



New Construction Application and Agreement

Use this form for all improvements that are intended to be completed with the original construction of the home, including swimming pools, fences, lighting, mailboxes, guesthouses, etc. All changes or modifications to the site or building construction require prior approval in writing from the Association prior to construction. This application and any additional modifications must be submitted to:

Benders Landing Estates POA
c/o AMI, Doreen Stryjek – 713-332-4633
2204 Timberloch Place Ste 180
The Woodlands, TX 77380
dstryjek@amitx.com

Property Owner Information:

Name(s): _____

Property Information: Lot _____ Block _____ Section _____

Property Address: _____

Mailing Address: _____

Home Phone: _____ Cell: _____ Other: _____

Email 1: _____ Email 2: _____

Fee Schedule:

Inspection Fees*:	=	_____	\$1,200
Compliance/Damage Deposit*:	=	_____	\$1,000
Legal Fund Fee*:	=	_____	\$400
Review and Process Oversight Fee (Non-refundable):	=	_____	\$400
Total Fees and Deposits:	=	_____	\$3,000

Property Owner Fee Acknowledgment:

Printed Name: _____

Signature: _____

*Inspection Fees include \$675 in Non-refundable, required inspections fees. \$525 of the inspection fee is refundable if there is not any non-compliance or re-inspections required.

*Compliance/Damage Deposit will be 100% refunded if property owner complies with building submits necessary modification requests and there is no damage to common areas, roads and all rules as outlined below are adhered to.

*Legal Fund for Preparation, filing and oversight of cease and Desist Order, if necessary. This fee is refundable if no legal action is required. If further legal action is necessary that exceeds this fee, then the property owner will be responsible for additional legal fees.

PLAN REVIEW APPLICATION

Each New Construction Building Application must include the following:

- Completed and signed application
- Personal Check or Cashier's Check for \$3,000 made payable to Benders Landing Estates POA
- One (1) complete full size set of plans and specifications
- One (1) full set of plans on 11" x 17" paper
- Two (2) sets of samples, which must include colors swatches, pictures of exterior fixtures and placed in two separate 9½ x 11½ clasped envelopes marked with the property address and owner's name on the envelopes.
- Drawing of Mailbox notating size, location and type of material used. Mailboxes must be constructed of same masonry as the house or using ornamental iron.

The POA will keep the 11" x 17" set of plans and samples and provide the full set and one of the sample sets to the inspector. The Association will notify the owner six months after the home is completed and has passed the final inspection that they may pick up the full set of plans (excluding the 11" x 17" set).

Description of House:

Total Square Footage: _____ 1st Floor Square Footage: _____ Number of stories: _____
 Total % of brick/stone/stucco: _____
 Number of garage bays: _____ Detached: YES NO
 Is this a Lakefront or Parkfront Lot? YES NO
 If YES, is the house/garage rear elevation more than 50% brick/stone/stucco? YES NO

Description of Lot:

Composite Lot: YES NO
 List the building set back lines (B.L.) that affect your Lot: Front: _____ Rear: _____ Side: _____

*Typical building set back lines are 75' Front, 20' Rear and 10' or 15' Side. Lots adjoining Common Areas, Lake, or Park typically have a 75' rear setback. See the Declarations of your section of Benders Landing Estates for specifics.

List easements that affect the Lot and indicate the width of the easement in feet

Utility (UE) ft	Circle all that apply:	Right side	Left side	Front	Back
Drainage (DE) ft	Circle all that apply:	Right side	Left side	Front	Back
Other Easements ft	Circle all that apply:	Right side	Left side	Front	Back

Will the placement of your home require a variance?

DRIVEWAY/CULVERT	
Does the driveway meet minimum COUNTY requirements? _____ Driveway Material? _____	
Culvert Size	Material Do the culvert and headwalls meet COUNTY requirements?
How will the driveway be reinforced? _____	
EXTERIOR MATERIALS AND COLORS (Except for paint samples, include only a color picture of the sample, not the sample itself.)	

