



6. To create a restriction that limits impermeable lot coverage to 60% and thereby requiring that 40% of the lot be made of permeable material. (The exact amendment is described at Exhibit A, Paragraph 6).

**FOR [            ]**

**AGAINST [            ]**

7. To create a restriction that requires that a newly built home or reconstructed home must have a minimum of 51% brick and stone with a maximum of 10% stone. (The exact amendment is described at Exhibit A, Paragraph 7).

**FOR [            ]**

**AGAINST [            ]**

8. To create a Deed Restriction Enforcement Committee consisting of one board member and 2 non-board members whose task will be to review home plans and ensure compliance with deed restrictions and guidelines. (The exact amendment is described at Exhibit A, Paragraph 8).

**FOR [            ]**

**AGAINST [            ]**

Date: \_\_\_\_\_

Owner(s): \_\_\_\_\_  
(signature)

\_\_\_\_\_  
(print name)

\_\_\_\_\_  
Property Address

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(print name)

NOTE: If not attending the Special Meeting on October 21, 2012, this ballot should be returned by U.S. mail or delivered to: Murphy Klasing, 13930 Pebblebrook, Houston, Texas 77079.

**Exhibit A (Explanation of the effect of a “FOR” vote for each Amendment Proposed  
(All proposed language is in italics and underlined)**

1. **Combining all Three Declarations into One Document:** When Nottingham was built, the developer drafted deed restrictions for each section of the neighborhood. The restrictions are identical with the exceptions noted below. Voting “FOR” this proposal will create a new *single* document that applies to all Three Sections and avoids confusion regarding which restrictions apply and allows for amendments to be better tracked by new homeowners. The new combined document will necessarily have the following changes:

The new title will read: “Declaration of Covenants, Conditions and Restrictions for Nottingham, Sections One (1), Two (2), and Three (3).”

Article 1, Section 3 will now read: “‘Properties’ shall mean and refer to certain real property known as NOTTINGHAM, SECTIONS ONE (1), TWO (2), and THREE (3).”

Article 1, Section 4 will now read: “‘Lot’ shall mean and refer to any numbered lot or plot of land shown in the recorded plat for NOTTINGHAM, SECTIONS ONE (1), TWO (2), and THREE (3).”

Article III, Section 2. **Dwelling Size** will now read: “The ground floor living area of each residential structure, exclusive of open or screened porches, open terraces, garages and parking areas, shall not be less than 1,600 square feet in NOTTINGHAM SECTION THREE (3) and 1,800 square feet in NOTTINGHAM SECTIONS ONE (1) AND TWO (2) for a one (1) story residential structure and 1,400 square feet in NOTTINGHAM SECTION TWO (2) and 1,600 square feet in NOTTINGHAM SECTIONS ONE(1) AND THREE (3) for a one and one-half (1 ½) or two (2) story residential structure.”

Article III, Section 14. **Easements** will now read (in relevant part): “There are dedicated and reserved...plat of NOTTINGHAM SECTIONS ONE (1), TWO (2), and THREE (3), across...against such lots in NOTTINGHAM SECTIONS ONE (1), TWO (2), and THREE(3)...”

Article VI, Section 4. **Effective Date** will now read: “These covenants, conditions and restrictions shall become effective upon recording or upon January 1, 2013, whichever is earlier.”

2. **Add House Height Restriction of 32 Feet And Garage Height Restriction:** Currently there is no restriction on the height of a newly built or remodeled house or garage. Voting “FOR” this amendment will add the following language to the Restrictions:

Article III, Section 2. **Dwelling Size** will have the following second paragraph added:

“No residential dwelling constructed on a Lot after the effective date of these Declarations shall exceed a height of thirty-two (32) feet above Baseline Elevation. No garage constructed or remodeled on a Lot after the effective date of these Declarations shall exceed the height of the house.”

Further, there will be a new section added to define “Baseline Elevation”

“Article I, Section 5. Baseline Elevation. ‘Baseline Elevation’ of all interior Lots (Lots other than corner Lots) shall be determined by averaging the measured elevation of the two points where the front building line crosses the property lines of the adjacent Lots. The Baseline Elevation of a corner Lot shall be determined by averaging the measured elevation of three points: (i) the point where the front building line crosses the property line of the adjacent Lot, (ii) the rear most corner of the common property line of the corner Lot and the adjacent interior Lot, and (iii) the point where the front building line and side building line meet. A Baseline Elevation shall be determined by a surveyor duly licensed in the State of Texas and submitted with the plans for a proposed residential dwelling that will have a foundation.”

3. **Garage Setback:** Currently the deed restrictions state that detached garages must be set within 25 feet of the rear property line. There is no restriction for attached garages. Voting “FOR” this amendment will add/modify the following language to the Restrictions:

Article III, Section 3 will now read as follows (the new language is in italics):

*“No building shall be located on any lot nearer to the front lot line...to any side lot line. Notwithstanding any provision to the contrary, an attached or detached garage that faces the street in front of the Lot must be located at the rear of the residential dwelling and no portion of an attached or detached garage shall be nearer to the front elevation of the residential dwelling on the Lot than twenty-five (25) feet, measured from the nearest point of the garage and the front corner of the residential dwelling that is nearest to the garage. All residential structures shall front on the street on which the lot faces...”*

4. **Second-Story Attached Garage:** There is currently a restriction on modifying existing garage structures into a 2-story garage. Voting “FOR” this amendment will add the following language to the Restrictions:

Article III, Section 1 would be amended as follows:

The current language in paragraph 2 of Article III, Section 1 would be **deleted** and **replaced** with the following language:

*“The term ‘detached garage’ shall mean a separate building having no common wall with the main residence building.*

