

DANA PROPERTIES

San Clemente Estates
Professionally Managed by:
DANA Properties
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(915) 581-0900
6201 Escondido Drive - Main Office
El Paso TX 79912-1947

November 1, 2022

Rules of Construction for San Clemente Estates

These rules of construction supersede all prior versions including undated versions of the Rules of Construction for San Clemente Estates ("SCE" or "community").

In the interest of maximizing enjoyment of our homes, the homeowners of SCE wish to maintain a beautiful neighborhood, consistent with the Covenants, Bylaws, and Architectural Guidelines ("Guidelines") established for our community and consistent with the El Paso city ordinances governing the Mountain Development under which SCE was developed. These documents provide the supporting foundation for SCE.

Towards that end, the Homeowners Association ("HOA") developed these Rules of Construction. Where possible, we will provide an initial warning with a specified period to resolve a violation, if the violation is curable. For example, a missing or overly full dumpster is curable by placing one at the site or emptying it. But work on Sunday, loud noises, and 18-wheelers brought into the community are non-curable, no one can undo or correct the fact that they happened. If not resolved within the required time period allotted, the **Board will levy a fine against the Property Owner**. At the time of levying a fine, the Board will issue a demand letter that will be sent by both Certified Mail Return Receipt Requested and email to the property owner. If we have no email address on file, we will send the second copy by U.S. Mail to the address of record. Fines must be paid per the terms in the demand letter and will not be deducted from construction deposits.

A lien will be placed on the property for all unpaid fines. While we understand that builders cause the violations, the HOA has no direct authority over the Builder, so we look to the Property Owner as the responsible party for all violations. The Property Owner may settle with the Builder in any manner that she or he chooses.

It is not the desire of the Board of Directors ("Board") or the Architectural Review Committee ("ARC") to offend any Property Owner, yet we must have a strong system in place to ensure the integrity and beauty of our community and, ultimately, our property values. We hope you will understand the difficult position that the HOA has been placed in, resulting in the need to establish this process.

The Construction Liaison and members of the Architectural Review Committee and the Board of Directors are available to answer questions about these rules and our supporting foundation documents.

Group A: First offense for anything in this group, fine of \$100. Second offense for anything in this group, \$200. Third and subsequent offenses for anything in this group, 150% of fine for the most recent offense. SCE may provide a warning of 48 hours for curable violations in this group.

1. Work hours in San Clemente shall be from 6:30 a.m. until 6:00 p.m. Work hours on Saturdays shall be from 7:00 a.m. until 6:00 p.m. No work shall be conducted on Sunday.
2. Loud music that bothers existing homeowners is prohibited.
3. Dust must be kept to a minimum during dirt work.
4. After initial grading of the site and before any construction starts including pouring slab, the site shall have a dumpster for construction debris.

5. All construction trash must be placed in a dumpster. Dumpsters shall be covered in anticipation of windy days and shall be emptied before the level of trash exceeds the height of the dumpster, allowing trash to blow out.
6. Contractors and subcontractors may not park in a manner that blocks traffic.
7. Silt fences (or berms or hay tubes) shall be installed and maintained to prevent dirt from washing off the property onto roads or adjacent properties.
8. Builders shall call their rental company for portable toilets to upright any that blow over, within 24 hours of it blowing over.

Group B: First offense for anything in this group, fine of \$500. Second offense for anything in this group, \$750. Third and subsequent offenses for anything in this group, 150% of fine for the most recent offense. SCE may provide a warning of 72 hours for curable violations in this group.

1. 18-wheel trucks are generally not permitted in the SCE community except in the case of certain construction supplies that are too large or too heavy for a smaller delivery truck and with advance notice to the Construction Liaison, unless the property owner provides an email request with justification and obtains email approval from the Board for an 18-wheeler. Otherwise, standard size dump trucks, delivery trucks, and cement trucks may enter. In any case, all damages incurred by 18-wheelers will be charged directly to the property owner.
2. Rocks that enter the street must be immediately cleaned.
3. Gravel must be placed at vehicle exits from the construction property to prevent track-out.
4. No construction materials shall be dumped or stored on roadways to avoid damage.
5. Any digging that damages the road shall be repaired as soon as possible and no later than 30 days from the initial damage.

Group C: These offenses violate the Guidelines and/or the City of El Paso ordinances regulating the Mountain Development, or they make it difficult or impossible for the community to adhere to these requirements. These violations are egregious and destroy the beauty and integrity of our community. Unless otherwise noted, the fine for any violation of any individual item in this group is \$5,000. SCE may provide a warning of 30 days for curable violations in this group.

1. Plans must be approved by the ARC before commencing initial construction. Plan approval will be in writing to the property owner from the Board.
2. Start of construction without performing a pinning survey for approval by the ARC.
3. Natural areas must be maintained beside and in back of homes. If disturbed, it must be replanted to a natural state.
4. Builder or property owner must obtain written approval from the ARC for roofing materials before starting application.
5. Builder or property owner must obtain written approval from the ARC before initiating front yard landscaping.
6. Roofing material shall not be reflective.
7. Paint on flat roofs shall not be white and shall match the exterior house color. Fine: \$2,000.
8. Builder or property owner must obtain written approval from the ARC before starting exterior painting. Fine: \$2,000.
9. Each air conditioner shall be screened from street view. Fine per air conditioner: \$2,000.

These rules and associated fines have been approved by the ARC and subsequently by the Board on November 1, 2022.

