

RIVER OAKS PROPERTY OWNERS, INC.

**POLICIES
AND
PROCEDURES**

Resolution
Board of Directors
River Oaks Property Owners, Inc

Whereas on the 8th day of May, 2002, the Board of Directors of the River Oaks Property Owners, Inc. met at its regular monthly meeting; and

Whereas the Board had, at its past several meetings conducted a review of its policies relating to the enforcement of the deed restrictions applicable to the various sections of River Oaks which have been adopted and followed by the Board over the years; and

Whereas the Board reviewed and approved certain amendments and additions to such policies: and

Whereas the Board has determined it is in the interest of the residents of River Oaks that these policies be restated and reaffirmed in there entirety so that all owners, contractors, lenders and other parties will have a clear and complete understanding of these policies which are based on the applicable deed restrictions in River Oaks and the uniform enforcement thereof:

Now, therefore, The Board of Directors of River Oaks Property Owners, Inc does hereby restate and reaffirm the following policies related to the various sections of River Oaks:

INDEX

1. Policy Relating to Construction in River Oaks (Generally)
FOR INCLUSION IN NOTICE TO OWNERS, ARCHITECTS & CONTRACTORS
2. Policy Relating to Fences, Walls and Hedges
3. Policy Relating to Height Limitation
4. Policy Relating to Enclosed Access Walkways
5. Policy Relating to Approval Of Miscellaneous Types Of Improvements
6. Policy Relating to Air Conditioning and Pool Equipment
7. Policy Relating to Existing Encroachments
8. Policy Relating to Building Set Back Lines and Construction for Secondary Tract(s) or Lot(s)
9. Policy Relating to Collection of Funds Due For Assessments
10. Policy Relating to Non-Residential Use of Property
11. Severability

1. Policy Relating to Construction in River Oaks (Generally)
FOR INCLUSION IN NOTICE TO OWNERS, ARCHITECTS & CONTRACTORS

Policy Relating to Construction in River Oaks (Generally)

FOR INCLUSION IN NOTICE TO OWNERS, ARCHITECTS & CONTRACTORS

The restrictive covenants (also known as deed restrictions) are the devices which maintain the high property values and residential character of River Oaks, and assure the proper setback improvements from the streets and property lines. The Board of Directors of ROPO is responsible for deed restriction enforcement, and meets the **second Wednesday of each month** to conduct corporation business, including reviewing plans for improvements to River Oaks properties. All applicants must submit one set of plans to the ROPO office located at 3923 San Felipe (behind Twin Oaks Cleaners) **no later than the 20th day of the month.** If the 20th falls on a weekend the Monday following will apply.

There are a number of documents on file in the ROPO office which contain restrictions applicable to over 1600 properties in River Oaks. You should contact the ROPO office for the specific restrictions concerning a particular property. In addition, the original deeds on most lots from River Oaks Corporation (ROPO's predecessor) state that "no improvements of any character shall be erected, or the erection thereof begun, or change made in the exterior design thereof after original construction, on this property, until plans and specifications have been submitted to and approved in writing, by River Oaks Corporation."

Accordingly, all exterior improvements or changes to a property must receive written approval from the Board of Directors of ROPO prior to commencement of any work. This includes, without limitation, room additions to the residence, garage, servants quarters or outbuildings; any new structures, fencing, carports, bay windows, satellite antennas, chimneys, elevators, air conditioning equipment, pools and pool equipment, water features, pergolas, trelliswork, canopies, external steps and entries.

The Board of Director's policy on approval of new construction is as follows:

Plans submitted to ROPO for the following: new houses; new garages; new servant's quarters; new outbuildings; additions and improvements that require a new foundation. A preliminary written approval may be granted by the Board of Directors at its regular monthly meeting. A final written approval will be issued upon receipt of a certified foundation form survey before concrete is poured. This certified survey must confirm the placement of the improvements as shown on the plans that were first approved. The Board, however, reserves the right to suspend or revoke any form of an approval that is based on inaccurate or conflicting information. (The applicant will be notified in writing when a certified survey is required.)