*No addition, modification or building may be constructed, erected, altered or placed such that the lot contains residence areas or areas that may be used as residence areas for other than one detached single family dwelling. No addition, modification or building may be constructed, erected, altered or placed such that the residence may be a duplex nor have separate residence areas or be easily modified for use as a duplex or contain separate residence areas. All additions, modifications or new construction that places, erects or alters a one-story garage into a two-story garage, must meet the following additional requirements:*

*1. It must be an attached garage;*

*2. It must otherwise meet all set back requirements stated in these Declarations, Covenants and Restrictions;*

*3. If the rear of the garage is set back further than the rear of the main residence, it must not contain a window, door or balcony that offers an imposing view to a neighbor’s rear or side yard;*

*4. Its exterior colors and materials must match the residential structure as closely as possible; and*

*5. The roof line of the garage must integrate with existing roof line so as to appear to have been part of the original structure.*

5. **Easements or “Sidelines”:** The current restriction is 3 feet to any side lot line. Voting “FOR” this amendment will modify the following language to the Restrictions:

Article III, Section 3 would be changed to read as follows (the new language is in italics):

*“No building shall be located...nor nearer than 5 feet to any side lot line...”*

The following paragraph will also be added to the end of Article III, Section 3:

*“For purposes of this section only, any residential structure or garage built prior to January 1, 2013, which is located nearer than 5 feet to any side lot line, may be remodeled or expanded (in accordance with all other provisions stated herein) without being required to move the structure, or the expansion thereto, from its existing location on the Lot. If an existing structure is located nearer than 5 feet to any side lot line, any expansion to that structure may also be located as close to the side lot line as the existing structure, but in no event can the new expansion be nearer than 3 feet to any side lot line.*

*This section does not permit a newly constructed residence or newly constructed garage to a new residence from being located nearer than 5 feet to any side lot line. However, newly constructed garages to*

existing homes may be located as close as 3 feet to a side lot line with prior written approval of either the Board of Trustees or any committee formed by the Board of Trustees for the purposes of reviewing and approving architectural plans.”

6. **Permeable Ground:** The current restrictions do not address a maximum amount of impermeable ground on a lot. Voting “FOR” this amendment will add the following language to the Restrictions:

“Article III, Section 16. Lot Coverage. After the effective date of the Declaration, the total area of the footprints of the residential dwelling, garage, permitted accessory building, and any other improvement on a Lot which has a foundation, and any impermeable hardscape on the Lot, excluding driveways, sidewalks, swimming pools with proper drainage and Jacuzzi’s with proper drainage shall not exceed sixty (60%) of the total area of the Lot. For purposes of this Section, the total area of a Lot shall be based upon the records of the Harris County Appraisal District.” The permeable portion of the Lot must be covered with grass and living landscape. Yards covered in rock or stone are not permitted.

7. **Home Building Materials:** The current restrictions do not address any guidelines or requirements for the use of home-building materials. Voting “FOR” this amendment will add the following language to the Restrictions:

Article III, Section 1 will have the following paragraph added:

“The total of the front and each side exterior wall of a residence shall consist of not less than fifty one percent (51%) brick, brick veneer, natural stone or other masonry. For purposes of this section, Stucco and Hardi-Plank (or similar materials) may not be included in the required 51%. Additionally, in no event shall the total of the front and each side exterior wall consist of more than 10% natural stone. Siding may be wood, aluminum, fiber-cement, or vinyl provided that the siding has the appearance of painted wood. Existing brick may not be covered with siding. All alterations allowed and restricted by this paragraph must also comply with Article III, Section 15.”

8. **Formation of Deed Restriction Enforcement Committee:** The current restrictions do not contain an enforcement or guidelines committee. Voting “FOR” this amendment will add the following language to the Restrictions:

A new Article VII will be established as follows:

“Article VII. **Deed Restriction Enforcement Committee.** There is hereby established Deed Restriction Enforcement Committee consisting of not less than three (3) Owners of Lots in NOTTINGHAM SECTIONS ONE (1), TWO (2) or THREE (3) deemed by the Board of Trustees to be qualified to serve upon such committee. The members shall serve a term of three (3) years, provided, however, that any member of the Deed Restriction Enforcement Committee may be removed by the Board of Trustees with or without cause. In the event of such removal by the Board of Trustees or in the event of resignation, death, or retirement of any member of the Deed Restriction Enforcement Committee, or in the event a member of the Deed Restriction Enforcement Committee shall cease to be the Owner of a Lot in NOTTINGHAM SECTIONS ONE (1), TWO (2) or THREE (3), then the Board of Trustees shall appoint a successor member to the Deed Restriction Enforcement Committee, which successor member shall complete the unexpired term of the committee member who has been removed, resigned, died, retired, or ceases to be an Owner of a Lot in NOTTINGHAM SECTIONS ONE (1), TWO (2) or THREE (3). Nothing herein contained shall prohibit any member of the Deed Restriction Enforcement Committee from serving more than one (1) three (3) year term. The terms shall be staggered so that one (1) position expires every year and a successor appointed by the Board of Trustees at the meeting of the Board of Trustees next following the annual meeting and election of Trustees of the Nottingham Maintenance Fund, Inc. Each member of the Deed Restriction Enforcement Committee shall be an Owner of a Lot as that term is used herein, and only one member of the Board of Trustees may serve as a member of the

Deed Restriction Enforcement Committee while serving as a member of the Board of Trustees. The remaining two members of the Deed Restriction Enforcement Committee shall be non-members of the Board of Trustees. To assist the Deed Restriction Enforcement Committee in conducting its work, the Board of Trustees will adopt standards and guidelines and may, from time to time, amend such standards and guidelines, which must be filed of record in the Official Public Records of Real Property of Harris County, Texas. Such Guidelines as may be amended by the Board of Trustees shall have the same force and effect as if stated in this Declaration.”