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STATE OF TEXAS 90056730

COUNTY OF TRAVIS

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BEFORE ME, the undersigned authority, on this day personally appeared Blucher S. Tharp, who upon his oath stated the following:

1. My name is Blucher S. Tharp. I am the President of Cat Mountain Home Owners Association, Inc. (the Association). The Association, through the Environmental Control Committee (the ECC), is charged with responsibility for the implementation and enforcement of the policies and procedures by which plans are formulated and prepared for the construction of new homes, for the alteration of existing homes, or for any other construction that affects the exterior surface of homes or lots in Cat Mountain Villas, a planned unit development (Cat Mountain).

2. The ECC derives its authority from the Declarations of Covenants, Conditions, and Restrictions which were recorded in the Deed Records of Travis County, Texas, from time to time by the developers of Cat Mountain.


3. The real property over which the ECC has authority is more particularly described in the Declaration of Covenants, Conditions and Restrictions recorded in Vol. 5077, Page 1440 of the Deed Records of Travis County, Texas; the Declaration of Covenants, Conditions, and Restrictions recorded in Vol. 6455, Page 2288 of the Deed Records of Travis County, Texas; the Joinder of Additional Property to Declaration of Covenants, Conditions, and Restrictions recorded in Vol. 6864, Page 1018 of the Deed Records of Travis County, Texas; the Declaration of Covenants, Conditions and Restrictions recorded in Vol. 8275, Page 118 of the Deed Records of Travis County, Texas; the Joinder of Additional Property to Declaration of Covenants, Conditions and Restrictions recorded in Vol. 8275, Page 158

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of the Deed Records of Travis County, Texas; and the Affidavit recorded in Vol. 10615, page 0515 of the Real Property Records of Travis County, Texas.

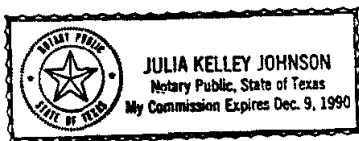
4. Attached to this Affidavit is a true copy of the Architectural Guidelines and Standards duly adopted on February 21, 1990, and presently in full force and effect for the ECC. The Architectural Guidelines and Standards For Construction in Cat Mountain Villas attached hereto supercede and replace the Architectural Guidelines and Standards For Construction in Cat Mountain Villas Subdivision recorded in Vol. 10984, page 1178 of the Real Property Records of Travis County, Texas.

5. I have personal knowledge of the foregoing facts. I am not a minor, mental incompetent, or convicted felon; and I am in all respects fully competent to testify to said facts.

  
BLUCHER S. THARP

SUBSCRIBED AND SWORN TO before me by the said Blucher S. Tharp, in his capacity as President of Cat Mountain Home Owners Association, Inc., on the 28th day of June, 1990.

  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS  
PRINTEDNAME: \_\_\_\_\_



My commission expires:  
\_\_\_\_\_

STATE OF TEXAS

COUNTY OF TRAVIS

This instrument was acknowledged before me on the 28th day of June, 1990,  
by Blucher S. Tharp, President of Cat Mountain Home Owners Association, Inc., a  
Texas corporation, on behalf of said corporation.



Julia Kelley Johnson  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS  
PRINTED NAME: \_\_\_\_\_

My commission expires:  
\_\_\_\_\_

After recording return to:

Patrice Arnold  
Arnold and Fleckman, P.C.  
406 Sterzing Street  
Austin, Texas 78704

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REAL PROPERTY RECORDS  
TRAVIS COUNTY, TEXAS

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The purpose of this document is to set forth the policies and procedures by which plans will be formulated and prepared for construction of new homes, alterations to existing homes or any other construction which affects the exterior surfaces of the house or lot.

The authority and responsibility for the implementation and enforcement of these controls rests with the Cat Mountain Home Owners Association through the Environmental Control Committee. This committee derives its authority from the DECLARATIONS OF COVENANTS, CONDITIONS, AND RESTRICTIONS which were placed on file by the developer at the time this planned unit development was created.

The committee may establish rules for the submittal and processing of plans such as a written application, multiple copies of drawings, reasonable fees, samples of materials to be used, etc.

The Board of Directors has appointed the members of the committee and the address of the committee shall be the address of the principle office of the Association, 6007 Mount Bonnell Road, Austin, Texas 78731.

The Association may move this meeting place within the confines of Travis County at its discretion.

