

To: Property owners and residents of Kirby Woods

Since Hurricane Ike in September of 2008, KirbyWoods has undergone some changes in who now resides in our subdivision. The Board of Directors of the KirbyWoods Property Owners Association (KWPOA) believes that some of the residents of our subdivision may not be aware of the KirbyWoods deed restrictions that were established to protect the property values here in the subdivision.

All KWPOA governing documents have been posted to our subdivision's web site at www.kirbywoods.com. Click on "Residents" at the top of the display, then click on KirbyWoods POA Governing Documents, or one of the other links to see the following:

- Articles of Incorporation (AOI) of the KWPOA – original circa 1990
- Bylaws of the KWPOA – original circa 1990
- Declaration of Covenants, Conditions and Restrictions (DCCRs) – original circa 1990
- Amended and Restated Declaration of Covenants, Conditions, and Restrictions – circa 2010
- The legal filing that lists just the "from – to" changes made to the DCCRs – circa 2010
- "2011 POA Reform Laws for Texas," from Sharon Reuler's Report, June 5, 2011
 - KWPOA Records Retention Policy – circa 2011
 - KWPOA Payment Plan Policy – circa 2011
 - KWPOA Regulation of solar panels, roof shingles, flags, flag poles, religious items and rain barrels

We encourage each property owner or resident to visit the subdivision's website to read the above documents in order to better understand the deed restrictions currently in force, especially since changes are made occasionally to accommodate local, state and federal laws. As a convenience to the owner or resident, we developed and attached a "Quick Reference Guide" to our governance and restrictions. (This Quick Reference Guide in no circumstance supersedes the authorities defined in the official documentation governing KWPOA, and any omissions in the Quick Reference Guide are not to be construed as a waiver of the restrictions defined in the official KWPOA documentation.)

If you have any questions or would like clarifications about the KirbyWoods deed restrictions or other governance documents, please contact a member of the Board of Directors, or a member of the Architectural Control Committee.

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| | II. | Restrictions |
| | II.2.01 | Purpose restrictions: |
| | | <ul style="list-style-type: none"> Lots and dwellings shall be used for single family residential purposes, only. No building or other improvement at any time situated on any Lot shall be used for any business, commercial, amusement, hospital, sanitarium, school, clubhouse, religious, charitable, philanthropic or manufacturing purposes, or as a professional office. |
| | II.2.02 | Parking restrictions: |
| | | <ul style="list-style-type: none"> No vehicles may park on paved streets overnight. (TLV city ordinance also prohibits overnight parking on paved streets and is enforced. Please contact TLV dispatch for temporary exceptions) |
| | | <ul style="list-style-type: none"> No vehicle, boat or trailer can be parked on any part of the un-paved Land |
| | | <ul style="list-style-type: none"> 5-day limit on boats, motorized recreational vehicles, or trailers requiring registration unless concealed from view |
| | | <ul style="list-style-type: none"> No commercial vehicles except those present on business to serve the dwelling. |
| | | <ul style="list-style-type: none"> Motorcycles, bicycles, tricycles, scooters or similar type vehicles must be parked inside garages and concealed from view |
| | II.2.04 | Sign restrictions: |
| | | <ul style="list-style-type: none"> No sign will be allowed to be displayed for more than 3 months without written permission from the Board |
| | II.2.06 | Aerial restrictions: |
| | | <ul style="list-style-type: none"> No external radio or television mast, tower, pole, wire, aerial, satellite receiving station, antenna or appurtenances thereto shall be maintained on the exterior of any dwelling or any portion of any Lot |
| | | <ul style="list-style-type: none"> Exception: One satellite dish or similar reception device per Lot |
| | II.2.07 | Animal restrictions: |
| | | <ul style="list-style-type: none"> Domestic breeds of birds, dogs, cats and fish are allowed. Leashes are required. (Leashes are also required per TLV city ordinance.) |
| | | <ul style="list-style-type: none"> No horses, mules, donkeys, burrows, cattle, sheep, goats, swine, rodents, reptiles, pigeons, pheasants, game birds, game fowl, poultry or guineas can be kept, permitted, raised or maintained on any Lot |
| | II.2.08 | Nuisances |
| | | <ul style="list-style-type: none"> No recreational use of motorized vehicles (ATV's, motorcycles, motor scooters, golf carts, etc..) |
| | | <ul style="list-style-type: none"> No fires for burning of trash, leaves or debris |
| | | <ul style="list-style-type: none"> No radio, stereo or loudspeaker placed upon, outside or directed outside of the dwelling. |
| | II.2.10 | Clothes Drying |
| | | <ul style="list-style-type: none"> The drying of clothes in public view is prohibited. |
| | | <ul style="list-style-type: none"> Includes guidance for clotheslines. |
| | II.2.11 | Fences |
| | | <ul style="list-style-type: none"> Must be approved by the Architectural Control Committee (ACC). |

