the fence adjoins the house
- Height of fence on rest of property cannot exceed the maximum height as set where fence adjoins house
- If necessary, the fence shall be adjusted accordingly so that at no point it exceeds the maximum height allowed at any point on the property
- Original elevation of the lot is the base for any height measurement
 - not the level of the ground today (e.g., due to raised beds, etc.)
- Gates are allowed to the height of the adjacent fence

Construction Details:

- Rot board of six (6) or twelve (12) inches at the bottom is allowed
- Pickets are to be installed on street or common area side so rails are not seen in any way from the street or common areas:
 - With the finished side visible from the street
- Fences are to follow the contour of the original lot and not change the elevation:
 - Elevation of the original lot is the base for any height measurement
 - not the level of the ground as it is today due to raised beds, etc.
 - Original elevation of lot is not to be changed, although minimal trenching or fill-in is allowed, as long as drainage is not adversely affected
- When installing a new fence in parallel, or to extend a fence, the fence line shall be considered to be that of the existing fence.
- Fence material allowed:
 - No wire or chain link fences are permitted
 - Wood fences can be cedar or pressure treated wood
 - Wrought iron
 - Other materials – if approved in advance and in writing by the Board
 - Posts:
 - 4x4 or 6x6 pressure treated wood posts
 - Wrought iron posts
 - Galvanized posts
 - must not be able to be seen from the street or common area
 - If in visible area must be covered and look like a wood post
 - Stain: Only natural or cedar allowed
 - Post Height:
 - Unexposed post – same height as fence
 - Exposed post - up to six inches height of pickets/panel

Driveway gates:

- Height – the same height as fence, unless otherwise approved in writing by the ACC
- Wood or wrought iron
- If used to screen what is behind, screen must be attractive, solidly attached and opaque (not see through)

NOTWITHSTANDING ANY LANGUAGE OR PROVISION CONTAINED HEREIN, ANY INSTALLATION, REPLACEMENT, CONSTRUCTION, REMOVAL, ALTERATION AND

MODIFICATIONS OF ANY FENCE(S) AND GATE(S) MUST BE APPROVED IN WRITING BY THE ACC IN ADVANCE OF INITIATING THE WORK. Any changes, modifications or amendments to these Fence and Gate Policies/Guidelines by the Association shall become effective upon being recorded in the Official Public Records of Real Property of Harris County, Texas, and shall not affect any then existing ACC approved fences and gates.

CERTIFICATION

"My name is ERIC JEAN-PAUL TOUREILLES. I am fully competent and authorized to make this Affidavit. I have personal knowledge of the facts stated herein, and they are all true and correct. I am the President of DEERFIELD VILLAGE COMMUNITY ASSOCIATION, INC. (the "Association," a Texas Non-Profit Corporation). I hereby certify that the foregoing Policies/Guidelines were adopted by at least a majority of the Association's Board of Directors, and such Policies/Guidelines have never been modified or repealed and is now in full force and effect."

DEERFIELD VILLAGE COMMUNITY
ASSOCIATION, INC. *10R*

ERIC JEAN-PAUL TOUREILLES

Printed Name: ERIC JEAN-PAUL TOUREILLES
Position Held: President

ACKNOWLEDGMENT

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

BEFORE ME, A NOTARY PUBLIC, on this day personally appeared ERIC JEAN-PAUL TOUREILLES, President of DEERFIELD VILLAGE COMMUNITY ASSOCIATION, INC., a Texas Non-Profit Corporation, known to me to be the person whose name is subscribed to the foregoing instrument and, being by me first duly sworn and declared that he executed same in the capacity and for the consideration therein expressed, and as the act and deed of such Corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the 29 day of October, 2019.



Marie Nugent
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

DEERFIELD VILLAGE COMMUNITY ASSOCIATION, INC.
Association's Policies/Guidelines Regarding Non-Perimeter Fences

Michael T Gainer Atty #11AW
104 Kelly Dr Ste C
Victoria, TX 77904 ✓
Ref: w

FILED FOR RECORD

8:00:00 AM

Wednesday, December 18, 2019



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

Wednesday, December 18, 2019



COUNTY CLERK
HARRIS COUNTY, TEXAS