In the event of a conflict between this document and the DECLARATIONS, the DECLARATIONS shall prevail.

#### I. CONSTRUCTION WHICH MUST BE REVIEWED BY THE COMMITTEE

- A. All construction affecting the exterior of the house and/or lot which includes, but is not limited to, initial construction of the house, and accessory building(s), garage, fence, retaining wall, mailbox, steps, awnings, trellises, decks, pools, recreational apparatus, antennas, etc.
- B. Installation of hard surfaces and/or grading of the lot which will affect existing drainage.
- C. Remodeling of existing structures which will change their original appearance as approved.

#### II. SUBMITTAL PROCEDURE

- A. Preliminary sketches must be submitted that describe the desired location of the house on the lot, the various living levels, the outside dimensions, the requested ridge line height and location and setbacks.
- B. Affected property owners (generally within 200 feet) will be mailed a notice of the pending construction and copies of the sketches will be available for review. The ECC may require installation of ridge line height poles on the lot. Affected property owner comments and those of the applicant will be heard at a hearing scheduled before the ECC within a reasonable time. Comments must be submitted in writing in order to be included in the ECC files. This requirement may be waived by the ECC if in its judgment a meeting is not justified to act on the preliminary plans.
- C. The ECC will preliminarily approve, modify, or disapprove the sketches within a reasonable time after the hearing(s) is/are complete.

#### FINAL CONSTRUCTION PLANS

- D. The applicant must submit the following for final approval:
  1. Two (2) copies of the plans and specifications.
  2. A letter from a registered Engineer, Architect or Surveyor that states that the structure described in the final plans will meet the approved ridge line heights described in the Preliminary sketches.

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FOR CONSTRUCTION IN CAT MOUNTAIN VILLAS

3. After completion a similar letter must certify that the ridge line height is in compliance with the approved plans.
- E. Final approval must be granted before construction begins.
- F. The final plans must conform to the Preliminary sketches that were approved earlier. The approved ridge line heights and other main features are to be clearly presented on the final plans submitted to the ECC.
- G. Approval of the committee does not imply that the proposed construction meets with city building codes. The committee will not knowingly approve proposed construction which is in violation of the codes.

III. DEVELOPMENT STANDARDS

- A. Zero Lot Line - In instances where the plat does not reflect a building setback on one side of the lot (zero lot line), the committee will require that the structure be built with one side, or wall, on the lot line intended for that purpose.
  1. It is the intent of these criteria to create privacy for the occupants adjacent to the "zero" side of the house.  
  
The overall design should accommodate this concept.
  2. The committee will not approve plans which include windows in the wall which are placed on the lot line (zero side).
  3. A fence or wall may be constructed on the balance of the lot line not occupied by the wall of the house. This fence must be compatible with the finish of the house.
  4. The Austin Building Code currently requires that the surfaces of a wall or roof overhang on or over the lot line ("zeroed") must have a one hour fire rating.
- B. The setbacks are noted on the plat. Note that the structure may not extend beyond the rear setback or property line into any common area. However, decks and roofs over decks may be cantilevered five feet into a common area lot or easement. These decks must not be supported outside the property line of the lot.
- C. Fences, walls or hedges exceeding six (6) feet in height will not normally be permitted. The design of the fence or wall must be approved by the committee and the structural supports of the fence, i.e. the "skeleton framing" shall not be exposed to public view. Specifics as to height and location must be approved by the committee prior to construction.
- D. Patios, Sunshades and Gazebos - In general these structures must complement the architectural features of the house. The design, materials and height will be subject to the approval of the committee.
- E. Garages and Carports - Will be approved at the time the plans for construction are submitted. Additions after construction will require a separate set of plans illustrating the method by which the structure will be integrated with the existing dwelling.
- F. Electrical and gas meters, air conditioning units, electrical panels, etc. - These items shall be screened from view and/or painted to match the existing wall or dominant color which surrounds them.
- G. Paved Areas - Walks and driveways which are exposed to the

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FOR CONSTRUCTION IN CAT MOUNTAIN VILLAS

public view shall consist of concrete (trowel finished or exposed aggregate), wood, masonry units or combinations of these.