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| | | <ul style="list-style-type: none"> Maximum height of 7 feet |
| | | <ul style="list-style-type: none"> Installation: must be installed with posts on the inside of the lot |
| | | <ul style="list-style-type: none"> Landscaping buffers: shall be at least one-half of the fence height, and allowed to grow to a maximum of fence height |
| | | <ul style="list-style-type: none"> Materials: must be of brick, cedar, cypress, or other suitable wood material, wrought iron (gates only), or aluminum manufactured to simulate wrought iron (gates only). No chain link fences. |
| | | <ul style="list-style-type: none"> KWPOA shall maintain fences and/or walls around the perimeter of the Development (subdivision) |
| | II.2.12 | Lot Maintenance |
| | | <ul style="list-style-type: none"> Owner of each Lot, at his own expense, shall keep such Lot at all times in a neat and attractive condition. |
| | | <ul style="list-style-type: none"> No tree, shrub or plant of any kind shall be allowed to encroach upon any sidewalk or other pedestrian way from ground level to a height of seven feet. |
| | II.2.17 | Outside Lighting |
| | | <ul style="list-style-type: none"> All outside lights on Lots shall be in accordance with an outside lighting plan as originally established when the Dwelling was constructed or as provided by written approval of the Architectural Control Committee. |
| | II.2.19 | Dwellings: |
| | | <ul style="list-style-type: none"> minimum square area, % of lot, roof materials and pitch (4' by 12'), |
| | | <ul style="list-style-type: none"> All landscaping additions and changes must receive prior written approval from the ACC |
| | | <ul style="list-style-type: none"> Basketball Goals – The installation of basketball goals, backboards or hoops must receive written approval from the ACC prior to installation. |
| | | <ul style="list-style-type: none"> Sidewalks – Owner of a Lot shall, in connection with the construction of any improvements on said Lot, also construct a concrete sidewalk four feet in width across the entire street frontage of such Lot, and the location, design and finish of such sidewalk shall be in conformity with the other sidewalks in the Development as approved by the ACC. |
| | II.2.21 | Use of Accessory Structure |
| | | No structure shall be erected or allowed on the premises for any residential purpose (includes trailers, tents, shacks, garages) |
| | II.2.22 | Windows, Doors and Screens |
| | | <ul style="list-style-type: none"> All windows, with the exception of upper panels of a palladium window, shall be covered on the interior of the related Dwelling by blinds, shades, drapes or other appropriate window coverings. |
| | | <ul style="list-style-type: none"> Windows shall not be covered with sheets, bedspreads, newspaper or foil. |
| | | <ul style="list-style-type: none"> Garage doors: all shall be kept fully closed except when opened temporarily for ingress and egress. |
| | II.2.23 | Window Air Conditioners |
| | | <ul style="list-style-type: none"> No window air conditioners shall be installed or permitted in or on a Dwelling |
| | II.2.24 | Ancillary Equipment (water treatment tanks, pool equipment, HVAC equipment, barbeque grills, etc..) |
| | | <ul style="list-style-type: none"> Shall be suitably screened so as not to be visible from the street or adjacent lots |

