

DEED RESTRICTIONS and the ARCHITECTURAL COMMITTEE APPLICATION PROCESS

The purpose of this document is to assist you, a resident of The Club at Wells Point, in planning and completing your next project efficiently and appropriately, and to help give you a better understanding of our Deed Restrictions. The complete regulations are available for review in the Declaration of Covenants, Conditions and Restrictions, (commonly referred to as the DCCR, covenants, or deed restrictions), located in your Owners Association Information Book or online at www.theclubatwellspoint.org.

What does the Architectural Committee do?

The Architectural Committee (AC) is made up of three volunteer residents of the neighborhood as appointed by the Homeowners Association (HOA) Board of Directors according to the DCCR. The Architectural Committee's primary goal is to assist residents in complying with the deed restrictions so that the entire neighborhood benefits from both a consistent quality of life as well as whatever improvements our neighbors choose to make. In doing so, the AC reviews and approves all plans and specifications for improvements upon the property that are submitted with the Architectural Committee Improvement Application and enforces compliance of the Deed Restrictions.

What are Deed Restrictions?

Deed Restrictions (often referred to in newsletters and correspondence as "DCCR" which stands for *Declaration of Covenants, Conditions and Restrictions*, or as "Covenants") are a set of legally enforceable rules and regulations about the use of the land or lot and residence. They are not something legislated by Government or by the local planning or zoning authority, although, before they were attached to the title to the land, the Deed Restrictions had to be filed with a government agency. Deed Restrictions "run with the title to the land" which means that they are a part of your rights and a part of your obligations when you own a property that has them. Every buyer of property in The Club at Wells Point agreed in writing to abide by the Deed Restrictions as a part of buying their property.

The original developers of **THE CLUB AT WELLS POINT** had in mind a subdivision with up-scale lots and residences and a neighborhood enhanced with a common area and amenity center for the enjoyment of all owners. They also wanted buyers of these lots to have the assurance that the subdivision would maintain its beauty and its value. They aimed to preserve the up-scale character of the lots, and to provide for maintenance of the common areas within the subdivision. In order to do these things, they wrote a set of Deed Restrictions by which all owners of lots within **THE CLUB AT WELLS POINT** would abide. While these restrictions include some things that resemble local zoning, they also include many specific things that are not found in zoning - that only one home may be built on each lot; that no lot may be primarily used for commercial purposes; that no junk cars or other garbage would be kept on any lot; that property improvements will follow certain standards and be approved by the Homeowners Association and that all owners within the subdivision will contribute equally to the cost of maintaining the common areas. Most people who own lots in deed-restricted neighborhoods are generally pleased with the restrictions since they tend to ensure that values are maintained and enhanced and that the area will stay fresh, clean and quiet. Deed Restrictions give them the assurance they will not discover that a noisy business has opened outside their bedroom window, or that a fragrant livestock operation has moved in next door. In short, these Deed Restrictions are intended to provide and maintain a high quality community.

What is the first step in the Architectural Committee Improvement Application process?

What do you want to do? In general, if you are considering adding, remodeling, changing, or fixing anything on your property, refer to your Owners Association Information Book, under Article 2 – General Restrictions, that was mailed to you after you purchased your home or check with the AC to see if you need an application. This does not take away your responsibility to check with the Pflugerville Building Department to see if you need a permit for your planned improvements. Examples of improvement projects that require AC approval include but are not limited to - change of exterior paint color, new roof, flowerbed retaining walls, pond, pool, fountain, statuary, sprinkler system, fence, fence stain, trashcan screen, patio cover, deck/patio, enclosed patio/sunroom, sidewalk, outbuilding/shed, playscape, outdoor lighting/lamppost, permanent basketball goal, extensive change to landscaping.

What is an AC Application?

An AC Application is a document that authorizes you to do a specific activity, whether you do the work yourself or hire a contractor. It basically allows you to do the landscape improvement, addition, remodel, or change of whatever you have specified on your application. It also ensures that the work you do, as well as the work others do, will be safe and aesthetically pleasing.

