

CERTIFICATE OF RESOLUTION CONCERNING
THE RECREATIONAL VEHICLE USAGE APPROVAL REQUEST FORM AND
RECREATIONAL VEHICLE APPROVAL AND USAGE GUIDELINES
FOR CAPE ESTES SUBDIVISION, UNIT I AND UNIT II

THE STATE OF TEXAS

COUNTY OF FREESTONE

§
§ KNOW ALL MEN BY THESE PRESENTS:
§

WHEREAS, the Restrictions for Cape Estes Subdivision, Unit I and Unit II state that “Approved recreational vehicles such as motor homes and travel trailers may be used on any lot for temporary use only (i.e. weekend use, vacation or during construction of a home) so long as the same has been approved by the Architectural Control Committee in writing but in no way shall an approved recreational vehicle be set up on a permanent basis.”

WHEREAS, the Restrictions for Cape Estes Subdivision, Unit I and Unit II state that “The (Architectural Control) Committee may, as a condition to its approval, make any requirements in its judgement that is deemed proper, including the following requirements:

...

(3) That any motor home or camper unit allowed by these restrictions must be in good repair and of an attractive design, appearance, and quality comparable to those built by a commercial manufacturer.”

NOW, THEREFORE, be it resolved as follows:

That the Recreational Vehicle Usage Approval Request Form And Recreational Vehicle Approval And Usage Guidelines For Cape Estes Subdivision, Unit I and Unit II attached hereto as Appendix A are hereby adopted by the Architectural Control Committee Of Cape Estes, and apply to Cape Estes Subdivision, Unit I and Unit II;

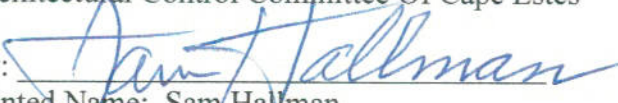
That the Recreational Vehicle Usage Approval Request Form And Recreational Vehicle Approval And Usage Guidelines For Cape Estes Subdivision, Unit I and Unit II attached hereto as Appendix A shall replace the Recreational Vehicle Usage Approval Request Form And Recreational Vehicle Approval And Usage Guidelines For Cape Estes Subdivision, Unit I and Cape Estes Subdivision, Unit II recorded at Volume 01714, Pages 00324 to 00330 of the Freestone County, Texas real property records;


That as of March 12, 2021 two recreational vehicles (2 travel trailers) are being stored on lots in Cape Estes Subdivision – one on Lot 17, Block 1 in Cape Estes Subdivision, Unit II and one on Lot 22, Block 1, in Cape Estes Subdivision, Unit II. These 2 existing travel trailers were allegedly “grandfathered,” and may be stored on such Lots as long as the current owner of the Lot owns the Lot; and


That as of March 12, 2021 one recreational vehicle (1 park trailer) is being stored on a lot in Cape Estes Subdivision – on Lot 20, Block 1 in Cape Estes Subdivision, Unit II. This 1 existing park trailer was allegedly “grandfathered,” and may be stored on such Lot as long as the current owner of the Lot owns the Lot.

IN WITNESS WHEREOF, the Architectural Control Committee Of Cape Estes hereby certifies that the above-described Resolution duly reflects action taken by Architectural Control Committee Of Cape Estes on March 12, 2021.

Architectural Control Committee Of Cape Estes

By: 
Printed Name: Sam Hallman
Title: Member

By: 
Printed Name: Shayne Johnson
Title: Member

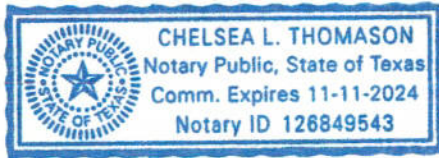
By: 
Printed Name: Larry Travis
Title: Member

ACKNOWLEDGMENT

THE STATE OF TEXAS §
COUNTY OF COLLIN §

The foregoing Certificate Of Resolution was subscribed, acknowledged and sworn to before me this 11th day of March, 2021 by Sam Hallman as a member of the Architectural Control Committee Of Cape Estes.