Type of Siding
Type /Color of Brick (include picture) _____
Type/Color of Stone (include picture) _____
Type/Color of Stucco (include picture) _____
Type/Color of Paint (include sample) _____
Type/Color of Trim Paint (include _____
Type/Color of Roof Material (include sample) _____
Type/Color of Chimney exterior (Chimney must be of masonry construction: no Hardiplank)
All proposed roof vents are located on the back of the home? -- No -- Other
Color of Shutters (include sample) _____
Color of Garage Door (include sample) _____
Color of all Exterior Doors (except front door)(include sample) _____
Brochure of Exterior Lighting Fixtures: Color of Exterior Lighting Fixtures _____
Brochure of Front Door Design and _____
Brochure/Detailed Drawing of all Additional Exterior Decorative Appurtenances

ADDITIONAL INFORMATION/COMMENTS (Briefly describe any elements or construction details that may assist in plan review.)

OWNER CERTIFIES THAT

1. The information presented here and included with this application is true and complete.
2. The improvements will be completed in accordance with the approved plans and Declaration. Any changes or modifications to this plan must be approved in writing by the ACC prior to construction. (See Declaration for more details.)
3. The elevation, roof line, colors and materials of the plan presented are not the same as any other plan that has previously been approved by the Benders Landing Estates POA.
4. The Foundation Drawings submitted with this application comply with the requirements of Article III, Sec. 3.04 of the Declaration and are site specific, including having the address of the property imprinted as blueprints are drawn.
5. The improvements will not affect existing surface water flows at the Lot boundaries.

NOTICE TO OWNER/BUILDER

By signing below, the applicant authorizes the ACC or its agents to enter upon and inspect the Lot and structures thereon during regular business hours for the purpose of ascertaining whether said Lot and structures thereon are in compliance with the Declaration and the approved plans and specifications. Neither the ACC nor its agents will be deemed to have committed a trespass by reason of such entry or inspection.

The owner agrees and understands that approval of plans and specifications by the ACC will not be relied upon by any person or entity as to the sufficiency, suitability, fitness, workmanship or quality of the design or construction of the improvements. The owner further agrees and understands that any related inspections performed by the ACC or its agents are for its own purposes in determining compliance with the Declaration and the approved plans and will not be relied upon by any person or entity as to the sufficiency, suitability, fitness, workmanship or quality of the design or construction of the improvements or plans. The disclaimers set forth in the Declaration, including, but not limited to, Section 3.04, 3.23(b), 4.01 (a) and 4.08 are incorporated herein by reference.

Neither the ACC, Association, Association Management, Inc (AMI), nor any of their respective members, officers, directors, shareholders, employees, or agents will be liable because of the approval or non-approval of any improvement.

Other permits or approvals may be required from City, County, or other governmental entities. It is the responsibility of the owner to obtain all required approvals. A copy of the Montgomery County Building Permit and Septic Permit must accompany this application.

Owners' signature: _____

Builders' signature: _____

**BENDER'S LANDING ESTATES CHECK SHEET FOR
EXTERIOR MATERIALS AND
MINIMUM/MAXIMUM SQUARE FOOTAGE LIVING AREA
REQUIREMENTS**

Section	Min. Sq. Ft. Living Area Required in Total	Total Sq. Ft. Living Area Proposed	Min. Sq. Ft. Living Area Required on 1st Floor	Total Sq. Ft. Living Area Proposed on 1st Floor	% Brick, stone, stucco required on dwelling	% Brick, stone, stucco, proposed for rear of dwelling
Section 1 (All except Lakefront Lots)	2,400 sq. ft.		1,600 sq. ft.		65%	
Section 2 (All except Detention Lakefront Lots)	2,400 sq. ft.		1,600 sq. ft.		65%	
All Detention Lakefront Lots in Section 2	2,800 sq. ft.		2,000 sq. ft.		65% overall, plus 50% rear exterior	
Section 3	2,600 sq. ft.		1,800 sq. ft.		75% overall, plus 75% front	
Section 4 All Lots except those listed below	2,600 sq. ft.		1,800 sq. ft.		65%	
Section 4 Detention Lakefront					65% overall, plus 50% rear exterior	
Section 4 Lots 1 -12, Block 11, Lots 1 - 4, Block 12, Lots 13 - 15, Block 13, Lots 21 - 33, Block 13 Lots 1 - 7, Block 14	2,800 sq. ft.		1,800 sq. ft.		65%	
Section 4 Lots 20 - 32, Block 10 Lots 1 - 12, Block 13 Lots 16 - 20, Block 13	3,200 sq. ft.		1,800 sq. ft.		65%	
Section 4 Lots 8 - 20, Block 8 Lots 1 -19, Block 10	4,000 sq. ft.		2,500 sq. ft.		65%	
Section 5 All Lots except those listed below	2,600 sq. ft.		1,800 sq. ft.		65%	
Section 5 Detention Lakefront					65% overall, plus 50% rear exterior	