Submitting an AC Application is a way to protect yourself as well as your neighbors. Submitting an AC Application controls "who can put what where." An AC Application helps to ensure that what you are building is in the right place and won't fall down in the first rainstorm.

Is there an AC Application fee?

No, there is no fee or other cost to submit the application.

Do I need a permit from the City of Pflugerville?

You may be surprised but, in most cases, the answer is yes. Some examples are listed below. If you don't see the project you are doing listed here, be sure to call the Pflugerville Building Department at (512) 252-8469.

Some examples of projects that require a permit are:

- Remodels
- Adding on new rooms
- Roofing
- Siding or brick veneer
- Decks, Patios
- Solar Panels / Photovoltaic Systems
- Patio Covers
- Driveways
- Sidewalks and other concrete work
- Sprinkler Systems
- Swimming pools
- Spas
- Water heaters
- Most air conditioning or heating systems
- Fireplaces
- Demolition
- Most plumbing work
- Electrical repair and/or replacement
- Sheds or other accessory buildings, whether you are building or moving one in

What happens if I work without an AC Application?

Working without an **approved AC Application** may result in a Stop Work Order being issued on your project. A Stop Work Order is a document specifying that the project has no AC Application on file, and no work is to be done until an **approved AC Application** is issued from the AC. You may also be visited by a member of the AC or by a representative of the management company. You will be asked to stop working until you submit an AC Application and get an approval from the AC.

Costs involved with pursuing compliance will be added to the resident's account according to provisions in the DCCR and billed along with the dues as a special individual assessment. These costs include costs in providing non-compliance notices, costs involving management company visits, and attorney and legal costs.

What if my project was completed with out an AC Application?

Your project is considered to be out of compliance with the DCCRs without an approved AC Application on file. You will need to submit an AC Application for the already-completed project to the AC in order to be in compliance. Costs involved with pursuing compliance will be billed according to provisions in the DCCR, added to the resident/owner's account and billed by the Management Company along with the regular dues billing. If any part of the project does not meet the requirements of the DCCRs, you will be responsible for making the necessary

corrections before you can receive an approval from the AC. An unpaid balance in a resident's account can be filed as a lien on the property, and Resale Certificates, required at closing for selling a property in a HOA neighborhood, will not be issued if a property is out of compliance.

Okay. So I need to send in an AC Application. How do I get one and then what do I do?

The AC Application can be found on our website at www.theclubatwellspoint.org.

In general, you will need to provide the following information:

One (1) copy of each (Items 1 - 4):

1. A plat plan/survey showing the location and dimensions (including elevation) of all existing and proposed Improvements.
2. Existing and finished grades shall be shown at Lot corners and at corners of proposed Improvements. Lot drainage provisions shall be indicated, as well as cut and fill details, if any appreciable change in the Lot contour is contemplated.
3. The structural design, exterior elevations, exterior materials, colors, textures and shapes of all Improvements shall be described, along with any diagrams or representations necessary to depict all proposed exterior illumination (including location and method), utility connections and fire protection systems. Attach: paint/stain color samples - brochure with pictures of project.
4. The name of the contractor(s) who will perform the work. If the work is to be performed by the property owner/resident, please so indicate.

The better you document your project plan, the easier it will be for the AC to review your project. It will also make it easier to obtain a permit from the city if one is required for your project. The AC may request additional information if your AC Application does not sufficiently describe your project, which could delay the review process.

Examples: If you are changing the color of your house or staining your fence, obtain color samples to attach to your AC Application. Submitting only the name of your colors without color samples will only delay the process.

If you are planning to build a patio cover or a shed, obtain pictures or drawings. Companies usually have pictures or drawings available. List the types of materials you are planning to use for your project.

Draw your project on a sheet of paper and put notes to explain key areas of interest, like height, length, and distance from property line, etc. Also draw the location of the project on your plat plan/survey.

Example: I would like to build a patio cover that is 26 feet long and extends 13 feet out from the house. The shingles will match the existing shingles of the house; the trim paint color will match the paint color of the house; the posts will be bricked with the same type brick as the house. The attached picture/sketch and lot drawing indicate the style and the location on my property of the proposed patio cover.