The Board of Director's policy on approval of new house elevation is as follows:

No plans for construction of a residence or related outbuilding shall be approved if:

Primary Residence

Lot Size	Maximum Height
Less than 25,000 sq. ft.	35 feet
25,000 sq. ft. to 43,560 sq. ft.	38 feet
Lots in excess of 43,560 sq. ft.	41 feet

The residence and outbuildings shall not exceed two and one half stories. The living space above the second story shall be contained within the roofline of the house and the house shall have the exterior appearance of a two-story house.

No part of any outbuilding shall exceed 25 feet in height if any part of such outbuilding is within 10 feet of any property line.

Height limitations shall be calculated from existing grade of subject property and adjacent properties. Any proposed change in grade of subject property shall be specified on the plans submitted and shall be subject to Board approval.

Drainage

Plans submitted for new construction of the primary residence shall include verification by an architect or engineer that provision for drainage (including pervious area) has been planned sufficient to avoid creation of drainage problems on adjacent properties.

Privacy and Quiet Enjoyment of Adjacent Property Owners

Design and construction of windows, doors and balconies above the first floor should reflect consideration of the privacy and quiet enjoyment of adjacent property owners.

Types and Colors

The ROPO Board requests that the types and colors of exterior building materials and roofing materials and color of paint used on the exterior of any home or improvement be consistent with those traditionally used in River Oaks and be compatible with existing homes in River Oaks.

The Board of Directors cannot stress strongly enough to all applicants to provide the needed supervision on their construction sites to assure compliance with restrictions, ordinances, and rules. During construction in River Oaks, you must adhere to the following:

- (a) All fencing plans must be submitted for review and written approval by the Board of Directors, prior to any construction. Be advised that there are different fence restrictions and polices; contact the ROPO office for the specifics. All hedges planned in front of or extending beyond the front building line must be submitted for review and written approval by the Board of Directors, prior to planting.
- (b) All approvals granted for improvements will expire 12 months after issuance, if construction has not commenced. An extension may be obtained if a written request is submitted confirming there have been no changes to the original approved plans. Otherwise, new plans shall be submitted. The completion of the project shall not exceed eighteen (18) months from the date of commencement. The completion of the project includes all landscaping, driveways and sidewalks. Should an extension be necessary, please advise in writing.
- (c) The City of Houston Noise Ordinance has been changed as of January 20, 1993. The change is that construction work can be any day of the week, but only between the hours of 7:00 a.m. to 8:00 p.m. and the noise level shall not exceed 75 db(A), which would be measured by an HPD Sergeant, upon a complaint.
- (d) Sidewalks must be passable at all times. When sidewalks are replaced, use the original River Oaks pattern and complete construction of new sidewalks immediately after the old one is removed. City of Houston Building Code Section 40-11: declares unlawful for any person in any manner to obstruct the use by pedestrians.
- (e) The Board's policy on ground installed satellite antennas is as follows: they must be so located on the property to comply with the building setbacks and be no taller than the existing fencing that would surround it. The Board's policy on the 18" DBS satellite antennas is that they be installed at the rear of the house, below the roof line and thereby not visible from the street. The Board's policy on roof overhangs (eaves) is that they may not exceed 18 inches past the building line.
- (f) Parking of vehicles is restricted to the side of the street that the construction is taking place to allow for emergency vehicle access. Under no circumstances should vehicles be parked in other property owners driveways or parked in such a manner that would block said driveways. All illegal parking will be reported and vehicles will be towed at owner's expense.

- (g) All construction debris and other trash must be moved from the site at least once per week. No trash should be left exposed that would drift or be carried onto the adjacent property. Under no circumstances should storm sewer inlets be used to discard trash or debris.
- (h) Porta-cans shall not be placed on the front portion of the property. These temporary facilities must be as far back from the street as possible and must be cleaned and serviced on a regular basis. It is preferred that screening be used. The right to use of these temporary facilities shall end immediately upon the completion of construction and removed thereafter as soon as possible.
- (i) Building materials, trucks, and other material or equipment shall not be placed upon or parked on the easement between the front property line and the street. City of Houston Building Code 40-7: declares unlawful any obstructions and/or encroachments in City right-of-way.
- (j) Design and construction of windows, doors and balconies above the first floor should reflect consideration of the privacy and quiet enjoyment of adjacent property owners.
- (k) Types and colors of exterior building materials and roofing materials and color of paint used on the exterior of any home or improvement be consistent with those traditionally used in River Oaks and be compatible with existing homes in River Oaks.