Witness my hand and official seal.
My commission expires: 11-11-2024



Chelsea L. Thomason
Notary Public, State of Texas

ACKNOWLEDGMENT

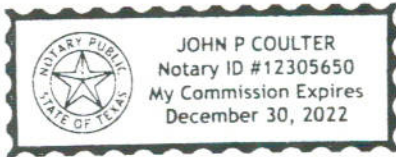
THE STATE OF TEXAS
COUNTY OF FREESTONE

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The foregoing Certificate Of Resolution was subscribed, acknowledged and sworn to before me this 18th day of March, 2021 by Shayne Johnson as a member of the Architectural Control Committee Of Cape Estes.

Witness my hand and official seal.

My commission expires: 12/30/22




Notary Public, State of Texas

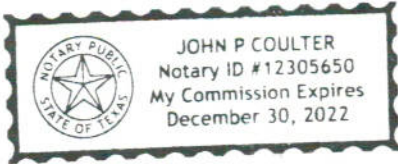
ACKNOWLEDGMENT

THE STATE OF TEXAS
COUNTY OF FREESTONE

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The foregoing Certificate Of Resolution was subscribed, acknowledged and sworn to before me this 18th day of March, 2021 by Larry Travis as a member of the Architectural Control Committee Of Cape Estes.

Witness my hand and official seal.
My commission expires: 12/30/22





Notary Public, State of Texas

APPENDIX A

**ARCHITECTURAL CONTROL COMMITTEE OF CAPE ESTES
RECREATIONAL VEHICLE USAGE
APPROVAL REQUEST FORM and APPROVAL AND USAGE GUIDELINES**

Date Submitted: _____ Property Owner(s): _____

Unit: ___ Block: ___ Lot: _____ Email: _____ Phone: _____

Per the Restrictions for Cape Estes Subdivision, Unit I and Unit II, section 6., *Approved recreational vehicles such as motor homes and travel trailers may be used on any lot for temporary use only (i.e. weekend use, vacation or during construction of a home) so long as the same has been approved by the Architectural Control Committee in writing but in no way shall an approved recreational vehicle be set up on a permanent basis.*

Please see **Attachment A** for Approval and Usage Guidelines.

PART A: DESCRIPTION OF THE RECREATIONAL VEHICLE; include all available details, as applicable =====

Type: (Travel Trailer, Motor Home, 5th Wheel Trailer, Camper, etc.) _____

Make/Brand: _____ Model: _____

Size/Length: _____ Year: _____

Other Details: _____

PART B: =====

Is a culvert and a driveway at the entrance to the Lot where a Recreational Vehicle will be used? Circle YES or NO

Is this your first approval request for the current calendar year? Please circle YES or NO

What type of use is being requested? Please circle one: WEEKEND or VACATION or WEEKEND & VACATION

REQUESTED DATES OF USE: Start Date: ___/___/___ End Date: ___/___/___

What are the number of VACATION days in this request? _____

***** Written approval must be obtained for the first usage (WEEKEND or VACATION) within each calendar year. Thereafter, each VACATION usage within the calendar year requires additional written approval, while each WEEKEND usage within the calendar year does not require additional written approval.

A Recreational Vehicle shall not be moved onto any Lot until the property owner(s) receive(s) final approval in writing. After approval, I agree to comply with Attachment A -- Recreational Vehicle Approval and Usage Guidelines.

Signature: _____ Date: _____

Please mail to: ACC, 305 Susan Grove Blvd., Streetman, TX 75859; or, email to: shallman@clarkhill.com or shayne.johnson@whitesandsalestax.com

Please allow up to 72 hours from time of submittal of the completed form to the ACC for ACC ACTION.

PART C: =====

ACC ACTION Date Received: _____ Approval/Denial Date: _____

Approved By: _____

**ARCHITECTURAL CONTROL COMMITTEE OF CAPE ESTES
RECREATIONAL VEHICLE USAGE
APPROVAL REQUEST FORM and APPROVAL AND USAGE GUIDELINES**

Attachment A – Recreational Vehicle Approval and Usage Guidelines

“Recreational Vehicle” or “RV” means a travel trailer, a Class A, B or C motor home, a 5th wheel travel trailer, a cabover camper or any other type of camper.