What do I do after I get all the AC application information together?

Send all AC Application information via mail, fax, or email to: The Club at Wells Point Owners Association
Architectural Committee
c/o Prism Realty Management
201 S. Lakeline Blvd. #504
Cedar Park, TX 78613

Fax: 888-908-8827

Email: info@prismrp.com

After sending in your AC Application, please wait for a response from the AC before beginning the project.

What is an application review?

An application review is where the AC checks to see if your proposed improvement project complies with the DCCRs that The Club at Wells Point Owners Association has adopted. If the discrepancies are minor, the plans will be approved with corrections. If the discrepancies are major, the plans will not be approved and the entire plan review packet will be returned to you. You will then need to make the corrections required and resubmit the AC Application.

How long does an application review take?

Please allow 2-4 weeks for processing applications. If you are not contacted within 5 working days from submittal, an email follow-up to the property manager is recommended. The time an application review takes depends on the size of the project and the volume of application reviews needing to be done.

Can I start my project while I'm waiting for an application review?

No. You still haven't received an approval from the AC. Working without an approval, even if your application is in plan review, may result in a Stop Work Order. Costs involved with pursuing compliance will be added to the resident/owner's account and billed by the management company along with the regular dues billing.

What happens after the applications are reviewed?

After you turn in an AC Application for review, you will be sent a letter notifying you if it has or has not been approved. If it has been approved, you will be allowed to begin your project. If the plans have not been approved, your AC Application will be returned to you with a written explanation why your project could not be approved. The AC may also provide you with recommendations for changes to your plan that would allow the AC to reconsider your plan. You may submit a revised plan at any time for consideration by the AC.

But what if I'm in a hurry and I need to get my project started immediately?

Planning ahead is always the best idea, but the AC is willing to work with you. You still need to fill out an AC Application and gather the information needed. The AC will do their best to expedite the application review process to give you their decision.

Can I do the work myself or do I need to hire a contractor?

You can do the work yourself, with no outside contractors. Although doing the work yourself may sound like a great deal, make sure you are not biting off more than you can chew.

Do I need inspections on my project?

Each major project will have at least one inspection (i.e., room additions, storage sheds, patio covers, ponds, etc.).

What inspections do I need?

When the AC Application is reviewed and approved, the comments page will have a list of possible inspections for any project.

Why do I need an inspection?

Inspections ensure the project you are doing is compliant with the DCCRs. Inspections protect you, your neighbors, and the people who may live in your house after you.

How do I let the AC know I am ready for my inspection?

You may call, write or e-mail the AC to set up a date and time for the inspection.

What if I requested an inspection but now I'm not ready? Can I cancel an inspection?

Yes. If you notify the AC before the day the inspection is scheduled, the inspection will be canceled and another inspection date will be set up.

Do I need to be home for the inspection?

In most cases, the answer is no. For all inspections that do not require entry into the house or backyard, you do not need to meet with the AC. However, if the AC needs to inspect any part of the house that you have control of, someone will need to meet with them.

How will I know if I have any corrections required on my project?

The AC will send you a letter stating what corrections need to be made.

What do you mean by 'violation' or 'out of compliance'?

If you have changed the appearance of the exterior of your house or property without submitting an AC Application, you are considered to be in violation of the DCCRs, or out of compliance with the DCCRs. Other examples of being in violation or out of compliance are: leaving your garbage can or recycling bin out in view; not mowing your lawn; letting weeds take over your lawn; too many cars parked on the driveway, etc.

What happens if I am in violation or out of compliance?

First, at the time of the violation or non-compliance, you will receive a notice stating what the violation is. You are expected to correct most out of compliance issues as soon as possible after receipt of the notice. You will have 10 days to correct an unauthorized improvement violation. If after 10 days you have not corrected the violation or non-compliance, you will receive a second notice offering a hearing before the Homeowners Board. If after your second notice you still have not corrected the violation, you will receive a demand letter from an attorney representing the Owners Association, and costs will be billed to you.