River Oaks Patrolman have been instructed by the Board to take appropriate action when a violation of the above provisions occurs.

As always, if the staff at ROPO can be of assistance, please call.

The new deadline for submitting all improvement plans to River Oaks Property Owners, Inc. (“ROPO”) is the 20th day of each month and if the 20th falls on a weekend it will be the following Monday. The Board of Directors will review all plans at their regularly scheduled meeting which is the second Wednesday of each month.

2. Policies Relating to Fences, Walls and Hedges

Policy Relating to Fences, Walls and Hedges

The Board of Directors has adopted the following policy relating to fences, walls and hedges:

I. GENERAL STATEMENT OF POLICY AND PURPOSE

Front fences, hedges and walls are addressed in the restrictions applicable to the various sections of River Oaks. In most instances, the deed restrictions prohibit fences, hedges and walls nearer to any street than is permitted for the residence, except with the written consent of ROPO (as the successor to River Oaks Corporation). The policies herein relate primarily to front fences proposed for construction in locations which are nearer to the street than is permitted for the residence. Since most of the restrictions consider hedges to be fences, the policies regarding fences also apply to hedges. Certain policies herein also apply to side and rear fences and walls. The original deeds out of River Oaks Corporation will also be reviewed for additional restrictions.

All plans for fencing, hedges and walls on any portion of a property must have prior written approval of the Board of Directors of ROPO. This requirement is based on the language in the deeds out of River Oaks Corporation that state "no improvements of any character shall be erected, or the erection thereof begun, or change made in the exterior design thereof after original construction, on this property, until plans and specifications have been submitted to and approved in writing, by River Oaks Corporation."

It is the express intent of ROPO to enforce the deed restrictions regarding fences, hedges, and walls. The purpose of this policy is not to change or ignore these deed restrictions; rather, it is to set out the standards to be used by ROPO's Board of Directors in deciding how and when to exercise its express authority to give written consent (often called a "variance") to the construction of fences, hedges, and walls that are higher or nearer to the street than otherwise allowed by the deed restrictions. Such fences, hedges, or walls are not a violation of the deed restriction if ROPO gives such written consent.

It is also the express intent of ROPO to apply the deed restrictions regarding fences, hedges, and walls, and the standards in this policy, in a manner that is not arbitrary, capricious, or discriminatory. Variances are not to be granted or denied on the basis of the homeowner's social or political status, level of fame or celebrity, age, race, gender, religion, national origin, or any other personal factor. Rather, ROPO's emphasis is focused on the location of the property and the effect of the requested fence, hedge, or wall on the maintenance of River Oaks "as a high class restricted district", as stated in the deed restrictions.

The purpose of the deed restrictions against fences, hedges, and walls in front of the building setback line is to promote an open, spacious view of a neighborhood, which is conducive to higher property values rather than a closed, walled neighborhood. ROPO, however, recognizes that certain streets in River Oaks have become major thoroughfares, or back up to commercial property, and today have a level of traffic and noise that hinders the ability of the restriction regarding fences, walls, and hedges, to serve its purpose.

In the deed restrictions for most sections, a "hedge of any type shall be held and construed to be a fence." For the purposes of evaluating requests for approval, ROPO uses a standard dictionary definition for "hedge": "a fence or boundary formed by a dense row of shrubs or low trees; barrier, limit". In particular, plants intended as landscaping or decoration as opposed to a barrier to access to the property will not be considered a hedge.

A low wall that is at the grade of the property and built for the purpose of preventing soil erosion is a "retaining wall" and is generally allowed because its purpose is to prevent soil erosion and it does not obstruct the view of the house or form a barrier.

