

**APRIL POINT NORTH, SECTION FIVE ASSOCIATION  
COUNCIL OF CO-OWNERS  
(REVISED DECEMBER 2022)**

**PROPERTY RULES**

This Resolution of the Board of Directors of **April Point North, Section Five Association Council of Co-Owners**, a condominium unit owners association (the "Association") is hereby adopted on this the 7<sup>th</sup> day of December, 2022, for the below-referenced purposes:

**WITNESSETH:**

**WHEREAS**, the Association is the unit owners association for owners of units in the April Point North, Section Five condominium regime, (the "Condominium"); and

**WHEREAS**, the Condominium is subject to certain dedications, covenants and restrictions (the "Declaration") as set out in that instrument entitled Condominium Declaration for April Point North, Section Five, and recorded in the Official Public Records of Real Property of Montgomery County, Texas, as follows: *Condominium Declaration* - Clerk's File No. 78-06432 and *Amendment to Condominium Declaration* - Clerk's File No. 2022-049774; and

**WHEREAS**, pursuant to Chapters 81 and 82 of the TEXAS PROPERTY CODE, the Association is authorized, through its Board of Directors, to regulate the use, maintenance, repair, replacement, modification and appearance of the Condominium, and to adopt and amend rules and regulations concerning the maintenance, repair, modification and appearance of the units and common elements; and

**WHEREAS**, the Board of Directors of the Association desires, pursuant to the authority set out in the Declaration and Chapters 81 and 82 of the TEXAS PROPERTY CODE, to promulgate, establish, and set rules and regulations governing the maintenance, repair, modification and appearance of the units within the Condominium; and

**WHEREAS**, as set out in these regulations, the Board of Directors of the Association is attempting to set out uniform rules which are applicable to all of the unit owners in the Condominium, and which are intended to be uniformly enforced by the Association;

**NOW, THEREFORE**, for purposes of promulgating, establishing and adopting, rules, regulations and guidelines concerning the maintenance, repair, modification and appearance of the units within the Condominium, be it

**RESOLVED** by the Board of Directors of the April Point North, Section Five Association Council of Co-Owners, as follows:

**WARNING: THESE RULES & REGULATIONS ARE ENFORCED. A MINIMUM FINE OF \$100 PER OCCURRENCE MAY BE IMPOSED ON ANY UNIT OWNER AND/OR GUEST WHO VIOLATES THESE RULES & REGULATIONS. PLEASE REPORT ALL VIOLATIONS TO THE ASSOCIATION PROPERTY MANAGER.**

## **PARKING:**

Each owner/tenant has two parking spaces that are marked for their use. An owner/tenant is not permitted to park in any space other than the spaces designated for their use. *Visitor designated parking spaces are solely for use by visitors and are not for continued use by residents or their guests without prior management approval.*

## **VEHICLES:**

Inoperable vehicles may not be parked in April Point North, Section Five. No vehicle maintenance or repair shall be allowed to take place in April Point North, Section Five with the exception of emergency repair such as changing a flat tire or battery charge.

Boats, trailers, jet skis, and/or motor homes are not permitted to be parked in April Point North, Section Five.

## **PETS:**

April Point North, Section Five and Montgomery County require pets to be leashed at all times when outside. This includes cats. At all times, leashed animals must be with a handler that is capable of controlling the animal. Call Security at 936-588-1442 to report pets loose on the property.

Only dogs and cats shall be permitted to be kept or maintained within a unit, without the express written consent of the Board of Directors. The Board of Directors shall have the right, but not the obligation, to approve other pets or animals within the units. Owners shall be permitted to keep and maintain in the Owner's unit a maximum of two (2) dogs and two (2) cats; provided however, any Owner who owns more than the permitted number of dogs or cats on the effective date of these Rules shall be grandfathered from this limitation, and shall be permitted to keep and maintain the additional dogs or cats until the pets are deceased, or until the pets are relocated from the Condominium regime. After the death of such pets, or the relocation of the pets, the Owner shall be subject to the quantity limitations set forth in these Rules. Owners may make written application to the Board of Directors for permission to keep and maintain additional dogs and cats owned by a guests or invitees of the Owner for a reasonable period of time. The Board shall have sole discretion to permit such a request, under terms and conditions, and for a period of time determined by the Board, said permission to be evidenced in writing.

Owner and guests are required to pick up and properly dispose of their pet(s) waste or face possible association fines. **Owners are responsible for any damage to common areas by their pets.**

Pets shall be kept in a manner that does not unreasonably disturb another resident's rest or peaceful enjoyment of April Point North, Section Five. Pet owners shall ensure their pets do not bark, howl, whine or otherwise disturb other residents for an extended or repeated period of time.

