

Re: Memorial Bend Civic Association Inc. (the “Association”)

Amended and Restated Declaration of Covenants, Conditions, and Restrictions for
Memorial Bend Subdivision Sections One, Two , Three, Four and Five

Dear Owner:

As you know, Memorial Bend has experienced many changes as original construction and even newer construction has been torn down for new builds over the last several years. It has become apparent to the Association’s Board of Directors (the “Board”) that the current deed restrictions, which were filed of record on January 25, 2000 (the “2000 Restrictions”)¹ and are now over twenty-five years old, do not adequately address many issues facing Memorial Bend today. These issues include, but are not limited to, the nature and type of homes being built today and the increasing use of properties in the Houston area for short term rentals and other uses that are not necessarily single-family uses. After discussing these issues with the Association’s attorney, the Board determined that now is the appropriate time to update the Association’s deed restrictions to address these issues and update the deed restrictions in other areas.

Based on the advice of the Association’s attorney, the best course of action was to adopt a new set of deed restrictions instead of trying to “fix” the 2000 deed restrictions. For these reasons, the Board is asking that the owners in Memorial Bend vote on and approve the proposed Amended and Restated Declaration of Covenants, Conditions, and Restrictions for Memorial Bend Subdivision Sections One, Two , Three, Four and Five (the “2025 Amended Restrictions”).

The primary goals of the Amended Restrictions are to protect the residential character of Memorial Bend, to protect the property values for all owners going into the future, and to give the Association a tool that it needs to accomplish these goals.

¹ *Second Superseding Declaration of Restrictive Covenants Restrictions and Conditions of Memorial Bend Subdivision Section One, Section Two, Section Three, Section Four and Section Five filed at Clerk’s File No. U191970 in the Official Public Records of Real Property of Harris County, Texas

Below are comments on some of the provisions of the proposed 2025 Amended Restrictions:

Article III (Assessments) — Like the 2000 Restrictions, the 2025 Amended Restrictions: (a) impose an obligation on each owner to pay an annual assessment; (b) the assessment is secured by a lien on each lot; and (c) the Association's lien is subordinate to a purchase money lien (which includes a refinance that includes a refinance of the original purchase money lien). Nothing has changed in this regard.

Section 4.1 (Maintenance) — Like the 2000 Restrictions, the 2025 Amended Restrictions obligate each owner to maintain the improvements on their lot. Section 5.13 of the 2025 Amended Restrictions also address maintenance issues on lots in more detail.

Section 5.1 (Single-Family Residential Purposes Only) — The 2025 Amended Restrictions maintain the “residential purposes only” provision, however, this provision in the 2025 Amended Restrictions strengthens the residential purposes only language. To be clear, this provision does not prevent an owner from maintaining a home office as long as the use of the lot for a home office as long as such use does not involve, among other things, holding the lot out as a business, customers and employees coming to the lot on a regular basis, and sounds and/or smells that indicate that the lot is being used for a business purpose. This provision also touches on the use of the property for short term rentals in that it states that any use of the lot that results in an obligation to pay the Texas hotel occupancy tax (whether or not the tax is actually being paid) is a violation of this provision. See also Section 5.15 regarding the use of a lot for a home office.

Section 5.4 (Vehicles) — The 2025 Amended Restrictions address parking/vehicle/machinery issues in much more detail than the 2000 Restriction and addresses issues with inoperable vehicles left in public view.

Sections 5.5 through 5.21 (General Use Restrictions) — These provisions of the 2025 Amended Restrictions either address issues not addressed in the 2000 Restriction or expand upon those provisions.

Section 5.13 (Lot and Improvement Maintenance) — This provision of the 2025 Amended Restrictions goes into much more detail than the 2000 Restrictions with regard to the maintenance standards that all owners are expected to comply with in regard to how their lot and the improvements on their lot should be maintained.

Section 5.22 (Leasing) — Note that this provision does not prohibit leasing your property, however, it does prohibit short term rentals, which are defined to be any lease that is less than 180 consecutive days. This provision also gives the Association a tool to obtain information on lessee(s) of a lot. Note that this provision does allow for a 90 day lease back included in a bona fide contract for the sale of a lot.

Section 5.23 (Grandfather Clause) — This provision states that any structure that is currently on a lot that would violate the 2025 Amended Restrictions if approved is, in effect, grandfathered, and the Association could not attempt to enforce the requirements of the 2025 Amended Restrictions against that owner.

Article VI (Architectural Restrictions) — There are several provisions in the 2000 Restrictions that speak to the Association's authority to approve improvements on a lot (Secs. 2.1, 5.5, 5.8, Article VI). The 2025 Amended Restrictions provide more detail on an owner's obligation with regard to obtaining Association approval for additions, alterations, or modifications to structures on a lot. Article VI addresses issues including the limitation of one single-family residence on a lot, minimum square footage, new construction only (i.e., residential structures cannot be moved onto a lot), roofing material, location/setback lines of improvements on a lot, sidewalks, lot coverage, landscaping, driveways, and fences.

Please review the proposed 2025 Amended Restrictions. We hope that you agree with the Board that now is the time to update and modernize our deed restrictions with the goal of protecting our investment in Memorial Bend and to take us into the future.

Board of Directors

Memorial Bend Civic Association