Section 5 Lots 6-15 and 29-45, Block 1	3,200 sq. ft.	1,800 sq. ft.	65%
---	---------------	---------------	-----

ALL PAGES OF THIS APPLICATION MUST BE SUBMITTED WITH YOUR PLANS

APPLICATION REQUIREMENTS

All plans and specifications should be drawn in a professional manner. An architect or designer is not required, but recommended for generally better design results. Foundation Plans must be signed, sealed, and dated by a licensed registered engineer. Floor plans, elevation drawings, and the foundation plans should be drafted at an architectural scale of $y." = 1'$. Two copies of the application form, plans, and related information are required as described in page one. One (1) set of the plans must be on 11 "x17" paper along with two sets of samples enclosed in a brown clasp envelope.

The following information is required:

1. **PLAN(S)** - Two site plans to show the dimensions of Lot and distance from house to all four (4) Lot lines and the distance from the structure to the building setback lines. ($1/4"=1'0"$)
2. **BUILDING/SEPTIC PERMIT** - A copy of the Building/Septic Permit from the County.
3. **FLOOR PLAN (S)** - Two sets of floor plans to show the dimensions and location of all rooms, patios, balconies, garages, curb cuts, driveways, septic tank drain fields, if any, walks, fences and structures at each level are required. Window sizes, electrical, gas and plumbing fixtures must also be shown. ($1/4" = 1'0"$). All exterior dimensions must be shown.
4. **ELEVATIONS** - Two sets of elevation drawings showing each side (4) are required to show exterior materials, floor and slab heights and roof slopes are required. Draft at an architectural scale of $1/4" = 1'0"$.
5. **FOUNDATION PLAN** - Two sets of site-specific foundation plans, one original and one 11" x 17" copy, designed for the Lot being built on and which comply with Article III, Section 3.04 of the Declaration are required. List all specifications relating to slab design. All foundations are required to be engineered and designed by a licensed, registered engineer based upon appropriate soils information taken from the specific Lot in question as recommended by such engineer. All foundation plans must indicate the specific address for which they were designed, and must be signed, sealed and dated by the engineer designing said foundation plans.
6. **DRAINAGE PLAN(S)**- Two sets of drainage plans for the Lot, which must include the following:
 - A. The drainage plan shall comply with "Section 3.23 Drainage." of the Declaration.
 - B. The plan shall show the boundary of the entire Lot on a single sheet and include the location of the house, garage, and driveway.
 - C. Where practical, the drainage of the Lot shall be established from the rear and sides of the Lot to the roadside drainage ditches provided adjacent to the Lot.
 - D. If drainage easements and/or lakes are established adjacent to the Lot, these may also be utilized to accept and transfer surface runoff away from the house site.
 - E. To determine if the Lot has a natural slope to accommodate storm runoff, the Builder shall include on the Drainage Plan natural ground elevations at the front and rear Lot corners along with additional natural ground elevations between these points as necessary. True elevations above mean sea level are not required, but the elevations must be referenced to some "established point" near the proposed home such as an edge of street pavement adjacent to the Lot.
 - F. Upstream and downstream elevations (referenced to the same "established point" in item E above) of the roadside drainage ditches and drainage easements adjacent to the Lot shall be shown on the Drainage Plan.
 - G. Small arrows indicating the direction of surface runoff from the rear, sides and front of the Lot shall be shown on the Drainage Plan.
 - H. If natural ground elevations at the rear, front or along the sides of the Lot are going to be raised or lowered to establish drainage off of the Lot, this must be shown on the Drainage Plan. The new elevations must be shown on the plan and referenced to the "established point" in item E above."
 - I. If underground pipes with area inlets are going to be installed to drain the Lot, these must be shown on the Drainage Plan with elevations for the inlets and outfall pipes.
 - J. In some instances it may be beneficial to have two pages to the Drainage Plan. one (1) for existing conditions and the second (2nd) for proposed elevations and drainage details.