II. CONSIDERATIONS REGARDING REQUESTS FOR VARIANCES

- (a) Where lots face or adjoin major thoroughfares, the level of traffic may be considered.
- (b) Security conditions caused by the location of the lot and noise factors may be considered in granting variances.
- (c) An on site inspection should be conducted by at least two ROPO Directors.

III. SPECIFIC POLICIES REGARDING FENCES

- (a) **Except for Section 10**, fencing behind the front building setback line may not exceed eight (8) feet in height. As to street side fencing of a non-major thoroughfare corner lot the height of the fence should be restricted to six (6) feet.
- (b) Fences along the rear property line may not exceed 10' (ten feet). Lattice, trellis or similar screening devices may be installed to a maximum height of 12' (twelve feet) on the rear property line to the extent necessary to provide reasonable privacy from windows and balconies located within 10' feet of the rear property line on adjacent properties. This ten (10) foot height policy does not apply to areas of Section 10 of River Oaks.
- (c) Regarding fencing closer to the street than allowed for the house, properties fronting and/or siding major thoroughfares may be granted a variance provided it meets the following criteria:
 - (1) Fences must be of brick columns and wrought iron or totally wrought iron construction only. However, lots that face or side South Shepherd Drive, San Felipe Road, and Westheimer Road may have front and/or side fencing of solid construction. The fence height may not exceed eight (8) feet.
 - (2) Front fences must be set back a minimum of two (2) feet from the property line, which would provide a landscaping strip between the front property line and the fence for ground cover type plants only.

- (3) Fencing closer to the street than allowed for the house shall not exceed a height of six feet as measured from the existing ground. In cases where the existing ground for the fence is higher than twelve inches from the sidewalk level, the Board may select the sidewalk level as the base grade for purpose of determining the height of the fence.
- (4) All plans for fencing on any portion of a property must have prior written approval of the Board of Directors of ROPO.
- (5) Lots that front on Locke Lane and that face the Lamar Shopping Center parking lot, specifically lots 29, 30, 31, part of 32, block 23, section 4, may have front fencing of solid construction. Also, all new requests for front fencing must meet the requirement of paragraphs (2), (3), and (6) of Section III (c) of this policy.
- (6) The Board of Directors has designated the following streets as major thoroughfares:

River Oaks Boulevard
Kirby Drive
Inwood Drive
South Shepherd Drive
San Felipe Road
Westheimer Road
Claremont Lane
Locke Lane behind Lamar Shopping Center
3300 Block of Ella Lee Lane

IV. AUTHORITY OF THE BOARD OF DIRECTORS OF ROPO

SECTION	LOCATION OF APPLICABLE RESTRICTIONS
1	Vol. 668, Page 613 Deed Records (Paragraph 12)
2	Vol. 668, Page 613 Deed Records (Paragraph 12)
3	Vol. 668, Page 613 Deed Records (Paragraph 12)
4	Vol. 668, Page 613 Deed Records (Paragraph 12)
5	Vol. 668, Page 613 Deed Records (Paragraph 12)
6	Vol. 668, Page 613 Deed Records (Paragraph 12)
7	Vol. 1013, Page 631 Deed Records (Paragraph 14)
8	Vol. 1013, Page 631 Deed Records (Paragraph 14)
9	Vol. 1013, Page 631 Deed Records (Paragraph 14)
10	Vol. 1056, Page 373 Deed Records (Paragraph 13) *
11	Vol. 1096, Page 162 Deed Records (Paragraph 14)
12	Vol. 1417, Page 66 Deed Records (Paragraph 14)
Country Club Estates	Vol. 571, Page 381 Deed Records (Paragraph 12 & 14) *
Block 26	Vol. 1446, Page 635 Deed Records (Paragraph 12)
Blocks 41,42,50 54,55, Suman Tract	Vol. 668, Page 613 Deed Records **
Tall Timbers	No specific prohibitions against fences, but ROPO urges homeowners to try to maintain the concept of open front fencing.

* The restrictions applicable to Section 10 allow the construction of fences and hedges beyond the front building line. The restrictions applicable to Country Club Estates do not consider hedges to be fences, and allow the trimmed side of the hedge to be two feet from the property line.