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No pets may be permanently contained on any porch or balcony. No pets can be tethered or staked anywhere on Association property. **No pet doors or crates are allowed on porches.**

No resident may keep an animal that may be a potential threat to the well-being of people or other animals (dangerous animal). For purposes of this rule, a dangerous animal includes but is not limited to an animal which has attacked, inflicted serious injury to or killed a human being or domestic animal without provocation, or has demonstrated behavior that is indicative of the intent to attack a person or another pet without provocation. Further, the Association specifically prohibits pet ownership or possession within any Unit or on the Condominium property, of "pit bulls" dogs, which is not a specific breed of dog, but these types of dogs generally can exhibit a threat to the well-being of people and other animals. "Pit bull" is a term which includes a number of different dog breeds and mixed breed dogs; however, it usually includes American Pit Bull Terriers and Staffordshire Bull Terriers.

Do not feed feral animals. If you feed it, you own it and pet ownership rules and restrictions apply. All animals must be kept inside and be on a leash while walked outside. *We do have problems with feral animals. Leaving food out could also attract insects and rodents.*

**In the event an Owner violates any of the rules contained herein regarding the keeping or maintaining of pets, the Board of Directors, in its sole discretion, shall have a right to require that such pets be removed from the unit and the condominium regime.**

#### **BALCONIES AND PORCHES:**

Balconies and porches must be kept neat and clear of unsightly items including laundry, rugs, bicycles, exercise equipment, ladders, boxes, etc., hanging from railings or stored on porches.

**Balcony porches and screens must be kept in good repair and painted when faded. Sagging screens must be tightened if possible, or replaced.**

No changes or additions to balcony porches are allowed except by board approval. **No lattice or fencing is allowed.** Screening, roofing, gates, doors, etc. may not be added, altered, or replaced without prior management consent.

**No types of barbeque grills, smokers, candles, or heating devices of any kind are permitted to be used or stored on balcony porches. All cooking, smoking, or heating devices must be operated a minimum of 10 feet from any building.** Damage caused by a fire started by any cooking, smoking, or heating device in violation of this policy, will not be covered by insurance and will be the responsibility of the tenant responsible for the fire and may be subject to criminal prosecution. *No combustible or flammable substance may be stored or used on balconies and porches.* Any violation of this rule will be acted upon immediately.

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**Balcony porches must be kept free of clutter** and should contain only porch type furnishings, *e.g.*, tables, chairs, plants, blinds, etc. These should be in good condition and may be reviewed by the Board whether appropriate.

#### **WINDOWS:**

Window coverings should be that specifically designed for windows, such as blinds, screens, curtains, drapes, etc., and must be kept in good repair if visible to the outside of your unit. Towels, sheets, aluminum foil, etc., may not be used as window covering if they are visible to the outside of your unit. This is subject to Board review whether appropriate.

#### **COMMON AREAS:**

Holiday decorations may be displayed on the porches, balconies and doors beginning no more than 45 days before the holiday and must be removed within 15 days after the holiday.

Picnic tables, **chairs of any kind**, decorative ornaments, and signs of any kind are not permitted on the common grounds without the prior consent of management.

Riding of bicycles, tricycles, skateboards, kiddie cars, rollerblades/skates or the like is not allowed on April Point North, Section Five property nor may these types of items be left on the common grounds.

Potted plants or planting of flowers, shrubs, herbs, etc., in the common areas are not permitted without prior management approval.

No items may be affixed to any part of the building that is commonly owned without prior management consent.

Air conditioning units may be replaced without prior approval so long as the new air conditioning unit is placed in the same location as the previous unit. *No window air conditioning units are allowed* with the exception of being used while maintenance is being performed on the unit's main air conditioner. The time limit that a window air conditioning unit will be allowed is 15 days and will not be extended except by management approval, or in cases of mass power outages (storms, hurricanes, etc.).

Watering hoses may remain connected when not in use as long as they remain neatly coiled and do not present a safety hazard (tripping).

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## **PLUMBING:**

Garbage disposals use common drains. Use your disposal for table scraps only and run water at the same time. Do not put bones, onion or celery peelings, grease, etc., through the disposal.

Protection of water pipes and outside faucets from leaks and cold weather damage are the owner/tenant's responsibility.

When leaving your unit do not leave your dishwasher, washing machine or dryer running.

## **BUILDING STRUCTURE MAINTENANCE:**

Report any roof leaks, foundation issues, or other emergencies related to association property to management as soon as possible.

## **INTERIOR IMPROVEMENTS AND MAINTENANCE:**

Upstairs units must request approval from the Board before replacing or installing any type of flooring material.

Any owner whose lack of maintenance or improper maintenance causes damage to the common elements or neighboring units will be assessed the cost of such damage or repairs, and may be subject to fines.

## **GARBAGE:**

All garbage must be bagged and placed in the provided containers. In no instance should items such as furniture, lumber, bathroom fixtures, paint cans, flammable materials, etc., be left in the garbage containers. It is up to the owner/tenant to properly dispose of these type items.

## **TENANTS:**

In cases where a unit is leased, it is the unit owner's responsibility to ensure their tenant is abiding by all rules and restrictions. Unit owners are responsible for fines and assessments accumulated by tenants and cohabitants of a unit.