Marise L Textor

 Marise Textor
 President, San Clemente Estates Homeowners Association

11/07/2022

 Date

Instructions: *At the time of providing a construction deposit and before receiving final approval from the ARC for construction plans, the Property Owner will sign a copy of this form and submit it to Dana Properties to maintain on file.*

My name is _____ and I am the property owner of the lot(s) located at _____. I have read and understand the Rules of Construction for San Clemente Estates dated September 2, 2022. I will ensure that my Builder understands them and adheres to them. I understand that I will be personally responsible for any violations incurred.

Signature of Property Owner

Date

ALL-PURPOSE ACKNOWLEDGMENT

State/Commonwealth of TEXAS)

City County of Dallas)

On 11/07/2022 before me, K L Hendrix

personally appeared Marise L Textor

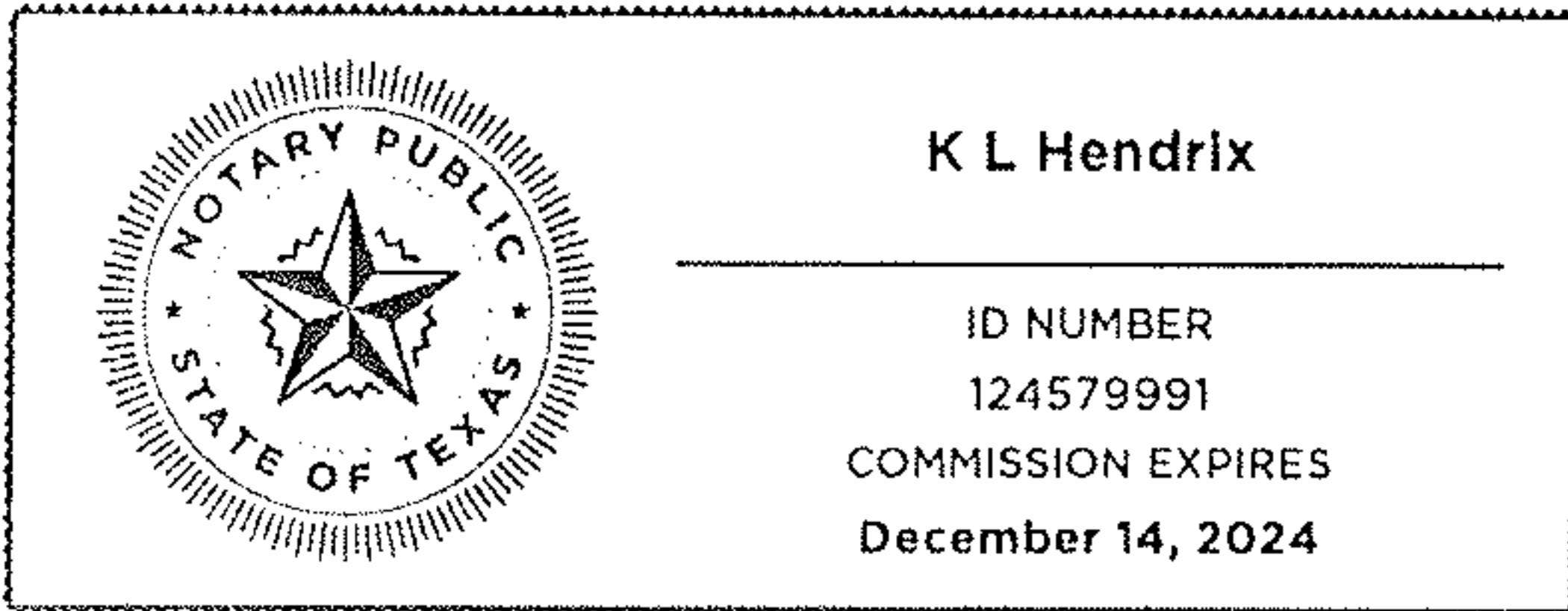
personally known to me -- OR --

proved to me on the basis of the oath of -- OR --

proved to me on the basis of satisfactory evidence: driver_license

to be the individual(s) whose name(s) is (are) subscribed to the within instrument, and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and by proper authority, and that by his/her/their signature(s) on the instrument, the individual(s), or the person(s) or entity upon behalf of which the individual(s) acted, executed the instrument for the purposes and consideration therein stated.

WITNESS my hand and official seal.



Notary Public Signature: [Handwritten Signature]

Notary Name: K L Hendrix

Notary Commission Number: 124579991

Notary Commission Expires: 12/14/2024

Notarized online using audio-video communication

DESCRIPTION OF ATTACHED DOCUMENT

Title or Type of Document: Rules of Construction

Document Date: 11/01/2022 Number of Pages (w/ certificate): 4

Signer(s) Other Than Named Above: N/A

Capacity(ies) Claimed by Signer(s)

Signer's Name: Marise L Textor

Capacity(ies) Claimed by Signer(s)

Signer's Name: N/A

- Corporate Officer Title:
Partner - Limited General
Individual Attorney in Fact
Trustee Guardian of Conservator
Other:

Signer Is Representing: Self

- Corporate Officer Title:
Partner - Limited General
Individual Attorney in Fact
Trustee Guardian of Conservator
Other:

Signer Is Representing:

Doc # 20220102725
#Pages 4 #NFPages 1
11/08/2022 04:45 PM
Filed & Recorded in
Official Records of
El Paso County
Delia Briones
County Clerk
Fees \$38.00

eRecorded

I hereby certify that this instrument was filed on the date and time stamped
heron by me and was duly recorded by document number in the Official
Public Records of real Property in El Paso County.



Delia Briones

EL PASO COUNTY, TEXAS