7. **ADDITIONAL INFORMATION:** - Information concerning the structural framing design & materials, quality of exterior materials, and culvert material and size must be included.

8. **SAMPLES:** The following samples are required:

- D Stone
- D Roofing
- D Stucco
- D Brick
- D Paint-Trim Color, Shutter Color, Garage Door, Exterior Doors (Except front door)
- D Brochure/Picture of Exterior Lighting
- D Brochure/Picture of Front Door noting stain color
- D Brochure/Picture of all additional exterior decorative appurtenance

9. **BASIS OF APPROVAL** - Approval of plans and specifications will be based, among other things, on adequacy of site dimensions, structural design, conformity and harmony with external design of location with neighboring structures and sites and conformity to both the specific and general intent of the restrictions. All plans will be reviewed in a timely manner (within 45 days after submission) and a letter of the Committee's decision will be sent to the applicant.

OWNER/CONTRACTOR REQUIREMENTS:

1. All plans with a copy of the county building/septic permit will be submitted to the ACC. All Building and septic permits must be in effect at the time of construction.
2. It is the owner's responsibility to determine all easements and setbacks that exist upon their property. No construction should occur within these easements and setbacks.
3. If construction is not completed after plans have been approved within one (1) year an extension will need to be obtained, provided no changes have been made to the original design. If changes have been made to the originally approved plan, a revised application must be submitted to the ACC for review.
4. The ACC has 45 days from submittal of a complete application packet, including all required plans, information, brochures, and samples, to approve the plans and authorize commencement of construction.
5. All outstanding maintenance assessments and any other fees for the lot in question must be paid in full before approval will be given.
6. **NO BURNING.** No burning is permitted on the Lot.
7. The work site needs to be kept clean. The contractor is to provide a dumpster or other suitable trash receptacle, when framing begins if not before, to insure that trash and debris is contained at all times during construction.
8. Contractors are responsible for keeping mud, dirt, etc off the roadway. Contractors will be responsible for repair to any road shoulders or ditches damaged during the course of construction.
9. One portable toilet is required when clearing is complete and foundation forms are set. No construction may be started without a portable toilet. Placement of the portable toilet is not allowed in the road right of way or ditch.
10. Construction fencing required: All lots are required to have silt fencing. The silt fencing requirements: fencing to be placed along the ditch and culvert adjacent to construction site and **ALL** run off areas, if any, to prevent erosion. Owner/Builder shall determine slope of property and establish a silt fence to retain runoff, marking plat map as such, when submitting ACC application.
11. The property address must be posted and clearly visible from the fronting street before the building site is cleared or construction begins.
12. Design of roadside drainage ditches must not be altered. Please call for the minimum size of the culvert. The inside bottom of the culvert must be even with or slightly below the level of the ditch. The culvert must be installed and properly covered before site preparation and construction begins.
13. Care should be taken to minimize the impact of all aspects of construction on neighboring properties. **LOUD MUSIC AND UNLEASHED ANIMALS CONSTITUTE A NUISANCE.**
14. Acceptable construction hours are from 7 a.m. to 7 p.m.

INSPECTION PROCESS - BUILDING SITE

1. A minimum of four site inspections are required, though others may be performed as needed.
 - A. **FORM INSPECTION:** This inspection is for the purpose of determining that the foundation is being laid out in accordance with the approved plan and that it meets all setback and location requirements on the approved site plan.