** The restrictions applicable to Sections 1 through 6 also apply to those Blocks. The following additional restrictions applicable to these blocks provide for the submission to and approval by the board of any proposed fence:

Block 41 - Vol. 855, Page 96 Deed Records (Para. 2)

Block 42 - Vol. 1056, Page 54 Deed Records (Para. 3)

Block 50 - Vol. 1004, Page 44 Deed Records (Para. 2)

(Applies to Lots 14 through 28 Only in Block 50)

Block 54 - Vol. 997, Page 604 Deed Records (Para. 2)

(Does not apply to fences along the East line of Shepherd and the South line of San Felipe)

3. Policy Relating to Height Limitation

Policy Relating to Height Limitations

The various sections subject to the jurisdiction of River Oaks Property Owners, Inc. ("River Oaks Subdivision") are subject to various restrictions, the purpose of which is the creation and carrying out of a uniform plan for the improvement and sale of property within the River Oaks Subdivision as a high-class restricted residence district, and in order to promote this objective, the Board of Directors of River Oaks Property Owners, Inc. has determined to adopt a policy concerning the maximum height of improvements in the River Oaks Subdivision.

Maximum Height Limitations

Lot Size	Maximum Height
Less than 25,000 sq. ft.	35 feet
25,000 sq. ft. to 43,560 sq. ft.	38 feet
Lots in excess of 43,560 sq. ft.	41 feet

The residence and outbuildings shall not exceed two and one half stories. The living space above the second story shall be contained within the roofline of the house and the house shall have the exterior appearance of a two-story house.

No part of any outbuilding shall exceed 25 feet in height if any part of such outbuilding is within 10 feet of any property line.

Height limitations shall be calculated from existing grade of subject property and adjacent properties. Any proposed change in grade of subject property shall be specified on the plans submitted and shall be subject to Board approval.

Drainage

Plans submitted for new construction of the primary residence shall include verification by an architect or engineer that provision for drainage (including pervious area) has been planned sufficient to avoid creation of drainage problems on adjacent properties.

4. Policy Relating to Enclosed Access Walkways

Policy Relating to Enclosed Access Walkways

The various sections subject to the jurisdiction of River Oaks Property Owners, Inc, ("River Oaks Subdivision") are subject to various restrictions related to the connection of the house or residence and the garage, servant quarters or other outbuildings. The Board of Directors of ROPO has determined to adopt a policy concerning the safe access for the property owners in the River Oaks Subdivision.

The Board of Directors of the River Oaks Property Owners, Inc. has adopted the following policy relating to enclosed access walkways:

Plans for construction of a residence and related outbuilding shall not be deemed to be connected in an integral nature if the following conditions are met:

Enclosed access walkways constructed between the house and the automobile garage or automobile garage and quarters for security purposes shall comply with the building setbacks of the house or residence, but shall not cause the garage or garage and quarters setbacks to then automatically become identical with those stipulated for the residence itself. The enclosed access walkways can be either on the first floor or second floor, but cannot be enclosed on both the first and second floors. The access walkway's dimensions shall not exceed six (6) feet exterior width and eight (8) feet high interior ceiling height. There must be a door at each end of the access walkway.

5. Policy Relating to Approval Of Miscellaneous Types Of Improvements

Policy Relating to Approval Of Miscellaneous Types Of Improvements

The deed restrictions contained in several (but not all) deeds out of River Oaks Corporation provide:

"No Improvements of any character shall be erected, or the erection thereof begun, or change made in the exterior design thereof after original construction, on this property, until plans and specifications have been submitted to and approved in writing by River Oaks Corporation."

The Board of Directors of River Oaks Property Owners, Inc. has adopted the following policy relating to improvements erected or changes made to the exterior design after original construction:

1. Approval is required for any improvements or changes made after completion of original construction that is above grade. For example: A/C units, pool equipment, trelliswork, pergolas, canopies, satellite antennas, etc. The location of these improvements are subject to the building setback restrictions that apply to the specific property.
2. Approval is required only for structural additions, not cosmetic changes. For example: approval is needed for an addition of a bay window or the addition of a third or fourth floor on the existing structure, but not to a change in the facade.