“Residence” or “Home” means a Lot that has a site-built residence or home, Modular Home or Modular Type Home (including but not limited to a Manufactured Home) that was built or placed upon a Lot for the purpose of single-family residency.

The provisions of these Recreational Vehicle Approval and Usage Guidelines apply to each Lot in Cape Estes Subdivision, Unit I and Unit II -- including a Lot on which there is a Residence or Home.

A Recreational Vehicle shall not be stored on any Lot – including a Lot on which there is a Residence or Home.

No more than one (1) Recreational Vehicle will be approved for use on any one Lot at any one time.

Sanitation facilities are required for all Recreational Vehicles.

Dues/assessments must be current and property owner(s) must be in compliance with the Cape Estes Subdivision, Unit I and Unit II Restrictions before a request will be approved.

Prior to use of a Recreational Vehicle which could cause ruts to be formed adjacent to or cause damage to street surfaces, a culvert shall be placed at the road entrance to the Lot. Per the Restrictions for Cape Estes Subdivision, Unit I and Unit II, section 22., ***No driveway shall be installed nor permitted to be installed without written permission of the Architectural Control Committee, said written permission shall be granted only after it is determined that owner has a culvert pipe of adequate dimension and length for that particular situation.***

No Recreational Vehicle shall be parked or placed on any portion of a Lot on which the foundation of a home would be prohibited (for example, forward of building or Lot setback lines or below the 320 foot elevation line). The ACC reserves the right to inspect the Recreational Vehicle placement on the Lot on an as needed basis. For additional specifics, refer to the Restrictions for Cape Estes Subdivision, Unit I and Unit II, section 5.

Weekend is defined as the three (3) consecutive days of Friday, Saturday and Sunday. For WEEKEND use, a Recreational Vehicle is not permitted to remain on a Lot for more than the three (3) consecutive weekend days. If a property owner’s work schedule is such that his or her days away from work do not follow a traditional Monday-Friday work schedule, please describe this in the “Other Details” portion of the request form so that the ACC can consider a potential alternative.

VACATION is defined as times of use other than WEEKEND use, for up to thirty (30) days in a calendar year, provided that a VACATION use stay may not exceed ten (10) consecutive days.

WEEKEND use and VACATION use may be combined for a stay of up to ten (10) consecutive days. Requests for sequential ten (10) consecutive day stays will not be approved.

On or before the last day of a WEEKEND use, a VACATION use, or a combined WEEKEND use and VACATION use stay, the Recreational Vehicle, together with any sanitation unit, must be removed from the Lot and Cape Estes Subdivision for at least the following three (3) days before any subsequent authorized/approved use may commence.

Written approval must be obtained for the first usage (WEEKEND or VACATION) within each calendar year.

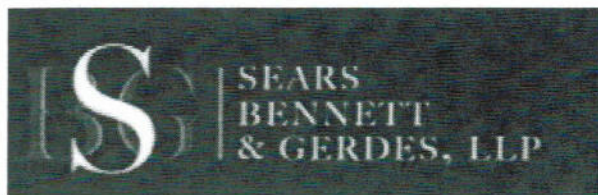
**ARCHITECTURAL CONTROL COMMITTEE OF CAPE ESTES
RECREATIONAL VEHICLE USAGE
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Thereafter, each VACATION usage within the calendar year requires additional written approval, while each WEEKEND usage within the calendar year does not require additional written approval. At the time of each VACATION use request, the ACC and the property owner will reconcile the number of VACATION days remaining for the balance of the calendar year.

The owner(s) of any Lot on which a Recreational Vehicle is (i) used or placed upon the Lot without obtaining the prior required written approval, or (ii) is used or placed upon the Lot in violation of the above-stated guidelines, shall be fined by the ACC in the amount of \$50 per day of such improper use or violation. Such fine(s) may be secured by a lien upon the Lot if not paid within the sixty (60) day period following notice from the ACC to the owner(s) of the Lot. Such lien may be imposed and foreclosed by the ACC.

Note: Should you have an interest, there are multiple storage facilities available on FM 416 where a Recreational Vehicle can be stored. As of March 2017 some facilities charge approximately \$25 per month.

AFTER RECORDING, RETURN TO SARAH B. GERDES:



6548 Greatwood Parkway
Sugar Land, Texas 77479