## **NUISANCES:**

No activity shall be conducted on the property, which in the judgment of the Board, might reasonably be considered as annoying to neighbors of ordinary sensibilities, or might be reasonably calculated to reduce the desirability of the property for quality living. **Yelling, cussing, or loud talking in common areas is not allowed and is subject to fines.**

## **FINES FOR INFRACTIONS:**

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A first notice may be delivered verbally and/or by letter to the owner/resident describing the violation or infraction. The owner/resident will typically have 10 days to cure. If the violation is not cured within 10 days, a second notice will be sent by certified mail which (1) describes the violation and states the amount of the proposed fine; (2) states that not later than the 30<sup>th</sup> day after the date of the notice, the unit owner may request a hearing before the board to contest the fine; and (3) allows the unit owner a reasonable time, by a specified date, to cure the violation and avoid the fine unless the owner was given notice and a reasonable opportunity to cure a similar violation within the preceding 12 months. The fine amount shall be a minimum fine of \$100, and may be imposed on the owner's account each month until the violation is cured. After the levy of the fine, the owner shall be given notice of the fine not later than 30 days after the date of levy.

Owner(s) or their resident(s) violating any rule or policy not specifically mentioned in these documents, but listed elsewhere in the Condominium Declaration or Bylaws are subject to the same penalties. All costs and expenses necessary to enforce compliance of the April Point North, Section Five governing documents will be charged to the account of the owner. Some violations may warrant a shorter time period to cure and/or immediate action from the Board without giving the owner notice and an opportunity to cure. In such instances the Board, in its sole discretion, may not follow the enforcement procedures above.

Nothing herein shall be construed to limit the remedies of April Point North, Section Five, and it shall be entitled to enforce all Declaration provisions, bylaws, and/or rules in any manner permitted by law.

#### **SUGGESTIONS:**

The April Point North, Section Five Board of Administrators and Management is tasked not only with keeping our community a pleasant and attractive place to reside but also keeping our property values intact. We welcome suggestions and recommendations from our property owners.

Adopted by the Board of Directors this 13<sup>th</sup> day of December, 2022.

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*Rosemary Elia*

President

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**E-FILED FOR RECORD**

**01/03/2023 03:51PM**



*L. Brandon Steinmann*

County Clerk,  
Montgomery County, Texas

**STATE OF TEXAS,  
COUNTY OF MONTGOMERY**

I hereby certify that this instrument was e-filed in the file number  
sequence on the date and time stamped herein  
by me and was duly e-RECORDED in the Official Public  
Records of Montgomery County, Texas.

**01/03/2023**



*L. Brandon Steinmann*

County Clerk,  
Montgomery County, Texas

**CORPORATE CERTIFICATE**  
**APRIL POINT NORTH SECTION FIVE COUNCIL OF CO-OWNERS**

The undersigned certifies that he is the Attorney for APRIL POINT NORTH, SECTION FIVE COUNCIL OF CO-OWNERS (the "Association"). The Association is the unit owners' association for April Point North, Section Five, a condominium regime in Montgomery County, Texas, according to the map or plat thereof recorded in the Declaration filed in Montgomery County, Texas.

The Association is a Texas non-profit corporation, and attached to this certificate is a true and correct copy of the Association's **Property Rules (Revised December 2022)**.

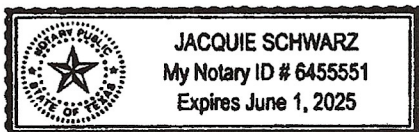
Signed the 3rd day of January, 2023.

**APRIL POINT NORTH, SECTION FIVE  
COUNCIL OF CO-OWNERS**

  
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**BRYAN P. FOWLER**, Attorney for the  
Association

STATE OF TEXAS                   §  
   §  
COUNTY OF MONTGOMERY       §

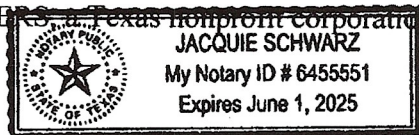
SWORN TO AND SUBSCRIBED BEFORE ME on the 3rd day of January, 2023, by BRYAN P. FOWLER, Attorney for APRIL POINT NORTH, SECTION FIVE COUNCIL OF CO-OWNERS, a Texas nonprofit corporation, on behalf of said corporation.



  
\_\_\_\_\_  
Notary Public - State of Texas

THE STATE OF TEXAS           §  
   §  
COUNTY OF MONTGOMERY       §

This instrument was acknowledged before me on the 3rd day of January, 2023, by BRYAN P. FOWLER, Attorney for APRIL POINT NORTH, SECTION FIVE COUNCIL OF CO-OWNERS, a Texas nonprofit corporation, on behalf of said corporation.



  
\_\_\_\_\_  
Notary Public - State of Texas

AFTER RECORDING RETURN TO:

**BRYAN P. FOWLER**  
**The Fowler Law Firm**  
**505 West Davis**  
**Conroe, Texas 77301**