NOTE:

The ROPO office does not have all copies of original general warranty deeds out of River Oaks Corporation, but we can conclude that we have the right of control from the over 87* blocks sampled in which we found over 70 blocks that do have this restriction in the deed. It appears the only section totally exempt is Tall Timbers. This position should be taken on all proposed projects. If an improvement has been constructed and there exists an encroachment or violation it may be advisable to review the original general warranty deed for verification.

* The sampled consisted of a random selection of one lot out each block in River Oaks, Country Club Estates, Tall Timbers. The results and the deeds are available in the ROPO office.

6. Policy Relating to Air Conditioning and Pool Equipment

Policy Relating to Air Conditioning and Pool Equipment

The various sections subject to the jurisdiction of ROPO ("River Oaks subdivision") are subject to various restrictions related to the placement of improvements on the properties. The Board of Directors of ROPO has decided to adopt a policy concerning the placement of said equipment closer to the rear property line than prescribed in the deed restrictions for the house or residence or garage, servant house or other outbuilding.

The Board of Directors of the River Oaks Property Owners, Inc. has adopted the following policy relating to air conditioning and pool equipment:

Air conditioning and pool equipment shall be permitted if the equipment is no closer to a rear property line than five (5) feet, but only on properties that have backyards (rear property lines) adjacent to the following streets: San Felipe, Westheimer, and South Shepherd. The distance to the side property lines will remain as set forth in the restrictions for the subject property. Plans must be submitted to ROPO for written approval prior to installation.

7. Policy Relating to Existing Encroachments

Policy Relating to Existing Encroachments

The Board of Directors of River Oaks Property Owners, Inc. has adopted the following policy relating to existing encroachments:

If both of the following circumstances exist, then removal of existing encroachment(s) will not be required.

- (a) No ROPO records can be located that indicate a notice of encroachment(s) or violation(s) were issued for the subject property;
- (b) the encroachments were not recently constructed.

This policy does not constitute a waiver or consent to violations of deed restrictions. In the event the encroachments are removed or destroyed, for any reason, before they are replaced or repaired, written approval must be obtained from the Board of Directors of River Oaks Property Owners, Inc.

The Board also advises that any future plans for new improvements or replacement of existing improvements on any portion of this property are subject to the deed restrictions as written and recorded. These plans must be submitted to the ROPO Board for written approval prior to any construction.

**8. Policy Relating to Building Set Back Lines and Construction
for Secondary Tract(s) or Lot(s)**

Policy Relating to Building Set Back Lines and Construction For Secondary Tract(s) or Lot(s)

The various sections subject to the jurisdiction of River Oaks Property Owners, Inc. are subject to various restrictions, the purpose of which is the creation and carrying out a uniform plan for the improvement of properties within the River Oaks Subdivision. In order to promote this objective, the Board of Directors of River Oaks Property Owners, Inc. has determined a need to adopt a policy concerning the appropriate building set back lines for accessory improvements on adjacent secondary tracts or lots.

The Board of Directors of River Oaks Property Owners, Inc. has adopted the following policy relating to the building set back lines to be used on secondary tracts or lots added to the main residential property:

Accessory improvements on adjacent secondary tracts or lots will be considered under the following conditions:

- (a) all plans for improvements must be submitted to the Board of Directors for review and receive written approval prior to any construction.
- (b) the contemplated improvement(s) must comply with the recorded set back lines for the house/residence or the garage, servants, house or other outbuildings. The building set back lines are measured from the property lines and not platted lot lines.
- (c) subsequent restrictions related to building set back lines will be utilized if more restrictive.
- (d) the Board reserves the right to deny permission or make special conditions in the permission to construct an accessory improvement(s) that is perceived to be a visual or audible nuisance, even if it adheres to the above conditions.
- (e) River Oaks Property Owners, Inc. must be advised in writing prior to the conveyance of the secondary tract or lot. The accessory improvements not in compliance with the garage, servants' house or other outbuilding set back lines, as they apply against the property lines of the secondary tract or lot, are subject to removal prior to the conveyance.
- (f) If the restrictions for the area or section do not allow for accessory improvements, this policy is not to be understood as permission for such improvements.