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| | II.2.26 | Swimming pools |
| | | <ul style="list-style-type: none"> • Authorization in writing by the KWPOA ACC is required by TLV prior to issuing a building permit. |
| | II.2.27 | Sprinkler Systems |
| | | All lots must have 100% underground sprinkler coverage in front and side areas and must be maintained in operable condition. |
| | II.2.28 | Refuse Collection |
| | | All trash containers (includes recycling) shall not be visible from the street unless placed for pickup. |
| | | Trash containers should not be placed for pickup until after 5:00 pm the evening before (Monday and Thursday nights) pickup Tuesdays and Fridays. |
| | | Trash containers shall be returned to their normal (not visible) location before 8:00 pm the evening of the pick-up |
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| | V. | Architectural Control Committee (ACC) |
| | V.5.02 | ACC Authority |
| | | <ul style="list-style-type: none"> • No exterior changes, additions, or alterations, including exterior coloring, to any Dwelling or other structure in the Development [subdivision] shall be commenced or erected until same is approved by the ACC. This includes changes such as additional fences or changes in existing fences, hedges, walls, walkways and other structures. |
| | V.5.03 | ACC Committee Approval |
| | | <ul style="list-style-type: none"> • No changes, alterations, additions, reconstruction or attachments of any nature whatsoever shall be made to any Lot or Dwelling (except as to the interior of the Dwelling), including that portion of any Lot not occupied by the Dwelling, until the plans and specifications showing the nature, kind, shape, height and materials are submitted to and approved by the ACC in writing. |
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| Regulation of Solar Panels, Roof Shingles, Flags, Flag Poles, Religious Items and Rain Barrels for KirbyWoods | | |
| (Note: These regulations are consistent with recent state legislation impacting all property owners associations in Texas.) | | |
| | I. | Solar Panels – The owner shall first apply to and receive written approval from the ACC prior to the installation of any solar panels or other solar items. |
| | II. | Roof Shingles – An Owner must obtain prior written authorization of the ACC to place or install any type of shingle or roofing material on the exterior of any improvement located on a Lot with the Subdivision. |
| | III. | Flag display and installation of a flag pole –permitted flags may NOT be draped over or attached directly to structure such as a fence or garage door. |
| | | <ul style="list-style-type: none"> • Flag pole installation (attached or free standing) – Owner shall first apply to and receive written approval from the ACC prior to installation of any flag pole |
| | | <ul style="list-style-type: none"> • Permitted flags – United States Flag, a Texas State Flag, or a replica flag of any branch of the United States Armed Forces, displayed in accordance with national or state flag protocols (see 4 U.S.C. Sections 5-10, and Chapter 3100 of the Texas Government Code) |

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| | | <ul style="list-style-type: none"> • Flag pole and display – must conform to all setbacks, easements, and zoning ordinances. |
| | | <ul style="list-style-type: none"> • Free standing flag poles – limited to one per Lot, must be commercially produced, cannot be home-made, or constructed of wood or plastic, may not be taller than 20 feet including ornamental cap, and flags are limited in size to 3'X5'. |
| | | <ul style="list-style-type: none"> • Attached flag pole – limited to one per Lot, no more than 6' long, attached securely at 30 – 45 degrees from vertical, in a location approved by the ACC, of long lasting material and a finish appropriate to the material and harmonious with the Dwelling. |
| | | <ul style="list-style-type: none"> • Lighting – must request and receive ACC approval prior to installation |
| | | <ul style="list-style-type: none"> • Noise – flag poles shall not generate unreasonable noise levels |
| | | <ul style="list-style-type: none"> • Removal – Flag poles are permitted solely for the purpose of displaying Permitted Flags. If a flag pole is no longer used on a daily basis it shall be removed by the Owner. |
| | IV. | Religious items |
| | | <ul style="list-style-type: none"> • Location – The religious item must be located on the entry door or entry door frame and cannot extend past the outer edge of the door frame of the dwelling. |
| | | <ul style="list-style-type: none"> • Maximum space – The maximum space allotted to a religious item or combination of religious items shall be no more than 25 square inches. |
| | V. | Rainwater Recovery Barrels or Systems |
| | | <ul style="list-style-type: none"> • Owner shall first apply to and receive written approval from the ACC prior to installation of any Barrels / Systems |
| | | <ul style="list-style-type: none"> • Color – The barrels/system must be of a color that is consistent with the color scheme of the owner's home. |
| | | <ul style="list-style-type: none"> • Screening – Screening may be accomplished by an approved solid fence, structure or vegetation, by burying, or by placing the equipment in an outbuilding approved by the ACC. |
| | | <ul style="list-style-type: none"> • Harvested water – Harvested water must be used and is not allowed to become stagnant or a threat to health. |