- H. Mailboxes - Shall be designed to complement the architectural style and color of the house. Mailbox structures shall be subject to the approval of the committee.
  - I. In the event that posts or columns are used to support the structure (as on sloping sites), the underside of the building and the supports must be hidden from view by walls or acceptable covering.
  - J. The use of common areas for access to construction sites is prohibited without prior written approval of the Environmental Control Committee.
- IV. BUILDING MATERIALS - The final plan submission must include by illustration and/or printed specifications the following:
- A. Exterior surface shall be wood, masonry, stucco, or combinations of these.
    - 1. Exposed concrete block is unacceptable.
    - 2. Wood trim, siding and beams are to be stained or sealed.
    - 3. Shingle siding may be weathered.
  - B. Exposed Sheet Metal
    - 1. Gutters and downspouts shall be painted to match or blend with the colors on the house. Gutters will be required on any roof overhang which extends past the property line.
    - 2. All flashing such as at the chimney or sidewall and all metal caging at the eave line shall be painted an appropriate color to blend with the predominant color surrounding the flashing.
  - C. Roofing materials preferred are wood and clay or concrete tile. Metal roofs may be used on certain architectural designs only if painted. Built up roofs will be permitted on flat surfaces only. These following types of composition shingles are permitted: 1) Elk Prestique I; 2) Flintkote Firehalt I; 3) GAF Timberline. All of the above shall be equivalent to a 300 lb. shingle or of like quality or better. Roof pitch shall be a minimum of 4 in 12 or flat.
  - D. Walls and fences - shall be of wood, slump block, stucco, wrought iron, plexiglass panels or a continuation of the use of the same materials used on the dwelling. All fence or wall details are subject to committee approval including the colors used. Any other materials which are desired must receive a specific exception to the above by the committee.
  - E. Patio structures, sunshades, trellises, gazebos and sun decks shall utilize wood as the primary material and shall follow the architectural detailing of the house. Roofing materials shall match the materials used on the house. Any exception from this material specification shall require an exception from the committee.
  - F. Venting of plumbing, heating equipment or kitchen hoods shall be directed to the rear behind the ridge line, except in cases of conflict with city requirements. All such vents must be painted to match the color of the shingles as closely as is possible.
  - G. Antennas for the reception of electro-magnetic wave radiation shall be located inside the dwelling. Any deviation from this requirement must be granted by the committee.

ARCHITECTURAL GUIDELINES AND STANDARDS  
FOR CONSTRUCTION IN CAT MOUNTAIN VILLAS

- H. Trash containers - must be screened from public streets and adjacent properties.
- I. Drainage - It is the responsibility of each lot owner to provide for drainage from his lot so as not to create large amounts of water runoff across the lots adjacent to his.
- V. LANDSCAPING - It is mandatory that the front of each home shall be landscaped within six (6) months of completion.
- VI. CONDITIONS OF APPROVAL - Approval of the submitted plans shall be subject to the following conditions:
  - A. Construction operations on the exterior shall be confined to reasonable daylight hours. Excessive noise from interior or exterior construction is not permitted on Sundays or at night.
  - B. All debris from construction shall be properly disposed of promptly. Excess materials shall be kept in a neat and orderly condition. Trash shall be removed as needed, preferably prior to weekends.
  - C. If signs are posted by the builders and/or realtors, the sign must be clean and freshly painted and properly maintained. See Article VIII, Section 18 of the DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS for the Cat Mountain Home Owners Association for other requirements.
  - D. IF the design is changed from the plan, the committee is to be notified with a plan of the revision.
- VII. AMENDMENT PROCEDURE - These standards may be revised by the Board of Directors subject to the approval of a majority vote of the home owners attending, or represented by proxy, a duly constituted meeting complying with quorum requirements under Article VI of the ByLaws.
- VIII. GENERAL - The Committee shall have the right to permit any owner without consent of other owners to deviate from these Standards; provided such deviation is necessary in order to carry out the general purpose of Article XI of the Declaration of Covenants, Conditions and Restrictions and it is approved by the Board of Directors.

This revised edition of the Architectural Guidelines and Standards for Construction in Cat Mountain Villas Subdivision was approved by the Board of Directors and the Cat Mountain Home Owners Association, Inc. on February 21, 1990.

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DANA DEBEAUVOIR  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

STATE OF TEXAS COUNTY OF TRAVIS  
I hereby certify that this instrument was FILED on  
the date and at the time stamped herein by me, and  
was duly RECORDED, in the Volume and Page of the  
above RECORDS of Travis County, Texas, on

JUL 3 1990



*Dana Debeauvoir*  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

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REAL PROPERTY RECORDS  
TRAVIS COUNTY, TEXAS

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