9. Policy Relating to Collection of Funds Due For Assessments

Policy Relating to Collection of Funds Due For Assessments

It is imperative that all property assessments be paid in a timely manner. The Texas Property Code grants property owners associations a statutory cause of action to collect assessments for common expenses from property owners. The Code also provides for the imposition of interest, late charges and, if necessary, returned check charges for late payment of assessments.

The Board of Directors of River Oaks Property Owners, Inc. has adopted the following policies relating to the payment of assessments:

- (1) All assessments are payable on or before January 1 of the year of the assessment. Beginning with the assessment for the year 1997, assessments unpaid on February 1 of the year of the assessment shall bear interest at the rate of 6% per annum from January 1 of the year of the assessment until paid. Any payment received on delinquent property owners' accounts shall first be applied to unpaid interest, with the remainder of the payment (if any) being applied to unpaid principal.
- (2) No plans for construction or renovation of a residence or related outbuilding shall be considered by the Board until all assessments on the property being submitted for approval are paid in full.
- (3) With respect to River Oaks properties where ROPO holds a prior and superior maintenance charge lien, lenders will be notified if assessments are unpaid after February 1 of the year of the assessment. If the maintenance charge lien remains unpaid sixty days after notification, the Board will then consider taking legal action to foreclose ROPO's lien.

10. Policy Relating to Non-Residential Use of Property

Policy Relating to Non-Residential Use of Property

A primary purpose and objective of the River Oaks Property Owners, Inc. and the homeowners of River Oaks is to maintain and enhance the appearance and reputation of River Oaks as a residential neighborhood of distinction and excellence. River Oaks Property Owners, Inc. and its constituent homeowners further desire to preserve intact the deed restrictions of the subdivision (the "Deed Restrictions") and to maintain property values of homes in River Oaks. The prevention and avoidance of commercial uses of property within River Oaks in accordance with the Deed Restrictions will further and advance these valid purposes and desires of the association and the homeowners of River Oaks;

The Board of Directors has adopted the following policy relating to the commercial or non-residential use of property within River Oaks:

1. River Oaks properties may only be used for single family residential purposes.
2. The business or commercial use of any River Oaks property is prohibited. Among prohibited activities are:
 - a. Sales, auctions, showings, or solicitations for immediate sale of goods or services, from any residence, even if the sales, auction, showing or solicitation is for the benefit of charity.
 - b. Using a River Oaks address for any commercial purpose or for the office from which any business is operated.
 - c. Catering operations of any kind.
 - d. Estate or garage sales or auctions.
 - e. Posting of signs or advertising on any residential lot.
3. Garages or out buildings shall not be rented or used as living quarters, except by immediate family members or servants employed on the premises.
4. The traditions of River Oaks are an essential part of its heritage, atmosphere and environment. Indeed, some activities are embodied in the restrictions themselves. Accordingly, fund-raising events of a social nature for friends and neighbors at residences for charitable, civic, or political purposes are not deemed to be nonresidential or commercial use of property. Approval of any activity is conditioned on their being no signs, sales or solicitations on the premises of any residence in River Oaks.
5. The Board of Directors will undertake the enforcement of the Deed Restrictions, and will without limitation, undertake the prevention of commercial use of property by request persuasion, or enforcement action as may be required.
6. The prohibited activities set out in this Resolution are illustrative only and are not intended as a complete list of such activities. Moreover, nothing in this Resolution shall directly or by inference constitute or be constituted as a waiver or modification of the Deed Restrictions or any portion thereof.

(revised policy 12-9-96)

11. Severability

Severability

If any provision of these policies is rendered or declared illegal, invalid or unenforceable by reason of any existing or subsequently enacted legislation or by decree of a court of last resort, the legality, validity and enforceability of the remaining policy provisions shall not be affected thereby.