- B. **BUILDING SITE INSPECTION:** This inspection is for the purpose of determining that there is a portable toilet, dumpster or other suitable trash receptacle on site and that trash is contained, county building/septic permits are posted, silt fencing is in place, and culverts are installed.
- C. **DRAINAGE INSPECTION:** This inspection is for the purpose of determining if the drainage pattern for the Lot has been established and/or maintained in accordance with the drainage plans.
- D. **FINAL BUILDING INSPECTION:** This inspection is for the purpose of determining that the home has been completed according to the approved plan, including the driveway, patios, decks, fences, etc. and that the approved materials and colors have been used and that no additional elements have been added to the property without the approval of the ACC. The builder/owner must ensure that the improvements are located in accordance with the Declaration and the approved plans and that encroachments will not occur. The inspector will also verify that the site has been properly cleared of all construction materials, that the silt fencing and the portable toilet have been removed, the dumpsters or other trash receptacles have been removed, all waste concrete has been removed, the site is otherwise clean, and the final survey has been faxed to Association Management, Inc. at (281) 681-2086.

2. **PERIODIC INSPECTION:** Other inspections may be performed as needed by the ACC or its agents to verify that all improvements are being constructed in accordance with the Declaration and the approved plans.

NON-COMPLIANCE:

If for any reason a property is found to be in non-compliance with the approved plans or the declarations, hen construction must stop. A "stop work" notice of non-compliance will be left at the site and construction must not continue until the property has been brought into compliance and notice to that effect has been received from the ACC. Failure to comply with the required inspections or the stop work order, may result in legal action.

Note that the association may immediately initiate legal action to stop construction on the property if construction begins or continues to be in violation of the declaration or a stop work order as noted above. The cost of any legal action necessary to ensure compliance with the declaration is to be borne by the owner of the property as set forth in the declaration.

**(FOR COMMITTEE USE)
PLAN REVIEW**

___HOUSE/GARAGE___OUTBUILDING___GUEST HOME___FENCE ___POOL___SATELLITE
 DISH___DOG PEN___OTHER
 SUBDIVISION:_____SECTION BLOCK LOT

APPROVED - The following improvements have been approved by the ACC. Note: Your home must be completed within 1 year of plan approval.

APPROVAL IS SUBJECT TO THE FOLLOWING:

Receipt of the following:

- o Past due Maintenance fees and other charges, if any.
- o One copy of the Montgomery County Building/Septic Permit.
- o One copy of a recent surveyor plot plan showing the location of the proposed improvement relative to the building setbacks, easement, and lot boundaries.
- o Receipt of one copy of an official "form survey" showing the location of the improvement as soon as the forms are in place. The "form survey" copy may be faxed to Association Management (AMI) at Fax # (281) 681-2086.

Provision for the following:

- o The continuous posting of the building and septic permit on the Lot during the construction period.
- o A portable toilet on the Lot prior to and during the construction period.
- o Installation of a culvert as required by Montgomery County.

- Silt fencing on the perimeter of the Lot sufficient to prevent erosion of the Lot into the adjacent streets or other properties.
- A dumpster or other trash containment device prior to and during the construction period.

DISAPPROVED -- The following Improvements have not been approved: _____

Reason:

___ Maintenance fee/Review fee due ___ Application not provided or incomplete Building plan not provided/incomplete ___ Culvert Plan not provided/incomplete ___ Exterior materials &/or colors not provided ___ Owner/Builder Signature missing ___ Site Plan not provided/incomplete ___ Foundation not provided/incomplete ___ Building/Septic Permit not provided ___ Culvert size not provided Drainage Plan not provided/incomplete ___ Exterior details not provided ___ Only earth-tone colors are acceptable Other

If your plan application is not approved, please resubmit your plans with the requested information or altered plans as stated above. If you have any questions please call Association Management, Inc (AMI) at (713) 932-1122. The ACC will review your application in a timely manner.

Architectural Control Committee:

Date

OWNER INSTRUCTIONS FOR COMPLIANCE INSPECTIONS

As part of the successful completion of your homebuilding project, four compliance inspections are required. They are:

INSPECTION A - FORM INSPECTION

- Foundation is laid out in accordance with the approved plans.
- Foundation meets all setback and location requirements.

INSPECTION B - BUILDING SITE INSPECTION

- Portable toilet is on site and positioned within the Lot.
- Dumpster or other suitable trash receptacle on site and trash contained.
- County Building/Septic Permit is posted.
- Silt fencing is in place.
- Culverts are installed.

