



Fort Bend County Engineering
FORT BEND COUNTY, TEXAS

Richard W. Stolleis, P.E.
County Engineer

January 19, 2016

Commissioner W.A. "Andy" Meyers
Fort Bend County Precinct 3
22333 Grand Corner Drive
Katy, TX 77494

RE: Marshall Oaks, Section 1 (PRIVATE STREETS)

Dear Commissioner Meyers:

A final inspection of the roads for the above referenced subdivision was made, and all of the deficiencies have been corrected. The streets are private and will be maintained by the Homeowners Association. (See attached Declaration).

The current bond is # 58S205989 in the amount of \$ 366,000.00. Release bond to:

Mr. Daniel Marcheli
ClearPave, LLC
22803 Schiel Road
Cypress, Texas 77433

If you should have any questions or need additional information please feel free to call.

Sincerely,


Jorge Salgado
Construction Inspector
Engineer Technician I

JS/clg

cc: Mr. Gary L. Goessler, PE, Brown & Gay Engineers, Inc. ggoessler@browngay.com
Mr. Chris Forrest, D R Horton cforrest@DRHorton.com
Mr. Kevin Ewan, D R Horton kewan@drhorton.com
Mr. Matt Downing, ClearPave mdowning@clr-pave.com
Mr. Scott Wieghat, FBC Road & Bridge
File



DECLARATION OF
COVENANTS, CONDITIONS & RESTRICTIONS
FOR
MARSHALL OAKS

FORT BEND COUNTY, TEXAS

Declarant

D. R. Horton - Texas, Ltd.

~ 12 KEY NOTES ABOUT HOMEBUYING ~
IN MARSHALL OAKS
BEFORE BUILD-OUT & SELL-OUT

Our common goal ~ a subdivision of completed homes in the hands of owners who control the destiny of their HOA.

1. Mandatory Membership. From the date this Declaration is recorded, the land described in Appendix A will be subject to this Declaration, which establishes a mandatory membership association. Current and future owners of the land will automatically be members of the property owners association.
2. Obligation for Assessments. A home buyer is obligated to the owners association for assessments from the first day of owning the home. Depending on date of closing, part or all of an annual assessment may be collected at time of purchase. New owners are advised to calendar the due date for the next assessment or installment.
3. Restricted Environment. A homeowner in Marshall Oaks cannot do "anything he wants" with his yard and the outside of his home. Even the color of his fence stain must conform to certain requirements.
4. Local Government. On the date of this Declaration, Marshall Oaks is not located within the boundaries of a corporate city, is located within a municipal utility district and within the extraterritorial jurisdiction of the City of Houston, and may use Katy, Texas as its mailing address.
5. Gates. Although Marshall Oaks is being developed as a "gated" community, gates may not be installed or closed during build-out and sell-out of homes.
6. Private Streets. The streets within Marshall Oaks are private streets that will be owned by the homeowners association. By owning a home, you agree to pay your share of the cost of maintaining the private streets.
7. Declarant's Role. Declarant's active role with Marshall Oaks is not forever - it ends when the last homebuyer purchases the last home on the last lot in the community. Until then, Declarant reserves many significant rights to oversee the complete build-out and sell-out of homes in the development. Also, Declarant intends to control the owners association by appointing its officers and directors for the maximum length of time permitted by Texas law.
8. Change is Possible. Prior to build-out, Declarant may change or eliminate any feature of Marshall Oaks (subject to governmental approval, if applicable). *Declarant is not required to provide a proposed feature of Marshall Oaks that is not in place on the date of an owner's decision to buy a home in Marshall Oaks.*
9. Declaration Concepts. This form of declaration employs some concepts and terms that are not traditional ~ primarily in Appendixes B and C. Why? To do a better job of communicating the elements of land development and home building that must be respected - even protected - to create successful neighborhoods and governing associations that contribute to the economy and well-being of our cities, State, and nation.
10. Separation of Powers. The for-profit business of creating and marketing the Property is distinct from the non-profit operation of the Association for the benefit of homeowners and residents. Although homeowners will, in time, control the governance and destiny of Marshall Oaks, homeowners do not have a voice, role, or influence on any aspect of how the Property is created, constructed, built-out, and sold-out by Declarant and Builders.
11. Marketing Advantage. Declarant and Builders have rights and opportunities for marketing new homes that are not available to individual homeowners who desire to market their homes for resale. A homeowner who tries to resell his home before Marshall Oaks is sold-out will be competing against Declarant or Builders with new houses and a marketing advantage.
12. Speaking of Appendixes. Until Marshall Oaks is built-out and sold-out, the appendixes of this Declaration are the most important parts of all the Governing Documents.
 - APPENDIXES A & D are perpetual.
 - APPENDIXES B & C control through Build-Out & Sell-Out.

SIGNED AND ACKNOWLEDGED

SIGNED on the dated stated in the acknowledgment below.

D. R. HORTON - TEXAS, LTD., a Texas limited partnership

By: D. R. HORTON, INC., a Delaware corporation, its
authorized agent

By: 
Christopher Lindhorst, Division President

THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

This instrument was acknowledged before me on this 7 day of May 2014 by Christopher Lindhorst, a Division President of D. R. Horton, Inc., a Delaware corporation, on behalf of said corporation in its capacity as authorized agent for D. R. Horton - Texas, Ltd., a Texas limited partnership, on behalf of the limited partnership.




Notary Public, The State of Texas

Appendix B and Appendix C have priority over the main body of this Declaration.

RELEASE AUTHORIZATION

THE FOLLOWING DOCUMENT(S) CAN BE RELEASED UPON ORDER OF
COMMISSIONERS COURT: *(check one or more documents per project)*

BOND

Number 58S205989 Amount \$366,000.00

Principal D. R. Horton Texas Ltd. Partnership

Surety Liberty Mutual Insurance Company

BOND RIDER

Number _____ Amount \$ _____

LETTER OF CREDIT

Number _____ Amount \$ _____

OTHER

Number _____ Amount \$ _____

CONSTRUCTION PROJECT (Name or location):

Marshall Oaks Sec 1

RELEASE DOCUMENT(S) TO THE FOLLOWING:

Mr. Daniel Marcheli
ClearPave, LLC
22803 Schiel Road
Cypress, Texas 77433

AGREED:

Charles O. [Signature]
FORT BEND COUNTY ENGINEER

COURT APPROVED: _____ # _____
DATE OF RETURN: _____
BY: _____
Deputy County Clerk