INSPECTION C - DRAINAGE INSPECTION

- Drainage plan has been completed according to the approved drainage plan.

INSPECTION D - FINAL INSPECTION

- Home has been completed according to the approved plan
- Driveways, decks, fences, have been completed according to the approved plan
- Approved materials and colors have been used.
- No additional improvements have been constructed that are not on the approved plans.
- Portable toilet has been removed.
- Dumpster or other trash receptacle has been removed and site is clean.
- All waste concrete has been removed.
- All signs of construction debris are gone and yard is clean.
- All builder /contractors signs have been removed.

It is the responsibility of the owner or the agent for the owner to call the inspector to inspect the project. The only approved inspector is Brown's Inspection Service at (281) 364- 0736. If any changes are made during the construction period, those changes must be approved by the ACC prior to the request for a final inspection by Brown's Inspection Service. Calls for inspection received before 11:00 a.m., Monday through Friday, will generally be completed by the end of business on the following business day.

If the inspector finds that the construction is not substantially in compliance with the approved plans, the inspector will issue a Stop Work Order. If a Stop Work Order is issued, construction must stop immediately and no work may continue until the project is brought into compliance. If construction continues, the Association's Board of Directors has authorized their attorney to proceed with a "Cease and Desist Order" to assure compliance with the community

associations deed restrictions.

Your compliance deposit, less the sums deducted for application review, compliance oversight, inspections, legal, and other required fees will be processed within 4 weeks of upon receipt all of the following items:

1. Final Survey of the property showing the location of all improvements on the lot,
2. The Final Drainage Inspection report,
3. The Final Inspection report,
4. County approval of the configuration of the ditch and culverts installed for the property,
5. ACC authorization to release the deposit.

Note: as provided in Section 3.04 of the Declarations:

The granting of approvals of foundation plans and the Dwelling and garage slab elevation shall in no way serve as warranty as to the quality of the plans and specifications and/or that Dwelling shall be free from flood damage from rising or wind driven water or the flow of surface water from other locations within the Subdivision and in no event shall the Developer, the Committee or the Association have any liability as a result of the Committee's approval or disapproval of the resulting improvement.

BENDERS LANDING ESTATES
RECEIPT FOR NEW HOME CONSTRUCTION INSPECTION DEPOSIT FEES

OWNER: _____
BUILDER: _____
PROPERTY ADDRESS: _____

\$ 400 Non-Refundable/Review/Process Oversight
\$1,200 Total Inspection Fees

\$ 400 For Preparation, filing and oversight of Cease and Desist Order if necessary. (Refundable if no legal action is required. If further legal action is necessary the owner will also be responsible for those fees.)

\$1,000 Conditionally Refundable Compliance/Damage Deposit -For non-compliance or damage to common areas, roads, etc.

\$3,000 Total Fees & Deposits

The Owner/Builder agrees that the sum of \$3,000 (or some portion thereof) will be forfeited to the Association. If the new home construction project at the above address is not constructed or maintained in accordance with the approved plans and the applicable Declaration. Any unused portion of the deposit will be refunded upon successful final inspection.

Owner: _____ Signature: _____

Date: _____

Builder: _____

(I certify that I am signing this form with the authority of and as agent for Owner)

Signature: _____ Date: _____

OFFICE USE ONLY:

Email to Association Management Inc (AMI) to approve culvert: ___Y ___N (attach email approval)

Release of Deposit Approved ___Y ___N ___

Date: _____ By: _____

TOTAL FEES

NON-REFUNDABLE APPLICATION/PROCESSING FEE DEDUCTION NON-REFUNDABLE \$400

INSPECTION FEE (REQUIRED Inspections) \$_____

ADDITIONAL INSPECTIONS \$_____

DEDUCTION FOR LEGAL ACTION \$_____

CHANGES TO PLANS # _____ \$200 EA. TOTAL FINE AMOUNT \$

DEDUCTION FROM \$1,000 COMPLIANCE/DAMAGE DEPOSIT TOTAL DEDUCTIONS

\$_____

Refund \$ _____

Authorized by: _____